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SENATE—*Wednesday, October 2, 2002*

The Senate met at 9:30 a.m. and was called to order by the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York.

The PRESIDING OFFICER. Today, our prayer will be delivered by our guest Chaplain, from the other side of the Hill, the Reverend Daniel P. Coughlin, Chaplain of the United States House of Representatives.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

Almighty God, Lord of history and the mystery guiding our future, be present to all the Members of the U.S. Senate today. Gather them in Your Spirit for their meetings. Guide them in their deliberations as they form consensus and lead Your people in the ways of justice and peace. May the human laws enacted by this Government be based upon the dignity of the human person, rooted in Your order of creation, and achieve the destiny You have ordained for the people of this country and the community of nations at this time. May the people of this great Nation be so blessed by You that we become a blessing for the people around the world. Amen.

PLEDGE OF ALLEGIANCE

The Honorable HILLARY RODHAM CLINTON led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, October 2, 2002.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mrs. CLINTON thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

MEASURE PLACED ON THE CALENDAR—S. 3018

Mr. DASCHLE. Madam President, I understand that S. 3018 is at the desk and is due for its second reading.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. DASCHLE. I ask that S. 3018 be read for a second time, and then object to any further proceedings on this bill at this time.

The ACTING PRESIDENT pro tempore. The clerk will read the bill for the second time.

The legislative clerk read as follows:

> A bill (S. 3018) to amend title XVIII of the Social Security Act to enhance beneficiary access to quality health care services under the medicare program, and for other purposes.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11:30 a.m., with Senators permitted to speak for up to 10 minutes each.

Under the previous order, the time until 10 a.m. shall be under the control of the majority leader or his designee.

Under the previous order, the first 20 minutes shall be under the control of the Senator from Vermont, Mr. JEFFORDS.

The Senator from Vermont.

THE FORGOTTEN AGENDA

Mr. JEFFORDS. Madam President, I rise today to discuss the state of our Nation.

Our President has asked us to give him the authority to begin a war with Iraq, and I look forward to a full and frank debate on that question.

But today I want to discuss other issues, important issues that are not getting the attention they deserve, an agenda the President would rather not discuss, an agenda I fear is being obscured by gathering clouds of war.

Whether or not to go to war in Iraq is surely a grave and momentous decision, but I fear our President is neglecting other crucial matters here at home: the quiet crisis American families are facing everyday.

In Vermont and across this great land families are hurting. When they send their children to an overcrowded, underfunded school in the morning, they ask, is this the best we can do? When they go to work and see an empty desk beside them they wonder, am I next? And they ask, is this the best we can do? When they see their dwindling retirement accounts and read of endless corporate corruption, they ask, is this the best we can do? When they have to cancel their child's doctor's appointment because they have lost their health insurance coverage, they ask, is this the best we can do? When they send their kids out to play only to realize that the air pollution levels are dangerously high, they ask, is this the best we can do?

Is this the best we can do? Of course not. We can do better. We must do better, because American families deserve better—and they deserve better from their President. In talking about one thing only, the President is forgetting

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

many others. And so today I call on the President to engage this Nation on this forgotten agenda.

Less than a year after this Congress and the President worked to increase the Federal role in elementary and secondary education by passing the No Child Left Behind Act, we are in danger of leaving many more children behind because sufficient dollars will not be forthcoming to see that every child in this Nation receives a quality education.

The lack of funding for our Nation's schools is a disgrace. Across our Nation, headline after headline tells the story of school districts having to cut back staff, end the school day early, and cut short the school year all because of a lack of funding.

More than 25 years ago, the Federal Government promised to pay 40 percent of special education costs for children with disabilities. Today, we only pay 18 percent of the costs. That is not just a broken promise for one of the richest nations in the world, it is an outrage.

Remember, the very reason that the Federal Government has a role in education is because the Congress realized that our national defense depended on our students leading the world in math and science. One of this country's first education bills, passed in the late 1950s, after the Soviets launched Sputnik, it was entitled the National Defense Education Act.

An even more dramatic action occurred after World War II when we passed the GI bill, vastly increasing the Federal contribution to education and narrowing the tremendous educational gap.

A similar gap exists now. Similar action is needed now.

Of the major industrial nations, the United States ranks among the lowest in terms of funding education at the Federal level, providing only 7 percent of the costs. Nations such as Turkey, Korea, Italy, the Czech Republic and Mexico put us to shame in their expenditure on education.

Recent national test scores tell us that 60 percent—60 percent—of 12th graders are below the proficiency level in reading. This is basic reading.

By neglecting education today, we are not only shortchanging our children's opportunities, we are sapping our Nation's future strength.

Right now we have over half a million foreign workers here on H1-B visas. Those are the visas we give to people from other countries to fill jobs within our borders. We shouldn't have to import workers to fill the high skill, high wage jobs that we have. We should educate our own workers to fill them.

Our economy is faltering. The President has committed to bringing this economy out of recession. After convening an economic summit in Texas last August, which was more show than substance, he hasn't been engaged.

We learned in the last week that incomes declined and the poverty rate increased for the first time in almost a decade. The annual Census Bureau income and poverty report stated that 1.3 million more Americans slipped below the poverty line. This increase means that 11.7 percent of the United States population is defined as living in poverty.

In regard to overall income, the Census Bureau said that the median household income dropped for the first decrease since 1991. In less than 2 years more than two million private sector jobs have been lost.

Our economic growth is the weakest it has been in 50 years.

And for the workers who don't need to worry about their jobs, they are worrying about their savings. More than 50 percent of Americans have investments in the stock market—and they have seen the value of those investments decline by over $4.5 trillion since last January.

Now is the time to restore confidence in the economy. Now is the time to show leadership—but this administration's economic leadership has been lackluster.

On environmental issues, I fear we are moving backward instead of forward under the Bush administration. The statistics are startling.

Right now in America there are about 30,000 premature deaths related to power plant pollution, about 160 million people breathing unhealthy air, and significantly higher risks of cancer and developmental problems in urban areas from toxic tailpipe pollution.

Think about this: 2,500 Americans face premature death from power plant pollution each month. That's like suffering casualties from Pear Harbor every 30 days.

Parents are thinking twice before telling their kids to go outside and get some fresh air. First, they have to check on the air pollution alerts.

If global warning proceeds as scientists expect, weather will become increasingly more hostile and difficult to predict.

I was proud to work with the first President Bush on the Clean Air Act amendments of 1990. He called our work, "a new chapter in our environmental history, and a new era for clean air."

Now, this President Bush insists on moving us backward—undoing his father's legacy and our Nation's environmental policy.

This is a dangerous time. We face many threats. They require all of our best judgment and careful deliberation.

Threats of war dominate our headlines. If we were to ignore those threats we would do so at our peril.

So, too, if we ignore the quiet, steady erosion of economic opportunity and well-being here at home.

If we take action in Iraq, Saddam Hussein will rue the day he defied the international community and the world's greatest power. But our greatness rests on more than our military strength. It rests on our ability to meet great challenges whenever and wherever they arise. Great challenges have arisen here at home.

Our men and women in uniform wherever they are—whether they are helping to bring order in Kabul or awaiting orders in Kuwait—deserve more than our pride and our support. They deserve to come home to a nation that is not only free but strong and prosperous.

We have got to address all the problems facing this Nation. Right now we are not. The drumbeat of war cannot and must not drown out the needs of our families, our children and our environment.

I call on President Bush to lead this Nation. One person can make a difference—and change only comes one person at a time.

It would be nice if the world were as simple as foreign and domestic, good and bad—or even Democrat and Republican. But the world is not a simple place and problems do not come along one at a time. Now is the time for leadership, collective will and individual action.

In a rush to solve problems overseas, we must not ignore the problems here at home. They are real, and they deserve our attention.

There has never been a problem that America could not solve if we come together. That is exactly what we need to do, what we should do, what we must do now.

I yield the floor, not with happiness or good feelings but with concern and deep hope that we can work together to save this Nation.

Mr. REID. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NELSON of Florida. May I inquire, since the Senator from Vermont has finished his major address on the economy, is it appropriate and do we have the time at this point to continue the comments from this side of the aisle?

The ACTING PRESIDENT pro tempore. The majority controls the time until 10, and the Senator may speak for up to 10 minutes.

The Senator from Florida.

A STRENGTHENED ECONOMY

Mr. NELSON of Florida. Madam President, yesterday I had occasion to begin some remarks, thinking I could make them within 10 minutes, with regard to the economy. There were others waiting in line at the end of my 10 minutes. I rise to continue those comments, pointing out that as we discuss these highly important, weighty decisions we have to make about war and peace and about homeland security, the Nation's military strength is undergirded by its moral strength and its economic strength.

It is due to the lack of that economic strength, as evidenced in an economy that has been in the tank, as evidenced by so many different indicators—unemployment going up, the stock market going down, the weakness of retail sales, the laying off of people, the poor earnings reports of companies all over America—that it is incumbent upon the Senate to bring its attention not only to the highly important matters of war and peace but that if we are to continue this war against terrorism, and if we are to do something about the developing of weapons of mass destruction in Iraq, for us as a Nation to be able to successfully prosecute these wars, we need to have a strengthened economy, a solid foundation in our economy.

There are a number of things we can do. Yesterday, I pointed out that we were faced with, about a year and a half ago, the beneficence, the wonderment of a surplus that was projected over the next decade that not only was going to allow us to accommodate a huge tax cut and spending increases on such things as we anticipated then, such as increased defense spending—this was before September 11—there were other high-priority items such as modernizing Medicare with a prescription drug benefit, increased spending to recognize and honor the veterans, the protection of the environment, a much larger investment in education; that we could accommodate not only a major tax cut along with those spending increases, but then we would also be able to save a part of that surplus—particularly the surplus that was generated in the Social Security trust fund—and that the surplus, in effect, over the next decade, was going to be able to pay down the national debt, and thus save us the sum of $250 billion to $280 billion a year that we are paying in interest.

But that did not occur. What occurred was that the projections for the surplus over the next 10 years were way too rosy. How many of us stood on this floor and said exactly that—not only this Senator from Florida but the Senator in the chair from New York said we ought to be conservative in our estimates of what this is going to be so we do not overobligate ourselves. We also said that when we enact a tax cut—and we want to—it ought to be a balanced approach so the tax cut doesn't absorb all of the surplus so that you can do these other things. The other things were increasing defense expenditures—and we said that before September 11. How true was that prophetic statement. But it didn't happen that way. Now we are running deficits in this year to the tune of about $150 billion. We have deficits that are projected over the next decade.

When you take into consideration that we are now borrowing out of the Social Security trust fund surpluses—something every one of us in the election of 2000 said we were not going to do—we were going to fence off the Social Security trust fund and it wasn't going to be touched. As a result of that, the surpluses were going to pay down the national debt.

Well, that did not occur because we were not wise and balanced in our approach to the Federal Government. It is a major contributor right now to the stock market being in the tank, and it doesn't make any difference that the stock market went up 350 points yesterday. The two previous days it went down that much. It is still sort of rocking along below 8,000.

What is that? That is a reflection of the lack of American investor confidence in American corporations. Why? In part, it is because the Federal Government has returned to deficit financing on an annual basis—that is, borrowing money to pay expenditures; therefore, it is deficit financing—when we said we had the opportunity to get out of that.

I had a little experience in this back in 1981 as a Member of the House of Representatives. I voted for a big tax cut and it took us not once, not twice, but three times to undo that tax cut in order to get the fiscal house in order.

I said I was for a big tax cut. I voted for a version on this floor last year to the tune of $1.2 trillion over a decade. But that wasn't what we enacted. What we enacted was $1.35 trillion—which is what it was billed at—but it really wasn't because, when you consider the 10th year that the tax cut was suddenly reverted to the present tax law, it was, in effect, a $2 trillion tax cut, which has usurped all of the available surplus.

In my speech yesterday, I pointed out the percentages; the biggest part was taken up by the tax cut. The recession, certainly, was a part of that. The projections were another major factor; they ended up being way too rosy.

Our economy at this time is still continuing to be sluggish, and although most analysts remain optimistic that we will pull out of this recession eventually, the path is not rising very fast. I think we ought to be conservative in how we approach this fiscal house to see if we can get it in order.

The economic indicators are disturbing. Last week those economic indicators dropped for a third month in a row and Nasdaq hit a 6-year low. Of course, most people know about the Dow Jones—it is really in the tank. Since the beginning of 2001, 2 million jobs have been lost—the first decline in the number of private sector jobs in half a century. The U.S. poverty rate rose last year for the first time in 8 years. Last year's administration's spending and tax cut plan is part of the reason it has resulted in today's collision course of more deficits, more debt, higher economic insecurity, higher interest rates, lower economic growth, and lower employment.

I come back to the floor of the Senate to again say to my colleagues what some of us in the moderate sphere of politics were trying to say last year as we were going through these budgetary discussions—that we ought to use moderation and we ought to use balance and take an approach that ultimately would get the fiscal house in order of stopping the annual deficit spending and fulfilling the promise that we made that the Social Security trust fund surpluses would not be used for other spending but, rather, would be fenced off and left so their surpluses could start paying down the national debt.

I appreciate the ongoing dialog about this impending war, but we also need to pay attention to the battles that we are already waging in order to keep a strengthened national economy, to help support the necessary battles that we are fighting in terrorism around the world.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

THE EMERGENCY UNEMPLOYMENT COMPENSATION ACT

Mr. LEVIN. Madam President, the decline of our economy in the last year and a half is truly staggering. It is absolutely critical that we in Congress, before we leave, do everything we possibly can to help Americans who have been hurt by this downturn—in particular, the people who are unemployed and having trouble getting back into the workforce. That is why it is essential that before we leave we extend unemployment benefits and adopt the Emergency Unemployment Compensation Act of 2002, which has been introduced by Senator WELLSTONE, Senator CLINTON, myself, and others.

Over 8 million Americans are unemployed. Since January of 2001, the national unemployment rate has risen from 4.2 percent to 5.7 percent. According to the Center on Budget and Policy Priorities, between May and July of this year, approximately 900,000 workers exhausted all of the additional weeks of Federal unemployment benefits that they received as a result of the economic stimulus legislation that passed the Congress last March. By the end of this year, that number will swell to 2.2 million workers having exhausted their unemployment benefits.

We have lost more than 2 million private sector jobs since January of 2001. For the first time in 50 years, the number of private sector jobs has actually declined in this country. Now, the rate of increase in those jobs has gone up and down over the last 50 years but never in the last 50 years has there been an actual decline in the number of private sector jobs until this last year.

The legislation introduced last week would do something about these problems by providing all States with an additional 13 weeks of temporary extended unemployment benefits. It would also authorize States with the highest levels of unemployment to get funds for an additional 7 weeks of benefits on top of the 13.

This is especially important to my home State of Michigan. Michigan has one of the higher unemployment rates nationwide, currently 6.2 percent.

The PRESIDING OFFICER (Mr. JOHNSON). The time controlled by the majority has expired.

Mr. LEVIN. Mr. President, I notice a number of our colleagues are in the Chamber, and my time has expired. I ask unanimous consent that I be given an additional 3 minutes to complete my remarks.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Reserving the right to object, I am sorry, I did not hear the Senator's question.

Mr. LEVIN. I ask unanimous consent that I be given an additional 3 minutes to complete my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I thank my friend from Oklahoma.

Mr. President, the legislation we introduced last week would do something about these problems by giving all States an additional 13 weeks of temporary extended unemployment benefits and would authorize States with the highest levels of unemployment to get funds for an additional 7 weeks of benefits above the 13 weeks.

As I indicated, my home State has one of the highest unemployment rates in the Nation, currently 6.2 percent. That is the seventh highest in the Nation, and it is almost a full percentage point higher than it was just a year and a half ago. More than 60,000 workers in Michigan currently receive Federal unemployment benefits, with an additional 50,000 Michigan workers having already exhausted their benefits.

Michigan's median household income fell by 4.1 percent last year. Only four other States fared worse. In the country as a whole, median household income fell 2.2 percent last year, the first drop since 1991. So this legislation is crucial for Michigan's hard-pressed workers and their families, as well as for workers across the land.

This is not just doing what is fair and what is right and what is equitable. Those reasons ought to be sufficient. In addition to that, providing additional benefits is a good stimulus for our ailing economy. The money we are talking about is money that will be spent. Those eligible to receive these benefits are people trying to make ends meet on a day-to-day basis, people who need money to put food on the table, to buy a prescription drug, to make a car payment, to pay rent, or to pay a mortgage. They spend this money.

According to a 1999 Department of Labor study, every dollar invested in unemployment benefits generates $2.15 in gross domestic product. This bill extending unemployment benefits will put money into the hands of people who need it, people who will spend it, and that is good for our economy, as well as for them, because it sustains the jobs other people still have.

There may be Members who will argue we cannot afford to extend unemployment benefits. Obviously, we should be concerned about our current budget situation. The 10-year surplus projection has declined by $5.3 trillion, or 94 percent, since January of 2001. But our budget problem does not come from extending desperately needed benefits to out-of-work Americans.

The major problem is last year's $1.5 trillion tax cut which provides more benefits to the top 1 percent of all taxpayers than it does the bottom 80 percent of taxpayers combined. According to analysts who reviewed the CBO numbers, last year's tax cut is the single largest cause for our evaporated surplus.

September 11 and its aftermath had an enormous impact on an economy that was already sputtering. The economy has not recovered. There are signs that it will not recover for a while longer. The tax cut has blown a hole in our budget, yet it is not just the centerpiece of the administration's economic policy, it appears to be the only economic policy we hear about from the administration.

Since Congress passed a bipartisan extension of unemployment benefits in March, nearly 2 million people have exhausted those benefits without finding new jobs. The ability for them to receive additional benefits has expired. Yesterday, Senator WELLSTONE attempted to pass this bill by unanimous consent, but was prevented from doing so. This issue should be one of our top priorities. We should not leave this year without extending these benefits for America's unemployed. I am hopeful that Democrats and Republicans in Congress will be able to come together as we have done in the past and support the Emergency Unemployment Compensation Act of 2002.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LEVIN. I thank the Chair.

The PRESIDING OFFICER. Under the previous order, the next 1 hour shall be under the control of the Republican leader or his designee.

The Senator from Oklahoma.

THE ECONOMY

Mr. INHOFE. Mr. President, it is my intent today to make a few comments about someone I hold in such high esteem, perhaps in higher esteem than anyone else I can think of at this moment. Before doing that, I am compelled, however, to respond to some of the statements that have been made concerning the economy.

I think we all recognize our economy started turning south about 3 years ago. We did see this coming. I really do not like people saying—because I am always afraid someone is going to believe it—that somehow when we reduce tax burdens on individuals that is going to automatically reduce the revenues that would have otherwise come from those taxes.

History tells us just the opposite. In fact, yes, we are going to have a deficit. We understand that. We are currently in a war, and we understand even though the amount of additional money, some $48 billion, that went into the war effort is totally inadequate, it is going to have to be more, and we are going to see deficits.

The other factor causing deficits is a downturn in the economy. We all know for every 1 percent drop in economic activity, that translates into $24 billion of lost revenue. Turning that around, for every 1 percent increase in economic activity, revenue will increase by $24 billion. It has been proven over and over throughout the history of this country that every time we have had the opportunity and the courage to reduce taxes, not raise taxes, it has resulted in increased revenues.

The best evidence of this is 1980. My colleague from Florida talked about the decade of the eighties, but let's look at what happened in the decade of the eighties.

In the 1980s, the total amount of money that was raised from marginal rates was $244 billion. In 1990, that same figure was $406 billion. We can see in a 10-year period revenue almost doubled, and that was the 10-year period when we had more reductions in marginal rates and in capital gains taxes and other taxes than any other 10-year period in this Nation's history.

Is this a Republican idea? No, it is a conservative idea. Liberals do not like to think we can return money to the people. They do not understand this adds to our economy. I hate to think of where we would be today if we had not had the tax cuts because they have, in fact, had a positive effect on the economy.

This is not a Republican idea. I remember a great President of the

United States in the sixties. It was President Kennedy. President Kennedy felt Government needed to do more for the Great Society. He said we are going to have to have more revenues. He said: The best way to increase revenues is to decrease taxes. So President Kennedy decreased taxes and revenues increased.

Mr. President, I say to my liberal friends, I know they do not believe the private sector and individuals left with freedom in the their hands can operate as well as Government can. They are wrong.

NATIONAL 4-H YOUTH DEVELOPMENT PROGRAM WEEK

Mr. INHOFE. Mr. President, my wife and I have four kids and 11 grandkids. My youngest daughter Katie is the chairman of the Jesse Helms Fan Club. Katie, who looks like she is about 14 or 15 years old, is in her thirties. She just had her second baby. She has, I say to my good friend, Senator HELMS, prominently framed as you walk in to her home a picture of Senator HELMS holding her first baby, Baby Kate. You see, I have a wife named Kate, a daughter named Kate, and a granddaughter named Kate. The picture is prominently displayed in her living room.

She talks about this wonderful, gentle man in Washington who is different than anybody else we have known in Washington. She says he has to be the most lovable man in the history of Washington, DC.

Jesse, I say to you, that is not just one little girl talking. She speaks for so many people.

Since one of the programs that Senator HELMS has always held up and said is the greatest program because it does not involve Government dollars, it involves putting into the hands of young people in America the ideals that made this country great, I thought it would be appropriate if we adopt S. Con. Res. 143, which is the 4-H resolution. The Senator from North Carolina has been such a prominent part and one of the first cosponsors of this resolution. So let's adopt this resolution on Jesse Helms Appreciation Day.

My resolution, S. Con. Res. 143, designates next week, October 6 through 12, as the "National 4-H Youth Development Program Week."

The 4-H Youth Development Program sponsors clubs in rural and urban areas in every county throughout the Nation. As neighbors and colleagues, 4-H members and volunteers are making a difference by pledging the four Hs: their "heads" to a clearer thinking, "hearts" to greater loyalty, "hands" to larger service, and "health" to better living for the club, the community, the country, and the world.

In an era when education is recognized as more important than ever, 4-H offers a variety of training through its diverse programs. Young people gain experience and citizenship and civic education, communications and expressive arts, consumer and family sciences, environmental education and earth sciences, healthy lifestyle education, personal development and leadership, plants and animals, and science and technology; and it goes on.

4-H has grown to over 5½ million annual participants from all ethnic backgrounds, ranging from ages 5 to 19. 4-H clubs strengthen families and communities and foster leadership and voluntarism for youth and adults.

I will say something about my State of Oklahoma. Turning to a survey of 22 counties in Oklahoma, 4-H members and volunteer leaders participated in 4 million hours of community service. No Government program told them to do that. They just did it out of their hearts because they had leadership they could look up to, the ultimate leader being Senator HELMS in this case.

Whitney Ferris, a 4-H club member and student at the Oklahoma State University, is one example of someone who has given back to her community. She has used skills she has developed through 4-H to conduct leadership development classes for Native Americans in the Chickasaw Nation. As a result of her efforts, Whitney is now working with other Native American tribes in Oklahoma to help them establish development workshops in order to learn skills that will make them tomorrow's leaders.

That is what we are really talking about: tomorrow's leaders. We would like to produce more JESSE HELMSes for this world.

Other OSU students, who are also 4-H members, have won the prestigious Truman Scholarship for their outstanding academic and leadership skills.

Recently, I supported 4-H by requesting funding for a national civic education program to be conducted by the National 4-H Council. This program is aimed at involving young people from all socioeconomic backgrounds in public policy and community involvement, with a special focus on community governance and leadership skills.

I have also requested funding for an innovative Rural Health Outreach Program, which will be administered through the 4-H Youth Development Program.

This program will develop, implement and evaluate an overall youth health promotion and awareness strategy designed to target youth and their families, particularly in rural America. It will also devise strategies to reach minority and disadvantaged youth and their families.

4-H is changing the lives of America's youth for a brighter, better tomorrow and I am proud to recognize this important program.

Congratulations, 4-H, on your good work and your centennial.

I conclude by saying we have hundreds of thousands of kids around this country who are participating today and have participated in this program. I think that each one of them would look up to the top and see one person who really sets an example for what truly makes America great, and that would be our good friend JESSE HELMS.

I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Con. Res. 143 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 143) designating October 6, 2002, through October 12, 2002, as "National 4-H Youth Development Program Week".

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mrs. CLINTON. Mr. President, I rise today in support of this resolution to designate next week as National 4-H Youth Development Program Week. 4-H is a wonderful organization that promotes volunteerism and leadership among this country's youth. With the participation of over 415,000 youth in New York State, 4-H is a wonderful organization devoted to enhancing the citizenship, leadership, and entrepreneurial abilities of youth.

4-H educates the young people in our country by giving them the opportunity to learn by doing. 4-H empowers our youth in their local communities, and encourages them to be active and to give back to their community.

In New York State, there are many 4-H clubs that are doing incredible things to help educate and shape our youth.

In New York City young people learn more about science through the education programs of 4-H. In the middle of an urban area, they can learn about agriculture and the source of their food through horticulture and hydroponics projects.

In Syracuse 4-Hers are participating in an Urban Delight program where young people participate in a farmers' market. They learn about where their food comes from and develop their entrepreneurial skills as vendors at the market.

The Genesse County 4-H offers a Government internship program. Young people are paired with county legislators to learn more about local government. 4-Hers see first-hand the process of decisionmaking that occurs in their local government.

On Long Island, afterschool 4-H programs are enriching the minds of young people through science and technology education. 4-Hers spend time in computer labs, learning about technology. 4-Hers are also participating in a science program thats taken a hands-on approach to learning chemistry by doing projects on topics such as water quality, oil slicks, and clothing fibers.

In New York's North Country, 4-H is alive and well. Youth have developed their entrepreneurial skills through operating a fish hatchery. They also enrich their communication skills by choosing a topic of interest and making presentations at local, regional, and State events.

4-H has made a commitment to be present on every military base. In particular, Jefferson County 4-H has partnered with the Army at Fort Drumm to provide educational opportunities to young people there. Members have access to national curriculum to provide them with the materials and information to pursue their interests.

4-H is a strong link between a State academic research institution, Cornell University, and the youth of New York. When West Nile Virus was detected in New York State, 4-Hers working with horses and other equine projects were concerned for the health of their animals. Because of 4-H, information from the researchers at Cornell University was disseminated to these young people to better educate them on the disease and how to care for their animals.

4-H does incredible things for the 415,000 youth involved in New York State. But it also provides incredible opportunities for adults to interact with young people. Over 22,000 adults have volunteered to help guide the young people and make 4-H programs so successful.

I congratulate 4-H on 100 years of helping to shape this country's youth in a positive manner. With my colleagues, I am pleased to request that October 6-12 be designated as National 4-H Youth Development Program Week.

Mr. JOHNSON. Mr. President, I rise today to congratulate the youth organization 4-H for its achievement in developing leadership among our youth for 100 years. I have always been impressed by the leadership and enthusiasm shown by members of the 4-H Program. More importantly, I have always been a firm believer in the goals and directives of the 4-H Program. Through participation in fairs and shows, camps, gatherings, conferences, Character Counts, and the international youth exchange, the 4-H Program helps young people develop important life skills, self-confidence, and a better sense of the world around them.

I was proud to cosponsor the National 4-H Program Centennial Initiative, which President Bush signed into law. This bill authorizes a grant to the National 4-H Council to conduct a program of discussions through meetings, seminars, and listening on a national, State, and local level on strategies for youth development. I can't think of a better way to commemorate the 4-H Centennial than enacting this legislation and looking ahead to the youth of our future.

The 4-H Centennial Initiative is a wonderful example of a public-private partnership to develop new strategies for youth development. As our economy becomes increasingly global and technology-oriented, we must ensure that our Nation's youth are well-prepared for the ever-changing demands and challenges they will most certainly face. The 4-H Program has long been a developmental foundation for South Dakota youth, and I am pleased that this initiative will honor the celebration of the 4-H Centennial and enhance this program for the 21st century.

Each time a young person recites the 4-H pledge, "I pledge my head to clearer thinking, my heart to greater loyalty, my hands to larger service, and my health to better living for my club, my community, my country, and my world," it reflects the important values and characteristics that guide 4-H members through their daily activities. These principles have helped 4-H become strong over the last 100 years, and they will set the course for 4-H in the future. It is with great honor that I have this opportunity to recognize such an outstanding youth organization. On behalf of all past and present members of 4-H, I congratulate the organization for its dedication, achievements, and continued success.

Mr. THOMAS. Mr. President, I would like to take this opportunity to acknowledge the 100th anniversary of the 4-H Youth Development Program and express my support for the "National 4-H Youth Development Program Week."

Since its inception, 4-H has played an integral role in extending agricultural education to young people all over the country, particularly in rural areas like Wyoming. Being a former 4-H member has given me an even greater appreciation of one of America's longest serving youth development organizations. The four H's—head, heart, hands, and health—are precepts I have never forgotten. I still remember as a high school student traveling away from home for the first time to the National 4-H Congress and the positive impact this organization has had on my life.

Today, there are over 60 million 4-H alumni world-wide, and the organization has expanded to meet new challenges of the 21st century. For example, 4-H provides a number of educational projects and activities in the areas of animal science, home economics, natural resources, handcrafts, as well as leadership and citizenship. Through these programs, young men and women have the opportunity to meet new friends, build self-confidence, learn to set and achieve goals, and develop a sense of pride as they "learn by doing." These types of activities underscore the importance of personal development, as well as encouraging our youth to become involved in their community. I am pleased to note that more than 8,000 young people from the State of Wyoming have chosen to make 4-H a part of their lives.

The motto of 4-H is "To Make the Best Better." I know that the organization will continue to do just that and I commend their efforts to provide an even greater service to our country's most valuable natural resource, our young people. I am pleased to join Senator INHOFE and many of my other Senate colleagues in support of 4-H and this Concurrent Resolution.

Mr. ROBERTS. Mr. President, I rise today to speak on behalf of the resolution that Senator INHOFE of Oklahoma, myself, and others today offer to designate next week, October 6-12, 2002, "National 4-H Youth Development Program Week".

I thank my colleague from Oklahoma for initiating this well-deserved tribute to 4-H for being such a positive influence on tomorrow's leaders—as it has done so well for the past century.

Throughout the years I have met with many of Kansas's finest young people. Many of whom I have recommended for scholarships and awards, had the honor to nominate to one of the service academies, or had the chance to meet and visit with in person. I am impressed with the caliber and character that the young leaders in my state possess. Mr. President, I am equally impressed with the high percentage of these leaders who happen to also be members of 4-H.

4-H is an organization that strives to "Make the Best Better." I commend them for their efforts in providing tomorrow's leaders with the opportunity to apply the valuable leadership skills that they develop as 4-H members.

Although 4-H began in rural America over a century ago and has grown to nearly 7 million members nation-wide, it has remained consistent in its focus of being a positive and motivating influence in the lives of America's youth.

There is a reason that so many of the young leaders from my state happen to also be 4-H members. 4-H has given them the guidance, the resources, the support, and most importantly the courage to face all the challenges and responsibilities that being a leader involves.

The events of September 2001 have taught us that tomorrow's leaders will continue to face new and difficult challenges. Therefore, Mr. President, I will also, in addition to offering well-deserved praise to 4-H on a 100 years of success, issue 4-H the serious challenge to continue to work hard to keep the youth of today involved in their clubs and their communities, so that they may be prepared to assume the responsibility of leadership when they are called to do so.

Mr. President, I'd like to again congratulate 4-H on a century of service to our nation's youth and I wish them another 100 years of success. I thank my colleagues. Mr. President, I yield the floor.

Ms. STABENOW. Mr. President, today I rise to celebrate the 100th anniversary of the 4-H Youth Development Program and to thank my colleagues for their support a resolution introduced by Senator INHOFE and myself last month. The resolution designates the week of October 6, 2002 as "National 4-H Youth Development Program Week" and it was adopted by unanimous consent today.

Those who participate in 4-H pledge their heads for clearer thinking, their hearts to greater loyalty, their hands to larger service, and their health to better living for the club, the community, the country and the world.

I have been a member, a leader and an employee of 4-H. The skills and talents I learned with 4-H are ones I still use today. When I was a girl I learned to raise small animals, like rabbits. I also learned photography, sewing, cooking and public speaking. Most importantly, 4-H gave me self confidence.

This important program also taught me that adults need to share their skills and knowledge with children, and I was happy to share what I had learned later as a 4-H leader. Eventually, I went to work for 4-H and set up an urban 4-H program in the south side of Lansing, MI where I learned organizational skills. We went door to door recruiting children to join as members and identified adults who were willing to volunteer and share their knowledge and skills with the children. Soon we had a number of groups on topics like auto mechanics, carpentry, sewing and gardening, as well as a sports program.

I am proud that 4-H is celebrating its 100th anniversary. It is a pleasure to be one of the lead cosponsors of the bill designating a week in honor of 4-H. I wish this organization many more years of success, and I know that future generations of children and families will have a better quality of life because of 4-H.

Mr. INHOFE. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to; the motion to reconsider be laid upon the table; and that any statements regarding this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 143) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 143

Whereas the 4-H Youth Development Program celebrates its 100th anniversary in 2002;

Whereas members of the 4-H Youth Development Program pledge their Heads to clearer thinking, their Hearts to greater loyalty, their Hands to larger service, and their Health to better living for the club, the community, the country, and the world;

Whereas the 4-H Youth Development Program sponsors clubs in rural and urban areas throughout the world;

Whereas 4-H Clubs have grown to over 5,600,000 annual participants ranging from 5 to 19 years of age;

Whereas 4-H Clubs strengthen families and communities;

Whereas 4-H Clubs foster leadership and volunteerism for youth and adults;

Whereas 4-H Clubs build internal and external partnerships for programming and resource development;

Whereas today's 4-H Clubs are very diverse, offering projects relating to citizenship and civic education, communications and expressive arts, consumer and family sciences, environmental education and earth sciences, healthy lifestyle education, personal development and leadership, plants, animals, and science and technology; and

Whereas the 4-H Youth Development Program continues to make great contributions toward the development of well-rounded youth: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the 100th anniversary of the 4-H Youth Development Program;

(2) commends such program for service to the youth of the world;

(3) designates October 6, 2002, through October 12, 2002, as "National 4-H Youth Development Program Week"; and

(4) requests that the President issue a proclamation calling on the people of the United States to observe "National 4-H Youth Development Program Week" with appropriate ceremonies and activities.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. Mr. President, parliamentary inquiry: Are we now in a period of time that has been set aside for the appropriate recognition of the great service of Senator HELMS?

The PRESIDING OFFICER. The Republican leader is correct.

TRIBUTES TO JESSE HELMS

Mr. LOTT. Mr. President, it is with a great deal of pleasure but also sadness that I come today to pay tribute to the great Senator from North Carolina—sadness because I have enjoyed so much knowing him and working with him over the last 30 years, watching him in the Senate and in North Carolina and across America, loving him in so many ways and being inspired by him.

I remember when I first came to the Senate, he said: Thank goodness the cavalry is arriving.

I said: Senator HELMS, we will be glad to be the light cavalry for your heavy artillery any day.

So it is a moment of sadness but also of celebration of a great life, a great Senator, a lovely wife and a great family. Dot Helms is just the sweetest woman in the world. We come today to wish them much happiness and many years of enjoying their grandchildren and their beloved home in North Carolina in the years ahead. So it is with mixed emotions.

When the Duke of Wellington peered through his spyglass and saw Napoleon astride his white charger crossing the field of Waterloo, he turned to an aide and said, "The wave of his hat is worth 40,000 men on the field."

For me, and many others, that is the way it is when JESSE HELMS walks on to the floor of the Senate. Like his mentor Richard Russell, a Democrat, JESSE HELMS transcends his times. He is the Senator's Senator.

To many of us, JESSE HELMS is a hero of almost mythic proportions. To those of us from the South, he exemplifies what we were taught in Sunday school and aspired to be—the true gentleman, soft spoken, innately fair, unfailingly courteous, and a man to whom his word is his bond. That is the JESSE HELMS that so many of the staffers and so many of us know on a personal basis. It is not necessarily the one that one has seen portrayed sometime in the media, but that is the one we really know, an incomparable gentleman.

For 30 years, he has combined the rare qualities of humility and vision; love of country and statesmanship; and a faith in God and freedom that made him a legend across many parts of America and around the world.

Senator HELMS believes that the most sublime word in the English language is "duty"—duty to God, to country, to the Constitution, and to family.

As I noted, if one reads some of the national media, they get a completely different impression. He long ago was labeled "Senator No," and they condemned him to the liberal version of purgatory. I think what really made him mad was that Senator HELMS was the one politician who never really cared too much about what the chattering classes had to say. After all, he had been one of them. He pays attention to the English language. He was a journalist. He had higher commitments on which he was focused.

What counts to JESSE HELMS in the end is what people say in Monroe, Rocky Mount, Dunn, the larger cities and hundreds of small towns and churches across the "Old North State," as they call it in North Carolina.

JESSE likes to tell a story recounted to him by another great North Carolinian, the late Senator Sam Ervin, also a Democrat. When "Senator Sam" picked up a copy of the Charlotte Observer one day and read what it had to say about him, he shook his head in disgust. The fellow selling the paper was an old man named Lum Garrison. Senator HELMS liked to talk about Lum Garrison.

When Lum saw how upset the Senator was, he said: Don't worry, Sam. The Charlotte Observer don't know nothing and they got it mixed up.

Incidentally, it was JESSE's friend Sam Ervin who walked out of his home in Morganton, NC, when Senator HELMS was in the political fight of his life in 1984, faced down the news media and endorsed JESSE HELMS for reelection. Senator Ervin bucked his own party and his Governor when he said there are many intelligent people in public life but few of them are courageous. JESSE HELMS is courageous. That was from Sam Ervin.

If we listen to what some people say, we would not know that JESSE is the son of a small town sheriff, and that he and his beloved wife of 60 years, Dorothy—or "Dot"—have three children, one of them adopted, and seven grandchildren. We would not know that JESSE HELMS was the father of the United Cerebral Palsy Telethon and that he never lost an election, whether it was for the Raleigh city council or the Senate. We would not know it was JESSE HELMS who defied a sitting Republican President to rescue the moribund candidacy of a former actor and Governor of California in the 1976 North Carolina Republican primary, thus laying the groundwork for the Reagan revolution 4 years later. We would not know that the positions he championed singlehandedly for so many years, the sanctity of life, smaller government, lower taxes, welfare reform, prayer in schools, and an American-centered foreign policy are now in the mainstream of American political thought.

Senator HELMS is an uncompromising foe of the enemies of freedom. When some politicians were trying to make peace with communism, accepting the "inevitability of history," JESSE jeered the Soviet Union and its acolytes, echoing Winston Churchill's words, "We will have no parley with Communists or the grisly gang who worked their wicked will." He gave inspiration to Margaret Thatcher and Alexander Solzhenitsen and freedom fighters throughout the world. He was a friend of Sadat and Begin and championed the cause of the American military when that cause was in some ways out of favor.

In the 1970s, when some people would say freedom was in retreat, no one was as fearless or courageous in crusading for liberty as JESSE HELMS. When he spoke, the Kremlin and Castro trembled.

The great English Prime Minister William Gladstone noted that the Senate was one of the most remarkable political institutions invented by the mind of men.

This place has been witness to some great giants, men and women, who have made a difference. Obviously, we all think about Webster and Clay and Calhoun and Russell. When JESSE HELMS retires to North Carolina with Dot, he will join this rollcall of American heroes and take with him the thanks of a grateful Nation.

We won't see his like again anytime soon. You have earned, Senator HELMS, as you leave this institution, the recognition of having done the job, having completed the race.

Mr. HELMS. Thank you.

Mr. LOTT. "Well done, my good and faithful servant." Thank you so much for what you have done for all of us.

I yield the floor.

Mr. THURMOND. Mr. President, I rise today to pay tribute to my longtime colleague from my neighboring State of North Carolina, Senator JESSE HELMS.

It has been my honor and great privilege to have worked so closely with this fine Senator for the past thirty years. Senator HELMS has been one of the great Senate leaders of the 20th century. After serving in the United States Navy during World War II, Senator HELMS went on to have an illustrious career in journalism. He began his reporting career as the city editor of The Raleigh News and later served as the editor of the Tarheel Banker, which became the largest State banking publication in our Nation. During his many years of reporting and as a top Executive at Capitol Broadcasting Company, his editorials appeared in more than 200 newspapers and more than 70 radio stations in North Carolina. During these years, he also served on the Raleigh City Council.

In 1972, JESSE ran for the Senate. It was my privilege to campaign throughout the State with him, forging a friendship which I treasure. Since his election, Senator HELMS has served our Nation with nothing but class, integrity, and honesty. During his five terms in the United States Senate, his service has been marked by countless significant achievements for our great Nation. Admired and respected by both parties, he truly embodies the qualities of a superior statesman. Senator HELMS is to be applauded for his work on the Committee of Agriculture, Nutrition, and Forestry, the Rules and Administration Committee, and for his work as Chairman and now ranking Minority member of the Committee on Foreign Relations.

His numerous awards reflect the many and varied contributions he has made to the Senate and to his State. He was the first Republican to receive the Golden Gavel for presiding over the Senate more than 117 hours in 1973. Along with others, he holds the Gold Medal of Merit from the Veterans of Foreign Wars and on three occasions was named the Most Admired Conservative in Congress by Readers Digest. I would also like to note Senator HELMS has received the Guardian of Small Business Award and the Watchdog of the Treasury Award every year since his 1973 election.

JESSE certainly represents the qualities of a true southern gentleman. He is a loving husband, father, and grandfather, a devout Baptist, and an individual who would stop at nothing to help his fellow North Carolinians. His wife, Dot, is a lady of grace and charm. They are an admirable couple and a wonderful example for others to follow.

For thirty years, the tireless Senator HELMS has carried out his duties as United States Senator with the utmost sense of honor. His dedicated service to our Nation has set an example for all to follow, and I have been privileged to have served with such an esteemed individual. It is because of leaders like Senator HELMS that our Nation is the greatest in the world. As the 107th Congress pays tribute and says farewell to one of the greatest Senators of all time, I say thank you to my colleague and my close friend.

Again, I congratulate JESSE on his lengthy and distinguished career and thank him for the friendship we have enjoyed during our many years working together. On behalf of myself, my colleagues, and a most grateful Nation, I express my gratitude for his outstanding service to the United States Senate. I wish him, his lovely wife Dot, three children, Jane, Nancy, and Charles, and his seven grandchildren the best of luck and continued health and happiness in the years to come.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I wish to join my colleagues today in thanking Senator HELMS for his extraordinary service to our Nation.

When I was younger, in my college days, going through my early experience in government in New Hampshire—which tends to be in the more liberal bastions of the regions of our Nation, dominated by those on the left—in the press, with whom JESSE HELMS has dueled for so many years, Senator HELMS was characterized sometimes in not all that flattering a manner by the news outlets to which I had recourse, such as the Boston Globe or New York Times or even the national media.

But you could sense, cutting through all that clutter, this was an individual of courage and purpose, a man who stood for what he believed in and was willing to carry those beliefs forward, even when they were not popular.

His direction, his willingness to stand up and say what he believed was right, is the essence of what it takes to be an effective member of a legislative body, in my opinion. But, more important even than that—maybe not more important but equally important as his commitment to his purpose and his cause, was the fact that he did it in such a gentlemanly way. I do not believe there has been an individual who has passed through this body since I have been here—and I haven't been here that long—who has been as courteous and as generous and as kind as he dealt with people around him. He is the true gentleman.

Two of my children had the opportunity to serve here as pages. In comments to me after their days working here, there were some instances where people had not necessarily been all that kind to them. But the one comment that always came through was that Senator HELMS was the most interested in them, the kindest person, the person who always took the extra time to come down and talk with the pages. That reflected his attitude towards all of us. When I first arrived in the Senate, he made an extra effort to make me feel comfortable as a new Member. It is that courtesy which really defines his nature so well. So we are going to miss him immensely. He is, has been, and I am sure will continue to be a spokesperson for many of the causes in which I believe and which he has done so effectively.

We will miss him because he brought grace, decency, and courtesy to this body. So it is a pleasure for me to rise and thank him, with my colleagues, for his exceptional service to our Nation.

Mr. HELMS. Thank you.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, today we bid farewell in an official sort of way to our friend and colleague from North Carolina, whose career has, indeed, been extraordinary. As Senator LOTT and Senator GREGG have said, if you took a poll around here of people who actually work in the Capitol—the pages, the staff, and the Senators—Senator HELMS would win hands down as the nicest man in the Senate.

There is an extraordinary disconnect between the JESSE HELMS that we know and love and the one portrayed in the media, an incredible disconnect, because nothing could be further from the real JESSE HELMS than the one frequently portrayed by the fourth estate.

How did that come about? I think it came about for this reason, as was said of our friend JESSE by Fred Barns, one of the most respected conservative columnists and commentators around town:

> Helms has gained respect, not as many conservatives have, by moving left. Helms has earned it the hard way, by not moving at all.

By not moving at all. There are convenience politicians and politicians with conviction. JESSE HELMS is the most conspicuous example in the Senate today of a politician who acts on conviction. So as a result of that, he enjoys wide respect throughout the Senate, both left and right, because we know when JESSE speaks he is speaking from the heart. He is doing exactly what he thinks is in the best interest of his State and in the best interest of America.

There is an enormous temptation once you come here, even if you think you are somewhat conservative, to try to please your critics; to pick up the editorial page of the New York Times or Washington Post every morning and just move in that direction because there is a tendency on the part of everyone, and I think particularly those in public life, to want to be liked. They want to be appreciated. Senator HELMS has resisted that temptation.

After I first came to the Senate—of course, I had admired him for many years—I went by his office to see him, and I looked up on his wall and there was a vast collection of cartoons. I am sure Senator HELMS will agree with me, not many of them were complimentary. It struck me instantly that this was a man who really delighted in confounding his critics; in not yielding to those kinds of attacks. That, it seems to me, is a man of principle and of conviction.

JESSE and I had one other thing in common. That was the burden of dealing with a particular agricultural commodity that is quite common in our two States. I might say to my friend, Senator HELMS, I had a chief of staff one time who said you ought to get combat pay for working for a Kentucky Senator because on the agenda every week, of course, we had the tobacco issue, America's most politically incorrect activity. So as soon as I got to the Senate in 1985, I was immediately thrown into one of the many crises. It seems as if we have nothing but crises in the tobacco area. But indeed the crisis of the day in 1985 was the Tobacco Reform Act. I had a chance to get to know JESSE up close and personal very quickly after getting to the Senate because we had a common interest in trying to protect the income and the livelihood of thousands of tobacco growers in our State who make a living raising a legal crop.

These are Godfearing, honest people engaged in a legal activity who have been under assault certainly for as long as I have been here, and I know it started before I got here. So JESSE and I had a bonding experience trying to deal with the politics of tobacco, a situation in which tobacco growing is popular in two States and which is widely looked down on in 48 others. Those are some of the challenges we have shared over the years.

I also have particularly appreciated Senator HELMS' strength and conviction in the foreign policy area, an area to which you have devoted an enormous amount of your time during your service here. There is no question you have made an enormous difference through your leadership as both chairman and ranking Member of the Foreign Relations Committee. We all look up to you. We admire your work.

As others have said, and as others will say after I sit down, you will be missed around here. We love you and we love Dot. It won't quite seem the same with you not around. But I know that you will go back home and enjoy North Carolina and enjoy your family. I am confident you will keep up with what we are up to, and, if you disapprove of anything we are doing, I expect you will call us. We will look forward to receiving your advice.

Let me say good-bye in an official sort of way to your tenure here in the Senate. I quoted Washingtonian Magazine which recognized JESSE HELMS as "The Nicest Senator."

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, we have an order for morning business until 11:30.

The PRESIDING OFFICER. That is correct.

Mr. REID. There appears to be a number of people who wish to speak for Senator HELMS, and we are happy about that. We also want to make sure we have our half hour from 11 a.m. until 11:30. I think it would be in everyone's best interest to extend morning business until 12:30—an additional hour—and equally divided between both sides. I ask unanimous consent that be the case.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Delaware.

TRIBUTE TO JESSE HELMS

Mr. BIDEN. Mr. President, this is a happy day in the Senate. We are here to talk about our buddy, JESSE HELMS. It is a sad day in that we talk about JESSE HELMS leaving. Other than the Senator from Alaska, there is no one who has served longer with JESSE HELMS than I have. We came here during the same election cycle, and we came here the same day. We started off with a rocky start. I was a 30-year-old kid who had only been in this Senate once before in my life. That was when I came on the floor of the U.S. Senate while spending a weekend at Georgetown University. Back in those days, you didn't have all the guards and all the security. I came in Saturday morning. I was mesmerized by this magnificent place. I walked in the back doors. They were open. I walked right through. The Senate had been in on Saturday. I was unaware it had been in session. By the time I got here, it had gone out of session. I literally walked onto the floor of the Senate. I was absolutely, as kids used to say, blown away. I stood there in awe. I literally stood at that door. I walked up there. No one was here. I stood where the Presiding Officer was. The next thing I knew, this guy grabbed me by the shoulder and put me under arrest. He was a Capitol policeman. He took me downstairs.

Most people do not know there is a Capitol police office in the basement of the Capitol. He took me down there, and he was going to arrest me for trespassing. He realized I was just a college kid who was in awe. They didn't do anything. They just said do not do it again.

The next time I was on the floor of the U.S. Senate, and the first time I really spoke spontaneously on the floor, was to my friend JESSE HELMS. I remember he was a junior Senator with immense experience. He had been an administrative assistant to one of the leading Senators in the U.S. Senate. He knew the place. He knew the system. He was standing at the desk, if I recollect, in that quadrant in the back. He was on the floor. There was another Senator from Kentucky named Marlow Cook who was standing on the floor. He was moving what is the most thankless job in the U.S. Senate for any Senator other than being on the D.C. Committee; that is, he had the responsibility of moving the legislative appropriations bill.

I walked onto the floor to see what was going on. I was literally walking through. We had a committee meeting which had ended. I walked over to see what the state of play was. I was aware of the junior Senator from North Carolina. My seat used to be in the very back corner. I walked onto the floor through that door, walked across, and stopped where the junior Senator from North Carolina was. There was a heated debate going on between the junior Senator from North Carolina—Sam Ervin was the senior Senator—and Marlow Cook, the Senator from Kentucky. It was about either staff pay or Senators' pay, or whatever it was, and the Senator from North Carolina, as usual, was making a very compelling case as to why we should be basically not paying anything.

I am only kidding, JESSE. It was close to that.

I stood there on the floor, and as I have done many times in my 30-year career in the U.S. Senate, I did not listen to the admonition I am told you used to be given by the Speaker of the House, Sam Rayburn. I am told in his board-of-education way he used to say to new Members of the House back in the 1950s, If you can say nothing, say nothing; if you can nod, don't speak; if you don't have to nod, don't do anything or something to that effect, meaning keep your mouth shut.

I have often broken that rule, unfortunately. I stood there listening to this debate, and I spoke up. I made the mistake of taking on the Senator from North Carolina.

He won't remember this.

The result was I ended up with a black-box editorial—literally, an editorial on the front page of the New Hampshire Manchester Union Leader with a big black box around it, which used to be done by Mr. Loeb in those days, talking about the audacity of the young Senator from Delaware taking on the point being made by the Senator from North Carolina. That was my first encounter of debating the Senator. It warranted me a front-page article in the Manchester Union Leader that was not flattering at all, which taught me two things. No. 1, if you are going to debate the Senator from North Carolina, come prepared with the facts. No. 2, understand that his reach goes far beyond North Carolina.

It did even then as a new U.S. Senator, a freshman U.S. Senator, the Senator from North Carolina, walked on this floor. From the day he arrived, he had an impact. I do not think that can be said of anyone, I say to Senator HELMS, in our class. We had a big class. There were, I think, 13 new Members that year. Far and away, the man who stood out was the Senator from North Carolina. He has stood out every day since then.

It is no surprise to anyone here the Senator from North Carolina, Senator HELMS, and I have not always seen eye to eye. We come from different political points on the spectrum. We have had some heated debates. The Senator advocated some positions I would fight to my dying day to defeat as he would things I proposed which he feels in principle are not the way to go.

One of the magic things about this place I learned from Senators with whom Senator HELMS and I served when we first got here—Senators such as Goldwater, Humphrey, and Kennedy—is you can have serious disagreements on this floor about the direction of this Nation, but that is no excuse to be personally disagreeable.

I can remember—as my friend from North Carolina can, as can my friend from New Mexico, who came the same year, and as can the Senator from Alaska, who was here before us—the day when Hubert Humphrey walked on the floor literally dying, and we watched Barry Goldwater walk up to him, embrace him, and put his arms around him in that well, and both of them cried. These were men of opposite sides of the political spectrum of the day—two leading figures in American politics representing the left and the right, and they stood in that well and embraced. They embraced in an emotional moment no one could misunderstand the meaning of. It was real. It was genuine. It was deep.

It is, in my view, the unique and, I think, single most endearing feature of this body, the U.S. Senate.

If we serve here long enough, and if we are smart enough, we understand that it is not appropriate to question the motivation of a Senator for what he or she is proposing. It is totally appropriate to question their judgment. It is totally appropriate to question whether they are right. It is totally appropriate to disagree. But it is inappropriate to question the motivation of a Senator because the men and women who come here are men and women of honor. They come here because they care deeply about the fate of their Nation. They care deeply about specific issues, and some intensely on some issues.

The thing that I think the Senator from North Carolina embodies most is that tradition that no matter how intensely you disagree on the issue, the Senator from North Carolina, speaking for myself, has never, ever questioned my motive, never, ever questioned my desire to do good, whether or not he thought what I was proposing would, in fact, "do good."

We have not agreed on a lot of things, but we have also agreed on an awful lot of things. I can tell you that I will miss Senator HELMS.

Let me tell you, with, as they say in this body, a point of personal privilege, a few stories about Senator HELMS.

There are two figures remaining in the Senate who are, for either political extreme, left and right—left of the Democratic Party and right of the Republican Party—who are lightning rods. It is Senator HELMS in the Republican Party and Senator KENNEDY in the Democratic Party. They are sort of the icons of both parties. They are men who are revered in their parties. They are both nationally known.

I can say what a lot of people don't know about the Senator from North Carolina: For all the intensity with which he takes on issues, for all the depth of his feelings about issues that are so socially highly charged—left and right—this is a man who has a very, very soft side.

I had gone to the Senator, when I was the ranking member of the Foreign Relations Committee, and indicated to him—not even asking but lamenting—the fact that I did not have enough staff allowance to hire certain people. And the Senator from North Carolina said: Take my money. The Senator from North Carolina said: Who do you need? What do you need? OK.

He did not have to do that, by the way. Many other committees around here fight tooth and nail over exactly who is going to get to be the doorman to whether or not you have to sign off to get stationery. Not the Senator from North Carolina, not the Senator from North Carolina.

When I was ill, it was the Senator from North Carolina who was on the phone immediately checking to talk to my doctors to make sure he thought I had the right doctors, and checking at Walter Reed regularly to see how I was doing.

If you want to understand something about Senator HELMS, you ought to meet Mrs. Helms.

If you met Mrs. Helms, who is one of the finest, most decent women I have ever met—she is the definition of a lady—you would understand the depth of JESSE HELMS. For a woman of her grace, a woman of her compassion, a woman of her depth, to love and be devoted to this man as deeply as she is, you know, you know, you know there has to be something awfully, awfully, awfully good about JESSE HELMS.

My mom has an expression. She says: If my children love somebody, I love them, too, because I know how good they are and they could not love unless there was something there.

Dot Helms adores JESSE HELMS, as he adores her. Those of us who have had the privilege to serve with JESSE up close and personal for a long time have seen some of what Mrs. Helms has seen and what a lot of the world does not see. They see the gentlemanly side of him. They see the courtly side of him. They appreciate him. But they do not fully understand the depth of the compassion, the depth of the friendship, the depth of the loyalty that resides in that man JESSE HELMS.

There was a guy named Bud Nance. If you knew Bud Nance, you knew JESSE HELMS. If you knew how Bud Nance adored JESSE HELMS, that would be the second piece of evidence you would know of what a fine man this man JESSE HELMS is.

JESSE, I love you. I think you are dead wrong on the issues, still. I disagree with you completely. As you said, when I cast my 10,000th vote, you congratulated me as the youngest man in history to have cast 10,000 votes, and lamented it would have been better had I cast some of them the right way. And I understand. We both feel that way about each other's voting record.

But I want you to know how I personally feel about you and how I think the vast majority—anybody who has gotten to work with you as closely as I have—feels about you. I am going to sincerely miss you, JESSE. And we are going to miss your courtly manners. We are going to miss the fact that whenever there is a crunch, one of the first guys to step up to offer help is JESSE HELMS.

But I have no doubt you will still be there for me. I have no doubt you will still be there for the rest of us. We need you.

Some think JESSE HELMS and I could not possibly see eye to eye, that we come from opposite points on the political spectrum. There is no denying that is true.

Senator HELMS has advocated some positions I would fight to my dying breath to defeat but he also represents the best of this institution. He is a friend, an honorable Senator who holds boldly to his values, and yet has always held to the civility of debate in the pursuit of comity.

Some said he and I couldn't possibly work together on the Foreign Relations Committee.

In fact, I think we have worked very well together and I think he would agree.

We may not have agreed on many of the important issues that have faced this Nation. In fact, we probably haven't agreed on most of them.

But I can say this: I will deeply miss Senator HELMS. I will miss his voice in this Chamber. I will miss his counsel. I will miss his genuine kindness. His devotion to his duty and the dignity with which he unfailingly performs it.

I will miss his brand of leadership. That determined, dedicated, forceful, committed leadership, that leadership that comes from a deep and abiding concern for this Nation and from deeply held values and beliefs which he fights to uphold.

And, yes, I will miss his warmth. Though some might not always see it, it is there, I can assure you.

Some of my more combative Democratic friends might be skeptical of me for saying these things, but they don't know JESSE HELMS like I do.

They don't know that even if you find yourself precariously balanced on your side of the political spectrum, in the heat of a debate, whether it is on foreign aid, on issues of war and peace, civil rights, equal rights, constitutional law, whatever the issue, Senator HELMS may disagree with you and point out the holes in your argument, but you can count on him to hold out his hand.

He holds strong views, but he is exceedingly respectful—a gentleman committed to his position but willing to listen to yours.

He is, in the truest sense, a man of honor and considerable decency. And, quite frankly, there are no qualifies more important to this Chamber.

Few Senators in my tenure have played as significant a role in the affairs of this Nation as JESSE HELMS.

But the most remarkable thing about this man is that, not withstanding his impeccable conservative credentials, when confronted with new facts and new ideas, he has always been at least willing to listen.

A perfect example was his leadership in reconciling and restoring the position of the United States at the U.N.

And, while chairman of the Foreign Relations Committee, he directed and accomplished the most significant reorganization of the State Department in recent memory.

Having served with JESSE HELMS for almost 30 years, I can tell you, on a personal level, he is one of the most thoughtful, considerate, and gracious Senators to grace this Chamber.

If you knew Mrs. Helms, his beloved Dot, you would know why he is this way.

Senator HELMS and I arrived here the same day and took the oath together.

Before he came, he served in the Navy in World War II. As a broadcaster and journalist, Senate staffer, editor of a banking publication that he made the largest in the Nation, a broadcaster CEO, editorial writer, city councilman, a Baptist deacon, a Sunday school teacher, and a U.S. Senator, JESSE HELMS has served with distinction.

These 30 years have passed all too quickly. But I am honored to have known him. I am proud to have worked with him, especially over these last 6 years.

I have learned much from him, and will continue to seek his counsel and his advice.

William Penn said, "A good friend . . . advises justly, assists readily, adventures boldly, takes all patiently, defends courageously, and continues a friend unchangeably." JESSE HELMS has been a good friend, and I expect to continue our friendship as well as our debate long after he leaves this Chamber. He will, indeed, be missed.

I thank my colleagues for the extended time. I could talk for an hour about what a good man JESSE HELMS is.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. Mr. President, it is an honor for me to be able to come down this morning and speak to my colleague and on his behalf, a colleague who I have now had the privilege of serving with for 4 years in the Senate.

I say, first, to Senator HELMS, and to Dot, his wife, thank you for the extraordinary kindness you have shown to myself, my wife, and my family. Senator HELMS knows—and Jimmy Broughton is sitting beside him, and other members of his staff are on the floor—he also has an extraordinary group of people working with him, not just here in Washington but also back in North Carolina, because our folks in North Carolina have had the privilege of working with Senator HELMS' staff in North Carolina.

As I said—and I am sure Senator HELMS heard while he was off taking care of his health—his office ran very smoothly. Sometimes I think, Senator HELMS, both of our offices run more smoothly when we are not there. But they did a terrific job in your absence. I know you are not surprised to hear that, but we are proud of the work they did. I know you are proud of the work they did then and have always done on your behalf.

I have had the privilege of going around my State for the last 4 years now, talking to people about what they need, the problems they are faced with—whether it is farmers, whether it is textile workers who have lost their jobs, people trying to get a relative a visa, whatever it is—and you cannot hardly move in North Carolina without finding people who Senator HELMS has touched over the time he has been in the Senate.

The people of North Carolina will never forget the work and the kindness and the personal attention that he has given to them. He has been a relentless advocate for the people of our State and all the problems they face.

The people here in Washington and around the rest of the country see a certain side of Senator HELMS. Senator BIDEN just mentioned this. Senator HELMS knows well he and I do not agree about a lot of things, but there is a side of him that most people here in Washington do not get to see, at least not publicly—the people who work in the Senate see it—which is the extraordinary kindness and friendship that he shows basically to anyone who touches him.

We had a meeting of Senators a few weeks ago to talk about how we should deal, as publicly elected officials, with people who we represent who are faced with a tragedy of one kind or another. And I used Senator HELMS as the best example I could ever imagine for someone who knows how to deal with those kinds of problems, having had a personal experience with Senator HELMS on that level. I say here, as I have said to him before, myself, my wife, my family, we will never forget—as long as I am alive—the way Senator HELMS treated us during that time.

It meant an unbelievable amount to us, Senator.

I thank him on our behalf. I thank him on behalf of all of the people of North Carolina for whom he has done so much for so long, the many lives that he touched, in a very positive way, below the radar screen, in ways that people don't see or don't hear but, more importantly, they know about. I thank him personally for being my friend during the time I have been in the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I join with my colleagues rising not to bury JESSE HELMS but to praise him. We can take Shakespeare and turn him on his head for just a moment.

I find it interesting that there are some people in the press gallery. That is not very often the case in this situation, in this circumstance in the Senate. I welcome the presence of reporters who will pay attention now as Senators talk about JESSE HELMS, because the press, for JESSE's entire political career, has made a caricature of this man, outlined him as some kind of a demon, some kind of an anti-intellectual, some kind of a throwback to an earlier time, and that the body politic would be best served if somehow he could be removed from it.

He has demonstrated his appeal to the voters of his State and has stoutly resisted the attempts of those to remove him from politics. Now he has decided that the time for retirement has come. He is leaving at the top of his game and on his own terms.

I listened to the stories being told by those who have served with JESSE for a long period of time. I have not had that privilege because I have not been here that long. I have my own story to add, which demonstrates a side of JESSE that needs to be on the record and, once again, people in the press need to understand about this man.

My story arose from the fact that I, too, disagree with JESSE HELMS on occasion. The issue on which I disagree with JESSE HELMS has to do with the National Endowment for the Arts. I have been dedicated to support for the arts all of my life. I have been enriched by association with the arts. In my home, food was a necessity, but music lessons for the children were almost as big a necessity, at my wife's insistence. We have supported the symphony, operas, things of that kind, all of our lives.

So when the Gingrich revolution occurred in 1994 and the House sent us an appropriations bill that would have eliminated the National Endowment for the Arts, I found myself in that battle. We came to a late night session where the fight was rising as to what would happen in this situation. I had expressed myself on one side of that issue and had not realized what I had done by virtue of that expression because as we were in the Republican cloakroom that late night, someone said to Senator Dole: What about the NEA? As he walked through these doors on to the floor, leaving us all behind, he said: BENNETT is going to handle that.

I suddenly realized I had a responsibility I hadn't known about. I took up what could only be called Kissingerian shuttle diplomacy between the Republican cloakroom, between JESSE HELMS and TED KENNEDY and PAT LEAHY on the other side, and back and forth. Finally, I arrived at a deal. I thought I understood the terms of the deal and took it back to the Democratic cloakroom: If you will allow this, JESSE will allow that. We will get it all done.

Grumbling and complaining a little, the Democrats said: All right, we will at least keep the NEA alive. We will give JESSE his pound of flesh. We don't like it, but this is where we are.

I reported that to Slade Gorton, chairman of the subcommittee handling the appropriations. He said: It is too late at night.

My memory is, this was about 10:30 or 11.

He said: It is too late tonight. We will do it first thing in the morning.

The next morning came. I went to Slade and repeated the terms of the deal as I had understood them. He said: Fine, let's go ahead.

JESSE was in the cloakroom, and I went to the cloakroom to tell him we were about to implement this deal. He looked at me—a very young, new, fresh Senator—and he said: Senator, that is not my understanding. That is not what I agreed to.

My heart fell. I didn't know what to say. Here was this pillar of the Senate who had staked his reputation on this particular fight, and he said: If I agree with that, that means that I have agreed to vote against my own amendment. I can't do that.

I looked at him in great agony, and I said: Senator, this will set off a whole filibuster, a whole disaster on the other side. I have told the Democrats that this is what it would be.

That is what I had understood. I didn't have any solution. I was just there trying to figure out where I had gone wrong in going back and forth.

JESSE HELMS looked at me, and he said: Senator, that is not my understanding of what we agreed to last night. But if that is your understanding and you have pledged your word to the other side that that is what you will deliver, I will honor your agreement.

There are not many around here who would do that, not many Senators who would take a position that was contrary to that which they had publicly espoused for decades, to keep an agreement, when the Senator believed the agreement was not what he had agreed to. There are not many senior Senators who would defend the honor of a junior Senator to make sure that the junior Senator was not embarrassed.

I have told that story a lot. I have told that story to the supporters in the NEA, both in my home State and in Washington. I have said to them: You need to understand JESSE HELMS. Yes, you will disagree with him. You believe that he is a philistine when it comes to the arts; you don't understand how he can possibly hold the position. But you need to understand the integrity of this man, the compassion of this man, and the willingness of this man to keep alive important personal relationships to see to it that the Senate works.

This was an action on his part to see to it that the Senate worked. I am grateful to have had the experience. I am grateful for the opportunity of repeating it to those who might not understand this man. And like those who have spoken before, I will miss him.

I pay whatever tribute I can in my humble way to the public service and the public integrity and the example of JESSE HELMS.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, in an era when courtly manners are seldom observed or practiced, my friend JESSE HELMS has embodied the spirit of a true southern gentleman. For almost 30 years, Senator HELMS has provided a model of gentlemanly bearing for a younger generation that is used to much more casual conduct. His old-fashioned gentility will be sorely missed in these Halls.

The two of us have been together a great many long nights in the Senate. Despite his gentle southern drawl, it has never been difficult to figure out where JESSE HELMS stands. He has held passionately to his convictions and has worked hard for what he believes are the best interests of the people of our Nation and North Carolina.

As a member of the Foreign Relations Committee, JESSE HELMS has dealt with international issues of deep importance which have had global impact.

As I have worked with others here on defense matters over these long years, there has been no greater patriot for this country on this floor than JESSE HELMS. He has always supported the men and women who wear our uniform. He has been a true stalwart in fighting for national defense.

JESSE HELMS is a tough guy. He hasn't let aches or pains, which have sidelined some folks, stop him from performing his responsibilities as a Senator. When our daughter, Lily, now a senior at Stanford, was a toddler and used to visit the Senate Halls, she could always count on JESSE for a smile and for making her feel special and welcome. She told me she has great memories of those days and JESSE HELMS. Like STROM THURMOND, Lily looks on JESSE HELMS as one of her uncles, and we are proud of that.

Mr. President, saying farewell to my friend that I have known for these three decades is difficult. There aren't many of us left, JESSE. We are going to miss you, and we are going to miss Dot. Dot's happy smile and her energy has been a great support for JESSE, and as we wish him Godspeed, we want to include Dot, too, because they are a team.

As they enter this new phase of their lives, we thank them for their dedication and hard work, for the elegant manners they have brought to the Senate, and for all that you have done to earn what we are saying today.

You deserve every word I have heard today, JESSE. You are a great friend, a great patriot, and I hate to see you go.

Thank you very much, Mr. President.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Nebraska, Mr. HAGEL, is recognized.

Mr. HAGEL. Mr. President, I rise this morning to join our colleagues in recognizing a part of an institution that unto himself is an institution.

Senator HELMS will retire this year after five distinguished terms in the Senate. He has had a remarkable 30 years of service in the Senate.

Senator HELMS began his service to our country in the U.S. Navy during World War II. He has always been a supporter of a strong U.S. military and the need for a forward thinking National Security Policy. After his military service, Senator HELMS had a colorful career as an editorial commentator in radio, television and print media. He also served as Administrative Assistant to United States Senators Willis Smith (D-NC) and Alton Lennon (D-NC) in the early 1950's. His interest in serving the public continued to grow as he served on the Raleigh City Council from 1957 to 1961 while working in the banking industry. Beyond his extensive list of leadership positions in numerous organizations, Senator HELMS has filled his life with philanthropy. He has been active in research on cerebral palsy and is one of the founders and directors of Camp Willow Run for youth in Littleton, North Carolina.

Senator HELMS is a member of the Committee on Rules and Administration; a member and past Chairman of the Committee on Agriculture, Nutrition and Forestry; and the Ranking Minority member and past Chairman of the Committee on Foreign Relations. I have had the privilege to serve with Senator HELMS on the Foreign Relations Committee for the past 6 years. We will miss his common sense and strong perspective on foreign affairs. I am grateful for his many courtesies to me and his constant help and support. I will miss him.

Senator HELMS will celebrate his 81st birthday this month. We wish him a happy birthday and thank him and his dear wife, Dot, for their years of devotion to our country. I am proud to have served with him.

Mr. President, as you know, I am a very junior Senator here and so I do not have the depth of relationship with Senator HELMS as do many who have gone before me this morning. But I have served with JESSE HELMS for 6 years, 4 of those under his tutelage as chairman of the Senate Foreign Relations Committee. I don't know of a Senator with whom I have served in my short term in this body who has been more fair, more direct, and more complete than JESSE HELMS. I think that is in itself a great testament to the man, yes, and to the Senator.

I have not always agreed with Senator HELMS, but he has always afforded me the courtesy of not only an opportunity to explain my position but encouraged me to explain my position, even when he disagreed. That, too, is a measurement of the man and of the Senator.

You especially, Mr. President, know that west of the Missouri in the land on the prairie called Nebraska, we have fallen on dark times. I don't speak of the drought but of our football team. I never thought I would be in a position to be envious of the football team of the senior Senator from North Carolina, but I am this morning. I, of course, attribute his leadership and inspiration to their great football team this year.

His wife Dot has been mentioned this morning, and I wish also to acknowledge Mrs. Helms, for it is Mrs. Helms, as much as any one individual who has shaped and molded this fellow from North Carolina, this individual who not only has given 30 years of his life to the Senate, but has given a great majority of his almost 81 years to this country.

Some of us who have had the honor of serving our Nation in uniform more recently than Senator HELMS occasionally get more attention for that service. This has always struck me about the World War II generation, of which JESSE HELMS is a part. He served in the U.S. Navy in World War II. They never talk about that service. My father was in World War II in the South Pacific for 3 years in the Army Air Corps. I have always admired World War II veterans for many reasons, but one in particular; that is, they came back, never asked for recognition, never asked for special breaks. They saw their service as only part of being a responsible citizen—their responsibility. And it is that way to this day in the Senate, where we have few World War II veterans left.

When we lose a World War II veteran in this body, we lose a very significant part of America. That is a dimension of JESSE HELMS that is not often talked about.

Let me conclude, because others wish to speak about this very unique Senator and man. I don't know of an individual who has fulfilled the commitment of his own value system and his own standards, or lived it, like JESSE HELMS has. You either can agree with those commitments and standards and policies and values and positions or not, but none can deny that Senator HELMS has indeed lived what he has said. That in itself, after almost 81 years, is rather unique.

I wish Senator HELMS a happy birthday this month. I know it will be a happy occasion. We are glad to have you back in this body, JESSE, for these last few months, and we are also particularly pleased with your recovery. Senator HELMS will be known to many of us—certainly this Senator from Nebraska—forever as "Mr. Chairman."

Mr. Chairman, I salute you and thank you for your service and your many courtesies and kindnesses. You are an inspiration to me.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I thought maybe I could jump ahead of the Senator from New Mexico for just 2 minutes.

Mr. DOMENICI. Mr. President, I thought the agreement was that we got our time.

Mr. WELLSTONE. I will follow the Senator from New Mexico.

The PRESIDING OFFICER. The time is controlled by the Republican leader.

Mr. DOMENICI. Mr. President, I will yield 2 minutes to the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank the Senator.

I come here to the floor to announce that I have been in agreement with Senator HELMS on just about every issue since he has been here—not quite, but I will say this. I think one of the ways you judge a person is just the way you watch them treat people. I don't know if this has been said, but when I watch the way Senator HELMS treats the pages here and the elevator operators and the support staff, I don't think there is anybody in the Senate who treats them with more grace and is kinder and more appreciative. In fact, I think there have been surveys that have put him at the very top.

I thank him for the way in which he has treated staff. I wish to tell him, though we have not agreed on the issues, I have appreciated getting to know him. I hope it is mutual.

I wish you, Senator HELMS, and my wife wishes you the very best. We wish you well.

Mr. President, there is going to be another time before the Senator from New Hampshire, Mr. SMITH, leaves when I wish to talk about him because there is much positive to say about him from the point of view of somebody who stood up for what he believes. I think it has to be part of the RECORD. I look forward to doing that.

Senator HELMS, I wish you well.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, first, I bring regards from my wife Nancy to both you and Dot. She asked me today—it was written on my calendar—if I would say that for her, and I do.

I do not think all Senators know that 30 years ago, a class of new Senators numbering nine arrived in the Senate. I was one of those nine, Senator Sam Nunn, Senator Bennett Johnston, Senator BIDEN, myself, and our wonderful JESSE HELMS. That group saw Senator HELMS as being the father of all of us. We thought we were youngsters, and then we met JESSE, and we said: We do have some wisdom and some experience with us. It has been a sheer joy to serve with him.

The whole group that came together has left of their own accord, and that is good. It speaks well of them; it speaks mightily of the class and the capacity they had.

JESSE, as I saw you get sick and then get well, I was truly hopeful that whatever the good Lord had in store for you, you would leave here on your own, saying goodbye to the Senate with your own capacity, and that nothing would be the cause of taking you from us.

That is why it is a good day, because you have lived through it all, and you have been, from what outsiders know, the absolute opposite of what people say you are. They judge you by your record, and if they do not like the record, they have things to say that are totally without the character of JESSE HELMS.

My friend who just spoke clearly put it right when it comes to kindness. Senator HELMS truly believes that everybody, no matter how little, how poor, how vintaged, what seat they occupy, deserves a kindness from him. He does not walk by anyone to whom he does not say hello. If he knows they have been sick, he will stop and talk with them and ask them about their relatives. In a way, for some of us, we are amazed at how he can do that. For that, I say I am glad I shared that experience with Senator HELMS.

What really made me come down here today, I say to Senator HELMS, is that he has been very decent and nice to me. I think now, looking back on occasions on the floor when I had a budget to handle that was particularly difficult or I had to make a speech that was particularly difficult—he did not sit very far from me—almost invariably, Senator HELMS would call me to his desk and congratulate me. He even told me how I was changing as a Senator: You are getting better; you are getting to be as good as there is; you are responding; that was a great speech.

I do not know how many of those remarks Senator HELMS passed on to me. I believed it, so it helped me. I do not know if it was true, but it was true as he saw it, and that was enough for me to leave with just a little more hop in my step because somebody I really wanted to note what I was doing apparently had.

For that, I wish to tell Senator HELMS, that means an awful lot to a Senator, especially as he is getting started. I was thrilled with it, even in the last 4 or 5 years when he continued to do that. I thank him for that.

The Senate will miss this man. The truth is, there are many people from the outside who criticize JESSE HELMS, but nobody questions whether he believes what he says. Nobody questions that he says what he believes. I do not think one can have either a better friend, a better servant, or a better patriot than one who knows what he believes and believes what he knows. That is what our friend is. That is the essence of him. One does not have to second-guess Senator HELMS. For that class of Senators of 30 years ago, there are now three of us left. When Senator HELMS leaves, there will be two. I will be running, and so will Senator BIDEN. If we come back, the marvelous class will be getting smaller, and Senator HELMS will have left us this year. I am sorry to see him leave. I thank him very much.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I rise to join with my colleagues in saying thank you to Senator HELMS for his 30 years of service to the Senate and to the country.

I have had the pleasure of serving with Senator HELMS for 22 years, and the last several years I had the pleasure of sitting right in front of him or, conversely, having him at my back. I like that. I moved over to Senator THURMOND's desk so I can look at Senator HELMS when I make these remarks.

I pointed out to Senator WELLSTONE when he was complimenting you on your demeanor, politeness, kindness to our fellow employees, that was my first recollection of JESSE HELMS. The character of Senator HELMS was one of this pretty tough Senator. In my career of 22 years, I have never known a kinder, gentler, more polite Senator than Senator JESSE HELMS.

I say that because he has been kind to me. Obviously, he was kind to Senator DOMENICI. He has been kind to every Senator, Democrat and Republican—Senator WELLSTONE mentioned it—but also to every single staff member, to every single elevator operator and security officer. I am amazed at the number of people he calls by their first name. I have tried to emulate that and have not done it very well. I have tried to emulate Senator HELMS in many ways. Senator HELMS will never know how many people he has inspired in the Senate.

I say that because of his kindness. I say that because of his politeness. I say that because he says grace before meals and he does it today. I say that because he has shown such courage and conviction on so many issues. His ability to be courageous and kind at the same time is a very unusual special talent that very few have been able to do, and Senator HELMS has done it well for so many years.

The word "patriot" was used. If anybody ever defines "patriot," Senator HELMS' name comes to mind. Standing at STROM THURMOND'S desk, patriot comes to mind when I think of STROM THURMOND, and it comes to mind when I think of JESSE HELMS. We are losing two patriots in the Senate in this retirement, and I hate to see that happen, but I am so grateful to have had the privilege of having Senator HELMS as a mentor, as a colleague, as a confidant, as a teacher.

I remember in my early career, we had battles. I served in the Senate for 22 years, and he served in the Senate for 30 years. Prior to his service in the Senate, Senator HELMS served as administrative assistant to a couple of Senators.

During that time, he learned the Senate rules. I remember some of our earlier battles having Senator HELMS help me learn the Senate rules. I was amazed that someone would go to that trouble. But he used the Senate rules both politely and correctly, and in the process made the Senate a better institution.

I realize this goes all the way back to Richard Russell. It goes back to some of the greats in the Senate, and how this tradition is passed on is truly amazing—and with a whole lot of fond memories.

I remember, Senator HELMS, when you taught me some of the rules, I believe it was in 1983, when we had the little battle on the 5-cent-per-gallon gasoline tax, that most of the Senate was for, including the majority leader at the time, our very good friend Senator Baker. President Reagan, I believe, was in favor at the time, but we were sort of opposed to it, thinking it should be left to the prerogative of the States. It was rather a difficult time because it was right before Christmas. It was a pretty protracted and extended debate, one that required cots in the back. Our colleagues' tempers were short because we were getting closer to the holiday season and most everybody wanted to vote and get out of here.

I remember going into your office one night when things were kind of difficult, and we talked about it. You said: I have an idea. We will just pray about it. Let's call Rev. Billy Graham. Well, I was awestruck that we were calling Rev. Billy Graham, and impressed. I will not forget that conversation.

I also will not forget another thing that you said. If it was not that night, it was the next night—we had two or three nights of this little battle—and I remember you telling me a story which I have never forgotten. In fact, I think about it all the time when I fly at night. I do not even know if you will remember it but I bet you do. You relayed to me how you were flying over North Carolina at night. And if any of my colleagues have been with Senator HELMS for any period of time, they know he has a great love for his State of North Carolina, and vice versa. It is a mutual love, respect, and admiration.

You relayed to me, Senator HELMS, that while flying over North Carolina at night you see all these lights, and you realize how big Raleigh is and you realize how remote small towns and some rural areas are, a light here and there. I remember you told me you were flying over there somewhat in awe but also thinking about individuals who live in those areas, and every one of those homesteads represent some of your constituents. You wondered if they really thought anybody in Washington, DC, cares about them living in that little rural area or maybe living in the city.

There you are, flying over their State and you are thinking about them. I think that was one of the guiding principles of your public service and career. I will never forget that. You were thinking about them when we were fighting over that nickel-a-gallon gasoline tax. You have been fighting for them. Whether talking about a strong national defense or about giving them some tax relief, you were thinking about your constituents, those people in the rural areas that probably never gave two thoughts about who their Senator was. Maybe they do not know, maybe they do not vote, but you cared about them.

I can tell you cared about them because of the way you have served this Senate and the way you have served your State, the way you have talked to individuals on the floor, the way you talk to employees, whether they are the lower level employees or people just starting out, or whether it is my daughter who was working as an intern one summer. You were so kind to her. She loves Senator HELMS. I saw her last night and she wanted me to say thank you, Senator HELMS.

You have inspired more people than you will ever know. I see some of your employees are in the Chamber and you are sitting with one of the best, Mr. Broughton, but I wonder how many of those employees, who have launched their career under your tutelage, have very bright futures. They are going to make outstanding contributions. Some of them are in the State Department. Some of them are working in very high level positions. Some of them are on the Federal bench because you got them started. They are some of the best people in the country. I think of them as expanding good government, and you have made that contribution.

I wanted to say thank you on behalf of Oklahomans, and on behalf of all Americans for your 30 years of service in the Senate. I have had the privilege of working with you for 22 years, getting to know you and Dot Helms. I think the world of both of you. God has truly blessed all of us for your service to our country and we thank you for it.

Mr. HELMS. Thank you.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, it is an honor to pay tribute today to the senior Senator from North Carolina, JESSE HELMS.

The son of a police chief from Monroe, NC, JESSE HELMS has been part of the fabric of the United States Senate for nearly three decades. Upon his retirement after five terms of service, it is fitting that we pay tribute to his leadership and commitment to the people of North Carolina and this country.

Senator HELMS has served in the Senate during the administrations of seven Presidents, from the Vietnam War, through the launch of the war on terrorism.

His views have enlivened the debate on the editorial pages of newspapers in his home State and throughout the country. He defines the term "sticking to your guns."

From 1960 until he ran for the Senate in 1972, Senator HELMS delivered some 2,700 editorials on WRAL-TV in Raleigh, NC. Those opinions also appeared in more than 200 papers across the Nation and on 70 radio stations, making JESSE HELMS a household name.

He built that name on the principles of free enterprise, representative democracy and conservative values—ideals he holds true today.

He has always stood on principle. He does not waiver or falter, and is not easily persuaded, a fact to which many of my colleagues can attest.

Senator HELMS has never forgotten the people he represents while in Washington. An editorial about his retirement in the Charlotte Observer observed, "People who can't stand his views go to the voting booth every 6 years and push the button next to his name. Maybe he helped their mama get Social Security. Maybe he kept their farm alive. Maybe they just like the idea of a North Carolina boy going to Washington and raising hell."

He's always had a place in his heart for the youth of our Nation. In his retirement speech, he calculated that he has met with more than 100,000 young people during his tenure in the Senate. He always took the time to talk with them about what an honor it was to serve America.

The issues that have driven his Senate career have varied from the minute to the global. He has left an indelible mark on American foreign policy from his service on the Senate Foreign Relations Committee and his tenure as chairman. From favoring the lifting of the arms embrago on Bosnia to his opposition of U.S. military intervention in Haiti, he has consistently fought to keep our Nation focused on U.S. interests abroad.

On February 24, 1996, when Cuban Mig-29 fighter jets shot down two Cessna 337s in the Florida Straits, killing four members of the humanitarian group "Brothers to the Rescue," JESSE HELMS demanded that the U.S. call Fidel Castro to account for his actions.

His time as a Navy recruiter during World War II gave him insight into the importance of supporting our military troops. He has vigorously fought to strengthen the U.S. armed forces and ensure that our men and women in uniform are deployed only when clear U.S. interests are at stake.

On behalf of the American taxpayer, he demanded and received greater accountability at the United Nations for the funds America pays as part of our dues. He was one of the chief architects responsible for dramatically reshaping and reorganizing the Department of State.

Indeed, no matter what the cause, whether it affects a North Carolina farmer or textile worker, or the U.S. relationship with the U.N., JESSE HELMS has stood his ground.

He has always done so without rancor and has always been a gentleman when the fight was over. He is stubborn, he is committed to his cause, and he fights vigorously, but he is also one of the most gentle and kind men in the Senate.

For years he sat next to the late Senator John Chafee on the Senate floor. They were two Republican colleagues who didn't agree on a great deal, yet were best of friends and spoke affectionately of each other. When John died, JESSE made it his first order of business to visit his office and personally comfort the Senator's grieving staff. There are hundreds of similar stories of JESSE's graciousness and caring nature. Each of us has been touched at one time or another by his kindness.

His conviction, his determination and his passion will be missed. As JESSE leaves Washington to join his beloved wife, "Miss Dot," at home in North Carolina, we wish him well.

The 108th Congress will be a different place without JESSE HELMS. The set from North Carolina will be filled, but it will never be the same.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, over the course of our lives, many of us have role models. Role models mold and shape us as human beings. Who we choose for role models can leave an indelible mark on our character.

As a young boy, I had several role models. When I was 3 years old, I had a dad who lost his life at the end of the Second World War. He was certainly a role model for me. My mother worked very hard to try to keep the family together; she never remarried. She was a Navy widow who kept my brother and me and the family together all of those years. I had a granddad who worked hard to try to keep us on the straight and narrow, helping my mother. They were all my heroes and role models.

Politically, Barry Goldwater and Ronald Reagan come to mind as role models, as well as former Gov. Mel Thomson of New Hampshire, who once told me you stand for something or you stand for nothing, which brings me to JESSE HELMS. He is a man who has been a treasured friend, a confidant, a great Senator, and my role model for all the years I have been in the Senate. His steadfast example has helped shape who I am as a Senator and as a person.

I remember talking to Senator Gordon Humphrey of New Hampshire, your former colleague. I asked him one time: What is JESSE HELMS like? And he said: JESSE HELMS is the nicest person in the Senate. He was right; you are. Others have said that about you as well, including the elevator operators and pages and so many people you are nice to. I have seen you on so many occasions talking to students and posing for pictures with people who were not always from North Carolina. You would stop and say, Where are you guys from? And then you would talk to them. And I would hear them after you walked away and the things that they said. It really is a shame that all Americans do not know you personally, Senator HELMS, because you are one fine man. You have a long, distinguished record of service to your country and service in so many areas before you came to the Senate, and you did a lot of charitable work after you came to the Senate.

Since he was first elected to the U.S. Senate by the people of North Carolina nearly 30 years ago, Senator HELMS has tirelessly served the people of North Carolina and this nation.

Before that, the Senator's tenure of service to the United States of America began in the 1940's. Serving in the U.S. Navy during the second world war, Senator HELMS pledged his loyalty and love to the United States. I lost my own father in WWII and understand and respect the passion that the men and women of the Greatest Generation has and still have for the United States. No one embodies these ideals better than the senior Senator from North Carolina.

Upon returning from battle in WWII, Senator HELMS got his first taste of Washington politics by serving as an administrative assistant to both Senator Willis Smith and Senator Alton Lennon. Senator HELMS took his experience in the Senate and began his own historical career in his home State of North Carolina.

Before going to Washington Senator HELMS served the people of his community and home State in many ways. He served his community for two 2-year terms on the Raleigh city council, as well as being the president of both the Raleigh Rotary Club and the Raleigh Executives Club. As a man full of compassion for his fellow man, Senator HELMS further served his State as the director of the North Carolina Cerebral Palsy Hospital in Durham, the Director of the United Cerebral Palsy of North Carolina, and the Director of the Wake County Cerebral Palsy and Rehabilitation Center in Raleigh. As a man who cares deeply for the future generations of this country, Mr. HELMS has served as a deacon and a Sunday School teacher, sat on the Board of Trustees of Meredith College, John F. Kennedy College, Campbell University and Wingate College.

The thing I am going to remember is that you used your life experiences and your faith, and they were your guiding principles in the Senate. The kind of person you are is the kind of Senator you are. You were a veteran and you used that in your capacity as the chairman and ranking member of the Senate Foreign Relations Committee. You have been an unflinching proponent of a principled foreign policy throughout the world for so many years. There is no greater supporter of human rights, no more steadfast defender of American sovereignty, no stronger advocate for our national interest than you, Senator HELMS.

I have been in so many meetings—and I see the assistant leader in the Chamber as well, Senator NICKLES, who can vouch for this. So many times in meetings we have said: Senator HELMS, do you think maybe we could have your support to let this nominee go through, and Senator HELMS would never raise his voice but he would say, no, can't do it. It was always disagreeing without being disagreeable. That is why you have so much respect, and that is why there are so many people here to honor you.

When faced with a policy that you feel is counter to your values, you are like a rock. Even your opponents marvel at your fortitude. You are the irresistible force for justice and human liberty. You are an immovable object against big spending and immorality. You are not afraid to stand up on the floor time after time—and I am proud to have stood with you on many occasions, Senator HELMS. You are a man of great personal faith. This has led you to be a crusader for the lives of the unborn. Not too many people come down to talk about that issue these days, but you inspired me to weigh in on this. This, I believe, will be the defining moral issue. This will be the slavery issue of the 20th century and perhaps even the 21st century. You were right to defend the unborn. History will judge you as being right, and I am proud to follow in those big shoes of yours, Senator HELMS.

Being a conservative Republican has led Senator HELMS to fight for the rights of taxpayers, small businessmen, and the constitutional rights of all Americans.

Most importantly, Senator HELMS has used his experience as a husband, a father, and a grandfather, to promote strong family values and to guide this country over the last 30 years.

You have never shied away from controversy. You always do what is right, never even considering the political consequences to yourself. Whether you are fighting for the right of students to pray in school, the right of the Boy Scouts of America to organize and inspire young boys to join, or the right of the taxpayers not to have their hard-earned money wasted, you do not worry about the opponents or distorted reports by the news media. You follow your heart.

I have always admired Senator HELMS' dedication to his conservative values. The example that Senator HELMS sets is something that we all as conservatives need to follow. There has been no senator as outspoken on the conservative agenda over the past three decades. JESSE was recognized in 1980, 1981, and 1983 as the "Most Admired Conservative in Congress". He also received the "Conservative Caucus 97th Congress Statesman Award" in 1983.

It will be one of the fondest memories in life to know I sat here and served with you in this body.

The news media used to call him "Senator No," because he never compromised his values or beliefs, and that is something for him to be proud of and the rest of us to admire. While Senator HELMS, always full of humor, embraced the reputation, I think those of us who know him understand that the media did not tell the whole story.

I believe they should have called him "Senator Yes." Because when Congress was trying to waste the taxpayers' money, JESSE HELMS stood up and said "yes" to the taxpayers.

When the unborn were being threatened, he said "yes" to human life.

While some were saying "no" to human rights, to personal freedom, to limited Government, to morality, to family values, JESSE HELMS always stood up with a resounding "yes."

And even when his more ardent opponents in the Senate will vouch for the fact that there is not a more decent human being in the entire Senate. Always a smile on his face, always time for schoolchildren, always courteous, always a friend.

As an American, I am truly grateful for JESSE HELMS' patriotic service to his country. But, personally, what I will most treasure is 12 years of friendship.

JESSE, you were always there for me, and while I bid you a fond farewell as we both part from our Senate service, I will always stay in touch. I will always consider you one of my best friends.

Senator HELMS has pledged a lifetime of loyalty, love and service to the United States. The senator is a patriot in every sense of the word. Thank you, Senator HELMS, for serving this country as you have over the past three decades.

May God bless you and your family.

I want to close on a couple of points. The news media gave you a name, and I know you had some fun with it. For those of you who have not been in Senator HELMS' office, it is just plastered with all these cartoons. Some of them are pretty rough. But they always called him "Senator No." There are two ways to look at that because you never compromised on your values or your beliefs. So oftentimes you were down here voting no when others were compromising those values and beliefs. That is something of which I am going to be proud. The thing I am most proud of remembering about you—always full of humor, always embracing the reputation—but those of us who really know you understand that the media had it wrong. You were not Mr. No. You were Senator Yes because you were right. It was "yes," to try to stop wasting taxpayers' money and stand up for them. It was "yes," the right thing to do, to stand up for the unborn. It was "yes," to stand up for human rights, personal freedom, limited Government, morality, family values. It was not Mr. No, it was Senator Yes.

Each of your most ardent political opponents in the Senate—you heard Senator WELLSTONE—will vouch for the fact that there is not a more decent human being who ever lived in the United States of America, or ever served here.

I am standing now at the desk of Daniel Webster. There are going to be a lot of people following the Senator from North Carolina, from North Carolina, who are going to be standing at the desk of Senator HELMS.

I am proud to serve with you, my friend. You are a great American, a great patriot, and I wish you the best in the years to come.

I yield the floor.

Mr. HELMS. God bless you. Thank you, BOB.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak as in morning business for as long as I might consume regarding the tribute to Senator HELMS, and ask for that privilege as well for the Senator from Wyoming, Mr. ENZI.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I rise today to join my colleagues in offering tribute to my friend and fellow Senator, JESSE HELMS. As my dear friend so loved to say, even a blind hog finds an acorn sometimes. So I hope my poor words may be able to rise and find the acorn here in a proper tribute to Senator HELMS for the years of service and contribution he has made to this great country and what he has given to the world.

I know today many of my colleagues are lauding him for his grit and determination, his principled stands, and his ability to always fight the good fight even if it was a lonely and sometimes frustrating fight. Senator HELMS has always done so. He has always stood firm despite the opposition and the disapproval.

We have had a number of colleagues already speak about these traits and speak of them in laudatory terms. In fact, he was known for telling his staff and his allies that it did not matter, if they stuck to principle, if they lost. What mattered was they stuck to principle. All the other things would fall by the wayside, but you have to stand by your principle and you have to fight for it regardless of whether you win or lose. That was a great lesson to me, coming to this body, of the service that we have here for the world. You fight for your principles.

There is so much to say about JESSE HELMS, my dear friend. There is much to say that is obvious. There are some things to say that are not known very well publicly. I know from personal experience about his traits and his attributes that so many people are talking about—his determination, standing by principle. I served with the Senator when I first came to the Senate. I haven't been in this body a long time, but I served with him the entire time on the Foreign Relations Committee. I know he always treated new Members in a manner unlike most people treat new Members. He treated new Members with a great deal of respect, with a great deal of courtesy, which is the way he treats everybody—it is a true Biblical principle. You don't treat the great and the lesser any different. He always did that for new Members.

I came into the Foreign Relations Committee, the first meeting I had there, sitting way at the end of the bench. There was not a seat further away from the chairman where I could sit. They had to actually build another seat there to give me a space to sit. And then he calls on me first at the committee, which had me quaking in my boots at the time. I was ready and prepared to sit for a couple of hours and wait my turn and build up some knowledge. But it was his trait and his standard that each year when he had a new Member come in, he recognized him first at the first meeting. It was very kind of him to do that, to welcome people. That was just his nature and his characteristic, and it was always done.

It is no surprise that he has always been voted by the Washingtonian magazine as the nicest Senator, which I think is quite a tribute when we look back. I have on my wall a picture of Mother Teresa and a quote from her. She says: At the end of life we are not going to be measured by the positions that we achieved or the things we accomplished or the wealth we had. What we will be measured by is the amount of love with which we did the work we had. We will be measured that way.

It doesn't matter if you are a Senator presiding in the Senate, the President of the United States, if you work at any job anywhere—it is not the accomplishment of the physical that you do, it is not the accumulation of money you accomplish, it is not the wealth, it is the love you express in the job that you have.

Senator HELMS has expressed a great deal of love to everybody and has had a high degree of success and will be very rich in rewards.

These are the examples he has given to so many of us so constantly. It is such a beautiful tribute.

He has a robust sense of humor that many have not had the pleasure of being able to experience, although I have. One of my favorite facts about the Senator—Senator SMITH just mentioned it—is when you go into Senator

HELMS' office, he has on the walls every cartoon that has ever been done about him. There are quite a few of them. They are scattered around the walls. A number of them Senator SMITH said are not glowing in their comments, but he puts them up. I think it is quite a tribute there as well that he would show both sides, so anybody who comes into his office can see the caricature that is made by anybody. I think that is a good trait of humility. Humility is the first grace. We need much humility.

In addition, one of his prize possessions is a big rubber stamp that says "No" on it. Needless to say, he has wielded it often and with passion. But in reality it was not just saying no or being Senator No, though those working on treaties and nominees over the years may have believed so, he was actually one of the most effective compromisers in the Senate.

Yes, it is true. That is what happens when everyone knows exactly where you stand and that your word is your bond. For Senator HELMS, his word was definitely his bond. One of the facts to know about Senator HELMS, though, is what a true gentleman he always was. Several people have spoken about that. No matter how bitter a foe or how fierce a disagreement, he was always kind to his opponent. You are to love your friend and you are to love your enemy. He practiced that Biblical admonition as well if not better than anybody I have ever seen.

A foe who might be fierce in disagreement, in most cases would, afterwards, and even during the debate, admire and like his opponent. For example, he has always truly liked Madeleine Albright, Secretary of State, though most on the outside saw them as no more than simple enemies. He and Madeleine Albright had a marvelous relationship, even though they would disagree on probably the complete course of the meal, soup to nuts. But they had a wonderful personal relationship—although even that, too, is too simplistic an analysis. Clearly, not enough to really say about his character, it is a true sign of character to understand the best results come from fighting worthy opponents and to be willing to graciously acknowledge and admire these opponents. It was a lesson I took to heart, seeing how he fiercely defended his principles, yet how much he cared for and always took time to honor those he fought against and with whom even disagreed. He honored them. He did love his opponents.

He took almost as much care in those cases as he did with his own staff—many of whom are here, as was noted. Senator HELMS is also known for being deeply devoted to his staff, considering them his family and treating them as such, practicing an open-door policy and complete loyalty and always ensuring that he knew what was going on in each staffer's life.

As in so many areas, he did not just preach family values, he practiced them. This has been a great lesson to me as well. So many times you get busy and you feel you are just trying to suck things out of your staff—I need this information; I need that—when our true role is as a shepherd, to feed them, to care for them, to tend them, and to nourish them. These are people with whom we have an unusually positive relationship. Senator HELMS does that well.

One of the reasons he and I bonded was something that we share—the adoptive children we have. He has unmeasurable effort he has made for adoptive children and for adoptive parents across the country, and even around the world. He has always cared incredibly deeply about children and those less fortunate. That is just one area of many where he has truly put his energy and where his beliefs are.

There is a personal story that is just too personal to tell. But it is about his adoptive child in a red cap that Senator HELMS told me about. It is too personal to say here, but it is such a touching story, a tribute to a man adopting a child, the gift that child was to him, and the gift he was to that child.

But I think the most important things to consider when contemplating the Senator's great and illustrious career are some of the things he would probably say are his proud achievements—his long and true marriage to his beloved Dot, volunteering for the Navy right after Pearl Harbor, the Jesse Helms Foundation, his solitary action as a lone Republican stumping for a gentleman by the name of Ronald Reagan back in 1976, and his unlimited love for children. Throughout his lifetime, but especially during his career in Congress, he has never forgotten the children, including them and introducing them to worlds they may never experience; for example, inviting the pages, who are so often overlooked by all of us despite their hard and dedicated work, to his Jesse Helms Foundation dinner, assuring that all of them will be introduced to everyone attending the dinner.

Senator HELMS has often been seen as the Rock of Gibraltar, an oftentimes lonely role, yet always a steadfast defender of American and Republican principles. He is so much more than that. He is a kind and gentle soul who has brought humor, compassion, and character to this august body. He has been and always will be a role model of the true gentleman.

In his Second Epistle to Timothy, St. Paul writes: "I have fought the good fight, I have finished the course, I have kept the faith." Senator HELMS has certainly done so.

You have fought the good fight, you finished the course, you kept the faith. God bless you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask unanimous consent for a short quorum call, followed by Senator BYRD for a brief moment on the floor, followed by me, and followed by Senator SESSIONS.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I come to the floor today not entirely with sadness in my heart but, rather, a sadness that is commingled with joy, as I look back across the 30 years I have known JESSE HELMS as we have worked in this body.

I can remember him when he came to this Senate Chamber 30 years ago: tall, strong, black hair. Some things have changed about him; some things have changed about me. But there are some things that have not changed. One of those things is my respect for him.

He comes from a State which is the State in which I was born, North Carolina. I have a brother living in North Wilkesboro today. He became 89 or 90—I forget which—in August, last month.

My dear mother is buried there in an unmarked grave. She died during the great influenza epidemic. She died on the night before the armistice was signed. I have a little pillow that she made. And I know that I have been guided by my mother's prayers over these soon to be 85 years, although I do not remember ever seeing her face or ever feeling the joy of a mother's kiss. But those North Carolina hills keep her in their bosom today, as they keep my father.

The motto of the State of North Carolina is: "To be rather than to seem." What a motto: "To be rather than to seem."

I believe, based on my relationship with JESSE HELMS, that he typifies that motto: "To be rather than to seem."

I have always found him to be a gentleman. During the years in which I was majority leader, minority leader, and majority whip, I always found JESSE HELMS to be someone with whom I could work. There were differences and there were difficulties at times—for instance, difficulties in breaking through a filibuster—but this man was always what he was, not what he seemed. He was what he was. He was not a man to be intimidated. He took a stand. He was willing to take a stand even though he might stand alone. And

I have seen times when he stood alone, but it was without a tremor, without any indication that he would cut his sail.

He had that sterling character that so many of the people of his generation displayed throughout their lifetimes. And the people of North Carolina are a naturally warm and gracious people, just like JESSE HELMS.

As I say, no matter what his position on an issue, no matter what his political feelings might be, he was always one with whom I could approach and sit down and talk. And he was a man with whom I could reason when I was the leader of this body. It is not an easy job. But being the man that JESSE HELMS is, and standing for what he believes, standing against the odds—no matter what the press said, no matter what the pundits were saying, no matter, should I say, even what his colleagues were saying—he took his position and he never wavered, never wavered.

I shall always treasure my work here with JESSE HELMS. I think when JESSE HELMS goes, something goes out of this Senate that we will not see again.

I saw a lot of men like JESSE HELMS when I came to this body 44 years ago—a lot of men and one woman like JESSE HELMS. They were strong in their beliefs. They believed in the Constitution. They believed in this institution. They weren't looking for another political office. They wanted to be Senators. They were Senators. And they served their people the institution, and the Constitution well.

In all these situations—and I remember Members like JESSE HELMS—there has been a wife who sacrificed, who stood there shoulder to shoulder with that Senator and who, like him, was always a gracious person, one who loved the Senate, one who served the Senate, just as the elected entity served it.

I have great respect for JESSE HELMS and his wife Dorothy. My wife and I today join in saying we will always remember their friendship. I will always remember this man from the mountains of North Carolina.

I remember Grandfather Mountain in North Carolina. Here was a true gentleman of the Old South. A true gentleman of the Old South will leave this Senate. He won't leave my memory. He won't leave my affections. They will follow him. As Tennyson said, "I am a part of all that I have been." And wherever I go, JESSE HELMS will always be a part of me. He will go with my fondest affections.

I thank Mr. ENZI for yielding to me at this moment. I am about to yield the floor.

Let me, if I may, repeat the words of a short verse that are very appropriate in talking about JESSE HELMS:

Reputation—he raised its shaft
In the crowded market place;
He built it out of his glorious deeds,
And carved them upon its face;
He crowned its towering top with bays
That a worshiping world supplied;
Then he passed—his monument decayed,
And his laurels drooped and died.
Character—he built its shaft
With no thought of the pillar to be;
He wrought intangible things like love
And truth and humanity.
Inseparable things like sacrifice
And sympathy and trust;
Yet, steadfast as the eternal hills
It stood when he was dust

North Carolina sent to the Senate one of its favorite sons, and this son of North Carolina will never forget JESSE HELMS and will never cease to respect him. Even when I differed with him perhaps on an issue now and then, there was always great respect, knowing that here was a man who believed in serving his people and standing for what his people expected him to stand for.

May God always be with you, Senator HELMS, and with your charming wife Dorothy. May God always bless her.

I yield the floor.

The PRESIDING OFFICER (Mrs. CARNAHAN). Under the previous order, the Senator from Wyoming is recognized.

Mr. ENZI. Madam President, I thank my colleagues for allowing us to extend this period. It is not every day we get the opportunity to pay tribute to one of our heroes. I am sure Senator HELMS would object to that wording, of being a hero, but if the definition is ordinary people doing extraordinary things, he might agree with it. But he goes well beyond that.

For most of my life, I had read about JESSE HELMS. And then I got elected to this body and got the awesome opportunity to meet him and to talk to him and to learn from him. It has been a delightful journey, one I will always remember and appreciate.

In reading a little of his background, I learned that the Senator grew up 15 miles from the birthplace of Andrew Jackson, which is a breeding ground for true believers. With Jacksonian tenacity, he stuck to his early convictions—respect for elders and law and order, traditional religious faith, moral principles, and patriotism. He is here today with a lapel pin on that he has explained to me before. We are a part of the same organization. It is a Masonic pin he has been wearing since his first election. That is part of the great tradition and background of the Senator, an organization of individuals for self-improvement, and it is something he has worked on all his life and is still working on and is passing on to others.

As Senator HELMS was coming to this body, the Senator from Wyoming who had been another role model of mine, Senator Hansen, was here briefly and then left. From my mother and from Senator Hansen and Senator HELMS, I have fashioned a mission statement that is in all of the rooms of my offices where my staff and I work. It says: Do what is right. Do your best. And treat others as you want to be treated.

That is a motto Senator HELMS exemplifies in great detail. He is one of those people who never gives the impression that a Senator is special. He knows that we really are people who had special opportunities and special responsibilities. He epitomizes that.

He has had a considerable effect on events over the years. While he hasn't gotten to restore America to the state of the Monroe of his youth, he has made great strides at it, probably ones he never envisioned.

I like a quote by Fred Barnes written in the Weekly Standard: He can't be buffaloed or ignored. HELMS has gained strange new respect, not as many conservatives have—by moving to the left. HELMS has earned it the hard way—by not moving at all.

He is a man of principle who knows where he is coming from and what needs to be done and has made dramatic improvements in America while he has followed that principle.

This year, I had the opportunity to join Senator HELMS on the Senate Foreign Relations Committee and hold a position on the International Operations and Terrorism Subcommittee. In this role I have seen and heard much of Senator HELMS' work with the United Nations. Americans and all those involved with the United Nations look at Senator HELMS as one of the strongest supporters for reform of that organization. Many still talk about the wonderful pictures of Senator HELMS sitting in the United Nations Security Council during a historic visit by the Foreign Relations Committee in 2000.

Because of his efforts, the United States remains an active member, and the United Nations has become a more efficient organization. There is, however, still more work to do. I know Senator HELMS will be sorely missed in those discussions. He has had a tremendous effect.

I conclude by mentioning that as an Eagle Scout, I am proud of Senator HELMS' efforts to protect the organization of the Boy Scouts of America. The organization makes a strong difference in the lives of many of our Nation's young men. It teaches them leadership and values. Senator HELMS should be commended for his actions and for all of the efforts he has put forth on behalf of youth, North Carolina, the country, and the education of people like me. I thank the Senator for all of his efforts at mentoring and teaching, and his long service.

This past year I had the opportunity to join Senator HELMS on the Senate Foreign Relations Committee and hold a position on the International Operations and Terrorism subcommittee. In this role I have seen and heard much about Senator HELMS' work with the United Nations. Americans and all those involved with the United Nations look at Senator HELMS as one of the strongest supporters for reform of the organization. Many still talk about the wonderful pictures of Senator HELMS sitting in the United Nations Security Council during a historic visit by the Foreign Relations Committee in 2000. Because of his efforts, the United States remains an active member and the United Nations has become a more efficient organization. There is, however, still work to do and I know Senator HELMS will be sorely missed in discussions on the next steps for reform.

I was also pleased this last year to support Senator HELMS' efforts to expand the NATO Alliance. I agree that NATO enlargement should continue to be a focus and a priority of the United States. Senator HELMS championed the effort in the Senate on the Freedom Consolidation Act and made a meaningful statement that the Congress of the United States supports the President and supports NATO enlargement. As the NATO Ministerial meets to discuss the expansion of the alliance, I am confident Senator HELMS' work will be appreciated.

Senator HELMS has been able to balance supporting international organizations with strongly criticizing their actions when they go too far. He has fought fiercely against treaties that are not in the best interests of the United States, such as the International Criminal Court. Senator HELMS has been the lead objector to treaty that would put our American Servicemembers on trial for simply doing their work to protect Americans. His efforts have encouraged this Administration to be an active voice against the prosecution of American citizens with disregard for our protected rights.

Senator HELMS has been a leading proponent for conservative values and beliefs He has lead floor debate to protect the lives and the future of all Americans. He has made it his personal duty to protect our rights from overreaching laws and values not in line with the beliefs of most Americans.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Madam President, I want to say a word or two, and ask unanimous consent that it be in order for me to make my remarks from my seat, following the remarks of Senator SESSIONS.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alabama is recognized.

Mr. SESSIONS. Madam President, I believe that under the UC I am to be recognized next. I understand other matters are to come before the body soon.

I want to say how much I admire Senator HELMS. He is and has been a great Senator. He came here with beliefs and concerns about America and he stood up for them. He also came here with courage and convictions. He stood for those throughout his career. He has shown us all what one man can do when he stands up for his beliefs. He is a man I admire, as so many others do.

I yield the floor.

Mr. BOND. Madam President, for the youngster who is retiring from the greater Carolina delegation, I bid a fond farewell. I am delighted for him and his wife Dot, who after three decades in the Senate will get to spend some time for themselves and with their seven grandchildren.

The bad news is that there are a great number of others who will be delighted with Senator HELMS' departure. Foreign Communist officials, Fidel Castro, and others will be delighted that he will not be on the Senate floor standing tall on behalf of U.S. values, U.S. security, and human rights. Over his many years of service, his strict observation to U.S. security interests never wavered. On matters of foreign policy and national security, he never rested. He never allowed officials at the Department of State or the United Nations to rest either. When it came to the security of free people, his philosophy has always been, keep your powder dry and keep lots of powder.

Despite his rigid reluctance to compromise, his legislative record has been extraordinary. Understanding the rules of the Senate, being willing to use the rules of the Senate, and being willing to wait as long as it takes proved to be a formula for much legislative success. To reorganize the State Department, Senator HELMS had to hold up 18 nominations for ambassadors, halted almost all committee business for six months as well as approval of two international treaties, and overcome a Presidential veto.

A big supporter of President Reagan and his conservative agenda, Senator HELMS was one of two Senators to vote against the nomination of Secretary Weinberg to be Secretary of Defense. Again, a protector of the conservative agenda, he felt the nominee was not adequately committed to the President's agenda; always brave, seldom subtle.

Over his long career, Senator HELMS has won praise and scorn for doing what he came to Washington to do, which is speak his mind and vote his convictions. He didn't mind being the only one to vote against a spending bill. He paid his constituents the courtesy of being candid. He did not need to do a poll to have an opinion. It is not his habit to "flip-flop" on political issues because with JESSE, he means what he says and says what he means.

One political commentator described the senior Senator as follows: "HELMS follows a simple formula; Implacability equals strength, It works. He can't be buffaloed—or ignored. . . . The point here is HELMS has gained strange, new respect not as many conservatives have—by moving left. HELMS has earned it the hard way—by not moving at all."

To "official Washington," Senator HELMS was referred to as "Senator No." But to his beloved constituents asking for help, he was: "Senator Yes." His first floor statement on January 11, 1973, was on behalf of "more than 182,000 families in my State [who] earn their living from the production of tobacco."

In the Senate, we will miss this true gentleman with his gentle smile, his great sense of humor, and his tireless commitment to our Nation. We wish you, your wife Dot and your family well and thank you and the good citizens of North Carolina for your service.

Mr. FRIST. Madam President, nearly 1,900 men and women have served in this body since its inception in 1789. Yet only a couple dozen stand out in history as leaders who not only defined the times in which they lived, but changed the course of the future. I would include the man we honor today—Senator JESSE HELMS—in those select ranks. He will be missed as a friend to us all and a leader for all America.

Although one might find it hard to believe, Senator HELMS began his career in the media. After World War II, JESSE worked as city editor of the Raleigh Times. Later he became director of news and programs for the Tobacco Radio Network and radio station WRAL in Raleigh.

The media also provided Senator HELMS' transition into politics and public affairs. In 1952, he directed radio and television for the presidential campaign of Senator Richard Russell of Georgia. One year later, JESSE became executive director of the North Carolina Bankers Association and editor of the Tarheel Banker, which he grew into the largest state banking publication in America.

As a journalist, Senator HELMS earned the respect of his readers and his peers. From 1960 to 1972, JESSE delivered daily editorials on WRAL-TV, wrote columns that appeared regularly in more than 200 newspapers nationwide, and broadcast on more than 70 radio stations in North Carolina. JESSE received the Freedoms Foundation Award for the best television editorial in America. He won the same award for the best newspaper article.

JESSE HELMS' arrival in this chamber nearly 30 years ago made history. He was the first Republican elected to the Senate from North Carolina. His star immediately began to rise. At the 1976 Republican National Convention, he was the only Senator to endorse Ronald Reagan for President. And though he asked for his name to be removed from the ballot, he won the support of

99 delegates for the nomination of Vice President of the United States.

While in the Senate, JESSE HELMS has become one of those unique leaders who combine fierce conservatism with fierce populism. His love for the principles upon which this country was founded is matched only by his love for the people he represents. He has always stood up for the people of North Carolina—for the values they hold dear, for the beauty of their land, and for the work that is their lifeblood.

JESSE has also stood up for those of the world who don't enjoy the freedoms and rights that Americans are guaranteed. He stood side-by-side with President Reagan in the battle to win the Cold War. He believed in peace through strength and still does. He also believes in the value and dignity of every human life. I know this first-hand. JESSE and I have worked hard as members of the Foreign Relations Committee to secure hundreds of millions of dollars to save young Africans from the plague of HIV/AIDS.

Always one to practice what he preaches, JESSE HELMS has served as a deacon and Sunday School teacher and a director of Camp Willow—a Christian youth camp he helped found. He has generously given his time to combat cerebral palsy. And he has spent countless hours with the nearly 100,000 children and young adults who have stopped by his office to shake his hand. JESSE has inspired them all to be better citizens; many have even gone on to serve in public office.

I, and all of us in this chamber, will miss having JESSE HELMS in the Senate. And America will miss an impassioned leader. But our loss is the gain of his family and the great state of North Carolina to which he will return. I think we all know that JESSE HELMS won't just fade away. He'll continue spending time doing what he loves, and we'll continue loving him for it.

God bless you, JESSE.

Mr. LUGAR. Madam President, I am pleased to join with other Senators in honoring our distinguished colleague, JESSE HELMS, who will be returning to private life at the end of the 107th Congress.

For the past 26 years it has been my privilege to serve in the United States Senate with JESSE HELMS. During that time, we have shared committee assignments on the Foreign Relations and Agriculture Committees. We have worked together on innumerable issues, and I have witnessed with admiration his strong character and devotion to public service.

Senator HELMS has played an important role in the primary U.S. foreign policy accomplishment of the second half of the 20th Century—the collapse of Soviet Communism and transition of most of the world's Communist nations to democracy and market economics. In the Senate, Senator HELMS was a steadfast supporter of policies that opposed the evils of the Soviet bloc. He looked forward with confidence to a future in which Russian foreign policy would not be predicated on empire, in which Russia would practice democracy, and in which Eastern Europe and other Soviet-dominated nations would be free.

After the collapse of the Soviet Union, Senator HELMS was an important advocate for embracing the new democracies of Eastern Europe. He was and continues to be a vocal supporter of NATO enlargement within the Foreign Relations Committee and the Senate as a whole. It is fitting that as we celebrate Senator HELMS' career, we anticipate the entry of a new group of nations into the NATO fold that were once denied their liberty.

Throughout his career in the Senate, Senator HELMS' foreign policy initiatives were grounded in a fundamental faith in the power of freedom and democracy. Senator HELMS' philosophy has been devoid of the cynicism that occasionally afflicts the practice of U.S. foreign policy. Our friend never forgot that the achievement of freedom must stand as the basis for American actions in the world. He remained devoted to core American values that have undergirded our Republic, including free and fair elections, freedom of religion, the rule of law, and market economic opportunities.

Senator HELMS has had an equally large impact on domestic policy. He will be remembered as a determined advocate for limited government. But no matter how passionately he advocated limits on government, he always understood that those limits should not reduce our human responsibilities to each other as citizens and leaders of a great nation.

In my experience, few Senators have been as quick with a smile or as certain to ask about a family member as Senator HELMS. In fact, few Senators ever had a greater appreciation for the strength and love of family.

No remarks honoring Senator HELMS would be complete without mentioning his beloved wife, Dot. A couple of years ago, I recall Senator HELMS responding to a reporter's question about whether he intended to stay in the Senate. He said "she has a vote; I have a vote; and if there is a tie, we will work it out together." All Senators know how important Dot has been to JESSE over the years. Even as we will miss seeing our friend every day, we know that JESSE will be blessed by the opportunity to spend more time with Dot and his family.

Senator HELMS leaves the Senate after 30 years, having established a legion of friendships and a memorable legacy. I am confident that he will continue to serve the public, and I join the Senate in wishing JESSE and Dot all the best as they move on to new adventures.

Mr. SESSIONS. Madam President, as I indicated earlier, Senator HELMS is a great Senator because he came to the Senate with beliefs and principles. He has personal integrity and a strong work ethic. He mastered the rules of the Senate, and fundamentally his greatness came from the fact he had the courage to act on those convictions and see them through, even in the face of criticism. He stood for traditional American values, for faith, for institutions important to our country, such as the Boy Scouts. I was an Eagle Scout, and I appreciate so much his leadership for them.

He ran for the Senate because of his beliefs and concerns about America. That is what made him choose to offer himself. He believed America was a great bastion of freedom. He defended her without apology. He was not a part of the "blame America" crowd. He would never go to a foreign country which had demonstrated a history of bad behavior throughout the world and blamed America. He would stand and say, for all our faults, America has stood for right in the world, and we ought to be proud of what we do.

He understood the history of America, its uniqueness as a Nation of freedom. He understood the importance of the United States to the world as a whole, and he clearly saw, throughout his tenure; godless communism was incompatible with the faith and freedom that made America great. So he stood against it, without apology.

He had the great joy, I am sure, when his good friend Ronald Reagan was President, to see the collapse of the Soviet Union, the fall of the evil empire, and see freedom begin to spread around the world. What a wonderful feeling it must have been for this patriot, who stood so long for strong national defense, who stood so long for the values of America, and contrasted them with the totalitarian governments in the communist world. And it was a battle. It was a long struggle. There were good times and bad times. People who stood with firmness, like Senator HELMS, were often attacked most aggressively in the liberal media, but he put his beliefs and his love for America first. He was prepared to take the heat, and I believe history will record he stood on the right side of that issue with consistency, integrity, and courage, and played a major role in the victory of freedom over communism.

Senator HELMS understood the necessity of American leadership in the world. He understood our unique history. He therefore defended our sovereignty. He defended the ability of the United States to stand alone, if need be, as he had to do at various times politically, to defend the interests we have. He was willing to work with the United Nations, NATO, and other groups, but he was not prepared to cede our sovereignty to that group.

Some time ago, I made the reference to the treaties and agreements so many would like to have us sign. They are much like, in my mind, the scene of Gulliver in the land of Lilliputians, being tied down by hundreds and hundreds of strings. Pretty soon the giant is not able to act and defend himself. We do not need to allow ourselves, through a rush to agreements and multilateral organizations, to be tied down from our freedom.

He provided a critical check against these trends through some difficult times, and I think he sees today the world is better off for it.

As a matter of fact, with regard to the U.N., he was exceedingly critical of the waste, fraud, and even corruption in the United Nations. He knew there was a problem; so did almost everyone sophisticated in the world today. They knew money was being wasted and spent unwisely. They knew there was corruption in programs and within the institution itself. Senator HELMS simply said, and was unmovable on the view, until there were reforms in the United Nations, he would oppose American back payments, and he got that.

Oddly, this Senator, who was not emotionally invested in the United Nations, probably has played as big a role as anyone in making that organization a better institution today. He had bipartisan support for that position before it was over.

He helped form the steering committee of the Republican caucus in the Senate, beginning as a small group of conservatives and has grown now to over 49 members of the Republican caucus. Of Members of that steering committee I am honored to be a vice chairman and one of the leaders of it. Senator GRAMM is here today and served as chairman. Senator HELMS served as a chairman in the early days, 1981 to 1985. Now that institution does have a great voice in the affairs of this Senate.

He is a great church man, a Baptist deacon, a Sunday school teacher. He graduated from the Wake Forest University, a superb Baptist school, with a superb Baptist heritage. He is a man of faith and belief for which he never apologized. There is in the tradition of the Baptist Church a tremendous belief in the sanctity of individual human beings, a sense of democracy that is unique. Senator HELMS says that every individual human being had the same creator and the same value in the overall scheme of life.

He is a man of graciousness. He is a southern gentleman and kind and wonderful to his friends. But he was strong and courageous and firm when he believed his principles called for that. He could be unmovable, but he was also kind.

He told the story to me of his friendship with former Senator Jim Allen from Alabama. Like Senator HELMS, he was an independent man who knew the rules of the Senate and had the courage to utilize and fight for these values and use those rules effectively. He told the story about coming to Alabama for Jim Allen's funeral. They got off the airplane. Senator ALLEN was extraordinarily well respected in the State, loved throughout the State. He recalled to me seeing a sign that said "a giant has fallen," and tears came to his eyes as he told that story to me.

That shows the extent of his affection for his fellow Senators, his deep feelings of companionship. At the same time, our Senator HELMS has been a giant for American values, for American principles, and for this country. I have been honored to know him. I have been honored to know his wonderful wife, Dot, as has my wife, who so much admires her. We give them our best wishes in their future endeavors. We wish them health and vitality and many years of service and enjoyment with their family and friends. They have been served with great distinction.

Senator HELMS has been a giant in this body. It has been an honor to serve with him.

I yield the floor.

Mr. KYL. Madam President, it is with mixed emotions that I rise today to pay tribute to my colleague, mentor and friend, Senator JESSE HELMS, who is leaving this body after 30 years of extraordinary service to our country. I want to honor him and convey to people around America who do not know him, what a great person he is. Yet, I hate to see him go.

Many words come to mind when I think of JESSE HELMS: principled, stalwart, kind, patriot, American. But, when I mull his retiring from the Senate, one word keeps coming to mind: irreplaceable.

JESSE HELMS will not be, he cannot be, replaced, and that is a sad thing. His presence here has been a constant for three decades. Like few others in this body, Senator HELMS' career has achieved near-mythical proportions; it is the stuff of legend.

Why is that? I believe it's because few, if any, others can match JESSE HELMS' deep and unshakable commitment to principle. JESSE's not much of a deal maker. His vote has never been up for grabs. You always, always knew where he stood. Some agreed, others disagreed. But you didn't have to guess.

You get a glimpse of this simple yet profound approach when you walk into JESSE's office and see the large yes and no stamps on his desk. That is what it has been like to deal with JESSE HELMS. If your idea met his high standards, you got an immediate and enthusiastic "yes." If it did not, you got an amiable but unmistakable "no." And if it was "yes," he'd stick with you no matter what. Popularity was not a factor. The best interests of this country were what mattered.

It has been a great honor for me to work with Senator HELMS during my 8 years in this body. We have endeavored together to promote conservative ideas, in particular the idea that America's security is best preserved through the maintenance of our strength and the promotion of our values. But I was just following the trail that JESSE HELMS blazed. In the 1970s and 1980s, JESSE HELMS led the fight to put morality and strength back into American foreign policy. People the world over, from Louisiana to Lithuania, from Texas to Taiwan, are better off because of that.

Mark Twain said: "Always do right. This will gratify some people, and astonish the rest." I was always among those gratified by Senator HELMS' courageous stands on matters of high principle. He did right. And watching other people's astonishment at this was one of the great things about the Helms era in American politics.

We will miss you, Senator.

Mr. THOMPSON. Madam President, I rise to pay tribute to the senior Senator from North Carolina, Senator JESSE HELMS. Born in Monroe, NC on October 18, 1921, Senator HELMS has served our country over several decades and in many capacities. From 1942 through 1945, Sen. Helms proudly wore our country's military uniform as a member of the United States Navy. After World War II, he helped generate public debate as both journalist and editor.

Senator HELMS took up the mantle of public service in 1957 when he was elected to the Raleigh City Council. During his four years on the council, he served as the chairman of the Council's Law and Finance Committee. In 1961, Senator HELMS returned to journalism, serving as the executive vice president of the Capitol Broadcasting Company. He also wrote daily editorials for television and radio on the most pressing issues of the day. His writings were so popular that they were printed in more than 200 newspapers throughout the United States.

Senator HELMS was elected to his first term in the Senate in January 1973. He has been reelected to the Senate five times and has served this body for nearly thirty years. During that time, Senator HELMS always stood firm in his beliefs. Like a rock in the midst of a raging storm, his commitment to principle has never wavered. He has been a fierce advocate for less government, reduced taxes, and greater individual freedom. For the last decade, he has served as either chairman or ranking member of the Senate Foreign Relations Committee, where he has worked to secure our country from foreign threats, protect American sovereignty in international institutions, and spread democracy to those oppressed by tyranny and injustice.

Margaret Thatcher once described the essence of accomplishment. She said, "Look at a day when you are supremely satisfied at the end. It's not a day when you lounge around doing nothing; it's when you've had everything to do, and you've done it."

Senator HELMS has certainly had everything to do, and he has done it. He has accomplished much and finished well. His decades of service to his country and his beloved State of North Carolina have been an example to us all. He is a man who deserves our tribute and our gratitude.

Mr. HOLLINGS. Madam President, I join the chorus of Senators who today are saluting our good friend of 30 years, the distinguished Senior Senator from North Carolina, Senator HELMS.

For all 30 years the two of us, representing both Carolinas, have shared the fight to keep jobs in our respective states. If I can say one thing about this man, it is that he has always, always looked out for the interests of the little guy.

Too many in this town want to forget about the people who get up every day, give an honest day's work at a textile plant, play by the rules, but lose out because of the unfair trade policies of this country. Senator HELMS always looked out for the people Washington could care less about; the people who Washington thinks we can re-train into high-tech, high-tech, but who wants a 55-year old first time computer operator? For his voice on trade issues is how this Senator will remember my friend, and it is for this voice that he has been such a great asset to this institution.

Obviously, on many issues we disagreed; but he and I would cross any and every party line to help the people of our states. In the future, no trade debate in this body will ever be the same without the man who served as Senator from North Carolina longer than any other from that state.

My wife, Peatsy, and I congratulate Dot and JESSE, and we wish them only health and happiness in the future.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, I begin by talking about our dear colleague, JESSE HELMS. It is hard to decide what to say about this good man that virtually everybody in America knows. As expected with someone who has strong views as JESSE HELMS, they either like him or they don't like him. I like him. In fact, I am proud to say that I love the senior Senator from North Carolina.

So much has been said about him, I don't want to be repetitive, but there are a few points I want to make. It is important to look back at America and what America was like and what the Senate was like and what debate was being conducted when JESSE HELMS came to the Senate. It is fair to say JESSE HELMS was conservative before conservative was cool. When JESSE HELMS came to the Senate it was conventional wisdom in the Senate to begin every foreign policy statement with a long list of indictments, not against our would-be adversaries, but against our own country. There was a guilt about America, this doubt about our purpose and our policy.

JESSE HELMS, as a young member of the Foreign Relations Committee, started the process of changing that debate. JESSE HELMS may have had doubts about many things, but he didn't have any doubts about America. He did not have any doubts about what we stood for and stand for. He did not have any doubts about the fact there was an evil empire, that there was a cold war. He was very actively involved in the fighting and winning of that cold war.

Today, we just had a lesson on a bipartisan basis from our colleagues that rejects all of this baloney that somehow we should turn over the protection of Americans to the U.N., that unilateralism was the wave of the future. On a bipartisan basis, our colleagues said when you come down to American interests and American lives, those decisions have to be made by the American President.

That is a dramatic change from what the Senate, America, and the world were like when JESSE HELMS came to the Senate. Probably no one has done more to change that than he has.

Before JESSE HELMS came to the Senate, social conservative was a synonym for Neanderthal. People in the political arena were a little bit ashamed to talk about the role of religion in American history. Talking about religious values and God were so out of fashion that no up-and-coming Senator with big ambitions would do it. JESSE HELMS was a catalyst in changing all of that.

Whether you agree or disagree with JESSE HELMS on the role of religion in American life, whether you agree or disagree about the importance of values in our schools, in our families, in our country, whether you consider yourself in the worn political cliches of the era to be pro-life or pro-choice, there was no spokesman for traditional American values when JESSE HELMS came to the Senate. They may have been old-fashioned to everyone else, but JESSE HELMS was comfortable espousing those values as he has always been comfortable in his own skin.

There are many stories I could relate about JESSE HELMS. I am kind of sorry that many of my young colleagues did not know JESSE HELMS in the old days. But knowing him now is a pretty good substitute for it. I will relate one story which I think brings, in one encapsulated form, JESSE HELMS.

There was a debate in the Senate—I was in the House—about a gasoline tax, and there was a broad bipartisan consensus that we ought to raise taxes on gasoline. After all, people were riding up and down the road in these pickup trucks—we didn't have SUVs to any significant degree then—but Congress, knowing that people really needed smaller cars and needed to learn to live on less, and that we were going to have to accept smaller ambitions and smaller dreams, they had it all figured out, and so Congress was going to impose a new tax on gasoline.

JESSE HELMS almost alone stood up against it. As we all know, they do not call this the greatest deliberative body in history because those of us who are in it are such great deliberators. They call this the greatest deliberative body in history because any individual Member has tremendous power. Any individual Member who feels very strongly about something can have a profound effect on it. So JESSE HELMS, almost singlehandedly, was holding up this gasoline tax. They wanted to adjourn, and everybody was unhappy.

We all are familiar with peer group pressure. It is something you are born subject to, and it never goes away until they lower you in the grave. We all want to be loved, we all want to be accepted, which is why so many of us bend with the wind.

But HELMS was not doing any bending that day. So on the debate went on. Finally, the Senate adjourned. No gasoline tax.

So, JESSE is feeling kind of down and unloved as he is driving back to North Carolina, and he goes into a restaurant and orders a sandwich, and he is sitting there, and this guy over in the corner says: That's JESSE HELMS.

And everybody in the restaurant stood up and applauded.

So his views were out of fashion in the Senate. However, he was a positive impediment. He was a throwback to the era when people did not understand that the Senate and the Government had all the wisdom. They knew what Americans needed, and he was just standing in the way; a man from another age, another era. But in that truck stop restaurant where real people were eating, where people were there who were going to be affected, JESSE HELMS was a hero.

What a great blessing it has been to the country that JESSE HELMS came to serve here. I am proud to call him my friend. I am proud of his great service. I will always remember serving with him.

Mr. WARNER. Madam President, there are many traditions in the southland, where I am proud to have my roots. I represent the Commonwealth of Virginia. We have the saying "a Virginia gentleman." Time will tell as to whether I will ever be able to earn that title. But the great Senator to my right in this Chamber, JESSE HELMS, has earned many times over the title "a gentleman from North Carolina" and a "gentleman of the Senate."

I have had the privilege of working with him throughout my 24 years in this Chamber. He has been a leader and an inspiration. He has helped me and other Senators as we have joined in this magnificent Chamber time and time again to work our will, to represent our constituents, and he always reminds us that we are here for the whole Nation as United States Senators.

JESSE HELMS is a man of unquestioned integrity, honesty, character, wit, and wisdom. And now with his lovely wife Dorothy, they seek other challenges in life. I never think of my colleague as retiring. He is going on to other challenges, where he will apply the same passion, the same vigor, the same energy, and the same insight into those issues about which he feels so strongly.

We were never in doubt as to where the senior Senator from North Carolina stood on an issue. To his everlasting credit, he learned every day he was in the Senate. I have seen him on two major issues learn more and then have the willingness and the courage to stand here and look us in the eye and say, "I am going to change my position."

For years, he was concerned—and rightfully so—about the United Nations. But then he decided that he would lead the effort in the Senate, with his Democrat colleagues on the Foreign Relations Committee, to see that this Nation lived up to its financial obligations and in other ways gave support to the United Nations. I never thought I would witness JESSE HELMS going to the United Nations. He asked me to go with him. I said to myself this will be a moment in history, and off we went with several other colleagues. We had a series of meetings in which we freely discussed the issues and, step by step, some of those financial problems have been resolved because of the leadership of this fine man.

On the subject of Africa, there was no prejudice in his heart. There was concern about whether we could expend funds for that very troubled continent, that troubled population, afflicted by disproportionate levels of disease and poverty and AIDS. Senator HELMS decided he was going to do what he could to help those people, and that he did, particularly with regard to AIDS. It takes a big man, a giant in the Senate, to do the things he has done.

I will close with this recollection. I remember one year being in session up to the eve of Christmas. I cannot remember the exact day, but Christmas was coming. Tempers in this Chamber were flaring. There was Alan Simpson, a marvelous Senator from Wyoming. Suddenly, he and JESSE HELMS had a bit of a disagreement. As a younger Senator, I was way back there. The disagreement occurred somewhere right in here. I watched HELMS and I watched Simpson. Simpson was noted for his humor. But those two went at it. But the bounds of dignity were always maintained when those two Senators—this time of the same party—had such a strong disagreement. And many times I followed this great Senator as we were leaving the Chamber to go back to our offices, and I watched him stop and talk to the pages, those who provide the infrastructure in this institution, who work with their hands, who do other jobs. He would always find time for those to share with him a thought and he would share with them kind words and kind gestures. My dear friend and his lovely wife and family have many wonderful years ahead of them.

I yield the floor.

Ms. LANDRIEU. Madam President, I wish to express, as have many of my colleagues today who joined the tribute to Senator JESSE HELMS, my appreciation of working with Senator HELMS. Particularly, I have enjoyed working with him, and the people of Louisiana have truly benefitted and have been truly grateful for this man's work, in the area of child welfare and adoption.

As you might know, when Senator HELMS chaired the Foreign Relations Committee several years ago, he had many grave matters under his jurisdiction including several important treaties. Many people asked for his support to call up a number of issues, but, of course, he could not champion them all.

Again, so many things competed for his attention, yet he managed to put the treaty for the international adoption of children on the table and to a vote. This is the first treaty of its kind in the world. Every treaty is important, and everybody who is interested, particularly the groups affected, thinks theirs is the most important. I would be pressed to find a group more vulnerable in the world than orphans. Consider this—orphans really have no one. They do not have any parents. They do not have immediate relatives to look after them to protect, feed, clothe, and educate them. Orphaned minors are a class with no vote. They might live in countries where, even if they are adults, they have no voice or vote. They are often just lost wanderers trying to raise themselves.

Senator HELMS, with all he could have done, took the time of his committee to push forward a resolution that was not without controversy. The treaty said something profoundly beautiful: That we believe a child deserves at least one caring, responsible, and loving parent; that the governments of the world should break down barriers, should do more to see that children are attached to grownups, that children should not raise themselves on the street or should not have to sell themselves into prostitution; that kids should not be abused by adults, and they should be protected by parents.

Mr. President, there are too many orphans in this world. One is too many. Unfortunately, the number is growing astronomically every day, and these children face an AIDS epidemic, war, and famine. In our own country, we have thousands of orphans. People do not believe we have orphans in the United States of America, but we do. We have approximately 500,000 children in foster care, and about 100,000 of them, enough to fill up the Super Dome—every seat and the aisles in the Super Dome stadium—have no parents at all. They think no one wants them. They are all ages, shapes, colors, and creeds. They are all loveable kids. They just do not have anybody to love them and to call their own.

This Senator worked hard with many other Senators to pass this treaty. We did. It is a big deal to a lot of people in the world. It is helping pave the way for the possibility that we could establish laws and rules that would help connect orphans to parents.

If you have ever seen a child who has been adopted—I know hundreds of people who have been affected positively by adoption, including my own family, who have had wonderful outcomes. It is not what we read about in the press, the one or two adoptions that go wrong. But throughout the world, there are parents grateful for the blessing to raise children and children grateful that they have been attached to a family. As you know, that is the building block of our society. Our society cannot be strong if our families are not strong, and families can be built to be strong physically, emotionally, and spiritually through adoption. Senator HELMS knows that.

I wanted to say on this special day that we honor him, he can be honored for a lot of his work, but I think that his contributions to children and his consistent belief in children with special needs deserve to be recognized. I join my colleagues honoring him, and I am glad he is back with us in the Senate to end his long career.

Mr. ALLEN. Madam President, I join my colleagues in honoring the senior Senator from North Carolina, Mr. HELMS, who will be retiring at the end of this Congress. In his five terms in the U.S. Senate, Senator HELMS has been a distinguished leader on behalf of his home State of North Carolina and freedom-loving people throughout the world.

When I arrived in the Senate at the beginning of this Congress, Senator HELMS had already served a remarkable 28 years. It has been an honor to serve under the strong leadership of this gentleman on the Foreign Relations Committee.

Senator HELMS has been a strong advocate for those rights that Thomas Jefferson proclaimed in our Declaration of Independence are "inalienable"—life, liberty, and the pursuit of happiness.

He has led the initiative to promote a peaceful transition to democracy and respect for human rights in Cuba. Fidel Castro oppresses his people, violates workers' rights, falsely imprisons them, and denies them the freedom of religion. Castro intentionally violates internationally accepted standards of basic human rights to maintain power over the Cuban people.

In response, Senator HELMS sponsored a bill to help the people of Cuba regain their freedom and prepare themselves for the transition to democracy. I am proud to be a co-sponsor of that bill.

Senator HELMS has been a leader in reminding us to put the needs of the Cuban people before the tyrannical agenda of the dictator, Fidel Castro. Castro seeks to retain his monopoly on political power by any means possible. Under his rule, Cuba is one of seven states designated by the State Department as a state sponsor of terrorism, and Senator HELMS has not been fooled into propping up this regime with U.S. taxpayer money.

Not just with respect to Cuba, but around the world, Senator HELMS has been a champion of freedom and democracy. Senator HELMS and I have also worked together to support the people of Taiwan through the Senate Taiwan Caucus.

All the while Senator HELMS has been tackling international abuses and supporting democracy around the world, never once has he forgotten the people of North Carolina and the sovereignty of the United States.

The Senator has been a strong, dedicated advocate for farmers and people who live and work in small towns, especially when he was chairman of the Senate Agriculture, Nutrition, and Forestry Committee.

Senator HELMS and I are working together to lift the Japanese ban on U.S. poultry. We have also worked together on the Farm Bill, ensuring that peanut farmers get the highest target price possible for their peanuts. With Senator HELMS' key help, the IRS has just announced that it will treat peanut quota buyouts as capital gains, not ordinary income. This is good news for devastated peanut farmers in southeast Virginia and northeast North Carolina.

Regrettably, I have had only a couple of years to work with Senator HELMS. But it has been a true honor and wonderful pleasure. On behalf of all the good people of Virginia, I offer my best wishes to Senator HELMS and his family. And, I especially thank him for his guidance, encouragement and friendship that I shall cherish forever.

Mr. BUNNING. Madam President, for nearly 30 years now, my good friend and fellow colleague Senator JESSE HELMS of North Carolina has been a stalwart of conservative thinking and values for this legislative body. He has represented the very best of what the Republican party has to offer and I would personally like to thank Senator HELMS for his vigor and grit. Now more than ever, it is important that this Senate and this nation realize and appreciate the work Senator HELMS has done for the people of North Carolina and the citizens of the United States of America.

Throughout his tenure in the United States Senate, Senator HELMS has been a true fighter, a heavy weight champion for America's values. He fought against communism throughout the entirety of the Cold War. He fought for and still fights for the protection of the American people against foreign and domestic threats. For 30 years, he has battled and fought against liberalism in an attempt to bring conservative values and ideas back to this nation and to this congress.

"Senator No," as he has come to be known, has developed a long list of enemies on the other side of the aisle and in certain media outlets. But let's not forget what Winston Churchill said about having enemies. "You have enemies? Good. That means you've stood up for something, sometime in your life." Whether or not you have agreed with one word or action Senator HELMS has said or taken in his 30 years as a Senator in the United States Congress, you have to agree with and admire his determination and strength. Once again, I thank Senator HELMS for being a guiding light in a sometimes dark world.

Mrs. FEINSTEIN. Madam President, I rise today to honor my colleague, Senator JESSE HELMS, and to thank him for his service to his country and the U.S. Senate. Senator HELMS is retiring after 30 years in the Senate and I wish him and his wife, Dot, all the best.

Senator HELMS and I have not always agreed on the issues. But any disagreements we may have had has never gotten in the way of a constructive and cordial working relationship. We served together on the Senate Foreign Relations Committee for several years and currently serve together on the Rules and Administration Committee.

I have admired his dedication to his views, though I may strongly disagree with them, and his commitment to his constituents in North Carolina. There were certainly several occasions when I wished I had Senator HELMS, fighting on my side.

When the battle was done, there were no hard feelings. As several of my colleagues here today have mentioned, you would be hard pressed to find a nicer man in the U.S. Senate. Whether you are a page, maintenance worker, staffer, Senator, President, Republican or Democrat, Senator HELMS treats you with the same amount of respect and courtesy. That is a fitting tribute to a man who has dedicated himself to a life of public service.

Again, I thank Senator HELMS for his time in the Senate. This body will certainly not be the same without him.

Mr. CRAIG. Madam President, allow me to add my voice to the chorus of regard for the distinguished senior Senator from North Carolina, JESSE HELMS.

There is a word we use a lot around here the word "gentleman." Perhaps as a result of the demands of Senate protocol, our colleagues frequently use the word in addressing one another. It is thrown around so regularly that it has almost become as meaningless as "mister" in modern Congressional parlance.

However, "gentleman" is more than a meaningless title in the case of Jesse Helms. I am not alone in referring to him as "the conservative gentleman of the Senate" because that is precisely what he is: an unfailingly gentle, kind, and courteous man. Even in the heat of battle, slicing through the opposition as he so often does, he maintains not just the integrity of his principles, but the integrity of his performance. Even when he establishes himself as the immovable object to block bad policy, as he also has done so often, he does it graciously.

Senator HELMS' restraint is all the more significant in view of the turbulence of the debates he has waded into. This is a man who does not back away from challenges but confronts them. His dedication to principle is unshakeable, and he is an invaluable ally in stormy political passages. As fellow skeptics of the United Nations and particularly, of the International Criminal Court, I appreciated having his support last year in preventing the United States' endorsement of that institution. Surely one of JESSE HELMS' lasting legacies will be his mark on our country's foreign policy. But that is only one small part of the profound impact he has had on our laws and our culture.

Senator HELMS' leadership and articulate championship of conservative ideals have inspired countless admirers of many generations. I can attest to the fact that the "Jesse Helms fan club" extends to my own Senate staff, who proudly display the photos they have had taken with Senator HELMS, and talk about his generosity in taking time to visit with them—visits they will remember for the rest of their lives. For my part, I consider it a privilege to have served with, and learned from, a man of his caliber.

Senator HELMS has been an extraordinary advocate for the people of North Carolina and, indeed, this Nation. His clear vision and steady guidance will be sorely missed when he leaves the Senate in the coming months. I join my colleagues today in congratulating JESSE HELMS on his distinguished career, thanking him for the contributions he has made to the Senate and the United States, and wishing him all the best in the next chapter of his remarkable life.

Mr. HATCH. Madam President, It is always a sad day in the U.S. Senate when we prepare to bid good-bye to a dear friend and fellow Senator. But when you have been here as long as I have, and you are saying good-bye to a gentleman who was here when I arrived, and whom I first considered a senior Senator and now can also call a friend, it is particularly bittersweet.

Many of my colleagues have spoken eloquently already about the senior senator from North Carolina, my friend JESSE HELMS. I would like to associate myself with these remarks of tribute and respect. If we spent the rest of the year praising JESSE, we would still not do justice to this man.

So I would like to take a moment here to comment on the leadership JESSE HELMS assumed in his pivotal role as ranking member and chairman of the Senate Foreign Relations Committee.

Oh, the wags worried, Mr. President, when the Republicans retook the Senate in 1994. What would this mean for the country that JESSE HELMS would chair the committee that conducts the oversight over this nation's foreign policies and institutions of diplomacy? There was one cartoon I found particularly amusing: There was JESSE, scowling at his desk, on which sat a globe cut in half, with only the United States showing. The JESSE they portrayed was an isolationist, but the JESSE we know is merely an unabashed defender of the U.S. national interest.

In this very chamber, JESSE has often argued that the State Department has lost the perspective of advancing our interests. Foreign aid, the good senator from North Carolina is famous for saying, "went down rat holes."

JESSE sees foreign policy from the perspective of preserving and advancing the national interest. Call it "parochial," if you will, but JESSE is a traditional conservative: the sovereignty of the nation state was at the core of the international system, and if order is to prevail, it would remain at the core. And no sovereignty was more jealously protected than the sovereignty of this country under our Constitution.

Of course, you can't be a traditional conservative without recognizing the virtues of freedom and the threats of tyranny. You can't believe in the United States and ignore that the world presents—and continues to present threats to these freedoms emanating from all forms of tyranny. And JESSE has fought against them all.

There is no stauncher anti-communist than JESSE HELMS, and I admire him for this. Whether it is Latin American communism under the Castro dictatorship or Sandinista state, or the Soviet managers of the Gulags internal and external, JESSE has stood up to them and has outlived most of them. No man stands for freedom against communism more steadfastly than JESSE HELMS. To do so was the fundamental attribute, in my opinion, of a conscientious internationalist.

The foes of JESSE HELMS know that he is relentless. His friends know that he is devoted. Small democracies around the world and I think of Israel and Taiwan have in JESSE HELMS a stalwart defender.

JESSE'S internationalism, doubted by many, has transformed the world. Let me give you but a few brief examples:

After years of frustration in Washington, JESSE could no longer tolerate the waste and ideological neglect emanating from the United Nations. Building on policies of restricting funding to that body that began in this Senate in the 1980s, JESSE drafted legislation setting targets of reform and reduced U.S. contributions that most people believed the U.N. would never comply with. JESSE was anti-U.N., many charged, and wanted the U.S. to withdraw from that body into further isolationism.

This was nonsense, of course, JESSE, who was parodied as an anachronistic reactionary, is in fact an internationalist visionary. He knew that the American public would soon cease to tolerate inequitable funding requests for a broken international bureaucracy. He knew that the way to irrelevancy for the U.N. was the path it was on. JESSE cut another path, in landmark legislation that gained, ultimately the vast majority of the support of members on both sides of this aisle, to demand that the U.N. reform its bureaucracy and reinvigorate its relationship with the U.S. and the U.S. Congress.

The U.N. heard the message and responded. And it is a better organization for it. The fact that President Bush was able to address that body two weeks ago from a position of mutual respect, and that we will be able to work constructively with that body in the coming difficult months ahead, has a great deal to do with the foresight of JESSE HELMS.

In recent years, JESSE has promoted the American Servicemembers Protection Act, which I have been proud to cosponsor, to defend U.S. military from prosecution of an ill-focused United Nations International Criminal Court. Not a popular cause among the multilateralists, abroad and in our own government, but JESSE HELMS has always been about doing what's right for America, not what's popular.

This legislation was recently signed into law. And guess what, Mr. President. The European Union, the professional advocate of all things multilateral, is coming around to recognizing that the U.S. must have as a component of bilateral relations formally exclusions our servicemen who sacrifice so much for their country and should be accountable only to their country's laws and commander-in-chief. Once again, JESSE HELMS eschewed the conventional wisdom, saw over the horizon, and strengthened America's position in the world.

And my friend JESSE HELMS knows that, when America's position in the world is strengthened, the security of the world is advanced. This is the kind of internationalism that I admire.

Most people are not focusing now, among the debate over Iraq, on the fact that NATO is engaging in another expansion, bringing in seven nations of central and eastern Europe into this military organization of democracies. The alliance will be stronger for this, and U.S. national security will be more secure.

This is the second enlargement after the end of the Cold War. The first was completed in 1999, when Poland, Hungary and the Czech Republic became members. In 1998, this body, where we must ratify any North Atlantic Treaty amendments, had a historic debate on whether to allow these members. JESSE HELMS shepherded that debate, and U.S. national security interests were advanced.

All of us know that there is so much to JESSE HELMS that we cannot do him justice in our remarks of appreciation. Constituents, colleagues, foreign friends—all of these know this of this man.

A few years ago, I had a meeting with an impressive songwriter named Bono, who came to my office seeking support for debt reduction in the poorest countries of the world. I was impressed with Bono and his work, and I was impressed that he wanted to work within the system, respecting economics while advocating compassion. He had my support. As he left his office, I asked where he was going. Bono told me, "I'm going to meet Senator HELMS." That will be interesting, I thought to myself.

As is now well-known, Bono and JESSE hit it off. And today JESSE HELMS is a leader in supporting the U.S. contribution to fighting that terrible pandemic in Africa.

Many have tried to define JESSE HELMS by what he opposed. I will remember him for what he supported: Freedom, human rights, and strong and independent America, free to spread its good in the world.

I thank my good friend for his years of service, for his friendship to me, for his impeccable courtesy in debates whether we agreed or not. We will never see the likes of a Senator HELMS again.

Mr. COCHRAN. Madam President, it was good today to hear the many heartfelt sentiments and compliments being expressed in the Senate about our distinguished colleague from North Carolina. I want to be counted among those who respect JESSE HELMS for his conscientious and diligent service in the Senate and for the generosity of spirit he displays and the affection he has for his fellow Senators and the staff and employees of the Senate.

If you could ask all of the Senate pages who have served here during the time Senator HELMS has been in the Senate who their favorite Senator was, I am sure they would tell you it was JESSE HELMS. He takes time to get to know them all and to greet them each day. He really cares about them and he wants them to know they are appreciated. That is the way Senator HELMS has treated everyone in the Senate. He has a heart of gold.

When Senator HELMS was Chairman of the Agriculture Committee, I appreciated the fairness and respect he showed to all of the members of our committee. He was especially helpful to me and I will always be grateful to him for his friendship.

I wish for him much happiness and satisfaction in the years ahead.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Madam President, I thank all Senators who have been so kind this morning.

I have been sitting here at this desk wondering who on Earth is this Helms fellow whom my colleagues keep talking about. To be sure, there are newspaper editors in North Carolina who will tell you that any kind words uttered about Jesse Helms are, at best, exaggerations.

So it goes without saying that I am grateful for the generosity of my colleagues. It reminds me of the first time I came to Washington, DC to work in this Capitol Building, back in 1950. I had come to Washington with a remarkable Senator, Willis Smith, who had the highest and finest credentials as one of the Nation's leading and most respected attorneys.

Senator SMITH deserves a tribute all his own. He was, among other distinctions, chairman of the Board of Trustees of Duke University, and former president of the American Bar Association. I was honored that he had shown the faith in me that led him to bring me with him to Washington as his administrative assistant.

The Senate was a far less hectic place during the 2½ years I worked for Senator Willis Smith, before his tragic and untimely death in 1952. All of us who worked in the Senate at that time had the privilege to know some of the true pillars of the Senate, men who were the cornerstone of America in the 20th century, among them, a special friend of mine, Richard Russell of Georgia. Senator Russell was so kind to have taken an interest in me in those years, and I vividly remember many conversations with this remarkable American. Once, he told me something, for example, that I never have forgotten. He commented: "Jesse, a Senator who goes onto the Senate floor without knowing the rules is only half prepared. And a man who walks onto the Senate floor with command of the rules can cut Senators lacking such knowledge to ribbons."

I never imagined that more than 20 years later, in 1972, the turn of events would lead me to be persuaded to become the Republican candidate for U.S. Senate from North Carolina. Nor did I ever expect to have the good fortune to win. But on election night 1972, at 9:17 p.m., Walter Cronkite came on the television and said, "Down in North Carolina, a fellow named Jesse Helms has got himself elected to the Senate."

So, I went off by myself and prayed for guidance. Then, after spending some time with my family, I remembered that comment by Senator Russell. I determined that I would do the best I could to learn something about rules of the Senate.

It developed as soon as I was sworn into the Senate in January 1973 that I had the great fortune to have a teacher like Senator Jim Allen of Alabama. Once a week, I would go to Senator ALLEN's office, and he would conduct an impromptu classroom in Senate procedure. Then, as often as I could, I would come to this Chamber and preside over the Senate.

So as a freshman Senator, I had a wonderful opportunity to preside over the Senate. That enabled me, working with that great man Dr. Floyd Riddick, Chief Parliamentarian of the Senate, to learn the rules backwards and forwards. True to Senator Russell's words, those rules came in handy during some spirited battles around here. And as the years went by, I won some and lost some, but I always had the comfort of knowing I had done what I thought was right in the best way I knew how.

I recall the time that I mentioned the late Senator Dick Russell in debate one afternoon. Later that evening, Majority Leader Mike Mansfield thanked me for my reference to Senator Russell. Senator Mansfield mentioned that former Senators who departed by reason of death or expiration of their tenures here were often quickly forgotten.

Senator Mansfield was right about this. As will be true in my case, most Senators who have completed their service will be forgotten, just as surely as others have faded into history.

As I approach the end of my five terms in the Senate, I realize that being remembered isn't important. What is important is standing up for what you believe to be right, hoping that you have done everything you can to preserve the moral and spiritual principles that made America great in the first place.

My father, rest his soul, was a good man who taught me many things. In my office, there is an inscription of something he told me many years ago. "Son," he said, "The Lord doesn't expect you to win. He just expects you to try."

With the remarkable Dot Helms at my side, we have done our best to live up to my father's admonition. And while we are certainly not perfect, and we certainly haven't always had all the answers, we have the comfort of feeling that we have done the best we can. Nobody can claim to have had a better life, or to be more blessed and honored by the people of North Carolina than Dot Helms and me.

Every so often, a reporter will ask me what I consider to be my legacy after 30 years in the Senate. Now "legacy" is a fancy word for the son of a small town police and fire chief, so I never know how to answer such a question.

But there is one thing I should mention that has given me particular satisfaction during my Senate career. When I was first elected, it was, as I have mentioned, a genuine surprise. I never expected to win. And one of the things I promised myself on that November night was that I would never, ever, fail to see a young person, or a group of young people, who wanted to see me.

Now the young lady who keeps track of such things in my office recently told me that I have had the chance to visit with more than 100,000 young people during my nearly 30 years in the Senate. I have been the beneficiary of the time I have spent with these young folks.

It is in them that I have seen the promise of what I regard as the "Miracle of America." They are bright, curious, thosroughly decent young folks who are committed to preserving the ideals of America as a country devoted to freedom and opportunity.

As Dot Helms and I prepare to go home—this time for good—we are grateful to young people who have visited us. Dot and I are convinced that America's future is in fine hands.

They are not my legacy; they are America's legacy, and I thank the Lord for them every day.

I thank the Chair, I thank my colleagues, and I thank the people of North Carolina for allowing me the honor of serving in the U.S. Senate.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

MEASURE READ THE FIRST TIME—S.J. RES. 46

Mr. LIEBERMAN. Madam President, along with Senators WARNER, BAYH, and MCCAIN, I have a joint resolution at the desk and I ask for its first reading.

The PRESIDING OFFICER. The clerk will state the joint resolution by title.

The bill clerk read as follows:

A joint resolution (S.J. Res. 46) authorizing the use of U.S. Armed Forces against Iraq.

Mr. LIEBERMAN. Madam President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection has been heard.

The joint resolution will receive a second reading on the next legislative day.

USE OF U.S. ARMED FORCES AGAINST IRAQ

Mr. LIEBERMAN. Madam President, along with my dear friends and colleagues, Senators WARNER, BAYH, and McCAIN, I am proud to introduce this bipartisan resolution which would authorize the President of the United States to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to defend the national security of the United States against the continuing threat posed by Iraq, and to enforce all relevant United Nations Security Council resolutions regarding Iraq.

There is no more fateful or difficult decision that we as Senators are ever called upon to make than a decision as to whether and when and how to authorize the President as Commander in Chief to put the men and women of the U.S. military into battle.

Each Member of the Senate must make this decision at this hour according to their personal conscience and their sense of what is best for the security of the people of the United States of America.

For my part, and that of my colleagues, I have made that decision. For more than a decade now, Saddam Hussein has threatened the peace and security of his region and the wider world. We went to war in 1991 to roll back his aggression—an invasion of Kuwait—because we determined across party lines that Saddam Hussein had ambitions that were hostile to America's security and the peace of the world to become the dominant power in the Arab world which, if ever realized, would be bad for the Arab world, bad for the peace and security of the broader region, and very bad for the people of the United States. We won that war in Kuwait—Operation Desert Storm—but Saddam Hussein has continued for the decade since then, notwithstanding documents that Iraq signed to conclude the gulf war, to thwart the rule of law internationally, to deceive and deny all that he had promised to do at the end of the gulf war, and all that the United Nations called on him to do in the years since then. He has continued, without question, to develop weapons of mass destruction and the means to deliver them on distant targets. He has continued to earn a dubious place on that small list of countries that the State Department considers state sponsors of terrorism.

Even today, Iraq has provided shelter for significant figures within al-Qaida who struck us on September 11, as they have fled from American military forces in Afghanistan.

President Bush has said that the hour of truth has arrived. We can no longer tolerate the intransigence and danger posed by Saddam Hussein. He has gone to the U.N. and sought support from the international community.

This resolution is our attempt to express our support of the President as Commander in Chief in seeking international backing for action against Saddam Hussein. It is also a way to strengthen the President's hand as Commander in Chief. If Saddam Hussein does not comply, or if the United Nations is not willing to take action to enforce its orders, in my opinion, this is the last chance for Saddam Hussein but also the best chance for the international community to come together to prove that resolutions of the United Nations mean more and have more weight than the paper on which they are written.

It is also the hour for Members of Congress to draw together across party lines to support the national security of the United States. A debate will follow in the days ahead. It is an important debate that should not be rushed. It should be reflective. Ultimately, I am confident the resolution that Senators WARNER, BAYH, McCAIN, and I are introducing will enjoy the broad, bipartisan support that our national security demands at this time.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Madam President, I commend our distinguished colleagues, Senator LIEBERMAN and Senator BAYH, for joining my good friend, Senator McCAIN, and myself as we introduce this resolution on behalf of the leadership in the Senate. Certainly, those leaders will join us on this.

I remember in 1991, Senator Dole, Senator McCAIN, and I led the effort on this side of the aisle, and my good friend and colleague of these many years joined us. There was a historic debate. We will now embark this great body of deliberation on a similar debate on this extremely important resolution.

I commend our President for the leadership he has shown. This issue would not be in the forefront worldwide, the forefront in the U.N., and now in the forefront of the U.S. Congress had not this very bold and courageous President undertaken the difficult task of pointing out the perilous times in which we live with regard to terrorism and, most particularly, the threats posed not by the people of Iraq, but by Saddam Hussein and his regime.

Madam President, I wish to commend Leader LOTT. We met with him this morning. We have been meeting with him through the day. Senator McCAIN and I and others have been a part of his working group to achieve the maximum bipartisan support obtainable on this resolution. I am confident that will be achieved. I am very confident, given the leadership of our two distinguished colleagues joining us here today, because it is important there be a solid phalanx of the House of Representatives, which will have an identical resolution, and the Senate joining together behind our President and speaking with one voice, as our President and the Secretary of State, working through the United Nations, achieving, hopefully, a resolution which will comport with the President's historic address to the United Nations, and also a resolution that will reflect the United Nations is going to stand up as an organization and live up to its charter and take on the responsibility of bringing this question of weapons of mass destruction in Iraq to a conclusion so this world can be more peaceful.

I thank my colleagues, most particularly the four of us who are here today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

EXTENSION OF MORNING BUSINESS

Mr. REID. Madam President, morning business is supposed to conclude at 12:30 p.m. I know there has been some adjustment on the time because of tributes to Senator HELMS. Since we are not going to be able to vote on the bill that would be called up, for reasons I do not understand—we are not going to be able to vote on cloture until tomorrow—I ask unanimous consent morning business be extended until 1:45 p.m. today, with Senators allowed to speak therein for a period of up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, there are a number of people in the Chamber wishing to speak. We have been able to offer tributes to Senator HELMS, and people are also talking about substantive issues, such as the Senator from Connecticut, the Senator from Virginia, now the Senator from Indiana, and the Senator from Arizona, who wishes to speak. If we need more time, I am sure we can do that.

The majority leader is contemplating a vote today at 2 o'clock on a nomination. We have not worked it out with the minority. We are trying to do that.

The PRESIDING OFFICER. The Senator from Indiana.

USE OF ARMED FORCES AGAINST IRAQ

Mr. BAYH. I thank the Chair. Madam President, I am pleased to join with my colleagues today on a bipartisan basis to authorize the President of the United States to use appropriate force to defend the national security interests of our country.

I join in this effort with a sense of regret that events have come to this. No one can contemplate the use of military force with much satisfaction, but I also approach this debate with the firm conviction that the time has come to unite, to take those steps that are necessary to protect our country, including the use of force, because all other avenues have been exhausted and seem unlikely to lead to the result of protecting the American people.

Iraq presents a very significant potential threat to our country. Saddam Hussein possesses chemical, biological, and some day will possess, if events are allowed to run their course, nuclear weapons. If there is one thing we can say with absolute certainty, it is he is developing these weapons for no benign purpose. He does not need them to retain his power within Iraq, but in all likelihood will use these terrible weapons to project that power, to intimidate other states in the region, and potentially one day for use against us as well.

If there is even a 10 or 15-percent chance of smallpox or anthrax or a crude nuclear device could one day be placed in the hands of suicidal terrorists for use against the United States of America, this is a risk we cannot afford to run. We have attempted diplomacy without effect. We have attempted economic sanctions to no effect.

Regrettably, my colleagues and I have concluded the President needs the authorization to use force to protect our country from this sort of eventuality. Of course, we will continue to negotiate with the United Nations. Of course, we will gather our allies. But the time has come to unite, to do what it takes to defend our country.

I am pleased to join with my colleagues, Senators WARNER, MCCAIN, and LIEBERMAN, in giving the President the authority he needs to do exactly that.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I rise today to join my three colleagues, Senator WARNER, the distinguished ranking member and former chairman of the Armed Services Committee, Senator BAYH, and Senator LIEBERMAN. I am always honored to have my name associated with these three outstanding public servants.

This resolution, we should make very clear, is the text of the resolution agreed to this morning by the President of the United States and congressional leaders. This is the exact text of a resolution that was agreed to in hopes the debate will take place on two exact resolutions in both Houses of the Congress. I believe with open, spirited debate and discussion, we will come to a consensus which is broad based, and following a debate which I think will be illuminating and educational to the American people, as well as our colleagues.

America is at war with terrorists who murdered our people one year ago. We now contemplate carrying the battle to a new front—Iraq—where a tyrant who has the capabilities and the intentions to do us harm is plotting, biding his time until his capabilities give him the means to carry out his ambitions, perhaps through cooperation with terrorists—when confronting him will be much harder and impose a terrible cost.

Saddam Hussein is in patent violation of the terms of the Gulf war ceasefire and 16 United Nations Security Council resolutions. He possesses weaponized chemical and biological weapons and is aggressively developing nuclear weapons. He holds the perverse distinction of having used weapons of mass destruction against both his own people and his enemies—the only dictator on Earth who has done so. As our President has said, Saddam Hussein's Iraq is a grave and gathering danger, a clear threat to American security and the security of our friends in the region.

As I just mentioned, Congress must debate the question of war with Iraq. It is appropriate and right for the people of the United States to have their voices heard in this debate through their representatives in Congress. But as the President has said, the nation must speak with one voice once we determine to take a course that will most likely send our nation's young men and women to war.

The President has patiently worked with Congressional leaders to craft a resolution authorizing him to take necessary action in Iraq to defend American national security and enforce all relevant U.N. Security Council resolutions. The resolution is a product of compromise that protects both congressional prerogatives and the authority of the Commander in Chief to use whatever means he determines necessary to protect American security.

The President's authority is not absolute on these matters. But he is the Commander in Chief, and he has made clear that congressional action to tie his hands, to limit the way he can respond to threats to the security of the American people, will damage our country's ability to respond to the clear and present danger posed by Saddam Hussein's Iraq.

There is a reason why the Constitution vests shared power in the President and the Congress on matters of war. But there is also a reason why the Constitution recognizes the President of the United States as Commander in Chief. Limiting the President's ability to defend the United States, when Congress and the President agree on the nature of the threat posed to the United States by Iraq, is unwise.

No resolution tying the President's hands or limiting the President's ability to respond to a clearly defined threat can anticipate the decisions the President will have to make in coming weeks and months, with American forces deployed overseas on his orders, to defend American security. We cannot foresee the course or end of this conflict, even though to most of us the threat is abundantly clear, and the course of action we must pursue is apparent. That's why there is one Commander in Chief, not 535 of them. Restricting the President's flexibility to conduct military action against a threat that has been defined and identified makes the United States less capable of responding to that threat.

Supporting the President in his role as Commander in Chief does not necessarily mean supporting the President's policy on matters of national security. In 1995, President Clinton determined to deploy American forces to Bosnia to uphold a fragile peace in a land where many said peace was not possible. Until that time, I had serious concerns about the administration's policy in the Balkans. But once the President made his decision, I worked with Senator Bob Dole, Senator WARNER and many of my colleagues to make sure the President—a President from the other party whom we had criticized harshly for his conduct of national security policy—had the support he needed to enforce the peace in Bosnia. I think my friend Senator Dole would agree with me that it was one of the high points of our service in the Senate.

Thanks to the President's leadership over the past few months, the Congress has been moving steadily to support the President's determination to hold Saddam Hussein accountable to the world. I urge all my colleagues to renew their efforts to come together on one resolution—to show the world we are united with the President to enforce the terms of the gulf war ceasefire and prevent Saddam Hussein from threatening our and the world's security ever again.

Again, I want to thank Senator LIEBERMAN, Senator BAYH, and Senator WARNER, and I especially would like to mention Senator LIEBERMAN and Senator BAYH have shown some courage on the floor of the Senate, as Senator WARNER and I have had to do in the past, when perhaps the majority of our party may not have been in complete agreement.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, this concludes the introduction of this matter to the Senate. I thank my friend

JOHN MCCAIN for his leadership on this issue from the very beginning, as he consulted in the process with Senator LOTT and others with regard to this resolution.

If those who wish to join us would kindly indicate their expressions of support to the leaders, myself, Senator MCCAIN, and Senator LOTT. Before leaving the floor, Senator HELMS indicated his strong support, and in due course we will constitute the cosponsors of this resolution as we move forward.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Vermont.

BIPARTISAN SUPPORT OF H.R. 2215

Mr. LEAHY. Madam President, I take a moment while the Senator from Alabama is here. I thank Senator SESSIONS for his statement yesterday in support of the bipartisan conference report on DOJ authorization. I do that because I know he opposes a significant piece of it, Senator HATCH's legislation regarding automobile dealer arbitration, but I applaud Senator SESSIONS for reaching beyond that for the better bill, the overall bill.

I compliment his work on the conference report on the Paul Coverdell Forensic Sciences Improvement Grants, the Center for Domestic Preparedness in Alabama, and a number of other States.

In a hurried time, and sometimes partisan Senate, we do not take enough time to acknowledge and appreciate work done by those on the other side of the aisle. I take this moment to express my appreciation of the work of the Senator from Alabama, Mr. SESSIONS.

Mr. LEAHY. Mr. President, it is the intention of Senator HATCH and I to move to suspend paragraphs 2 and 3 of rule XXVIII of the Standing Rules of the Senate for consideration of the conference report on H.R. 2215, the Department of Justice Appropriations Authorization Act.

TRIBUTE TO STROM THURMOND

Mr. GRAMM. Let me also say that I put a statement in the RECORD today about STROM THURMOND. I was busy trying to deal with homeland security when we had the time to speak on STROM THURMOND. But I do want to relate one story about STROM, which is in my statement in the RECORD. When I was elected, like many new Senators do, before we went into session I brought my two sons to the Senate. I guess one of them was about 8 and one of them was about 10—or maybe 10 and 12, I lose track.

Anyway, we found my desk. So I said to my sons: Do you all want to sit in my chair? By this time they had looked around at all of the desks, and they decided they didn't want to sit in my chair. They wanted to sit in Barry Goldwater's chair and STROM THURMOND's chair.

I guess at the time, my feelings were a little hurt. But looking back, when I am sitting on the front porch of a nursing home somewhere and nobody remembers who I am or what I ever did, I am going to be able to say to myself: I knew and I served with the great STROM THURMOND. An absolutely remarkable man, not because he is 100 years old, in the Senate, but because he is forever young—not in a physical sense. My God, his physical capacities are amazing.

I remember one night, it was about 2 in the morning, we were in session. Senator BYRD was keeping us here to debate something. I was dog tired. I was talking to STROM, and he was lamenting that his brother had died because he hadn't taken care of himself and burned the candle at both ends.

I said to STROM: How old was your brother? He was 89 years old. But to STROM, that was not taking care of yourself.

The amazing thing about STROM THURMOND's eternal youth is not physical, it is mental. This is a man in his long career who could learn new lessons. This is a man who is not ashamed to say: I am not as ignorant as I used to be. This is a man who could admit to changing his mind.

We are in the only profession where people look down on you if you learn something; that somehow you are inconsistent if you thought one way one day and you acquire more information and you change your mind.

The most amazing thing about STROM THURMOND to me is that through all of his public service, from supreme court justice in South Carolina, from superintendent of schools, to general in the Army on D-Day—we all know the story about one of our colleagues going over with President Reagan and saying to STROM he should have been there at Normandy, and STROM said he was there. And he was there when it counted, on June 6, 1944—is that eternal youth, that ability to learn something new, to have a new perspective and to change that makes STROM THURMOND the most remarkable person with whom I have served.

HOMELAND SECURITY AND TERRORISM INSURANCE

Mr. GRAMM. Finally, seeing I have another colleague come to the floor, I want to say something about two issues that are before us that I am frustrated with, as, I am sure, are many of my colleagues. But in both cases, our problem is the power of special interests as pitted against the public interest. We are trying to do a homeland security bill, and it is not easy because to change the way Government does business is to take on a powerful political constituency, the Government employee labor unions. They are organized and they are active. We are all aware that we are having an election next month. Members are being forced to choose between national security and political security, to choose whether we are putting business as usual and work rules negotiated between the Government and unions above protecting the lives of our citizens.

It is frustrating to me that even when people's lives are on the line, powerful special interests can wield the kind of power that the Government employee labor unions have been able to bring to bear on this issue.

I had always thought when we started this debate that when we were talking about protecting the lives of Americans, we were going to give the President the benefit of the doubt. But at least to this point we have not.

A second issue is terrorism insurance. I was with the President yesterday. Many of our colleagues were there. He was talking about $16 billion of projects, 300,000 construction hardhat jobs that we were not creating because people were afraid to build high-profile projects because they cannot buy terrorism insurance. The President has asked us to move forward on a bill.

In October, the House had already acted on the bill and, on a bipartisan basis, Senator DODD, Senator SARBANES, Senator ENZI, and I worked out a compromise which was agreed to by the Treasury that had a compromise on the issue of: Can you sue somebody who is a victim of terrorism for punitive damages?

The President's view is very strong on the subject; that is, when somebody has been the victim of terrorism, it is like someone coming onto a hospital ship to prey on them by filing lawsuits against them. Lawsuits against terrorists is fine, but for victims of terrorism there shouldn't be punitive damages.

We worked out a compromise on a bipartisan basis. But the plaintiff's bar came out against that compromise, and, as a result, we have never been able to do anything from that point on.

Again, it is the case where there is a powerful special interest that is preventing us from promoting the public interest.

I am hopeful in the remaining days of this session—and I believe unless the end point is changed, today is Wednesday, so tomorrow is Thursday; we are probably not going to do a lot of work on Friday or Monday. Then we are planning to adjourn Thursday, or Friday, or Saturday at the latest—if we are ever going to do something on homeland security and terrorism insurance, we had better get on with it.

The amazing thing is that it is apparently going to be very easy for us to pass a resolution giving the President the power to go to war. I support that because I think American security interests are at stake. We can do that because there is no well-organized, powerful political special interest group that supports Saddam Hussein. But we can't do homeland security and we can't do terrorism insurance because there are organized, effective, powerful special interest groups that oppose what we are trying to do. I hope we can overcome that hurdle. I hope in the process we can pass these two important bills.

I yield the floor.

The PRESIDING OFFICER (Mr. EDWARDS). The Senator from Alaska.

TRIBUTE TO SENATOR JESSE HELMS AND SENATOR STROM THURMOND

Mr. MURKOWSKI. Mr. President, I am sorry I could not get the floor earlier. But I assume we are still in morning business, and that I may proceed with reference to a couple of our colleagues who are leaving. I was unavoidably detained in a conference meeting with the House of Representatives on the status of the energy bill.

First, I think it is important as we see our friends depart from this body to talk about what is outstanding in our own minds relative to their contributions. One could go on at great length relative to the contributions of Senator STROM THURMOND and Senator JESSE HELMS. But one of the things outstanding in my mind is the tours that Senator THURMOND used to give when we had a social event here in the Capitol. Upon the conclusion of the event, he would offer to take at least some of the guests on a night tour of the Capitol, and he would recite instances that occurred 30, 40, 50, and almost 200 years ago relative to the sacred surroundings and the Old Chamber where the Supreme Court originally was here in the Capitol, and reflect humorous stories of who sat where and what their personal traits might be.

Looking back on my 22 years in the Senate, I treasure those moments. My wife Nancy and I often have talked about them. Unfortunately, his health does not allow him to conduct those tours anymore, but for those who were fortunate enough to share a few moments of his humor on those tours, the historical references, his magnificent memory, and the reference to the uniqueness of the Senate, and the outstanding highlights of the various careers of those who have come and gone, it was truly a memorable experience.

Today, we set aside time for Members to comment on Senator HELMS who is also leaving us. Again, it is a matter of individual impressions that Members leave you with.

Without exception, Senator HELMS' comments on this floor back in 1983 stand out in my memory as certainly the most significant, most timely, and most on target references to a frightening situation that occurred. That was the shooting down of the Korean Airlines flight 007, which was shot down by a Soviet Sukhoi 15 fighter jet on September 1, 1983. That flight was on its way from Anchorage, AK, to Seoul, Korea. There were 269 lives lost, including a Congressman, Larry McDonald.

At that time, Senator HELMS and Senator Symms, the former Senator from Idaho, were on another Korean Airlines flight that was in transit in Anchorage the same time as the Korean Airlines flight 007.

I was in the Senate Chamber when Senator HELMS delivered his floor statement on September 15, 1983. There were many who were commenting and making statements, but by far the most moving statement was Senator HELMS'. I am going to take the liberty of quoting a bit of his statement at that time. Let me quote the statement of Senator HELMS as follows:

> Mr. HELMS. I was on the Korean airplane that landed in Anchorage for refueling 20 minutes after the ill-fated plane. Both planes were on the ground for more than an hour, meaning that both planes were there together for the better part of an hour. Most of the passengers on both planes went into the terminal.
>
> It so happens that the distinguished Congressman from Georgia, Representative Larry McDonald, did not, or I did not see him. But in the lounge of the terminal I saw one of the most delightful young families anybody could ever hope to see. A young man and his wife—the young couple was going to Seoul, as I understand, to head up Eastman Kodak's organization there. They had two little girls, aged 5 and 3.
>
> The mother was sitting reading Bible stories to those two little girls when we entered. The little girl was sitting on her mother's lap and the 5-year-old was sitting on the arm of the chair. And when the mother had finished reading to the children, I went over and introduced myself.

In the conversation, he offered to take the children and read them a story while their mother went to refresh herself. They were on his lap. They were playing games—the same games he played with his own grandchildren. He said:

> They were on my lap and we were playing little games that I play with my grandchildren.
>
> If I live to be 1,000, I say to the Senator, I will never forget those two little girls, who had a right to live and love and be loved, but who will never have that right because of this criminal, brutal, premeditated, cowardly act by the Soviet Union.
>
> I will forever remember the giggles and the laughter—they hugged my neck and they kissed me on the cheek. Finally, their plane was called, and my last sight of them as they scampered out the door was their waving "bye-bye" to this fellow and blowing kisses to me.

I tell you that you could have heard a pin drop in this body when he delivered that message. It was a tough message. But he was right on target. Those children had a right to live, a right to be loved, and it was finished—snuffed out in that premeditated act by the Soviet Union by the shooting down of Korean Airlines flight 007.

Senator HELMS is certainly known for calling a spade a spade. But that day I thought he was right on target in calling the atrocity what it was—a cold-blooded murder. I will never forget the comments the Senator made at that time, and they will live with me always.

I admire Senator HELMS, what he stands for, and the contribution he has made to this body.

TRIBUTES TO STROM THURMOND

Mr. SMITH of New Hampshire. Mr. President, I rise to congratulate Senator STROM THURMOND on his remarkable tenure as a U.S. Senator.

As a history teacher, I taught my students about Senator THURMOND. As a Congressman, I always admired Senator THURMOND's leadership, and his willingness to speak out for his beliefs. As a Senator, it has been an honor to serve with Senator THURMOND.

He is a true patriot, a true civil servant. He has served his country in countless ways, and in every case, he has pursued this service with vigor.

He showed his dedication to the United States by serving in the army during World War II. Senator THURMOND originally signed up for an administrative position, but he eventually went to both the European and Pacific theaters.

He served with the storied 82d Airborne Division and landed in Normandy on D-Day. His combat service earned him eighteen citations, including the Bronze Star for Valor, a Purple Heart, the Belgian Order of the Crown, and the French Croix de Guerre. He continued his military career as a Major General of the U.S. Army Reserve. He also acted as National President of the Reserve Officers Association.

It is easy to forget this heroism, because it was so long ago and he has accomplished so much since them. But, for me, as a Veteran, and as someone who lost his father in service to his country, I believe we each owe Senator THURMOND our gratitude for his courage in his military service.

Senator THURMOND was first elected to the Senate 48 years ago. It was then, in 1954, that the people of South Carolina elected Senator THURMOND by a write-in vote, the only time in history that this has ever happened.

However, Senator THURMOND had made his mark well before he was elected to the Senate. He showed his dedication to South Carolina by serving as city and county attorney, State senator, circuit judge, and Governor.

As a former teacher, coach, and school board chairman, I believe there is no more noble public service than teaching. Between heroic military service and a half century of political service, STROM THURMOND managed to set aside time to teach future generations.

He was a teacher in South Carolina. He was also an athletic coach. He later went on to serve as the Superintendent of Education for Edgefield County, SC.

As a U.S. Senator, STROM THURMOND has accomplished numerous achievements. As you all may know, in 1996 Senator THURMOND became the oldest serving Senator in history. A few months later, he became the longest serving Senator in United States history.

In 1998 Senator THURMOND cast his 15,000th vote on the Senate floor. While these milestones are significant, it is what he did with this time that makes these records important.

Senator THURMOND well remembers the great baseball Hall of Famer Lou Gehrig. They used to call him the Iron Horse. He never missed a game. He always gave 100 percent. He was the essence of sportsmanship.

STROM THURMOND is the Iron Horse of the Senate. He is the essence of statesman, of public servant. He has given 100 percent for his entire career, and those of us who are privileged to know him draw energy and inspiration from his example.

I will always remember any time I came in early in the morning to open the Senate. It was always Senator THURMOND presiding. As President pro-tempore, he did not have to do that. He could appoint someone else to do it. But, that's just how STROM THURMOND is. It is part of his character.

Of course, I have always admired his dedication to his conservative values. Throughout his life Senator THURMOND was a Democrat, a Dixiecrat, and a Republican, but most importantly he was always a patriot.

His unflinching devotion to his country manifested itself in his service and chairmanship of the Senate Armed Services Committee. Moreover, his unflagging dedication to justice was represented by another chairmanship, that of the Senate Judiciary Committee. As a Senator who has served with Senator THURMOND on both of these committees, I have had the privilege of seeing a great legislator in action.

As a veteran, I am thankful for all that Senator THURMOND has done, such as serving on the Veterans' Affairs Committee for over 30 years. As a former teacher, I commend his work with the youth of South Carolina when he was an educator. As a Senator, I admire his forthrightness and dedication to his principles. As an American, he makes me proud.

Senator THURMOND, thank you for your many years of devotion to this country and the ideals that make it strong.

Mr. GRAMM. Mr. President, when I first came to the Senate, like many members, I took my two sons onto the floor of the Senate before the session started and found my desk. I asked them if they wanted to sit in my chair. One son chose Barry Goldwater's seat to sit in, and the other son chose STROM THURMOND's seat. Looking back, that is easy for me to understand.

There are so many things you could say about STROM, but there is one thing I can say about STROM THURMOND that I am certain of and that is, someday I will proudly tell my grandchildren that I served in the U.S. Senate with STROM THURMOND. Like those happy band of brothers who fought with King Harry on St. Crispin's Day, I will tell my grandchildren how I fought with a great man, a great leader, to accomplish great deeds.

He has had a profound and lasting impact on our country. But there is something more remarkable. He is eternally young. Not just in being a 100-year-old Senator, but young in the ability to adopt new ideas, to change as circumstances change, and in the process to grow, even during the longest tenure in the Senate in history. I love STROM THURMOND. I admire him, and for my whole life, I will be proud that I was able to call him colleague and friend.

CONFERENCE ON ENERGY

Mr. MURKOWSKI. Mr. President, I wish to share with my colleagues an update on the conference on energy.

As we all know, our President has asked for an energy bill. The bill was reported out of the House and the Senate, H.R. 4. We have been in conference for several days, off and on. Today we took up one of the more controversial provisions; that is, the disposition of ANWR.

The House, in its offer to the Senate, proposed adding 10.2 million acres of wildernesses as an addition to the Nation's wilderness proposal. That would constitute about 72 million acres of wilderness in my State of Alaska.

Without going into a lot of detail, I think we have to ask ourselves, indeed, if the Democratic leadership really wants an energy bill. From the beginning of this process, the committee of jurisdiction, the Energy and Natural Resources Committee, was not allowed to develop a bill out of the committee but, rather, it was developed out of the leader's office.

Since that time, we have seen an effort to try to develop compromises, but clearly the presence of the majority leader has not been very evident. So I think we have to ask ourselves, on the issues in contention—whether it be climate, whether it be ethanol, whether it be electricity, whether it be the tax aspects, or the renewable portfolio standards—all of it suggests that a compromise is, indeed, possible in the sense of discussing what is certainly one of the lightning rod issues, and that is the opening of ANWR.

With the offer by the House to create an additional 10.2 million acres, as a proposal to the Senate, it causes us concern relative to a provision when the State of Alaska accepted statehood. In the terms of statehood, there was a provision that there would be a "no more" clause; that means no more land designated without the concurrence of Alaskans. Nevertheless, this offer has been made.

I hope the issue of the disposition of the energy bill does not become a political issue. We are nearing, of course, the elections. I recognize the temptation to suggest that the environmental groups, which are opposed to ANWR, are a force to be reckoned with in the coming election or the criticism of the Republicans, that they might be too close to the energy industry. I hope these arguments are not used as excuses for not getting a bill.

Our President has asked for our bill. Our constituents have asked that we pass an energy bill. We have an obligation to do what is right for America, and that is to come to grips with the reality that we are, at this time, clearly in a conflict, the nature of which we can only hope will not result in outright war with Iraq.

But the irony of that can best be associated with a quick overview of what we have been doing since 1992. We have been enforcing a no-fly zone over Iraq. In enforcing that no-fly zone, we have taken out targets in Iraq. We have endangered our young men and women in uniform who have been enforcing the no-fly zone.

We have, in turn, imported anywhere from 600,000 to 900,000 barrels of oil a day from Iraq. It is almost as if we take his oil, put it in our airplanes, and go bomb him and enforce the no-fly zone. And he takes the money we pay for the oil and develops weapons of mass destruction, whether it be biological, chemical, or developing a nuclear capability. He develops a delivery system and aims it at our ally, Israel.

So unless we lessen our dependence on imported oil by developing more oil here at home, why, clearly, we are going to continue to have to depend on foreign sources, such as Saddam Hussein in Iraq.

For those who wonder about the merits of opening this area, I remind my colleagues that in 1995 the Senate passed an authorization to open ANWR. It was in the omnibus bill.

President Clinton vetoed it. Had that been done, we would have that oil on line now, and we certainly would have an idea of the magnitude of the fields that exist in that area.

The last point I want to make is its contribution to jobs and the economy. It is estimated there would be some 750,000 new jobs associated with opening this area, including development of 19 new U.S. flag-built tankers that would be built in U.S. yards.

So I urge my colleagues to come together and recognize, in the spirit of compromise, we should resolve the issues remaining in the energy bill. We should report out the bill containing ANWR, which will reduce our dependence on imported oil, and move on with what is good for America, and that is to lessen our dependence on foreign oil, follow the recommendations of the President, and pass an energy bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TERRORISM INSURANCE

Mr. REID. Mr. President, every morning I get up and I read the local paper, the Washington Post. There is always breaking news in the newspaper, of course. I try to go to the sports page first because there is always some good news there, at least. I was terribly disappointed today in looking at the front section of the Washington Post. There is an ad here. If this ad were a product and not an issue, there would certainly be some type of legal action for false advertising.

I just am so disappointed in the Business Roundtable and American Insurance Association. I am not disappointed in the Chamber of Commerce because they have never done anything my entire political career to make me feel good in the first place, so this just adds to what they normally do. But I personally have worked on terrorism insurance for a year now. To have them, the Business Roundtable and the American Insurance Association, run an ad blaming the Democrats for not having terrorism insurance is despicable. They should be ashamed of themselves. They know it is a lie, a falsehood, a travesty. President Bush gave this speech, and he is quoted here in Pennsylvania with a bunch of labor people, saying:

> We need an insurance bill to cover potential terrorist acts, so that hard hats in America can get back to work. And I want a bill on my desk that says we care more about working people and less about trial lawyers.

That is wrong. If the Federal Election Commission did what they should do, they should charge this as a contribution in kind for the Bush reelection campaign. Blaming the trial bar is something that goes back to biblical times, Shakespearean times. When things don't go right, blame the lawyers.

The chronology of delay over this important legislation is well documented. That is why I am so terribly disappointed. The people who make up this Business Roundtable are from hotels, some of whom are in Nevada, and all over this country. They know this is a lie. I cannot say it any other way. It is a lie. It is false advertising.

I know the chronology. I was here trying to move this legislation forward. We asked, on many occasions, unanimous consent to go to the legislation. Finally, after months—not days or weeks but months—we got to go to the bill. Then the delay was in full view to everyone. After weeks, we forced legislation out here. We, the Democrats, tried to get it on the floor. We finally got it on the floor. This was bipartisan. Some Republicans, after it got to the floor, helped us. But they held it up; we did not hold it up. After it passed, with lots of procedural delays and efforts to slow it down, we thought, oh, boy, it is over with. Everybody wants it going to conference. But, oh, no. It took months to get a conference. They would not agree to the appointment of conferees. You know, there were a few problems. Senator DASCHLE said we will have three Democrats and two Republicans. After all, we are in the majority. No, they don't want that. We are in charge of the Senate. That is a prerogative we have. After months, Senator DASCHLE said, OK, I will make it 4 to 3. They still did not agree to it. We gave them what they wanted and they still didn't agree because it was all a big stall.

Now, finally, they agreed to a conference, but nothing happened in conference. Months have gone by. I hear on the floor: Please do something. I have a staff person assigned—not full-time but he spends a great deal of time on this legislation. Senator DASCHLE has someone who spends the same amount of time on this piece of legislation.

Meetings have been held. The person Senator DASCHLE has working is an outstanding lawyer. He was in the counsel's office in the White House. He was the one who did all the judges for us. He is someone who knows what is going on.

We have made presentation after presentation to no avail. Senator DODD has spent weeks of his time on this issue. This is not a tort reform issue. It is an issue to allow insurance companies to sell terrorism insurance to allow construction projects to go forward in Las Vegas and other places in the country.

The insurance companies, as they are good at doing, have jacked up the prices so it is hard to get insurance. This legislation is an effort to allow them to receive some help if, in fact, there is an act of terrorism.

My office spoke with people when they complained about this: We had tremendous pressure from the White House to sign on to this advertisement. What is this all about, pressure to sign on to something that is false, misleading, untrue?

When President George Bush was campaigning, he said he was going to change the tone in Washington. I have been in Washington a long time now. I have never seen the tone this way. During the Reagan years, there were some disagreements, but what a fine person to get along with. He and his people were easy to get along with. Here we cannot get along—it is very tough. The atmosphere is extremely difficult. Change the tone? He has changed the tone, there is no question about that, but it is for the worse. I guess he just did not complete his sentence in all the debates and other statements he made. This is a very venomous environment.

Legislation is the art of compromise. I personally do not think this legislation dealing with terrorism insurance should have anything to do with tort reform, but they have forced the issue. The compromise has some tort reform in it. Legislation is a compromise. The White House has been unwilling to compromise, unwilling to meet. They are now putting pressure on lobbyists to fund full-page ads, pro-Bush ads in the Post and more pressure on congressional Republicans to do anything they can to stop this legislation.

I know, I have had friends on the other side tell me they do not want this legislation; they do not think it is necessary. But why not do it like adults? Stand up and say this is bad legislation, not have this charade.

If anyone is truly interested in the real White House strategy, read the story in the New York Times today about this legislation:

> Mr. Bush's push for the measure reflects a no-lose political strategy. If Congress reaches an agreement on the measure, he can rightly claim credit for it. If it fails, he can blame Congressional Democrats, and in particular the Senate majority leader, Tom Daschle, for the failure.

That is what it is all about. I believe people of the State of Nevada deserve more; the people of this country deserve more. I have no problem when there are honest disagreements on legislation, but I have been on the ground, so to speak. I have watched this; I have been right here; I have been making the unanimous consent requests. Over the month, I bet I have offered 25 unanimous consent requests right from here. There were objections to appointment of conferees and getting the bill to the floor. But to have this:

> We agree, Mr. President, there's too much at stake. . . .
>
> Congress, why the delay?
>
> The time is now. Pass Terrorism Insurance Legislation.

Six months ago, the President in 30 seconds could have had the legislation on his desk, but this has been a big stall to make the trial lawyers look like the enemy of the American people, and that simply is wrong.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that morning business be extended until 4 o'clock today, with Senators allowed to speak therein, for a period not to exceed 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

• Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask that I might proceed for no more than 5 minutes as though in morning business.

The PRESIDING OFFICER. We are in morning business.

Mr. LEAHY. I thank the distinguished Presiding Officer.

TRIBUTE TO SENATOR STROM THURMOND

Mr. LEAHY. Mr. President, I pay tribute to a colleague of ours whose career of public service may never be matched again in the history of our country. My friend STROM THURMOND sits on the other side of the aisle of the Senate Chamber, but I consider him a friend with whom I have worked closely, and I will miss him.

I remember when I was first sworn into the Senate in January of 1975. Because of a tied vote in the State of New Hampshire that election year, it was a matter that did not get resolved until we actually went back and did the election over in the middle of the year. I was the most junior Member of a 99-Member Senate. We did not have the Hart Building at the time. We had the Russell Building and the Dirksen Building, and a couple of us very junior Members were in basement offices. Senator Garn of Utah, Senator Laxalt of Nevada, and I were down in the dungeons. When we were sworn in, I had a small reception down there. I invited Members of the Senate to come, not thinking that anybody would actually show up. There were far more noteworthy people being sworn in that day, some to begin subsequent terms, others newly elected.

I remember standing there with my mother and father, and one of the very first people to come through that door was STROM THURMOND, walking arm in arm with John Stennis of Mississippi. I remember STROM welcoming me to the Senate and telling my mother and father I seemed like a nice young man, and that I might actually have a career ahead of me.

I note that has been the routine of STROM THURMOND, to welcome new Senators from either party. He has done it with hundreds of Senators. This one remembers it well.

We often worked in the field of antitrust laws. We worked together on the National Cooperative Production amendments of 1993, the very first high-technology bill signed by President Clinton, and to improve the protections against anticompetitive conduct in the Digital Performance Right in Sound Recordings Act.

Senator THURMOND has been a legislator. I must admit, when Senator THURMOND and I have worked together, it has raised some eyebrows, and when we have introduced legislation together, some have remarked that either it is brilliant legislation or one of us has not gotten around to reading it. But there are so many issues that we did join together. Of course, there have been occasions when he and I have sat on opposite sides of an issue, but even though there were issues about which we felt deeply, Senator THURMOND always conducted himself with the utmost integrity. He has always told the Senate how he felt. He has done so with the people of South Carolina first and foremost in his mind.

I recall him inviting me down to talk to the STROM THURMOND Institute at Clemson. He wanted to put on a debate on economic matters. He had an impartial moderator from the Heritage Foundation. When I walked in, I saw half the Republican party of South Carolina and the Heritage Foundation. I knew I was to be the sacrificial lamb, and I was loving every minute of it. When they stated how much time would be allotted, he stated he should have twice as much time as I because I spoke twice as fast as he did.

We had a very good meeting. I am sure I did not change his mind, or most of the minds of the audience, on a couple of issues. We walked out of there arm in arm, laughing, having a good time. I remember a couple of days later STROM coming on the floor and slapping me on the back and saying, I want to thank the king of Vermont, as he said, for going down with him.

One of the strangest meetings during that time was when we were in the Senate dining room and I introduced him to Jerry Garcia of the Grateful Dead. It was a meeting of cultures, very different cultures.

I share with Senator THURMOND the distinction of being from a State that has provided the Senate Judiciary Committee with three chairmen over the history of the committee. South Carolina and the State of Vermont have each had three different people who have shared the Senate Judiciary Committee. With that in mind, I have always asked what I call the STROM THURMOND question at judicial hearings. He has always reminded nominees that the people and lawyers who appear before them, whatever their position in the case, whether rich or poor, white or black, man or woman, whatever their religious or political affiliation, deserve respect and fairness. He has reminded everyone of that.

I will miss my friend STROM. He has been named President pro tempore emeritus for a very good reason.

I have learned much from the senior Senator from South Carolina. Let me share one additional aspect of Senator THURMOND's legacy to the Senate as he completes this term and retires from office. In addition to all his longevity records and legislative achievements and buildings named for him, there is something else about him I will always remember.

When we hold hearings for Federal judges—and we have held a number this year—I am always careful to carry on a tradition that Senator THURMOND started. Senator THURMOND always reminded nominees for high office that it is essential to treat others with courtesy and respect. He always reminded nominees that the people and lawyers who appeared before them, whatever their position in the case, whether rich or poor, white or black, man or woman, whatever their religious or political affiliation, they are each and every one deserving of respect and fairness.

Senator THURMOND was right to remind judges—and even Senators—of that simple rule. It is another contribution he has made to all of us that will continue to serve us well. As I said earlier, I will miss STROM THURMOND. He has been named President-Pro-Tempore Emeritus for good reason.

21ST CENTURY DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT

Mr. REID. Mr. President, before the Senator from Vermont leaves the floor, on a totally different matter, I direct some questions to the Senator.

It is 2 p.m. Twenty-four hours ago we were fortunate to get this conference report on H.R. 2215. I assumed this matter would be out of here in a matter of 4 or 5 minutes. I thought maybe Senator LEAHY and Senator HATCH would talk about what a great piece of work was done in conference. It is 24 hours later and this legislation has gone nowhere. In fact, the majority last night learned there would not be even a vote allowed, and we had to file cloture.

This legislation deals with combating terrorism. It is entitled: 21st Century Department of Justice Appropriations Authorization Act. The title says it all. It is true, is it not, this deals with fortifying the national border security by authorizing more than $4 billion?

Mr. LEAHY. I say to my friend, the deputy majority leader, it does.

We realize, as the Senator from Nevada has pointed out, we have problems with our borders. We have to enhance our ability to monitor the borders and still keep the open borders of this country. But it will be expensive. We put this in.

Incidentally, we put this in with the strong support of the administration.

Mr. REID. Is it true, I ask my friend, we have funding for Centers for Domestic Preparedness throughout the country? Is it true we have legislation to improve implementation of a treaty banning terrorist financing? Does it deal with FBI, allow FBI agents who are in duty stations that are perilous to receive extra money? We have heard reports a better job needs to be done with the communications, and it covers that. It covers penalties for the criminals who use body armor.

I could go on literally for 15 minutes talking about what is in this conference report. There are other Senators who wish to speak. Can the Senator give me any reason why this most important piece of legislation for the people of Nevada, Vermont, and the rest of the country is not passing?

Mr. LEAHY. I know one reason. It passed the other body 400 to 4. It came over here. I was asked if we had any objection to moving it quickly. I said, absolutely not. We checked every single member on the Democratic side of the aisle, and they said they would vote for it, every man and woman. But we had a hold put on it from the Republican side of the aisle. They have held it up. They have delayed it. I cannot understand why.

Money laundering by terrorists is covered. President Bush, shortly after the attack of September 11 last year, took extraordinary steps to try to choke off some of the sources of financing of these terrorist groups. I applauded the President for doing that. I thought it was the right thing.

However, there are some major areas we could not pursue without further legislation, which the administration strongly supports, and which Republicans and Democrats strongly support.

That is part of this bill. I would like to turn the spigot off for terrorists' money. That is in this bill.

The President of the United States would sign this bill immediately once it got onto his desk. Why the Republicans are holding it up, frankly, I don't know. I know they are holding it up, but I don't know why, especially when the President of the United States would sign this. There is much antiterrorism in here, everything from the authorization of Boys and Girls Clubs to hazardous duty pay for Federal law enforcement officers.

This is sort of like voting to acknowledge the sun rises in the east. I don't know what the controversy is.

Mr. REID. The reason it is being held up is the same reason our 13 appropriations bills are being held up, the same reason the election reform, conference reports, bankruptcy, terrorism, Patients' Bill of Rights, generic drugs, all these most important pieces of legislation are held up. It appears clearly they want to be able to say the Senate, controlled by the Democrats, has been unable to accomplish anything. However, we cannot accomplish anything unless we get help from the 49 on the other side. They are trying to show their strength in not allowing us to do anything.

Mr. LEAHY. The Senator is right. Unfortunately, in holding this up, they are taking from the President of the United States tools needed to fight international terrorism. They are turning their back on the law enforcement people of this country.

We have an authorization for a charter change for the Veterans of Foreign Wars, something they have all supported, we have all supported, Democrats are all for. Republicans are holding that up. There was a charter change in here for the American Legion. All 51 on this side of the aisle have supported it. It is being held up on the Republican side. AMVETS, a charter change for American Veterans. That is being held up by the other side. We support it.

This may be the kind of political posturing people think they have to have in an election year. I think it is a crying shame.

I yield the floor.

The PRESIDING OFFICER (Mr. REED). The Senator from Illinois.

Mr. DURBIN. Mr. President, before I make a few comments about the state of the economy, let me talk about the state of business in the Senate. I concur completely with the Senator from Vermont, chairman of the Senate Judiciary Committee, on which I am proud to serve. I cannot imagine what is holding up this legislation. This legislation is designed to restore law and order in this country. It is designed to fight terrorism. There are elements that are absolutely common sense.

It is the first time, I believe, in over 20 years we are reauthorizing the Department of Justice. We are establishing the Violence Against Women Act, to protect areas of domestic abuse. We are talking about drug abuse education, prevention, and treatment. We have a provision in here to provide resources to the Boys and Girls Clubs of America, which in the city of Chicago and across my State of Illinois are so successful in reaching out to young people.

Time and time again, this bill addresses things the Department of Justice needs. It is quite a commentary on the Senate that the Republican minority has held this bill up. They will not let us bring it to a vote. They won't let us bring it to the floor. I think it is unfortunate. I think we should have a vote on it, and I think if we do it will pass overwhelmingly and the President will gladly sign it. But we are caught up in a last-minute hurry to try to finish the session, and unfortunately some of the most commonsense priorities are victims of some political agenda. I hope this does not hold up this bill any longer.

STATE OF THE ECONOMY

Mr. DURBIN. Mr. President, I rise at this moment to speak to the state of the economy and to call to the attention of the Senate what has transpired in America in the 2 weeks since the majority leader, Senator DASCHLE, brought to the attention of this country how sadly our economy is performing.

Earlier I came to the floor and one of my Republican colleagues came to the floor and greeted me and said: DURBIN, you have it all wrong. The economy is better. Can't you feel it? The economy is much better. I have the facts to prove it.

I am anxious to see his presentation, and I am anxious to see how many people across America would agree with him because let me tell you what has happened in news reports in the last 2 weeks. These are news reports.

First, our stock market has had its worst quarter since 1987—15 years. It is the worst month of September in the stock market since 1937, 65 years ago. It has also been reported that the number of Americans without health insurance increased by 1.4 million last year, to 41.2 million.

The trend line, which had been moving in the opposite direction with more people having health insurance, is moving in the wrong direction now—fewer and fewer Americans with the protection of health insurance. May I add for a moment, have you asked anybody about the cost of health insurance lately? Small businesses, large businesses, labor unions, workers alike, the cost of health insurance is breaking the bank at businesses across America. It is breaking the bank when it comes to labor unions that try to take care of their retirees. It is something that has not been addressed by this Congress or this President.

The poverty rate rose last year for the first time in 10 years, from 11.3 percent to 11.7 percent. The prosperity of the previous administration has finally run out. More and more people are falling into poverty.

Real median household income fell last year by $934. The spending power of American families in real terms dropped by over $900. That is the first drop in 9 years.

Housing starts fell 2.2 percent in August. Unemployment insurance claims remain high, the 4-week average stays above 400,000, and the U.S. manufacturing jobs shrank in September for the first time since January.

My colleague on the Republican side says I just don't get it; things are really getting better out there. I don't think they are. I think, frankly, we are not yet into recovery. When I talk to people who are leaders in business and keep an eye on the economy, they don't think we are either. They look at numbers and the numbers are pretty compelling.

Take a look at this economic report. This is the average annual percentage change in the Standard & Poor's 500. We went all the way back to the Harding administration—Warren G. Harding, the former President—to see what had happened in the stock market. Here is what we learned.

There has only been one other time in history when we have seen such a dramatic, precipitous decline in the value of the stock market. Sadly, that was during the Great Depression under Herbert Hoover when the stock market declined some 30 percent. We are talking about the S&P 500 declining 30 percent in value. Under President Bush's current administration that same percentage has gone down 21 percent. I don't have to tell that to anybody listening to this speech because more than half of Americans own some stocks, whether it is their personal savings or college savings accounts for their kids or grandkids or their pension plans. They know what has happened here. The nest egg you put aside and counted on for the future has been diminishing over the last year and a half. The economy is not strong. Yet you wouldn't believe it when you listen to the comments that are made.

Here is a comment from the President, September 5, just a few weeks ago.

> I'm optimistic about our economy. I'm optimistic about job growth.

That is the President. Vice President CHENEY, on August 7:

> . . . there is no doubt of our nation's (economic) strength.

Paul O'Neill, Secretary of the Treasury, September 25, just a few days ago:

> The latest indicators look good.

That is our Secretary of the Treasury. What is he reading? Who is he listening to? This is a man who is supposed to be charting the course of economic policy in our country and he thinks things are looking good, a chicken in every pot. I don't think so.

Take a look at the economic record of this administration. We went back to President Eisenhower to take a look at the annual growth rate of private sector jobs. Incidentally, the President said he is optimistic about job growth. Look at job growth under this administration. Every single President has had positive job growth in the private sector except one, President George W. Bush. He is optimistic. Well, he may be optimistic about the future, but a realistic view of his administration is it has been disastrous. We have lost jobs across America and people know this. They understand the uncertainty they face.

Take a look as well at the average rate of change in the real gross domestic product. This is the sum total of the value of goods and services produced in America. We went back to President Eisenhower. Every year you see a pretty substantial growth but one—look at this. Under President George W. Bush we have the lowest economic growth in 50 years in America. The President has said, "I'm optimistic about the economy." But look at the economy. It is weak. It is an economy that has taken its toll on workers and families and businesses and on the savings of retirees.

Take a look at these jobs we have lost. More than 2 million jobs have been lost under the Bush administration. We have had 111.7 million private sector jobs when the President took office. Today we are down to 109.6 million. In the words of Secretary of the Treasury Paul O'Neill, "The latest indicators look good." I don't see it. It doesn't look good for 2 million people who have lost their jobs since this President took office.

Now take a look at what has happened when it comes to Government spending. The debt held by the public—I am almost afraid to bring up the issue of national debt and deficit with Senator HOLLINGS on the floor. This is his passion. But he knows as well as I do, the debt held by the public in 2008 had been projected, when the President took office, at $36 billion. That projection has gone from $36 billion to now $3.8 trillion. We are swimming in this red ink under this administration. It wasn't the case when he came to office.

This has all transpired under this President and his watch. What does it mean in terms of our Federal interest costs? Look at this. When the President came to office, they estimated the total Federal net interest spending for 10 years would be $620 billion. That is when President Bush took office. Today the estimate is up to $1.9 trillion—interest paid on national debt created by deficits with which we are presently living.

We left an administration that was in surplus. We left an administration that was paying down the national debt. We are now in an administration adding to the national debt, creating deficits, causing problems across our economy.

The reason? You can look at the recession which continues. You can certainly look to the war on terrorism, which has cost us dearly. None of us will shortchange the men and women who are fighting for our Nation, and that is going to cause some spending which will come out of the Social Security trust fund. But there is a third element. The third element was President Bush's tax policy. He came forward and said to America: With this fantastic surplus that I can see for 10 straight years, it is time to give the money back to the American people. So the average family got the $300 check or the $600 check and said: That is fine. I will find something to do with that.

But the net result of all of it is we are in a situation now where we are dealing with debt and deficit which we did not anticipate. The guesses and forecasts and speculation of President Bush's best advisers were just plain wrong. The surplus that was projected for 10 years has disappeared. It is totally gone. We were not prudent. We were not cautious. We were not careful. We put in tax cuts that will be in place for 10 years and we cannot pay for them and we are going in debt. No, let me take it back. We are taking money out of the Social Security trust fund to pay for it.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. DURBIN. I ask unanimous consent for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. The point we are making is that we are dealing with a tax cut that frankly has brought us back down into a deficit situation and increased our national debt and increased the interest on which future generations will pay. That tax cut, when you look at benefits of it—take a look. If you happen to be down making $9,300 a year, the President's tax cut is worth $66.

Average annual tax cut by income range: If you are making $20,000 a year, it is worth $375. If you are up to $39,000 a year, it is $600. If you are making $56,000 a year, it is $1,000. If you are making $97,000 a year, it is about $2,200. If you are making $220,000, it is worth $3,000 to you. But hold on tight. If you are in the top 1 percent of wage earners in America making an average of $1.1 million a year, the President's tax cut is worth $53,000. It is small change down here for most working families. But it is $53,000 for people who are already making $1 million a year.

You say, of course; they pay all the taxes; they should get the tax break. That isn't how it works. Under the President's plan, it doesn't directly track the taxes we are paying. So the people who are getting the biggest tax cut are not proportionately paying the most in terms of taxes to the Federal Government.

The Bush economic record and what it means to you is, in effect, a 10-year surplus has disappeared from $5.6 trillion, which was projected by the President just last year. Now we are down into a deficit situation over the same 10-year period of time.

I mentioned earlier the impact of the stock market. Everybody, I think, knows this. You see what is happening to our stock market. The value of all the stocks in the stock market when the President took office was $16.4 trillion. The value today is $11.9 trillion, and going down. We have lost $4.5 trillion in value—about 25 percent of the value of the stock market. Forget about the value of the stock market. It is the value of savings, the value of pension plans, and the value of college savings accounts. Those are the things that have taken a beating.

I think the point is clear. This administration wants to talk about every issue they can think of except economic security, except the state of the economy, and except the fact that average families, average businesses, and average individuals in this country are struggling with an economy that is flat on its back.

The best the President had to offer was a meeting in August down in Texas where he called some close friends and corporate leaders and asked, What do you think? A lot of them said, Stay the course; couldn't be doing better.

We can do a lot better. We can do better with leadership—not just from the White House, but from Congress. Sadly, this Congress will not produce legislation that will address these problems. What could we do? We believe on this side the first thing we ought to do is extend unemployment insurance benefits to the people across America who are about to run out of unemployment insurance. We should extend the benefits for another 13 to 26 weeks. We did that five times under President Bush's father, the last time we had a recession. This President has refused to do it one time. That is not fair to these people or their families.

Second, we believe we need pension protection for families across America who are vulnerable; for people who are 62 years old and wanting to take their retirement, and watched their pension disappear before their eyes, and no health care. We need protection for those employees who are in that circumstance.

What about the millions of Americans on minimum wage? It has been 5 years since we raised the minimum wage. It is stuck at $5.15 an hour. That is not going to make America stronger.

Let me also tell you when it comes to the cost of health, we should understand it is absolutely essential that we accept this as a highest priority. We heard this morning from a major union working with a major company. The people who ran the company came before them and said, Listen, we don't know what we are going to do next year. We have a $1 billion health insurance bill. We don't know how we are going to do it.

I have heard the same thing from labor unions and small businesses. This government ignores it.

We talk about tax cuts for the wealthiest instead of tax credits for businesses that offer health insurance. We talk about tax cuts for the wealthiest instead of helping average families struggling to pay to get their kids through college. Why in the world don't we make the cost of college tax-deductible for working families before we award these great tax breaks for families making over $1 million a year?

This is the agenda Americans face every day. After they turn off the news, they talk about a variety of other issues. They sit down and try to figure out how to grapple with these issues. I think this is the agenda which the American people want this Congress to work on. Sadly, because of lack of leadership downtown, and because of lack of leadership here on the Hill, we have done precious little to address the real issues facing American families.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

ORDER OF BUSINESS

Mr. REID. Mr. President, we have a couple of Senators who wish to speak. Senator HARKIN has been on the floor. I do not know if there is anyone on the minority side who wishes to speak. I would like to get a routine set up here. Does the Senator from Missouri wish to speak today?

Mr. BOND. Mr. President, to respond to my colleague from Nevada, I was preparing to speak. The Senator from New Mexico wants to bring up the health insurance bill. I just walked in to debate another matter.

Mr. REID. We will wait until the Senator from New Mexico shows up and try to work something out. Is that OK?

Mr. BOND. That works for me.

Mr. REID. Mr. President, I ask unanimous consent that the Senator from Iowa be recognized. I don't know if Senator KENNEDY is still here. He had been waiting. I ask unanimous consent that Senator HARKIN, Senator HOLLINGS, and Senator KENNEDY be recognized in that order. Following that, we would be happy to work out whatever we can with the Senator from Missouri. We had a number of speakers here today, most of whom have been for the Republicans.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I was so promptly reminded that I forgot Senator BYRD. Senator BYRD would be happy to go following Senator KENNEDY.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. I didn't hear the request.

Mr. REID. We have in order Senators HARKIN, HOLLINGS, KENNEDY, and BYRD. As I indicated to the Senator from Missouri, following one of those statements from the Democrats, if Senator DOMENICI shows up, and you and he went into a colloquy, we would be happy to stick you in there.

Mr. BOND. Mr. President, reserving the right to object, might I ask if Members on my side come, we could intersperse them in the makeup?

Mr. REID. That is why I said if Senator DOMENICI, for example, shows up, we will be happy to have a Republican in between the Democrats I announced.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. Mr. President, the unanimous consent request, as modified, is objected to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa is recognized.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the majority leader, after consultation with the Republican leader, may turn to the consideration of S. 2776, the Labor, Health and Human Services, and Education appropriations bill.

Mr. BOND. Mr. President, on behalf of the minority leader, we object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I thank the leader and the assistant majority leader, Senator REID, for attempting to bring forward this Labor, Health and Human Services, and Education bill. I am disappointed some in this body don't want us to move forward with this vital piece of legislation for the American people.

I invite my colleagues to take a hard look at the bill, It is a good one. It is a bipartisan bill. I invite my colleagues, especially on the Republican side, who objected to bringing this up to take a look at the cost of our inaction and what it will mean for America's school children this year.

As I have said, this is a bipartisan bill. It passed both the subcommittee and the full committee unanimously. One reason for that is the good allocation my subcommittee was provided by our chairman, Senator BYRD, and the ranking Member, Senator STEVENS. Another reason is the bipartisan partnership Senator SPECTER and I have enjoyed for many years. I thank each for their efforts.

Why can't we move forward now? Nothing is happening here. Look at the

Senate. Nothing is happening. Nothing is happening, and we want to bring up our education bill to fund America's schools, and the Republicans won't let us. I ask why? Why is there an objection today to bringing up the funding bill for education?

I have heard the President pounding on the podium in cities and towns all across the country saying the U.S. Senate needs to act. I agree. It is time to act. It is time to live up to the promises the President and this Congress made on education. We are ready to act. We didn't object. The Republicans objected to bringing up our education bill.

Not incidentally, it is time to live up to the promise we made on a bipartisan basis to double the funding for the National Institutes of Health. With this bill, we would have completed that 5-year goal. Now that has been put on the back burner. With this bill, we could have completed that 5-year goal. And that is put on the back burner. It is all in jeopardy, as is the promise of the Leave No Child Behind Act.

Last year we came together on a bipartisan basis to demand more of our public schools. We said the status quo was not good enough; we had to do better. Now, by not acting on this bill, we have passed mandates on our public schools, mandates about leaving no child behind, and now we are not coming forward with the funding to help them.

Now we are going to do a continuing resolution. That is what they tell me. What does passing a long-term continuing resolution mean? I talk about that with my constituents. I talk about a CR, a continuing resolution, and their eyes glaze over. What does that mean?

In real terms, the objection by the minority side today means $3.2 billion less for education overall for this year, the one we are in now, and $1.5 billion less for title I, which is most important for implementing Leave No Child Behind.

Since the objection was made on behalf of the minority leader, the Senator from Mississippi, I point out that in Mississippi that would be $5.3 million less this year for title I if we do not get this bill through.

The ink isn't even dry on the Leave No Child Behind bill and already we are undercutting the schools. I have talked with a lot of my principals in Iowa and they are deeply concerned about what is going to happen when they have to meet their annual yearly progress standards and yet we have not given them the tools by which they can do so. It will be a cruel joke on them to have passed Leave No Child Behind and not pass the funding.

How about special education? A long-term continuing resolution, without this bill, means $1 billion less for the Individuals with Disabilities Education Act. Again, since this objection was made on behalf of the Senator from Mississippi, I will point out that for Mississippi it means they will get $10.7 million less this year for special education because the minority leader objected to moving to the education appropriations bill.

It is time we pass the money for special education. Last year Senator HAGEL and I came together on a bipartisan amendment to do it, but the President and the House punted and said no. And they are doing it again.

I say to colleagues, ask your principals and your school boards about their need for special education funding and you will find out how much it is needed. Because this objection was made today, $1 billion less will be made available to our public schools in America.

For student financial aid—for those going to college—a long-term CR means $100 less for the maximum Pell grant, and not a single dollar more for student loans and other college aid.

In my own State of Iowa, because of the downturn in the economy, we have seen a 20-percent tuition increase at our public universities. These schools are critical to helping middle-class kids climb the ladder of opportunity. Yet today the minority leader says no to helping these middle-class kids get a college education.

The world has changed a lot from a year ago. There is no denying that. We have different priorities, as well we should. But if we cannot ensure that every child in America has the best public education, then what kind of a nation are we fighting for?

President Kennedy once said of education:

> Let us think of education as the means of developing our greatest abilities, because in each of us there is a private hope and dream which, fulfilled, can be translated into benefit for everyone and greater strength for our nation.
>
> It is the private hopes and the private dreams of the families of these kids in public schools—in elementary school and high school, and now wanting to go to college—it is their private hopes and dreams that are being stunted by the objection by the minority leader today in not going to the education funding bill.

We are here in the Senate. We are not doing a cotton-picking thing. We are just sitting around. Why? Because the minority leader will not let us do anything. They may think it is good politics. Maybe they can go out there and now argue: Well, we can't get anything done in the Senate. We can't get anything done in the Senate. Well, not because of what the Democrats are doing. We want to bring up the education funding bill. It is the minority leader who is objecting. The Republican leader is objecting.

We could bring it up. As I say one more time, this education funding bill passed the subcommittee and the full committee unanimously—unanimously. So for what possible reason would the minority leader object to bringing up the education funding bill when we are not doing anything anyway? It would seem to me we could bring it up, debate it this afternoon, and probably get it passed tomorrow, since it was supported unanimously on both sides of the aisle.

It is time for us to act to get the money out for special education, title I, for elementary and secondary education, help for our middle-class kids going to college. The minority leader today has said no. He said that politics comes first. I think our kids should come first.

Well, they have objected today, Mr. Leader. I will attempt again tomorrow to bring up the education funding bill, and every day that we are here, to bring it up to let the American people know that we, on this side, and I, as chairman of the subcommittee that funds education, want to bring it up. We want to get it through. I am just sorry that the minority leader has objected.

The PRESIDING OFFICER. The Senator from Missouri.

INACTION ON APPROPRIATIONS BILLS

Mr. BOND. Mr. President, on one point I agree with my colleague from Iowa: This Senate is dysfunctional. We have not done our work. It is a new year. It has already begun. We have not passed and sent to the President a single appropriations bill.

But I have to differ very strongly with his accusation, which is totally unfounded, that the objection I raised was for political purposes. The objection is raised because this body has before it an appropriations bill. We have the Interior appropriations bill before us, and it has been stalled by my colleagues on the other side. We need to vote on that bill.

One of the reasons we are in this problem is because we have not passed a budget, the first time since 1974 we have not passed a budget. I serve on the Budget Committee. I happen to believe that the budget that was reported out by the majority, on a party-line vote, was and is indefensible. The fact that the majority leader has not brought it up tends to confirm my suspicion.

But when you do not have a budget, you have a great difficulty trying to pass appropriations bills. We have passed good bills out of the Appropriations Committee. And I happen to have not only a great interest in the Labor, Health, and Human Services bill, but in the VA–HUD and independent agencies bill. We have to get those done. And we are going to get those done. It looks as if we are going to have to wait for a new Congress to do it. We are going to get those funds out there because they are vitally needed. And we have, in all of these bills, incorporated many important projects and programs that need to be funded.

But we are stuck. We have been almost, I guess it is, 5 weeks now on Interior. Why haven't we voted on and passed out an Interior bill? Why not? Because Senators from the West—and I include myself in that; it is close; we are on the west side of the Mississippi River—want to have the same protection for our forests, for the neighbors of the forests, for the people who work in the forests—the firefighters—for the people who live by the forests, for the trees themselves, the wildlife in the forests, we want to have the same protection from devastating catastrophic forest fires.

Senators CRAIG, DOMENICI, and KYL offered an amendment which I was proud to support. Very simply, that amendment gave, with many more limitations, the same kind of flexibility to the Forest Service in other States that it has in South Dakota, which is desperately needed.

The Senator from South Dakota included a provision nobody knew about in the Defense bill that said you could go in and clean out the high-density fuel and the volatile compounds lining the floors of the forests in South Dakota, but he made it just for South Dakota.

Fires are raging in the West, in California, Arizona, Colorado, Utah. They are threatened in Missouri. We said: We want the same protection for our forests. We want to be able to use sound forest management, which means getting the dead, diseased logs out of the forest before a spark from lightning or a manmade spark or some kind of machine sets them on fire and causes a catastrophic fire that outraces the wildlife, that burns old-growth trees, that kills people. Over 20 firefighters are dead in the West from these catastrophic fires. It is burning up property.

Do you know what the result is? The environment suffers tremendously because wildlife cannot escape from these fast-moving fires. The forest floor is baked so hard that nothing will grow for decades. What we are saying is, sound forestry management demands that you clean out the high-fuel areas to prevent catastrophic fires. It makes common sense. Except there are special interest groups, specifically the Sierra Club and others, that say you cannot vote for that bill. They have too much political clout.

If we are talking about politics, holding up the appropriations, let's look at the politics holding up the Interior appropriations bill. That is where the politics are being played. That is why people throughout the West and anywhere where there are national forests are in danger of catastrophic forest fires, because the majority refuses to make their Members vote between cleaning up the forests, preventing the fires, protecting their people, and the Sierra Club. They don't want to make that choice.

That choice is easy. If we can get a vote on it, one way or the other, you may beat us. You may have enough votes to say, no, we don't want to give you that protection. But at least we want to have a vote. Then we can pass the Interior bill. We could get to Labor-HHS. We could get to the CJS bill on which my colleague from South Carolina has worked so hard. We can get to the VA-HUD-independent agencies bill on which I have worked with my colleague from Maryland.

There is politics in the holding up of the appropriations. The politics are not on this side.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

THE ECONOMY

Mr. HOLLINGS. Mr. President, earlier this morning I heard a distinguished colleague on this side of the aisle refer to ending the fiscal year with a $150 to $160 billion deficit.

Thereafter, I was astounded to hear a colleague from the other side of the aisle say tax cuts increase revenues. If that latter statement were true, we would just come here and cut taxes every day because that is what we need, revenues. Ever since this President took office, we have run the most astounding debt of a free country. Instead of paying down the debt, there isn't any question, when he came here he started cutting taxes. He put in an economic team headed by Larry Lindsey—the only fellow in America who thinks the economy is good.

Until you get rid of that economic team and stop this singsong about cutting taxes, and instead start paying down the debt, the economy is not going to recover.

Let me go right to what the debt is because today is October 2, two days since the end of fiscal year 2002. Under law, the Treasurer of the United States is required to publish the public debt every day. We ended the fiscal year 2002 on September 30, with a deficit of $421 billion, and a debt of $6.2 trillion, up from $5.8 trillion last year.

I have been up here 36 years. This is the biggest deficit we have ever had. George the first gave us a $402 billion deficit. He exceeded the $400 billion mark. Now George the second, topped it with $421 billion. The Senator from Oklahoma said that if you cut the taxes, you increase the revenues. George the first called that voodoo. This is voodoo two.

Here is how we got into this particular dilemma, because we all are guilty on both sides of the aisle and on both sides of the Capitol. It was Mark Twain who said that the truth is such a precious thing, it should be used very sparingly.

Well, not really kidding about the truth, going to the seriousness of the truth, it was never better stated than by my friend James Fallows, in his book "Breaking the News" back in 1996, when he related the debate over how you constitute and maintain a strong democratic government.

The debate was between Walter Lippmann and John Dewey, the famous educator. It was Lippmann's contention that what you really need to do is get the best of minds in the particular disciplines—the best fellow on education, the best on forestry and fires, the best fellow on health care, the best fellow on defense, and whatever it is, the experts in the fields—to sit around the table and agree on the needs of the country and their expert solution to the problem of those needs.

John Dewey, the famous educator, said: No, all we need to do is have the free press tell the truth to the American people. And out of those truths, emanating through their representatives, their Senators in Government in Washington, would come the proper programs to strengthen and maintain that democracy.

That for the first time ever gave me the understanding of Jefferson's observation that as between a free government and a free press, he would choose the latter. Obviously, of course, with that free press telling the truth, we would always maintain a strong democracy. But we haven't been telling the truth.

I have been trying for a good 20-some years now, since I was chairman of the Budget Committee, to get us to tell the truth: Simply, how much in revenues the Government took in, and how many expenditures there were. We need to find out what the net is, so we know whether we ended up with a surplus or with a deficit. Using this technique, the fiscal year 2002 deficit, that ended just two days ago, was $421 billion.

How many Senators, time and time again, say: We have to hold the deficit to $165 billion, but we are not going to touch Social Security? How many Senators have said we have a $5.6 trillion surplus, but we are not going to touch Social Security?

Let me go to the Social Security story. In 1935, under Franklin Delano Roosevelt, we passed the most formative of governmental programs. Between 1930 and 1969, we never used Social Security moneys to pay the Government's debt. However, in 1971, I was here when we had the famous expert on government finance, Congressman Wilbur Mills, and he started up into New Hampshire running for the Presidency, promising a 10-percent increase in the cost of living adjustment to the Social Security recipient.

He said that we have such a surplus in the Social Security trust fund, he would give them a full 10 percent. Of course, President Nixon came back and said in the campaign: If he gives you 10 percent, I will give you 15 percent. With that one-upmanship during the 1970s, we were drained, and the Social Security trust fund almost went into the red by 1980.

We appointed the famous Greenspan Commission, which came out with a report in January 1983 called the "National Commission on Social Security Reform." You will see under section 21—and I read from it:

> A majority of the members of the National Commission recommends that the operations of the Social Security trust funds should be removed from the unified budget.

It took this Senator from 1983 until 1990—7 years—to get a vote on this. I finally got it out of the Budget Committee, but not unanimously. There was one vote by someone who said they would "chase me down like a dog in the streets" when I was recommending an increase in taxes in 1993. There was one Senator on that Budget Committee, who would surprise everybody, who said, no, he didn't want to put Social Security off budget. But when we came to a vote on the floor, 98 Senators voted for it. President George Herbert Walker Bush, on November 5, 1990, signed section 13.301 of the Budget Act into law, which states:

> Notwithstanding any other provision of law, the receipts and disbursements of the Social Security trust fund shall not be counted in any budget of the United States Government.

There it is. That is the law of the land. Unfortunately, there is no penalty if you don't follow it. I tried to get a penalty saying you would forfeit your own Social Security if ever you quoted a budget including the Social Security trust funds.

I ask unanimous consent that this section be printed in the CONGRESSIONAL RECORD at this time, along with section 31 of the report.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> (21) A majority of the members of the National Commission recommends that the operations of the OASI, DI, HI, and SMI Trust Funds should be removed from the unified budget. Some of those who do not support this recommendation believe that the situation would be adequately handled if the operations of the Social Security program were displayed within the present unified Federal budget as a separate budget function, apart from other income security programs.

The PRESIDING OFFICER. The Senator has consumed 10 minutes.

Mr. HOLLINGS. I ask unanimous consent for another 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, in 1993, that same Alan Greenspan went down to Arkansas. To meet with President-Elect Bill Clinton at an economic conference. He said what we really needed to do is pay down the debt; then President Clinton came to town, and without a single Republican vote, we cut spending and we increased taxes. That is when the Senator from Texas, Mr. GRAMM, said: If you increase taxes on Social Security, they will be hunting you Democrats down like dogs in the street and shooting you.

Well, I voted to increase taxes on Social Security. I voted to increase taxes on gasoline. I voted to increase taxes on whom? The stock crowd in New York. And the stock crowd in New York rejoiced. They turned around and said: The Government in Washington finally has gotten serious and is going to pay down the bill—that huge debt—and we are going to start investing. Then we had an 8-year economic boom.

Along comes candidate George W. Bush. When candidate Bush came on that campaign trail, I will never forget it. It was about this time, the year before last. He said he was going to cut taxes. I was watching it, being an old Budget Committee chairman and thinking, How in the world are they going to do this? They didn't have any taxes to cut. We got right into the black under President Clinton's economic plan. We were hearing about going in the absolute opposite direction and arguing now why. Everybody knows why.

Immediately after his election in November, on the Friday of that particular week, Vice President CHENEY said we were going to cut taxes. Everybody started taking him seriously. This was not just a campaign statement. Then I can tell you who pulled the plug on the economy—irrationally exuberant Alan Greenspan himself. He appeared on January 25—I ask unanimous consent this be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TESTIMONY OF CHAIRMAN ALAN GREENSPAN

(BEFORE THE COMMITTEE ON THE BUDGET, U.S. SENATE, JANUARY 25, 2001)

OUTLOOK FOR THE FEDERAL BUDGET AND IMPLICATIONS FOR FISCAL POLICY

I am pleased to appear here today to discuss some of the important issues surrounding the outlook for the federal budget and the attendant implications for the formulation of fiscal policy. In doing so, I want to emphasize that I speak for myself and not necessarily for the Federal Reserve.

The challenges you face both in shaping a budget for the coming year and in designing a longer-run strategy for fiscal policy were brought into sharp focus by the release last week of the Clinton Administration's final budget projections, which showed further upward revisions of on-budget surpluses for the next decade. The Congressional Budget Office also is expected to again raise its projections when it issues its report next week.

The key factor driving the cumulative upward revisions in the budget picture in recent years has been the extraordinary pickup in the growth of labor productivity experienced in this country since the mid-1990s. Between the early 1970s and 1995, output per hour in the nonfarm business sector rose about 1½ percent per year, on average. Since 1995, however, productivity growth has accelerated markedly, about doubling the earlier pace, even after taking account of the impetus from cyclical forces. Though hardly definitive, the apparent sustained growth in measured productivity in the face of a pronounced slowing in the growth of aggregate demand during the second half of last year was an important test of the extent of the improvement in structural productivity. These most recent indications have added to the accumulating evidence that the apparent increases in the growth of output per hour are more than transitory.

It is these observations that appear to be causing economists, including those who contributed to the OMB and the CBO budget projections, to raise their forecasts of the economy's long-term growth rates and budget surpluses. This increased optimism receives support from the forward-looking indicators of technical innovation and structural productivity growth, which have shown few signs of weakening despite the marked curtailment in recent months of capital investment plans for equipment and software.

To be sure, these impressive upward revisions to the growth of structural productivity and economic potential are based on inferences drawn from economic relationships that are different from anything we have considered in recent decades. The resulting budget projections, therefore, are necessarily subject to a relatively wide range of error. Reflecting the uncertainties of forecasting well into the future, neither the OMB nor the CBO projects productivity to continue to improve at the stepped-up pace of the past few years. Both expect productivity growth rates through the next decade to average roughly 2¼ to 2½ percent per year—far above the average pace from the early 1970s to the mid-1990s, but still below that of the past five years.

Had the innovations of recent decades, especially in information technologies, not come to fruition, productivity growth during the past five to seven years, arguably, would have continued to languish at the rate of the preceding twenty years. The sharp increase in prospective long-term rates of return on high-tech investments would not have emerged as it did in the early 1990s, and the associated surge in stock prices would surely have been largely absent. The accompanying wealth effect, so evidently critical to the growth of economic activity since the mid-1990s, would never have materialized.

In contrast, the experience of the past five to seven years has been truly without recent precedent. The doubling of the growth rate of output per hour has caused individuals' real taxable income to grow nearly 2½ times as fast as it did over the preceding ten years and resulted in the substantial surplus of receipts over outlays that we are now experiencing. Not only did taxable income rise with the faster growth of GDP, but the associated large increase in asset prices and capital gains created additional tax liabilities not directly related to income from current production.

The most recent projections from the OMB indicate that, if current policies remain in place, the total unified surplus will reach $800 billion in fiscal year 2011, including an on-budget surplus of $500 billion. The CBO reportedly will be showing even larger surpluses. Moreover, the admittedly quite uncertain long-term budget exercises released by the CBO last October maintain an implicit on-budget surplus under baseline assumptions well past 2030 despite the budgetary pressures from the aging of the baby-boom generation, especially on the major health programs.

The most recent projections, granted their tentativeness, nonetheless make clear that the highly desirable goal of paying off the federal debt is in reach before the end of the decade. This is in marked contrast to the perspective of a year ago when the elimination of the debt did not appear likely until the next decade.

But continuing to run surpluses beyond the point at which we reach zero or near-zero federal debt brings to center stage the critical longer-term fiscal policy issue of whether the federal government should accumulate large quantities of private (more technically nonfederal) assets. At zero debt, the continuing unified budget surpluses currently projected imply a major accumulation of private assets by the federal government. This development should factor materially into the policies you and the Administration choose to pursue.

I believe, as I have noted in the past, that the federal government should eschew private asset accumulation because it would be exceptionally difficult to insulate the government's investment decisions from political pressures. Thus, over time, having the federal government hold significant amounts of private assets would risk sub-optimal performance by our capital markets, diminished economic efficiency, and lower overall standards of living than would be achieved otherwise.

Short of an extraordinarily rapid and highly undesirable short-term dissipation of unified surpluses or a transferring of assets to individual privatized accounts, it appears difficult to avoid at least some accumulation of private assets by the government.

Private asset accumulation may be forced upon us well short of reaching zero debt. Obviously, savings bonds and state and local government series bonds are not readily redeemable before maturity. But the more important issue is the potentially rising cost of retiring marketable Treasury debt. While shorter-term marketable securities could be allowed to run off as they mature, longer-term issues would have to be retired before maturity through debt buybacks. The magnitudes are large: As of January 1, for example, there was in excess of three quarters of a trillion dollars in outstanding nonmarketable securities, such as savings bonds and state and local series issues, and marketable securities (excluding those held by the Federal Reserve) that do not mature and could not be called before 2011. Some holders of long-term Treasury securities may be reluctant to give them up, especially those who highly value the risk-free status of those issues. Inducing such holders, including foreign holders, to willingly offer to sell their securities prior to maturity could require paying premiums that far exceed any realistic value of retiring the debt before maturity.

Decisions about what type of private assets to acquire and to which federal accounts they should be directed must be made well before the policy is actually implemented, which could occur in as little as five to seven years from now. These choices have important implications for the balance of saving and, hence, investment in our economy. For example, transferring government savings to individual private accounts as a means of avoiding the accumulation of private assets in the government accounts could significantly affect how social security will be funded in the future.

Short of some privatization, it would be preferable in my judgment to allocate the required private assets to the social security trust funds, rather than to on-budget accounts. To be sure, such trust fund investments are subject to the same concerns about political pressures as on-budget investments would be. The expectation that the retirement of the baby-boom generation will eventually require a drawdown of these fund balances does, however, provide some mitigation of these concerns.

Returning to the broader picture, I continue to believe, as I have testified previously, that all else being equal, a declining level of federal debt is desirable because it holds down long-term real interest rates, thereby lowering the cost of capital and elevating private investment. The rapid capital deepening that has occurred in the U.S. economy in recent years is a testament to these benefits. But the sequence of upward revisions to the budget surplus projections for several years now has reshaped the choices and opportunities before us. Indeed, in almost any credible baseline scenario, short of a major and prolonged economic contraction, the full benefits of debt reduction are now achieved before the end of this decade—a prospect that did not seem likely only a year or even six months ago.

The most recent data significantly raise the probability that sufficient resources will be available to undertake both debt reduction and surplus lowering policy initiatives. Accordingly, the tradeoff faced earlier appears no longer an issue. The emerging key fiscal policy need is to address the implications of maintaining surpluses beyond the point at which publicly held debt is effectively eliminated.

The time has come, in my judgement, to consider a budgetary strategy that is consistent with a preemptive smoothing of the glide path to zero federal debt or, more realistically, to the level of federal debt that is an effective irreducible minimum. Certainly, we should make sure that social security surpluses are large enough to meet our long-term needs and seriously consider explicit mechanisms that will help ensure that outcome. Special care must be taken not to conclude that wraps on fiscal discipline are no longer necessary. At the same time, we must avoid a situation in which we come upon the level of irreducible debt so abruptly that the only alternative to the accumulation of private assets would be a sharp reduction in taxes and/or increase in expenditures, because these actions might occur at a time when sizable economic stimulus would be inappropriate. In other words, budget policy should strive to limit potential disruptions by making the on-budget surplus economically inconsequential when the debt is effectively paid off.

In general, as I have testified previously, if long-term fiscal stability is the criterion, it is far better, in my judgment, that the surpluses be lowered by tax reductions than by spending increases. The flurry of increases in outlays that occurred near the conclusion of last fall's budget deliberations is troubling because it makes the previous year's lack of discipline less likely to have been an aberration.

To be sure, with the burgeoning federal surpluses, fiscal policy has not yet been unduly compromised by such actions. But history illustrates the difficulty of keeping spending in check, especially in programs that are open-ended commitments, which too often have led to much larger outlays than initially envisioned. It is important to recognize that government expenditures are claims against real resources and that, while those claims may be unlimited, our capacity to meet them is ultimately constrained by the growth in productivity. Moreover, the greater the drain of resources from the private sector, arguably, the lower the growth potential of the economy. In contrast to most spending programs, tax reductions have downside limits. They cannot be open-ended.

Lately there has been much discussion of cutting taxes to confront the evident pronounced weakening in recent economic performance. Such tax initiatives, however, historically have proved difficult to implement in the time frame in which recessions have developed and ended. For example, although President Ford proposed in January of 1975 that withholding rates be reduced, this easiest of tax changes was not implemented until May, when the recession was officially over and the recovery was gathering force. Of course, had that recession lingered through the rest of 1975 and beyond, the tax cuts would certainly have been helpful. In today's context, where tax reduction appears required in any event over the next several years to assist in forestalling the accumulation of private assets, starting that process sooner rather than later likely would help smooth the transition to longer-term fiscal balance. And should current economic weakness spread beyond what now appears likely, having a tax cut in place may, in fact, do noticeably good.

As for tax policy over the longer run, most economists believe that it should be directed at setting rates at the levels required to meet spending commitments, while doing so in a manner that minimizes distortions, increases efficiency, and enhances incentives for saving, investment, and work.

In recognition of the uncertainties in the economic and budget outlook, it is important that any long-term tax plan, or spending initiative for that matter, be phased in. Conceivably, it could include provisions that, in some way, would limit surplus-reducing actions if specified targets for the budget surplus and federal debt were not satisfied. Only if the probability was very low that prospective tax cuts or new outlay initiatives would send the on-budget accounts into deficit, would unconditional initiatives appear prudent.

The reason for caution, of course, rests on the tentativeness of our projections. What if, for example, the forces driving the surge in tax revenues in recent years begin to dissipate or reverse in ways that we do not foresee? Indeed, we still do not have a full understanding of the exceptional strength in individual income tax receipts during the latter 1990s. To the extent that some of the surprise has been indirectly associated with the surge in asset values in the 1990s, the softness in equity prices over the past year has highlighted some of the risks going forward.

Indeed, the current economic weakness may reveal a less favorable relationship between tax receipts, income, and asset prices than has been assumed in recent projections. Until we receive full detail on the distribution by income of individual tax liabilities for 1999, 2000, and perhaps 2001, we are making little more than informed guesses of certain key relationships between income and tax receipts.

To be sure, unless later sources do reveal major changes in tax liability determination, receipts should be reasonably well-

> maintained in the near term, as the effects of earlier gains in asset values continue to feed through with a lag into tax liabilities. But the longer-run effects of movements in asset values are much more difficult to assess, and those uncertainties would intensify should equity prices remain significantly off their peaks. Of course, the uncertainties in the receipts outlook do seem less troubling in view of the cushion provided by the recent sizable upward revisions to the ten-year surplus projections. But the risk of adverse movements in receipt is still real, and the probability of dropping back into deficit as a consequence of imprudent fiscal policies is not negligible.
>
> In the end, the outlook for federal budget surpluses rests fundamentally on expectations of longer-term trends in productivity, fashioned by judgments about the technologies that underlie these trends. Economists have long noted that the diffusion of technology starts slowly, accelerates, and then slows with maturity. But knowing where we now stand in that sequence is difficult—if not impossible—in real time. As the CBO and the OMB acknowledge, they have been cautious in their interpretation of recent productivity developments and in their assumptions going forward. That seems appropriate given the uncertainties that surround even these relatively moderate estimates for productivity growth. Faced with these uncertainties, it is crucial that we develop budgetary strategies that deal with any disappointments that could occur.
>
> That said, as I have argued for some time, there is a distinct possibility that much of the development and diffusion of new technologies in the current wave of innovation still lies ahead, and we cannot rule out productivity growth rates greater than is assumed in the official budget projections. Obviously, if that turns out to be the case, the existing level of tax rates would have to be reduced to remain consistent with currently projected budget outlays.
>
> The changes in the budget outlook over the past several years are truly remarkable. Little more than a decade ago, the Congress established budget controls that were considered successful because they were instrumental in squeezing the burgeoning budget deficit to tolerable dimensions. Nevertheless, despite the sharp curtailment of defense expenditures under way during those years, few believed that a surplus was anywhere on the horizon. And the notion that the rapidly mounting federal debt could be paid off would not have been taken seriously.
>
> But let me end on a cautionary note. With today's euphoria surrounding the surpluses, it is not difficult to imagine in the hard-earned fiscal restraint developed in recent years rapidly . . .

He said that "by continuing to run surpluses beyond the point of which we reach zero, Federal debt brings to center stage the critical longer term fiscal policy issue of whether the Federal Government should accumulate large quantities of private assets. I believe that the Federal Government should eschew private assets accumulation. Of course, having the Federal Government hold the significant amounts of private assets would risk sub-optimal performance of our capital markets, diminish economic efficiency, and lower overall standards of living."

He talked of "burgeoning Federal surpluses." That was just last year, in January. He said that surpluses should be lowered by tax reductions rather than by spending increases.

He said:

> The most recent data significantly raised the probability that sufficient resources will be available to undertake both debt reduction and surplus lowering.

Does anybody here need better permission than that, than to have Alan Greenspan give you the stamp of approval for cutting taxes?

Mr. President, the President talked a month later, in February, in his State of the Union, and he said:

> To make sure the retirement savings of America's seniors are not diverted in any other program, my budget projects all $2.6 trillion of the Social Security surplus for Social Security, and for Social Security alone. At the end of these 10 years, we will have paid down all of the debt. That is more debt repaid more quickly than has ever been repaid by any nation in history.

He says, going further:

> My budget sets aside almost a trillion dollars over 10 years for additional needs.

I could read more. But don't come now and say we have huge deficits because of 9/11. The cost of 9/11 is under $32 billion. The terrorism war didn't cause this huge deficit. If it did, the President said just a year ago, he had a trillion dollars ready to take care of anything unexpected.

So there you are, Mr. President. What we did is to give out some rebates. I had an amendment on the floor on this. We passed it in June and paid it out around September. It was too late; it wasn't enough. More than anything else, it didn't give the payroll taxpayers—the ones who would spend the money, the people who were pulling the wagon, paying the taxes, keeping the schools going, and everything else of that kind, working around the clock—they didn't get any particular tax cut.

So then this August I moved finally on the budget with respect to the SEC certification. If the SEC was busy asking the CEOs of America's largest companies to swear that their financial reports were in order, I thought that Mitch Daniels should do the same for the Office of Management and Budget.

Here on this chart we have listed more than 600 CEOs who complied. On August 14, the deadline day, there were only two exceptions—the CEO of the IT Group, Mitch Daniels of the United States of America. Let me scratch out the IT Group because they have since been heard from.

I wrote Mitch Daniels, the Director of the Office of Management and Budget, and I said: Are you going to also certify on August 14? The next day, the New York Times reported that Mr. Daniels said he would have a reply to Mr. HOLLINGS ready in a day or two.

That was on August 15. I still do not have a reply. I guess he wants an extension.

How are we going to get truth in budgeting? It is very interesting that we passed, in 1994, the Pension Reform Act whereby companies are not allowed to use pension money of corporations to pay off company debt. We had Carl Icahn and all of those quick artists who took money from these corporations and ran.

Unfortunately, our friend, the famous pitcher, Denny McLain in Detroit, when he headed up a corporation and took money, was convicted of a felony. I said: If you can find the jail where he is serving—I am confident he is out by now—tell him next time to run for the U.S. Senate. Instead of a jail term, you get the Good Government Award. That is what we have going on.

You cannot treat expenditures as revenues. That is exactly Kenny Boy Lay's Enron program, but Kenny Boy did not invent it. We invented it up here under voodoo Reagan and now with voodoo Bush 2, George W. He broke the Government. He has the sorriest economic team you have ever seen. He still naively does not understand the economy, asking for tax cuts. He is continuing to wreck us, and until he gets rid of that team and quits talking tax cuts and starts talking economic sense, the market will never turn around, I can tell you that right now.

Mr. President, let's please tell the truth. I ask unanimous consent that the public debt to the penny by the Treasurer of the United States, Secretary O'Neill, be printed in the RECORD showing we ended fiscal year 2002 with a $421 billion deficit.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE DEBT TO THE PENNY

	Amount
Current: 9-30-2002	$6,228,235,965,597.16
Current month:	
9-27-2002	6,193,334,713,434.45
9-26-2002	6,195,917,334,028.10
9-25-2002	6,201,863,128,192.67
9-24-2002	6,202,454,383,502.58
9-23-2002	6,201,634,677,013.67
9-20-2002	6,199,849,505,001.03
9-19-2002	6,199,158,297,617.64
9-18-2002	6,203,601,028,501.77
9-17-2002	6,206,073,469,907.30
9-16-2002	6,198,239,142,009.48
9-13-2002	6,206,509,037,316.48
9-12-2002	6,207,448,344,943.44
9-11-2002	6,212,731,396,360.16
9-10-2002	6,206,134,982,821.32
9-9-2002	6,200,848,240,187.31
9-6-2002	6,203,279,922,857.50
9-5-2002	6,203,621,876,964.50
9-4-2002	6,201,449,286,859.25
9-3-2002	6,194,089,703,019.91
Prior months:	
8-30-2002	6,210,481,675,956.26
7-31-2002	6,159,740,790,009.39
6-28-2002	6,126,468,760,400.48
5-31-2002	6,019,332,312,247.55
4-30-2002	5,984,677,357,213.86
3-29-2002	6,006,031,606,265.38
2-28-2002	6,003,453,016,583.85
1-31-2002	5,937,228,743,476.27
12-31-2001	5,943,438,563,436.13
11-30-2001	5,888,896,887,571.34
10-31-2001	5,815,983,290,402.24
Prior fiscal years:	
9-28-2001	5,807,463,412,200.06
9-29-2000	5,674,178,209,886.86
9-30-1999	5,656,270,901,615.43

THE DEBT TO THE PENNY—Continued

	Amount
9-30-1998	5,526,193,008,897.62
9-30-1997	5,413,146,011,397.34
9-30-1996	5,224,810,939,135.73
9-29-1995	4,973,982,900,709.39
9-30-1994	4,692,749,910,013.32
9-30-1993	4,411,488,883,139.38
9-30-1992	4,064,620,655,521.66
9-30-1991	3,665,303,351,697.03
9-28-1990	3,233,313,451,777.25
9-29-1989	2,857,430,960,187.32
9-30-1988	2,602,337,712,041.16
9-30-1987	2,350,276,890,953.00

Source: Bureau of the Public Debt.

Mr. HOLLINGS. I yield the floor.

The PRESIDING OFFICER (Mr. CARPER). The Senator from Nevada.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that in the order of speakers already identified, Senator KENNEDY be removed from the list and that following Senator BYRD—Senator BYRD has indicated he will speak for 20 or 25 minutes—Senator ENZI then be recognized, followed by Senator DORGAN. Following that, Senators BOND, BINGAMAN, and LINCOLN will then be next recognized. They have some legislation on which they want to have a colloquy. Following Senator DORGAN, we will have a presentation by Senators BOND, BINGAMAN, and LINCOLN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia.

APPROPRIATIONS BILLS: AT AN IMPASSE

Mr. BYRD. I thank the Chair. I also extend my thanks to the distinguished Democratic whip for his help in arranging for me to speak at this moment.

Mr. President, today is October 2. In 2 days, the continuing resolution that Congress approved last week will expire. While the days flip by on the calendar, the work on appropriations bills remains at an impasse, a standstill.

As a result of White House efforts to slow down the appropriations process—and those efforts have been successful—not 1 of the 13 appropriations bills has been sent to the President as of October 1, the beginning of the new fiscal year. This is the worst record for progress in the appropriations process since 1987.

In 1987, my wife and I celebrated our 50th wedding anniversary. Here it is 15 years later, so we are now 65 years along on our journey, but how much further along are we in the appropriations process? Let me say again, this is the worst record for progress in the appropriations process since 1987.

I would be very unhappy to say this with respect to my wife's and my journey of wedding anniversaries. Fifteen of them have passed since we had our worst year in 1987 in the appropriations process. So today, 15 years later, we are as bad as we were then.

As a result of White House intransigence on total discretionary spending for this fiscal year, the other body, the House of Representatives, has not taken up a single appropriations bill on the House floor for 10 weeks—10 weeks. God created the Earth and all of the universe and created man in 1 week—6 days and rested on the 7th. Here we are, the House has not taken up an appropriations bill on the floor for 10 weeks—10 weeks. Rather than working with the House Appropriations Committee and moderates in their own party on a level of spending that could be approved on the House floor, the House Republican leadership, at the request of the White House, simply shut the appropriations process down. That is it.

As a result, one of the most fundamental duties of the President and the Congress—namely, to make careful and responsible choices about how to spend the taxpayers' hard-earned dollars—has been put on automatic pilot.

While the days slip away, the 4 million veterans in this country who rely on the Veterans Administration for their health care will have to worry as to whether or not that care is going to be available for them.

While the days slip away, the 11,420 FBI agents who are supposed to be combating the war on terrorism will have to wonder whether they have the necessary resources to continue to fight that war. Why? Because of this administration's do-nothing policy when it comes to the appropriations process. Slow down the process. Stall.

While the days slip away, the Government's effort to root out corporate fraud would be put on hold.

While the days slip away, the President appears to be satisfied to forget his "no child left behind" promise and turn the commitment to educating America's children into another unfunded mandate, another unfulfilled promise.

The President is quick to champion homeland security on the political speech tour. Yes, he will stand out there with a backdrop of marines, a backdrop of soldiers, a backdrop of sailors, a backdrop of the National Guard, and he will say: Congress, pass my homeland security bill.

The President is quick to champion homeland security on the hustings when he is making fundraising trips, raising big dollars for the campaign. He is quick to champion homeland security, but his budget priorities reflect an entirely different agenda. The administration's adamant refusal to move off the dime in these appropriations discussions could jeopardize homeland security—and already has jeopardized homeland security.

No matter when or how or whether any new Department of Homeland Security is created, by jeopardizing the appropriations bills, the White House jeopardizes critical funds for the new Transportation Security Administration. Many of the requirements of the Transportation Security Act require large expenditures in the first quarter of fiscal year 2003. Are they going to flow?

Local airports are required to purchase explosive detection equipment to keep bombs from being placed on airliners. To do that, the airports need help. But the administration's refusal to be more flexible in its appropriations approach means that help is not on the way.

Federal funds are also needed to hire new Federal screeners to make our Nation's seaports more secure. Is help on the way?

Help is not on the way.

The Immigration and Naturalization Service is at a critical juncture in developing a comprehensive entry and exit system to protect our Nation's borders. The Senate bill provides $362 million for this initiative. Is help on the way? No. The administration's inflexibility means that help is not on the way.

The Customs Service is scheduled to hire more than 620 agents and inspectors to serve at the Nation's high-risk land and seaports of entry. Homeland security? The Senate provides the funding for the Customs Service. But is help on the way? No. The administration is being inflexible. Help is not on the way.

Thousands of FEMA fire grants, grants for interoperable communications equipment, grants to upgrade emergency operations centers, grants to upgrade search and rescue teams, grants for emergency responder training, and grants to improve State and local planning would be funded under the Senate's appropriations bill. Is help on the way? No. The administration is inflexible.

These are the special interests, I suppose, that the President was talking about, these firemen, policemen, and emergency health personnel who appeared before the Senate Appropriations Committee last spring in support of more money for homeland security.

So here are these special interests—the firemen, the policemen, the emergency help personnel, the people from the hospitals, and the nurses who came before our Senate Appropriations Committee and pleaded for more money for homeland security. Are these the special interests the President is talking about?

Help is not on the way.

Talk is cheap. Homeland security is not cheap. By forcing the Government to operate on autopilot, the administration wants the Nation to fight terrorism at home with one hand tied behind our backs. The President needs to come out of the White House war room long enough to focus on the situation at home. There is no need to go to Iraq, no need to go to the Middle East. The war on terrorism is being waged at home.

Is help on the way? No.

By December 31, 2.3 million unemployed Americans will be cut off from employment assistance. As the days slip away, our Nation's farmers and ranchers are left with no assistance in the face of the worst drought since the Dust Bowl days of the 1930s. I remember those Dust Bowl days of the 1930s. I was beginning my last 4 years in high school in the 1930s. That is when mechanically sliced bread first came along. "The greatest thing since sliced bread," we hear. That goes back to the 1930s.

The promise made to America's senior citizens for an effective prescription drug benefit is left for another day. Help is not on the way.

A weakened economy and rising health care costs are the main reasons for the growth in the number of the uninsured. When people lose their jobs, they often lose their health coverage.

The number of unemployed men and women has increased by about 2 million since January 2001, so it should come as no surprise that the number of uninsured is also going up, up, up. Health insurance premiums also increased by 12.7 percent during the past year, making coverage less affordable for employers and workers.

According to the Census Bureau, the number of people with employment-based health coverage dropped in 2001 for the first time since 1993. What is the response to this situation from the Bush administration? What is the response?

What? I can't hear you. A deafening silence.

In 2001, the 30 top earning corporate executives took home $3.1 billion, an average of $104 million. We are talking about the 30 top earning corporate executives. What did they do to earn their money?

They bilked shareholders. The 30 top-earning corporate executives took home $3.123 billion, an average of $104 million.

Why be a U.S. Senator? Why be a Senator? Why be anything else? Become a corporate executive. Not all of them are like that, but there are some bad apples there.

Compared to the national median income in 2001, these 30 corporate executives earned the equivalent of 73,955 households. I would never believe it, but these 30 corporate executives earned the equivalent of 73,955 households.

What is the response to this inequity from the Bush administration? What? A deafening silence. Have I lost my hearing? What has happened? Here I am, 85 years old, and I have no ear plugs in all these years. What? A deafening silence. Deafening.

Unfortunately for the American people, it is not a record on which to look back with pride. It is a record that rejects compromise in favor of obstinance. It is a record that rejects progress in favor of partisanship. It is a record that puts politics ahead of the American people.

As for the appropriations bills, the ranking member of the full committee, the senior Senator from Alaska, Mr. STEVENS, and I have urged the administration and the House Republican leadership to move closer to the Senate levels in these bills. The 13 bills approved by the Senate Appropriations Committee total $768.1 billion. These bills are consistent with the committee allocation approved by a vote of 29–0 in June. The bills are consistent with the $768.1 billion allocation that was approved by the Senate Budget Committee when it reported its budget resolution last March. The bills are consistent with the $768.1 billion allocation that was supported by 59 Members of the Senate when the allocation was voted on during floor debate on the Defense Authorization bill on June 20.

The Senate bills do not promote an explosive growth in spending. The big growth in the bills is for the 13-percent hike proposed by the President for Defense and the 25-percent increase proposed by the President for homeland defense. The fight with the President is over the Senate's desire to provide a 2.6 percent increase for domestic programs, barely enough to cover inflation.

Clearly, a bipartisan effort in the Senate has produced good pieces of legislation. But progress on these bills is at an impasse because the House leadership, under direction from the administration, will not move beyond its arbitrary funding level of $759 billion. Just $9 billion between us, $9 billion. Yet the administration will not move. On the other hand, someone asked Larry Lindsey, the President's top economic adviser, at the White House the other day: How much will the war cost? Maybe $100 billion, maybe $200 billion. That is nothing.

That was his response. That is nothing.

Yet we have come to a standstill because of $9 billion that the Appropriations Committee in the House and the Appropriations Committee in the Senate believe is needed for domestic programs that benefit the Nation's families, children, and veterans.

By its calculated machinations, the administration is turning its back to the needs of the American people at the exact moment where those needs are reaching the breaking point.

This should not be about political winners or losers. This year, of all years, we should not play political games with the appropriations bills. But it seems as if the administration is more than willing to roll the dice with these important bills. And I fear that their gamble will come up snake eyes.

Time and again, the President called on Congress to pass the Defense appropriations bill before the break for the election. I agree with the President. We should pass that bill. The Senate's bipartisan Defense package is $1.2 billion above the House-passed level. The Senate, which some claim is uninterested in defense and in the security of the Nation, provided significantly more resources for our soldiers, sailors, and airmen than the House. This Senate has answered the call and responded to the needs of the military. Congress should not pinch pennies at this time for the men and women in our Armed Forces, and I continue to urge the House to move closer to the Senate level.

We are making progress on the Defense package, and I hope that we can conference those bills soon. But, in order to do that, we need the House Republican leadership and the administration to be more flexible in their approach. Taking such a hard line on these appropriations bills threatens the security of the country forces Congress to gut vital domestic initiatives.

The atmosphere of the White House is a heady one. It can cause even the most level-headed occupant to focus on what is important inside the Washington beltway and to forget what is important in the rest of the Nation. I, for one, do not forget what is important to America. I recognize, as do many Members of this body, the importance of these appropriations bills to the future progress and security of this Nation. I recognize the importance of these appropriations bills to the farmers, to the teachers and their students, and to the veterans. I recognize the importance of these bills to future breakthroughs in medical research and cancer treatments. I recognize the importance of these bills to our Nation's energy independence and to our transportation network. Without these bills, promises will remain unfulfilled, problems will remain unattended, and progress will be stalled.

Tomorrow, the House is expected to debate a second continuing resolution that would simply extend the first continuing resolution through Friday, October 11, and I will recommend that the Senate approve that resolution without controversy. But we should not continue to place the Government on autopilot. We should complete work on our appropriations bills.

I urge the administration and the House Republican leadership to join this Senate in passing 13 responsible pieces of legislation that respond to the needs of the Nation, at home and abroad. I urge that arbitrary budget figures be left at the door and we complete our work before adjourning this session of Congress.

The PRESIDING OFFICER. Under the previous order, the Senator from Wyoming is recognized.

COMPLETING THE SENATE'S BUSINESS

Mr. ENZI. Mr. President, as people can probably tell, we are getting down to the end of this session. As such, there is a lot of business that still needs to be completed. Many of my colleague have expressed their concerns that the Senate has not completed its business for this session. We all have similar concerns. Every once in a while, I am compelled to come to the floor and explain what is going on. There is not a scorecard around here. There is not a program that anyone can follow. So sometimes it is a little difficult to know what is really happening in the Senate.

I know there is a little confusion among the American public about our progress because I go back to Wyoming almost every weekend. I go out on Friday because we usually do not have votes on Fridays. I travel to a different part of Wyoming each weekend and I return to Washington on Sunday. One of the things I have learned in my 5½ years of being a Senator from Wyoming is that it is really a big State with numerous communities. Each side of Wyoming is approximately 400 miles on a side, one of those two big square States in the West. If they had not invented the square, we would not be able to exist.

Wyoming has 267 towns and one-third of those towns do not have any population. I go to those towns, too, because there actually are people who congregate at those places. There is a post office or a school or some other public facility, or a ranch that people go to discuss issues.

For example, two weeks ago, I was invited to a pork barbecue—very unusual in Wyoming. We usually have beef barbecues, but this was a pork barbecue at three ranches north of Lusk, Wyoming in Niobrara County. The population of the entire county—and it is bigger than most eastern States—is a little over 3,000 people. Most of the population lives in one town, Lusk. The ranch where the barbecue was hosted is just three ranches north near Lusk. It turned out that three ranches north is 61 miles and then you are still not there. After driving 61 miles, you turn off the highway and drive back another 25 miles on dirt roads to get to the ranch where the barbecue was being held. During the last 25 miles, I forded a crick to get to the house.

I do not know how many of my colleagues have recently forded a crick to get to some of their constituents. But when I got to the ranch, there were approximately 200 people sitting on hay bales, listening to a band, eating the barbecue, and talking about what was going to happen in their State legislative district.

Some of our State legislative districts in Wyoming are pretty long and wind around so they have enough people within the borders to qualify as a legislative district. Previously, the record for people traveling to attend one of my meetings was no more 40 or 50 miles. That is how close neighbors live next to one another out in that part of the country. At this particular meeting, we set a new record. One of the families had traveled to over 180 miles to attend my meeting. Surprisingly enough, they still live in that same house State legislative district, which gives you an idea about the number of miles that we have travel out in the West.

One of the things I have discovered during my weekly trips to Wyoming is what the people in my home State are really thinking and worrying about. I am here to tell you they have two main worries right now.

One of my constituents' worries is the drought. Wyomingites are experiencing the third year of a tragic drought. People have had to sell off their livestock. When all areas affected by this drought start to sell off livestock, it drives the prices down. It particularly drives the prices down if there is a packer concentration that sets those prices.

Packer concentration is another little problem we have in Wyoming, which coincides with our State's current drought. I am sure people in America have not noticed their beef prices going down. No, their beef prices have been increasing. But the ranchers' prices have been decreasing. It is an effect of the drought—with some phony economics built in. Nevertheless, Wyomingites are very interested in the drought. My constituents also are very interested in what is going to happen in Iraq.

I was able to travel to New York on the floor of the United Nations General Assembly when the President delivered his speech to the General Assembly. Each session, the President is allowed to appoint two people from the Congress to be United Nations delegates. President Bush appointed Senator SARBANES and me to represent the Congress at the General Assembly, giving us diplomatic status and rank. It is actually very exciting. If the Ambassador is not there, we have the right to sit in the U.S. Ambassador's seat and cast votes on United Nations resolutions. We also have the opportunity to address the United Nations.

It was interesting attending the session in which President Bush delivered his speech to the United Nations General Assembly. When the President was first introduced, the people who applauded were primarily from the United States. It was a strange situation for the President of the United States because they are used to having people stand and applaud. For the General Assembly attendees, it was not a big shock about the lack of applause because we had just heard the Brazilian head of state's speech and he did not receive applause at the beginning or end of his speech.

President Bush gave his speech, giving an outstanding delivery. It was fascinating to watch the delegates around the floor as their body language demonstrated that they were loosening up. As all of you who watched the speech know, when President Bush finished, he received applause—pretty unanimous applause. He made a point, and I have to tell you that after he finished, the other heads of state, as they gave their speeches, used the theme that the President used. They took Iraq to task and Iraq heard it. Because the heads of state have talked about Iraq—and it is still talk—Iraqi officials have talked about allowing inspectors in the country.

However, we still have a long way to go. There is more important work that we have to accomplish to show the resolve of the United States and that we are going to disarm Saddam Hussein. If we cannot disarm Hussein, we are going to replace him. In the next week, the Congress will be debating a resolution concerning Iraq. It was introduced in a bipartisan manner in the Senate earlier today, and it is going to be one of the really important debates of this body. It will take us at least a few days to complete.

I have to tell you that after the President's speech was over, the delegates had a little time to talk among themselves. We wandered around and met other delegates, and also overheard their conversations. I was very pleased at how well the delegates accepted the President's comments about Iraq. Again, if the United Nations does its job, sticks together and does what all of the heads of states have been saying, we can solve the Iraq problem and we can solve it within the realm of the United Nations. I am sure that would be everyone's preference.

While I am explaining what is going on in the Congress, I have to backtrack a little bit because the Congress has had a little different situation this year and we have numerous loose ends that remain out there. We have heard about why the appropriations bills are stalled out. I want to take time to explain why that has happened. Homeland security is stalled out, and I want to explain why that has happened. We also have an energy conference that is out. We have the military construction and defense appropriations, that have already passed this body and passed the House and are now being conferenced. We have terrorism insurance, which has passed both bodies and is being conferenced. We have the Patients' Bill of Rights, and other bills, for which conference committees have been selected.

We work through a committee process in the Congress. The committee process allows a select group of people who are intensely interested in a particular policy area get together as a committee and they review a bill from all of the perspectives of all committee members. It is the easiest place to work a bill because groups can drop off where they have common interests in a particular section of that bill and work out compromises easier than can be done on the floor. So I would say about 80 percent of the work that we do get done is during the committee process.

One of the reasons that people sometimes think the Senate is a divisive body is that this is the room in which we debate the other 20 percent—the 20 percent that we did not work out in the committee.

One of the things you will notice is when we complete a bill, we agree on about 80 percent, which we had originally agreed upon during the committee process. It makes us look a little divisive, but it is part of the philosophy that keeps the legislative process moving. The committee process gets things done in the Senate.

This year, we debated the energy bill for approximately 8 weeks. It did not go through committee. You were able to see the entire bill crafted and debated on the Senate floor without the flexibility found during the committee process. This occurred because the Senate Energy Committee was stopped from working on its version of the energy bill. There was some bipartisan agreement on the energy bill during the committee process, and then the committee was told to stop working on it. Consequently, it took us a long time to work through the energy bill on the Senate floor, and I do not think it is a bill that, because of the complexities of doing it with 100 votes, really reflected what could have been accomplished in committee.

We worked on prescription drugs, which is one of the most critical needs for seniors in this country. What happened on prescription drugs? It did not come out of committee. Normally the Senate Finance Committee, which has an extensive expertise on health care, Medicare, and Social Security, handles those issues. But the committee was not able to handle it. The Senate voted on three different prescription drug bills this year, which took many weeks of debate and time to discuss each one. None of them had enough votes to pass the parliamentary requirements to move forward in the Senate, even though one of them was a tripartisan bill.

There is another unique thing that has happened this year in the Senate. We are not operating with a budget. The last budget agreement ended yesterday. It presents some real complications for us to be able to get our work done. It presents even bigger complications for maintaining any kind of a balanced budget—or as close as possible—when the economy is down and a war is occurring. We need a budget, but we do not currently have a budget.

Another thing that has happened is when bills come to the Senate floor, usually each side gets to introduce some amendments. Each side is allowed to introduce and vote on their own amendments. Lately, what we have been having is a full tree. You will hear that comment around here. I need to better explain this terminology. The full tree means that one side puts in all the amendments that can be debated, so the other side is blocked from being able to offer any amendments. There were some promises in June that was not going to happen. Promises have not been kept. Once we finally were given the opportunity to put in an amendment, we have not had an opportunity to vote on it.

I mentioned earlier the extreme drought that is occurring in Wyoming. Throughout the West, we are having forest fires. The fiscal year 2003 Interior appropriations bill has an amendment that would provide for a demonstration project to show what a healthy forest could be. It does not do much, but it would allow for some demonstrations to show what could be done in our forests to have the kind of forests everyone envisions. There needs to be a good debate on what we envision as a healthy forest. In the meantime, of course, the fires rage on and we are not allowed to vote on the healthy forest demonstration project.

The fire demonstration project is extremely critical to the West. About 8 million acres have burned out thus far. For people who do not deal a lot with acres, it really does not mean much to them. An acre is about the size of a football field. But that is hard to relate to 8 million acres. It is the equivalent of a four-mile-wide strip from Washington, DC, to Los Angeles that has been burned off this year. This year's fires have caused in excess of 25 deaths, and untold houses being burned to the ground. Those people who did not have their homes burned to the ground are now facing blackened stubble.

Something needs to be done about it. There are some preventive actions we can take. Outside Yellowstone Park, there is a pine beetle forest, which means pine beetles have gotten into the trees and girdled them. The beetles cut off all the nutrition to trees, and the trees die. The first year they are dead, they have rusty pine needles. Pine needles burn extremely well. After the first year, you have a dead standing tree. Dead trees burn pretty well, too. After that, the trees fall over, deteriorate, and become part of the undergrowth and create further problems.

There are things we could be doing to prevent these fires. Good stewardship of our forests would increase habitat for animals and provide more safety. We cannot do much, but we could do the worst first by being allowed to vote on an amendment to address wildfire suppression. The FY 2003 Interior appropriations bill has languished here for approximately five weeks. During the past month, we have debated the Interior appropriations bill in the mornings. In the afternoon, we have debated the homeland security bill. Again, after getting through a loaded amendment tree, we wind up in a situation where we cannot get a vote on the President's version of the homeland security bill. I think it is very discourteous to the President to not be allowed an opportunity to have a vote on his version of the homeland security bill. Why not? I suspect it would pass the same as the fire amendment.

It is a definite dilemma. Do we let the President's homeland security version of the bill pass, or do we just stifle it? If it gets stifled, nothing can happen on this policy issue. We have some work to do. It is time we did it. It could be done by allowing some votes on some key policy issues.

There has always been cooperation in the Senate for the 5½ years I have been here in allowing people to have a vote on their amendments. Sometimes we did some really unique parliamentary procedures in that we let two versions be voted on side by side, even though one was an amendment to the other. During the time the Republicans were in the majority, the minority was allowed votes on their bills, but we are now not getting votes on our bills. There is some point at which you have to say: if we cannot vote on it, we will stop the process until we do get a vote. The easy way to solve that is to let us have a vote on this important healthy forest demonstration project and the President's version of the homeland security bill.

Also, let us have a vote on the President's homeland security. The significant difference in the versions is whether we are going to take away the right of the President to address ceratin personnel issues and make him subject, during emergencies, to stacks of regulations. Should the President have to go by huge stacks of regulations to make management decisions in a time of crisis while maintaining a secure homeland?

There is going to be a lot of frustration in the next few days because there is a great need to get the Senate's work done. We are the ones charged with getting the appropriations bills done. We need to complete the FY 2003 appropriations process. We should start that process with the budget so that we have a road map of what we are doing, and then fill in the blanks on the appropriations while staying within a balanced budget.

When I first arrived here in the Senate, we had a huge controversy. The very first thing I debated was the balanced budget constitutional amendment. People who remember 5½ years ago will remember that a constitutional amendment has a much higher criteria for passing than any other bill. It was defeated by one vote. The reason was defeated by one vote was because everybody here said we can balance the budget, and those who opposed the amendment said we can balance the budget without a balanced budget constitutional amendment.

We did balance the budget for a while. We did it. I am very proud of it. While we were balancing the budget, the economy went up. When we stopped balancing the budget, the Congress said there were surpluses available to spend beyond what was allocated for before, then economy started down. Having a balanced budget gives importance to the economy of this country. It gives people more reliance on what we are doing, and more confidence in what we are doing. At the moment, we are not instilling a lot of confidence.

Granted, there is a war going on, and a war affects the budget. And it should.

Earlier, Senator HOLLINGS had some charts when he was describing the amount of the national debt. I knew a fellow named Steve Tarver who used to live in Gillette. He used to get a hold of me on a regular basis and ask: How much is the national debt? If we are paying down the national debt, how come the interest isn't going down? It is because of phony accounting.

We have gotten on the corporations for their accounting standards. Now it is time for us to get on our own selves for our accounting methods. For example, the Social Security trust fund, it neither funds nor trusts, and we should be taking care of it.

We could pay the debt down to nothing over a 30-year period. I have had charts on the floor to show how that could be done. There are emergencies that come up. The 30 years, incidentally, corresponds with the time of a house mortgage. We buy houses, and sometimes we pass those on to our descendants. Sometimes that has a remaining bill with it, and they keep paying them down.

That is what we are doing with the country. We could take the national debt and pay it off over a 30-year period, where if we did not spend the difference on the interest payment, when we reduced it, on other things, we could pay off more of the principal. So then it would be a relatively small payment. It is a huge payment, using the interest we are paying now, which we are not able to spend on anything else at a future date. As far as the war is concerned, that would be a second mortgage on the house with a much shorter term.

So there is not any excuse for us not to be paying down the national debt in good times, and taking out second mortgages in bad times.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ENZI. Mr. President, I appreciate the indulgence of the Chair in letting me expound on this a little bit. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from North Dakota, Mr. DORGAN, is recognized.

IRAQ

Mr. DORGAN. Mr. President, it has been interesting, today, to listen to some of the discussion on the floor of the Senate about the economy. The reason it has been interesting is there is not a great deal of discussion these days about the economy. Most of the discussion here in Congress especially, and on the front pages of America's newspapers, has been about the subject of Iraq and national security.

That is important. There is no question about that. The issues of service, duty, honor, patriotism, national security—all of those issues are deadly serious business for our country. When we talk about sending America's sons and daughters to war, that is deadly serious business, and the Constitution has something to say about it. The Constitution provides that the Congress shall make that decision.

Let me just say, on these issues—I am going to speak about the economy, but I have been troubled lately by some of the things I have read about national security, especially about a new doctrine that is being developed, or has been developed, and announced by some, talking about preemptive strikes—that our country has a right to preemptively strike a potential adversary. That has never been this country's approach to dealing with international affairs.

I think about this notion of preemptive strikes, and I think about how we might feel, as a country, if some other countries in the world said to us: Oh, by the way, we have a new policy. Our policy is: preemptive strikes on neighboring countries that we worry might very well threaten our national security interests.

We need to have a long, thoughtful, and sober discussion about that kind of policy change. And I expect we will do that.

First, however, we will debate a resolution on Iraq here in the Senate beginning this week. Again, as I indicated, that is a very serious business. My hope is that our country will speak with one voice on these issues, we will work through it, and then speak with one voice. And my hope is that voice will be a voice that says: It is best always, to the extent we can, especially dealing with a problem like this, to confront the country of Iraq with, if necessary, coercive and by-force inspections in Iraq, to rid that country of any weapons of mass destruction they have, and do so with coalition partners, other countries around the world, that are willing to, and that should, assume that burden with us. But that is for another time, and I will speak another day on that subject.

THE ECONOMY

Mr. DORGAN. Mr. President, let me talk, just for a moment, about the economy.

I have listened to some of the discussion, and I know there is a tendency to talk about the economy and to talk about, the other side is to blame. It is always the other side that is to blame. It does not matter which side you are on, you are just pointing in the opposite direction. And I suppose there is some blame that can be availed to virtually everyone in Government for our problems with respect to the American economy.

I worry, however, there is not very much attention being paid to the economy. Today's speeches in the Senate represent a departure because in most cases nobody wants to talk about the economy these days.

We have very serious, relentless, difficult problems in the American economy. Just take a look at what is going on in the economy. More people are out of work. More people are losing their jobs. More people are losing money in their 401(k) accounts. The stock market is behaving like a yo-yo.

The big budget surpluses that we were told last year would last forever—most of us did not believe that, but that is what we were told: These budget surpluses will last for as long as you can count, so plan on the next 10 years of having consistent surpluses, and let's spend it now in the form of tax cuts—well, those surpluses have now turned into deficits, and big deficits. Big surpluses have turned into big deficits.

On top of all that, we have corporate scandals that have developed and been unearthed in recent months in this country that shake the confidence of the American people in this economy of ours. I will talk just a bit more about that in a while.

But I am not here to say the President is solely to blame for what is going on. I do wish he would provide more leadership at this moment and say, yes, the economy is in trouble, instead of having Larry Lindsey trot out here and say: The fundamentals are sound. Let's hang in here. Don't worry about it.

This economy is in significant difficulty. I think it is time for us to recognize that. It is time for us to have an economic summit with the President, invite the best minds in this country to come together, have the executive branch, the President, and the legislative branch sit down together and evaluate: What do we do about a fiscal policy that does not add up?

It is true, as my friend from Wyoming just said, we do not have a budget this year. Why don't we have a budget? We have a fiscal policy that does not add up. There isn't anybody in this Chamber who can make sense of this fiscal policy, and they know it. It does not add up. This fiscal policy was a policy developed a year and a half ago, in which we were told: We will have surpluses as far as the eye can see, so let's have a $1.7 trillion tax cut over 10 years, and then hold our hands over our eyes and think things will turn out just fine. Well, they have not turned out just fine.

I think it is incumbent on us, on behalf of the interests of the American people, to sit at the same table and decide we are all constituents of the same interest, and that interest is the long-term economic progress and opportunity here in the United States.

We need an economy that grows. There is no social program we have worked on in this country—none—that is as important as a good job that pays well. There is no program we work on that is as important to the American people as a good job that pays well because that makes virtually everything else possible. If we do not have an economy that grows and expands and provides opportunity, then we have some significant future trouble.

Let me talk, just a little, about what it means when our economy isn't doing well. I spent time this morning at a hearing. The airline industry came in. We had a hearing in the Commerce Committee. The airline industry lost $7 billion last year—$7 billion.

We have carriers that have filed for bankruptcy; more probably will. And they say: Look, we have a huge problem. Fewer people are flying. Some worry about safety. Some are concerned about the hassle factor at airports. The economy is in trouble, so fewer people get on airplanes.

So you have an industry in trouble. That is just one industry. And that was just this morning. Nonetheless, it is indicative of what is happening in our economy. And the result is, when you have a soft economy, and the kind of trouble we are heading towards, and that we have already experienced, it means things, such as health care—the kind of health care that families need and expect—is not affordable, not available. It means we do not deal with the education problems we are supposed to be dealing with.

Leave No Child Behind—that was a slogan last year, and a piece of legislation passed last year. But then the proposal comes out of the budget, and it leaves all kinds of kids behind because the money does not exist to do it because the fiscal policy is out of whack.

We have talked about the corporate scandals that undermine confidence in this economy, and we passed a piece of legislation dealing with it. But it is just one piece of legislation, and it falls short of what is necessary.

Also, if you are not disgusted about these corporate scandals, then there is something fundamentally wrong.

Tyco Corporation. The CEO of Tyco has since been arrested. He has a $6,000 gold and burgundy, floral patterned shower curtain, paid for by his company—a $6,000 shower curtain.

Did anybody in this Chamber ever see a $6,000 shower curtain? How about a $17,000 toilet kit, a traveling toilet kit, or a $445 pin cushion; has anybody ever seen that in their life?

There are stories about Tyco having paid $15,000 in corporate money for an umbrella stand. People ask: How could you spend $15,000 for an umbrella stand? The decorator said this was an 1840s antique stand in the shape of a 3-foot high poodle. That is how you spend that kind of money for an umbrella stand.

Staying with Tyco one more time: A birthday party paid for with corporate funds, it cost $1 million. They are fleecing investors. The guests come into the pool area—this is related by the person who arranged the birthday party. They actually transported people to Europe for the birthday party of the wife of the CEO of the corporation using corporate funds. The band was playing. There was a big ice sculpture of David, lots of shellfish and caviar at his feet; a waiter pouring Stoli vodka into the statue's back so that it came out his private parts into a crystal glass.

I don't know. I grew up in a small town. Maybe it is just me that doesn't understand this, or maybe this is nuts. Maybe it is just nuts. But there is story after story after story of avarice and greed in board rooms, in executive suites.

Here is a story about the Securities and Exchange Commission. It says the SEC now says it is unlikely they will pursue Enron's board of directors.

The board of directors of Enron had a professor do a study of what was going on inside the company. The board of directors' own study said what was happening inside Enron "is appalling." Here is the SEC saying: We are not going to worry about these board of directors of Enron. We are not doing an inquiry into their responsibility. That is a low priority.

A former SEC chief accountant says this:

> If you don't go after this board, you are telling the public you ain't ever going after any board.

What is the SEC doing? Are they not reading this stuff? Are they just missing what is going on in this country? What about the corporate responsibility bill we passed some while ago? I tried to offer an amendment. A couple people here blocked it for 3 days so the bill passed without it. Let me describe it and why there is unfinished business dealing with the economy with respect to corporate scandals.

Of the 25 largest bankruptcies in America, 208 corporate executives took out $3.3 billion prior to the bankruptcies. As the corporations were run into the ground, the people at the top filled their pockets with gold, and the investors lost their shirts. We couldn't do a thing about it because I couldn't offer the amendment.

There was unfinished business, and we should address it here in this Congress.

Here is a story about the Treasury Department, the IRS. It says they are seeking now quick settlements in pending tax shelter probes. The IRS is seeking quick settlements in many of its tax shelter cases raising questions about how effective its crackdown on tax avoidance schemes will be. What does this mean? It means that Treasury has been concerned—and I have been, certainly—about these aggressive tax schemes to avoid paying taxes.

Instead of going after them, what are they going to do? They will do quick settlements. They are going to move to settle these cases very quickly. And what is that going to do to discourage additional aggressive tax schemes? Nothing, unfortunately.

We have serious problems. I am talking about corporate responsibility, but I talked about our fiscal policy that doesn't add up. I know we could just stand here and point fingers back and forth. That doesn't make any sense. We all serve the same interests.

Ogden Nash wrote a poem talking about a guy who drank too much and a woman who nagged.

She scolds because he drinks, she thinks. He drinks because she scolds, he thinks. And neither will admit what is true: He is a drunk; she is a shrew.

Well, the fact is, we both have some responsibility on this area of the American economy and what to do about it. I say to the President—not in the way of pointing fingers—we have to start dealing with this. We can't ignore it. We can't pretend a fiscal policy that added up to, or we thought added up 18 months ago, is a fiscal policy that works today. We have been through a recession. Now we are in a weak economy. Big budget surpluses have now become big budget deficits. We were hit with terrible terrorist attacks on 9/11. We went through corporate scandals which undermined confidence in the American economy.

Let's not pretend that things are fine. They are not fine. A week from this Friday, we will do an economic forum in the Russell Building Caucus Room. I am hoping we can get a debate going. I will invite both sides. We will do it through the Democratic Policy Committee. I want to hear from every side. If somebody thinks this fiscal policy is great, good, come and defend it.

I happen to think we need some significant changes. I will be there to talk about it. But let's get some people together to talk about what is happening and think through what we can do about it.

There is an old saying when everybody in the room is thinking the same thing, nobody is thinking very much. That is true here. It is true at the White House. If they think this economy is great, they are wrong. They are not thinking very much.

We need a fiscal policy that relates to these days. When we were attacked on September 11, the President said we will embark on a war on terrorism. I supported that. Then he said we need $45 billion more for defense this year. I supported that. We need nearly $30 billion more for homeland security this year. I supported that.

The question is, Where is the money coming from? Who is going to pay for it, when and how? My point is we had better decide, the President and the Congress, to pay attention to this economy and fix the problems that exist and do it now. We don't have a choice.

Our responsibility is to fix what is wrong. This deals with virtually everything we have talked about all of this year: Health care, education, pensions, corporate governance, all of it.

My colleague said we haven't even passed a budget. He is right about that. It is because none of it adds up. Everybody knows it doesn't add up.

John Adams used to write letters to Abigail. In the book McCullough wrote about John Adams, he chronicled the discussions John had with Abigail in those letters. He would ask his wife: Where is the leadership? Where will the leadership come from as we try to put this country together? There is only us: Washington, Jefferson, Madison, Mason, Franklin, myself.

Of course, "only us" in retrospect is some of the greatest talent ever gathered in the history of the earth. They put a country together.

But it is fair to ask again now, especially given the problems and challenges we face, where is the leadership? I hope next Friday we can begin a discussion and a debate that leads to an economic summit in which we try to put together an economic policy that moves the country forward. Ignoring the problems is not in our best interest. It is not going to solve the country's problems.

We face some significant challenges in national security dealing with the war on terrorism, dealing with Iraq, and a range of other issues. I respect that. But that ought not allow us to take a pass on the economy. It ought not allow the President to not want to talk about the economy. We have very serious problems with the economy, and it is long past time that we get about the business of working together to solve them.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Missouri was to be recognized.

Mr. REID. It is my understanding morning business time has run out; is that correct?

The PRESIDING OFFICER. The Senator is correct.

EXTENSION OF MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that morning business be extended until the hour of 5:15 p.m.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

MOTHERS AND NEWBORNS HEALTH INSURANCE ACT

Mr. BINGAMAN. Madam President, I rise with the purpose of making a unanimous consent request, which I will make at the end of my remarks, the remarks of my colleague from Missouri, and the remarks of my colleague from Arkansas. The unanimous consent request will be to take up and pass S. 724, the Mothers and Newborns Health Insurance Act of 2001. This bill was reported by the Senate Finance Committee. This legislation, introduced by Senator BOND and Senator BREAUX, would give States the option of covering pregnant women in the State Children's Health Insurance Program—the CHIP program—for the full range of pre and postpartum care.

This legislation, which as I indicated, was passed by the Finance Committee, was passed by unanimous consent. It was included in S. 1016, which was the Start Healthy, Stay Healthy Act of 2001, which I introduced earlier with Senators LUGAR, MCCAIN, CORZINE, LINCOLN, CHAFEE, MILLER, and LANDRIEU. It provides continuous health care for children throughout the first and the most fragile year of their life.

According to the Centers for Disease Control, the U.S. is 21st in the world in infant mortality. We are 26th in the world in maternal mortality. For a nation as wealthy as ours, this is an unacceptable circumstance.

The sad thing is that we know exactly how to fix this problem. Numerous studies over the years indicate that prenatal care reduces infant mortality and maternal mortality and reduces the number of low-birthweight babies. According to the American Medical Association:

> Babies born to women who do not receive prenatal care are 4 times more likely to die before their first birthday.

Current law creates some unintended consequences that this bill tries to correct. Under the Children's Health Insurance Program, women under the age of 19—that is, until they complete their 18th year—are covered for pregnancy-related services, but once they reach the age of 19, they are no longer covered. This legislation will eliminate that problem by allowing States to cover pregnant women through CHIP, regardless of their age.

This also eliminates the unfortunate separation between pregnant women and infants that has been created as a result of the CHIP program, as it currently is administered.

This is, of course, contrary to longstanding Federal and medical policy through programs such as Medicaid and the WIC Program. There is a report by the Council of Economic Advisors entitled "The First Three Years: Investments That Pay." That report states:

> Poor habits or inefficient health care during pregnancy can inhibit a child's growth, development, and well-being. Many of these effects last a lifetime. . . .

The Washington Business Group on Health has found in its report entitled "Business, Babies, and the Bottom Line" that more than $6 in neonatal intensive care costs could be saved for every single dollar spent on prenatal care and low-birthweight babies.

Furthermore, the Agency for Health Care Research and Quality report has found that 4 of the top 10 most expensive conditions in the hospital are related to the care of infants with complications, such as respiratory distress, prematurity, heart defects, and lack of oxygen. All of these conditions can be improved—not totally eliminated but improved—through quality prenatal care.

Some might argue this legislation is unnecessary because the administration is proceeding with a regulation that goes into effect today, in fact, to allow States to cover some prenatal care through CHIP by allowing the insurance of the unborn child.

I want to take a few minutes to talk about the administration's plan to cover the fetus and not to cover women through pregnancy.

Leaving the woman out of this equation is completely contrary to the clinical guidelines of the American College of Obstetricians and Gynecologists and the American Academy of Pediatrics, which say the woman and the unborn child need to be treated together. You cannot perform fetal surgery without thinking about the consequences for the mother. You cannot prescribe unlimited prescription drugs to a pregnant woman without considering the consequences to the development of the fetus.

Moreover, if you only are covering the fetus, as this rule would, this eliminates important aspects of coverage for women during all the stages of birth; that is pregnancy, delivery, and postpartum care.

This is exactly what the administration rule proposes to do. According to today's published rule, pregnant women would not be covered during their pregnancy for cancer, medical emergencies, broken bones, or mental illness. Even lifesaving surgery for a mother would appear to be denied coverage.

Further, during delivery, coverage for epidurals is a State option and is justified only if the health of the child is affected. On the other hand, anesthesia is covered for C-sections. The rule would wrongly push women and providers toward providing C-sections to ensure coverage.

Finally, during the postpartum period, women would be denied all health coverage from the moment the child is born. Important care and treatment that includes, but is not limited to, the treatment for hemorrhage, infection, episiotomy repair, C-section repair, family planning counseling, treatment of complications after delivery, and postpartum depression would not be covered under the rule proposed by the administration.

I repeat, our country ranks 26th in the world in maternal mortality. We need to do better than this. We can do better than this for our Nation's mothers. However, let there be no mistake, this bill is also about children's health. Senator BOND's bill is appropriately named the Mothers and Newborns Health Insurance Act for a reason. We all know the importance of an infant's first year of life. Senator BOND's legislation, as amended by the Finance Committee, provides 12-month continuous coverage for children after they are born. Again, the United States ranks 21st in the world in infant mortality, and this provision will help solve that problem.

In sharp contrast, the rule that has been issued today provides an option for 12 months continuous enrollment to States, but makes the time retroactive to the period in the womb. Therefore, if 9 months of pregnancy are covered, the child would lose coverage in the third month after birth. Potentially lost would be a number of important well-baby visits, immunizations, and access to the pediatric caregiver.

This legislation, which was introduced by Senator BOND, has a large number of bipartisan cosponsors, including Senators Daschle and Lott. It should be passed into law as soon as possible. It did pass the Finance Committee unanimously.

Finally, Secretary Thompson is in very strong support of the passage of S. 724, and he has said so publicly. Also in a letter to me that is dated April 12 of this year, he wrote:

> Prenatal care for women and their babies is a crucial part of medical care. These services can be a vital, lifelong determinant of health, and we should do everything we can to make this care available for all pregnant women. It is one of the most important investments we can make for the long-term good health of our Nation. . . .I also support legislation to expand CHIP to cover pregnant women.

That is exactly what we have. In addition, Secretary Thompson was quoted in the Washington Post on September 28 as saying in relation to today's "unborn child" coverage rule:

> There is no abortion issue as far as I'm concerned.

If this is the case, then we should pass this legislation immediately to ensure States have the option of covering pregnant women with the full range of care. It is a much simpler and better way to go, both for the health of mothers and the health of children. It is also free from the very real problem in this Congress of abortion politics.

Once again, this legislation has strong bipartisan support. I will, after my colleagues speak, ask to propound a unanimous consent request.

I ask unanimous consent that the letter from Secretary Thompson be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF HEALTH AND
HUMAN SERVICES,
Washington, DC, April 12, 2002.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: Thank you for sharing your views on our new proposal to expand health care coverage for low-income pregnant women under the State Children's Health Insurance Program (SCHIP). I believe it is not only appropriate, but indeed, medically necessary that our approach to child health care include the prenatal stage.

Prenatal care for women and their babies is a crucial part of medical care. These services can be a vital, life-long determinant of health, and we should do everything we can to make this care available for all pregnant women. It is one of the most important investments we can make for the long-term good health of our nation.

Our regulation would enable states to make use of funding already available under SCHIP to provide prenatal care for more low-income pregnant women and their babies. The proposed regulation, published in the FEDERAL REGISTER March 5, would clarify the definition of "child" under the SCHIP program. At present, SCHIP allows states to provide health care coverage to targeted low-income children under age 19. States may further limit their coverage to age groups within that range. The new regulation would clarify that states may include coverage for children from conception to age 19, enabling SCHIP coverage to include prenatal and delivery care to ensure the birth of healthy infants.

Although Medicaid currently provides coverage for prenatal care for some women with low incomes, implementing this new regulation will allow states to offer such coverage to additional women. States would not be required to go through the section 1115 waiver process to expand coverage for prenatal care.

By explicitly recognizing in our SCHIP regulations the health needs of children before birth, we can help states provide vital prenatal health care. I believe our approach is entirely appropriate to serve these health purposes. It has been an option for states in their Medicaid programs in the past and it should be made an option for states in their SCHIP program now. As I testified recently at a hearing held by the Health Subcommittee of the House Energy and Commerce Committee, I also support legislation to expand SCHIP to cover pregnant women. However, because legislation has not moved and because of the importance of prenatal care, I felt it was important to take this action.

I know we share the same commitment to achieving the goal of expanding health insurance coverage in order to reduce the number of uninsured.

A similar letter is being sent to the cosigners of your letter. Please feel free to call me if you have any questions or concerns.

Sincerely,

TOMMY G. THOMPSON.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. I thank the Chair.

Madam President, I thank my colleague from New Mexico. I apologized to him earlier today. We tried to get him in the lineup so we could move on this important measure, and we did not get it done.

I rise today in very strong support of the request he is going to make because I share with him and my other colleagues on the floor the fact that S. 724, the Mothers and Newborns Health Insurance Act of 2001, is vitally important for the health care of children and pregnant women in America.

As one who spent a good deal of time concerned about the care of children, particularly health care in the very earliest years, I believe this is one of the most important steps we can take. I was one of the original sponsors of S. 724. The legislation's simple goal is to make sure more pregnant women and more children are covered by health insurance so they get a good start for the child and have access to health care services they need to make sure they are healthy.

This simply gives the States the option and flexibility to cover low-income pregnant women in the States Children Health Insurance Program, or S-CHIP, as I call it, for the full range of prenatal, delivery, and postpartum care. This bill would complement the administration's final rule that allows States to expand S-CHIP coverage to fetuses by covering additional vital health care services for the pregnant mother the rule would not cover.

Under current law, S-CHIP currently permits States to cover eligible babies once they are born, but coverage is not available to women when they are pregnant. This creates the perverse situation in which a State can provide health care for a child the day she is born, but cannot provide the critical prenatal care, both to the child and the mother's health, during the prior 9-month period. It just absolutely makes no sense. Prenatal care is essential for both the mother's health and the baby's health. No health care program that ignores this fact can fully address the issue of children's health care.

This bill will eliminate the illogical disconnect that currently exists between pregnant women and babies in the S-CHIP program.

This bill, as I believe has already been indicated by my colleague, has strong bipartisan support in the Senate and the House. It has the endorsement of the National Governors' Association and 25 other national organizations, including the March of Dimes, the American Academy of Pediatrics, American Public Health Association, National Association of Children's Hospitals, American College of Obstetricians and Gynecologists, and the Catholic Health Association. One normally speaks of the usual suspects backing a bill. In this case, the usual strong proponents are backing the bill. I can think of no stronger group to have behind this measure. I also note, the Secretary of Health and Human Services, Secretary Thompson, strongly supports passage of the legislation.

The need is great. On any given day, almost 9 million children and 400,000 pregnant women do not have health insurance coverage. For many of these women and children, they or their families simply cannot afford insurance. Many others are actually eligible for a public program like Medicaid or S-CHIP, but they do not know they are eligible and are not signed up.

Lack of health insurance can lead to numerous health problems, both for children and for pregnant women.

A pregnant mother without health coverage is much less likely to receive the health care services she needs to ensure the child is healthy, happy, and fully able to learn and grow. All women need prenatal care. Young and old, first baby or fifth, all mothers benefit from regular care during pregnancy.

Studies have shown that an uninsured pregnant woman is much less likely to get critical prenatal care that reduces the risk of health problems for both the woman and the child. Babies whose mothers receive no prenatal care or late prenatal care are at risk for many of the health problems, including birth defects, premature births, and low birth rate, a tragedy that we ought to devote every effort to eliminate.

We know prenatal care improves both birth outcomes and can save money. According to the National Center for Health Statistics, infants born to mothers who receive no prenatal care or late prenatal care are nearly twice as likely to be low birth weight, and low birth weight in pre-term births is one of the most expensive reasons for a hospital stay in the United States, with hospital charges averaging $50,000, an especially serious issue for families without health insurance.

A report by the IOM entitled "Health Is A Family Matter" notes:

> Infants of uninsured women are more likely to die than are those of insured women.

In one region of West Virginia, the fetal death rate dropped 35.4 to 7 for 1,000 live births after the introduction of the prenatal care for the uninsured. Let me reemphasize that—35 fetal deaths for 1,000 live births. When they gave insurance and prenatal care, it dropped to 7, a reduction of 80 percent.

In addition to ensuring better health outcomes, research and State experience suggest that covering pregnant women is a highly successful outreach mechanism for enrolling children. I thank Senator BINGAMAN from New Mexico for his leadership in the Finance Committee on this vital health care issue. This bill passed the Finance Committee in the beginning of August by unanimous consent, with additional language to provide children continuous coverage through the first and most critical year of life. I commend him for that provision. It makes a strong bill even stronger.

The studies have shown time and again that babies born to mothers receiving late or no prenatal care are more likely to face complications which result in hospitalization, expensive medical treatment, and ultimately increased costs to public programs. We must close the gap in coverage between pregnant mothers and their children to improve the health of both and to address more fully the issue of children's health care.

It can be said this is a sound matter of economics, to reduce the costs, but none of us would deny that the far greater benefits are the benefits of healthy children. Numbers cannot be put on them. In this instance, this is a saving: Less money to care for needy children. But the most important benefit is less needy children, less harm to the children, less serious conditions for the children, and better families, better citizens in the future.

This is crucial legislation. I urge all of my colleagues to join in support so we can pass this bill. I thank the Senator from New Mexico for his leadership, and I hope we will be able to get this bill done before we leave.

I yield the floor.

Mrs. LINCOLN. Madam President, today I proudly rise with my Senate colleagues from New Mexico and Missouri, Senator BINGAMAN and Senator BOND, to speak about the importance of passing S. 724, the Mothers and Newborns Health Insurance Act.

I say to both Senators, I am extremely proud of the enthusiasm and compassion with which they come to this issue, neither one of them having experienced pregnancy themselves, but more importantly I am proud of the fact they have recognized the importance of this issue for mothers and children across our great Nation.

As Senator BOND has mentioned, we must pass this bill as soon as possible, and certainly before we adjourn this Senate.

This bipartisan legislation, which we passed unanimously in the Finance Committee this summer, gives States the option of covering pregnant women in the State children's health insurance program, their CHIP program. Most importantly, the bill allows coverage for postpartum care and treatment of any complications that might arise for women due to pregnancy.

It is absolutely inexcusable the numbers that Senator BINGAMAN presents to us about infant mortality and maternal mortality of women in this great country of ours, at a time when we are ahead of every other nation in every other arena and yet we look at those numbers. To me, I am ashamed of that. I am ashamed we have not taken the course of action that could help us prove to the rest of the world that we truly do value life in this country, and that we want to do all we possibly can to ensure the healthy delivery of children in this country, as well as the health of their mothers.

Myself having given birth to twins 6 years ago, I can personally attest to the importance of prenatal care. Because I did have good prenatal care, I was able to work up until several weeks before I delivered my children. I was blessed with two healthy boys and a relatively trouble-free pregnancy and delivery. Both the boys and I were able to come from the hospital within 2 days to a healthy beginning for our entire family.

Not only is prenatal care essential for quality of life, it is also cost-effective. If we do not want to do it because we value families and the importance that children play in our future, we should at least want to do it because it is cost-effective. For every dollar we spend on prenatal care, we still save more than $6 in neonatal intensive care costs; not to mention the cost to the woman who is giving birth.

It comes as no surprise that preterm births are one of the most expensive reasons for a hospital stay in the United States.

If S. 724 was law and all States elected the option, some 41,000 uninsured pregnant women could be covered. Arkansas currently covers pregnant women up to the minimum Federal requirement of 133 percent of poverty. If the State chose to implement this option, it could raise eligibility levels under S-CHIP to as much as 200 percent of poverty and receive an enhanced Federal payment for doing so. We in Arkansas could receive extra dollars enhanced payment for doing the right thing, both economically and for our families and our children.

This policy simply makes sense. It seeks to improve health care for low-income mothers and their babies while reducing costs for everyone, particularly the taxpayer. No wonder it has the support of Senator DASCHLE and Senator LOTT. Let's not delay any longer. Let's pass this legislation today.

There is no excuse for us not passing this legislation today, tomorrow, or certainly before we adjourn the Senate.

Some might wonder why this legislation is needed since the administration has just announced a final regulation on providing CHIP coverage of unborn children. The reason is simple. The administration's regulation covers the fetus but not the woman. It is beyond me that anyone could imagine when a child who was being carried by a pregnant woman, that in some way these two were separable. They are not.

This is completely contrary to the clinical standards of care established by the American College of Obstetricians and Gynecologists and the American Academy of Pediatrics. Why on Earth would we want a policy that fails to cover the health issues that may arise for a woman during her pregnancy—issues such as diabetes and hypertension?

What happens to that young mother who is pregnant and all of a sudden has a reaction to diabetes or hypertension, who is in an automobile accident and goes to the hospital?

This covers the medical care for the unborn child but not for the mother who is carrying that child? It makes no sense. Mother and baby are undeniably connected during pregnancy. They must be treated together.

Why would we want a policy that fails to cover post partum care, the 60 days of care following delivery, which can often involve serious clinical complications for the mother? This care is covered by Medicaid and most private insurance. Why wouldn't we cover it under S-CHIP if we are going to cover the unborn child? What if the new mother has a hemorrhage, an infection? She may need some episiotomy repair or have post partum depression. The administration's regulation would not cover such services because, in their words, they are not services for an eligible child. But what about the mother carrying that child?

The March of Dimes mission is to improve the health of babies worldwide; it has expressed serious concern and opposition to the President's regulation. This regulation is needlessly controversial and will therefore prevent many States from even taking up the option. Why further complicate and politicize an issue that is so important to the health of poor mothers and their babies?

Even Secretary Tommy Thompson has indicated publicly his support for S. 724 as a way to expand prenatal care to low-income women. On behalf of our Nation's mothers, fathers, and their babies, we in the Senate have the serious obligation to pass this legislation as soon as possible. It is unconscionable that we have waited this long to pass a bill that would drastically improve the lives of our most vulnerable citizens. It is beyond me why we would even wait or what opposition there might be to this sensible legislation.

I urge my colleagues, as we continue to muddle through all of what we are trying to accomplish in the final days, to help us ground ourselves in some of the issues that can actually make an enormous difference, not only economically but, more importantly, that will actually affect the lives of some of our most vulnerable constituents.

I plead with my colleagues, let us pass this bill today or certainly before we adjourn.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I thank my colleague from Arkansas and also my colleague from Missouri for their eloquent statements in support of moving ahead and passing this legislation. The Senator from Arkansas speaks with more authority and conviction than any male Member of this body can muster in connection with this subject and this legislation. Of course, the Senator from Missouri is the prime sponsor of the very bill on which I am asking that we move ahead.

I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 541, which is S. 724; that the committee substitute be agreed to, the bill be read the third time and passed; that the title amendment be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate; and that any statements related to the bill be placed in the RECORD at the appropriate place as if read.

Mr. NICKLES. Reserving the right to object, I ask my colleague a couple of questions. I have not looked at this issue for some time.

There is a committee substitute to S. 724?

Mr. BINGAMAN. Madam President, yes, there is a committee substitute that is essentially the bill. It is the bill we passed through the Finance Committee by unanimous consent.

Mr. NICKLES. Does the Senator remember how much that bill costs?

Mr. BINGAMAN. Madam President, in answer to the question, the bill costs right at $600 million over a 5-year period, and the cost is fully offset in the legislation.

Mr. NICKLES. Could my colleague tell me how it was offset?

Mr. BINGAMAN. In response, the offset was the increased scrutiny on the Social Security payments which we discussed in the Finance Committee as an appropriate offset. I think all Members agree that would at least raise as much money as this bill will cost the Treasury.

Mr. NICKLES. I appreciate that. I believe I heard one or two Senators say Secretary Thompson supports this bill. It is my understanding that that is not the case. Secretary Thompson may support the thrust of it. I understand he supports the regulation that goes into effect today and this bill somewhat counteracts the regulation that he is primarily responsible for promulgating. Is that correct?

Mr. BINGAMAN. Madam President, I did not hear the second part of the question.

On the question as to whether he actually supports passage of this bill, he issued a press release indicating he supports passage of S. 724, the bill we are trying to move ahead right now. This was March 6, 2002, in his testimony before the House Labor-HHS Appropriations Committee.

Mr. NICKLES. It is my understanding that Secretary Thompson has promulgated a regulation which I believe he thinks satisfies a lot of the unmet health care needs of children, including unborn children, and he supports the regulation that he promulgated and is now effective, and does not support the legislation which goes far beyond the regulation he has promulgated.

I am very particular on making sure we are accurate in our statements. I believe that is accurate. I have asked my staff to check with HHS. I have a note that says he supports the regulation but not the legislation. Maybe he did make a statement that was supportive in March, but he may well believe that was accomplished in the regulation. I have not talked to him personally. I am stating my belief.

I need to learn more about the bill. It has been months since we have looked at it. We have been doing a few other things. I object at this point. At this point I will further my contacts with those in the administration who know more about the regulation just promulgated. I compliment the Secretary on the regulation. I also wish to do a little more homework. I will check with the Secretary of Health and Human Services.

I will check with the States. I believe this is an expansion of Medicaid which I know my State is struggling to pay. As a matter of fact, the State was reducing cases, in some cases in Medicaid because they do not have the budget. Our State Medicaid director told us, do not increase any new expansions on Medicaid because we cannot afford it.

Correct me if I am wrong: I think pregnant women who have incomes less than 150 percent of poverty are now eligible for Medicaid and States have the option to take that up to 185 percent. Pregnant women with incomes of less than 185 percent of poverty are eligible for Medicaid, and I believe the legislation takes that up to 300 percent. It makes many more people eligible for Medicaid, which increases the costs to the States, which some States cannot afford.

I object at this point and will check with a couple of other people who may have reservations, and perhaps those questions can be resolved, and I will get back to my friend and colleague from New Mexico.

I object.

The PRESIDING OFFICER. The objection is heard.

Mr. BINGAMAN. Madam President, let me say for the information of my colleague, I appreciate his willingness to look into this matter. My strong impression—and not just impression, but information I have been given—is Secretary Thompson clearly supports the regulation which his Department issued today related to the fetus, the coverage of unborn children. However, he also supports passage of this bill to provide an option to States to cover pregnant women under the CHIP Program.

It is also my information that this does not involve any expansion of Medicaid, that this is strictly a change in law that provides the option to States to cover pregnant women under the CHIP Program if they so choose. That is not, as I see it, an additional burden on any State.

Mr. NICKLES. Will the Senator yield?

Mr. BINGAMAN. Yes, I am glad to yield.

Mr. NICKLES. Did the Senator say it is his belief that this bill does not increase Medicaid coverage for pregnant women up to 300 percent of poverty?

Mr. BINGAMAN. That is certainly my understanding of the bill. I know of no provision in this bill that changes the Medicaid coverage that way.

Mr. NICKLES. We will both do a little more homework and I will be happy to talk to my friends and colleagues, both from Arkansas and from New Mexico, and see where we go from there.

Mr. BINGAMAN. Madam President, let me add one other item, since the Senator referred to it, about States not favoring this. My other information is that the National Governors Association has issued a policy or endorsement of this legislation and supports it.

I appreciate the willingness of the Senator from Oklahoma to look into this further. I will get all the information we have to him. If he has any other information that we need to see, I am glad to look at it. I hope we can move ahead as soon as possible with this bill.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MILLER). Without objection, it is so ordered.

IN MEMORY OF HARRY KIZIRIAN

Mr. REED. Mr. President, Rhode Island has lost a valiant son, the Nation has lost a heroic Marine and thousands of my neighbors have lost a true and faithful friend.

On September 13, 2002, Harry Kizirian died. His name in Rhode Island is synonymous with selfless service, love of country, commitment to family and unshakeable loyalty to his faith and to his friends.

Harry was born on July 13, 1925 at 134 Chad Brown Street in Providence, RI. He was the proud son of Armenian immigrants. His father and mother, Toros and Horopig Kizirian, came to America to seek a better life for themselves and their family. They had endured the horror of the Armenian genocide, each losing their spouse and many in their families. In America, they hoped to find the opportunity and the tolerance that is so rare in the world. In their son, Harry, they would see the fulfillment of the great promise that America offers to the brave and the noble of heart.

Harry's youth in the vibrant Armenian community of Chad Brown Street was profoundly changed when, at the age of 15, his father died. Harry became the man of the house. While he continued his education at Mount Pleasant High School, he worked lugging beef and unloading freight cars at a meat packing plant on Canal Street. Despite his long hours of work, he still threw the hammer and put the shot for Mount Pleasant High School and captained the football team to boot.

A high school football referee, impressed with Harry's dedication and demeanor, suggested that he seek work at the Providence post office. Harry secured a temporary position sweeping floors as he finished his last two years of high school.

Harry Kizirian came of age as America faced the danger and challenge of World War II. Like so many of his generation, Harry did not hesitate to serve. He joined the United States Marine Corps the day after he graduated from high school.

After his training, Harry found himself in the first assault wave attacking Okinawa. He was 19 years old. While leading a fire team in the assault, he charged an enemy position that was pinning down a Marine platoon. He received multiple fragmentation wounds in the arms and shoulders but continued to press the attack. Eventually, he was evacuated for treatment. A month later, he returned to action.

And, he would see fearsome action in the climatic battles to secure Okinawa. In June of 1945, Harry's unit moved to attack entrenched Japanese soldiers along a ridgeline. Corporal Kizirian observed six Marine stretcher bearers pinned down by enemy fire as they were trying to evacuate a wounded Marine. With utter disregard for his own safety, Harry placed himself in the line of fire and single-handedly attacked the enemy emplacement. Although wounded in the leg and groin, he continued the attack by dragging his body along by his elbows. He overwhelmed the position and killed the 12 enemy defenders.

For his service and sacrifice on Okinawa, Harry Kizirian was awarded the Navy Cross, two Purple Hearts, the Bronze Star with V device for Valor, the Presidential Unit Citation, the Navy Unit Citation and the Rhode Island Cross, the State's highest award for valor.

Harry was discharged from the Marine Corps in 1946 and returned to Rhode Island and to the post office. But he still bore the scars of battle. For 4 years after his discharge, Harry was in and out of Veteran's Hospitals for treatment of his wounds.

Harry's return to civilian ranks gave him a chance to meet the love of his life, Hazel Serabian. Hazel tells the story that, the first time she saw Harry, he was staring at her from the cover of The New York Times Sunday Magazine. He was featured as one of the young heroes of the Pacific battles. She later met this handsome Marine as he stopped in her hometown en route to visit the family of a fellow Marine who had died in combat. In my humble opinion, it was love at first sight and love for evermore.

Their love produced a family of wonderful sons and daughters: Tom and Richard, Joanne, Shakay and Janice. They continue the proud tradition of Harry and Hazel as public-spirited citizens in their own right. And the newest generation of Kizirians includes eight grandchildren who grew under the watchful eye and enormous love of their grandfather.

Harry, with a young family to feed, applied himself with his characteristic sincerity and diligence at the post office. But he brought something else and something special to his job: a joy of working with the men and women of the Postal Service and of helping to serve the people of Rhode Island.

Harry became the Postmaster in Providence in 1961 and led the Postal Service in Rhode Island at a time of great change. Rhode Island was one of the first postal districts in the country to build a central, automated postal facility. Harry was the key individual in opening this facility and making it work.

His leadership style was hands-on and personal. He knew the Providence post office's thousand employees by their first names. He patrolled the facility in his customary attire of suit and running shoes as he made sure that the work was done and the workers were recognized. His co-workers were a larger extension of his own family, and he followed their ups and downs with the same interest and involvement that he lavished on his own family. He established a bond of trust and love that still today is unique and enduring.

In 1986, the Postal Service announced that Harry would be "reorganized" out of the job. The announcement led to a flurry of activity by Senator John Chafee and Senator Claiborne Pell but to no avail. The Postal Service did not relent. The announcement was greeted by his co-workers with weeping. They weren't losing just an admired boss; they were losing a friend.

In October of 1986, two thousand of his friends and co-workers honored him at a testimonial.

One of his dearest friends, Senator John O. Pastore, paid him a special tribute. Forty years before, then Governor John O. Pastore pinned the Rhode Island Cross on Harry Kizirian. In earlier remarks, Senator Postore said simply, "I have never met in my life anyone who has had a bad word to say about Harry Kizirian," And Senator Pastore's words were and are beyond reproach.

I was honored to be appointed to West Point by Senator Pastore. Both Harry and I shared a profound respect for this great man who served with extraordinary distinction in the Senate.

Harry's departure from the Postal Service merely redirected his great passion for public service to numerous other civic endeavors, including Big Brothers, the Veterans Home in Bristol, RI and the Heart Association.

When asked once about his extraordinary generosity and public service, Harry said, "You know, the track is short; when you can help people, do it."

I really got to know Harry in 1990 when I campaigned for my first term in Congress.

I knew about the legendary Harry Kizirian; everyone in Rhode Island knew about and admired Harry. I met him several times at meetings of postal workers. He still stayed close to his coworkers. By this time, Harry's sight was impaired. He would sit at the table and you would approach him for a word. He grasped your hand with authority and his voice was strong, but his whole demeanor was one of gentleness and consideration.

I will never forget at one of these meetings days before the election. As postal worker after postal worker approached him to thank him for countless kindnesses and asked what they could do for him, Harry said, "if you want to do something for me, vote for this kid, Reed."

I have never received a greater or more meaningful endorsement. His faith in me gave me great faith in myself. But, after all, that is what Harry did all of his life. He made us stronger and better because he was behind us and shared with us his strength and his decency.

In May of 1996, Rhode Islanders had a chance to honor Harry. On that day, the central Post Office in Providence, the "house that Harry built", was dedicated as the "Harry Kizirian Post Office Building." Senator John H. Chafee sponsored the legislation in the Senate, and I sponsored the legislation in the House.

We were honored to have General Chuck Krulak, the Commandant of the Marine Corps, as a principal speaker. General Krulak captured the essence of Harry Kizirian when he said "Harry was motivated by a selfless desire to help his fellow countrymen." General Krulak added a sentiment that we all felt. "It is impossible not to admire, to respect and yes, coming from this tough Marine, to love Harry Kizirian. You have made a difference."

A few days after I learned of Harry's death, I was attending the Fall Harvest Festival in my hometown of Cranston, Rhode Island. I encountered a gentleman and we began to talk. He quickly told me that we had both lost a good friend, Harry Kizirian. The gentleman was a postal worker who had spent many years working for Harry. With gestures more than words, he expressed the sense of loss tempered by love and admiration that we all felt; a fitting epitaph, the unadorned and heartfelt words and sentiments of one of his workers, more poignant and profound then any sermon or speech.

When our colleague John Chafee died, I recalled these lines from the Irish poet, William Butler Yeats, fitting words for another Marine who goes to his rest.

The man is gone who guided ye, unweary,
through the long bitter way.
Ye by the waves that close in our sad nation,
Be full of sudden fears,
The man is gone for his lonely station . . .
Mourn—and then onward, there is no returning
He guides ye from the tomb;
His memory now is a tall pillar, burning
Before us in the gloom!

Harry's memory warms our heart and lights our way.

He was a man who saw hard times, but refused to allow them to extinguish his generous spirit. He was a man who saw war in all its horror, but refused to surrender his soul to its brutality. He was a strong man, not for the sake of intimidation, but because he knew that true strength allows a man to be truly compassionate. He was humble. His greatest source of pride was the success of others, particularly his family. His memory, his example, sustains us and inspires us.

I close with the words of a song that I am sure Harry knew.

If the Army and the Navy
Ever look on Heaven's scenes
They will find the streets are guarded by
United States Marines

Harry Kizirian, United States Marine Corps, has joined that Heavenly guard mount.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I did not know Senator REED's friend, but after listening to what he said, I feel as though I did know him. The distinguished senior Senator from Rhode Island is fortunate to have had such a friend, but I think his friend was fortunate to know Senator REED. I know the distinguished Presiding Officer, the Senator from Georgia, did not mind the reference to the U.S. Marine Corps. I saw the smile on his face when that reference was made.

THE 21ST CENTURY DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT

Mr. LEAHY. Mr. President, yesterday, the majority leader filed cloture on the bipartisan 21st Century Department of Justice Authorization Act conference report. I commend him for doing that.

This is a conference report that passed 400 to 4 last week in the other body. We will be voting on that cloture motion tomorrow. I just want to take a few moments to let Members of this body know what is in the conference report.

It was signed by all conferees—Republican and Democrat—Senator ORRIN HATCH, and Representatives SENSENBRENNER, HENRY HYDE, LAMAR SMITH, myself, and others.

I thank Senator KAY BAILEY HUTCHISON for coming to the floor yesterday to support this conference report. She has spoken to me many times about the need for more judgeships along the Texas border with Mexico to handle immigration and criminal cases. Certainly, from what Senator HUTCHISON has said about that need, she has made a compelling request, and I have included in this conference report three new judges for that part of Texas. Actually, the conference report has one more judge than we passed out of the Senate. We added another one in conference. I suspect technically one could say that was not a matter in conference, but the Senator from Texas made, I thought, a compelling reason for it.

I mention that because one of our Federal district judges from Vermont has actually gone down to Texas a couple times to help out, and every time he has gone down, he has called me up and said: They need more judges here because of the load.

So I thank Senator KAY BAILEY HUTCHISON.

I also want to thank Senator SESSIONS for his statement in support of this conference report. I mentioned to him on the floor this morning—and I want to speak again to that—there is a piece of this legislation Senator SESSIONS originally opposed. If it were here as a freestanding bill, that particular part—a small part of the bill—I believe Senator SESSIONS would vote against it. But he supports the overall bill and is voting for the whole bill. I thank him for that.

I also thank him for his work and his aid on the provisions in the conference report on the Paul Coverdell Forensic Sciences Improvement Grants and the Centers for Domestic Preparedness in Alabama and other States. He had a great deal of input, and I appreciate what he did. We tried throughout all of this effort to make this a bipartisan bill, and he helped with that.

Senator FEINSTEIN spoke on behalf of this conference report. She has been a tireless advocate for the needs of California, including the needs of the Federal judiciary along the southern border. She has helped to improve that situation.

I was glad to see we could work through that because we had tried for 7 or 8 years to add these additional judges, and they had been blocked. But I came back and said, even though it would be a different President appointing the judges—in this case, President Bush—I was in favor of adding the judges. They should be in there. Among other things, we included five judgeships for the southern district of California.

We have also included judges, as I said, for Texas, Arizona, New Mexico, Ohio, North Carolina, Illinois, and Florida. The statistics show all the judges are very much needed.

The senior Senator from California gave leadership on the James Guelff and Chris McCurley Body Armor Act, the State Criminal Alien Assistance Program reauthorization, and the anti-drug-abuse provisions in the conference report, and that has been extremely helpful.

I should tell my colleagues, this report will strengthen our Justice Department and the FBI, and increase our preparedness against terrorist attacks. It offers our children a safe place to go after school.

In this conference report, we put together years of work. Parts of about 25 different bills have been combined in this report.

I thought President Bush did absolutely the right thing after the attacks of a year ago, on September 11, as he moved very aggressively to try to clamp off money going to terrorist organizations around the world. As we know, al-Qaida received a lot of money from Saudi Arabia and other countries, and that money has floated all over.

The President moved very quickly to stop that. But then they find other ways to move it. We know they still have tens of millions—hundreds of millions of dollars perhaps—in these terrorist groups. But there is a thing in this conference report called the Madrid Protocol. If we agree to this protocol, this will greatly strengthen the hand of the President to go after this money. The White House supports it. All the antiterrorist groups and the Government support it. That is also in this bill.

I mentioned this because I have been asked questions by several Senators exactly what is included. I want them to know. I also want to thank Senator HATCH for his work in this endeavor. We spent a lot of hours in the conference. That is why it passed so overwhelmingly, with the support of both Republican and Democratic leadership in the other body. I would be happy to have it pass unanimously. We could pass it tonight for that matter. I know the legislation is a priority.

We have not authorized the Department of Justice in more than two decades. Some might ask: Why should we do it now? We have a far different Department of Justice than we had before September 11. We have a number of changes that had to be made, supported by Members on both sides of the aisle, both sides of the aisle in the other body, the President of the United States, the Attorney General, and so on.

What we have done is tried to assure the administration of justice in our Nation. Our Nation has been radically changed from a year ago. It doesn't have everything that I would have liked or everything everybody would have liked. That is because it is a conference report. It is a consensus document. We did it in a bipartisan way—Democratic chairman from this body and a Republican chairman from the other; a Republican ranking member from this body, a Democratic ranking member of the other body.

We know that it will strengthen our Justice Department and the FBI. We will increase our preparedness against terrorist attacks. We will improve our intellectual property and antitrust laws. I hope for the sake of the Justice Department and the Congress and the American people we can pass it. It is remarkable, the number of provisions in here that will help everything from an attack of terrorism, closing off money and so forth, to help with the growing drug problem that strikes not just in the big cities but our rural areas.

I come from largely a rural State. The difference between this and the other body, every Senator has significant rural areas. When my son was a student at Emory Law School, I remember going to the State of the distinguished Presiding Officer and traveling around with my son. I come from a rural area. I must say, there are some pretty rural areas in Georgia. But there are in California and Texas and New York and every other State. This helps those States, especially in small areas, do something about the scourge of drugs hitting our youngsters, our future generation.

I wanted to give a short summary. There is a lot more. This was so other Members who had been asking me in both parties what is in it, I wanted them to see. It will be voted on tomorrow. I hope as a result of this vote tomorrow we will then just pass it. The White House has indicated the President will be eager to sign it when it arrives.

This conference report will strengthen our Justice Department and the FBI, increase our preparedness against terrorist attacks, prevent crime and drug abuse, improve our intellectual property and antitrust laws, strengthen and protect our judiciary, and offer our children a safe place to go after school.

This conference report is the product of years of bipartisan work. The conference report was unanimous. By my count, the conference report includes significant portions of at least 25 legislative initiatives.

I had hoped that the conference report on H.R. 2215 would not take up much of the Senate's time. There are other matters we do need to address. The majority leader tried to pass this legislation without taking up any floor time last week, but was unable to do so because of an objection to proceeding by unanimous consent. Proceeding by unanimous consent would have ensured that we not take up the Senate's time in debate on this bipartisan legislative package. Yesterday, I came to the floor and sought to allow for two hours of debate before a vote on final passage at 4:30 p.m. We then could have moved on to other matters. Again, that proposal would have taken up a limited amount of the Senate's time. Yet, again, that limited time agreement proposal was rejected. As a result of the objection to proceeding more quickly, we are still considering this conference report and the majority leader was forced to file a cloture petition to bring it to a vote.

This legislation is neither complicated nor controversial. It passed the House 400 to 4 in short order. It was signed by every conferee, Republican or Democrat, including Senator HATCH and Representatives SENSENBRENNER, HYDE, and LAMAR SMITH. Senators SESSIONS and HUTCHISON came to the floor yesterday to support it. There is no need for extensive debate in the Senate—we can move on to consider other matters as soon as the objection is lifted so we are able to have an up or down vote on the conference report.

This legislation is a priority. Congress has not authorized the Department of Justice in more than two decades. I know that Senator HATCH and Representatives SENSENBRENNER and CONYERS share my view that it is long past time for the Judiciary Committees of the House and Senate and the

Congress as a whole to restore their proper oversight role over the Department of Justice. Through Republican and Democratic administrations, we have allowed the Department of Justice to escape its accountability to the Senate and House of Representatives and through them to the American people. Congress, the people's representative, has a strong institutional interest in restoring that accountability. The House has recognized this, and has done its job. We need to do ours.

I agree with other Members who have spoken that we need to give anti-terrorism priority, but not lose sight of the other important missions of the Department of Justice. The conference report takes such a balanced approach. Some have said that there is nothing new in this legislation to fight terrorism. I think they missed some important provisions in the legislation as well as my floor statements outlining what the conference report contains to help in the anti-terrorism effort.

Let me repeat those remarks and highlight what the conference report does on this important problem. The conference report fortifies our border security by authorizing over $20 billion for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration. It also authorizes funding for Centers for Domestic Preparedness in Alabama, Texas, New Mexico, Louisiana, Nevada, Vermont and Pennsylvania, and adds additional uses for grants from the Office of Domestic Preparedness to support State and local law enforcement agencies. These provisions have strong bipartisan support, including that of Senator SESSIONS.

Another measure in the bill would correct a glitch in a new law that helps prosecutors combat the international financing of terrorism. I worked closely with the White House to pass this provision in order to bring the United States into compliance with a treaty that bans terrorist financing, but without this technical, non-controversial change, the provision may not be usable. This law is vital in stopping the flow of money to those who seek to harm our citizens. Worse yet, at a time when the President is going before the U.N. emphasizing that our enemies are not complying with international law, by blocking this minor fix, we leave ourselves open to a charge that we also are not in compliance with an important anti-terrorism treaty.

I agree with other Members who have spoken that we should do more to help the FBI Director in transforming the FBI from a crime fighting to a terrorism prevention agency and to help the FBI overcome its information technology, management and other problems to be the best that it can be. The Judiciary Committee reported unanimously the Leahy-Grassley FBI Reform Act, S. 1974, over six months ago to reach those goals, but an anonymous hold has stopped that legislation from moving forward. This conference report contains parts of that bipartisan legislation, but not the whole bill, which continues to this day to be blocked from Senate consideration and passage.

Since the attacks of September 11 and the anthrax attacks last fall, we have relied on the FBI to detect and prevent acts of catastrophic terrorism that endanger the lives of the American people and the institutions of our country. Reform and improvement at the FBI was already important, but the terrorist attacks suffered by this country last year have imposed even greater urgency on improving the FBI. The Bureau is our front line of domestic defense against terrorists. It needs to be as great as it can.

Even before those attacks, the Judiciary Committee's oversight hearings revealed serious problems at the FBI that needed strong congressional action to fix. We heard about a double standard in evaluations and discipline. We heard about record and information management problems and communications breakdowns between field offices and Headquarters that led to the belated production of documents in the Oklahoma City bombing case. Despite the fact that we have poured money into the FBI over the last five years, we heard that the FBI's computer systems were in dire need of modernization.

We heard about how an FBI supervisor, Robert Hanssen, was able to sell critical secrets to the Russians undetected for years without ever getting a polygraph. We heard that there were no fewer than 15 different areas of security at the FBI that needed fixing.

The FBI Reform Act tackles these problems with improved accountability, improved security both inside and outside the FBI, and required planning to ensure the FBI is prepared to deal with the multitude of challenges we are facing. We are all indebted to Senator GRASSLEY for his leadership in the area. Working with Republicans and Democrats on the Senate Judiciary Committee we unanimously reported the FBI Reform Act more than 6 months ago only to be stymied in our bipartisan efforts by an anonymous hold.

Now, due to Republican objections, the conference report does not contain some of the important provisions in the FBI Reform Act that Senator GRASSLEY and I, and the other members of the Judiciary Committee, agreed were needed.

Among the items that are, unfortunately, not in the conference report and are being blocked from passing in the stand-alone FBI Reform bill by an anonymous hold are the following:

Title III of the FBI Reform bill that would institute a career security officer program, which senior FBI officials have testified before our Committee would be very helpful;

Title IV of the FBI Reform bill outlining the requirements for a polygraph program along the lines of what the Webster Commission recommended;

Title VII of the FBI Reform bill that takes important steps to fix some of the double standard problems and support the FBI's Office of Professional Responsibility, which FBI Ethics and OPR agents say is very important; and

Title VIII to push along implementation of secure communications networks to help facilitate FISA processing between Main Justice and the FBI. These hard-working agents and prosecutors have to hand-carry top secret FISA documents between their offices because they still lack send secure e-mail systems.

This needs to be fixed and the FBI Reform bill would help.

These should not be controversial provisions and are designed to help the FBI. Yet, passage is being blocked of both a stand-alone FBI Reform bill and those provisions we were able to include in this conference report.

Some in this body have complained that we included provisions in this conference report that were not contained in either the Senate or House-passed bills. Now, each of the proposals we have included are directly related to improving the administration of justice in the United States.

We were asked to include many of them by Republican members of the House and Senate. I would like to point, in particular, to our reauthorization of the State Criminal Alien Assistance Program, which President Bush has sought to eliminate. On March 4 of this year, Senator KYL and Senator FEINSTEIN sent me a letter asking me to include an authorization for SCAAP—which was not authorized in either the House- or Senate-passed bill—in the conference report.

I agreed with Senator KYL and Senator FEINSTEIN that we should authorize SCAAP. I still believe that it is the right thing to do.

We took the arguments seriously that we needed more judges in certain parts of the country, particularly in border States. We added another new judge for Arizona on top of the two that were added in 1998 and the third that was added in 2000. We added a number of other judges as well, as I have already detailed.

Some have criticized the conference report's authorization of funding for DEA police training in South and Central Asia, and for the United States-Thailand drug prosecutor exchange program. I believe that both of these are worthy programs that deserve the Senate's support.

I have listened to President Bush and others in his Administration and in Congress argue that terrorist organizations in Asia, including al-Qaida, have repeatedly used drug proceeds to fund their operations. The conferees wanted to do whatever we could to break the link between drug trafficking and terror, and we would all greatly appreciate the Senate's assistance in that effort.

Beyond the relationship between drug trafficking and terrorism, the production of drugs in Asia has a tremendous impact on America.

For example, more than a quarter of the heroin that is plaguing the northeastern United States, including my State of Vermont, comes from Southeast Asia. Many of the governments in that region want to work with the United States to reduce the production of drugs, and these programs will help. It is beyond me why any Senator would oppose them.

Some have complained that the conference report demands too many reports from the Department of Justice, and that these reporting requirements would interfere with the Department's ongoing counterterrorism efforts. It is true that our legislation requires a number of reports, as part of our oversight obligations over the Department of Justice. I assure the Senate, however, that if the Department of Justice comes to the House and Senate Judiciary Committees and makes a convincing case that any reporting requirement in this legislation will hinder our national security, we will work out a reasonable accommodation. I think, however, that such a turn of events is exceedingly unlikely, as no one at the Department has mentioned any such concerns.

Some Members have complained that the conference report includes pieces of legislation that had not received committee consideration. The Law Enforcement Tribute Act has been mentioned as falling in this category. In reality, the Committee reported that bill favorably on May 16.

Complaints have been raised about the motor vehicle franchise dispute resolution provision in the conference report and that this legislation was not considered by the Judiciary Committee. That complaint is misplaced. The Judiciary Committee fully considered this proposal and reported Senator HATCH's Motor Vehicle Franchise Contract Arbitration Fairness Act last October 31. It has been stalled from the Senate floor by anonymous holds. The same complaint was incorrectly leveled at the section dealing with FBI danger pay. Yet, the Judiciary Committee did consider and approve this proposal as part of the original DOJ Authorization bill, S. 1319. The complaint that the Federal Judiciary Protection Act was not considered by the Committee is likewise misplaced. On the contrary, this legislation, S. 1099, was passed by the Judiciary Committee and the Senate by unanimous consent last year and in the 106th Congress, as well. The provisions on the U.S. Parole Commission were included in the conference report without Committee consideration but was included because the Bush Administration included it in its budget request and it makes sense.

Some have complained about the provision establishing the FBI police to provide protection for the FBI buildings and personnel in this time of heightened concerns about terrorist attacks. When this legislation was considered by the Judiciary Committee as part of the FBI Reform Act, S. 1974, which was reported unanimously on a bipartisan basis, no member on the Committee raised any objection at the time. Similarly, the complaint about the lack of Committee consideration of the report on information technology to keep the Congress better informed about how the FBI is updating its obsolete computer systems, is misplaced. This legislation was considered by the Judiciary Committee as part of the FBI Reform Act, S. 1974, and no objection was raised.

This conference report is a comprehensive attempt to ensure the administration of justice in our nation. It is not everything I would like or that any individual Member of Congress might have authored. It is a conference report, a consensus document, a product of the give and take with the House that is our legislative process. It will strengthen our Justice Department and the FBI, increase our preparedness against terrorist attacks, prevent crime and drug abuse, improve our intellectual property and antitrust laws, strengthen and protect our judiciary, and offer our children a safe place to go after school. I hope that it will merit the support of every Member of the U.S. Senate. At the very least, it deserves an up-or-down vote. I was pleased to see some Republicans come to the floor yesterday to support this conference report, and I urge those who are blocking its consideration to relent and let the Senate vote up or down without further delay or tactics of obstruction. I hope that the critics will reconsider their opposition and their filibuster of this conference report and permit the Senate to vote up or down on this bipartisan bill. For the sake of the Justice Department, the U.S. Congress, and the American people, we should pass this legislation today.

Mr. BROWNBACK. Mr. President, with the passage of the Judiciary reauthorization bill, this body will pass a provision to extend our program to allow states to recommend J–1 visa waiver for physicians willing to practice in medically underserved areas.

It is one of the great privileges of my life to represent one of the most rural States in the Nation. For many around the world, Kansas represents rural life in America. The image is quaint; and, somehow insulated from the world by a field of wheat that arcs off into the horizon. However, as my colleagues from the heartland know, that image does not represent modern rural life.

In the Beloit co-op, Kansans gather as often to talk about global commodities futures as they do the weather. Our farmers are as likely to be reviewing GPS Satellite readings as they are next years model line of John Deeres. And, when they go to the doctor, rural Kansans are very likely in the waiting room of an Indian or Canadian citizen.

Just as Kansas relies on the world as a market, we rely on the world as a source for our health professionals. Since 1993, ninety-eight (98) waivers have been granted allowing foreign born physicians to remain in the country to practice medicine in the state of Kansas. Over fifty (50) physicians currently practicing in Kansas are in the state as a result of a J–1 visa waiver. Twenty (20) counties in the state of Kansas are considered fully served as a result of foreign born physicians who received J–1 visa waivers. Section 11018 of the Judiciary reauthorization bill before us represents a literal life-line for rural America.

The Senate passage of the bill also represents the hard work of several very dedicated legislators, including my fellow Kansan, Representative JERRY MORAN and our colleague from South Dakota Senator KENT CONRAD. It was their persistence and the hard work of several groups including: The American Hospital Association; the American Academy of Family Physicians; the Farm Bureau; the American College of Physician; the National Association of Community Health Centers; the National Rural Health Care Association; the American Immigration Lawyers Association and others, that kept this issue moving throughout this Congress.

Of course, there are many important provisions in this bill. However, for Kansans in the vast rural areas of the State, ensuring access to a doctor is one of the most significant. I thank the Chairman and Ranking member for fighting to ensure that this provision made it into the conference report.

Mr. FEINGOLD. Mr. President, I support the conference report to H.R. 2215, the Department of Justice Reauthorization bill. I congratulate the chairman and the ranking member of the Judiciary Committee for their work in completing this bill and guiding it through a long and difficult conference.

I wanted to take a moment to set the record straight on the issue of the inclusion in the conference report to H.R. 2215 of the Motor Vehicle Contract Arbitration Fairness Act. The junior Senator from Arizona complained yesterday on the floor that this bill had been added to the conference report, depriving him of the opportunity to hear a debate and perhaps offer amendments to the bill. He implied that this was some kind of secret and nefarious deal to try to bypass floor discussion of legislation that has not had adequate consideration by this body. Nothing could be further from the truth.

S. 1140, on which the provisions in the conference report are based, was introduced by the ranking member of the Judiciary Committee, Senator HATCH, and now has 64 cosponsors. Almost exactly half of those cosponsors are Republicans and half are Democrats. A companion House measure has 225 cosponsors. The bill passed the House by voice vote in the last Congress. The inclusion of these provisions in the conference report was supported by all of the Senate conferees, including the ranking member of the Judiciary Committee. The House conferees, led by the chairman of the House Judiciary Committee, also supported including these provision in the conference report.

Now why was this necessary? Well, let me point out that this bill was reported by the Judiciary Committee almost a year ago. The majority leader asked for consent to proceed to the bill and have a limited debate with the opportunity for amendments no less than three times, on May 17, June 27, and September 25. Each time, a Senator on the Republican side objected and the Senate was prevented from having the separate debate and vote that the Senator from Arizona says he wanted. So if the Senator from Arizona has a beef here, it is not with the majority leader or the conferees, but with the member of his own party who exercised his right as a Senator to block the bill from consideration on the floor of the Senate.

That Senator was exercising his right to object to a unanimous consent request, but with time running out in this Congress, the rest of the Senate has rights too. And including this bill in the conference report, with bipartisan support in the conference and in the Senate, was a reasonable step to take so that the will of a supermajority of the body would not be thwarted.

These provisions are very important to address a real unfairness that is being perpetrated on the auto dealers of this country. Franchise agreements for auto and truck dealerships are typically not negotiable between the manufacturer and the dealer. The dealer accepts the terms offered by the manufacturer, or the dealer loses the dealership, plain and simple. Dealers, therefore, have been forced to rely on the States to pass laws designed to balance the manufacturers' far greater bargaining power and to safeguard the rights of dealers.

The first State automobile statute was enacted in my home State of Wisconsin in 1937 to protect citizens from injury caused when a manufacturer or distributor induced a Wisconsin citizen to invest considerable sums of money in dealership facilities, and then canceled the dealership without cause. Since then, all States except Alaska have enacted substantive law to balance the enormous bargaining power enjoyed by manufacturers over dealers and to safeguard small business dealers from unfair automobile and truck manufacturer practices.

A little known fact is that under the Federal Arbitration Act, FAA, arbitrators are not required to apply the particular Federal or State law that would be applied by a court. That enables the stronger party, in this case the auto or truck manufacturer, to use arbitration to circumvent laws specifically enacted to regulate the dealer/manufacturer relationship. Not only is the circumvention of these laws inequitable, it also eliminates the deterrent to prohibited acts that State law provides.

A majority of States have created their own alternative dispute resolution mechanisms and forums with access to auto industry expertise that provide inexpensive, efficient, and nonjudicial resolution of disputes. For example, in Wisconsin, mandatory mediation is required before the start of an administrative hearing or court action. Arbitration is also an option if both parties agree. These State dispute resolution forums, with years of experience and precedent, are greatly responsible for the small number of manufacturer-dealer lawsuits. When mandatory binding arbitration is included in dealer agreements, these specific State laws and forums established to resolve auto dealer and manufacturer disputes are effectively rendered null and void with respect to dealer agreements.

A strong bipartisan majority of this body, and of the House, has come together to say "no" to these unfair contract provisions. So I commend the chairman and ranking member of the Judiciary Committee for their work to include this important legislation in the DOJ authorization bill conference report. As I said before, we could have had a debate and voted on amendments to this bill if consent had been granted. That was our preferred course as well. But one Senator did not want to have that debate, and so it was necessary, in the interests of justice, to proceed in this manner.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, it is my understanding the time for morning business has expired.

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. I ask unanimous consent the Senate now proceed to a period of morning business with Senators allowed to speak therein for up to 10 minutes each until 6:30 this evening.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana.

HURRICANE ISADORE, WETLANDS, AND IRAQ RESOLUTION

Ms. LANDRIEU. Mr. President, I rise to speak on three important matters. Let me begin with the most important matter to the people of Louisiana at this moment, which is the pending hurricane. Hurricane Lili is in the Gulf of Mexico, and she is headed Louisiana's way. Unfortunately, this will be the second major storm in less than a week we have had to protect ourselves against and prepare for the consequences of the aftermath.

Let me begin by thanking the President and FEMA, and particularly all of the FEMA officials who are now down in Louisiana helping us prepare again. FEMA Director Joe Albaugh was with us in Louisiana last week, as we dodged a bullet with Isadore—a storm that was huge in its mass but short in its intensity. As a result, while there was some sporadic flooding and some very damaging flooding to approximately 1,000, homes and businesses, including some that were ruined completely, it wasn't the widespread damage we have become familiar with in the Gulf South from hurricanes.

Hurricane Lili is packing winds of 140 miles per hour; barreling toward our coast and is likely to hit somewhere between New Orleans and Galveston. It could hit Lafayette or Lake Charles, somewhere on the coast of Louisiana.

The reason I rise to speak about this storm is not because there is a whole lot we can do in Washington, today. We will be down there this weekend. We will get to assess the damage. We can't do anything today. But there is a great deal we can do from Washington in the future to help the Gulf Coast the coasts of Louisiana, Mississippi, Texas, Alabama, Georgia and Florida.

From Washington, we can begin to focus on the kind of investments we should be making along the Gulf Coast that help protect us against the consequences of such storms—particularly as it comes to protecting the energy infrastructure in this Nation, which is so vital and crucial to the economic stability and well-being of the Nation.

We produce about 80 percent of all of the offshore oil and gas in the Nation off the coast of Louisiana. Right now, as I speak, the Gulf of Mexico has been evacuated. I have been on the phone with officers of chemical companies, and oil and gas companies, and they are shutting down refineries and platforms in the Gulf of Mexico. Why? Because you cannot keep them running when you have storms such as this, or you could gravely endanger the lives of those working out in the Gulf. I wish I could paint a more vivid picture, but over 20,000 miles of pipeline, many refineries, and thousands of platforms out in the gulf, all of which are critical to America's energy supply, will be directly threatened by Hurricane Lili. We take a lot of taxes out of the gulf region. There are a lot of taxes that the oil and gas industry pays, and that money leaves south Louisiana and Texas and goes right up to the Federal Treasury. Then it funds various projects all over the country.

You would think some of that money might come back to Louisiana to invest in Louisiana to elevate and improve our highways and provide better security to this infrastructure. After all, its through these highways and this infrastructure that energy is carried and produced to support not just Louisiana, Mississippi, and Texas, but to turn the lights on in the entire country. Even when the winds are blowing down south, we keep the lights on up north. At the energy conference—my able partner, Senator BREAUX, is going to be carrying this message as a member of the energy conference. Of course, Congressman TAUZIN from Louisiana is chairing the conference. We are going to carry this message directly into the energy conference to see if there is something we can get the Congress to do in a bipartisan way that says, yes, Louisiana, Mississippi, and Texas—the oil and gas-producing States—should share in some of these revenues so we can invest on the front end in terms of what the Gulf South needs to secure these energy resources. Congress must be fair to people in Louisiana, who are happy to serve as hosts to this offshore oil and gas industry. We are proud of the way we are doing it in a much more environmentally sensitive way. But we need help to ensure we receive a fair share of the royalties that come from our rich natural resources.

The country does not also realize the great loss of wetlands and the erosion Louisiana has experienced.. Think about this. There is a hurricane coming off the Gulf of Mexico. The only thing between it and the cities or towns is the marsh. The bigger that marsh is, the greater the buffer is from the storm. It will break the wind, break the tides. As that marsh erodes away, there is nothing to break the wind or the tide, so the destruction becomes greater and greater, year after year after year.

The reason the marsh is subsiding is that we have tamed the Mississippi River. We have levied it. We levied it not just for the people in Louisiana so we would not flood, but so the ships can take grain from Kansas and Iowa. This commerce then comes down the Mississippi and can go to any number of countries. Louisiana is an importing and exporting station for so many of the goods coming into and out of this country. This benefits everyone. We are telling you and begging this Senate and this Congress to recognize benefits Louisiana provides to the Nation. Louisiana is proud of that, but we need extra Federal help to secure this marshland, to help rebuild it, and protect us. If Louisiana does not receive help the wetlands will disappear, and the people of Louisiana will be sitting ducks for future floods and storms.

I am sure Senator BREAUX and I will be back on the Senate floor on Monday and Tuesday trying to explain to everybody the horrible damage that has occurred because of Hurricane Lili and the importance of trying to be smart and invest some of these monies on the front end in Louisiana. This is not only fair and the right thing to do, but for the taxpayers, we would just as soon pay a little now or we are going to pay a lot in claims when these homes and businesses are destroyed in the Gulf South.

There is nothing we can do about keeping hurricanes from coming ashore. We cannot prevent them. People say: Senator, can't you do something? I say: If I could pass a resolution, I would. But, of course, there is nothing we can do about that. But we can be more prepared than we are.

While we are making progress, we have a long way to go. So whether it is at the energy conference, where I hope we will have a positive outcome, or in the new transportation bill where we can talk about the highways and evacuation routes in south Louisiana and the Gulf South need our attention. Not only do they serve as economic highways that are really necessary for commerce to flourish, but, as you know, when the hurricanes come, it is the only way for people to flee the storm. We don't have trains, as people do in the Northeast, to get out of harm's way. All we have in Louisiana are highways dangerously crowded with automobiles and pickup trucks. We need to make sure people can get north to higher ground. Hundreds of thousands of people in my state are jamming the highways to escape Lili and head for higher ground in north Louisiana, Arkansas, Mississippi, and Texas. Hotel rooms are scarce, and people will have trouble finding safe-haven from Lili.

So we will be back talking about it. There are opportunities in the transportation bill, and when we debate the Corps of Engineers bill, to try to make right this situation. The Senate will then debate whether to help Louisiana in a direct way—not just Louisiana, but the whole gulf coast region.

The final point I want to share is a figure I came across a couple years ago that was startling to me. I think I spend a lot of my time worrying and thinking about coastal communities because I represent a large number of people on the coast. Two-thirds of the American people live within 50 miles of the coast. So our country is really a ring. So the coastal communities and their special needs and their special requirements deserve some more attention from Congress.

I have to say that NOAA and the Department of Commerce are really doing some very good work. I think we need a little bit more attention to our coastal communities in this country than we are giving. There are ways we can do that.

Let me turn my attention to another issue on a completely different subject. But, this a grave threat facing our Nation, and that is our potential conflict with Iraq.

I support Joint Resolution No. 46, which was introduced this morning. I am proud to be a cosponsor with Senators LIEBERMAN, WARNER, MCCAIN, and BAYH and to add my name to that resolution. I do so with the greatest of seriousness. I do so because I am convinced that this is the right course.

I commend the President and the Members of Congress who have worked in a bipartisan way to fashion a resolution that does the job, that gives us what we need, which is a tool, a weapon, in some ways, that will try to force a regime that has been recalcitrant and reluctant to abide by international law and dismantle its weapons of mass destruction. In the international community, Iraq is a regime that is quite dangerous to the people it purports to serve—and of course it does not serve—the people of Iraq. It is dangerous also to the people of the United States and to Iraq's neighbors in the Middle East.

I have the great privilege to serve on the Armed Services Committee and to chair the Emerging Threats Subcommittee. I want to stress that it is the Emerging Threats and Capabilities, because I don't want to mention only threats. We have so many great capabilities in this Nation that we do not have to cower in fear. We have the strongest military, the greatest brain power, and great technology. Most importantly, we are founded on freedom and liberty.

We have tremendous capabilities. But, we are in a great and historic process in this Nation of restructuring our Armed Forces, both in the traditional sense that we know of our Navy, Army, Marines, and Air Force, and in a totally nontraditional way, which is standing up homeland defense to fight these new threats. The new threats are people just like Saddam Hussein—rogue leaders with no decency, who play by no normal rules, who govern by fear, and at the slightest provocation, for reasons we might not understand, could either themselves use weapons of mass destruction, or allow to be used by terrorists or nonstate actors. It is clear for all to see that Saddam Hussein possesses biological and chemical weapons, and he has designs to increase his stockpile. To our knowledge, he does not have nuclear capabilities. However, evidence most certainly suggests Saddam Hussein is actively trying to develop nuclear weapons. Weapons he could use against the United States and our allies. I think a resolution such as this is important for us to express our unity, as an elected institution, that we are prepared to use force, if necessary, to dismantle weapons of mass destruction, to disarm this regime, to change this regime and try to establish for the benefit of the United States, our allies, the people of Iraq, and the world, a more worthy regime for Iraq.

What I support specifically about the resolution, and helped in some ways to craft with words, comments, and suggestions, is that this bipartisan resolution has stressed at least three important principles. The resolution requires—and I think this is very important—all diplomatic means be exhausted. This is critically important and necessary because we never want to rush to war. We do not want to be trigger happy. We want to use all diplomatic means to meet our ends.

For 10 years, we have tried many things with Iraq—economic sanctions, back channel diplomacy, meetings and conventions, and other diplomatic means to compel Saddam Hussein to comply with international law. Nothing yet has worked. But let's hope that something will work, and let's exhaust those means. Once we reach that point, this resolution authorizes the President to use all necessary force to enforce what we know is right.

I am pleased we have the diplomatic requirement in the resolution. But we know all too well that Saddam only respects force. With the threat of force, diplomacy may yet win out.

The second principle outlined in this resolution, which I greatly support, is that it is limited in scope to Iraq. The original language I thought, and many of us expressed, was somewhat vague and called for language to establish stability in the region. Such language created a lot of unanswered questions. This resolution is more clear in its language that the scope is limited to Iraq and greatly strengthens this resolution.

This resolution thoroughly makes clear that our goal is not a war against the people of Iraq, but a war against a leader who has discredited himself, thumbing his nose at 16 resolutions, and not playing by the rules of a civilized government. Should we go to war, this war will be waged to disarm Saddam Hussein, to dismantle his weapons, and to use force to change his regime.

This is not without risk. I am mindful of the risks, and I am mindful of the price that may need to be paid in terms of treasure and lives. I am also confident that it is the right resolution at the right time in the right spirit to give the President the authorization to use force to do what needs to be done, which is to dismantle this dictator's ability to wreak havoc on the civilized world.

The timing of the attack, of course, and all the military strategies should be carried out with great care and the consultation of our best military minds. It could be this year, it could be next month, it could be a year from now—whenever our military believes it is the time and everything is in place. We must be mindful not to second-guess or try to use any political influence to sway the military in terms of their strategy to accomplish this end. What Congress can do is authorize the Commander in Chief to use force, if necessary, with this specific resolution which I think is a very good document for how we should approach this possible war.

Furthermore, this resolution places a necessary vital requirement on the President to report to Congress on a periodic basis on the progress of the war. Because we, under the Constitution, of course, have a responsibility to determine if this effort should receive funding. War comes with so many great costs, and we must regularly re-evaluate the need to pay those costs of war.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DAYTON). Without objection, it is so ordered.

THE SENATE'S UNFINISHED BUSINESS

Mr. NICKLES. Mr. President, today is October 2, the second day of the new fiscal year, and this Congress has not passed any appropriations bills. We have passed a continuing resolution that takes us to next Friday, and I guess we will pass another one that takes us into the following Friday, October 11. This may be one of the poorest records we have ever had.

We do only a few things in the Senate. We pass bills, changing some laws. We may occasionally do something very important such as a war authorization or resolution dealing with Iraq. Every once in a while we might create a new Cabinet-level department. We have the Department of Homeland Defense that has been before this body for the last 4 or 5 weeks, but we have not been able to draw it to a conclusion.

Then we spend money and occasionally we change the tax laws. We spend a lot of money. That is something we do every year, but we have not gotten it done this year. We have not passed our appropriations bills. As a matter of fact, this year for the first time since 1974 we have not passed a budget.

The House has passed a budget. We did not pass a budget. Because we did not pass a budget, we have had differences with the House. The House has passed a few more appropriations bills than we have. We have only passed three. Three out of 13 is not a very good record, and none have passed conference. I hope, and I would expect, that we would be successful in passing the Department of Defense appropriations bill next week. We certainly should. I think it would be grossly irresponsible of us to leave without passing the Department of Defense appropriations bill, but we actually should have done a lot more. I believe the reason we did not is because we did not pass a budget, so we did not get that done.

Something else we did not get done is we did not confirm enough judges. We now have the Department of Justice reauthorization bill. It is the first time we have reauthorized the Department of Justice in 20 years. I have been in the Senate for 22 years, so I guess we did it back in 1982 or 1983. So maybe it is long overdue.

When I look at the conference report—and it is a fairly extensive conference report—it creates 20 new judge positions through permanent and temporary judgeships. Now, that is well and good, but we have a lot of judges who have been nominated for existing positions who have yet to be confirmed—in many cases yet to be considered. I notice we are going to set up several permanent and several temporary positions in this bill.

I do not doubt that in many cases along the border, particularly in southern California, Texas, Arizona, and others, there is a demand for new judges with the caseloads they have. So I am not disputing the fact that either permanent or temporary judges who are called for in this bill are needed, but I find it ironic when I look at the current status of judges. There are 47 judges who are now pending, many of whom have been nominated for over a year, and we are in the process of creating an additional 20 new judgeships.

Some of these people I mentioned have been nominated for over a year, many of whom were nominated on May 9, and they have yet to have a hearing. Several of these nominations are outstanding individuals, and I will mention a couple. John Roberts has been nominated for the DC Circuit. He has argued 37 cases before the United States Supreme Court. He was nominated 510 days ago, on May 9. He has yet to have a hearing.

If this is an individual who has argued 37 cases before the Supreme Court, somebody thinks he is well qualified. As a matter of fact, he has been rated well qualified by the ABA.

He was managing editor of the Harvard Law Review. He is a Harvard law graduate, magna cum laude; unanimously rated well qualified by the ABA; law clerk to Supreme Court Justice Rehnquist; principal Deputy Solicitor General between 1989 and 1993.

I have requested that John Roberts have a hearing and be voted on in the Judiciary Committee, and I have not been successful. I think it is hardly fair to him, an outstanding attorney, more than well qualified, to not have even had as yet a hearing before the Judiciary Committee.

Miguel Estrada just had a hearing before the committee. I thank the chairman of the Judiciary Committee for finally having a hearing on Miguel Estrada. This is a young man who has argued 15 cases before the Supreme Court. He was unanimously rated well qualified by the ABA. He immigrated from Honduras as a teenager, could hardly speak English, and he graduated at the top of his class from Harvard Law School. He was a law clerk to Justice Kennedy. He is a former Solicitor General and assistant U.S. attorney.

He had a hearing. As of yet—maybe this will change and I hope it will change—he has not had a vote in the Judiciary Committee. Some people said they want more information from Mr. Estrada. Frankly, they are just running out the clock because they do not want to vote on him. Miguel Estrada is more than qualified. He should be confirmed. Even a "conservative newspaper" such as the Washington Post says he should be confirmed, and we have yet to get a vote on him in committee. I hope we will.

Michael McConnell was nominated for the Tenth Circuit. He is a professor of law at the University of Utah, unanimously rated well qualified by the ABA. He is one of the country's leading constitutional law experts. He has argued 11 cases before the United States Supreme Court. He graduated the top of his class from the Chicago Law School. He was a law clerk for Justice Brennan. Prior to that, he was Assistant Solicitor General. Again, he is eminently well qualified.

The committee held a hearing on Mr. MCCONNELL on September 18. I ask the committee to please put him on the calendar and on the agenda for the next business meeting, which is next Tuesday. I urge the committee to do so, and I hope vote affirmatively for Michael McConnell to be on the Tenth Circuit Court.

Jeffrey Sutton was nominated for the sixth circuit, which is half vacant today. It needs judges to fill the vacancies. He is rated well-qualified by ABA and qualified by ABA majority. He graduated first in his class at Ohio University College of Law. He law-clerked for Justices Powell and Scalia and argued nine cases and 50 merits amicus briefs before the Supreme Court. Prior to that, he was State Solicitor in the State of Ohio, he clerked for Supreme Court Justices and is very well qualified. Nominated 510 days ago, and has yet to get a hearing before the Judiciary Committee.

Deborah Cook, also from Ohio, also on the sixth circuit. Unanimously rated well-qualified by the ABA. She has been a Justice of the Supreme Court of the State of Ohio since 1994. She sat on the Ohio District Court of Appeals from 1991 to 1995 and chaired the Commission on Public Legal Education. She is a member of the Ohio Commission on Dispute Resolution. Again, I remind Members, the sixth circuit is almost half vacant: Seven out of the 16 spots are vacant. I urge the committee to move forward. Deborah Cook was nominated May 9, 2001, and has yet to have a hearing.

Terrence Boyle was nominated for the fourth circuit. He presently is a chief judge on the U.S. District Court in the Eastern District of North Carolina. He has held that position since 1997. He was rated unanimously well-qualified by ABA. He went to American University, Washington College of Law; was minority counsel, House Banking subcommittee; also legislative assistant to Senator HELMS; and a partner in a North Carolina law firm, and a prior district court judge. He has been a sitting judge on the U.S. District Court in North Carolina since 1997, and was nominated on May 9, 2001. He has yet to have a hearing before the Judiciary Committee.

I mention these, and urge the committee—it is not too late to move forward with some of the well-qualified people. Hearings have been held on Miguel Estrada and Michael McConnell. They can be voted on next week. I urge them to do so. I plead with them to do so.

I like to cooperate with my colleagues, and I look at the conference report on reauthorizing the Department of Justice. There are a lot of things in this bill a lot of Members would favor, and some things perhaps some have reservations about. The majority of this bill never passed by either the House or the Senate. Now I mention that to let my colleagues know there are rules against doing that in the Senate, rules to protect Members. You do not have the House pass a bill, the Senate pass a bill, and have totally extraneous measures put in a bill in conference and say: Take it or leave it. It is called rule XXVIII.

I mention to my colleagues, this is a rule to protect Members of both parties in both bodies, to make sure we follow the proper legislative process. Usually in Politics 101, we learn you pass a bill, the bill passes the House or passes the Senate, you go to conference and work out the differences, but the bill has to pass one of the Houses to go to conference. The majority of this bill did not pass either House; the majority of the bill—whole sections of the bill. I am not saying I have objections to many pieces of the bill. I don't doubt I would not vote for a lot of it.

Included in this bill are intellectual property rights. Again, never passed the House or the Senate, but it is in this bill. There is a juvenile justice section, an entire new section, there is criminal justice, civil justice, and immigration changes, improvements of criminal justice, intellectual property, all of which never passed the House or the Senate, and would be subject to rule XXVIII if the rule was invoked.

I bring this to my colleagues' attention, knowing this rule is there and that at least this Senator, for one, realizes we have an opportunity and an obligation to legislate correctly. This Senate is becoming more and more willing to bypass committees, bypass legislative process, report bills, take up bills directly to the floor without ever going through committee, not giving committee Members the opportunity to have amendments, to have discussion, to have vetting, offer alternatives, or come up with bipartisan approaches.

I found this year very frustrating in both the Energy and Natural Resources Committees on which I serve. We had the most significant piece of legislation in the energy bill since I have been a Member, and it was not even marked up in committee. Yet we spent 7 weeks on the floor of the Senate marking it up. Not a good way to legislate. That bill is in conference. I hope we can come up with a conference report that is a good piece of legislation. That remains questionable.

We had prescription drugs many wanted to mark up in the Finance Committee. We did not do that. We bypassed the Finance Committee. The Finance Committee never had a markup on the most expensive expansion of Medicare since its creation in 1965. We had a debate on prescription drugs with several alternatives, some of which, in my opinion, were fatally flawed. Part of that is because they were not vetted. We did not have a thorough discussion in committee. If some of the obvious flaws were introduced on the floor, they would have been exposed and probably corrected, and we probably would have passed a bipartisan bill that would have had enough momentum to not only get through the Senate but be a strong force in conference, and thereby provide prescription benefits for Seniors. We did not do that because we did not go through the committee. We are breaking the process.

I did homework on the Finance Committee. In every major expansion in Medicare for the last 22 years, almost every one except one went through the committee process and ended up with a bipartisan majority on the floor of the Senate and helped become law. Usually, the Senate markup vehicle that came out of committee was strongly supported on the floor and strongly supported in conference, and was close to being the vehicle to become law. Sometimes it is adjusted with our friends and colleagues in the House.

When you take a bill directly to the floor, and I note now there are a couple of other packages that some say, rule XIV—in other words, take directly to the Calendar a provision dealing with give-backs, additional money for Medicare, some for rural hospitals, some for doctors, some for other providers. Let's bypass the committee and go directly to the floor and, yes, we will spend $40 or $50 billion in doing so, most of which will be spent the first year or two.

What happened to the committee process? Shouldn't every member of the Finance Committee have a chance to say, I think we can do a better job? Maybe we can do it more efficiently or better. No, we bypass the committee and take it directly to the floor.

Now I understand we are going to bypass the Finance Committee on a small business package. I used to be a small businessman. I have ideas what should be in that package. I would like a say-so in the amendment. We will not get a vote. No Finance Committee Member—maybe one or two that are putting the package together, but the rest of us on that committee do not get to vote. We did not get to offer an amendment. We did not get to say, we do not think that should be in, maybe something else should be in.

Should we have "pay-fors"? What should they be? Do we have tax cuts and tax increases? What should they be? How can we best stimulate the economy? Some of us think we have something to offer in that debate, not if you bypass the committee and go straight to the floor. I object to that process. That is a process at least this Senator is going to be very reluctant to support. I don't like bypassing the committee process. I don't like introducing things that are totally extraneous to the House bill or the Senate bill and putting them in conference. I may support those provisions, but I don't think that is a good way to legislate.

I am bothered by the fact the Senate is not working. I am bothered by the fact we did not pass a budget this year for the first time since 1974. I am bothered by the fact that we are yet to pass and send to the President any appropriations bills other than a 1-week continuing resolution. I am bothered by the fact we didn't do the energy bill right. We didn't do prescription drugs right. We didn't get it done. And I am bothered by the fact I look at two-thirds of this bill and I say: Wait a minute, where did this come from, even though they may be perfectly acceptable provisions.

Some might say we have done it before. That is true. But we also have rules against doing it. I believe the rule would be upheld. I believe these were extraneous to the conference. So I think rule XXVIII would by upheld. We may find out. I haven't decided to make that point of order. I am letting my colleagues know the rule is on there for a purpose. We should follow legislative procedure. We should abide by the rules. Unfortunately, we have not done so.

I see we are going to create 20 new judgeships. I guess I am all for that, but I look at several outstanding judges, 47 of whom are yet to be voted on, 7 of whom—I just mention 7—have waited for a year and haven't even had a hearing, 2 of whom have had a hearing, Miguel Estrada and Michael McConnell, and we don't know if they are going to get a vote in the committee or not.

I think every one of the 12, I believe—or the 11 that were nominated on May 9 are entitled to a vote. People can vote up or they can vote down, they have that right. But I think to deny them even a hearing after 510 days is not fair, especially when you look at the qualifications of somebody like John Roberts, who has argued 37 cases before the Supreme Court, and he is yet to have a hearing; or Miguel Estrada, who has argued 15 cases before the Supreme Court, yet to have a hearing. Michael McConnell argued 10 cases—I take it back. Miguel Estrada has had a hearing, so has McConnell. They just have not been voted on in the committee. It is not too late. We may only have a week and a half left in the session, so I urge the Judiciary Committee to move forward on Mr. McConnell and Mr. Estrada and give these fine individuals, who have very distinguished reputations, distinguished legal careers, give them a vote in the Judiciary Committee and on the floor of the Senate.

I am confident both would be confirmed, both would be confirmed overwhelmingly and would make outstanding jurists for many years to come. I urge the Judiciary Committee to do that. I hope it will happen in the next few days.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

THE NEW JERSEY ELECTION

Mr. SANTORUM. Mr. President, I rise briefly to express my disappointment and dismay at what is going on in the neighboring State to Pennsylvania—New Jersey. What we are seeing play out in New Jersey is not something that, as an elected official, I find particularly ennobling for public officials. This is not something that gives people a whole lot of confidence in the political process in which we are engaged.

It is obvious some are trying to change the rules right at the end of the game, and in a way to advantage one political party. I find that very disconcerting. I find it potentially—as the New Jersey Supreme Court contemplates what they are going to do in this case, seeing the precedent that could result, it could result in a lot of ridiculous things happening at the end of a lot of elections. If you find a candidate behind, you simply change horses right at the end. Instead of having the people decide, you have the courts decide.

Remember just 2 years ago a lot of people were gnashing their teeth saying elections should not be decided in the courts. They should be decided by the people on the ballot. Here we have a situation where there are people on the ballot, and now we are having people go to court to change that ballot.

That is very disconcerting. But I guess one of the things that bothers me the most is that there is a connection here in Washington, DC, to what is going on in New Jersey. The connection here in Washington, DC, as the Senator from New Jersey announced, is that it is his intention, by trying to get his name removed from the ballot, to save the Senate for the Democrats. It was not to give the people of New Jersey a choice, as many of the pundits are arguing and many of the politicos are arguing, that the people of New Jersey deserve a choice. No, this was about potentially having a candidate who was going to lose the election and that could result in the Democrats losing control of the Senate.

So from the press reports, we see lots of pressure being brought to bear on the Senator from New Jersey, from a variety of different quarters, to take one for the party and step aside so the Democrats can continue to control the Senate. That is what this is about. This is not about giving the people of New Jersey a choice. It is about trying to keep power, whether breaking the rules or not, trying to keep power.

There are a lot of discussions in this Chamber about the rule of law, that we have to respect the rule of law. We preach all over the world about the importance of the rule of law. Yet we have a statute that is in place under the Constitution because the Constitution says the legislature shall set the laws of elections within the States, not the courts. The legislature clearly acted in New Jersey.

So what are people here trying to save the Democratic majority trying to do? Well, they are trying to change the law through the courts so they have a better chance of winning the election.

Again, the disturbing part is from press reports that some of that is being orchestrated out of Washington, DC. We have a report from the Washington Post that says:

> Senate majority leader Tom Daschle warned McGreevey, the Governor of New Jersey, that substantial national party funding

> for the race would be in jeopardy. "It was basically, 'Not with my money,'" Democratic officials said.

—unless they picked a particular candidate to substitute for Senator TORRICELLI.

Again, I am hearing a lot of talk that the people of New Jersey deserve a choice. Yet it sounds like the choice is being dictated here in Washington, DC.

Another quote from the Newark Star-Ledger:

> In what may be the strangest twist yet in a bizarre election year, New Jersey Democratic leaders last night chose Lautenberg as their standard bearer on the insistence of Senate majority leader Tom Daschle.

They quote a Democratic source saying:

> "Lautenberg or nothing." The nothing in this case was a threat by the national Democrats to abandon New Jersey in order to put stronger campaigns for incumbent Democrats in other states where they stood a better chance of winning. . . .

So let's put this in context, the highbrow comments that "the people of New Jersey deserve a choice." Let the people of New Jersey understand whose choice it was. It was not their choice. It was a choice dictated by the political operation here in Washington, DC, and according to these reports, by the Senate majority leader, as to who that choice would be for New Jerseyans to choose from.

That is deeply disturbing. That is deeply disturbing that we see this kind of interplay, in an attempt to change the outcome of an election that did not seem to be going in a positive direction.

I find it very interesting we have another case that just occurred on the unfortunate death of a Representative in Congress from Hawaii, someone who served this country through a long and distinguished career, a very popular Member of the House, and very popular in her district. What I understand is that the Democratic Party in Hawaii is not going to remove her name—is not going to remove her name from the election ballot. Why? Because she is a very popular Member and there is the suggestion that has been reported in the press that even though she is deceased, that she would probably still win the election.

Yet we have in New Jersey someone who is alive and well who they are insisting must be removed from the ballot. This is the kind of crass political calculation that undermines people's faith in the electoral and political process in this country. The sad part is, in part, some of this is being orchestrated out of Washington, DC. This is a crude attempt by those who took power in the Senate, not through the electoral process, to regain power in the Senate through the court process, not through the electoral process that has been established by the State of New Jersey.

How far do we go to keep power? How important is power? What rules must be broken? What principles must be set aside to keep power?

That is what is going on here. That is why the public is outraged and deeply disturbed at what they are seeing in New Jersey.

I find it very troubling that we have Members from this body who are participating in orchestrating those developments. It is not something that reflects positively on the Senate. It certainly does not reflect positively on the electoral system in this country.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BLOCKING THE WORK OF THE SENATE

Mr. REID. Mr. President, I want to comment on two subject matters today. The first is some of the statements made by my friend, my counterpart, the distinguished Senator from Oklahoma, when he said he was disturbed we were not doing anything in the Senate. He talked about we had not passed any appropriations bills, and went through a list of things we had not done.

But I say, with all due respect to my good friend, the Senator from Oklahoma, we have not done these things because the minority won't let us do them. We have been here reporting for duty. Senator BYRD and Senator STEVENS, on the appropriations bills, reported every one of them out of committee before the August recess. But a decision has been made by the minority not to let us move on any.

That is why we have been on the Interior appropriations bill. This has been the fifth week. So I appreciate the efforts by the minority to make this fact, that we have done nothing in the Senate, our fault, but the American public knows.

We have stated here many times that we are willing to do terrorism insurance, election reform, Patients' Bill of Rights, generic drugs, bankruptcy—all these things that are stuck in conference. We are willing to do every one of the appropriations bills. But they won't let us.

Now, people say: What do you mean, "they won't let us"? That is the way it is in the Senate, a simple majority does not do the trick in the Senate. You need 60 votes. They have 49. We cannot get up to 60. So you can clearly see what the next 5 weeks are going to be like in the States where there are serious Senate races. What you are going to see there is: The Democrats control the Senate, and they have not been able to get anything accomplished.

But the American people know we may not have been able to accomplish a lot because they would not let us, but we have been able to stop a lot of things that would have occurred had we not been here. And I think when those chapters of history are written about this Congress, that is what the big headlines will be: The stuff we were able to stop. We were a check and balance on a ramrod, and we were able to stop things from happening.

THE NEW JERSEY SENATE RACE

Mr. REID. Mr. President, there is another thing I want to talk about. The Senator from Pennsylvania talked about the terrible situation in New Jersey. It is a very unique situation in New Jersey. A sitting Senator had a procedure before the Ethics Committee. It took a lot of time, and the only focus of the election for the Senate seat in New Jersey was that ethics procedure.

I said yesterday, on the Senate floor—and I say again today—BOB TORRICELLI is my friend. We came to Washington to serve in the House of Representatives together. We sat together in the same committee, the Foreign Affairs Committee, in the House.

We developed a friendship then, 20 years ago, that has remained. I feel so bad for my friend, BOB TORRICELLI. Mr. President, I cannot determine all he went through, but he went through enough that he dropped out of the Senate race. He did it because, for those of us who know him, the emotional toll was tremendous.

Now, would it be better for the people of New Jersey to have no Senate race? The sitting Senator is out of the race. Would it be better that the people of New Jersey have no election, no choice?

The paramount interest that the New Jersey Supreme Court determined was that the people of New Jersey should have a choice. Now, they heard that argument today, and they have already decided by a 7-to-0 vote. It was, as they say in basketball, a slam dunk. This was not a difficult legal proceeding. The people of New Jersey should have a choice as to who is going to serve in the Senate.

I would hope people would drop all the litigation. I am sure some of my friends in the minority are clamoring to get to the Supreme Court and have an election determined there like they did a couple years ago. But I think it would be to everyone's best interest to let the people of New Jersey decide that, with a 7-to-0 determination by the New Jersey Supreme Court, and let these two people—Lautenberg and his opponent—have a race where they have debates and public forums, run TV ads, and have an election like we have in America. New Jersey deserves that. That is what this is all about.

So I hope the election can go forward, as the New Jersey Supreme Court, by a 7-to-0 vote, said it should. And I am sure it will. I cannot imagine even this Supreme Court would change that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent the Senate now proceed to a period of morning business with Senators allowed to speak for up to 5 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

FIRST ANNUAL REPORT OF CONGRESSIONAL EXECUTIVE COMMISSION ON CHINA

Mr. BAUCUS. Mr. President, I rise to speak in my capacity as Chairman of the Congressional Executive Commission on China. This commission was created in the China PNTR legislation two years ago and has the mandate to monitor human rights and developments in the rule of law in China. Today, we transmitted the first annual report to the Congress and to the President.

With passage of PNTR the Congress, and the country, declared that economic engagement was important—in terms of our own economic and strategic interests and in terms of our ability to promote and encourage change inside China. The commission was created to ensure that concerns about human rights and rule of law issues in China would continue to have a high priority in our government—in Congress and in the administration. That is why it includes members from both branches nine Senators, nine House members, and five Administration representatives appointed by the President.

The commission membership itself reflects the broad range of views of China within the Congress. Yet we were able to develop a report that is supported by an overwhelming majority of our members. The vote in the commission was 18 to 5 in favor of the report.

Let me turn to the report itself. This is the most comprehensive document produced by Congress on human rights in China. It pulls no punches in describing current human rights conditions in China. And it recommends actions to Congress and to the Administration that we believe will help promote change in China.

The underlying assumption of the report is that human rights cannot be enjoyed without a legal structure to protect those rights. Although China protects many rights on paper, this is often not the case in practice.

This is a time of uncertainty in China as they adjust to their WTO membership, go through a political transition with the senior leadership of the Chinese Communist Party and the government, and face increasing demands from their citizens for greater economic, social, religious, and political freedom.

In fact, the last 20 years has seen a period of profound change inside China—economic reform and the development of a market economy, decentralization of power, individual Chinese citizens gaining more individual autonomy and personal freedom. Yet the government continues to resist political liberalization and suppresses any threat to the Communist Party's grip on power. There are no free labor unions; all religious groups must register with the government and submit to its control; the media and Internet are restricted; there is tight control in minority ethnic regions.

The United States has limited means to influence change within China. The Chinese people, ultimately, must determine how they want to be governed and under what conditions. But we can help contribute to improving the situation inside China.

Let me stress that the commission is not seeking to impose American standards on China. But, from the Universal Declaration on Human Rights, to the International Labor Organizations' Declaration on Fundamental Principles, China has agreed to respect internationally recognized human rights for its citizens. Our desire is that the Chinese government abide by the terms of these international commitments, as well as the guarantees enshrined in China's Constitution and laws. That is the standard we, and others around the world, need to encourage—constantly.

Our report stresses that the United States must take a dual approach.

First, we need to pursue high-level advocacy on core human rights issues and cases of individuals who are denied their fundamental rights. The President, senior Administration officials, and members of Congress, should raise these issues at every opportunity. It also means multilateral advocacy. The United Nations Commission on Human Rights has many tools at its disposal. The International Labor Organization is becoming increasingly involved in labor rights issues in China. We need to work with other nations to pressure China in these areas.

Second, we need to provide increased technical and financial assistance to help build a legal system in China that protects human rights. Elements of this include training lawyers and judges to build a more professional legal system; promoting grassroots legal aid so Chinese women, workers, and farmers will understand their rights and how they can try to assert them; assisting with the drafting of new laws and regulations; teaching about experiences in other countries in the West, in Asia, in the former Soviet states, regarding how they dealt in a non-authoritarian way with some of the economic, social, and political problems that confront China today; providing currently unavailable information to the average Chinese using radio, cable, and the Internet; and working with nascent Chinese NGOs who are trying to deal with the staggering social and economic challenges in China.

The range of issues is huge. This past year, our commission examined some of the major areas of human rights and rule of law, including religious freedom, labor rights, free press and the Internet, Tibet, and the criminal justice system. Next year, we will continue to pursue these problems and address many others, including the role of foreign companies in Chinese society, women's rights which includes the one-child policy, HIV/AIDs, and the 2008 Olympics and human rights, to name just a few.

I am pleased with the scope and quality of this report. It adds to our understanding of human rights and legal reform in China and provides a useful action plan for the Congress and the administration. I am sending each of my colleagues a copy and urge you all to read it. For others, you can find the report on the commission's website at www.cecc.gov.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred August 14, 2001 in Jackson Heights, NY. Edgar Garzon, 35, was attacked after leaving a gay bar. The assailants, two men, exchanged hostile words with Mr. Garzon outside the bar, followed the victim toward his home, then beat the victim with a baseball bat or lead pipe. Mr. Garzon suffered a skull fracture and died three weeks after the attack. Police are investigating the incident as a bias attack.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

WORLD POPULATION AWARENESS WEEK

Mr. LEAHY. Mr. President, over the past years I have spoken often on the subject of population growth and the many problems it poses. Even in my own State of Vermont, one of the most rural states, it is impossible to escape the fact that human population can leave a heavy footprint.

In the past 50 years the world's population has doubled in size. The implications of this exponential growth are impossible to fully grasp or predict. We do know however, that over 95 percent of new births are occurring in developing countries, many of which are unable to feed or care for their people today. From sub-Saharan Africa to much of Asia, hundreds of thousands of children are born each day without adequate food, medical care or shelter. In fact, of the 4.8 billion people living in developing countries, it is estimated that nearly 60 percent lack basic sanitation. Almost a third do not have access to clean water. A quarter do not have adequate housing, and a fifth, over 1 billion people, have no access to modern health services.

In addition, we have all seen the burden the Earth's swelling population places on the environment. The world's rapidly growing population has resulted in severe water shortages, shrinking forests, soil degradation, air and water pollution and the daily loss of animal and plant life.

However, there has been progress. Because of the availability of education and modern contraceptives, the average number of births per woman has declined from 6 to 3. Due in large part to the work of organizations like the US Agency for International Development, the UN Population Fund, and the International Planned Parenthood Foundation, many women across the globe are receiving the help they need. These organizations provide essential advice, counseling and information in many countries where it otherwise would not exist. The reduction in family size that results has helped millions escape from poverty and, for many women, enhanced the prospects for education and a better life.

Even with these steps forward, much more needs to be done. The world's population is many hundreds of millions higher than it was seven years ago, yet the developing countries are still receiving US family planning assistance at 1995 levels. The inextricable link between world population growth and poverty, political instability, and environmental degradation is widely known. Over 600,000 women die from pregnancy related causes. These programs are about modern contraceptives, about reproductive health, about saving women's lives. Not one dime of US Government funds can be used for abortions, yet the White House and some Members of Congress continue to object to many of these programs.

For the United States to be a leader in support of international family planning it is vital for the American people to be aware of the problems posed by unchecked population growth. That is why I am pleased that Governor Howard Dean has proclaimed the week of October 20–26 as World Population Awareness Week in Vermont. I want to support the Governor in this effort, and I ask unanimous consent that his proclamation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF VERMONT EXECUTIVE DEPARTMENT

A PROCLAMATION

Whereas, more than one billion people—one sixth of the world's population—are between the ages of 15 and 24, the largest generation ever in this age bracket, and

Whereas, nearly half the world's population, and 63 percent in the least developed countries, is under age 25; and

Whereas, 17 million young women between the ages of 15–19 give birth every year, including some 13 million who live in less developed countries; and

Whereas, early pregnancy and childbearing is associated with serious health risks, as well as less education and lower future income potential for young mothers; and

Whereas, risks of dying from complications of pregnancy or childbirth are 25 times higher for girls under 15, and two times higher for women between 15–19; and

Whereas, approximately half of the 5 million people infected with HIV last year were young people aged 15–24; and

Whereas, almost 12 million young people now live with HIV, and about 6,000 more become infected every day; and

Whereas, the choices young people make today regarding their sexual and reproductive lives, including responsible male behavior, will determine whether world population stabilizes at 8 billion or less or 9 billion or more; and

Now, therefore, I, Howard Dean, Governor of the State of Vermont, do hereby proclaim October 20–26, 2002 as World Population Awareness Week in Vermont.

Given under my hand and the Great Seal of the State of Vermont this 25 day of August, A.D. 2002.

HOWARD DEAN, M.D.,
Governor.

MEDICARE APPEALS, REGULATORY AND CONTRACTING IMPROVEMENTS

Mr. GRASSLEY. Mr. President, I want to take a few minutes to discuss a provision in the Beneficiary Access to Care and Medicare Equity Act I introduced yesterday with Senator BAUCUS.

The core of our bill, as the short title indicates, ensures beneficiary access to care and improves equity in Medicare payments. But the bill also makes important other improvements to the Medicare program that go beyond payment policy and beneficiary improvements.

Chief among those is regulatory relief for providers.

Every day, in cities and towns across Iowa, health care providers treat the sick, restore them to health, and work to prevent further illness. Iowa's proportion of older adults in the population exceeds that of the United States as a whole. In fact, we rank second in the Nation in our percentage of persons aged 85 and older.

Simply put, the Medicare program means a great deal to Iowans, not only from a beneficiary perspective but also from a provider perspective. Health care providers in Iowa rely on the Medicare program for much of their business.

I have had extensive conversations with many Iowa health care providers and workers, and a complaint I have heard over and over is that the Medicare program is too bureaucratic. Too much time is spent on paperwork instead of treating patients. Rules coming out of Washington are confusing and contradictory. Doctors and nurses receive one answer to a question from their Medicare contractor and a different answer from Medicare headquarters in Baltimore.

Now, don't get me wrong. My position on the sin of Medicare waste, fraud, and abuse has not changed. As a watchdog of the taxpayer dollar, I firmly believe in asking health care providers to account for the money they receive from the government. Taxpayer dollars must be spent responsibly. However, when honest providers are unable to get straight answers from the government, frustration and inefficiency can result. The outcome is a health care program that is not serving beneficiaries or taxpayers as well as it could. So I am proud that this legislation takes steps to treat some of these bureaucratic ills afflicting Medicare.

Based on provisions in a bill introduced last year by myself and Senator BAUCUS, along with Senators MURKOWSKI and KERRY, the Beneficiary Access to Care and Medicare Equity Act offers additional appeal rights for providers, mandates enhanced provider education, and ensures that providers receive straight answers from the Centers for Medicare and Medicaid Services, CMS.

Importantly, our legislation reforms the way Medicare contracts with the private companies that process and pay claims. Today, CMS is stymied by outdated guidelines that fail to recognize efficiency and quality in contractor performance. Today's system is also not competitive. Our legislation brings competition into the program so that the best available contractors, in terms of quality and efficiency, will serve it. The bill provides incentives for contractors to give timely and accurate information to beneficiaries and providers.

For Medicare contractor reform to succeed, however, contractors need protection from unlimited civil liability in carrying out the payments, provider services, and beneficiary services functions expected of them.

The bill I have just introduced would therefore continue the past policy of limiting the liability of certifying and disbursing officers, and the Medicare administrative contractors for whom those officers serve, with respect to certain payments. In addition, the language contained in Section 621 clarifies that Medicare administrative contractors are not liable for inadvertent billing errors but, as in the past, are liable for all damages resulting from reckless disregard or intent to defraud the United States.

Importantly, the reckless disregard standard is the same as the standard under the False Claims Act, a 150-year-old Federal law that I updated in 1986 and that has had unmatched success in fighting fraud and abuse in Federal programs like Medicare. The False Claims Act, 31 U.S.C. Sections 3729–3733, applies to Medicare fiscal intermediaries and carriers under current law and has been used effectively by whistleblowers and the Department of Justice to uncover and penalize fraud against the program by some intermediaries and carriers.

This specially calibrated version of reckless disregard balances the practical need to shelter Medicare administrative contractors from frivolous civil litigation, with the Medicare program's interest in protecting itself from contractor fraud. This legislation makes it clear that the False Claims Act continues, as in the past, to remain available as a remedy for fraud against Medicare by certifying officers, disbursing officers, and Medicare administrative contractors alike and that, among other things, the remedy subjects Medicare contractors to administrative as well as trust fund damages. I am pleased that the Department of Justice and the HHS Office of Inspector General believe this special liability standard serves taxpayers and the Medicare program extremely well.

In closing, let me again say how proud I am that on this issue and on the many other provider and beneficiary policies in this bill, Chairman BAUCUS and I were able to work together in a balanced, bipartisan fashion. Together, we carefully considered and came to agreement on payment, administration and benefit policies that make sense for Medicare. I urge the Senate Democrat leadership to call up our bill for full consideration in short order before we adjourn next week.

ADDITIONAL STATEMENTS

MAINE'S ANGEL IN ADOPTION, DAWN DEGENHARDT

• Ms. **COLLINS**. Mr. President, each year, members of the Congressional Coalition on Adoption nominate an individual or couple to receive the "Angels in Adoption" award. This year, it was my pleasure to nominate Dawn C. Degenhardt of Houlton, ME to receive the 2002 "Angels in Adoption" award for her efforts and dedication to this cause. Dawn's wonderful story is truly inspirational.

Born in Portland, ME, Dawn was a child advocate in Cleveland, OH, where she founded the State chapter of the Council on Adoptable Children. Dawn and another parent also founded Spaulding of Beechbrook in Ohio, which helps to place special needs children and is still in existence today.

When Dawn and her husband decided to start their own family, they began by adopting two infants. By the time their second child was a year old, Dawn and Ed pursued an older child adoption. Over the next two years, they worked to encourage more people to adopt older children. They adopted four more children, one from a Native American adoption program in South Dakota and three from Vietnam. They then moved to Maine and adopted three more older children, two through the Maine Department of Human Services and one from India. Dawn and Ed adopted nine children in total.

Though their own family was now complete, in 1977, Dawn's concern for the children still waiting in the foster care system prompted her to found the Maine Adoption Placement Service, MAPS, in Houlton, ME. Her original mission was to place special needs children and to educate and train their new adoptive families in a supportive environment. After ten years, the program expanded its services to include a housing component for pregnant teens and young women.

Today, there are MAPS offices and programs with housing for pregnant and parenting teens in Portland, Bangor, and Houlton. The program also has licensed offices in Boston, Tampa, FL, and Silverthorne, CO. The Colorado office has also a therapeutic foster care program.

The agency dawn founded is also licensed in Vermont, and has recently received accreditation by the Council on Accreditation of Children and Family Services, COA. MAPS was the first adoption agency to propose placement of children living in orphanages in the former Soviet Union, and that work continues to this day.

The program is also functioning in Cambodia, where it offers a strong program of adoption services and humanitarian aid. MAPS also has developed programs in Kazakhstan, Romania, India, Guatemala, Sierra Leone, and Ecuador; offering families more international choices while never losing sight of its original mission of placing special needs children from the foster care system. Dawn continues to serve as CEO of the Maine Adoption Placement Service. This year she and her staff celebrate their twenty-fifth anniversary of bringing children and families together. Dawn and her team of dedicated professionals have helped to place over 3,500 children in loving homes.

Dawn and Ed Degenhardt have built a family not only for themselves but also for many others. Their home has been filled with love and happiness. I am proud to know that Maine is home to a couple so full of compassion and generosity, and who have inspired countless more families, to show the same compassion and caring for children in our state and around the globe.•

HISPANIC HERITAGE MONTH 2002

• Mr. **DURBIN**. Mr. President, I rise in honor of Hispanic Heritage Month. For the past 34 years we have formally celebrated the numerous contributions the Hispanic community has made to our country. From September 15 to October 15, 2002, Hispanic Heritage Month will be commemorated by millions of people across the United States.

Hispanic Americans make up 12.5 percent of the population and have had a profound effect on our Nation's economic strength and stability. They not only are the fastest growing population group in the Nation, they are the fastest growing group among small business owners. Hispanic Business Magazine estimates that by the year 2007, Hispanic buying power will rise to $926.1 billion—due to a growth rate almost three times that of non-Hispanics.

There are more than 1.2 million Hispanic-owned businesses. These firms employed more than 1.4 million people and generated $183.3 billion in revenues. These statistics are a testament to those Hispanic Americans who have overcome a myriad of obstacles to establish themselves as a prominent force in our Nation's economy.

Hispanic Americans also have succeeded in the political arena. The number of Hispanic elected officials has increased, and many States across the Nation have fielded Hispanic candidates at local and national levels. For example, earlier this month Georgia voters elected their first Hispanic State senator, Sam Zamarripa, and New Mexico's next Governor will undoubtedly be Hispanic.

In addition to recognizing the significant contributions Hispanics have made in politics and to our economy, we honor those Hispanic Americans who sacrificed their lives on September 11, 2001. Hispanic Americans were among the very first to respond to the terror attacks against our Nation. Twelve Hispanic firefighters lost their lives trying to save others.

As America continues to remember those Hispanic Americans who gave their lives on that tragic day, others in the Hispanic community have helped bring our Nation together. For example, Daniel Rodriguez, a Brooklyn-born Latino policeman, captured America's hearts with his rendition of "God Bless America" at numerous September 11 memorial services. Contributions like this from our fellow Americans have helped many of us heal and have instilled a deeper, greater pride in our Nation.

Other Hispanic Americans may not have received as much media attention but have equally contributed to every aspect of our American life.

In my home State of Illinois, where over 1 million Hispanic Americans reside, numerous individuals have had a significant impact on the Hispanic American community. Consider Theresa Gutierrez, a reporter for ABC News in Chicago. She was one of the first Hispanic women to break into television journalism, and since she began her media career in 1971 she has been the recipient of numerous awards. In 1999, she was recognized by Chicago Woman Magazine as one of 100 "Women Making a Difference." She was also selected as one of the six outstanding broadcasters in the country by Hispanic USA Magazine.

Another similar example is Anna Zotigh, a 16-year-old girl working on a mural at the Instituto del Progresso Latino in Chicago. Anna, along with other teams of students across the country, works 8- to 9-hour days with local artists to help promote Latino culture, specifically the pivotal role played by women in Hispanic culture. These are just some of the extraordinary Hispanic American individuals who contribute to the vibrant life of our country.

The Hispanic American population has made significant strides in the last decade to help strengthen America's ideals of democracy, freedom, and opportunity. We have seen their contributions time and time again, from their impact on our economy to their service in law enforcement.

Hispanic Heritage Month is a time to celebrate, experience, and honor the Hispanic culture. I urge all Americans to actively participate in the many festivities across our Nation, as we deepen our appreciation for a community that has helped shape America today, and will continue to do so tomorrow.●

TRIBUTE TO CHARLIE MYRICK

● Mr. BOND. Mr. President, I rise to pay tribute to Mr. Charlie Myrick and his over 25 years of service to children across this country. Over the years, Charlie Myrick has performed magic tricks in schools across the nation and has spoken to over 6 million school children. Resisting drugs and gang pressures as well as the importance of leadership and studying diligently in school are a few of the points Charlie emphasizes in his program. He inspires and motivates children to pursue their dreams while challenging parents to support and encourage their children in this pursuit. Charlie has been beaten and held at knife point by disgruntled students but his dedication to children has not wavered. Many children claim Charlie's encouragement and motivation changed their life. One child stated, Charlie motivated him to persistently strive to achieve his dreams. I commend Charlie for his years of service to children in need.●

TRIBUTE TO LEE MACE'S OZARK OPRY

● Mr. BOND. Mr. President, I rise to celebrate the 50th anniversary of the Lee Mace's Ozark Opry. The Lee Mace's Ozark Opry has entertained audiences for years and is a tribute to Lee's dream to share country music with the public. Lee and his wife, Joyce Mace began the Opry in an effort to preserve the real flavor of the Ozarks though music and dance. Giving talented young people from nearby towns the opportunity to perform was a dream of Lees and many performers have stood on stage as a result. The format developed for the show has been emulated in Branson, Missouri and over the years has spread to opry houses across the country. Although, Lee Mace passed away several years ago, the sounds of the Ozarks can still be heard at Lee Mace's Ozark Opry. Today, we honor Lee Mace's dream of preserving the tradition of country music in the Ozarks.●

HONORING STATE REPRESENTATIVE CLAIRE LEUCK

● Mr. BAYH. Mr. President, I rise today to honor a fellow Hoosier, Indiana State Representative, retired farmer, teacher, mother and loving wife, Claire Leuck, who will be retiring from the Indiana legislature this year.

Representative Leuck, who was first elected to the Indiana House of Representatives in 1986, has worked tirelessly to improve the lives of Hoosiers from all walks of life. As a representative of District 25, Claire was a voice for rural communities and worked in a bipartisan manner. Prior to her service in the legislature, Claire served as the Benton County Clerk from 1974–1982.

As chair of the House Agriculture Committee, she advocated for the interests and needs of the agricultural community, giving farmers a voice and enabling family farms to retain a vital role in the Indiana economy. Claire has worked to increase funding for rural schools and improve the quality of rural life. She has devoted her energies to improve health care by authoring legislation that created the CHOICE home health care program for the elderly. Claire has continually worked to secure state funding for Lakes Shafer and Freeman, allowing these lakes to remain safe and friendly destinations for tourists. She has also worked on behalf of veteran's interests to ensure that local veterans had the necessary means and equipment to pay tribute to their fallen friends.

Claire's outstanding work in the Indiana House of Representatives was acknowledged by House leadership when she was appointed to the powerful House Ways and Means Committee. During my time as Governor, I had the privilege to work with Representative Leuck to balance Indiana's budget, cut taxes for Hoosier families, increase funding for Indiana's public schools and protect Indiana's natural resources.

Everyone that has ever encountered Representative Leuck knows she exemplifies her famous campaign slogan "everybody likes Claire."

Along with her husband Richard, Claire's strong dedication to the State of Indiana is evident in the work she accomplished during her tenure in the legislature. She is to be commended for her 16 years of service to her community, her district and her State.●

TRIBUTE TO THE WORLD WAR II MEN OF THE USS KIDD

● Mr. WARNER. Mr. President, I rise today to pay tribute to the World War II men of the USS *Kidd*, DD 661, a Fletcher-class destroyer which was named after Rear Admiral Isaac C. Kidd, Sr., who was killed aboard his flagship, the USS *Arizona*, at Pearl Harbor on December 7, 1941. *Kidd* was commissioned at the New York Navy Yard in Brooklyn, New York, on April 23, 1943. She was placed under the command of Lieutenant Commander, later Admiral, Allan B. Roby.

Kidd served with great distinction in the South Pacific during World War II, earning eight battle stars while participating in such historic engagements as the air raids on Wake Island, the strikes against Rabaul and Bougainville, the Gilbert Islands invasion at Tarawa, the Marshall Islands, the occupation of Aitape and Hollandia in New Guinea, the occupation of Saipan, the bombardment of Guam, the invasion of the Philippines, the raids against the Japanese home islands, and the invasion of Okinawa.

On April 11, 1945, *Kidd*, by then affectionately known as "The Pirate of the Pacific", was on patrol and picket duty off of Okinawa. During a Japanese attack that day a Kamikaze struck *Kidd* amidship just above the water line. Thirty-eight men were killed and another fifty-five were wounded, and *Kidd* suffered extensive structural damage. Notwithstanding these circumstances, the crew managed to keep the ship afloat while returning fire and continuing to engage the enemy in the ongoing attack. *Kidd* was saved and, following major repairs, continued to serve the Nation with distinction for another twenty years.

In the aftermath of World War II, the surviving men of *Kidd* did not forget their shipmates who perished during that epic conflict. In August of 1949, just a few years after the end of World War II, survivors of the Kamikaze attack on *Kidd* gathered in New York City for the solemn purpose of remembering and honoring their lost shipmates. Ever since that original gathering in 1949, for fifty-two straight years, survivors of the World War II attack on *Kidd* have traveled from far and wide and assembled together to pay homage to their friends and shipmates who died on April 11, 1945. This remarkable unbroken string of remembrances now extend over half a century.

This weekend, the remaining survivors of the World War II crew of the USS *Kidd* are preparing to gather together for their 53rd consecutive annual reunion to be held here in the Washington Metropolitan Area from October 4—6, 2002. At that gathering, as in their past gatherings, these men, accompanied by their families and friends, will honor the memory of their departed shipmates. For the benefit of the historical record, the names of those men killed aboard *Kidd*, heroes all, were Lieutenant George B. Grieshaber, Ensign Robert A. Berwick, Seaman 1st Class Dorsey C. Bridgewater, Chief Quartermaster Addison F. Smith, Chief Water Tender Sylvester W. Hansen, Chief Steward John F. Hamilton, Gunner's Mate 1st Class Morgan A. Payne, Water Tender 1st Class James C. Carmody, Water Tender 1st Class Felix P. D'Amico, Machinist 2nd Class William M. Abernethy, Water Tender 2nd Class Jack L. Walsh, Seaman 2nd Class Eugene E. Gothreau, Baker 2nd Class Richard W. Hyde, Steward's Mate 2nd Class Solomon Thompson, Steward's Mate 2nd Class Charles E. Green, Torpedo Man 3rd Class Bernard Gutterman, Seaman 3rd Class Milford A. Faufaw, Electrician's Mate 3rd Class James N. Olen, Fireman 1st Class Charles N. Allwhite, Fireman 1st Class Clifford A. Hoeft, Fireman 1st Class Clifford E. Kemmerer, Fireman 1st Class Robert F. Walker, Seaman 1st Class John W. Canada, Jr., Seaman 1st Class Louie C. Higginbotham, Seaman 1st Class Lester B. Hodges, Seaman 1st Class Harold G. Kelsey, Seaman 1st Class George R. Kraisinger, Seaman 1st Class William J. Wall, Seaman 1st Class Lawrence Bynog, Fireman 2nd Class Fredric B. Heaton, Fireman 2nd Class Dennis M. Kornowski, Seaman 2nd Class Virgile A. Henson, Seaman 2nd Class Charles K. Jenkins, Seaman 2nd Class Bernard V. Kostelnik, Seaman 2nd Class Arthur Lee, Seaman 2nd Class Russell J. Leonard, Seaman 2nd Class John Miller, Jr., and Apprentice Seaman Darvin R. Lee.

On the eve of the 53rd consecutive gathering of the surviving members of the World War II crew of the USS *Kidd*, I take to the floor of the Senate to recognize and honor all of the World War II men of *Kidd*. By their sacrifices and courageous conduct on April 11, 1945, in defending their ship and the national interests of the United States, the men of the USS *Kidd* demonstrated exceptional valor and courage. By their remarkable determination to keep the memory of their lost shipmates alive, as demonstrated by their continuing course of conduct over the last fifty-three years, the surviving members of the World War II crew of the USS *Kidd* have brought honor to themselves, to the United States Navy, and to a grateful Nation that understands better, because of the conduct of all of these men, the true meaning of faithful commitment and patriotic citizenship. A young sailor myself in 1945, I proudly ask the Senate to join me in saluting the World War II men of the USS *Kidd*. Their deeds and sacrifices are an untold story that should serve as an inspiration to all Americans.●

HONORING RICHARD "DICK" HAGEN

● Mr. JOHNSON. Mr. President, I am saddened to report the passing of one of South Dakota's most exceptional public leaders, Richard "Dick" Hagen.

Dick was a widely respected leader and representative in South Dakota. He served in the State House from 1983 until 2000 and was elected to his first term in the State Senate in 2000. He was greatly admired by his peers for his honesty and unwavering dedication to the people he represented. A member of the Oglala Sioux Tribe, Dick strived to promote a better understanding of Native American culture among his colleagues in the state legislature. His tremendous contributions to the community and public leadership set him apart from other outstanding public representatives, and lead to a Legislator of the Year award in 2001 and the West River Legislator of the Year award in 2002.

Dick entered Coast Guard boot camp at Cape May, NJ in 1957. He was stationed in Morgan City, LA and later in Unimak Island, Alaska before being honorably discharged from Sheboygan, WI in 1961. After his discharge from the Coast Guard, he returned to South Dakota and served with the Bureau of Indian Affairs for one year, the Shannon County School Board for two terms, and the Tribal Council for two terms.

Dick lent his leadership and good nature to many activities and events throughout the Pine Ridge Reservation. He announced countless ball games, parades, and rodeos, and was a familiar face at numerous sporting events over the years. Through his outstanding community involvement in these, and many other activities, the lives of countless South Dakotans were enormously enhanced.

One of the most important pieces of legislation Dick initiated was his bill to fund reservation nursing homes. Elderly Native Americans, living on South Dakota's reservations, are often forced to leave their families to find nursing home care far from home. Dick believed all South Dakotans deserve the right to convenient quality health care service. Although he did not live to see his dream realized, his work continues to inspire all those who knew him.

Dick's legislative achievements were extraordinary, but it was his dedication to helping others that serves as his greatest legacy. I am proud to have been a friend of Dick and of Mona, his deceased wife. Our Nation and South Dakota are far better places because of Dick's life, and while we miss him very much, the best way to honor his life is to emulate his commitment to public service and community.●

NATIONAL OSTEOPATHIC MEDICINE WEEK

● Mr. BOND. Mr. President, October 6–12, 2002 is National Osteopathic Medicine, NOM, Week, a week when the nation's 49,000 osteopathic physicians, D.O.s are focused on increasing the public's awareness of access to care issues for patients across the nation.

For almost 25 years now, the American Osteopathic Association, AOA, and its members have celebrated the osteopathic medical community's unified effort to educate the nation about issues influencing the American health care system. I am especially pleased the theme of this year's NOM Week is "Access to Care."

When osteopathic physicians, medical students, interns, residents and supporters of osteopathic medicine travel to Las Vegas, NV to attend the AOA's 107th Annual Convention and Scientific Seminar, nearly 8,000 will receive the latest information on issues impacting patients access to care quality and timely health care. The program covers such topics as professional liability insurance reform, rural health, the uninsured, SCHIP and other access to care programs for children, bioterrorism and mental health.

I applaud the osteopathic medical community for emphasizing patient access issues, so important to my home state of Missouri and the nation.

Take for example, rural health. Many citizens of my home state face limited availability of health care services in their communities. Access to health care can be established only when medical professionals are available to provide quality health care. We must do more to ensure that all Americans have access to timely health care and part of the solution is to place physicians in rural communities. Let's not forget the access to care barriers facing minority populations, children and the elderly.

Over the past few years, medical liability premiums have escalated out of control causing health care quality, access, and cost problems. While some states have passed professional liability insurance (PLI) system reforms, not every state has effective laws in place. The osteopathic medical community recognizes many states face critical PLI system problems.

For more than a century, D.O.s have made a difference in the lives and health of my fellow citizens in Missouri. I am proud to say that the birth of this profession took place in Northwest Missouri. Overall, more than 100 million patient visits are made each year to osteopathic physicians. D.O.s are committed to serving the needs of rural and underserved communities and make up 15 percent of the total physician population in towns of 10,000 or less.

Similar to requirements set for M.D.s, D.O.s must successfully complete four years of medical education at one of the nation's 20 osteopathic medical schools; a one-year internship; and a multi-year residency program. Throughout this education, D.O.s are trained to understand how the musculoskeletal system influences the condition of all other body systems. Many patients want this extra knowledge a part of their health care. Individuals may call (866) 346–3236 to find a D.O. in their community.

In recognition of NOM Week, I would like to congratulate the over 1,700 D.O.s in Missouri, the 616 students at the Kirksville College of Osteopathic Medicine, 871 students at the University of Health Sciences College of Osteopathic Medicine and the 47,000 D.O.s represented by the American Osteopathic Association for their contributions to the good health of the American people.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting a sundry nomination which was referred to the Committee on Health, Education, Labor, and Pensions.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 3:27 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 556. An act to prevent the use of certain bank instruments for unlawful Internet gambling, and for other purposes.

H.R. 2426. An act to encourage the development and integrated use by the public and private sectors of remote sensing and other geospatial information, and for other purposes.

H.R. 3450. An act to amend the Public Health Service Act to reauthorize and strengthen the health centers program and National Health Services Corps, and for other purposes.

H.R. 3534. An act to provide for the settlement of certain land claims of Cherokee, Choctaw, and Chickasaw Nations to the Arkansas Riverbed in Oklahoma.

H.R. 3802. An act to amend the Education Land Grant Act to require the Secretary of Agriculture to pay the costs of environmental reviews with respect to conveyances under that Act.

H.R. 3813. An act to modify requirements relating to allocation of interest that accrues to the Abandonment Mine Reclamation Fund.

H.R. 4013. An act to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes.

H.R. 4014. An act to amend the Federal Food, Drug, and Cosmetic Act with respect to the development of products for rare diseases.

H.R. 4125. An act to make improvements in the operation and administration of the Federal courts, and for other purposes.

H.R. 4129. An act to amend the Central Utah Project Completion Act to clarify the responsibilities of the Secretary of the Interior with respect to the Central Utah Project, to redirect unexpended budget authority for the Central Utah Project for wastewater treatment and reuse and other purposes, to provide for prepayment of repayment contracts for municipal and industrial water delivery facilities, and to eliminate a deadline for such prepayment.

H.R. 4141. An act to authorize the acquisition by exchange of lands for inclusion in the Red Rock Canyon National Conservation Area, Clark County, Nevada, and for other purposes.

H.R. 4692. An act to amend the Act entitled "An Act to Authorize the Establishment of the Andersonville National Historic Site in the State of Georgia, and for other purposes," to provide for the addition of certain donated lands to the Andersonville National Historic Site.

H.R. 4793. An act to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases.

H.R. 4830. An act to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Southern Campaign of the Revolution Heritage Area in South Carolina, and for other purposes.

H.R. 4851. An act to redesignate the facility of the United States Postal Service located at 6910 South Yorktown Avenue in Tulsa, Oklahoma, as the "Robert Wayne Jenkins Station."

H.R. 4874. An act to direct the Secretary of the Interior to disclaim any Federal interest in lands adjacent to Spirit Lake and Twin Lakes in the State of Idaho resulting from possible omission of lands from an 1880 survey.

H.R. 4944. An act to designate the Cedar Creek Battlefield and Belle Grove National Historical Park as a unit of the National Park System, and for other purposes.

H.R. 4968. An act to provide for the exchange of certain lands in Utah.

H.R. 5091. An act to increase the amount of student loan forgiveness available to qualified teachers, and for other purposes.

H.R. 5125. An act to amend the American Battlefield Protection Act of 1996 to authorize the Secretary of the Interior to establish a battlefield acquisition grant program.

H.R. 5303.

H.R. 5460. An act to reauthorize and amend the Federal Water Project Recreation Act, and for other purposes.

H.R. 5472. An act to extend for 6 months the period for which chapter 12 of title 11 of the United States Code is reenacted.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 291. Concurrent resolution expressing the sense of the Congress with respect to the disease endometriosis.

H. Con. Res. 425. Concurrent resolution calling for the full appropriation of the State and tribal shares of the Abandoned Mine Reclamation Fund.

H. Con. Res. 451. Concurrent resolution recognizing the importance of teaching United States history and civics in elementary and secondary schools, and for other purposes.

H. Con. Res. 484. Concurrent resolution expressing the sense of the Congress regarding personal safety for children, and for other purposes.

The message further announced that the House has passed the following bill, with amendments:

S. 434. An act to provide equitable compensation to the Yankton Sioux Tribe of South Dakota and the Santee Sioux Tribe of Nebraska for the loss of value of certain lands.

The message also announced that the House has agreed to the following resolution:

H. Res. 566. Resolution stating that the House has heard with profound sorrow of the death of the Honorable Patsy T. Mink, a Representative from the State of Hawaii.

MEASURES REFERRED

The following bills were read the first and the second times, by unanimous consent, and referred as indicated:

H.R. 556. An act to prevent the use of certain bank instruments for unlawful Internet gambling, and for other purposes; to the Committee on the Judiciary.

H.R. 3813. An act to modify requirements relating to allocation of interest that accrues to the Abandoned Mine Reclamation Fund; to the Committee on Energy and Natural Resources.

H.R. 5091. An act to increase the amount of student loan forgiveness available to qualified teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 5125. An act to amend the American Battlefield Protection Act of 1996 to authorize the Secretary of the Interior to establish a battlefield acquisition grant program; to the Committee on Energy and Natural Resources.

H.R. 5460. An act to reauthorize and amend the Federal Water Project Recreation Act, and for other purposes; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3018. A bill amend title XVIII of the Social Security Act to enhance beneficiary access to quality health care services under the medicare program, and for other purposes.

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3450. An act to amend the Public Health Service Act to reauthorize and strengthen the health centers program and the National Health Service Corps, and for other purposes.

H.R. 5472. An act to extend for 6 months the period for which chapter 12 of title 11 of the United States Code is reenacted.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 3534. An act to provide for the settlement of certain land claims of Cherokee, Choctaw, and Chickasaw Nations to the Arkansas Riverbed in Oklahoma.

H.R. 4793. An act to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases.

The following joint resolution was read the first time:

S.J. Res. 46. Joint resolution to authorize the use of United States Amed Forces against Iraq.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–9219. A communication from the Deputy Director of the Congressional Budget Office, transmitting, pursuant to law, the Sequestration Update Report for Fiscal Year 2003, referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986, to the Committees on Appropriations; the Budget; Armed Services; Banking, Housing, and Urban Affairs; Commerce, Science, and Transportation; Energy and Natural Resources; Environment and Public Works; Finance; Foreign Relations; Governmental Affairs; the Judiciary; Health, Education, Labor, and Pensions; Small Business and Entrepreneurship; Veterans' Affairs; Select Committee on Intelligence; Indian Affairs; and Rules and Administration.

EC–9220. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the OMB Sequestration Update Report for Fiscal Year 2003, referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986, to the Committees on Appropriations; the Budget; Agriculture, Nutrition, and Forestry; Armed Services; Banking, Housing, and Urban Affairs; Commerce, Science, and Transportation; Energy and Natural Resources; Environment and Public Works; Finance; Foreign Relations; Governmental Affairs; Health, Education, Labor, and Pensions; the Judiciary; Rules and Administration; Small Business and Entrepreneurship; Veterans' Affairs; Indian Affairs; and Select Committee on Intelligence.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–336. A resolution adopted by the Washington State Board of Accountancy relative to the regulation and enforcement of auditor ethical and technical standards; to the Committee on Banking, Housing, and Urban Affairs.

POM–337. A resolution adopted by the City Council of the City and County of Honolulu, Hawaii relative to restoring veterans' benefits to Filipino veterans of World War II; to the Committee on Veterans' Affairs.

POM–338. A resolution adopted by the Rockland County Legislature of the State of New York relative to the Medicare Aural Rehabilitation and Hearing Aid Coverage Act of 2001; to the Committee on Finance.

POM–339. A resolution adopted by the Legislature of Rockland County, New York relative to the Training of Closed Captioners Act of 2001 and the Training for Realtime Writers Act of 2002; to the Committee on Commerce, Science, and Transportation.

POM–340. A resolution adopted by the Legislature of Rockland County, New York relative to the Helping Children Succeed by Fully Funding the Individuals with Disabilities Education Act; to the Committee on Health, Education, Labor, and Pensions.

POM–341. A resolution adopted by the Louisiana Wildlife and Fisheries Commission relative to the importation of seafood contaminated with antibiotics; to the Committee on Health, Education, Labor, and Pensions.

POM–342. A House joint resolution adopted by the General Assembly of the State of Maryland relative to HIV/AIDS in the Caribbean; to the Committee on Health, Education, Labor, and Pensions.

POM–343. A resolution adopted by the Senate of the Commonwealth of Puerto Rico relative to the impact of the military practices of the United States Navy on the environment, natural resources and health on the island municipality of Vieques; to the Committee on Armed Services.

POM–344. A resolution adopted by the State Guard Association of the United States relative to the Selective Service; to the Committee on Armed Services.

POM–345. A resolution adopted by the Council of the Borough of Fairview of the State of New Jersey relative to the Pledge of Allegiance; to the Committee on the Judiciary.

POM–346. A resolution adopted by the Board of Aldermen of Boonton, New Jersey relative to the Pledge of Allegiance; to the Committee on the Judiciary.

POM–347. A resolution adopted by the City Commission of Miami, Florida relative to the Pledge of Allegiance; to the Committee on the Judiciary.

POM–348. A resolution adopted by the Board of Chosen Freeholders of the County of Atlantic, Northfield, New Jersey, relative to the Pledge of Allegiance; to the Committee on the Judiciary.

POM–349. A resolution adopted by the Council of the Borough of Hasbrouck Heights, New Jersey relative to the Pledge of Allegiance; to the Committee on the Judiciary.

POM–350. A resolution adopted by the Board of Chosen Freeholders of the County of Warren, Belvidere, New Jersey relative to the Pledge of Allegiance; to the Committee on the Judiciary.

POM–351. A resolution adopted by the Council of the City of Douglasville, Georgia relative to the Pledge of Allegiance; to the Committee on the Judiciary.

POM–352. A resolution adopted by the Board of Supervisors of the County of Los Angeles, California relative to the Pledge of Allegiance; to the Committee on the Judiciary.

POM–353. A resolution adopted by the Board of Chosen Freeholders of Ocean City, New Jersey relative to the Pledge of Allegiance; to the Committee on the Judiciary.

EXECUTIVE REPORT OF COMMITTEE

The following executive reports of committees were submitted:

By Mr. BIDEN, from the Committee on Foreign Relations:

Treaty Doc. 106–10 1997 AMENDMENT TO MONTREAL PROTOCOL (Exec. Rept. No. 107–10)

TEXT OF THE COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, Adopted at Montreal on September 15–17, 1997, by the Ninth Meeting of the Parties to the Montreal Protocol (Treaty Doc. 106–10).

Treaty Doc. 106–32 Amendment to Montreal Protocol ("Beijing Amendment") (Exec. Rept. No. 107–10)

TEXT OF THE COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, Adopted at Beijing on December 3, 1999, by the Eleventh Meeting of the Parties to the Montreal Protocol (Treaty Doc. 106–32).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. CLINTON:

S. 3027. A bill to require that certain procedures are followed in Federal buildings when a child is reported missing; to the Committee on the Judiciary.

By Mr. SESSIONS (for himself, Mr. LEAHY, and Mr. GRASSLEY):

S. 3028. A bill to provide for a creditors' committee of employee and retiree representatives of a debtor in order to protect pensions of those employees and retirees; to the Committee on the Judiciary.

By Mr. KENNEDY:

S. 3029. A bill to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of accidental medical injury; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE (for himself and Mr. VOINOVICH):

S. 3030. A bill to designate the Federal building and United States courthouse located at 200 West 2d Street in Dayton, Ohio, as the "Tony Hall Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

By Mr. BAUCUS (for himself, Mr. CRAPO, Mr. WARNER, and Mr. CRAIG):

S. 3031. A bill to amend title 23, United States Code, to reduce delays in the development of highway and transit projects, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SARBANES (for himself, Mr. DEWINE, Mrs. CLINTON, Mr. DODD, and Mr. KERRY):

S. 3032. A bill to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance programs under those Acts, and for other purposes; to the Committee on Foreign Relations.

By Mr. HUTCHINSON:

S. 3033. A bill to amend the Public Health Service Act to establish an electronic system for practitioner monitoring of the dispensing of any schedule II, III, or IV controlled substance, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JOHNSON (for himself and Mr. CARPER):

S. 3034. A bill to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HUTCHINSON:

S. 3035. A bill to prohibit the sale of tobacco products through the Internet or other indirect means to underage individuals, to ensure the collection of all cigarette taxes, and for other purposes; to the Committee on the Judiciary.

By Mr. LIEBERMAN (for himself, Mr. WARNER, Mr. BAYH, Mr. MCCAIN, Mr. MCCONNELL, Mr. DOMENICI, Mr. HUTCHINSON, Ms. LANDRIEU, Mr. ALLARD, Mr. HELMS, and Mr. MILLER):

S.J. Res. 46. A joint resolution to authorize the use of United States Armed Forces against Iraq; read the first time.

By Mr. KENNEDY (for himself and Mr. GRAHAM):

S.J. Res. 47. A joint resolution approving the location of the commemorative work in the District of Columbia honoring former President John Adams; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. CLINTON:

S. Res. 332. A resolution recognizing the "Code Adam" child safety program, commending retail business establishments that have implemented programs to protect children from abduction, and urging retail business establishments that have not implemented such program to consider doing so; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 710

At the request of Mr. KENNEDY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 710, a bill to require coverage for colorectal cancer screenings.

S. 724

At the request of Mr. BOND, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 724, a bill to amend title XXI of the Social Security Act to provide for coverage of pregnancy-related assistance for targeted low-income pregnant women.

S. 885

At the request of Mr. HUTCHINSON, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 885, a bill to amend title XVIII of the Social Security Act to provide for national standardized payment amounts for inpatient hospital services furnished under the medicare program.

S. 917

At the request of Ms. COLLINS, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 917, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 1022

At the request of Mr. WARNER, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1022, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 1140

At the request of Mr. HATCH, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1140

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 1140, supra.

S. 1761

At the request of Mr. DORGAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1761, a bill to amend title XVIII of the Social Security Act to provide for coverage of cholesterol and blood lipid screening under the medicare program.

S. 1860

At the request of Mr. DORGAN, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1860, a bill to reward the hard work and risk of individuals who choose to live in and help preserve America's small, rural towns, and for other purposes.

S. 1967

At the request of Mr. KERRY, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 1967, a bill to amend title XVIII of the Social Security Act to improve outpatient vision services under part B of the medicare program.

S. 2067

At the request of Mr. BINGAMAN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 2067, a bill to amend title XVIII of the Social Security Act to enhance the access of medicare beneficiaries who live in medically underserved areas to critical primary and preventive health care benefits, to improve the Medicare+Choice program, and for other purposes.

S. 2072

At the request of Mr. CORZINE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2072, a bill to amend title XIX of the Social Security Act to provide States with the option of covering intensive community mental health treatment under the Medicaid Program.

S. 2082

At the request of Mr. HATCH, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2082, a bill to modify the application of the antitrust laws to permit collective development and implementation of a standard contract form for playwrights for the licensing of their plays.

S. 2215

At the request of Mrs. BOXER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2215, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and by so doing hold Syria accountable for its role in the Middle East, and for other purposes.

S. 2246

At the request of Mr. DODD, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2246, a bill to improve access to printed instructional materials used by blind or other persons with print disabilities in elementary and secondary schools, and for other purposes.

S. 2528

At the request of Mr. DOMENICI, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2528, a bill to establish a National Drought Council within the Federal Emergency Management Agency, to improve national drought preparedness, mitigation, and response efforts, and for other purposes.

S. 2547

At the request of Mr. BINGAMAN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2547, a bill to amend title XVIII of the Social Security Act to provide for fair payments under the medicare hospital outpatient department prospective payment system.

S. 2583

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2583, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs in the management of health care services for veterans to place certain low-income veterans in a higher health-care priority category.

S. 2613

At the request of Mr. LIEBERMAN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2613, a bill to amend section 507 of the Omnibus Parks and Public Lands Management Act of 1996 to authorize additional appropriations for historically black colleges and universities, to decrease the cost-sharing requirement relating to the additional appropriations, and for other purposes.

S. 2645

At the request of Mrs. FEINSTEIN, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 2645, a bill to establish the Director of National Intelligence as head of the intelligence community, to modify and enhance authorities and responsibilities relating to the administration of intelligence and the intelligence community, and for other purposes.

S. 2674

At the request of Mr. BROWNBACK, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 2674, a bill to improve access to health care medically underserved areas.

S. 2793

At the request of Mr. ENSIGN, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 2793, a bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

S. 2816

At the request of Mr. BAUCUS, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 2816, a bill to amend the Internal Revenue Code of 1986 to improve tax equity for military personnel, and for other purposes.

S. 2869

At the request of Mr. KERRY, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 2869, a bill to facilitate the ability of certain spectrum auction winners to pursue alternative measures required in the public interest to meet the needs of wireless telecommunications consumers.

S. 2969

At the request of Mr. CRAIG, his name was added as a cosponsor of S. 2969, a bill to provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and for other purposes.

S. 2990

At the request of Mr. BINGAMAN, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 2990, a bill to provide for programs and activities to improve the health of Hispanic individuals, and for other purposes.

S. 3013

At the request of Mr. KYL, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 3013, a bill to amend the Balanced Budget Act of 1997 to extend and modify the reimbursement of State and local funds expended for emergency health services furnished to undocumented aliens.

S. 3018

At the request of Mr. BAUCUS, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Arizona (Mr. KYL), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 3018, a bill to amend title XVIII of the Social Security Act to enhance beneficiary access to quality health care services under the medicare program, and for other purposes.

S. RES. 270

At the request of Mr. CAMPBELL, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. Res. 270, a resolution designating the week of October 13, 2002, through October 19, 2002, as "National Cystic Fibrosis Awareness Week."

S. RES. 307

At the request of Mr. TORRICELLI, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. Res. 307, a resolution reaffirming support of the Convention on the Prevention and Punishment of the Crime of Genocide and anticipating the commemoration of the 15th anniversary of the enactment of the Genocide Convention Implementation Act of 1987 (the Proxmire Act) on November 4, 2003.

S. RES. 321

At the request of Mr. CAMPBELL, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. Res. 321, a resolution commemorating the 30th Anniversary of the Founding of the American Indian Higher Education Consortium (AIHEC).

S. CON. RES. 142

At the request of Mr. SMITH of Oregon, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Washington (Ms. CANTWELL), the Senator from Illinois (Mr. DURBIN), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Maryland (Mr. SARBANES), the Senator from New York (Mr. SCHUMER) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. Con. Res. 142, a concurrent resolution expressing support for the goals and ideas of a day of tribute to all firefighters who have died in the line of duty and recognizing the important mission of the Fallen Firefighters Foundation in assisting family members to overcome the loss of their fallen heroes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SESSIONS (for himself, Mr. LEAHY, and Mr. GRASSLEY):

S. 3028. A bill to provide for a creditors' committee of employee and retiree representatives of a debtor in order to protect pensions of those employees and retirees; to the Committee on the Judiciary.

Mr. SESSIONS. Mr. President, I rise today to introduce the Employee Pension Bankruptcy Protection Act of 2002. Today, when a company declares bankruptcy, it is often the employees and retirees who suffer. They suffer because they often lose their hard earned pensions and retirement benefits during the bankruptcy process. This is simply not right. When Americans lose the pensions and benefits that they have worked a lifetime to earn, it is the responsibility of the members of this body to act to protect them.

Under current law, the pension fund is technically the "creditor" of the corporation, not the employees and retirees. Thus, in court, employees and retirees of a bankrupt corporation have their interests in their pensions represented by the pension plan trustee. If the pension fund itself is threatened with insolvency, the Pension Benefit Guaranty Corporation, PBGC, can step in. While PBGC often covers most of the pension obligation, the statutory limits can sometimes leave a significant amount of pension benefits unpaid. If employees and retirees are not satisfied with how the pension plan trustee or PGGC is representing their interests, current law provides no relief. There is no day in court for the people who earned the pensions in the first place.

This problem has only recently been brought to my attention by Mr. John Nichols of Gadsden, AL, and his son, Phil, an attorney in Birmingham. The orderal faced by Mr. Nichols is a prime example of why employees and retirees need more representation before the bankruptcy court. Mr. Nichols spent his entire career at a steel plant in Gadsden. He began working for Republic Steel in 1956 and stayed with the operation through a buyout by LTV Steel and two subsequent ownership changes.

When LTV bought out Mr. Nichols' employer, LTV Steel took over the monthly pension payments guaranteed to the former employees and retirees of Republic Steel, including Mr. Nichols. Soon after the takeover, however, LTV filed for bankruptcy, claiming that it could no longer make pension payments to Republic Steel's former employees. PBGC, initially stepped in to help make a small part of the pension payments, but LTV eventually stopped making payments at all.

Because all the payments LTV had been making were not guaranteed by the PBGC, the long awaited pension payments earned by Mr. Nichols and by Republic Steel's other loyal employees were severely reduced. Mr. Nichols' pension payments went from approximately $2,225 per month to approximately $675 per month—only 30 percent of what he had been promised. A third of this payment now covers Mr. Nichols' health insurance premium that he can no longer purchase through LTV, leaving him with only 20 percent of his promised pension each month.

Because PBGC could only pay the retirees the amount the statute allowed, and because no one had the responsibility of telling bankruptcy court what was happening to the retirees of Republic Steel, large portions of hard earned pensions were lost. PBGC itself recognized that the claims of the pensioners against LTV, "are among the many claims that will probably never be paid, except perhaps in cents on the dollar" and stated that PBGC's claims against LTV for the pension plan underfunding were perhaps "[t]he largest of these claims [that will go upaid]."

During LTV's bankruptcy case, various creditors were represented before the bankruptcy court, but not the employees and retirees. Thus, when the assets of LTV were divided among its creditors, employees and the retirees were not at the table. If the employees and retirees had had an opportunity to make their case before the bankruptcy judge, the result could have been different for Mr. Nichols and for the other employees of Republic Steel.

The bill I introduce today does one very simple thing, it gives employees and retirees the right to be heard before the bankruptcy court with respect to their pensions. Under this bill, a representative of the employee and retirees can appear and be heard if it is likely that the employee benefit pension plan of the bankrupt corporation will be terminated or substantially underfunded and if it is possible that the beneficiaries of the plan will be adversely affected.

By allowing employees and retirees to be hard before the bankruptcy court, we will ensure that the bankruptcy court hears from the people who earned the pensions before it disposes of the assets that could pay those pensions. Employees and retirees will be able to argue to the court that any division of assets or bankruptcy plan must be fair to the pensioners. The needs of the corporation's employees and retirees should be heard before the assets of a bankrupt corporation are split up among creditors and gone forever. They deserve to have their day in court.

The Employee Pension Bankruptcy Protection Act of 2002 seeks to make sure that what happened to the retirees of Republic Steel in Gadsden, Alabama, will never happen again. By passing this legislation we can ensure that employees and retirees will never be deprived of their pensions without having their day in court. While a company may still be able to discharge its obligation to pay pensioners in bankruptcy, this bill at least takes the first modest step to protection pensions by providing them the opportunity to be part of the bankruptcy bargaining process. Before the bankruptcy court sells assets or adopts a plan of reorganization, the employees and retirees will be heard with respect to their pensions. This is only fair.

I strongly urge my colleagues in the Senate to support this bill and to work with me to further ensure that employees and retirees of corporations are fairly treated and protected under the United States Bankruptcy Code.

By Mr. KENNEDY:

S. 3029. A bill to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of accidental medical injury; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, I am pleased to introduce today "The Patient Safety Improvement and Medical Injury Reduction Act." This legislation will protect patients and save lives. It will do more for public health than a breakthrough new drug or a new therapy for deadly disease. The bill does this by providing a comprehensive plan to greatly reduce medical errors, promote a culture of greater patient safety and provider accountability, and improve the quality of medical care in the United States.

As the Institute of Medicine, IOM, concluded in its landmark 1999 study, medical errors kill up to 98,000 people in U.S. hospitals every year. That means that more Americans die from medical mistakes each year than from AIDS, breast cancer or highway accidents. In fact, each day, more than 250 people die because of medical mistakes, the equivalent of a major airplane crash every day.

Other studies support the IOM's shocking conclusions.

A Commonwealth Fund survey this year found that 22 percent of respondents reported that they or a family member had experienced a medical error of some kind. About 10 percent reported that they or a family member grew sicker as a result of a mistake made at a doctor's office or in a hospital, and 16 percent were given the wrong medication or wrong dose when filling a prescription at a pharmacy or while hospitalized.

A study published September 9 by the Archives of Internal Medicine also concluded that medication errors occur in one of every five does administered to hospital patients. The magnitude of these costly and life-threatening mistakes is astonishing, and calls for immediate improvement.

We can and should do better for our citizens. Americans deserve the highest quality health care, yet these errors put everyone at risk of unnecessary harm. This legislation raises patient safety to the national priority it deserves, and assures America's patients that they can expect high quality health care when they are sick or injured.

To accomplish this goal, or legislation requires comprehensive action. The IOM concluded that improvements will require sweeping, systemic changes in our health care system. IOM made numerous, sensible recommendations, which are fully addressed by the Patient Safety Improvement and Medical Injury Reduction Act.

The overwhelming majority of errors are caused by flaws in the health care system, not the outright negligence of individual doctors and nurses. Our hospitals, doctors, nurses, and other health care providers want to do the right thing. The bill gives the health care community the tools to identify the causes of medical errors, the resources to develop strategies to prevent them, and the encouragement to implement those solutions.

A key concern addressed by this legislation is to allow doctors and other health professionals to share information regarding best practices and lessons learned from their mistakes without fear of winding up in court. At the same time, medical professionals and hospitals that injure patients through their negligence should still be held accountable in court, just as they are today.

To balance these competing concerns, our legislation allows reports and analyses created under a new system of information-sharing between providers, patient safety organizations and a newly established National Patient Safety Database, to be immune from legal discovery. Health care professionals who submit reports to the programs would also be protected against discrimination in the workplace for participating in the reporting systems.

By the same token, however, this new system will not become a shield to hide medical negligence. As a result, this legislation continues current law when it comes to those elements of patients' medical records that have nothing to do with the patient safety improvements contemplated by the Act. Nor would the privilege apply to such information merely because it is reported to a patient safety organization or the National Patient Safety Database. Just as importantly, the new privilege would not affect compliance with State accountability systems.

Consistent with the IOM recommendations, the Act also creates a new Center for Quality Improvement and Patient Safety in the Agency for Healthcare Research and Quality to promote patient safety. The Center would conduct and support research on medical errors, certify learning-based patient safety organizations around the country, administer the voluntary National Patient Safety Database, and disseminate evidence-based practices and other error reduction and prevention strategies to health care providers, purchasers and the public. Reports submitted would be analyzed to identify systemic faults that led to the errors and solutions to prevent future similar errors. The Act would also create a "learning laboratory" under the Center for focused study of errors and their correction in select health care facilities.

The IOM also highlighted medication errors as a "high priority area for all health care organizations" and recommended the use of computerized physician order entry systems and advanced prescribing software to screen for inappropriate doses, allergies, and drug interactions. The Act would provide funding and uniform standards for the implementation of such systems, as well as grants for community partnerships for health care improvement.

As widespread and serious as the problem of medical errors is, it can be solved by a national commitment of resolve and resources. Improvements are clearly possible. The field of anesthesia undertook such an effort almost twenty years ago. Today, the number of fatalities from errors in administering anesthesia has dropped 98 percent.

Our goal should be to achieve equal or even greater success in reducing other types of medical mistakes. This legislation lays the foundation to achieve this goal. I look forward to working with my colleagues and with interested Members of the House of Representatives in enacting the Patient Safety Improvement and Medical Injury Reduction Act.

By Mr. DEWINE (For himself and Mr. VOINOVICH):

S. 3030. A bill to designate the Federal building and United States courthouse located at 200 West 2d Street in Dayton, Ohio, as the "Tony Hall Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

Mr. DEWINE. Mr. President, I rise today, along with my friend and colleague from Ohio, Senator VOINOVICH, to introduce a bill to name the federal building in Dayton, OH, after Congressman TONY HALL.

This bill is a fitting tribute to TONY HALL, a tireless and dedicated public servant, who will be greatly missed in the United States Congress upon his retirement. I am confident that he will continue his commitment to public service as our U.S. Ambassador to the U.N.'s food and agriculture agencies.

The people of Ohio and the American people can be proud of and thankful for the many years TONY HALL has served in the United States Congress. I've had the privilege of working closely with him since my early days in the House nearly 20 years ago. He has been a valuable legislator and a real statesman. Over the years, he has worked tirelessly on behalf of the people of Montgomery County and throughout Ohio.

TONY HALL comes from a family rich in devotion to public service and dedication to Ohio. His father, in fact, once served as Dayton's Republican mayor. A graduate of Fairmont High School in Kettering and Denison University in Granville, where he was an all-star tailback on the football team, TONY served in the Ohio House from 1969–1972, in the Ohio Senate from 1973–1978, and as Dayton's Congressman since January 1979.

A devoted husband to his wife, Janet, and a dedicated father to Jyl and Matt, the entire HALL family struggled valiantly alongside Matt as he fought an unsuccessful battle against leukemia that ended in 1996.

My wife, Fran, and I are proud to have worked over two decades with TONY and Janet on humanitarian efforts and other causes that bridge across the political aisle. TONY, who served in the Peace Corps in 1966 and 1967, has been an unmatched advocate for the needy, the poor, the hungry, and the oppressed across Ohio, our Nation, and the world.

TONY has been singularly responsible for much of the world's continued, focused attention on the serious hunger issues worldwide. His involvement in a 22-day hunger strike in 1989, forced the Department of Agriculture and the World Bank to call conferences on hunger, which ultimately resulted in the creation of the Congressional Hunger Center.

I'm proud to have worked with TONY on several humanitarian initiatives through the years from Africa Seeds of Hope to the Global Food for Education Act to the Microenterprise for Self-Reliance Act to the Clean Diamond Act of 2001.

We also share a commitment to the yet unborn. A staunch pro-life Democrat, Congressman HALL was responsible for language in the Democratic National Committee platform respecting the beliefs of those within his party who wished to protect the sanctity of life.

I also have had the pleasure of working with TONY HALL on several projects important to the Miami Valley area of Ohio. We share a passion for the aviation heritage of the Wright Brothers in Dayton and have worked together to protect and preserve the monuments to the Wright Brothers legacy. And, we've also worked together on issues to build the unique resources of Wright Patterson Air Force base, as well.

Today, it is a pleasure to take this opportunity to join Senator VOINOVICH to honor TONY HALL's many legislative efforts and achievements and to thank him for his commitment to the people of Ohio and this Nation. I urge my colleagues to support this bill to honor our good friend and statesman, TONY HALL.

I ask unanimous consent that the text of the bill to designate the Federal building and United States courthouse located at 200 West 2nd Street in Dayton, Ohio, as the "Tony Hall Federal Building and United States Courthouse" be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3030

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building and United States courthouse located at 200 West 2d Street in

Dayton, Ohio, shall be known and designated as the "Tony Hall Federal Building and United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the "Tony Hall Federal Building and United States Courthouse".

By Mr. BAUCUS (for himself, Mr. CRAPO, Mr. WARNER, and Mr. CRAIG):

S. 3031. A bill to amend title 23, United States Code, to reduce delays in the development of highway and transit projects, and for other purposes; to the Committee on Environment and Public Works.

Mr. BAUCUS. Mr President, I rise today to introduce the MEGA STREAM ACT. Maximizing Economic Growth for America through Environmental Streamlining.

Moving goods and moving people is what this Nation's transportation system is all about. The backbone of our economy. But delays in completing transportation projects threaten our economy.

These delays add to the cost of projects and deny the public the benefits of the projects. And those benefits are substantial, improving our economy, our competitiveness, and our quality of life. Unfortunately, there are delays for many projects, not only for controversial or complex projects, and those delays sometimes result from the environmental review process.

My goal is to advance a common sense approach that will both strengthen our transportation system and support for our environmental laws.

I doubt that there is a member in this chamber that has not heard complaints about delays in developing transportation projects.

I was privileged to be one of the authors of TEA 21 a revolutionary transportation law. I helped write sections 1308 and 1309. These are the sections that direct the Secretary of Transportation to find ways to expedite the project approval process and get construction underway faster.

I remember working with Senators WARNER, GRAHAM, WYDEN and CHAFEE and with the House members to come to a compromise on the environmental streamlining provisions included in TEA 21.

At the time, I had heard from my Department of Transportation and from others about how cumbersome a process it is to come to completion on a highway project. Everyone who worked on TEA 21 both the House and Senate, wanted to include a direction to the USDOT to streamline the planning and project development processes for the states.

We were very clear, the environment and the environmental reviews should NOT get short shrift! But, we needed to find a way to make it easier to get a project done, eliminate unnecessary delays, move faster and with as little paperwork as possible.

I cannot over-emphasize that the planning and environmental provisions of TEA-21 need to be implemented in a way that will streamline and expedite, not complicate, the process of delivering transportation projects.

These projects that we're trying to expedite provide good paying jobs for the folks in Montana and for every State. Contracts must be met in a timely manner.

That is why Congress directed the USDOT to include certain elements in their regulations on streamlining.

We included concepts to be incorporated—like concurrent environmental reviews by agencies and reasonable deadlines for the agencies to follow when completing their reviews.

Certainly we did not legislate an easy task to the USDOT. Trying to coordinate so many separate agencies is like trying to herd cats.

The whole concept of environmental streamlining, that is, to make the permit and approval process work more smoothly and effectively, while still ensuring protection of the environment, is one of the more-difficult challenges of TEA-21.

So I waited for the rules to come out. And waited. And two years after the passage of TEA-21 I finally got them.

I have to tell you, I was very disappointed when those rules came out in May of 2000. I believe those regulations hit very far from the mark.

Those regulations were supposed to help the State DOTS get their jobs done better and more efficiently—not make their jobs harder.

They were supposed to answer questions—but what is contained in those documents raises even more questions than before because they were vague where they needed to be precise.

Those proposed rules would make it even harder, if not impossible to come to a decision.

It would have been even more difficult for States to deliver their programs. Contracts wouldn't get met and jobs would be lost.

So the DOT solicited comments, which I understand were overwhelmingly negative, and went back to the drawing board and we never heard from them again. Even when a new President took over. New administration. No new rules.

And today we have nothing. We're exactly where we were in 1998.

As for sections 1308 and 1309. Nothing has been done to implement them. Its just as cumbersome today to bring a highway project to completion.

The Senate Environment and Public Works Committee held 4 hearings on the subject of environmental streamlining since the passage of TEA 21 in 1998.

A few weeks ago, on the eve of the fourth EPW hearing, the President signed an Executive Order calling for a handful of projects to be supervised by the heads of USDOT and CEQ. The highest levels would personally make sure that there were timely environmental reviews.

That would have been a good start in 1998. But, its too little too late now.

We are on the verge of reauthorization of TEA 21. This time, I would like to see us specifically legislate environmental streamlining. No waiting for regulations or more executive orders. Congress needs to be clear about what they want to see and put it into law.

To that end, along with Senator CRAPO and others, I am introducing a proposal on environmental streamlining. It is part of a series of bills that we are introducing on highway reauthorization.

This bill will address three issues.

First, the USDOT needs to be the lead agency on at least two requirements, "Purpose and Need" for a project and "Scope of Alternatives." This will make sure that any stalemates are resolved quickly.

Second, we should allow States to take over the role of the USDOT if they can meet certain requirements and if they choose to take on that role. This will eliminate another step of bureaucracy.

Last, we must ensure that resource agencies act in a timely manner. When it comes time for an agency like Fish and Wildlife to assess the extent of damage (if any) to a wetlands or the Army Corps of Engineers to issue a permit, these agencies shouldn't be able to take years to make these decisions.

We need to legislate specific time limits for them to follow. No answer at all is not acceptable. It is unacceptable for agencies to sit on their decision for years. We can't make them issue the permit and we don't want to, but we can make them make a decision in a timely manner.

The rest of the world works on deadlines. They can too.

These three things will help to expedite the planning and project development processes.

These three things are not meant to be comprehensive streamlining, but I believe that they will be a big help and a great start. The bill we will introduce will be a solid beginning to Congress setting some specific guidelines for expediting the planning and environmental review processes.

Once again, I want to reiterate that I want to make sure that environmental laws and policies are obeyed to the letter. But, there's got to be a faster, easier way to do the work that needs to be done on our surface transportation system, while continuing to protect the environment.

I believe our bill will be a means to those ends.

By Mr. SARBANES (for himself, Mr. DEWINE, Mrs. CLINTON, Mr. DODD, and Mr. KERRY):

S. 3032. A bill to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance programs under those Acts, and for other purposes; to the Committee on Foreign Relations.

Mr. SARBANES. Mr. President, I rise to introduce legislation to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for poor people in developing countries under microenterprise assistance programs. I am joined in this effort by my colleagues, Senator DEWINE of Ohio, Senator CLINTON of New York, Senator DODD of Connecticut, and Senator KERRY of Massachusetts.

Microenterprises play a critical role in helping poor people the world over raise their incomes, build assets, start new businesses, and improve their lives. Access to microenterprise loans and services with the attendant obligations allows poor people to establish good credit, engage in commerce, and begin to lift themselves out of poverty. The U.S. Government has been the leading donor for microenterprise development over the past two decades. In collaboration with diverse partner institutions like PVOs, private voluntary organizations, U.S. support, primarily through USAID, for microenterprise activities enables over 2 million people throughout the developing world to have access to microfinance services.

The legislation I am introducing today authorizes $175 million in fiscal year 03 and $200 million in fiscal year 04 for microenterprise assistance, an increase over the $155 million authorization level in fiscal year 02.

The other provisions of this legislation include a reaffirmation of the provision in the Microenterprise for Self-Reliance Act of 2000 stipulating that 50 percent of all microenterprise assistance shall be targeted to the very poor. The term "very poor" has been defined in the new legislation as those living in the bottom 50 percent below the poverty line established by their respective national governments, or on less than $1 a day. The legislation also provides that the microenterprise programs should target both rural and urban poor.

Ensuring that 50 percent of all microenterprise assistance is targeted to the very poor has been problematic. This legislation calls for the adoption of a monitoring system using proven effective poverty assessment tools to identify more precisely the very poor and ensure that they receive microenterprise loans, savings, and assistance authorized under this act. The legislation also stipulates that the USAID Administrator, in consultation with microenterprise institutions and other appropriate organizations, shall develop no fewer than two low-cost methods for partner institutions to use to assess the poverty levels of their current or prospective clients. By October 1, 2004, USAID shall certify that no fewer than two of such methods are being used for measuring poverty levels of current or prospective clients. Additionally, the legislation says that USAID, beginning no later than October 1, 2005, shall require all microenterprise organizations applying for U.S. assistance to use one of these methods.

Finally, the legislation requires the USAID Administrator to submit a report to Congress, no later than September 30, 2005, on the development and application of the poverty assessment procedures and, beginning with fiscal year 2006, an annual report documenting the percentage of its resources allocated to the very poor, based on the certified methods and the absolute number of the very poor that was reached.

The legislation, which builds on somewhat similar legislation that passed the House earlier this year (H.R. 4073), was the result of many weeks of hard work and negotiations between USAID and the Microenterprise Coalition, a group that represents the microenterprise institutions. Both USAID and the Microenterprise Coalition strongly support this legislation. I commend them for their efforts and I urge the Senate to pass this important legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3032

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS TO THE MICROENTERPRISE FOR SELF-RELIANCE ACT OF 2000.

(a) PURPOSES.—Section 103 of the Microenterprise for Self-Reliance Act of 2000 (Public Law 106-309) is amended—

(1) in paragraph (3), by striking "microentrepreneurs" and inserting "microenterprise households";

(2) in paragraph (4), by striking "and" at the end;

(3) in paragraph (5)—

(A) by striking "microfinance policy" and inserting "microenterprise policy";

(B) by striking "the poorest of the poor" and inserting "the very poor"; and

(C) by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(6) to ensure that in the implementation of this title at least 50 percent of all microenterprise assistance under this title, and the amendments made under this title, shall be targeted to the very poor.".

(b) DEFINITIONS.—Section 104 of such Act is amended—

(1) in paragraph (2), by striking "for microentrepreneurs" and inserting "to microentrepreneurs and their households"; and

(2) by adding at the end the following:

"(5) VERY POOR.—The term 'very poor' means individuals—

"(A) living in the bottom 50 percent below the poverty line established by the national government of the country in which those individuals live; or

"(B) living on the equivalent of less than $1 per day.".

SEC. 2. AMENDMENTS TO THE MICRO- AND SMALL ENTERPRISE DEVELOPMENT CREDITS PROGRAM UNDER THE FOREIGN ASSISTANCE ACT OF 1961.

(a) FINDINGS AND POLICY.—Section 108(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151f(a)(2)) is amended by striking "the development of the enterprises of the poor" and inserting "the access to financial services and the development of microenterprises".

(b) PROGRAM.—Section 108(b) of such Act (22 U.S.C. 2151f(b)) is amended to read as follows:

"(b) PROGRAM.—To carry out the policy set forth in subsection (a), the President is authorized to provide assistance to increase the availability of financial services to microenterprise households lacking full access to credit, including through—

"(1) loans and guarantees to microfinance institutions for the purpose of expanding the availability of savings and credit to poor and low-income households;

"(2) training programs for microfinance institutions in order to enable them to better meet the financial services needs of their clients; and

"(3) training programs for clients in order to enable them to make better use of credit, increase their financial literacy, and to better manage their enterprises to improve their quality of life.".

(c) ELIGIBILITY CRITERIA.—Section 108(c) of such Act (22 U.S.C. 2151f(c)) is amended—

(1) in the first sentence of the matter preceding paragraph (1)—

(A) by striking "credit institutions" and inserting "microfinance institutions"; and

(B) by striking "micro- and small enterprises" and inserting "microenterprise households"; and

(2) in paragraphs (1) and (2), by striking "credit" each place it appears and inserting "financial services".

(d) ADDITIONAL REQUIREMENT.—Section 108(d) of such Act (22 U.S.C. 2151f(d)) is amended by striking "micro- and small enterprise programs" and inserting "programs for microenterprise households".

(e) AVAILABILITY OF FUNDS.—Section 108(f)(1) of such Act (22 U.S.C. 2151f(f)(1)) is amended by striking "for each of fiscal years 2001 and 2002" and inserting "for each of fiscal years 2001 through 2004".

(f) CONFORMING AMENDMENT.—Section 108 of such Act (22 U.S.C. 2151f) is amended in the heading to read as follows:

"SEC. 108. MICROENTERPRISE DEVELOPMENT CREDITS.".

SEC. 3. AMENDMENTS TO THE MICROENTERPRISE DEVELOPMENT GRANT ASSISTANCE PROGRAM UNDER THE FOREIGN ASSISTANCE ACT OF 1961.

(a) FINDINGS AND POLICY.—Section 131(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2152a(a)) is amended to read as follows:

"(a) FINDINGS AND POLICY.—Congress finds and declares that—

"(1) access to financial services and the development of microenterprise are vital factors in the stable growth of developing countries and in the development of free, open, and equitable international economic systems;

"(2) it is therefore in the best interest of the United States to facilitate access to financial services and assist the development of microenterprise in developing countries;

"(3) access to financial services and the development of microenterprises can be supported by programs providing credit, savings, training, technical assistance, business development services, and other financial and non-financial services; and

"(4) given the relatively high percentage of populations living in rural areas of developing countries, and the combined high incidence of poverty in rural areas and growing income inequality between rural and urban markets, microenterprise programs should target both rural and urban poor.".

(b) AUTHORIZATION.—Section 131(b) of such Act (22 U.S.C. 2152a(b)) is amended—

(1) in paragraph (3)(A)(i), by striking "entrepreneurs" and inserting "clients"; and

(2) in paragraph (4)(D)—

(A) in clause (i), by striking "very small loans" and inserting "financial services to poor entrepreneurs"; and

(B) in clause (ii), by striking "microfinance" and inserting "microenterprise".

(c) MONITORING SYSTEM.—Section 131(c) of such Act (22 U.S.C. 2152a(c)) is amended by striking paragraph (4) and inserting the following:

"(4) adopts the widespread use of proven and effective poverty assessment tools to successfully identify the very poor and ensure that they receive needed microenterprise loans, savings, and assistance."

(d) DEVELOPMENT AND APPLICATION OF POVERTY MEASUREMENT METHODS.—Section 131 of such Act (22 U.S.C. 2152a) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following:

"(d) DEVELOPMENT AND CERTIFICATION OF POVERTY MEASUREMENT METHODS; APPLICATION OF METHODS.—

"(1) DEVELOPMENT AND CERTIFICATION.—(A) The Administrator of the United States Agency for International Development, in consultation with microenterprise institutions and other appropriate organizations, shall develop no fewer than two low-cost methods for partner institutions to use to assess the poverty levels of their current or prospective clients. The United States Agency for International Development shall develop poverty indicators that correlate with the circumstances of the very poor.

"(B) The Administrator shall field-test the methods developed under subparagraph (A). As part of the testing, institutions and programs may use the methods on a voluntary basis to demonstrate their ability to reach the very poor.

"(C) Not later than October 1, 2004, the Administrator shall, from among the low-cost poverty measurement methods developed under subparagraph (A), certify no fewer than two such methods as approved methods for measuring the poverty levels of current or prospective clients of microenterprise institutions for purposes of assistance under this section.

"(2) APPLICATION.—The Administrator shall require that, with reasonable exceptions, all organizations applying for microenterprise assistance under this Act use one of the certified methods, beginning no later than October 1, 2005, to determine and report the poverty levels of current or prospective clients.".

(e) LEVEL OF ASSISTANCE.—Section 131(e) of such Act, as redesignated by subsection (d), is amended by inserting "and $175,000,000 for fiscal year 2003 and $200,000,000 for fiscal year 2004" after "fiscal years 2001 and 2002".

(f) DEFINITIONS.—Section 131(f) of such Act, as redesignated by subsection (d), is amended by adding at the end the following:

"(5) VERY POOR.—The term 'very poor' means those individuals—

"(A) living in the bottom 50 percent below the poverty line established by the national government of the country in which those individuals live; or

"(B) living on less than the equivalent of $1 per day.".

SEC. 4. REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than September 30, 2005, the Administrator of the United States Agency for International Development shall submit to Congress a report that documents the process of developing and applying poverty assessment procedures with its partners.

(b) REPORTS FOR FISCAL YEAR 2006 AND BEYOND.—Beginning with fiscal year 2006, the Administrator of the United States Agency for International Development shall annually submit to Congress on a timely basis a report that addresses the United States Agency for International Development's compliance with the Microenterprise for Self-Reliance Act of 2000 by documenting—

(1) the percentage of its resources that were allocated to the very poor (as defined in paragraph (5) of section 131(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2152a(f)(5))) based on the data collected from its partners using the certified methods; and

(2) the absolute number of the very poor reached.

By Mr. JOHNSON (for himself and Mr. CARPER):

S. 3034. A bill to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. JOHNSON. Mr. President, I am proud to sponsor the Check Truncation Act, which will be a significant step in improving the Nation's check payment system.

The Act improves America's check payments system by allowing banks to exchange checks electronically. Current law requires banks to physically present and return original checks, a tedious, antiquated and expensive process. This legislation will also reduce infrastructure costs for banks, allowing for more flexibility and greater cost savings for the consumer.

In the days following September 11, 2001, when planes across the country remained grounded, banks were forced to take drastic steps to ensure the shipment of checks from bank to bank. Check payments across the country were delayed, which opened up possibilities for processing errors and fraud. Electronic payments, on the other hand, continued to be processed in a safe and timely fashion during the crisis.

Processing challenges confront banks in my State of South Dakota every winter. Deep snowfalls and vast distances between small-town banks and processing centers add significant costs to physical transportation of checks. These costs trickle down to consumers, and everyone ends up paying the price of our outdated system.

I am proud to introduce this legislation, which would help to ensure the financial stability of our system in the event of another attack, and would increase its efficiency day-to-day. It is the right time to change our banking laws to give electronic versions of checks the same legal validity as paper checks, so America's financial institutions can provide customers with faster check clearing and better access to liquid funds in both good times and times of crisis.

By Mr. HUTCHINSON:

S. 3035. A bill to prohibit the sale of tobacco products through the Internet or other indirect means to underage individuals, to ensure the collection of all cigarette taxes, and for other purposes; to the Committee on the Judiciary.

Mr. HUTCHINSON. Mr. President, today I have introduced legislation to stop the illegal sales of cigarettes over the Internet, an escalating problem which has had a particularly negative effect in my home State of Arkansas. While every State in the union has enacted laws prohibiting minors from purchasing or possessing tobacco products, this law is easily evaded when minors purchase cigarettes over the Internet. Disreputable websites flagrantly break the law, even advertising that they do not check identification.

In the first quarter of 2002, the number of Internet site selling cigarettes had already increased by over 10 percent from 2001, and the number of those based overseas increased almost 20 percent. In addition to putting cigarettes in the hands of minors, these websites also fail to pay the sales and tobacco taxes many states levy on these products.

The Government Accounting Office released a study in August 2002 which reports that by 2005 states will be losing as much as $1.4 billion annually due to this tax evasion. This is revenue states cannot afford to do without. Current federal laws must be updated and strengthened to address this growing threat.

My bill, the Eliminating Profiteering through Illegal Cigarette Sales, EPICS Act, addresses both aspects of the problem. It is designed to both strengthen domestic security by giving law enforcement agencies additional tools they need to choke off this source of terrorist income, and to ensure that legitimate Internet sites selling cigarettes take significant steps to prevent their orders from falling into the hands of our kids.

The EPICS Act prohibits online sales of cigarettes to minors. It also ensures that minors are not able to purchase cigarettes online using a false identification by enacting strict identification verification requirements.

In order to assist states enforcement of age requirements and collection of taxes, this bill will dramatically strengthen the Jenkins Act. This law requires anyone who ships or sells tobacco products over state lines other than to licensed dealers to report those sales to the state tax administrator. When this is done, states can ensure that sales are not being made to minors and that due taxes have been collected.

Currently, there is very little enforcement of the Jenkins Act. This bill remedies this by establishing much harsher penalties for those who do not comply and by allowing a State's Attorney General to enforce the Federal law. Following the recommendation of the GAO, the bill will give the Bureau of Alcohol, Tobacco and Firearms concurrent authority with the Justice Department to enforce the amended Jenkins Act. It also updates the law to make it clear that the Jenkins Act reporting requirements apply to all sales by Internet, mail and phone.

Additionally, this bill will improve current laws to prohibit the trafficking in contraband cigarettes. The EPICS Act lowers the number of unstamped cigarettes required to trigger the law from 60,000 to 2,000, adds reporting requirements and allows a State's Attorney General and Federal tobacco permit holders to bring causes of action to enforce the federal law. With numerous reports of terrorist organizations transporting contraband cigarettes across State lines to reap profits right here in the U.S., it is especially important that this law be effective.

Terrorists and others who seek to profit by illegal means have discovered the goldmine of Internet sales. The number of Internet sites selling untaxed cigarettes or selling to minors is increasing almost daily. Heightened media coverage has pointed out the problem, but also advertised their availability to minors and tax-evaders. I hope my colleagues will act quickly to prevent illegal tobacco profits, keep cigarettes out of the hands of minors and stop tobacco tax evasion.

Mr. President, I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection the bill was ordered to be printed in the RECORD, as follows:

S. 3035

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Eliminating Profiteering through Illegal Cigarette Sales Act" or "EPICS Act".

SEC. 2. UNLAWFUL ACTS REGARDING SALE OF TOBACCO PRODUCTS TO UNDERAGE INDIVIDUALS.

(a) IN GENERAL.—It shall be unlawful for any person who is in the business of selling tobacco products, and who advertises such products through the Internet or any other means, to sell a tobacco product to an individual under the legal age (according to State law) to purchase tobacco products if pursuant to the sale the person mails the product or ships the product by carrier in or affecting interstate commerce.

(b) PROCEDURES TO PROTECT AGAINST SALES TO UNDERAGE INDIVIDUALS.—It shall be unlawful for any person in the business of selling tobacco products to take an order for a tobacco product, other than from a person who is in the business of selling tobacco products, through the mail, or through any telecommunications means (including by telephone, facsimile, or the Internet), if in providing for the sale or delivery of the product pursuant to the order the person mails the product, or ships the product by carrier in or affecting interstate commerce, and the person fails to comply with each of the following procedures:

(1) Before mailing or shipping the product, the person receives from the individual who places the order the following:

(A) A copy of a valid government-issued document (whether an operator's permit or otherwise) that provides the name, address, and date of birth of the individual.

(B) A signed statement in writing from the individual providing a certification of the individual that—

(i) such document and information correctly identifies the individual and correctly states the address and date of birth of the individual;

(ii) the individual understands that forging another person's signature to the statement is illegal; and

(iii) the individual understands that tobacco sales to minors are illegal and that tobacco purchases by minors may be illegal under applicable State law.

(2) Before mailing or shipping the product, the person—

(A) verifies the information received from the individual under paragraph (1) against a commercially available database; and

(B) sends a letter to the individual requesting—

(i) confirmation of the order; and

(ii) that the individual reply immediately (to a specified toll-free phone number or e-mail address) if the individual did not submit the order.

(3) In the case of an order for a product pursuant to an advertisement on the Internet, the person receives payment by credit card or check for the order before mailing or shipping the product.

(4) Unless the person is identified as a member of the Armed Forces by the document issued by the Department of Defense identifying individuals as members of the Armed Forces, the person provides for the mailing or shipping of the product to the name and address provided on the government-issued document received under paragraph (1).

(5)(A) The person employs a method of mailing or shipping the product requiring that the individual purchasing the product—

(i) be the addressee;

(ii) personally sign for delivery of the package; and

(iii) if the individual appears to the carrier making the delivery to be under 27 years of age, take delivery of the package only after producing valid, government-issued identification that—

(I) bears a photograph of the individual;

(II) indicates that the individual is not under the legal age to purchase cigarettes; and

(III) indicates that the individual is not younger than the age indicated on the government-issued document received under paragraph (1).

(B) The bill of lading clearly states the requirements in subparagraph (A) and specifies that Federal law requires compliance with the requirements.

(6) The person notifies the carrier for the mailing or shipping, in writing, of the age of the addressee as indicated by the government-issued document received under paragraph (1).

(c) ADVERTISING THROUGH INTERNET; PROMINENT WARNING LABELS.—It shall be unlawful for any person in the business of selling tobacco products to advertise tobacco products for sale through an Internet website to a person other than a person who is in the business of selling tobacco products unless such website contains, on the part of each website page relating to sale of such products that is immediately visible when accessed, prominent and clearly legible warning labels as follows:

(1) A warning label stating that sales of tobacco products to persons under 18 years of age are illegal in all States except Alabama, Alaska, and Utah, where sales of tobacco products to person under 19 years of age are illegal.

(2) A warning label described—

(A) in the case of cigarettes, in subsections (a)(1) and (b)(2) of section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333); and

(B) in the case of smokeless tobacco products, in subsections (a)(1) and (b)(1) of section 3 of the Federal Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402).

(d) ADVERTISING THROUGH INTERNET; ACCESS.—It shall be unlawful for any person in the business of selling tobacco products to advertise such products for sale through an Internet website unless access to the website (other than a nonselling website home page) is provided only to individuals who provide to the person the information described in subparagraphs (A) and (B) of subsection (b)(1) and whose information is verified according to the procedures described in subsection (b)(2).

(e) RULE OF CONSTRUCTION REGARDING COMMON CARRIERS.—This Act may not be construed as imposing liability upon any common carrier, or officers or employees thereof, when acting within the scope of business of the common carrier.

SEC. 3. FEDERAL TRADE COMMISSION.

(a) CIVIL ENFORCEMENT.—For purposes of the enforcement of section 2 by the Federal Trade Commission, a violation of a provision of subsection (a) or (b) of such section shall be deemed to be an unfair or deceptive act or practice in or affecting commerce within the meaning of the Federal Trade Commission Act, and the procedures under section 5(b) of such Act shall apply with respect to such a violation.

(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Commission shall promulgate a final rule for carrying out this Act.

(c) INFORMATION REGARDING STATE LAWS ON MINIMUM PURCHASE-AGE.—The Commission shall post on the Internet site of the Commission information that, by State, provides the minimum age at which it is legal under State law to purchase tobacco products in the State.

SEC. 4. CRIMINAL PENALTIES.

(a) In General.—

(1) First violation.—Except as provided in paragraph (2), any person who violates a provision of subsection (a) or (b) of section 2 shall be fined not more than $1,000.

(2) Subsequent violations.—In the case of a second or subsequent violation by a person of a provision of subsection (a) or (b) of section 2, the person shall be fined not less than $1,000 and not more than $5,000.

(3) Rule of construction.—This subsection does not apply to a violation of a provision of subsection (a) or (b) of section 2 if any provision of subsection (b) of this section applies to such violation.

(b) Knowing Violations.—

(1) First violation.—Except as provided in paragraph (2), any person who knowingly violates a provision of subsection (a) or (b) of section 2 shall be fined in accordance with title 18, United States Code, imprisoned not more than two years, or both.

(2) Subsequent violations.—In the case of a second or subsequent knowing violation by a person of a provision of subsection (a) or (b) of section 2, the person shall be fined in accordance with title 18, United States Code, imprisoned not more than five years, or both.

SEC. 5. FEDERAL CIVIL ACTIONS BY STATE ATTORNEYS GENERAL AND CERTAIN OTHER INDIVIDUALS.

(a) Injunctive Relief.—A State, through its State attorney general, on behalf of residents of the State, or any person who holds a permit under section 5712 of the Internal Revenue Code of 1986, may bring in an appropriate district court of the United States a civil action to restrain violations by a person of any provision of subsection (a) or (b) of section 2, including obtaining a preliminary or permanent injunction or other order against the person.

(b) Coordination With Commission.—Before bringing a civil action under subsection (a), a State attorney general or any such person shall provide to the Federal Trade Commission written notice of the intent of the State attorney general or such person to bring the action.

(c) Federal Jurisdiction.—

(1) In general.—The district courts of the United States shall have jurisdiction over any civil action under subsection (a).

(2) Venue.—A civil action under subsection (a) may be brought only in accordance with section 1391 of title 28, United States Code, or in the district in which the recipient of the tobacco products resides or is found.

(d) Requirements for Injunctions and Orders.—

(1) In general.—In any civil action under subsection (a), upon a proper showing by the State attorney general or person bringing the action involved, the court may issue a preliminary or permanent injunction or other order to restrain a violation of a provision of subsection (a) or (b) of section 2.

(2) Notice.—No preliminary injunction or permanent injunction or other order may be issued under paragraph (1) without notice to the adverse party and an opportunity for a hearing.

(3) Form and scope of order.—Any preliminary or permanent injunction or other order entered in a civil action under subsection (a) shall—

(A) set forth the reasons for the issuance of the order;

(B) be specific in its terms;

(C) describe in reasonable detail, and not by reference to the complaint or other document, the act or acts sought to be restrained; and

(D) be binding upon—

(i) the parties to the action and the officers, agents, employees, and attorneys of those parties; and

(ii) persons in active concert or participation with the parties to the action who receive actual notice of the order by personal service or otherwise.

(e) Additional Remedies.—

(1) In general.—A remedy under subsection (a) is in addition to any other remedies provided by law.

(2) State court proceedings.—Nothing in this section may be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any State law.

SEC. 6. COLLECTION OF STATE CIGARETTE TAXES.

(a) Definitions.—Section 1 of the Act of October 19, 1949 (15 U.S.C. 375), is amended—

(1) in paragraph (1), by inserting "and other legal entities" after "individuals";

(2) by striking paragraph (3);

(3) by redesignating paragraphs (4) through (7) as paragraphs (3) through (6), respectively; and

(4) by adding at the end the following new paragraphs:

"(7) The term 'delivery sale' means any sale of cigarettes to a consumer (other than a sale to a consumer for purposes of resale) if—

"(A) the consumer submits the order for such sale by means of a telephone or other method of voice transmission, the mails, or the Internet or other online service; or

"(B) the cigarettes are delivered by use of the mails or other delivery service.

"(8) The term 'sale to a consumer for purposes of resale' does not include a sale of cigarettes to a natural person who does not conduct business as a distributor or retailer of cigarettes in the jurisdiction in which such person resides.".

(b) Reports to State Tobacco Tax Administrators.—Section 2 of that Act (15 U.S.C. 376) is amended—

(1) in subsection (a)—

(A) by striking "or transfers" and inserting ", transfers, or ships"; and

(B) by striking "to other than a distributor licensed by or located in such State,"; and

(2) in subsection (b)—

(A) by striking "(1)"; and

(B) by striking ", and (2)" and all that follows and inserting a period.

(c) Requirements for Delivery Sales.—That Act is further amended by inserting after section 2 the following new section:

"Sec. 2A. (a) Each person making a delivery sale into a State shall comply with—

"(1) the shipping requirements set forth in subsection (b); and

"(2) all laws of the State generally applicable to sales of cigarettes that occur entirely within the State, including laws imposing—

"(A) excise taxes;

"(B) sales taxes;

"(C) licensing and tax-stamping requirements; and

"(D) escrow or other payment obligations.

"(b)(1) Each person who takes a delivery sale order shall include on the bill of lading included with the shipping package containing cigarettes sold pursuant to such order a clear and conspicuous statement providing as follows: 'CIGARETTES: FEDERAL LAW REQUIRES THE PAYMENT OF ALL APPLICABLE EXCISE AND SALES TAXES, AND COMPLIANCE WITH APPLICABLE LICENSING, TAX-STAMPING, AND ESCROW PAYMENT OBLIGATIONS'.

"(2) Any shipping package described in paragraph (1) that is not labeled in accordance with that paragraph shall be treated as nonmailable matter under section 3001 of title 39, United States Code.

"(c) Each State shall have the authority to require any person making a delivery sale of cigarettes into such State to collect or pay the taxes referred to in subsection (a)(2) and to comply with any other requirements described in that subsection.".

(d) Penalties.—Section 3 of that Act (15 U.S.C. 377) is amended to read as follows:

"Sec. 3. (a) Except as provided in subsection (b), whoever violates a provision of section 2 or 2A shall be fined not more than $1,000, imprisoned not more than 6 months, or both, in the case of the first violation, and fined not more than $5,000, imprisoned not more than 6 months, or both, in the case of any subsequent violation.

"(b) Whoever knowingly violates a provision of section 2 or 2A shall be fined in accordance with title 18, United States Code, imprisoned not more than 2 years, or both.".

(e) Injunctions.—Section 4 of that Act (15 U.S.C. 378) is amended—

(1) by inserting "(a)" before "The United States district courts"; and

(2) by adding at the end the following new subsections:

"(b)(1) A State, through its attorney general, or any person who holds a permit under section 5712 of the Internal Revenue Code of 1986, may bring an action in the United States district courts to prevent and restrain violations of this Act by any person (or by any person controlling such person).

"(2) Nothing in this section shall be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of State law.

"(c) The Secretary of the Treasury shall administer the provisions of this Act, and shall have concurrent authority with the Attorney General to enforce the provisions of this Act.".

SEC. 7. TREATMENT OF CIGARETTES AS NONMAILABLE MATTER.

Section 1716 of title 18, United States Code, is amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the following new subsection (j):

"(j) All cigarettes (as that term is defined in section 2341(1) of this title) are nonmailable and shall not be deposited in or carried through the mails.".

SEC. 8. PENAL PROVISIONS REGARDING TRAFFICKING IN CONTRABAND CIGARETTES.

(a) Threshold Quantity for Treatment as Contraband.—(1) Section 2341(2) of title 18, United States Code, is amended by striking "60,000 cigarettes" and inserting "2,000 cigarettes".

(2) Section 2342(b) of that title is amended by striking "60,000" and inserting "2,000".

(3) Section 2343 of that title is amended—

(A) in subsection (a), by striking "60,000" and inserting "2,000"; and

(B) in subsection (b), by striking "60,000" and inserting "2,000".

(b) Recordkeeping, Reporting, and Inspection.—Section 2343 of that title, as amended by subsection (a)(3) of this section, is further amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "only—" and inserting "such information as the Secretary considers appropriate for purposes of enforcement of this chapter, including—"; and

(B) in the flush matter following paragraph (3), by striking the second sentence;

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following new subsection (b):

"(b) Any person who engages in a delivery sale, and who ships, sells, distributes, or receives any quantity in excess of 10,000 cigarettes within a single month, shall submit to the Secretary, pursuant to rules or regulations prescribed by the Secretary, a report that sets forth the following:

"(1) The person's beginning and ending inventory of cigarettes (in total) for such month.

"(2) The total quantity of cigarettes that the person received within such month from each other person (itemized by name and address).

"(3) The total quantity of cigarettes that the person distributed within such month to each person (itemized by name and address) other than a retail purchaser."; and

(4) by adding at the end the following new subsection:

"(d) In this section, the term 'delivery sale' means any sale of cigarettes to a consumer (other than a sale to a consumer for purposes of resale) if—

"(1) the consumer submits the order for such sale by means of a telephone or other method of voice transmission, the mails, or the Internet or other online service; or

"(2) the cigarettes are delivered by use of the mails or other delivery service.".

(c) Disposal of Forfeited Cigarettes.—Section 2344(c) of that title is amended by striking "seizure and forfeiture," and all that follows and inserting "seizure and forfeiture, and any cigarettes so seized and forfeited shall be destroyed and not resold.".

(d) Enforcement.—Section 2346 of that title is amended—

(1) by inserting "(a)" before "The Secretary"; and

(2) by adding at the end the following new subsection:

"(b) A State, through its attorney general, or any person who holds a permit under section 5712 of the Internal Revenue Code of 1986, may bring an action in the United States district courts to prevent and restrain violations of this chapter by any person (or by any person controlling such person).".

(e) Conforming and Clerical Amendments.—(1) The section heading for section 2343 of that title is amended to read as follows:

"§ 2343. Recordkeeping, reporting, and inspection".

(2) The table of sections at the beginning of chapter 114 of that title is amended by striking the item relating to section 2343 and inserting the following new item:

"2343. Recordkeeping, reporting, and inspection.".

SEC. 9. DEFINITIONS.

In this Act:

(1) State.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands.

(2) State attorney general.—The term "State attorney general" means the attorney general or other chief law enforcement officer of a State, or the designee thereof.

(3) Tobacco product.—The term "tobacco product" means any product made or derived from tobacco that is intended for human consumption, including cigarettes, smokeless tobacco, pipe tobacco, and the product known as bidi.

SEC. 10. EFFECTIVE DATE.

(a) In General.—Except as provided in subsection (b), this Act shall take effect 90 days after the date of the enactment of this Act.

(b) Rulemaking.—The authority of the Federal Trade Commission to commence rulemaking under section 3(b) shall be effective on the date of the enactment of this Act.

(c) Unlawful Acts.—Section 2 shall apply to sales of tobacco products occurring on or after the effective date of this Act without regard to whether a final rule has been promulgated under section 3(b) as of that date.

By Mr. LIEBERMAN (for himself, Mr. Warner, Mr. Bayh, Mr. McCain, Mr. McConnell, Mr. Domenici, Mr. Hutchinson, Ms. Landrieu, Mr. Allard, Mr. Helms, and Mr. Miller):

S.J. Res. 46. A joint resolution to authorize the use of United States Armed Forces against Iraq; read the first time.

S.J. Res. 46

Whereas in 1990 in response to Iraq's war of aggression against and illegal occupation of Kuwait, the United States forged a coalition of nations to liberate Kuwait and its people in order to defend the national security of the United States and enforce United Nations Security Council resolutions relating to Iraq;

Whereas after the liberation of Kuwait in 1991, Iraq entered into a United Nations sponsored cease-fire agreement pursuant to which Iraq unequivocally agreed, among other things, to eliminate its nuclear, biological, and chemical weapons programs and the means to deliver and develop them, and to end its support for international terrorism;

Whereas the efforts of international weapons inspectors, United States intelligence agencies, and Iraqi defectors led to the discovery that Iraq had large stockpiles of chemical weapons and a large scale biological weapons program, and that Iraq had an advanced nuclear weapons development program that was much closer to producing a nuclear weapon than intelligence reporting had previously indicated;

Whereas Iraq, in direct and flagrant violation of the cease-fire, attempted to thwart the efforts of weapons inspectors to identify and destroy Iraq's weapons of mass destruction stockpiles and development capabilities, which finally resulted in the withdrawal of inspectors from Iraq on October 31, 1998;

Whereas in 1998 Congress concluded that Iraq's continuing weapons of mass destruction programs threatened vital United States interests and international peace and security, declared Iraq to be in "material and unacceptable breach of its international obligations" and urged the President "to take appropriate action, in accordance with the Constitution and relevant laws of the United States, to bring Iraq into compliance with its international obligations" (Public Law 105–235);

Whereas Iraq both poses a continuing threat to the national security of the United States and international peace and security in the Persian Gulf region and remains in material and unacceptable breach of its international obligations by, among other things, continuing to possess and develop a significant chemical and biological weapons capability, actively seeking a nuclear weapons capability, and supporting and harboring terrorist organizations;

Whereas Iraq persists in violating resolutions of the United Nations Security Council by continuing to engage in brutal repression of its civilian population thereby threatening international peace and security in the region, by refusing to release, repatriate, or account for non-Iraqi citizens wrongfully detained by Iraq, including an American serviceman, and by failing to return property wrongfully seized by Iraq from Kuwait;

Whereas the current Iraqi regime has demonstrated its capability and willingness to use weapons of mass destruction against other nations and its own people;

Whereas the current Iraqi regime has demonstrated its continuing hostility toward, and willingness to attack, the United States, including by attempting in 1993 to assassinate former President Bush and by firing on many thousands of occasions on United States and Coalition Armed Forces engaged in enforcing the resolutions of the United Nations Security Council;

Whereas members of al Qaida, an organization bearing responsibility for attacks on the United States, its citizens, and interests, including the attacks that occurred on September 11, 2001, are known to be in Iraq;

Whereas Iraq continues to aid and harbor other international terrorist organizations, including organizations that threaten the lives and safety of American citizens;

Whereas the attacks on the United States of September 11, 2001, underscored the gravity of the threat posed by the acquisition of weapons of mass destruction by international terrorist organizations;

Whereas Iraq's demonstrated capability and willingness to use weapons of mass destruction, the risk that the current Iraqi regime will either employ those weapons to launch a surprise attack against the United States or its Armed Forces or provide them to international terrorists who would do so, and the extreme magnitude of harm that would result to the United States and its citizens from such an attack, combine to justify action by the United States to defend itself;

Whereas United Nations Security Council Resolution 678 authorizes the use of all necessary means to enforce United Nations Security Council Resolution 660 and subsequent relevant resolutions and to compel Iraq to cease certain activities that threaten international peace and security, including the development of weapons of mass destruction and refusal or obstruction of United Nations weapons inspections in violation of United Nations Security Council Resolution 687, repression of its civilian population in violation of United Nations Security Council Resolution 688, and threatening its neighbors or United Nations operations in Iraq in violation of United Nations Security Council Resolution 949;

Whereas Congress in the Authorization of Use of Military Force Against Iraq Resolution (Public Law 102–1) has authorized the President "to use United States Armed Forces pursuant to United Nations Security Council Resolution 678 (1990) in order to achieve implementation of Security Council Resolutions 660, 661, 662, 664, 665, 666, 667, 669, 670, 674, and 677";

Whereas in December 1991, Congress expressed its sense that it "supports the use of all necessary means to achieve the goals of United Nations Security Council Resolution 687 as being consistent with the Authorization of Use of Military Force Against Iraq

Resolution (Public Law 102–1)," that Iraq's repression of its civilian population violates United Nations Security Council Resolution 688 and "constitutes a continuing threat to the peace, security, and stability of the Persian Gulf region," and that Congress, "supports the use of all necessary means to achieve the goals of United Nations Security Council Resolution 688";

Whereas the Iraq Liberation Act (Public Law 105–338) expressed the sense of Congress that it should be the policy of the United States to support efforts to remove from power the current Iraqi regime and promote the emergence of a democratic government to replace that regime;

Whereas on September 12, 2002, President Bush committed the United States to "work with the United Nations Security Council to meet our common challenge" posed by Iraq and to "work for the necessary resolutions," while also making clear that "the Security Council resolutions will be enforced, and the just demands of peace and security will be met, or action will be unavoidable";

Whereas the United States is determined to prosecute the war on terrorism and Iraq's ongoing support for international terrorist groups combined with its development of weapons of mass destruction in direct violation of its obligations under the 1991 ceasefire and other United Nations Security Council resolutions make clear that it is in the national security interests of the United States and in furtherance of the war on terrorism that all relevant United Nations Security Council resolutions be enforced, including through the use of force if necessary;

Whereas Congress has taken steps to pursue vigorously the war on terrorism through the provision of authorities and funding requested by the President to take the necessary actions against international terrorists and terrorist organizations, including those nations, organizations or persons who planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001, or harbored such persons or organizations;

Whereas the President and Congress are determined to continue to take all appropriate actions against international terrorists and terrorist organizations, including those nations, organizations or persons who planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001, or harbored such persons or organizations;

Whereas the President has authority under the Constitution to take action in order to deter and prevent acts of international terrorism against the United States, as Congress recognized in the joint resolution on Authorization for Use of Military Force (Public Law 107–40); and

Whereas it is in the national security of the United States to restore international peace and security to the Persian Gulf region: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Authorization for the Use of Military Force Against Iraq".

SEC. 2. SUPPORT FOR UNITED STATES DIPLOMATIC EFFORTS.

The Congress of the United States supports the efforts by the President to—

(1) strictly enforce through the United Nations Security Council all relevant Security Council resolutions applicable to Iraq and encourages him in those efforts; and

(2) obtain prompt and decisive action by the Security Council to ensure that Iraq abandons its strategy of delay, evasion and noncompliance and promptly and strictly complies with all relevant Security Council resolutions.

SEC. 3. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION.—The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to—

(1) defend the national security of the United States against the continuing threat posed by Iraq; and

(2) enforce all relevant United Nations Security Council Resolutions regarding Iraq.

(b) PRESIDENTIAL DETERMINATION.—In connection with the exercise of the authority granted in subsection (a) to use force the President shall, prior to such exercise or as soon there after as may be feasible, but not later than 48 hours after exercising such authority, make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) reliance by the United States on further diplomatic or other peaceful means alone either (A) will not adequately protect the national security of the United States against the continuing threat posed by Iraq or (B) is not likely to lead to enforcement of all relevant United Nations Security Council resolutions regarding Iraq; and

(2) acting pursuant to this resolution is consistent with the United States and other countries continuing to take the necessary actions against international terrorists and terrorist organizations, including those nations, organizations or persons who planned, authorized, committed or aided the terrorists attacks that occurred on September 11, 2001.

(c) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supersedes any requirement of the War Powers Resolution.

SEC. 4. REPORTS TO CONGRESS.

(a) The President shall, at least once every 60 days, submit to the Congress a report on matters relevant to this joint resolution, including actions taken pursuant to the exercise of authority granted in section 2 and the status of planning for efforts that are expected to be required after such actions are completed, including those actions described in section 7 of Public Law 105–338 (the Iraq Liberation Act of 1998).

(b) To the extent that the submission of any report described in subsection (a) coincides with the submission of any other report on matters relevant to this joint resolution otherwise required to be submitted to Congress pursuant to the reporting requirements of Public Law 93–148 (the War Powers Resolution), all such reports may be submitted as a single consolidated report to the Congress.

(c) To the extent that this information required by section 3 of Public Law 102–1 is included in the report required by this section, such report shall be considered as meeting the requirements of section 3 of Public Law 102–1.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 332—RECOGNIZING THE "CODE ADAM" CHILD SAFETY PROGRAM, COMMENDING RETAIL BUSINESS ESTABLISHMENTS THAT HAVE IMPLEMENTED PROGRAMS TO PROTECT CHILDREN FROM ABDUCTION, AND URGING RETAIL BUSINESS ESTABLISHMENTS THAT HAVE NOT IMPLEMENTED SUCH PROGRAM TO CONSIDER DOING SO

Mrs. CLINTON submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 332

Whereas protecting children is one of society's greatest responsibilities;

Whereas child abduction, an unconscionable and horrendous crime, seems to be increasing in frequency;

Whereas parents, and all other adults, must be ever vigilant in public places to protect children, who by their very nature are trusting and unsuspecting, from those depraved and vile individuals who would prey on them;

Whereas recognizing the risk of child abduction, some retail business establishments have developed safety procedures and programs designed to prevent abductors from using crowds of shoppers as cover for nefarious acts;

Whereas one of the most successful programs to prevent child abduction is the "Code Adam" alarm developed and implemented by Wal-Mart stores and SAM'S Clubs throughout the Nation; and

Whereas named in tribute to 6-year-old Adam Walsh who was abducted from a shopping mall in the State of Florida and murdered in 1981, the "Code Adam" alarm signals that there is a missing child and alerts all sales personnel in the affected retail business establishment to abandon their normal responsibilities and, in a coordinated and prearranged organized manner, to begin searching for the child and monitoring the establishment exits to ensure that the child is not removed from the establishment: Now, therefore, be it

Resolved, That the Senate recognizes the "Code Adam" child safety program, commends all retail business establishments that have implemented such program to protect children from abduction, and urges retail business establishments that have not implemented such program to consider doing so.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4850. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

SA 4851. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4850. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill insert the following section:

SEC. . COST OF LIVING ADJUSTMENT FOR MEMBERS OF CONGRESS.

Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to cost of living adjustments for Members of Congress) during fiscal year 2003.

SA 4851. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

", *Provided further*, that $200,000 shall be made available for operation of the Mescalero Fish Hatchery, formerly the Mescalero National Fish Hatchery, to be operated under tribal management and control; *Provided further*, That such finding shall be available to the Mescalero Apache Tribe in accordance with the provisions of the Indian Education and Assistance Self-Determination Act, Public Law 93-638".

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I wish to announce that the Committee on Energy and Natural Resources will hold a Business Meeting during the session of the Senate on Thursday, October 3, at 9:30 a.m. in SD-366. The purpose of the Business Meeting is to consider pending calendar business.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, October 2, 2002, at 9:30 a.m. on Airlines Viability in the Current Economic Climate.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Wednesday, October 2, 2002, at 2:00 p.m. to conduct a hearing to review the status and studies of the health impacts of PM-2.5, particularly those effects associated with power plant emissions. The hearing will be held in SD-406.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Stopping Child Pornography: Protecting our Children and the Constitution" on Wednesday, October 2, 2002 in Dirksen Room 226 at 10:00 a.m.

Witness List: Daniel P. Collins, Associate Deputy Attorney General and Chief Privacy Officer, United States Department of Justice, Washington, D.C.; Frederick Schauer, Professor, John F. Kennedy School of Government and Harvard Law School, Cambridge, MA; Anne M. Coughlin, Professor of Law, University of Virginia School of Law, Charlottesville, VA; Ernie Allen, Director, The National Center for Missing and Exploited Children, Alexandria, VA.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LIEBERMAN. Mr. President I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday. October 2, 2002 at 10:00 a.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. LOTT. Mr. President, I ask unanimous consent that privilege of the floor be granted to Wayne Boyles, Jimmy Broughton, Anne Chitwood, David Crotts, Sonja Damuth, Michele Dekonty, Pat Devine, Shane Fernando, Sherri Hupart, Joe Lanier, Matt Leggett, Judy Lovell, Ruthie McGinn, Langley Moretz, Elizabeth Parker, Mary Lynn Qurnell, Jim Schollaert, Kelly Spearman, Ricky Welborn, David Whitney, Sara Battaglia, Jose Cardenas, Richard Douglas, Walter "Skip" Fischer, Brian Fox, Jeffrey Gibbs, Philip Griffin, Kristopher Klaich, Carolyn Leddy, Walter Lohman, Patricia "Patti" McNerney, David Merkel, Lester Munson, Susan Oursler, Maurice Perkins, Jedidiah Royal, Kelly Siekman, and Susan Williams for the duration of this morning's tribute to Senator HELMS of North Carolina.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. LINCOLN. Mr. President, I ask unanimous consent that privilege of the floor be granted to Steven Dettelbach of the Judiciary Committee staff, as well as Elizabeth Pika who serves as a fellow in my office, during the pendency of H.R. 2215, the Department of Justice authorization conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 935 through 998, 1007, 1037, 1038, 1053, and 1054; that the nominations be confirmed, the motion to reconsider be laid on the table, the President be immediately notified of the Senate's action; that any statements thereon be printed in the RECORD, and the Senate then resume legislative session, with the preceding all occurring without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The nominations were considered and confirmed, as follows:

DEPARTMENT OF STATE

James Franklin Jeffrey, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Albania.

James Irvin Gadsden, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Iceland.

Martin George Brennan, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zambia.

Vicki Huddleston, Arizona, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mali.

Donald C. Johnson, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cape Verde.

Jimmy Kolker, of Missouri, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Uganda.

Gail Dennise Thomas Mathieu, of New Jersey, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Niger.

J. Anthony Holmes, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Burkina Faso.

Aurelia E. Brazeal, of Georgia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Democratic Republic of Ethiopia.

Richard L. Baltimore III, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Sultanate of Oman.

THE JUDICIARY

James Knoll Gardner, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Ronald H. Clark, of Texas, to be United States District Judge for the Eastern District of Texas.

Lawrence J. Block, of Virginia, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

Charles E. Erdmann, of Colorado, to be a Judge of the United States Court of Appeals for the Armed Forces for the term of fifteen years to expire on the date prescribed by law.

DEPARTMENT OF DEFENSE

Thomas Forrest Hall, of Oklahoma, to be an Assistant Secretary of Defense.

NOMINATION OF LAWRENCE BLOCK

Mr. HATCH. Mr. President, it is my sincere pleasure to rise in support of the nomination of Lawrence Block to the United States Court of Federal Claims.

Larry hardly needs an introduction, since he has served on the staff of the Judiciary Committee for the past eight years. Those of us who have worked with him know that he is an incredibly talented lawyer whose broad legal experience spans private practice, all three branches of the Federal Government, and academia.

Larry earned a B.A. degree from New York University magna cum laude before earning his law degree from The John Marshall Law School in 1981. He began his legal career as a clerk for the Honorable Roger J. Miner, who at the time was a U.S. District Court Judge for the Northern District of New York and who now sits on the Second Circuit Court of Appeals. After his clerkship, Larry worked as an associate in the high-powered New York office of Skadden, Arps, Slate, Meagher and Flom, where his practice included constitutional claims pertaining to Commerce Clause and commercial speech issues, as well as litigation involving financial services, mergers and acquisitions, securities, labor law, and administrative law.

After several years in private practice, Larry returned to public service, and served with distinction in the Reagan, George H.W. Bush, and Clinton Administrations. From 1986 to 1990, he worked in the U.S. Department of Justice, first in the Commercial Litigation Branch, then as Senior Attorney-Advisor in the Office of Legal Policy and Policy Development. From 1990 to 1994, Larry served as Acting General Counsel for Legal Policy and Deputy Assistant General Counsel for Legal Policy at the U.S. Department of Energy, where he spearheaded a number of complex legal projects. Despite his demanding workload, he found time to teach as an adjunct professor at George Mason University School of Law.

In 1994, I was able to persuade Larry to leave the executive branch to come work for me. I have first-hand knowledge of his legal talents, and have nothing but respect for his abilities, especially in light of the significant health-related obstacles that he has overcome. Several years ago, Larry suffered a debilitating stroke during heart surgery. Although his prognosis was grim, Larry defied the odds by making a full recovery. He is now in excellent health. I know that Larry is proud of having overcome this temporary setback, and I have no doubt that he will take to the federal bench the same perseverance that aided his recovery.

During his tenure on my staff, Larry has amply demonstrated his keen legal mind. But, just as importantly, he has shown repeatedly his fairness and willingness to listen to all sides of an issue before exercising his judgment. This is why he is a staffer admired and respected on both sides of the aisle.

I will miss Larry's sage advice and counsel, but our loss will be the gain of the Court of Claims, where I am confident that Larry will serve as an impartial judge who will follow precedent to achieve uniformity and consistency in the law. I wish him all the best.

NOMINATION OF JAMES GARDNER

Mr. SPECTER. Mr. President, I seek recognition today to express my strong support for Judge James Gardner who President Bush nominated for the United States District Court for the Eastern District of Pennsylvania. The American Bar Association has rated Judge Gardner "well-qualified" to sit on the bench.

Judge Gardner graduated magna cum laude with a B.A. degree from Yale University and received his J.D. degree from Harvard University Law School. After graduating from law school, Judge Gardner joined the law firm of Duane, Morris & Hecksher as an Associate. After leaving that prestigious firm, he became a partner in the law firm of Gardner, Gardner, & Racines in Allentown, Pennsylvania.

He began his career in public service as Solicitor to the Lehigh County Treasurer and later as an Assistant District Attorney in Lehigh County. Judge Gardner served his country on active duty with the United States Navy Judge Advocate General's Corps and in the Navy Reserve. Currently, Judge Gardner serves as a Judge on the Court of Common Pleas of Lehigh County, Pennsylvania. He has served in all divisions of that court and has presided over 265 jury trials and innumerable hearings. He has also written over 1,000 legal opinions and adjudications, 138 of which have been published.

Judge Gardner is very active in his community. He is on the Board of Directors of the Boys and Girls Club of Allentown and the Allentown Police Athletic League. He has been awarded the Meritorious Service Medal from the President of the United States and the Pennsylvania Bar Association's Special Achievement Award.

I thank my colleagues for their vote for the confirmation of Judge Gardner to sit on the United States District Court for the Eastern District of Pennsylvania.

Mr. REID. Mr. President, I simply note that this is clearance of 10 ambassadors, all in one fell swoop. It is very important that we have ambassadors to these countries. I am glad we have accomplished that.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

AMENDING CHARTER OF VETERANS OF FOREIGN WARS ORGANIZATION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 569, H.R. 3838.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3838) to amend the charter for Veterans of Foreign Wars of the United States organization to make members of the armed forces who receive special pay for duty subject to hostile fire or imminent danger eligible for membership in the organization, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid on the table, with no intervening action or debate, and that any statements on this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3838) was read the third time and passed.

AMENDING CHARTER OF AMVETS ORGANIZATION

Mr. REID. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 564, S. 1972.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1972) to amend the charter of the AMVETS organization.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid on the table, with no intervening action or debate, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1972) was read the third time and passed, as follows:

S. 1972

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS TO AMVETS CHARTER.

(a) NAME OF ORGANIZATION.—(1) Sections 22701(a) and 22706 of title 36, United States Code, are amended by striking "AMVETS (American Veterans of World War II, Korea, and Vietnam)" and inserting "AMVETS (American Veterans)".

(2)(A) The heading of chapter 227 of such title is amended to read as follows:

"CHAPTER 227—AMVETS (AMERICAN VETERANS)".

(B) The item relating to such chapter in the table of chapters at the beginning of subtitle II of such title is amended to read as follows:

"227. AMVETS (AMERICAN VETERANS) .... 22701".

(b) GOVERNING BODY.—Section 22704(c)(1) of such title is amended by striking "seven national vice commanders" and all that follows through "a judge advocate," and inserting "two national vice commanders, a finance officer, a judge advocate, a chaplain, six national district commanders,".

(c) HEADQUARTERS AND PRINCIPAL PLACE OF BUSINESS.—Section 22708 of such title is amended—

(1) by striking "the District of Columbia" in the first sentence and inserting "Maryland"; and

(2) by striking "the District of Columbia" in the second sentence and inserting "Maryland".

AMENDING CHARTER OF AMVETS ORGANIZATION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 568, H.R. 3214.

The legislative clerk read as follows:

A bill (H.R. 3214) to amend the charter of the AMVETS organization.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid on the table, that there be no intervening action or debate, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3214) was read the third time and passed.

POW/MIA MEMORIAL FLAG ACT OF 2001

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 1226 and that we now proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1226) to require the display of the POW/MIA flag at the World War II Memorial, the Korean Memorial, and the Vietnam Vets Memorial.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1226) was read the third time and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "POW/MIA Memorial Flag Act of 2001".

SEC. 2. DISPLAY OF POW/MIA FLAG AT WORLD WAR II MEMORIAL, KOREAN WAR MEMORIAL, AND VIETNAM VETERANS MEMORIAL.

(a) REQUIREMENT FOR DISPLAY.—Subsection (d)(3) of section 902 of title 36, United States Code, is amended by striking "The Korean War Veterans Memorial and the Vietnam Veterans Memorial" and inserting "The World War II memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial".

(b) DAYS FOR DISPLAY.—Subsection (c)(2) of that section is amended—

(1) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(2) by inserting before the subparagraph (B), as so redesignated, the following new subparagraph (A):

"(A) in the case of display at the World War II memorial, Korean War Veterans Memorial, and Vietnam Veterans Memorial (required by subsection (d)(3) of this section), any day on which the United States flag is displayed;".

(c) DISPLAY ON EXISTING FLAGPOLE.—No element of the United States Government may construe the amendments made by this section as requiring the acquisition of erection of a new or additional flagpole for purposes of the display of the POW/MIA flag.

STAR PRINT—S. 3011

Mr. REID. Mr. President, I ask unanimous consent that S. 3011 be star printed with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

BIRTH DEFECTS AND DEVELOPMENTAL DISABILITIES PREVENTION ACT OF 2002

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 626, S. 2980.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 2980) to revise and extend the Birth Defect Prevention Act of 1998.

There being no objection, the Senate proceeded to consider the bill, which was reported from the Committee on Health, Education, Labor, and Pensions with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

[Strike the part printed in black brackets and, insert the part printed in italic.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Birth Defects and Developmental Disabilities Prevention Act of 2002".

[SEC. 2. NATIONAL CENTER ON BIRTH DEFECTS AND DEVELOPMENTAL DISABILITIES.

[Section 317C of the Public Health Service Act (42 U.S.C. 247b–4) is amended—

[(1) in subsection (a)(2)—

[(A) in subparagraph (A)—

[(i) by striking "and developmental disabilities" and inserting ", developmental disabilities, and disabilities and health"; and

[(ii) by striking "subsection (d)(2)" and inserting "subsection (c)(2)";

[(B) in subparagraph (B), by striking "and" at the end;

[(C) in subparagraph (C), by striking the period; and

[(D) by adding at the end the following:

["(D) to conduct research on and to promote the prevention (including the prevention of secondary conditions) of such birth defects and disabilities; and

["(E) to support a National Spina Bifida Program to prevent and reduce suffering from the nation's most common permanently disabling birth defect.";

[(2) by striking subsection (b);

[(3) in subsection (d)—

[(A) in the matter preceding paragraph (1), by striking "1999" and inserting "2004";

[(B) in paragraph (1)—

[(i) by inserting "and developmental disabilities" after "defects" each place that such appears; and

[(ii) by inserting "and affected quality of life" before the semicolon;

[(C) in paragraph (3), by inserting "and developmental disabilities" after "defects";

[(D) in paragraph (4), by striking "and" at the end;

[(E) by redesignating paragraph (5) as paragraph (7); and

[(F) by inserting after paragraph (4), the following:

["(5) contains information on the incidence and prevalence of individuals living with birth defects and disabilities, any health disparities experienced by such individuals, and recommendations for improving the health and wellness and quality of life of such individuals;

["(6) contains a summary of recommendations from all birth defects research conferences sponsored by the agency including conferences related to spina bifida; and";

[(4) in subsection (e)—

[(A) by inserting ", including section 444 of the General Education Provisions Act," after "privacy of information"; and

[(B) by inserting before the period the following: ", except that the Centers for Disease Control and Prevention shall have access to information under section 444(b)(1)(F) of such Act solely for purposes of carrying out subsection (a)(1) of this section and shall otherwise comply with all other requirements of such section 444";

[(5) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively;

[(6) by inserting after subsection (d) (as so redesignated), the following:

["(e) ADVISORY COMMITTEE.—Notwithstanding any other provision of law, the members of the advisory committee appointed by the Director of the National Center for Environmental Health that have expertise in birth defects, developmental disabilities, and disabilities and health shall be transferred to the National Center on Birth Defects on the date of enactment of the Birth Defects and Developmental Disabilities Prevention Act of 2002."; and

[(7) in subsection (f), by striking "$30,000,000" and all that follows and inserting "such sums as may be necessary for each of fiscal years 2003 through 2007.".]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Birth Defects and Developmental Disabilities Prevention Act of 2002".

SEC. 2. NATIONAL CENTER ON BIRTH DEFECTS AND DEVELOPMENTAL DISABILITIES.

Section 317C of the Public Health Service Act (42 U.S.C. 247b–4) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (A)—

(i) by striking "and developmental disabilities" and inserting ", developmental disabilities, and disabilities and health"; and

(ii) by striking "subsection (d)(2)" and inserting "subsection (c)(2)";

(B) in subparagraph (B), by striking "and" at the end;

(C) in subparagraph (C), by striking the period; and

(D) by adding at the end the following:

"(D) to conduct research on and to promote the prevention of such birth defects, disabilities, and the prevention of secondary health conditions among individuals with disabilities; and

"(E) to support a National Spina Bifida Program to prevent and reduce suffering from the nation's most common permanently disabling birth defect.";

(2) by striking subsection (b);

(3) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking "1999" and inserting "2004";

(B) by striking paragraph (1) and inserting the following:

"(1) contains information regarding the incidence and prevalence of birth defects, developmental disabilities, and the health status of individuals with disabilities and the extent to which these conditions have contributed to the incidence and prevalence of infant mortality and affected quality of life;";

(C) in paragraph (3), by inserting ", developmental disabilities, and secondary health conditions among individuals with disabilities" after "defects";

(D) in paragraph (4), by striking "and" at the end;

(E) by redesignating paragraph (5) as paragraph (7); and

(F) by inserting after paragraph (4), the following:

"(5) contains information on the incidence and prevalence of individuals living with birth defects and disabilities, developmental disabilities, and the health status of individuals with disabilities, any health disparities experienced by such individuals, and recommendations for improving the health and wellness and quality of life of such individuals;

"(6) contains a summary of recommendations from all birth defects research conferences sponsored by the agency including conferences related to spina bifida; and";

(4) in subsection (e)—

(A) by inserting ", including section 444 of the General Education Provisions Act," after "privacy of information"; and

(B) by inserting before the period the following: ", except that the Centers for Disease Control and Prevention shall have access to information under section 444(b)(1)(F) of such Act solely for purposes of carrying out subsection (a)(2) of this section and shall otherwise comply with all other requirements of such section 444";

(5) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively;

(6) by inserting after subsection (d) (as so redesignated), the following:

"(e) ADVISORY COMMITTEE.—Notwithstanding any other provision of law, the members of the advisory committee appointed by the Director of the National Center for Environmental Health that have expertise in birth defects, developmental disabilities, and disabilities and health shall be transferred to and shall advise the National Center on Birth Defects and Developmental Disabilities on the date of enactment of the Birth Defects and Developmental Disabilities Prevention Act of 2002."; and

(7) in subsection (f), by striking "$30,000,000" and all that follows and inserting "such sums as may be necessary for each of fiscal years 2003 through 2007.".

SEC. 3. TECHNICAL CORRECTIONS FOR STATE COUNCILS ON DEVELOPMENTAL DISABILITIES

Section 122(a) of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 3 U.S.C. 15022(a)) is amended—

(1) in paragraph (3)(A)(ii), by inserting before the period the following: ", the amount received by the State for the previous year, or the amount of Federal appropriations received in fiscal years 2000, 2001, or 2002, whichever is greater"; and

(2) in paragraph (4)(A)(ii), by inserting before the period the following: ", the amount received by the State for the previous year, or the amount of Federal appropriations received in fiscal years 2000, 2001, or 2002, whichever is greater".

Mr. KENNEDY. Mr. President, birth defects are the leading cause of infant mortality in the United States. They account for more than 20 percent of all infant deaths. Of the nearly 120,000 babies born in the United States each year with a birth defect, 8,000 will die during their first year of life. This tragic loss of life is unconscionable and unacceptable when so many birth defects are preventable.

This legislation will provide new hope for families across the country by developing better ways to identify the causes of birth defects, better ways to prevent them, and better ways to apply what we already know.

The legislation gives strong new support to the National Center on Birth Defects and Developmental Disabilities in the ongoing effort to improve the health of the nation's children. The Center's leadership in reducing birth defects by educating pregnant women about the benefits of folic acid and the dangers of alcohol and drugs, can save thousands of children from suffering the lifelong effects of preventable birth defects.

I urge the Senate to approve this bipartisan legislation, and I commend Senator BOND and Senator DODD for their leadership and their continuing commitment to improving the health of children.

Mr. REID. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to, the bill, as amended, be read the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2980), as amended, was read the third time and passed.

MEASURE READ THE FIRST TIME—H.R. 4793

Mr. REID. Mr. President, I understand H.R. 4793 is now at the desk, having come over from the House. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (H.R. 4793) to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases.

Mr. REID. Mr. President, I ask for its second reading, and I object to my own request on behalf of my colleagues.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

MEASURE READ THE FIRST TIME—H.R. 3534

Mr. REID. Mr. President, H.R. 3534 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The legislative clerk read as follows:

A bill (H.R. 3534) to provide for the settlement of certain land claims of Cherokee, Choctaw, and Chickasaw Nations to the Arkansas Riverbed in Oklahoma.

Mr. REID. Mr. President, I ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

ORDERS FOR THURSDAY, OCTOBER 3, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m., Thursday, October 3; that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and there then be a period for the transaction of morning business until 11:30 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the first half of the time under the control of Senator LOTT or his designee, and the second half of the time under the control of the majority leader or his designee; that at 11:30 a.m., the Senate resume consideration of the Department of Justice authorization conference report and vote on cloture; further, that the live quorums with respect to the filed cloture motions be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:45 p.m., adjourned until Thursday, October 3, 2002, at 10 a.m.

NOMINATIONS

Executive nomination received by the Senate October 2, 2002:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

MARK B. MCCLELLAN, OF THE DISTRICT OF COLUMBIA, TO BE COMMISSIONER OF FOOD AND DRUGS, DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE JANE E. HENNEY, RESIGNED.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate October 2, 2002:

DEPARTMENT OF STATE

JAMES FRANKLIN JEFFREY, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ALBANIA.

JAMES IRVIN GADSDEN, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ICELAND.

MARTIN GEORGE BRENNAN, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZAMBIA.

VICKI HUDDLESTON, OF ARIZONA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALI.

DONALD C. JOHNSON, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CAPE VERDE.

JIMMY KOLKER, OF MISSOURI, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF UGANDA.

GAIL DENNISE THOMAS MATHIEU, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NIGER.

J. ANTHONY HOLMES, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BURKINA FASO.

AURELIA E. BRAZEAL, OF GEORGIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA.

RICHARD L. BALTIMORE III, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES TO THE SULTANATE OF OMAN.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

JAMES KNOLL GARDNER, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

RONALD H. CLARK, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TEXAS.

LAWRENCE J. BLOCK, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS.

CHARLES E. ERDMANN, OF COLORADO, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES FOR THE TERM OF FIFTEEN YEARS TO EXPIRE ON THE DATE PRESCRIBED BY LAW.

DEPARTMENT OF DEFENSE

THOMAS FORREST HALL, OF OKLAHOMA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

HOUSE OF REPRESENTATIVES—*Wednesday, October 2, 2002*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. FOSSELLA).

WASHINGTON, DC,
October 2, 2002.

I hereby appoint the Honorable VITO FOSSELLA to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

Rabbi Gerald M. Kane, Temple Beth El, Las Cruces, New Mexico, offered the following prayer:

Dear God, Author of life, Creator of all:

As we gather today in this history-packed, awesome Chamber, we ask Your blessing on our esteemed Representatives as they continue to help chart a course for our Nation and its citizens.

Although the times in which we are blessed to live provide them with many legislative challenges, may they, guided by Your wisdom, seek the very best ways to keep our country free from prejudice, oppression and strife.

In these days of turbulence in our world, keep them steady in their deliberations. Inspire them to continue in their quest, not just for us, but for all citizens of this planet, to promote the values upon which this great Nation was founded: justice, liberty, equality, freedom and peace.

Let Your blessing rest upon them and be near to them. Grant them strength of body, of health, of mind.

Lift up Your countenance upon us all, and grant us Your most precious of blessings, the gift of shalom—balance and peace. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MCNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. MCNULTY) come forward and lead the House in the Pledge of Allegiance.

Mr. MCNULTY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain one 1-minute speech at this point.

WELCOMING RABBI GERALD KANE

(Mr. SKEEN asked and was given permission to address the House for 1 minute.)

Mr. SKEEN. Mr. Speaker, it is my pleasure to welcome our guest chaplain, Rabbi Gerald Kane, the rabbi of Temple Beth El in Las Cruces, New Mexico. Jewish pioneers have played an important role in the development of New Mexico for almost 200 years. Since the establishment of the first synagogue in 1883, New Mexico has benefited from the wisdom of many learned Jewish leaders. Rabbi Kane has continued that proud tradition. He grew up in New Jersey and graduated from the University of Buffalo. He was ordained from Hebrew Union College in 1970. For his long record of distinguished service, he received a doctor of divinity from Hebrew Union College in 1995. Rabbi Kane has helped guide many outstanding organizations around the United States. He has worked tirelessly for education and interfaith cooperation throughout our communities. He created programs to stop violence toward women and children and for supporting the battle on mental health. Southern New Mexico has also benefited from his love of the theater and his commitment to bring the arts to students everywhere. I welcome Rabbi Kane to the House of Representatives and thank him for his opening prayer this morning.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will put the question on approving the Journal and on motions to suspend the rules on which further proceedings were postponed on Tuesday, October 1, in the order in which that motion was entertained.

Votes will be taken in the following order:

Approving the Journal, de novo;

House Concurrent Resolution 476, by the yeas and nays;

H.R. 2357, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. BONO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 343, nays 55, answered "present" 1, not voting 32, as follows:

[Roll No. 427]

YEAS—343

Abercrombie
Ackerman
Akin
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett
Bartlett
Bass
Becerra
Bentsen
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Coble
Collins
Combest
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
Eshoo
Evans
Everett
Farr
Fattah
Flake
Fletcher
Foley
Forbes
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Horn
Hostettler
Houghton
Hoyer
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larson (CT)
LaTourette
Leach
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
Meehan
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanders
Sandlin
Sawyer
Saxton
Schiff
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Sullivan
Sununu
Sweeney
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (FL)

NAYS—55

Aderholt
Baird
Baldwin
Borski
Brady (PA)
Capuano
Condit
Costello
DeFazio
English
Etheridge
Ferguson
Filner
Ford
Green (TX)
Gutierrez
Gutknecht
Hefley
Hilliard
Hinchey
Holt
Hooley
Hulshof
Kennedy (MN)
Larsen (WA)
Latham
Lee
LoBiondo
Markey
McGovern
McNulty
Moore
Nussle
Oberstar
Obey
Olver
Pallone
Peterson (MN)
Ramstad
Sabo
Schaffer
Schakowsky
Sherman
Slaughter
Strickland
Stupak
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (CO)
Udall (NM)
Visclosky
Waters
Weller
Wu

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—32

Barton
Bereuter
Blunt
Bonior
Brown (OH)
Clay
Conyers
Cooksey
Cox
Crane
Davis (FL)
Deal
Deutsch
Ehrlich
Gephardt
Gillmor
Hastings (FL)
Hilleary
Hyde
Johnson, Sam
Levin
Mascara
McDermott
McKinney
Meek (FL)
Platts
Roukema
Sanchez
Schrock
Stump
Tanner
Young (AK)

□ 1029

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. COX. Mr. Speaker, on the rollcall votes scheduled for Tuesday evening and Wednesday morning, October 1 and 2, I was unable to vote in consequence of travel outside of Washington, DC.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOSSELLA). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each motion to suspend the rules on which the Chair has postponed further proceedings.

EXPRESSING SUPPORT FOR GOALS AND IDEAS OF DAY OF TRIBUTE TO ALL FIREFIGHTERS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 476.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 476, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 0, not voting 24, as follows:

[Roll No. 428]

YEAS—407

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone

Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Sabo
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—24

Bereuter
Bonior
Brown (OH)
Burr
Clay
Conyers
Cox
Davis (FL)
Deal
Deutsch
Ehrlich
Hastings (FL)
Hilleary
Larson (CT)
Levin
Mascara
McDermott
Roukema
Ryun (KS)
Sanchez
Schrock
Stump
Tanner
Young (AK)

☐ 1037

So (two-thirds having voted in favor thereof) the rules were suspended and the current resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. LARSON of Connecticut. Mr. Speaker, on rollcall No. 428, had I been present, I would have voted "yea."

Mr. RYUN of Kansas. Mr. Speaker, on rollcall No. 428, I was inadvertently detained. Had I been present, I would have voted "yea."

HOUSE OF WORSHIP POLITICAL SPEECH PROTECTION ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 2357.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HERGER) that the House suspend the rules and pass the bill, H.R. 2357, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 178, nays 239, not voting 14, as follows:

[Roll No. 429]

YEAS—178

Akin
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bilirakis
Blunt
Bonilla
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Chabot
Chambliss
Clement
Coble
Collins
Combest
Condit
Cooksey
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
DeLay
DeMint
Diaz-Balart
Doolittle
Duncan
Dunn
Ehlers
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Gibbons
Gillmor
Goode
Goodlatte
Graham
Granger
Graves
Green (WI)
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hoekstra
Hostettler
Hulshof
Hyde
Isakson
Issa
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
LaHood
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Otter
Oxley
Paul
Pence
Peterson (PA)
Phelps
Pickering
Pitts
Pombo
Portman
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sununu
Tancredo
Tauzin
Taylor (NC)
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Vitter
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—239

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bishop
Blagojevich
Blumenauer
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Buyer
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clayton
Clyburn
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Ganske
Gekas
Gephardt
Gilchrest
Gilman
Gonzalez
Gordon
Goss
Green (TX)
Greenwood
Gutierrez
Harman
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
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Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
Langevin
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Larsen (WA)
Larson (CT)
Latham
LaTourette
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Lee
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Lewis (CA)
Lewis (GA)
Lofgren
Lowey
Luther
Lynch
Maloney (CT)
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Markey
Matheson
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McCarthy (MO)
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McCollum
McDermott
McGovern
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Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
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Price (NC)
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Quinn
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Roemer
Ross
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Roybal-Allard
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Schakowsky
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Smith (WA)
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Towns
Turner
Udall (CO)
Udall (NM)
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Walden
Waters
Watson (CA)
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Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOT VOTING—14

Clay
Cox
Deal
Deutsch
Ehrlich
Hastings (FL)
Hilleary
Hunter
Mascara
Roukema
Sanchez
Schrock
Stump
Tanner

☐ 1047

Mrs. BONO and Ms. MCKINNEY changed their vote from "yea" to "nay."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. GEKAS. Mr. Speaker, this morning during rollcall vote No. 429 on H.R. 2357, I inadvertently cast a vote in the negative. H.R. 2357, The House of Worship Political Protection Act would not have passed had I voted in the affirmative, however, as a principled and strong supporter of the measure, I would like the CONGRESSIONAL RECORD to reflect that is was my intention to vote for the bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOSSELLA). The Chair will entertain 15 1-minutes.

AMERICA HAS LOST ONE OF ITS GREATEST SUPPORTERS OF EDUCATION, AMBASSADOR WALTER ANNENBERG

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, yesterday the United States lost a true patriot. Ambassador Walter Annenberg, who represented America to the Court of St. James, was a brilliant business and political leader, patron of the arts, and one of our Nation's greatest supporters of education.

He touched this institution recently as his foundation was among the first to volunteer support for the U.S. Capitol Visitor's Center. Just last month, he underwrote our important trip to New York to memorialize September 11.

I will never forget, 2 years ago at her birthday dinner, when he said that the most important thing he did was to marry Lee. This past Sunday, Lee and Walter Annenberg celebrated their 51st wedding anniversary.

I shall miss his advice, counsel, and encouragement, and I know, Mr. Speaker, that I speak for everyone in this great body when, with appreciation for all that Walter did, I extend our thoughts and prayers to the Annenberg family.

INTRODUCTION OF DIGITAL CHOICE AND FREEDOM ACT OF 2002

(Ms. LOFGREN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LOFGREN. Mr. Speaker, today I introduced the Digital Choice and Freedom Act of 2002. Copyright laws have always sought to strike a fair balance between copyright holders and society. Copyright protection encourages and rewards authors; but, as the Supreme Court stated in Twentieth Century Music Corp. versus Aiken, "Private motivation must ultimately serve the cause of promoting broad public availability. . . ."

To maintain the balance in the digital age, we must find ways to prevent digital pirates without treating every consumer as one. Yes, digital allows perfect copies to be distributed over the Internet, but digital technology also lets copyright holders control how consumers enjoy the books, music, and movies they buy.

Online publishers do not just set the price, they can control where, when and for how long buyers use and enjoy what they bought, contrary to the intent of Congress and the DMCA.

My bill restores the balance by letting buyers enjoy what they bought in their home, car, or in mobile devices.

The bill also helps copyright holders by promoting digital alternatives that are affordable, reliable, secure, and respectful of consumers. Providing room for technological innovation will also spur economic growth and lead to more jobs.

AMBASSADOR WELCH

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the U.S. Ambassador to Egypt, David Welch, recently published an op ed in an Egyptian newspaper encouraging newspaper editors to be more careful about vetting articles before publishing them. There has been an upsurge of hate speech and commentary in that region suggesting that al-Qaeda was not responsible for the attack on 9/11. Ambassador Welch rightly pointed out that there is overwhelming and conclusive proof that al-Qaeda planned and executed the attack, including al-Qaeda's own admission.

Newspapers have a responsibility to report the truth, and not to repeat lies and ridiculous rumors. Now our Ambassador has a bunch of Egyptian columnists, writers, and cartoonists angry with him. They issued a statement that he should go back to his country, and accused him of only seeing the region through Israeli eyes.

Egypt is a friend and ally of the United States, but I think it would be appropriate for that country's journalists to treat Ambassador Welch with more respect and to report the truth, just as Ambassador Welch has suggested.

DOMESTIC VIOLENCE AWARENESS MONTH

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, I rise today in recognition of National Domestic Violence Awareness Month.

Family violence is an epidemic affecting 25 percent of the population, and women account for 85 percent of the victims of domestic violence; but only half of female victims of violence report an injury, and of those, only 20 percent seek medical assistance.

Mr. Speaker, along with many of my colleagues, I have been working to address and combat the prevalence of domestic violence in our society. For example, the gentleman from Ohio (Mr. LATOURETTE) and I authored legislation to provide women over 18 with the opportunity for domestic violence screening and treatment services.

In addition, the gentleman from Ohio (Mr. LATOURETTE) and I have introduced a bill to establish an Office of Family Violence at the Department of Health and Human Services. This new office would facilitate coordination between the health sector, the justice system, and social services in the prevention of family violence.

This month, let us remember the importance of the national campaign to raise domestic violence awareness. This campaign is critical to eliminating all forms of violence perpetrated against women, children, and men. We must stop the cycle of violence.

INTRODUCTION OF HOUSE RESOLUTION 567, COMMENDING IMPORTANCE OF SURFACE TRANSPORTATION INFRASTRUCTURE COMMUNITY

(Mr. GARY G. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARY G. MILLER of California. Mr. Speaker, last night I introduced House Resolution 567, commending the importance of the surface transportation infrastructure community. This integral aspect of our economy has continually provided and maintained a system of transportation that facilitates commerce and provides consistent modes of transit for the traveling public.

House Resolution 567 recognizes the construction industry, which has continually provided us with a safe and efficient system of roadways; the trucking and rail industry, which ensures that each town and city in America is promptly provided with the goods and services it needs; and our system of public transportation, for providing us with a safe and viable means of travel.

I also would like to thank the gentleman from Florida (Chairman YOUNG) and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), for supporting this bill.

URGING CONGRESS TO COMPLETE LEGISLATION AUTHORIZING DEPARTMENT OF HOMELAND SECURITY

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, America is about to go to war. One of the fundamental principles of war is that before we project force, we secure our base of operations and supply lines.

In July of this year, the House of Representatives labored mightily for hours and days and weeks to craft legislation creating a new Department of Homeland Security. We passed legislation to secure our base and ensure lines of communication between those who ensure our domestic tranquility.

As we prepare to engage an enemy capable of attacking our Nation and our homeland, I rise today to urge my colleagues in the other body to act. This Congress must not adjourn before the elections until we create a Department of Homeland Security, and prepare this Nation for the realities and the dangers that lie ahead.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members will be reminded not to urge action from the other body.

RECOMMENDING PASSAGE OF A COMPREHENSIVE AND BALANCED ENERGY PLAN

(Mr. REHBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REHBERG. Mr. Speaker, another week has passed without a comprehensive and balanced energy plan. In the first 6 months of this year, we paid terrorists an average of $13 million a day for their oil. This must end. Because America does not have a comprehensive energy plan, we continue to purchase oil from the Middle East; but there is a balanced plan, and it does include increasing domestic oil production.

More domestic oil will give us a stable supply and allow us to diminish our dependence on foreign oil. From January to June, we paid $2.3 billion to the countries that give suicide bombers thousands of dollars to threaten the very existence of democracy.

Total reliance on energy resources from nations that harbor animosity towards America and our allies must become a thing of the past. Mr. Speaker, we need to unify as Americans and pass a comprehensive and balanced energy plan. The security of our Nation depends on eliminating our dependence on foreign oil.

SENSE OF HOUSE THAT CONGRESS SHOULD COMPLETE ACTION ON H.R. 4019, PERMANENT MARRIAGE PENALTY RELIEF ACT OF 2002

Mr. WELLER. Mr. Speaker, pursuant to House Resolution 547, I call up the resolution (H. Res. 543) expressing the sense of the House that Congress should complete action on H.R. 4019, making marriage tax relief permanent, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of H. Res. 543 is as follows:

H. RES. 543

Whereas there are more than 36,000,000 American working couples that are affected by the unfair marriage tax penalty;

Whereas this unfair tax punishes our society's most basic institution by discouraging couples from getting married;

Whereas this burdensome tax forces married couples to pay higher taxes than they would if they were single;

Whereas a bipartisan majority of the House of Representatives passed H.R. 4019 on June 13, 2002, permanently extending the marriage penalty relief provided by the Economic Growth and Tax Relief Reconciliation Act of 2001;

Whereas failure to enact permanent marriage tax relief will reimpose the unfair marriage tax penalty after 2010 on more than 36,000,000 married working couples;

Whereas permanent marriage tax penalty relief will encourage and promote the values of marriage, family and hard work; and

Whereas the Senate has not passed H.R. 4019 or equivalent legislation: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the Congress should complete action on H.R. 4019 and the Congress should present it to the President prior to adjournment of the 107th Congress so that 36,000,000 married couples can benefit from permanent marriage penalty tax relief.

The SPEAKER pro tempore. Pursuant to House Resolution 547, the gentleman from Illinois (Mr. WELLER) and the gentleman from California (Mr. MATSUI) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the opportunity to bring House Resolution 543, expressing the sense of the House that Congress should complete action on H.R. 4019, before the House today.

H.R. 4019, which passed the House on June 13, 2002 by an overwhelming bipartisan vote of 271 to 142, makes the marriage tax penalty relief provisions of the Economic Growth and Tax Relief Act of 2001 permanent.

There are 42 million American working families, 42 million American working couples, that are impacted by the unfair marriage tax penalty and who would benefit from this legislation.

My colleagues and I have often asked ourselves, is it right, is it fair, that under the Tax Code, that 42 million married working couples pay on average higher taxes, almost $1,700 more, just because they are married. Is that right? Is it fair that we punish society's most basic institution? We need to permanently eliminate the marriage tax penalty.

□ 1100

Last year's tax legislation, which we nicknamed the Bush tax cut, included efforts to eliminate the marriage tax penalty. It was signed into law by President Bush on June 6, 2001. Unfortunately, that legislation was temporary and expires in just a few short years.

We helped married couples in a number of ways by eliminating the marriage tax penalty. First, we doubled the standard deduction to twice that of singles, helping families that do not itemize their income taxes. It is estimated that 21 million American families will be affected by provisions relating to the standard deduction each year.

Second, we help those who itemize such as home owners and those who give to their church, charity or synagogue by widening the 15 percent tax bracket. And it is estimated that 20 million American couples benefit from the widening of the 15 percent tax bracket to twice that of singles.

Third, we also help the working poor by eliminating the marriage tax penalty which existed in the earned income credit. This is currently helping 4 million low-income working couples annually, many who have children.

Since 1969 our tax laws punished married couples when both the husband and wife were in the workforce. For no other reason than to be joined in holy matrimony 42 million married working couples who are both in the workforce pay higher taxes, what we call the marriage tax penalty, each year. They pay more in taxes than if they just lived together as two singles.

Not only is the marriage tax penalty unfair, it is just plain wrong that our Tax Code has punished society's most basic institution. The marriage tax penalty exacts a disproportionate toll on working women and also on lower-income couples with children, all the more reason to make this legislation permanent.

Many are familiar with a young couple from the district that I represent, Shad and Michelle Hallihan and how they suffered the unfair marriage tax penalty. And I have also recently introduced another couple from my district, Jose and Magdalena Castillo of Joliet, Illinois. And Jose and Magdalena Castillo have a combined salary of almost $82,000 a year. Jose earns $57,000 and Magdalena earns $25,000. They suffer on average a $1,125 marriage tax penalty. They have two children, Eduardo and Carolina. And as a result of the tax law passed last year, their marriage tax penalty will be reduced under the Bush tax cut under the marriage tax penalty provisions by $1,125; and that is real money in Joliet, Illinois. This represents a 12 percent overall tax cut for the Castillo family.

Imagine the opportunities that this creates for the Castillo family and millions of other middle-income working families benefiting from our efforts to eliminate the marriage tax penalty. With that $1,125 the Castillos can start saving for their children's college education, save for their retirement, or put a small down payment on a new home. The bottom line is the marriage tax penalty of $1,125 or the average marriage tax penalty of $1,700 is real money to real American working families.

Overall, in my home State of Illinois 1,149,196 couples will receive a total of $2 billion in marriage tax relief because of tax law changes that we have passed into law this past year.

What Congress must do now is to make sure that American families know that this much deserved tax relief will not be taken away. Think about that. Married couples are now threatened with higher taxes unless we make our efforts to eliminate the marriage tax penalty permanent. We must make marriage tax penalty relief permanent for 42 million American working couples. That is 84 million taxpayers that benefited from our legislation.

As unfair as the marriage tax penalty is, it seems even more unfair to consider telling couples like Shad and Michelle Hallihan or Jose and Magdalena Castillo that in a few years they must bear the burden of higher taxes, and in Jose and Magdalena's case it will be $1,125 in higher taxes if we fail to make our efforts permanent and permanently eliminate the marriage tax penalty.

As my colleagues already know, the House has passed our legislation, overwhelmingly passed this legislation with an overwhelming bipartisan vote. Almost 60 Democrats joined with every House Republican in voting to eliminate the marriage tax penalty permanently. But the Senate has not yet acted.

Mr. Speaker, H. Res. 543 expresses the sense of the House that H.R. 4019 should become law. H.R. 4019 is a good bill that encourages and rewards the values that we most hold dear: marriage, family, and hard work. I encourage and ask my colleagues in this House to vote for H. Res. 543, making marriage tax penalty relief a permanent part of our Tax Code. Let us not raise taxes on working families. Let us keep this marriage tax penalty relief permanent and prevent that tax increase.

Mr. Speaker, I reserve the balance of my time.

Mr. MATSUI. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, just so everyone understands exactly what we have before us on the floor of the House today, this is a resolution. And this resolution basically asks the Senate to consider a bill that we passed some months ago and sent to the Senate. And what is somewhat interesting about this resolution is that when one sends a bill to the United States Senate, one expects the Senate to understand that since the majority of Members sent it over there, that we support it as a body and, therefore, we request that they take action on it.

And so what we are doing today basically is meaningless. It has no relevancy. And it is just basically taking up a lot of our time because the other body knows that we want a piece of legislation that was sent over there to be passed. We do not have to tell them again.

And if some people feel anxious about this, which obviously some people do, the best thing to do is walk over there. It takes about 5 minutes to walk to the other body and suggest to the other body that they take it up. And if the other body says, I do not want to take it up, then ask why, and then you can begin a dialogue. But to send over a resolution that is meaningless, that has no relevance, again, is wasting our time.

Now, I have to say that there are three issues that we have to decide before we adjourn in another week or 2 weeks. One, obviously, is the issue of Iraq, a very important issue and one that we all have an obligation to address.

The second issue, obviously, is our war against terrorism. And hopefully we will be able to take action on that in terms of the Homeland Security Department and others over the next couple of weeks.

The third, obviously, is our national economy. And that means we have an obligation to the American public, to those people that are working so hard in the Federal Government, to pass the 13 appropriations bills and get them to the President of the United States so that he can sign them. And what is interesting is the fact that as of October 1 we have started a new fiscal year, but we have not yet sent one appropriations bill to the President.

Now, I believe we have passed five in this body and we have sent them over to the other body. But we have eight more that we have not taken up yet. In fact, some are very ready to go because they have passed the subcommittee and Committee on Appropriations, but they are still not brought up. And this all relates and pertains to the economy, Mr. Speaker.

The economy in this country today has major problems. And for us to be talking about a marriage penalty, by the way, which, incidentally, even if we were bringing up the legislation and not a resolution today, this bill that the gentleman from Illinois (Mr. WELLER) is talking about really will not take effect until the year 2010, 8 years from now, 2010. And so what we are doing is not only not relevant, but, secondly, it is not relevant for at least 8 more years or the year 2010. And so what we really should be doing is focusing on our national economy.

Just this last week there were over 400,000, 400,000 claims for new unemployment benefits in this country. The stock market since President Bush has taken the oath of office in January 2001 has gone down 4,000 points, about 38 percent. The average American and many pension funds have lost in excess of $17 trillion, $17 trillion because of the 4,000-point drop in the stock market.

And as a result of that, we should be taking up issues that the American public will be helped by, that will become relevant to the American public, not issues that are 8 years off, not issues that are somewhat meaningless in terms of the individual problems that people have at this particular time. We should be taking up issues, frankly, that have meaning to this economy, the average American, and to those many Americans who have lost their health insurance benefits and also their unemployments benefits.

We have that obligation. That is why we were sent here, to represent the American public on issues that are long term, not marriage penalty that will come into effect in the year 2010, but long-term problems such as Iraq, such as the homeland security issue, and also problems facing the average American today like our national economy.

Mr. Speaker, I reserve the balance of my time.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would note to my good friend from California (Mr. MATSUI) that there are 48,251 married couples who will see higher taxes in the fifth district of California unless we make permanent the elimination of the marriage tax penalty.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, I rise in support of H. Res. 543 and want to commend the gentleman from Illinois (Mr. WELLER) for his leadership on this issue.

Throughout the history of civilization, marriage has been a fundamental building block of society. If it were not for strong families, I think it is safe to say our country would not be the great country that it is today. But this government for far too long has been actually punishing families for staying together and punishing couples for getting married in the first place.

Now, the Welfare Reform Law of 1996 went a long way to reversing this. Unfortunately, some in this Congress want to roll back those reforms, and the authorization bill still has not passed the other body. But the Tax Code itself penalizes couples for getting married. That is absolutely wrong. We had fixed it last year, but it was only a temporary fix. This year, we in the House have passed a bill to make that fix permanent, as it should be. Unfortunately, the other body has not seen fit to bring it up for a vote so that it cannot go to the President and become law.

Mr. Speaker, this is very important legislation. I hope on behalf of every American couple that we can make repeal of the marriage penalty permanent this year. I thank, again, the gentleman for his leadership on the issue.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to myself.

Mr. Speaker, since the gentleman from the State of Illinois (Mr. WELLER) was kind enough to advise me of the amount of marriage penalty relief in the year 2010 and beyond that Californians will receive, I thought it would be important just to reciprocate and advise the gentleman from Illinois (Mr. WELLER) that in the State of Illinois 169,000 unemployed people would be benefited just by extending the unemployed benefit insurance program by a few months. And it would seem to me that that is what we should be doing now, taking care of those people that are unemployed so they can begin to spend money and maybe jump-start our economy and create a little more consumer purchasing power.

Second, I might just point out too, and we do not need to get into the substance of this issue but perhaps it does make some sense, we are predicting deficits as far as the eye can see. And a vote in favor of this resolution, just as a vote we took some months ago on extending the marriage penalty beyond 2010, will invade the Social Security trust fund, thereby further jeopardizing Social Security recipients that are currently receiving benefits. And I think that the American public should be aware of that.

Mr. Speaker, I yield 3 minutes to the gentleman from the State of Michigan (Mr. LEVIN), a member of the Committee on Ways and Means and the ranking Democrat on the Subcommittee on Trade.

Mr. LEVIN. Mr. Speaker, I wanted to pick up the theme of the gentleman from California (Mr. MATSUI), actually both themes.

One of the issues is fiscal irresponsibility, and what the gentleman from Illinois (Mr. WELLER) and others are suggesting is we have a deep hole, so dig it deeper. And as the gentleman from California (Mr. MATSUI) has pointed out, what you are digging out are Social Security monies. These are monies that people pay in taxes for Social Security; and that is the height of fiscal irresponsibility.

But I want to comment on the second theme about unemployment compensation. It is disgraceful that the majority intends to leave here without raising one little finger to help people who are unemployed through no fault of their own in this country. We passed earlier a temporary emergency unemployment compensation program. It terminates on December 28, 2002; but you have not done a darn thing to try to extend it or improve it.

□ 1115

So here are the numbers and the gentleman from California (Mr. MATSUI) mentioned Illinois, but what is true of Illinois is true throughout this country as unemployment stays high; 860,000 workers whose benefits ran out by the end of September and who remain unemployed. This is through no fault of their own or they would not be receiving this money. Add to that 610,000 who are going to, this is an estimate, exhaust their benefits, UC benefits in the final three months of this year.

So we are now up to what, a million and a half people, most of them with families, and then we have another 820,000 unemployed workers who will have their TEUC benefits cut off at the end of December when the program ends. Then added to that, an estimated 800,000 who are going to exhaust their regular benefits for unemployment in January and February. The numbers are staggering.

These are human beings, most of whom have worked all of their working lives and my colleagues come forth here, not having done anything to address their needs, and they want to pass a bill about 2011. What about 2002? What about October, November, December of 2002, not 2011? What about January, February, March of 2003?

This shows the difference between these two parties.

Mr. WELLER. Mr. Speaker, how much time remains, if I might inquire, on each side?

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Illinois (Mr. WELLER) has 22 minutes remaining and the gentleman from California (Mr. MATSUI) has 21 minutes remaining.

Mr. WELLER. Mr. Speaker, as I prepare to yield to the gentleman from California, I have a note to my good friend of Michigan, that there are 61,086 married couples. So if we multiply that by two, that is 122,000 taxpayers in the 12th District of Michigan who will pay higher taxes, just because they are married, if we fail to make elimination of the marriage tax penalty permanent.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I know the other side of the aisle talks that we have not passed any appropriations bills. The Senate, the other body, has only sent the House two bills. I am very careful, I am not going to bad mouth the Senate. I am just making a fact. They have only sent us two appropriations bills, Defense and MILCON which we are going to act upon.

We have sent them 54 bills that the Senate has not acted upon. Some of those are critical. The marriage penalty is the issue, but some of these bills my colleagues talk about like workmen's comp corporate accountability, the energy bill that is critical for California, we have seen the brownouts and the blackouts that we had in the State of California.

Look at the home land security bill. I do not think we ought to leave this body in the House until the Senate has acted on homeland security and leave America vulnerable. We should pass that particular bill but let us just say that since the other body has only sent us two bills, and I cannot talk about what the Senate is doing on the floor, let us take any other body out there, anybody, not the Senate, but let us just say that the House has a budget and this other body has not passed a budget.

Let us say that we have acted in a fiscally responsible way, but yet whatever this other body is, it has no budget, on every bill that they just propose that they add $1 trillion for prescription drugs. They propose that we add $278 billion more in Labor HHS. They propose that we do all these things, knowing that there is no way that when we come to conference, we can do that without bankrupting the country. Yet that other body wants to beat up on Republicans because they will not do their appropriations bills and play the game of politics for the election.

We are not going to play that game. We are going to pass the bills. We are going to do it responsibly. And we will pass a continuing resolution.

I would tell my friends on the marriage penalty, it is wrong. We should give incentive for people getting married, not penalize them. It is not a tax break for the rich. If a person gets married, I want to tell my colleagues, to start off today in a household, my daughter is getting married this next summer. I can tell my colleagues, her husband is a teacher. She is going to be a librarian. They will not make a whole lot of money, and tax relief for getting married will help my daughter and her husband get along. Needless to say, we are going to have to help them get into that first house, and I think many of my colleagues have children for whom they do the same thing.

So it is not a tax break for the rich. It is just wrong to penalize married couples, and let us make this permanent so that millions of Americans will receive the benefit of the marriage penalty.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. While the Chair would congratulate the gentleman from California on being skillful, under our constitutional scheme, the other body he is referring to could only be one other body, and all Members are reminded to avoid characterizations to actions or inactions taken in the Senate.

Mr. MATSUI. Mr. Speaker, I yield myself 1 minute just to make an observation to the gentleman from California (Mr. CUNNINGHAM) who I have a deep amount of respect for and is really a wonderful colleague of mine.

I might just point out that he had said his son was getting married in a few months. My son got married three months ago, but I do not think it makes him feel any better if I tell him that we just passed a resolution to instruct the Senate to take action on a bill that will not take effect until 2011. I do not think that makes him feel he is anymore richer or anymore secure in terms of his economic well-being.

That is what we are talking about: doing something that is irrelevant at a time when in California, I might also point out to the gentleman who just spoke, we have 404,000 Californians that have lost their unemployment benefits; in addition to that, their health insurance benefits. And so unless we take action to extend these unemployment benefits, it is going to be catastrophic to many of these people.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from the State of Maryland (Mr. CARDIN), a member of the House Committee on Ways and Means, a member also of the subcommittee that has jurisdiction over welfare reform.

Mr. CARDIN. Mr. Speaker, I thank the gentleman from California (Mr. MATSUI) for yielding me this time.

Mr. Speaker, this resolution we are going to be spending our time working productively on in this body, but it does give us a chance to talk about the economic program that the Republicans have brought forward, an economic program that has cost this Nation 2 million jobs since March of last year, hardworking people who cannot find employment, people, through no fault of their own, who are now drawing unemployment insurance or who have exhausted their unemployment insurance, people who are trying to maintain their dignity and their mortgage, but instead of addressing their concerns and extending unemployment compensation for the millions of people who have exhausted or will exhaust their unemployment insurance, we are talking about a resolution that has no impact for a long time if it were acted upon by the other body.

Two point seven people seek a job for every job that is open in this country. We do not have enough employment opportunity. We need to have a safety net for those people who are unemployed. Since we debated the resolution last week on this floor, 50,000 more Americans have exhausted their unemployment insurance, and yet this body does nothing to deal with that.

1.5 million Americans are long-term unemployed. 8.1 million Americans are unemployed today. That is as high as it was in March of this year when we acted on an unemployment extended benefit program. The problem is that if we do not act again, the next time we will have a chance to do this will be 5 months from now, and in that 5-month period, 3 million Americans will either lose or exhaust their unemployment insurance.

Mr. Speaker, in 1992, the last recession that we had, this body, the Congress of the United States, enacted 26 weeks of extended benefits on top of the regular unemployment insurance. In this recession, we have done only half as well, 13 weeks. In the last recession, we extended it for 2½ years. We have only done it for 9 months, 9½ months during this recession. It is just not right, Mr. Speaker.

We should be using the time on this floor today to act for the people who need our help today and not on a resolution that has no impact. I think the American people should be outraged that we are not taking the time available to do what is right for this Nation and protect the people who, for no fault of their own, have lost their jobs. We have always done it in the past in a bipartisan way. Democrats and Republicans have come together through every recession in the modern history of this Nation to protect those people who are unemployed, but somehow we do not have time for that in this Congress. Shame on the Republican leadership.

Mr. WELLER. Mr. Speaker, before I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM) to respond to his colleague's comments, I do want to point out that in the 3rd District of Maryland that there are 66,851 married couples who will suffer higher taxes if we fail to make permanent the elimination of the marriage tax penalty. That is why we are here today, to talk about elimination of the marriage tax penalty.

Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, first of all, I tell my colleague, I have got a daughter, not a son, and I have an adopted son, but I am speaking about my daughter.

I would also, when you look at jobs lost in the State of California, Governor Davis frittered away billions of dollars, but now because of energy crisis Buck Knives is moving to Idaho, they save a half a million dollars a month. When my colleague wants to look at loss of jobs and lack of leadership of our governor, take a look at that and how it has affected every job in California.

We have the highest workmen's comp of any of the States in the Nation in the State of California, but if we take a look, a lot of our businesses are leaving because of Gray Davis.

Mr. MATSUI. Mr. Speaker, I yield 4½ minutes to the distinguished gentleman from the State of Wisconsin (Mr. KLECZKA), a member of the Committee on Ways and Means.

Mr. KLECZKA. Mr. Speaker, I am coming to this side of the aisle this morning so my remarks can be heard by my Republican colleagues, especially the gentleman from Illinois (Mr. WELLER).

What are we doing here today? We have before us a resolution which tells the Senate to take up legislation to make the marriage tax repeal permanent. Are they going to get this resolution and take it up? No, because they are debating homeland security. They are going to start debating the President's resolution to provide a preemptive strike on the country of Iraq, and so they have other things that they are doing. So let us see what we are doing.

We are passing a resolution today to ask the Senate to take up a bill that we passed some time ago. What is not being really told here today is that the repeal of the marriage penalty is already law. The President signed that bill last year, and so we are being told by the gentleman from Illinois (Mr. WELLER) that this family from his District, the Castillos, are going to suffer the loss of this marriage penalty which benefits them some $1,125 unless we make this repeal permanent.

Mr. Speaker, the problem is that the Castillos have received nothing from repeal of the marriage penalty. The reason is it does not start to phase out until the year 2005. So the Congress, with the gentleman from Illinois' (Mr. WELLER) support repealed the marriage penalty beginning in 2005 and phasing it to total repeal in 2010. Then what they did in 2011, it comes back into being.

The point I am trying to make is he says that the Castillos are going to get $1,100 and they can do such things as day care for their children.

□ 1130

They can start saving for education for their children, their retirement, or the downpayment on a new home. That is all nonsense. The Castillos in 2002 are going to get zero, in 2003 they are going to get zero, in 2004 they are going to get zero, and in 2005, when we start the phaseout, they will get a total of about $223. So what we are doing here is sheer and utter nonsense.

If my colleague wants to tell the Senate to take action on this bill or any other bill, he can call his two Senators. The taxpayers gave us a phone in the office. Call them.

So the things we are hearing today are just total nonsense. And why are we doing this debate? Well, because the House does not want to take up the appropriation bills. We have passed five of 13 appropriation bills. The Federal fiscal year started yesterday. Eight bills are sitting there waiting for action, and the Republicans in the House of Representatives want to go on telling the Senators what to do. Well, if I were a Senator, I would call the House and say, Do not tell me what to do; I will tell you what to do: take up the other eight appropriation bills. Or, let us start talking on this floor about the shabby state of the economy.

Thousands of jobs have been lost since this President took over. The market has gone down by some 38 percent, meaning millions of Americans have lost trillions of dollars in their retirement accounts. Unemployment has gone up. Yet what are the Republicans talking about in the House of Representatives? Telling the Senate what to do. Let us talk about the economy. Let us debate how we are going to get this ship back on course. The administration is not doing it. They are incensed with starting a war with the country of Iraq and every day their arguments keep shifting.

And if in fact we do that ill-fated deed, that will cost $9 billion a day, adding to the deficit. When this President took over, we had a surplus as far as the eye could see. My colleagues, today we have a $165 billion deficit, and it is growing.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume to note that besides the 548,859 married couples in Wisconsin that will suffer higher taxes if we fail to make permanent the elimination of the marriage tax penalty, the left wing policy gurus for the Democratic party, like Stanley Greenberg, James Carville, Robert Shrum of the Democracy Corps noted in their strategy memo to the Democrats earlier this year that they really need to get behind some of their own initiatives on tax cuts. And making permanent the abolition of the marriage penalty is something that the left wingers even recommend. And I would note that 60 Democrats did vote with us earlier this year to makē permanent the elimination of the marriage tax penalty.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. CRANE), a leader in helping working families.

Mr. CRANE. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of House Resolution 543, calling upon Congress to make marriage penalty relief permanent.

I can think of fewer provisions in the Tax Code that are more offensive than the marriage penalty tax. Why we would continue to punish dual-wage earning families in this regard is absolutely obscene. Congress did the right thing in providing significant relief for over 35 million low- and middle-income married couples when it passed the Economic Growth and Tax Relief Reconciliation Act last year.

Unfortunately, the law with it, the marriage penalty relief provisions, will expire in the year 2011. What happens if the law expires? First, the standard deduction for 21 million married couples will be reduced, forcing an increase in their taxes. Second, the 15 percent tax bracket for married couples will be reduced, thus increasing taxes for 20 million married couples. Overall, we will be looking at a $25 billion tax increase on married couples by 2012.

The time to act is now. Delaying action will, under our scoring rules, only increase the revenue needed to make the current provisions in the Tax Code permanent. This is not a Republican issue or a Democrat issue; it is a families issue. In that regard, I hope we can amass a broad bipartisan vote on this resolution and send a signal to all Americans that we will resolve this issue soon.

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from the State of Texas (Mr. DOGGETT), a member of the Committee on Ways and Means.

Mr. DOGGETT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, in a little over three months, my wife, Libby, and I will celebrate our 34th wedding anniversary. But I recognize that not every family in this country and every individual in this country has been as fortunate as we have. Some have had their marriages cut short by war. Indeed, the very disparity in the Tax Code that is currently called the marriage penalty originated when a World War II widow, who had lost her husband in the defense of our country during the great victory in World War II, came to Congress and said: "I lost my husband. Why should I have to pay higher taxes than those who did not lose their husband and remain married?" She said, "This constitutes discrimination against widows." In response, the Congress tried, though not with great perfection, to correct that penalty.

This is not a debate about the marriage penalty. I have yet to meet a Member of this Congress, in any of the several sessions we have taken up this measure, that has not voted in one form or another to correct the marriage penalty. This is totally about distraction from the ineptness of this Congress.

Now, the specific proposal that the gentleman from Illinois (Mr. WELLER) is advocating is very relevant to our current time. Because, clearly, since Americans will have to do almost all the dying in the war that the Administration wants to start against Saddam Hussein, we will have more war widows in this country. And under the proposal of the gentleman from Illinois, he proposes that those war widows and widowers will have to pay higher taxes than married couples in the same situation.

Additionally, if a woman leaves her husband because she has been battered, she will have to pay higher taxes than a similar woman in the same situation who remains married. If one chooses to be single for whatever reason that individual also will have to pay higher taxes than those in a similar situation who choose to be married.

This is a single person's discrimination act. It does not maintain neutrality without regard to marriage, as it should. That neutrality concept is the one that I favor for our tax code.

There is one aspect of this tax program that has been completely effective, and I think credit is due to the gentleman from Illinois, the Republicans, and the Administration for its effectiveness. If you are an investor and you are getting your third quarter statement about now, you show only losses, no gains. These folks have given you a 100 percent tax cut with this Bush stock market because you do not have any investment income on which to pay taxes. So that aspect of their program has been very effective in cutting taxes.

If you are one of the more than 2 million people who have lost their job since the beginning of last year, you have no earnings to report. Republicans have provided a 100 percent tax cut for you.

This economy and the whole legislative process related to it, have been very effective in reducing the taxes for some Americans. Unfortunately, because Republicans, through this and related resolutions, focus on what might happen in 2011 instead of what is happening in 2002, this has left many Americans behind; many Americans with empty pockets. So these Americans will not be paying any taxes, but they will not have any income either.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume to note, in response to my colleague's claims that somehow single people would pay higher taxes under the legislation signed into law last year, that that is absolutely false. The marriage tax elimination legislation actually makes the Tax Code neutral. So that two single people living together or two married people living together, who are all in the workforce, do not pay higher taxes. So whether you are single or married, we make the Tax Code neutral so that married couples do not pay higher taxes just because they are married.

And let us remember that 58,612 married couples suffer the marriage tax penalty. We want to eliminate it personally. We need bipartisan support in both bodies to achieve that.

Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. RYUN).

Mr. RYUN of Kansas. Mr. Speaker, I urge my colleagues to consider the consequences that the marriage tax penalty holds for married couples and for those considering marriage. The American people are asking why couples should be penalized $1,400 just for saying "I do."

Those who choose marriage as a way of life to raise their children in America today deserve to be rewarded and not penalized. The marriage tax penalty discourages couples from entering the sacred institution of marriage. Married couples with stay-at-home mothers often have to seek out employment while trying to raise a family just to pay their taxes.

While our recent tax cuts began the process of alleviating the tax burden on married couples, one simple truth remains. The marriage tax penalty will be back in full force by the year 2011, when the scheduled cuts will expire and the penalty will be reinstated.

I urge each of us to consider the negative consequences that await us if the marriage tax penalty is not permanently removed. Let us end this regressive tax once and for all.

Mr. MATSUI. Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from the State of Indiana (Mr. VISCLOSKY), a member of the House Committee on Appropriations.

Mr. VISCLOSKY. Mr. Speaker, I appreciate the gentleman yielding me this time, and if I could ask my colleague from Illinois (Mr. WELLER), my good friend, a question before I begin my remarks, I would appreciate that opportunity.

At the end of most of my colleagues' comments, the gentleman from Illinois has pointed out his assertion as to how many couples, working families, et al would be benefited. I am from the first district in Indiana. I thought perhaps we could begin my discussion with those figures now instead of ending with those.

Mr. WELLER. Mr. Speaker, will the gentleman yield?

Mr. VISCLOSKY. I yield to the gentleman from Illinois.

MR. WELLER. What is the gentleman's question again?

Mr. VISCLOSKY. Would the gentleman have an assertion as to how many working families in the First Congressional District he would assert are benefited because of the resolution on the floor today?

Mr. WELLER. If the gentleman will continue to yield, and, of course, I am on the gentleman's time, I would note that the only people who suffer——

Mr. VISCLOSKY. Does the gentleman have a number?

Mr. WELLER. The only people who suffer the marriage tax penalty——

Mr. VISCLOSKY. Do you have a number?

Mr. WELLER. The only people who suffer the marriage tax penalty——

Mr. VISCLOSKY. Well, I will reclaim my time if you do not have a number.

Mr. WELLER. Are those who are working. And there are 54,601 married couples in your district, sir, since you asked——

Mr. VISCLOSKY. Mr. Speaker, I reclaim my time.

Mr. WELLER. Who are working and suffer the marriage tax penalty benefit under this legislation.

Mr. VISCLOSKY. I take my time back, Mr. Speaker.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). The time has been reclaimed by the gentleman from Indiana. The Chair would appreciate the courtesy of all Members in only speaking when yielded time.

Mr. VISCLOSKY. Mr. Speaker, reclaiming my time, I also have a statistic. There used to be 6,700 working families in the First Congressional District. They are not going to be benefited by this resolution, and not because of the reasons that the gentleman from California (Mr. MATSUI) stated, that this is meaningless for the next 8 years. It is because they have lost their job since George Bush became President and the 107th Congress began; 6,700 people do not have a paycheck. They do not have to worry about this resolution.

I must tell my colleagues that last week, under similar circumstances, I suggested I was tired. Today, I am surprised, with the record of the majority over the last 2 years of getting things done. My Republican colleagues have turned a surplus of $237 billion into a deficit of $165 billion; they have turned economic growth into a recession.

The Dow Jones Industrial Average was at 10,646 at the beginning of this Congress. Under Republican leadership, yesterday it closed at 7,863. My colleagues have also been able to turn median household income around. It has declined. It has declined from $43,100 to $42,200. Maybe they do not quite need as much help.

The resolution today talks about making permanent a tax change. Hopefully, by 2010, these aberrant facts will have changed. But two things have become permanent under my colleagues' leadership. I have people who have permanently lost their jobs in the domestic steel industry, and they are never going back. Many of those people permanently lost their health insurance. They are never getting it back. Many of those people at LTD, who permanently lost their job, permanently lost their health care, permanently, forever, the rest of their lives, lost part of their pension.

We ought to be voting on 4646 to provide people who used to have a job with some real health care protection. That is what we ought to be doing today.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume to remind my colleague from Indiana, who is a friend, that there are 606,024 married working couples who suffer the marriage tax penalty and will face higher taxes unless we make permanent our efforts to eliminate the marriage tax penalty.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. PORTMAN), who has been a real leader in efforts to help working families.

□ 1145

Mr. PORTMAN. Mr. Speaker, I thank the gentleman for yielding me this time, and I congratulate the gentleman on being persistent on this issue over the years.

There are not many issues we agree on in this Chamber, particularly as we come up to an election, but this is one where I think we have a consensus, which is that just by the act of getting married, one should not have to pay higher taxes. Married people should not pay higher taxes than those who might be living together, but not in marriage as individuals. That is the principle behind this legislation.

Because of a Senate procedural quirk, the legislation which passed this House on a bipartisan basis was not able to be permanent. It had to be a 10 year, now because we are 2 years later, 8.5 year piece of legislation so that this marriage penalty relief that this House agrees on on a bipartisan basis expires in 8 short years. If we do not make this permanent, what will happen? It means that $17 billion will be increased in terms of taxes in 2011, and there will be a $25 billion tax increase in 2012 to primarily middle-income married couples who otherwise would benefit from the marriage penalty relief which passed this House.

All we are saying today is let us make this permanent. We heard my colleague talking about the economy, and I could not agree with the gentleman more. We have a serious economic problem that started in the spring of 2000, as any economist knows, during the Clinton administration. The downturn got pretty deep over the next several months, and hopefully we are now coming out of it based on all the economic data. But my colleague was suggesting that because we are in an economic downturn, although hopefully we are coming out of it, that somehow we should not make the marriage tax penalty permanent.

I guess I would ask the gentleman, going back to the philosophical basis here, should people who are married pay significantly more taxes than if they were single living together? The philosophy here is one that there seems to be a consensus on in this House, and the question is should we make this a tax law change, which is to say, we change the code on a permanent basis. Congress can always come back and revisit any of our tax law legislation; or should we have an absurd situation where it is going to be in place for the next 8 years, and then it will suddenly expire and we will go back to previous law where again 36 million low and middle income married couples will end up paying higher taxes to the tune of $17 billion in 2011, and $25 billion in the year 2012. That does not seem to make sense.

This resolution, I think, is important just to shine light on this issue. This is one issue that we could resolve on a bipartisan basis. Admittedly, it is unlikely the Senate will act, but it is possible. If the Senate were to act, I think it would be a strong bipartisan vote on the floor of the Senate, and the House would eagerly take up the legislation, get it to the President who would happily sign it and enact it into law. I thank the gentleman for raising it today. I hope this is one issue we can resolve.

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. BECERRA), a distinguished member of the Committee on Ways and Means.

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me this time. Time and time again this year, rather than being in a posture to work with the other side of the aisle on issues that really matter, the budget, the economy, Social Security, health care, corporate responsibility, growing unemployment, education, instead of working on those issues, we find ourselves again debating imprudent and ill-timed public policy.

Why imprudent? Well, we were told by President Bush upon his assumption of office that we would have massive surpluses so we could afford tax cuts which are weighted towards the wealthy. Today we are in deficits just 2 years into this presidency.

Persistent recession, we were told last year this will only last a few months, we will be out of this. But we continue to be mired in recession.

Regarding homeland security needs, 2 years ago when the President assumed office, he could not have expected that we would need to devote so many of our resources to protect the homeland and to deal with terrorist threats abroad.

Education, we have a President who is reneging on his promise to fund education, even under his own bill which he calls the No Child Left Behind Act.

On health care, we all know the stories of seniors having to make decisions between their rent or their prescription drugs. Ill-timed and ill-conceived. The timing could not be worse. We are talking about the possibility of this country engaging in war which will cost tens of billions of dollars. We are talking about an uncertain future for a country that has got a stock market that is plunging. And we talk about Americans who, today and every day, are losing their jobs because we have a government leadership that is not focusing on putting people back to work.

Mr. Speaker, it seems evident that the priorities of my friends on the other side of the aisle, above all else, and at the expense of addressing the growing unemployment in this country, above all else and at the expense of providing money for our schools, above all else and at the expense of dealing with our growing health care crisis, that their priority is to ensure that upper-income Americans are ensured tax cuts a decade from now because this policy does not affect today or tomorrow or the day after. It is a decade from now.

We have got sight of Iraq and Saddam Hussein now, and we are talking about debating, after we should have finished a budget for the Federal Government and we have not, we are talking about doing something 10 years from now for people whom we do not know what circumstances they will be in.

Mr. Speaker, unemployment is increasing. More than 2.5 million people are unemployed today versus when President Bush took office. Two years ago, there was growing job creation. 1.7 million jobs were created 2 years ago. In 2000, 1.7 million jobs were created. In 2 years, we have lost virtually every single one of those jobs.

Poverty is on the rise for the first time in more than 8 years. We have seen the ranks of the poor increase by over 1 million people. Incomes are falling for the first time since 1991. Hundreds of thousands of people are filing for bankruptcy. Almost 800,000 Americans filed for bankruptcy in the first half of the year 2002. Mortgage foreclosures are at a record high. The Federal budget deficit has increased.

Mr. Speaker, we have work to do, and it is now, today, not in 10 years. It is for all Americans, not just wealthy Americans. Let us move on from here and do the real work of the Congress.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would note to the gentleman who spoke in opposition to eliminating the marriage tax penalty that there are 2,752,159 married working couples in California, and 44,685 married working couples in the 30th Congressional District of California who will face higher taxes unless we make permanent the elimination of the marriage tax penalty.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. COX).

Mr. COX. Mr. Speaker, I thank the gentleman for yielding me this time.

The statement that we just heard from the gentleman on the other side of the aisle was essentially aimed at one point, and that is because Saddam Hussein is in Iraq, the worry about the economy and so on, we ought to raise taxes on everyone; and we ought to do so on schedule, a little less than 10 years from now.

At once I heard that is so far off from now, why are we worried about it? And on the other hand, if we do not have that tax increase a few years from now, then all hell is going to break lose.

The truth is that 36 million married taxpayers, low and middle income taxpayers, deserve to be treated fairly. Americans should not be taxed more because they are a working woman. When a woman goes to work, her husband goes to work, she ought to be treated the same as every other American. But, we have a penalty right now if married couples work, and they do not pay taxes the same way as two Americans would if they were two men sharing an apartment. They do not pay taxes the same way that they would if they were a man and woman who were not married. It is discrimination, plain and simple, against working families, against working couples. It is wrong. That is why we want to get rid of the marriage tax penalty. It is unfair. It is immoral for the United States to do this.

We did, in fact, pass a law here that has been signed by President Bush to repeal the marriage tax penalty, but in the Senate, which we are now privileged to call it on the House floor, because of their arcane budget rules, they put in this poison pill which had a time bomb that will blow up in 2011 and then hike taxes on 36 million married people. That is wrong. This says let us fix it, and we shall.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair reminds all Members that characterizations of the rules of the Senate or of the Senate are not appropriate.

Mr. MATSUI. Mr. Speaker, I yield the balance of my time to the gentleman from Massachusetts (Mr. NEAL), a member of the Committee on Ways and Means, to close.

Mr. NEAL of Massachusetts. Mr. Speaker, there is an easy way to clear up these budget differences we have today. I propose formally that every letter in this institution submitted to an appropriator be published, requesting the expenditure of the public purse. The most egregious violators of budget discipline here tend to be those who pontificate in the well of the House about spending regularly.

We have talked about the marriage penalty. In light of the fact that President Bush has requested $48 billion more for defense, $38 billion more for homeland security, measure that against the fact that the stock market has lost almost 3,000 points in the last year and a half, we have no enthusiasm in this institution, it seems to me, for going after those who have perpetuated the hoax of seizing pension benefits from regular employees at the same time that they would not allow those employees to sell Enron stock. Where is the enthusiasm we have for taking that up today?

Instead, we go over and over the simplicity of the message: Let us cut taxes. Why do we not have the time after we have discussed this marriage penalty bill time and again in this institution, why do we not have time to bring up the Bermuda tax loophole or get a vote on the issue of Bermuda?

These corporations have gone to Bermuda in the time of a war that the Nation is preparing for, for one purpose, to escape taxes. And what is the answer from the other side? The majority leader said that is like going to North Carolina or Florida. I guess they think Bermuda is the 51st State.

I am amazed that we can discuss the marriage penalty relief, anything that says lower taxes to get us through this election cycle, but we cannot talk about Bermuda. The reason that we do not talk about Bermuda on this House floor is very simple: Because 350 Members of this House will vote to do something about it rather than trying to sneak through this election cycle.

These companies leave in the dark of night. Name them. Stanley came to their senses because they finally wanted to help us do things right. We watched this parade out of country, and they preach patriotism to all of us. We deserve a vote on the Bermuda bill in this House, and let us send a message to the American people about fairness and equity in our lives.

□ 1200

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have had a lot of interesting arguments on the other side of the aisle. I would note that every one of them tries to distract from the issue that is before us today. The issue that is before us today is do we permanently eliminate the marriage tax penalty for 42 million married working couples who benefit from the Bush tax cut. Unfortunately because of a rule in the Senate, it had to be temporary.

We have often asked in this House of Representatives whether or not it is right, it is fair, to punish a married working couple where the husband and wife are both in the workforce, that we should punish them with higher taxes just because they are married. In the House this year, we have passed legislation to permanently eliminate the marriage tax penalty. I would note that 271 Members of this House, a bipartisan majority, voted to eliminate the marriage tax penalty. Even those who all spoke against this, I would note, all voted "no" on eliminating the marriage tax penalty, so it is understandable why they would continue to oppose eliminating the marriage tax penalty, that there were still 60 Democrats who joined with us. They saw the merit in making the Tax Code neutral when it comes to marriage, so that a married working couple does not pay $1,700 more on average just because they are married.

My friends and colleagues on the other side of the aisle say that eliminating the marriage tax penalty somehow just benefits rich people. The average or typical married couple suffering the marriage tax penalty makes 60, $70,000. They are middle class, they are both in the workforce, on average they have kids, they have a mortgage, and they pay higher taxes just because they are married.

I have an example of a couple here from the district that I represent in the south suburbs of Chicago, Jose and Magdalena Castillo, a typical couple in Joliet, Illinois, who work hard and are raising a family, little Eduardo and Carolina, have hopes and dreams, have a home, want to send their kids on to college. Thanks to the Bush tax cut, they are seeing their marriage tax penalty eliminated. For Jose and Magdalena Castillo, their marriage tax penalty was about $1,125. My colleagues who have argued against permanently eliminating the marriage tax penalty for Jose and Magdalena Castillo of Joliet, Illinois, are the same ones who have called for repeal of the Bush tax cut, essentially saying, let us pull it out from under the Castillos, let them pay that marriage tax penalty because we need the money here in Washington because we could spend it better here than Jose and Magdalena Castillo can spend it back in Joliet, Illinois.

The marriage tax penalty, $1,125 for the Castillos, is real money. It is money they can set aside for college for little Eduardo and Carolina. It is money they can use to make several months' worth of car payments or several months' worth of day care. It is real money.

We worked when we passed into law the Bush tax cut, which was signed into law in June of last year to help every married couple who suffers the marriage tax penalty. We helped them in a number of ways. We doubled the standard deduction for those who do not itemize so that a married couple has a standard deduction twice that when they file jointly compared to a single. That benefits 21 million married working couples. They would see their taxes increased if this fails to be made permanent. For those who do itemize, homeowners, those who give to their church or institutions of faith and charity, their synagogue, to help the itemizers, we widen the 15 percent tax bracket so that those filing jointly, married couples, can earn twice as much in the 15 percent bracket as a single and not pay higher taxes just because they are married. Also, we help poor people, the working poor. Those who utilize the earned income tax credit, 4 million married working couples, low-income working couples who suffer the marriage tax penalty saw their marriage tax penalty eliminated because of the Bush tax cut. Of course, those low-income working couples will pay higher taxes if we fail to make marriage tax penalty elimination permanent.

I noted earlier that we had overwhelming bipartisan support of the effort to eliminate the marriage tax penalty when this bill passed the House. As you know, the Senate has not yet acted. Our hope is that we can work in a bipartisan way and do the right thing and, that is, to permanently eliminate the marriage tax penalty so that no married couple has to look forward to the threat of higher taxes just because some people in Washington would rather spend their money in Washington rather than allowing them to take care of their family's needs.

Mr. Speaker, this really is a vote on do we impose higher taxes on married couples. We have worked to make the marriage tax penalty eliminated. We have worked to make the Tax Code neutral so that a married couple, both in the workforce, pay no more in taxes than an identical couple who happen to be not married who are all in the workforce. That is the right thing to do. We can eliminate the marriage tax penalty.

As I noted earlier in debate, even the left-wing policy guru James Carville has suggested that Democrats probably really ought to get on board and support permanently eliminating the marriage tax penalty because the true beneficiaries of eliminating the marriage tax penalty are the middle-class and low-income families. As I noted here with Jose and Magdalena Castillo, their combined income, they are construction workers, is about $85,000. There are some on the other side who probably think that Jose and Magdalena are rich because they make $85,000 a year. In the south suburbs of Chicago, that is a middle-class family. Before the Bush tax cut, they suffered $1,125 in higher taxes just because they were married. We want to permanently eliminate and prevent that tax burden from being restored and reimposed on Jose and Magdalena Castillo and the other 42 million married working couples who benefit from the elimination of the marriage tax penalty. That is what this debate is all about.

We have heard so much from the other side of the aisle who want to confuse the debate, who want to change the subject when the issue before us is a basic one, and, that is, it is an issue of fairness. Should a middle-class couple who are both in the workforce pay higher taxes just because they are married? We answered that question last year when we passed as part of the Bush tax cut our legislation to eliminate the marriage tax penalty. Unfortunately because of a rule in the other body, it had to be temporary. It should be an overall bipartisan goal to treat working families fairly. My hope is that more than 60 Democrats will vote with every Republican today to permanently eliminate the marriage tax penalty because that is the vote that is before us. If Members vote "no," they are really voting to raise taxes on 42 million married working couples. They are voting to raise taxes on married working couples such as Jose and Magdalena Castillo.

As I have noted, the House has passed this overwhelmingly. The Senate has not yet acted. Let us vote to ensure that Congress gets it done this year. I ask for a bipartisan "aye" vote.

Mr. SMITH of Texas. Mr. Speaker, I urge my colleagues to support permanent repeal of the marriage tax penalty. The unfair marriage tax adversely affects more than 21 million married couples. It forces couples to pay more in income taxes than they would pay if filing individually. It is a tax on marriage and a tax on starting families. If anything, we ought to give newly married working couples a tax break.

Several months ago this House voted to permanently repeal the marriage tax. The House has acted; the Senate has not. In my Texas district, over 65,000 married couples would benefit from the permanent repeal of the marriage tax penalty. The tax code is unfair and ought to be changed.

It is time to say "I do" to relief from the marriage tax penalty.

The SPEAKER pro tempore (Mr. LATOURETTE). All time for debate has expired.

Pursuant to House Resolution 547, the resolution is considered read for amendment and the previous question is ordered on the resolution.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WELLER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. WELLER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of House Resolution 543.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

EXPEDITED SPECIAL ELECTIONS

Mr. NEY. Mr. Speaker, pursuant to the order of the House of Thursday, September 26, 2002, I call up the resolution (H. Res. 559) expressing the sense of the House of Representatives that each State should examine its existing statutes, practices, and procedures governing special elections so that, in the event of a catastrophe, vacancies in the House of Representatives may be filled in a timely fashion, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of House Resolution 559 is as follows:

H. RES. 559

Whereas the death or disability of hundreds of Members of Congress would deprive millions of Americans of representation in Congress, possibly for a period of months until special elections to fill the vacancies could be conducted;

Whereas such a catastrophe would severely impair the functioning of the House and effectively disrupt the legislative branch for an extended period;

Whereas the only method prescribed by the Constitution to fill a vacant seat in the House of Representatives is through election by the people;

Whereas article I, section 4 of the Constitution of the United States provides that "The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the places of choosing Senators.";

Whereas section 26 of the Revised Statutes of the United States (2 U.S.C. 8) provides that "The time for holding elections in any State, District or Territory for a Representative or Delegate to fill a vacancy, whether such vacancy is caused by a failure to elect at the time prescribed by law, or by the death, resignation, or incapacity of a person elected, may be prescribed by the laws of the several States and Territories respectively;"; and

Whereas it is in the interest of each State to ensure that the people maintain their full rights to representation in the House: Now therefore, be it

Resolved, That—

(1) it is the sense of the House of Representatives that each State should examine its existing statutes, practices, and procedures governing special elections so that, in the event of a catastrophe, vacancies in the House of Representatives may be filled in a timely fashion; and

(2) the Clerk of the House shall send a copy of this resolution to the chief executive official of each State.

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, September 26, 2002, the gentleman from Ohio (Mr. NEY), the gentleman from Maryland (Mr. HOYER), the gentleman from California (Mr. COX), and the gentleman from Texas (Mr. FROST) each will control 22½ minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of this resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in May of this year, the Speaker and minority leader formed the Continuity of Congress Bipartisan Working Group to study government continuity issues. The working group is cochaired by House Policy Committee Chairman CHRISTOPHER COX and Democratic Caucus Chairman MARTIN FROST. I want to thank both gentlemen for their efforts on this very important piece of work, as well as all participants in the working group on both sides of the aisle and the cosponsors of this resolution.

The purpose of the working group is to study ways to ensure that the U.S. House of Representatives continues to function in the event of a terrorist attack or other catastrophe that kills or incapacitates a large number of Members and, when appropriate, to make recommendations to the leadership on ways to resolve these issues. I know we do not really particularly want to talk about the demise of a lot of Members, but it is something that has to be spoken about on the floor in order to continue to have our energetic give and take of public debate in the freest body on planet Earth. That is why we are here.

On September 26, 2002, Chairmen COX and FROST, joined by all members of the working group as well as 98 other Members of the Congress, including Majority Whip TOM DELAY and Minority Leader RICHARD GEPHARDT, introduced this resolution calling upon States to study their existing special election statutes and procedures to ensure that if a large number of Members of Congress were unable to serve as a result of a catastrophic event, the States could quickly elect Members to their congressional delegations through expedited special elections.

The problems the House would encounter in the face of such an attack are unique. In the Senate, Governors would quickly fill vacancies by appointment, but in the House it could take months, perhaps up to half a year, for some States to hold special elections to elect Members to their congressional delegations.

Because article 1, section 4 of the Constitution prescribes that the States control the times, places and manner of holding elections, this resolution is a critically important step toward getting the States to focus on what would be their critical role in replenishing the Federal legislature by ensuring that special elections are held as quickly as possible.

In conclusion, I want to thank our ranking member, the gentleman from Maryland (Mr. HOYER), and all the members of the Committee on House Administration. We have dealt with a series of more than unique issues that have affected the body of this floor and also affected the staff of the U.S. House and the other body in the sense of anthrax, how to deal with issues we never even really thought of before. I want to thank the gentleman from Maryland for the working relationship we have had on that and just say this is another piece and component, I think, to making sure that those who want to hurt us will not infringe upon our democracy.

Mr. Speaker, I urge support of this resolution.

Mr. Speaker, I ask unanimous consent that the gentleman from California (Mr. COX) control the balance of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume. I rise in strong support of this resolution, which was developed by the Committee on House Administration and the Bipartisan Working Group on Continuity of Government led by the gentleman from California (Mr. COX) and the gentleman from Texas (Mr. FROST). It urges the States to examine their laws regarding the conduct of special elections to the House.

The purpose of the resolution as has been said, is to ensure that in the event of a catastrophe, the States will conduct special elections as expeditiously as possible. The two cochairmen of the bipartisan working group, the gentleman from California and the gentleman from Texas, introduced the measure currently before us. H. Res. 559 was referred to the committee which has jurisdiction over congressional elections, the Committee on House Administration.

Mr. Speaker, article 1, section 2 of the Constitution provides: "The House of Representatives shall be composed of Members chosen every second year by people of the several States."

That is, of course, the only way to become a Member of this body. That requirement of popular election may be unusual in a leglislative body, because most legislatures can have appointed Members, at least for a time.

A variety of distinguished former Members of the House and scholarly observers of the Congress have proposed other ideas, ranging from filling vacancies through gubernatorial appointment to choosing replacement Members from lists submitted in advance by sitting Members. Without discussing the merits of either of these ideas, it suffices to say that they are clearly unconstitutional.

□ 1215

It would require a constitutional amendment to fill a House seat in any manner other than by direct election. The resolution before us today is intended to facilitate the use of the existing constitutional framework. We must make the special election process work better, and work faster.

H. Res. 559 would request the States to re-examine their laws governing the conduct of special elections to the House. It does not require them to do so. It does not force them to change their laws, but it is intended to remind them of the potential disadvantages of their failure to do so—the loss of representation in the House for an extended period of time in the event of a future national catastrophe.

Special elections to the House are normally conducted pursuant to provisions of State law and regulations. We have not made uniform statutory requirements for special elections, preferring to leave it to the States to choose methods which reflect their unique politics and culture. One size does not necessarily fit all.

However, the preamble of H. Res. 559 notes the ultimate constitutional authority of the Congress over the conduct of all congressional elections. The provisions of article 1, section 4 state that " . . . the Congress may at any time by law make or alter such regulations."

Congress does have the power to pass a national statute governing the conduct of special elections. Such a statute would not be easy to draft, however, and might be opposed by States which prefer to use their own approaches. We would like to avoid this option, if possible, but it remains on the table.

Congress also has the power to pass and send to the States for ratification a constitutional amendment providing for some different method of filling vacancies. The problem with this approach is that it is extremely difficult and time-consuming and could take years, and there is no consensus on which method of filling vacancies to use in any such amendment.

While special elections are conducted by States, this is clearly a national problem and challenge. If enough States fail to elect new Representatives quickly, the House might find itself controlled for a time by a much smaller group of Members, unrepresentative perhaps geographically or ideologically of the American people.

The disruption to the legitimacy of the Congress and to the political and legislative process would be extraordinary.

The average time for the filling of a vacant House seat in the event of a Member's death, according to the Commission on Continuity in Government of the Brookings Institution and the American Enterprise Institute, is approximately 125 days. In my own case, having been elected to the House in a special election in 1981, it was 89 days. In some States the process of replacing a deceased or resigned Member can take as long as 6 months.

In the event of a catastrophe resulting in the deaths of many Members of House, it will be essential to replenish this body as soon as practicable to ensure that the House remains a body representative of, and responsive to, the American people. We simply cannot wait for States to react using existing laws which have not been seriously examined in decades, and which, of course, were never intended to be used in a time of emergency. The result of such laws will be that some States will remain unrepresented as the House, the Senate, the President, and the country take necessary actions to respond to, and to move beyond, such a future crisis.

So, Mr. Speaker, it is clearly in the interest of the States to ensure their full and continued representation as quickly as possible, just as it is in the interest of the House to move as quickly as possible back to a full complement of Members deliberating once again with the broadest possible range of views.

I believe that it would be appropriate for the committee with jurisdiction over congressional elections, the House Administration Committee, to hold hearings on this subject during the next Congress.

We can then evaluate any actions taken by the States in response to the 9/11 crisis, and to this resolution, and get a broader picture of the actual mechanics involved in conducting such elections.

We need to remind ourselves that, in the event special elections occur in large numbers, whether under current laws or new ones, that they may not be occurring under ideal circumstances at some future time.

There may be problems printing the ballots, setting up the polls, or completing many other steps incident to the proper conduct of an election which are complicated enough during normal times, as we have seen yet again recently in the state of Florida.

Mr. Speaker, this resolution sounds an alarm to the States that they have a pivotal role to play in ensuring the stability of our constitutional system. I urge all Members to support it, and all States to respond favorably to it.

I congratulate the gentleman from California (Mr. COX) and the gentleman from Texas (Mr. FROST) for their leadership on this issue. I believe that the States will be responsive and will come up with ideas that hopefully will accomplish the objective of ensuring that in the event of a catastrophe we can replace Members of the House lost in such a catastrophe so that the people's business can be done in this, the people's House.

Mr. Speaker, I reserve the balance of my time, and I ask unanimous consent that the gentleman from Texas (Mr. FROST) may control the remainder of the time allotted to me, and that he may yield time.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. COX. Mr. Speaker, I yield myself such time as I may consume.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. COX. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding, because as I turned around, I saw the gentleman from Washington State (Mr. BAIRD), and it was an oversight that I did not mention his extraordinary leadership in bringing this matter to not only the attention of all the Members and pressing for attention of this matter, but also to the country. And I want to congratulate the gentleman from Washington (Mr. BAIRD) for his singular focus on this critical issue.

Mr. COX. Mr. Speaker, I thank the gentleman from Maryland (Mr. HOYER) for raising the point, because it is a good one. I want to thank the gentleman from Washington (Mr. BAIRD) for his foresight and quick action on this problem as well.

It is appropriate at the outset of this discussion to explain to our colleagues why our thanks are in order for the hard work that is being done, because the hard work is being done behind closed doors for good reason. This is a grizzly topic, number one. Nobody likes to think about the destruction of the Capitol and the loss of hundreds of Members of Congress, Senators and Representatives, in some horrible catastrophe. Second, the work is very detailed, involved, legalistic and consequential. So a good job has to be done, a careful job has to be done, a thoughtful job has to be done, but there is not much profit in laying it out before the House every day.

We are necessarily here on the floor today because we are going to ask in the most formal way that we possess, through a resolution of this body, the cooperation of the States in this effort. We are made up of elected Representatives from States whose election laws interweave with our own Federal rules for eligibility and service in the United States House of Representatives. Some of the rules and procedures are House rules and are Federal rules. Some of them are State rules. In particular, the rules governing elections within the several States under our constitutional system are State rules.

The resolution we are bringing forward today respects that aspect of our federalism, but urgently asks every Governor and every State legislator to examine their election laws and amend them with a view toward solving a very serious problem that we have in the House, and that is if many Members are killed, there is no quick way to reconstitute the Congress of the United States. A special election is required. Only election under our Constitution is prescribed as the means of filling a vacancy, and as a result, where the Senate can have its Members appointed by Governors, replacement Members, and be reconstituted, there would be no House, no functioning House, perhaps no majority, no quorum and thus no Senate, because we are a bicameral body, and they could produce no legislation on their own, thus no legislative branch in time of urgent crisis by definition in the United States.

When after an attack on our Nation, the Commander in Chief, whoever that might be, because the attack might kill simultaneously the President, Vice President, Secretary of State perhaps, as well as the Speaker of the House, who is third in line, we do not even know who the President would be in that circumstance. So the operation of our legislative check and balance against executive power would be of vital importance. We might lack it. And something as workaday and ordinary and mechanical in procedure, therefore, as the State election laws becomes of vital importance, and we are asking in this resolution for the States to address that problem.

This is one and only one of several issues that have arisen as a result of a study by the working group established by the Speaker of House, the gentleman from Illinois (Mr. HASTERT); and the gentleman from Missouri (Mr. GEPHARDT), the Democratic leader, the minority leader. Both Speaker HASTERT and the gentleman from Missouri (Mr. GEPHARDT) have shown extraordinary leadership by putting together a high-level leadership task force that has as its contributors not only the chairman and the ranking member of the House Committee on Rules, the gentleman from Texas (Mr. FROST), who is also the chairman of the Democratic Caucus, my cochairman of this working group; but also, as we have seen, the chairman and ranking member of the Committee on House Administration, the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER), who were just here on the floor; and also the chairman and ranking member of the House Committee on the Judiciary and the Subcommittee on the Constitution, which is very involved in these issues.

The members of the working group include, besides myself and the gentleman from Texas (Mr. FROST), the gentleman from California (Mr. DREIER); the gentleman from Ohio (Mr. CHABOT), who is the subcommittee chairman on the Committee on the Judiciary responsible for the Constitution; the gentleman from New York (Mr. NADLER), the ranking member on that subcommittee; the gentleman from Ohio (Mr. NEY); and the gentleman from Maryland (Mr. HOYER); the gentleman from Washington (Mr. BAIRD), to whom we just referred for his efforts; the gentleman from Louisiana (Mr. VITTER), who is the chairman of the policy subcommittee on reform; the gentlewoman from Texas (Ms. JACKSON-LEE); and the gentleman from Rhode Island (Mr. LANGEVIN).

Throughout several months and nearly a score of meetings, we have covered the waterfront on these issues.

I will return to further discussion on the specifics of this resolution, but I have several speakers on our side who wish to be recognized.

Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Mr. Speaker, I thank my friend from California (Mr. COX) for yielding me this time, and I congratulate him and the gentleman from Texas and others who bring this very important bill forward.

Ours is the oldest written Constitution in the world. The Founding Fathers with great wisdom crafted a government of enduring stability, with the flexibility to survive the shocks and strains of 226 years. It would have been impossible for them to foresee the events of last September with passenger jets full of fuel smashing into skyscrapers. It was simply impossible in their day for so much to be destroyed by so few so quickly. And so the prospect of a large number of seats in the House of Representatives becoming simultaneously vacant was probably not one they entertained.

And yet in their wisdom the Founders provided us with all we need to confront such a possibility. Article 1, section 4 of the Constitution gives the States the power to govern the times, place, and manner of holding elections for the House. This recognizes the appropriateness of the people deciding through their State governments how best to choose the representatives in this House. However, the Constitution also allows Congress at any time by law to make or alter such regulations except as to the place of choosing Senators. This recognizes the right of Congress to ensure that the States live up to their responsibility to ensure that their citizens are represented in the Federal Government.

This resolution is in perfect keeping with the Constitution and the Founders' intent. It preserves the rights of the States to determine their own interests in determining procedures for electing representatives. It also reminds the States that this House will continue to take an interest in ensuring that these procedures are sufficient to ensure the survival of this body and the welfare of our Republic in the event of a major attack on the Capitol.

Mr. COX. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. LINDER).

Mr. LINDER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of this resolution sponsored by my friends and colleagues, the gentleman from California (Mr. COX) and the gentleman from Texas (Mr. FROST) which expresses a sense of the U.S. House of Representatives that all 50 States should examine their laws governing special elections to fill vacancies in the House with an eye toward developing expedited procedures for such elections in the case of such a catastrophe.

Mr. Speaker, the United States of America learned many lessons about need for enhanced homeland security from the tragic events of September 11, 2001. Given that it is widely believed that the United Airlines Flight 93 was headed for the U.S. Capitol that Tuesday morning, we can only imagine the damage that would have been done to the legislative branch of our Federal Government but for the truly remarkable bravery of Flight 93's passengers.

Their heroic actions have, however, given us a chance to make contingency plans for the future. In the case of another attempt to disrupt or destroy our democratic system of government, we should be prepared, and that is why a prompt and overwhelming passage of H. Res. 559 is so important today. The U.S. House of Representatives is urging the States to take whatever steps they deem appropriate to modify, change, or update their laws governing special elections to fill vacancies in the House such that a catastrophic event would not unduly hinder the ability of the U.S. Congress to conduct its business in the future.

I am pleased to serve as the Chairman of the Subcommittee on Technology and the House of the Committee on Rules. Among the matters under my subcommittee's jurisdiction are the rules of the House.

□ 1230

As has been noted by some, the House rules do not speak to how this institution would conduct its business in the event of a catastrophic disaster, and that is an issue that I fully expect we will explore in the 108th Congress next year.

In the meantime, I know that my colleagues, the gentleman from California (Mr. COX) and the gentleman from Texas (Mr. FROST), are currently chairing a commission of distinguished individuals, including former House Speakers Gingrich and Foley, who are looking into this matter in greater detail with the hope of bringing forward other recommendations for how best to deal with the myriad of questions involving ensuring the continuity of Congress. In this respect, I look forward to working closely with the Cox-Frost Commission and other Members of the House on both sides of the aisle in the next congressional session. Nothing less than the future stability of the U.S. Congress, the Federal Government's legislative branch, and the rule of law are at stake.

Mr. Speaker, in closing, I urge my colleagues to support this bill.

Mr. COX. Mr. Speaker, I yield myself such time as I may consume. I think it is important to add to the list of people whom it is necessary to thank for their efforts on this thus far: the Parliamentarian and his office and his staff, Charles Johnson, who has contributed extraordinary expertise and hard work on this initiative; also, the American Enterprise Institute and the Brookings Institution who, in addition to their scholarly studies on these subjects, have convened a commission on the continuity of government, which has been an extraordinary resource to this Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, over the past several months, Democrats and Republicans on the Bipartisan Working Group on the Continuity of Congress have worked together to think the unthinkable: to consider how Congress would function in the aftermath of a terrorist attack.

This is not an idle question, Mr. Speaker.

September 11 made clear once and for all just how vulnerable the U.S. Congress is to such an attack. For the past year, many of us in Washington have believed that if not for the courage of the passengers of United Flight 93, the fourth hijacked plane may well have hit the U.S. Capitol. Well, just weeks ago, our suspicions may have been confirmed by an al-Jazeera interview with the man suspected to be the twentieth September 11 hijacker, who said that Flight 93 was indeed headed for the Capitol, code-named "The Faculty of Law."

Obviously, Mr. Speaker, if Flight 93 had reached the Capitol on September 11, countless lives would have been lost. Additionally, the legislative branch of the United States Congress would have been crippled.

This is a very dangerous possibility, Mr. Speaker; and I am glad the Committee on House Administration, the Capitol Police, and others have worked so hard since September 11 to increase the security of all of the staff and Members who work here in the Capitol complex.

But the Congress is the branch of government closest to the people; and all of us, I believe, want it to remain as open as possible. For that reason, the Congress will always be somewhat vulnerable to those who might wish to strike at the United States through the Capitol, the symbol and the seat of our democracy.

That means that we have to prepare for what used to be unthinkable and we have to answer the question, How would the House function in the aftermath of such an attack?

Personally, Mr. Speaker, I believe that it would be critical for the American public to have secure representation in Congress in a time of national emergency. But this is a weighty matter, one that gets to the heart of representative democracy in this country. On the one hand, we want to ensure the stability of the legislative branch in the aftermath of a catastrophe. On the other hand, we all understand the importance of preserving the unique function of the House of Representatives that it has served in the American system of government for more than 200 years.

This bipartisan working group was formed to study the very important, very complicated, and very difficult series of questions raised by this situation.

We have benefited, and are still enjoying, the tremendous expertise of all of the members who have participated. We have received tremendous assistance from the committees of jurisdiction and their staff; and as the gentleman from California (Chairman COX) mentioned, I want to personally recognize the Parliamentarian, Charlie Johnson, as well as his staff. After serving on the House Committee on Rules for more than 20 years, I have known for a long time what fine professionals they are.

This process could have never started without the support of the gentleman from Illinois (Mr. HASTERT), the Speaker of the House, and the gentleman from Missouri (Mr. GEPHARDT), our Democratic leader. Most importantly, Mr. Speaker, I want to recognize my colleagues on the working group, the gentleman from California (Mr. DREIER), the gentleman from Ohio (Mr. NEY), and the gentleman from Ohio (Mr. CHABOT), as well as the gentleman from Maryland (Mr. HOYER) and the gentleman from New York (Mr. NADLER), and the gentlewoman from Texas (Ms. JACKSON-LEE), the gentleman from Washington (Mr. BAIRD), the gentleman from Rhode Island (Mr. LANGEVIN), and the gentleman from Louisiana (Mr. VITTER). Of course, the gentleman from California (Mr. COX) and his staff have been a pleasure to work with on this project.

Mr. Speaker, the working group is examining proposed changes to the House Rules regarding quorum requirements and succession of House officers, amendments to the Presidential Succession Act of 1947, and constitutional amendments. But our primary goal has been to examine the law to ensure that Congress can function in the event of an attack or a catastrophe.

That is what House Resolution 559 addresses today. It encourages the States to examine their existing statutes, practices, and procedures governing special elections; and it urges Governors and State representatives to amend their election laws so that in the event of a catastrophe, vacancies in the House of Representatives could be filled in a timely fashion.

As we can see, Mr. Speaker, this is an ongoing process, and the resolution on the floor today does not solve all of the problems we face; but it takes a sensible, bipartisan step toward addressing one of them. So I urge my colleagues to join the bipartisan working group and passing it overwhelmingly.

Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. BAIRD), the Member of the House who really first raised this issue.

Mr. BAIRD. Mr. Speaker, I thank my good friend and colleague, and I want to thank also the gentleman from California (Mr. COX) for his outstanding leadership. In the time I have been privileged to serve here, I have never had such great satisfaction from working with a group of talented, bright, dedicated individuals. The Parliamentarian, the staff of the Committee on the Judiciary have been outstanding. Hopefully, we will never need this legislation; but if it is ever needed, it may be one of the most important things we will ever do in our lifetime and during our service to this Congress.

This is a start. This is an effort to say to the States that you too need to think about what we have come to have to face on a daily basis, almost: the prospect that some terrorist organization could strike suddenly, without warning, and eliminate this body that we hold so dear; and we must have preparations to replace us in the event that that should happen.

I also want to thank the gentleman from Rhode Island (Mr. LANGEVIN), as well as the gentleman from Louisiana (Mr. VITTER) and the gentleman from Arkansas (Mr. SNYDER), for their valuable and invaluable contributions to this process.

Mr. Speaker, this is the start in working with the States to make sure that they have a mechanism for replacing us if the time arises, but we also have other tasks before us. We are addressing some ambiguities in the Presidential succession law that are important to close certain ambiguities there. We are looking at the House rules, particularly what would constitute a quorum and how this body would reconvene in the event of a catastrophe. We are also looking at mechanisms for possibly replacing Members in the short term, pending the outcome of special elections. Every one of us in this body holds very dear and proud the tradition of direct elections, but we also hold dear and proud to the principle of election and representation by our States in this great body, and the principle of checks and balances on the executive. So we are working on a host of fronts.

A year or so ago, my father passed away. Before he died, he sat my sister and brother and I down and walked through all of his files. He said, Son and daughter, when I die, this is what you need to know about, how to carry on the finances, how to deal with my estate, et cetera. Because of his forethought, his death, regardless of how tremendously painful it was, was nevertheless handled in a manner that allowed us to go on, taking care of his affairs responsibly and in an efficient manner.

We owe it to this Nation to show no less forethought. We owe it to this Nation to make sure that if something horrific happens to us, the business of this great Republic will carry on, uninterrupted, unimpeded. We need to tell our adversaries that even if they destroy us and kill every one of us, others will rise up, carry that torch of liberty forward, and the Republic will stand and will persevere.

Mr. Speaker, I thank again the gentleman from California (Mr. COX) and the gentleman from Texas (Mr. FROST) for their leadership.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, as a member of the Cox-Frost Continuity of Congress Working Group and an original cosponsor of this legislation, I strongly urge my colleagues to support House Resolution 559 to address problems with our method of filling vacancies in the House of Representatives.

The Constitution declares that Members of the House must be popularly elected. However, the specter of terrorism, notably, reports that the Capitol was a targeted Capitol on September 11, reminds us that mass casualties in Washington or elsewhere could have a detrimental effect on the representative nature of the House and its ability to fulfill its duties. As a former Secretary of State, I know that States have vastly different methods and time lines for filling vacant House seats, which could pose a serious problem in the event of a catastrophe. For example, Rhode Island general laws state simply: "The Governor shall immediately issue a writ of election ordering a new election as early as possible." Today's resolution would address such problems by encouraging States to review their special elections procedures to fill House vacancies as expeditiously as possible.

This resolution is the first recommendation of the Continuity of Congress Working Group, which has been tackling the complicated issues of how government would function in the wake of a catastrophe. I would like to thank my good friend and colleague, the gentleman from Washington (Mr. BAIRD), who has helped raise the profile and understanding of these complex problems while leading the effort to find solutions. I also commend the gentleman from California (Mr. COX) and the gentleman from Texas (Mr. FROST) for devoting so much of their time and effort to this topic and making it a priority for Congress.

Another area I feel worthy of discussion is the ability of Congress to communicate and possibly even conduct legislative operations remotely in the event of a major disruption. The Committee on House Administration has held hearings on the feasibility of establishing an e-Congress for emergency situations, and I have introduced legislation to study this matter. At this time I would like to commend and recognize the efforts of the distinguished chairman of the Committee on House Administration, the gentleman from Ohio (Mr. NEY), and also my colleague, the ranking member, the gentleman from Maryland (Mr. HOYER), for their outstanding efforts and leadership on this issue.

While several of my colleagues have expressed discomfort with this and other related topics, it is our duty to prepare the legislative branch for any kind of disaster. We must never allow the people's business to be interrupted.

Today's resolution is an important first step in addressing complex questions about our government's ability to function in the age of terrorism, and I encourage my colleagues to support this legislation.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, I heard a commentator make the statement that somehow Congress is dragging their feet on these issues because we cannot face the possibility of our own demise. I do not agree with that statement at all. I think that Members of Congress are very much aware of the potential risks and threats out there, but that it is a complicated topic. One of the complications is that we work in a Federal system with both State responsibilities and Federal responsibilities.

To me, the number one issue is how in all of this do we protect the essence of democracy; and to me, the essence of democracy is the right of a free people to be governed, to be governed by those whom they elect and have the right to vote on. We summarize that by calling this "The People's House," and I do not think in any way should we be supportive of any kind of constitutional amendment that would turn the people's House into the "Appointeds' House." That would be a very tragic outcome to September 11.

The Federal issue here is that elections are State responsibilities, and we know that there is a tremendous amount of variety from State to State and also that there is too much time in an emergency situation in some, in a lot, of the State laws. Patsy Mink has been referred to, our colleague who tragically passed away over the weekend; and it is my understanding that it may take three special elections to finally replace her. Also, Oregon does their elections by mail, and every State deals with the issue of absentee ballots overseas and locally differently. There is a lot of complexity to this.

Our message to the States today is please look at your election laws and figure out a way that you can be responsive should this terrible tragedy occur.

To me, there are two scenarios that States ought to look at. The first one is what has been talked about today by the gentleman from California (Mr. COX) and others: What if we had a massive loss of life of Members of the U.S.

House here? That is what has driven this issue. But there also is a second issue that States ought to look at. In Arkansas, we have four House Members and two Senators, and it is not uncommon for us to be all in the same place or on the same plane. States ought to look at what should happen if an individual State lost its entire congressional delegation, should that trigger some kind of expedited special elections process. These are not easy questions; they are complicated questions. But they fall under the area of State responsibility, and the resolution today is sending a message to the States that we will be glad to work with you and hope that you will work on these very important issues of expediting special elections at a time of massive loss of life in the U.S. House.

Mr. COX. Mr. Speaker, I yield 4 minutes to the gentleman from Louisiana (Mr. VITTER), the chairman of the Subcommittee on Policy and Election Reform.

□ 1245

Mr. VITTER. Mr. Speaker, as a Member of the Working Group on Continuity of Congress, I rise in strong support of this resolution. As has been said, it is a simple, straightforward, bipartisan, but very important measure to urge all of the States, with the utmost seriousness and focus, to look at their election laws and ensure that special elections would happen as expeditiously as possible, particularly in the event of a disaster that killed many House Members at once.

Of course, this resolution today highlights one of the many issues that our working group has been focused on, and, in fact, the central one, which is how do we replenish the House of Representatives quickly in such a horrible catastrophe.

As has been said, the U.S. Constitution is very clear: House vacancies can only be filled, under the present constitutional terms, by an election. Sometimes, as has also been said, in different States where State law applies, that can take a very long time, maybe up to 6 months; so we want all of the State legislatures, all of the Governors, to look at their State law very clearly, in a very focused way, and move as quickly as possible to make sure their State law makes that happen as quickly as possible, particularly in the event of mass deaths.

In considering this, I ask all of my colleagues and, in fact, all of the State legislators and Governors around the country to think of all of the work we had to do, and I believe we did do, after September 11: The Committee on the Judiciary moved to protect us here and abroad; the Committee on Appropriations addressed critical emergency funding; the Committee on Armed Services examined our military response.

All of that was actually done in a matter of just a couple of weeks beginning with September 11. Nearly every House committee did significant work on the war that was at its infancy planning stage then, or homeland security, or related issues.

If we also remember Flight 93 downed in Pennsylvania, brought about by brave passengers, all of that work may have only been possible because of their bravery and the luxury we were afforded by not having an attack on the Capitol.

Of course, all of us hope there is never a next time. All of us pray that there will not be a next time. But if there is, we may not be so lucky; so all of that work we did in the very few weeks after September 11, and the specter of Flight 93, makes it clear why we need to think about this issue, and why State legislatures need to act to make sure that the House is replenished as quickly as possible.

In closing, I want to say that this is a very important step, but I hope it is a first step, because our working group is thinking about other key issues, quorum issues, incapacity issues, that can be dealt with under rules. These issues are very significant, which I believe can be addressed under our House rules. There are Presidential succession issues, which are significant and related to this, which could clearly be addressed under statute.

And, yes, although it would be very difficult politically, I also think we need to debate and think carefully about proposed constitutional amendments.

So I think this is a very important, very responsible step, but I am hopeful it will be a first step. I know the working group is continuing its work in a very focused, careful way.

I want to particularly thank the chairman of that, the gentleman from California (Mr. COX), and also the cochairman, the gentleman from Texas (Mr. FROST), for all of their work; the other Members of the working group; the House Parliamentarians; the CRS researchers; other staff who have given us invaluable information in our deliberations.

Mr. Speaker, I strongly urge all of our colleagues to vote for this resolution.

Mr. COX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Louisiana makes a fine point in commending the Congressional Research Service, and I was remiss in not mentioning this earlier. Walter Oleszek and others from CRS have been an enormous and very, very professional resource for us in our work.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I neglected to mention two people who were tremendously helpful: the Pierce County auditor Cathy Pearsall-Stipek, and the Cowlitz County auditor Chris Swanstron. These folks helped us understand that even in optimal circumstances, a special election would probably take at least 60 days, or more like 90.

In Washington State, for example, we mail our ballots out 3 weeks before the election. If we are going to get an election done in 2 months, we have essentially got about a week to run for office, and then the ballots would have to be printed, distributed, counted, there would be one more week to run for office after the primary, and then we would have to have the special election.

I want to follow up on something my colleague, the gentleman from Louisiana, said. He has offered such great, thoughtful insights to this. This is a first step, but we need to make sure, I believe, that there is a mechanism for quick replacement in some fashion to occupy the position in the House of Representatives and get the body's work done in the interim while these special elections are conducted. We simply cannot say that there will be no House of Representatives for the period of 60 days or more while special elections take place.

Declarations of war, appropriations of funds, approval of Vice-Presidential nominees, election of the Speaker of the House and a host of other tasks must be accomplished, and we must have the representation of the States in that process, and we must have the constitutional checks and balances which are so critical.

In a time of catastrophe, it is indeed, I believe, likely that the Presidential position would be occupied by a Cabinet member who was never elected; which is fine, that is under the Succession Act, and we accept that; but for an unelected Cabinet member to serve as the President of the United States with no checks and balances by the legislative branch as represented through the House of Representatives I believe imperils a fundamental principle of the Constitution.

So while I absolutely and unequivocally urge strong sponsoring of this legislation and recognize its importance, it is indeed a first step, and we must move forward, as the working group will do, and as I hope and trust all my colleagues will do, to consider further mechanisms to make sure this great body and the Constitution it represents will continue to function.

Mr. COX. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. CHABOT), the chairman of the Subcommittee on the Constitution of the Committee on the Judiciary.

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding time to me.

I want to commend my colleagues, particularly the gentleman from California (Mr. COX) and the gentleman from Washington (Mr. BAIRD) and the gentleman from Texas (Mr. FROST), for their leadership on this very important issue. I strongly urge all of my colleagues to support House Resolution 559.

In the event of an emergency that leaves large numbers of seats of the House vacant, the House of Representatives will have lost much of its representative character. There are, however, statutory solutions to this problem. The Constitution leaves it to the States in the first instance to enact such solutions.

Article 1, section 1, clause 1 of the United States Constitution states that: "The Times, Places, and Manner of holding Elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations. . . ."

While Congress has the constitutional authority to make or alter State special election laws, Congress extends great deference to State solutions to the problem of vacant House seats in times of emergency. This congressional deference to State action is codified in 2 U.S.C. Section 8, which provides that "The time for holding elections in any State, District, or Territory for a Representative or Delegate to fill a vacancy, whether such vacancy is caused by a failure to elect at the time prescribed by law, or by the death, resignation, or incapacity of a person elected, may be prescribed by the laws of the several States and Territories respectively."

Article 1, section 2, clause 4 of the Constitution further provides that "When vacancies happen in the Representation from any State, the Executive Authority thereof (the Governor) shall issue Writs of Election to fill such vacancies," and such elections will be held in accordance with the State law, absent congressional action otherwise.

This resolution constitutes congressional due diligence by putting the States on formal notice that it is within their constitutional power, and also their constitutional duty, to revise State laws to allow for the conducting of expedited special elections in cases of emergency in which the seats of district representation are suddenly left vacant, and constituents are suddenly left without a voice in the House of Representatives.

The uninterrupted House tradition is that only duly elected representatives should have the final say in legislation passed by the House. This resolution expresses Congress's strong support for States' efforts to strengthen that tradition by providing for the filling of vacant House seats quickly, fairly, and efficiently in emergency circumstances.

I urge strong bipartisan passage of this common-sense resolution.

Mr. FROST. Mr. Speaker, I urge adoption of the resolution. I have no further requests for time, and I yield back the balance of my time.

Mr. COX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, what we have heard thus far this afternoon should be very sobering to all of us. We are asking the States in this resolution to join in a thorough examination of their role, what they can do to help us with these problems.

But the problems are manifold. It is not simply a question of solving the special election problem, it is not simply a question of solving the Presidential succession problem; we have other equally serious problems, and, in combination, they multiply into virtual paralysis of our government at a time when we would need our government to be functioning at its peak efficiency: a time of crisis.

Mr. Speaker, we are here, of course, because of September 11. In working with my colleagues and our expert staff in this working group over several months, we have all been heartened to draw upon such a long and rich tradition in our Congress, in our democracy. There is barely a question that can come before us about the governance of this House or about the election of Members or about the relationship of the States to the Federal Government that has not been considered in other contexts; so we are not without precedent, far from it.

Yet there is something unprecedented to what we are doing here. Were it not for September 11, I do not think any of us doubts we would not be here today, because on September 11 we were forced to confront a different kind of danger, qualitatively different, and we hope not quantitatively different than what we have seen thus far: a disastrous, horrible, apocalyptic future in which the unthinkable becomes reality.

None of us here wishes that ever to occur. We are taking every national security step elsewhere, separate from this measure, to stave that off, to avoid it, to make our world and the rest of the world safe. But if these things happen, if loose nukes become a threat to our domestic security, if chemical warfare or the spread of biological toxins become our future, and if these attacks are directed against the Capitol, then we simply have to imagine that contingency. So that is what the gentleman from Texas (Chairman FROST) and I and our working group have been focused upon.

The fact that, according to al-Jazeera Television, we now know that Flight 93 was directed towards the United States Capitol makes this all too real. Had Flight 93 hit the Capitol, many Members of Congress, we do not know how many, would have been killed. Had a joint session been attacked, the worst case, we can imagine not only a heavy toll, a nearly complete toll among Members of the House and Senate, but also the executive branch, including the President and the Vice President.

The remaining Members of the House of Representatives would have had to try to muster a quorum. If none of them objected on the ground that a quorum was not present, then even 10 Members could have kept the House going. If, on the other hand, someone objected, then there would have to be somehow a quorum.

□ 1300

And a quorum of 435 Members being 218, if more Members than that were killed or injured and unable to function in the attack, then Congress itself would be unable to function and unable to get a quorum. We are working in this working group on rules changes to address this, but ultimately we have got to have Members of Congress back in this body, real live Members. Because even if we can, through changing the rules or through unanimous consent of those remaining 10 Members, get those 10 Members to function as the House of Representatives, who would not question the legitimacy of Congress in those circumstances? Indeed, there might be court challenges.

If the President of the United States, no longer the President that we elected but some replacement under the Presidential Succession Act is now acting in the teeth of an attack on our Nation so severe that the Congress itself has been wasted in that attack, is that not the time when the legislative branch should be operating in full force as a check against excess of executive power because the Nation itself would be tempted at that point to all manner of revenge, some of it perhaps not coolheaded, not wise, not in our national security interest? The checks and balances system itself would not be functioning.

As has been mentioned several times, because of the historical evolution of United States Senate from an appointed body originally in the Constitution, members were not elected in the Senate, and then subsequently by Constitutional amendment, we got direct election of Senators. Still a vestige of that earlier appointment regime is that vacancies in the Senate are filled even in the 21st century by appointment, not so for the House. We have got to have the cooperation of the States to at least speed up special elections so that the time during which Congress cannot function is not needlessly protracted.

This resolution, as has been mentioned, is serious. It is also very short and to the point. It has only one purpose and that is to provoke action in the State legislatures. The resolution is an important first step, as my colleague, the gentleman from Washington (Mr. BAIRD), has described it, toward focusing the attention of the States on what is their critical role in replenishing the Federal legislature by ensuring that special elections are held as expeditiously as possible.

Article one, section four of the Constitution, with which many Americans became familiar during our last electoral crisis, if we can call it that, sets forth the authority of the States to determine the time, places and manner for holding elections for Congress. This creates a symbiotic relationship between the States, who the founders believed and who we still believe today were the sovereigns in their own right; a symbiotic relationship between the States, on the one hand, and the Republic in total, on the other hand, ultimately supreme over the States in all matters encompassed by the Constitution. That is the supremacy clause. And, of course, Congress as the institution representing that sovereignty, that Federal sovereignty, must remain strong and invulnerable.

Our strength is drawn from every Member representing every State in the Union. This is something about which all of the Members of our working group agree. Some are focused on a constitutional amendment to try and ensure that we can get Members back here from the States. Others are focused on the absolute necessity of ensuring that the device for returning Members from the States is some form of election. But at essence, the very important thing is we have Members back here and we not have a distinct minority abnormally representing only portions of the country and disproportionately representing certain interests against other interests, defiling the whole basis of our governance by the people.

Our strength is drawn from every Member representing every State in the Union who daily appears in this Chamber to conduct America's business on behalf of each of our States and each of our constituents.

Our vulnerability is a result of the independence that each of our States has in deciding how and when it will hold elections. So quite simply, as an institution, we are designed as an instrument of the people of each State and ultimately they, not us, control our fate.

The proper place, of course, to discuss this and debate it is on the floor of House; but the proper place to solve this problem is in the legislatures of the various States.

This is, as my colleague, the gentleman from Arkansas (Mr. SNYDER), said a moment ago, the people's House. And it is my opinion it is totally appropriate for the people working through their respective States to decide how best to populate this House with their representatives.

The founders in their profound wisdom in perhaps glimpsing into the future, as they seem to have done so many times, did not leave us without recourse. Where the first clause of the first paragraph of article one, section four gives the States the power to govern every aspect of electing their Federal representatives, there is a second clause. If Congress so decides, Congress has the ultimate authority to take that power away from the States. The second clause in article one, section four reads as follows: The Congress may at any time by law make or alter such regulations, that is the regulations of the States, except as to the places of choosing Senators.

So this Congress could, as any Congress before it could have, preempt every State election law, every State election law in the country governing the election of Representatives either in times of catastrophe or any other time for that matter. But of course just because we have the power to do these things does not mean we should exercise this power, and in this resolution we have chosen a different course. We are going to the States and asking them to act.

What we are doing today is precisely what we ought to be doing, no more, no less. It is the measured response that continues to respect the rights of the States to govern their own elections but highlights to them their critical role in our Federal legislature and emphasizes their responsibility to ensure that their representation in Congress is never long diminished. It is, after all, in the best interest of each State to ensure that it can quickly replenish its congressional delegation, lest it be left out, unrepresented during what could be one of the most crucial moments in our Nation's history.

Therefore, we should, before we do anything more, give the States the opportunity to act in their best interest and in a way that suits each State's own unique needs, and that is precisely what this resolution does.

Our working group has also been examining possible amendments to the Presidential Succession Act of 1947 because the Speaker of the House stands third in line to the Presidency; and any attack on this body that decimates it, that deprives of it of Members, could take away the Speaker as well, indeed, take away other potential successor Speakers. We want to be sure that the line of Presidential succession is clear and uninterrupted.

Virtually ever proposed solution to every issue the working group has addressed, including this one over the past four months, whether it be a change in the rules of the House, passing a new law, amending an old one, or changing our Constitution by altering its language, presents very serious legal issues requiring careful thought and deliberation.

We are not the first to grapple with these issues. The very first Congress, meeting at the site where Federal Hall in New York stands today and where this Congress gathered just a few weeks ago, grappled with the issue of Presidential succession. One can hardly image a Congress more in touch with the sentiments and intentions of the founders than that very first Congress; and one can hardly imagine a government more tentative and fragile and in need of the stability a well-defined and certain line of Presidential succession would provide. Yet the first Congress was unable to agree on a Presidential succession law, and they went without one.

It was left to the second Congress to finally pass the first Presidential Succession Act in 1792. This act stated that in the event of a vacancy in the office of President and Vice President, succession will pass first to the President pro tem of the Senate and second to the Speaker of the House.

The act has been amended in all of the years intervening since 1792 only twice since then: first following the assassination of President James Garfield in 1881 and the death of Vice President Thomas Hendrix in 1886, when concerns were raised because at the time of their deaths Congress had not yet convened, leaving the office of President pro tem and Speaker of the House vacant. As a result, in 1886 Congress removed the Speaker and the President pro tem from the line of Presidential succession.

Fast forward to 1945. President Truman urged Congress to restore the Speaker and President pro tem to the line of Presidential succession. Two years later in 1947, Congress did so. This time putting the Speaker first and then the President pro tem of the Senate second. This brief history demonstrates the time and deliberation that have gone into the very few changes that have been made to our Presidential succession laws since the inception of the Republic. Therefore, those of us on this working group tasked with finding a solution to these problems of congressional continuity, of the line of Presidential succession should take comfort in a history where thoughtful deliberations has been the rule, not the exception.

Mr. Speaker, it is exactly that kind of deliberation, thoughtful and measured, that has gone into the proposals that the working group has put forward to the Committee on the Judiciary on statutory changes, for example, to the Presidential Succession Act, put forward to the Committee on Rules, changes to our quorum requirements in the manner of recognizing the death of a Member, particularly when mass death occurs, and on this question of the special election of Members after a death of a Member.

This resolution is the first step towards ensuring that this body will endure no matter what, no matter what our enemies do to us. I encourage every Member to join the 11 Members of the bipartisan working group in supporting this resolution, this important first step to ensuring the continuity of this great institution.

Mr. Speaker, I want to conclude by thanking in particular the gentleman from Texas (Mr. **FROST**) and his superb staff for the time, energy and effort they have put into these matters. We have much work ahead of us. We cannot congratulate ourselves too much for work half done, but we will be after this year and next year. And as I mentioned, given this long history, we cannot be concerned that we are not moving too precipitously fast. We are moving very fast, I think. We have gotten a lot done, but we will have sometime before us. So I look forward toward to working further with the gentleman from Texas (Mr. **FROST**).

Mr. Speaker, I thank the Members who have spoken on this very important topic today. I apologize to those who were concerned with raising such grizzly topics. Now, Mr. Speaker, I hope we can put ourselves and our minds back to other workday matters more important to we, the living, than this horrible-to-contemplate future contingency. I urge the adoption of this resolution by all the Members of this House, and I urge action of the States in furtherance of this resolution, Mr. Speaker.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. **SIMPSON**). All time for debate has expired.

Pursuant to the order of the House of Thursday, September 26, 2002, the resolution is considered read for amendment and the previous question is ordered.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. COX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 559.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 3295, HELP AMERICA VOTE ACT OF 2001

Mrs. MEEK of Florida. Mr. Speaker, I offer a motion to instruct conferees on the Help America Vote Act.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

> Mrs. **MEEK** of Florida moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 3295 be instructed to take such actions as may be appropriate—
>
> (1) to convene a public meeting of the managers on the part of the House and the managers on the part of the Senate; and
>
> (2) to ensure that a conference report is filed on the bill prior to October 4, 2002.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Mrs. **MEEK**) and the gentleman from Ohio (Mr. **NEY**) each will be recognized for 30 minutes.

The Chair recognizes the gentlewoman from Florida (Mrs. **MEEK**).

Mrs. MEEK of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this motion instructs the conferees on H.R. 3295, the election reform legislation, to complete their work and file a conference report prior to October 4, 2002. I speak with a sense of urgency, Mr. Speaker. It has been almost 2 years since the 2000 Presidential election, an election that created a crisis of confidence in our Nation's election system. Last month we had a primary election in Florida that reinforced the need for immediate action on election reform, as it confirmed that many problems that plagued the 2000 Presidential election in Florida are continuing, Mr. Speaker.

□ 1315

Mr. Speaker, it has been more than 9 months since the House of Representatives passed the Help America Vote Act, H.R. 3295. It has been more than 5 months since the Senate passed their version of election reform legislation, Senate bill 765, the Martin Luther King, Jr., Equal Protection of Voting Rights Act of 2002. The Senate passed it by a vote of 99 to 1, yet the conferees still have not completed this. There is a sense of urgency, I repeat.

Two weeks ago I spoke on the floor here in support of the motion to instruct the election reform conferees offered by the gentlewoman from California (Ms. **WATERS**) instructing the conferees to file a conference report by October 1, 2002. Everyone said the right thing about the need to produce an election reform conference report by October 1, 2002, and yet no conference report was filed. The clock is still ticking, Mr. Speaker.

At that time, the gentleman from Ohio (Mr. **NEY**) remarked,

> I believe that the conferees, Mr. Speaker, on the election reform bill are within sight of an agreement that will bring critically needed aid and assistance to improve elections in the United States, and I believe this motion to instruct will have a positive effect of reminding the conferees on both sides of the aisle that reasonable negotiations are critical to getting this conference report done in the very near future.

The Chairman also observed,

> There is much work left to be done, and I know we are running out of time, but I believe we can meet that challenge. I look forward to being on the floor in the near future and enacting a bill with broad bipartisan support, a bill that makes it easier to vote and harder to cheat, a bill that would demonstrate to all Americans that this Congress can put aside partisanship and improve the election process for all of our citizens.

Last week I returned to the floor, Mr. Speaker, to speak in strong support of this motion to instruct the election reform conferees offered by my good friend the gentlewoman from Texas (Ms. **EDDIE BERNICE JOHNSON**), again directing the election reform conferees to produce a conference report before October 1, 2002. Once again, everyone said that the right thing at that time was the need for the conferees to conclude their work, and yet, once again, an election reform conference report has yet to be filed.

Mr. Speaker, I know that the gentleman from Ohio (Mr. **NEY**), the chairman, and the gentleman from Maryland (Mr. **HOYER**), the ranking member, and Senators **DODD**, **MCCONNELL**, **SCHUMER**, **BOND**, the gentleman from Michigan (Mr. **CONYERS**), the gentlewoman from California (Ms. **WATERS**), the gentlewoman from Texas (Ms. **EDDIE BERNICE JOHNSON**), the gentleman from Florida (Mr. **HASTINGS**), the gentleman from Rhode Island (Mr. **LANGEVIN**), and the gentleman from Missouri (Mr. **BLUNT**) have worked very hard on the issue of election reform, and I thank all of them for their efforts. Yet, Mr. Speaker, as the Washington Post observed in an excellent editorial yesterday, it is long past the time for conferees to work out their differences.

As the Post observed,

> The negotiators see eye to eye on most aspects of the legislation. Both sides agree that Federal grants should support State election-reform efforts. They have agreed on the size of this support: $3.5 billion over 5 years. They agree that Federal standards should guarantee the basic quality of elections: There should be accurate registers of voters in each State; voters should get a chance to correct their votes if they mess up their ballot first time around; there should be access to the polls for voters with disabilities. Both sides also agree that the goal of encouraging participation in elections needs to be balanced by vigilance against fraudulent participation. .
>
> The sticking points are modest by comparison.
>
> How these issues get resolved matters less than whether they get resolved: The worst of all outcomes is that the legislation dies for lack of negotiating energy. A dozen States have passed election-reform plans,

including my State of Florida,

> that will be implemented only if Federal funding is available; if these plans are left to languish, more disputed elections lie in the future. At a time when the Nation's political balance, both in the House and in the Senate, is so nearly even, the importance of accurate vote counting ought to be obvious. And at a time when voter turnout is at an all-time low, bolstering public confidence in the machinery of democracy is especially urgent.

Mr. Speaker, the Washington Post has it right. We need action on election reform, and we need it now. I repeat, we need this now. This is an urgent situation. Thus I am compelled to return to the floor today to offer this motion instructing the conferees to complete their work and file a conference report prior to October 4, 2002.

Mr. Speaker, need I say it again? Election reform is long overdue. Wherever I travel, my constituents and many other Americans ask what is going to be done about election reform; what are we going to do to correct these problems in the election system? The confidence of the Nation is being certainly inhibited by the lack of election reform. How many more election day catastrophes, like last month's voting in Florida, will be required for this Congress to get the message that our people need a real election reform bill, and they need it now?

Mr. Speaker, we must protect the right to vote. Too many have sacrificed too much to secure this right for any of us to shrink from our responsibility to protect it. Equal protection of voting rights laws requires an electoral system in which all Americans are able to register as voters, remain on the rolls once registered, and vote free from harassment. Ballots must not be misleading, and, again, every vote must count. Every voter must count equally, and every vote must count.

I have read these newspapers over and over again, and I have read the indication that election reform conferees have not yet been able to work out their differences and suggesting that election reform, therefore, may be dead this session. Election reform should not be dead this session. As I noted last week, this outcome is absolutely unacceptable to say that election reform is dead for this session. We should be able to pass a strong election reform conference report and send it to the President for his signature before this session ends.

Mr. Speaker, I do not question the conferees' good intentions. In fact, I presume their good faith. But the time for words has passed. It is time for action. It is time for the conferees to act. We need to get this conference report done and report it out. I am here to remind all of the conference members and the conferees of the gentleman from Ohio's (Mr. NEY) comments that I quoted and encourage them to act on it.

Mr. Speaker, we must not forget the lessons of the 2000 election and last month's Florida fiasco. The most fundamental issue facing all of us during this Congress is restoring the public's faith in democracy. It appears that many of us have forgotten that, but it is extremely important that we keep this in front of the American public. To restore that faith in democracy, we must make sure that every vote cast is counted. None of us can rest until we ensure that every vote counts and is counted.

I urge all of my colleagues to support my motion to instruct election reform conferees to file a conference report prior to October 4, 2002.

Mr. Speaker, I reserve the balance of my time.

Mr. NEY. Mr. Speaker, I yield myself as much time as I may consume.

Let me just say I appreciate the gentlewoman's motion to instruct. We are going to agree with the motion to instruct. In fact, I just want to present this in the correct way. We are speaking, as we are speaking, so, therefore, I am going to have to actually yield back the balance of my time so we can go on and get this product done.

I am working with our colleague the gentleman from Maryland (Mr. HOYER) and the other members of the conference. We need a product. We want to have a product. We want something that works. We do not want an issue; none of us want that. We all want something that is going to help the American people.

I appreciate the gentlewoman pushing in the correct way on this conference committee motion.

Mr. Speaker, I yield back the balance of my time.

Mrs. MEEK of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Let me begin by recognizing the outstanding leadership of the gentlewoman from Florida. I am not objecting. She is a close friend. She is a close friend. I am a strong admirer. She has had an extraordinary career in this House, State senate, in the Legislature of Florida and her community. The cause of election reform has no greater advocate. She has been motivated not just by a conviction that it is good public policy, but also by firsthand experience of the indignities a voter can face.

When registration rolls are improperly maintained, when provisional ballots are inadequate and voting equipment is so obsolete it fails to register duly cast votes, indeed, Mr. Speaker, I can think of few Members of this body, perhaps the gentlewoman from Florida (Ms. BROWN) and the gentleman from Florida (Mr. HASTINGS) come to mind, but few Members who are as qualified to speak on election reform in uniquely moral, constitutional and American terms than my friend the gentlewoman from Florida (Mrs. MEEK).

Mr. Speaker, in less than 4 weeks this Nation will hold its first Federal elections since the November 2000 debacle. Mr. Speaker, I will include the balance of my remarks, but I want to say this. I want to say it to all the Members of this House, Mr. Speaker. We took a historic step last year in December and passed overwhelmingly election reform. Over 350 Members of this body voted for that. Some 5 months, 6 months later, the United States Senate passed a bill 99 to 1, passed it in April. April has come and gone. May has come and gone, June, July, August, September. Now we are in October. We are in a new fiscal year.

The 107th Congress is about to end, and, Mr. Speaker, we have yet to pass election reform. We have yet to pass the bill that arguably had the greatest impetus coming out of the 2000 election of any issue in this land, and that was ensuring that every American not only had the right to vote, but would be facilitated in making that vote, and that their vote would be accurately counted.

Mr. Speaker, I have had a lot of optimism that we are going to pass this bill. I continue to have optimism, but the hour is late. This motion is absolutely appropriate, and I thank the gentlewoman from Florida for making it. We have been working in private, difficult sessions, tried to iron out differences. The good news is, Mr. Speaker, from my perspective, we have agreement on 90 percent of this bill's major points.

Mr. Speaker, it would be tragic, but more than that, it would be disgraceful, if this House and the Senate adjourned sine die without passing this particular piece of legislation.

Mr. Speaker, since September 5, I suppose, when we reconvened here, maybe it was the 4th, we have done little. We have not passed any appropriation bills. The end of the fiscal year came on September 30 and went. We passed a continuing resolution to keep the government funded. We are going to pass another continuing resolution tomorrow, but we have not done anything of substance, Mr. Speaker. Neither this body nor the other body has passed any legislation of significance in the past 25 days.

□ 1330

Mr. Speaker, we will debate next week the issue of war and peace. We will debate how we extend the blessings of democracy and protect people from those who would visit terror and death and destruction upon them, their families, and their countries. Mr. Speaker, as we do so, let us hope that we also pass a piece of legislation which will say that in the world's greatest democracy that believes that all men and women are created equal and that in this Nation every one of them is entitled to have their voice heard and that in a democracy, that that voice is heard through the ballot box.

Mr. Speaker, I hope that you, I hope that I, I know that the gentlewoman from Florida (Mrs. MEEK) will work as tenaciously and vigorously as we know how to ensure that we will vindicate that right in legislation; in legislation which will extend to the States resources to give us the best technology possible, resources to provide training for those who administer our elections, resources to educate our voters, and requirements that we have a statewide registration system so that a voter does not come to the polls and hear, oh, I am sorry, we cannot find you on the list; and by the way, we cannot get through to the central office on our phone.

I hope this will be legislation which will ensure that everybody, irrespective of the disability with which they are challenged, will be able to cast their vote and cast their vote in secret; legislation which will say that that person that comes to the poll will get a provisional ballot; and legislation which will say and guarantee that election officials will be able to say to individuals, if the technology permits and an individual makes a mistake and that vote may not be counted, do you want to correct it? Do you want to correct it so that your voice in this democracy will be heard?

I thank the gentlewoman for yielding me this time; but much, much more importantly, I thank her for the courage, the conviction, and the time that she has spent through more than 5 decades of public service to make this a better country.

Mr. Speaker, let me begin by recognizing the outstanding leadership of the gentlewoman from Florida, for whom the cause of election reform has been motivated not just by a conviction that it is good public policy, but also by firsthand experience of the indignities a voter can face when registration rolls are improperly maintained, when provisional ballots are not available, and when voting equipment is so obsolete it fails to register duly cast votes.

Indeed, Mr. Speaker, I can think of few Members of this body—Representative BROWN and Representative HASTINGS come to mind—who are as qualified to speak of election reform in uniquely moral terms as Representative MEEK.

Mr. Speaker, in less than 4 weeks, this Nation will hold its first Federal elections since the November 2000 debacle.

Nobody can predict with certainty how smoothly those elections will go.

After almost 2 years studying what went wrong in November 2000, I am convinced that confidence in this Nation's election system will not be restored until this Congress enacts meaningful national standards, and offers State and local authorities the resources to improve their election infrastructure.

I am pleased to report that Congress is on the threshold of doing just that.

Thanks in large measure to my colleague and good friend from Ohio, Chairman BOB NEY, we are closer than ever to enacting the most comprehensive package of voting reforms since the Voting Rights Act of 1965:

Reform that will require States to offer provisional ballots to all voters whose registration materials have been mishandled by election officials.

Reform that will require States to maintain statewide, computerized registration lists to ensure the most accurate, up-to-date rolls and minimize the number of voters who are incorrectly removed from the voter rolls.

Reform that will reward States for retiring obsolete voting machines—especially the notorious punch cards machines and their dangling chads—that prompted this Congress to act in the first place.

Reform that will require voting systems to be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, and allow them to vote privately and independently.

Reform that allows voters to review and correct their ballots before they are cast.

Reform that does not weaken any existing voting rights laws, includes meaningful enforcement, and ensures that every vote counts.

Mr. Speaker, this motion is intended to ensure that we on the Conference Committee complete our work prior to October 1, 2002.

Given the extraordinary progress the Conference Committee has made in the past 14 days, there is no legitimate reason we cannot meet that deadline.

Indeed, given the larger context in which we operate, I would submit that this congress has a moral obligation to enact election reform before we adjourn:

Mr. Speaker, over the last year this country has committed vast resources to ridding the world of those who would employ the tools of terror to destroy systems of government that derive their legitimacy from the ballot box.

In just the past few weeks we in Congress have been challenged to contemplate the use of overwhelming military might to bring to heal one of the great despots of the past 50 years, a figure whose utter contempt for democracy and the people he rules is the only reason he has held power for so long.

As we consider such profound measures to extend democracy where it does not now exist and strengthen it where it is fragile, we have an urgent responsibility to do the same at home.

Mr. Speaker, I urge my colleagues to pass this motion.

Mrs. MEEK of Florida. Mr. Speaker, I yield myself the balance of my time, and I wish to thank the gentleman from Maryland (Mr. HOYER), my friend, who has been steadfast in his support and building a rationale in this country for election reform. He did not need to be asked. He rose to the occasion. He worked extremely hard in this Congress. He held hands with the gentleman from Ohio (Mr. NEY). This has been a bipartisan push, and it has to happen.

It is very difficult for me to understand why it has not happened. The gentleman from Maryland (Mr. HOYER) has laid out here a history of what has happened. I am a part of that history. I make history every day, and the people I represent make history because we are being misrepresented when the vote is not counted. We may go throughout the highways and byways of this country and get people to go to the polls and vote; but if their votes are not counted, it undermines a system which we are so proud of.

We are proud of this country. We know what it can do. We know what it has done. And we are saying over and over again we cannot accept the fact that many people, over 22,000 of them in Broward and Dade County, were overlooked, even more than that in Duvall County. The gentlewoman from Florida (Ms. BROWN) has nightmares of what happened in Duvall County. The gentleman from Florida (Mr. HASTINGS) and I have nightmares of what happened in Dade and Broward. But now it is beginning to happen to all citizens.

Not many people got alarmed when it happened to the people I represent. I came to this Congress, and I talked about it. I represent those people who are underrepresented. But now it is beginning to happen to the American populace. It happened when Janet Reno ran for Governor in Florida. People who wanted to vote for her could not. People who thought they had voted for her had not.

It is extremely important, Mr. Speaker; and I again appeal to this Congress, with the conscience I know my colleagues have, to stand up for America and see that the conferees get their work done, get it done immediately, and report it and the President pass it. Otherwise, the talking is cheap. Only their confidence, only their good will, only action will prove that every vote will count.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in strong support of the Motion to Instruct Conferees on H.R. 3295, introduced by the gentlewoman from Florida, Mrs. MEEK.

Mr. Speaker, it is time for the Members of Conference Committee to convene a public meeting, finish their work on this legislation, and report it out.

It is time to have a final election reform bill on the floor of the House of Representatives. We've waited long enough.

For the past three weeks now, I have joined a number of Members at this podium and recounted how allegations of voter intimidation, inaccurate voter registration lists, arbitrary ballot counting standards and antiquated machinery deprived so many citizens of their right to vote during the 2000 election.

Just last week, we called for the House-Senate Conference Committee to complete their work by no later than October 1st.

Unfortunately, yet another week has come and gone, and still we have no election reform bill.

How can we go home to our Districts and look our constituents in the eye if we fail to enact legislation to protect this most sacred right, a right that is the cornerstone of our democracy?

Recent primary elections in Florida and elsewhere have only confirmed that the problems of the 2000 elections will still haunt us until we pass legislation to enact meaningful election reform standards. We in Congress have legislation almost within our grasp that will take giant strides to remedy the disenfranchisement of the last election.

We must pass this bill, and we must send it to the President for his signature before another day passes.

Now, it has taken a substantial amount of work to get us where we are today. I believe all Members of the Conference Committee deserve our gratitude for their work on this difficult issue.

I would also like to salute my colleagues in the Congressional Black Caucus for fighting to make "every vote count".

But while I recognize these individuals for their hard work, I want to remind all of them that our work will be for naught if we fail to pass this legislation.

In just 34 days, Americans across the country will go to the polls to cast ballots for their elected representatives.

- Congress must act immediately to ensure that every American has the right to vote and to have their vote counted. Time is running out for the 107th Congress.

We've come so close to compromise, and the price for not passing election reform is far too high. It's time to quit wasting time.

I call on the Conference Committee to finish its hard work, convene a public meeting, and come to an agreement before October 4, 2002. We cannot afford to let this opportunity slip away.

Mrs. MEEK of Florida. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from Florida (Mrs. MEEK).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. MEEK of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 37 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1406

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. QUINN) at 2 o'clock and 6 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put each question on which further proceedings were postponed earlier today in the following order:

H. Res. 543, de novo;

H. Res. 559, de novo;

Motion to instruct conferees on H.R. 3295, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

SENSE OF HOUSE THAT CONGRESS SHOULD COMPLETE ACTION ON H.R. 4019, PERMANENT MARRIAGE PENALTY RELIEF ACT OF 2002

The SPEAKER pro tempore. The pending business is the question de novo on the resolution, House Resolution 543.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GRAVES. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 285, nays 130, not voting 16, as follows:

[Roll No. 430]

YEAS—285

Abercrombie
Aderholt
Akin
Allen
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bereuter
Berkley
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clement
Clyburn
Coble
Collins
Combest
Condit
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Etheridge
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hinojosa
Hobson
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Lantos
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Matheson
McCarthy (NY)
McCrery
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meeks (NY)
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moore
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sanders
Sandlin
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stearns
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Towns
Udall (CO)
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—130

Ackerman
Andrews
Baca
Baldwin
Becerra
Bentsen
Berman
Berry
Blumenauer
Bonior
Borski
Boyd
Brady (PA)
Brown (OH)
Capuano
Cardin
Carson (IN)
Clayton
Conyers
Coyne
Crowley
Cummings
Davis (IL)
DeGette
Delahunt
DeLauro
Dingell
Doggett
Eshoo
Evans
Farr
Fattah
Filner
Frank
Frost
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hill
Hilliard
Hinchey
Hoeffel
Honda
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kleczka
Kucinich
LaFalce
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey

Lynch
Markey
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Slaughter
Solis
Spratt
Stark
Stenholm
Strickland
Tauscher
Taylor (MS)
Thompson (CA)
Thurman
Tierney
Turner
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey

NOT VOTING—16

Cooksey
Deal
Ehrlich
Gilman
Hastings (FL)
Herger
Hilleary
Johnson, Sam
Lampson
Mascara
Pitts
Rahall
Roukema
Sanchez
Stump
Tanner

☐ 1430

Messrs. SCOTT, INSLEE, KUCINICH, LARSON of Connecticut, PAYNE, PALLONE, WAXMAN, EVANS, SPRATT, FILNER, WATT of North Carolina, BONIOR, FARR of California, and Ms. McCOLLUM changed their vote from "yea" to "nay."

Mr. REYNOLDS changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

☐ 1430

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. QUINN). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic votes on each question on which the Chair has postponed further proceedings.

EXPEDITED SPECIAL ELECTIONS

The SPEAKER pro tempore. The pending business is the question de novo of agreeing to the resolution, House Resolution 559.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. BONO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 414, nays 0, not voting 17, as follows:

[Roll No. 431]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—17

Clayton
Cooksey
Deal
Ehrlich
Hastings (FL)
Herger
Hilleary
Houghton
Johnson, Sam
Lampson
Mascara
Pitts
Rahall
Roukema
Sanchez
Stump
Tanner

☐ 1440

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 3295, HELP AMERICA VOTE ACT OF 2001

The SPEAKER pro tempore. The pending business is the question of agreeing to the motion to instruct conferees on H.R. 3295 offered by the gentlewoman from Florida (Mrs. MEEK) on which the yeas and nays are ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from Florida (Mrs. MEEK).

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 400, nays 14, not voting 17, as follows:

[Roll No. 432]

YEAS—400

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bartlett
Barton

Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clement
Clyburn
Coble
Combest
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—14

Barr
Bonilla
Collins
Culberson
Everett
Flake
Goode
Hostettler
Kerns
Kingston
Miller, Jeff
Paul
Thornberry
Toomey

NOT VOTING—17

Bass
Clayton
Cooksey
Deal
Ehrlich
Hastings (FL)
Herger
Hilleary
Houghton
Johnson, Sam
Lampson
Mascara
Pitts
Roukema
Sanchez
Stump
Tanner

□ 1450

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON H.R. 5521, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2003

Mr. KNOLLENBERG, from the Committee on Appropriations, submitted a privileged report (Rept. No. 107–716) on the bill (H.R. 5521) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2003, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore (Mr. THORNBERRY). All points of order are reserved on the bill.

PRIVILEGES OF THE HOUSE—INTEGRITY OF PROCEEDINGS AS PRESCRIBED BY THE CONSTITUTION

Mr. VISCLOSKY. Mr. Speaker, pursuant to rule IX, I rise to a question of the privileges of the House, offer a privileged resolution that I noticed, and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

A resolution, in accordance with House Rule IX, expressing a sense of the House that its integrity has been impugned and Constitutional duty hampered by the inability of the House to bring to the floor the Fiscal Year 2003 Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, due to the severe under funding of Education within the President's Fiscal Year (FY) 2003 Budget.

Whereas under Article I, Section IX, of the Constitution states no money shall be drawn from the Treasury, but in Consequence of Appropriations made by law.

Whereas it is the fiscal duty of the Congress to appropriate annually the funds needed to support the execution of programs and operations of the Federal government.

Whereas to date the House has only considered five Appropriations bills.

Whereas as President, George W. Bush has been persistent in resonating public concern for better schools. He dedicated significant amounts of time and public dialogue during his first year in office to the passage of H.R. 1, the "Leave No Child Behind" Act, not only implying he favored more help to schools from the federal treasury but specifically authorizing large increases in a number of key program areas.

Whereas within weeks of signing H.R. 1, Public Law No: 107–110, the "No Child Left Behind" Act, the President submitted a budget that stopped six years of steady progress in federal support to local schools dead in its tracks.

Whereas instead of the strong and consistent growth in support to local schools that the federal government has provided for more than a decade, the President's FY 2003 Budget holds aid to local schools virtually flat. Furthermore, his Budget Director now insists that if Congress exceeds the budget request by even the smallest amount, the President will veto entire appropriation bills.

Whereas the future of our labor force and our economy is heavily dependent on elevating the education and skills of all future workers.

Whereas about one third of the 53.6 million children now in elementary and secondary schools in America are at serious risk of being left behind. The achievement gap between these students and the rest of the student population remains large and has failed to close.

Whereas of the 53.6 million children currently enrolled in elementary and secondary schools in this country, 9.8 million, or nearly 20 percent, are from households defined by the Commerce Department as being in poverty.

Whereas the House is faced with the choice of supporting schools or supporting the President and his effort to reverse the trend of expanding federal support for local schools.

Whereas the Congress has provided states with an unfunded mandate by approving the "No Child Left Behind" Act without the necessary financial resources to fund it. Now, therefore, be it

Resolved that it is the sense of the House of Representatives that the Congress should provide states with the resources they need to fully implement the "No Child Left Behind" Act as it promised less than a year ago, by completing action on the Fiscal Year 2003 Labor, Health and Human Services, and Education, and Related Agencies Appropriations.

The SPEAKER pro tempore. The Chair will hear briefly from the proponent of the resolution as to whether the resolution constitutes a question of the privileges of the House under rule IX.

The Chair recognizes the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Speaker, I appreciate the recognition to speak on the resolution.

Article 1, section 9 of the Constitution states that "No money shall be drawn from the Treasury, but in consequence of appropriations made by law."

It is the fiscal duty of the Congress to appropriate the money necessary to provide the funds needed to support the execution of programs and operations of the Federal Government. To date, only five of these important measures have been considered.

The failure of this unrealistic budget resolution is especially true in respect to the fiscal year 2003 Labor, Health and Human Services, Education and Related Agencies appropriations bill in its funding for education. This inaction has hampered this body's constitutional duty.

☐ 1500

Mr. Speaker, this inaction has hampered this body's constitutional duty and impinged its integrity. President Bush dedicated significant amounts of time and public dialogue during his first months in office to the passage of H.R. 1, the Leave No Child Behind Act. It specifically authorized large increases in a number of key educational programs. However, within weeks of signing the bill, the President submitted a budget that stopped 6 years of steady progress. His budget director now insists that if Congress exceeds the budget request by even the smallest amount, the President will veto the entire appropriations bill.

Mr. Speaker, section 702 of House rule IX, entitled "The General Principles," concluded that certain matters of business arising under the Constitution mandatory in nature for the House have been held to have a privilege which supersedes the rules establishing the order of business. The powers of raising revenue and appropriating funds is the question of the House's constitutional authority and is therefore privileged in nature, especially given the importance of this funding to the future of our Nation.

The future of our labor force and our economy is heavily dependent on elevating the education and skills of future workers. The achievement gap between students who are at risk and the rest of the student population remains large and has failed to close.

It is not only the prerogative of this Chamber but its constitutional duty for the House to take action on the Labor, Health and Human Services and Labor bill. The Congress has provided States with an unfunded mandate by approving H.R. 1 without the necessary financial resources to fund it. The majority of this body voted for H.R. 1, and we should deserve to be heard.

Mr. Speaker, my question of privilege regards the integrity of our proceedings as a House as prescribed by the Constitution. The U.S. Constitution conveys upon this body the power to originate appropriation measures. It is not only our responsibility, it is our duty and obligation to reinstate this message and this legislation about the importance of education. And I do believe the resolution that I have introduced is privileged in the House.

The SPEAKER pro tempore (Mr. THORNBERRY). The Chair is prepared to rule on whether the resolution offered by the gentleman from Indiana (Mr. VISCLOSKY) constitutes a question of privileges of the House under rule IX.

The resolution offered by the gentleman from Indiana (Mr. VISCLOSKY) expresses the sense of the House that the Congress should complete action on a legislative measure. Specifically, the resolution calls upon the Congress to provide the States with additional education resources by completing action on a general appropriation bill.

The Chair has most recently ruled on November 4, 1999, consistent with the principal enunciated by Speaker Gillett in his landmark ruling of May 6, 1921, that a resolution expressing a legislative sentiment ordinarily does not give rise to a question of privileges of the House under rule IX. Specifically, the Chair held on that occasion that legislative sentiment that the President should take specified action to achieve a desired policy end did not present a question affecting the rights of the House collectively, its safety, its dignity or the integrity of its proceedings as required under rule IX.

In the opinion of the Chair, the instant resolution expressing the sentiment that Congress should act on a specified measure also falls short of the standards of rule IX.

The Chair would quote from the landmark Gillett ruling: "No one Member ought to have the right to determine when it should have come in preference to the regular rules of the House."

To permit a question of privileges of the House either urging or requiring congressional action or inaction on education funding would permit any Member to advance virtually any legislative proposal as a question of privileges of the House.

As the Chair ruled on December 22, 1995, the mere invocation of the general legislative power of the purse provided in the Constitution, coupled with a fiscal policy end, does not meet the requirements of rule IX and is really a matter properly initiated through introduction in the hopper under clause 7 of rule XII.

Accordingly, the resolution offered by the gentleman from Indiana (Mr. VISCLOSKY) does not constitute a question of privileges of the House under rule IX and may not be considered at this time.

Mr. VISCLOSKY. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is: Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. JEFF MILLER OF FLORIDA

Mr. JEFF MILLER of Florida. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. VISCLOSKY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 210, nays 200, not voting 21, as follows:

[Roll No. 433]

YEAS—210

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick

Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—200

Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Hall (TX)
Harman
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—21

Abercrombie
Barr
Callahan
Cooksey
Davis, Tom
Deal
Ehrlich
Ganske
Gutierrez
Hastings (FL)
Hilleary
LaFalce
Lampson
Mascara
McKinney
Pitts
Roukema
Sanchez
Stump
Tanner
Watkins (OK)

☐ 1524

Mr. EDWARDS and Mr. HINOJOSA changed their vote from "yea" to "nay."

Mr. HEFLEY and Mr. WELDON of Florida changed their vote from "nay" to "yea."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRIVILEGES OF THE HOUSE—INTEGRITY OF PROCEEDINGS AS PRESCRIBED BY THE CONSTITUTION

Mr. BROWN of Ohio. Mr. Speaker, I rise to a question of the privileges of the House, and I offer a privileged resolution, that I noticed yesterday pursuant to rule IX, and ask for its immediate consideration.

The SPEAKER pro tempore (Mr. THORNBERRY). The Clerk will report the resolution.

The Clerk read as follows:

Whereas Article I, Section VIII, of the Constitution states Congress shall have Power to promote the progress of Science and the useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

Whereas such protections on Writings and Discoveries have been promulgated by patent, copyright, and other laws, including Public Law 98–417, affording Authors and Inventors the exclusive Right to their respective Writings and Discoveries for a limited period of time;

Whereas Public Law 98–417 breaches this constitutional requirement by failing to impose such limitation on the protection of certain medical inventions;

Whereas provisions of Public Law 98–417 imbue the Food and Drug Administration with the authority to secure for limited time for Inventors the exclusive Right to their respective Medical Inventions;

Whereas public Laws 98–417 fails to provide the Food and Drug Administariton the authority to refrain form securing this exclusive right for inventors if the conditions for such exclusivity are not met;

Whereas due to the failure of Congress to provide the Food and Drug Administration with the proper authority to fulfill obligations under the Act, certain medical inventions have received the exclusive Right to their respective Inventions without limitation;

Whereas the unlimited exercise of exclusivity by prescription drug manufacturers subjects healthcare consumers and third party payers to no-competitive prices and results in significantly higher prescription drug costs for purchasers;

Whereas health care costs increased by 5% in 2001, 3.7 times faster than overall inflation rate;

Whereas prescription drug cost spending is the fastest growing component of heath care costs, and rose 17% in 2001;

Whereas health insurance premiums rose by 11% in 2001, driven largely by the increased cost of prescription drugs;

Whereas state Medicaid spending increased by 11% in Fiscal year 2002, driven primarily by increased prescription drug spending and enrollment growth;

Whereas the number of individuals with health insurance declined by 1.4 million in 2001, a function of the faltering economy, rapid health inflation, and a growing number of states in which public insurance programs are outpacing budgets;

Whereas prescription drugs are prescribed by licensed healthcare professionals to consumers as a non-discretionary purchase essential to their welfare;

Whereas it is in the public interest to grant a limited period of exclusivity to inventors of prescription drugs, but extending that exclusivity places an inappropriate fiscal burden on consumers, insurers, and public sector payers;

Whereas generic drugs are sold as alternatives to medical inventions for which exclusivity is no longer available;

Whereas generic drugs have the same dosage, safety, strength, quality, and performance as the medical inventions for which they serve as substitutes, according to the Food and Drug Administration;

Whereas limitations on exclusivity have allowed prescription drug prices to drop 40–80 percent when generic drugs enter the market;

Whereas limitations allowing generic drugs to enter the market saved consumers $8–$10 billion in 1994 alone, according to the Congressional Budget Office;

Whereas the failure to apply limitations to the Exclusive rights granted under Public Law 98–622 has afforded widely used medicines, including Prilosec and Paxil, an indefinite period of exclusivity;

Whereas Prilosec and Pxil were among the 50 medicines seniors used most in 2001;

Whereas the Senate has passed S. 812, which amends Public Law 98–417 to restore constitutionally mandated limitation on medical inventions;

Whereas the House has not considered Legislation to amend Public Law 98–417 to restore constitutionally mandated limitations in medical inventions;

Whereas it is the obligation of the House to consider such legislation in keeping with its constitutionally mandated obligations to secure for Limited Times to Authors and inventors the right to their writings and Inventions;

Whereas the failure of the House to restore limitations on the exclusivity afforded to the inventors of prescription drugs, if not remedied, will cost consumers and other purchasers $60 billion over the next ten years, according to the Congressional Budget Office;

Whereas the failure of the House to restore limitations on the exclusivity afforded to the inventors of prescription drugs, if not remedied, will leave more seniors and other Americans without access to needed medicines;

Resolved, that it is the sense of the House of Representatives that the house should consider pending legislation to amend Public Law 98–417 to restore constitutionally mandated limitations on medical inventions on behalf of American consumers, including seniors, American businesses, and tax-funded federal and state health insurance programs.

□ 1530

POINT OF ORDER

Mr. BURR of North Carolina. Mr. Speaker, I rise on a point of order. The gentleman has not presented to the House a question of privilege under rule IX of the rules of the House. As the House Practice Manual clearly states, and I quote, "Rule IX is concerned not with the privileges of the Congress as a legislative branch but only with the privileges of the House itself." The mere enumeration of the legislative powers in article 1, section 8 of the U.S. Constitution, which the gentleman cites in his resolution, do not give rise to a question of privilege of the House itself. The precedents of the House are clear on this point.

Mr. Speaker, I therefore insist on the point of order.

The SPEAKER pro tempore (Mr. THORNBERRY). The Chair will hear from the gentleman from Ohio on the point of order as to whether his resolution constitutes a question of privileges of the House under rule IX.

Mr. BROWN of Ohio. Mr. Speaker, this resolution goes to the question of the integrity of the House and its proceedings, and failure to act impugns the integrity of the House.

Under article 1, section 8 of the Constitution, Congress has two obligations in regard to intellectual property protection: to provide authors and inventors a period of exclusivity, and to place a defined limit on that exclusivity. Both obligations are crucial because they accommodate a delicate balance between promoting new innovation and promoting broad scale access to that new innovation.

In the case of prescription drugs, the balance is especially crucial. It is in the public interest to promote the development of new medicines. Every day, however, that competition in the drug market is delayed means fewer Americans with access to that medicine. The only thing more tragic than a life-threatening or debilitating illness is knowing that one cannot afford the medicine that would cure that illness.

In accordance with its obligations under the Constitution, Congress has enacted a number of laws intended to provide inventors and authors limited intellectual property protection: the Patent Act, the Copyright Act, the Bayh-Dole Act, the Hatch-Waxman Act, and licensing laws for atomic energy and anti-pollution devices. Unfortunately, Hatch-Waxman confers intellectual property protection without limit. This was clearly not the intention of the authors, and Congress has impugned its integrity by failing to address this constitutional breach.

Under Hatch-Waxman, drug makers can trigger an automatic 30-month period of exclusivity for their products above and beyond the 14 to 17 years of patent protection they already receive by taking two simple steps: first, the drugmaker notifies FDA that it possesses an additional patent that claims the drug, meaning that it covers an essential aspect of the drug as approved by FDA. This typically occurs at just about the time when the drugmaker's original patents on the drug are about to expire. Then, if any generic drug companies have filed on application with FDA to market a generic version of that drug, the brand-name company then sues the generic for patent infringement.

Under those circumstances, FDA is obligated to place a 2½-year stay on the approval of the generic drug application regardless of the merit of the patent, regardless of whether the drugmaker's new patent actually claims the drug. In fact, FDA has no authority under Hatch-Waxman to assess whether a patent is actually in any way relevant to the underlying drug patent. The agency must take the drug industry's word for it and award the drugmaker an additional 30 months of exclusivity.

While the Judicial Branch tries to step into the breach, the courts have repeatedly curtailed the 30-month exclusivity by ruling that a drug company's patent does not claim a drug, the courts cannot prevent drug companies from repeating this process over and over again, filing new patents with FDA, triggering 30 months of exclusivity, then enjoying that exclusivity until the courts rule against them.

The SPEAKER pro tempore. The Chair requests the gentleman confine his remarks to the question of whether the resolution constitutes a question of privileges of the House.

Mr. BROWN of Ohio. Mr. Speaker, this goes to the question of the integrity of the House and its proceedings; and by building this case, it will be clear to all Members how this in fact has happened.

The Patent and Trademark Office cannot prevent drugmakers from securing indefinite periods of exclusivity under Hatch-Waxman. It only determines whether a drugmaker should receive a patent, not whether this patent claims an existing prescription drug product. Under Hatch-Waxman, neither FDA nor any agency or branch of government can prevent intellectual property protection from being conferred over and over again, in other words, indefinitely for the same product, a violation of the Constitution.

This problem is not theoretical; it is real. Neurontin, a $1.1 billion-a-year drug, is a prescription drug for seizures. Its two main patents, one on the drug's ingredients, one on the use of the drug, expired in 1994 and 6 years later, respectively. Right before the second patent expired, the company listed two new patents, one of which was an unapproved use to treat Parkinson's. The drugmaker did not ask FDA to approve the drug for Parkinson's patients. The drugmakers did not do any research to assert whether the drug actually is effective for Parkinson's patients, but the generic drugmaker still had to go to court to argue that its product is not intended for Parkinson's patients.

When the generic and brand-name company go to court, FDA is automatically required to withhold approval of the generic for 30 months, or 2½ years. That is why this goes to the integrity of the House and its proceedings. After those 30 months, the industry filed a new patent, forcing the generic industry to go back to court, starting the 30-month clock again. The two delays, equal to 5 years, delayed generic entry and additional patent protection illegally and unconstitutionally, costing consumers a million and a half days in potential savings.

It is our responsibility, Mr. Speaker, to restore the original intent of Hatch-Waxman and meet our constitutional obligation to limit intellectual property protection afforded to drugmakers. Our failure to act on pending legislation impugns the integrity of this House and impugns the integrity of Congress. In failing to act, we play a complicit role in a looming health care crisis. We know what that is: rising prescription drug costs fuel double-digit increases in health insurance premiums, they put State budgets in the red, and they force seniors to choose between medicine and food.

My question of privilege, Mr. Speaker, regards the integrity of our proceedings as a House as prescribed by the Constitution. The Constitution conveys upon this body the power to secure for limited, underscore limited, times to authors and inventors the exclusive rights to their writings and discoveries. Hatch-Waxman confers intellectual property protection without limit, and therefore it is our obligation to remedy this constitutional breach.

The other body has passed legislation already that fulfills this obligation bipartisanly and overwhelmingly. This House has three pieces of legislation before it, H.R. 1862, 5272, and 5311, with several sponsors from both parties, that would enable the House to meet its constitutional obligation. This resolution urges the House to take up one of these measures in keeping with our constitutional obligations and to restore the integrity of our proceedings.

I ask the Speaker to recognize any Member wishing to speak on the resolution.

The SPEAKER pro tempore. The Chair is prepared to rule.

As the Chair ruled earlier today, a resolution expressing the sentiment that Congress should act on a specified measure does not constitute a question of privileges of the House under rule IX.

The mere invocation of legislative powers provided in the Constitution coupled with a desired policy end does not meet the requirements of rule IX and is really a matter properly initiated through introduction in the hopper under clause 7 of rule XII.

Accordingly, the resolution offered by the gentleman from Ohio does not constitute a question of the privileges of the House under rule IX, and the point of order raised by the gentleman from North Carolina is sustained.

Mr. BROWN of Ohio. Mr. Speaker, I appeal the ruling of the Chair and ask to be heard on the ruling.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. BURR OF NORTH CAROLINA

Mr. BURR of North Carolina. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. BURR) to lay on the table the appeal of the ruling of the Chair.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BROWN of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 212, nays 204, not voting 15, as follows:

[Roll No. 434]

YEAS—212

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Myrick
Nethercutt
Ney
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—204

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (TX)
Harman
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—15

Barr
Deal
Ehrlich
Ganske
Hastings (FL)
Hilleary
Lampson
Mascara
McKinney
Pitts
Roukema
Sanchez
Skelton
Stump
Tanner

☐ 1604

Mrs. NORTHUP changed her vote from "yea" to "nay."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENTS TO H.J. RES. 114, AUTHORIZING USE OF MILITARY FORCE AGAINST IRAQ

(Mr. DREIER asked and was given permission to address the House for 1 minute.)

Mr. DREIER. Mr. Speaker, I rise to inform our colleagues that today we will be sending a Dear Colleague letter informing Members that the Committee on Rules is planning to meet on Monday, October 7, to grant a rule which may limit the amendment process for H.J. Res. 114, authorization for the use of military force against Iraq.

Any Member who wishes to offer an amendment to this joint resolution should submit 55 copies of the amendment and one copy of a brief explanation of the amendment by 5 p.m. this Friday, October 4, to the Committee on Rules in room H–312.

Amendments should be drafted to the text of the joint resolution as reported by the Committee on International Relations, which is expected to file probably tomorrow. The text will be available on the Web sites of both the Committee on International Relations and the Committee on Rules.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

PRIVILEGES OF THE HOUSE—MAKING CHAPTER 12 FAMILY FARMER BANKRUPTCY PROTECTIONS PERMANENT

Mr. HOLDEN. Mr. Speaker, I rise to a question of the privileges of the House, and offer a privileged resolution that I noticed pursuant to rule IX, and ask for its immediate consideration.

The SPEAKER pro tempore (Mr. THORNBERRY). The Clerk will report the resolution.

The Clerk read as follows:

A resolution in accordance with House Rule IX, expressing a sense of the House that its integrity has been impugned and its Constitutional duty hampered by the inability of the House to bring to the floor, a clean bill permanently extending Chapter 12 of title 11 of the U.S. Code which provides bankruptcy protections to family farmers.

Whereas, Chapter 12 of the Federal bankruptcy code was enacted in 1986 as a temporary measure to allow family farmers to repay their debts according to a plan under court supervision, preventing a situation from occurring where a few bad crop years lead to the loss of the family farm; and

Whereas, in the absence of Chapter 12, farmers are forced to file for bankruptcy relief under the Bankruptcy Code's other alternatives, none of which work quite as well for farmers as Chapter 12; and

Whereas, since its creation, the Chapter 12 family farmer bankruptcy protection has been renewed regularly by Congress and has never been controversial; and

Whereas in 1997, the National Bankruptcy Review Commission recommended that Chapter 12 be made permanent; and

Whereas in this Congress, just as in previous Congresses, the larger Bankruptcy Reform Act includes a provision that permanently extends Chapter 12. And, in this Congress, just as in previous Congresses, the larger Bankruptcy Reform Act is a controversial bill whose enactment is an uncertainty; and

Whereas, for 5 years now, family farmers have been held hostage by the contentious debate surrounding the larger bankruptcy issue. For 5 years, the family farmer has been waiting to see if Congress will extend these protections for another few months until we reach the next legislative hurdle on the larger bankruptcy issues; and

Whereas right now, family farmers are making plans to borrow money based on next year's expected harvest in order to be able to buy the seeds needed to plant the crops for that harvest. As these farmers leverage themselves, they need to have the assurance that Chapter 12 family farmer bankruptcy protections are going to be there for them on a permanent basis. Sporadic and temporarily extensions to not do the job.

Now therefore, be it resolved that it is the sense of the House of Representatives that the Speaker should immediately call up for consideration by this body, H.R. 5348, the Family Farmers and Family Fishermen Protection Act of 2002, which will once and for all give family farmers the permanent bankruptcy protections they have been waiting over five years for.

POINT OF ORDER

Mr. SENSENBRENNER. Mr. Speaker, I raise a point of order that the resolution is not privileged under the rules of the House and ask to be heard on the point of order.

The SPEAKER pro tempore. The gentleman may present his point of order.

Mr. SENSENBRENNER. Mr. Speaker, over the years, both Republican and Democratic Speakers have ruled that questions of privilege may not be used to criticize the legislative process, such as charges of inactivity in regard to a subject reported from committee. This precedent dates back to at least 1974 and has been renewed by Speakers of the House ever since.

The question of privilege that the gentleman from Pennsylvania (Mr. HOLDEN) raises relates to scheduling of legislation. Just yesterday, the House passed a bill on the subject of family farmer bankruptcy protection, which the gentleman from Pennsylvania supported; and I thank him for that support. But this resolution is definitely not a question of privilege. The issue has been raised with the first alleged resolution of privilege that came up. The question is identical to that on which the Speaker has already ruled and on which the House has tabled an appeal.

I would urge the Speaker to sustain the point of order.

The SPEAKER pro tempore. The Chair will hear from the gentleman from Pennsylvania on the point of order as to whether the resolution constitutes a question of privileges of the House under rule IX.

Mr. HOLDEN. Mr. Speaker, rule IX of the House Rules Manual states that questions of privilege are "those affecting the rights, reputation, and conduct of Members, Delegates, or the Resident Commissioner, individually, in their representative capacity only."

The rights, reputation, and conduct of this Member are negatively affected when the House cannot move legislation that the American people and the vast majority of the Members of this House overwhelmingly support. Chapter 12 of the Federal bankruptcy code was enacted in 1986 as a temporary measure to allow family farmers to repay their debts according to a plan under court supervision, preventing a situation from occurring where a few bad crop years result in the loss of the family farm.

Mr. Speaker, in 1997, the National Bankruptcy Review Commission recommended that chapter 12 be made permanent. Six times since that recommendation was made, Congress has ignored the advice of the National Bankruptcy Commission and has extended chapter 12 on a temporary basis rather than a permanent basis. I will admit that a permanent extension of chapter 12 has been included in the larger bankruptcy reform bill, but that bill is saddled with great controversy; and despite our efforts to pass it several times in the past 5 years, we still have not had success.

Mr. Speaker, for 5 years now, family farmers have been held hostage by the contentious debate surrounding the larger bankruptcy issue. Right now, family farmers in my congressional district and in other congressional districts are making plans to borrow money based on next year's expected harvest. As these farmers leverage themselves, they need to have the assurance that chapter 12 family farmer bankruptcy protections are going to be there for them on a permanent basis. Sporadic and temporary extensions do not do the job. Immediate consideration of H.R. 5348, the Family Farmers and Family Fishermen Protection Act of 2002, will give family farmers the permanent chapter 12 bankruptcy protection they have been patiently waiting for for 5 years.

Mr. Speaker, let me finish by saying I represent over 600,000 constituents, many of whom are family farmers. My rights and those of my constituents are being denied when urgent legislation that has the majority support is blocked from consideration simply because the leadership of this House will not schedule a vote for this bill. As a result, I believe this resolution meets the test of privilege.

The SPEAKER pro tempore. The Chair is prepared to rule.

As the Chair ruled earlier today, a resolution expressing the sentiment that Congress should act on a specified measure does not constitute a question of privileges of the House under rule IX.

The mere invocation of legislative powers provided in the Constitution coupled with a desired policy end does not meet the requirements of rule IX and is really a matter properly initiated through introduction in the hopper under clause 7 of rule XII.

Accordingly, the resolution offered by the gentleman from Pennsylvania does not constitute a question of the privileges of the House under rule IX and the point of order raised by the gentleman from Wisconsin is sustained.

□ 1615

The Chair would further add that the Chair understands the gentleman from Pennsylvania (Mr. HOLDEN) purported to invoke a question of privileges of the House as opposed to a point of personal privilege.

Mr. HOLDEN. Mr. Speaker, I am appealing the ruling of the Chair and ask to be heard on the appeal.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

MOTION TO TABLE OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Speaker, I move to lay the appeal on the table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HOLDEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 214, nays 202, not voting 15, as follows:

[Roll No. 435]

YEAS—214

Aderholt
Akin
Armey
Bachus
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—202

Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (TX)
Harman
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—15

Abercrombie
Baker
Deal
Ehrlich
Hastings (FL)
Hilleary
Hunter
Lampson
Mascara
McKinney
Pitts
Roukema
Sabo
Stump
Tanner

☐ 1635

Messrs. DEFAZIO, HALL of Texas, and GEORGE MILLER of California changed their vote from "yea" to "nay."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRIVILEGES OF THE HOUSE—SENSE OF HOUSE THAT CONGRESS SHOULD COMPLETE ACTION ON FISCAL YEAR 2003 LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION AND RELATED AGENCIES APPROPRIATIONS, AND SHOULD ADEQUATELY FUND THE "LEAVE NO CHILD BEHIND ACT"

Mr. OBEY. Mr. Speaker, I rise to a question of the privileges of the House, and I offer a privileged resolution, that I noticed on Monday, and ask for its immediate consideration.

The SPEAKER pro tempore (Mr. THORNBERRY). The Clerk will report the resolution.

The Clerk read as follows:

Whereas, Article I, Section IX, of the Constitution states that no money shall be drawn from the Treasury, but in consequence of Appropriations made by law.

Whereas it is the fiscal duty of the Congress to appropriate annually, by October 1st of each year, the funds needed to support the execution of programs and operations of the Federal government.

Whereas the House to date has only considered five Appropriations bills, and has failed to consider the Fiscal Year 2003 Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act which would provide funding for critical areas of national policy including pre-school, elementary and secondary education, special education, higher education and student loans.

Whereas as President, George W. Bush supported and signed into law Public Law 107-110, the "Leave No Child Behind Act," which imposes substantial accountability and performance mandates on elementary and secondary schools in every state and congressional district in the United states.

Whereas the "Leave No Child Behind Act" included the authorization of significant additional resources to assist the states and local education agencies to provide the mandated improved educational services to America's schoolchildren.

Whereas within weeks of signing the "Leave No Child Behind" Act, the President submitted the FY 2003 budget provides an increase in education funding of 0.5 percent (one half of one percent) compared with an average increase of 12 percent in the six years prior to enactment of the new law.

Whereas President Bush's FY 2003 education budget request fails to provide the promised level of funding to states and local education agencies which are required to implement significant educational reforms.

Whereas President Bush's FY 2003 budget would provide only 18 percent of the increase in compensatory education funding promise by the "Leave No Child Behind" Act.

Whereas about one third of the 53.6 million children now in elementary and secondary schools in America are at serious risk of educational failure without the resources promised in the "Leave No Child Behind" Act.

Whereas the funding level for improving teach quality in President Bush's budget would not even keep pace with the current level of funding, let alone help promote the expanded teacher quality programs contained in the "Leave No Child Behind" Act.

Whereas the President's education budget also fails to provide the level of federal assistance for the Individuals with Disability Education Act that was promised to states more than 27 years ago.

Whereas by failing to appropriate the funds it has promised to pay for the new accountability requirements for students, teachers and schools, the Congress would bring discredit on itself and undermine the ability of our schools to provide the improved education services for which the House has overwhelmingly voted. Now therefore be it,

Resolved that it is the sense of the House of Representatives that the Congress should complete action on the Fiscal Year 2003 Labor, Health and Human Services, and Education, and Related Agencies Appropriations before recessing and should fund the "Leave No Child Behind" Act at levels commensurate with levels promised by the act less than a year ago.

The SPEAKER pro tempore. The Chair will hear from the gentleman from Wisconsin (Mr. OBEY) on whether the resolution constitutes a question of privileges of the House under rule IX.

Mr. OBEY. Mr. Speaker, rule IX of the House rules states clearly that "questions of privilege shall be first those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings."

The refusal of the majority party leadership to allow the House to take up the Labor-Health appropriations bill and, thereby, to block increased education funding that is critical to the Nation's schools, and to hold hostage the remaining appropriation bills that the House has yet to consider obviously brings ridicule upon the House. The integrity and the dignity of the House are at stake. It is a clear reflection on the dignity of the House and on the integrity of its proceedings when the House has not completed its appropriations bills and then uses its rules to avoid responsibilities rather than to meet them.

It also subjects the House to ridicule when the House spends a great amount of time passing resolutions lecturing the Senate to take actions on authorization bills which are far less crucial to the operations of the government than the House's failure to act on its core responsibility, which is to pass appropriation bills, including and especially the Labor, Health and Education appropriation bill.

Funding education at a continuing-resolution level brings to a screeching halt the progress that we have made in the past 5 years in providing average increases of about 14 percent a year for education. At the same time, that continuing resolution freezes many other programs and would fund the National Institutes of Health at a level $3.8 billion below the amount that both parties have announced that they want to see it funded at. In my view, the inconsistency is glaring and again brings ridicule on the House.

The House is discredited, Mr. Speaker, not only because of the spectacular failure of the House leadership to get the education funding bill or any of the 13 appropriation bills adopted by the start of the fiscal year which began yesterday, but also because the House has abdicated its constitutional responsibilities and, in that sense, is avoiding the very accountability which we say we want to provide.

Rule IX of the House rules outlines questions of privilege relating to constitutional prerogatives. Under our Constitution, the Congress has the power to appropriate. We determine the Nation's spending priorities and, by law, must pass all 13 appropriation bills by October 1, yesterday, the beginning of the new year. Mr. Speaker, in my view, the House leadership has abrogated its constitutional responsibilities in regard to appropriations, and I would argue that their continued inaction on these urgent priorities, priorities as crucial as additional funding for education, meets the test for privileged resolutions, and I would ask for such a ruling.

☐ 1645

The SPEAKER pro tempore (Mr. THORNBERRY). The Chair is prepared to rule on the question of whether the resolution offered by the gentleman from Wisconsin (Mr. OBEY) constitutes a question of the privileges of the House under rule IX.

As the Chair has ruled previously today, a resolution expressing the sentiment that Congress should act on a specified measure does not constitute a question of privileges of the House under rule IX.

The mere invocation of legislative powers provided in the Constitution coupled with the desired policy end does not meet the requirements of rule IX, and is really a matter properly initiated through introduction in the hopper under clause 7 of rule XII.

Accordingly, the resolution offered by the gentleman from Wisconsin (Mr. OBEY) does not constitute a question of privileges of the House under rule IX and may not be considered at this time.

Mr. OBEY. Mr. Speaker, I regretfully appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

Mr. LAHOOD. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. LAHOOD) to lay on the table the appeal of the ruling of the Chair.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 212, nays 202, not voting 17, as follows:

[Roll No. 436]

YEAS—212

Akin
Armey
Bachus
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—202

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (TX)
Harman
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee

Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—17

Aderholt
Baker
Conyers
Deal
Ehrlich
Gilman
Hastings (FL)
Hilleary
Lampson
Mascara
McKinney
Murtha
Pickering
Pitts
Roukema
Stump
Tanner

☐ 1707

Mr. GORDON changed his vote from "yea" to "nay."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NOTIFICATION OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. FARR of California. Mr. Speaker, pursuant to clause 2(a)(1) of House rule IX, I rise to give notice of my intent to present a question of privilege to the House.

The form of the resolution is as follows:

A resolution, in accordance with House Rule IX, expressing a sense of the House that its integrity has been impugned and Constitutional duty hampered by the inability of the House to bring to the floor H.R. 854, legislation that would promote the general welfare of the nation by protecting its health care system.

Whereas President George W. Bush has urged Congress to put Medicare on a "sustainable financial footing" in order to assure Americans of affordable and accessible health care.

Whereas the Administration has failed to take action to protect Medicare and Medicaid programs from severe cuts that threaten basic services to persons in need of health care.

Whereas the Medicaid program is facing significant cuts through reductions in the disproportionate share hospital program, threatening the very financial viability of the nation's public hospitals.

Whereas the cuts made in order by the Balanced Budget Act were postponed until 2003 by the Benefits Improvement and Protection Act but without further congressional action cuts will be reimposed and have the potential to seriously cripple safety-net public health services in states across the nation.

Whereas, in addition to slashing payments to hospitals the Administration has also eliminated the UPL payments for hospitals, further weakening their ability to provide health care to the indigent and uninsured.

Whereas federal payments to states for this program have been reduced by approximately $700 million in FY 2002 and will be reduced further by about $900 million in FY 2003, thus severely restricting public hospitals' ability to serve persons in need of health care.

Whereas the number of uninsured persons without access to health care has risen in the last year to 41.2 million.

Whereas by failing to act Congress imposes on the states and localities an undue burden to carry health care costs as well as abrogates its responsibility to maintain the general welfare of the country, bringing discredit to this Body and threatening the very well-being of the populace.

Now, Therefore, Be It Resolved that it is the sense of the House of Representatives that the Congress should complete action on H.R. 854 or other provider reimbursement legislation before recessing and should insure that Medicare and Medicaid providers have appropriate funds to carry out their health care mandates.

The SPEAKER pro tempore (Mr. THORNBERRY). Under rule IX, a resolution offered from the floor by a Member other than the majority leader or minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is appropriately noticed.

Pending that designation, the form of the resolution noticed by the gentleman from California (Mr. FARR) will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at a time designated for consideration of the resolution.

Mr. FARR of California. Mr. Speaker, I ask to be heard at the appropriate time on the question of whether this resolution constitutes a question of privilege.

NOTIFICATION OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Ms. CARSON of Indiana. Mr. Speaker, pursuant to House rule IX, clause 1, I rise to give notice of my intent to present a question of privilege of the House.

The form of the resolution is as follows:

TRANSPORTATION (AMTRAK) PRIVILEGED RESOLUTION

A resolution, in accordance with House Rule IX, expressing a sense of the House that its integrity has been impugned and Constitutional duty hampered by the inability of the House to bring to the floor the Fiscal Year 2003 Transportation Appropriations Act, due to the severe under funding of the National Passenger Rail Corporation (Amtrak) within the President's Fiscal Year (FY) 2003 Budget.

Whereas under Article I, Section IX, of the Constitution states no money shall be drawn from the Treasury, but in Consequence of Appropriations made by law.

Whereas it is the fiscal duty of the Congress to appropriate annually the funds needed to support the execution of the programs and operations of the Federal Government.

Whereas to date the House has only considered five Appropriations bills.

Whereas President George W. Bush has ignored the requests of Amtrak for an Appropriation of $1.2 billion, and has instead proposed only $521 million in funding.

Whereas the House Appropriations Committee gutted funding for Amtrak with every Republican member on the Committee voting to cut funding, despite the dire impact this will have on their own districts.

Whereas instead of strong support and consistent growth in support for the nation's passenger rail system the President's FY 2003 Budget seeks to strangle Amtrak so that the Administration can begin to implement plans to privatize the system.

Whereas Amtrak provided a critical transportation need in the months after the terrorist attacks of September 11th, and has seen consistent growth in ridership despite continued levels of inadequate funding.

Whereas Amtrak serves more than 500 stations in 46 states and employs over 24,000 people, and Amtrak passengers on Northeast corridor trains would fill 250 planes daily or over 91,000 flights each year.

Resolved that it is the sense of the House of Representatives that the Congress should complete action on the Fiscal Year (FY) 2003 Transportation Appropriations, with an allocation of $1.2 billion for Amtrak.

☐ 1715

The SPEAKER pro tempore (Mr. THORNBERRY). Under rule IX, a resolution offered from the floor by a Member other than the majority leader or minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentlewoman from Indiana will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

Ms. CARSON of Indiana. Mr. Speaker, I ask to be heard at the appropriate time on the question of whether this resolution constitutes a question of privilege.

The SPEAKER pro tempore. The gentlewoman will be notified of the time so designated.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. TIBERI). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CELEBRATING THE MINNESOTA TWINS AND 3M

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, today we would like to talk about a couple of issues that are very important to those of us from Minnesota. One is, of course, what is happening out in Oakland right now and a tremendous story, and I would like to yield to my friend also from the State of Minnesota (Mr. KENNEDY) to talk a little bit about what is happening in Oakland and what happened this year to a Minnesota team that was not supposed to be playing baseball this year. I would yield to my friend from Minnesota.

Mr. KENNEDY of Minnesota. Mr. Speaker, I appreciate the gentleman yielding to me.

We have some great baseball going on in Minnesota. I attract the attention of this House that it has only been about a year since Major League Baseball Commissioner Bud Selig announced their decision to contract baseball, which would have been painless for the owners, but would have been very painful for Minnesota, and here we have in that year since a team that has come forth. Not only is this a team that was on the verge of extinction, but this is a team that has a lot of young, fresh-faced players and a cumulative salary that is amongst the lowest in the league.

We have got a great team that is out there scrapping, making all Minnesotans proud. I know my two sons, daughters and our family have always enjoyed the great baseball tradition. I have got my Minnesota Twins hat here. I do not know if I am allowed to sing We Are Going to Win, Twins Are Here, but we in Minnesota are very proud of what the Twins have been doing, and we just want to congratulate them on their success and tell them that we are confident that they are going to have a great way all the way to the World Series and beyond.

Mr. GUTKNECHT. Mr. Speaker, reclaiming my time, it is a Cinderella story, and 1 year ago it looked as if that team would not even exist this year, and now here they are in the playoffs. And yesterday was another great story; fell behind early, came back to win in Oakland.

Today my staff is gathered around. They rigged up a way that we can actually listen to the game in the office, and we have a feeling they are going to come back today.

We are also proud and we are here today to talk about something that we in Minnesota are proud of, and that is a Minnesota company called Minnesota Mining and Manufacturing, 3M better known, because they are celebrating 100 years of innovation, and it really is one of the most innovative companies.

Several years ago we had one of their researchers come down to Rochester, Minnesota. He gave a speech, and he said something pretty profound. He said that he is talking about basic research, and he said if we knew what we were doing, it would not be research. And there is no other company that I know of that has done so much in terms of developing new products, because many people think of 3M, and they think of Scotch tape or they think of Post-It notes, but truthfully, it started 100 years ago making sandpaper, and now they are a $1 billion pharmaceutical company.

They are involved in all kinds of things from health care to industrial products, consumer and office products, electrocommunication products and specialty material. They operate in more than 60 countries. They have 37 international companies within the operation. They have 32 laboratories, and I think last year they were awarded 501 patents. It is an amazing story of innovation, and let me just share one quote, and then I want to yield back to my colleague.

One of their first presidents was a gentleman by the name of William McKnight, and he is the one who ignited the whole notion of innovation and research, but he said, "This higher good, people, leave them alone. If you put fences around people, you get sheep. Give people the room that they need." And he did and built an amazing company and also created an amazing foundation which serves the people of the Upper Midwest and the world even today.

I yield back to my colleague from Minnesota.

Mr. KENNEDY of Minnesota. Mr. Speaker, I thank my colleague for the time, and 3M is certainly one of the jewels of Minnesota, a wonderful company that, as my colleague described, very capably innovates beyond the scale of just about any other company in the world, and they bring out new products all the time that are solving problems that people face.

I had an opportunity just on the energy issues to sit and listen to some of their ideas for how we can be more energy-efficient, whether it be transmitting energy across electric lines, whether it be making the weight of our cars lighter so they can have the same strength but still use less gas. The number of ideas and innovation that comes out of 3M has been awesome, and we are proud to have them in our State.

I am very proud that in my district I have three plants in Hutchinson and New Ulm and Fairmont. I had the opportunity to visit them. They have got great, wonderful workers, and they have got wonderful workers throughout the company. They treat their workers very well, and we are certainly proud of that.

As part of this 100-year celebration, they are going to be here tomorrow in the Cannon Caucus Room, number 345, from 8:30 to 10:00, and I am proud, to be an American enterprise showcase of their technologies, and we encourage all of our Members to come and see the great things that 3M does.

Mr. GUTKNECHT. Mr. Speaker, that is tomorrow in 345 Cannon House Office Building from 8:30 to 12:30. Snacks will be served. It will be a great time.

THE NATION'S ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, the House has taken little note of what is happening to the economy. Millions of Americans, however, are clamoring for our attention, and our increasing economic distress, I am not surprised that the House takes little interest in the unemployed. Poor people must live on another planet, not in the United States.

But there has been a recent wake-up call that spreads deep into the middle class, and that is recently released figures on a 2-year decline in the number of uninsured after what had been some steadiness. Recent figures show a decline in health care coverage among many working Americans. I think the Washington Post says it best: There is new evidence that a weakened economy is having adverse ripple effects on ordinary people.

What we see is a drop in the proportion of people who have health benefits. That is usually working Americans who have gotten them as a result of their employment. At the same time, we are seeing a mediocre rise in health insurance costs, up 12.7 percent this year, and then, of course, there is the completely unsustainable increase in prescription drug prices at twice the rate of inflation. All of these health care indicators at the same time show the kind of distress that urgently needs our attention.

Much of the drop in health insurance costs comes from small businesses, 10 percent of it in the last 2 years, but that is where the jobs are. That is where people with health insurance are, and if we want some indication that we are now striking at the heart of our economy, we need only look at the fact that most of those who have lost their health insurance are working men.

Of course, the population that is most without health insurance in our country today are Latinos. A third of Latinos have no health insurance benefits.

What the statistics do not show, Mr. Speaker, however, is where the greatest effect is, I believe, being held, and that is the shift in health care costs from the employer to the employee. When an employer cannot sustain the cost of health benefits anymore, and he shifts to his employee, then we have what in effect is a cost in pay and a lowering of the standard of living, and we know that is what has occurred because 2 weeks ago the Census Bureau reported that the household incomes fell 2.2 percent.

We have not paid any attention in this House to the very rapid increase in unemployment because it started so low, from 3.9 percent 2 years ago to 5.7 percent today. We cannot let it continue to rise that fast. Now we see really the fatal indicator, the health insurance indicator.

This House is about to go home with token health to seniors on prescription drugs, which leaves most of them exactly where they were before that pittance of a bill passed. We have an equally dangerous indicator left on the table, left to fester, and that one is one we should have learned in the past to take note of, and that is the urgent loss of health care benefits to millions of Americans who had them this time last year, who had them this time 6 months ago, who are afraid more of the loss of health care benefits than they are of the loss of employment. We ought to be very, very careful about going home and leaving people without health insurance.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC., September 26, 2002.

Hon. J. DENNIS HASTERT,
Speaker of the House, Washington, DC

DEAR MR. SPEAKER: Enclosed are copies of resolutions adopted on September 25, 2002 by the Committee on Transportation and Infrastructure. Copies of the resolutions are being transmitted to the Department of the Army.

Sincerely,

DON YOUNG,
Chairman.

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. J. RES. 112, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2003

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 107–718) on the resolution (H. Res. 568) providing for consideration of the joint resolution (H. J. Res. 112) making further continuing appropriations for the fiscal year 2003, and for other purposes, which was referred to the House Calendar and ordered to be printed.

□ 1730

ORDER OF BUSINESS

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent to take the time allocated to the gentleman from Indiana (Mr. PENCE).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

TRIBUTE TO CARL SCHULTZE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, I am 44 years old; and although that is a short time of life, it has been a time of enormous changes. Yet there have been few things that have been consistent. One thing that has been consistent that I have observed in my life is a friend of mine who just passed away, Carl Schultze. He was Mr. Consistency, Mr. Collinsville, Mr. Holy Cross, Mr. Public Servant, Mr. Community Leader.

The record of public service, love of God and family and community has ended with the death of Carl Schultze. Carl Willoughby Schultze, 73, of Collinsville, Illinois, was born July 31, 1929 in Collinsville. Carl started his working career as a car salesman in 1947 for Norwin Chevrolet in downtown Collinsville, Illinois, and retired in 2001 from Jack Schmitt Chevrolet in Collinsville, Illinois.

Carl was an active member of Holy Cross Lutheran Church, the church I attend. He was involved in the church choir. His booming thunderous voice, always on key, served as the foundation of a successful church choir whose sole goal was to glorify God. He was past congregation president, financial secretary, elder, member of the school board and various other boards. He was a past member of the Collinsville Jaycees, was a Collinsville Tepee Adult Board president, and a member of the Collinsville Chamber of Commerce Board of Directors and Collinsville Progress Board of Directors, having been president for 9 years.

In May 2002, Collinsville Progress renamed the Improvement of the Month Award as the Carl Schultze Improvement of the Month Award, presented by the Collinsville Progress. He was a past board member of CMT YWCA, that is Collinsville, Marysville, Troy YMCA, and a past member of the United Way board, serving as chairman in 1990.

He was on the board of directors of the Collinsville Building and Loan Association for 22 years, having been made a board member emeritus, and was a board member of the Collinsville Chorale. He was a very active and involved member of the Kiwanis, an organization that he got me to join, having served as president for two terms, past lieutenant governor of Division 34 of Kiwanis, and received the distinguished lieutenant governor pin, and was a past board member and received the Kiwanian of the Year Award, Hixon Fellow Honor, and the Amador Fellow Honor.

Carl received other awards: the CHS, Collinsville High School, Alumni Award in 2001, the Spirit of Excellence Award in 2001, and the Irvin Dillard Award by the Collinsville Lion's Club. Over the years, Carl enjoyed singing for weddings and funerals, working outside in his garden, and was a dedicated husband, father, and grandfather.

He is survived by his loving wife and high school sweetheart, Mary Lou, and three compassionate and loving daughters, daughter Belinda Schultze, Laura Schultze, and Lisa Durham of Collinsville. Lisa is my grade school and high school classmate; and her husband, Chris, and Carl's pride and joy, his grandson, Jacob Schultze Durham.

I have split wood with Carl, I have trimmed trees, I built a swing set, sold oranges, and sold bagna calda, and I have worshipped with Carl. He has been a father figure and a mentor. If I accomplish one-half of the good deeds that Carl Schultze has done, I will leave this life a happy man.

As the Bible says, "Well done, good and faithful servant."

TRIBUTE TO THE HONORABLE ROMAN PUCINSKI, FORMER MEMBER OF CONGRESS, FORMER CHICAGO ALDERMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise to pay tribute to the Honorable Roman Pucinski, former Member of Congress, former Chicago alderman, and a great American.

Mr. Speaker, on September 25, the Angel of Death took away the golden voice of Roman Pucinski, formerly fondly known as "Pooch" to those who knew him. Roman Pucinski was a Chicagoan through and through. In a city with strong ethnic ties and heritage, he was a renowned member and leader in the Polish American community.

Pucinski was a household name in Chicago. The proud son of civic leadership, Roman went on to become a reporter-journalist. And what a reporter he was for the Chicago Sun Times. The war interrupted his journalism career, and during World War II Roman was the lead bombardier in the first B–29 "Superfortress" raid on Tokyo in 1944. This was just one of 49 missions in which he flew as part of the Army Air Forces in the Pacific.

He returned home to Chicago and became the chief investigator for a select committee of Congress, investigating the Katyn Forest Massacre. This investigation of slain Poles eventually resulted in his appointment as Illinois division president of the Polish American Congress. Roman Pucinski was then elected to the United States House of Representatives in 1958 and distinguished himself as an advocate for education, airline safety, and the interest of Chicago. He served 7 terms.

Roman Pucinski was then called upon by his party to run for United States Senate against the very popular Charles Percy. Roman did not win that election. However, he came back the next year and ran for the Chicago City Council as alderman of the 41st Ward. He was elected and became an icon, serving for 18 years.

Roman Pucinski was an outstanding orator and a skilled debater who loved to talk, and talk he did. I served with Roman in the Chicago City Council, and though we were often pitted against each other as a result of membership in and alliances with different political forces, we became great friends and worked well together.

He leaves to cherish a great legacy of service and representation, and to mourn his passing, many friends and a devoted family, his daughter Aurelia, who was elected and served as Clerk of the Circuit Court of Cook County, a son, a brother, a sister, and three grandchildren.

Roman Pucinski encouraged me to run for Congress and would often say that he would come and speak for or against me, whichever would help the most. Roman, you were right again. Congress is indeed an interesting, exciting, and challenging place where one can help to shape the world. I say, Thanks to you, and good-bye, my friend.

42ND ANNIVERSARY OF THE INDEPENDENCE OF THE REPUBLIC OF CYPRUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I am proud to come to the House floor today to mark the 42nd anniversary of the independence of the Republican of Cyprus. Despite the tragic events that have taken place during the past 4 decades, the Government of the Republic of Cyprus remains committed to the core principles enshrined in the Cyprus constitution guaranteeing the basic rights and freedoms of the people of Cyprus, Greek Cypriots and Turkish Cypriots alike.

Members of this Congress have strongly supported the Republic of Cyprus. Resolutions have been introduced in the House and Senate expressing the sense of Congress that security, reconciliation, and prosperity for all Cypriots can best be achieved within the context of membership in the European Union, which will provide significant rights and obligations for all Cypriots. The legislation has strong support in the House, having been unanimously approved by the Subcommittee on Europe of the House Committee on International Relations. The Senate has also passed this legislation out of their Committee on Foreign Relations unanimously. The House version has 83 bipartisan cosponsors, and the legislation echoes longstanding U.S. policy in support of Cyprus' accession to the European Union.

Mr. Speaker, the commemoration of Cyprus' Independence Day this year, as in the past 28 years, is complicated significantly by the fact that over a third of the island nation's territory continues to be illegally occupied by the Turkish military forces, in violations of U.N. Security Council resolutions. In spite of this, Cyprus remains committed to achieving a resolution of this military problem through peaceful negotiations.

On July 20 of 1974, Turkey invaded Cyprus and to this day continues to maintain 35,000 heavily armed troops in the occupied territory. Nearly 200,000 Greek Cypriots were forcibly evicted from their homes, became refugees in their own country, and fell victim to a policy of ethnic cleansing. 1,493 Greek Cypriots, including four Americans of Cypriot descent, have been missing since 1974.

In 1983, in flagrant violation of international law and the treaties establishing the Republic of Cyprus and guaranteeing its independence and territorial integrity, Ankara promoted a "unilateral declaration of independence" in the area under its military occupation. The U.S. Government and the U.N. Security Council condemned the declaration and attempted secession. To date, no other country in the world, except Turkey, recognized the so-called "Turkish Republic of Northern Cyprus."

In 1999, the Security Council reaffirmed that "a Cyprus settlement must be based on a State of Cyprus with a single sovereignty and international personality and a single citizenship, with its independence and territorial integrity safeguarded and comprising two politically equal communities." These parameters have been reiterated by the Security Council on several occasions.

In a landmark decision on May 10 of 2001, the European Court of Human Rights found Turkey responsible for continuing violations of human rights. The court decision emphasized that the Republic of Cyprus is the sole legitimate government of Cyprus, and pointed out Turkey is engaged in the policies and actions of the illegal occupation regime.

In the face of a short, but painful, history of the Republic of Cyprus, there has been remarkable economic growth for those individuals living in the government-controlled areas. Sadly, the people living in the occupied area continue to be mired in poverty as a result of the policies pursued by the Turkish leadership and the occupying power. These issues would be resolved if Turkey would withdraw their illegal occupation and allow the democratic government of the Republic of Cyprus to run its own affairs.

And I hope, Mr. Speaker, that we see that day soon when we see democracy and unity for all of Cyprus.

TRIBUTE TO AMERICA'S FALLEN FIREFIGHTERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 5 minutes.

Mr. ETHERIDGE. Mr. Speaker, as National Firefighter Memorial Weekend approaches, I rise to pay tribute to our Nation's fallen firefighters; and I am pleased that a number of my colleagues have joined me in legislation on this and may come later in the evening to speak in favor of this bipartisan legislation that we have introduced on behalf of our fallen firefighters.

Last year, America tragically lost 442 firefighters. Each gave their lives protecting our communities from fire and other emergencies. This weekend, on October 5 and 6, we will join together as a Nation to mourn their passing and honor their sacrifices. So it is fitting that we come to this floor today to honor the memory of our fallen firefighters and say thank you to those brave folks who have served our community so well.

Mr. Speaker, firefighters truly embody the value and spirit that makes America what it is today, a great Nation. Firefighters are diverse, they represent every race and creed and culture in America, yet they are bound by a common commitment to service. Firefighters are dedicated; and when we call them, they risk their lives for each of us. They are the people our children look up to. When we ask a child the timeless question, What do you want to be when you grow up?, nowadays, more often than not, those children will say, I want to be a firefighter.

Our firefighters are truly our hometown heroes. However, all too often these heroes must give their lives in the line of duty. For the families of these brave souls, Congress created the Public Safety Officers Benefit Act. Since its inception 25 years ago, this important benefit has provided surviving families with financial assistance during their desperate time of need.

□ 1745

However, a glitch in the law prevents some families from receiving the assistance that Congress had intended. If a firefighter or public safety officer has a heart attack or stroke, then they are more likely not to get the benefit. The truth is it accounts for almost half of all firefighter fatalities, yet the families of these fallen firefighters are rarely eligible for these benefits.

For example, imagine that a house or business catches on fire, a company of firefighters tragically lose two of their members fighting this fire. One loses their life as a result of a piece of debris hitting him within the building, and the other dies of a heart attack in the parking lot when they walk out of the building.

Under current law, the family of the firefighter who suffered a fatal blow to the head received the benefit, while the firefighter who walked out in the parking lot and had a heart attack, their family gets nothing. It is wrong that these families are denied this benefit when the loved one sacrifices their life while serving our community.

A constituent of mine, Mike Williams of Bunnlevel, who works in the Office of the State Fire Marshal, alerted me to this glitch in the law after Ms. Deborah Brooks, the widow of Thomas Brooks, a firefighter from Lumberton, was denied benefits because of this technicality. Mr. Brooks, a master firefighter, tragically died of a heart attack after running several calls on the evening shift. As part of his duties with the State Fire Marshal's office, Mike helps families fill out public safety officer benefits, and he had received many of these benefit rejection letters from cardiac cases from the U.S. Department of Justice.

The rejection letter in Thomas Brooks' case was one too many, and Mike wrote to me and asked that we investigate the situation. We found out that it would take legislation to do it. As a result, the gentleman from Maryland (Mr. HOYER) and the gentleman from Pennsylvania (Mr. WELDON), who are cochairmen of the Firefighters Caucus, and the gentleman from Michigan (Mr. SMITH) along with many others, have introduced H.R. 5334, the Hometown Heroes Survivors Benefits Act. H.R. 5334 will correct this technicality in the law that has penalized so many of our firefighting families.

This bipartisan legislation will provide this benefit to the families of public safety officers who have died after a heart attack or a stroke while on duty, or within 24 hours after participating in a training exercise or responding to an emergency situation.

Mr. Speaker, H.R. 5334 is the kind of bipartisan legislation that we should be working on in this House. As of this afternoon we have 50 cosponsors, and more cosponsors on the way. I urge Members to cosponsor H.R. 5334, and I ask the House leadership to put this bill to a vote before this Congress adjourns. Our firefighters put their lives on the line where strength, heart and desire are sometimes the only thing that ensures that a piece of property or a house that is burning down can be saved. Our hometown heroes deserve our support. Let us let them know that we appreciate their bravery and heroism.

NO CHILD LEFT BEHIND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BACA) is recognized for 5 minutes.

Mr. BACA. Mr. Speaker, I rise today to support full funding for the "No Child Left Behind" Act (H.R. 1). The new little red schoolhouse entrances to the Department of Education building are a perfect example that the Administration is "all show and no tell" when it comes to education. By building those little red schoolhouses, at a cost of $98,000, at least 160 children have already been left behind by the Administration's cuts in education funding. The Bush Administration thinks that the American people will see those schoolhouses and believe that the Nation's children are in good hands under the Bush education system.

The American people know better. Americans will notice when after school programs are no longer available for their children. Americans will notice when their special needs children cannot get extra help from their own community schools.

Americans will notice when their teachers become frustrated because they can't get the training they need to provide the best quality instruction to their students. Americans will notice when these same teachers have to leave their students because they can't get the training required to meet the Administration's new accountability standards. Americans will notice when their kids can't receive as much in student loans, and don't have access to scholarships for low-income students. And, Americans will notice when their kids who need help with their English skills are falling behind because their schools no longer provide training in English.

Since 1997, the average increase in Federal education funding has been 12 percent a year—until now.

The Bush Administration proposes to increase Federal funding by only 0.5 percent, but flaunts the "No Child Left Behind" Act as its first big accomplishment.

If leaving millions of children out in the cold when it comes to their education is an accomplishment, then dark times lay ahead.

The Bush Administration has slashed about 82 percent of the budget increase promised by the "No Child Left Behind" Act for low-income students.

The President's budget cuts the expected increase for low-income students from $5.65 billion to only $1 billion extracted from other important programs.

Low-income students can expect to lose over $664 million in badly needed funds.

English language training programs will now face a freeze in funding even though 300,000 students with limited English will enroll in school next year.

The Bush budget cuts English language training funding by almost 10 percent per child, but still requires testing of these students to determine how to bring students up to new standards.

We should be helping school districts like those in my Congressional district, which are struggling to make good on their promise to hire more bilingual teachers to help the growing number of Spanish-speaking children.

Instead, the Bush budget cuts funding for bilingual education and teacher training.

The Bush administration's budget cuts special education programs by so much that the goals set by the Individuals with Disabilities Act (IDEA) cannot be met for at least 12 more years.

Special Education is underfunded by $500 million. The "No Child Left Behind" Act requires that IDEA be met in 7 years, not 12.

The funds for the Teacher Quality State Grant program, which is the primary Federal program for training teachers in core academic subjects, have come to a halt.

92,000 fewer teachers will be trained than the Program currently supports. The Bush Administration's budget is $404 million below the amount promised in the "No Child Left Behind" for teacher training.

The Republican budget also freezes child care funding and includes only a slight increase for Head Start. This will reduce the number of children already eligible and leave millions empty-handed.

The Administration fails to fund its vital education program that claims to leave no child behind. It seems that Republicans think that simply by naming the education bill "No Child Left Behind," they are keeping their promise to the American people. Americans know better! Americans deserve better!

I urge both the Administration and the Members of Congress to fully fund the "No Child Left Behind" Act for the sake of our children.

CHALLENGES FACING OUR FIRE DEPARTMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, as a supporter of the bill of the gentleman from North Carolina (Mr. ETHERIDGE) and the effort of this Congress to be more aggressive in support of our firefighters, I very much encourage the consideration and ultimate passage of legislation that will accomplish that.

This morning we held a hearing in the Committee on Science to examine just how the Federal Government can help ensure that our Nation's fire departments are adequately equipped and staffed to perform the jobs they have been asked to do. The hearing shed light on the challenges facing our fire departments. I would like to talk about a couple of those challenges.

First, the need of the firefighting community to work together on these efforts. Our challenge and our goal is to increase support for firefighters in this country. After 9/11 of last year, I think all of America recognized that we depend a great deal on our first responders. The firefighters in New York set an example for people all over the world that it takes cooperation if we are going to protect the liberty and freedom that we have.

One concern I have is the contest that has been developing between volunteers and full-time firefighters. I think we need to do everything we can so all of our first responders, firefighters and medics work together to accomplish the goals that we need to accomplish at the Federal level.

In my home State of Michigan, the Professional Firefighters Union has been pressuring their members not to volunteer in their home communities because they might displace potential union members. The events of September 11 generated a renewed appreciation and respect for firefighters.

Two years ago, Members of the House started a program of helping fire departments around the country with equipment and with training. I think we should remind ourselves that many of these first responders are in small communities that cannot depend on a fire department that is 100 miles away. The only way a lot of these communities can survive is to have volunteers that can work in those departments. Where else do we have volunteers that are willing to go out and risk their lives to protect our property and our lives?

The grant program that we established provided direct support to fire departments around the country for basic firefighting needs. In its initial year, the program proved to be very popular with both fire services and Members of Congress. Additionally, the U.S. Fire Administration received extensive praise for an exceptional job of developing and implementing the program efficiently under challenging time constraints.

In my mind, the need-based peer-reviewed grant program is an excellent example of how the Federal Government can assist the first responders, both paid full-time people and volunteers, with the basic training and equipment they need to answer our calls.

If we lose volunteers in those very small communities, it will be a tremendous financial burden to maintain the kind of protection that we have now. This has got to be a situation where we work together.

Those of us in the Fire Caucus, while supportive of a grant program to increase terrorism preparedness, quickly recognized that the Assistance to Firefighters Grant Program was intended to provide fundamental firefighting support to departments, and should be kept separate and distinct from the FEMA counterterrorism funds that the President proposed.

Further complicating this problem has been language in the proposed Homeland Security legislation that gives the FEMA Administrator and the Secretary of the new department authority to shift funds among programs. There is a real concern now that this authority, while understandable for administrative flexibility, could eliminate the basic program that several of us thought was very important that we implement in this country.

In conclusion, let me say that firefighters around this country are there when there is a community project. In many places they hold baked good sales to make sure that they can buy the equipment to protect us in those local communities. We need local support for these firefighters, we need more State support for these firefighters, and we need more Federal support for these firefighters.

Mr. Speaker, I would like to commend the United States Fire Administration that my science research subcommittee oversees for their hard work and commitment in bringing the goals of this program to fruition. Administrator David Paulison and grants director Bryan Cowan have gone above and beyond the call of duty.

DEMOCRATS ARE WORKING TO GET OUR ECONOMY BACK ON TRACK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, on a separate point from what I wish to discuss this evening, let me acknowledge that I had an opportunity to meet with one of my firefighters from Houston, Texas, and I do want to emphasize the important role that firefighters play in homeland security and as first responders.

I hope that we will be able to address their concerns, particularly as it relates to one legislative initiative that I am supporting dealing with H.R. 3992 which addresses the question of providing the added resources and personnel to ensure that both fire trucks and fire stations are well equipped with the necessary personnel. I believe however we resolve these matters dealing with volunteer firefighters as well as our full-time firefighters, we do realize that they are, in fact, very viable and vital first responders, and we should address their concerns.

It is my sense and position to move and hope that we will move H.R. 3992 as expeditiously as we can. We had a hearing in the Committee on Science, and I hope that we will be able to do that on behalf of the American people.

Mr. Speaker, I believe there is a lot that we can do on behalf of the American people, and as I have watched the base of the economy crumble beneath us, if we really went back home and asked who is hurting or what needed to be improved or corrected, most would say that they would ask that we get the economy back on track.

It is important that the voice of those Democrats who are seeking to do so be heard. I am somewhat disturbed that the House majority has failed to address the real serious questions of the economy. In the backdrop of a very high and moral decision of whether or not this Nation goes to war, we have lost all sight of those who are hurting.

Let me just give some points that are worth noting. Household income is down for the first time since 1991. This is not household income of those who can afford to throw away a few dollars, cut out one more midwinter trip away to the islands or to some European attractive vacation spot. This is the household income of those who are trying to make ends meet, trying to send young people to college, pay their mortgages, or, like in the State of Texas, trying to scurry around to find substitute insurance to the Farmers Insurance Company that has shut down in Texas, causing 700,000 families not to have home insurance. This is real. Mr. Speaker, I have sent a letter to the Attorney General of the United States, and I am waiting for a response, for him to determine how he can be of assistance to those 700,000 families in Texas.

Poverty is up for the first time since 1993, affecting 1.3 million more families than last year; 1.8 million jobs have been lost, and unemployment is up 5.7 percent. Health care costs are soaring; and again we say to the senior citizens in our community, prescription drugs prices are five times the rate of inflation, but yet this body has not been able to pass a guaranteed Medicare prescription drug benefit. People are hurting.

□ 1800

The stock market has lost $4.5 trillion of its value, more than was lost in the Hoover administration in that collapse. All of the history books will point to the stock market crash of 1928. We have surpassed that. The market just ended its worst quarter since the crash of 1987.

Thousands of employees have seen their retirement savings evaporate. 401(k) and other defined contribution plans lost $210 billion. The index of leading economic indicators fell .2 percent this month, double the decline experts had expected. And a $5.6 trillion surplus has become a $2 trillion deficit.

We have work to do, Mr. Speaker, and we are not doing it. Thousands and thousands, I am exaggerating, of course, hundreds and hundreds, tens of tens of suspension bills going nowhere; but yet we are failing to address the pain and the hurt of those who are suffering from this economy. We have got to strengthen pensions by giving employees the same protections that executives get. We have got to allow those who are living with companies that are bankrupt, Mr. Speaker, to go into the bankruptcy court, pass a prescription drug benefit, protect Social Security, and provide jobs. I simply ask for this Congress to do its work.

GUAM'S POSITION IN LIGHT OF IRAQI SITUATION

The SPEAKER pro tempore (Mr. TIBERI). Under a previous order of the House, the gentleman from Guam (Mr. UNDERWOOD) is recognized for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, today as we look upon the world situation and we are confronting the possibility of a renewed struggle in the Middle East and trying to deal with all the challenges that we face as a result of the activities and actions of Saddam Hussein, it is important for me as the representative of Guam to inform the House about what the impact all of this may have on communities around the country, and particularly Guam.

We are on the precipice of a new struggle, and we will have some time to review and debate that particular resolution which may authorize military activities in that part of the world next week; but the military challenges that we face and the strategic challenges that we face, even though they affect the entire Nation, they do not affect all the communities around the country in the same way; and certainly we the people of Guam will feel the effects of this in many disproportionate ways.

Guam is known primarily as a strategic area, as a place from which we can triangulate armed conflict. It is a military base for the Navy and for the Air Force. There has been recent discussion about the placement of bomber squadrons there at Anderson Air Force Base, and new submarines are going to be home-ported in Guam. All of that is welcomed by the people of Guam because, indeed, we are patriotic Americans.

In fact, today I just got an e-mail from an Air Force captain asking me for some remarks in order that he might swear in an airman. Both of them are in Kabul. The airman is going to be reenlisted there in Afghanistan. Our people are disproportionately in high numbers in armed services. We support the military. But as we look upon what the effects of this struggle might be and even though it may lead to a bump-up in military activities in Guam, we are directly economically challenged by this because our economy is based primarily on tourism and 80 percent of our visitors come from Japan and nothing is more disconcerting to Japanese tourists than the prospect of war and conflict. If the situation which occurred in Guam immediately after the Gulf War crisis or immediately after September 11 last year again exists as a result of this armed conflict, we will see a dramatic downturn in tourism. A downturn in tourism is already in effect as a result of 9–11 and is already in effect simply because of the economic malaise that continues to obtain in Japan. But more so than that, if this armed conflict comes about, even the discussion of it will lead to a reduction in numbers.

Guam will stand ready to do its part. It did its part even in the evacuation of the Kurdish refugees in 1996 under Operation Pacific Haven. They were sent to Guam. When there was no overflight authority granted to conduct bombing raids on Iraq at a couple of times in the past few years, those bombers were prepositioned in Guam and then taken directly to Iraq.

But I point this out not because the people of Guam will not be in support, but because really the people of Guam deserve additional consideration should this series of economic downturns occur as a result of any conflict or even the discussion of conflict. Immediately after the 9–11 situation, there were a couple of proposals offered for economic recovery. In that effort, the House was not receptive to inclusion of the territories in that economic recovery package. While in the other body the economic recovery package was more receptive to the inclusion of Guam and other territories, that economic package never was successful.

Indeed, at the end of the day, the economic assistance that was given directly to the territories was minimal at best. But we have a new situation that we are confronted with and the people of Guam because of their long contributions to the strategic posture of the United States and because of their contributions not only in terms of their support for the military in Guam but their own participation in Guam I think should be treated with some regard. I think the people of Guam deserve to be treated according to their contribution to national security and national defense and simply not be utilized on the basis of its value from time to time.

And so as we take a look at the world situation today and as we will go over the details of the resolution, we must be mindful that this effect, the economic effects on communities will be disproportionate around the country, and we should be mindful of those so that when we construct some initiatives that we give each community its due.

FISCAL REVERSAL

The SPEAKER pro tempore (Mr. FLAKE). Under the Speaker's announced policy of January 3, 2001, the gentleman from South Carolina (Mr. SPRATT) is recognized for 60 minutes as the designee of the minority leader.

Mr. SPRATT. Mr. Speaker, I rise tonight along with my colleagues to address an issue of great importance which is receiving hardly any attention at all. It is about our fiscal reversal, about the tide of red ink that has overtaken our budget, about the resurgence of deficits that we thought after long, long years of trying we had finally laid to rest. Lost in the clutter, drowned by the drums of war, the deficit sinks deeper and deeper and deeper; and there is no apparent plan by this administration or this Congress to deal with the problem.

You can look at this chart here which shows graphically the deficit and how we have grappled with it over the years and see what a difficult struggle it has been. The surpluses that we had for a brief period of time did not come easily. They did not drop like manna out of heaven upon the Earth beneath. In the Reagan-Bush years, we adopted in 1985 something called Gramm-Rudman-Hollings. It did not work, but it did help us focus attention and frame the problem and turn the attention of the Congress to deficit reduction as a top-drawer concern.

When Bill Clinton came to office in 1992, we had reached an agreement a couple of years before with President Bush I, George Herbert Walker Bush, called the budget summit agreement. It was 6 months in the making. Its effects were eclipsed by a recession. It did not appear to have succeeded, but in fact it laid the basis for the surpluses that we were to enjoy in the latter part of the 1990s.

President Clinton sent us a budget plan on February 17, less than a month after he was in office, to show the significance he attributed to the problem. And look what happened. This red ink here represents the deficits accumulated, the precipitous decline in the budget during the Reagan years. This represents the dramatic improvement. Every year from 1993 through the year 2000, every year the Clinton administration was in office as a result of the Clinton budget adopted in 1993, the budget got better, the bottom line of the budget got better, so much so that by the year 1998, the Federal Government achieved the first unified balanced budget in 29 years. Unified means all the accounts of the budget, Social Security, Medicare, all the trust funds which are in surplus, and that helped.

But in fiscal year 1999, we achieved the first balanced budget in 39 years without using the Social Security trust fund, without counting the Social Security trust fund, the first balanced budget in 39 years. Nobody would have even bet money on enormous odds that that could have been done in 1993 when the deficit was $290 billion, but we did it in 1999. And in the year 2000, the Federal Government achieved its first surplus excluding Social Security and Medicare. Backing the surplus in both of those accounts out of the budget, we had a surplus for the first time in the overall budget.

In effect, what we did then, it is hard to believe now, less than 2 years ago, this was the situation of the budget; this was the situation that we presented to President Bush, the second President Bush when he came to office on January 20, 2001. For the first time in recent history, certainly since the Great Depression, for the first time, we presented President Bush with a budget in surplus, big-time surplus. By the estimation of his Office of Management and Budget, the surplus looming over the next 10 years would accumulate altogether to a total of $5.6 trillion. In 2 years, that surplus is virtually gone.

As this next chart will show, what happened to the $5.6 trillion? This layered graph right here represents the $5.6 trillion that accumulated between 2002 and 2011, over that 10-year period of time. The little green tip at the far end, the upper layer, shows you the surplus that we presented President Bush when he came to office. It was his. An enormous advantage. He then took the estimate of $5.6 trillion and basically bet the budget on what was a blue-sky forecast. In doing so, as you can see from this top green layer, the remaining surplus, he left next to no room for errors and no room for the unexpected. And, guess what, there were estimating errors of major proportions and the unexpected, 9–11, came along.

When it came, we had no reserve, we had no cushion, we had no margin; and the consequence was the surplus that we had depended upon turned out to be about 43 percent lower than we had anticipated, 10 percent of it because the economy was overestimated, another 33 percent because we bet the budget on the assumption that the revenue growth of the 1990s would continue.

Here is the bottom line in about as stark a manner as we can possibly present it. This was the surplus in May 2001 when this body, the House of Representatives, under Republican leadership, passed the Republican budget resolution that called for about $1.4 trillion in tax cuts. In addition to that, the additional interest cost would have been about $400 billion on top of that. Here is where we are in August 2002 as a result of not allowing any margin of error or any margin for misestimation or any margin for the unexpected.

Tonight we want to address that problem and the consequences of it because what has happened is the most dramatic reversal we have seen probably since the Great Depression in the fortunes of the Federal budget. Just 2 years ago, it is hard to believe that every year for 8 years we had seen a better bottom line. Now every year the budget is in deficit for the next 10 years if you do not include the Social Security surplus, and by law we are not supposed to include the Social Security surplus. It is a trust fund surplus. The deficit this year by our best estimation will be about $315 billion, excluding the surplus in Social Security. Next year, 2003, it is barely better, $315 billion. These are estimates of the Congressional Budget Office, our mutual nonpartisan budget office that does this work for us with no axes to grind. That is their best guess, that next year the budget gets no better. Even though the economy, they assume, will get better, we still have a deficit of $315 billion.

□ 1815

The next year, 2004, it is $299 billion. Over the next 10 years, this is a baseline forecast, assuming no change in policy except enough to keep up pace with inflation, we will accumulate in the basic budget $2 trillion in deficits, and if we factor into that estimation policies that we believe will be enacted, tax cuts that we believe will be enacted, changes that we believe have a good possibility of being enacted, CBO does not include them in its baseline forecast. When we adjust this forecast for political reality, things in the pipeline and likely to be passed, we add at least another trillion dollars to that total.

So here we were 2 years ago talking about a better and better bottom line. Now we are talking about a budget with deficits as far as the eye can see. Two years ago we were talking about paying off in earnest, both parties, literally talking about paying off $3.6 trillion in national debt held by the public. Today we are talking about or looking towards, unless we do something dramatic, a national debt that actually increases over that period of time. From total payoff to an enormous increase.

Finally, just 2 years ago we were talking about taking the trust fund in Social Security and the trust fund in Medicare and locking it up in a lockbox. That metaphor is now derided, but nevertheless we were all that talking about not spending that money, using it solely to buy up the debt held by the public so we would reduce the debt, add to the net national savings of this country, and as a consequence lay the basis for the first step towards the long-run solvency of Social Security. All of that has been dashed by the budget policies of the last 2 years, and that is what we would like to address tonight.

I yield to the gentleman from North Carolina (Mr. PRICE) to pick up at this point.

Mr. PRICE of North Carolina. I thank the gentleman for yielding, and I thank him for this enlightening presentation of just how serious our budget difficulties are and how we got here. As the gentleman realizes, the consequences are evident not just in these overall budget numbers, but in the dilemma we currently face with respect to getting the Nation's business done by the start of the fiscal year and passing our appropriations bills on schedule.

If someone could prepare chart 18, I believe that would give us an indication of how our situation this year compares with past years.

Since President Bush took office in 2001, our Republican friends have held out the promise that we could have it all, that oversized Republican tax cuts would not require tapping Social Security and Medicare surpluses, and it would not require underfunding key priorities such as education and health care.

Unfortunately, however, we cannot have it all, and it is not just because of the war on terrorism, although that has had an impact on the budget, but the cushion was not there to withstand that change in the budget or the impact of Medicare and Medicaid costs. The fact is that that cushion has never been present, and now we are in a situation where our Republican friends simply cannot get their business done. They cannot pass the appropriations bills necessary to take us into the next fiscal year.

Mr. BENTSEN. Mr. Speaker, if the gentleman from South Carolina (Mr. SPRATT) would yield, is the chart that the gentleman from North Carolina (Mr. PRICE) was talking about the chart right here that shows that from 1993 through 2002, the number of appropriations bills that have been passed by the House before the beginning of the new fiscal year, and I think down here if I can see it, it is 2002 where the House has passed only 5 of the 13 appropriations bills? Is that the chart that the gentleman is talking about?

Mr. PRICE of North Carolina. That is the chart I am talking about. I appreciate the gentleman's pointing this out. Our Republican friends last week, when we were discussing this as the new fiscal year approached, they said it is not unusual to pass continuing resolutions. We pass continuing resolutions all time. It is certainly unusual to have the entire Federal budget come crashing down and to have the entire government running on continuing resolutions for months and months into the new fiscal year, and that is exactly what we are facing today.

The Republicans in July, Republican Conservative Action Team, the group of the most conservative House Republicans, threatened to bring the Interior appropriations bill down, and they said that the price of their cooperation would be that the Labor-HHS-Education appropriations bill would be considered next, and nothing would be done on appropriations until that bill was dealt with. And I wondered, and I expect all of us wondered during the month of August when we were home, how are Republican leaders, in fact, going to pass that Labor-HHS-Education appropriations bill within the President's totally inadequate numbers? How would we get past this bill to the rest of the appropriations agenda before the new fiscal year began?

But I must say it did not occur to me, never did it cross my mind, that Republican leaders would simply disregard the start of the fiscal year and let the entire budget come crashing down all to appease the most right-wing members of their caucus.

The President and his OMB Director are apparently complicit in this strategy. Actually it is an absence of strategy. It is just a dereliction of duty, irresponsibility on a monumental scale. So what I never dreamed would happen has happened indeed, and the continuing resolution that we voted on last week did not just cover one bill or two, it covered the entire discretionary budget.

So the gentleman is correct. We passed in the House five appropriations bills, and that is a modern record, but the number of appropriations bills that have been sent to the President is exactly zero, and that, of course, is an institutional breakdown that does not just mean that this institution has failed to do its duty. It has real consequences for the people we represent.

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I thank the gentleman from South Carolina (Mr. SPRATT), the senior Democrat on the Committee on the Budget, for yielding to me, and I thank the gentleman from North Carolina (Mr. PRICE). I want to make sure that we got that, that the House has only passed 5 of the 13 appropriations bills by the end of the last fiscal year.

I want to go back to this chart because I think is terribly important. Last year when we began putting together the budget for fiscal year 2002 and really putting together the Republican economic program for the next 10 years, we were told that the unified budget surplus would be $5.6 trillion over the next 10 years after a lot of hard work by the American people, by American taxpayers, to dig us out of the years of deficits and debt that quadrupled the national debt. And, in fact, as the gentleman will remember, we had tremendous arguments about not how much more debt we were going to add, but how much debt we could pay down and how fast we could pay it down. But we were told this is the number, $5.6 trillion, even though the Congressional Budget Office told us there was a margin of error of 20 percent, good or bad, over a short period of time, that these numbers could be off, but that we should accept this number.

Lo and behold in really a year's time, we now see that the number is no longer $5.6 trillion, but rather it is $300 billion. That is a substantial error, and what that means is that rather than talking about paying down the national debt and having money left over to fix Social Security and Medicare for the long haul, what it means is we are now deep back into borrowing against Social Security and Medicare. What that means is we are not just going to argue about paying down debt, we are going to have down the road, in just 8 short years when the baby boomers retire, having to borrow trillions of dollars from the public markets in order to fund Social Security without doing one thing to extend its life. We have dug ourselves deep in the hole.

Mr. PRICE of North Carolina. Mr. Speaker, if the gentleman from South Carolina (Mr. SPRATT) would yield, the gentleman may remember that a little over a year ago, the Secretary of the Treasury was expressing concern that the Nation was going to pay down the public debt too quickly. Is that a problem that we now need to worry about?

Mr. BENTSEN. No. The Republican economic program has solved that problem. There is no risk now of our paying down the national debt. In fact, if the gentleman will look here on the projections what we received from the Congressional Budget Office, last year the debt baseline was looking like it would go down, and really by 2008 we would have paid down the publicly held debt completely. What has now occurred as of this August is our baseline has the debt actually going up from where we are today.

The bigger problem goes beyond this because this is just a current service debt. This does not tell us anything about the public debt that will be required at the time that the baby boomers begin to retire in earnest and we have to convert the bonds held by the trust fund in the public debt. So not only do we not have the trillion dollars that we were told was being set aside in the Social Security Trust Fund to fix Social Security for the long haul, we, in fact, are going to have to borrow several trillion more dollars in order to, one, just to meet obligations that already exist on the books, not to mention the trillion or so more that will be necessary to ensure that every American in the Social Security System gets the benefits that this country long ago decided was something we want do.

Mr. PRICE of North Carolina. This, of course, also means that we are paying interest, far more interest in servicing that publicly held debt than was anticipated last year.

Mr. BENTSEN. In fact, that is true. We now are projected to pay three times the amount of interest over the next 10 years, almost $2 trillion, as opposed to a little more than half a trillion dollars that we were looking at last May of 2001. This is $2 trillion that goes nowhere but out the door, into the pockets of bond holders. It is good for the bond holders, but it means we are not buying any hard assets with the American people's hard-earned tax dollars, whether it is tanks, whether it is more school books, whether it is more health care, prescription drugs. All that is gone because now we are adding debt, not paying down debt.

Mr. PRICE of North Carolina. The money that we pay in this interest on the debt, money down the rat hole, one might say, each year over $200 billion. I wonder if there is anyone in this Chamber who could not think of better public and private uses for those funds than simply paying interest on the debt. And as we look forward to the retirement of the baby boomers and the reversal of the cash flow in Social Security, is it not true that to prepare, to prepare to start redeeming those bonds that the Social Security Trust Fund is holding and making good on those obligations, is there any better way we could prepare for that than to pay down the publicly held debt and get rid of this $200 billion burden around our necks every year in interest payments?

Mr. BENTSEN. There is no question.

Two things. Number one, if we were not paying this interest and we were paying down the debt, number one, we could fund a program like a universal prescription drug program for senior citizens who are crying out for it. We could put more money in education like the President says that he wants to do. We could fund the defense buildup that many feel is necessary.

But the second thing that is terribly important, and the gentleman raises this point, the United States runs a very high current account deficit based upon cash flows which we can afford because of the strength of our economy, although it is fairly flat right now. If we run a high fiscal deficit as well at the time that we have to start selling even more debt into the future, we run the chance of driving down our currency and driving down the value in the American economy that we will pay for for many years. We see this in countries like Argentina and others. It should not happen in the United States.

So I thank the gentleman for the question.

Mr. SPRATT. Mr. Speaker, I yield to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Speaker, I am most honored to be a member of the Committee on the Budget, and I want to commend the gentleman from South Carolina (Mr. SPRATT) and the other members of our committee this evening for laying out what I think is a critical message at a moment of critical importance.

I came to this Congress just about 4 years ago at a moment of what I regarded as real opportunity. I was excited about the fact that we were whittling away at the deficit and, in fact, on this upswing towards surplus. We were really paying down our national debt, and things were going in an extraordinarily hopeful direction. I viewed the moment that I came to Congress as an opportunity to start responding to some unmet challenges in this Nation. Perhaps we could call it righting the domestic wrongs that still exist.

□ 1830

Well, clearly, we are now in a very, very different time. We are now looking at deficits for as far as the eye can see and squandering an opportunity which I think has been squandered for a wide multiplicity of reasons, but a number of them have to do with ill-advised policies enacted by the majority in this last 2 years.

My constituents are worried. My constituents are very concerned about the country's economic security. They are worried about their family's financial security; they are worried about their retirement security; they are worried about their health security.

Mr. Speaker, looking at chart 8, I want to just talk about the direction that we are going in, and I think this is subtitled, what should be going down is going up, and what should be going up is going down. If my role this evening is nothing else, I know that my colleagues laid a good groundwork on the big picture. I want to really localize this issue. I want to put a face on what is happening with our economy and the stewardship that we are not seeing of it right now.

I want to focus right in on that second one on that list, the health care costs, because I cannot spend a moment in my district in Wisconsin without hearing the incredible concerns that people have. Whether it is a small businessowner who talks not about double digit increases, but sometimes 40, 50 percent health insurance increases; or a person who has just gone through a bargaining session with their employer and their entire cost-of-living increase has been wiped out by the health care costs; or whether it is one of my self-employed farmers who, at times of historic low commodity prices, can hardly afford, and many are not covering, their families any longer with health insurance because of the costs; whether it is the senior citizen who is struggling, once again, to try to figure out how to maintain their health, extend their life with a needed medication, but they cannot either afford that or maintain their other basic necessities; or whether it is the total lack of attention in this Congress on the plight of the uninsured and the underinsured. These are the people, these are the faces, these are the impacts that are being felt by the economic situation that we find ourselves in.

Mr. Speaker, I can tell my colleagues that my constituents are asking questions. They are asking, What is on the congressional agenda? Why are you spending all of your time passing senses of the House and telling the other body what they should or should not be doing when we have an economic situation here in the country that needs your attention, that needs addressing immediately? The inactivity, the inaction on the part of the majority of this House is inexcusable at this time of great stress and great tension and great anxiety in our districts, and we have to see that turn around.

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I am going to just let the charts tell the story. We have seen this chart. We do not create a graph like this by accident. My colleagues will notice that the Carter administration left a deficit; Reagan and Bush came in, they passed their budget, they never suffered a veto override. President Clinton came in, passed a budget without a single Republican vote, vetoed some Republican budgets when the Republicans took over the House and the Senate, and maintained fiscal responsibility to a surplus and, in one year, we are back down to a deficit.

Now, it is interesting to say, if we could see the next chart, that we are down to where we started; and it is going to get worse before it gets better. If we look at the surplus that was inherited in the year 2000, 2001, this yellow line is Medicare. We spent all of Medicare. The red line is the Social Security surplus. By next year we will have gone through all of the Social Security surplus and then some deficit on top of that. For the rest of the Bush Presidential term, he will be spending all of Medicare, all of the Social Security surplus that we have promised to protect, and then, running up a deficit on top of that. In fact, for the next 10 years we will be dipping into Medicare and Social Security that we promised to save.

Mr. Speaker, if I could see the next chart. How did this happen? According to OMB, 40 percent of that was because of tax cuts which we will remember were mostly to benefit the upper income. What happens as a result of this? We see on the next chart, number 9, we see the economic growth, the worst we have had in 50 years. We have seen on chart number 1, we have seen the number of jobs held by Americans is down. On the next chart, number 12, unemployment is up a third. We see foreclosures, how home foreclosures are going up month after month. We have another chart showing the stock market, and I think people are familiar with what that chart would look like.

And what are we doing? Chart number 18 shows that every year for the past 10 years we have passed either all 13, 12, 12 or 13 of the appropriations bills by the first of the year. This is what the House does. Not blaming it on the Senate, the House can pass its bills. We may have an excuse that the House and Senate cannot agree. This is just what the House did in 2002, only 5 of the 13 appropriations bills have been passed. And what are the proposals? There are no proposals, other than just passing 5 of the 13.

Now, a great political philosopher once said, "If you don't change directions, you might end up where you're headed."

Let us see where we were headed in May of 2001. We would have paid off the entire national debt held by the public by 2008. The discussion was, What are the economic implications in paying off the debt? What will it do to the bond market? That was the discussion that we would have had, a surplus of Social Security and Medicare, so that the money would be there when the baby boomers, like myself, retire; the money would be there. But no, we passed by 2002 legislation that has resulted in a debt; essentially nothing paid off.

Mr. Speaker, it is going to get worse before it gets better, because if we look up here, if we adopt the policies of this administration, we are going to be running up even more debt. We need to change. If September 11 was the cause of this, then we need to change policies. In past years when we had a war, we sacrificed. We do not give juicy tax cuts to those that have the most, while other people are losing their jobs. We need to change directions, and we can begin by passing responsible appropriations bills and not by passing more juicy tax cuts for the privileged few. We need to go back to the fiscally responsible years of the Clinton administration and keep the promise of protecting Social Security and Medicare surpluses so those funds will be available when needed.

Mr. Speaker, I appreciate the leadership of the gentleman from South Carolina (Mr. SPRATT) in trying to bring fiscal sanity to this budget, advocating the responsible things that need to be done and pointing out the irresponsible direction that we are headed in.

Mr. SPRATT. Mr. Speaker, I thank the gentleman for participating, and I yield to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, first, I would like to thank my good friend, the gentleman from South Carolina (Mr. SPRATT), for his exemplary leadership.

As the ranking member of the House Committee on the Budget, he has the almost unbearable task of trying to correct the hazardous economic course the current administration is charting. The gentleman has been trying since early last year to correct that course on this economic ship, and I salute the gentleman sincerely.

I have never seen such fiscal mismanagement in my life. None of us can quite explain it, but we do try with some consistency. We are at a point in time when critical decisions must be made. The reverberations of these decisions will be felt for generations to come.

Iraq is on the forefront of everyone's mind, and rightfully so. But as Members of Congress, we cannot focus solely on any one issue at any one time. It is our absolute duty to address every major issue that is before us, and we shall. Our budget, our economy are major, major issues. That is why we are here tonight.

We are not going to politicize this issue. I will not adhere to blind idealogy. There is no need to do that. But as Sergeant Joe Friday would say, It is just the facts, Ma'am; and that is what we are about to talk about and have been talking about.

Mr. Speaker, chart 3, right here, the surplus declines. When the administration took office, it received a benefaction unparalleled in our history. The largest budget surplus ever projected to a total of $5.6 trillion over the next 10 years. Fact: the nonpartisan Congressional Budget Office now reports that the surplus is at $336 billion over 10 years. That is a swing of $5.3 trillion in the wrong direction in 18 months. The numbers roll off our lips: trillions. The budget is now in substantial deficit. Mr. Speaker, $157 billion is projected for this year alone at this moment. Private sector forecasters believe that the budget will suffer $200 billion annual deficits as far as the eye can see.

What does this mean for you at home? Running deficits are going to drive up interest rates on car payments, mortgages, and student loans. How many of us are covered by those three issues alone?

We are back to piling up massive debt for our children and our grandchildren, and weakening Social Security and Medicare for beneficiaries today and tomorrow. Budgetary choices impact people's lives daily, not unlike elections. We should remember that the next time we hear the House leadership tout the virtues of permanent tax cuts for the wealthy, which we cannot afford.

My Republican friends have tried to shift the responsibility for the dissipation of the surplus just about anywhere. They blame the terrorist attacks, they blame the recession, they blame Bill Clinton, they blame the plague; but tonight we are dealing with just the facts. Fact: the mid-season review by the Office of Management and Budget reports that 40 percent of this dissipation of the surplus, the largest single share rests with the administration's tax cuts. I did not make it that way; I did not vote for it. All other legislation is responsible for only 17 percent, and more than half of that is normal national security spending. The economy is responsible for only 10 percent of the dissipation of the surplus. About one-third of the worsening of the budget was caused by technical errors, largely overestimates of revenues. We know about that in New Jersey, where the outgoing Governor cooked the books. It looked like we had a $1 billion surplus, and we wound up having a $6 billion deficit. That is called cooking the books. I think we invented it in New Jersey. Large overestimates of revenues, does that sound familiar of what we have been hearing on the corporate level?

□ 1845

That is why the Republican cries for even more tax cuts are nonsensical. Indeed, their claims ring hollow. Maybe that is why the administration has backed off its next batch of tax cuts.

Remember, when the economy was prosperous, they told us that the tax cuts were about returning the people's money. Then, when the economy took a downturn, we were told that tax cuts were about stimulating the economy. They want it both ways. Apparently, that is the Republican philosophy in any economic time, regardless of the situation, regardless of the circumstance.

But even blind allegiance to the ideology cannot prevent the Republicans from realizing that the 10-year $1.35 trillion tax cut was deeply involved in the greatest plunge in tax receipts since the repeal of World War II surtaxes 56 years ago. This is a disgrace. Remember, just the facts.

The budget deficit ties the hands of Congress in our efforts to alleviate the pain of all those who have become unemployed. What are we going to do for the 2 million people who have lost their jobs under this administration? The silence is deafening. Tell me, what are we going to do? Are we going to pass further tax cuts?

New claims for unemployment insurance have risen 400,000 per week in the last 5 weeks. This means that private sector job gains will remain weak at best in the immediate future. But what are we going to do? The administration is proposing many cuts in order to try to make a catch-up. We have nickeled and dimed our veterans, we have nickeled and dimed our first responders, and we talk out of both sides of our mouths.

The $270 million for our veterans, $150 million for our first responders is not a lot of money with regard to the totality of things, but we nickeled and dimed the very people who put their lives on the lines, and put them on the lines today as we speak and sit comfortably here in the House of Representatives.

Our budget in this economic situation is in disarray. I say to the gentleman from South Carolina (Mr. SPRATT). Is there any Republican willing to stand up to the administration's disjointed agenda and say, Enough. I want the facts.

Mr. SPRATT. Mr. Speaker, I thank the gentleman. I yield to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Speaker, I thank the gentleman for allowing me to talk about something that I am very concerned about, and it is the economy.

About 15 years ago, when my husband was deciding on whether he was going to ask me out on our first date, he had never seen me, he went to one of his colleagues in the same firm who had worked with me before and he said, what about this LORETTA SANCHEZ? What is she like? And the guy said, well, you know, 2 years ago, the last time I saw her, she was a looker, but, you know, a lot can happen in 2 years; and let me tell the Members, a lot can happen in 2 years.

In 2 years, after the Clinton administration and after we worked so diligently to get surpluses to begin to pay down the debt of the United States, when people were employed, people who had creative ideas were accessing capital markets for the money they needed to put those ideas into play, everything was going right.

What has happened in 2 years? This chart shows the Bush economic record. What should be going down is going up, and what should be going up is going down.

The Republicans' failed economic agenda, or lack of an agenda, is really the problem here. This has led us into fiscal deterioration, into economic hardship, and into an erosion of Americans' retirement security, a lack of an economic agenda.

Let us just take a look at this chart here. We all know, for example, that one of the biggest costs that business is facing right now is the cost of health care. That is why we see people unable to afford the larger premium that their employers are now charging for them to have health care insurance; or no health care insurance is being offered, something which, when it hits a family, is detrimental to their stability.

Foreclosures of homes are up. Our national debt is up. Goldman Sachs says it is going to be at least $200 billion a year for the foreseeable future; nothing close to the numbers that the White House gives us as projections, but the financial markets are understanding that it is getting worse and worse by the moment.

And, of course, right now, long-term interest rates are low; but what happens, what happens when we start going into the market to borrow more and more to finance this almost $6 trillion debt that we have on our hands as a Federal Government? Those long-term interest rates will shoot up.

The only positive light in the economic sector that we have right now are all those refinancings that people are doing on their mortgage, their 15- and 30-year mortgage rates, because long-term interest rates are down. But when we start to borrow and take money out of the system to finance this debt, this deficit that is adding to it, these higher interest costs, a bigger piece of pie to finance year after year after year, what happens? Those long-term interest rates go way up, and then that $100 or $150 extra we have because we refinanced, it is not going to be available anymore. There will be no refinancing to do. There will be no bright spot in the home market purchasing going on.

The Social Security Trust Fund, we will be raiding it and taking those monies to pay for these deficits that we are running.

Now, let us take a look at what is going down, which should really be going up. Our economic growth is down. In my area, it is actually an area that is a little buffeted right now, and we have 1 percent growth going on; but we had projected 3 percent or 4 percent or 5 percent this year, not 1 percent.

Other areas are suffering: job losses, foreclosures. People do not know what to do.

Business investment? People do not want to lend money. People are afraid of the economic conditions that we find ourselves in, and they see it getting worse. They are holding onto their money instead of investing.

The stock market? We know what has happened with the stock market, just $5.5 trillion over the last 18 months of losses in the stock market value. Trillions, what do we mean by that? It is so hard to have that concept. But just this past September, in 1 week alone we lost $420 billion of wealth in the stock market. These are real numbers. This is our wealth slipping away, our retirement accounts.

Enron, Global Crossing, all of these companies, our net worth, it is going down, down, down. The last 4 months, the consumer confidence level is down, down, down, down.

Retail sales just this month, this back-to-school month, which is an indicator of what will happen in the holiday season for retailers: down. It is an indication that the place where we make money in retail, the holiday seasons, are projected to be down, and still we cannot pass an increase in the minimum wage.

The fiscal condition of our country. For 2 years the gentleman from South Carolina (Mr. SPRATT) has been telling us that these things are happening, and somehow the Republicans and this administration do not want to talk about putting together a plan to begin to turn this around.

I am glad that the gentleman is here tonight and that the gentleman is leading this effort. It is imperative for America to get this turned around, and the way to do it is to sit down and concentrate on what is the most important piece of stability and security for an American family: the national budget.

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I rise today to express my deep concerns about our Federal budget and its impact on our Nation's economic future. I would also like to commend my colleague, the gentleman from South Carolina (Mr. SPRATT), for organizing this special order on such an important issue.

Mr. Speaker, I stand united with the President and my colleagues on both sides of the aisle in our commitment to defeating terrorism and doing what is necessary to preserve national security, both at home and abroad. However, despite the many new security and economic challenges confronting us, our homeland protection efforts and fiscal policies should not and need not shortchange our domestic priorities. We can win the war against terrorism without raiding Social Security and Medicare, and without increasing the national debt.

Last year I joined many of my colleagues in cautioning that the administration's budget simply did not add up. Sadly, our warnings were ignored, and we were instead continually reassured that we could afford an enormous tax cut, ensure the solvency of Social Security and Medicare, pay down the national debt, fund our domestic priorities, and still have a large reserve fund for unanticipated emergencies.

As it is now very clear to us all that that budget was based on unrealistic surplus projections that never materialized, and we now face deficits and an ever-increasing national debt that stretches far beyond the temporary economic downturn or the costs of the war on terrorism.

Recent Congressional Budget Office projections confirmed the dramatic deterioration in the budget outlook since the current administration took office. Less than 2 years ago, the administration and Congress were looking covetously at a staggering $5.6 trillion cumulative surplus through 2010. Much of it I hoped would be used to pay down what was then a $4 trillion national debt. Sadly, it has become clear that the fiscally irresponsible policies of the Bush administration and the Republican-led House have squandered these opportunities. The CBO's current surplus projections now total only $366 billion.

Even worse, CBO's current projections are optimistic, as they do not reflect the cost of the likely extension of several expiring tax cuts, relief from the expanding alternative minimum tax on individuals, potential new tax breaks for businesses and investors, and an expanded war on global terrorism, or a new Department of Homeland Security. If these initiatives are all enacted, we could be faced with a $386 billion deficit over the next 10 years. When Social Security funds are not counted, the deficit could balloon to $2.7 trillion.

Mr. Speaker, the American public is already paying $1 billion on interest-only payments on the debt every day. Further, the interest payments on our debt are on a fast track to become our single largest annual expenditure. By continuing to rack up debt on the national credit card, we are saddling future generations with our poor choices, and endanger the fiscal stability of this Nation.

Our rapidly deteriorating fiscal outlook presents a serious challenge for every Member of Congress. The government is now on track to raid more than $2 trillion of the Social Security surplus over the next 10 years to cover deficits in the rest of the Federal budget. When I was elected to Congress, I promised my constituents that I would protect Social Security and the Medicare Trust Funds.

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And I was not alone. As many of my colleagues on both sides of the aisle made this same vow, it is time to honor our commitments by acknowledging our current situation and working together to craft a budget that is fiscally responsible and protects Social Security.

Mr. Speaker, I urge my colleagues to heed this call and do the right thing.

Mr. SPRATT. Mr. Speaker, I recognize the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Speaker, in a recent column, Washington Post columnist EJ Dionne opened with a statement: "Perhaps the White House and Congress might just take a little time away from war planning to consider what the economic downturn has been doing to poor Americans, especially the working poor."

Mr. Speaker, we are talking about the leaders of this country and this body who have the votes and, therefore, the responsibility. Certainly they must know that in the last year alone the number of uninsured increased more than 1.4 million; that poverty rates are up for the first time in 8 years; that 1.8 million jobs have been lost; and that thousands of people in this country have seen their retirement savings disappear.

In the health care arena, the impact is hard now and likely to be devastating as time goes by. Already 41 States are cutting Medicaid programs this year. That means that people are losing coverage and children are the hardest hit. This is happening at the worst time because with the economic downturn, 2.3 million more Americans were unemployed in August of 2002 compared with July the year before.

The saying that when the rest of the world gets a cold, minority communities and our territories get pneumonia is holding true. As of 2001, of the 41 million uninsured, 18 percent were Asian Pacific Islanders; 19 percent African American; and more than a third, 33.8 percent, were Hispanic. Thirty-eight percent of the people in my district were uninsured. The median household income of black families after rising by almost 30 percent between 1993 to 2000 fell from $30,495 in 2000 to $29,470 in 2001.

Nearly 23 percent of African Americans lived below the poverty level last year. Our unemployment rate as of August 2002 is 7.5 for African Americans and 6.5 for Hispanics. Economists have long reported that even when there is any recovery and other Americans begin to return to work, we will still have unemployment for at least a year to 18 months after.

When the President sent his tax cut to Congress last year, many of us opposed it because we knew what it would mean to funding for the needs of the poor in minority communities as well as the rest of America. After September 11, we were and we remain in full support of efforts to rescue, recover and rebuild, as well as to go after the terrorists; but our fears that the important health, education, and economic issues would be ignored have been realized.

Now that we are poised for an attack on Iraq, no matter what Congress says, economic issues are off the radar screen. But minorities, the poor, and even the middle class are suffering. As a matter of fact, the rise in the uninsured was particularly noted in people with moderate and high incomes.

Yes, we must strengthen pensions, enforce corporate reform laws, pass a prescription drug benefit, and protect Social Security; but the needs of the poor, minorities and Americans living in the offshore territories demand even more.

It is important for all of us who are here tonight to be here with our leader on the budget, the gentleman from South Carolina (Mr. SPRATT). We thank him for his leadership and for bringing us here this evening to talk about these important issues.

It is important for us to be here to say to the leadership of this House and to the administration that we are heading towards a domestic disaster. We can no longer afford to ignore the millions of families who are losing income, jobs, health coverage, and retirement pensions; and we must do more to help those who have never had any of these. So we have to get back to our priorities. The leadership needs to forget about expanding tax cuts. They need to join with us on this side of the aisle to pass sound appropriations bills to improve the lives of all Americans.

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank my friend and colleague, the gentleman from South Carolina (Mr. SPRATT), and at risk of being somewhat repetitive of what our other colleagues have said, I just want to finish by emphasizing some really very important points.

When this Congress began, the Republicans promised, in fact, everyone promised to safeguard Social Security and Medicare. They said the trust fund surpluses would be maintained and saving those surpluses would be important for the retirement of the baby boomers. Their plan, however, was to dissipate as much of the surplus as possible, in their words, to get it out of Washington instead of paying off the debt.

The gentleman from South Carolina (Mr. SPRATT) was so diligent in pointing out again and again and again that they left no margin for error. We all said that the projected surpluses were just that. They were projections, not money in the bank; and we reminded Republicans that they needed a margin for error. The gentleman could see it. I remember when he said we did not know what unforeseen circumstances would arise. But we could be sure that natural emergencies, international crises, economic downturns or other things would arise.

Well, this dedication, this overwhelming dedication, fixation on tax cuts, no matter what the circumstances or the consequences, has run the budget into a ditch; and it now risks the livelihood of hard-working Americans. Businesses are not investing. Real business investment which had posted double digit growth in the 1990s is still declining. Scores of corporations have gone bankrupt. Consumer confidence has dropped in each of the last 4 months and is at the lowest level since November of 2001.

Why is that? Businesses understand that this is not sound fiscal policy for our Nation. They understand that we are building up a debt and the interest can crush us. An extra $1.3 trillion that will be wasted on interest expenses would have been more than enough to cover a decade's worth of cost in strengthening Social Security. May 2001, interest was $621 billion over a 10-year period, 2002 to 2011. A month or two ago it was up to $1.9 trillion.

Now, just to finish up, let me drive this home. For each American this means about $7,000 of interest, each American, child, woman, man, $7,000 to pay off, down the drain, for no productive use, no good to anyone.

I thank the ranking member of the Committee on the Budget for arranging this Special Order.

Mr. SPRATT. I thank the gentleman for his observations and participation.

Mr. Speaker, I yield to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Speaker, I appreciate your courtesies and I also today rise to join my colleague, the gentleman from South Carolina (Mr. SPRATT). I thank him for his Special Order and for my colleagues who have joined him. I am proud of the work of my colleagues who have worked together on a bipartisan basis to balance the budget for the first time in a generation.

One of the first votes that I had the privilege of casting when I came in 1996 was to start the process of balancing the budget. That Balanced Budget Act finally stopped the flow of red ink that was piling up trillions of dollars in national debt. In fact, when we balanced the budget, we not only did it for one year, but we have put the Nation on course to generate huge budget surpluses for years to come. Those surpluses presented us with a golden opportunity to begin to pay off the national debt, shore up Social Security, strengthen Medicare with the benefit for prescription medicine for our seniors, and invest in the education of our children and our Nation's long-term economic growth.

As a former chief of my State schools in the State of North Carolina, I was hopeful Congress would make wise investments in needed reforms like school construction, teacher training, class size reduction, early childhood education, reading initiatives, science and math instruction, aid for college and other important priorities for America. Unfortunately, the Republican leadership in this Congress did not decide to do that. They have put together a budget-busting tax scheme, blew the surplus, and has hamstrung our ability to meet those urgent priorities.

Because of this scheme, Republican leadership is now severely underfunding the education budget. Despite their rhetoric in support of education and countless photo opportunities posing with children, the leadership's handling of this matter is to say one thing and do another. In each of the past 5 years, Congress has provided growth in the education budget of roughly 13 percent average and 15.9 percent last year. That was commendable at a time when student population was growing rapidly. Those healthy investments will come to a screeching halt under the Republican budget.

The budget also slashes funding for President Bush's education bill, the No Child Left Behind Act. For example, instead of the $5.65 trillion increase in title I funding for poor children in the No Child Left Behind Act, the budget cuts 82 percent of that proposal. Despite the growth of our immigrant population, the Republican budget cuts 10 percent per child for funding to teach children to be proficient in English. Some may think that is not important. Having been a superintendent, I can tell Members that if we do not help those children, all children suffer.

The Republican budget freezes funding for education for homeless children. When you account for inflation, the budget will mean 8,000 fewer homeless children receive this help next year. They are all Americans, and they deserve our help.

We should not turn our back to fully fund special education and forestall completion of that long-time goal by at least 4 years, but this budget does that. And the Republican budget freezes funding for after-school centers, which will eliminate 50,000 children from participating in after-school programs. And I can tell Members that having been a school chief, that is critical, because so many children go home alone and stay by themselves. Despite the looming teaching shortages across the country, the budget shortchanges teacher training and denies this aid to 92,000 potential teachers who would be eligible under the No Child Left Behind Act.

The budget cuts more than 95 percent of the school library initiatives of the No Child Left Behind Act. And the budget guts school reform grants of 24 percent, or $75 million, and the list goes on. But let me talk about my home State of North Carolina.

More than $92 million from title I grants to school districts will be cut, $1.5 million from language acquisition grants, $332 million from special education, $10.2 million for the 21st Century Community Learning Centers, $462,000 for education for homeless children, $9.5 million for teacher training, and $1.7 million for comprehensive school reform.

Mr. Speaker, the list goes on and on. The bottom line is that this Republican budget is wrong for education. It is wrong for our children, and it is wrong for America. I join my fellow Democrats and urge the Republican leadership to restore these educational cuts.

CAUTION IS URGED IN STRIKE AGAINST IRAQ

The SPEAKER pro tempore (Mr. REHBERG). Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I would like to thank the very distinguished gentleman from New York (Mr. OWENS) for allowing me the courtesy to speak this evening.

As the daughter of a family of infantrymen and Marines, I was particularly captivated by an article I read just a few days ago in USA Today's editorial page entitled "Untested Administration Hawks Clamor For War," by James Bamford, who is a member of USA Today's board of contributors. I would like to read a portion of it into the RECORD and insert it in its entirety.

He says, "Beware of war hawks who never served in the military. That, in essence, was the message of retired four star Marine Corps General Anthony Zinni, a highly decorated veteran of the Vietnam War and the White House point man on the Middle East crisis. Zinni is one of the growing number of uniform officers in and out of the Pentagon urging caution on the issue of a preemptive strike against Iraq.

"In an address recently in Florida, he warned his audience to watch out for the administration's civilian superhawks, most of whom avoided military service as best they could. 'If you ask my opinion,' said Zinni, referring to Iraq, 'General Brent Scowcroft, General Colin Powell, General Norman Schwarzkopf and General Zinni may all see this the same way.'

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"It might be interesting to wonder why all of the generals see it the same way, and all those (who) never fired a shot in anger (and) are really hell-bent to go to war see it a different way.

"'That's usually the way it is in history,' he said.

"Another veteran, Senator CHUCK HAGEL . . . who served in combat in Vietnam and now sits on the Foreign Relations Committee, was even more blunt. 'It is interesting to me that many of those who want to rush this country into war and think it would be so quick and easy don't know anything about war. They come at it from an intellectual perspective versus having sat in jungles or foxholes and watched their friends get their heads blown off.'" They have never seen that.

He talks about during the bloodiest years of the Vietnam War, Vice President CHENEY decided against wearing the uniform of his country. Instead, he used multiple deferments to avoid military service altogether. In fact, he quotes the Vice President as saying, "I had other priorities in the '60s than military service."

Mr. CHENEY is far from alone. "Neither Paul Wolfowitz, the Deputy Defense Secretary, nor Richard Perle, the Chairman of the Defense Policy Board, have served in uniform, yet they are now two of the most bellicose champions of launching a bloody war in the Middle East.

"What frightens many is the arrogance, naivete and cavalier attitude toward war. 'The Army guys don't know anything,' Perle told The Nation's David Corn earlier this year," and debated with him whether 40,000 troops would be sufficient, when indeed most of the military say 200,000 to 250,000 would be needed, plus the support of many allies.

"Non-combatants, however, litter the top ranks of the Republican hierarchy. President Bush served peacefully in the Texas National Guard," and indeed was missing for 1 year of that service. "Defense Secretary Donald Rumsfeld spent his time in a Princeton classroom as others in his age group were fighting and dying on Korean battlefields (he later joined the peacetime Navy). Another major player in the administration's war strategy, Douglas Feith, the Defense Under Secretary for Policy, has no experience in the military. Nor does Mr. CHENEY's influential Chief of Staff, Lewis Libby.

"The top congressional Republican leaders" in both the House and Senate "never saw military service," and in contrast, the gentleman from Illinois (Mr. HYDE) here in the House, "a World War II combat veteran, has expressed skepticism about hasty U.S. action, as have some prominent Democrats" such as the gentleman from Michigan (Mr. BONIOR), a distinguished Member who was in the military during the Vietnam War.

"What is remarkable about this administration is that so many of those who are now shouting the loudest and pushing the hardest for this generation's war are the same people who avoided combat" themselves, "or often even a uniform, in Vietnam," just simply were not there.

"Military veterans from any era tend to have more appreciation for the greater difficulty of getting out of a military action than getting in, a topic administration war hawks haven't said much about when it comes to Iraq.

"Indeed," the author closes, "the Bush administration's nonveteran hawks should review the origins of the Vietnam quagmire. Along the way, they might come across a quote from still another general, this one William Westmoreland, who once directed the war in Vietnam," and said, The military does not start wars. Politicians start wars.

Also, he quotes Civil War General William Tecumseh Sherman, who observed, "It is only those who have neither fired a shot nor heard the shrieks and groans of the wounded who cry aloud for blood, more vengeance, more desolation."

I commend this article to my colleagues. The title of it is "Untested Administration Hawks Clamor for War." I ask Americans to think about it.

I will insert in the RECORD at this point the article that I mentioned previously.

[From USA Today, Sept. 17, 2002]

UNTESTED ADMINISTRATION HAWKS CLAMOR FOR WAR

(By James Bamford)

Beware of war hawks who never served in the military.

That, in essence, was the message of retired four-star Marine Corps general Anthony Zinni, a highly decorated veteran of the Vietnam War and the White House point man on the Middle East crisis. Zinni is one of a growing number of uniformed officers, in and out of the Pentagon, urging caution on the issue of a pre-emptive strike against Iraq.

In an address recently in Florida, he warned his audience to watch out for the administration's civilian superhawks, most of whom avoided military service as best they could. "If you ask me my opinion," said Zinni, referring to Iraq, "Gen. (Brent) Scowcroft, Gen. (Colin) Powell, Gen. (Norman) Schwarzkopf and Gen. Zinni maybe all see this the same way. It might be interesting to wonder why all of the generals see it the same way, and all those (who) never fired a shot in anger (and) are really hellbent to go to war see it a different way.

"That's usually the way it is in history," he said.

Another veteran, Sen. Chuck Hagel, R-Neb., who served in combat in Vietnam and now sits on the Foreign Relations Committee, was even more blunt. "It is interesting to me that many of those who want to rush this country into war and think it would be so quick and easy don't know anything about war," he said. "They come at it from an intellectual perspective vs. having sat in jungles or foxholes and watched their friends get their heads blown off."

The problem is not new. More than 100 years ago, another battle-scarred soldier, Civil War Gen. William Tecumseh Sherman, observed: "It is only those who have neither fired a shot nor heard the shrieks and groans of the wounded who cry aloud for blood, more vengeance, more desolation."

Last month, Vice President Cheney emerged briefly to give several two-gun talks before veterans groups in which he spoke of "regime change" and a "liberated Iraq."

"We must take the battle to the enemy," he said of the war on terrorism. Cheney went on to praise the virtue of military service. "The single most important asset we have," he said, "is the man or woman who steps forward and puts on the uniform of this great nation."

But during the bloodiest years of the Vietnam War, Cheney decided against wearing that uniform. Instead, he used multiple deferments to avoid military service altogether. "I had other priorities in the '60s than military service," he once said.

Cheney is far from alone. For instance, neither Paul Wolfowitz, the deputy Defense secretary, nor Richard Perle, chairman of the Defense Policy Board, has served in uniform, yet they are now two of the most bellicose champions of launching a bloody war in the Middle East.

What frightens many is the arrogance, naïveté and cavalier attitude toward war. "The Army guys don't know anything," Perle told The Nation's David Corn earlier this year. With "40,000 troops," he said, the United Stats could easily take over Iraq. "We don't need anyone else." But by most other estimates, a minimum of 200,000 to 250,000 troops would be needed, plus the support of many allies.

Even among Republicans, the warfare between the veterans and non-vets can be intense. "Maybe Mr. Perle would like to be in the first wave of those who go into Baghdad," Hagel, who came home from Vietnam with two Purple Hearts and a Bronze Star, told The New York Times.

Secretary of State Colin Powell, a Vietnam combat veteran and former chairman of the Joint Chiefs of Staff, has often expressed anger about the class gap between those who fought in Vietnam and those who did not.

"I am angry that so many of the sons of the powerful and well-placed managed to wangle slots in Reserve and National Guard units," he wrote in his 1995 autobiography, My American Journey. "Of the many tragedies of Vietnam, this raw class discrimination strikes me as the most damaging to the ideal that all Americans are created equal and owe equal allegiance to their country."

Non-combatants, however, litter the top ranks of the Republican hierarchy. President Bush served peacefully in the Texas National Guard. Defense Secretary Donald Rumsfeld spent his time in a Princeton classroom as others in his age group were fighting and dying on Korean battlefields (he later joined the peacetime Navy) Another major player in the administrator's war strategy, Douglas Feith, the Defense undersecretary for policy, has no experience in the military. Nor does Cheney's influential chief of staff, Lewis Libby.

The top congressional Republican leaders—Senate Minority Leader Trent Lott, House Speaker Dennis Hastert, House Majority Leader Dick Armey and House Majority Whip Tom Delay—never saw military service, either; only one, Armey, has shown hesitation about invading Iraq. In contrast, House International Relations Committee Chairman Henry Hyde, R-Ill., a World War II combat veteran, has expressed skepticism about hasty U.S. action, as have some prominent Democrats—House Minority Whip David Bonior, Senate Majority Leader Tom Daschle and former vice president Al Gore—who were in the military during the Vietnam War.

No administration's senior ranks, of course, have to be packed with military veterans in order to make good military decisions. But what is remarkable about this administration is that so many of those who are now shouting the loudest and pushing the hardest for this generations's war are the same people who avoided combat, or often even a uniform, in Vietnam, their generation's war.

Military veterans from any era tend to have more appreciation for the greater difficulty of getting out of a military action than getting in—a topic administration war hawks haven't said much about when it comes to Iraq.

Indeed, the Bush administration's non-veteran hawks should review the origins of the Vietnam quagmire. Along the way, they might come across a quote from still another general, this one William Westmoreland, who once directed the war in Vietnam.

"The military don't start wars," he said ruefully. "Politicians start wars."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. REHBERG). The Chair must remind Members to avoid improper references to Senators.

TRIBUTE TO THE HON. PATSY MINK

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, I would like to begin by congratulating my colleagues who provided the review of the irresponsibility of the Republican majority toward the economy and my previous speaker, the gentlewoman from Ohio, in terms of her spirit of indignation expressed about cavalier attitudes towards war.

I think the subject that I want to talk about tonight, the lady that I want to talk about, the Congresswoman I want to talk about tonight, would very much approve of what our previous colleagues have done here already tonight. I want to talk about Congresswoman Patsy Mink, who recently passed away in Hawaii.

Patsy Mink is known for many things, but I know her as a Patsy Mink who was filled with righteous indignation and anger against injustice, and my colleagues have presented tonight very intelligent presentations, well-documented presentations, but that will get all the time. I think I heard in their voices also some outrage. They were upset. They were angry about the irresponsibility of the Republican majority, and that we have all too little of here in this Congress, all too little righteous indignation and anger.

We are going to miss Patsy Mink because she was a lady with great righteous indignation against injustice. She was angry at the kind of callous approach to human welfare that was exhibited too many times on the floor of this Congress.

Yesterday we had a resolution on Patsy Mink, and many people spoke. I was not able to speak, but I did submit for the RECORD a tribute to Congresswoman Patsy Mink, and I would like to start with that tribute and make comments on it. The tribute, of course, is in its entirety in the RECORD, Tuesday, October 1.

In Tuesday's RECORD this appears in its entirety, but I would like to repeat it and comment as I go, because I heard my colleagues yesterday talk about Patsy in many ways. Most of the references were personal. I would like to focus primarily tonight on Patsy Mink as a policy manager, Patsy Mink as a champion of the poor, Patsy Mink as a champion of women, Patsy Mink who could be very intense, although she always was polite and warm, and lots of people talked about that yesterday.

Patsy Mink will be remembered with a broad array of accolades. She was a warm, compassionate colleague. She was civil and generous, even to the opponents who angered her the most. As a member of the Committee on Education and the Workforce, which when Patsy Mink first came to Congress was called the Committee on Education and Labor, as a member of that committee, in any long markup, and we could have some long markups, we always knew that Patsy would try out macadamia nuts to supply for all of us to refresh myself, and she would share my macadamia with everybody, those who were opponents as well as those who were allies.

I remember her chiding me, joking with me when I talked about how much I loved macadamia nuts. I was a macadamia nut junkie, but I said to her, Do not bring any more because I am on a diet, and these things certainly do not help anybody's diet. The next time she came with macadamia nuts, they were chocolate-covered macadamia nuts, and they are even more delicious than regular macadamia nuts and greater calories. But that was the kind of person she was.

She was quite warm, cared very much about everybody, but she could be angry. She could be a peace of chain lightning.

For me, she will be remembered as my friend, mentor and my personal whip on the floor. Often at the door of a House Chamber, Patsy would meet me with instructions. "We," she said, "are voting no," or, "We are voting yes on this one." I did not consider that to be intimidation at all. I considered it always an honor to have been invited to function as an ideological twin to Patsy Mink. She was not telling me or instructing me. She was making assumptions about how we would be together in our analysis of the problem, our conclusions about what to do with respect to voting. That was a great honor, and I am going to miss that.

In the Committee on Education and the Workforce, as well as on the House floor, I was always inspired by Patsy's convictions. She was always an independent spirit, and she pursued her causes with total dedication. She was not just another advocate for education or for women or for jobs for welfare mothers, not just another one. Patsy Mink was a special advocate.

She was forever a fiery and intense advocate on these issues. She frequently exuded an old-fashioned righteous indignation that seems to have become extinct in the halls of Congress. For Patsy, there were the right policies and laws which she pushed with all the zeal she could muster, and there were the wrong-headed, hypocritical, selfish and evil policies which had to be confronted, and they had to be engaged to the bitter end.

When colleagues spoke about partisan compromise negotiations, Patsy would quickly warn Democrats to beware of an ambush or a trap. I think Patsy in her encyclopedic approach to her mission, encyclopedic concern about anything that affected human beings, would have very much appreciated the presentation by my colleagues before the 1-hour presentation on the economy.

On the Committee on Education and Labor where Patsy served and I have served for the 20 years that I have been here in Congress, we used to have hearings and testimony from economists, because this committee was charged and is still charged with overall responsibility with respect to the economy as it impacts on working families and working men and women, and as the human resources interact with the other factors in our economy. So we used to have many economists come, and our approach was certainly not a tunnel-vision approach.

She would have been concerned and has been concerned all year long about the fact that the economy has been deteriorating, the fact that unemployment is increasing. The unemployment rate averaged 4.1 percent in the year 2000 and reached a 30-year low of 3.9 percent in October of 2000; but today the unemployment rate has increased to 5.7 percent nationwide. We have presently 8.1 million unemployed Americans, an increase of 2.5 million compared to the year 2000. The number of Americans experiencing long-term unemployment over 27 weeks has almost doubled in the last year.

Some of this my colleagues heard from my previous colleagues who spoke on the economy. I think this is summarized very well by my colleague the gentleman from California (Mr. WAXMAN), the ranking member of the Committee on Government Reform. Job creation has reversed.

In the year 2000, the year before President Bush took office, the economy created 1.7 million new jobs. This trend has been reversed, and the economy has lost almost 1.5 million jobs since President Bush took office in January 2001. Poverty is increasing. After decreasing for 8 straight years, decreasing for 8 straight years and reaching its lowest level in 25 years, the poverty rate increased from 11.3 percent in 2000 to 11.7 percent in 2001. In the first year of the Bush administration, 1.3 million Americans slipped back into poverty, with a total of 32.9 million Americans living in poverty in 2001.

Incomes are falling. Hundreds of thousands of Americans are filing for bankruptcy. Mortgage foreclosures are at a record high. The Federal budget deficit is increasing. In 2000, the year before President Bush took office, the Federal budget, excluding Social Security, showed a surplus of $86.6 billion. The most recent figures from the Congressional Budget Office indicate that for 2002 the Federal budget excluding Social Security will show a deficit of $314 billion. This represents the largest budget decline in U.S. history, and it is the third largest on-budget deficit in history, exceeded in size only by the deficits of 1991 and 1992 under the first President Bush.

□ 1930

I think Patsy Mink would be, has shown all year long, that she is very concerned about all of these matters. Patsy Mink, in the 107th Congress, was one of the great spirits continually pushing to get more activists going in response to the decline of the economy.

Patsy was a policymaker. Patsy should be remembered as a policymaker, as a fighter. Whatever else we remember about her as an individual, we should not trivialize her role in the dynamics here in the Congress with respect to making policy. Her profound wisdom on all matters related to education in particular and matters relating to human resources, whether it was job training or occupational health and safety, whatever matters relating to human resources, she had a profound wisdom about that because she had been here for quite a long time. Her long years of service on the Committee on Education and Labor, which later became the Committee on Education and the Workforce, afforded her that kind of wisdom.

Too many of us in the Congress have forgotten the value of institutional memory. While the House is filled with Members who speak as experts on education, Patsy Mink was among the few who had hard-earned credentials with respect to education. She was a part of the development and the nurturing of title I to the point where it has become the cornerstone of Federal education reform. She was here during the Great Society program creation. She served with Adam Clayton Powell and Lyndon Johnson in the years that they passed more social legislation than has ever been passed in Congress.

Title IX was a landmark reform to end the gender gap in our educational institutions, in school athletics; but also many other aspects of higher education. Title IX belongs to Patsy. She conceived it decades ago, and she had to fight all the way to the President. Even recently, in this 107th Congress, there were skirmishes seeking to cut back on the funding for title IX. Title IX was passed in 1972, but right up until recently, the grumbling and the attempts to undercut have persisted.

I will talk more in greater detail about some of the things that have happened along the way as Patsy was forced to fight to keep title IX. As I said, she had an encyclopedic approach. She was involved in many issues. There were certain issues she would focus on tenaciously. And because she focused on them, she was prepared to defend them, and she very effectively saved many of these programs from the jaws of those who would roll back progress.

Title IX, like many other Federal policies and programs, was considered to be impossible, something else we could not afford. We could not afford to have equality in our education activities for women. That would be a burden on our higher education institutions. That would be a burden on higher education athletics, college athletics, or school athletics. Always those who want to conscript and limit the opportunities for a class of people insist that it is not doable.

Social Security originally was attacked. We know we did not get a single Republican vote when Social Security was implemented and passed. Social Security was attacked as something that would wreck the economy. The minimum wage was attacked. The minimum wage provision was attacked as another item that would wreck the economy. Always reasons are found to stop the spreading of the benefits of our great American democracy and our great economy to all.

They particularly hold on with respect to matters relating to women. We are way, way behind, even in liberal America, liberal and progressive America. We are still way behind in recognizing full unfettered rights for all women. There is no more category of human being more oppressed in the world than women. If you want to look at numbers, the greatest number of people oppressed throughout the world are women. In all societies, just about, there is oppression. In societies that suffer from racial prejudice, an oppression because of race, or in others who suffer as a result of colonialism, and all those societies where everybody might suffer, the women still suffer most of all because of male dominance. Male chauvinism seems to hold on. It seems to be institutionalized in certain religions. And when we liberate women finally, we will have arrived as a civilization.

But there is a great need to have the fullest possible liberation for women in America. We are more advanced in this respect than probably any society. The mountaintop is in view, and we should certainly go on to make certain that all of the pathways are cleared so that women and men are clearly equal in one society in the world, that is the American society, and that this will spread first in the Western world and on and on and break down any shibboleth that may remain in terms of religions that insist that women are inferior and women do not deserve complete equality with men.

Patsy was an advocate for total equality for women, and that is quite appropriate. Her spirit will be missed. We should remember Patsy as an advocate for women. She was the coauthor of title IX of the Higher Education Amendments of 1972 that prohibits sex discrimination in all education institutions receiving Federal funds. This law, which Patsy cited as one of her greatest accomplishments, has had a dramatic impact in opening up opportunities for girls and women in the professions and most visibly in athletics.

In 1970, before the passage of title IX, only 8.4 percent of medical degrees were awarded to women. By 1980, this figure had increased to 23.4 percent. By 1997, women were earning 41 percent of medical degrees. So in addition to athletics, in an area like medicine, Patsy's title IX opened the way for women.

I think her colleague, Senator AKAKA, in honoring Patsy, was able to bring some light on her personal travails as a woman. Patsy wanted to be a doctor. She applied for medical school after studying zoology and chemistry at the University of Hawaii. She applied in 1948 to a medical school there, but she was rejected, along with other bright young women who were aspiring to be doctors at a time when women made up only 2 to 3 percent of the entering class. Patsy went on to apply to a law school instead. She gained admission to the University of Chicago.

It was during her years at the University of Chicago that she met and married her husband. Patsy returned to Hawaii and gained admission to the Hawaii bar in 1953. But as a woman, even then, she had difficulty, because it was said that her husband was a native of Pennsylvania, and a woman had to gain her bar admission in the area where her husband lived. She challenged that piece of sexism and she won. She was admitted to the Hawaii bar, and she became the first Japanese American woman to become a member of the bar in Hawaii.

In 1965, Patsy brought her views to the national stage when she became the first woman of color elected to the United States House of Representatives to represent Hawaii's Second Congressional District. 1965. You can see that she was here during the time when Lyndon Johnson put forth his Great Society programs, and she was a colleague of Adam Clayton Powell as each one of those measures came through the Committee on Education and Labor on its way to the floor of the House to be passed successfully by a Democratically controlled Congress and Senate. So the institutional memory, the institutional achievements of Patsy Mink ought to be remembered as part of the record.

She is a role model that the present Members of Congress should look up to. She is a role model that should be held up to future Members of Congress. We need role models that go beyond the fact that we are all very intelligent men and women who come to this Congress. You will not find a single person elected to Congress who is not intelligent. You do not get here unless you are very intelligent. Most of us have extensive formal education. Most of the Members of Congress are college graduates. Many are people who have gone beyond college and have professional degrees. So intelligence is not a problem here.

If intelligence were the kind of cleansing overall virtue that I once believed it was when I was in high school and college, that intelligent people always do the right thing, intelligent people understand the world, they understand what is right, and they do what is right. Intelligence does not automatically lead to correct and appropriate, democratic, generous, progressive, and charitable behavior. So intelligence is not the problem here in this Congress. The quality that is missing here is indignation, righteous indignation, dedication to the proposition that all men and women are created equal. And if they are all created equal, they all have a right to share in the prosperity and the benefits of this great country.

We have to make a way for them to do that, even if they are people who are very poor and at one time or another have to go on welfare. At one time or another they have to be the recipients of the safety net benefits of our Nation. We have safety net beneficiaries who are rich farmers, yet we never are critical of them. But we have safety net beneficiaries who are welfare mothers, mothers of children; and you do not become a woman on welfare unless you have children. It is Aid to Families With Dependent Children. So welfare women, who we refer to, are really mothers of children who are covered by the law Aid to Families with Dependent Children.

In this Congress, Patsy declared war on the oppressors of welfare women. It was a lonely army that she led. A very tiny platoon, I would say, that she led as she made war on the oppressors of welfare women. No one was more incensed and outraged than the Member from Hawaii when the so-called welfare reform program of President Bush threatened greater burdens and smaller subsidies for welfare recipients. Patsy came to me often and said we must fight this, we must do something, we must not allow this to happen. We must point out the fact that welfare benefits have been greatly reduced in most of the States. We must point out the fact that in the model State of Wisconsin, the State where the Secretary of Health and Human Services, former Governor Thompson presided, they have reduced the welfare benefits for a family of three to less than $300 a month; and they are praising him for having made that reduction. That is wonderful; that a welfare family of three only gets less than $300 a month.

That same Governor Thompson had transferred welfare money that would have gone to welfare beneficiaries to other functions in State government. Maybe he had a few other cronies he wanted to employ, maybe he gave a few more State banquets, who knows where the money went; but the Federal money that was meant to go to welfare beneficiaries, the law allowed him, if he saved it by curtailing the benefits for welfare families, then he could use it in other ways. No one was more incensed and outraged by that kind of activity than Patsy Mink.

Patsy said, we must do something. The Democrats are going to be rubber stamps to the Republican proposals. The Democrats are going to be rubber stamps to President Bush's proposals. Patsy Mink came forward, and we had made many proposals. We fought the greater burdens and smaller subsidies for welfare recipients. All of Patsy's proposals in the House were voted down. We did not pass anything at all. But I admire and will always praise Patsy Mink for leading the fight which stirred up the long-dormant conscience among Democrats.

□ 1945

Democrats did come to the floor with an alternative bill. We did produce a fight on the floor. We did have a debate on the floor. We offered an alternative. We set the stage for what happened after the bill left this House and went to the other body. We would like to believe that the fact that deliberations on this very important matter, welfare reform, continues and is stalled because we fought valiantly under the leadership of Patsy Mink, and that fight still goes on as a result of the record. We united behind Patsy. We were voted down, but we were together.

As I said before, Patsy Mink is a role model for what needs to happen in this House. Some Members of Congress focus on housing issues. Some focus on transportation issues. Some focus on health issues. Whatever the issue, they need to bring to it the kind of indignation and determination that Patsy brought to the issues she cared about. She cared about education and welfare mothers. Nobody knew better than Patsy about the correlation between poverty and poor performance in education. She had many poor people in the rural parts of her district, and Patsy Mink understood the correlation.

There is a correlation between poor performance, and the ability of students to take full advantage of the educational opportunities offered, and poverty. Poverty and education should not be discussed separately, they should be discussed together. What we do to welfare families hurts education. When a welfare family has their budget curtailed to the point where children go to school hungry, and the best meal they get is the school free lunch because supper is not going to be adequate, breakfast is not adequate, and at some schools we have begun to provide breakfast because of that, why not provide higher benefits and substitutes for the families so the children who are going to school get over that first hurdle and they come to school prepared to learn because they have a wholesome environment at home.

We had on the floor today several resolutions which attempted to force the issue. Again, I think Patsy Mink would have been very pleased with what happened this afternoon in the regular session. We had four resolutions which showed some outrage, some indignation. We want to force the issue. We do not want to bide time here in this Congress the way that the Republican majority has decided we should. We do not want to just be here and not deal with the issues. I would hate to read history 50 years from now and hear how the historians analyzed what happened to the great America; that at its apex when it was most powerful, most prosperous, the leader of the entire world, the only remaining superpower sat around and, like Nero, fiddled while Rome was burning.

There are so many issues related to the changing patterns of the weather, the climate, so many things that reach beyond our economy; and, of course, the ongoing fight against terrorism. That is no less an issue, but we have to chew gum and walk, sing, dance and do a lot of things at the same time, and we are letting most of our resources, the tremendous brain power of the Congress lies fallow, unutilized. There is tremendous brain power and energy. The Congress is not being utilized because, for political reasons, somebody has decided that it is best for us to tread water and do nothing.

My colleagues in the Democrat Party, the gentleman from Pennsylvania (Mr. HOLDEN), the gentleman from Ohio (Mr. BROWN), the gentleman from Indiana (Mr. VISCLOSKY), and the gentleman from Wisconsin (Mr. OBEY), they offered resolutions saying let us do something.

The gentleman from Pennsylvania (Mr. HOLDEN) offered a resolution relating to family farmers and bankruptcy. Be it resolved that the House of Representatives should call up for consideration H.R. 5348, the Family Farmers and Family Fishermen Protection Act of 2002, which will once and for all give family farmers the permanent bankruptcy protections they have been waiting for for over 5 years.

Mr. Speaker, why not? We are all here. Why do we not debate an act on this vital resolution? No, the Republican majority chose to vote it down. With a motion to table, all you need is a majority of the votes, and a motion to table takes effect.

The gentleman from Ohio (Mr. BROWN) wanted to deal with the fact that patent drugs, the drug companies are playing with patent law so they can hold on to patents longer and keep the cost of drugs higher and avoid the utilization of generic drugs. That was voted down, too.

The Brown resolution attempted to call for some constructive action, but it was also voted down, but he did it, and Democrats rallied behind the gentleman overwhelmingly out of a sense of indignation. Those of us who are sick of being victimized by the majority, we are held paralyzed. We are here, but we can do nothing. At least we can vote for a resolution to call for action, and we did. But again, the majority had the most votes, and this resolution was voted down.

The next resolution was by the gentleman from Indiana (Mr. VISCLOSKY). It was a simple resolution, after all of the whereases, resolved that it is the sense of the House of Representatives that the Congress should provide States with the resources they need to fully implement the No Child Left Behind Act as promised less than a year ago.

Less than a year ago we passed the No Child Left Behind Act. It was a bipartisan vote on final passage. I voted for it. I voted for it because of the promises that were made with respect to funding. The President said he would double Title I over a 2-year period. The President said he would provide and support the funding for the implementation for No Child Left Behind, meaning the tests, the training and the administrative costs related to that. The President said that he would support an increase in the special education funding, but he has reneged on those promises.

We would like to see the resources provided by passing the Health and Human Services and the Education and related agencies appropriations. The gentleman from Indiana (Mr. VISCLOSKY) offered that resolution.

I would like to note that Patsy Mink said No Child Left Behind was a piece of legislation that was an ambush; it was a trap. She voted against it in committee, and she voted against it on the floor of the House. And now she has been proven to be correct.

We made some stringent requirements there. We placed on the backs of school systems and teachers and students a lot of new regulations and threats, provisions for monitoring tests, and now we have reneged on paying the costs of all of that, leaving it to them. In Patsy's district, she complained several months ago that the provisions of the No Child Left Behind were beginning to upset parents because there are provisions that say if your individual school is failing in terms of the achievements of the students in reading and math, if it is failing, then you have a right to go to another school, transfer to another public school.

Well, just about all of the schools in a certain area of her district are failing, and the parents are frustrated because they want to use that right, but in order to go to another school, they would have to have air transportation. The island is constructed such that the only way they can get to a school that is better than the schools in that locale would be to have planes to transport them. The cost of transportation is so prohibitive that the law has no meaning for them. She was angry because they were angry at her, but they have been stirred up by the promise that was offered by the No Child Left Behind legislation.

I think that the next resolution that was offered by the gentleman from Wisconsin (Mr. OBEY), who is the ranking member of the Committee on Appropriations, was in the same vein, concerned about the fact that we have reneged on the promises of the legislation that we all voted for, most of us voted for, in a bipartisan compromise. Patsy did not vote for it. She said we would regret the compromise, and now we are living to regret it.

The Obey resolution was, resolved that it is the sense of the House of Representatives that the Congress should complete action on the fiscal year 2003 Labor, Health and Human Services and Education and related agencies appropriation before recessing, and should fund the No Child Left Behind Act with levels commensurate with the levels promised by the act less than a year ago.

Mr. Speaker, we are here. We should act now. Why have we defaulted on action to the point where there is a discussion of nothing significant is going to happen until after the election. Nothing significant is going to be done about any appropriations issues until after the election. That is a swindle. We owe it to the American people to take action on critical activities and demonstrate what we are made of. Let us have a record. Let us go forward and not play with the public opinion polls where we know that the great majority of the American people rank education as a major issue. Education is ranked as a major issue, and, therefore, we pay lip service to education, but we do not want to really doing anything.

The indignation shown by these resolutions, the attempt to force some action or at least to dramatize it, the mobilization of one party to make certain that this issue was on the floor I think Patsy Mink would be quite proud of.

Patsy was always concerned about the fact that education was so highly publicized by both parties. Patsy was concerned about the fact that there barriers put up about education costing too much, although in America we are only spending in terms of Federal funds, we only pick up 7 percent of the cost of education. There is a continued drumbeat that education costs too much. The Federal Government should not be more involved in education.

□ 2000

Our answer was, what activity is it that the American government is involved in that does not need education as more than a footnote? Education is a force in whatever activity we are engaged in and, therefore, what fools we are to continue to ignore education when we talk about critical issues. The Homeland Security Act, for example, the creation of a homeland security agency does not talk in any significant way about the role that education will play. The Education Department is barely mentioned. Yet the Homeland Security Act is a complex mechanism which will not work unless it has very educated people. It will not work unless it has cadres of people who are well trained in various ways. Homeland security will not work unless we train tremendous numbers of people in the cleanup of anthrax or the cleanup of biological warfare materials. We are preparing for that. We are discussing each day how we have enough vaccine to vaccinate our whole population in 10 days.

There are a number of things happening, but we are not discussing who is going to do it. Where are the people who will give the vaccinations? We have a shortage of nurses. We have a shortage of basic technicians in our hospitals. We certainly cannot deal with complicated biological warfare as exhibited by the way we handled the anthrax emergency here in Washington.

What happened in the anthrax emergency here in Washington? I will not go through the whole scenario, but Congress was threatened and the focus of attention of all the experts was on Congress. The post office, on the other hand, where the anthrax had to come through, was ignored. Even when they discovered that there was anthrax in the post office, all of the personnel were still focused here, all the expertise.

So we had two people die here in Washington. They were postal employees, postmen, who died, because we did not have enough personnel to do the total job and the total job was not really of epic proportions. The anthrax attack, whoever did it, they still do not know who did it, of course, it was small in comparison to what terrorists could do. I fear anthrax more than I fear nuclear weapons. After watching what happened here in Washington, after having been locked out of my office for several weeks, even now we have to irradiate our mail, after watching it take 4 months to clean up the anthrax in one building, Senate building; and the experts, the hygienists who handle anthrax, whoever the experts were, were so limited, the technicians so limited till they only focused on the Senate building. There were not enough to go around. We could not deal with the post office. We still have not dealt with the cleanup of post offices the way we should.

So we have a shortage of people who can deal with anthrax; and that is a clear and present threat, or something similar to anthrax. But in the Homeland Security Act, there is no provision for the training of more people in this area. There is no provision for dealing with the fact that we have a shortage of nurses. Who is going to do all these vaccinations in case we have an epidemic as a result of a biological attack? We have shortages of people who are going into police departments. We have shortages in fire departments in big cities like New York, for example. They are working madly to recruit people to replace the numerous firemen who lost their lives, but in general there has been an attrition over the years of applicants in terms of these agencies.

Many of these positions do not require a Ph.D., graduate education; but they do require some education. Getting people to pass a basic test involving literacy and simple calculations, getting graduates of our schools who can pass those simple requirements has become a big problem. We need to invest whatever is necessary if we are serious about homeland security, or if we are serious about fighting terrorism.

One of the factors that keeps coming up is the very embarrassing fact that we had a lot of data collected. Many of the facts that had been assembled by our reconnaissance agencies, by our satellites in the sky, picking up electronic communications, many of those items were there which told things that would have been very useful in counteracting what happened on September 11; but we did not have Arab translators. We did not have enough translators.

I have said here on the floor many times, that is inexcusable, that there were not enough Arab translators to stay current with the great amount of data that was being collected from Arab sources. Arabs have been terrorists for quite a long time. Since Ronald Reagan's reign when they bombed the barracks in Beirut and killed 200 Marines, on and on, every major act of terrorism, sabotage, Arabs have done it. So surely Arabs should have been high on the radar screen and the number of people who interpret Arabic should have been great. But it is not there.

I heard advertising on the radio and television in New York a couple of months after September 11 advertising for people who might want to be Arab interpreters. On and on it could go, including the fact that in the field in Afghanistan, where our troops have been victorious and conducted a high-tech war in a very effective way, nevertheless, the casualties, if you look at the casualties that we have suffered, the majority of them have been from friendly fire as a result of human error. We have suffered casualties ourselves as a result of human error and friendly fire. We have had a couple of embarrassing incidents with respect to the Canadians and with respect to some tribal groups as a result of human error. So as war becomes more high tech, education becomes an even more important factor.

There is a recognition in the military world of the value of education. I would like to juxtapose the fact that they place a great deal of value on education on specific things related to the military while at the same time ignoring the greater funnel, the mass education that has to funnel people into the military. For example, we have quite a number of military academies beyond West Point. Most people only think of West Point, the Navy at Annapolis, the Air Force Academy; but we also have an Industrial College of the Armed Forces, National War College, Army War College, Naval War College, Naval Post Graduate School, Air War College, Air Force Institute of Technology graduate school and long-term training arrangements and continued service arrangements which allow members of the military to go to graduate schools anywhere when needed.

There is a great deal of understanding in the military of the value of education. Their personnel are constantly being put through a process of improving their education. The military is not afraid to spend money, also. It costs money to educate youngsters in this day and age.

I hear complaints that education costs too much, that when I was a kid we were only paying teachers so much and school costs were at very low levels per child, but now teacher salaries are too high, and we want computers. That is the way of the modern world. When World War II started, we only had four or five vehicles in the Federal arsenal of transportation. Roosevelt had a car and four or five other Cabinet members. We were at that stage. Now we have a whole fleet of cars. We have a fleet of planes. The world has changed.

If it has changed in every other respect, then surely it has changed in respect to education. But we do not recognize that when it comes to education. We do not look at the fact that our military academies are spending tremendous amounts of money. I have only got figures for way back in 1990. They do not let you have current figures. In 1990 we were spending tremendous amounts of money for the Army academy, which is West Point; Naval Academy, et cetera. But more important than what they were spending overall, which is hard to deal with, as of 1996, the budget office study showed again with 1990 figures, that the amount of money being spent per officer, that is where we can make some comparison.

They say right now at Harvard and Yale, Ivy League schools may cost you between $40,000 and $50,000 per student per year now. In 1990, the cost per officer commissioned in the Army was $299,000. $299,000 per officer commissioned. In the Navy it was $197,000 per officer commissioned. In the Air Force, $279,000 per officer commissioned. We are willing to spend tremendous amounts of money when it involves personnel serving the military directly. If we are willing to spend $299,000 per officer commissioned, surely we can spend more than $8,000 per child in the New York City school system and understand that modern costs are such that $8,000 per child is not going to get you very much in terms of what is needed in this day and age.

I checked before Ron Dellums left as the head of the Armed Services Committee. I did get some figures which showed that the cost at that time, I think that was about 7 or 8 years ago, was down to $120,000 per cadet at West Point, if you left out the actual cost of the military training and just the academic training. The academic training at that time was $120,000 per student while Harvard and Yale at that time were estimated to be about $30,000 in the Ivy League. So either way you can see the difference. We are willing to spend tremendous amounts of money when we think it is important.

Patsy Mink and I used to talk a great deal about the great hypocrisy of American policymakers. In private schools, the cost per child is far higher than $8,000 per child, as it is in the New York City schools. $8,000 per child is what the average is in New York City, because it has so many different schools. There is a low end in my district. There are some schools where they are spending only $4,000 per child; and there is a high end where they are spending $12,000 per child because the expenditure costs are driven by the personnel costs. The greatest cost of personnel, the more experienced teachers and administrators are in certain schools in certain districts that they consider highly desirable places to be. So their salaries raise the cost per child in those districts, while the poorest schools suffer from too many substitute teachers and uncertified teachers and you have a very low cost. But what I am saying is that as a Nation, we are investing very highly in a well-qualified, well-educated military. We are blind to the fact that all the other sectors must go along.

A complex, modern nation, the leader of the free world, needs to have a comparable concern about education across the board. All of these Department of Defense graduate institutions, is there a single peace initiative we have which has Federal funding for graduate institutions? Is there a single graduate institution that we know of? There is a peace institute which you can hardly find in the budget, it is so small; and it is very cautious about what it does. But there is no place where we are training diplomats. There is no plan to make certain that the greatest Nation on Earth, the last superpower, has knowledge of all the other societies on Earth.

We not only have a shortage in people who can translate Arabic but in Pakistan and some other countries, they speak Urdu. In Afghanistan they speak Pashto. We have more than 3,000 colleges and universities in this Nation. If you have a plan, if the Homeland Security Act cared about really dealing with terrorism across the world, you would have a plan which showed that somewhere in America there is a college or a university that has an institute or a center which is not only learning the language, teaching the language, but also teaching the culture of any group of people anywhere on the face of the Earth.

Certainly any nation in the United Nations, we should have a program which has people who are studying it. We can afford to do that. By chance we have experts probably on everything, but single people who decide they want to go off and study and are ready when we need them for these kinds of assignments, that number is decreasing.

☐ 2015

Why not have a plan which guarantees that we will always have enough people who speak Urdu to deal with increasing our friendship with Pakistan? Pakistan is a friendly Muslim Nation. Pakistan is our ally in the fight against terrorism. We need to know more about its culture and be able to deal with it. If we are going to have nation-building, that is a word that was trivial, used and ridiculed a few years ago, but now it is understood that we cannot fight terrorism without nation-building. We do not invest a large amount of energy, time, lives, effort in a nation like Afghanistan and then walk off and leave it to crumble back into the kind of primitive savagery that existed under the Taliban. If we do not stay and we do not do nation-building, we will have to do it all over again in 10 or 20 years. So nation-building is part of a process that we should have in our overall plan to fight terrorism.

Homeland security, military readiness, all that, we should look at education first and foremost. The funnel which feeds everything we do has to come up through our public school system. Fifty-three million children are out there in our public school system. They could supply every expert we need, every category of technician, but they are not doing it when they come out of high school, and they can only barely read and write properly, when calculations are minimal.

A large part of public school is inhabited by minorities, and one of the problems is, which Patsy and I talked about many times, as the minority population has increased in certain school systems, the big-city school systems in America, the commitment of the locality and the commitment of the State government has gone down, and we cannot get away from an observation that racism is at work in decisionmaking.

Doing less for the schools has happened as the population has changed, but let us take a look at what that means for America in one area. In our military those same minorities who are being neglected in our public schools make up a large part of our military relative to their percentage of population. African Americans are considered by the Census Bureau to be about 13 percent of the total population. In the Army African Americans total 25.5 percent of the Army population; 480,435 people are African Americans. Hispanics are 9.3 percent. In the Navy African Americans, which are only 13 percent of the population, are 18.9 percent of the Navy. African Americans, who are only 13 percent of the population, are 16 percent of the soldiers in the Air Force. In the Marines African Americans are 18.9 percent.

These same African Americans who are in the inner-city schools predominantly, the supply that goes into our military, is jeopardized if you do not provide appropriate education now. What would it be like in a few years? What is it like now? Is the quality of the soldiers declining at a time when the high-tech complexity of the military is increasing?

We should take a hard look at all the various activities of our society and how they complement each other.

Patsy Mink, as I said before, had an encyclopedic mind when it came to looking at human resources and looking at the various missions of a civilized society like ours should have. Patsy Mink and I have talked about the fact that it is ridiculous to have a homeland security program which allocates no significant role to the Department of Education or to the universities and colleges in America. It is sort of doomed to failure.

I would like to conclude by just refocusing on one particular project or program that is identified most immediately and specifically with Patsy Mink. That is Title IX. Many women who are doctors and lawyers, who had a basically equal treatment in the university system and graduate schools, have no idea what it was like before. I think one of the women on the Supreme Court told a long story about how she was denied access to decent jobs in the law firms when she first came out of college and later denied promotions, et cetera. So there are individual stories that can be told, but the figures were outrageous before Title IX.

Title IX has made a big difference, but Title IX has been fought step by step all the way. It was signed into law in 1972, and Patsy had to go to war and fight the Tower amendment in 1974. She had to fight certain other Senate amendments that were attempted by Senator HELMS and S. 2146 in 1976 and 1977. On and on it goes. There have been attempts to gut Title IX.

So Title IX, the welfare rights, the welfare reform, all of it was part of why I say that Patsy Mink was a role model for decisionmakers of this Congress, and she is a role model for decisionmakers in the future. Compassion and riotous indignation are still vital qualifications for the leaders of a Nation. Patsy Mink was a great leader of this great Nation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MASCARA (at the request of Mr. GEPHARDT) for today and the balance of the week on account of illness in the family.

Mr. THOMPSON of California (at the request of Mr. GEPHARDT) for October 1 on account of congressional business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:

Ms. KAPTUR, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. ETHERIDGE, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Mr. BACA, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

The following Members (at the request of Mr. GUTKNECHT) to revise and extend their remarks and include extraneous material:

Mr. SHIMKUS, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes, today.

Mr. PETERSON of Pennsylvania, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, October 3.

ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 21 minutes p.m.), the House adjourned until tomorrow, Thursday, October 3, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9469. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Pork Promotion, Research, and Consumer Information Order: Rules and Regulations-Decrease in Assessment Rate and Decrease of Importer Assessments [No. LS-02-09] received September 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9470. A letter from the Administrator, Regulatory Contact, Department of Agriculture, transmitting the Department's final rule — United States Standards for Milled Rice — received September 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9471. A letter from the Secretary, Department of Housing and Urban Development, transmitting a report of a violation of the Antideficiency Act by the Department of Housing and Urban Development, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

9472. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received October 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9473. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Clinical Chemistry and Clinical Toxicology Devices; Reclassification of Cyclosporine and Tacrolimus Assays [Docket Nos. 01P-0119 and 01P-0235] received October 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9474. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9475. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft bill approving the location of a Memorial to former President John Adams and his legacy in the Nation's Capital; to the Committee on Resources.

9476. A letter from the Deputy Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Injurious Wildlife Species; Snakeheads (family Channidae) (RIN: 1018-AI36) received October 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9477. A letter from the Director, Office of Hearings and Appeals, Department of Interior, transmitting the Department's final rule — Special Rules Applicable to Surface Coal Mining Hearings and Appeals (RIN: 1090-AA82) received October 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9478. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Thornyhead Rockfish in the Western Regulatory Area of the Gulf of Alaska [Docket No. 011218304-1304-01; I.D. 091902E] received October 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9479. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Salary Offset Procedures for Collecting Debts Owed by Federal Employees to the Federal Government (RIN: 3150-AG96) received September 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9480. A letter from the Acting Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations; Hobe Sound bridge (SR 708), Atlantic Intracoastal Waterway, mile 996.0, Hobe Sound, Martin County, FL [CGD07-02-119] received October 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9481. A letter from the Acting Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Special Local Regulations for Marine Events; Cape Fear River, Wilmington, NC [CGD05-02-075] (RIN: 2115-AE46) received October 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9482. A letter from the Acting Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway Mile 134.0, Cypremort Point, Louisiana [COTP Morgan City-02-004] (RIN: 2115-AA97) received October 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9483. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2002-63) received September 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9484. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Supplementary Medical Insurance Premium Surcharge Agreements [CMS-1221-F] (RIN: 0938-AK42) received September 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

9485. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare and Medicaid Programs; Programs of All-inclusive Care for the Elderly (PACE); Program Revisions [CMS-1201-IFC] (RIN: 0938-AL59) received September 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HANSEN: Committee on Resources. H.R. 1946. A bill to require the Secretary of the Interior to construct the Rocky Boy's/North Central Montana Regional Water System in the State of Montana, to offer to enter into an agreement with the Chippewa Cree Tribe to plan, design, construct, operate, maintain and replace the Rocky Boy's Rural Water System, and to provide assistance to the North Central Montana Regional Water Authority for the planning, design, and construction of the noncore system, and for other purposes (Rept. 107–715). Referred to the Committee of the Whole House on the State of the Union.

Mr. KNOLLENBERG: Committee on Appropriations. H.R. 5521. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2003; and for other purposes (Rept. 107–716). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 5428. A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; with an amendment (Rept. 107–717). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 568. Resolution providing for consideration of the joint resolution (H.J. Res. 112) making further continuing appropriations for the fiscal year 2003, and for other purposes (Rept. 107–718). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SAM JOHNSON of Texas (for himself, Mr. SMITH of Texas, Mr. SESSIONS, and Mr. HALL of Texas):

H.R. 5520. A bill to amend the Fair Labor Standards Act of 1938 to provide an exemption from minimum wage and maximum hours requirements for certain seasonal fireworks employees; to the Committee on Education and the Workforce.

By Ms. LOFGREN (for herself and Mr. HONDA):

H.R. 5522. A bill to amend title 17, United States Code, to safeguard the rights and expectations of consumers who lawfully obtain digital entertainment; to the Committee on the Judiciary.

By Mrs. MALONEY of New York (for herself, Mr. RANGEL, Mr. ISRAEL, Mr. NADLER, Mr. SERRANO, Mr. TOWNS, Mr. ENGEL, Mr. HINCHEY, Mrs. LOWEY, Mr. WEINER, Mr. OWENS, Ms. VELÁZQUEZ, Mr. MCNULTY, Mr. KING, Ms. NORTON, Mr. MORAN of Virginia, and Mrs. MCCARTHY of New York):

H.R. 5523. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to modify the terms of the community disaster loan program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. COX (for himself and Mr. LANTOS):

H.R. 5524. A bill to develop and deploy technologies to defeat Internet jamming and censorship; to the Committee on International Relations.

By Mr. GEKAS:

H.R. 5525. A bill to amend title 11 of the United States Code to prevent corporate bankruptcy abuse and provide greater protection for employees, and for other purposes; to the Committee on the Judiciary.

By Mr. DOGGETT (for himself, Mr. ALLEN, Mr. BAIRD, Mr. BARRETT, Mr. BECERRA, Mrs. CAPPS, Mr. CARDIN, Mr. CARSON of Oklahoma, Mr. COYNE, Mr. DAVIS of Illinois, Mr. DEFAZIO, Mr. DELAHUNT, Ms. DELAURO, Mr. EDWARDS, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FARR of California, Mr. FILNER, Mr. FRANK, Mr. HOEFFEL, Mr. HOLT, Mr. INSLEE, Mr. JEFFERSON, Ms. KAPTUR, Mr. KLECZKA, Mr. KUCINICH, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LUTHER, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mrs. MALONEY of New York, Mr. MARKEY, Mr. MATSUI, Mr. GEORGE MILLER of California, Mr. NEAL of Massachusetts, Ms. PELOSI, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Ms. SCHAKOWSKY, Ms. SLAUGHTER, Mr. STARK, Mr. TANNER, Mrs. THURMAN, Mr. TIERNEY, Mr. POMEROY, Mr. UDALL of New Mexico, Mr. WAXMAN, Ms. WOOLSEY, and Mr. WYNN):

H.R. 5526. A bill to amend the Lobbying Disclosure Act of 1995 to require certain coalitions and associations to disclose their lobbying activities; to the Committee on the Judiciary.

By Mr. DOGGETT (for himself, Mr. ALLEN, Mr. BAIRD, Mr. BARRETT, Mr. BECERRA, Mrs. CAPPS, Mr. CARDIN, Mr. CARSON of Oklahoma, Mr. COYNE, Mr. DAVIS of Illinois, Mr. DEFAZIO, Mr. DELAHUNT, Ms. DELAURO, Mr. EDWARDS, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FARR of California, Mr. FILNER, Mr. FRANK, Mr. HOEFFEL, Mr. HOLT, Mr. INSLEE, Mr. JEFFERSON, Ms. KAPTUR, Mr. KLECZKA, Mr. KUCINICH, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LUTHER, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mrs. MALONEY of New York, Mr. MARKEY, Mr. MATSUI, Mr. GEORGE MILLER of California, Mr. NEAL of Massachusetts, Ms. PELOSI, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Ms. SCHAKOWSKY, Ms. SLAUGHTER, Mr. STARK, Mr. TANNER, Mrs. THURMAN, Mr. TIERNEY, Mr. POMEROY, Mr. UDALL of New Mexico, Mr. WAXMAN, Ms. WOOLSEY, and Mr. WYNN):

H.R. 5527. A bill to amend the Internal Revenue Code of 1986 to require disclosure of lobbying activities by certain organizations; to the Committee on Ways and Means.

By Mr. GILMAN:

H.R. 5528. A bill to provide for the establishment of the Center for International Human Rights; to the Committee on International Relations.

By Mr. VISCLOSKY (for himself and Mr. FROST):

H.R. 5529. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide for joint trusteeship of single-employer pension plans; to the Committee on Education and the Workforce.

By Mr. SMITH of New Jersey:

H.R. 5530. A bill to amend title 38, United States Code, to enhance the right of the Department of Veterans Affairs to recover payments by third parties for costs of providing non-service-connected care to beneficiaries of such third parties; to the Committee on Veterans' Affairs.

By Mr. TANCREDO (for himself, Mr. Hyde, Mr. Bachus, Mr. Royce, and Mr. Payne):

H.R. 5531. A bill to facilitate famine relief efforts and a comprehensive solution to the war in Sudan; to the Committee on International Relations, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 5532. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to require public availability of an accounting of all funds used, or required to be used, for response to a release of a hazardous substance or pollutant or contaminant; to the Committee on Energy and Commerce; and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA (for himself, Mr. Acevedo-Vilá, Mrs. Napolitano, Mr. Rohrabacher, Mr. Hinojosa, Mr. Cummings, Mr. Berry, and Mr. Ortiz):

H.R. 5533. A bill to provide for reduction in the backlog of claims for benefits pending with the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. BERRY (for himself, Mrs. Emerson, Mr. Shows, Mr. Allen, and Mr. Brown of Ohio):

H.R. 5534. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the implementation of the program under section 804 of such Act, and for other purposes; to the Committee on Energy and Commerce.

By Ms. KAPTUR (for herself, Mr. Dingell, Mr. Gilchrest, and Mr. Underwood):

H.R. 5535. A bill to expand the boundaries of the Ottawa National Wildlife Refuge Complex and of the Detroit River International Wildlife Refuge; to the Committee on Resources.

By Mr. NADLER:

H.R. 5536. A bill to amend the Bank Protection Act of 1968 and the Federal Credit Union Act to require enhanced security measures at depository institutions and automated teller machines sufficient to provide surveillance pictures which can be used effectively as evidence in criminal prosecutions, to amend title 28, United States Code, to require the Federal Bureau of Investigation to make technical recommendations with regard to such security measures, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETERSON of Minnesota:

H.R. 5537. A bill to amend the Internal Revenue Code of 1986 to allow the $25,000 offset for individuals under the passive loss rules to apply to investments in wind energy facilities; to the Committee on Ways and Means.

By Mr. PICKERING:

H.R. 5538. A bill to amend title 23, United States Code, to waive certain limitations; to the Committee on Transportation and Infrastructure.

By Mr. PICKERING:

H.R. 5539. A bill to amend title XVIII of the Social Security Act to provide for coverage of medication therapy management services, including disease specific management services, for certain high-risk patients under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHERMAN (for himself and Mr. Souder):

H.R. 5540. A bill to encourage respect for the rights of religious and ethnic minorities in Iran and to deter Iran from supporting international terrorism and from furthering its weapons of mass destruction programs; to the Committee on Ways and Means, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHOWS:

H.R. 5541. A bill to reject proposals to partially or completely divert funds, which normally would be designated for the Social Security trust fund, into private savings accounts as a substitute for the lifelong, guaranteed, inflation-protected insurance benefits provided through Social Security; to the Committee on Ways and Means.

By Mr. GEORGE MILLER of California (for himself, Mr. Gephardt, Mr. Abercrombie, Mr. Kildee, Mr. Owens, Mr. Payne, Mr. Andrews, Mr. Roemer, Mr. Scott, Ms. Woolsey, Ms. Rivers, Mr. Hinojosa, Mrs. McCarthy of New York, Mr. Tierney, Mr. Kind, Mr. Ford, Mr. Kucinich, Mr. Wu, Mr. Holt, Ms. Solis, Mrs. Davis of California, Ms. McCollum, Mr. Blagojevich, Mr. Honda, Ms. Lee, Ms. Roybal-Allard, Mrs. Napolitano, Mr. McIntyre, Ms. Kaptur, Mr. Moran of Virginia, Mrs. Morella, Mr. Boehner, Mr. Thompson of Mississippi, Ms. Carson of Indiana, Mr. Sanders, Ms. Sanchez, Mr. Greenwood, Ms. Berkley, Mr. Waxman, Mr. Gilman, Mr. Shays, Mr. Peterson of Minnesota, and Mr. Evans):

H.J. Res. 113. A joint resolution recognizing the contributions of Patsy T. Mink; to the Committee on Education and the Workforce.

By Mr. HASTERT (for himself and Mr. Gephardt):

H.J. Res. 114. A joint resolution to authorize the use of United States Armed Forces against Iraq; to the Committee on International Relations.

By Mr. ABERCROMBIE:

H.J. Res. 115. A joint resolution to consent to certain amendments enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920; to the Committee on Resources.

By Mr. LaTOURETTE (for himself and Mr. Crowley):

H. Con. Res. 495. Concurrent resolution supporting the goals and ideals of National Safety Forces Appreciation Week; to the Committee on Government Reform.

By Mr. NADLER (for himself, Mr. Rohrabacher, and Mrs. Lowey):

H. Con. Res. 496. Concurrent resolution expressing the sense of the Congress regarding so-called "honor killings"; to the Committee on International Relations.

By Mr. SCHAFFER:

H. Con. Res. 497. Concurrent resolution supporting the goals and ideas of National Take Your Kids to Vote Day; to the Committee on Government Reform.

By Mr. SOUDER (for himself and Mr. Cummings):

H. Res. 569. A resolution expressing support for the President's 2002 National Drug Control Strategy to reduce illegal drug use in the United States; to the Committee on Government Reform, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

368. The SPEAKER presented a memorial of the General Assembly of the State of North Carolina, relative to House Resolution No. 1786 memorializing the United States Congress and the President to support and enact legislation to establish a tobacco quota buyout program; to the Committee on Agriculture.

369. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution 46 memorializing the President and Congress of the United States to enact legislation that contains steps to ensure that Medicare home health care recipients are guaranteed the best care, and that home health providers, who have undergone multiple regulation and administrative changes at the hands of the federal government are not further harmed; jointly to the Committees on Ways and Means and Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 185: Mr. Olver.

H.R. 356: Mr. Green of Wisconsin.

H.R. 394: Mr. Mica, Mr. Toomey, Mr. Green of Wisconsin, Mr. LaHood, and Mr. Larsen of Washington.

H.R. 440: Mr. Rodriguez.

H.R. 840: Mr. Blumenauer, Ms. Dunn, Mr. Owens, Mr. Holden, Mr. Holt, Ms. Hooley of Oregon, Mr. Pickering, Mr. Weldon of Pennsylvania, Mr. McInnis, Mr. Walsh, and Mr. Shows.

H.R. 854: Mr. Gutierrez.

H.R. 984: Mr. Boehner.

H.R. 1296: Mr. Tierney, Mr. Kennedy, of Rhode Island, Mr. Akin.

H.R. 1353: Mr. Luther.

H.R. 1434: Mr. Grucci.

H.R. 1509: Ms. Norton, Mr. Lipinski, and Ms. Brown of Florida.

H.R. 1520: Mr. Nadler.

H.R. 1903: Mrs. Clayton, Mr. Hilliard, Ms. Norton, Mr. Towns, Mr. Frost, and Mr. Crowley.

H.R. 1918: Mr. Diaz-Balart.

H.R. 2020: Mr. McIntyre.

H.R. 2349: Mr. McIntyre.

H.R. 2374: Mr. Weller, Mr. Mica, Mr. McNulty, Mr. Allen, and Mr. Walden of Oregon.

H.R. 2527: Mr. Ney.

H.R. 2573: Mr. Conyers, Mr. Delahunt, and Mr. Phelps.

H.R. 2748: Mr. Udall of Colorado.

H.R. 3612: Mr. Bishop.

H.R. 3688: Mr. Markey, Mrs. Davis of California, Mr. Owens, and Mr. Baldacci.

H.R. 3836: Mr. Engel and Mr. Frank.

H.R. 4027: Mr. Rangel.

H.R. 4170: Mr. Ballenger.

H.R. 4551: Mr. Phelps.

H.R. 4573: Mr. Frank.

H.R. 4582: Mr. Andrews.

H.R. 4614: Mr. Allen.

H.R. 4675: Mr. Camp.

H.R. 4718: Mr. Foley.

H.R. 4760: Ms. Norton, Mr. McNulty, Mr. Holden, Ms. Watson, and Mr. Rangel.

H.R. 4762: Mr. Kucinich, Mr. Owens, and Ms. Woolsey.

H.R. 4789: Mr. Schaffer.

H.R. 4790: Mr. Schaffer.

H.R. 4804: Mr. McHugh, Mrs. Christensen, Mr. Wynn, Mr. Payne, and Mr. Taylor of North Carolina.

H.R. 4950: Mr. Pence and Mr. Jones of North Carolina.

H.R. 4955: Mr. Latham.

H.R. 5085: Ms. Eddie Bernice Johnson of Texas.

H.R. 5127: Mr. Rothman.

H.R. 5146: Mr. Maloney of Connecticut, Mr. Hoeffel, Mr. Tierney, Mr. Saxton, and Mr. Greenwood.

H.R. 5174: Mr. Schaffer.

H.R. 5183: Mr. Lucas of Kentucky.

H.R. 5186: Mr. Manzullo and Mr. Israel.

H.R. 5228: Mr. Paul.

H.R. 5229: Mr. Paul and Mr. Doyle.

H.R. 5241: Mr. Allen and Mr. Nadler.

H.R. 5250: Mrs. Maloney of New York, Mr. Chambliss, Mr. Phelps, Mr. Riley, Mr. Bilirakis, Mr. English, and Mr. Gilman.

H.R. 5257: Mr. Doyle, Mr. Green of Wisconsin, and Mr. Owens.

H.R. 5259: Mr. Brady of Texas.

H.R. 5268: Mr. Larsen of Washington, Mr. Cummings, Mr. Olver, and Ms. Kilpatrick.

H.R. 5285: Mr. Barton of Texas.

H.R. 5287: Mr. Green of Wisconsin.

H.R. 5304: Ms. Berkley.

H.R. 5326: Mr. Bishop.

H.R. 5334: Mr. King, Mr. LoBiondo, Mr. Serrano, Mr. Scott, Ms. McCarthy of Missouri, Mr. Green of Texas, Mr. Israel, Mr. Moran of Virginia, Mr. Strickland, Mr. Hinchey, Mr. Olver, Mrs. McCarthy of New York, Mr. Costello, and Mr. Mascara.

H.R. 5346: Ms. Roybal-Allard, Mr. Towns, Mr. Abercrombie, Mr. Capuano, Ms. Waters, Mr. Thompson of Mississippi, Ms. Eshoo, Mrs. McCarthy of New York, Mr. Ackerman, Ms. Rivers, Mr. Phelps, Mr. Lantos, Mr. Menedez, Mr. Berman, and Mr. Waxman.

H.R. 5350: Mr. Hilliard, Mr. Lipinski, Mr. Forst, and Ms. Norton.

H.R. 5376: Mr. Flake.

H.R. 5380: Mr. Jeff Miller of Florida, Mr. Green of Wisconsin, and Mr. Sessions.

H.R. 5398: Mr. Armey, Ms. Lofgren, Mr. Tom Davis of Virginia, and Mr. Sessions.

H.R. 5433: Mr. LaHood and Mr. Phelps.

H.R. 5465: Mrs. Capps.

H.R. 5476: Ms. Norton and Mr. Wexler.

H.R. 5480: Mrs. Myrick and Mr. Taylor of North Carolina.

H.R. 5491: Ms. Pelosi.

H.R. 5499: Mr. Clyburn, Mr. Bishop, Mr. Lewis of Georgia, Mrs. Christensen, Mr. Thompson of Mississippi, Mr. Payne, and Mr. Ford.

H.R. 5503: Mr. Thornberry.

H.R. 5510: Mr. Moran of Virginia.

H.R. 5512: Mr. Smith of Washington.

H. Con. Res. 399: Mr. Reynolds, Mr. Walsh, Mr. Gilman, Mr. Quinn, Mr. Boehlert, Mrs. McCarthy of New York, Mr. Israel, Mr. Grucci, Mrs. Maloney of New York, Mr. Hinchey, Mr. Crowley, Mr. McNulty, Mr. Rangel, Mr. Strickland, Mr. King, Mr. Ackerman, Mr. Nadler, Mr. LaFalce, Mr. Sweeney, Mr. Towns, Mr. Engel, and Ms. Velázquez.

H. Con. Res. 406: Mr. Udall of Colorado.

H. Con. Res. 422: Mr. Hoyer and Mr. Abercrombie.

H. Con. Res. 436: Mr. Levin, Ms. Watson, Mr. Frelinghuysen, and Ms. Millender-McDonald.

H. Con. Res. 445: Mr. Jeff Miller of Florida, Mrs. Roukema, Mr. Doolittle, Mr. Ramstad, Mr. Brown of South Carolina, and Mr. Rogers of Michigan.

H. Con. Res. 466: Mr. Schaffer and Mr. Wynn.

H. Con. Res. 480: Ms. Lofgren.

H. Con. Res. 486: Mr. Kildee, Mr. Wilson of South Carolina, Mr. Wolf, and Mr. Baldacci.

H. Con. Res. 487: Mr. Meeks of New York and Mr. Frank.

H. Res. 369: Mrs. Morella.

H. Res. 505: Mr. Cunningham and Mr. Brown of South Carolina.

H. Res. 557: Mr. Baldacci.

H. Res. 559: Mr. Cantor.

PETITIONS, ETC.

Under clause 3 of rule XII,

74. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 543 petitioning the United States Congress to express gratitude to Congressman Benjamin Gilman for his many years of public service; which was referred to the Committee on House Administration.

ADMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

S. 2690

Offered By: Mr. Aderholt

Amendment No. 1: At the end of section 1, insert the following:

(17) The First Amendment to the Constitution of the United States secures rights against laws respecting an establishment of religion or prohibiting the free exercise thereof made by the United States Government. The rights secured under the First Amendment have been interpreted by courts of the United States Government to be included among the provisions of the. Fourteenth Amendment (See Everson v. Board of Education Hamilton, 330 U.S. 1, 14-16, and Cantwell v. Connecticut, 310 U.S. 296). The Tenth Amendment reserves to the States respectively the powers not delegated to the United States Government nor prohibited to the States. The power to display the Ten Commandments on or within property owned or administered by the several States or political subdivisions thereof is among the powers reserved to the States respectively. The expression of religious faith by individual persons on or within property owned or administered by the several States or political subdivisions thereof is among the rights secured against laws respecting an establishment of religion or prohibiting the free exercise of religion made or enforced by the United States Government or by any department or executive or judicial officer thereof; and among the liberties of which no State shall deprive any person without due process of law made in pursuance of powers reserved to the States respectively.

S. 2690

Offered By: Mr. Hayes

Amendment No. 2: At the end of section 1, insert the following:

(17) In the Chambers of the House of Representatives are displayed twenty-three marble relief portraits of "lawgivers" who were selected by a special committee for their work in establishing the principles that underlie American law. The relief of Moses, who delivered the Ten Commandments from Mount Sinai more than 3000 years ago, is the only relief that is full faced rather than in profile. The relief of Moses is positioned directly opposite the Speaker's rostrum, overseeing the proceedings of the House. In the building housing the Supreme Court of the United States there are multiple depictions of the Ten Commandments, including one located on the lower half of the doors leading into the chamber and another in the chamber itself above the bench from which the Justices preside. Even the entry to the National Archives of the United States, where the Constitution and the Declaration of Independence are publicly displayed, is adorned with the Ten Commandments. The Supreme Court, most notably in Lynch v. Donelly, 465 U.S. 668 (1984), has cited such displays when upholding the constitutionality of other religious displays by municipal governments. The depiction of Moses and the Ten Commandments in the Capitol of the United States, the Supreme Court of the United States, and the National Archives is constitutional and wholly consistent with the principles of disestablishment and religious freedom.

S. 2690

Offered By: Mr. Shimkus

Amendment No. 3: At the end of section 1, insert the following:

(17) Beginning in 1774, the Continental Congress adopted the procedure of opening its sessions with a prayer offered by a paid chaplain. The First Congress of the new Republic continued this tradition when, in April of 1789, both the House of Representatives and the Senate appointed committees to consider the election of chaplains. In April and May of that same year, the Senate and House respectively elected their first chaplain and in September legislation was enacted providing for the payment of these chaplains. In the 1850s the Senate considered "sundry petitions praying Congress to abolish the office of Chaplain" (S.Rep. No. 376, 32d Cong., 2d Sess.), ultimately concluding, however, that the practice did not violate the Establishment Clause. In 1854, the Committee on the Judiciary of the House of Representatives also examined the issue of taxpayer-funded chaplains and, in a report titled "Chaplains in Congress and in the Army and Navy", stated, "What is an establishment of religion? It must have a creed, defining what a man must believe; it must have rites and ordinances, which believers must observe; it must have ministers of defined qualifications, to teach the doctrines and administer the rites; it must have tests for the submissive, and penalties for the non-conformist. There never was an established religion

without these.". In 1983, the Supreme Court of the United States heard arguments as to whether or not a similar practice of opening the Nebraska State Legislature with prayer offered by a paid chaplain violated the Establishment Clause of the First Amendment to the Constitution (Marsh v. Chambers, 463 U.S. 783 (1983)). The Supreme Court found that such a practice is not in fact unconstitutional. Other public bodies also open their proceedings with prayers or invocations to God, including the Supreme Court of the United States, which opens its proceedings with an announcement that concludes, "God save the United States and this Honorable Court.". The practice of opening meetings of the House of Representatives, the Senate, and the Supreme Court with prayer (including those offered by taxpayer-supported chaplains), references to God, and invocations of blessing is constitutional and wholly consistent with the principles of disestablishment and religious freedom.

S. 2690

OFFERED BY: MR. SMITH OF TEXAS

AMENDMENT NO. 4: At the end of section 1, insert the following:

(17) The First Amendment to the Constitution secures the rights of all Americans to freely exercise their religion and thus "mandates accommodation, not merely tolerance, of all religions, and forbids hostility toward any." Lynch v. Donnelly, 465 U.S. 668, 673 (1983). In 2000, the Commonwealth of Virginia enacted legislation mandating that each school division in the State establish a "minute of silence" in its classrooms so that "each pupil may, in the exercise of his or her individual choice, meditate, pray, or engage in any silent activity which does not interfere with, distract, or impede other pupils in the like exercise of individual choice," Va. Code Ann. 22.1-203. On July 24, 2001, the United States Court of Appeals for the Fourth Circuit held that the statute did not violate the First Amendment to the Constitution as applied to the several States through the Fourteenth Amendment. See Brown v. Gilmore, 258 F.3d 265 (4th Cir. 2001). Writing for the majority, Justice Niemeyer wrote, "In sum, establishing a minute of silence, during which students may choose to pray or to meditate in a silent and nonthreatening manner, Virginia has introduced at most a minor and nonintrusive accommodation of religion that does not establish religion." Id. at 278. Justice Niemeyer further wrote, "Recognizing that the Religion Clauses of the Constitution are intended to protect religious liberty, Virginia's minute of silence is no more than a modest step in that direction by providing a non-intrusive and constitutionally legitimate accommodation." Id. On October 29, 2001, the Supreme Court of the United States let stand the ruling of the Fourth Circuit in Brown v. Gilmore. See Brown v. Gilmore, 122 S. Ct. 465 (2001). The Virginia statute mandating a "minute of silence" protects and advances this right for public school students in a constitutionally permissible manner. Indeed, in Wallace v. Jaffree, the Supreme Court of the United States distinguished Alabama's moment of silence statutes from a statute which, similar to Virginia's, protects "every student's right to engage in voluntary prayer during an appropriate moment of silence during the school day." 472 U.S. 38, 59 (1985). Students enrolled in public school in the other several States should be accorded a similar protection of their First Amendment rights as extended to students in the Commonwealth of Virginia. The several States have within their powers, as reserved under the Tenth Amendment to the Constitution, the power to enact statutes similar to the Virginia "minute of silence" statute.

EXTENSIONS OF REMARKS

IN MEMORY OF FORMER CONGRESSMAN ROMAN PUCINSKI OF ILLINOIS

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. HASTERT. Mr. Speaker, I rise today to honor the memory of former Congressman Roman Pucinski who nobly served and represented the people of Illinois for 14 years in this body.

Roman Pucinski began a life of service by enlisting as a private in the One Hundred and Sixth Cavalry during World War II. A member of the Army Air Forces in the Pacific, he flew 49 missions over Japan and lead his bomber group on the first B–29 "Superfortress" bombing raid over Tokyo in 1944. And his dedication and bravery won him the Distinguished Flying Cross and the Air Medal with Clusters.

In 1958, the people of Northwest Chicago elected Roman Pucinski to represent them in the 86th Congress of the United States. Over the course of his tenure in the House, Congressman Pucinski became a champion of airline safety. As a newly elected member in 1959, Congressman Pucinski strongly urged the government to require cockpit voice recorders in all airplanes that carry at least six passengers. In 1964, the Federal Aviation Administration (FAA) ultimately adopted Congressman Pucinski's proposal, phasing in the requirement for cockpit voice recorders over the following 3 years. Many years later, his persistence and dedication to airline safety won Congressman Pucinski the FAA's Silver Medal of Distinguished Service.

Yet, we should also remember Congressman Pucinski for his invaluable contributions to education. As a sponsor of legislation to strengthen public education, he secured funding over several years to improve educational opportunities for the young people of Illinois.

In 1972, Congressman Pucinski left the House of Representatives to pursue a seat in the U.S. Senate. Although he was not elected to the Senate, he continued his life of public service as a Chicago alderman from 1973 until 1991.

Congressman Pucinski will forever be remembered in the halls of the House for his many years of service and dedication to the people of Illinois. And the people he so dutifully represented will forever feel the impact of his immeasurable contributions to their communities.

A PROCLAMATION RECOGNIZING THE RETIREMENT OF FRED ABRAHAM

HON. ROBERT W. NEY

OF OHIO

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. NEY. Mr. Speaker, Whereas, Fred Abraham was a 23 year advocate for wetland and waterfowl conservation through Ducks Unlimited; and

Whereas, Fred Abraham was an integral factor in the reauthorization of the North American Wetlands Conservation Act, which raised the appropriation from $6.75 million to $43.5 million; and

Whereas, Fred Abraham must be commended for his diligence, heart, and his ability to motivate those around him by establishing a superb example; and

Whereas, Ohio and the entire United States will continue to reap the benefits of Mr. Abraham's dedication, service, and friendship;

Therefore, we join with the residents of the state of Ohio in celebrating Fred Abraham's years of service and retirement from Ducks Unlimited.

PAYING TRIBUTE TO THE BROOME-TIOGA ASSOCIATION FOR RETARDED CITIZENS

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. HINCHEY. Mr. Speaker, I rise today to pay tribute to the Broome-Tioga Association for Retarded Citizens in celebration of its 50th anniversary. I am honored to congratulate the ARC for its 50 years of service to Broome and Tioga counties.

ARC began its activities with a small group of families and individuals, which provided educational and recreational activities for their disabled children. In its infancy, the group organized a half-day pre-school program for 3- to 8-year-olds in the Trinity Memorial Parish House.

In 1952, the ARC founders, a group of eight local families, met to discuss the need for services for mentally retarded children. The Broome County chapter of the New York Association for the Help of Retarded Children was founded on September 9, 1952. A primary class for 8 to 12 year olds was set up in the Presbyterian Church. The founders raised money with bake sales and by obtaining small donations.

For 50 years, ARC has served our community with diligence and care. Over time, the ARC has expanded its services to provide compassionate care to thousands of retarded citizens. It opened full-time classrooms for primary and intermediate mentally retarded children. The school programming expanded to three classrooms, as the primary program moved to Woodrow Wilson School in Binghamton and the pre-school program moved to Your Home Library in Johnson City. A half-day nursery school class for 3–5 year olds was also established.

In 1964, the Tioga ARC Chapter was formed and opened its first workshop for adults in downtown Binghamton. In 1974, the Tioga and Broome County associations merged and began to provide social opportunities through its Party Night Programs.

In 1977, ARC opened Supervised Community Residences on Chapin and Main streets in Binghamton and on Broad Street in Endicott. Additionally, it established the Carlton Street Supervised Apartment Housing complex, where the New Day Training program began. It also established the Pre-Vocational Day Training Program, which served 20 people. ARC's Day Treatment Program was its first Medicaid-funded program.

ARC began to provide employment opportunities through its Supported Employment Services. Additionally, it established the Family Support Services Program to assist families in maintaining their children at home. It also established the Individual Support Services Residential Program, providing necessary assistance to individuals.

In 1994, ARC opened the Tioga County Multi-Functional Facility in Owego. The site is the county's first provider for people with developmental disabilities. The Day Habilitation Program, established in both Broome and Tioga counties, provides services to 175 individuals.

Mr. Speaker, I am delighted to salute the Broome-Tioga ARC for its many years of distinguished service to our community. It is my pleasure to join the members, family and friends of ARC in extending my deepest appreciation for its outstanding services.

RECOGNITION OF "TOWERS OF LIGHT" BY DOROTHY DIEMER HENDRY

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. CRAMER. Mr. Speaker, I rise today to share with the House of Representatives a poem written by one of my constituents, Dorothy Diemer Hendry of Huntsville, Alabama. The poem, "Towers of Light," was written at the time of the 1-year anniversary of September 11 and provides us with hope and encouragement that we can become towers of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

light in this world. I am pleased to share this poem with you today.

"TOWERS OF LIGHT"

(By Dorothy Diemer Hendry)

Two shafts of light
stream down through clouds
to bedrock of a crater
cleared of rubble and bones.

We look up, up, up
these twin towers of light
until we must shield our eyes
from their source, more luminous
than sun and moon and stars.

What is the source?
Not firestorm of planes
commandeered and exploded
in misbegotten piety and hate.
Not savage burning of
"heathen" temples or churches,
mosques or synagogues.
Not merciless holocaust
of "enemy" fields and forests,
schools and homes and people.

The source of light may
go by different names in
your religion and mine,
yet somehow the twin towers
remind us of two neighbors filled
with the radiance of the Golden Rule.

Neighbor from anywhere,
let us not quarrel about
holy names and ancient cruelties.
Let us fill the crater with loam
and plant a new garden on Earth.
In honor of heroes and loved ones,
let us summon the courage, wisdom,
and kindness to dwell in mutual peace.
Can we not become towers of light?

CELEBRATING THE REDEDICATION OF THE SAN DIMAS CATHOLIC CHURCH OF MALESSO

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. UNDERWOOD. Mr. Speaker, I rise today to recognize the rededication of one of Guam's oldest churches, the San Dimas Catholic Church of Malesso. This Sunday, September, 29, 2002, the residents of Guam will celebrate and welcome the new church building, the patron saint of Malesso, which is the island's southernmost village. For more than three centuries the San Dimas Catholic Church has stood as a center of faith and traditions for the community of Malesso. On the eve of the rededication celebration, I would like to commemorate the rich history the San Dimas Church and the village of Malesso have brought to my district of Guam.

The history of Catholic missionaries in Guam began on June 9, 1671, when the Spanish ship Buen Socorro docked in Umatac Bay with four new padres for the Marianas Mission. The four had come to relieve three Fathers already working in the Marianas under the guidance of Father San Vitores. Two of the new priests, Father Francisco Esquerra and Father Francisco Solano, had come from the Philippines by way of Mexico.

The Padres worked hard in Hagatna, the capitol city of Guam, preaching to Spanish soldiers and lay workers, while maintaining carefully the devoted congregations formed by Father San Vitores. They rebuilt the Hagatna church, which had been destroyed in the typhoon of 1671. Father Esquerra and the other Padres soon were not content to work only in Hagatna, and began to make various mission journeys covering more than half the island.

Late in 1672, Father Esquerra became concerned at the great distance they had to travel to get to the usual anchorage of the ships, which was the port of San Antonio de Umatag (Umatac). He decided that it would be good to have a church in the southern part of the island which the Padres could settle. Father Esquerra decided upon the village of Malesso, and built a church there under the patronage of San Dimas. The Padre himself carefully attended the construction of the church. Two years later in 1674, Father Esquerra was martyred. However, the legacy of the San Dimas Church still lives today.

Thirty-one pastors have served the people of San Dimas Parish for 330 years. The Padres include:

1672–1674	Fr. Francisco Esquerra, S. J.;
1674–1799	Fr. Raphael Canicia, S. J. & other Jesuits;
1800–1805	Fr. Cristobal Ibanez;
1836–1848	Fr. Jose Ferrer;
1851–1860	Fr. Juan Fernandez;
1864–1869	Fr. Faustino Fernandez Del Corral;
1870–1886	Fr. Mariano Martinez;
1886–1890	Fr. Juan Herrero;
1890–1891	Fr. Jose Lamban;
1891–1893	Fr. Ildefonso Cabanilla;
1893–1899	Fr. Crisogono Oitin;
1908–1923	Fr. Cristobal de Canals;
1923–1927	Fr. Bernabe de Caseda;
1930–1934	Fr. Gil de Lagana;
1935–1936	Fr. Narcelo de Vallava;
1937–1940	Fr. Pastro de Arrayoz;
1940–1942	Fr. Marcian Pellet;
1942–1945	Fr. Jesus Duenas & Fr. Oscar Calvo ministered to the people of Guam during the War Occupation;
1945–1947	Fr. Marcian Pellet (Returns from a prison camp);
1947–1948	Adelbert Donlon;
1948–1950	Fr. Julius Sullivan;
1950–1953	Fr. Alexander Feeley;
1954–1956	Fr. Antonine Zimmeran;
1956–1957	Fr. Sylvan Conover;
1957–1967	Fr. Timothy Kavinaugh;
1967–1987	Fr. Lee Friel;
1987–1987	Fr. Felixberto Leon Guerrero;
1987–1988	Fr. Patrick Castro;
1988–1997	Fr. Jose Villagomez;
1997–1998	Fr. Eric Forbes;
Archdiocesan Clergy; and	
1998–Present	Fr. Mike Crisostomo

Nearly 80 percent of Guam's residents are Roman Catholics. This identity has profoundly shaped many of the island's culture and traditions. For more than three centuries, pastors and parishioners have given their time and skills with strong loyalty and devotion to the San Dimas Church.

The reopening of the doors at the San Dimas Catholic Church of Malesso after four years of being closed to rebuild the church structure is especially meaningful to those who dedicated countless hours to coordinating its reconstruction. Hundreds of church volunteers led by San Dimas' Pastor, Pale Mike Crisostomo, devoted and sacrificed time working on the church's Finance Council, Demolition Crew, Worship Space Volunteer Committee, Dedication Committee, Parish Council, Pastoral Planning Committee, Finance Committee, Solicitation Committee, Building Committee, Cemetery Committee, Confraternity of Christian Mothers, Angel Tree Project, Faith Formation or "Eskuelan Pale", Ministers of Liturgy, Sacristan, Eucharistic Ministers, Acolytes, Altar Servers, Music Ministry, Knights of Columbus, Maintenance and Landscaping, and Office Staff, to make the rebuilding and rededication of San Dimas Church a great success.

I would also like to recognize and commend the many individuals who spent tireless hours coordinating the celebration, from those who will prepare the food for the village feast, set up all of the palapalas and tents, decorate the church and surrounding areas and the celebrants who will all help to usher in the new San Dimas Catholic Church of Malesso this year. Biba San Dimas! Biba Malesso! Biba Guam!

HONORING THE MEMORY OF KENNETH MICHAEL GRAFF

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. ISRAEL. Mr. Speaker, I would like to take this opportunity to pay tribute to 2 Lieutenant Kenneth Michael Graff, USMC, upon his passing on September 23, 2002 while attending Naval Aviation School at Pensacola Naval Air Station.

Lt. Graff was born and raised in Dix Hills, NY, and was a 1996 graduate of Half Hollow Hills High School East. In 2001, he graduated from the U.S. Merchant Marine Academy, (USMMA), located in the town of Kings Point, NY, on Long Island. Kenneth was revered by all of his peers because of his kind spirit and his overwhelming willingness to help others.

Whether it was in the classroom, on the athletic field, or in the regiment, Lt. Graff excelled in every facet of the Academy. In the regiment, Kenneth held charge of an entire platoon in his company, as well as multiple petty officer and squad leader billets. He was a key member of both the Academy soccer and baseball teams, where he turned in outstanding All-Star and championship team performances. Kenneth was a fierce competitor, a strong student, an outstanding athlete, and a person who took pride in his regiment.

Lt. Graff was a caring and thoughtful person. who could find common ground with any of the midshipmen, from his peers to his subordinates. He was secure in himself and focused on his goals. This dedication and focus is exemplified by his success at the Academy, his decision to accept a commission in the U.S. Marine Corps and his selection to Naval Flight School. These key events show the honor, integrity, drive, and patriotism of this young man.

Mr. Speaker, this is a tribute to a young man who was at the beginning of a promising and fruitful life. Though his life was short, he was an outstanding young man brought up by loving parents, family and friends. We will miss him and the promises and potentials he represented. We need more young people of his upbringing and caliber to enrich our families, communities, and country. My condolences go to his parents, Orris and Kenneth Graff and his brother, Michael John. I salute the memory of their son and brother, 2nd Lt. Kenneth Michael Graff, USMC.

A PROCLAMATION COMMENDING SAN DIEGO'S TRIBUTE TO HEROES

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. NEY. Mr. Speaker, Whereas, San Diego's Tribute to Heroes was established to honor and support local heroes and their organizations; and

Whereas, San Diego's Tribute to Heroes should be commended for its worthwhile efforts for servicemen and their families, emergency workers, and children's health care; and

Whereas, San Diego's Tribute to Heroes ball will be held October 5, 2002 at the San Diego Aerospace Museum;

Therefore, I join with the residents of the entire 18th Congressional District in recognizing San Diego's Tribute to Heroes organization for its dedication.

PAYING TRIBUTE TO THE CREW OF THE USS "BENNION" 662

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. HINCHEY. Mr. Speaker, I rise today to pay tribute to the World War II veterans from the crew of the USS *Bennion* 662 on their reunion.

The *Bennion* is one of many destroyers that participated in WWII. The majority of the men who served in the USS *Bennion* were just 17 years old when they signed up to serve their country.

The crew of 300 faced immeasurable dangers from Japanese Kamikazes and destroyers. They were exposed to enemy torpedo attacks and air raids. Fortunately, the *Bennion* crew survived because of their skillful coordination and the indivisible combination of men and material, which bounded them together for a common purpose.

The *Bennion* was given a citation that reads: "For extraordinary heroism in the action as a Fighter Direction Ship on Radar Picket duty, during Okinawa Campaign, April 1, 1945 to June 1, 1945. A natural and frequent target of the heavy Japanese aerial attack while occupying advanced and isolated stations, the USS *Bennion* defeated all efforts of enemy Kamikaze and dive-bombing planes to destroy her. Constantly vigilant and ready for battle day and night, she sent out early air warnings, provided fighter direction and, with her own fierce gunfire downed 13 hostile planes, and she rendered a valiant service in preventing the Japanese from striking in force the naval forces off the Okinawa Beachhead. A valiant fighting ship, the *Bennion*, her officers and her men withstood the stress and perils of vital radar-picked duty, achieving a gallant combat record which attests the teamwork, courage and skill of her entire company and enhances the finest traditions of the United States Naval Services."

Mr. Speaker, I am delighted to welcome and salute the crew of *Bennion* 662 in their reunion. It is my pleasure to join the members, family and friends of this crew in extending my deepest appreciation for their outstanding services and sacrifice for our country.

PERSONAL EXPLANATION

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. BACHUS. Mr. Speaker, on Thursday September 26 I missed rollcall votes 416, 417, 418, 419, 420, 421, 422, and 423 due to a family emergency. If I had been present I would have voted "yea" on rollcall 416, "aye" on rollcall 417, "yea" on rollcall 418, "yea" on rollcall 419, "nay" on rollcall 420, "yea" on rollcall 421 "yea" on rollcall 422 and "yea" on rollcall 423.

TRIBUTE TO THE AMERICAN CANCER SOCIETY'S MAN TO MAN GROUP OF HUNTSVILLE, ALABAMA

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. CRAMER. Mr. Speaker, I rise today to recognize the American Cancer Society's Man to Man group in Huntsville, Alabama on their Fifth Anniversary. This group works hard to educate our community about prostate cancer and encourage testing for early detection. This group of men, who are each fighting their own battles with prostate cancer, meet once a month to discuss the latest information about methods of screening, treatments, side effects, and coping with the disease.

As you know, September is National Prostate Cancer Awareness Month, and I want to commend this group of men, their spouses, and their families who work to increase awareness about prostate cancer. In 2002, approximately 189,000 men will be diagnosed with prostate cancer. It is the most commonly diagnosed cancer in men and is the second leading cause of male cancer death. In fact, more than 30,000 American men lose their battles with prostate cancer every year. However, during the past five years, death from prostate cancer has been reduced by 27% due largely to increased early detection. Only by significantly increasing research funding for prostate cancer will we be able to develop necessary, innovative treatments and find a cure.

Mr. Speaker, I commend the Man to Man group for their grassroots efforts and advocacy for prostate cancer awareness and cancer research. I appreciate the work they do to support the members of the North Alabama community who have been diagnosed with this form of cancer, as well as their families. On behalf of the people of North Alabama and the United States House of Representatives, I send my congratulations to Jim Bennett and the Man to Man group of Huntsville on their Fifth Anniversary and my best wishes for many more years of successful service to our community.

HONORING MARLENE M. FANSLER

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Marlene M. Fansler for her dedication and service as President of the Fansler Foundation in Fresno, California. Marlene Fansler will be honored at the Break the Barriers Annual Fundraising Dinner on the evening of September 28, 2002.

Marlene Malan Fansler was born in South Gate, California. As a toddler, Marlene moved to Fresno with her parents, Howard and Erma Malan, where her father began his dental practice. In 1957, Marlene graduated from Fresno High School and went on to receive her Liberal Arts Degree from Brigham Young University in Provo, Utah. After marrying a fellow Brigham Young graduate, Marlene taught elementary school in Houston, Texas for a short period. She and her husband later resided in Portland, Oregon where they raised their three children. In 1968, Marlene and her children moved back to Fresno to be near her parents. Marlene not only brought her teaching skills to Fresno, but also the creative and managerial abilities she learned while developing a 'stretch and sew' knit fabric business. She started a shop in Fresno's Manchester Mall called Kopi Kat Knits, where she met D. Paul Fansler in late 1969. They married in 1976 after a six-year courtship.

Marlene spent the next 14 years raising the children, helping her husband with the development of Piccadilly Inn Hotels, and continuing her activities as a member and teacher in the Church of Jesus Christ of Latter Day Saints. The combined families now total eight children, sixteen grandchildren, and two great-grandchildren. Paul Fansler began the Fansler Foundation in 1984, to be supportive of local, worthwhile, legitimate, charitable, and civic endeavors with focus on developmentally challenged young people. After Paul's unexpected death in 1990, Marlene took over the Piccadilly Inn Hotels and the Fansler Foundation.

Marlene is currently a member of the California State University of Fresno Kremen School of Education Community Council, Board of Pathways, a Foundation for UCP of Central California, Catholic Diocese of Fresno, and the Marjaree Mason Center Art Auction Committee. Under Marlene Fansler's leadership, the Fansler Foundation has funded over 30 organizations, including Break the Barriers.

Mr. Speaker, I rise today to honor Marlene M. Fansler for her commitment and devotion to the people and organizations in which she serves. I urge my colleagues to join me in thanking her for her community service and wishing her many years of continued success.

PERSONAL EXPLANATION

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. OTTER. Mr. Speaker, previously scheduled commitments caused me to miss the vote on H.J. Res. 111—making continuing appropriations for the fiscal year 2003. Had I been present I would have cast my vote in favor of this legislation. This legislation is critical to the continued operation of our government.

A PROCLAMATION COMMENDING CONGRESSMAN RANDY "DUKE" CUNNINGHAM

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. NEY. Mr. Speaker, whereas, Congressman CUNNINGHAM joined the Navy in 1966 and is recognized as one of the most highly decorated pilots in the Vietnam War; and

Whereas, Congressman CUNNINGHAM was designated the first flying ace in Vietnam and was awarded the Navy Cross for his courageous acts; and

Whereas, Congressman CUNNINGHAM trained U.S. fighter pilots at the "Top Gun" program at Miramar Naval Air Station; and

Whereas, Congressman CUNNINGHAM now serves his country in the United States House of Representatives;

Therefore, I join with the residents of the entire 18th Congressional District in recognizing Congressman RANDY CUNNINGHAM for a lifetime of service and sacrifice for our country.

REPORT FROM PENNSYLVANIA

HON. PATRICK J. TOOMEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. TOOMEY. Mr. Speaker, today I would like to share my Report from Pennsylvania for my colleagues and the American people.

All across Pennsylvania's 15th Congressional District there are some amazing people who do good things to make our communities a better place. These are individuals of all ages who truly make a difference and help others. I like to call these individuals Lehigh Valley Heroes for their good deeds and efforts.

Today, I would like to recognize Mrs. Grace Hart O'Boyle of Bethlehem. Mrs. O'Boyle is a prime example of someone who has devoted her life to the betterment of our communities.

Mrs. O'Boyle served Bethlehem Township as a junior high school, business and English teacher and was an active participant in the city's summer school program for many decades. Despite commitments to Brownie troops and other youth organizations, Mrs. O'Boyle found time to raise a family and her strong commitment to education and the community is reflected in her own children's education-based careers.

While most would relax in their retirement, Mrs. O'Boyle saw her retirement only as an opportunity to help her community. She continued to substitute teach and was a member of Bethlehem's Professional Woman's Association, American Association of University Women, and served with various other Organizations.

Mrs. O'Boyle is marked by her humbleness and devotion, which she exhibited on her 80th birthday. Instead of accepting the flowers and gifts that usually mark such an occasion, Mrs. O'Boyle established a Scholarship fund to help bright, needy students at her local parish school.

Mrs. O'Boyle stands out as an example of the effect one person can have upon their community and for this she is a Lehigh Valley Hero in my book.

Mr. Speaker, this concludes my Report from Pennsylvania.

TRIBUTE TO MARGARET VINSON HALLGREN

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. MORAN of Virginia. Mr. Speaker, I rise today to honor Margaret Vinson Hallgren, President of the National Military Family Association, NMFA, in recognition of her distinguished service to our country.

For 18 years, while filling critical volunteer positions within NMFA, including four terms as director of government relations and an unprecedented six terms as president, Margaret has worked tirelessly to help partially offset the extraordinary hardships and sacrifices service members and their families endure while serving our Nation.

Margaret Hallgren, whom I have the honor of knowing personally, has been a military family member all her life, first as an Army "brat," then as an Army spouse. She is the widow of an active duty Army officer, W.H. Vinson, Jr., and is now married to Hal E. Hallgren, who retired after 30 years of active duty in the U.S. Army. She has four grown children and nine grandchildren.

After earning her B.A. degree from Vassar College and a Masters of Accounting from Duke University in Political Science/International Law, Margaret worked for 2 years as an Intelligence Analyst for the Central Intelligence Agency (CIA) in Washington, DC.

Margaret later went on to an incredible career at the National Military Family Association, NMFA, where she has touched the lives of hundreds of thousands of active duty, National Guard, Reserve, and retired families in her unwavering efforts to enable them to achieve a reasonable quality of life. It is an understatement to say that Margaret has been in the vanguard of Congress' and the Department of Defense's actions to sustain readiness and the All Volunteer Force.

Among her numerous accomplishments, perhaps her biggest achievement comes from her visionary work as one of the 12 original cofounders of the Military Coalition, TMC. The Coalition was organized in 1985 for the sole purpose of attempting to repeal legislation which would have reduced retired pay cost-of-living adjustments by 22.5 percent over a 7-year period. After TMC's successful effort in this area, Margaret and other leaders in the Coalition had the foresight to recognize its future potential and kept it intact. Today, the Coalition is comprised of 33 military and veterans organizations and represents more than 5.5 million active duty, National Guard, Reserve, retired members and veterans of the seven uniformed services plus their families and survivors. Thanks to Margaret's insight, NMFA continues to be a leader in TMC on issues affecting military families.

Mr. Speaker, Margaret Hallgren's extraordinary career of leadership, volunteerism and personal dedication in protecting the welfare and quality of life of every member of the uniformed services community is an inspiration and continuing lesson to all Americans. My best wishes and gratitude go with her. Margaret, I salute you on behalf of all our servicemen and women, past and present who have worn and continue to wear the uniform.

RECOGNIZING THE WORK OF THE AMERICAN CANINE ASSOCIATION'S SEARCH AND RESCUE TEAMS AT GROUND ZERO IN NEW YORK

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. PITTS. Mr. Speaker, I would like to extend my gratitude and appreciation to the Search and Rescue Teams of the American Canine Association, ACA, who, for 8 weeks following the terrorist attacks of September 11, 2001, tirelessly and selflessly served at Ground Zero in New York City. Following the devastating attacks on our country and our very way of life, handlers Robert Yarnall, Jr., Susan Yarnall, Heather Nothstein, Michael Glass, Avi Thol, Travis Hayden, Sean Hayden, and Amy Dinardi, along with canines Gus, Nela, Nala, Samson, and Duchess, came to the aid of a grieving nation and endured tremendous personal difficulty to assist in finding survivors of the Twin Towers.

In the year since September 11, we have come to a new appreciation of the heroes who live among us, those who volunteer their time, ability, and talent, without thought of recognition. The actions of these handlers and canines represent the true values of America—generosity, compassion, and service to community—that have made us great. I am proud to have had these extraordinary people and canines represent Chester County and the Commonwealth of Pennsylvania. The ACA deserves our thanks and our commendation for a job well done.

CONGRATULATING DR. JAMES T. HARRIS ON HIS APPOINTMENT AS PRESIDENT OF WIDENER UNIVERSITY

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. WELDON of Pennsylvania. Mr. Speaker, today I wish to welcome and congratulate the new president of Widener University, Dr. James T. Harris III. Founded in 1821, Widener University is composed of eight schools and colleges that offer liberal arts and sciences, professional and preprofessional curricula. A comprehensive, teaching institution chartered in both Pennsylvania and Delaware, Widener is a three-campus university offering 150 programs of study leading to an associate's, bachelor's, master's, or doctoral degree. Dr. Harris becomes only the ninth president in Widener's rich 181-year history to lead this institution in continued excellence.

Prior to assuming the top post at Widener, Dr. Harris recently served as president of Defiance College in Ohio. With Dr. Harris at the helm, Defiance's enrollment grew to its highest level in three decades, had the best 4-year graduation rate in the school's history, and rose out of severe financial difficulties. Perhaps most importantly, Dr. Harris improved the lives of his student by teaching them the value of community service and responsible citizenship. The service-learning program he instituted continues to positively impact the surrounding community and the college's academic program. The success of this program ranked Dr. Harris in the Sir John Templeton Foundation's prestigious Honor Roll as one of the top 50 Character Building Presidents in America.

I look forward to watching Widener and the three communities it serves—Chester, PA, Harrisburg, PA, and Wilmington, DE, achieve new heights and benefit from Dr. Harris' experience and leadership. Widener and Dr. Harris stand as shining examples that the greatest service one can provide is to educate another. Mr. Speaker, I ask my colleagues in the House to join me in thanking Dr. Harris for his contributions to our education system and wish him well in his new endeavor.

MERCY HIGH SCHOOL OF SAN FRANCISCO CELEBRATES A HALF CENTURY OF SERVICE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. LANTOS. Mr. Speaker, I am honored to pay tribute to Mercy High School of San Francisco, located in my congressional district, on the occasion of the 50th Anniversary of its founding. Since its inception in 1952, this extraordinary educational institution has dedicated itself to providing the finest education for young women in the Bay area.

Mr. Speaker, Mercy High School was founded half a century ago by the Sisters of Mercy, at the request of the San Francisco Archdiocese, in order to create a high school for girls in the growing Sunset, Lakeside, and Park Merced neighborhoods of San Francisco, as well as in communities in northern San Mateo County.

Mercy High School has come a long way since it first opened its doors to 199 students in 1952. When Mercy High School was first founded, the school consisted of one partially finished building and was staffed by six Sisters of Mercy and one lay person. Today the school can boast of a student body of 600 students, and they are educated on a campus of six and half acres located in the heart of San Francisco's Sunset District. The meticulously maintained campus includes 22 classrooms, a campus ministry, three science laboratories, a chapel, a 10,000-volume library, two computer labs, and studios for the fine and performing arts. Additionally, the school recently completed the Catherine McAuley Pavilion—a magnificent structure containing state-of-the-art athletic facilities and an outstanding art gallery.

Mr. Speaker, Catherine McAuley founded the Sisters of Mercy, a religious order, in Dublin, Ireland in 1831. She was an extraordinary woman who was a socialite turned social worker, a lady of fashion who lived among the poor, a woman of wealth who had no money, and a dedicated activist who learned the discipline of sanctity. Catherine McAuley and her Sisters of Mercy brought aid and comfort to the impoverished of Dublin. Within ten years of its foundation, the Sisters of Mercy had expanded to aid people in other cities in Ireland and in England. In 1843, the first mission was started in the United States, and in 1854, the Sisters of Mercy came to San Francisco. In 1990, in completion of one stage of the process by which the Catholic Church defines sainthood, Pope John Paul II declared Catherine McAuley Venerable.

Since its foundation, Mercy High School in San Francisco has dedicated itself to its mission of educating young women to be leaders who make a difference in their church and in their world. The school's fine arts program is one of the most diverse in the entire Bay Area, and the athletic and speech programs have received state level recognition as well. Additionally, Mercy High School's student government has received the Medalist Award, the highest award given by the California Association of Student Councils.

Mr. Speaker, I am delighted and honored to pay tribute to this outstanding educational institution, and I invite all of my colleagues to join me in congratulating Mercy High School on half century of service to the Archdiocese of San Francisco, the Bay Area, and our nation.

COMMEMORATION OF SEPTEMBER 11, 2001

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. RAHALL. Mr. Speaker, "We must consider that we shall be as a city upon a hill," the Puritan preacher John Winthrop proclaimed, as he and his followers sailed for America and freedom. "The eyes of all people are upon us." And so they have remained for nearly four centuries. Many have looked to us in awe, inspired by a nation rooted in liberty. Others have hated the ideal we embody, and wished us ill. But none can remove us from their gaze.

Today, America's economic prosperity, military power, and technological advancement are without peer. Our daily comforts and conveniences exceed those available to most of the six billion people who inhabit the earth. But the ease of our lives does not render us soft, or reluctant to retaliate when attacked. A year ago, all the world watched in horror as a small gang of wicked men took three thousand innocent lives in New York, Washington, and Pennsylvania.

Since the moment the first airplane struck the first tower, Americans have shown, both on the battlefield and at home, the strength of our spirit, the mettle of our souls, and the force of our arms. From the firefighters climbing to their deaths, to the airline passengers who battled back, to the precious West Virginia sons and daughters who gave their lives in Afghanistan, the world has witnessed acts of American selflessness and bravery that rival the most revered in the annals of human history.

Just as Winthrop defined America's place in the world, he described how we must live to maintain it. "We must delight in each other," he instructed. "Make others' conditions our own; rejoice together; mourn together; labor and suffer together." Our whole nation suffered the same grievous wound on September 11. Those who delivered the blow hoped it would inaugurate our destruction. Instead, they inspired America's return to the community values and mutual commitment upon which our country was built.

The attacks, the ongoing war, and the continuing threats spur us to embrace again our founding ideas: that all men and women are created equal; that America's destiny is the world's destiny—to secure life, liberty, and the pursuit of happiness; that we cannot allow the centuries-old, world-wide fight for freedom to falter. This recollection of our original rights and responsibilities is a fitting tribute, is an apt memorial, to the lives that were lost and devastated on that sad September day.

IN HONOR OF LOUISE WILSON LEWIS

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. SCHIFF. Mr. Speaker, I rise today to honor Louise Wilson Lewis, whose commitment to Glendale Memorial Hospital over the last forty years has exemplified the spirit of selfless volunteerism that has been so integral to our community.

Born and raised in Los Angeles, Mrs. Lewis's first involvement with Glendale Memorial Hospital came at the age of sixteen, when she volunteered as a candy striper for the hospital.

A self-described "professional volunteer," she served in almost every volunteer position in the hospital since beginning there four decades ago.

Mrs. Lewis currently serves on the Glendale Memorial Health Foundation Board of Directors, where she is helping to raise $25 million for an expansion of the Hospital. She is also an active member of St. Francis Episcopal Church and works with Las Candelas, an organization which assists emotionally disturbed children.

In June of 2001, Louise Lewis was diagnosed with cancer, and began to receive treatment from the hospital she served for so long. For over a year, she battled the disease, which, thanks to cutting-edge treatments and Mrs. Lewis's fighting spirit, has now gone into remission. Mrs. Lewis's outlook on her disease is a statement of her courage: "Cancer is so limited, and there is so much it cannot do to a being. It cannot undermine integrity, or invade the soul, or conquer the spirit."

And it has not. She has continued her volunteer efforts with Glendale Memorial Hospital and in March, she and her husband Tim will celebrate their 30th wedding anniversary. Mrs. Lewis's commitment to Glendale Memorial Hospital and the various charitable causes she supports makes her worthy of recognition, but her sheer determination to win her battle with cancer makes her an inspiration to us all. I ask all Members of Congress to join me in saluting Louise Wilson Lewis, whose strength of will and selfless devotion to her community exemplify the best in all of us.

A PROCLAMATION HONORING ROBERT A. KRUEGER

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. NEY. Mr. Speaker, Whereas, Robert Krueger was born in Schenectady, New York on October 7, 1922; and

Whereas, Robert Krueger married Arlene Whitbeck on October 25, 1947 and they have two children and two grandchildren; and

Whereas, Robert Krueger served his country in the Army Air Corps from 1942 to 1946 in the Pacific Theater during World War II; and

Whereas, Robert Krueger has exemplified a love of life, caring, and service for his family and neighbors;

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in congratulating Robert A. Krueger as he celebrates his 80th Birthday.

HONORING BANNING FENTON, RECIPIENT OF THE CITY OF HAYWARD YEAR 2002 LIFETIME AWARD

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. STARK. Mr. Speaker, I rise today to commend Banning Fenton, recipient of the City of Hayward Year 2002 Lifetime Award.

Banning Fenton has worn many hats throughout his life—soldier, educator, volunteer, historian, and now, as this year's recipient of the City of Hayward Lifetime Award, he adds a 'model citizen' hat to his collection.

For the past ten years, Banning has focused his attention on helping the Hayward Arts Council and the Hayward Area Historical Society reach their goal to enhance the city and record and share its history.

As part of his mission to make his city a better place, Banning has taught a class about Hayward's history, created a book of historical post cards depicting Hayward's past, and led historic walking tours of downtown Hayward. Most recently, Banning wrote a book, "Hayward: The Heart of the Bay."

Prior to becoming involved in the city as a volunteer, Banning taught in the Hayward Unified School District for over thirty years and for two years at Bishop Willis College in Uganda, East Africa. Banning assisted in the formation of the Elementary School Science Association of Northern California, serving as its president for two years. He also assisted elementary school teachers with presenting science workshops.

After his retirement from the Hayward School District in 1981, Banning became a docent at Strybing Arboretum in Golden Gate Park and developed plant guides for the Hayward Sensory Garden and Ardenwood Park in Fremont. He was also active in the formation of the Friends of the Hayward Public Library, served on the board of the Ohlone Audubon Society, and was president of the local retired teacher's association for two years.

I am honored to join the colleagues of Banning Fenton in commending him for his 53 years of service to the city of Hayward and to congratulate him on receiving the Lifetime Award. Banning Fenton's dedicated work as an educator and volunteer committed to providing the best to the city of Hayward is a true inspiration.

HONORING JOHN SULLIVAN UPON HIS RETIREMENT

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. NEAL of Massachusetts. Mr. Speaker, I rise today to honor the lifetime of service of Fire Chief John ("Jack") Sullivan to the community of Bondsville, Massachusetts. His commitment to his town should be an example to us all of an answer to the call of duty and responsibility to our Nation. America's firefighters play a vital part in our communities and deserve more recognition for their role.

"Jack" Sullivan began his career in public service when he joined the National Guard in 1952. After three years with Company "B" 104th infantry, he was granted an Honorable Discharge. He then became a member of the Operating Engineers Union, Local #98. "Jack" retired from that organization after 38 years of involvement.

In 1967, "Jack" joined the Bondsville Fire Department. About one year later, Bondsville endured one of the worst fires in its history. "Jack" fought the Bondsville Mill Fire alongside over 500 firefighters from 18 different fire departments. The blaze burned for over 24 hours and caused a great deal of damage to property in the town. Most of the effort to fight the fire was simply to prevent it from spreading.

Due to his exemplary service, "Jack" quickly became a captain and ultimately, in 1977, he rose to the position of Fire Chief. He has filled that post for the past 25 years. In that time, he has been able to obtain a substantial amount of equipment for the training and safety of his firefighters. His dedication to the community of Bondsville does not stop with his commitment to the Fire Department; he was a member of countless committees to improve the safety of the town.

After 35 years with the Bondsville Fire Department, he has decided to retire. The Bondsville community is greatly indebted to Fire Chief Sullivan for his years of service. Indeed, we are, as a Nation, eternally grateful to all our firefighters for their selfless contribution to our society.

"MT. DIABLO AUDUBON SOCIETY'S 50TH ANNIVERSARY"

HON. GEORGE MILLER

OF CALIFORNIA

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mrs. TAUSCHER. Mr. Speaker, we rise today to invite our colleagues to join us in congratulating Mt. Diablo Audubon Society as it celebrates its 50th anniversary.

Founded in 1953, Mt. Diablo Audubon Society (MDAS) has an impressive record of environmental achievements in Contra Costa County, including the following:

Involved extensively in the protection and recovery of McNabney Marsh in Martinez. Formerly Shell Marsh, this area was saved as part of a settlement over an oil spill years ago. It is named after Mt. Diablo Audubon Society's well-known and respected former vice-president of conservation, the late Al McNabney.

Worked with the East Bay Regional Park District on the establishment and development of Waterbird Park in Martinez.

Led fifty-four yearly field trips for MDAS members and the public.

Supported the Muir Heritage Land Trust which has initiated a bold plan to link together many of our open space areas.

Partnered with a local flood control district to restore and protect a 22-acre saline marsh in Antioch, the Julia Cox Freeman Marsh.

Provided Audubon Adventures to over 90 classrooms (3,000 students) throughout Contra Costa County. Since 1984 Audubon Adventures has provided basic, scientifically-accurate facts about birds and wildlife and their habitats.

Partnered with Native Bird Connections and Wild Birds Unlimited to develop a life science course of study for freshman and sophomore high school students. Currently two high schools are participating in this program.

Supported the expansion of the California Bluebird Recovery Program and the placement of hundreds of bluebird houses in California.

Participated in many events and festivals in Contra Costa County and northern California to help educate the public about birds and the habitat they require.

Initiated the Conta Costa County Breeding Bird Atlas. This Atlas (a major five-year project underwritten by MDAS) will be an important tool in the battle to preserve open space and breeding habitats for birds.

Conducted slides shows and nature presentations to many schools and other groups throughout Contra Costa County.

Closely involved in the development of the Delta Science Center.

Participated in fifty Christmas Bird Counts.

We know we speak for all Members of Congress when we congratulate Mt. Diablo Audubon Society on its 50th anniversary and wish its members many more years of environmental stewardship.

TRIBUTE TO THE STANFORD LINEAR ACCELERATOR CENTER ON THE OCCASION OF ITS 40TH ANNIVERSARY CELEBRATION

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Ms. ESHOO Mr. Speaker, I rise today to honor one of the world's most renowned science research facilities, the Stanford Linear Accelerator Center, SLAC, located in the distinguished 14th Congressional District of California, on the occasion of its 40th anniversary celebration.

Hailed as one of the world's leading research laboratories, SLAC was established in 1962 at Stanford University with the support of the U.S. Department of Energy to design, construct and operate state-of-the-art electron accelerators and related experimental facilities for use in high-energy physics and synchrotron radiation research.

Since its inception, SLAC has made enormous and lasting contributions to the fields of science and technology. To name but a few, the Laboratory led the development of particle accelerators that were at first used for pure research, then later developed for many practical applications including the daily use of medical accelerators in our nation's hospitals. SLAC's research in particle physics has also given scientists a new understanding of how our universe was constructed with the discovery of quarks, the smallest known components of matter. SLAC was also the first laboratory in the world to create a user facility using synchrotron radiation for research now conducted in medical science, biology, chemistry, physics, materials science and environmental science. Our nation even learned about the World Wide Web through SLAC, where the first American World Wide Web site was established.

Many of SLAC's extraordinary accomplishments and the Laboratory's high-energy physics program is made possible by SLAC's B-Factory. I'm proud to have led the successful effort in Congress to build the B-Factory at SLAC, upgrading an earlier electron-positron collider. This state-of-the-art instrument most recently helped obtain conclusive evidence of how B mesons disintegrate, giving scientists clues to the subtle difference between matter and antimatter. The B-Factory is a vital component of SLAC, making the Laboratory an internationally recognized facility, with over 3,000 scientists visiting from U.S. universities, national laboratories, private industries and foreign countries each year.

SLAC's remarkable work has been honored with three Nobel Prizes awarded to SLAC faculty professors, demonstrating the enormous contributions SLAC has made and will continue to make in science and technology. The history and achievements of SLAC have not only made it one of the leading research facilities in the world, but also one of our nation's greatest treasures.

Mr. Speaker, I ask my colleagues to join me in honoring the Stanford Linear Accelerator Center and all its scientists, researchers, faculty and staff on the occasion of its 40th anniversary celebration. We're a better, more scientifically and technologically advanced, and safer nation because of SLAC and its extraordinary accomplishments.

ROMEO JAMES ROBINSON TURNS 90 YEARS YOUNG

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mrs. JONES of Ohio. Mr. Speaker, today, I am pleased to recognize Romeo James Robinson for turning 90 years young. Mr. Robinson was born on September 9, 1912 in Youngstown, Ohio, and throughout his life, he achieved many great accomplishments. In 1941, he earned the bachelor's of science degree in Chemistry from Youngstown State University, and after 30 years of dedicated service, Mr. Robinson retired from Youngstown Sheet and Tool in 1968.

He has always been a beacon in his community, serving on the Organization for Protestant Men, Fraternal Order of Masons, Alpha Phi Alpha Fraternity and the Deacons Board of the Third Baptist Church. Additionally, he is a lifetime member of both the National Advancement for Colored People and the Urban League.

Mr. Robinson has two children, Myron F. Robinson, who currently serves as the president of the Urban League of Greater Cleveland, and Anita Gorham, who now resides in Detroit, Michigan. He is the proud grandparent of two and boasts often of his four great-grandchildren.

Happy birthday, Mr. Robinson!

CONGRATULATING THE LIONS CLUB OF VAN BUREN, ARKANSAS ON ITS 80TH ANNIVERSARY

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. BOOZMAN. Mr. Speaker, I rise today to congratulate the Van Buren Lions Club for serving the Van Buren community for 80 years. I salute the dedication and leadership provided via the motto "We Serve." Having formerly been a member of the Rogers Lions Club, and having practiced optometry for 25 years, I truly value the club's accomplishments in eye care.

The legacy founded in Chicago in 1917 by Melvin Jones has grown into an organization which boasts a membership of 1.4 million. Accepting the challenge first posed by Helen Keller to become "Knights of the Blind" in the crusade against darkness, Lions have provided 3 million cataract surgeries, funded 68 eye clinics and hospitals, and have screened 6 million patients for eye disease. They also distribute 4 million pairs of eyeglasses annually in developing countries. Having personally assisted with the distribution of eyeglasses in Haiti, I can honestly say that the efforts of the Lions truly impact the lives of those less fortunate.

I encourage each member of the Van Buren Lions Club to continue the work of this valuable organization. Their contributions to the Lions Club International Foundation, which funds Leo Clubs, Youth Camps, the International Youth Exchange, and the annual consultation at the United Nations, serve to bring hope to many.

Mr. Speaker, on this historic 80th anniversary, I applaud the Van Buren Lions for their dedication to the world's largest service organization. Thank you for allowing me the opportunity to recognize them.

HONORING THE RETIREMENT OF CALIFORNIA STATE SUPERIOR COURT COMMISSIONER FOR ALAMEDA COUNTY, MICHAEL L. KANNINEN

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. STARK. Mr. Speaker, I rise today to honor Michael L. Kanninen on his retirement July 16, 2002, after 18 years as Court Commissioner of the Superior Court of California, Alameda County.

Prior to his appointment to the Superior Court, Supervisor Kanninen served as Commissioner of the Alameda County Municipal Court. When the two courts were unified in 1998, he was appointed to his current position. Presiding over criminal matters and civil cases, Commissioner Kanninen has handled arraignments, sentencings, traffic, jury trials, pretrials, and motions.

After graduating from Hastings College of Law in San Francisco in 1971 and being admitted to the state bar in 1972, Commissioner

Kanninen opened a small private practice, handling a wide array of cases. In 1982 he entered the Navy Reserves Judge Advocate General Corps, reaching the rank of Captain.

This position was not Commissioner Kanninen's first experience with the Navy. After graduating from the University of Chicago with a B.A. in Political Science in 1961, Kanninen—who intended to join the foreign service—was recruited into the Navy. He served until 1966, earning a Vietnam Defense Ribbon with three stars and the Armed Forces Reserve Medal.

In 1996, Commissioner Kanninen was awarded the prestigious Meritorious Service Medal by President Bill Clinton for outstanding service from October 1990 through September 1995 in the Judge Advocate General's Corps. He is a member of the California Court Commissioners Association, California Judges Association, and the American Judges Association.

An active member of the community, Commissioner Kanninen sings with the Ohlone Community College Choir, and has served as president of the Second Chance Community Crisis Center, as District Chairman of the Boy Scouts of America, and as President of the Newark Chamber of Commerce.

I am honored to join the colleagues of Michael L. Kanninen in commending him for his many years of dedicated and exemplary service to his country, state, and community. His commitment to justice is an inspiration for all.

COMMEMORATING SEPTEMBER 11, 2001 AND ON THE OCCASION OF THE SPECIAL JOINT MEETING OF CONGRESSS IN NEW YORK ON SEPTEMBER 6, 2002

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. GOODLATTE. Mr. Speaker, one year ago, Americans looked on in horror as the events of September 11 unfolded. At the end of the day the skyline of one of our greatest cities was forever changed, the Pentagon, a symbol of America's military might was still smoldering, and a previously indistinguishable field in western Pennsylvania had suddenly and terribly become an unmarked grave for America's newest heroes.

In the aftermath of the Challenger space disaster, when seeking to comfort a shocked and hurting country, President Reagan told us that the "The future doesn't belong to the fainthearted; it belongs to the brave." Overwhelmed by grief, and reeling from a devastation, attack, some nations would have been crippled to the point of inaction. Our enemies perceived us as weak, soft, unwilling or unable to respond. It is obviously an understatement to say they miscalculated.

In a tribute to the excellence of our armed forces and to the leadership of President Bush, we succeeded in swiftly toppling the Taliban, thereby liberating the people of Afghanistan. In this volatile region of the world, America's national security is directly at stake, for when regimes that tolerate terror and disrespect human life are left to their own devices, they export hatred and murder.

On the home front we moved swiftly to protect against future attacks. Congress gave law enforcement new tools, restructured the beleaguered INS, and most recently took steps to establish a Department of Homeland Security.

Recently, I traveled to New York City for a Commemorative Joint Meeting of the U.S. Congress, which was held at Federal Hall, just blocks from where the twin towers once stood. Federal Hall also served as the site of George Washington's swearing in, the location where the Bill of Rights was drafted and the setting of the first meeting of the United States Congress. In an era when historical significance is often missed and sentimentality is at times scoffed at, the symbolism of this meeting must not be overlooked.

Democracy is alive and flourishing and despite the best efforts of those who would seek to destroy us, we remain the 'shining city on a hill'envisioned by our Founders—as can be attested to by the resilience, courage and selfless sacrifice, which has characterized our national response.

On the anniversary of this day, which has been eternally seared in to our national conscience, our thoughts and prayers go out to those Americans whose lives have been forever changed by the loss of a loved one.

Winston Churchill once said, "The price of greatness is responsibility." This September as we mourn the loss and commemorate the lives of our fallen countrymen, we must not forget the raw emotions that marked that day, for they underscore our responsibility and will give us the impetus to continue in the unfinished task before us.

TRIBUTE TO MARGARET CAMPBELL

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Margaret Campbell of Horrell Hill, South Carolina, and a resident of the Sixth Congressional District, who is being honored with the 2002 Andrus Community Service Award by the American Association of Retired Persons (AARP). Mrs. Campbell is one of only 53 award recipients nationwide selected for embodying AARP's slogan To Serve, and Not Be Served.

This lively 76-year-old serves as the South Carolina AARP Associate State Coordinator for Community Operations, but her dedication goes far beyond the parameters of her job title. Mrs. Campbell has volunteered for AARP for more than a decade and travels across the state organizing chapters and exhibits. She presents programs on a variety of issues that affect older Americans, and is constantly gathering information to improve her expertise in all these areas.

Her introduction to volunteering came while her husband was a patient at the Dom Veteran Administration Hospital in Columbia. Mrs. Campbell spent many hours assisting other patients there while her husband underwent dialysis. Her love of helping others blossomed into volunteer relationships with the National Federation of the Blind, local nursing homes and churches. When Mrs. Campbell has not committed her time to one of her many favorite causes, she can be found taking friends and neighbors to the doctor or shopping, sitting with shut-ins or visiting a friend in the hospital.

Her devotion to those in need should be an inspiration to us all. "They think I have helped them, but they have it wrong, they have helped me much, much more."

Before volunteering became her calling, Mrs. Campbell served 27 years as a Dietitian Assistant at Lower Richland High School and the Midlands Center. Now widowed, she was the devoted wife of Thomas Campbell for 48 years and the mother of two. She is a member of Mt. Elon Baptist Church in Horrell Hill.

Mr. Speaker, I ask that you and my colleagues join me in honoring Margaret Campbell for her selfless dedication to senior citizens across South Carolina. I commend her on receiving the Andrus Community Service Award, and wish her good luck and Godspeed.

IN RECOGNITION OF ARNIE AND SHARON HYMAN

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. ENGEL. Mr. Speaker, I rise today to honor two wonderful people who have dedicated their lives to making the Bronx and New York City a better place. In fact, Arnie and Sharon Hyman have more than 70 years of combined community service. Over the years I have worked with both Arnie and Sharon in many community and political efforts. They are now retiring, but I am sure will continue to be an important part of our community.

Born on the 4th of July of 1947, Sharon Lynn Blank Hyman is a true American public servant. She attended Hunter College during her undergraduate years and obtained her Masters in Library Science at Columbia University. She began her career as a children's librarian in 1969 at the Westchester Square Branch Library, the place where she met her husband. While working at the New York City Board of Education, Sharon devoted much of her love and care to her three children. She worked for more than a dozen years as a substitute teacher and then as a school librarian at Middle School 206B. These many years of dedication and passion for her work have made Sharon Hyman a loved and admired citizen of the Bronx.

Arnold Shalom Hyman, a Bronx native himself, also made significant contributions that won him the affection of the Bronx community. He received his Associates Degree in Business Retailing from the Bronx Community College, his Bachelor's Degree from Long Island University, and his Master's Degree in Library Science from Queen's College. After 38 years of experience at the New York Public Library, Arnie became the regional branch librarian at the Kingsbridge Library Center. He has also led the longest running community book discussion group in the Bronx. His service also extends to his participation in the Pelham Reform Democratic Club and the community board meetings of Riverdale. Additionally, Arnie served as President of the Community Center of Israel and as an active member of the New York Library Association.

This couple exemplifies the integrity of the American family. They have three children Amy, Elena and Stefan. I would like to join them and all their relatives and friends in congratulating them and wishing them well in their retirement.

LATINO COMMUNITY'S ACCOMPLISHMENTS DURING HISPANIC HERITAGE MONTH

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. CAPUANO. Mr. Speaker, I rise today to recognize the many contributions made by the Latino community to our nation. As we celebrate Hispanic Heritage Month, it is fitting that we pay tribute to America's diversity and celebrate the role that immigrant communities played in the history of our nation.

Millions of Hispanic men and women have come to the United States from Mexico, Puerto Rico, Cuba and other Caribbean regions, Central America, South America and Spain, in search of freedom and the opportunity for a more prosperous future. They brought with them a commitment to family, a strong work ethic and a firm belief in the American Dream.

Hispanic culture continues to shape the American experience, During this month, let us recognize the important contributions Hispanics have made socially, economically and politically, including the vibrant Hispanic American spirit that has influenced our nation's art, music and cuisine. One of the most significant contributions made by Latinos is to our national defense. Hispanics fought for the United States in every war and approximately 80,000 men and women are currently on active duty.

Latinos are also the fastest growing segment of the U.S. population, currently representing 12.5% of the total population. More than 30 million Americans claim Hispanic origin. I represent Massachusetts' 8th Congressional District, where more than 15% of my constituents are Hispanic. That number continues to grow. In a Nation that derives its strength from many cultures and races, Hispanic Americans are a thriving force in our society and a vital part of our economy.

This month and always, let us celebrate the talents, culture and spirit Hispanic Americans have brought and continue to share with this great nation.

REGARDING BOB WHITE

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. ORTIZ. Mr. Speaker, I rise to pay tribute to a giant in the South Texas community and a unique American patriot, Bob White, a legendary pioneer in broadcasting in the Coastal Bend, upon the occasion of his retirement.

The General Manager of KIII, Channel 3, in Corpus Christi, Texas, Bob is a broadcast veteran, having spent 33 years in Corpus Christi. After service in the United States Navy, Bob dedicated his entire career to Texas broadcasting.

In 1977, he won the prestigious Abe Lincoln Award, an award presented annually to one television manager in the United States for excellence in broadcasting. He later served as President of the Texas Association of Broadcasters.

After beginning his broadcasting career in radio, he eventually spent 33 years in Corpus Christi television, setting the pace for excellence and telling the stories about numerous memorable events. In 1970, KIII–TV was cited for the excellent coverage and public service in telling the stories and showing the pictures of Hurricane Celia which so damaged the South Texas area. KIII used portable generators and car lights to power and light the pictures; they were up for two days before any other station joined them on the air.

A consummate businessman, Bob understood the value and dynamic of the Hispanic consumer long before the Census did. He followed Hispanic stories, and nurtured the Domingo Pena Show in the latter years of the 20th Century, the only Hispanic television program in South Texas for a long time.

The Domingo Live program is still broadcast each Sunday and is the longest running live, local Spanish language program in America. KIII sits proudly atop the TV ratings in Corpus Christi in very large measure due to the inspired following KIII acquired in the years Bob pursued Hispanic stories.

A native Texan, his proudest achievements are his 3 children, 4 grandchildren, and his 42-year marriage to his wife, Joyce. Bob is a pillar of our community. He has hosted and organized the Driscoll Foundation Children's Hospital Children's Miracle Network Telethon at KIII which began in 1985 and raised nearly $1.5 million dollars in 2002. Bob is an invaluable member of the Chamber of Commerce, the Convention and Tourist Bureau, the Art Museum of South Texas, and numerous other South Texas service organizations.

Bob began his broadcasting career in Port Arthur, Texas, then moved to Bryan-College Station, Texas. In 1961 he went to Houston; in 1967 he moved to Fort Worth; then in 1969 he came to Corpus Christi. His journey from radio to TV came via KIII–TV. He became General Manager in 1972.

I ask my colleagues in the House today to join me in commending the broadcasting career of a pioneer in South Texas television, Bob White.

THE STATE OF FAMILY FARMS

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. PHELPS. Mr. Speaker, I rise today to state that I am very proud to represent the very best of America, the heartland, central and southern Illinois, where family farms and other family owned businesses do more with less.

Recently, I was privileged to speak to a group of farmers about the new Farm Bill and other agricultural issues such as ethanol, biodiesel and value-added products, which will serve to diversify our economy and tax base. I was impressed with the attendance and views of the young people, who offered valuable input at the meeting. They are deeply concerned with the future, and what it holds for them on the family farm.

I want to commend Shana Renae Stine for presenting a quality statement in a speech she created and delivered about changes to save family farms. This work is a very impressive collection of thoughts that clearly come from her heart. I would like to congratulate her on winning awards for this outstanding masterpiece.

LOSING FAMILY FARMS—TIME FOR CHANGE

(By Shana Stine)

Two years ago, I had the opportunity to go with my uncle to "Rally for Rural America" in Washington, D.C. We joined 3,000 other family farmers and Rural Americans with the hope to sway our congressperson toward helping agriculture. I really didn't understand why I was there. I just wanted to go sightseeing. As my luck usually goes, it rained the whole time, making sightseeing impossible. Instead, I was stuck listening to politicians and farmers speak about things that were way over my head. At first I hated it; I wished I'd stayed home. But as the day went by, I heard story after story of families losing their farms. I saw grown men cry and my heart went out to them. I may not have understood why I was there, but I understood pain and suffering, and I knew something needed to change.

America was based on agriculture. The lives of some of the first people here, like Indians and Pilgrims, depended on working the soil. And now we are losing one of our greatest traditions. The U.S. Department of Labor stated, "Of all occupations in America, farming is facing the greatest decline." The U.S. Department of Agriculture recently projected net farm income to decline by 20 percent in 2002 (about $9 billion) on top of the 25 percent income drop that has occurred since 1996. Another report by the U.S. Department of Labor projected farming and ranching to lose more jobs than any other economic sector in America during the next 10 years. And if that's not bad enough, in November, USDA reported the largest single-month drop in prices since it has been keeping records—over 90 years. Our roots are embedded in agriculture and now they are being turned over and disposed of.

In 1920, more than 30% of the Illinois population lived on farms. By 1960 the percentage dropped to 7.5. From 1960 to 1990, that percentage shrank to 1.6%, and, in the last ten years, it has fallen below 1%. As Illinois loses farmers, so does all of America. On average, 50 American farmers go out of business every day and 16,000 go out of business every year. It has been calculated that 300,000 farmers went out of business between 1979 and 1998. And in the last 10 years, America lost another 155,000 farms. According to the USDA National Agriculture Statistics Service, there are only 1.91 million farmers remaining in the U.S. That's the lowest number of farms in the United States since 1850. A major source of pride and income that our country has valued from its infancy is now disappearing in front of our eyes at a remarkable speed.

One of my favorite songs is American Farmer by Charlie Daniels. My favorite line in the song is "You better wake up America, wake up America, cause if the man don't work, then the people don't eat!" Isn't that the truth? America can't afford to lose 50 farms a day. Farmers generate 15% of the Gross Domestic Product and 1 trillion dollars in economic activity each year. The U.S. is the world's largest agriculture exporter.

So what is causing all of this? One of the biggest factors of the loss of family farms in America is low market prices and high expenses. The market prices now are extremely low. Market prices have dropped every year since the last farm bill was approved. Farmers are getting roughly half of the prices they were receiving in 1996 and it can only get worse without a new farm policy. Currently, these prices are 35–50 percent lower than they were 15 years ago. And the price to operate a farm is off the scale. Fertilizer, tractors, combines, machinery—All of these cost more money than ever.

Another contributor to these problems is corporate farms. They are invading America. Listen to these numbers:

Two percent of farms produce 50 percent of agricultural product sales.

Of the remaining hog farms, 2 percent control nearly half of all hog inventory.

79% of all cattle are controlled by just 4 companies.

98% of all poultry is produced by huge corporations.

Four firms control 82 percent of beef packing, 75 percent of hogs and sheep, and half of chickens.

Corporate farms make up only six percent of farmers, but they take 60 percent of all farm receipts.

Can't you see it? The numbers are right in front of you. Corporate farms are taking over America.

Another sometimes overlooked problem is the small number of new farmers. At no other point in the history of U.S. agriculture, have we faced such a wide generational gap in farm participants. Twenty-five percent of all farmers are 65 years of age and older. Nearly half of all farmers are over age 55, while just 8 percent are under age 35. No one wants to come back and farm. Do you blame them? The state agriculture is in right now is pathetic. In 1998, farmers earned an average of only $7,000 per year from their farming operations. Most family farmers must work jobs off the farm just to make ends meet. 88 percent of the average farm operator's household income comes from off-the-farm sources, Who wants to come back to the farm when they can work in town for twice the money and half the labor?

So what can be done? That's what everyone wants to know. A start would be getting the government to stop hurting family farmers and start helping them. We need a farm bill that is good for family farmers. Something far different than the 1996 FAIR Act, or Freedom to Farm Act. It was drawn up with the supposed intention of leveling the playing field by removing public regulations and allowing the market to dictate the farm industry. It eliminated commodity price support programs. Prices plunged in 1997 and farmers had no safety net. Congress passed an emergency aid proposal, and since then the government has paid farmers billions of more dollars to make up for low prices. Yeah that's great, but if the prices were better then we wouldn't have to deal with this.

Now it's time for a new farm bill The House passed their version in October and the Senate passed theirs this month. There are several differences in the two bills. The House bill would spend about $36 billion over five years and the Senate bill would spend $44 billion in five years. The Senate has payment limitations, which would restrict large farms from receiving huge amounts of money from the government, and a ban on meatpackers owning livestock more than two weeks before slaughter. The House bill spends more on a farm safety net than the Senate bill. The House and Senate each have a committee and they are going to come up with a farm bill that everyone can agree with. They plan on meeting and coming up with a bill by Easter, before Congress recesses.

Something that every citizen can do, and should do, is write his or her congressperson. President Eisenhower once said, "Farming looks mighty easy when your plow is a pencil, and you're a thousand miles from the cornfield." Tell your congressperson how much agriculture affects you. Let him or her know that you support the farm bill. Convince him. Sway him. Just let him know you are out here.

I live on a fifth-generation farm. Farming is all we have. Without it, we have nothing. My grandpa, my uncle and my father—farming is all they know. My brothers want to come back and farm, but will they be able to and will they even want to? Will the market prices be too low and the price to farm too high? Will a corporate farm buy us out? Losing a farm is not like losing a job; it is losing both your livelihood and your home. It's a way of life that is unique and it cannot simply be replaced with something else, because there is nothing else like it.

Something has to change or we can kiss agriculture goodbye not only on my farm, not only in Illinois, but in America. Something has to be done. It's time for change.

INDIVIDUAL AND SMALL BUSINESS TAX SIMPLIFICATION ACT OF 2002

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. HOUGHTON. Mr. Speaker, today I am introducing a bill, the Individual and Small Business Tax Simplification Act, to address an ever-increasing problem. In 1935, there were 34 lines on Form 1040 and instructions were two pages. Today, there are well over 13,000 pages of forms and instructions. The tax code and regulations have mushroomed to over 9 million words. Approximately eighty-percent of the paperwork burden of the entire federal government is related to tax compliance, and the extent of this burden is staggering. In 2001, individual taxpayers spent an estimated 2½ billion hours on federal tax compliance. Businesses spent an additional 2 billion hours. The value of this lost time is incalculable, but it does not even include the economic cost of decisions based on a faulty understanding of the law. Nor does the 4½ billion hour total include time spent on planning. An added cost of complexity is that it undermines voluntary compliance. It is a haven for promoters of dubious schemes and it often produces unintended consequences.

There are legitimate reasons for some of this complexity. Defining income in a manner that is fair and easy to administer is inherently complex, and, it must be acknowledged, any tax measured by income—even a flat tax—must reflect the way income is earned in a complex economy such as our own. But, for a variety of reasons, the tax code has become far more complicated than necessary. In many cases, there is a clear answer to the question of whether a rational person would design a tax provision the same way from a clean slate. The objective of the legislation I am introducing today is to roll back this sort of complexity. One or more of the bill's provisions would simplify annual filing for every individual taxpayer.

This legislation builds on a bill that I introduced in the 106th Congress, the Tax Simplification and Burden Reduction Act. The Ways and Means Subcommittee on Oversight has held numerous hearings on tax simplification, and the bill draws on the record built at those hearings. Several of the provisions of this legislation appeared first as recommendations in the Joint Committee on Taxation's April, 2001 report, and the staff of the Joint Committee on Taxation has helped to refine all of the proposals contained in the bill. Other provisions originated with the work of the Tax Section of the American Bar Association and the American Institute of Certified Public Accountants. I welcome comments from other individuals and organizations on the bill and other simplification measures.

Our future as a nation depends on our ability to raise revenue in a manner that is fair and equitable. The Internal Revenue Code must be simplified to restore faith by all taxpayers in our tax system.

The proposal includes the following provisions:

I. INDIVIDUAL INCOME TAX SIMPLIFICATION

Alternative Minimum Tax—Inflation has caused many middle-income taxpayers to be subject to AMT by eroding the value of the AMT exemption. Rising state and local taxes have added to the problem, because state taxes are not deductible in calculating taxable income for AMT purposes. The failure to allow a state and local tax deduction for AMT purposes is one of the most unfair aspects of the Internal Revenue Code. It results in double taxation of income, and it forces taxpayers who live in states with higher income taxes to bear a larger percentage of the federal tax burden than those who live in states with lower taxes or no tax. If we allow the AMT to remain unaddressed, this unfair and inequitable disparity will worsen over time.

As a result of inflation, the Joint Committee on Taxation predicts that more than 35 million will pay AMT within ten years. Currently, AMT affects less than 2 million taxpayers. A recent study by the Urban-Brookings Tax Policy Center confirms this finding and further notes that if left unattended the AMT will shift a substantial portion of the tax burden of this country to urban and suburban middle-class taxpayers. Congress would not design a system with these features deliberately, and we should not allow it to happen by default.

Under the proposal, the AMT exemption would be adjusted for inflation since the date it was enacted and indexed for inflation in future years. State and local taxes would become fully deductible under the new AMT. The effect of these changes will be to restore AMT to its intended purpose and stop its growth.

Replace Head of Household Filing Status with New Exemption—Head of Household filing status has long been a leading-source of taxpayer confusion and mistakes during the filing season. In 2000, the IRS fielded over half a million taxpayer questions on filing status. An error on filing status can have consequences throughout the return, and it can lead to costly interest and penalty charges later on. To address this problem, the bill replaces Head of Household filing status with a $3,700 "Single Parent Exemption." This amount will be indexed. The proposal, as a whole, is revenue neutral.

The bill achieves further simplification by cross referencing the new uniform definition of a qualifying child.

Simplified Taxation of Social Security Benefits—Under present law, determining whether and how much social security benefits are subject to tax is a highly involved process that requires the completion of an 18 line worksheet. Many taxpayers are not eligible to use this worksheet, and they must refer to a 27 page publication.

The bill would simplify the calculation by repealing the 85% inclusion rule that was enacted in 1993. This alone would remove 6 lines from the Form 1040 worksheet. Going further, the proposal would index the 50% inclusion rule for future inflation, and greatly simplify the calculation of income for purposes of this rule. Tax exempt interest will no longer be required to be added in the calculation. Indexation will mean that fewer taxpayers will be required to complete the calculation and include benefits in income.

Simplify Capital Gains Tax—Under present law, there are seven different capital gains rates that apply to various kinds of dispositions of property. There are special rates for taxpayers in lower tax brackets, for property held five years or more, and for gain on collectibles. Before 1986, there was one rule: 50% of capital gains are deductible. For any investor who has struggled to fill out Schedule D of Form 1040, it will come as welcome news that the bill proposes a return to the system in place prior to 1986.

No taxpayer will pay a higher capital gains rate under this proposal. By definition, the capital gains rate that individuals pay will be no more than one-half of their marginal income tax rate. Therefore, this proposal preserves the progressivity that is accomplished by a rate structure under current law, and the maximum rate will be no more than one-half of the highest marginal income tax rate. Thus, the maximum effective capital gains rate would be 19.3% in 2003, and an individual in the 10% bracket would have a 5% capital gains rate.

Repeal of 2% Floor on Miscellaneous Itemized Deductions—The bill follows the recommendation of the Joint Committee on Taxation that the 2% floor on miscellaneous itemized deductions should be repealed. This provision was originally enacted in 1986 to ease administrative burdens for the IRS and record keeping burdens for taxpayers.

Instead of easing taxpayers' burdens, it has caused extensive litigation and controversy over such matters as whether an individual is properly characterized as an employee or an independent contractor. It has also resulted in disparate treatment of similarly situated taxpayers. For example, an employee whose job requires him to pay out of pocket for travel, professional publications, or education is disadvantaged compared to a taxpayer in a similar job whose employer reimburses such items.

Simplify Taxation of Minor Children—This provision would eliminate the current restrictions on adding a minor child's income to the parent's return. A parent could freely elect to include the income of a child under 14 on his or her own tax return, regardless of the character and amount of the child's income. Parents and children would retain the ability to file separate returns, but the unearned income of a minor child would be subject to tax at the rates applicable to trusts. The single filing rate structure would continue to apply to the child's earned income.

Simplify Dependent Care Tax Benefits—The bill would conform differences between the Dependent Care Tax Credit and the Exclusion for Employer-Provided Dependent Care Assistance. The two programs serve identical purposes, but their rules are different. Under this proposal, the dollar limit on the amount creditable or excludable would be increased to $5,500, and the percentage creditable would be increased to 35%. These provisions would be further simplified by a cross-reference to the new uniform definition of a qualifying child.

Accelerate Repeal of PEP and PEASE—The bill would accelerate and make permanent the repeal of the overall limitation on itemized deductions (PEASE) and the personal exemption phaseout (PEP). These provisions add complexity and complicate planning for millions of taxpayers. The Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA) repeals these provisions over a period of years from 2006 to 2009, but, because of EGTRRA's sunset provisions, PEP and PEASE spring back to life in 2011.

Uniform Definition of a Child—One of the most challenging and difficult problems that taxpayers face each year is to navigate the multiple definitions of a qualifying child for the dependent exemption, the child tax credit, the dependent care credit, the earned income tax credit, and for purposes of determining head of household filing status. The bill would establish a uniform definition of a child based on the residence, relationship, and age of the child. The Proposal would replace the rule that requires taxpayers to prove that they provide more than one-half of a child's support with a preference for the parent who provides housing for the child for more than one-half of the year. In addition, the bill would establish that means-tested government benefits are generally disregarded in determining eligibility for tax benefits.

Combine HOPE and Lifetime Learning Credits—Like the dependent care credit and the exclusion for employer provided dependent care assistance, the HOPE and Lifetime Learning Credits (LTL) serve nearly identical purposes, but they have different rules. The LTL credit is a per-taxpayer credit, and it applies on up to $10,000 of qualifying, education expenses. The HOPE credit is a per-child credit, and it applies with respect to the first $2,000 of qualifying education expenses incurred during the first two years of post-secondary education. Both credits are for higher education, but taxpayers face a challenge to determine which credit is best for their circumstances. The bill would merge the two credits, providing a credit for one-half of the first $3,000 of post-secondary education expenses. This credit would apply on a per-child basis, and it would not be limited to the first two years of post-secondary education.

Uniform Definition of Qualifying Higher Education Expense—The bill adopts the recommendation of the Joint Committee on Taxation that there should be a uniform definition of higher education expense for purposes of the various education tax benefit programs. The varying definitions that exist in current law greatly complicate the task of determining which education benefit is best for the taxpayer.

II. SMALL BUSINESS TAX SIMPLIFICATION

Uniform Passthrough Entity Regime—This provision would combine the benefits of Subchapter S (S corporations) and Subchapter K (Partnerships) of the Internal Revenue Code in a single, unified passthrough entity regime based on Subchapter K. While at one time, Subchapter S provided the only avenue for prospective investors to avoid the corporate-level tax while retaining a full liability protection, the emergence and broad acceptance of limited liability companies (LLCs) has provided investors with an alternative. There are now two separate, fully-articulated passthrough entity regimes.

Maintaining two separate passthrough entity regimes is expensive and unnecessarily complicated. It increases costs both for taxpayers and for the IRS. At a time when the IRS is striving to train its auditors to understand passthrough entities, and a new class of investors is struggling to understand the pros and cons of the two regimes, the time is ripe to rationalize this most complex area of the Internal Revenue Code by reconciling Subchapter S and Subchapter K.

The objective of the proposal is to establish a single passthrough entity regime that preserves the major benefits of Subchapter S and Subchapter K. Domestic corporations that are not publicly traded would have a new election to be treated as a partnership for federal tax purposes, and the S election would be repealed. The proposal would therefore endorse, and extend, the 1996 Check-the-Box regulations to allow state law corporations to elect partnership status. Existing S corporations would be permitted to continue as S corporations for ten years at which time they would be required to elect partnership or corporate status.

So as not to undermine the corporate tax that will remain applicable to publicly traded corporations and other entities that elect to be taxed as corporations, a corporation that elects partnership status with undistributed earnings and profits will be required to track distributions of earnings under rules similar to IRC Section 1368. Similarly, electing corporations (including S corporations) with appreciated assets will be required to pay a built in gains tax if they sell or dispose of such assets within the first ten years after the election. However, corporations (including S corporations) that elect partnership status will not be required to recognize entity-level gain as a result of the election. The 8 proceeds of built in gain transactions will be added to historic earnings and profits and not currently taxed to the partners.

Consistent with the overall objective of preserving the benefits of Subchapter S, the proposal will establish a means for passthrough entities to engage in tax free reorganizations with entities classified as corporations. Under the proposal, a partnership engaged in an active trade or business may contribute substantially all of its assets to a new corporation and immediately thereafter engage in a tax free reorganization.

The bill would also adopt a recommendation of the American Institute of Certified Public Accountants and the American Bar Association that the definition of earnings from self-employment should not include the portion of a partner's distributive share that is attributable to capital. This proposal contains reasonable safe harbors and it would eliminate the disparate treatment of limited partners, S corporation shareholders, and limited liability company members. The current rules can only be described as a historical anachronism and a significant trap for the unwary. Additionally, the bill would adopt the recommendation of the Joint Committee on Taxation that the electing large partnership rules should be eliminated.

Some may argue that by repealing the S election, the proposal forces more taxpayers to contend with a more complex tax regime, but this is generally not true. If there is a demand, investors can create an investment vehicle with all the features of an S corporation by contract or they may select a state law business form that restricts flexibility, such as a corporation or close corporation. This would eliminate nearly all of Subchapter K's feared complexity. The relative complexity of Subchapter K stems from its greater flexibility. The proposal allows investors to regulate the level of tax complexity by voluntary agreement among the investors or through the investors' choice of a state law business entity.

Increase Section 179 Expensing Limit—The bill would increase the limit on expensing to $25,000 in the tax year after enactment and to $40,000 after 2012. This measure will greatly reduce complexity for many small businesses by minimizing controversy over whether an item should be expensed or capitalized.

Rollover of Property Held for Productive Use or Investment—Present law strongly favors sophisticated taxpayers over ordinary small business owners in the execution of like-kind exchange transactions. Thirty-seven pages of the Code of Federal Regulations is devoted to the topic of like-kind exchanges, and a library could be filled with the court decisions, revenue rulings, and letter rulings that Section 1031 of the IRC has engendered. Attorneys and exchange facilitators must execute hundreds of thousands of pages of documents each year to comply with the formalistic rule that prevents the owners of like-kind property from receiving cash in a like-kind exchange transaction.

There is a simple way to eliminate this paperwork: repeal the limitation on sales for cash and allow a like-kind exchange within 180 days before or after the disposition of relinquished property. The bill does this.

Repeal of Collapsible Corporation Rules—Finally, the bill would repeal the collapsible corporation rules that linger in the tax code as a trap for the unwary. These rules were enacted to prevent an abuse that has not existed since the repeal of the General Utilities doctrine. The repeal of these rules is long overdue.

I urge my colleagues to join me in cosponsoring this legislation.

CONFERENCE REPORT ON H.R. 2215, 21ST CENTURY DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT

SPEECH OF

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 2002

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in support of the establishment of a Violence Against Women Office in H.R. 2215, the Department of Justice Authorization Conference Report. The establishment of a strong office that will have jurisdiction over all matters related to violence against women is long overdue. I am pleased to know that this office will have access to the highest levels of Department of Justice policy making and will have a director who is appointed by the President. I hope the President will make a thoughtful decision and use this opportunity to appoint a director who is a true advocate for women's safety, not just a figurehead. Violence against women is one of the most serious problems in this country today, and we need to have strong laws, adequate resources, and effective enforcement efforts in order to combat it. I believe the establishment of this office is a step in that direction.

In addition, if we are serious about helping women who have been victims of domestic violence and sexual assault, it is critical that we provide them with the resources they need to escape the violence. I urge my colleagues to appropriate funds to the Department of Housing and Urban Development for transitional housing programs for women and their children who have been victims of such violence. I have introduced H.R. 3752, the Domestic Violence and Sexual Assault Victims Housing Act, which would authorize $50 million for FY 2003 for such a program. This bipartisan legislation currently has 112 cosponsors. It is crucial to provide a stable, sustainable home base for women who have left situations of domestic violence and are learning new job skills, participating in educational programs, working full-time jobs, or searching for adequate child care in order to gain self-sufficiency. Transitional housing resources and services provide a continuum of care between emergency shelter and independent living.

It is time that we make ending violence against women a national priority. I believe the establishment of a strong Violence Against Women Office is an important step in the right direction.

ON THE RETIREMENT OF LEROY SMITH

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. ISRAEL. Mr. Speaker, I rise to pay tribute to an exemplary member of the Long Island community.

The Suffolk County Police Department consistently shows us the best and most heroic that Long Island has to offer. For thirty-two years Detective LeRoy Smith has been a commendable member of that department. During a career that has spanned three decades, Detective Casey has served on numerous high-profile cases. In 1992 he was transferred to the Homicide Squad where he helped put some of the most abhorrent criminals behind bars. He worked on the TWA Flight 800, Long Island Sniper cases and other important cases. He has made a lasting contribution to the safety of Long Island residents.

On August 5, 2002, Detective LeRoy Smith retired from the Suffolk County Police Department. He will be missed by his colleagues and by the community that has depended upon his hard work for so many years. I come to this floor so that I may offer my congratulations and best wishes to Detective Smith.

Mr. Speaker, Long Island owes a debt of gratitude to Detective LeRoy Smith.

TRIBUTE TO ERNIE HARWELL

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. KNOLLENBERG. Mr. Speaker, today I introduce a resolution to congratulate Ernie Harwell. On September 29, 2002, Mr. Harwell signed off for the last time as the "voice of the Detroit Tigers."

For over forty years, Ernie Harwell has brought the Detroit Tigers alive for those who could not make it to the ballpark. Since 1960, people all over Michigan and the Great Lakes region have been able to listen to Mr. Harwell on the radio or television. In that time, Ernie Harwell has become synonymous with baseball, like hot dogs, peanuts, and Crackerjack.

As a child, Ernie Harwell overcame a speech impediment and made his first mark in the sports world by writing for "The Sporting News". As a sixteen year old, he was assigned as the correspondent to the Atlanta Crackers. In 1948, he became the only broadcaster to be traded for a player. The Brooklyn Dodgers sent Cliff Dapper to the Atlanta Crackers in exchange for Ernie Harwell. Since then, Mr. Harwell has broadcast games for the Brooklyn Dodgers, New York Giants, Baltimore Orioles, and the Detroit Tigers. Amazingly, in those 55 years, Mr. Harwell missed only two games.

Ernie Harwell has been inducted into the Radio Hall of Fame, the National Sportscasters Hall of Fame and the Michigan Sports

Hall of Fame. He has been named the Michigan Sportscaster of the Year 17 times. In 1981, Mr. Harwell became the first active broadcaster to be inducted into the Baseball Hall of Fame in Cooperstown, New York.

Throughout the 2002 baseball season, Ernie Harwell has been recognized as one of the true greats of the game. He has been honored with pre-game ceremonies. He has thrown out first pitches. In Cleveland, the visitor's press box was renamed "The Ernie Harwell Visiting Radio Booth." September 15, 2002, was "Ernie Harwell Day" at Comerica Park in Detroit.

While Ernie Harwell is leaving the radio booth, he plans to remain active in the Detroit community. Mr. Speaker, I wish Ernie Harwell and his wife, Lulu, health and happiness as they pursue their future endeavors.

TELEVISION CONSUMER FREEDOM ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. PAUL. Mr. Speaker, I rise to introduce the Television Consumer Freedom Act, legislation repealing regulations that interfere with a consumer's ability to avail themselves of desired television programming.

My office has received numerous calls from rural satellite and cable TV customers who are upset because their satellite or cable service providers have informed them that they will lose access to certain network television programs and/or cable networks. The reason my constituents cannot obtain their desired satellite and cable services is that the satellite and cable "marketplace" is fraught with government interventionism at every level. Cable companies have historically been granted franchises of monopoly privilege at the local level. Government has previously intervened to invalidate "exclusive dealings" contracts between private parties, namely cable service providers and program creators, and has most recently assumed the role of price setter. The Library of Congress has even been delegated the power to determine prices at which program suppliers must make their programs available to cable and satellite programming service providers.

It is, of course, within the constitutionally enumerated powers of Congress to "promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries." However, operating a clearing-house for the subsequent transfer of such property rights in the name of setting a just price or "instilling competition" via "central planning" seems not to be an economically prudent nor justifiable action under this enumerated power. This process is one best reserved to the competitive marketplace.

Government's attempt to set the just price for satellite programming outside the market mechanism is inherently impossible. This has resulted in competition among service providers for government privilege rather than the consumer benefits inherent to the genuine free market. Currently, while federal regulation does leave satellite programming service providers free to bypass the governmental royalty distribution scheme and negotiate directly with owners of programming for program rights, there is a federal prohibition on satellite service providers making local network affiliates' programs available to nearby satellite subscribers. This bill repeals that federal prohibition and allows satellite service providers to more freely negotiate with program owners for programming desired by satellite service subscribers. Technology is now available by which viewers will be able to view network programs via satellite as presented by their nearest network affiliate. This market-generated technology will remove a major stumbling block to negotiations that should currently be taking place between network program owners and satellite service providers.

This bill also repeals federal laws that force cable companies to carry certain programs. These federal "must carry" mandates deny cable companies the ability to provide the programming desired by their customers. Decisions about what programming to carry on a cable system should be made by consumers, not federal bureaucrats.

Mr. Speaker, the federal government should not interfere with a consumer's ability to purchase services such as satellite or cable television in the free market. I therefore urge my colleagues to take a step toward restoring freedom by cosponsoring my Television Consumer Freedom Act.

HONORING KEN MEYER

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. BLUNT. Mr. Speaker, I rise today to honor Ken Meyer, a Southwest Missourian who has championed his alma mater, volunteered his leadership to worthy causes and has entertained and informed the region via radio. Though his voice is not on the radio, his stations have been a long-trusted source of information about government, politics, business and sports for more than four decades.

Ken and Jane Meyer have had a passion for radio, Southwest Missouri State University (SMSU) and each other. Their marriage partnership began in 1959. This partnership has paid great dividends to SMSU, and the success of their radio properties has enriched the lives of countless people in our region. Sadly, Jane passed away earlier this year.

Ken Meyer graduated from what is now Southwest Missouri State University in 1950 after serving two years in the military at the end of World War II. Mt. Vernon High School graduates, Ken and Jane got into the radio broadcasting business when KTXR–FM went on the air in 1962. It was a gamble in the early 60s. FM radio was new and there were few receivers. AM radio ruled the air waves then, but the Meyers were in the vanguard of change. By the 1980's FM radio had established its dominance. Today, Meyer Broadcasting has stations in four markets, but the flagship station remains in Springfield.

Ken and Jane made their broadcasting stations a great success. With the "Gentle Giant" as they dubbed KTXR, Ken and Jane developed close ties with their listeners by broadcasting St. Louis Cardinal's baseball, big band hits and easy listening music.

Ken also uses his radio power to promote SMSU. For example, his radio stations became some of the first to regularly broadcast women's college basketball, along with the men's schedule.

The Meyers have shared their good fortune with charitable groups and with SMSU, which named Ken their "Outstanding Alumni" in 1985. The Meyers have established endowments for academic and athletic scholarships. They are givers to capital projects on the campus including the David Glass Hall, Juanita Hammons Hall for the Performing Arts, the Wehr Band Hall, and the Robert Plaster Sports Complex. Earlier this year, the Kenneth E. and Jane A. Meyer Foundation provided funding for a carillon that was added to an expansion of the university's library. Dedicated in the name of Jane Meyer, the 48-bell (four octaves) musical instrument sits atop a 140 foot tall bell tower on the campus.

Ken continues to give of his time to important personal priorities. He has served on the Blue Cross-Blue Shield of St. Louis Board for 15 years and has been a longtime member of the Board of Trustees for Westminster College. He also established a foundation at Covenant Presbyterian Church where he is a long time member. He has served on the Cox Health System Board of Directors, was a founder of the First City National Bank and was a Regent at Southwest Baptist University.

Ken's philosophy may be best captured in a Vince Lombardi poster that declares "Winning is a habit." Ken Meyer has certainly lived a life as a champion of causes. He may be the most enthusiastic supporter that Southwest Missouri State University has ever had.

On the occasion of Ken's 75th birthday on October 14, I wish to thank him for his untiring work for the community and alma mater; thank him for the beautiful music originating from the Jane Meyer Carillon; and thank him for bringing dependable information and entertainment to his countless listeners.

H.R. 4874

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. OTTER. Mr. Speaker, I introduced H.R. 4874 to correct 122-year-old survey errors along Spirit Lake and Twin Lakes in northern Idaho. The bill requires the Bureau of Land Management to conduct a new survey of the lakes to correct errors identified in the original 1880 survey and directs the Secretary of the Interior to disclaim any Federal interest in lands.

For over one hundred years, individuals have owned land around the beautiful lakes located in Idaho's Kootenai County. However, ownership now is in question for more than 400 people who bought the land and pay taxes on the property. H.R. 4874 will correct that problem.

In 1880 John B. David, a surveyor under contract with the General Land Office, grossly misrepresented portions of the actual lakeshore around Spirit Lake and Twin Lakes. In some places the meander lines along the shore are up to a mile and a half away from their actual location. No one noticed the inaccurate survey when the land was originally patented, and no one caught the mistake over the years as the land changed hands. In the meantime, the shorelines of these popular lakes have become heavily developed.

It was not until recently that Kootenai County Surveyor discovered the problem. County officials have expressed concern over their inability to approve and regulate new developments, surveys, and permits due to the inaccuracy of the original government survey. The problem will only worsen as the lakes become more developed.

Under current law, the Bureau of Land Management is required to conduct a resurvey of the actual meander of the lakes. The lands between the old incorrect meander line and the new meander line would become omitted land and would revert to federal ownership. Property owners would be required to repurchase, at fair market value, the land they believed they owned for over 100 years, as well as pay for survey and administrative costs. That is simply not fair. These individuals bought the land in good faith and the government should not be allowed to take it from them simply because of a survey error over 120 years ago.

My legislation corrects the problem by creating a solution that retains the correct ownership situation without placing the expense of correcting it on the affected property owners. H.R. 4874 allows BLM to issue a "disclaimer of interest" in the affected lands so title companies and Kootenai County can proceed with ownership related matters surrounding clear title. The legislation also authorizes the necessary funding for BLM to conduct a new survey and perform the required administrative procedures.

Most of the property owners involved in this situation have a chain of title that goes back over 100 years. H.R. 4874 is really the only acceptable solution to the problem. I look forward to passage of this legislation into law.

SETPEMBER 11—ONE YEAR LATER

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. HEFLEY. Mr. Speaker, America will never be the same as a result of September 11, 2001. The horrific events of that day dramatically changed the landscape of not only New York City and Washington, D.C., but also the entire civilized world. The images of commercial airliners plunging into symbols of American enterprise, economy and security will forever be seared on our individual and national memories. But, also vivid are the images of Americans' spirit of community, gratitude and generosity that have been demonstrated these past twelve months.

Through our heartache and sorrow, Americans joined together this year in an unprecedented show of strength and unity. The outpouring of patriotism and pride across the country is displaying itself in every conceivable way. The American flag is flying: large and small; cloth and paper; store-bought and handmade; the red, white and blue is everywhere. Americans opened their homes and wallets to care for the victims. Goods and services were donated to the victims and rescue workers at an almost unmanageable pace. Restaurants in New York and Washington opened their doors to feed the rescuers, people stood on street corners and handed food to passing firemen and companies donated pillows and blankets for weary workers.

The morning after the attack, a column appeared in the Miami Herald that spread across the Internet because it captured the thoughts and feelings of our nation so aptly. In it, the columnist described the "vast and quarrelsome" American family, one "rent by racial, social, political and class division, but a family nonetheless." If the tragedy proved anything, it is that the American family is one that reaches out its hand to help another in need.

The tragedy also redefined the American hero and turned ordinary people into extraordinary Americans. After the first assault on the World Trade Center, New York City firefighters and policemen rushed into the building and began saving lives—even as the buildings were collapsing. Yes, it was the job of firefighters to go into the buildings, but they could have reasoned that the buildings were going to collapse anyway, so why try. When the victims rushed out, they rushed in, and became heros in the process. Three hundred-forty three firefighters sacrificed their lives to save more than 25,000.

Our nation has had a resurgence of faith and spirituality. The tragedy caused people to reevaluate their core values and cling to their traditions. In one day, everything that we thought was meaningful and important slid to the wayside and we rediscovered fundamental beliefs about faith, family and freedom. If the terrorists had hoped to break the American spirit, they failed spectacularly.

We are now engaged in a war on terrorism and it is a war we will win. This is a struggle that concerns the whole of the democratic and civilized and free world. We will bring to account those responsible, and we will dismantle the apparatus of terror and eradicate the evil of mass terrorism in our world.

The cause that we are fighting is just and it is decent. No citizen, in any country, should live in fear of senseless terrorist attacks. On September 11, 2002, thousands of American civilians gave their lives for a cause they did not know. An attack against civilian targets of women and children, mothers and fathers, peaceful and without prejudice, is beyond comprehension in our modem, civilized world.

America responded to this crisis and emerged from the tragedy stronger and more determined. The course and duration of the conflict is unknown, but it's outcome is not. America will prevail and remain the greatest nation in the world.

CONTINUING APPROPRIATIONS, FISCAL YEAR 2003

SPEECH OF

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 2002

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in disappointment. The Continuing Resolution, House Joint Resolution 111, on the floor today is a slap in the face of the American people. Our constituents all over the country are counting on us to help them put food on the table, provide their children with the best education possible and to make them and their families safer. Despite the best efforts of Democrats, the Republican leadership of the House continues to let them down. It is inexcusable that this body has only passed five appropriations bills. What is even more disappointing is that the Labor/HHS/Education Appropriations bill has not even been brought to the House floor for a vote. The other body has passed its version of the bill, yet we continue to twiddle our thumbs at the expense of our children. The Senate's proposal would increase education funding in the President's budget by a little over $3 billion and would provide funding increases for Teacher Quality, Title 1, Head Start, and financial aid programs, and would restore funding for rural school programs. Instead of following in the Senate's lead, the House Republicans refuse to act on this issue.

The failure of the Republicans and the Administration to follow through on their commitment to education is disappointing. The "No Child Left Behind Act" was supposed to provide our children with the resources needed to obtain the best education possible, but, unfortunately, this has not happened. The law was touted as a way to prevent children from being "trapped" in failing schools but left behind may be thousands of unhappy parents and students. The President's budget of $50.3 billion in discretionary funding for FY2003 has stopped six years of steady progress in federal support to local schools dead in its tracks. Under his proposal, the overall education budget would only increase by 2.8 percent, barely enough to cover inflation. Our so-called "Education President" is doing the exact opposite of what he promised. He is leaving our children behind.

Unfortunately, the only version of the House Republicans' Labor HHS Education appropriations bill follows the President's budget request. The bill would freeze or reduce funding for most education programs, including the teacher quality, after-school, math/science partnerships, Safe and Drug-Free schools, bilingual education, Pell Grants, Gear-Up and TRIO programs. Funding for several important programs, including rural education and technology training for teachers would be completely eliminated. It also includes no resources to address the $127 billion crisis in school repairs. The bill cuts funding for the "No Child Left Behind Act" by $90 million from last year, resulting in 16,000 fewer teachers getting trained, 50,000 fewer children in after-school programs, and yet another year without the needed resources to turn around failing schools. The President and the Republicans continue to break their promises to the children of our country.

In my home state of Illinois, they are attempting to take away nearly $200 million needed to support the Title I grants program, which provides supplemental assistance to improve the educational attainment of low-achieving students, especially those in high poverty areas. Also, they are cutting nearly $600 million from IDEA funding, which is desperately needed to improve special education in Illinois. Finally, student debt is skyrocketing as college tuitions rise, making loan affordability critical. Despite this fact, the Administration's budget cuts the maximum Pell Grant, which provides up to $4,000 to low-income students to help with college tuition costs, to $3,600, $800 short of what is needed to keep pace with projected tuition hikes.

Mr. Speaker, this is not what I consider education reform. If we refuse to fund our educational system, then we are only cutting short the potential of our country's children and jeopardizing our nation's future. I urge my colleagues to listen to the millions of Americans out there and support a bill that follows the Senate's bill and not the President's budget. It is time to give our children the opportunities they deserve.

HOME SAFETY COUNCIL STUDY ON HOME INJURIES AND DEATHS

HON. RICHARD BURR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. BURR of North Carolina. Mr. Speaker, unintentional home injuries have reached an unacceptable level, according to a new study by the Home Safety Council, and Americans need to be aware of the risks they face in their own homes. It may be surprising to some that these injuries are the leading cause of death for those between the ages of 1 and 44, and—other than illness—unintentional injuries are the number one cause of death in the United States.

The study, recently completed by the University of North Carolina, also shows us how unintentional home injuries hurt America's working families and our economy. Lost workdays for injured parents cost both employees and employers, not to mention driving up health care costs and raising dilemmas in providing childcare. These injuries cost Americans nearly $380 billion each year, and account for an estimated 10 percent of all visits to hospital emergency rooms.

We are forming a Congressional Home Safety Working Group in the next Congress that can directly address home safety issues on Capitol Hill and in Federal agencies. The working group will examine how the Federal Government can support home safety education and prevention activities. A year from now, we need to see a reduction in the number of unintentional home injuries. For some great suggestions on what Americans can do right now to protect themselves, visit *www.homesafetycouncil.org*.

I want to congratulate David Oliver, Executive Director of the Home Safety Council, for commissioning this monumental study; Dr. Carol Runyan, Director of the Injury Prevention Research Center at University of North Carolina at Chapel Hill for conducting the study; and Dr. Sue Binder, Director of the National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, for supporting this study and bringing Federal attention to this critical issue. I would also like to encourage my fellow colleagues to raise the level of attention to home safety issues on Capitol Hill and in Federal agencies.

MOUNT RAINIER NATIONAL PARK BOUNDARY ADJUSTMENT ACT OF 2002

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Ms. DUNN. Mr. Speaker, I am introducing the Mt. Rainier National Park Boundary Adjustment Act. This legislation will enable the National Park Service to rebuild a road and popular campground located in the Northwestern corner of the park that has been devastated by years of reoccurring floods.

As a life-long Washingtonian, I appreciate the importance of maintaining our most treasured natural resources. Mt. Rainier National Park is one of the crown jewels of the national park system. To enhance the enjoyment of the park, this legislation will allow visitors greater access to a temperate rainforest.

Unfortunately, the road leading into Ipsut Creek Campground is below the Carbon River in several spots, resulting in frequent road washouts. Consequently, it is difficult, if not impossible, for visitors to drive safely to the campground. With the boundary adjustment, the park will be able to move the campground to a more secure area and provide for safe travel.

To accomplish the boundary adjustment, land will be purchased from Plum Creek Timber Company and the U.S. Forest Service will transfer land to the National Park Service. In the end, the boundary adjustment will include approximately 1000 acres of both private and U.S. Forest Service land. This legislation will also allow the Secretary of the Interior to acquire land in the vicinity of Wilkeson, Washington for a visitor's center. This center will provide vital information to people accessing Mt. Rainier National Park in the Carbon and Mowich Corridors.

I look forward to working with the Resources Committee and my colleagues to enact this boundary adjustment.

ON THE RETIREMENT OF BERNADETTE CASEY

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. ISRAEL. Mr. Speaker, I rise to pay tribute to an exemplary member of the Long Island community.

The Suffolk County Police Department consistently shows us the best and most heroic that Long Island has to offer. For 20 years, Bernadette Casey has served as a valuable member of that department. During that two-decade tenure, Ms. Casey was assigned to the Homicide Squad as Stenographer, Senior Stenographer and Principal Stenographer. She has made a lasting contribution to the safety of Long Island residents.

On August 31, 2002, Bernadette Casey retired from the police department. She will be sorely missed by her colleagues, who brought her retirement to my attention. I come to this floor so that I may offer my congratulations and best wishes.

Mr. Speaker, Long Island appreciates the service of Bernadette Casey.

A SPECIAL TRIBUTE TO GEORGE L. MYLANDER FOR HIS DEDICATED SERVICE TO THE COMMUNITY OF SANDUSKY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to pay special tribute to an outstanding gentleman from Ohio's Fifth Congressional District. George L. Mylander, of Sandusky, Ohio, is being honored for his dedicated service and loyalty to the citizens of Sandusky.

Mr. Speaker, George's efforts are being recognized by the Firelands Regional Medical Center, of which both he and his family played a significant role in developing. Serving the community was not only George's duty but also his honor. These chances to give back to the community have brought him a lifetime of both personal and professional achievement. George truly is a valued asset to the City of Sandusky.

George has served Sandusky well throughout his years, both professionally and philanthropically. He began as a schoolteacher in the Sandusky City School system, and has since put his efforts to work in the financial and health care industries throughout greater Northwest Ohio.

George's numerous charitable interests include the Stein Hospice Service, Wightman-Wieber Foundation, and the United Way of Erie County. The Greater Toledo Area Chapter of the National Society of Fund Raising Executives recently recognized George's philanthropic efforts when they honored him with their Outstanding Philanthropist Award. He is also active in the local American Legion, Kiwanis Club, and serves on the boards of the Erie County Chamber of Commerce, and Bowling Green State University's Foundation.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to George Mylander. Our communities are served well by having such honorable and giving citizens, like George, who care about the well being and stability of their communities. We wish him the very best on this special occasion.

REAUTHORIZATION OF THE WATER DESALINATION ACT

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. HORN. Mr. Speaker, I rise today to recognize the reauthorization of the Water Desalination Act of 1996, included in H.R. 5460, the Federal Water Project Recreation Act which the House approved today.

I am pleased that language from H.R. 4792, the reauthorization of the Water Desalination Act, which I introduced earlier this year has been included in the Federal Water Project Recreation Act. This legislation will continue an authorization of $55 million through 2008 for the Desalination and Water Purification Research and Development program (DWPR). The DWPR program has promoted important research to reduce treatment costs of previously unusable water sources such as brackish groundwater and coastal waters. These projects have proved to be valuable investments in helping to meet our nation's future water needs.

Since its inception in 1996, the Desalination and Water Purification Research and Development program has helped fund research in cooperation with 20 universities and institutes of higher learning, 33 local governments, and 59 domestic private sector organizations. In all, nearly 30 states are represented in a broad cooperation of both public and private organizations.

Such cooperation has produced impressive results with the partnership's efforts making significant technological advances in the field of water desalination and water purification. Clean water is essential for the health of all Americans. As our population continues to grow and conventional water supplies become over used, we will need to look at new resources such as sea water to supplement our supply.

I am pleased that with the reauthorization of the Water Desalination Act of 1996 my colleagues recognize the importance of desalination technology. This is a significant step forward in ensuring a safe and steady water supply for our nation.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mrs. MALONEY of New York. Mr. Speaker, on September 24, I missed rollcall votes No. 404, 405 and 406.

Had I been present I would have voted "yea" on rollcall votes No. 404, 405 and 406.

On September 25, I missed rollcall votes No. 407, 408 and 409; had I been present I would have voted "yea" on these rollcall votes. Additionally, I missed rollcall vote No. 410 on agreeing to the resolution providing for consideration of H.R. 4691. Had I been present I would have voted "nay" on rollcall vote No. 410. I would have voted "yea" on rollcall vote No. 411 on the motion to recommit with instructions and I would have voted "nay" on rollcall vote No. 412. I would have also voted "nay" on rollcall votes No. 413 and 414 and "yea" on rollcall vote No. 415.

On September 26, I missed rollcall vote No. 416; had I been present I would have voted "nay" on this rollcall vote. On rollcall votes No. 417 and 418, I would have voted "yea." On rollcall vote No. 419, I would have voted "nay" on agreeing to the resolution to provide for consideration of H.R. 4600. Additionally, I would have voted "yea" on rollcall vote No. 420 and "nay" on rollcall vote No. 421. Had I been present, I would have voted "yea" on rollcall votes No. 422 and 423.

PERSONAL EXPLANATION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. ORTIZ. Mr. Speaker, due to business in my district, I was unable to vote during Rollcall Vote 423. Had I been present I would have voted Yes.

HELP EFFICIENT, ACCESSIBLE, LOW COST, TIMELY HEALTH CARE ACT OF 2002

SPEECH OF

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 2002

Ms. SCHAKOWSKY. Mr. Speaker, I rise in strong opposition to the bill H.R. 4600, which is before us today. We are facing a medical malpractice problem. We are also facing a medical malpractice insurance problem. But rather than addressing those issues, this bill would actually make both problems worse. The Institute of Medicine study, "To Err is Human," reported that between 44,000 and 98,000 Americans die each year from medical errors, making medical malpractice the 8th leading cause of death. More people die from medical errors than from automobile accidents, breast cancer or AIDS. We also know that a handful of physicians and facilities are responsible for the lion's share of medical malpractice cases. Does this bill do anything about improving health care safety? Does it make it easier for patients to avoid dangerous physicians or facilities? Does it require that those with bad medical records—like bad drivers—get charged higher malpractice premiums while safe providers—like safe drivers—get discounts? No.

We also know that we have a medical malpractice insurance problem. Just as businesses and health care consumers are complaining about double digit premium increases, so, too, are providers. Once again, the evidence suggests a solution. Medical malpractice insurance companies made bad investments—now they are raising premiums to pay for their mistakes. Studies show that there is usually no connection between premiums and payouts—with no or little regulation, insurers are free to charge what they want. Does this bill do anything about medical malpractice insurance practices? Does it even require that the federal government monitor premiums to determine the effect of this bill on premiums and make sure that insurers don't just pocket any savings instead of passing them through lower premiums? Do the authors of this bill have any evidence from the insurance industry that premium rates will come down or moderate if we pass H.R. 4600? No.

Instead of addressing medical malpractice or medical malpractice insurers, this bill is a plain and simple assault on the rights of consumers—health care patients and their families who have already been injured once would be injured again and again because of this bill. There is not a single provision in this bill that strengthens the rights of consumers or improves their access to quality care. But there is not a single provision in this bill that doesn't erode consumers' legal rights to win compensation for their injuries and to send the signal that dangerous medicine does not pay. This bill doesn't just affect physicians. It provides a broad liability shield for drug companies, nursing homes, medical device manufacturers and suppliers. This bill may well increase health insurance premiums to small businesses and individuals because it says that, if you are fortunate enough to have health insurance, your policy may have to pay your costs even if you prove malpractice in a court of law. And most disturbing of all, this bill puts a $250,000 price tag on the life of a child. The authors of this bill say that we shouldn't worry about caps on non-economic damages. After all, they say, there are no caps on economic damages. But there are no economic damages to compensate for the loss of an infant or a grandmother, for the loss of sight or mobility. This bill tells all those families who suffer those losses—through proven malpractice—that their losses are worth a paltry $250,000. I urge this body to reject this anti-consumer bill. I also urge my colleagues to read the attached letter, sent to me by USAction, regarding this important issue.

US ACTION,
Washington, DC, September 24, 2002.

DEAR REPRESENTATIVE: On behalf of our twenty-four statewide organizations, I want to express our strong opposition to H.R. 4600, the so-called HEALTH Act, and ask that you vote no when it is considered on the House floor this week.

H.R. 4600 is a direct assault on the rights of consumers. Instead of addressing the root of the premium problem—the insurance industry—it attacks medical malpractice victims themselves. Nursing home residents, prescription drug and medical device users, and other patients would all lose rights that they have had since the beginning of our nation. Yet, there are absolutely no indications from the medical malpractice industry that this harsh, anti-consumer legislation would result in any reduction in premium rates or greater accessibility of malpractice insurance.

At the same time that more and more FDA-approved drugs are being pulled off the market because of safety concerns, this bill would immunize drug or medical device manufacturers if their product had been approved by the FDA or is "generally recognized as safe and effective." While more and more families are concerned about nursing home quality, this bill would limit the liability of nursing homes that knowingly put their residents at risk. Under H.R. 4600, Congress would place a $250,000 limit on the loss of a child or sight or the ability to walk. These are just a few of the most outrageous provisions of this bill, which would put more consumers at risk and shield dangerous manufacturers and practitioners from full liability for their actions. And it does so without any guarantee that malpractice rates would fall or even any provision that the federal government would monitor those rates to determine their appropriateness.

Again, I urge you to protect health care consumers by voting against this irresponsible and dangerous bill.

Sincerely,

WILLIAM MCNARY,
President.

FIRST LADY OF TAIWAN CHEN WU-SUE-JEN

SPEECH OF

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 2002

Mr. WEXLER. Mr. Speaker, last week we witnessed an historic event in the long-standing relationship between the United States and our ally Taiwan. On Wednesday, September 25, 2002, the First Lady of Taiwan Chen Wu-Sue-jen addressed a bipartisan gathering of Members of Congress to express her heartfelt support for U.S.-Taiwan relations and a common commitment to freedom, democracy and human rights. I have included a copy of the First Lady's speech to be entered into the CONGRESSIONAL RECORD.

As a strong proponent our nations' unbreakable bond with Taiwan, I want to thank Madame Chen Wu for her statement in support of the American people and our war against international terror. All Americans greatly appreciate President and Mrs. Chen's heartfelt message of unity and solidarity with our nation in our greatest time of need. Additionally, I want to express my admiration for Mrs. Chen Wu, whose undeniable courage in the face of adversity has helped create a future filled with prosperity and hope for her people.

As Co-chairman of the Congressional Taiwan Caucus, I am hopeful that we can build on Madame Chen Wu's visit, which will only serve to enhance and strengthen U.S.-Taiwan relations and cooperation.

FRIENDS INDEED

(By Madam Chen Wu, Sue-jen)

Honorable Members of Congress, the best friends of Taiwan: It is a most honorable and warm moment for me to be able to come to the Capitol Hill, in the capacity as the First Lady of Taiwan, to meet so many good friends in the U.S. Congress. Standing here, I feel a strong sense of affinity and goodwill.

Although my husband cannot come with me on this trip, you should know that after 27 years of marriage, what I say here today should not be objectionable to him!

What I mean is my husband cherishes my opinions. If he were coming here to give a speech in person, he would certainly consult me beforehand and put my ideas into his remarks.

You might think that I am joking, but don't forget, when I was elected a Legislator in 1986, President was my legislative assistant, and I was his boss!

The first thing I would like to say is that the friendship between Taiwan and U.S. is very strong and everlasting. The fact that I am here to see you in the Congress is a sure sign of this. Indeed, in Taiwan there are countless government officials, university professors, and high-tech professionals who received higher education in the U.S. They brought home not only advanced knowledge and skills, but also the American values of democracy, freedom and human rights. Thus these values stimulated not only our economic advancement, but also our democratization.

In 1979 this great democratic institution passed the Taiwan Relations Act, which explicitly affirms that the U.S. will help Taiwan defend itself and expresses the American concern for Taiwan's commercial development and human rights. The Act even states that "the preservation and enhancement of the human rights of all the people on Taiwan are hereby reaffirmed as objectives of the United States." Thanks to such support, we are able to enjoy such remarkable political and economic achievements today, and it is easy to understand why the Taiwan people deeply appreciate the U.S. standing here in the Congress, which represents all the American people and their democratic system. I would like to say thank you to all of you from the bottom of my heart.

Through our political reforms over the past years, Taiwan has become a democratic country that fully embraces the values of freedom and human rights. As a result of the 2000 presidential election, Taiwan undertook the unprecedented challenge of the first democratic transition of power in its history. Now we are proud to say that Taiwan is a genuine, consolidated democracy. This undeniable fact will enable Taiwan to sail stably into the future on the sea of democracy.

Today you can hear all kinds of opinions in Taiwan, and sometimes the controversies seem quite serious. However, if you ask the Taiwan people whether they would like to go back to the old days when the freedoms of speech and ideas were deprived of, I don't think you will get a single positive answer. Simply put, the concept of democracy and freedom upheld by the Taiwan government today is: "Even though I don't agree you, I swear to protect your freedom of speech."

Out of that spirit, political leaders such as President Chen and Vice President Lu, even though they previously suffered as political prisoners, hold no grudges or hatred. Likewise, some people might think that a person like me confined to a wheelchair should be angry about the past. But, on the contrary, we are all filled with joy at Taiwan's democratic achievements. In fact, because of our opportunity to help bring about Taiwan's democracy, the little sacrifice we made became a reward in itself.

Many political scientists wonder why Taiwan was able to experience the democratic process more peacefully and smoothly than many other countries in the "third wave" democratization. I think the main reason is that the current political leaders have the magnanimity to sow the seeds of love in the place of hatred.

People in Taiwan believe in the universal values of freedom, democracy, and human rights. Taiwan's security is more enhanced than before as a result of its progress in democratization. It is also for the same reason that we have so many good friends in the United States of America. And not only here, but also in other democracies; for example, the European Parliament recently passed a resolution expressing strong support for Taiwan. The beautiful smile of democracy is indeed the best protector of Taiwan's security. A basic mission of Taiwan's democratic government is to handle cross-Strait issues with a responsible attitude as well as to participate in international affairs in ever more positives ways.

A year ago, the American people suffered the terrible attacks of September 11. The Taiwan people felt the same shock and sadness. Since this tragedy, Taiwan has tried hard to cooperate with the United States and the International community to play an active role, for example through exchanges of anti-terrorism intelligence and efforts to counter money laundering. Taiwan's government has also cooperated intensively with nongovernmental organizations to provide humanitarian assistance to the innocent people of Afghanistan, to cultivate love and hope in the devastated Afghan mountains. We will continue to work with the international community to help Afghanistan and enable the Afghan people to put disaster behind them and rebuild their sense of hope.

On the anniversary of September 11, the Taiwanese people continued to feel sorrow for the attacks. Two weeks ago, President Chen called together all our top government officials to review Taiwan's actions in combating terrorism. He also delivered an anti-terrorism declaration reaffirming his support to the American-led global coalition against terrorism.

Taiwan is a true friend of America. We stand with America now and we will stand with America forever!

Although my husband is not able to visit you this time, I bring his greetings to you. It will be my pleasure to bring your goodwill back to President Chen, to the government and to the people of Taiwan.

Thank you, my dear friends. Thank you!

VISIT OF PRESIDENT LEO FALCAM OF THE FSM

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Ms. WATSON of California. Mr. Speaker, I rise today to highlight the visit of The Honorable Leo Falcam, President of the Federated States of Micronesia.

This year marks the 57th year of the United States presence in the territory of what are now called the Freely Associated States or FAS. The U.S. took possession of many of the islands comprising the modern FAS during WWII and has exercised various forms of political oversight since that time. On July 18, 1947, the U.S. Government began to administer to the FAS as a United Nations Mandated Strategic Trust known as the United Nations Trust Territory of the Pacific Islands. The charge to the United States from the United Nations went well beyond administering the Trust Territory Article Two. Article Six of the Trusteeship Agreement added four specific tasks to the U.S. mission: "The administering authority shall promote (1) . . . the development toward self-government or independence

. . . (2) the economic advancement and self sufficiency . . . (3) . . . the social advancement . . . and (4) . . . the educational advancement of the inhabitants."

Mr. Speaker, as the former Ambassador to the Federated States of Micronesia, I was charged by President Clinton to uphold our Compact of Free Association and represent the United States. The FSM became freely associated with the U.S. in 1986. The Compact Agreement is currently being renegotiated, and a new Compact Agreement is imminent. The goal of the new Compact is to provide the FSM with the funding and tools to become an economically independent and viable democratic nation.

Chuuk, Kosrae, Pohnpei and Yap are the four states that comprise the FSM. They are located in an area called the Western Pacific, just north of the Equator. Spread across more than a million miles of ocean, the island states are made of 607 islands, but only 65 are inhabited. The total land area of the islands is 271 square miles, with Pohnpei having about half that land area and the rest equally divided among the three states. The FSM's estimated population is just over 100,000 people.

The seat of the FSM government resides in Palikir on the island of Pohnpei. Mr. Speaker, today I have had the distinct honor, along with several of my distinguished colleagues, to meet with the President of the Federated States of Micronesia, the Honorable Leo Falcam.

Mr. Speaker, President Falcam has served the FSM with distinction his whole life. President Falcam served at the highest levels during the Trusty Territory days up until now. He has played a key role in the island nation's struggle for self-determination. He was formerly the Governor of Pohnpei, Member of Congress, and now the President.

Mr. Speaker, I especially want to note that the Federated States of Micronesia has always been a loyal friend and staunch supporter of the United States. This bond of friendship is demonstrated by the fact that the FSM has been one of the United States' most reliable friends in the United Nations as well as other international fora.

I also want to note that a number of citizens of the FSM currently serve in the U.S. military and that President Falcam's son is a Marine Lt. Commander, currently stationed in Okinawa—a fact of which I know President Falcam is particularly proud.

Mr. Speaker, a new compact is currently being negotiated by the United States and the FSM. It is my understanding that many of the issues have been resolved and that a new Compact is close to being approved by both sides. While a number of important issues remain to be resolved—such as the level of funding and decrements and future commitments of FEMA—I am confident that a new Compact will be approved by the Congress and signed by the President in the next year that allows the Federated States of Micronesia to realize their long-term goals of economic and political self-sufficiency.

WELCOMING QUEEN SIRIKIT OF THAILAND TO THE UNITED STATES

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. ROHRABACHER. Mr. Speaker, it is with great honor that I rise to welcome the visit of a great friend of our country and our sacred principles of liberty and democracy, Her Majesty, Queen Sirikit of Thailand. Queen Sirikit will arrive in Washington on October 4 to begin a two week visit. Her Majesty will also travel to New York to further her charitable activities. And in Houston, Her Majesty will be presented with the University of Texas M.D. Anderson Cancer Center Award for Humanitarian Service, recognizing her lifelong dedication, not only for improving the health and well being of the people of Thailand, but for her international leadership in health and the environment.

I have long admired the Queen and her distinguished husband, His Majesty, King Bhumibol, who has led Thailand to a half century of peace and prosperity. Our long, constructive relationship with the government and people of Thailand dates back to the Presidency of Andrew Jackson whose administration, in 1833, negotiated and signed the Treaty of Amity and Commerce. This treaty was the first of its kind that our young Republic had signed with any Asian nation. It ushered in a 169 year period of mutually beneficial economic, cultural and security relations.

Thailand is one of only five Asian countries with whom we have finalized a bilateral security agreement. Each year the armed forces of Thailand join with our own military to stage "Cobra Gold" maneuvers, the largest such operations involving U.S. forces in the Asian continent. And, economically, United States, remains the primary destiny for Thailand's exports, while Thailand itself ranks as high as 22nd largest market for U.S. exports. On all levels, led by the Royal Family, Thailand can clearly be considered our friend.

Queen Sirikit has worked tirelessly to improve the lives of those disadvantaged in society, be they in Thailand or elsewhere. For the past 46 years, Queen Sirikit has served as the President of the Thai Red Cross Society. In this role, her Majesty has been the leading protector of thousands of refugees who have fled turmoil and tragedy in neighboring countries. Her Majesty has paid similar close attention to her own people. To increase the income of the country's rural families, Her Majesty has initiated many projects, such as the Foundation for the Promotion of Supplementary Occupations and Techniques, better known as the SUPPORT Foundation. This should serve as an outstanding example for other developing countries. Queen Sirikit understands that, if Thailand is to enjoy long-term prosperity, rural people must have hope for their future.

A multitude of distinguished organizations have honored her work. The Food and Agriculture Organizations of the United Nations has awarded her the distinguished Ceres medal. Her work for the rural poor of Thailand led Tufts University to award her an Honorary Doctorate in Humane Letters. Similarly, her solicitude for the health of both Thais and Cambodian refugees prompted Great Britain's Royal College of Physicians to award her an Honorary Fellowship.

I ask all members of the House to join me in welcoming Queen Sirikit to the United States. I know that many of us have been invited to attend an event which Her Majesty will be presiding over at the Library of Congress in the evening of Wednesday, October 9, which will feature an exhibition of the work and activities of the SUPPORT Foundation. I look forward to seeing many of my colleagues there to extend our admiration and best wishes to this great friend of the United States.

PAYING TRIBUTE TO MARIE BARKMAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. McINNIS. Mr. Speaker, it is with great sadness that I recognize the life and passing of Mrs. Marie Barkman of Pueblo, Colorado. Mrs. Barkman passed away just four days shy of her 104th birthday, and as her family mourns their loss I would like to pay tribute to her memory and the extraordinary contributions she has made to her community.

Mrs. Barkman was a leading philanthropist in her community, and made a real difference through her community service projects and charities throughout the City of Pueblo. Mrs. Barkman and her husband Frank, funded over one million dollars for the construction of two libraries, one in the Belmont area and the other on the South Side of Pueblo. They also contributed another $100,000 to the construction of another library in Pueblo West. In addition to providing the citizens of Pueblo with modern library facilities, Mrs. Barkman also contributed generously to Pueblo's YMCA and the El Pueblo Boys Ranch. –

It was for the dedicated generosity of their time and money that Mr. and Mrs. Barkman were named 1991 "Citizens of the Year" by the Pueblo Chamber of Commerce. Mrs. Barkman found purpose and happiness in her life not through the pursuit of material possessions but in the joy and satisfaction that comes with helping others. It is through her pure intentions and tireless energy that she put toward her good works that Marie Barkman became renowned throughout Pueblo as a caring benefactor and a friend to all who knew her.

Mr. Speaker, it is with solemn respect and honor that I recognize Mrs. Marie Barkman before this body of Congress and this nation for the benevolent contributions she has made to the City of Pueblo. She was truly an outstanding figure that has left a legacy of goodwill and generosity that will benefit succeeding generations throughout the state for generations to come. Although we mourn the loss of Mrs. Marie Barkman, her life and spirit will live on in the literally thousands of lives she impacted through her generosity and caring spirit.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Wednesday, October 2, 2002 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 3

Time to be announced

Conferees

Meeting of conferees on H.R. 4, to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people.

2123, Rayburn Building

9 a.m.

Rules and Administration

To hold hearings to examine the nomination of Bruce R. James, of Nevada, to be Public Printer, Government Printing Office.

SR-301

Foreign Relations

To hold hearings to examine the nominations of Richard Allan Roth, of Michigan, to be Ambassador to the Republic of Senegal, and to serve concurrently and without additional compensation as Ambassador to the Republic of Guinea-Bissau; Joseph Huggins, of the District of Columbia, to be Ambassador to the Republic of Botswana; and Robin Renee Sanders, of New York, to be Ambassador to the Republic of Congo.

SD-419

9:30 a.m.

Commerce, Science, and Transportation

To hold oversight hearings to examine park overflight regulations.

SR-253

Banking, Housing, and Urban Affairs

To hold oversight hearings to examine the Administration's national money laundering strategy for 2002.

SD-538

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD-366

10 a.m.

Finance

To hold hearings to examine the final report produced by the President's Commission to Strengthen Social Security.

SD-215

Intelligence

To resume joint hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001.

SH-216

10:30 a.m.

Foreign Relations

To hold hearings to examine the nominations of Maura Ann Harty, of Florida, to be Assistant Secretary of State for Consular Affairs; Kim R. Holmes, of Maryland, to be Assistant Secretary of State for International Organization Affairs; Francis X. Taylor, of Maryland, to be Assistant Secretary of State for Diplomatic Security, and Director for the Office of Foreign Missions, with the rank of Ambassador; and Ellen R. Sauerbrey, of Maryland, for the rank of Ambassador on the Commission on the Status of Women of the Economic and Social Council of the United Nations.

SD-419

11 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the nomination of Nancy C. Pellett, of Iowa, to be a Member of the Farm Credit Administration Board, Farm Credit Administration.

SR-328A

2:30 p.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings to examine Title IX, the equal treatment of women in education focusing on the sciences.

SR-253

Banking, Housing, and Urban Affairs

To hold hearings to examine the nominations of Armando J. Bucelo, Jr., of Florida, to be a Director of the Securities Investor Protection Corporation; Alberto Faustino Trevino, of California, to be an Assistant Secretary of Housing and Urban Development; Diana E. Furchtgott-Roth, of Maryland, to be a Director of the Federal Housing Finance Board; Carolyn Y. Peoples, of Maryland, to be an Assistant Secretary of Housing and Urban Development; Deborah Doyle McWhinney, of California, to be a Director of the Securities Investor Protection Corporation; John M. Reich, of Virginia, to be Vice Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation; and Rafael Cuellar, of New Jersey, and Michael Scott, of North Carolina, each to be a Member of the Board of Directors of the National Consumer Cooperative Bank.

SD-538

OCTOBER 4

9:30 a.m.

Joint Economic Committee

To hold hearings to examine the employee situation focusing on September 2002.

1334, Longworth Building

10 a.m.

Foreign Relations

To hold hearings to examine the nominations of John Randle Hamilton, of North Carolina, to be Ambassador to the Republic of Guatemala; John F. Keane, of Virginia, to be Ambassador to the Republic of Paraguay; and David N. Greenlee, of Maryland, to be Ambassador to the Republic of Bolivia.

SD-419

11 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the nomination of Philip Merrill, of Maryland, to be President of the Export-Import Bank of the United States.

SD-538

OCTOBER 7

1:30 p.m.

Health, Education, Labor, and Pensions

To hold hearings to examine the nomination of Mark McClellan, of the District of Columbia, to be Commissioner of Food and Drugs, Department of Health and Human Services.

SD-430

2 p.m.

Judiciary

To hold hearings to examine pending judicial nominations.

SD-226

OCTOBER 8

9 a.m.

Governmental Affairs

To hold hearings to examine the nominations of Ruth Y. Goldway, of California, to be a Commissioner of the Postal Rate Commission; and Tony Hammond, of Virginia, to be a Commissioner of the Postal Rate Commission for the remainder of the term expiring October 14, 2004.

SD-342

Governmental Affairs

To hold hearings to examine the nomination of Ruth Y. Goldway, of California, to be a Commissioner of the Postal Rate Commission; and the nomination of Tony Hammond, of Virginia, to be a Commissioner of the Postal Rate Commission.

SD-342

9:30 a.m.

Environment and Public Works

To hold oversight hearings to examine the current implementation of the Clean Water Act.

SD-406

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine perspectives on America's transit needs.

SD-538

Governmental Affairs

Oversight of Government Management, Restructuring and the District of Columbia Subcommittee

To hold hearings to examine the current system of regulation of the herb ephedra and oversight of dietary supplements.

SD-342

Judiciary

Business meeting to consider pending calendar business.

SD-226

2 p.m.

Judiciary

To hold hearings to examine the Feres Doctrine focusing on the examination of military exception to the Federal Torts Claims Act.

SD-226

2:15 p.m.

Foreign Relations

Business meeting to consider pending calendar business.

S-116, Capitol

2:30 p.m.

Banking, Housing, and Urban Affairs

International Trade and Finance Subcommittee

To hold oversight hearings to examine instability in Latin America focusing on U.S. policy and the role of the international community.

SD–538

OCTOBER 9

Time to be announced

Health, Education, Labor, and Pensions

Business meeting to consider the nomination of Mark B. McClellan, of the District of Columbia, to be Commissioner of Food and Drugs, Department of Health and Human Services.

Room to be announced

10 a.m.

Judiciary

Technology, Terrorism, and Government Information Subcommittee

To hold hearings to examine new laws implemented by the Administration in the fight against terrorism.

SD–226

2:30 p.m.

Banking, Housing, and Urban Affairs

Housing and Transportation Subcommittee

To hold oversight hearings to examine affordable housing preservation.

SD–538

POSTPONEMENTS

OCTOBER 8

10 a.m.

Judiciary

Constitution Subcommittee

To hold hearings to examine the detention of U.S. citizens.

SD–226

HOUSE OF REPRESENTATIVES—*Thursday, October 3, 2002*

The House met at 10 a.m.

The Reverend Robert G. Hobson, Sun City, Arizona, offered the following prayer:

Our Father, as we pause in Your presence, we acknowledge You as our God. We are grateful for every Member of this United States House of Representatives.

We pray for every Representative as they seek to determine Your will and direction for this great Nation. Our Father, we commit each one to You in anticipation that You will be pleased to demonstrate Your will in and through each person and in every decision reached.

To this end, our Father, we entrust to You every person in this great body in anticipation of Your blessing and wisdom. May each be keenly aware that with regard to Your wisdom, it is not a matter of one's ability or inability but, rather, their availability to You and to this great Nation that righteousness and justice will be achieved. We thank You, our Father, in advance for all that You are going to accomplish in and through each Representative during their deliberations today.

In Jesus' name we pray, Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MCNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MCNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Colorado (Mr. HEFLEY) come forward and lead the House in the Pledge of Allegiance.

Mr. HEFLEY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 3214. An act to amend the charter of the AMVETS organization.

H.R. 3838. An act to amend the charter of the Veterans of Foreign Wars of the United States organization to make members of the armed forces who receive special pay for duty subject to hostile fire or imminent danger eligible for membership in the organization, and for other purposes.

The message also announced that the Senate has passed bills and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 1226. An act to require the display of the POW/MIA flag at the World War II memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial.

S. 1972. An act to amend the charter of the AMVETS organization.

S. 2980. An act to revise and extend the Birth Defects Prevention Act of 1998.

S. Con. Res. 143. Concurrent resolution designating October 6, 2002, through October 12, 2002, as "National 4-H Youth Development Program Week".

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will take one 1-minute at this time. Other 1-minutes will be postponed until the end of business today.

WELCOMING THE REVEREND ROBERT G. HOBSON

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, it is my great and good fortune on behalf of the dean of our Arizona delegation, BOB STUMP, chairman of the House Committee on Armed Services and the Member from the Third Congressional District of Arizona, to welcome his constituent and our guest chaplain, Robert G. Hobson, to the floor of the United States House of Representatives today.

Reverend Hobson has served in the capacity of pastor, Bible teacher and evangelist; and he has spoken throughout our great Nation, Canada, the United Kingdom, Europe, Australia, Japan, and the Philippines, ministering in countless churches, Bible colleges, youth conventions, and seminars.

Mr. Speaker, for the past 40 years, Reverend Hobson has been the international field representative for the Capernwray Missionary Fellowship of Torchbearers, whose headquarters are located near Lancaster, England. We are pleased that he brings his unique perspective on the good news to the floor of the House of Representatives today.

Mr. Speaker, I know that you and our colleagues join us in thanking our guest chaplain, Robert G. Hobson, his lovely wife, family and friends who join us on this great occasion. Thanks again to our guest chaplain, Reverend Robert Hobson, of Sun City, Arizona.

THE JOURNAL

The SPEAKER. Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MCNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 327, nays 53, not voting 51, as follows:

[Roll No. 437]

YEAS—327

Abercrombie
Ackerman
Akin
Allen
Andrews
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Collins
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☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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□ 1029

So the Journal was approved.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.J. RES 112, MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2003

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 568, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 568

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 112) making further continuing appropriations for the fiscal year 2003, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate on the joint resolution equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

The SPEAKER pro tempore (Mr. ISAKSON). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 568 is a closed rule providing for the consideration of H.J. Res. 112, making continuing appropriations for the fiscal year 2003. The rule provides 1 hour of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the joint resolution and provides one motion to recommit.

Mr. Speaker, H.J. Res. 112 makes further continuing appropriations for the fiscal year 2003 and provides funding at current levels through October 11, 2002. This measure is necessary in order that all necessary and vital functions of government may continue uninterrupted while Congress continues its work on the spending measures for the next fiscal year. Accordingly, Mr. Speaker, I urge my colleagues to pass both the rule and the underlying resolution, H.J. Res. 112.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Well, Mr. Speaker, Republicans' shameful refusal to lead the House continues today. We are into the new fiscal year, and this House has still only passed 5 of the 13 appropriation bills.

Now, Republicans have been turning back flips to try to shift the blame for their own shameful failures. They like to say it is the fault of the other body that the House has not done its work, but we all know how an appropriations bill becomes a law. The Constitution requires the House to pass it before the other body can.

Mr. Speaker, there is nothing to stop House Republicans but themselves. And what is stopping them? Simply put, some Republicans are afraid to vote for the cuts in education, health care, and other priorities that most members of the Republican Conference seem to support. So Republican leaders have quit even trying to do the work Americans elected them to do.

While House Republicans refuse to do their work, Mr. Speaker, millions of Americans would be happy just to find a job. After all, America is suffering through the weakest economy in 50 years, and a recent Gallup Poll found that 52 percent of Americans believe the economy is getting worse. Frankly, it is hard to argue with them.

Long-term unemployment is at an 8-year high, and some 2 million Americans have lost their jobs. The Census Bureau reports the number of people living in poverty has increased, and the median household income has dropped. Corporate scandals, the massive criminality at Enron, WorldCom, and the like, have rocked the economy and devastated the retirement plans of millions of Americans. After the worst quarter for the S&P 500 since 1987, millions of Americans are dreading the arrival of 401(k) statements, statements that may now look more like 201(k) statements.

Overall, the stock market has lost $4.5 trillion in value since Republicans took control in Washington a year ago January. And the Dow has hit a 4-year low.

What has been the response of the Republican House during this troubled time? They refuse to stop corporate expatriates who flee overseas to avoid paying their fair share in taxes and who leave other Americans stuck with the bill, and they refuse to extend unemployment insurance for all Americans suffering in this economy.

Mr. Speaker, this is a shameful failure of leadership. I do not think it is going to end as long as Republicans control the House of Representatives.

But there is one important step we can take today. We can finally allow the House to vote on the education funding necessary to implement the bipartisan No Child Left Behind Act.

At the appropriate time, I will oppose the previous question. If it is defeated, we will amend the rule to provide for a fair vote on the appropriations bill for the Department of Labor, Health and Human Services, and Education.

Since Republican leaders cannot decide how to bring up this critical bill, we would offer Members several options. The Committee on Appropriations chairman could bring his bill to the floor. Conservatives and their Republican Conference who have seemed so interested in slashing education spending so far could bring up their version, and the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations, could bring up his bill.

In addition, my amendment to the rule would require the House to immediately consider legislation extending unemployment benefits to the millions of American workers who have exhausted those benefits and have no immediate prospects of finding employment. And to help spur the creation of jobs in the country, we will call on the House to consider economic stimulus legislation before we adjourn for the elections. This body has wasted enough valuable time. We have only a few days left to do the people's business; and by defeating the previous question, perhaps we can start taking care of the business we were sent here to do.

Mr. Speaker, I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members that it is inappropriate to use cell phones on the floor of the House.

Mr. HASTINGS of Washington. Mr. Speaker, I have no requests for time at this point, so I reserve my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume, and then I will yield to the gentleman from Wisconsin (Mr. OBEY) for 8 minutes.

Is this not extraordinary? We have no appropriation bills coming out of the Congress; we have a continuing resolution for another week, and the Republicans cannot even produce a single speaker to defend their position. They want this to slip on through. They just want us to vote on this and leave town and the American people not notice that they are unwilling to do the people's business. Extraordinary commentary on the lack of leadership on the Republican side.

Mr. Speaker, I yield 8 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, ever since Labor Day this Congress and the President have been focused almost exclusively on Iraq, and there is absolutely no question that we will soon be at war. Meanwhile, the economy is showing serious signs of stress, and this body is doing virtually nothing about it.

Only 10 percent of our domestic appropriation bills are in place for the coming year. We are looking down a deep economic shaft with very little light at the end of the tunnel. We are in danger of leaving for the election with almost nothing being done to help provide that light, and there is a lot of talk in this institution about simply passing a series of continuing resolutions and then finally kicking all of these problems over until after the election, conveniently.

Mr. Speaker, the rules of this House are designed to help the House leadership address problems. Instead, on this occasion as they have been used on so many other occasions, they are being used to avoid problems. And then, even though we have only passed five of the 13 appropriation bills required in this House, we have some Members of this House who sound like the great Alibi Ike of the Cosmos, because they look for somebody else to blame for the fact that we have not been able to do our own job. I think that that has to stop.

I think people need to understand just how bad it would be if this government were to function on a continuing resolution for any significant period of time. That action would put the economy at high risk, in my view. It will virtually guarantee that almost nothing will be done about our economic problems. Political positions of both parties on a variety of issues will harden, and we will come back after the election, and we will be faced with a large supplemental request for Iraq, and the need to pass all of next year's fiscal 2004 appropriation bills. That will create a huge incentive to simply extend last year's spending patterns through the coming year, and that will have very bad effects on the economy. It will also lead to a lot of nasty and unintended consequences.

Example: it will leave a number of agencies funded at levels significantly below where they need to be, and many of those agencies will be at the center of our efforts to protect our people against terrorist threats. But we will also have other programs for which spending will be at higher levels than Congress expected or intended.

Example: the highway spending that is in the continuing resolution right now is $4 billion higher than the level it was intended to be under the Republican budget resolution. And also, we have an anomaly, which means that the National Institutes of Health, which both parties have promised to increase by 15 percent this year, we will have the National Institutes of Health funded at $3.8 billion less than the President's budget. That does not make any sense. But that is what is going to happen if this House continues to avoid its responsibility to bring up the Labor-Health bill and other appropriation bills.

The problem we have is there is an impasse within the Republican caucus between conservatives and moderates over what spending levels ought to be on education and on the Labor, Health and Education bill in general. And because of that impasse, the leadership is refusing to bring that bill up, and they are also acquiescing to the demand of a few hard-liners in their caucus that because they do not bring up the Labor-HHS bill, they should not bring up any other appropriation bill either.

Well, I sent a letter to the Speaker trying to propose a way out of this box, and I suggested that the Speaker allow the President's education budget to come to the floor; in fact, bring the whole Labor-HHS bill to the floor, bring the President's budget to the floor, if you want, allow the Republican caucus to offer a substitute to that, and allow the minority to offer our substitute, and let the chips fall where they may. It does not guarantee an outcome, but it does move the process forward.

In the past, many times, past Speakers have allowed controversial bills to go forward, even when they could not guarantee a result, because they understood the gravity of continuing on a long-term continuing resolution and all of the programmatic harm that would do to the country and the economy. So the very least that the majority should do, instead of just passing another CR, is to bring to the floor the Labor, Health and Education bill so we can meet our primary domestic responsibilities.

Mr. Speaker, I think we ought to do something else. We have a very shaky economy, and in the midst of that, we are going to be dislodging Saddam Hussein. He is a bad actor, we will all welcome his departure, and no doubt that departure would be good for the people of Iraq. Sanctions would be lifted, they would have a renewed opportunity for a better life. But our economic problems here at home will still remain, and the economic problems of people who live along the Mississippi will not be taken care of by whatever we do on the Tigris and Euphrates rivers.

We also need to have an economic stabilization package that recognizes that things are dangerously different here at home than they were when the majority passed its budget resolution and its tax provisions a year ago.

In addition to putting the Labor, Health and Education bill on the floor so we can face up to our choices rather than avoid them on that issue, we also ought to see an economic stabilization package on this floor that would include, for example, extension of unemployment insurance, a strengthening of the safety net for programs for families hit by economic weakness, help to small business and farmers who are losing their ability to pay for health insurance, protections for investors, and protection for workers' pensions, additional infrastructure funding to provide for immediate job growths and, if I may be so bold, I know we are not supposed to say that nasty word around here, but we also do need a restructuring of the tax cuts to focus more of those cuts on low- and middle-income taxpayers struggling to get by and less on the economic elite which is doing quite well in comparison to their less well-off neighbors.

□ 1045

That is what we ought to do if we were in the business of solving problems, but it appears to me that, with the exception of dealing with Iraq, this House is going to be essentially a bystander.

As a practical matter, we have a government shutdown as far as the House of Representatives is concerned, so the gentleman from Florida (Mr. YOUNG) is stuck with the responsibility under these circumstances of bringing another CR to the floor when we all know that he would prefer to meet his responsibilities, as we would prefer to meet ours.

But we are not being given that opportunity because of an internal war within the Republican caucus. In my view, the Republican leadership needs to bring that bill to the floor. Their refusal to do so is nothing, in my view, but a confession of either incompetence or irresponsibility, I am not sure which.

So I would urge, Mr. Speaker, that we vote down this rule, that we vote down the previous question on the rule, so that we can bring something back to the floor which represents a real and broad-based attack on the economic problems facing this country.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Speaker, I thank the gentleman from Texas for yielding time to me. I appreciate his leadership, and the leadership of the gentleman from Wisconsin (Mr. OBEY).

Mr. Speaker, the success or failure of any nation or any endeavor is determined by the leadership it has and the decisions they make. This Congress was sent here by the people of this country to make decisions and to do the people's business, and to represent the people of this country in a responsible way and make decisions for the common good, and not serve special interests.

It is amazing to me that we continue to not have appropriations bills on the floor of this House to deal with the people's business and to accomplish the tasks for which we were sent.

I am reminded of the old joke that they tell in my part of the country: Do not worry about the mule going blind, just load the wagon. We act like we do not know what we need to do.

This is not complicated. We know how to deal with this. Blaming somebody else; let us just find somebody, it does not matter who, but let us blame it on somebody else; let us blame it on the other body, on somebody down the street. Let us just blame somebody. It is always somebody else's fault.

We cannot stand as a Nation to continue to ignore the business of the people. We must be responsible.

The economy, to say the economy is not doing well is a gross understatement. We have a war at our doorstep. We have a war on terrorism that we have been fighting for over a year, and we have not dealt with issues pertaining to those two great concerns.

The cost of health care is skyrocketing, and taking money out of the economy at such a rate that none of us know how we are going to deal with it; yet, we cannot get to the floor of this House the business of the people.

We have been up here playing games since Labor Day trying to make it look like somebody is doing something, when the fact is we have not accomplished a frazzling thing since we got back after Labor Day. At the very least, bring it to the floor and let us vote on it.

We have asked, and the Blue Dog Coalition that I am a member of repeatedly has asked, the other side of the aisle, we have asked the leadership in the Republican Party, just work with us; just talk to us. We can figure this out. Let us do the job. Let us do the job that we were sent here to do.

We are not asking them to agree with us, we are just asking them to talk with us about it. Bring it to the floor and let us vote on it. When we work together, there is nothing we cannot do. But when everything has to be done in accordance with the Republican leadership, and when they are making bad decisions like they are right now, it makes it very difficult to get the job done.

It is the American way. This is what this Congress was established for. Let us bring it to the floor and take care of it.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, I guess the chickens have come home to roost. A long time ago, the first thing we did practically in this Congress was pass a big tax bill. Some of us stood down here and said, hey, we ought to figure out what we need to spend before we decide we are going to give a lot of stuff away; but the leadership on the other side of the aisle said, do not worry, there is plenty of money. There is no problem. Just trust us.

Well, there are a lot of hospitals and a lot of schools and a lot of people out there trusting them, and what they see is that they have given it all away, and they will not even admit it. If they would just get up and say, we have made a mistake, we should not have done that, we should maybe go back and rethink what we did.

But I understand their theory. Their theory is when they make a mistake, just keep saying it and pushing it, even if it does not make any sense. They were out here yesterday on the marriage tax penalty. They have been out here every week with something.

What really ought to aggravate the American people in the way they have handled this budget, when I come in here, I fly in here from Seattle. I get here at 4 o'clock on a Tuesday for a vote on a couple of post offices being renamed on Tuesday night. Then we have a little something on Wednesday, and on Thursday we are out, and I am on that plane at 5 o'clock.

I am on the ground less than 48 hours in this town. If Members call that a good week's work for a good week's pay, I have to tell the Members something: Most of the people in the world have to at least work 40 hours. They cannot even keep their people here to work on the problem, but they would rather say, let us just have a continuing resolution. It is going so well, let us let it go on.

Why do we not just pass a continuing resolution until the first of March and give up this charade. What they are going to do is 1 week at a time, and then they are going to take the next one, which will be up to October 18. Then they will say, well, we ought to do it after the election, so we will do the 17th of November; and then, of course, well, we will do December 15; and then we will come in on January 10; and then come in again, and we will finally get to work in February.

They ought to be ashamed of themselves that they do not bring the bills out here. Bring them out here, and we will see. They should bring out whatever they can agree on. Since they do not want to talk to us about what they are bringing out, they should bring out their best shot and put it on the floor here. But no, they want to talk about Iraq, and they want to talk about a lot of other things, but they do not do the business of the House.

We ought to vote this rule down and bring out the bills.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Speaker, I appreciate the gentleman's yielding time to me, and I regret we are here maintaining the status quo for another 7 days.

The status quo for 6,700 people in the First Congressional District of Indiana is unemployment. The status quo for many of those 6,700 people who have probably permanently lost their job in the domestic steel industry and in other industrial facilities is that they have now also permanently lost their health care. Their status quo for the next 7 days is to pray that they, their spouses, and their children do not have an injury and that they do not get sick.

Many of those 6,700 people in the First Congressional District of Indiana who have lost their job have been forced into early retirement. They were promised a pension. The status quo for a good number of those people who were promised a pension is that they will get less than they were promised because the companies they worked for are some of the 37 that have entered into bankruptcy over the last several years.

We have had programs over the last several years under the Clinton administration to help reduce class sizes so that the children in the First Congressional District could receive the best education possible, so hopefully, if jobs ever return to the First District, they would be eligible for them; but we are talking about the status quo and not reducing class sizes over the next 7 days.

We are the status quo Congress, and given the market's collapse, given the recession that we are in, given the deficit that has been created, I think we have much better things to be doing today than maintaining the status quo.

I hope that the rule is defeated.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield such time as he may consume to the distinguished gentleman from California (Mr. DREIER), chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule.

I have just heard my friend, the gentleman from Indiana, talk about the status quo. The status quo is that we want to keep the government going; we do not want it to shut down. That is really the alternative we are faced with right now.

What we are dealing with is a continuing resolution that will go from October 4 to October 11. Now, people have been talking about the fact that we have this unprecedented situation, and we have never been in these dire straits before when it comes to the process of appropriations.

It is true, we may be moving into new territory, but we have done some of our work here. It is clear that we have passed 5 of the 13 appropriations bills. As the gentleman from Florida (Chairman YOUNG) pointed out in his testimony before the Committee on Rules yesterday, we basically have six other bills in the bullpen ready to go that we would like to consider.

I do not want to spend a lot of time talking about history here, but, Mr. Speaker, Members should realize that we have, in the past, to my knowledge, never had a time when the minority did not fail to offer a budget. This year we know there was no alternative, so our friends can talk and say, shame on you, and we should be embarrassed and all; but our friends on the other side of the aisle, Mr. Speaker, have not come up with a proposed budget. We know that the only entity to pass out a budget was the House of Representatives. We did it with Republican support, and it was the Republican budget that moved ahead.

If we look at the past, Mr. Speaker, we also have had times where we have dealt with continuing resolutions going back to 1990, when we saw a continuing resolution that was vetoed by the President. We saw one of the subcommittees have a continuing resolution that lasted an entire year.

So yes, this is a challenging time for us. We are trying to get a continuing resolution passed for October 4 to October 11 so we can get our work done dealing with the very challenging situation. We have been able to deal with the very, very tough times since September 11 of last year, providing basically about $100 billion, and we have stepped up to the plate and done that.

So we are at a time of war. This is a war on terrorism that we are dealing with. That has created many of the challenges that we have.

However, I hope we will be able to come together and work on this process. I want to congratulate the gentleman from Florida (Chairman YOUNG) for the fine work he is doing in trying to move this process along.

Let us pass this rule, let us pass this continuing resolution, and let us continue working as hard as we possibly can to get our work done.

□ 1100

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I have great respect for the gentleman from California (Mr. DREIER), who just stated that we Democrats had no budget. If the gentleman who is the chairman would listen for a moment, I believe he will agree that when I appeared before the Committee on Rules asking that the Blue Dog budget be made in order, we were denied an opportunity to bring it to the floor of the House because it did not meet the preconceived notion of what a budget ought to look like. I keep hearing this and we will hear it again today time and time again, but it does not speak the truth because some of us do want to bring a budget to the floor of the House.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding. I am sorry that I did not hear exactly what the gentleman said earlier, but let me say that you recall in the past that what we have done and what we have tried to do this year was to have a complete budget package that was put forward and not an amendment process, and we went through this debate earlier when we went through it. And the gentleman and I disagree on that, but I think it is very clear to state for the record that from our interpretation we did not have a complete budget substitute that was put forward.

Mr. STENHOLM. Mr. Speaker, the gentleman is exactly correct in the way he states it, but that is not the way this body should work. We should not have preconceived notions of what the budget ought to look like and deny the minority an opportunity to even have an amendment. And that is what has caused us to be in the position we are in today, in which we, the House, have not passed but five appropriations bills and yet my friends on this side stand up and blame the other body because we have not done our work.

And I would ask that the gentleman on the Committee on Rules in this rule today, do we have a continuation of the pay-go rules and the discretionary caps, or have we allowed them to expire?

Mr. HASTINGS of Washington. Mr. Speaker, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Speaker, there is no pay-go on this. This is just appropriations only.

Mr. STENHOLM. Mr. Speaker, so we do not have pay-go and discretionary pay caps in this amendment. I understand that this is a CR that continues all programs at last year's levels; and, therefore, a pay cap is not necessary. I understand that. But I take this to the floor today to notice that the Blue Dog Democrats and I believe a large number of my other colleagues on this side are going to insist that when we get into a CR that takes us into a lame duck session or a CR that takes us into next year or a CR that takes us into the next century, based on the way this House is being run, we think there ought to be some meaningful pay-go rules, and they ought not be allowed to expire.

And I would appreciate in the discussion if the finger pointing would stop and most of us, and when I point the finger at my friends over here, I always acknowledge three are coming back at me. But it is an interesting dilemma where it has gotten us to the point in which we are not doing our work on education, on any of the much-needed Medicare/Medicaid rules; and yet all we can do here is point the finger at the other body.

Let us do our work, and you will be surprised what kind of help you get if you allow us to debate these issues instead of stonewalling as you did on the budget.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have to agree with the gentleman and the points that were made by several Members that have spoken today, it does not do us any good to point fingers; but there are some things that have happened that we cannot ignore that we are dealing with. And one of the things that we are dealing with is that we have not passed a budget in the Congress. That makes it very, very difficult for both Houses to deal with their appropriations process with the same numbers. That is the difficulty. And, again, it does not do any good to point fingers at that, but that is the fact.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I thank my friend for yielding me time.

Mr. Speaker, I rise in opposition to this rule. In the summer of 2001 the majority came to this floor with its tax cut proposal and told us the following: for the new budget year that we are heading into, for every $100 that we were going to spend, we would have about $115 of income coming in without touching Social Security.

Well, they underestimated the impact of the recession. They understandably could not foresee the impact of September 11, and they irresponsibly went ahead with the tax cut in the face of good economic judgment.

So where we do stand today? For every $100 we are scheduled to spend, we do not have $115 coming in. We have $90, $90.

The reason that we do not have a budget on the floor is the majority does not want to confront the hard consequences of that problem that it created, because there are only three choices. The first choice is to slash education, health care, environmental protections, veterans benefits, lots of things that lots of people on their side support. So they cannot bring to this floor appropriations bills that do that and pass them.

The second option would violate a seeming religious principle of the majority which would be to renegotiate the size and speed of the tax cut, which is what a rational, sensible approach to this problem would be; but it violates the creed of the Republican Party, so that is off the table.

The third option is to do what we are going to do after the voters have spoken on November 5, and that is to cover the hole in the budget by spending Social Security money. The majority does not want its Members to face the electorate in 33 days and explain they voted to run this government by spending Social Security money. So rather than renegotiate their sacred tax cut, rather than bring to this floor a budget bill that would reflect the conscience of the choice they irresponsibly made in 2001, they are playing rope-a-dope with the American public.

So we will come back next week and pass another extension and the week after that and pass another extension. The problem with this rule and the problem with this continuing resolution is that it misrepresents the choices that confront the American public. The majority is going to run the government by spending Social Security money. We object to that. And we forcefully object to the unanimous consent that they will not talk about the consequences of making that choice. We should defeat this rule. We should sit down as Republicans and Democrats, renegotiate this country's budget, pull us back out of the red, pull our economy back up, and stop the charade that we see on the House floor today.

Mr. FROST. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, the important thing for those of us who share the responsibilities of this Nation is, of course, to make sure that the government works for the people. And so we are on the floor today to deal with what we call a continuing resolution. We do this in the shadow of war and the costliness of $100 billion that may be spent on a preemptive unilateral strike by this White House. But I think the important thing that should be focused on is the needs and the hurts of the American people.

I may use the 18th Congressional District to suggest that I know that there are good people working here on both sides of the aisle. I know the appropriators are trying to work steadfastly. But here is what is happening to the American people while we are stalemated, if you will, around appropriations. Take the 18th Congressional District in Houston, Texas. We have got agencies that deal with child care that are literally shutting down because working parents who are trying to make ends meet do not have the funding for child care. We do not have the 100,000 teachers promised that was made a couple of years ago, so that there are 16,000 fewer teachers being trained. We find with the new numbers in poverty that there are now 1.3 million families living in poverty. In my own congressional district and State we have got 700,000 homeowners that have no insurance. We have as well those who are losing their benefits of Medicare and Medicaid because our Labor-HHS bill that covers education and Medicare and Medicaid has not yet been funded.

And so what we do on this floor is so vital; it absolutely impacts the matters of life and death for our constituencies. And here we are with a continuing resolution because Republicans refuse to recognize that the multibillion dollars tax cut that was rendered some months ago must be ceased and stopped so that we can focus ourselves on providing the needs of the American people in a bipartisan manner. I hate to go home to my seniors who are making choices between their prescription drugs and paying their rents and their mortgages. I hate to go home to young mothers who want to work who have moved off welfare but cannot function because they have no child care. I hate to go home to my inner city schools because they are overloaded in their classrooms.

Vote against this rule and get back to work on behalf of the American people.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Speaker, I thank the gentleman from Washington for yielding me time.

Mr. Speaker, I rise today in support of this rule and in support of the continuing resolution. I have listened to some of the debate this morning and have heard a number of my Democratic colleagues harshly critical of this continuing resolution. I do not know whether they intend to vote for the continuing resolution or not; but as we all know, a vote against the continuing resolution is a vote to shut down the government. And while we are struggling to finish this appropriations process, and it is a struggle, today the Republicans are going to make it very clear that we do not think that we should shut down the government while we work out the differences that we still have.

So we are going to pass this continuing resolution today. I hope we have support from my Democratic colleagues on that. Judging from the discussion so far this morning, I am not terribly optimistic; but I hope we will because, as I said, we should keep the government open while we resolve these differences.

As always for the CR itself, frankly, I would not write it. If it were up to me, I would not write it exactly this way, but it is a short term CR; it does not take us terribly long into the future. Hopefully, it will take us past the time in which the defense appropriations bill will be signed into law. That is about half of the discretionary spending in this process, and that will give us a chance to revisit this issue. And if we have not worked out the rest of the appropriations bills, we can refine and improve and hopefully perfect the continuing resolution that might be required at that point. If we can do that, I will support that CR. If we cannot improve it and correct the flaws, then I will vote against that continuing resolution.

But the point is as we go through this process we Republicans are responsibly trying to struggle through a difficult process to work out our differences and pass the spending bills necessary for this government. And it is a difficult process for a simple reason. We think there ought to be some budgetary restraints. We think there is a point at which we have got to say to the American people what we have said twice on this floor when we have passed the budget resolution, a second time when we have passed the deeming resolution acknowledging that as an operative budget.

What we said is we have got huge new needs for funding this war on terrorism. We have got huge new expenses we have got to incur to protect our homeland. And given those huge new expenses which we all accept, we have got to tighten our belts in some of the other areas of government where we cannot afford to keep growing all of these programs at three, four and five times the rate of inflation, as we have in recent years.

What we are simply saying is we need a little bit of restraint in these other areas of government. Now, there would be an easy solution to this and it is the solution that would draw a tremendous majority of votes on the Democratic side of this aisle, and that would be to forget about the budget and just spend a whole lot more. Maybe we could just agree to whatever number is being floated at the other end of this building or maybe a higher number still because the objection on this side of the aisle is that we are not spending enough money.

Well, my colleagues, we have been spending too much money for too long. We have got legitimate needs in defense and homeland security. It is time to tighten our belts in the other areas.

Mr. Speaker, I urge my colleagues to support the continuing resolution and continue this struggle for a responsible budget.

Mr. FROST. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. PHELPS).

Mr. PHELPS. Mr. Speaker, I rise in opposition to the previous question.

Mr. Speaker, as we debate another continuing resolution, and there is talk of recessing until after the elections, I am concerned we have not addressed all 13 appropriations bills and extending unemployment benefits.

Congress enacted a budget last year based on projections of a $5.6 trillion surplus. Several Members warned about the danger of making decisions based on projected surpluses that might not materialize, but our warnings were ignored. One year later the projections have turned out to be wrong and we are looking at large deficits and a growing national debt.

Circumstances have changed dramatically since we enacted the Republican budget last year. The projections turned out to be too optimistic, revenues are much lower than expected, we face tremendous new expenses for homeland defense and the war on terrorism and a possible war with Iraq. But the Republicans refuse to consider any changes to their budget policies in response to the changed circumstances.

We understand that circumstances have changed greatly in the past year. We understand the economy is in turmoil and we are facing a war on terrorism but that does not give us an excuse to not come up with a budget. We should not ignore our responsibility to the American people.

The American people have shown a tremendous willingness to make sacrifices to help win the war on terrorism, just as they did in World War II. But instead of asking all Americans to make sacrifices to pay for the war on terrorism, the administration and Republican leadership are paying for the war with borrowed money, leaving the bill to be paid for by someone else in the future.

In my congressional district in central and southern Illinois, there is a high unemployment rate and the economy is suffering. Mr. Speaker, I am concerned because the Republicans refuse to extend unemployment benefits to the millions who have exhausted benefits and need help now. Unemployment is at an all time high and median household income has dropped. The stock market has lost millions and the Dow is at a low.

Mr. Speaker, I am concerned we are going to leave these important issues unaddressed until after the elections.

Oppose previous question and let us get on with doing the people's business.

□ 1115

Mr. FROST. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, the continuing resolution before us is an indictment of the Republican majority. They have failed to help the unemployed, failed to rescue the economy, failed to complete the appropriations process and failed the American people.

If the previous question is defeated, I will introduce a package that contains the CR we are debating today, extends unemployment insurance, brings the Labor-HHS bill to the floor so that we can move the appropriations process forward, and calls for an economic stimulus package to get this country moving again.

Meaningless sense of the House resolutions will not get it done, Mr. Speaker. Passing continuing resolutions to avoid tough choices is not going to get it done either. There is an unfinished agenda of issues that mean something to the middle-class Americans, Mr. Speaker, and Democrats want to help them, even if Republicans do not.

By defeating the previous question, the House can take up this economic package and reverse the economic decline that the Republicans have brought us. Let us get America back to work again.

I urge a no vote on the previous question.

The material previously referred to by Mr. FROST is as follows:

AMENDMENT TO H. RES. 568

OFFERED BY MR. FROST

Strike all after the resolved clause and insert:

That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 112) making further continuing appropriations for the fiscal year 2003, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate on the joint resolution equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

SEC. 2. (a) Immediately after disposition of H.J. Res. 112, the Speaker shall declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5320) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2003, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points or order against provision in the bill are waived. No amendment to the bill shall be in order except those specified in subsection (b). Each such amendment may be offered only in the order specified, may be offered only by the Member specified or his designee, shall be considered as read, shall be debatable for one hour equally divided and controlled by the proponent, and shall not be subject to amendment. All points of order against such amendments (except those arising under clause 7 of rule XVI) are waived. If more than one of the amendments specified in subsection (b) is adopted, only the last to be adopted shall be considered as finally adopted and reported to the House. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

(b) The amendments referred to in subsection (a) are as follows:

(1) An amendment in the nature of a substitute by Representative Shadegg of Arizona.

(2) An amendment in the nature of a substitute by Representative Obey of Wisconsin.

(3) An amendment in the nature of a substitute by Representative Young of Florida.

Sec. 3 Immediately after disposition of H.R. 5320, the House shall without intervention of any point of order consider in the House the bill (H.R. 5491) to provide economic security for America's workers. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) an amendment in the nature of a substitute offered by Representative Thomas of California or his designee, which shall be in order without intervention of any point of order (except those arising under clause 7 of rule XVI), shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

Sec. 4. (a) On the legislative day of Thursday, October 10, 2002, immediately after the third daily order of business under clause 1 of rule XIV, the House shall without intervention of any point of order consider in the House the bill specified in subsection (b). The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except; (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) an amendment specified in subsection (c), which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

(b) The bill referred to in subsection (a) is a bill that Representative Thomas of California shall introduce on or before the legislative day of October 7, 2002, on the subject of economic stimulus and that Representative Thomas shall designate as introduced pursuant to this resolution.

(c) The amendment referred to in subsection (a) is an amendment in the nature of a substitute consisting of the text of a bill that Representative Rangel of New York shall introduce on or before the legislative day of Wednesday, October 9, 2002, on the subject of economic stimulus and that Representative Rangel shall designate as introduced pursuant to this resolution.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 206, nays 198, not voting 27, as follows:

[Roll No. 438]

YEAS—206

Akin
Armey
Bachus
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Stearns
Sununu
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—198

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Gutierrez
Hall (TX)
Harman
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—27

Aderholt
Baker
Callahan
Clayton
Cooksey
Davis, Tom
Deal
Ehlers
Fattah
Green (TX)
Hastings (FL)
Hilleary
Kennedy (MN)
Lampson
Mascara
McKinney
Napolitano
Platts
Roukema
Roybal-Allard
Schrock
Souder
Stump
Sullivan
Tanner
Tauzin
Waxman

□ 1141

Mr. HILL and Mr. UDALL of Colorado changed their vote from "yea" to "nay."

Mr. LEACH and Mr. REGULA changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. SULLIVAN. Mr. Speaker, on rollcall No. 438 I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. ADERHOLT. Mr. Speaker, on rollcall No. 438 I was attending a White House briefing on Iraq. Had I been present, I would have voted "yea."

Mr. KENNEDY of Minnesota. Mr. Speaker, on rollcall No. 438 I was at the White House for a briefing on Iraq. Had I been present, I would have voted "yea."

Mr. PLATTS. Mr. Speaker, on rollcall No. 438 I was attending a White House briefing on Iraq. Had I been present, I would have voted "yea."

Mr. EHLERS. Mr. Speaker, on rollcall No. 438 I was detained at a meeting in the White House and could not return to the House floor before the vote concluded. Had I been present, I would have voted "yea."

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3781

Mr. SMITH of Washington. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3781.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.J. Res. 112, making further continuing appropriations for the fiscal year 2003, and for other purposes, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2003

Mr. YOUNG of Florida. Mr. Speaker; pursuant to House Resolution 568, I call up the joint resolution (H.J. Res. 112) making further continuing appropriations for fiscal year 2003, and for other purposes.

The Clerk read the title of the joint resolution.

□ 1145

The text of House Joint Resolution 112 is as follows:

H.J. RES. 112

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 107–229 is further amended by striking the date specified in section 107(c) and inserting in lieu thereof "October 11, 2002".

The SPEAKER pro tempore (Mr. ISAKSON). Pursuant to House Resolution 568, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Chairman YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.J. Res. 112 is the second continuing resolution for fiscal year 2003. It will extend the current CR until next Friday at midnight, October 11.

The terms and conditions of the initial CR will remain in effect. All ongoing activities will be continued at current rates under the same terms and conditions as fiscal year 2002.

I will briefly mention them again for Members. It will continue all ongoing activities at current rates, including supplementals, under the same terms and conditions as fiscal year 2002.

The term "rate for operations not exceeding the current rate" continues to be defined as stated in OMB Bulletin No. 01–10.

As in past CRs, it does not allow new starts, and it allows for adjustment for one-time expenditures that occurred in fiscal year 2002.

It continues the eight funding or authorizing anomalies in the original CR.

Mr. Speaker, this CR is non-controversial. I urge the House to move this legislation to the Senate so that the government can continue to operate until we have that glorious day when we conclude all of the appropriations bills.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, let us be thankful that the millions of American children who just started the new school year have better things to do than to watch proceedings on the House floor, because if they were, they would be learning some terrible lessons from the Republican leadership.

Lesson 1: 2 plus 2 equals 3. That is what we call the GOP's "fuzzy" math. And that is what enabled our Republican friends to enact enormous tax cuts for the wealthiest Americans while still pretending that they are committed to a balanced budget, deficit reduction and priorities like education.

Lesson 2: Say one thing, do another. Our Republican friends have voted 7 times over the last 3 years to put our Social Security surpluses in a so-called lockbox, and then they have turned right around and passed a budget that raids those surpluses to the tune of $2 trillion.

Lesson 3: Do not do homework because, as this Republican leadership has demonstrated, we do not even need to worry about completing the basics.

While our Republican friends act like they are on a permanent summer vacation, the truth is they simply have become congressional truants. On this, the third day of the new fiscal year, this House has failed to complete work on even 1 of the 13 appropriations bills.

Since Members returned from the August district work period, we have not considered one spending bill on the floor of this House. Not one. Rather than bring up the energy and water bill, we are loading up the suspension calendar. Rather than consider the foreign operations bill, we are spending time on sense of House resolutions. Rather than doing the work that the American people expect to be done, we are in session for only 3 days again this week.

While we dither, the American people suffer the consequences, and our economy is tanking. A real Patients' Bill of Rights, stalled by the GOP leadership. A real prescription drug benefit for seniors under Medicare, blocked by the GOP leadership. Pension reform that protects workers and legislation to eliminate offshore corporate tax havens, disregarded by the GOP leadership. An increase in the minimum wage and an extension of the unemployment insurance benefits, a critical step that we ought to be taking, ignored by the GOP leadership.

Mr. Speaker, this leadership would even undo important bipartisan legislation that we have already passed. After all the fanfare about the No Child Left Behind Act, our Republican friends would slash spending on the act's programs by $90 million, and they call for the smallest increase in education spending in 7 years.

Today, as we pass this second continuing resolution, let us be thankful that America's children are hard at work at school doing what is expected of them, because we are not. Unfortunately, the same cannot be said of us.

Mr. Speaker, I see the gentleman from California on the floor, and with the last remaining seconds I have, the gentleman from Texas (Mr. DELAY) may speak. The gentleman will come up here and say, "Look at what the Democrats did."

Mr. Speaker, I came here in 1981. For the next 6 years with a Republican President and a Republican United States Senate, we ran up the largest deficits in the history of America. From 1993, under Bill Clinton, until the time he left, for 8 straight years we brought the deficit down and came into surplus. We have now squandered that $5.6 trillion, and we are down to zero, and the economy is hurting. Let us do better.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, I seldom try to put words in the mouth of other Members, but I listened carefully to the gentleman from Maryland (Mr. HOYER), and I think he did misspeak on one particular issue. The gentleman emphasized that the House had not considered one appropriations bill. The fact of the matter is that we have sent to the Senate the Defense bill, the Legislative branch bill, the Military Construction bill, the Interior bill, and the Treasury-Postal Service bill. We have passed those through the House.

In addition, I would add that the Agriculture bill, the District of Columbia bill, the Energy and Water Development bill, the Foreign Operations bill, Transportation bill, and the Labor-HHS-Education bill are all ready to be considered at a moment's notice. We will mark up the VA-HUD bill next week. The committee has been very aggressive in meeting its responsibilities.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, the gentleman is correct. The chairman of our committee, and our committee, in my opinion, has tried to act as responsibly as we possibly can, and I count myself advantaged by having the opportunity to serve on the gentleman's committee, one of the fairest people on the floor of this House.

However, I think I did not misspeak, and what I said was during the month of September, the month before the end of the fiscal year, we have not considered one appropriation bill on the floor of this House. I agree with the gentleman from Florida (Chairman YOUNG). My bill was one that passed. But in September not one bill have we considered on the floor.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3½ minutes to the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Mr. Speaker, I thank the gentleman for yielding me this time. I appreciate the gentleman's tireless efforts as chairman of the Committee on Appropriations, never giving up and never stopping trying, even though some Members of this body and the other body would try to present him with an impossible task.

Mr. Speaker, we know it is a challenge, especially since 9/11, with the increased costs of national security, of fighting the war against terrorism, of homeland security, and the domestic needs of this Nation, we know it has been a terribly difficult task to try to come up with budgets. Nevertheless, this House has risen to the occasion and has followed the law requiring us to adopt a budget and then to specify the details of how we are going to allocate the overall spending among the various subcommittees.

As the gentleman from Florida (Mr. YOUNG) has mentioned, we have been responsible in doing that in this House. The bill for which I have responsibility through the Subcommittee on Treasury, Postal Service and General Government cleared this House July 24, 2.5 months ago. The other body has yet to bring its counterpart to the floor. We cannot proceed on that bill because only one House of Congress has acted. We see that pattern, unfortunately, repeated over and over. The law requires both Houses of Congress to enact a budget so that we know how much we have to spend so we can divvy it up.

This body, the House of Representatives, has done so. The other body, despite the legal requirement that it do so and should have done it back in April, still has not done it. No wonder we have gridlock and deadlock.

I would call upon Members of this House that has a complaint to talk to their Member of the other body, to talk to the people who bear the title of Senator and tell them we need their help. We need them to be constructive. We need them to talk about the overall numbers.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind the gentleman and all Members that it is not in order to characterize the Senate, or the "other body," for any inaction or all other inappropriate remarks should be avoided.

Mr. ISTOOK. Mr. Speaker, that is why I talk about the law, because it is certainly appropriate for the other body to follow the law, as this House has done and as we hope both bodies would.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman will suspend. Out of an abundance of caution for the debate, and to clarify, any inference to the other body as breaking the law would be inappropriate under the same rule of the House.

Mr. ISTOOK. Mr. Speaker, that is why I characterized it as being totally appropriate for the other body to follow the law.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would advise Members that the rules of the House are specific, and oblique references will be recognized when appropriate by the Chair.

Mr. ISTOOK. Mr. Speaker, what we do in our everyday lives as families, we sit around the kitchen table and we say, this is how much we have, and this is what we would like to accomplish. And we make decisions, tough decisions. I would like for every Member of this House to help us in making these difficult decisions.

We did not know we were going to have the attacks of 9/11. We did not know we were going to be looking at another war on the other side of the globe. We did not know that we would have the economic problems that have surfaced, and yet we are trying to do our best. But some Members, their only answer is whatever we are doing is not good enough, because the only answer is to spend more money. That is not always the answer.

□ 1200

Mr. Speaker, we have got to have people who take a constructive look at things rather than being naysayers. We have got to have people who say, look, this is where we will have to cut back if we want to get back to a balanced budget instead of having deficits return and continue; if we want to make sure we follow the policy that the majority in this House has done for the last several years, balancing the budget without using Social Security receipts to do so. We have increased in recent years education spending some 150 percent since the majority changed in this body. Yet some people accuse us of not being sensitive toward education. That is just not so.

I appreciate the efforts of the leadership of this House and the gentleman from Florida. I suggest that we should adopt this continuing resolution and have every Member of this body stop the naysaying and get constructive.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. UPTON). The Chair would remind all Members that are on the House floor that they need to be dressed in appropriate attire for them to be on the floor.

Mr. OBEY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I am going to give the gentleman who just spoke the "Alibi Ike of the Cosmos" award. He is essentially saying, "Gee whiz, folks, the reason that we can't pass these eight appropriation bills is because if we do, the other body won't have passed them, and so therefore it's them there other guys' fault."

I do not think that is a very impressive argument. I know of absolutely no reason whatsoever that the House has not been able to deal with the HUD appropriation bill, with the transportation appropriation bill, with the Labor-H bill, the Commerce-State-Justice bill, the agriculture bill, the foreign ops bill, the energy and water bill, and the District of Columbia bill. Nothing whatsoever is preventing this House from taking up those bills and sending them to the other body except the internal war which is going on in the majority party caucus which has created a situation in which the gentleman from Florida is not being allowed to bring these other bills to the floor.

So I would suggest, folks, nobody is going to be impressed by blaming somebody else for your own inaction. Once you have passed those bills, then you will have a right to squawk at the Senate. Until then, who are you kidding? You are just passing the buck, and you know it as well as I do.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. KNOLLENBERG), chairman of the Appropriations Subcommittee on the District of Columbia.

Mr. KNOLLENBERG. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise to support, obviously, the continuing resolution, and I want to commend Chairman YOUNG for all the hard work that he has put into this year's appropriations process. I think he has one of the most difficult jobs of anybody here in the House, but he continues to do an outstanding job. I salute him.

This continuing resolution is an essential bill, and I strongly urge my colleagues to support it. The appropriations process is not an easy one. I do not think it ever has been. All we can do is take the situation we have and do the best we can. The Committee on Appropriations has produced a series of excellent bills that are ready for the floor and that we will bring to the floor when the leadership of this House determines that it is time. We have done our job and they are doing theirs.

I, myself, chair the Subcommittee on the District of Columbia, and we had a bill pass committee this last week. Working closely with the gentleman from Pennsylvania (Mr. FATTAH), I believe we have produced a bill that is bipartisan and one that this House can support. I know it will move through the legislative process in due course.

I am not going to engage in any blame game today, and I do not think it benefits anybody in this House for any of us to do so. We all want to pass the appropriations bills. But even if this House had passed all 13 bills, we would still be here to pass a CR, since many of the bills would undoubtedly still be in conference. That is a fact. It is hard to gain consensus within this House and Congress. We have not stopped trying. We will finish our work; but in the meantime, we will pass this CR to ensure that no Federal program will go without any funding and that no Federal agency will shut down.

I urge all my colleagues to support the continuing resolution.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Speaker, first of all I want to congratulate the chairman for all the good work and his patience in dealing with a very, very difficult issue. I just heard the gentleman from Michigan say about blaming. I really think it is inappropriate to kind of start blaming people, and I think it is important that we work together. The good news is we will resolve the issue. I think what is complicating this matter is that we are coming close to an election time and generally that sometimes creates problems here in this body which is in essence a political body. The chairman has been working very hard. All the subcommittees have been working hard. I think the leadership on both sides will come together after we finish the election in November, and I think we will leave here doing the people's business. I am optimistic with regard to that.

This resolution is important because, in our area, we are going to be funding embassy security which everyone wants to do and do well so we do not have another Tanzania or another bombing in Kenya or Karachi, which we had. We also are funding the FBI. The FBI obviously is a fundamental backbone of the homeland security issue. Within that we have language training. We have the technology for Trilogy so the FBI can share the data, the information. We are also funding the INS. Who would not want to do that particularly at this very, very difficult time? Also, this money will be very helpful in these days of hearing about Enron and WorldCom, the Securities and Exchange Commission is funded through this. This is a good thing to do. It ought not be controversial. This is not new. No one should assume that this is the first time that this has ever happened, that the Congress has passed continuing resolutions. My sense is that we may actually pass fewer continuing resolutions this year than has been done in the past.

Let us do this. Let us find a day that we can recess, come back and finish the people's business before the end of the year so the government can work well. I think we will do that. I again thank the chairman for his patience in a very, very difficult job and all the Members that are working together, knowing that we will resolve this and do the people's business.

Mr. OBEY. Mr. Speaker, I yield myself 3½ minutes.

Mr. Speaker, I think the last speaker has just revealed what the problem is in this place. We are being told that we will eventually get together after the election and get these problems solved. The fact is that when we come back after the election, we will have a huge Iraq war supplemental facing us, we will have the need to pass next year's appropriation bills, and we will never get to these unless we do our work now.

The second point I would make is that much has been made of the fact that the other body has not passed a budget resolution. In fact, in fiscal year 1999, this Congress never agreed to a budget resolution. Despite that fact, by October 1, the House had passed 12 of its 13 appropriation bills. So that demonstrates to me that if there is a will to address issues rather than avoid them, that you can get things done. It happened in 1999.

The only reason we are wrapped around the axle now is because the hard right of the majority Republican caucus does not want to pass any education bill except the President's budget-level bill, and a lot of other Members in the Republican Party recognize that that would be politically disastrous to them because the public does not want to bring to a screeching halt the 5-year progress we have made in expanding education resources all around the country. They do not want to put a freeze on per-pupil education spending after 5 years of strengthening spending for education.

And so we get all these red herrings. People say, "Oh, we have not passed a budget resolution," or "The Senate has not acted." The fact is we are here stuck for only one reason, because the majority party leadership has lost control of its own caucus, they do not know what to do, and as a consequence they are punting. That may not hurt in a football game, but it eventually will hurt every single school district that needs to know how to plan, it is going to hurt students who need to know what they are going to get on Pell grants, and in addition to that it is going to hurt the country if we do not move on to do our other jobs, such as expanding unemployment insurance, doing something to help small business with the cost of their health care plans. I cannot walk into a small business in my district where someone does not say to me, "My God, I don't know how we can afford to keep our health insurance for our employees because of the cost."

This place has been in a shutdown since Labor Day. We all came back here with the expectation we would be dealing with appropriation bills. The gentleman from Florida has been blocked from doing his job, and I have been blocked from doing my job because of an internal war in the majority party caucus. It would be good for the country if that war would end. Now. Not after the election. The public has a right to know where we stand on education, where we stand on the environment, where we stand on housing before the election, not after the election. We are hell-bent to have a vote on Iraq 2 or 3 months before anybody thinks that we are going to war; but, no, we cannot have a vote on the budgets that are already expired for the year so we can deal with our own problems here at home.

I have one message to the majority party leadership in this House: Shape up. Do your job. Meet your responsibilities instead of running away from them and trying to hide until after the election. You must think you have a pretty lousy case if you are hiding it until after the election.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM), a member of the Committee on Appropriations.

Mr. CUNNINGHAM. Mr. Speaker, my colleagues on the other side would lead us to believe that Republicans are mean, that they do not care about education, that they do not care about a prescription bill, that they do not care about health care. They say, Oh, well, it's your leadership. You are okay. Like our leadership does not care about those issues. Our leadership and our Republican Members have children and families just like you do. We have grandparents and we have our mothers and our fathers to take a look at. I resent the implications of my colleagues on the other side.

It is an election year. We are weeks away from an election. We watch every speaker on that side of the aisle come up with partisan attacks, either about education or health care or prescription drugs, tax breaks for the rich, which is a socialist mantra that they have taken on. We did put Social Security in a trust fund. For 40 years they used every dime out of the Social Security trust fund. But we are in a wartime, ladies and gentlemen. We are spending a lot of money. Alan Greenspan and the economists said that the tax relief that Republicans put through actually accounts for 1.5 percent of the 3 percent growth that we are having in our economy. Interest rates are low. Inflation is low. The one area that is lacking is the stock market. The Senate has not passed the security act that will protect those people, and they have not passed that bill. The House has. As for a patients' bill of rights, we passed prescription drugs. The other body has not. At least if they pass it, we could come to a conference on it. It has not happened.

As for pension reform that was badmouthed by the gentleman from Maryland, 118 Democrats voted for it along with Republicans on pension reform. The other body has not acted upon that bill. I would tell my colleagues on the other side, your leadership did not vote for pension reform.

□ 1215

Mr. OBEY. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from California (Mr. GEORGE MILLER), the ranking member of the Committee on Education and the Workforce.

Mr. GEORGE MILLER of California. I thank the gentleman from yielding me this time.

It is most unfortunate, Mr. Speaker, that we are here again today once again extending the time limit on the passage of the appropriations bills under the guise of a CR. When we passed No Child Left Behind, we told the school districts of this Nation and the States of this Nation that if they would engage in the most dramatic reforms of this program in 30 years, that we would adequately fund those reforms in terms of professionalization of teachers, teacher recruitment, on directing more money to poor children and schools that do not have adequate resources to provide a first-class education.

Last year's funding level does not do the trick. School districts have already started this school year that carry them through our fiscal year. School districts in March will have to make determinations, certainly in California, about laying teachers off. If we have a CR that goes to March, if the Federal money is not forthcoming, then we start the process once again of starting and stopping reforms.

We have laid out a 12-year timetable to have all of our children proficient. We have laid out a timetable for schools to make adequate yearly progress in improving the test scores and proficiency of each and every student in the schools. That is the commitment we make; those are the reforms we imposed. But the other part was accountability. It was about schools being held accountable, about teachers being held accountable, about students being held accountable. But where is the accountability when the Congress cannot pass the Health and Human Services appropriation which includes the Department of Education? Where is the accountability when we do not have the fund for the next fiscal year in place so the schools can count on that and make the changes that are going to be required?

These reforms are very expensive. We believe they are worth it. We believe on a bipartisan basis they are worth it. We believe as a Congress with the President of the United States that they are worth it.

But we have no education bill. We simply do not have it. It is not a political trick. We do not have the bill. It is not here. It was promised to us, the first bill up when we returned from the August break. It is now October and no bill. It is not that the Senate does not have it; it is that we have not done it.

We have not done it because some on the other side of the aisle are insisting that we go to the President's numbers, which are not sufficient to allow us to carry out not only the school reforms, but many of the other educational projects in this country. Those numbers are not sufficient. The President, I am sure, sent those numbers up here knowing that Congress would add to them.

We think it is more important that we add to them. We have bipartisan agreement that they should be added to, and part of the caucus on the Republican side is arguing that they will not vote for the bill because it does not provide sufficient education funding. Another part says it provides too much. And for that reason we do not have a bill today.

For that reason we are here with a continuing resolution because, if I understand the chairman of the Committee on Appropriations and the ranking member, the rest of the bills we are fairly close on. But this is the logjam, this is the log that is crossways in the stream on the appropriations bill, because until this is resolved, no other bills can be resolved.

So now we have a continuing resolution. What that does is it bites into the planning, it bites into the reforms that we have offered for the Nation's schools' children, and we know as a Nation these reforms are desperately needed. These standards must be met if America's children are going to take place in the American society of the future, of America's future economy. If these children are going to participate to their full potential, these reforms are necessary, but they must be funded.

In fact, the easiest thing for a State superintendent to do is say Congress missed the deadlines on funding; I am off the hook. We should not allow that to happen. We have got to have an education bill, and I would hope that this contest in the Republican caucus would get resolved and we could get on with the children's business and the children's education in this Nation.

Mr. YOUNG of Florida. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Ohio (Mr. BOEHNER), who is chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Mr. Speaker, I want to thank the gentleman from Florida (Mr. YOUNG), chairman of the Committee on Appropriations, and congratulate both him and the gentleman from Wisconsin (Mr. OBEY) for dealing with what is a very difficult year. And I think part of this debate is a bit disjointed because we are looking at the second half of the process, the appropriations process, when, in fact, we know the first half of the process, the budget process, has fallen apart.

The House did its job back in April, passed our budget, made our decisions. Our friends on the other side of the aisle offered no alternative, and there was no vote, but the House did, in fact, pass a budget.

The Senate has yet to pass a budget. There has been no agreement between the two bodies on the numbers, and as we know, the appropriations process without a budget resolution, without some agreement on the overall numbers, cannot go very far.

But I think it is important to remind our colleagues that there was no budget, and I am going to remind my colleagues once again what Dave Broder said over the last several months when he said, "When the House was debating its budget resolution, the Democrats proposed no alternative of their own." "Rather than fake it, Democrats punted."

"The budget resolution," he went on to say, " . . . is designed to be the clearest statement of a party's policy priorities. As long as they are silent, the Democrats cannot be part of serious political debate.''

The fact is we still have not seen a budget from the other side of the aisle. We still have no resolution on the budget, and as we look toward the issue of education, I was proud to work with the gentleman from California (Mr. GEORGE MILLER), who just spoke before me, to produce the No Child Left Behind Act. We have had a tremendous increase in education funding over the last 5 or 6 years, some 300 percent increase in special education funding; 113 percent increase in funding for Title I, the largest of the programs designed to help poor schools and poor children to get a better shot at a decent education.

And my colleagues do not have to take my word for it. Let us take the National Journal. The National Journal points out that over the next 5 years, if we look at the increases, education is up 40 percent. The only two programs that are higher over the next 5 years in the President's budget are Medicaid and Federal correctional activities. And, it goes on, the 40 percent increase over the next 5 years is more than what the President calls for for increases in national defense at 27 percent and increases in Federal law enforcement at 28.6 percent.

Obviously two of the highest priorities that we have in the country today are getting significant increases, and yet education still comes in at a much higher increase, and we have to remember this is on top of what this Congress and this President have done over the last 2 years to meet our commitments to help poor kids.

Now, the gentleman from California (Mr. GEORGE MILLER) knows, and I think the gentleman from Wisconsin (Mr. OBEY) knows, that we are going to meet our commitments to ensure that no child is left behind. We are going to meet our commitments, and we are going to make sure that this law works so that every child in America, regardless of their race, regardless of their income, and regardless of where they live, get a decent education. We know that all kids can learn. We have to ensure that all kids have an opportunity to learn.

So I would urge my colleagues rather than to throw partisan barbs here on the House floor, why do you not bring a budget, why do you not show us how you are going to get there, why do you not help us make the decisions that we need to make in order to move this along?

Mr. GEORGE MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. BOEHNER. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Just two points, Mr. Speaker. One is members of the Democratic caucus did offer a budget, or tried to offer a budget, the Blue Dogs. The gentleman may ask what is the gentleman from California doing making the case for the Blue Dogs' budget? I voted for it, I think, the last several years.

And the other point is could the gentleman enlighten us as to when you are going to meet these education numbers? Has the gentleman been informed when this is going to happen?

Mr. BOEHNER. Mr. Speaker, reclaiming my time, the gentleman knows there has been no agreement between the two bodies on an overall spending number, and until there is, how do we move this process along?

I have great regard for the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Florida (Mr. YOUNG) in the difficult task they have trying to move these pieces without some overall agreement on a number. One cannot run a household this way; we certainly cannot run a Congress this way.

And I think the gentleman knows full well that there is going to be an agreement. I would rather have the agreement today, but when are my friends across the aisle going to put a number on the table and say, let us begin the negotiations? As Dave Broder said in his column, as long as the Democrats are silent, they cannot be part of a serious political debate.

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I would just say to the gentleman from Ohio (Mr. BOEHNER) and the chairman of my committee we have not been silent. We offered a budget alternative. We were not allowed to put that budget alternative in place, and the fact of the matter is you can keep saying that the budget is keeping you from doing your work, but you have already reached agreement on the military construction bill in defense appropriations. We are right there. That is done. Both Houses are working on it. So that was not an impediment there.

Let us get on with the other national priority that the gentleman in the well just spoke about, and that is education. Let us do that. You were able to do tax cuts without a budget. You were able to get rid of all the money. You were able to take care of the wealthiest people in the country without a budget. But now you need a budget to take care of the poorest children in the country. I mean, you are starting to act like Enron executives. You are going to take care of us first, and then if there is anything left over, we will take care of the shareholders and employees, or if there is nothing left over, we will going bankrupt.

That is kind of where we are. We have this huge debt. We have not taken care of the poor children in the country. We have taken care of the richest people, and we cannot get a time certain as to when we will get on with the rest of the business of this country. And you say it is because you do not have a budget, but without a budget you gave away taxes. Without a budget you arrived at defense numbers, you arrived at military construction numbers, but you cannot arrive at education numbers. The argument just does not hold. It just does not hold. And we ought to reject this CR, and you ought to go back to work over the weekend and get your work done.

Mr. OBEY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, the gentleman from Ohio is suggesting that somehow because the budget resolution has not been agreed to by both parties, that we cannot proceed on appropriation bills. I would ask him when was the budget resolution approved in fiscal 1999?

I guess the gentleman has left the floor. But the answer is it was never approved, and despite that fact, this House completed action on 12 of its 13 appropriation bills.

The gentleman is desperately looking for a way to blame anybody except ourselves for the fact that this House is not doing its business. We do not need to have a budget resolution passed for the House to pass its appropriation bills. We passed a number of appropriation bills already without an agreement between the Senate and the House on a budget resolution. Why cannot we also pass the Labor-H bill? It is because the majority party leadership does not know which way to turn, and so they are spinning in circles instead. That is the problem.

Secondly, I would point out that the gentleman is talking about what is being promised in the future by the Republican budget. Let me point out I am more interested in what is being delivered, and if we take a look at the President's budget for Title I, the President's budget falls $4 billion below the promises in the bill that the gentleman from Ohio brought to the floor. So forget the promises, baby. Where is the delivery?

Then let us take special education, both parties crying all over the floor about the fact we do not provide enough for special education. When we look at the President's budget, the President's budget for education falls far below, at least half a billion dollars below, where it would be if we were to keep the increases for special education that we have had the last 5 years. Then if we take a look at the kids who are having trouble with English and need to learn English, what do you do there? You cut them 10 percent on a per-student basis under the President's budget.

□ 1230

So do not give me this baloney about what future authorization propositions you are making. I am interested in what you are delivering, and right now you are delivering zip; you are delivering nothing.

The President is suggesting we have a hard freeze on the education budget. If you are comfortable with that, bring it out. The gentleman from Texas (Mr. DELAY), the distinguished whip, is standing there grinning. He may think it is funny that he does not have the capacity to bring forth an education budget; he may think it is funny that people are losing their health insurance and the President is cutting back health programs by $1.4 billion, but we do not think that is funny.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Speaker, in these days of ongoing concern about corporate accountability and the way that we handle money and the way we describe money, one would think that fiscal responsibility would be our general practice. The rhetoric has been particularly shrill, I have noticed from the Democrats, screaming about wanting fiscal responsibility; and yet it does not seem like we are consistent here somehow today.

First of all, the fact is that Federal law requires the Senate to pass a budget resolution. The fact is that the Senate has not passed a resolution for the first time in 20 years. The resolution before us is consistent with fiscal responsibility. If we take a look at where we are, every person in our country owes $12,000. That is not good fiscal responsibility. The proposal before us is going to cut that $12,000 down by 2; at least it is going in the right direction. The Democrat plan from the Senate side says $5,000 more we are going to spend. That is not fiscal responsibility.

The simple facts are that we have a very simple plan that is being proposed by the Democrats: if you cannot afford it, just charge it. It is simple, but it is not fiscally responsible.

Mr. Speaker, we need to pass this CR and move our country ahead.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, when the Committee on Appropriations met to craft this package, it denied Amtrak's request for $1.2 billion for the coming fiscal year. The chief executive officer of Amtrak, David Gunn, said they cannot operate a national system of intercity passenger trains for less than $1.2 billion; maybe $1.1 billion, but certainly not much less than that. The Inspector General of DOT and other individual observers have said, clearly, Amtrak needs that $1.2 billion simply to continue existing operations. More is needed to bring the system up to a state of good repair; yet the Committee on Appropriations approved $762 million, far short of what is needed.

In addition, the committee included language that limits the amount of funding to operate a national network of long-distance trains to $150 million. Now, that is micromanaging Amtrak; and that is less than half of what is needed and what was available for fiscal year 2002, the just-concluded fiscal year.

That means that a dozen long-distance trains are going to be shut down in this coming fiscal year. Mr. Speaker, 13 of 18 long-distance trains will be shut down in order to reduce the deficit to $150 million. That means 2,300,000 passengers will lose service: the Sunset Limited from Orlando to Los Angeles, the California Zephyr from Chicago to Oakland, the Southwest Chief from Chicago to Los Angeles, the City of New Orleans from Chicago to New Orleans. In fact, nine of those 13 have service running through Chicago, the heartland of America's rail sector, for well over a century.

The only remaining long-distance trains will be one operating on the West Coast, the Empire Builder from Seattle to Chicago, and the New York-Florida service. We will no longer have a national intercity passenger rail system. If we simply remember and recall back to September 11, when all air service was shut down, the only way people moved, apart from personal cars and Greyhound and other intercity bus service, the mass transit system was our Amtrak system. And when these trains are gone, they are gone forever. The cost of bringing them back up will be prohibitive. That is not what this country needs, that is not what the public wants, and we should not be a Third World Nation when it comes to intercity passenger service. We ought to be a first-rank Nation.

Mr. Speaker, I urge the committee to go back, do its serious business, restore these funds. We have now a president of Amtrak who really understands railroading who, given the money, will do the job right and put our system back on its feet and make it operate appropriately.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 30 seconds simply to say that based on OMB's analysis of the continuing resolution, Amtrak would do very well on an annualized basis; their share would be $1.1 billion, and I tend to be one of those who support Amtrak and believe that the Nation has got to maintain the ability to move goods and people by rail and by highways, as well as by air. But OMB believes that Amtrak does very well under the amortized CR.

Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from Iowa (Mr. NUSSLE), the chairman of the House Committee on the Budget, which, in fact, did pass a budget this year.

Mr. NUSSLE. Mr. Speaker, I thank the chairman for yielding me this time.

I rise reluctantly today in opposition to this resolution and I would like to explain why. I support Congress taking the necessary legislative steps, since Congress has not yet passed an appropriation bill for many of the subcommittees of jurisdiction, so that we can ensure the continuous operation of the government; but I believe there is a better way to accomplish this; and, therefore, I cannot support this resolution. It is on one principled basis, and that is that we need to control spending.

The resolution provides a funding formula that I believe is flawed. The formula assumes that all one-time emergency spending passed by the Congress in response to the events of September 11 continues permanently. There is probably no better example of the problem and an illustration of this problem than the Pentagon. Under this flawed formula, funding for rebuilding the Pentagon would continue every year in perpetuity, even though the Pentagon has been rebuilt.

Last week, when the House considered its first continuing resolution, I raised this very issue in a colloquy with the very distinguished chairman of the Committee on Appropriations. I was given some assurances by the chairman that this issue could and would be addressed in future continuing resolutions; and unfortunately, this issue has not been addressed in the resolution before the House today.

It is only fair to point out that there appears to be great consensus in the Congress and in the administration that the true one-time expenses for the responses to September 11 should be just that: one-time expenses. In fact, the Office of Management and Budget has identified $16 billion of these one-time expenses. While it is said that $16 billion in one-time expenditures will not be funded again through administrative action. Congress also needs to act. It is our responsibility under the Constitution.

Therefore, Mr. Speaker, there is a better way. I hope that in future bills that they can recognize this better way, and I reluctantly oppose this continuing resolution.

Mr. OBEY. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I am amazed by what I have just heard from the gentleman from Iowa. Apparently, the gentleman is only now beginning to face what a miserable mess is often created when we have to run the government under continuing resolutions. I would simply say that there are a lot of things in the continuing resolution that the gentleman from Florida and I do not like; but the fact is, when we are prevented from doing our work in passing the regular appropriation bills, then, in the end, we are stuck with only one alternative, and that alternative is to simply run the government by formula until people come to their senses. So that is what this continuing resolution has to do.

Apparently, the gentleman from Iowa is only now beginning to understand what a mighty mess he and his colleagues have created. Now, he was talking about one-time spending, as though that is a clearly defined item, and he uses as his example the Pentagon. Well, I would point out that the Pentagon was repaired as a result of the hit that we took on September 11, but the Pentagon reconstruction project was going on before that time as well. We were upgrading safety at the Pentagon; and without those upgrades, a lot more people could have died in the hit on September 11.

So we have now one section of the Pentagon that is reconstructed with a lot more safety measures included in the rest of the building, but there are still four wings left to go. Now, I do not know how the gentleman from Iowa feels; but as far as I am concerned, we need to continue that reconstruction work at the Pentagon so that we can make all of the wings of the Pentagon as safe as the new wing has been made with its construction program. And I make no apology for the fact that that program will continue under the continuing resolution. It should and it must if we are concerned about the safety of people who work at the Pentagon.

Beyond that, I would note that another example used by OMB of one-time spending is the national pharmaceutical stockpile. Well, that is true. We spent a lot of extra money last year on that program, but now we are also being asked by the President to purchase anthrax vaccines for everybody. I assume the gentleman would like to see that continue, even though that would be defined as a continuation of a so-called 1-year expenditure. Again, I make no apology for the fact that the continuing resolution will allow that to continue.

So I think before the gentleman takes an oversimplified look at what constitutes 1-year spending, he ought to ask whether or not that spending is justifiably continued, because we have higher priorities such as keeping all of the people at the Pentagon more safe and seeing to it that this country has an adequate pharmaceutical stockpile.

I would also note the gentleman is going to be asked to provide several billion dollars in directed scoring for the defense budget. I believe the gentleman provided that last year; and yet he did not want to do the same thing for highway spending. If that is the case, that is the gentleman's prerogative, but it means that the bill that contains an important bridge in his district is not going to be able to go forward on this House floor. So when we look at the details, I think we will find reasons why some of this funding continues, even though if we take a look at a brief staff memo on it, one might conclude that it is all not worth it. I think some of it is, and I think I have just cited several cases that are.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the very distinguished gentleman from Texas (Mr. DELAY), the majority whip; but before he begins, I would like to notify the gentleman from Wisconsin (Mr. OBEY) that the gentleman from Texas (Mr. DELAY) will be the last speaker, and then I will reserve and have a closing statement.

Mr. DELAY. Mr. Speaker, I appreciate the chairman yielding me this time.

I have been down in my office watching this debate on television, and I find it very interesting. A lot of the debate is over process. Some are saying, we passed a budget, the Senate did not pass a budget; back and forth, talking about process, bringing bills to the floor, not bringing bills to the floor, and I decided to come up to the floor to try to put it all into perspective.

The point is that, yes, in process, I congratulate the chairman of the Committee on Appropriations. He has done an incredible job in trying to hold down spending and bring a little fiscal responsibility to this process.

□ 1245

The President of the United States said when he first took office that we needed to get our fiscal house in order, that we needed to restrain spending, we needed to be fiscally responsible. We wanted to keep the balanced budget that we had. We wanted to continue to pay down the debt. That is what this Republican House has been doing for the last 8 years.

I have heard people on the floor say it was the Clinton administration that brought about the balanced budget and the surpluses that we were enjoying and using to pay down the public debt on our children. I see history a little bit differently. In 1993, when Bill Clinton became President, we found deficits to the tune of $250-, $300 billion every year, year in and year out.

The two budgets that the Democrat House at that time, in 1993 and 1994, passed had deficits of $250 billion, $300 billion, as far as the eye could see. They never intended to balance the budget. There was no initiation by the President of the United States or this Democrat House, Democrat-controlled House, they never offered a budget that would get us to balance. In fact, they raised taxes as they increased spending, and the deficits continued.

When the Republicans took over in 1995, they laughed at our Contract with America, but part of that contract was to balance the budget. They said that we could never do it. I remember the Washington pundits all saying that there was no way we could balance the budget under the present conditions, but we started doing things differently.

In fact, I remember the Balanced Budget Act of 1997 that the President vetoed, fought over, shut down the government. We fought like cats and dogs out here. They never voted for it. The other side of the aisle never voted for it; yet, we finally got it into law. That was the beginning of fiscal responsibility initiated by this Republican House, pushed by this Republican House, and fought for by this Republican House, which was a great signal to the economy, by the way. That along with the growth in the economy is what created the balanced budget that we were enjoying. We did it in the face of opposition like I have never seen before; yet, after it was done, even this morning, they took credit for it.

Now, the problem, as we have seen over the last year, as the President has rightly pointed out, is that we were attacked. We are at war. We have security issues that have driven up spending. The economy is slowing, so the revenues are slower than normal. There are other issues.

There are other issues that have caused this problem, but instead of them talking about how do we get back to balance, what this argument has been going on, as I watched it all this morning and this afternoon, is they want to spend more. The reason they vote against the bills for the last 8 years, the appropriation bills, is because it is not enough spending for them. What we are trying to do here during this whole process is to bring some fiscal responsibility to what this government does.

They vote against bills that do not have enough spending, and they keep voting. They want to bring bills out here so they can continue to spend more. Their interest is to spend more; our interest is to bring fiscal responsibility to government and, most importantly, protect the taxpayers' money. That is what this argument is all about.

The President of the United States said, send me a bill anywhere over my budget numbers, and I will veto it. Do Members know what: The Republicans in the House partner with the President and we say the same thing, so we are not going to send him a bill to veto that is overspending. We are bringing fiscal responsibility to this floor. They want to tax and spend; we are trying to do the right thing. I think the American people appreciate it.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, it is amazing how we can rewrite history on the floor of the House. On the economy and the actions of this body that took place from 1990 until this year. Let me quickly review.

The 1990 budget took Democratic support along with Republican support in a bipartisan way that laid the foundation on the budget rules and the economy that ultimately balanced the budget in 1993. The budget in 1993, not a single Republican voted for the 1993 budget, which put the walls up on the economy that we enjoy today.

In 1997, it took Democrats to work with some Republicans to pass the 1997 budget that has gotten a lot of credit, much of which was not due, but it at least was part of the process. Every time we have made decisions that move the country forward, we have done it in a bipartisan way.

I, again, have no quarrel with the appropriators, the gentleman from Florida (Chairman YOUNG), or the manner in which the chairmen and the ranking members are proceeding forward. My quarrel is with the economic game plan that has gotten us to the point that we have borrowed now $440 billion, $440 billion during the last year.

The majority whip just stood up here and defended the economic game plan that he is proud of, that he is responsible for, for making certain that this Congress does not do anything other than what he wants to do, and he refuses to take the credit for that which he has wrought.

What is interesting today is we look at corporate America and the unfunded liabilities of pension plans all over the country which corporate America is having to come up with the money to fund, but yet we in this House refuse to come up with the money to fund the unfunded liabilities of the Social Security system, the Medicare, the Medicaid, the veterans, all of this. We refuse to because that was not in the budget that everybody over here is so proud of.

I wish Members would quit coming to the floor and saying there was no Democratic alternative, because they know it is not true; there was a Democratic alternative. We offered it. We lost. We lost. We did not have the votes. When we do not have the votes, we lose; but quit saying we had no alternative. We did have an alternative, and if we followed it, we would not be in quite as deep a hole as we are in today.

Mr. OBEY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the previous Republican speaker is the majority party whip. It is his job to line up votes to pass every bill that the Republican leadership brings to the floor.

The reason we are seeing no appropriation bills come to the floor is because he cannot find the votes in his own caucus for the President's education budget, so his answer to everything is, delay and delay and delay.

What I would suggest to the gentleman, he is absolutely right: On this side of the aisle, we do want to provide more money for education than the President; we do want to provide more money for environmental protection; and we do want to provide more money for health care, because too many people are losing health coverage, and we need to do something about it.

Now, I would say to the gentleman from Texas (Mr. DELAY), he gives great speeches about how the Democratic position in wanting to do those three things is irresponsible. If Members think it is, put it to the test: Bring the bill out. It is their bill, they are in the majority, and they ought to have the votes to pass their bill. If they do not, it is because people in their own caucus are telling them it is cockamamie.

If Members want to see movement in this House, bring the bills out, and they should take their chances. If they have the best arguments, they will whip us. But just because they think we in the minority are wrong is no excuse for their doing nothing at all.

Right now that is what the majority party whip is leading his caucus to do: no action on education; no action on health care; no action on housing; no action on environmental cleanup; no action on agriculture; nothing but delay, delay, delay, and duck. What leadership. It is dazzling in its irresponsibility.

Mr. OBEY. Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I wanted to explain to the Members why my friend and colleague, the gentleman from Wisconsin (Mr. OBEY), is in such a good mood today: Today is his birthday; and he is not getting much older, but he is getting a little older.

I remember one night we kept him here late on an appropriations bill, and it was his wedding anniversary. We all had to call and apologize to his wife. But anyway, I say to the gentleman from Wisconsin, happy birthday.

Mr. Speaker, what we are dealing with today is not a tax bill, it is not a budget resolution, and unfortunately, it is not even an appropriations bill, one of the 13 regular bills; it is a continuing resolution that just continues the same CR that we passed last week. It merely extends the date, it does not change anything else.

Some things have been raised here today that have to do with the Committee on the Budget. I thought I might want to respond to that. For example, it was suggested by a member of the Committee on the Budget that we were going to rebuild the Pentagon twice. That is not true. We are not going to do that.

First of all, the money to rebuild the Pentagon was in the initial $40 billion emergency supplemental that we passed in a bipartisan way with the help of the gentleman from Wisconsin (Mr. OBEY) to fight back against terrorism, to recover in New York, and to rebuild the Pentagon, so that was in that bill. It is not an issue.

We do work with OMB as we deal with the numbers on appropriations bills, and the letter here from Mr. Daniels talking about the CR, the language of the CR, and Mitch Daniels is the Director of the Office of Management and Budget. He said, "Consistent with past practice, we will reduce one-time nonrecurring costs. Example: We will not rebuild the city of New York twice, we will not rebuild the Pentagon twice."

So based on the Office of Management and Budget's preliminary spending on this resolution, spending on an annual basis would be below the 2003 budget that was submitted by the President and below the House-passed budget resolution. So I do not know where the excitement comes from from members of the Committee on the Budget.

Now, another issue was raised, and I am glad my friend, the gentleman from Texas, is still on the floor. He did talk about pay-go. Pay-go has to do with mandatory spending. Pay-go is a requirement in mandatory spending that the salaries would have to be increased based on the law, but that that cost would have to be offset. But that is not in this bill, because this is not a budget resolution.

If the Committee on the Budget is concerned about pay-go, they ought to put a resolution on the floor and deal with pay-go. Those rules, they did expire on October 1.

I brought up the issue of pay-go not so much to talk about that, but to talk about mandatory spending. For those who are concerned about what we are doing or not doing on appropriations bills, and for those who are concerned about the fact that the government spends too much money, let me suggest that discretionary spending, the appropriations that I deal with as chairman, that the gentleman from Wisconsin (Mr. OBEY) deals with as the ranking member, we deal with one-third of the overall budget. Two-thirds, two-thirds of the government spending is mandatory, over which we as appropriators have no involvement whatever, except our vote on the floor. If we are serious about containing and constraining spending, we had better deal with mandatories.

One of the big issues that Members have heard me talk about on the floor before was the agriculture bill that went $100 billion over the baseline, and some of the very people concerned about the levels of spending on the discretionary accounts voted for that bill.

Now, if Members are going to be concerned about too much spending, pay attention to the mandatories, the back-door spending. Pay attention there as much as they do to the discretionary spending. Then we will have a fair and equal, balanced debate. But until we pay attention to mandatory spending, there is not a whole lot of room to talk on discretionary spending.

Mr. BLUMENAUER. Mr. Speaker, Tuesday of this week, the 2003 fiscal year began and Congress has not yet completed a single appropriations bill. The Republican party's split among its conservative members continues to stall the appropriations process. This failure to complete our budget and funding responsibilities leads to more strain on our fragile economy. I again support this short-term resolution to keep agencies operating, but I urge leadership to move the appropriations process along so we can find the education programs we promised in the No Child Left Behind Act; so we can find the technology and new-hires needed for seaport and airport security; and, so we can find the many other priorities and commitments that the American people expect of us.

Mr. YOUNG of Florida. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The joint resolution is considered as having been read for amendment.

Pursuant to House Resolution 568, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 404, nays 7, not voting 20, as follows:

[Roll No. 439]

YEAS—404

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehner
Bonilla
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clyburn
Coble
Collins
Combest
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—7

DeFazio
McDermott
Miller, George
Nussle
Oberstar
Owens
Paul

NOT VOTING—20

Baker
Boehlert
Bonior
Callahan
Clement
Cooksey
Deal
Fattah
Green (TX)
Hastings (FL)
Hilleary
Lampson
Larsen (WA)
Lewis (CA)
Mascara
Roukema
Schrock
Stump
Tanner
Tierney

□ 1320

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRIVILEGES OF THE HOUSE—SENSE OF HOUSE THAT CONGRESS SHOULD COMPLETE ACTION ON H.R. 854 OR OTHER PROVIDER REIMBURSEMENT LEGISLATION

Mr. FARR of California. Mr. Speaker, I rise to a question of the privileges of the House and offer a privileged resolution that I noticed pursuant to rule IX and ask for its immediate consideration.

The SPEAKER pro tempore (Mr. THORNBERRY). The Clerk will report the resolution.

The Clerk read as follows:

Whereas President George W. Bush has urged Congress to put Medicare on a "sustainable financial footing" in order to assure Americans of affordable and accessible health care.

Whereas the Administration has failed to take action to protect Medicare and Medicaid programs from severe cuts that threaten basic services to persons in need of health care.

Whereas the Medicaid program is facing significant cuts through reductions in the disproportionate share hospital program, threatening the very financial viability of the nation's public hospitals.

Whereas the cuts made in order by the Balanced Budget Act were postponed until 2003 by the Benefits Improvement and Protection Act but without further congressional action cuts will be reimposed and have the potential to seriously cripple safety-net public health services in states across the nation.

Whereas, in addition to slashing payments to hospitals the Administration has also eliminated the UPL payments for hospitals, further weakening their ability to provide health care to the indigent and uninsured.

Whereas federal payments to states for this program have been reduced by approximately $700 million in FY 2002 and will be reduced further by about $900 million in FY

2003, thus severely restricting public hospitals' ability to serve persons in need of health care.

Whereas the number of uninsured persons without access to health care has risen in the last year to 41.2 million.

Whereas by failing to act Congress imposes on the states and localities an undue burden to carry health care costs as well as abrogates its responsibility to maintain the general welfare of the country, bringing discredit to this Body and threatening the very well-being of the populace.

Now, Therefore, Be It Resolved that it is the sense of the House of Representatives that the Congress should complete action on H.R. 854 or other provider reimbursement legislation before recessing and should insure that Medicare and Medicaid providers have appropriate funds to carry out their health care mandates.

The SPEAKER pro tempore. The Chair will hear briefly from the proponent of the resolution as to whether the resolution constitutes a question of privileges of the House under rule IX.

Mr. FARR of California. Mr. Speaker, rule IX of the House Rules Manual states that questions of privilege are "those affecting the rights, reputation, and conduct of, Members, Delegates, or the Resident Commissioner, individually, in their representative capacity only."

The rights, reputation and conduct of this Member are negatively affected when the House cannot move legislation that the American people overwhelmingly support. That is true when it comes to full funding for education, for prescription drug, HMO reform and economic recovery.

I, like others, represent 700,000 people. My rights and those of my constituents are being denied when urgent legislation that has majority support is blocked from consideration simply because the Republican leadership will not schedule the bill.

As a result, I believe this resolution meets the test of privilege.

While the health care safety net is under particular strain, general health care providers, hospitals, doctors and home health care agencies are facing disastrous financial circumstances.

The Disproportionate Share Hospitals, also known as DSH hospitals, cuts first enacted in the Balanced Budget Act of 1997 were initially postponed, but now are scheduled to go back into force, creating a health care havoc for hospitals across this Nation. In California alone, the DSH cuts total $184 million and will grow exponentially if we do not act to correct this situation. The hospital system in California, nor in any other State, can absorb this level of funding reduction. We have to act now.

Other provider reimbursement programs are facing similar financial catastrophe. Physician reimbursements were reduced by 5.4 percent in January of this year and are scheduled to decline by another 17 percent by the year 2005. Just 2 days ago, a 10 percent reduction in nursing reimbursements to nursing homes and skilled nursing home facilities was implemented. How are these critical facilities supposed to cope? How will their patients fare unless Congress addresses a reasonable level of care?

States and localities that operate hospitals and health clinics to treat the indigent and low-income populations rely on Medicaid revenues to help cover their costs. Low provider rates compound the effects of other losses that these facilities will be experiencing this year, including the dramatic drop in Federal revenues from the DSH cliff and reductions in State support, and reductions in the State support because of the implications at the State level.

I urge this body not to recess unless we can correct the problem and make sure that basic health care providers, our public hospitals and doctor networks, have the funds they need to give care when and where it is needed. It is our duty as the legislative branch of government not to abandon these responsibilities. We must do this, and we have to do it now.

I ask for support of my resolution.

The SPEAKER pro tempore. The Chair is prepared to rule on whether the resolution offered by the gentleman from California constitutes a question of the privileges of the House under rule IX.

The resolution offered by the gentleman from California expresses the sense of the House that the Congress should complete action on a legislative measure. Specifically, the resolution calls upon the Congress to complete action on a specific health care bill or other similar legislation and to ensure that health care providers are adequately funded.

As the Chair ruled yesterday, a resolution expressing the sentiment that Congress should act on a specified measure does not constitute a question of privileges of the House under rule IX.

The Chair would further add that the Chair understands the gentleman from California purported to invoke a question of the privileges of the House rather than a question of personal privilege.

Accordingly, the resolution offered by the gentleman from California does not constitute a question of the privileges of the House under rule IX and may not be considered at this time.

Mr. FARR of California. Mr. Speaker, I appeal the ruling of the Chair, and I ask to be heard on the appeal.

□ 1330

The SPEAKER pro tempore (Mr. THORNBERRY). The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. HULSHOF

Mr. HULSHOF. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. HULSHOF) to lay on the table the appeal of the ruling of the Chair.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FARR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 206, nays 192, not voting 34, as follows:

[Roll No. 440]

YEAS—206

Aderholt
Akin
Armey
Bachus
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Herger
Hobson
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (KY)
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield

Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—192

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Gutierrez
Hall (TX)
Harman
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—34

Baker
Barcia
Callahan
Clement
Cooksey
Cox
Deal
DeGette
Fattah
Ganske
Green (TX)
Gutknecht
Hastings (FL)
Hefley
Hilleary
Hoekstra
Keller
Kleczka
LaFalce
Lampson
Lewis (CA)
Linder
Maloney (CT)
Mascara
McInnis
McKinney
Roukema
Sawyer
Schrock
Slaughter
Stump
Stupak
Tanner
Towns

☐ 1356

Ms. SOLIS and Mr. RAHALL changed their vote from "yea" to "nay."

Mr. SMITH of Michigan changed his vote from "nay" to "yea."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 448

Mr. CARSON of Oklahoma. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 448.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PRIVILEGES OF THE HOUSE—INTEGRITY OF PROCEEDINGS AS PRESCRIBED BY THE CONSTITUTION

Ms. CARSON of Indiana. Mr. Speaker, I rise to a question of the privileges of the House, and offer a privileged resolution that I noticed yesterday pursuant to rule IX, and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Whereas under Article I, Section IX, of the Constitution states no money shall be drawn from the Treasury, but in Consequence of Appropriations made by law.

Whereas it is the fiscal duty of the Congress to appropriate annually the funds needed to support the execution of the programs and operations of the Federal Government.

Whereas to date the House has only considered five Appropriations bills.

Whereas President George W. Bush has ignored the requests of Amtrak for an Appropriation of $1.2 billion, and has instead proposed only $521 million in funding.

Whereas the House Appropriations Committee gutted funding for Amtrak with every Republican member of the Committee voting to cut funding, despite the dire impact this will have on their own districts.

Whereas instead of strong support and consistent growth in support for the nation's passenger rail system the President's FY 2003 Budget seeks to strangle Amtrak so that the Administration can begin to implement plans to privatize the system.

Whereas Amtrak provided a critical transportation need in the months after the terrorist attacks of September 11th, and has seen consistent growth in ridership despite continued levels of inadequate funding.

Whereas Amtrak serves more than 500 stations in 46 states and employs over 24,000 people; and Amtrak passengers on Northeast corridor trains would fill 250 planes daily or over 91,000 flights each year.

Resolved, That it is the sense of the House of Representatives that the Congress should complete action on the Fiscal Year (FY) 2003 Transportation Appropriations, with an allocation of $1.2 billion for Amtrak.

☐ 1400

The SPEAKER pro tempore (Mr. THORNBERRY). The Chair will hear briefly from the gentlewoman from Indiana as to whether the resolution constitutes a question of privileges of the House under rule IX.

Ms. CARSON of Indiana. Mr. Speaker, article 1, section 9, of the Constitution states that no money shall be drawn from the Treasury but in consequence of appropriations made by law. It is the fiscal duty of the Congress to appropriate the money necessary to provide the funds needed to support the execution of programs and operations of the Federal Government. To date, only five of the 13 appropriations measures have been considered. Mr. Speaker, this inaction has hampered this body's constitutional duty and called into question its integrity.

The failure of this unrealistic budget resolution is especially true in respect to the fiscal year 2003 transportation appropriations bill in its funding for Amtrak. This inaction has hampered this body's constitutional duty. After the events of September 11, our Nation's air transportation system ground to a halt. After the Federal Aviation Administration grounded all flights following the terrorist attacks, travelers turned to Amtrak. Whether people had to travel for business, to help with rescue efforts or just to get home, Amtrak kept Americans moving during a time of national emergency. Amtrak ridership and revenues skyrocketed, led by the Northeast Corridor, which had a 13.5 percent revenue growth and a 4.6 percent ridership growth in 2001. For the system as a whole, revenue rose 8.2 percent and ridership 4.3 percent. The situation not only proved that Amtrak works but that passenger rail is a critical part of our transportation infrastructure.

Despite this, Mr. Speaker, we continue to drastically underfund Amtrak, jeopardizing not only the safety and security of this country but the jobs and the livelihoods of tens of thousands of Americans. We have been told that if Amtrak receives the full $1.2 billion that both it and the Department of Transportation has recommended it receive, they will be able to begin to revitalize their operations, they will be able to revitalize and build upon the successes they have seen in the Northeast Corridor, they will be able to revitalize and build on rail service to areas of the country currently underserved by rail and, Mr. Speaker, they will be able to revitalize operations at their Beech Grove maintenance facility, which is in my district. They will be able to rehire the 228 employees who were furloughed back in February and rejuvenate a facility that has served this country since 1905. Workers at the plant right now are working 7 days a week to keep the facility running.

The SPEAKER pro tempore. The Chair requests the gentlewoman confine her remarks to the issue of whether the resolution constitutes a question of privileges of the House.

Ms. CARSON of Indiana. Mr. Speaker, my question of privilege regards the integrity of our proceedings as a House as prescribed by the Constitution. The United States Constitution conveys upon this body the power to originate appropriation measures. It is not only our responsibility but our duty and obligation to restate this message in this legislation about the importance of Amtrak.

I believe that we have probably not been in accordance with our constitutional responsibilities concerning appropriations and would argue that their continued inaction on such urgent priorities, as full funding of Amtrak, meets the test for privileged resolutions.

The SPEAKER pro tempore. The Chair is prepared to rule on the question of whether the resolution offered by the gentlewoman from Indiana constitutes a question of privileges of the House under rule IX.

The resolution offered by the gentlewoman from Indiana expresses the sense of the House that the Congress should complete action on a legislative measure. Specifically, the resolution calls upon the Congress to complete action on a general appropriation bill with regard to prescribed funding for Amtrak.

As the Chair ruled yesterday and earlier today, a resolution expressing the sentiment that Congress should act on a specified measure does not constitute a question of the privileges of the House under rule IX.

The mere invocation of the general legislative power of the purse provided in the Constitution coupled with a fiscal policy end does not meet the requirements of rule IX and is really a matter properly initiated through introduction in the hopper under clause 7 of rule XII.

Accordingly, the resolution offered by the gentlewoman from Indiana does not constitute a question of the privileges of the House under rule IX and may not be considered at this time.

Ms. CARSON of Indiana. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. ROGERS OF MICHIGAN

Mr. ROGERS of Michigan. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from Michigan (Mr. ROGERS).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. CARSON of Indiana. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 203, noes 192, not voting 36, as follows:

[Roll No. 441]

AYES—203

Aderholt
Akin
Armey
Bachus
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (KY)
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—192

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Gutierrez
Hall (TX)
Harman
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—36

Baker
Barcia
Boehner
Callahan
Clement
Cooksey
Deal
DeGette
Fattah
Ganske
Granger
Green (TX)
Hastings (FL)
Hilleary
Jenkins
Keller
Lampson
Lewis (CA)
Linder
Maloney (CT)
Mascara
McInnis
McKinney
Oxley
Reynolds
Roukema
Sawyer
Schrock
Slaughter
Stark
Stump
Stupak
Tanner
Thurman
Towns
Whitfield

□ 1436

Mr. HALL of Texas and Mr. WYNN changed their vote from "aye" to "no."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MALONEY of Connecticut. Mr. Speaker, I was detained on Thursday, October 3, 2002, and missed rollcall votes Nos. 440 and 441. Had I been present, I would have voted "no" on rollcall No. 440 and "no" on rollcall No. 441.

I request that my statement appear in the RECORD at the appropriate place.

APPOINTMENT OF CONFEREES ON H.R. 4628, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2003

Mr. GOSS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4628) to authorize appropriations for fiscal year 2003 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Florida? The Chair hears none and, without objection, appoints the following conferees:

From the Permanent Select Committee on Intelligence, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. GOSS, BEREUTER, CASTLE, BOEHLERT, GIBBONS, LAHOOD, CUNNINGHAM, HOEKSTRA, BURR of North Carolina, CHAMBLISS, EVERETT, Ms. PELOSI, Mr. BISHOP, Ms. HARMAN, and Messrs. CONDIT, ROEMER, HASTINGS of Florida, REYES, BOSWELL, PETERSON of Minnesota, and CRAMER.

From the Committee on Armed Services, for consideration of defense tactical intelligence and related activities: Messrs. STUMP, HUNTER, and SKELTON.

There was no objection.

PARLIAMENTARY INQUIRY

Mr. GOSS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GOSS. Mr. Speaker, I may not have heard properly, but that list did not exactly conform to the list I submitted, and I want to make sure we remove any doubt.

The SPEAKER pro tempore. The Clerk properly read the list which was submitted by the Speaker. The Chair will take the gentleman's comments under advisement and make further adjustments in the future as needed.

PERMISSION TO HAVE UNTIL MIDNIGHT, MONDAY, OCTOBER 7, 2002 TO FILE CONFERENCE REPORT ON H.R. 4628, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2003

Mr. GOSS. Mr. Speaker, I ask unanimous consent that the managers may have until midnight on Monday, October 7, 2002, to file the conference report on the bill (H.R. 4628) to authorize appropriations for fiscal year 2003 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

LEGISLATIVE PROGRAM

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, I yield to the gentleman from Ohio (Mr. PORTMAN) for the purpose of inquiring about the schedule for next week.

Mr. PORTMAN. Mr. Speaker, I appreciate the gentlewoman's indulgence, and I appreciate her yielding on the schedule.

Mr. Speaker, I am pleased to announce the House has completed its legislative business for the week. No votes are expected in the House tomorrow in order to allow Members to attend the funeral service for the Honorable Patsy Mink, our former colleague from the State of Hawaii.

The House will meet for legislative business on Monday, October 7, at 9:30 a.m. for morning hour and 11 a.m. for legislative business. The majority leader will schedule a number of measures under suspension of the rules, a list of which will be distributed to the Members' offices tomorrow. Recorded votes on Monday will be postponed until 6:30 p.m.

For Tuesday and the balance of the week, the majority leader has scheduled the following measures for consideration in the House: first, H.J. Res. 114, providing authorization for the use of military force against Iraq; second, a continuing resolution; and, third, H.R. 2037, the Protection of Lawful Commerce in Arms Act. Additionally, I am advised that conference reports may be brought up at any time during the week.

I thank the gentlewoman for yielding.

Ms. PELOSI. Mr. Speaker, reclaiming my time, I thank the gentleman for that information. I thank and hope he will convey the gratitude of the Members of the House who wish to attend the funeral of our dear friend and colleague, Congresswoman PATSY MINK, in Hawaii. I thank the Speaker and our distinguished minority leader for accommodating the request and making that possible.

I had some questions about the schedule: On the question of the Iraq debate, issues of war and peace are the most important decisions we make. In 1991, every Member was given the opportunity to speak for 5 minutes. What is the thinking of about how much debate we will have on this important resolution?

I yield to the gentleman from Ohio.

Mr. PORTMAN. I appreciate the gentlewoman yielding, and I thank her for her inquiry. As the gentlewoman knows, we are working closely with the minority leader both on substance and process. The Committee on International Relations is currently marking up the resolution. It is my understanding that the majority leader and the Speaker and the minority leader would intend to have ample time for a full and fair debate on that critical issue, as the gentlewoman says, of war and peace. But I know that there has been no decision made yet on time, nor has the Committee on Rules met to consider the rule.

Ms. PELOSI. Mr. Speaker, I thank the gentleman. Is the gentleman prepared to inform us whether alternatives will be allowed to the President's proposal?

Mr. PORTMAN. Mr. Speaker, if the gentlewoman will continue to yield, again, no decision has been made. We do not yet have the resolution out of the Committee on International Relations. It is my understanding that by 5 p.m. tomorrow Members are asked to submit possible amendments or substitutes to the Committee on Rules; and again, we then would be in a position to know better what the possibility is of the substitute or amendments. But we have nothing to announce definitively at this point.

Ms. PELOSI. Mr. Speaker, does the gentleman have any knowledge of the plans for next Friday? Will the House be in session?

Mr. PORTMAN. Mr. Speaker, again, if the gentlewoman will yield, there is no decision yet made as to whether we will be in session on Friday. I think from talking to the majority leader that it really depends on conference reports. We have the possibility of a conference report, for instance, on energy; and I know the gentleman from Wisconsin (Mr. OBEY) is here, and there is the possibility of conference reports on DOD and military construction appropriations, and other conference reports, including election reform, that may be before the House.

So Members should be advised that it is possible that we would be in next Friday considering conference reports.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for that information.

What is the gentleman's latest prediction from the leadership on his side on when the House will adjourn before the election, and do you believe we will return for a lame duck session?

Mr. PORTMAN. Mr. Speaker, again, I have nothing to announce definitively. I wish for my own personal purposes that I did, as I am sure all Members are eager to know that. But it will depend obviously on the work we can get done here in the next week and, more importantly, in the Senate. There are a number of matters that the House would like to take up. The Speaker has made it clear, for instance, that we should complete work on the homeland security bill that would provide for the new creation of the Department of Homeland Security, but that bill is currently in the Senate. So I suppose the answer would be nothing definitive at this point, but we are waiting to hear from the Senate.

□ 1445

Ms. PELOSI. On a final note, I would say, Mr. Speaker, that we have eight appropriations bills still to consider, including the very important one dealing with education, our number one national priority; also, the appropriation bills that deal with veterans, medical care, transportation, and agriculture.

In addition, this House urgently needs to address our worsening economy. One and one-half million workers have exhausted unemployment benefits, jobless claims are the highest since May, pension plans are eroding on a daily basis, and health care is not being addressed. We need to bring these substantive issues to the floor. We must not leave for this election without addressing these urgent needs.

Mr. OBEY. Mr. Speaker, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I would like to ask the gentleman from Ohio (Mr. PORTMAN) this question.

I note that another continuing resolution is being scheduled, sort of like Groundhog Day. We just finished one today. The purpose of continuing resolutions is to give us time to do our other business.

Given that fact, can the gentleman tell me, are there any plans for the majority to bring the agriculture appropriations bill before us any time soon?

Mr. PORTMAN. Mr. Speaker, if the gentlewoman will continue to yield, I know of no plans to bring the agriculture appropriations bill to the floor.

As the gentleman knows better than I, the committee is working not only on that appropriation bill, but others. We still find ourselves with an interesting situation, with the Senate not having passed a budget and not having some of the fiscal discipline and parameters we need to move forward.

But we have no information on the agriculture appropriations bill at this point.

Mr. OBEY. If the gentlewoman will yield further, with all due respect, Mr. Speaker, nothing is required of the Senate for us to do our work.

I assume that there are no plans to bring the District of Columbia appropriations bill out; the labor, health, education bill out; the foreign operations bill out, which has some crucial funding for Afghanistan and other areas; the transportation and the energy and water bills.

So am I to conclude, therefore, that despite the fact that we are passing a continuing resolution, we are not going to use that time to do any of our other regular appropriations work?

Mr. PORTMAN. If the gentlewoman will continue to yield, just again to make the point that we do have a busy week next week, and with the possibility of the Department of Defense appropriations bill and the military construction appropriations bills out of conference coming before the House, but that is the schedule for the week as we know it.

Mr. OBEY. Mr. Speaker, if the gentlewoman will continue to yield, let me indicate that I am reaching the point where I am becoming highly reluctant to support any other continuing resolutions of a week or longer in nature because they do not seem to be affording us or they do not seem to be providing any pressure for us to pass our regular appropriation bills.

I think it is probably about time that we start thinking about having 1-day continuing resolutions in order to put maximum pressure on this House to perform. I thank the gentlewoman for her time.

Ms. PELOSI. I thank the gentleman for his valuable contribution, and I thank the gentleman from Ohio (Mr. PORTMAN) for the information on the schedule.

Mr. Speaker, I think that every day that goes by, this body appears to be more irrelevant to the concerns of the American people. The jobless rate is increasing, employment insurance is exhausted, we have not funded the education bill, and there are so many issues that we must deal with that are immediate concerns to the lives of America's working families.

This House has to provide leadership and stop making up excuses for not doing the people's business.

REMOVAL OF MEMBER AS CONFEREE ON H.R. 4628, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2003

The SPEAKER pro tempore (Mr. REHBERG). Without objection, the gentleman from Florida (Mr. HASTINGS) is removed as a conferee on H.R. 4628, since he is no longer a member of the Permanent Select Committee on Intelligence.

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the change in conferee.

ADJOURNMENT TO MONDAY, OCTOBER 7, 2002

Mr. PORTMAN. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9:30 a.m. on Monday next for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. PORTMAN. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

APPOINTMENT OF THE HON. MAC THORNBERRY TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH TUESDAY, OCTOBER 8, 2002

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

THE SPEAKER'S ROOMS,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 3, 2002.

I hereby appoint the Honorable MAC THORNBERRY to act as Speaker pro tempore to sign enrolled bills and joint resolutions through October 8, 2002.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

APPOINTMENT OF MEMBERS TO ATTEND FUNERAL OF THE LATE HONORABLE PATSY T. MINK

The SPEAKER pro tempore. Pursuant to House Resolution 566, the Chair announces the Speaker's appointment of the following Members of the House to the committee to attend the funeral of the late Patsy T. Mink:

Mr. ABERCROMBIE of Hawaii;
Mr. GEPHARDT of Missouri;
Ms. PELOSI of California;
Mr. OBEY of Wisconsin;
Mr. GEORGE MILLER of California;
Mr. SENSENBRENNER of Wisconsin;
Mr. FALEOMAVAEGA of American Samoa;
Ms. DELAURO of Connecticut;
Ms. WATERS of California;
Mrs. CLAYTON of North Carolina;
Ms. ESHOO of California;
Ms. EDDIE BERNICE JOHNSON of Texas;
Mr. MICA of Florida;
Mr. SCOTT of Virginia;
Mr. UNDERWOOD of Guam;
Ms. WOOLSEY of California;
Ms. JACKSON-LEE of Texas;
Ms. LOFGREN of California;
Ms. MILLENDER-MCDONALD of California;
Ms. LEE of California;
Mr. KIND of Wisconsin;
Mr. WU of Oregon; and
Ms. WATSON of California.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 1-minutes at this time.

TRIBUTE TO NANCEE ANN BLOCKINGER, CHIEF OF STAFF TO HON. JAMES V. HANSEN, ON HER RETIREMENT

(Mr. HANSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANSEN. Mr. Speaker, I stand today to proudly pay tribute to my Chief of Staff, Nancee Ann Blockinger. Nancee has stood with me for my entire career in the United States Congress. For 22 years she has served me, the people of Utah, and the people of this country with unsurpassed dedication.

Her hard work and loyalty has earned her the reputation among staff and Members as a consummate professional. I have never had to worry about how my office was being run or our compliance with House rules. I knew Nancee was on top of it. Her intelligence, hard work, and caring attitude has made a difference in more ways than I could ever imagine.

My staff and I extend our sincere gratitude and appreciation to Nancee, and recognize all that she has unselfishly given of herself over the past 22 years. Her career on Capitol Hill has indeed touched many lives, and her service will be remembered with fondness.

I am honored to pay tribute to Nancee today in front of this distinguished body of Congress. She is my Chief of Staff, my friend, and I wish her only the very best in her retirement.

RECOGNIZING GARDEN GROVE UNIFIED SCHOOL DISTRICT FOR BEING CHOSEN AS FINALIST FOR BROAD FOUNDATION AWARD

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SANCHEZ. Mr. Speaker, I rise today to recognize the Garden Grove Unified School District, which I am proud to represent, for being selected as one of the five finalists nationwide for the Eli Broad Foundation Award.

As a finalist, Garden Grove Unified was recognized as one of the top five urban school districts in the Nation, and for that it receives $125,000 in student scholarships.

There are nearly 50,000 students in schools in the very diverse Garden Grove Unified School District. They come speaking more than 60 languages, and come from many different cultures.

The finalists were chosen for their work in improving overall student achievement and for narrowing achievement gaps, in particular for high-risk students. This prize recognizes the hard work of the teachers and the support staff of the Unified School District, and I applaud the district's efforts to overcome language and economic barriers to give our students a high-quality education.

COMMENDING MONTGOMERY COUNTY FIRST RESPONDERS, POLICE, AND RESCUE PERSONNEL, AND MONTGOMERY COUNTY PUBLIC SCHOOLS IN THEIR RESPONSE TO SHOOTINGS

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, our thoughts, our hearts, and our prayers go out to the victims and the families of those five people who were senselessly gunned down last night and today in Montgomery County, Maryland.

The tales of these tragic shootings are still emerging. At this point, we do not know who has perpetuated these crimes, and we do not know the twisted motivation. What we do know is that this senseless violence has touched all segments of our community: women and men, African Americans, white, Hispanic, the old, the young.

I recognize this is a very difficult, scary time for our community, but I want to commend our Montgomery County first responders, our police, our rescue personnel. They are doing a terrific job under the most difficult, extreme circumstances.

I want to acknowledge all of the agencies involved in this preliminary investigation, local, State, District of Columbia, the FBI, the Secret Service. Homeland Security contacted our county also to offer their assistance.

Indeed, I will work to engage and ensure that my local community receives all of the Federal help that they may need.

I also want to recognize the Montgomery County Public Schools for their prudent, responsible actions today to keep our students safe and sound. The best thing we can do now is remain calm, but aware and vigilant, and report any suspicious activities to the police.

TRIBUTE TO THE LATE HOLLY JOHNSTON RICHARDSON

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, on behalf of myself and the gentleman from South Carolina (Mr. BROWN), I rise today to pay tribute to one of South Carolina's most dedicated public servants, the late Holly Johnston Richardson, who passed away this week after a courageous battle with breast cancer at the young age of 47.

Most people know Holly Richardson as Senator STROM THURMOND's confidante, gatekeeper, and personal adviser since 1979, but some may not know she was also one of Senator THURMOND's closest friends.

Holly was a native of Summerville, South Carolina, and was always loyally at Senator THURMOND's side. She commanded the most sincere respect from South Carolinians and Washingtonians because of her professionalism, her character, and her devotion to duty.

All of South Carolina will miss Holly's Southern charm, her warmth, and dedication to Senator THURMOND. We extend our deepest sympathies to her husband Phil, to her two children, Anne and Emmet, and to her mother and father, Joanne and Coy Johnston. Her positive influence will continue through the STROM THURMOND and Holly Richardson Public Service Scholarship at her alma mater of Converse College in Spartanburg, South Carolina.

A WORD CALLED "IRONY"

(Mr. REHBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REHBERG. Mr. Speaker, I want to talk today about a word called "irony." Webster's dictionary says irony is when there is an incongruity between the actual and the expected result of events.

Unfortunately, Mr. Speaker, we have a prime case of this in my State. The people who have produced food for all of us in this country for our whole lives, farmers and ranchers, are now having a hard time affording food themselves. The very hard-working people who made this country the breadbasket of the world now cannot afford bread themselves.

That is a pretty good example of an irony; is it not? It is also a good example of a cruel irony.

Mr. Speaker, I implore the Members of this House to finally hear our plea for assistance for drought-stricken farmers and ranchers, and quickly pass an agriculture disaster assistance package for crop years 2001 and 2002.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GEKAS). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

□ 1500

HONORING SEYMOUR GOLDWEBER

The SPEAKER pro tempore (Mr. REHBERG). Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to honor one of Florida's outstanding agricultural heroes, Seymour Goldweber.

Near Jersey City, Seymour was born on July 24, 1918. As a young boy he moved with his family to Miami where he completed primary and secondary school and became an Eagle Scout with Miami's oldest scout troop. He then joined the United States Marine Corps before the start of World War II.

Seymour served throughout the war in the Pacific Theater where he fought in many military campaigns, including the Marines' costly battle at Iwo Jima. Following his military service to our country, he returned to Miami-Dade County where he obtained his Bachelor of Science degree in botany at the University of Miami in 1950.

Seymour Goldweber began his professional career at the University of Miami's Tropical Fruit Research Farm at Richmond Field conducting horticulture research studies on tropical fruit. His work brought these unknown species from around the world into productive specimens, worthy of national and international marketing, including guavas, mangos, and avocados that we enjoy today.

Mr. Goldweber joined the University of Florida-Miami-Dade County Cooperative Extension Service as their fruit crops agent in 1960 where he designed their nationally and internationally prominent extension programs.

In particular, his extension programs for the development of tropical and subtropical fruit has had an enormous impact in establishing south Florida's tropical fruit industry for distribution across the USA and for export around the globe.

Seymour has shared his extensive knowledge and expertise by training numerous other extension office faculty and staff. He is a role model and mentor of outstanding caliber and performance. He made the mold. Seymour Goldweber is widely recognized by our local and State agencies. He is the choice to lecture to visiting professors, tour with college students, host an event, or guide a bus full of journalist and legislative representatives through America's grocery, South Miami-Dade County.

Seymour is the go-to guy for his vast knowledge, his capabilities in research and instruction, and his friendly style. His voice is reassuring and recognized across Miami and South Miami-Dade County. You can see the stamp of Seymour Goldweber's experience and loaned expertise with many organizations, including the American Society for Horticultural Science, the Dade County Farm Bureau, the Florida State Horticultural Society, the Florida Avocado and Lime Administrative Committees, the Mango Forum, and the Dade County Youth Fair, Miami-Dade County's Fruit and Spice Park, and the State of Florida's Farmers Market, and so many others.

Seymour is a founding member of the AGRI-Council, the Rare Fruit Council International, the Tropical Agriculture Fiesta, and Fairchild Tropical Gardens.

He also serves on the South Dade Soil and Water Conservation District Board and the Dade County Public School Citizen Advisory Committee for AGRIbusiness and Natural Resources.

He is a member of the National Association of the Federal Retired Employees and a proud member of the American Legion.

Seymour Goldweber has been honored by the National Weather Service for 24 years as the liaison to the agricultural community. He also has an annual scholarship in his name that is presented by the AGRI Council to the outstanding agricultural student of the year.

He has received the Dedicated Service in Agriculture award by the Horticultural Society of Florida, the Distinguished Service in Agriculture award by the Florida Mango Forum, and the Outstanding Service Award by the Dade County Youth Fair.

Seymour was named Man of the Year by the Horticulture Studies Society of Florida in 1980. He was honored to receive the Paul Harris Fellow by the Rotary Club of Homestead for furthering understanding of people of the world.

Mr. Goldweber is the sought-after speaker for highly diverse audiences, including farmers, master gardeners, community and agri-business leaders, school teachers, homeowners, youth and 4-H programs, and local, State and Federal Government representatives.

Many growers, local leaders, and organizations seek him out for his knowledge and his repertoire on agricultural issues and historical events.

Upon his retirement from the Cooperative Extension Service in 1984, after 24 years of outstanding service, Seymour was awarded the first Extension Agent Emeritus Designation in the State of Florida. Though he was officially, and is supposedly, retired, his service to the community has continued to this day.

Seymour Goldweber continues to work for us, for the sheer love of agriculture, tropical fruits, and the growers who need and love him.

To our hero, Seymour Goldweber, and his wonderful wife, Libby, felicidades a los dos.

DO NOT POSITION USA AS A COMMON ENEMY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, coming from a family of combat infantry men and Marines, I must say that anytime this Congress is asked to consider the authorization for the use of force, it is a request that we consider very seriously. I might add that most of those who are making this request from the White House have never served in combat themselves. Certainly the Secretary of Defense has not. Certainly the Communications Director of the White House who made the flippant statements this week that one silver bullet is cheaper than going to war, in referencing a possible assassination in Iraq, is one of the most appalling comments I have ever heard from a White House official. If he had been in the service of Franklin Roosevelt or Harry Truman or John Kennedy, he would no longer have a job.

The resolution this Congress will be asked to consider next week is a work in progress. Initially it started with inspections where we had the broad support of the international community. And all we needed to do was expand that a little bit and be rigorous, as we have done before, working with our allies around the world. But, no, the ante was raised by the White House conveniently 4 weeks before an election now and the objective is regime change.

The President has said it, it is not disallowed in the resolution that is brought up to us; and I want to speak tonight a little bit about how the United States, not just through this resolution but through the rhetoric that has been spewing out of Washington here across the Islamic and Arab world, is going to increase terrorism, is going to increase hatred toward the United States of America. When the President of the United States uses terms like dead or alive, do you think General Omar Bradley would have ever said that? General Hugh Shelton, would he have ever used those terms so publicly?

When you have not been to war, you are loose with your rhetoric.

Senator Warren Rudman, who helped produce a report with Senator George Mitchell about the rising threat of terrorism around the world, sobered our membership when he came up here a few months ago and said though he had traveled the world as a Senator, he did not realize until he got into the issue of terrorism how much he found America hated around the world.

Tonight I want to place in the RECORD a longer analysis of what is really wrong with U.S. policy towards that region of the world, but let us be clear where the hatred comes from and what spawns the terrorism.

First of all, we have the lack in the Middle East and Central Asia of a real resolution to the Israeli-Palestinian conflict. This has been with us in the free world for over 50 years. We do not have a peace process under way. Every night we see in the newspapers or we see on television more killing of Israelis by Palestinians or vice versa.

There was a great cartoon, a sad cartoon, in one of the newspapers recently showing Mr. Sharon and Mr. Arafat holding hands and falling together down a deep cavern and blaming one another as they fell to their certain deaths.

We as a world need to organize in order to resolve the Israeli-Palestinian conflict. Without it, terrorism will continue not only in that region of the world but will find its way creeping into our homeland as we saw on 9–11.

The other major issue deals with U.S. ties to the oil kingdoms in the Middle East on which we have become even more dependent than during the oil crises of the 1970s and the Persian Gulf War in the early 1990s, and importantly to the repressive regimes that our dollars help support. There is a very rude awakening in the Middle East and Central Asia for a different way of life and America is fast becoming the excuse for the repression under which the majority of people live all in undemocratic regimes.

So my first advice tonight is please, Mr. President, do not position the United States as the common enemy that serves as a unifying force against which all the disparate malcontents and discontents of the Middle East and Central Asia can unite. We saw a sign of that in our homeland last year. But not only our homeland, across the world American embassies are being built like bunkers. Our diplomats are being killed more and more, every 10 years more of them are killed, whether it is Africa, whether it is Malaysia, whether it is the Middle East.

To achieve long-term stability, the United States' policy toward the Arab and Islamic world must be shaped multilaterally and affirm our belief in democratic principals. Unfortunately, the Bush administration's policies continue us down this dangerous path.

ALLIES WORKING TOWARD A SECURE FUTURE

To achieve long-term stability, U.S. policy toward the Arab and Islamic world must be shaped multilaterally and affirm our nation's belief in democratic principles. The Bush Administration's initiatives will lead to neither. Indeed, it is positioning the U.S. to be the common enemy in a volatile region where terrorism grows with each passing decade of war and remembrance.

Bush policies—such as threatening regime change or the "one bullet policy" on Iraq—are destabilizing and pose a real threat to U.S. long-term interests. These irresponsible policies inject the U.S. into the festering antipathy of disparate forces whose common denominator is growing anti-Western sentiment.

Thus, a resolution that employs all diplomatic and economic means to draw broad multilateral support to allow U.N. arms inspectors access to conduct robust investigations of Iraq's suspected weapons sites is of paramount importance. As a first step, Congress should support the recently negotiated international agreement allowing inspectors to return to Iraq after four years. Especially in this region of the world, former Senator George Mitchell emphasizes the importance of diplomacy in the Mitchell Report, "Whatever the source, violence will not solve the problems of the region. It will only make them worse. Death and destruction will not bring peace, but will deepen the hatred and harden the resolve on both sides. There is only one way to peace, justice, and security in the Middle East, and that is through negotiation."

FIRST STRIKE

Based on the lack of verifiable evidence presented to Congress and the American people, the President's proposal to preemptively, or unilaterally, strike against Iraq is unacceptable. Due to the predictably destabilizing effect on the region, the U.S. should avoid a first strike. Dr. Mark Juergensmeyer, Director of Global and International Studies at U.C. Santa Barbara, "It is essential that a multilateral force be deployed if action is contemplated."

If America goes to war, the cause must be just and better justified.

TOWARD A CHANGED REGION

Powerful Islamic stirrings inside undemocratic regimes in the Middle East and Central Asia, including violent forces operating outside nation-states (like Al Qaeda), create conditions for emerging revolutions. In responding to these, the U.S. must act in a manner that is true to our founding principles as the world's oldest democratic republic. We, too, have been a revolutionary people aspiring to a better way of life.

We must not wed ourselves to monarchy, dictatorship, or repression. As a superpower, the U.S. must position itself for long-term, relations with many emerging nations. The U.S. should not become the inheritor of a new world order in the Middle East and Central Asia, nor an occupying force. Simply put, U.S. dominance there is not unilaterally sustainable.

GRAVE AND GATHERING VS. IMMINENT THREAT

Congress must ask: what is the "imminent threat" to the U.S. that justifies a war resolution now? The President, in his remarks before the U.N., stated, "Iraq is a grave and gathering danger." He did not say "an imminent threat."

What has Iraq done differently in the last 4 months than the prior year to warrant invasion now? Yes, Iraq is a secular state that seeks greater domination over the Arab world. But intelligence briefings have indicated that Iraq has fewer military capabilities than it did 10 years ago. Secretary Rumsfeld has stated that Iraq's army is only 40% of what it was 10 years ago. The Central Intelligence Agency and Defense Intelligence Agency have verified that Iraq's chemical and nuclear capabilities are substantially less than 10 years ago. However, in the area of biologics, Iraq is likely ahead of where it was 10 years ago.

The international community has the opportunity to use its united efforts to require Iraq to abide by U.N. resolutions requiring immediate access to verify Iraq's commitment to rid itself of weapons of mass destruction and long-range missiles.

THERE IS A DISTINCTION BETWEEN AL QAEDA AND IRAQ

Congress must ask the Bush Administration to distinguish between Al Qaeda and Iraq. The carnage that took place on September 11, 2001, was committed by members of the Al Qaeda terrorist network. Al Qaeda's primary objective is to rid the Middle East of all foreign influence and impose strict Islamic religious rule based on its particular interpretation of the religion. Iraq, rather, is a secular state headed by a military dictator, Saddam Hussein, holding the second largest oil reserves in the Middle East. Saddam's chief objective is to control the entire region's oil reserves and eventually gain greater power in the Arab world.

America's war on terrorism began as a clear campaign against Al Qaeda, not Iraq. Neither Congress nor the American public has been presented with any evidence of a connection between Iraq and Al Qaeda. Though some terrorists may be "present" especially in the northern zone of Iraq, which Hussein does not control, there is no linkage of evidence between them and the government of Iraq. The President asserted in his draft resolution that members of Al Qaeda are "known to be in Iraq" and that Iraq may give weapons to terrorists. His statements are filled with innuendoes, not facts. No intelligence information has been presented to Congress to add certainty to the President's statements.

OIL IS THE PRIMARY UNDERPINNING OF U.S. "VITAL" INTEREST

Congress must ask: For how long will Americans be asked to die for "vital interests" centered in the oil kingdoms? The economic underpinning of Iraq is oil—the second largest reserves in the world. 95% of Iraq's economy is oil driven. Americans might ask the question: "Why has the U.S. become bogged down in this region so many times in modern history?" and "Why have all of America's major recessions in the past 30 years been triggered by rising oil prices?" In fact, rising oil prices triggered our current recession, and prices are rising again.

During the 1970's, two Arab oil embargoes drove the U.S. economy into deep recession. President Jimmy Carter tried to move America toward energy-independence, calling the challenge the "moral equivalent of war." But as world oil prices dropped through O.P.E.C. price manipulation, America lost its edge on energy independence. Though conservation and alternative energy development progressed, their pace was not sufficient to meet demand.

In the early 1990's, America went to war over Iraq's invasion of neighboring Kuwait's oil fields and port access. In October 2000, the USS *Cole*, a Navy destroyer protecting the oil shipping lanes in the Persian Gulf, was suicide bombed in Yemen's harbor. Even now, as the President contemplates invasion, 8% of America's oil originates in Iraq.

Oil is not worth one more American soldier's life, nor any more disruption to our national economy. America needs a national commitment to become energy independent again in this decade, much like the space program of the 1960s that led America into the heavens. Ms. Robin Wright, Foreign Diplomatic Correspondent for the Los Angeles Times has stated, "To build a more peaceful world, the U.S. must deal with the oil issue. It must also deal with the political destiny of people in that part of the world who want to have some say in their futures."

NAKED AGGRESSION IN NOT THE AMERICAN WAY

Yes, Iraq is in gross violation of U.N. resolutions calling for inspections, but America should not pressure Iraq unilaterally, without maintaining that same broad-based international support. It was proper for President Bush to deliver an address at the United Nations. Our nation has always sought to be a constructive partner among the community of nations. We need to maintain this policy of engagement with the nations of the world.

Naked aggression by a superpower with no evidence presented to its lawmakers is discomforting to the American people and not the way to forge alliances in a troubled part of the world. America, surely, does not wish to be perceived as the "bully on the block" in the most oil rich region of the world where not one democratic state exists.

A PLAN FOR THE FUTURE

As a first step, we should support International Strategic Partnership to Eliminate a Common Threat (INSPECT), an alternate resolution encouraging the President to support the recently negotiated inspection plan between the Iraqi Government and international representatives calling for a robust team capable of ensuring that Iraq is no longer in violation of international agreements. The resolution rejects any unilateral military action by the U.S. until Congress is able to grant its approval. In addition, the President must submit a report to Congress, at least every 30 days, on matters relevant to this resolution. According to David Albright, President of the Institute for Science and International Security, "Nuclear threat is not imminent. Because the threat is not imminent, inspectors could be beneficial."

WITH REGARDS TO WAR: IS CONGRESS RELEVANT?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, the last time Congress declared war was on December 11, 1941, against Germany in response to its formal declaration of war against the United States. This was accomplished with wording that took less than one-third of a page, without any nitpicking arguments over precise language, yet it was a clear declaration of who the enemy was and what had to be done. And in 3½ years, this was accomplished. A similar resolve came from the declaration of war against Japan 3 days earlier. Likewise, a clear-cut victory was achieved against Japan.

Many Americans have been forced into war since that time on numerous occasions, with no congressional declaration of war and with essentially no victories. Today's world political condition is as chaotic as ever. We're still in Korea and we're still fighting the Persian Gulf war that started in 1990.

The process for our entering war the past 57 years and the inconclusive results of each war since that time are obviously related to Congress' abdication of its responsibility regarding war, given to it by article I section 8 of the Constitution.

Congress has either ignored its responsibility entirely over these years, or transferred the war power to the executive branch by a near majority vote of its Members, without consideration of it by the States as an amendment required by the Constitution.

Congress is about to circumvent the Constitution and avoid the tough decision of whether war should be declared by transferring this monumental decisionmaking power regarding war to the President. Once again, the process is being abused. Odds are, since a clear-cut decision and commitment by the people through their Representatives are not being made, the results will be as murky as before. We will be required to follow the confusing dictates of the U.N., since that is where the ultimate authority to invade Iraq is coming from—rather than from the American people and the U.S. Constitution.

Controversial language is being highly debated in an effort to satisfy political constituencies and for Congress to avoid responsibility of whether to go to war. So far the proposed resolution never mentions war, only empowering the President to use force at his will to bring about peace. Rather strange language indeed!

A declaration of war limits the presidential powers, narrows the focus and implies a precise end point to the conflict. A declaration of war makes Congress assume the responsibilities directed by the Constitution for this very important decision, rather than assume that if the major decision is left to the President and a poor results occurs, it will be his fault, not that of Congress. Hiding behind the transfer of the war power to the executive through the War Powers Resolution of 1973 will hardly suffice.

However, the modern way we go to war is even more complex and deceptive. We must also write language that satisfies the U.N. and all our allies. Congress gladly transfers the legislative prerogatives to declare war to the President, and the legislative and the executive branch both acquiesce in transferring our sovereign rights to the U.N., an unelected international government. No wonder the language of the resolution grows in length and incorporates justification for starting this war by citing U.N. resolutions.

In order to get more of what we want from the United Nations, we rejoined UNESCO, which Ronald Reagan had bravely gotten us out of, and promised millions of dollars of U.S. taxpayer support to run this international agency started by Sir Julian Huxley. In addition, we read of promises by our administration that one we control Iraqi oil, it will be available for allies like France and Russia, who have been reluctant to join our efforts.

What a difference from the days when a declaration of war was clean and precise and accomplished by a responsible Congress and an informed people.

A great irony of all this is that the United Nations Charter doesn't permit declaring war, especially against a nation that has been in a state of peace for 12 years. The U.N. can only declare peace. Remember, it wasn't a war in Korea; it was only a police action to bring about peace. But at least in Korea and Vietnam, there was fighting going on, so it was a bit easier to stretch the language than it is today regarding Iraq. Since Iraq doesn't even have an Air Force or a Navy, is incapable of waging a war, and remains defenseless against the overwhelming powers of the United States and the British, it's difficult to claim that we're going into Iraq to restore peace.

History will eventually show that if we launch this attack—just as our sanctions already have—the real victims will be the innocent Iraqi civilians who despise Saddam Hussein and are terrified of the coming bombs that will destroy their cities.

The greatest beneficiaries of the attack may well be Osama bin Ladin and the al Qaeda. Some in the media have already suggested that the al Qaeda may be encouraging the whole event. Some unintended consequences do occur, what will come from this attack is still entirely unknown.

It's a well-known fact that the al Qaeda are not allies of Saddam Hussein and despise the secularization and partial westernization of Iraqi culture. They would welcome the chaos that's about to come. This will give them a chance to influence post-Saddam-Hussein Iraq. The attack, many believe, will confirm to the Arab world that indeed the Christian West has once again attacked the Muslim East, providing radical fundamentalists a tremendous boost for recruitment.

An up or down vote on declaring war against Iraq would not pass the Congress, and the President has no intention of asking for it. This is unfortunate, because if the process were carried out in a constitutional fashion, the American people and the U.S. Congress would vote No on assuming responsibility for this war.

Transferring authority to wage war, calling it permission to use force to fight for peace in order to satisfy the U.N. Charter, which replaces article I, section 8 war power provision, is about as close to 1984 "newspeak" that we will ever get in the real world.

Not only is it sad that we have gone so far astray from our Constitution, but it's also dangerous for world peace and threatens our liberties here at home.

PUT AN END TO CORPORATE ABUSE AND HELP EMPLOYEES AND RETIREES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GEKAS) is recognized for 5 minutes.

Mr. GEKAS. Mr. Speaker, we have seen a bevy of cases in which corporate executives plunder their own business, work with insiders, and do dastardly things in their business world. We have seen them use every kind of device known to mankind to avoid their responsibilities to their debtors, to their employees, to the retirees, to their fellow insiders even. And so we have done great things in trying to curb that kind of practice.

Yesterday, I introduced H.R. 5525, which takes another step down the road of protecting the employees and the retirees of a given company that might have corporate executives going down the wrong paths. My bill would simply state that if such a corporate executive should go bankrupt or a business like that go bankrupt, that retirees under that corporate structure will be protected with respect to their retirement so that the bankruptcy would not absolve the retirees benefits that would accrue to them if the corporation kept alive.

And so protecting retirees is one of the aspects of our bankruptcy reform bill for corporate executives. The other one would be to make sure that employees currently on the payroll are not robbed of their potential pay checks by a bankruptcy that absolves or tries to absolve the corporate executives from meeting their salary and wage obligations to the employees. We allow the bankruptcy courts to take that into consideration when such a bankruptcy occurs so that the employees can be protected.

This is a national extension of the work that we have been doing over 5 years now to reform the bankruptcy laws of our country. Do you recognize the fact that the current law which we are trying to change and which we are within a quarter of an inch of trying to change that the current law under bankruptcy allows one of these corporate executives to take millions of dollars, escape to a State that has a homestead exemption and then purchase a big mansion in one of these places where the full value of that mansion would not be subject to creditors or to employees or anybody else?

We have changed that in our bankruptcy reform bill. And so everyone should recognize that one of the good things that comes out of bankruptcy reform is further safeguarding against corrupt corporate executives and streamlines a system that for so many years really required streamlining.

CHANGE IN APPOINTMENT OF CONFEREES ON H.R. 4, SECURING AMERICA'S FUTURE ENERGY ACT OF 2002

The SPEAKER (during the Special Order of Mr. KUCINICH). Pursuant to clause 11 of rule I, the Chair announces that in the appointment of the managers on the part of the House in the conference on the bill H.R. 4, the gentlewoman from Wyoming (Mrs. CUBIN) is appointed, in addition to the appointment from the Committee on Resources, for consideration of the House bill and the Senate amendment, and modifications committed to conference.

The Clerk will notify the Senate of the change in conferees.

VOTE "NO" ON IRAQ WAR RESOLUTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Ohio (Mr. KUCINICH) is recognized for 60 minutes as the designee of the minority leader.

Mr. KUCINICH. Mr. Speaker, I want to thank the Speaker and the leadership for providing me with this opportunity.

Mr. Speaker, it was just a few moments ago that 25 Members of Congress, in temperatures that outside were over 90 degrees, stood one after another to announce their opposition to the war resolution that has been presented to this Congress.

□ 1515

As the vote on whether or not this Nation goes to war approaches in this Chamber, a vote which most surely will come within a few days, I think it is important, Mr. Speaker, for us to be able to make the case to the American people as to why it is not appropriate for this country to go to war and to encourage the American people to call their Members to make sure that government of the people, by the people, and for the people does prevail.

The Members who joined me today, Members for whom I have the greatest gratitude, include the gentlewoman from Florida (Ms. BROWN), the gentleman from Ohio (Mr. BROWN), the gentleman from Massachusetts (Mr. CAPUANO), the gentlewoman from North Carolina (Mrs. CLAYTON), the gentleman from Michigan (Mr. CONYERS), the gentleman from Illinois (Mr. DAVIS), the gentleman from Oregon (Mr. DEFAZIO), the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), the gentleman from Texas (Mr. DOGGETT), the gentleman from California (Mr. FARR), the gentleman from California (Mr. FILNER), the gentlewoman from Texas (Ms. JACKSON-LEE), the gentlewoman from Ohio (Ms. KAPTUR), the gentleman from Virginia (Mr. MORAN), the gentleman from Massachusetts (Mr. OLVER), the gentlewoman from Michigan (Ms. RIVERS), the gentleman from Vermont (Mr. SANDERS), the gentleman from New York (Mr. SERRANO), the gentlewoman from Illinois (Ms. SCHAKOWSKY), the gentlewoman from California (Ms. SOLIS), the gentlewoman from Ohio (Mrs. JONES), the gentlewoman from California (Ms. WATERS), the gentlewoman from California (Ms. WATSON), and the gentlewoman from California (Ms. WOOLSEY).

One after another they came before the national press to make their case as to why this Congress should vote against any resolution which would put us on a path towards war. And one after another, in front of the National Press Corps, they called out to the American people to tell the American people to make sure that they called their Members of Congress; that if they did not want war, these Members told the National Press Corps, that if the American people do not want war, to call their Congressman.

So, Mr. Speaker, today, I intend to do a number of things. I intend to present to this Congress an analysis of the joint resolution which was offered to this Congress; and, after presenting that analysis, I want to put in perspective where we are in this moment in history.

The resolution which this Congress is facing says: "Whereas in 1990 in response to Iraq's war of aggression against an illegal occupation of Kuwait, the United States forged a coalition of nations to liberate Kuwait and its people in order to defend the national security of the United States and enforce United Nations Security Council resolutions relating to Iraq."

The American people need to know that the key issue here is that in the Persian Gulf War there was an international coalition. World support was for protecting Kuwait. There is no world support for invading Iraq.

The resolution goes on to say: "Whereas after the liberation of Kuwait in 1991, Iraq entered into a United Nations sponsored cease-fire agreement pursuant to which Iraq unequivocally agreed, among other things, to eliminate its nuclear, biological, and chemical weapons programs and the means to deliver and develop them, and to end its support for international terrorism;

"Whereas the efforts of international weapons inspectors, United States intelligence agencies, and Iraqi defectors led to the discovery that Iraq had large stockpiles of chemical weapons and a large scale biological weapons program, and that Iraq had an advanced nuclear weapons program that was much closer to producing a nuclear weapon than intelligence reporting had previously indicated."

But the key issue here that the American people need to know is that U.N. inspection teams identified and destroyed nearly all such weapons. A lead inspector, Scott Ritter, said that he believes that nearly all other weapons not found were destroyed in the Gulf War. Furthermore, according to a published report in The Washington Post, the Central Intelligence Agency, yes, the Central Intelligence Agency, has no up-to-date accurate report on Iraq's capabilities of weapons of mass destruction.

The resolution that is presented to this Congress says: "Whereas Iraq, in direct and flagrant violation of the cease-fire, attempted to thwart the efforts of weapons inspectors to identify and destroy Iraq's weapons of mass destruction stockpiles and development capabilities, which finally resulted in the withdrawal of inspectors from Iraq on October 31, 1998."

What the American people need to know, and the key issue here, is that the Iraqi deceptions always failed. The inspectors always figured out what Iraq was doing. It was the United States that withdrew from the inspections in 1998, and the United States then launched a cruise missile attack against Iraq 48 hours after the inspectors left. And it is the United States, in advance of a military strike, the U.S. continues to thwart, and this is the administration's word, weapons inspections.

Now, this resolutions, and what I am doing here obviously is stating the resolution as a point and then making the counterpoint so the American people can understand that this is a capsule summary of the debate that is going to take place in this House next week.

In the resolution the administration contends: "Whereas, in 1998 Congress concluded that Iraq's continuing weapons of mass destruction programs threatened U.S. vital interests and international peace and security, declared Iraq to be in material and unacceptable breach of its international obligations and urged the President to take appropriate action, in accordance with the Constitution and relevant laws of the United States, to bring Iraq into compliance with its international obligations."

The resolution says: "Whereas Iraq both possesses a continuing threat to the national security of the United States and international peace and security in the Persian Gulf region and remains in material and unacceptable breach of its international obligations by, among other things, continuing to possess and develop a significant chemical and biological weapons capability, actively seeking a nuclear weapons capability, and supporting and harboring terrorist organizations."

The American people deserve to know that the key issue here is that there is no proof that Iraq represents an imminent or immediate threat to the United States of America. I will repeat: there is no proof that Iraq represents an imminent or immediate threat to the United States. A continuing threat does not constitute a sufficient cause for war. The administration has refused to provide the Congress with credible evidence that proves that Iraq is a serious threat to the United States and that it is continuing to possess and develop chemical and biological and nuclear weapons.

Furthermore, there is no credible evidence connecting Iraq to al Qaeda and 9-11, and yet there are people who want to bomb Iraq in reprisal for 9-11. Imagine, if you will, as Cleveland columnist Dick Feagler wrote last week, if after this country was attacked by Japan at Pearl Harbor in 1941, if instead of retaliating by bombing Japan, we would have retaliated by bombing Peru. Iraq is not connected by any credible evidence to 9-11, nor is it connected by any credible evidence to the activities of al Qaeda on 9-11.

The resolution says, and I quote, continuing in this comparison point by point, the resolution says, that we will be voting on the administration's resolution: "Whereas Iraq persists in violating resolutions of the United Nations Security Council by continuing to engage in brutal repression of its population thereby threatening international peace and security in the region, by refusing to release, repatriate, or account for non-Iraqi citizens wrongfully detained by Iraq, including an American serviceman, and by failing to return property wrongfully seized by Iraq from Kuwait."

The counterpoint, and what the American people deserve to know, the key issue here, is that this language is so broad that it would allow the President to order an attack against Iraq even though there is no material threat to the United States. Since this resolution authorizes the use of force for all Iraq-related violations of U.N. Security Council directives, and since the resolution cites Iraq's imprisonment of non-Iraqi prisoners, this resolution could be seen by some to authorize the President to attack Iraq in order to liberate Kuwaiti citizens, who may or may not be in Iraqi prisons, even if Iraq met compliance with all requests to destroy any weapons of mass destruction.

The resolution goes on to say: "Whereas the current Iraqi regime has demonstrated its capability and willingness to use weapons of mass destruction against any other nations and its own people;

"Whereas the current Iraqi regime has demonstrated its continuing hostility toward, and willingness to attack, the United States, including by attempting in 1993 to assassinate former President Bush and by firing on many thousands of occasions on United States and Coalition Armed Forces engaged in enforcing the resolutions of the United Nations Security Council."

The counterpoint of this, Mr. Speaker, and the key issue here, is that the Iraqi regime has never attacked, nor does it have the capability to attack, the United States. The no-fly zone was not the result of a U.N. Security Council directive. Now, many people do not know that. They think the U.N. Security Council established the no-fly zone. It did not. The no-fly zone was illegally imposed by the United States, Great Britain, and France, and is not specifically sanctioned by any Security Council resolution.

The resolution goes on to say, and I quote from the resolution: "Whereas members of al Qaeda, an organization bearing responsibility for attacks on the United States, its citizens, and interests, including the attacks that occurred on September 11, are known to be in Iraq."

Well, the American people need to know there is no credible evidence that connects Iraq to the events of 9-11 or to participation in those events by assisting al Qaeda.

The resolution states, and I quote: "Whereas Iraq continues to aid and harbor other international terrorist organizations, including organizations that threaten the lives and safety of American citizens."

The key issue here, and the counterpoint that the American people need to know, is that any connection between Iraq's support of terrorist groups in the Middle East, Mr. Speaker, is an argument for focusing great resources on resolving the conflict between Israel and the Palestinians. It is not a sufficient cause for the United States to launch a unilateral preemptive strike against Iraq. Indeed, an argument could be made that such an attack would exacerbate the condition in the Middle East and destabilize the region.

The resolution states: "Whereas the attacks on the United States of America of September 11, 2001 underscored the gravity of the threat posed by the acquisition of weapons of mass destruction by international terrorist organizations."

And, again, and I stress, the American people need to know that there is no connection between Iraq and the events of 9-11. However, this resolution attempts to make the connection over and over and over. And just saying that there is a connection does not make it so, because the Central Intelligence Agency has not presented this Congress with any credible information that indicates that there is in fact a tie between Iraq and 9-11, between Iraq and al Qaeda, or Iraq and the anthrax attacks on this Capitol.

And if we are to go to war against any Nation, and I oppose us doing this in this case, we ought not be taking such action in retaliation, and ought not put it in a document like this in retaliation, attacking a nation that had nothing to do with 9-11.

□ 1530

The resolution goes on to say, "Whereas Iraq's demonstrated capability and willingness to use weapons of mass destruction, the risk that the current Iraqi regime will either employ those weapons to launch a surprise attack against the United States or its Armed Forces or provide them to international terrorists who would do so, and the extreme magnitude of harm that would result to the United States and its citizens from such an attack, combine to justify action by the United States to defend itself"; that is the assertion.

The key issue here is that there is no credible evidence that Iraq possesses weapons of mass destruction. If Iraq had successfully concealed the production of such weapons since 1998, and let us assume that somebody has information they have never told Congress, they have never been able to back up, but they have this information and it is secret, and they secretly know Iraq has such weapons, there is no credible evidence that Iraq has the capability to reach the United States with such weapons, if they have them, and many of us believe no evidence has been presented that they do.

In 1991, the Gulf War, Iraq had a demonstrated capability of biological and chemical weapons, but they obviously did not have the willingness to use them against the Armed Forces of the United States. Congress has not been provided any credible information which proves that Iraq has provided international terrorists with weapons of mass destruction.

Mr. Speaker, this resolution will be presented to this Congress to vote on as a cause of war. I am reading the exact quote from the resolution, and then I am making the counterpoint. In effect, this is the first step towards a debate on this issue on this floor.

The resolution says, "Whereas United Nations Security Council Resolution 678 authorizes the use of all necessary means to enforce United Nations Security Council Resolution 660 and subsequent relevant resolutions and to compel Iraq to cease certain activities that threaten international peace and security, including the development of weapons of mass destruction and refusal or obstruction of United Nations weapons inspections in violation of United Nations Security Council Resolution 687, repression of its civilian population in violation of United Nations Security Council Resolution 688, and threatening its neighbors or United Nations operations in Iraq in violation of United Nations Security Council Resolution 949."

The counterpoint and what the American people need to know is that the U.N. Charter, and we participate in the United Nations, we helped form the United Nations, we helped set up this international framework of law that is represented by the United Nations, that the United Nations Charter forbids all Member nations, including the United States, from unilaterally enforcing U.N. resolutions.

We cannot do this on our own. We cannot decide that some nation is in violation of U.N. resolutions and we take it upon ourselves to render justice.

The resolution states, that will be before this House as a cause of war, "Whereas Congress in the Authorization for Use of Military Force Against Iraq Resolution (Public Law 102–1) has authorized the President to use United States Armed Forces pursuant to United Nations Security Council Resolution 678 (1990) in order to achieve implementation of Security Council Resolutions 660, 612, 664, 665, 666, 667, 669, 670, 674, 677"; and the point is the same.

If those Security Council resolutions are not being implemented, that is up to the United Nations and the Security Council to take up the matter. It is not up to the United States to initiate unilateral action enforcing U.N. resolutions with military force.

The resolution which is being presented to this House next week says, "Whereas in December 1991, Congress expressed its sense that it supports the use of all necessary means to achieve the goals of United Nations Security Council Resolution 687 as being consistent with the Authorization of Use of Military Force Against Iraq Resolution (Public Law 102–1), that Iraq's repression of its civilian population violates United Nations Security Council Resolution 688 and constitutes a continuing threat to the peace, security, and stability of the Persian Gulf region, and that Congress supports the use of all necessary means to achieve the goals of United Nations Security Council Resolution 688."

Well, the counterpoint here is this, and what we are going to be asserting on the floor of this House is that this clause demonstrates the proper chronology of international process in contrast to the current march to war. In 1991, the United Nations Security Council passed the resolution asking for enforcement of its resolution. Member countries authorized their troops to participate in a U.N.-led coalition to enforce the U.N. resolutions. Now the President is asking Congress to authorize a unilateral first strike before the U.N. Security Council has asked its member states to enforce U.N. resolutions.

If we believe in international law, then we ought to look to what this country did in 1991 when it joined the United Nations' effort on this matter on global security and not go it alone, not initiate a unilateral action or attack or preemptive strike.

The resolution here says, "Whereas the Iraq Liberation Act (Public Law 105–338) expressed the sense of Congress that it should be the policy of the United States to support efforts to remove from power the current Iraqi regime and promote the emergence of a democratic government to replace that regime."

Well, the counterpoint is this, and the American people should know this, this sense of Congress resolution which is referred to in that paragraph was not binding. Furthermore, while Congress supported democratic means of removing Saddam Hussein, and I voted for that, we clearly did not endorse the use of force contemplated in this resolution.

Where does it end? Is there some other leader we do not like that we are going to use force to take out? Nor did Congress endorse assassination as a policy. It is absolutely horrific that a Nation which has prided itself as celebrating the rule of law, as believing in the rights of all people, that we would have any document in our government, have any public official in our government, have anybody working for this government implying or openly advocating that we would use assassination as a policy. This country has suffered from assassination of some of our greatest leaders, some of our greatest Presidents, and we know that once that principle goes out there, that it can only go against the highest principles this country stands on.

Mr. Speaker, this resolution says, "Whereas on September 12, 2002, President Bush committed the United States to work with the United Nations Security Council to meet our common challenge posed by Iraq and to work for the necessary resolutions, while also making it clear that the Security Council resolutions will be enforced, and that the just demands of peace and security will be met, or action will be unavoidable."

It goes on to say, "Whereas the United States is determined to prosecute the war on terrorism and Iraq's ongoing support for international terrorist groups combined with its development of weapons of mass destruction in direct violation of its obligations under the 1991 cease-fire and other United Nations Security Council resolutions make clear that it is in the national security interests of the United States and in furtherance of the war on terrorism that all relevant United Nations Security Council resolutions be enforced, including through the use of force if necessary."

That is their cause of war. Now what the American people need to know, and the other side of that key issue is, unilateral actions against Iraq will cost the United States the support of the world community, adversely affecting the war on terrorism. No credible intelligence exists which connects Iraq to the events of 9/11 or to those terrorists who perpetrated 9/11. And under international law, the United States does not have the authority to unilaterally order military action to enforce United Nations Security Council resolutions.

The point that the administration is trying to make, and it is in this resolution, that it is a cause of war is that, "Whereas Congress has taken steps to pursue vigorously the war on terrorism through the provision of authorities and funding requested by the President to take the necessary actions against international terrorists and terrorist organizations, including those nations, organizations or persons who planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such persons or organizations."

The key issue here and what the American people need to know and what will be in debate on this floor next week is that the administration has not provided Congress with any proof that Iraq is in any way connected to the events of 9/11. The American people are fair people. They do not believe in hitting someone who did not hit them. They believe in self-defense, but they do not believe that we should bomb Iraq if Iraq is not connected to 9/11.

The administration in the resolution that we will be voting on next week, their cause of war says, "Whereas the President and Congress are determined to continue to take all appropriate actions against international terrorists and terrorist organizations, including those nations, organizations or persons who planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001, or harbored such persons or organizations."

Again, I repeat, the answer to that is obvious. By now people need to understand, the American people need to know, the counterpoint is the administration has not provided Congress with any proof that Iraq is in any way connected to the events of 9/11. Furthermore, there is no credible evidence that Iraq has harbored those who are responsible for planning the attacks.

The resolution says, "Whereas the President has the authority under the Constitution to take action in order to deter and prevent acts of international terrorism against the United States, as Congress recognized in the joint resolution on Authorization for Use of Military Force (Public Law 107-40);" and what the American people need to know and the key point here, the counterpoint is that this resolution that we passed, the one we passed last year, that was specific to 9/11. It was a limited response to 9/11. It did not authorize war without end. We did not vote for that. We did not vote to conduct war against Iraq a year ago.

The resolution states, "Whereas it is in the national security of the United States to restore international peace and security to the Persian Gulf region."

The key issue here, Mr. Speaker, what do we mean by national security interests? If by national security interests of the United States the administration means oil, it ought to communicate such to the Congress. A unilateral attack on Iraq by the United States will cause instability and chaos in the region, and it will sow the seeds of future conflict all over the world.

Mr. Speaker, we have an enactment clause in all laws which is effectively the stuff of which the law is made. All of the things that I have cited before are substantially prefatory clauses, even hortatory language, but the real guts of the law comes in the enactment clause.

□ 1545

The short title is the Authorization for the use of Military Force Against Iraq.

Section 2. Support for United States Diplomatic Efforts.

The Congress of the United States supports the efforts by the President to strictly enforce through the United Nations Security Council all relevant Security Council resolutions applicable to Iraq and encourages him in those efforts; and, B, obtain prompt and decisive action by the Security Council to ensure that Iraq abandons its strategy of delay, evasion and noncompliance and promptly and strictly complies with all relevant Security Council resolutions.

Mr. Speaker, Congress can and Congress should support this clause. However, the section I am about to read, which is section 3, undermines the effectiveness of this section 2. Any peaceful settlement requires Iraq compliance. The totality of this resolution, however, indicates the administration will wage war against Iraq no matter what. This approach, of course, would undermine negotiations.

I am going to cite from section 3 which is the section that all Americans are going to want to know about:

Section 3. Authorization for Use of United States Armed Forces.

Authorization. The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to, 1, defend the national security of the United States against the continuing threat posed by Iraq; and, 2, enforce all relevant United Nations Security Council resolutions regarding Iraq.

Mr. Speaker, the key issue here and the counterpoint and what will be the focus of debate in this House next week is this fact: this clause is substantially similar to the authorization that the President originally sought. It gives authority to the President to act prior to and even without a U.N. resolution, and it authorizes the President to use U.S. troops to enforce U.N. resolutions, even without United Nations' request for it. So what we are talking about here is unilateralism. Go it alone. Policeman of the world. Strike first. Send a signal to every other nation; strike first. This is a violation of chapter 7 of the U.N. charter, which reserves the ability to authorize force for that purpose to the Security Council alone.

Under chapter 7 of the charter of the United Nations, it says that the Security Council shall determine the existence of any threat to peace and shall make recommendations to maintain or restore international peace and security. That is from article 39. It says that only the Security Council can decide that military force would be necessary. The Security Council may decide what measures are to be employed, to give effect to its decisions. Article 41. And it may take such action by air, sea or land forces as may be necessary to maintain or restore international peace and security. That is article 43.

Furthermore, the resolution that will be before us authorizes use of force illegally since the U.N. Security Council has not requested it. According to the U.N. charter, members of the U.N. such as the U.S. are required to make available to the Security Council on its call and in accordance with the special agreement or agreements, armed forces. The U.N. Security Council has not called upon its members to use military force against Iraq at the current time. Furthermore, changes to the language of the previous use of force resolution drafted by Congress and objected to by many Members of Congress are cosmetic.

I want it stated, Mr. Speaker, if I thought for a moment that this country was facing a threat and was under attack, I and every Member of this Congress would rise in a single voice. By voice we would have a unanimous resolution defending this country, because that is our proud tradition. As a matter of fact, that is one of the foundational principles of this country, to provide for the common defense. We have an obligation to provide for the common defense. But we also have an obligation not to let that hallowed principle, that sacred principle of providing for the common defense be misused.

It says provide for the common defense, not provide for the common offense. It is called the Department of Defense, not the Department of Offense. America is not an aggressor Nation, but the resolution that is brought in this House next week would for the first time in the history of this country make America an aggressor Nation. We have to remember that we are heirs to an incredible tradition, a tradition of standing up for honesty and decency and human rights in this world, a tradition of truth telling, a tradition upon which 226 years rests. In that tradition there are no Democrats or Republicans; there are only Americans. Before this Congress defames the purpose of this country by voting for such a resolution, we owe it to the American people to go over every aspect of this resolution to make sure that we are not making a grievous mistake that would set this country on a path towards destruction.

Mr. Speaker, many of us remember last month when we left this Chamber to join hundreds of Members of Congress in a solemn commemoration of 9-11 and in solidarity with New Yorkers at Federal Hall in New York City. I know the Speaker and other Members of Congress, all of us, could sense a special energy at that sacred shrine to democracy where George Washington was sworn in, where a Congress of 2 centuries ago received the Bill of Rights. As I stood there, Mr. Speaker, in a moment of reflection, I could envision the Congress of long ago gathering as a galaxy of stars just cascaded from the sky through that circular opening above the rotunda of Federal Hall. In my mind's eye, I could see this galaxy of stars coming through representing universal principles pouring into this venerable site, in forming the pledge that Washington made to a new Nation, freedom's holy light illuminating the Bill of Rights.

In that moment, I had a new understanding about our flag. Our flag as spangled with stars as a bolt of heaven itself connects the United States with eternal principles of unity, of brotherhood and sisterhood. Look at that flag. Those stars are not just 50 States. They are principles. And the energy of the stars, present at the birth of this Nation, is still with us. It is upon that dark blue cloth of our flag. One bright star there shines for hope, another star for optimism, another for well-being, one for freedom, one star for abundance, one star for creativity, one for togetherness, and one for peace. One star to wish upon to create our highest aspirations, to make our dreams come true.

This, our country and our very selves are all made of such stars. As the popular song goes, "This is who we are." This is what gives higher meaning to our being an American. This is what gives higher meaning to patriotism. I love our flag. Though some would make it stand for chaos and war, I see the field of stars as standing for the highest expression of human unity. A higher meaning of the United States is that we express wholeness through the unity of 50 States. Out of many, we are one. That is the motto up there, Mr. Speaker, e pluribus unum, Latin for "out of many, we are one." We present ourselves to the world as an exemplification of the principle of oneness, of the universality of all, of the confirmation of one in the many. The world. Out of many nations we are one. Universality, that is where we come from.

The idea of America emerged from the intellectual energy, the heart energy, the spirit energy of the Renaissance, the genesis and a journey of lovers marrying their fortunes together, bound for America, looking for that lamp lifted beside the golden door of liberty. The quest for universal principles, of justice, of human rights, of civil rights, of opportunity, of a meaningful future is what caused millions, millions to see America as the light of nations. These universal principles are the stars by which those who came to our shores sailed. These are the stars that can guide us past the shoals of arms dealers and oil interests who today would crash our ship of state upon the rocks of war.

America has a higher destiny. As with generations past, our destiny can take us to places we have never been before or can only imagine, places of peace, places of plenty, places of hope, places of love. We have a right to live up to our ideals. That is our birthright. We should not trade it for the pretensions of empire, nor for delusions of grandeur, nor for all the gold in Fort Knox, all the tea in China, nor all the oil in Iraq. America has a higher destiny. Mr. Speaker, I want to speak about the America that can be, about reestablishing the context of our Nation, about a second renaissance which can begin in this Nation with this generation.

First, let us travel to the place where civilization was born thousands of years ago, upon the banks of the Tigris and Euphrates. Let us see there, instead of dancing with death and killing untold thousands of innocent civilians, we can change directions, pull back from war with Iraq, change the outcome, connect with our aspirations for peace and reclaim our ingenuity and creativity in human relations.

Why is this war and why has this war that we are facing with Iraq, why has it been presented as inevitable? Is it not time to insist that our leaders stop incessant war talk, this assumed right to unilateral action? Is it not time that we insist on preventive diplomacy and our obligation to work with the world community on matters of global security? Why is this war being presented as inevitable?

The headlines from The New York Times the day after we visited to commemorate 9–11 read, "Bush to Warn U.N., Act on Iraq or U.S. Will. He Leads Nation in Mourning at Terrorist Sites." There is no credible evidence linking Iraq with 9–11, with al Qaeda, or with anthrax attacks. There is no credible evidence Iraq has usable weapons of mass destruction, the ability to deliver such weapons, or the intention to do so.

When Iraq possessed such weapons, quite sad to say, they did it with the knowledge and sometimes with materials from the United States. During the administration of President Reagan, 60 helicopters were sold to Iraq. Later reports said Iraq used U.S. helicopters to spray Kurds with chemical weapons. According to The Washington Post, Iraq used mustard gas against Iran with the help of intelligence from the CIA. Intelligence reports cited the use of nerve gas by Iraq against Iran. Iraq's punishment? The U.S. reestablished full diplomatic ties around Thanksgiving of 1984. Throughout 1989 and 1990, U.S. companies, with the permission of the first Bush government, sent to Iraq, the government of Saddam Hussein, tons of mustard gas precursors, live cultures for bacteriological research, helped to build a chemical weapons factory, supplied West Nile virus, supplied fuel explosive technology, computers for weapon technology, hydrogen cyanide precursors, computers for weapon research and development, and vacuum pumps and bellows for nuclear weapons plants.

"We have met the enemy," said Walt Kelly's Pogo, "and he is us."

□ 1600

Unilateral action on the part of the United States or in partnership with Great Britain would for the first time set our Nation on a blood-stained path of aggressive war, a sacrilege against the memory of those who fought to defend this country. America's moral authority would be undermined throughout the world. It would signal for Russia to invade Georgia; China, Taiwan; North Korea, South; India, Pakistan; and destabilize the entire Gulf and Middle Eastern region.

There is a way out. We need a comprehensive solution to the crisis in Iraq. It must involve the United Nations, and it can be facilitated by Russia, which signed a $40 billion trade agreement with Iraq. Inspections for weapons of mass destruction must begin immediately. Inspectors must have free and unfettered access to all sites. Negotiations must begin.

Concerning the counterproductive policies, a regime change and sanctions, emergency relief must be expedited. Free trade except in arms should be permitted. Foreign investments should be allowed, and the assets of Iraq abroad must be restored. A regional zone free of weapons of mass destruction should be established.

If we could take a new direction in Iraq and the region, we could begin a new era of peace. We do not have to go to war. We could refocus our effort on the conflict between the Palestinians and the Israelis. We could bring new initiatives to help Pakistan and India resolve Kashmir.

Mr. Speaker, in total, the United States can repair its position in the world community through cooperation, not confrontation. We can change the world for the better, and we can look to the heavens itself for guidance. We can begin by banning any research planning or deployment of weapons in outer space. Human destiny has always been linked with the stars. How grim that America is planning to put weapons in outer space, to seize the ultimate high ground, to attempt to gain strategic advantage over every nation on Earth.

We must turn back from such arrogance. We must let the name of peace be hallowed on Earth as it is in the heavens. With a space preservation treaty, we must direct our efforts towards solving conflicts on this planet rather than spreading war and perpetuity throughout the universe in a plan paradoxically called Vision 2020.

I have a vision of nations working together cooperatively, using what President Franklin Roosevelt called the science of human relations. That is the basis for the creation of a department of peace which seeks to make nonviolence an organizing principle in our society for domestic as well as international policy. War is not inevitable unless we refuse to work for peace patiently and tirelessly.

I envision a U.S. leadership which will end the threat of nuclear destruction by realizing the promise of the Nonproliferation Treaty. Seventeen nations possess, are pursuing, or are capable of acquiring nuclear weapons. Now is the time to stop the drive towards nuclear rearmament. Now is the time to provide incentives to stop the nuclear arms race, to stop building nuclear weapons, and to stop testing.

America should restore the ABM Treaty and begin again with Russia true arms reductions towards the day when all nuclear weapons are abolished, and America can lead those 26 nations which possess or they are pursuing or are trying to get chemical weapons of mass destruction. We need to move towards participation in the chemical weapons convention and agree to have such weapons eliminated worldwide. America can lead the way towards the destruction of all biological weapons of mass destruction by signing on to the biological weapons convention. Twenty nations have designs on such weapons. Let America lead the way towards abolishing biological weapons.

We have much work to do to regain world leadership in ending the proliferation of small arms by signing the small arm treaty and to eliminate the scourge of land mines. America can help strengthen the cause of international justice by agreeing to the International Criminal Court. Certainly, certainly a Nation which has an interest in bringing to justice those in violation of international law should support an international court which would accomplish just that.

Mr. Speaker, last month I represented the United States at the World Summit on Sustainable Development. There with the gentleman from California (Mr. GEORGE MILLER), the gentleman from Oregon (Mr. BLUMENAUER), I called for our Nation to join with the world community in solving the challenge of global climate change and working to reduce carbon emissions, greenhouse gases. America must lead the way towards sustainable and renewable energies. As a first step, I joined with Mayor Brown of Oakland, proposing a $50 billion solar initiative in cooperation with Mikhail Gorbachev's Global Green.

It is the United States that lead the way towards a global community which is inclusive and sustainable, which promotes democratic values, and which enables the growth of potential and the health of each person by putting human rights and workers' rights and environmental quality principles into each and every trade agreement.

There is much work to do on the world stage, but we cannot do it by creating war when we ought to be working for peace. Iraq is not an imminent threat, but an unemployment rate which is reaching 6 percent is an imminent threat. Forty-one million Americans without health insurance is an imminent threat. The high cost of prescription drugs, an imminent threat. Unregulated energy companies which charge confiscatory rates for electricity and gas, an imminent threat. Large corporations which lie about their value and deprive stockholders of their life's savings, an imminent threat. Seniors losing their pensions, an imminent threat.

So, too, is the climate of fear being cycled in this country. Every time a civil liberty is rolled back or undermined in America, a little bit of our free Nation dies. Each government report which drums terror and fear weakens our Nation. When Francis Scott Key wrote "Oh, say does that star-spangled banner yet wave, o'er the land of the free and the home of the brave," he made the essential connection between democracy and courage. Courage will guide our Nation through this crisis. Courage will enable us to set our government right. Courage will enable us to go to the campuses, to labor halls, to churches and to the streets to organize against a war which will undermine our Nation, ruin our reputation, kill innocent people, and damage the economy of our Nation and the world.

We are at a critical and creative moment in the human history where we have it within our power to change the world. It is about evolutionary politics which follows an evolutionary consciousness. We can do it by changing the way we look at the world, by contemplating and realizing universal brotherhood and sisterhood of all persons. We can do it by tapping into our own unlimited potential to think anew.

Imagine, imagine if we could look at our Nation today with the same daring with which our Founders gazed. Imagine if we could regain the capacity of spirit which animated freedom of speech, the right to assemble, the right to vote, freedom from fear, freedom from want.

I tell my colleagues that there is another America out there, and it is ready to be called forward. It is the America of our dreams. It is the America of the flag full of stars. It is the America which is in our hearts, and we can make it the heart of the world.

I thank the people of the 10th Congressional District for giving me the honor to serve the State of Ohio in this Congress, and I join once again in gratitude to all those Members of Congress who today called on the people of America to reconfirm the commitment of 'government of the people, by the people, and for the people, to reconfirm the connection which you have with this country. And if you do not want war with Iraq, then the people have the right to contact their Members of Congress and tell them so. That is the essence of representative government; that is the process I am proud to be a part of. That is why it is a privilege to be a Member of the Congress of the United States.

OMISSION FROM THE CONGRESSIONAL RECORD OF WEDNESDAY, OCTOBER 2, 2002 AT PAGE H6963

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC., September 26, 2002.

Hon. J. DENNIS HASTERT,
Speaker of the House,
Washington, DC

DEAR MR. SPEAKER: Enclosed are copies of resolutions adopted on September 25, 2002 by the Committee on Transportation and Infrastructure. Copies of the resolutions are being transmitted to the Department of the Army.

Sincerely,

DON YOUNG,
Chairman.

There was no objection.

DOCKET 2702: MARTIN PENA CANAL, SAN JUAN, PUERTO RICO

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Rio Puerto Nuevo, Puerto Rico, and other pertinent reports to include the dredging of Cano Martin Pena Project Design Report and Environmental Impact Statement, dated March 2001, to determine whether modifications to the recommendations contained therein are advisable at the present time in the interest of environmental restoration and protection and related purposes at the Martin Pena Canal, San Juan, Puerto Rico.

Adopted: September 25, 2002.

DOCKET 2703: ARTHUR KILL CHANNEL AND MORSES CREEK TO PERTH AMBOY, NEW JERSEY

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the New York and New Jersey Channels, published as House Document 133, 74th Congress, 1st Session, and other pertinent reports to determine whether benefits have changed affecting the feasibility of deepening the Arthur Kill channel and easing bends in the channel from Morses Creek to Perth Amboy, New Jersey, to accommodate deep draft navigation. The review shall include the locally prepared study entitled "Pre-feasibility Study for Channel Improvements—Arthur Kill from Morses Creek to Perth Amboy and Raritan Bay Approaches.".

Adopted: September 25, 2002.

DOCKET 2704: ELLIOTT BAY SEAWALL, SEATTLE, WASHINGTON

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the Comprehensive Study of Water and Related Land Resources for Puget Sound and Adjacent Waters, State of Washington, dated 1971, and other pertinent reports to determine whether modifications to the recommendations contained therein are advisable at the present time in the interest of storm damage prevention, shoreline protection, environmental restoration and protection, and related purposes in Elliott Bay, Washington, including the rehabilitation of the Alaskan Way seawall.

Adopted: September 25, 2002.

DOCKET 2705: MIDDLE AND LOWER ST. CROIX RIVER, MINNESOTA AND WISCONSIN

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the St. Croix River, Wisconsin and Minnesota, published as House Document 462, 71st Congress, 2nd Session, and other pertinent reports to determine whether modifications to the recommendations contained therein are advisable at the present time in the interest of flood damage reduction, environmental restoration and protection, water quality and related purposes to include developing a comprehensive coordinated watershed management plan for the development, conservation, and utilization of water and related land resources in the St. Croix River Basin and its tributaries.

Adopted: September 25, 2002.

DOCKET 2706: TONAWANDA CREEK WATERSHED, NEW YORK

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Buffalo Metropolitan Area Water Resources Management Final Report dated 1991 and all interim studies for the entire Tonawanda Creek Watershed and related reports to determine whether modifications to the recommendations contained therein are advisable at the present time in the interest of environmental restoration and protection, flood damage reduction, stream bank restoration, water quality, recreation and other related purposes.

Adopted: September 25, 2002.

DOCKET 2707: MILL CREEK, SOUTHAMPTON, PENNSYLVANIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Delaware River Basin, New York, New Jersey, Pennsylvania and Delaware, published as House Document 522, 87th Congress, 2nd Session, and other pertinent reports to determine whether modifications of the recommendations contained therein are advisable at the present time in the interest of flood control, environmental restoration and protection, riparian habitat improvement, erosion, and other related purposes in the Mill Creek area, Southampton, Pennsylvania.

Adopted: September 25, 2002.

DOCKET 2708: SILVER AND BROCK CREEKS, YARDLEY, PENNSYLVANIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Delaware River Basin, New York, New Jersey, Pennsylvania and Delaware, published as House Document 522, 87th Congress, 2nd Session, and other pertinent reports to determine whether modifications of the recommendations contained therein are advisable at the present time in the interest of flood control, environmental restoration and protection, riparian habitat improvement, erosion, and other related purposes in the Silver and Brock Creeks Watersheds, Yardley, Pennsylvania.

Adopted: September 25, 2002.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TANNER (at the request of Mr. GEPHARDT) for today on account of a death in the family.

Mr. LEWIS of California (at the request of Mr. ARMEY) for today after 11:30 a.m. and the balance of the week on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. KAPTUR) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. SHOWS, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. FARR of California, for 5 minutes, today.

Mr. TAYLOR of Mississippi, for 5 minutes, today.

(The following Members (at the request of Ms. ROS-LEHTINEN) to revise and extend their remarks and include extraneous material:)

Mr. GEKAS, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, October 7.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1226. An act to require the display of the POW/MIA flag at the World War II memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial; to the Committee on Resources.

S. 2980. An act to revise and extend the Birth Defects Prevention Act of 1998; to the Committee on Energy and Commerce.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on September 27, 2002 he presented to the President of the United States, for his approval, the following bills.

H.J. Res 111. Making continuing appropriations for the fiscal year 2003, and for other purposes.

H.R. 640. To adjust the boundaries of Santa Monica Mountains National Recreation Area, and for other purposes.

ADJOURNMENT

Mr. KUCINICH. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. REHBERG). The motion is agreed to.

Mr. KUCINICH. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. All those in favor of taking this vote by the yeas and nays will rise and remain standing until counted.

An insufficient number has arisen.

The yeas and nays are refused.

So the motion was agreed to; accordingly (at 4 o'clock and 11 minutes p.m.), under its previous order, the House adjourned until Monday, October 7, 2002, at 9:30 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9486. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 00-07, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

9487. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans State of Montana: General Conformity [MT-001-0046a; FRL-7383-2] received October 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9488. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Volatile Organic Compound Reasonably Available Control Technology (RACT) Plans and Regulations [MA-083-7213a; A-1-FRL-7374-9] received October 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9489. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Allegheny County's Generic VOC and NOx RACT Regulation and Revised Definitions [PA135-4101a; FRL-7389-2] received October 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9490. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia, Regulation to Prevent and Control Air Pollution From the Operation of Coal Preparation Plants, Coal Handling Operations and Coal Refuse Disposal Areas [WV048-6020a; FRL-7381-7] received October 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9491. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Ambient Air Quality Standard for Carbon Monoxide and Ozone [WV052-0623a; FRL-7388-9] received October 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9492. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Ambient Air Quality Standard for Nitrogen Dioxide [WV054-6022a; FRL-7381-9] received October 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9493. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Approval of PM10 State Implementation Plan (SIP) Revisions and Designation of Areas for Air Quality Planning Purposes [MA-075-7209a; A-1-FRL-7374-7] received October 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9494. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Clean Air Act Approval and Promulgation of Air Quality Implementation Plan Revision for North Dakota; Revisions to the Air Pollution Control Rules; Delegation of Authority for New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants [ND-001-0005a & 0007a; FRL-7379-8] received October 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9495. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Interim Final Determination to Stay Sanctions, Bay Area Air Quality Management District [CA 272-03969c; FRL-7387-2] received October 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9496. A letter from the Prinicpal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Antelope Valley Air Pollution Control District and South Coast Air Quality Management District [CA207-0252; FRL-7380-8] received October 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9497. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, South Coast Air Quality Management District [CA187-0365a; FRL-7385-3] received October 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9498. A letter from the Prinicpal Deputy Associate Administrator, Envrionmental Protection Agency, transmitting the Agency's final rule — Land Disposal Restrictions: National Treatment Variance to Designate New Treatment Subcategories for Radioactively Contaminated Cadmium-, Mercury-, and Silver-Containing Batteries [FRL-7390-7] (RIN: 2050-AE99) received October 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9499. A letter from the Prinicpal Deputy Associate Administrator, Envrionmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Bay Area Air Quality Management District [CA272-0369a; FRL-7387-1] received October 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9500. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting the Department of the Army's proposed lease of defense articles to the Government of Norway (Transmittal No. 15-02), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

9501. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the revised annual report concerning defense articles and services that were licensed for export under section 38 of the Arms Export Control Act during Fiscal Year 2001; to the Committee on International Relations.

9502. A letter from the Chairman, Federal Communications Commission, transmitting the Commission's revised strategic plan for FY 2003 through FY 2008; to the Committee on Government Reform.

9503. A letter from the Comptroller General, General Accounting Office, transmitting information concerning GAO employees who were assigned to congressional committees as of July 22, 2002; to the Committee on Government Reform.

9504. A letter from the Director, Regulations and Forms Services Division, Department of Justice, transmitting the Department's final rule — Delegating the Secretary of Labor the Authority To Adjudicate Certain Temporary Agricultural Worker (H-2A) Petitions [INS No. 1946-98; AG Order No. 2617-2002] (RIN: 1115-AF29) received October 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9505. A letter from the Chairperson, United States Commission on Civil Rights, transmitting a report entitled, "Ten-Year Check-Up: Have Federal Agencies Responded to Civil Rights Recommendations," pursuant to 42 U.S.C. 1975a(c); to the Committee on the Judiciary.

9506. A letter from the Attorney, Department of Transportation, transmitting the Department's final rule — Hazardous Materials Regulations: Minor Editorial Corrections and Clarifications [Docket No. RSPA-02-12524 (HM-189T)] (RIN: 2137-AD72) received October 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9507. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Guidelines Establishing Test Procedures for the Analysis of Pollutants; Measurement of Mercury in Water; Revisions to EPA Method 1631 [FRL-7390-6] (RIN: 2040-AD72) received October 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9508. A letter from the Deputy Administrator, General Services Administration, transmitting a report of Building Project Survey for the U. S. Court of Appeals in Atlanta, GA; to the Committee on Transportation and Infrastructure.

9509. A letter from the Administrator, General Services Administration, transmitting informational copies of additional lease prospectuses that support the General Services Administration's Fiscal Year 2003 Capital Investment and Leasing Program; to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HANSEN: Committee on Resources. H.R. 282. A bill to authorize the Pyramid of Remembrance Foundation to establish a memorial in the District of Columbia or its environs to soldiers who have lost their lives during peacekeeping operations, humanitarian efforts, training, terrorists attacks, or covert operations; with an amendment (Rep. 107–719). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. H.R. 5400. A bill to authorize the President of the United States to agree to certain amendments to the Agreement between the Government of the United States of America and the Government of the United Mexican States concerning the establishment of a Border Environment Cooperation Commission and a North American Development Bank, and for other purposes; with an amendment (Rept. 107–720). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. HART (for herself, Mr. Norwood, Mr. Wamp, and Mr. Shimkus):

H.R. 5542. A bill to consolidate all black lung benefit responsibility under a single official, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 5543. A bill to amend title 23, United States Code, to provide incentives to States for the development of traffic safety programs to reduce crashes related to driver fatigue and sleep deprivation; to the Committee on Transportation and Infrastructure.

By Mr. BOUCHER (for himself and Mr. Doolittle):

H.R. 5544. A bill to amend the Federal Trade Commission Act to provide that the advertising or sale of a mislabeled copy-protected music disc is an unfair method of competition and an unfair and deceptive act or practice, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CALVERT (for himself, Mr. Lewis of California, Mrs. Bono, and Mr. Baca):

H.R. 5545. A bill to designate a Prisoner of War/Missing in Action National Memorial at Riverside National Cemetery in Riverside, California; to the Committee on Veterans' Affairs.

By Mr. DUNCAN (for himself and Mr. Wamp):

H.R. 5546. A bill to authorize the construction of a replacement lock at the Chickamauga Lock and Dam, Tennessee; to the Committee on Transportation and Infrastructure.

By Mr. FRANK (for himself and Mr. Lynch):

H.R. 5547. A bill to direct the Secretary of the Interior to conduct a special resources study regarding the suitability and feasibility of designating certain historic buildings and areas in Taunton, Massachusetts, as a unit of the National Park System, and for other purposes; to the Committee on Resources.

By Mr. HOUGHTON:

H.R. 5548. A bill to amend the Internal Revenue Code of 1986 to provide fairness in tax collection procedures; to the Committee on Ways and Means.

By Mr. HOUGHTON:

H.R. 5549. A bill to amend the Internal Revenue Code of 1986 to provide for improved administrative efficiency and confidentiality under the internal revenue laws; to the Committee on Ways and Means.

By Mr. HOUGHTON:

H.R. 5550. A bill to amend the Internal Revenue Code of 1986 to reform its penalty and interest provisions; to the Committee on Ways and Means.

By Mr. ISRAEL:

H.R. 5551. A bill to amend the Internal Revenue Code of 1986 to allow corporations to claim a charitable deduction for the donation of services related to contributions of computer technology or equipment; to the Committee on Ways and Means.

By Mr. OTTER:

H.R. 5552. A bill to provide for the conveyance of Federal land in Sandpoint, Idaho, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PORTMAN (for himself and Mr. CARDIN):

H.R. 5553. A bill to amend the Internal Revenue Code of 1986 to preserve retirement security by accelerating increases in retirement plan contribution limits and by eliminating rules that force depletion of retirement savings, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RADANOVICH:

H.R. 5554. A bill to prohibit the Administrator of the Environmental Protection Agency from issuing or renewing certain national pollutant discharge elimination system permits; to the Committee on Transportation and Infrastructure.

By Mr. BRYANT:

H. Con. Res. 498. Concurrent resolution honoring the United States Marines killed in action during World War II while participating in the 1942 raid on Makin Atoll in the Gilbert Islands and expressing the sense of Congress that a site in Arlington National Cemetery near the Space Shuttle Challenger Memorial at the corner of Memorial and Farragut Drives should be provided for the remains of those Marines; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOSTETTLER:

H. Con. Res. 499. Concurrent resolution honoring George Rogers Clark; to the Committee on Government Reform.

By Mr. CUNNINGHAM:

H. Res. 570. A resolution concerning the San Diego long-range sportfishing fleet and rights to fish the waters near the Revillagigedo Islands of Mexico; to the Committee on Resources.

By Mr. DAVIS of Illinois:

H. Res. 571. A resolution honoring the life of David O. "Doc" Cooke, the "Mayor of the Pentagon"; to the Committee on Government Reform.

By Mr. PLATTS:

H. Res. 572. A resolution honoring the 225th anniversary of the signing of the Articles of Confederation; to the Committee on Government Reform.

By Mr. WATTS of Oklahoma (for himself, Mr. ROYCE, and Mr. THORNBERRY):

H. Res. 573. A resolution providing that development assistance by the United States to foreign countries should be provided only to countries that work toward economic and political freedom to improve the living standards of all of its citizens; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. UDALL of Colorado introduced a bill (H.R. 5555) for the relief of Jesus Raul Apodaca-Madrid, Adan Apodaca-Bejarano, Maria de Jesus Madrid-Tarango, Francisco Javier Apodaca-Madrid, Alma Delia Apodaca-Madrid, Maria Isabel Apodaca-Madrid, Laura Apodaca-Madrid, and Luis Bernardo Chavez-Apodaca; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 97: Mr. MCINTYRE.

H.R. 600: Mr. FATTAH.

H.R. 690: Mr. PAYNE, Mr. PASCRELL, and Mr. JEFFERSON.

H.R. 826: Ms. HARMAN, Mr. WICKER, and Mr. JEFF MILLER of Florida.

H.R. 950: Mr. PLATTS.

H.R. 951: Mr. MCCRERY and Mr. MORAN of Kansas.

H.R. 1143: Mr. TIAHRT.

H.R. 1368: Mr. DUNCAN.

H.R. 1520: Ms. ROS-LEHTINEN and Mr. GALLEGLY.

H.R. 1555: Mr. HALL of Texas.

H.R. 1754: Mr. DUNCAN.

H.R. 1774: Mr. HOUGHTON.

H.R. 2457: Mr. WILSON of South Carolina.

H.R. 2484: Mr. CAMP.

H.R. 2573: Mr. SENSENBRENNER.

H.R. 2630: Ms. DELAURO.

H.R. 2874: Mr. MEEHAN, Mr. HINCHEY, Mr. RAHALL, and Mr. WYNN.

H.R. 3107: Mr. GOODE and Mr. VISCLOSKY.

H.R. 3333: Mr. RILEY.

H.R. 3414: Mr. SHERMAN.

H.R. 3617: Ms. DELAURO.

H.R. 3710: Mr. RADANOVICH.

H.R. 3831: Mr. CLAY and Mr. CAMP.

H.R. 3886: Mr. HOLT, Mr. PALLONE, Mr. CROWLEY, and Mr. CAPUANO.

H.R. 3961: Mr. ROTHMAN.

H.R. 3992: Mr. UDALL of Colorado, Mr. COSTELLO, and Mr. FORD.

H.R. 4548: Mr. UDALL of Colorado, Mr. COSTELLO, Mrs. MORELLA, and Mr. FORD.

H.R. 4604: Mr. WELDON of Florida.

H.R. 4743: Mr. KUCINICH.

H.R. 4750: Ms. PELOSI, Mrs. DAVIS of California, Mr. LANTOS, Mr. HONDA, Ms. WOOLSEY, Ms. ESHOO, Mr. STARK, Mr. BACA, Mr. CONDIT, and Mr. GEORGE MILLER of California.

H.R. 4763: Mr. SANDLIN, Mr. BALDACCI, and Mr. LAHOOD.

H.R. 4843: Mr. BAIRD and Mr. SAXTON.

H.R. 4950: Mr. KERNS and Mr. MCINNIS.

H.R. 5013: Mr. GRAHAM and Mr. BURTON of Indiana.

H.R. 5081: Mr. CALVERT, Mr. GIBBONS, and Mr. DOOLEY of California.

H.R. 5085: Mr. HOLT.

H.R. 5089: Ms. SOLIS.

H.R. 5147: Mr. TANCREDO and Mr. TOOMEY.

H.R. 5165: Mr. WALSH.

H.R. 5230: Mr. CROWLEY and Mr. HINCHEY.

H.R. 5250: Mr. MORAN of Kansas, Mr. OXLEY, and Mr. MALONEY of Connecticut.

H.R. 5268: Mr. PHELPS, Mr. LANGEVIN, and Ms. VELÁZQUEZ.

H.R. 5293: Mr. ENGEL.

H.R. 5310: Mr. WU.

H.R. 5311: Mr. PHELPS, Mr. BASS, and Mrs. JO ANN DAVIS of Virginia.

H.R. 5317: Mr. HINCHEY.

H.R. 5334: Mr. GREEN of Wisconsin, Mr. HONDA, Ms. KAPTUR, Mr. HOLT, Mr. KELLER, Mr. FORD, Ms. BALDWIN, Mr. CONYERS, Mr. STUPAK, and Mr. MEEHAN.

H.R. 5344: Mr. RANGEL.

H.R. 5346: Mr. BISHOP.

H.R. 5359: Mr. ISRAEL.

H.R. 5383: Mr. UDALL of Colorado, Mr. SCHAFFER, Mr. MCHUGH, Mr. GEKAS, Mr. CLYBURN, and Mr. GORDON.

H.R. 5411: Mr. OLVER, Mrs. CLAYTON, Mrs. THURMAN, Mr. TOWNS, Mr. SERRANO, Mr. TIERNEY, Mr. COSTELLO, Mrs. JONES of Ohio, Mr. GRAHAM, and Ms. NORTON.

H.R. 5413: Mr. ROGERS of Michigan, Mr. HOEKSTRA, Mr. LINDER, Mr. BALLENGER, Mr. RYAN of Wisconsin, and Mrs. MYRICK.

H.R. 5417: Mr. BLUMENAUER.

H.R. 5446: Mr. BAKER.

H.R. 5456. Mrs. MALONEY of New York.

H.R. 5459. Mr. YOUNG of Alaska.

H.R. 5463: Mr. ISTOOK and Mr. PAUL.

H.R. 5479: Mr. ISRAEL.

H.R. 5485: Mr. RYUN of Kansas.

H.R. 5491: Mr. KENNEDY of Rhode Island, and Mr. UDALL of Colorado.

H.R. 5499: Ms. WATERS and Ms. VELÁZQUEZ.

H.R. 5511: Ms. NORTON, Mr. CROWLEY, and Mr. MCNULTY.

H.J. Res. 31: Mr. HINCHEY, Mr. OWENS, Mrs. CHRISTENSEN, Mr. PAYNE, and Mrs. JONES of Ohio.

H. Con. Res. 462: Mr. UDALL of Colorado and Mr. STUPAK.

H. Con. Res. 466: Mr. MORAN of Virginia and Mr. KOLBE.

H. Con. Res. 477: Mr. MORAN of Kansas, Mr. LANGEVIN, and Mr. BALDACCI.

H. Con. Res. 492: Mr. GILMAN, Mr. CHABOT, Mr. LANTOS, and Mr. ISSA.

H. Res. 548: Mr. SAM JOHNSON of Texas.

H. Res. 549: Mr. OXLEY, Mr. OSBORNE, and Mr. PLATTS.

H. Res. 560: Mr. BARCIA and Mr. HOEKSTRA.

H. Res. 565: Mr. HOEKSTRA, Mr. UPTON, Mr. ROGERS of Michigan, Mr. KILDEE, Mr. DINGELL, Ms. KILPATRICK, Mr. CONYERS, and Mr. BONIOR.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 448: Mr. CARSON of Oklahoma.

H.R. 3781: Mr. SMITH of Washington.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 11, by Mrs. THURMAN on House Resolution 517: George Miller, Nydia M. Velázquez, John B. Larson, Harold E. Ford, Jr., Stephen Horn, David R. Obey, William J. Coyne, and Rod R. Blagojevich.

Petition 12, by Mr. CONYERS on House Resolution 519: Eliot L. Engel, Martin T. Meehan, Carolyn B. Maloney, Steven R. Rothman, John J. LaFalce, Bill Luther, Gerald D. Kleczka, Stephen Horn, William J. Coyne, Mike Thompson, John M. Spratt, Jr., and Karen L. Thurman.

SENATE—*Thursday, October 3, 2002*

The Senate met at 10 a.m., and was called to order by the Honorable ZELL MILLER, a Senator from the State of Georgia.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Rev. Cecil H. Perry, of Oak Hill, WV, a guest of Senator ROBERT BYRD.

PRAYER

The guest Chaplain offered the following prayer:

As we pause to pray, we are grateful for this wonderful privilege the Bible says in John 9:31 is only given to those that worship God and do His will. It is a time in which the almighty God, the God of Heaven and Earth, the only true living God, condescends to be here in this most precious hour before this group of American citizens exercising one of the freedoms they possess—that of assembly, seeking to bring to fruition matters that are good and best for our beloved Nation—America under God.

God, we pray that You will smile upon these Senators who chose a life of public service. Strengthen them that they can give their full measure of service in this session and all future ones, remembering that God's word is the final authority in all matters.

In the name of Jesus I pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ZELL MILLER led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, October 3, 2002.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ZELL MILLER, a Senator from the State of Georgia, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. MILLER thereupon assumed the chair as Acting President pro tempore.

ORDER OF PROCEDURE

Mr. REID. Senator BYRD, the President pro tempore of the Senate, is in the Chamber this morning and is going to make some comments regarding the guest Chaplain. I ask unanimous consent that Senator BYRD be recognized for whatever time he feels is appropriate. Following that, after the Chair announces morning business, the Republican time has already been set aside as the first half hour. I ask unanimous consent that Senator WELLSTONE be recognized for the second half hour and that the time of Senator BYRD precede the time for morning business and would not take any part of that half hour from either the majority or the minority.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MEASURES PLACED ON THE CALENDAR—S.J. RES. 46, H.R. 3534, AND H.R. 4793

Mr. REID. There are two bills and a joint resolution at the desk, S.J. Res. 46, H.R. 3534, and H.R. 4973, having been read the first time, is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. REID. I ask unanimous consent that it be in order for these bills and the joint resolution to receive a second reading en bloc, but then I would object to any further proceedings on these matters.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will read the bills and joint resolution by title.

The assistant legislative clerk read the bills and joint resolution as follows:

> A joint resolution (S.J. Res. 46) to authorize the use of United States Armed Forces against Iraq.
>
> A bill (H.R. 4793) to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases.
>
> A bill (H.R. 3534) to provide for the settlement of certain land claims of Cherokee, Choctaw, and Chickasaw Nations to the Arkansas Riverbed in Oklahoma.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bills and joint resolution will be placed on the calendar.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is recognized.

WELCOME AND HAPPY BIRTHDAY TO REVEREND CECIL PERRY OF WEST VIRGINIA

Mr. BYRD. Mr. President, this morning's inspirational invocation was delivered by the Rev. Cecil Perry from Oak Hill, WV. I am pleased and proud to announce today, October 3, is the Reverend Mr. Perry's 85th birthday.

I am also pleased and proud to point out that more than 50 years ago—as a matter of fact, it was more than 60 years ago—Mr. Perry and I worked together as meat cutters in the New River Company Store near Beckley, WV. Our careers took us on different paths. Mine became a career in public service. Mr. Perry became a coal miner. That is a very honorable title, a "coal miner." The man who raised me was a coal miner. My wife's father was a coal miner. My wife's brother-in-law died of silicosis pneumoconiosis, which he contracted through working in the coal mines. His father was killed by a slate fall in a coal mine. So the coal miners have a great heritage of which they can be proud.

After attending the Appalachian Bible Institute, the Reverend Mr. Perry was ordained in 1957 as a Baptist minister. For the next 40 years, he preached the word of God throughout southern West Virginia.

The Senate chaplain's office, at my request, invited Mr. Perry to come to the Nation's Capital and deliver the Senate prayer for us today. I am pleased the Reverend Mr. Perry brought with him his wonderful family, including his son David Perry, who is a delegate in the West Virginia State legislature, and also his daughter Nancy James. Accompanying them are Cecil Perry's 4 grandchildren and 12 great grandchildren. I am glad the family has come to Washington and is visiting the U.S. Capitol. I trust they will return to the hills of our beloved West Virginia rewarded and informed by their visit here.

The Scriptures say: "Let the elders that rule well be counted worthy of double honor, especially they who labor in the word and doctrine"—1 Timothy 5:17.

The Reverend Mr. Perry has "ruled well." He has "labor[ed] in the word and doctrine." He is "worthy of double honor."

I am delighted, as a Senator from West Virginia, in having this good man visit the Senate today, and I thank him for helping us to begin our day with his eloquent and uplifting words which were not written but came from the heart. Happy Birthday, Mr. Perry.

Last night, I passed beside the blacksmith's
door

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

And heard the anvil ring the vesper chime
And looking in I saw upon the floor
Old hammers, worn with beating years of time
"How many anvils have you had", said I
"To wear and batter all these hammers so?"
"Only one," the blacksmith said, with twinkling eye.
"The anvil wears the hammers out, you know."
And so, the Bible, anvil of God's Word
For centuries, skeptic blows have beat upon
And though the noise of falling blows was heard,
The anvil is unharmed—the hammers, gone.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11:30 a.m. with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the first half of the time shall be under the control of the Republican leader or his designee.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT

Mr. SESSIONS. Mr. President, we are considering the conference report on the Department of Justice Authorization Act. I would like to highlight a few matters in that bill that I believe are important to justice in America.

I serve on the Senate Judiciary Committee and have wrestled with a number of these issues, both as a Federal prosecutor and as a member of the committee. I think there are some good things in the bill, and I would like to make a few points that I think are important.

One thing I know the chairman is interested in and has been a leader in supporting is the Coverdell forensic science legislation, named for former Senator Coverdell of Georgia, who is now deceased. I know that Senator MILLER, the Acting President pro tempore, has been instrumental and helpful in making this bill a reality.

The reason it is important is this. Throughout our entire criminal justice system, it is my view that delay is hurting justice in America. Cases take far longer than necessary to reach a conclusion, and justice delayed is justice denied. When a criminal is caught in a significant drug case, dealing drugs or some other offense, and time goes by, month after month after month, and that person is released on bail, back in the community amongst maybe his friends and criminal element and others who are looking to see if anything is going to happen to the person who got caught burglarizing an automobile or home or selling drugs, and a year or more goes by and nothing happens—that is a problem. It undermines respect for law. It undermines the integrity of the criminal justice system. It is not right.

We had in my State recently the worst murder in the history of Alabama. No one can think of a more serious one. Six people were murdered. The individual who murdered those people had been out on bail and was out on bail at that time because the chemical analysis on the drugs he had sold had not yet come back from the State laboratory.

As a professional prosecutor for most of my life, nearly 15 years, I would say to you that on a regular basis in courts all over America, a delay in getting fingerprints, ballistics, drug analysis, and DNA is slowing down justice. It is allowing criminals to stay free. It is allowing people to remain under a cloud who might be found innocent when an analysis comes back. It is not a good situation. We need to highlight that, and the Coverdell bill provides States support for State laboratories to encourage them to get caught up and stay where they ought to be.

In my view, if it takes no more than a few hours to do a laboratory analysis on a powder to find out if it is cocaine, why can't we get it back in a matter of days? I think our goal in America should not be weeks, it should not be months, but it should be days when these reports come back. It does not take more time, and it does not really cost more money to have a chemical analysis done today rather than waiting 6 months to do that chemical analysis. So I would just say that is important.

I am glad we strengthened that bill with some amendments in this language. There are appropriations of some $35 million in the appropriations bill that will go along with this. We are moving in the right direction.

In my view, the single greatest bottleneck in the criminal justice system today is the forensic capability. We are far too far behind on that. When you consider all the people we are hiring in police, law enforcement, judges, jails, sheriffs, deputies and all those, the very few we have on forensic work that is slowing down all of their work is a weakness in the system that I think ought to be fixed.

This bill does something else that I think is important. The Boys and Girls Clubs in America are proven to be some of the finest agencies anywhere for the delivery of services, hope, and encouragement to young people in poor areas of our country. They have done tremendous work. I have visited centers in Huntsville, Mobile, and other places. I have talked with their leadership and studied their programs. It is a tremendous program.

We are providing, through this bill, greater help to them. They are managing personnel and managing the money that they get efficiently, to get the greatest possible benefit for young people in communities all across America. I am glad we are doing that.

The bill provides for additional moneys for drug courts. The first drug court began in Miami. Judge Goldstein and a couple of other judges developed a concept where many people involved with the criminal justice system, both with drug charges and other criminal charges could get help with the root of the problem, their serious drug habits. They believed that if those individuals were carefully monitored under the supervision of a judge who could order them to jail if they did not cooperate, improved behavior could occur, the drug use could be prevented or reduced, treatment could be carried out effectively, and our crime rates would go down.

The numbers seem to bear that out. In fact, they cited exceedingly positive numbers in the early 1980s. I was a prosecutor as U.S. attorney in Mobile, AL. I remember participating in bringing Judge Goldstein up to our community to talk about it. As a result of his presentation, our community established a drug court which has been led most ably for many years by Judge Mike McMaken, a State judge there in Mobile County. I believe it works.

I also think we have not fully studied drug courts to understand how they work and how they can be made to work better, what are the most effective parts of the drug court process, and what should we emphasize and what should we deemphasize. I had hearings on this very subject when I chaired the courts subcommittee of the Judiciary Committee early last year.

This bill does require that the General Accounting Office conduct a very rigorous, scientific study of the drug courts to find out what works and what doesn't and to see if we can't do a better job of intervening in lives going bad.

The way it works is simply this: An individual is arrested for a minor crime. Usually, it is the first offense. It could be drugs, or it could be another crime. Hopefully, when they are arrested, they are tested for drugs in that system because that is an important thing, in my view. You need to know what is driving that criminal behavior.

Every defendant in America arrested for any offense should be immediately drug tested, in my view. A lot of them have a history of drug problems. Immediate testing would let us know that this individual, arrested for whatever crime, if it is their first offense, has a drug problem.

The way the drug court works is that the judge says they will not send them to jail, and in some cases even allow them to have their conviction set aside only if, over a period of months, they conduct themselves under the most rigorous scrutiny in a way that eliminates drug use or criminal activity.

The defendant would voluntarily sign up for the drug court procedure. They are drug tested on a weekly basis—maybe three times a week at first. They report regularly to the probation officer. And on a weekly basis they report personally to the judge. If they come in drug positive, he may put them in jail for the weekend. If he believes it is hopeless and that they are not going to succeed in the program, he will send them to jail and kick them out of the drug court program. But we believe there is some success being found with this program.

It is spreading all over America. More and more cities are doing it. When you have a tough judge, a good probation officer, and intense drug testing with the availability of drug treatment, it is quite often possible that lives can be turned around as a result of this intervention. It is a tough love type of program which does have the possibility of being successful.

I am glad we are expanding that. I support that. I have been at the very beginning of this kind of program. But I don't think we know enough about it yet and what the key parts of it are, or what the program should contain or maybe what should not be a part of any drug court program. So the study should help us in that regard.

We have a lot of challenges in America in our Federal court system. Federal judges are needed in certain districts. Our population has grown. Certain types of criminal activities have grown. We, obviously, at various points in time, have districts with surging caseloads that need relief in terms of the number of Federal judges we have.

I am not one who believes we ought to just exponentially expand the Federal court system. I propose that we take one-half of what the Administrative Office of Courts requested—50-some-odd Federal judges—and that we approve 24 Federal judges based on a strict caseload basis in the districts where judgeships are most needed, and where those cases are based on a weighing of caseload factors—not just on cases but weighted for how big and how difficult the cases are.

We know, for example, that southern California has not had any relief for some time. It has been seeing a surge in caseload based on such things as immigration as well as other crimes that go into Federal court. They are larger numbers when you are on a border like that. This will provide 20 new judges—a number of them temporary. But the net result will be assistance to some critical districts in America, such as the western district of Texas, or the southern district of California. I think we are moving in the right direction there.

I am also pleased that a bill that Senator DIANNE FEINSTEIN and I offered—the James Guelff and Chris McCurley Body Armor Act—was made a part of this legislation. This bill dealt with the situation in which violent criminals today are oftentimes better armed and better protected than the police. It is estimated that 25 percent of police do not have body armor available to them. But criminals can go out and buy body armor. It is a crime, for example, for a criminal to have weapons. A felon who possesses a gun is in violation of Federal and most State legal systems. But, it is not today a crime for a felon to be wearing body armor, or to wear body armor during the course of a crime.

James Guelff was murdered as a result of a confrontation with an individual wearing body armor. Chris McCurley, a deputy sheriff in Alabama, was out to arrest a criminal. He entered the residence of that defendant and was killed in a shootout. It was discovered that the defendant—the criminal—premeditatedly and calculatedly waited for him while wearing body armor, prepared himself for a shootout, and killed him on that scene.

This bill is named for James Guelff and Chris McCurley. It would add intense punishment to criminals who use body armor in the course of their criminal activity.

It has the support of the Fraternal Order of Police, the National Association of Police Organizations, the Federal Law Enforcement Officers Association, and many other national police groups.

I think, all in all, there are good things in this legislation. I wish we could have done more. I support it, and look forward to voting favorably on it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

CONFIRMING CIRCUIT COURT JUDGES

Mr. McCONNELL. Mr. President, we have heard lately a lot of self-congratulation by our Democratic friends on the Judiciary Committee about confirming judges. However, my friends' self-congratulation is arrived at not by comparing apples and apples but by cherry-picking the period of time that will be most advantageous to them.

It is beyond a doubt, with respect to circuit court nominees in particular, that President Bush is being treated far worse—dramatically worse—than any President in recent history in his first term. In both absolute and relative terms, no President of the United States has been treated as badly as President Bush in their first Congress.

Let us take a look at the last four Presidents and their record with regard to circuit court nominations during the first 2 years of their Presidency.

During the Reagan years, 1981–1982—President Reagan submitted 20 nominations for the circuit court, and 19 of them were confirmed—95 percent. President Reagan, of course, had a Republican Senate during those 2 years.

President George Bush in his first 2 years, when his party did not control the Senate, in a session comparable to the one we are in now, submitted 23 circuit court nominations, and 22 of them were confirmed—96-percent confirmation during the first President Bush's term when his party did not control the Senate, and exactly the situation we find ourselves in today.

With regard to President Clinton in his first 2 years, a period during which his party did control the Senate, he submitted 22 circuit court nominations, and 19 were confirmed. That is an 86-percent confirmation rate.

It is noteworthy, even when his own party controlled the Senate, President Clinton's percentage of confirmations was slightly less than President George H. W. Bush when his party did not control the Senate during the first 2 years, but still a hefty percentage, 86 percent.

Then we look at the first 2 years of the presidency of George W. Bush, which is now coming to a conclusion. We are near the end now where the statistics actually mean something.

President George W. Bush has submitted 32 circuit court nominations to the Senate, and only 14 have been confirmed, which is 44 percent. Forty-four percent. This is the worst record in anybody's memory of confirming circuit court nominations of a President in his first 2 years.

When you look at comparable situations, as I have just indicated, the first President Bush, confronted with a Democratic Senate—just like the current President Bush—got 96 percent of his circuit court judges confirmed. This President Bush, with a Democratic Senate, has only gotten 44 percent of his circuit court judges confirmed—dramatically worse.

Now, let me say, our friends on the other side are trumpeting how well they are doing on judicial nominations and do not want us to look behind the curtain of their statistics that have been put out.

In relative terms, President Bush has only half as many of his circuit court nominations confirmed as President Clinton did—44 percent as opposed to 86 percent. In absolute terms, President Bush has five fewer circuit court nominees confirmed than President Clinton did.

It is impossible at this stage for the Senate to catch up, to treat President Bush as fairly as it treated his predecessors, including President Clinton. So there is no chance this statistic can be dramatically improved this late in the game. But there is still time to improve upon this sorry record and at least have the Senate look as though it tried to treat President Bush with some elementary basic fairness.

For example, John Rogers, who happens to be from my State of Kentucky, a nominee to the U.S. Sixth Circuit Court of Appeals, which until August was 50 percent vacant—it has been 50 percent vacant not because there were not nominations made by the President, but because we have not approved them. We finally approved one from Tennessee right before the August recess—John Rogers has been languishing in the Senate for 285 days.

This was not even one of those controversial nominations. He cleared the Judiciary Committee unanimously, and he has been stuck on the executive calendar for 3 months. The sixth circuit, which is supposed to have 16 judges, currently has 9. But one of those nine was only confirmed last July, right at the end before the August recess. So it is still almost 50 percent vacant, not because the President has not sent up nominations, but because we simply will not act on them. It is hard to understand what the problem is.

The ABA unanimously rated Professor Rogers—the person I was just mentioning—as "qualified," and his services are in dire need. The sixth circuit is in the worst shape of any circuit and is almost half vacant, as I just said.

Shifting to the fourth circuit, Dennis Shedd, a nominee in the fourth circuit, has been before the Senate for over 500 days; in fact, to be specific, 511 days. The ABA rated him "well-qualified." That is the highest rating one can get, and it is about as common as teeth on a chicken—not very common.

Our friends on the other side used to call the ABA the "Gold Standard"—the "Gold Standard." Judge Shedd was in President Bush's first batch of nominees. Until this Congress, it was Senate precedent for all nominees in a President's first submission to be confirmed, the first batch. Until this year, they were all confirmed, and to be confirmed within a year of those submissions.

Unfortunately, Judge Shedd, like many of his colleagues, not only will not meet the 1-year rule, he is in jeopardy of not getting confirmed at all.

Michael McConnell—no relation, but an outstanding nominee by the President to the tenth circuit—has also been pending for over 500 days; in fact, the 511 days that Judge Shedd has been pending. The ABA has rated Professor McConnell—now listen to this—unanimously "well-qualified"—unanimously "well-qualified."

Like Judge Shedd, Professor McConnell was in the President's very first submission, yet, he, too, is in danger of not getting confirmed at all.

Miguel Estrada, a nominee to the D.C. Circuit, is yet another nominee who has been pending for 511 days. Like Professor McConnell, Mr. Estrada received one of those extremely rare, unanimously "well-qualified" ratings from the ABA. This is really hard to get. That means nobody on the ABA committee found the nominee anything other than "well-qualified," the highest rating the ABA can give a nominee.

Like Judge Shedd and Professor McConnell, Mr. Estrada is one of those superlative nominees whom the President sent up in May of 2001. Now he will not beat the 1-year rule, and he may not get confirmed at all.

Even if all four of these nominees I just referred to were confirmed, the Senate would still not be treating President Bush as well as his predecessors, either in absolute or in relative terms.

As shown on the chart, even if all four of these nominees were confirmed, President Bush would only have 18 circuit court nominees confirmed. President Clinton got 19 confirmed. That would still only be 56 percent versus 83 percent.

Further, President Clinton got his nominees to the Senate much later in the first Congress than President Bush did, and President Clinton sent up a lot fewer. He nominated fewer people. He sent up fewer circuit court nominees than President Bush did. There were 22 Clinton circuit court nominees sent up versus 32 Bush nominees. So there were a larger number of nominations made by President Bush. That means the Senate has had more time, since President Bush sent them up sooner. The Senate has had more time, has had more options, but has done less. More time, more options, and done less—far less, far less—for President Bush than the Senate did for President Clinton.

You would think we would be trying to redouble our efforts to solve this sad situation, but it seems we are determined to squander what few opportunities we have left.

We had a markup originally scheduled for this morning in the Judiciary Committee, in which we could have gotten Judge Shedd, Professor McConnell, and Mr. Estrada to the floor of the Senate, but, inexplicably, the committee session was cancelled. We will not have a hearing until next week, if then. If the markup is delayed any more, we will delay it right out of this Congress.

A lot of us are very upset about this situation. I know there has been some discussion of legislative remedies. I know the conference report to the DOJ reauthorization, for example, is popular among some of my Republican colleagues. But it only takes one Senator—one person—to file a point of order to it, and that point would probably succeed.

If we see a good-faith effort by our Democratic colleagues, I am hopeful we can avert a legislative crisis on the DOJ authorization conference report. But it depends on having some level of cooperation.

Even if we were to confirm these four fine nominees, President Bush still would have been treated dramatically worse—dramatically worse—than any of the Presidents in recent time.

I think it is good not to be distracted by this sort of Enron-style accounting, where folks cobble together a few months from here and there to manipulate statistics with regard to what our sorry record is with regard to judicial confirmations. Facts are stubborn things. The bottom line is, President Bush is being treated far worse than his predecessors on circuit court nominees.

So let's just look at it one more time.

President Reagan, who had benefited from having a Senate of his own party: 95 percent of his circuit court nominees confirmed in the first 2 years of his term.

The first President Bush, not benefiting from Senate control by his own party—a situation directly analogous to the one we have today—got 96 percent of his circuit court nominees confirmed in the first 2 years.

President Clinton, benefiting from having a Senate controlled by his party, had 86 percent of his circuit court nominees confirmed in the first 2 years. The second President Bush, in a situation analogous to his father, who got 96 percent during the first 2 years, has to date only 44 percent. And even if we process the four nominees that could be handled—Professor Rogers who has been on the calendar for 3 months, and Professor McConnell, Judge Shedd, and Miguel Estrada—he would still have a pretty sorry record. But we could improve somewhat this dismal performance on the current President's nominations for circuit court.

I hope we will have some action at the end of the session on at least one of the four nominees who could be acted upon by the full Senate. It is not too late to at least partially fix and improve a very sad situation.

I yield the floor.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from Minnesota.

Mr. WELLSTONE. Madam President, I want to give the rest of what time we have left to the Senator from Oregon, Mr. WYDEN.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. WELLSTONE. Madam President, I rise to address our policy in Iraq. The situation remains fluid. Administration officials are engaged in negotiations at the United Nations over what approach we ought to take with our allies to disarm the brutal and dictatorial Iraqi regime.

The debate we will have in the Senate today and in the days to follow is critical because the administration seeks our authorization now for military action, including possibly unprecedented, preemptive, go-it-alone military action in Iraq, even as it seeks to garner support from our allies on a new U.N. disarmament resolution.

Let me be clear: Saddam Hussein is a brutal, ruthless dictator who has repressed his own people, attacked his neighbors, and he remains an international outlaw. The world would be a much better place if he were gone and the regime in Iraq were changed. That is why the United States should unite the world against Saddam and not allow him to unite forces against us.

A go-it-alone approach, allowing a ground invasion of Iraq without the support of other countries, could give Saddam exactly that chance. A preemptive, go-it-alone strategy toward Iraq is wrong. I oppose it. I support ridding Iraq of weapons of mass destruction through unfettered U.N. inspections which would begin as soon as possible. Only a broad coalition of nations, united to disarm Saddam, while preserving our war on terror, is likely to succeed.

Our primary focus now must be on Iraq's verifiable disarmament of weapons of mass destruction. This will help maintain international support and could even eventually result in Saddam's loss of power. Of course, I would welcome this, along with most of our allies.

The President has helped to direct intense new multilateral pressure on Saddam Hussein to allow U.N. and International Atomic Energy Agency weapons inspectors back in Iraq to conduct their assessment of Iraq's chemical, biological, and nuclear programs. He clearly has felt that heat. It suggests what can be accomplished through collective action.

I am not naive about this process. Much work lies ahead. But we cannot dismiss out of hand Saddam's late and reluctant commitment to comply with U.N. disarmament arrangements or the agreement struck Tuesday to begin to implement them. We should use the gathering international resolve to collectively confront this regime by building on these efforts.

This debate must include all Americans because our decisions finally must have the informed consent of the American people who will be asked to bear the cost, in blood and treasure, of our decisions.

When the lives of sons and daughters of average Americans could be risked and lost, their voices must be heard in the Congress before we make decisions about military action. Right now, despite a desire to support our President, I believe many Americans still have profound questions about the wisdom of relying too heavily on a preemptive go-it-alone military approach. Acting now on our own might be a sign of our power. Acting sensibly and in a measured way, in concert with our allies, with bipartisan congressional support, would be a sign of our strength.

It would also be a sign of the wisdom of our Founders who lodged in the President the power to command U.S. Armed Forces, and in Congress the power to make war, ensuring a balance of powers between coequal branches of Government. Our Constitution lodges the power to weigh the causes of war and the ability to declare war in Congress precisely to ensure that the American people and those who represent them will be consulted before military action is taken.

The Senate has a grave duty to insist on a full debate that examines for all Americans the full range of options before us and weighs those options, together with their risks and costs. Such a debate should be energized by the real spirit of September 11, a debate which places a priority not on unanimity but on the unity of a people determined to forcefully confront and defeat terrorism and to defend our values.

I have supported internationally sanctioned coalition military action in Bosnia, in Kosovo, in Serbia, and in Afghanistan. Even so, in recent weeks, I and others—including major Republican policymakers, such as former Bush National Security Adviser Brent Scowcroft; former Bush Secretary of State James Baker; my colleague on the Senate Foreign Relations Committee, Senator CHUCK HAGEL; Bush Mid-East envoy General Anthony Zinni; and other leading U.S. military leaders—have raised serious questions about the approach the administration is taking on Iraq.

There have been questions raised about the nature and urgency of Iraq's threat and our response to that threat: What is the best course of action that the United States could take to address this threat? What are the economic, political, and national security consequences of a possible U.S. or allied invasion of Iraq? There have been questions raised about the consequences of our actions abroad, including its effect on the continuing war on terrorism, our ongoing efforts to stabilize and rebuild Afghanistan, and efforts to calm the intensifying Middle East crisis, especially the Israeli-Palestinian conflict.

There have been questions raised about the consequences of our actions here at home. Of gravest concern, obviously, are the questions raised about the possible loss of life that could result from our actions. The United States could post tens of thousands of troops in Iraq and, in so doing, risk countless lives of soldiers and innocent Iraqis.

There are other questions about the impact of an attack in relation to our economy. The United States could face soaring oil prices and could spend billions both on a war and a years-long effort to stabilize Iraq after an invasion.

The resolution that will be before the Senate explicitly authorizes a go-it-alone approach. I believe an international approach is essential. In my view, our policy should have four key elements.

First and foremost, the United States must work with our allies to deal with Iraq. We should not go it alone, or virtually alone, with a preemptive ground invasion. Most critically, acting alone could jeopardize our top national priority, the continuing war on terror. I believe it would be a mistake to vote for a resolution that authorizes a preemptive ground invasion. The intense cooperation of other nations in relation to matters that deal with intelligence sharing, security, political and economic cooperation, law enforcement, and financial surveillance, and other areas is crucial to this fight, and this is what is critical for our country to be able to wage its war effectively with our allies. Over the past year, this cooperation has been the most successful weapon against terrorist networks. That—not attacking Iraq—should be the main focus of our efforts in the war on terror.

As I think about what a go-it-alone strategy would mean in terms of the consequences in South Asia and the Near East and the need for our country to have access on the ground, and cooperation of the community, and get intelligence in the war against al-Qaida and in this war against terrorism, I believe a go-it-alone approach could undercut that effort. That is why I believe our effort should be international.

We have succeeded in destroying some al-Qaida forces, but many operatives have scattered. Their will to kill Americans is still strong. The United States has relied heavily on alliances with nearly 100 countries in a coalition against terror for critical intelligence to protect Americans from possible future attacks. Acting with the support of allies, including, hopefully, Arab and Muslim allies, would limit possible damage to that coalition and our antiterrorism effort. But as

General Wes Clark, former Supreme Commander of Allied Forces in Europe, has recently noted, a premature, go-it-alone invasion of Iraq "would supercharge recruiting for al-Qaida."

Second, our efforts should have a goal of disarming Saddam Hussein of all his weapons of mass destruction. Iraq agreed to destroy its weapons of mass destruction at the end of the Persian Gulf War and to verification by the U.N. and the International Atomic Energy Agency that this had been done. According to the U.N. and the IAEA, and undisputed by the administration, inspections during the 1990s neutralized a substantial portion of Iraq's weapons of mass destruction, and getting inspectors back to finish the job is critical. We know he did not cooperate with all of the inspection regime.

We know what needs to be done. But the fact is we had that regime, and it is important now to call on the Security Council of the U.N. to insist that those inspectors be on the ground. The goal is disarmament, unfettered access. It is an international effort, and with that Saddam Hussein must comply. Otherwise, there will be consequences, including appropriate use of force. The prompt resumption of inspections and disarmament, under an expedited timetable and with unfettered access in Iraq, is imperative.

Third, weapons inspections should be enforceable. If efforts by the U.N. weapons inspectors are tried and fail, a range of potential U.N. sanctions means, including proportionate military force, should be considered. I have no doubt that this Congress would act swiftly to authorize force in such circumstances. This does not mean giving the United Nations a veto over U.S. actions. Nobody wants to do that. It simply means, as Chairman LEVIN has observed, that Saddam Hussein is a world problem and should be addressed in the world arena.

Finally, our approach toward Iraq must be consistent with international law and the framework of collective security developed over the last 50 years or more. It should be sanctioned by the Security Council under the U.N. charter, to which we are a party and by which we are legally bound. Only a broad coalition of nations, united to disarm Saddam Hussein, while preserving our war on terror, can succeed.

Our response will be far more effective if Saddam Hussein sees the whole world arrayed against him. We should act forcefully, resolutely, sensibly, with our allies—and not alone—to disarm Saddam Hussein. Authorizing the preemptive go-alone use of force right now, which is what the resolution before us calls for, in the midst of continuing efforts to enlist the world community to back a tough, new disarmament resolution on Iraq, could be a very costly mistake for our country.

Madam President, quite often at the end of debates on amendments, we thank our staffs for the work they have done and appreciate their hard work. At the end of my statement today on the floor of the Senate as to why I am opposed to the resolution before us that we will be debating today and in the days to come, which is too open-ended and would provide the President with authority for preemptive military action, including a ground invasion in Iraq, I would like to thank my staff. I would like to thank my staff for never trying one time to influence me to make any other decision than what I honestly and truthfully believe is right for the State I represent, Minnesota, for my country, and for the world in which my children and my grandchildren live. To all of my staff, I thank you for believing in me.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

ECONOMIC RECOVERY

Mr. WYDEN. Madam President, thousands of working families in Oregon feel as if they have been hit by an economic wrecking ball. From Ontario to Portland, OR workers have been laid off their jobs, left to fend for themselves, while their medical and energy bills skyrocket, and they have been left out of what Larry Lindsey and the administration's economic team keep calling an economic recovery.

Oregonians are hungry for leadership on the economic issue. We are trying to do our part at home down the road at the election. All of Oregon's elected officials are going to be working with the private sector on a new economic game plan. I think starting in January, with the ISTEA legislation, we will have an opportunity to make some important investments. But Oregonians expect economic leadership from Washington, DC, now. That is what they want today.

I am anxious to work with the administration on these issues, but there has just not been the leadership forthcoming. For example, on the trade issue, I cast a vote—unpopular with many with whom I am close—to give the President the authority to negotiate trade agreements. Trade involves one out of seven jobs in Oregon. The trade jobs pay better than the nontrade jobs. So I want to meet the administration halfway.

Unfortunately, the administration and its economic team is not willing to move forward and, in fact, is moving backward on a host of issues. I want to outline several of those this morning, Madam President.

It is very obvious we need a transfusion—immediate transfusion—that can restore our economic health. There is nothing that could bring our economy back faster than getting increased transportation funds for the States. One State after another has shown that money for transportation projects, particularly repaving and other maintenance items, gets money into our economy and creates family wage employment for our workers faster than any other area.

A number of Senators, Democrats and Republicans, understand this. Unfortunately, the administration's economic team does not agree. They continue to propose significantly less money than is needed for our economic and transportation needs and push for it.

While the transportation officials of my State calculate that the administration's approach will mean tens of millions of dollars less funding for Oregon's struggling economy and hundreds of fewer family wage construction jobs that could put our citizens back to work, the administration persists in taking an approach that I think is a huge mistake for our country, particularly our economic needs.

On the health issue, something the Chair knows much about, we can find common ground, for example, on a measure that could significantly lower health costs, a bipartisan approach involving making wider use of generic drugs, the same drug as essentially the brand name in the majority of instances.

Senators of both political parties want to support this issue. There is support on the Democratic side and the Republican side. The administration will not support something that could have immediate benefit—immediate benefit—for the economic crunch that our citizens face and would have bipartisan support in the Senate.

Finally, it seems on issues such as unemployment compensation, we have Senators, again, who would like to move forward to provide what I call this transfusion of assistance to the people who are so hard hit. Thousands of laid-off workers are exhausting their temporary extension of benefits every week. The program expires on December 31 of this year. Anyone laid off before June 30 of this year is going to lose all their benefits come December 31, and anyone who lost a job after June 30 will not have any Federal extension in place when their State benefits expire.

For my home State with soaring unemployment, this means that nearly 30,000 laid-off workers currently getting a temporary extension of unemployment compensation would see the end of their benefits at the end of the year, according to the Department of Labor.

Again, it seems to me this is an issue where Democrats and Republicans could, as has happened so often, come together and provide some solace, some actual relief to these families who are hurting in our country. I will be talking more about this issue in the days ahead while working on a significant health reform proposal that I have been discussing with colleagues.

I come back in closing to the central reason I have come to the Chamber, and that is that in my State and in much of the country, our families are hurting and our economy is hemorrhaging. I have listed three issues where, if there was some leadership from the administration—transportation, lowering medical costs immediately, particularly on the prescription side, which has the support of Senators of both parties, the expanded access to generic drugs, and finally unemployment compensation—three steps where, with a little bit of leadership from the administration on these vital economic issues, we could take steps now that would help working families.

Let's not go the wrong way. Let's find an opportunity for Democrats and Republicans to work on key issues and go the right way, which means providing economic relief to our working families.

I know the Senator from Georgia has been waiting very patiently. I yield the floor, Madam President.

The PRESIDING OFFICER. The Senator from Georgia.

IRAQ RESOLUTION

Mr. MILLER. Madam President, I have signed on as an original cosponsor of the Iraq resolution that our President has proposed, and I would like to tell you a story that I believe explains why I think that is the right path to take.

A few weeks ago, we were doing some work on my back porch back home, tearing out a section of old stacked rocks, when all of a sudden I uncovered a nest of copperhead snakes. I am not one to get alarmed at snakes. I know they perform some valuable functions, like eating rats.

When I was a young lad, I kept snakes as pets. I had an indigo snake. I had a bull snake. I had a beautiful colored corn snake, and many others. I must have had a dozen king snakes at one time or another. They make great pets, and you only have to give them a little mouse every 30 days.

I read all the books by Raymond C. Ditmars, who was before most herpetologists of the day—that is a person who is an expert on snakes—and for a while I wanted to be a herpetologist, but the pull of being a big league shortstop out ran that childhood dream.

I reminisce this way to explain that snakes do not scare me like they do most people, and I guess the reason is that I know the difference between those snakes that are harmless and those that can kill you. In fact, I bet I may be the only Senator in this body who can look at the last 3 inches of a snake's tail and tell you whether it is poisonous. I can also tell the sex of a snake, but that is another story.

A copperhead snake will kill you. It could kill one of my dogs. It could kill one of my grandchildren. It could kill any one of my four great-grandchildren. They play all the time where I found those killers.

You know, when I discovered those copperheads, I did not call my wife Shirley for advice, as I usually do on most things. I did not go before the city council. I did not yell for help from my neighbors. I just took a hoe and knocked them in the head and killed them, dead as a doorknob.

I guess you could call it unilateral action, a preemptive strike. Perhaps if you had been watching me, you could have even said it was bellicose and reactive. I took their poisonous heads off because they were a threat to me, they were a threat to my home, they were a threat to my family, and all I hold dear. And isn't that what this is all about?

I yield the floor and suggest the absence of a quorum, Madam President.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECEPTION FOR LANCE ARMSTRONG

Mr. REID. Madam President, Lance Armstrong is a man who has caught the attention of the entire American public and the world because of his athletic prowess, but more importantly than that because of his fighting back from devastating cancer. He is, of course, the greatest cyclist in the world today, and maybe of all time. This all occurred after he had a very severe bout of cancer. He is going to be in the Capitol building today.

A reception is going to be held for him in the Dirksen Building starting at 11:30. He is going to make some remarks around 12:00. Senators interested in meeting one of the greatest athletes of all time, or any staff within the sound of my voice, are welcome to come to 192 Dirksen to see the great Lance Armstrong.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF UNEMPLOYMENT COMPENSATION BENEFITS

Mr. REID. Madam President, there is pending legislation we certainly would like to move. We have tried very hard to get some help in this regard. This legislation gives the same number of weeks of benefits for unemployment compensation as was given under President Bush, Sr., in the early 1990s. Only Oregon and Washington, the States with the highest unemployment in the Nation, will get a little bit more, and that is because of an extension of Congress passed in March. The March bill provided up to 65 weeks of benefits for those two States. Our bill only provides up to 7 more.

This is extremely important. We have people out of work. That might not sound like much to somebody who has a job, but to someone who does not have a job, it is everything. We have 2 million more Americans unemployed than we had 18 months ago. We have economic problems that have been kind of covered up. We have a situation where there is $4.5 trillion lost in the stock market. If someone was going to retire with their 401(k) or their IRA, they would have to work up to 5 years more, having lost 30 to 35 percent of the value of their retirement.

I have people I welcome to Washington every Thursday. They came to me today saying they do not know what they will do because they lost so much of the value of what they will retire on. They do not know what they will do.

We need to extend unemployment compensation. We did it before under President Bush senior. There was an emergency then. We did it on more than one occasion. We only want to do it now on one occasion.

As I indicated, the bill will provide an additional 20 weeks of extended benefits for high unemployment States and an additional 13 weeks to all other States for workers who run out or about to run out of benefits.

UNANIMOUS CONSENT REQUEST—S. 3009

Mr. REID. I ask unanimous consent the Senate proceed to the consideration of Calendar No. 619, S. 3009, a bill to provide for a 13-week extension of unemployment compensation; that the bill be read three times, passed, the motion to reconsider be laid upon the table, and there be no intervening action or debate.

Mr. GRASSLEY. Madam President, reserving the right to object, and I will object for the leadership, as a ranking Republican on the committee that has jurisdiction over unemployment compensation for our side, there is, not unanimous view that something should be done in this area. The most important thing is, for now, we object.

We would think in terms of looking at the economy and not only ways to support people who are in need at a time when the economy might be in problems down the road, but also to consider as part of a package things that would help the economy grow and create jobs.

It is essential we think in terms of expanding the economy when we put together packages that are needed for economic relief and not just to help those who are unemployed. We look forward to working with the other side of the aisle in seeing what could we come up with in terms of a package that will help people in need but also help to grow the economy.

Since that is not part of this package, I object.

The PRESIDING OFFICER. The objection is heard.

TRIBUTE TO U.S. SENATOR JESSE HELMS

Mr. INOUYE. I wish to take a moment to express my appreciation and admiration for my good friend from North Carolina, Senator JESSE HELMS.

I have had the privilege of working with Senator HELMS for the past 30 years. Although he and I do not share the same ideologies, Senator HELMS has always kept his word to me. In this day and age, "trustworthiness" is a trait that is becoming increasingly rare, particularly in the political arena. Yet Senator HELMS has remained true to himself and his upbringing. Senator HELMS is trustworthy.

Senator HELMS is a true statesman and gentleman, courteous, courageous, and compassionate. He is a man who understands what it means to do one's duty to God, country, and family. He emulates the idea upon which America was founded, the idea that each individual controls his or her destiny and has a right to pursue and achieve their dreams, and that great societies are built by people who are inspired and motivated to reach high and work hard.

Senator HELMS has, on many occasions, inspired and motivated me. He has set an example for me and my colleagues. His life is a model of one who honors and defends the Constitution, works to make our country a better place, and conducts himself with dignity and respect for others.

I thank my dear friend for the many courtesies he has extended to me throughout the years. I will miss his kindness and friendship. To Senator HELMS and his wife, Dot, I wish them many years of happiness and continued good health in the bright years ahead.

Mr. SARBANES. Mr. President, I rise today to join my colleagues in honoring JESSE HELMS, the senior Senator from North Carolina, for his many years of service to his State and to the Nation.

While Senator HELMS has served in the United States Senate for more than a quarter-century, his earlier years were equally active and productive. Following his service in the U.S. Navy during World War II, he became the city editor of the Raleigh Times. He served as Administrative Assistant to two U.S. Senators before becoming Executive Director of the North Carolina Bank Association in 1953. The Tarheel Banker became the largest State banking publication in the State while JESSE HELMS was its editor. He was Executive Vice President, Vice Chairman of the Board, and Assistant Chief Executive Officer of Capitol Broadcasting Company in Raleigh, NC from 1960 until his election to the Senate in 1972.

During his service in the U.S. Senate, Senator HELMS has served as a member of the Senate Committee on Rules and Administration, the Committee on Agriculture, Nutrition, and Forestry which he chaired in the 1980s, and the Foreign Relations Committee, of which he was a former chairman and the current ranking member. In 1973, he became the first Republican, as well as the first Senator from North Carolina, to receive the Golden Gavel, an award presented for presiding over the Senate for more than 117 hours. Senator HELMS was awarded a second Golden Gavel for presiding for more than 120 hours in 1974.

It goes without saying that JESSE HELMS has become a fixture and a legend in this body. While Senator HELMS and I have often differed over the years in our approaches and our positions to the many important issues that have come before the Senate for consideration, Senator HELMS has always been a force to be reckoned with. His public service has been marked by hard work and diligence. I am pleased to have had the opportunity to serve with Senator HELMS over these many years and want to join my colleagues in paying tribute to him today.

Mr. ALLARD. Mr. President, over the course of the day, we have heard from my colleagues many of Senator JESSE HELMS' remarkable accomplishments over the course of his life. He is a husband, a father, a Senator, a Navy veteran, a defender of freedom, and a good friend. But above all, JESSE HELMS is a man of God.

I should also add that he is a man of the people. Senator HELMS has seen more Senators, staffers, and pages in his tenure than most Members, and he treated all of them like they were from his own family. He is constantly noted for his friendly demeanor to those strangers who meet JESSE for the first time, but go away from their meetings feeling like a personal relationship has just formed. Senator HELMS has always been willing to take those precious extra few minutes when meeting someone to make personal connections that endure him to many.

Rarely do people keep their convictions as strong as JESSE HELMS, especially facing the type of scrutiny that politicians do in the spotlight. Throughout his 30 years in the Senate, Senator HELMS has fought hard for the commonsense values that he brought with him from the great State of North Carolina. He has stood for the vision that our Founding Fathers imagined when they framed the Constitution. I cannot help but think that North Carolina and indeed our country is indebted to Senator HELMS for his service to our country. It has been a privilege to stand with the Senator on so many of the issues that are important to the United States. I am proud to call Senator HELMS a colleague and a friend, and we all know how much his leadership will be missed in this institution.

Thank you, JESSE, for your continued dedication not only to the Senate, but also your country which is so near and dear to your heart.

TRIBUTE TO SENATOR STROM THURMOND

Mr. BIDEN. Mr. President, what can I say about STROM THURMOND?

I remember, back in 1981, the Senate Judiciary Committee had a new chairman—and a new ranking member, and there were more than a few folks looking forward to the fireworks.

There was a new conservative Republican administration and new Republican majority in the Senate. The Judiciary Committee seemed destined to be one of the main ideological battlegrounds over issues that divided us then and still divide us today.

There were more than a few Washington insiders who thought that STROM THURMOND the seasoned veteran conservative Republican chairman who first made his mark on the national political scene as an advocate of State's rights—and JOE BIDEN a northeastern Democrat still in his thirties whose interest in politics was sparked, in large measure, by the civil rights movement would never find an inch of common ground—not an inch.

But I knew that was not going to be the case. I had served with STROM for eight years by then . . .

I knew his personal strengths, and admired them greatly, regardless of our political differences, and I knew those strengths would guide us to consensus rather than gridlock.

I knew, with STROM, there would be comity—not enmity.

And I knew debate would be civil and constructive rather than divisive and filled with meaningless partisan rhetoric.

STROM, as usual, didn't let me down. In his six years as chairman—and for several years after that when we switched roles—he exceeded my expectations in every way.

There were many heated debates and contentious hearings, but we weathered them and we weathered the kinds of controversies which I've seen poison the well for other committees for years afterward.

But that kind of cooperation would not have happened if it weren't for STROM THURMOND's strength of character.

It would not have happened if he were not, first and foremost, a gentleman—unfailingly courteous, respectful, and always dignified.

STROM's word is his bond, and each of us, even the most partisan political opponents knows that, in the heat of debate, under extraordinary pressure, when the stakes are exceedingly high, STROM THURMOND will always, always keep his word.

There's an old Greek proverb that says: "The old age of an eagle is better than the youth of a sparrow."

Well, STROM THURMOND is an eagle among us.

He's been my neighbor in the Russell Building for many years now. Actually, he has most of the offices around me so I'd say he is more like the landlord.

He has more seniority in this chamber than any United States Senator has ever had, and more seniority than most Americans will ever dream of having. But longevity is not the measure of a man like STROM THURMOND.

Longevity is a very small part of why we come to this floor to pay tribute to him today—a tribute he richly deserves—not only for a long life, but for a grand life, an accomplished life.

I joke about it sometimes. About the time, for example, someone came up to him and challenged his strength and his tenacity and—right there—STROM took off his coat and started doing push ups.

He has lived long and he has lived well. He has served his country well. And, more than any other public figure, he has been a constant force in this nation for the better part of a century. Never stopping. Never giving up. Always fighting for his beliefs. Unequivocally. Unashamedly.

Whether it was his independent run for President 54 years ago, or serving the people of South Carolina as Superintendent for Education of Edgefield County, as a City and County Attorney, a state senator, a circuit court judge, Governor, or United States Senator—he has been truly, sincerely, honorably, one of America's most engaged, committed, and enduring public servants.

He was born back in 1902. It was not until a year later, that the Wright brothers flew the first powered flight. He was 6 when Henry Ford introduced the Model T.

He received his degree from Clemson one year after the Yankees signed Babe Ruth.

When STROM joined the army, Calvin Coolidge was elected President.

The Golden Gate Bridge was completed the year STROM was elected to the state senate.

Judging from that time-line, you might conclude that American legends tend to lead somewhat parallel lives.

There is no doubt that STROM THURMOND is an American legend.

He served only one term as a State senator, but in that one term most people don't realize he became an education Senator, raising teachers' pay and extending the school year.

Not to mention the fact that he sponsored South Carolina's first Rural Electrification Act.

Legend has it that when the U.S. declared war against Germany—STROM was a circuit court judge at the time—he literally took off his robes and volunteered for active duty that day.

He went on to earn five battle stars, eighteen decorations, medals, and awards—the Legion of Merit with Oak Leaf Cluster, a Purple Heart, a Bronze Star, the Belgian Order of the Crown and the French Croix de Guerre.

Then, in 1947, he was elected Governor of South Carolina. He added 60,000 new private sector jobs. Paved 4,100 miles of farm-to-market roads, raised teachers' pay again, started a trade and technical education system and lowered property taxes. Not a bad record. But STROM was not done.

He was elected to this Chamber in 1954. I have been here for 30 years. I consider that to be quite a long time but STROM arrived 18 years earlier. But STROM came the hard way. He was a write-in candidate.

I believe he has the distinction of being the first person to be elected to a national office that way.

It wasn't long before he became an expert on the military and an advocate for a strong national defense. He's been on the Armed Services Committee since the Eisenhower Administration—1959.

He was a Democrat back then. We could use you again now, Senator.

But seriously, STROM held to his convictions about a strong military and, in 1964, said the Republican Party more closely represented his views, so he switched and, when he did, changed the future of South Carolina politics.

STROM and I may disagree on most issues, but, the fact is, it was STROM THURMOND who, one way or another, helped shape the debate on many of those issues for the better part of the last century.

A long life is the gift of a benevolent God, but a long life with a powerful and lasting impact is the treasure of a grateful Nation.

He has had that kind of impact, and we are grateful.

His achievements, his list of awards, the many schools and buildings named—for him too many to enumerate here—are only a small tribute to a man who has done in a hundred years more than most of us could accomplish in a thousand. And, the truth is, most of us wouldn't have the energy to even try.

The real beneficiaries of STROM THURMOND's legacy are the citizens of South Carolina.

Not since the days of John C. Calhoun has South Carolina enjoyed such memorable representation as it does today with Senator THURMOND and Senator HOLLINGS.

From his own reflections and experiences, Calhoun wrote the famous Disquisition on Government. Some political scientists have said that essay is a key to modern American politics, a handbook for defending against the tyranny of the majority, and for building pragmatic coalitions.

In that work, Calhoun wanted to maintain the Constitutional rights of States, and the delicate relationship between federal and state powers.

STROM THURMOND wears the mantle of that heritage.

Some years back, Senator THURMOND was quoted as saying, "The Constitution means today exactly what it meant in 1787 or it means nothing at all."

Armed with that conviction all of his life, he's been an able advocate of State's rights—the balance of power between branches of Government—individual rights against Government prerogatives and usurpations—private enterprise—decentralized Government—and strict Constitutional interpretation.

He has not only been a successful politician who helped shape the last century, but a political philosopher with whom I do not always agree, but for whom I have the deepest respect.

Let me tell you one of my most memorable stories about STROM.

It was when we went down to the White House to try to convince President Reagan to sign a crime bill.

President Reagan was in the beginning of his second term. We sat in that Cabinet room. We were on one side of the table and William French Smith, Ed Meese, and someone else, I can't recall whom, were on the other side.

The President walked in and sat down between STROM and me. We told him why we thought he should sign the bill, why it was important for him to sign it.

At first, the President looked like he was thinking about it, and then, to the shock of everyone on the other side of the table, he began to look like he was being convinced—that he actually might sign it.—This is absolutely a true story.

Ed Meese stood up at that point. He looked at us and then he looked at the President and said. "Mr. President, it's time to go."

The President hesitated. He looked over at STROM and nodded as if he wanted to hear more. But Ed Meese said again, "Mr. President, it's time to go."

At that point, the President made a motion to get up, and STROM reached over and put his hand firmly on the President's arm. He grabbed it and pulled him back down and said, "Mr. President, the one thing you got to know about Washington is that when you get as old as I am, you want to get things done, you have to compromise."

There was Ronald Reagan, not that much younger than STROM, and there was STROM, smiling, making the President laugh. And there was Ed Meese not looking very happy as STROM talked the President into his position.

That's a remarkable ability, and it works for STROM because people always know where his heart is. They know what his objective is.

People know that he believes what he says and says what he believes and it's real and it is honest.

One more personal story that I will never forget. It was during a contentious hearing on a Supreme Court Justice and a difficult time in my career. STROM and I disagreed on the nominee. And I was being blasted in the press back in 1988.

I called a meeting of the entire committee and said that if the accusations relevant to me were getting in the way of the work of the committee, I would resign as Chairman.

But before I could get the last word out of my mouth, STROM stood up. "That's ridiculous," he said. "You stay as chairman. We all have confidence in you."

I said, "Don't you want me to explain?"

And STROM said, "There's no need to explain. I know you."

I will never forget what he said that day. "There's no need to explain. We know you."

I have told this story before, but to this day, I can't think of many other people who would, having a significant political advantage, not only not take it, but stand by me. That's the STROM THURMOND I know and will always admire.

I have been honored to work with him, privileged to serve with him, and proud to call him my friend. As I said earlier: A long life may well be the gift of a benevolent God, but a long life with an impact as powerful and lasting as his is the treasure of a grateful Nation.

STROM THURMOND is, without doubt, an American treasure.

The truth of the matter is that his longevity lies in his strength of character, his absolute honesty and integrity, his sense of fairness, his civility and dignity as a gentleman, and his commitment to public service.

None of these things are skills you learn. They are qualities that burn deep within leaders like STROM THURMOND. And people who know him well can sense them.

The measure of STROM THURMOND is not how long he has lived or how long he has served, but the good he has done, the record of success he has achieved, and the standard of leadership he has set.

The truth is that STROM's ongoing legacy is not about time, it is about extraordinary leadership and dedicated service to the people of South Carolina and the nation.

And for that we say, "Thank you, STROM, and a hundred more."

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

21ST CENTURY DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the conference report accompanying H.R. 2215, which the clerk will report.

The legislative clerk read as follows:

The conference report to accompany H.R. 2215, to authorize appropriations for the Department of Justice for fiscal year 2002, and for other purposes.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the conference report to accompany H.R. 2215, the 21st Century Department of Justice Appropriations Authorization Act:

> Harry Reid, Jeff Bingaman, Jean Carnahan, Hillary Clinton, Thomas Carper, Richard Durbin, Paul Sarbanes, Daniel Inouye, Bill Nelson of Florida, Jack Reed, Patrick Leahy, Benjamin Nelson of Nebraska, John Edwards, Tim Johnson, Joseph Lieberman, Byron Dorgan, Tom Daschle.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call under the rule is waived.

The question is, Is it the sense of the Senate that debate on the conference report accompanying H.R. 2215, the 21st Century Department of Justice Appropriations Authorization Act, shall be brought to a close? The yeas and nays are ordered under rule XXII, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES; I announce that the Senator from Utah (Mr. HATCH) and the Senator from North Carolina (Mr. HELMS) are necessarily absent.

I further announce that if present and voting the Senator from Utah (Mr. HATCH) would vote "yea."

The yeas and nays resulted—yeas 93, nays 5, as follows:

[Rollcall Vote No. 229 Leg.]

YEAS—93

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Sarbanes
Schumer
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—5

Gramm
Lott
Lugar
Santorum
Smith (NH)

NOT VOTING—2

Hatch
Helms

The PRESIDING OFFICER (Mr. JOHNSON). On this vote, the yeas are 93, the nays are 5. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank Senators for this overwhelming vote in bringing this debate to a close. This is a piece of legislation that passed in the other body 400 to 4. This vote shows overwhelming support in this body.

Senator HATCH, the ranking member of the Judiciary Committee, is necessarily absent. I know he supports this bill, too. And I thank, also on his behalf, those Senators who joined in this vote.

I do not know what the pleasure of the body is, Mr. President, but I am perfectly willing to move forward. I am not going to request a rollcall vote. I don't know if anyone else wishes to have one. I think to have had such an overwhelming vote—93 to 5—gives a pretty good understanding of where the body is on a piece of legislation such as this that covers everything from drug abuse in juvenile areas, to creating 20 new judges, to protecting our FBI in dangerous situations.

So, Mr. President, I am about to yield the floor, but I am perfectly willing to just go forward on the legislation. Obviously, if anybody else wants to speak on it or ask for a rollcall vote, that is their prerogative.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. SPECTER. Mr. President, I have sought recognition today to discuss the situation with respect to Iraq. At the outset, I compliment the President for coming to Congress. I believe that, as a matter of constitutional law, the President, as Commander in Chief, has the authority to respond to emergencies, but when there is time for discussion, deliberation, debate, and a decision, then it is the responsibility of the Congress, under the Constitution, to declare war and to take the United States to war.

Originally, there had been a contention that the President did not need congressional authorization, but the President has decided to come to Congress, and I compliment him for doing that.

I also think that the President has moved wisely in seeking a coalition of the United Nations, as President Bush in 1991 organized a coalition, came to the Congress, and had authorization for the use of force against Iraq which had invaded Kuwait. The assemblage of an international coalition is a very important item.

The issue of inspections is one which has to be pursued. To say that Saddam Hussein is a difficult man to deal with, would be a vast understatement. He maneuvered and ousted the inspectors from Iraq some 4 years ago.

It seems to me the inspections have to be thorough, total, unannounced, intrusive, going everywhere, however, there cannot be an exclusion for the President's palaces, which are very large tracts of land and could conceal great quantities of weapons of mass destruction.

Senator SHELBY and I made a trip to the Sudan in August as part of a trip to Africa. In the Sudan, we found that there is an interest on the part of the Sudanese Government in cooperating with the United States, and they have agreed to inspections of their arms factories and their laboratories. They are no-notice inspections, where inspectors go in and break the locks, inspect, and take photographs anywhere, anytime, anyplace. I believe that has to be the format for inspections in Iraq.

I am concerned about the timing of an authorization or declaration of war. I think an authorization for the use of force is tantamount or the equivalent to a declaration of war. That authorizes the President to wage war. It is a concern of mine as to whether there is authority for the Congress under the Constitution to make this kind of a delegation.

The learned treatise written by Professor Francis D. Wormuth, professor of political science at the University of Utah, and Professor Edwin B. Firmage, professor of law at the University of Utah, engages in a very comprehensive analysis of this issue.

The background of the issue is that, when the Constitution and the three branches of Government were formulated, Article I gave certain authority to the Congress. One of the authorities that the Congress has is the authority to declare war. Article II gave authority to the executive branch, to the President, and Article III gave authority to the courts.

The core legislative responsibilities, such as a declaration of war, have been viewed as being non-delegable. They cannot be given to someone else. Professors Wormuth and Firmage say at the outset of chapter 13, on the delegation of the war power:

> That Congress may not transfer to the executive . . . functions for which Congress itself has been made responsible.

The treatise further goes on at page 70 to point out—and I am leaving out references which are not directly relevant—but the two professors point out at page 70 that:

> The Framers . . . never supposed that a state of war could arise except as a result of a contemporaneous decision of Congress on the basis of contemporary known facts.

In the Federalist Papers, Hamilton made an observation on this subject, and it is cited again in the treatise by the two professors noting that Hamilton in the Federalist Papers argued the system was safe precisely because the President would never be able to exercise this power, referring to the power to declare war or the power to use force. While not cast specifically in the dialogue of delegation of power, the Federalist tracts, written by Hamilton and cited by Wormuth and Firmage, do argue about the limitations of Federal power.

The treatise by Professors Wormuth and Firmage then goes on to cite Chief Justice Marshall, who said—and again I leave out materials which are not directly relevant—it will not be contended Congress can delegate powers which are exclusively legislative.

Here you have a power, the power to declare war, which is a core congressional power. Chief Justice Marshall has been the author of many doctrines which have survived 200 years since he served as Chief Justice of the Supreme Court of United States.

The treatise by Wormuth and Firmage then goes on to quote Clay, and they cite this reference:

> According to Clay, the Constitution requires that Congress appraise the immediate circumstances before the Nation voluntarily enters into a state of war.

That is at page 207. The treatise further points out, Clay's argument was that:

> Congress itself cannot make a declaration of a future war dependent upon the occurrence of stipulated facts, because war is an enterprise in which all the contemporary circumstances must be weighed.

The treatise by Wormuth and Firmage goes on to point out that it is:

> Impossible for Congress to enact governing standards for launching future wars.

They note it is not possible to authorize the President:

> To initiate a war in a future international environment in which significant details, perhaps even major outlines, change from month to month or even from day to day. The posture of international affairs of the future cannot be known to Congress at the time the resolution is passed.

So we have the generalized declaration that core congressional functions may not be delegated as a basic requirement under the constitutional separation of powers, and then an articulation of the reasons as to why this is the law. That is because, as noted in the authorities, the circumstances may change in a matter of months or, as noted, even in a matter of days.

I am not unaware the Congress is proceeding on a timetable which is likely to eventuate a vote next week, or if not next week, shortly thereafter. As is well-known, we are in an election season, with elections on November 5. Today is October 3. The closing date of the Congress had originally been set at October 4, which would have been tomorrow, Friday. It has been extended until October 11. Nobody is sure when we will adjourn. When asked the question as to when the Senate will adjourn, I say the Senate adjourns when the last Senator stops talking. We do not know precisely when that will be.

There is a move to have a vote before we leave town. Of course, we could come back. When there is a matter as important as a resolution authorizing the use of force, the equivalent of a declaration of war, there is no congressional responsibility that is weighed more heavily, more solemnly, or more importantly than that.

I am not naive enough to think anybody is going to go into court or that a court would consider this, what we lawyers call a justiciable issue, or decide this sort of a matter. I do think it is a matter which ought to be focused on by Members of the Senate and House of Representatives. I have not seen any public commentary on the issue.

I became very deeply involved on the legalisms of the doctrine of separation of power 8 years ago when there was a base closing commission where Congress delegated authority to a commission to decide which bases would be closed, and I think they inappropriately closed the Philadelphia Navy Yard. I studied the subject in some detail—in fact, argued the matter in the Supreme Court of the United States—so when this issue has arisen, I have been concerned about what the Congress is doing. I have studied the issue and have raised these concerns, which I want to share with my colleagues.

I am well aware of the argument that it would strengthen the President's hand to have a very strong vote from the Congress of the United States, as he is negotiating in the United Nations. Secretary of State Powell is seeking a tougher resolution before inspections start. The U.N. inspectors met with the Iraqi officials and are talking about starting inspections in 2 weeks. Secretary Powell yesterday said he would like a tougher resolution so there are more stringent requirements to be imposed on Iraq before the inspections go forward. There are difficulties in dealing with the French, the Russians, and the Chinese.

There is no doubt that a strong resolution by Congress supporting the President would give weight to the President's position. The predictions are generalized that the President can expect a very strong vote from the House of Representatives, based on what happened yesterday with the concurrence of Speaker HASTERT and Democrat Leader GEPHARDT. The sentiments of the Senate may be somewhat different, perhaps a little more deliberative, but the predictions are that a resolution will come from the Senate backing the President as well.

I think it is a momentous matter. It is one which we need to consider. We need to consider all of the alternatives short of the use of force. We need to consider whether our objectives can be attained without sending American men and women into battle; without exposing Iraqi civilians to casualties; without undertaking the problems of war—the attendant body bags, collateral damage, and the death of civilians, which is inevitable. We need to find a way to rid Iraq and the world of Saddam Hussein, and have the appropriate assurances that there are not going to be weapons of mass destruction which threaten the United States or our neighbors.

There is a very serious concern as to what will happen with neighboring Israel. General Scowcroft, former National Security Council, wrote an article which appeared in the Wall Street Journal in August, raising a concern about an Armageddon, with the possibility of a nuclear conflict if Iraq and Saddam Hussein unleash weapons of mass destruction on Israel, and as to what the retaliation may be.

The consequences are very difficult to figure out. If we can find a way to get rid of Saddam Hussein; have the assurances that the world will not be subjected to his maniacal impulses and his irrational tendencies, which includes his use already of chemical weapons in the Iran war and on his own people, the Kurds; if we can find a way to do that short of war, that certainly ought to be our objective. I raise this constitutional issue so that my colleagues may consider it, as well.

Mr. SPECTER. I ask unanimous consent I may proceed for an additional 5 minutes on an unrelated subject, the confirmation of Judge James Gardner.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONFIRMATION OF JUDGE JAMES GARDNER

Mr. SPECTER. Mr. President, yesterday in what is called wrap-up in the Senate, by unanimous consent a Pennsylvania judge was confirmed. I had not known that his confirmation was imminent, however, I am very glad it was and I am very glad it was accomplished. I thank the managers, including the Senator from Nevada.

I make a comment or two about Judge Gardner who was endorsed by Senator SANTORUM and me and passed our bipartisan nonpolitical nominating panel. Senator SANTORUM and I have maintained the practice which Senator Heinz and I had many years ago on submitting applicants to a commission which studies them, in addition to review by the American Bar Association and by the FBI.

Judge Gardner graduated magna cum laude from Yale University, received his JD degree from Harvard University Law School, which is obviously an excellent educational background. He then joined a big firm in Philadelphia, Duane, Morris & Heckscher, and later went to Allentown where he became a member of the law firm of Gardner, Gardner, & Racines.

He began his career in public service as Solicitor to the Lehigh County Treasury and later served as assistant district attorney in Lehigh County. I must say that being assistant D.A. is very good training for anything. People ask me what is the best job I ever had, being a Senator or district attorney, and I say the best job I ever had was assistant district attorney, getting to the courtroom and trying cases.

He has been on the Court of Common Pleas of Lehigh County for some 21 years, presided over 265 jury trials, and written nearly 1,000 legal opinions, 138 of which have been published.

He is very active in community affairs. He is on the Board of Directors of the Boys and Girls Club of Allentown and the Allentown Police Athletic League. He has been awarded the Meritorious Service Medal from the President of the United States, and the Pennsylvania Bar Association's Special Achievement Award.

We have a practice of trying to accommodate litigants by having various stations in Pennsylvania: one in Johnstown, one in Bethlehem and in Lancaster, and of course we have the district court sitting in Harrisburg, in Wilkes-Barre, Scranton, and also Williamsport. Judge Gardner will be handling the station in Allentown to accommodate litigants so that they do not have to travel long distances to have their cases heard.

I yield the floor.

Mr. REID. I ask the Senator from Kansas how long he wishes to speak.

Mr. BROWNBACK. I thank the Senator from Nevada. I would like to speak for 15 minutes. I think there are other people who would like to speak, as well.

Mr. REID. We have spoken to the minority side. Senator BYRD wishes to use his hour postcloture. I ask unanimous consent he be allowed to do that beginning at 1:10, following the statement of the Senator from Kansas. Postcloture, he is entitled to that. I ask he be allowed to speak during that postcloture on any matter he wishes to talk about.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kansas.

Mr. BROWNBACK. Mr. President, we are on the judicial reauthorization bill that just received cloture. I was happy to see that taking place. I draw attention to the body to one particular provision that is important. It is J–1 visas. These visas are granted to people who were born in another country, other than the United States, but trained according to medical standards in the United States, in passing medical boards in the United States, and then able to serve throughout the United States. I know the Presiding Officer's State and my State are dependent on people born in foreign countries being able to provide medical services in Kansas.

We have 105 counties and 20 that would be medically underserved if not for this feature called J–1 visas for medically underserved counties to have medical personnel, as I previously described.

Within the provision of the judicial reauthorization bill, it allows for 30 J–1 visas on a per State, per year basis to work with recruitment of medical personnel. My State of Kansas is dependent on this feature. Twenty of our 105 counties would be medically underserved if not for J–1 visas. There was a problem within the old program that the oversight was not sufficient.

After September 11, a number of people were concerned about who was getting into the United States under these J–1 visas: Are they properly supervised and properly observed, or is there potential for untoward elements that would come in this way that might seek to do harm to the United States? That was an area of concern. We were concerned about everyone coming to the United States at that point. This was another area where people had deep concerns.

This program, as we have revised it, has supervision in place to watch this program and to meet the needs of States like Kansas where we have significant areas of medically underserved populations and at the same time meet the security needs of the United States so we do not allow in an individual who seeks to do harm to the rest of the United States.

I worked in the Judiciary Committee. We worked on the Immigration

Subcommittee. This bill got through the House of Representatives. Congressman JERRY MORAN from my State worked over there. We have met everyone's concerns to get this passed through the needs of States such as my own, particularly for rural States because this is a chronic issue, with significantly underserved areas, aging population in some counties that need more and more services and have more and more difficulty getting medical personnel into the areas. This is working under the J–1 category for medical doctors. We are using it for medical technologists. In the future we will need it for broader categories within health care as well, potentially for physical therapists and nurses, to get adequate personnel in places that are needed. It will be a valuable feature, looking into the future.

Overall, the judicial reauthorization is a good bill, one that we should pass. It is significant. We have not had one of these reauthorizations for some period of time. It is certainly the time to be doing this, to bring this issue forward. I commend the chairman and ranking member and those who have worked very hard in the conference committee to move this issue forward.

IRAQ

Mr. BROWNBACK. As we look and move forward on the issue of Iraq and war with Iraq and the potential of providing the President military authorization, I hope the body and the Members and people across the country and across the world look at the potential of a post-Saddam Iraq. Former Senator Kerrey of Nebraska and I worked, when he was in the Senate, with a group called the Iraqi National Congress, an umbrella group of opposition leaders, to try to bring to the forefront opposition groups, bring them together, and move forward with the track that once Saddam is out, moving forward with a democracy, with human rights, civil liberties for the people of Iraq.

I think a lot of times we get caught too much in the downside potential. It is not only whether we can get Saddam out. It is not only what are going to be the problems of doing this. Sometimes we do not see the upside potential.

There is clear downside potential in taking on Saddam Hussein, there is no question about that—potential loss of lives of our troops, our people, terrorist threats, potential loss of life in the region, loss of life in Iraq. It is undeniable.

It is also unquestionable and undeniable that Saddam Hussein has killed a number of people already, gassed his own people, attacked Iran, gassed the Iranian people. He has continued to rule by fear. He has killed people within his own Cabinet and his own family. This is a man who is familiar with evil and has exercised it.

What about after Saddam Hussein? What then? You have a country in that region that has a history of rudimentary democracy. From 1921 until 1958, they had a constitutional monarchy, where you had a monarch but you also had a parliament that was elected by the people. They had control over budgets and ministers in the various areas of the Cabinet. It is not the level of our democracy today, but probably the level of the English democracy in the mid-1800s. They had a functioning democracy where they elected people and they had real legitimate authority within that. There is that basis.

This is one of the oldest civilizations in the world where Iraq is. They would say this is the cradle of civilization, it has been there for thousands of years—and it has. It is an urban society. Eighty percent of the population are in urban areas. It is a well educated populace that is there. It is also sitting on 10 percent of the world's oil supply. So it has the ability to generate enough income to rebuild and grow itself.

My point in saying all of that is that post-Saddam, when you get this man, who has brought so much evil to that region of the world and to the rest of the world, out of there, you have the basis of a real, growing, healthy, vibrant, democratic, free-market society. People are going to be free, and they are going to have liberty, and there is going to be great joy there for that possibility, and to be able to move forward in a region of the world that has not known much in the way of democracy.

Outside of Israel and Turkey, you don't have democracies in that region of the world. You don't have any freedoms. You have a lot of resources, but you have a lot of poverty. That is because systems matter, and they have had systems that have been totalitarian in nature.

Iraq has a history that is different. Until 1958, when there was a military coup, this was an operating country with many democratic features within it. They can build on that. Once that is established in Iraq, you move forward and press for democracy, and that is going to infect the entire region for democracy, human rights, religious freedom, pluralism, tolerance, free markets. Then it is going to be able to spread throughout.

As former Secretary Henry Kissinger said at a hearing we had last week, he views that if we go in and deal with Iraq, it is going to have a very positive, salutary effect on the war on terrorism. It is going to say to a number of countries that we are serious about dealing with terrorists, we are serious that countries that house and support terrorists are our enemies; you are either with us or against us in the war on terrorism.

If we do not go at Iraq, our effort in the war on terrorism dwindles into an intelligence operation. If we go at Iraq it says to countries that support terrorists—and there remain six in the world that fit our definition of state-sponsored terrorists—you say to those countries that we are serious about terrorism and we are serious about you not supporting terrorism on your own soil. This is going to be a big statement we will make.

It is with a great deal of difficulty and it is with a great deal of cost. But the option of doing nothing is far worse than the option of doing something and acting now. The upside potential of our acting and helping allow the Iraqi people their freedom to be able to move forward with a democracy is significant upside potential, within that region, for liberty and freedom to expand throughout that area.

We will have this debate on granting military authority to the President, which is going to be a significant debate in this body. Hopefully, we will look at all the issues, and I think we will. Particularly, we should look at things such as: Is Saddam Hussein going to be able to get weapons of mass destruction to terrorists and out of the country to attack other people during this period of time?

I hope we will also look at the downside of not doing something and the upside of helping people pursue freedom and liberty, such as what has the potential of taking place in Iraq and pursuing a democracy there.

I point out to people who are not familiar with this, Saddam Hussein does not control the whole country. He doesn't control the north of Iraq, the Kurdish region. It was reported that a number of Kurdish troops who are there are outside of his control. He has sporadic control in the south of the country. He controls it during the day; at other times, he doesn't. His main control is in the center, in the Baghdad region of the country. This is not a homogeneous population, nor is it completely under his authoritarian rule. We will be able to work with populations in both the north and south to build pressure on him in the center of this country when we move forward, addressing and dealing with Saddam Hussein.

It is a big issue. It is a big issue for the country. It is a big issue for the world. It is a big issue for liberty. It is a big issue, dealing with a very militant, politicized strain of Islam in that region, and particularly in Iraq, that Saddam Hussein seeks to exploit. You know, he would not view himself associated with it, but he is certainly working to exploit that at this point in time. This is an important argument and discussion for this country and for the world.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. EDWARDS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RUSH TO IRAQ RESOLUTION IGNORES UNANSWERED QUESTIONS

Mr. BYRD. Mr. President, Titus Livius, one of the greatest of Roman historians, said:

> All things will be clear and distinct to the man who does not hurry; haste is blind and improvident.

"Blind and improvident"—"Blind and improvident."

Congress would be wise to heed those words today, for as sure as the Sun rises in the East, this country is embarking on a course of action with regard to Iraq that is both blind and improvident. We are rushing into war without fully discussing why, without thoroughly considering the consequences, or without making any attempt to explore what steps we might take to avert the conflict.

The newly bellicose mood that permeates this White House is unfortunate—unfortunate—all the more so because it is clearly motivated by campaign politics. Republicans are already running attack ads against Democrats on Iraq. Democrats favor fast approval of a resolution so they can change the subject to domestic economic problems.

Before risking the lives—I say to you, the people out there who are watching through those electronic lenses—before risking the lives of your sons and daughters, American fighting men and women, all Members of Congress—Democrats and Republicans alike—must overcome the siren song of political polls and focus strictly on the merits and not the politics of this most grave, this most serious undertaking—this most grave, this most serious issue that is before us.

The resolution—S.J. Res. 46—which will be before this Senate is not only a product of haste, it is also a product of Presidential hubris. This resolution is breathtaking—breathtaking—in its scope. It redefines the nature of defense. It reinterprets the Constitution to suit the will of the executive branch. This Constitution, which I hold in my hand, is amended without going through the constitutional process of amending this Constitution.

S.J. Res. 46 would give the President blanket authority to launch a unilateral preemptive attack on a sovereign nation that is perceived to be a threat to the United States—a unilateral preemptive attack on a sovereign nation that is perceived to be a threat to the United States.

This is an unprecedented and unfounded interpretation of the President's authority under the Constitution of the United States, not to mention the fact that it stands the charter of the United Nations on its head.

Representative Abraham Lincoln, in a letter to William H. Herndon, stated:

> Allow the President to invade a neighboring nation whenever he shall deem it necessary to repel an invasion, and you allow him to do so whenever he may choose to say he deems it necessary for such purpose—and you allow him to make war at pleasure. Study to see if you can fix any limit to his power in this respect, after you have given him so much as you propose. If, to-day, he should choose to say he thinks it necessary to invade Canada, to prevent the British from invading us, how could you stop him? You may say to him, "I see no probability of the British invading us" but he will say to you "be silent; I see it, if you don't."
>
> The provision of the Constitution giving the war-making power to Congress, was dictated, as I understand it, by the following reasons. Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This, our Convention understood to be the most oppressive of all Kingly oppressions; and they resolved to so frame the Constitution that no one man should hold the power of bringing this oppression upon us. But your view destroys the whole matter, and places our President where kings have always stood.

If he could speak to us today, what would Lincoln say of the Bush doctrine concerning preemptive strikes?

In a September 18 report, the Congressional Research Service had this to say about the preemptive use of military force:

> The historical record indicates that the United States has never, to date, engaged in a "preemptive" military attack against another nation. Nor has the United States ever attacked another nation militarily prior to its first having been attacked or prior to U.S. citizens or interests first having been attacked, with the singular exception of the Spanish-American War. The Spanish-American War is unique in that the principal goal of the United States military action was to compel Spain to grant Cuba its political independence.

The Congressional Research Service also noted the Cuban Missile Crisis of 1962:

> . . . represents a threat situation which some may argue had elements more parallel to those presented by Iraq today—but it was resolved without a "preemptive" military attack by the United States.

Article I, section 8, of the Constitution grants Congress the power to declare war and to call forth the militia "to execute the Laws of the Union, suppress Insurrections and repel Invasions." Nowhere—nowhere—in this Constitution, which I hold in my hand—nowhere in the Constitution is it written the President has the authority to call forth the militia to preempt a perceived threat. And yet the resolution which will be before the Senate avers that the President "has authority under the Constitution to take action in order to deter and prevent acts of international terrorism against the United States, as Congress recognized in the joint resolution on Authorization for Use of Military Force" following the September 11 terrorist attack.

What a cynical twisting of words. What a cynical twisting of words. The reality is Congress, exercising the authority granted to it under the Constitution, granted the President specific and limited authority to use force against the perpetrators of the September 11 attack. Nowhere—nowhere—was there an implied recognition of inherent authority under the Constitution to "deter and prevent" future acts of terrorism. It is not in there. It is not in that Constitution. There is no inference of it. There is no implication of it for that purpose.

Think, for a moment, of the precedent that this resolution will set, not just for this President—hear me now, you on the other side of the aisle—not just for this President but for future Presidents. From this day forward, American Presidents will be able to invoke Senate Joint Resolution 45 as justification for launching preemptive military strikes against any sovereign nations they perceive to be a threat.

You better pay attention. You are not always going to have a President of your party in the White House. How will you feel about it then?

Other nations will be able to hold up the United States—hold up the USA—as the model to justify their military adventures. Do you not think, Mr. President, that India and Pakistan, China and Taiwan, Russia and Georgia, are closely watching the outcome of this debate? Do you not think future adversaries will look to this moment to rationalize the use of military force to achieve who knows what ends?

Perhaps a case can be made Iraq poses such a clear and immediate danger to the United States that preemptive military action is the only way to deal with that threat. To be sure, weapons of mass destruction are a 20th century and 21st century horror the Framers of the Constitution had no way of foreseeing. But they did foresee the frailty of human nature. And they saw the inherent danger of concentrating too much power in one individual. They saw that. That is why the Framers bestowed on Congress—not the President—the power to declare war.

As James Madison wrote, in 1793:

> In no part of the Constitution is more wisdom to be found, than in the clause which confides the question of war or peace to the legislature, and not to the executive department. Beside the objection to such a mixture of heterogeneous powers, the trust and the temptation would be too great for any one man. . . .

That was James Madison: "the trust and the temptation would be too great for any one man."

Mr. President, Congress has a responsibility to exercise with extreme care the power to declare war. A war against Iraq will affect thousands—if not tens of thousands, and even hundreds of thousands—of lives and perhaps alter the course of history. It will surely affect the balance of power in the Middle East. It is not a decision to be taken in haste, as we are being pushed today, as we are being stampeded today to act in haste. Put it behind us, they say, before the election.

It will surely affect the balance of power in the Middle East. It is not a decision to be taken in haste under the glare of election-year politics and the pressure of artificial deadlines. And yet any observer can see that is exactly, that is precisely what the Senate is proposing to do—the Senate and the House.

What a shame. Fie upon the Congress. Fie upon some of the so-called leaders of the Congress for falling into this pit.

The Senate is rushing to vote on whether to declare war on Iraq without pausing to ask why. We don't have time to ask why. We don't have time to get the answers to that question: Why? Why is war being dealt with not as a last resort but as a first resort?

Why is Congress being pressured to act now, as of today, I believe 33 days before a general election, when a third of the Senate and the entire House of Representatives are in the final, highly politicized weeks of election campaigns? Why?

As recently as Tuesday, October 1—this past Tuesday—the President said he had not yet made up his mind. As late as this past Tuesday, he had not yet made up his mind about whether to go to war with Iraq. And yet Congress is being exhorted, is being importuned, is being adjured to give the President open-ended—open-ended—authority now—give it to him now—to exercise whenever he pleases in the event that he decides to invade Iraq.

Where are we? Where are our senses? Why is Congress elbowing past the President to authorize a military campaign that the President may or may not even decide to pursue? Aren't we getting a little ahead of ourselves?

The last U.N. weapons inspectors left Iraq in October of 1998. We are confident that Saddam Hussein retains some stockpiles of chemical and biological weapons and that he has since embarked on a crash course to build up his chemical and biological warfare capability. Intelligence reports also indicate that he is seeking nuclear weapons but has not yet achieved nuclear capability.

It is now October in this year of Our Lord 2002. Four years have gone by in which neither this administration nor the previous one felt compelled to invade Iraq to protect against the imminent threat of weapons of mass destruction, until today, until now, until 33 days before election day. Now we are being told that we must act immediately. We must put this issue behind us. We must put this question behind us. We must act immediately, we are told, before adjournment and before the elections.

Why the rush? Is it our precious blood which will spew forth from our feeble veins? No. Those of you who have children, those of you who have grandchildren, those of you who have great-grandchildren should be thinking: It is the precious blood of the men and women who wear the uniform of these United States; that blood may flow in the streets of Iraq.

Yes, we had September 11. But we must not make the mistake of looking at the resolution before us as just another offshoot of the war on terror.

We know who is behind the September 11 attacks on the United States. We know it was Osama bin Laden and his al-Qaida terrorist network. We have dealt with al-Qaida and with the Taliban government that sheltered it. We have routed them from Afghanistan. We are continuing to pursue them in hiding. So where does Iraq enter into the equation? Where?

No one in the administration has been able to produce any solid evidence linking Iraq to the September 11 attack. Iraq had biological and chemical weapons long before September 11. We knew it then. We helped to give Iraq the building blocks for biological weapons. We know it now.

Iraq has been an enemy of the United States for more than a decade. If Saddam Hussein is such an imminent threat to the United States, why hasn't he attacked us already? The fact that Osama bin Laden attacked the United States does not de facto mean that Saddam Hussein is now in a lock-and-load position and is readying an attack on these United States. Slow down. Think. Ask questions. Debate.

In truth, there is nothing in the deluge of administration rhetoric over Iraq that is of such moment that it would preclude the Senate from setting its own timetable and taking the time for a thorough and informed discussion of this crucial issue. What is the matter with us? We are the elected representatives. We are the most immediate elected representatives of the American people across this land. What is wrong with our taking the time to ask questions?

The American people want questions asked. It is not unpatriotic to ask questions. Why shouldn't we ask questions? Why do we have to be rushed into voting on S.J. Res. 46? We should have an informed discussion of this crucial issue.

The President is using the Oval Office as a bully pulpit to sound the call to arms, but it is from Capitol Hill that such orders must flow. Read the Constitution of the United States. The orders must flow from Capitol Hill, not from the Oval Office.

The people, through their elected representatives in Congress, must make that decision. Why don't we have time? Why don't we take time? We make a huge mistake in deciding this issue in an effort to "get it behind us." We are not going to get this issue behind us. It is not going to be put behind us.

It is here that debate must take place and where the full spectrum of the public's desires, concerns, and misgivings must be heard. If Senators will have the backbone to speak out, to ask questions, to demand the answers to questions, the American people are waiting. They are listening. They want answers to their questions.

I hear no clamor to go to war from my people. I hear only the telephones incessantly ringing, saying: Keep asking questions. We want to know why. Stand up for us, Senator.

It is here that debate must take place. We should not allow ourselves to be pushed into one course or another in the face of a full-court publicity press from the White House. We have, rather, a duty to the Nation and to the sons and daughters of this Nation to carefully examine all possible courses of action and to consider the long-term consequences of any decision to act.

As to the separation of powers, Justice Louis Brandeis observed:

> The doctrine of the separation of powers was adopted by the Convention of 1787, not to promote efficiency but to preclude the exercise of arbitrary power.

No one supports Saddam Hussein. If he were to disappear tomorrow, no one would shed a tear around the world, other than possibly tears of thanksgiving. I would not. My handkerchief would remain dry. But the principle of one government deciding to eliminate another government, using force to do so, and taking that action in spite of world disapproval is a very disquieting thing.

Where does it end? What nation will be next? I am concerned that it has the effect of destabilizing the world community of nations. I am concerned that it fosters a climate of suspicion and mistrust in U.S. relations with other nations. The United States is not a rogue nation given to unilateral action in the face of worldwide opprobrium.

We are about to change the face of the United States, a nation which believes in liberty, justice, and human rights. What are we about to change? What is it going to be? What is the new image of the United States going to be? That of a bully, ready to draw both guns and start shooting immediately? This is preemptive action, isn't it?

I am concerned about the consequences of a United States invasion of Iraq. It is difficult to imagine that Saddam Hussein, who has been ruthless in gaining power, ruthless in staying in power, would give up without a fight. He is a man who has not shirked from using chemical weapons against his own people. I fear he would use everything in his arsenal against an invasion force, or against an occupation force, up to and including whatever chemical, biological, or nuclear weapons he might still have.

Iraq is not Afghanistan, impoverished by decades of war, internal strife, tribal conflict, and stifling religious oppression. Though its military forces are much diminished—and ours are somewhat diminished—Iraq has a strong central command and much greater governmental control over its forces and its people. It is a large country that has spent years on a wartime footing, and it still has some wealth.

Nor do I think the Iraqi people would necessarily rise up against Saddam Hussein in the event of a United States invasion, even if there is an undercurrent of support for his overthrow. The Iraqi people have spent decades living in fear of Saddam Hussein and his network of informers and security forces. There has been no positive showing, that I know of, in the form of riots or large and active internal opposition groups, that popular sentiment in Iraq supports a governmental overthrow or the installation of a democratic or republican form of government. There is no tradition of democracy in Iraq's long history. There is, however, a natural instinct to favor the known over the unknown, and in this instance the United States is an unknown factor.

The President and his Cabinet have suggested that this would be a war of relatively short duration. If that is true—which I doubt—why would the Iraqi populace rush to welcome the United States forces? In a few weeks, they might have to answer to the remnants of Saddam Hussein's security forces. A prudent Iraqi would just put his or her head under the bed covers and not come out until the future became clear. Who knows, we might be lucky. We have been pretty lucky thus far in some of our adventures. We might be. But we might not be lucky. A United States invasion of Iraq that proved successful, and that resulted in the overthrow of the government, would not be a simple effort. The aftermath of that effort would require a long-term occupation.

The President has said he would overthrow Saddam Hussein and establish a new government that would recognize all interest groups in Iraq. This would presumably include the Kurds to the north and the Shiite Muslims to the south because the entire military and security apparatus of Iraq would have to be replaced. The United States would have to provide interim security throughout the countryside.

This kind of nation building cannot be accomplished with the wave of a wand by some fairy godmother—even one with the full might and power of the world's last remaining superpower behind her.

To follow through on the proposal outlined by the President would require the commitment of a large number of U.S. forces—forces that cannot be used for other missions, such as homeland defense—for an extended period of time. It will take time to confirm that Iraq's programs to develop weapons of mass destruction are well and truly destroyed. It will take time to root out all of the elements of Saddam Hussein's government, military and security forces, and to build a new government and security elements. It will take time to establish a new and legitimate government and to conduct free and fair elections. It will cost billions of dollars—your dollars, the taxpayers of America—to do this as well. And the forces to carry out this mission and pay for this mission will come from the United States. There can be little question of that.

If the rest of the world doesn't want to come with us at the outset, it seems highly unlikely that they would line up for the follow-through, even though their own security might be improved by the elimination of a rogue nation's weapons of destruction.

So if the Congress authorizes such a mission, we must be prepared for what will follow. The Congressional Budget Office has already made some estimations regarding the cost of a possible war with Iraq. In a September 30 report, CBO estimates that the incremental costs—the costs that would be incurred above those budgeted for routine operations—would be between $9 billion and $13 billion a month, depending on the actual force size deployed. Prosecuting a war would cost between $6 billion and $9 billion a month. Since the length of the war cannot be predicted, CBO could give no total battle estimate. After hostilities end, the cost to return U.S. forces to their home bases would range between $5 billion and $7 billion, according to the CBO. And the incremental costs of an occupation following combat operations varies from $1 billion to $4 billion a month. This estimate does not include any cost of rebuilding or humanitarian assistance.

That is a steep price to pay in dollars. But dollars are only a part of the equation. There are many formulas to calculate costs in the form of dollars, but it is much more difficult to calculate costs in the form of human lives—in the form of deaths on the battlefield and death from the wounds and diseases that flow from the den of battle.

Iraq may be a weaker nation militarily than it was during the Persian Gulf war, but its leader is no less determined and its weapons are no less lethal. During the Persian Gulf war, the United States was able to convince Saddam Hussein that the use of weapons of mass destruction would result in his being toppled from power. This time around, the object of an invasion of Iraq is to topple Saddam Hussein, so he has no reason to exercise restraint.

Now, we are being told by the White House, let him be assassinated: The cost of one bullet would be much less than the cost of a war. Now this Nation is embarking, isn't it, on a doctrine of assassination of other leaders of the world? Is the ban on assassinations being lifted? What do we hear from the White House? Are we going to revert to the age of the Neanderthals, the cavemen?

The questions surrounding the wisdom of declaring war on Iraq are many, and they are serious. The answers are too few and too glib. This is no way to embark on war. The Senate must address these questions before acting on this kind of sweeping use-of-force resolution. We do not need more rhetoric from the White House War Room. We do not need more campaign slogans or fundraising letters. We, the American people need information and informed debate, because it is their sons, it is their daughters, it is their blood, it is their treasure, it is their children, men and women who are killed in the heat of battle.

Before rushing to war, we should focus on those things that pose the most direct threat to us—those facilities and those weapons that form the body of Iraq's weapons of mass destruction program. The United Nations is the proper forum to deal with the inspection of these facilities and the destruction of any weapons discovered.

If United Nations inspectors can enter the country, inspect those facilities, and mark for destruction the ones that truly belong to a weapons program, then Iraq can be declawed without unnecessary risk or loss of life. That would be the best answer for Iraq. That would be the best answer for the United States. That would be the best answer for the world. But if Iraq again chooses to interfere with such an ongoing and admittedly intrusive inspection regime, then, and only then, should the United States, with the support of the world, take stronger measures.

This is what Congress did in 1991 before the Persian Gulf war. The United States at that time gave the United Nations the lead in demanding that Iraq withdraw from Kuwait. The U.S. took the time to build a coalition of partners. When Iraq failed to heed the U.N., then and only then did Congress authorize the use of force. That is the order in which the steps to war should be taken.

Everyone wants to protect our Nation. Everyone wants to protect our people. To do that in the most effective way possible, we should avail ourselves of every opportunity to minimize the number of American troops we put at risk. Seeking, once again, to allow the United Nations inspecting regime to peacefully seek and destroy the facilities and equipment employed in the Iraqi weapons of mass destruction program would be the least costly and the most effective way of reducing the risk to our Nation, provided that it is backed up by a credible threat of force if Iraq, once again, attempts to thwart the inspections.

We can take a measured, stepped-up approach that would still leave open the possibility of a ground invasion if that, indeed, should become the last resort and become necessary. But there is no way to take that step now.

Mr. President, I urge restraint. Let us draw back from haste. President Bush gave the United States the opening to deal effectively with the threat posed by Iraq. The United Nations embraced his exhortation and is working to develop a new and tougher inspection regime with firm deadlines and swift and sure accountability. Let us be convinced that a reinvigorated inspection regime cannot work before we move to any next step. Let us, if we must employ force, employ the most precise and limited use of force necessary to get the job done.

Let us guard against the perils of haste, lest the Senate fall prey to the dangers of taking action that is both blind and improvident.

Mr. President, a paraphrase of Jefferson would be that the dogs of war are too vicious to be unleashed by any one man alone; that the Framers of the Constitution thought the representatives of the people in the legislative branch ought to make these determinations.

Let us sober up. Let us sober ourselves. Let us take hold of ourselves. Let us move back from this engine of haste and destruction, this desire to get it over, this desire to get it behind us before the elections.

Here we have a resolution, S.J. Res. 46, nine pages of beautifully flowered "whereases," nine pages. Here we have a resolution by which the Senate of the United States and the House of Representatives would be abdicating, pushing aside our responsibility to make decisions about going to war.

This is an abdication of our responsibilities. Here it is; what a shame; what a rag; it is enough to make those eagles up there scream, the eagles beside the clock—for a period that is unlimited in time. Hear me, hear me now, listen to this resolution on which we are going to vote. For a period of time that is unlimited, the President of the United States is authorized to make war anywhere he determines is in some way linked to the threat posed by Iraq—anytime, anywhere, and in any way.

Get that. That is what this amounts to. This is a blank check, nine pages. A blank check. A blank check with whereas clauses serving as figleaves. That is what it is, a blank check with beautifully flowered whereas clauses serving as figleaves. This is a blank check. There it is.

Look at it, nine pages, a blank check that does not simply remove us as representatives of the people from decisionmaking about the use of force now or the use of force in Iraq. It removes us as representatives of the people from making decisions about the use of war so far in the future as we can see. It removes us. You cannot make anything outside of it. It is plain.

I know it is obfuscated and it is all sugar-coated with these figleaves of "whereases." That means, let's say in the year 2014, the Congress will have no role in determining whether military force should be used in some country linked with Iraq or some purpose related to Iraq. The President can send military forces into war wherever he determines, and it may not be the President we now have. It undoubtedly will be another President because this goes on into the future, as far as the human eye can see.

Under the Constitution, we are abdicating the congressional power to the President of the United States. He can send military forces into war wherever he determines it is in some way related to the "continuing threat" posed by Iraq. This resolution, this power, this blank check, does not terminate if the regime is changed in Iraq. This resolution, this power, does not terminate if inspectors are allowed throughout Iraq. This resolution does not terminate if Iraq is disarmed and all of its weapons and weapons facilities are removed. No. The power goes on. You better read it—read it and weep.

This resolution says that we, the Congress of the United States, are turning over our constitutional responsibility to the President for as long as there is some threat as the President determines; use whatever military forces he wants; wherever he wants to use them; as long as he determines it is necessary to react to the threat posed by Iraq and those working, no doubt, with Iraq, others that he can see as their allies.

Do we want to do that? Do we want to abdicate congressional responsibility under the Constitution of the United States to this President or any President of any political party? Is that what we want? Do we want to be able to just wash our hands of it and say it is all up to the President; we turned it all over to the President?

This resolution—it is nine pages—changes the constitutional presumption that the Congress makes the determination about whether to go to war and for the foreseeable future gives it to a single person elected by a minority of the people.

Ronald Reagan, for example, was elected by one-fourth of the eligible voters of this country. So we turn this momentous power, this unimaginable power, over to one person, the President of the United States, elected by a minority of the people. The whereas clauses are pretty. Oh, they are pretty, pretty, pretty, pretty, pretty, pretty, pretty whereas clauses, but they are just window dressing. That is all. They are just figleaves.

All that is necessary is the President's own determination. Why do we take up all this space? Why do we take up nine pages? Why waste all this paper? It is nine pages of beautifully phrased "whereases." If we want to pass this resolution, we can pass it by cutting it down to one sentence. That is all we need, one sentence. We do not have to have all of this window dressing, all this sugar coating, on this bitter pill. One sentence is all we need. One page is all we need.

That sentence could simply say, and it would be legally the same as this document—hear me—we could say the President is authorized to use the Armed Forces of the United States for as long as he wants, wherever he wants, and in any manner he wants, without any approval by Congress, as long as he determines it is necessary to defend against a threat posed by Iraq, in his own determination.

Let me read that again. Let's dispose of the 9 pages. All we need is one sentence in order to do exactly what the 9 pages would do. All that is necessary is the President's own determination. We can save a lot of space. We can save a lot of paper if we want to pass this resolution by cutting it down to one sentence, and that sentence could simply say—and it would be legally the same as this 9-page document—the President is authorized to use the Armed Services of the United States for as long as he wants, wherever he wants, in any manner he wants, without any approval by Congress, as long as he determines it is necessary to defend against a threat posed by Iraq, in his own determination. Nothing else is needed but that sentence.

The rest of it is of no legal consequence, just window dressing. That is the blank check part of this resolution.

Let us guard against the perils of haste, lest the Senate fall prey to the dangers of taking action that is both blind and improvident.

I yield the floor.

The PRESIDING OFFICER (Mrs. CLINTON). The Senator from California.

Mrs. BOXER. Madam President, I ask unanimous consent that under the conference report rules I be allowed to speak for up to an hour and do it on the subject of Iraq.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

IRAQ

Mrs. BOXER. Madam President, I say to my friend from West Virginia, the distinguished Senator, a great leader in the Senate, that he has been a voice of sanity and reason. He has been a voice that the Americans have wanted to hear.

This is one of the most solemn duties we have, and the fact that it was going to be rushed and the fact that it came right before an election and the fact that we have so many unanswered questions, those things are weighing on this Senator's shoulders. I am so pleased the Senator from West Virginia, from his perspective, as someone who has served so well and for so long, was able to speak out as he has.

I do not know where we will wind up on this, but I do know we are going to have alternatives. I think the fact that we will have alternatives, in many ways, is because the Senator from West Virginia from day 1—remember the day 1—when our President did not even want to come to Congress, when his staff was saying to the President it was not necessary, that the Senator from West Virginia, Mr. BYRD, said, just a moment, read the Constitution.

So before I begin, I thank my friend for his remarks.

Mr. BYRD. Madam President, I thank the distinguished Senator from the great State of California for her gracious remarks. I thank her, too, for what she stands for, for standing up for the Constitution and for representing the people of her great State so well, so consistently, and so effectively.

Mrs. BOXER. Madam President, it means a great deal to me that the Senator has said these words.

One of the most sacred, one of the most humbling, one of the most important—let me say the most important—roles Congress has to play is determining whether our country should send its sons and daughters to war.

The role of Congress in war and peace must not be ignored. We can read it right out of the Constitution. Article I, section 8, says the following: The Congress shall have power to declare war.

What has made me proud is that the American people understand this. I believe they understand it better than some in the administration who started off in August saying the President did not have to come to Congress in order to go to war with Iraq. To be specific, on August 26, the Washington Post quoted a senior administration official who said:

> We don't want to be in the legal position of asking Congress to authorize the use of force when the President already has the full authority. We don't want, in getting a resolution, to have conceded that one was constitutionally necessary.

It is clear the American people will not support a war against Iraq without the agreement of Congress. According to a USA Today-CNN poll, 69 percent of the American people favored military action with the support of Congress; only 37 percent favored military action if Congress opposed the move. It is also important to point out that 79 percent of the American people support the use of force if it were supported by the United Nations; only 37 percent favored action without United Nations support.

This is not a minor point. This administration did not want to come to Congress; and then, when it decided to do so because—frankly, they understood the views of the American people—they sent over a resolution which was the most incredible blank check I have ever seen. Its provisions basically said that even if Iraq complied with inspection and dismantlement, the administration could still go to war if Iraq failed to provide documentation, for example, on Kuwaiti POWs or because of its illicit trade outside the Oil-for-Food Program. Those issues certainly need to be addressed. There are very few people—I don't know of any—who believe those reasons should be enough to send our men and women and our bombs to Iraq.

In addition, the original resolution gave the President the authority to use force not only in Iraq but in the entire region. When those in Congress—mostly Democrats but some Republicans, too—said we needed to deliberate on this important issue, take time to debate it and discuss it and ask questions, we were hit by a barrage of criticism from the Republican leadership and immediately the issue was made political.

Representative TOM DAVIS, Chairman of the National Republican Congressional Committee, said:

> People are going to want to know before the election where their representatives stand.

Now, despite this pressure, I am proud to say my colleagues are not sitting back. We are going to fulfill our obligations under the Constitution. We are fulfilling our obligations to debate war and peace. We are not allowing this administration to ignore our views, our opinions, and our heartfelt concerns about America's sons and daughters and the innocent victims of war.

While there are some in the administration who believe taking up the Iraq issue now will hurt Democrats, I am not so sure. I am not so sure the American people want us to roll over and be silent on this. I am not so sure the American people don't want us to see it as our duty to check and balance this administration. Already, because of our voices, the resolution offered by the President has been changed. In my view, it is still a very blank check for war with Iraq. I certainly cannot support a blank check. I think it is an affront to the people of this country to do that. Originally, it was an even blanker check, allowing the President to go to war anyplace in the region.

The role of checks and balances that we play is already evident. I know that. I also know in the greatest country on the face of this Earth, in the country that is great because of its middle class and its productivity, in that country, in our country, it is necessary to not only deal with the issue of Iraq, to deal with the issue of terrorism, to protect our people when they fly in an airplane or walk past a nuclear plant or a chemical plant or cross a bridge, it is also important to deal with the impact of this administration's economic record: The worse stock market decline in 70 years, the worst economic growth in 50 years, the greatest loss of jobs in the private sector in 50 years, and the threat that people feel from retirement insecurity and job insecurity, runaway health care costs, and a falling median income.

Now, there are those who say the administration is bringing up Iraq now to avoid scrutiny from this volatile and miserable economy. There have been memos that show this to be their strategy. There have been anonymous statements to this effect. And whether that is true or not, I leave to the American people. I trust the American people to look at this.

We must take care of the security of the American people. Economic security is part of that. I believe this administration is AWOL in this regard. As we deal with foreign policy challenges, we Democrats will insist we deal with domestic challenges, too. And again, let the people decide if they agree with us or not.

This I will also say clearly: We are told constantly that the President has not decided yet whether he wants to go to war with Iraq. We hear it over and over. I sit on the Foreign Relations Committee. I am proud to sit on that committee. I chair the terrorism subcommittee. Recently, Colin Powell said to us in an open hearing:

> Of course the President has not made any decision with regard to military action. He's still hopeful for a political solution, a diplomatic solution.

Secretary Rumsfeld said:

> The President's not made a decision with respect to Iraq.

National Security Adviser Rice said:

> The President has not made a decision that the use of military force is the best option.

Ari Fleischer, the press spokesman, makes that same statement day after day after day.

I ask, if the President hasn't decided to go to war yet, if the administration has not decided to go to war yet, if the military has not been told there is going to be a war, then why is the President coming to Congress now, before he has made a somber decision, and before he has answered many key questions?

If our questions could be answered, the many questions we have, it would be one thing. However, I want to say unequivocally that the myriad of questions I have asked have not been answered.

In good conscience, how can I vote to take our country to war alone, which is what the President wants from us, without allies and without the facts that I need to fulfill my responsibilities to the people of California.

Madam President, you know my State very well. We have more than 30 million people. Out of the 880,000 reservists in the military, 61,000 are from California. I owe them the best decision I can make. Those reservists, as Senator INOUYE has pointed out, many of them have families. At times you will have a wife and a husband called up to go into the danger zone. I need my questions answered before I could vote to send this country, alone—alone—into battle.

Here are the questions I have asked in one forum or another. Here are the questions that I either do not have answers to or the answers I have are incomplete. If we give the President the blank check he is asking for, which I will not vote for, if we give him the go-it-alone preemptive strike authority, which I will not vote for, then I think those who are considering voting for that ought to ask these questions. I will lay them out.

How many U.S. troops would be involved?

What are the projected casualties?

Would the United States have to foot the entire cost of using force against Iraq?

If not, which nations will provide financial support?

Which nations will provide military support?

What will the cost be to rebuild Iraq?

How long would our troops need to stay there?

Would they be a target for terrorists?

What will the impact be on our fight against terrorism?

Will Iraq use chemical or biological weapons against our troops?

Will Iraq launch chemical or biological weapons against Israel?

How will Israel respond?

What impact will that have?

How will we secure Iraqi chemical and biological weapons once the fighting starts?

How do we make sure such weapons do not get into the hands of terrorists or terrorist nations?

How do we make sure that Iraqi weapons experts, from Iraq, do not migrate to terrorist organizations or terrorist states?

Have we given enough thought to alternatives to avoid war?

Why haven't we worked with the United Nations to try Saddam Hussein as a war criminal? He is a war criminal.

During the Foreign Relations Committee hearing with Secretary Albright, I raised the idea put forward by the Carnegie Endowment on coerced inspections. Has this or a similar idea been pursued?

If we are concerned about Saddam Hussein acquiring weapons of mass destruction, why are we not fully supporting the Nunn-Lugar weapons dismantlement program?

I do not doubt that Iraq is up to no good. I know they are. That is why I voted for the Iraq Liberation Act. We know that Iraq has biological and chemical weapons and that they used them against Iran and against its own Kurdish minority. We know that following the Persian Gulf war, Iraq promised to abide by the demands of the U.N. but failed to live up to its commitment. They have not allowed unfettered inspections. They have lied about chemical and biological weapons programs. And they continue to seek the capability to produce nuclear weapons.

I do not doubt that there are some members of al-Qaida in Iraq. But there is al-Qaida in Syria. There is al-Qaida in Africa. There is al-Qaida in Pakistan and in Afghanistan. There are cells in 60 nations, including the United States of America.

The fight against bin Laden and his organization must not be weakened. I want to quote what the head of our Senate Intelligence Committee, Senator BOB GRAHAM, has to say about this. You and I know he is not a man of overstatement. He said:

> At this point I think Iraq is a primary distraction from achieving our goals of reducing the threat of international terrorism.

Listen to what Wesley Clark has said. He headed our NATO troops.

> Unilateral U.S. action today would disrupt the war against al-Qaida.

Despite statements by staff to the contrary, the President appears to want to go it alone in war when we are already in a war. According to the President, we are in a war, one that will require all of our wits and lots of our treasure, both in human capital and in tax dollars.

I do not think it is enough to be critical of this blank check resolution the President is supporting. I want to say how I would approach this question. Iraq must be held to its word, as expressed in U.N. resolutions, that it will submit to thorough inspections and dismantlement of weapons of mass destruction, period.

Let's repeat that. Iraq must be held to its word that it will submit to thorough inspections, unfettered inspections, and dismantlement of weapons of mass destruction, period. That is what they agreed to. They signed on the dotted line to do it. And that is what must happen. Those were United Nations resolutions, and we must work for an updated resolution ensuring that such unfettered inspections do take place or there will be consequences. These weapons are a threat to the world, and the world must respond. I believe if we handle this right, the world will respond.

But if our allies believe we have not made the case, if they believe this is a political issue here, or if they believe it is a grudge match here, or if they believe that the whole thing is being manipulated for domestic political reasons, I believe that will hurt our Nation. I believe that will isolate us. I do not think that is a good path for our country.

Can we rule the world with our weapons and our guns and our might? I am sure we can. I know we can.

Can we win every military confrontation that anyone could ever imagine? Yes. We can.

But I believe the greatness of our Nation has been built on other things: The power of our persuasion, not the power of our arsenal; the power of our ideals, not the power of our threats; the power and greatness of our people, not the power and the greatness of our machines.

America at her best has been seen as a beacon of hope, not fear; an example not of "Might makes right," but "Might backing right." What is right at a time like this? I believe it is laying out a path for peace, not just a path for war; trying everything we can to avoid chaos and devastation to our own and to innocent civilians who may well be used as pawns in urban warfare.

I believed that Madeleine Albright, the former Secretary of State under President Clinton, and Dr. Henry Kissinger laid out a path for peace when they spoke before the Foreign Relations Committee. They talked about unfettered inspections and dismantlement of weapons of mass destruction. As they said, and I agree, it will not be easy. Maybe it will be impossible. But there is no doubt in my mind that we should lay out that path and try for complete, unfettered inspections, with nothing off limits, to be followed by dismantlement of those weapons.

For those who say it will never work, maybe they are right. But we have never pulled the massive trigger of our weapons on a nation that has not attacked us first. At the least—at the least—we should see if we can exhaust all other options.

That is why I support the chairman of the Armed Services Committee, Senator CARL LEVIN, and his resolution that will be introduced. This is what it does:

No. 1, it urges the United Nations Security Council to quickly adopt a resolution that demands immediate, unconditional, and unrestricted access for U.N. inspectors so that Iraq's weapons of mass destruction and prohibited missiles will be destroyed.

No. 2, it urges this new U.N. Security Council resolution to authorize the use of necessary and appropriate force by U.N. member states to enforce the resolution if Iraq refuses to comply.

No. 3, it reaffirms that, under international law and the U.N. Charter, the United States has the inherent right to self-defense.

No. 4, it authorizes the use U.S. Armed Forces pursuant to the new U.N. Security Council resolution that deals with weapons of mass destruction.

In closing, let me say very clearly that I will not vote for a blank check for unilateral action. I also will not vote for a resolution that is dressed up to look like Congress has powers when, in fact, all the words really call for are consultations and determinations.

That is when Senator BYRD said "pretty" words. He said, "Pretty, pretty, pretty words." Sounds good—consultations and determinations. What does it really mean? Nothing. It means the administration tells us what they think. We already know what they think.

To me, consultations and determinations without a vote by Congress are like a computer that is not plugged in. It looks good, it looks powerful, it looks impressive, but it does nothing.

I didn't come to the Senate for the title. I didn't come to the Senate to debate meaninglessly on the Senate floor. I didn't come to the Senate to do nothing. I didn't come to the Senate to run away from a hard vote. I came to uphold the duties of my office. I came to represent the people of California.

In the past 4 years, I have voted to use force twice—once against Milosevic to stop a genocide and once after September 11 when we suffered a barbarous attack. But, in this case, if any President wants to go to war alone or outside the type of coalitions we have built for the war on terror, or the last Persian Gulf war, then let him come to the American people, through the Congress for another debate and a vote.

It is one thing to go with a coalition. It is one thing to determine that we will be part of a multinational force. It is another thing to do it alone, without a specific vote of the Congress before the President has decided to do so. As I have said, his aides keep telling us he has not made the decision. So why do we have to give him a blank check today? If he wants to go it alone, if he wants to send my people to a place where we don't even know if chemical or biological weapons will be used, we don't even know what the estimates of casualties are, we don't even know what it is going to cost, we don't even know how long we are going to have to stay there, we don't know what will happen if Israel responds—we don't know so many things—I don't think it is asking too much to ask my colleagues to support a resolution by Senator LEVIN. He said that if he wants to go it alone, then the President has to come back.

In the CARL LEVIN resolution, it is implicit that he must come back if he wants to go it alone. CARL LEVIN's resolution authorizes force as part of the U.N. enforcement action to dismantle Iraq's weapons of mass destruction. But again, if the President wants to go it alone, he must come back to us.

I believe the people of my State expect me, on their behalf, to get my questions and their questions answered, not to engage in guesswork, and, above all, not to abdicate my responsibility as a Senator to anyone else. If our Founders wanted the President—or any President—to have the power to go to war without our consent, they would have said so. But, again, this is what our Founders said in article I, section 8: Congress shall have power to declare war.

Thank you very much, Madam President. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WEST COAST PORT CLOSURE

Mr. BOND. Madam President, we have talked some about our fragile economy and the problems we are facing. Growth, which began slowing in 1999, coupled with the tragic impact of September 11, has resulted in hardship for many. We have seen unemployment, reduced value of market securities, more problems with health care, and other difficulties.

There are measures pending in this body I believe would do a great deal to help the economy. They are such things as passing a terrorism risk reinsurance bill, which could get our building trades back to work; passing an energy bill, which has the potential of employing more than three-quarters of a million people, and securing our energy independence. We have not been able to work on those.

But now we face a further challenge, which is a self-inflicted attack on our economy by our own people; and that is the contract dispute which has closed the West Coast docks, providing a terrible bottleneck for crucial exports and imports.

This is the line of commerce: Trade going out, agricultural products being sold; inputs, goods coming into the United States; and it is shut down by this dispute.

Many Missouri constituents are asking us what can be done. Retailers are asking where their goods are for them to be able to make sales and continue to employ their people. Agricultural producers, who have meat for export rotting on their docks, are saying something must be done.

According to the Wall Street Journal, goods valued at more than $300 billion move annually through these ports. According to the New York Times, these ports handle half the Nation's imports and exports. Further estimates are that this shutdown could cost our economy $1 billion per day and grow further as the shutdown continues to $2 billion per day. The longer it goes, the worse it gets. Regrettably, the State of Missouri has the highest unemployment growth rate in the Nation, and we cannot afford economic homicide of this nature.

This affects jobs upstream and downstream throughout the entire economy. It affects truckers and railroad workers and farm workers and retail clerks and consumers and others. These are real workers who are real people and have real families. They are hurting.

I am not an expert on the specific grievances of these several hundred workers and their unions and the employers at the docks, but this major facility is nothing to toy with. I don't care if the grievances are moderate or petty, it is not worth the harm that could be done to thousands of other working people and our economy. The parties have to be brought together. One would think that workers reportedly earning $106,000 per year for less than 40 hours a week could resolve the grievances on the job without hurting other workers in my State who earn far less. While they sit on their chairs at the docks, people around the country are the ones suffering. This power play will have too much collateral damage to be allowed to continue.

One company, National Cart Company, in St. Charles, MO is a manufacturer that employs 140 people. They manufacture material handling equipment and rely on some components from Asia. This is the busiest time of their year because their customers need their products to stock shelves for Christmas. Unless this is resolved, they will be laying off workers in 2 weeks or slightly more.

Another company, TRG, located in St. Louis, with 80 employees, can't stock their shelves with recreation and travel accessories that they sell. When they shut down, their employees are out of work.

Another St. Louis company, Donelly and Associates, manufactures telecommunications products. They only have seven employees, but if they do not get supplies in a week to 10 days, they will shut down, and those workers will be laid off. The president of that firm told my office that for every day the supply is disrupted it takes as many as 5 days to get it back on line. He told us that the airlines have already stopped taking bookings out of Asia.

Another plant manager from Magnet LLC in Washington, MO said they are unable to get supply, and he predicts that if this is not resolved, they may be forced to lay off workers in 2 to 3 weeks. They have 375 employees and are urgently trying to make product to satisfy Christmas demand.

There is a story in the Washington Post this morning about how people in Hawaii are stockpiling goods, and perishable food products are at risk of rotting on the docks. The retailers are trying to get winter and Christmas goods inventoried. Over 60 percent of beef exports and 50 percent of pork exports and one quarter of our chicken exports travel through these ports. Meat is rotting on the docks. Many freezers in the country are at capacity and inventories will become further backed up and prices will be depressed below levels that are already low.

Yesterday, according to the Los Angeles Times, "picketers tried to prevent a banana-carrying ship from leaving the dock, provoking a confrontation that brought out police in riot gear."

The Los Angeles Times has another story about how "the labor dispute is putting a strain on independent truckers who move port-related cargo." They quote a truck driver named Jose Louis Martinez who "doesn't care whether labor or management is to blame in the dispute * * * he cared only that the wallet he would bring home to his wife and two daughters would be empty for the third time in four days."

There are over 10,000 truckers—the majority of them independent—who normally make as many as three visits a day to the ports, according to the California Trucking Association. Burlington Northern-Santa Fe said it has suspended shipments of marine containers to all West Coast ports and grain to ports to Washington and Oregon.

I can't speak to the fairness of the labor negotiations, but I can speak to the unfairness of a few people being willing to injure many people to get their own way and to destroy a vital sector of our economy. I can't see how a dispute about bar code readers—they are objecting to bringing in bar code readers, things that they use in every supermarket I have been in, and most retail stores—should cost the economy billions of dollars and intentionally throw people out of work. Frankly, my constituents don't understand the approach being taken, which seems to be: We will tear down everyone we can until we get our own way. I think it is outrageous. I think these matters should be resolved immediately. They should be resolved with the docks open for business.

This is extortion, where the hostages are ordinary working families, many of whom will never earn in any year as much as the dock workers earn in three-quarters of a year. If they were only hurting themselves, I would advise that we stay out of it and have at it. But they are dragging everyone else with them. Since when is the economic leader of the world closed for business? This is an outrage.

Here our President and his team are working vigorously to open foreign markets. We gave them the power. But why? So labor disputes can have export products rot on the docks? We can all have disagreements about whether raising taxes or lowering taxes will help our economy. I have some strong views on that. People in this body disagree with me. But one thing we certainly ought to be able to agree on is that a tactic of this nature is bad for the economy, bad for working families, and should be resolved yesterday.

I have asked the President—and sent a letter to him—to use his authority to intervene. I hope he will do that. I have read that some in this body object to his intervening. I know the President has agreed these people should get back to work. He expressed that view in strong terms and made mediation services available.

Working families in my State cannot wait. It is a terrible shame it would come to this. It is a shame that people haven't worked this out on their own, as they should. But our economy is too fragile for self-interested, shortsighted, and self-inflicted wounds of this nature.

I urge the President to take further steps to stop this dispute, to get commerce flowing, and to get people back to work. Whether it be truckers and railroad workers in California or retail clerks throughout the Nation or agricultural producers in our heartland or other industrial workers who are making products for export to the Southeast Asian market, they are being denied a livelihood because of a dispute over bar code readers, something that is not really that advanced a technology but is in use every day in stores we visit.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Madam President, I ask unanimous consent that I may speak as in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Madam President, I thank my good friend from Missouri for his words today because they echo mine.

Today I sent a letter to the White House and the President asking him to intervene in this slowdown and lockout, however you want to interpret it, of west coast ports. Today, 29 west coast ports, representing about half of our Nation's seaborne commerce, remain closed. Furthermore, we have another situation that complicates it. Weather conditions have temporarily limited the seaborne and other modes of commerce on the gulf coast due to Hurricane Lili. Our ability to export our goods or import our goods is quickly becoming paralyzed.

The latest attempt at renegotiation between the Pacific Maritime Association and the International Longshore and Warehouse Unions has stalled, and they have stalled based on protocol and the presence of security personnel.

Isn't that something? While they are arguing that in those negotiations, we are just coming through a crop year in my State of Montana, and already that is having an effect on us. I am also a little bit disturbed about the negotiations on salaries of $110,000 to $140,000 a year; they are on the table also. I want to give you a little comparison on why we are a little out of kilter here.

According to the USDA, the average farm operator household income is $65,000 a year. I don't like averages. That is on-farm and off-farm income. I don't like to deal in averages because I know there are exceptions to the rule. Averages are like: If you have one foot in a bucket of ice and the other foot in the oven, on average, you ought to feel pretty good. That doesn't always work. The average farmer in my State makes around $30,000 to $40,000 a year. That is net. And they are forced—after we make the investment, put in our labors—they are forced to watch their yearly harvest sit while the longshoremen and management squabble about salaries that are sometimes two to three times the amount of their gross.

So I think it is about time that President Bush intervene. If the parties are unable to negotiate a compromise by the end of this week, it is time to take action before they do too much damage to our national economy, and particularly those people who are impacted by a stalemate at our ports. The President can invoke the Taft-Hartley Act to resolve this matter. According to law, a Taft-Hartley injunction can be invoked if "a threatened or actual strike or lockout affecting an entire industry, or a substantial part thereof, engaged in trade, commerce, transportation, transmission, or communications among the several States, or with foreign nations, or engaged in the production of goods for commerce will, if permitted to occur or to continue, imperil the Nation's health and safety."

What it does, basically, is allow for a cooling-off period while workers go back to the ports and commerce is allowed to continue. It gives the negotiators this time to work out a compromise. An agreement is necessary, and the President does have the power to impose that agreement. Economic consequences have the potential to injure workers, employers, and consumers alike.

The crisis is costing the U.S. economy up to $1 billion a day and will affect the economy that is struggling to grow. If you can imagine, fruits and vegetables and other perishables rotting at the ports—those coming in, and those to be exported. My good independent trucker friends are sitting around just letting their trucks idle, waiting for work. The alternative, such as air freight, is limited due to capacity and also security issues. Auto manufacturers are waiting on parts and components. One manufacturer has announced closure of its California plant.

Of course, the retail impact is immeasurable, considering that right now all the goods and services are moving for the upcoming holiday season. The west coast labor crisis is no longer about "the rights of workers" or "management negotiating philosophy." It is about American prosperity and protecting the principles of commerce for this Nation.

If this shutdown is allowed to go on at the west coast ports, there is no doubt about the impact it will have on my State of Montana. It could not come at a worse time. Because of drought, and droughts in other countries, and a little bit of a shortage, wheat prices have gone up approximately $2 higher than we have had in the last 5 years. In 5 years, this is the first time we have had a market—any kind of a market. And 90 percent of what we produce in my State is marketed in huge volumes, and it goes for export. The timing of this price advance is particularly fortuitous in light of the economic effects of a 4-year drought along with it. However, the labor crisis has already led to an 8-cent to 12-cent drop in that market just since Sunday.

We are feeling the effects in another way. What about my railroaders? Earlier this week, Burlington Northern and Union Pacific Railroads announced an embargo on all grain movements to the west coast of the United States, citing overcapacity and lack of storage.

The net effect of those embargoes, again, will lead to overcapacity in grain storage facilities in my State of Montana. It is harvest time, folks, and this is the first time we have had a market, whenever the grain is ready. In other words, it is harvested and ready to roll, and it is ready to be shipped. Furthermore, right behind it, we are less than 30 days away from the corn harvest season; that will be in its peak.

Grain car shortages will force farmers to find alternative storage capacity or leave their wheat on the ground exposed to the elements. We have seen that before. Even if the lockout concludes this week, the residual impact will lead to several weeks, possibly months, of delay in the movement of those products to our major ports. Even those who have sold their grain will not be able to deliver against their contracts and, more importantly, the income from that delivery is needed at this time of the year. This is the time we make our land payments. This is the time we pay our taxes.

There is another aspect involved. We have spent hundreds of thousands of dollars in developing the Asian and other Pacific markets, on which we have to compete with our friends in Canada and Australia. We can do that for the simple reason that we have always been a reliable source. They can count on us not only for volume but also quality. We are jeopardizing that market development.

So this is our opportunity, in normal times, to recapture some of those major exports that we lost over the last 2 or 3 years. We can do it. The only thing that is holding us back is this squabbling over salaries of $90,000 to $140,000, which are triple that of my average farmer in Montana. We are able to take advantage and recoup from years of drought, and it all could be lost with our inability to export.

An extended work stoppage or slowdown by the west coast port workers, who enjoy some of the highest pay rates in the country, is already having its effect. Our shoes are getting a little tight. Grain millers of the world are coming to the United States for their supply, and they are denied delivery.

In my letter to the President, I laid out that this is no longer a standard labor-management negotiation. It has become the groundwork for a potentially grave economic slowdown that will jeopardize consumer confidence and our national commercial infrastructure.

Who says one little group cannot impact an economy that is suffering and trying to dig itself out of a 5-year hole?

I hope the President takes note of the letter. I know Senator BOND has sent a letter to the White House asking the President to intervene and use the Taft-Hartley law with which to do it.

I thank the Chair, and I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. CARPER) The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent to speak on a matter other than the Department of Justice authorization bill but the time continues to run under the cloture rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEMBERS' PAY RAISE

Mr. FEINGOLD. Mr. President, I had the opportunity to speak last Thursday night with regard to the issue of the possibility of war with Iraq. I am, of course, listening carefully to my colleagues as they discuss the prospect of war. Nothing could be more serious, and I am pleased this body will be engaged in this matter in earnest.

The public nature of that debate stands, though, in great contrast to another matter. While the country is focused on whether or not to go to war, Members of Congress will once again be quietly sidestepping the issue of their own pay raise, an evasion that is made all the more inappropriate by the very fact that we may be on the brink of war.

The cloakrooms have advised their offices that we are likely to consider another continuing resolution this week, and there is speculation that we are not likely to consider the individual appropriations bills that remain before we adjourn for this year.

I raise this because there is increasing reason to believe that this body may not be able to consider the scheduled Member pay raise. Current law provides Members with an automatic pay raise without a debate or a vote, a stealth pay raise. The pay raise scheduled for January 2003 will be about $5,000. It follows automatic pay raises in January 2002, January 2001, and January 2000. Altogether these pay raises for Members of Congress, four pay raises in the last 4 years, total $18,000.

The current system of stealth pay raises is already inaccessible, and the current legislative position of the body makes it even more so. We are unlikely to consider the Treasury-Postal appropriations bill, which is the traditional vehicle for amendments to stop the Member pay raise, and we may not consider other amendable vehicles.

Members who favor the scheduled pay raise should not be comforted by this. Congress is not going to sneak this by without anyone noticing, nor will it be lost on the average citizen that Congress is allowing this to happen on what may be the eve of war.

In his more recent volume on the life of Lyndon Johnson, Robert Caro recounts similar events early in World War II.

He writes:

> During the war's very first months, while an unprepared America—an America unprepared largely because of Congress—was reeling from defeat after defeat, a bill arrived on Capitol Hill providing for pensions for civil service employees. House and Senate amended the bill so that their members would be included in it, and rushed it to passage—before, it was hoped, the public would notice. But the public did notice: the National Junior Chamber of Commerce announced a nationwide Bundles for Congress program to collect old clothes and discarded shoes for destitute legislators. Strict gasoline rationing was being imposed on the country; congressmen and senators passed a bill allowing themselves unlimited gas. The outrage over the pension and gasoline "grabs" was hardly blunted by a hasty congressional reversal on both issues. Quips about Congress became a cottage industry among comedians: "I never lack material for my humor column when Congress is in session," Will Rogers said. The House and the Senate—the Senate of Webster, Clay, and Calhoun, the Senate that had once been the "Senate Supreme," the preeminent entity of American government—had sunk in public estimation to a point at which it was little more than a joke.

Mr. President, let's not let history repeat itself. I call upon the leadership to ensure we have a debate and a vote on the scheduled pay raise. I am willing to accept a very short time limit, understanding the very important business we have. 20 minutes equally divided, even 5 minutes equally divided. This will not take long. But the public is entitled to a debate and a vote.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, for the benefit of all Members, we expect to have a vote in the next hour, hour and 15 minutes on the motion to invoke cloture. We hope to have a voice vote on the conference report that is before the Senate. I, therefore, ask unanimous consent that the Senator from Arizona, Mr. KYL, be recognized to speak postcloture for up to 1 hour and he can speak on any subject he desires; following that, the two leaders will be recognized, Senator LOTT and then Senator DASCHLE, and then we will proceed to a vote on a cloture motion.

I ask unanimous consent for Senator KYL, but I am alerting Members, following that, Senators LOTT and DASCHLE will speak, and then we will vote on the cloture motion.

I ask the Chair to approve my unanimous consent request regarding Senator KYL.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Senator KYL is in the building and will come to speak shortly. After that, the two leaders will appear, and we will vote.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I thank the assistant majority leader for his courtesy. I wish to address a matter that is not directly related to the conference report before us, though there is some indirect relationship to it. I assume I do not have to ask unanimous consent.

The PRESIDING OFFICER. Unanimous consent has already been granted.

Mr. KYL. I thank the Chair.

USE OF FORCE AGAINST IRAQ

Mr. KYL. Mr. President, we have really already begun the debate on a resolution to authorize the use of force against Iraq if the President deems it necessary. Several Members have come to the Chamber and spoken about the issue. We are going to begin that debate formally sometime this evening, I believe, and it will continue on through Friday, Monday, and then shortly thereafter we will be voting on this important resolution.

As with the debate 11 years ago when force was authorized and we repelled Saddam Hussein's invasion of Kuwait, Members of both bodies discussed the issue at a level, frankly, that we are unaccustomed to doing. When we are making a decision to send our young men and women into harm's way, when we are literally authorizing war, I think a degree of seriousness begins to pervade all of our thinking. We address these issues with the utmost of seriousness because we are aware of the consequences, and they deserve no less, and our constituents and our military deserve no less than that degree of consideration.

When we debate this issue, we will find there are good arguments on both sides of the issue, and I realize there will be different nuances, so it is not as if there are just two sides to the debate. But at the end of the day, we are going to have the question before us: Are we going to authorize the use of force?

There will be some alternatives before us. That debate needs to be based upon the very best information, the very best intelligence, the very best analysis we can bring to bear, and it also has to be based upon a good relationship between the legislative and the executive branches because in war we are all in it together. We have to cooperate. We have to support the Commander in Chief.

The last thing we would ever do is to authorize the Commander in Chief to take action and then not support that action. Our foes abroad, as well as our allies abroad, need to know we will be united once a decision is made, and we will execute the operation to succeed, if it is called for.

I am very disturbed at the way that part of this debate is beginning, and that is what I wanted to speak to today. There has been an effort by some to broadly paint the administration as uncooperative in sharing intelligence information with the Senate, and more specifically the Senate Intelligence Committee.

I have been a member of the Senate Intelligence Committee now for almost 8 years, and I have been involved in the middle of a lot of disputes about information sharing. When we are sharing information about intelligence, those issues are inevitable, just as they are sometimes with law enforcement. In our democracy, these become very difficult decisions because we are a wide open country. We tend to want to share everything, but we also recognize there have to be a few things we cannot share with the enemy, and the lines are not always brightly drawn. Sometimes the executive branch and the legislative branch get into tiffs about what information should be shared, what information cannot be shared. Again, reasonable minds can differ about the specifics of those issues, but what has arisen is a very unhealthy war of words about motives and intentions, and we need to nip that in the bud today.

I read a story in the New York Times reporting on a meeting of the Intelligence Committee, which I attended yesterday in the secure area where the Intelligence Committee meets, under strict rules of classification. We were briefed by two of the top officials of the intelligence community about matters of the utmost in terms of importance and secrecy, and yet there is a three-page story in the New York Times which discusses much of what was discussed in that meeting, without ever attributing a single assertion or quotation. There is no name used of anybody who was in that room, and so we do not know exactly who it was who went to the New York Times and talked about what went on in our meeting.

I am not suggesting classified information was leaked. I would have to have an analysis done to determine whether anything in the article was actually classified information. What was discussed was a purported dispute between our committee and the executive branch about the release of certain information and the preparation of certain reports. I will get into more detail about this in a minute.

Obviously, somebody from the committee, a Member or staff, went complaining to the New York Times and spread, therefore, on the pages of this paper a whole series of allegations about motives and intentions of the Bush administration relating to the basis for seeking authority to use force against Iraq, if necessary. This is exactly what will undercut the authority of the President in trying to build a coalition abroad as well as in the United States, and it is the very people who demand the President achieve that international coalition before we take action who are the most exercised about what they perceive to be a slight from the administration and who, therefore, are being quoted in this story.

I do not know the names, but there is a limited universe of people involved. I am going to go over this article in fine detail just to illustrate my point.

One of the sources cited in the story is a congressional official. I will quote the entire sentence.

> One congressional official said that the incident has badly damaged Mr. Tenet's relations with Congress, something that Mr. Tenet has always worked hard to cultivate.

Mr. Tenet is George Tenet, the director of the CIA. Sometimes I agree with Mr. Tenet and sometimes I do not agree with Mr. Tenet, but I believe Mr. Tenet has the best interests of the United States of America at heart when he is working with the President and Congress to present information and develop the appropriate approach to the use of force, if that is necessary.

My point was this, though: The article quotes one congressional official. What is a congressional official? It is either a Member of the Senate or the House of Representatives—though no Representatives were in this meeting; it was just a meeting of Senators—or it is a staff person hired by the Senate.

I find it interesting the article quotes a congressional official.

Most of the article quotes congressional leaders, Government officials, or lawmakers. Either a Member of the Senate or a member of our staff talked to the press about what went on in the meeting and did so in order to damage, or to call into question, I should say, the relationship between the Senate and the executive branch, and to question whether the administration was being cooperative with the Senate in providing information.

Let me discuss this in detail now. The central theme is identified in the first line of the story:

> The Central Intelligence Agency has refused to provide Congress a comprehensive

report on its role in a possible American campaign against Iraq, setting off a bitter dispute between the agency and leaders of the Senate Intelligence Committee, congressional leaders said today.

Those are Senators—not staff but congressional leaders. Only Senators were in the meeting. So some Senators said the CIA had refused to provide us with a comprehensive report on the agency's role in a possible American campaign, and this set off a bitter dispute between the CIA and leaders of the Senate Intelligence Committee.

Leaders of the Senate Intelligence Committee would be probably two people, the chairman and ranking member. Mr. SHELBY, the ranking member, the Senator from Alabama, will have to speak for himself. The chairman is Senator GRAHAM from Florida. I suggest they need to clarify what their view is with respect to this story.

In the first place, it is not true the Central Intelligence Agency has refused to provide us with the report described in the story. There were two reports requested. As the article discloses, the first report has been provided. It was done at breakneck speed. It has to do with Iraq's capabilities; what kind of chemical and biological weapons does Iraq really possess; how far along is it in developing its nuclear capability; what means of delivery does it have; and a host of other questions that were put to the intelligence community. It is obviously important for us to have the answers to those questions before we take action.

The reality is the information was all there. It had simply not been put together in one report, as the committee requested. What we requested was something called a national intelligence estimate. A national intelligence estimate is not requested by the Congress. A national intelligence estimate is ordinarily requested by the President or the National Security Council, and it is essentially a document which is supposed to analyze a particular country's or region's threat, or threat from weapons of mass destruction. It frequently takes a long time, up to a year, perhaps, to prepare. The purpose for it is to inform both the administration and others such as the Congress that would be dealing with the issues, but it is not intended to be an operational document; that is to say, to be integrated in operational military plans. Nevertheless, even though this is not the normal way the document would be prepared, the agency people worked overtime to produce, in a matter of several days, a very thorough report. About 100 pages in length was produced in about 3 weeks, according to the story, under very tight deadlines.

It was presented yesterday. Most of the information had been presented before in a different way. But it was put together in one package.

Leaders of the committee expressed their outrage that Director Tenet was not there in person to testify. He was with the President at the time. The two people who briefed us were very top officials of the intelligence community who probably knew more on a firsthand basis what was in the report even than Director Tenet. Some Members did not want to ask them questions but wanted to wait for Director Tenet to arrive, a pretty petulant attitude when we are trying to seriously address questions of war and peace.

The information was before us. No one questioned the veracity of the information. We had a good hearing in discussing the various elements. That was one of the reports. There was complaining it should have been earlier, it should have been done more quickly. As pointed out, ordinarily these are the kind of reports that usually take a year to put together; it was done in a matter of 3 weeks. Under the circumstances, the community is to be complimented.

The other report requested had to do with the role of the intelligence community in military operations, potential military operations against Iraq. In effect what was being asked, if we take forcible action against Iraq, and any aspect of the intelligence community is used in those operations, what is it likely to be? What is the likely response going to be? How effective do you think it will be? That is what the article means, in the first sentence, when it talks about a comprehensive report on its role in a possible American campaign against Iraq.

The intelligence community, wisely, has a standard policy against doing analyses of U.S. action that is not overt and tied to military operations. We do not know our military plans for military action against Iraq if it were to come. Only the President and a handful of people involved in those plans know what they are. Thank goodness for that. There is so much leaking in this Government—both at the executive branch level and the legislative branch level—it would be folly in the extreme for operational plans to be discussed broadly before an operation begins or during the operation, for that matter. That is why we do not present that kind of analysis to anyone. Members of the Intelligence Committee ought to know that and ought not to feel slighted because it was not presented to us and because it will not be presented to us. That kind of information would be directly related to the plan of attack that the President may eventually approve.

We know our leaders get called just before an operation begins and once it is begun, we begin to get information about how we will conduct the operation. But can anyone reasonably believe the plans of our military and intelligence community, in cooperating with some kind of action, should be put in a document and released to the Congress, even in classified form? If this article is any indication, it would be 1 day before it would be in the newspaper. We cannot do that, putting at risk the lives of the men and women we may send in harm's way.

One success in the Afghanistan operation was the fact that we were able to combine good intelligence with military capability. Without going into a lot of detail, everyone appreciates the fact we were able to get assets on the ground from whatever source, providing information to our aircraft, for example, about very specifically where certain targets were. As a result of having that good intelligence, we were able to strike at the heart of the enemy, avoid for the most part civilian casualties, or collateral damage, and very quickly overthrow the Taliban government, and rout or capture a lot of the al-Qaida.

We do not know much publicly about the interrelationship between the intelligence community and the military, but we know they combined efforts to make this a successful operation. That is all most Members need to know.

We do not need to know in advance of a military operation how the intelligence community is going to be integrated with the military in conducting this campaign, what they are each going to do, and what the enemy might do in response and so on.

The article itself alludes to this when it talks about the ordinary purpose of a national intelligence estimate. But intelligence officials say a national intelligence estimate is designed to assess the policies of foreign countries, not those of the United States. I quote:

> "They were asking for an assessment of U.S. policy, and that falls outside the realm of the NIE and gets into the purview of the Commander and Chief," an intelligence official said.

That is correct. So there was a misunderstanding of what a national intelligence estimate was, on the first part; second, the request for the information went far beyond what the administration should have been asked to provide and what it could provide. Yet Members of the committee were indignant that the administration had stiffed the committee, had stonewalled, had refused to provide this information.

We have to engage in a serious debate about a very serious subject in a relatively objective way. We all bring our biases and prejudices to the debate. But one thing that should be clear to all of us is that the thing that is paramount is the security of American military forces in the conduct of an operation. And that cannot be jeopardized by either the inadvertent or advertent leak of material that pertains directly to those military operations.

What was being requested here was wrong. And the administration was right to say: I'm sorry, we cannot give that to you. The debate should not be adversely influenced by this unfortunate set of circumstances. We should decide whether we want to authorize force and what kind of force is authorized based upon the merits of the argument as we assess them.

No one here should be led down this path that says one of the reasons we should not act yet, or that we should deny the administration the authority is because they have stonewalled us. They have not given us information we need before we can make a judgment.

As a member of the Intelligence Committee, that is simply not true. There are briefings being conducted now—both in an informal way, very classified but informally, as well as formally—to Members of this body and the House of Representatives, to answer Members' questions about Iraqi's capabilities and intentions as we see them and our assessment of circumstances. I encourage all Members to get those briefings and to ask any question they can think of asking and to try to keep it up until the questions have been answered. Some perhaps may not be answered.

For the most part, they will learn of the primary reasons the President has decided it may be necessary to take military action against Iraq. What they will not learn, should not learn, and for national security purposes cannot learn, is how the intelligence community is going to be working with the military in the campaign should one be authorized. Those are operational plans that only the President and his military and small group of advisers can be aware of before there is military action begun.

There is other information in this news story that is inaccurate, in suggesting that there has been this huge tug of war between the committee and the CIA about getting information. In my own personal view, a lot of it has to do with lack of communication, lack of clear specificity about what was requested. I remember when the original request was made, it was a rather routine kind of request, certainly not the big deal that some members of the committee are trying to turn it into. Information was given orally about when it would be provided to us, and information was given orally about the fact that the military operations could not be discussed. Yet members of the committee seemed to be pretty upset about the fact that we had not gotten a formal letter from George Tenet laying this all out.

The members of the Intelligence Committee who were there apologized and said: If we had thought a formal letter was necessary or we could have gotten it to you sooner and didn't do that, we are sorry about that. But here are the facts. You wanted to know what the facts are, and here are the facts.

So I do not think we should be dissuaded from basing a decision on the merits of the case, one way or the other, however we decide to vote, on the phony issue of whether or not somebody is providing us information or whether they got it to us soon enough or whether the head guy came down to testify as opposed to people directly below him.

As I said, he will be there to testify tomorrow in any event. This is all a smokescreen. It may be useful to some people who want to find some reason not to support the President other than simply outright opposition to taking military action. I understand that. There seems to be a popular view that most Americans want to take military action and politically people had better get on that bandwagon, so maybe people who do not really want to take that action have to find some reason, some rationalization, for not doing it.

But I really don't think that is right. I think a lot of American people are where most of us are. We would prefer not to have to take military action. We would hope to have a coalition of allies. We hope there will be some way to avoid this. But at the end of the day, if the President decides it is necessary, we are probably willing to go along and authorize the use of force.

There is nothing wrong with taking the position that at the end of the day we are not yet ready to make that decision and therefore not vote to authorize the use of force. If that is where Members come down and that is what they in their hearts believe, that is what they should say and that is how they should vote. But what they should not do is try to latch onto an artificial reason for saying no, predicated upon some perceived slight by the Director of the CIA or failure to provide information quickly enough or in exactly the form they wanted it or most certainly on the grounds that the intelligence community has not provided the kind of information about operations of the intelligence community that they would like to get. That information should not be provided, and nobody should base a decision here on the failure to obtain that information.

Let me just speak a little bit more broadly. I will ask unanimous consent that at the conclusion of my remarks this particular article be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KYL. A lot of people are approaching this issue on the basis that there has to be some demonstration that, in the relatively near future, Saddam Hussein is going to use a weapon of mass destruction against us or else this is not the time that we should take military action against him. That is a rational position to take, in a way. If you do not think that there is a real threat or that it is imminent, you could reach the conclusion that we should not engage in war, or at least ought to be continuing to try to engage in diplomacy or whatever.

But there is another side to the coin. It is the way the President has chosen to look at it. I think, because he has chosen to look at it this way, he will go down in history as a very prescient leader.

Noemie Emery, who is a fine writer, in an article in a periodical a week ago, observed that most Presidents have had to fight a war but only two Presidents have had to perceive a war. Harry Truman perceived the cold war. He instinctively knew at the end of World War II, when the Soviet Union was beginning to assert its power in regions of southern Europe, for example, and elsewhere, that it was important for the United States and other Western allies to stand and say no to the further expansion of the Soviet Union and communism, even though that was going to mean a longtime confrontation with the Soviet Union which might even escalate into a hot war.

The Marshall plan to assist countries in southern Europe was a part of that perception, and we are well aware of all the other events that followed that. He perceived the need to stand and thwart the continued aggression of an evil power, and we are grateful to him for that.

Emery said the other President to perceive a war is George W. Bush. Of course, September 11, you can say, made that easy. But I submit it is not necessarily that easy. Over time, people will begin to wonder whether our commitment to a war on terror is really all that important if there are not further attacks. If we go another several months, hopefully even a year or two, without a major terrorist attack on the United States, will the American people continue to believe that this is a war worth fighting? Or was it a one-time-only proposition?

George W. Bush perceived the need to conduct a war on terror because he understood that from a historical point of view, over the course of the last dozen or 15 years, there had been a whole series of attacks against the United States or our interests, and when we in Congress Monday morning quarterback the FBI and CIA and say, "You failed to connect the dots," I wonder what those same people say about President Bush's understanding of the history leading up to September 11. He is connecting the dots between the Khobar Towers and the *Cole* bombing and the embassy bombings in Africa. You can even go back further than that, bringing it on forward all the way up to September 11. Does an event have to occur every 6 months for us to believe this is really a war worth stopping or worth winning and bringing to conclusion? I do not think so.

I think the President, when he said to the American people, we are going to have to be patient in this war, understood that we would have to be patient, that it could take a long time. I have been very gratified at the response of the American people in not being as impatient as we usually are as a people.

Americans love to get in, get the job done, and move on. That is a great trait of Americans. But the President here is saying be patient. So far, I have been very impressed that the American people have been very patient. What the President has perceived, that not everybody has perceived, is that this is a struggle that has been going on for some time and it is going to continue in that same vein for as far out as we can see, unless we defeat terrorism.

So the wrong question to be asking at this time is: Can you prove that there is an imminent threat to the United States as a result of which we have to take military action against Iraq? That is the wrong question.

There are many fronts in this war on terror, from Lackawanna in New York where we get the six people who we think were connected to terrorism, to Tora Bora, Afghanistan, where we had to rout out members of al-Qaida; to Pakistan, where we are fighting remnants of al-Qaida; to places such as Yemen and Sudan and Somalia and the Philippines and Malaysia; Hamburg, Germany, where we have had to roll up al-Qaida operatives; and then other places in the Middle East where there is terrorism going on every day and when there are people such as Saddam Hussein building weapons of mass terror who would not be doing that, would not be spending the resources and trying to hide them, simply to play some kind of game. They are obviously serious people with evil intentions. I think everybody concedes that.

Then the question becomes: Why should you put the burden on the President to prove that at a particular time Saddam Hussein is going to strike the United States in order to conclude that we have to do something about him? It is the same kind of thinking as in the late 1930s, that, in retrospect, we look back on and say: Anybody could have realized that Hitler was somebody who had to be stopped. Why did Neville Chamberlain act so foolishly when he came back from Munich and said, "Peace in our time"?

I submit there are people today who are hoping against hope that Saddam Hussein will never use these weapons, weapons that are far greater than anything Adolph Hitler ever had in terms of their potential for destruction and death. I just wonder whether there are people who really believe we should wait until something specific and objective happens before we have a right to act, or whether preventative action is called for. Some call it preemption; some call it prevention. But the idea is that with war on terrorism you shouldn't have to wait until you are attacked to respond. That creates too many deaths, too much misery, and is unthinkable after September 11.

The President, based upon good intelligence, has concluded that Saddam Hussein has a very large stock of very lethal weapons of mass destruction. By that, we mean chemical agents and biological agents which have been or can be "weaponized"; that is to say, there are means of delivering those agents that can cause massive amounts of casualties; that he has been working to acquire a nuclear weapon.

All of this is in open, public debate. And there is no doubt about any of it. The only doubt with respect to nuclear weapons is exactly where he is in the process. Of course, we don't know because he hasn't allowed us to inspect the places in his country where we believe he is trying to produce these nuclear weapons or, more specifically, the enriched uranium that would be a part of the weapons.

For 4 years now, we have had no inspectors in the country, and before that most of the information that we got was based upon information from defectors—people who came out of Iraq and told us: You guys are missing what Saddam Hussein is doing. This is where you need to look. This is what you need to look for.

When our inspectors then demanded to go to those places, one of three things happened. Either they said, no, you can't go there; that is a Presidential palace or whatever it is, or they went there and as they were walking in the front door satellite photos showed people running out of the backdoors with the stuff, or in the couple of cases we actually did find evidence of these weapons of mass destruction. Of course, at that point, Saddam Hussein said: Oh, that's right. I forgot about that. But whatever the defector said, that is all there is.

So he was confirming exactly what we already knew and gave us nothing more than that. Yet there are those who believe through some kind of new inspection process that we are going to learn more than we did before; that this will be an adequate substitute for going in and finding these weapons of mass destruction in an unrestricted way.

Saddam Hussein first said, You can have total access with no conditions, and he immediately began tying on conditions, the basis of which are laughable. You can't go into the Presidential palaces. They are grounds or areas with 1,000 buildings the size of the District of Columbia. We are going to send three inspectors in there? OK. There is the District of Columbia with all the buildings, and so on. Have at it.

We are not going to find anything. We are going to be running around for years. So inspections are merely a means to an end. They are not the end. The goal here is not to have inspections. The goal is disarmament. And we know from intelligence that he has certain things he has not disarmed; that he hasn't done what he promised to do—both to the United States and the United Nations; that he hasn't complied with the United Nations resolutions. In fact, we see his violation of those resolutions almost every day. We don't have inspectors in there anymore who he was harassing and precluding from doing their job.

But we do have aircraft flying in the no-fly zones and having American pilots and British pilots shot at every month, necessitating our taking those SAM sites and radar sites out of action by military force. So, in a sense, this is unfinished business from the gulf war which has never stopped. At a low level we have been trying to enforce the resolutions ever since the end of the gulf war. Our effort to rid many of these weapons of mass destruction is but the latest chapter.

We made the decision in 1998 that Saddam Hussein had to go. We voted on a resolution here, and everybody was for it in 1998. If it was the right thing to do then, why is it no longer necessarily the right thing to do? He has had 4 more years to develop these weapons and to get closer to a nuclear capability.

We now have a group of terrorists in the world who we know talk to each other, help each other, and give each other safe passage and access and places for training, and so on. We are developing information on connections with these terrorists and the State of Iraq. All of this has happened in the meantime. But now, suddenly, it is not the time.

If we establish too high a burden of proof here we are going to be fiddling until we become absolutely sure it is time, and then it will be too late. That is why I believe the President is on the right track to say we don't know exactly when, where, or how but we know that this is a man who has very evil intentions and is working very hard to be able to strike at us. We can't let it happen. We can't wait until he has hit us to get him.

For those reasons, and a variety of others that I will be talking about, I believe it is important for us to go into this debate with a view towards supporting the President, and the action that he has called for publicly and in the resolution that he has negotiated with congressional leaders and which has been placed on the floor.

I believe at the end of the day we will conclude that the President should be supported and that we should authorize the use of force, and that we will have intelligence satisfactory for all of us to back up this resolution. And the final point—going back to the original point of my conversation today—that it is a phony issue to somehow demand that the intelligence community provide us with information to which we haven't been given access. We have gotten all that we need to have access to. Our Members have asked for that information, and they can get it. The only information that they can't get is information that should not be provided anybody, including you, Mr. President, myself, and the distinguished minority leader who now joins us on the floor.

I will have more to say later. I know the minority leader has some things he would like to say. At this point, I yield the floor.

EXHIBIT 1

[From the New York Times, Oct. 3, 2002]

C.I.A. REJECTS REQUEST FOR REPORT ON PREPARATIONS FOR WAR IN IRAQ

(By James Risen)

WASHINGTON, October 2.—The Central Intelligence Agency has refused to provide Congress a comprehensive report on its role in a possible American campaign against Iraq, setting off a bitter dispute between the agency and leaders of the Senate Intelligence Committee, Congressional leaders said today.

In a contentious, closed-door Senate hearing today, agency officials refused to comply with a request from the committee for a broad review of how the intelligence community's clandestine role against the government of Saddam Hussein would be coordinated with the diplomatic and military actions that the Bush administration is planning.

Lawmakers said they were further incensed because the director of central intelligence, George J. Tenet, who had been expected to testify about the Iraq report, did not appear at the classified hearing. A senior intelligence official said Mr. Tenet was meeting with President Bush. Instead, the agency was represented by the deputy director, John McLaughlin, and Robert Walpole, the national intelligence officer for strategic and nuclear programs.

The agency rejected the committee's request for a report. After the rejection, Congressional leaders accused the administration of not providing the information out of fear of revealing divisions among the State Department, C.I.A., Pentagon and other agencies over the Bush administration's Iraq strategy.

Government officials said that the agency's response also strongly suggested that Mr. Bush had already made important decisions on how to use the C.I.A. in a potential war with Iraq. One senior government official said it appeared that the C.I.A. did not want to issue an assessment of the Bush strategy that might appear to be "second-guessing" of the president's plans.

The dispute was the latest of several confrontations between the C.I.A. and Congress over access to information about a range of domestic and foreign policy matters. Just last week, lawyers for the General Accounting Office and Vice President Dick Cheney argued in federal court over whether the White House must turn over confidential information on the energy policy task force that Mr. Cheney headed last year.

The C.I.A.'s rejection of the Congressional request, which some lawmakers contend was heavily influenced by the White House, comes as relations between the agency and Congress have badly deteriorated. The relations have soured over the ongoing investigation by a joint House-Senate inquiry—composed of members of the Senate and House intelligence committees—into the missed signals before the Sept. 11 attacks.

Mr. Tenet in particular has been a target of lawmakers. Last Friday, Mr. Tenet, a former Senate staffer himself, wrote a scathing letter to the leaders of the joint Congressional inquiry, denouncing the panel for writing a briefing paper that questioned the honesty of a senior C.I.A. official before he even testified.

A senior intelligence official said Mr. Tenet's absence at the hearing today was unavoidable, and that no slight was intended. The official said that he missed the hearing because he was at the White House with Mr. Bush, helping to brief other Congressional leaders Iraq. The official said Mr. Tenet had advised the committee staff several days ago that he would not be able to attend. Mr. Tenet has promised to testify about the matter in another classified hearing on Friday, officials said.

One Congressional official said that the incident has badly damaged Mr. Tenet's relations with Congress, something that Mr. Tenet had always worked hard to cultivate.

"I hope we aren't seeing some schoolyard level of petulance," by the C.I.A., the official said.

While the House and Senate intelligence oversight committee have received classified information about planned covert operations against Iraq, the C.I.A. has not told lawmakers how the agency and the Bush administration see those operations fitting into the larger war on Iraq, or the global war on terrorism, Congressional officials said.

"What they haven't told us is how does the intelligence piece fit into the larger offensive against Iraq, or how do these extra demands on our intelligence capabilities affect our commitment to the war on terrorism in Afghanistan," said one official.

Congressional leaders complained that they have been left in the dark on how the intelligence community will be used just as they are about to debate a resolution to support war with Iraq.

Congressional leaders said the decision to fight the Congressional request may stem from a fear of exposing divisions within the intelligence community over the administration's Iraq strategy, perhaps including a debate between the agency and the Pentagon over the military's role in intelligence operations in Iraq.

Defense Secretary Donald H. Rumsfeld has been moving to strengthen his control over the military's intelligence apparatus, potentially setting up a turf war for dominance among American intelligence officials. Mr. Rumsfeld has also been pushing to expand the role of American Special Operations Forces into covert operations, including activities that have traditionally been the preserve of the C.I.A.

Congressional leaders asked for the report in July, and expressed particular discontent that the C.I.A. did not respond for two months. Lawmakers had asked that the report be provided in the form of a national intelligence estimate, a formal document that is supposed to provide a consensus judgment by the several intelligence agencies.

The committee wanted to see whether analysts at different agencies, including the C.I.A., the Defense Intelligence Agency, the National Security Agency and the State Department, have sharply differing views about the proper role of the intelligence community in Iraq.

But intelligence officials say that a national intelligence estimate is designed to assess the policies of foreign countries—not those of the United States. "They were asking for an assessment of U.S. policy, and that falls outside the realm of the N.I.E., and it gets into the purview of the commander in chief," an intelligence official said.

Committee members have also expressed anger that the C.I.A. refused to fully comply with a separate request for another national intelligence estimate, one that would have provided an overview of the intelligence community's latest assessment on Iraq. Instead, the C.I.A. provided a narrower report, dealing specifically with Iraq's program to develop weapons of mass destruction.

Lawmakers said that Mr. Tenet had assured the committee in early September that intelligence officials were in the midst of producing an updated national intelligence estimate on Iraq, and that the committee would receive it as soon as it was completed.

Instead, the Senate panel received the national intelligence estimate on Iraq's weapons of mass destruction program after 10 p.m. on Tuesday night, too late for members to read it before Wednesday's hearing.

The committee had "set out an explicit set of requests" for what was to be included in the Iraq national intelligence estimate, said one official. Those requirements were not met. "We wanted to know what the intelligence community's assessment of the effect on a war in Iraq on neighboring states, and they did not answer that question," the official said.

A senior intelligence official said the 100-page report on Iraq's weapons of mass destruction program was completed in three weeks under very tight Congressional deadlines, and the writing had to be coordinated with several agencies.

The PRESIDING OFFICER. The minority leader.

Mr. LOTT. Mr. President, I believe in just a moment the Senate will be ready to move to completion on the Department of Justice authorization conference report.

Mr. President, I say to Senator KYL from Arizona, who has been speaking for the last several minutes, that I appreciate his speech and his very effective and diligent work. He cares an awful lot about national security, about our defense capability, and about our intelligence communities, and his position on what we need to do in Iraq. It is not easy being a member of the Intelligence Committee sometimes. It takes a lot of extra meetings, a lot of briefings, and an awful lot that you can't talk about. For a Member of the Senate, that is tough. But Senator KYL certainly does a good job in that effort.

ORDER OF PROCEDURE

Mr. REID. Mr. President, this unanimous consent has been cleared by both leaders. I ask unanimous consent that the yeas and nays be vitiated and that the conference report be adopted, without intervening action, motion, or debate; that the motion to reconsider be laid upon the table; that following adoption of the conference report, there be a period of morning business until 4:20 p.m.; that the time until 4:20 be divided between the majority and minority leaders, and that Senator DASCHLE have the last period of time to speak; that without any intervening action or debate, at 4:20, the Senate proceed to vote on the motion to invoke cloture on the motion to proceed to S.J. Res. 45.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The conference report was agreed to.

Mr. LEAHY. Mr. President, I thank the Senate for voting to end debate and to pass the bipartisan 21st Century Department of Justice Authorization Act conference report. I commend the Majority Leader for bringing this important legislation the floor and filing cloture in order for the Senate to take final action on the conference report.

I regret that consideration and a vote on final passage on this important measure was delayed, but I thank the overwhelming majority of my colleagues for supporting cloture and passage of the conference report.

This measure was passed by the House, by a vote of 400 to 4, last Thursday. All Democrats were prepared to pass the conference report that same day last week and any day this week. Given the Republicans' objection to proceed to a vote and given the refusal to agree to a time agreement, the Majority Leader was required to file cloture. I am glad that the filibuster is over.

This legislation is truly bipartisan. It passed the House 400 to 4. The conference report was signed by every conferee, Republican or Democrat, including Senator HATCH and Representatives SENSENBRENNER, HYDE, and LAMAR SMITH.

Senators from both sides of the aisle spoke in favor of the legislation. In particular, I thank Senator HUTCHISON for coming to the floor on Tuesday to support this conference report. Senator HUTCHISON has spoken to me many times about the need for more judgeships along the Texas border with Mexico to handle immigration and criminal cases.

The conference report includes three new judgeships in the conference report for Texas, one more than was included in the bill reported to the Senate by the Senate Judiciary Committee and passed by the Senate last December.

I thank Senator SESSIONS for his statements on Tuesday and today in support of this bipartisan conference report.

Although he opposes Senator HATCH's legislation regarding automobile dealer arbitration, which enjoys more than 60 Senate cosponsors and 200 House cosponsors and was included in the conference report, Senator SESSIONS is supporting this conference report because it will improve the Department of Justice and support local law enforcement agencies across the nation. I appreciate Senator SESSIONS' work on the provisions in the conference report on the Paul Coverdell Forensic Sciences Improvement Grants and the Centers for Domestic Preparedness in Alabama and other States.

Senator BROWNBACK also spoke in favor of certain immigration provisions in this bill that he worked on with Senator KENNEDY, the Chairman of the Immigration Subcommittee of the Judiciary Committee. In particular, the conference report includes language sought by Senators CONRAD and BROWNBACK to reauthorize the program allowing foreign doctors educated in the United States to remain here if they will practice in underserved communities. This is a crucial provision to ensure that residents in some of our most rural states receive adequate medical care.

The conference report also contains another important immigration provision to permit H-1B aliens who have labor certification applications caught in lengthy agency backlogs to extend their status beyond the sixth year limitation or, if they have already exceeded such limitation, to have a new H-1B petition approved so they can apply for an H-1B visa to return from abroad or otherwise re-obtain H-1B status. Either a labor certification application or a petition must be filed at least 365 days prior to the end of the 6th year in order for the alien to be eligible under this section.

The slight modification to existing law made by this section is necessary to avoid the disruption of important projects caused by the sudden loss of valued employees. At a time when our economy is weak, this provision is intended to help. I thank Senator KENNEDY and Senator BROWNBACK for their work on this provision and their contributions to the conference report. I thank Senator FEINSTEIN for her excellent speech earlier this week in support of this conference report. Senator FEINSTEIN has been a tireless advocate for the needs of California, including the needs of the federal judiciary along the southern border. She has led the effort to increase judicial and law enforcement resources along our southern border. I am proud to have served as the chair of the House-Senate conference committee that unanimously reported a bill that includes five judgeships for the Southern District of California. Long overdue relief for the Southern District of California could be on the way once this conference report is adopted.

Senator BIDEN also contributed a great deal to this conference report. He has fought doggedly to authorize a new Violence Against Women Office at the Justice Department, and his efforts have borne fruit in this legislation. He has also been one of the Senate's best advocates for reauthorizing the Juvenile Justice and Delinquency Prevention Act, which we do here. In addition, he was a cosponsor of the Drug Abuse Education, Prevention, and Treatment Act, and we have included many provisions from that bill in this conference report.

I also would like to thank Senator DURBIN for statements on the Senate floor and his dedicated efforts to authorize a new Violence Against Women Office, to expand the number of Boys and Girls Clubs in our nation, and to create new judgeships in Illinois.

Senator KOHL was a tremendous help in our efforts to reauthorize the Juvenile Justice and Delinquency Prevention Act, especially Title V of that Act, which provides for crucial prevention programs for our nation's youth.

Senator CARNAHAN deserves the credit for the inclusion of the Law Enforcement Tribute Act in this conference report. That provision provides Federal assistance for local communities seeking to honor fallen law enforcement officers. Without her tireless work, we would not have been able to include that provision in this conference report.

For his part, Senator FEINGOLD was able to include his and Senator HATCH's Motor Vehicle Franchise Contract Arbitration Fairness Act in this conference report. That bill will ensure that auto dealers will have a level playing field in their disputes with the auto manufacturers.

Finally, I also thank Senator REID for his helpful comments and support throughout the debate on the legislation.

Of course, our bipartisanship is evidenced by our including authorization for additional judgeships not only in California but also in Texas, Arizona, New Mexico, Ohio, North Carolina, Illinois and Florida. I have tried to improve on the record we inherited.

In the six and one-half years that they controlled the Senate, the Republican majority was willing to add only eight judgeships to be appointed by a Democratic President, and most of those were in Texas and Arizona, States with two Republican Senators. We have, on the other hand, proceeded at our earliest opportunity to increase federal judgeships by 20, including in the border States where they are most needed, well aware these positions will be filled with appointments by a Republican President who has shown little interest in working with Democrats in the Senate. These include a number of jurisdictions with Republican Senators.

I also commend the senior Senator from California for her leadership on the "James Guelff and Chris McCurley Body Armor Act," the State Criminal Alien Assistance Program reauthorization, and the many anti-drug abuse provisions included in this conference report. She spoke eloquently on the floor of the Senate regarding many of the important provisions she has championed in this process.

This conference report will strengthen our Justice Department and the FBI, increase our preparedness against terrorist attacks, prevent crime and drug abuse, improve our intellectual property and antitrust laws, strengthen and protect our judiciary, and offer our children a safe place to go after school.

This conference report is the product of years of bipartisan work. By my count, the conference report includes significant portions of at least 25 legislative initiatives. This legislation is neither complicated nor controversial. It passed the House overwhelmingly and in short order with a strong bipartisan vote.

I thank my colleagues again for supporting the cloture motion and final passage of this conference report so that all of this bipartisan work and all the good that this legislation will do, will reach the President's desk. I particularly want to thank Senator HATCH, who worked very hard to help construct a good, fair and balanced conference report as did all of the conferees. Likewise, I want to thank Chairman SENSENBRENNER and Representative CONYERS of the House Judiciary Committee for working with us to conclude this conference report successfully.

The staffs of these Members must also be thanked for working through the summer and over the last month to bring all the pieces of the conference report together into a winning package. In particular, the House Judiciary Committee staff has been enormously helpful, including Phil Kiko, Will Moschella, Blaine Merritt, Perry Apelbaum, Ted Kalo, Sampak Garg, Bobby Vassar, and Alec French. I would also like to thank the staff of the House Education and Workforce Committee, including Bob Sweet and Denise Forte. The Senate Judiciary Committee staff has shown its outstanding professionalism and I want to thank Bruce Cohen, Beryl Howell, Ed Pagano, Tim Lynch, Jessica Berry, Robyn Schmidek and Phil Toomajian, Makan Delrahim, Leah Belaire, Michael Volkov, Melody Barnes, Esther Olavarria, Robert Toone, Neil MacBride, and Louisa Terrell.

I appreciate that not all Members were or could be conferees and participate in the conference, but after a full opportunity to study the conference report passed last week in the House by a vote of 400 to 4, I hope that even those Members who raised objection will conclude that on the whole this is a good, solid piece of legislation.

Although the debate is over, I want to address the objections raised by a few Members to this legislation. I thank these Members for coming to the floor to discuss their views and concerns, and want to show them the respect they deserve by responding to those objections. I should note that even in posing an objection to and delaying passage of the conference report—as is their rights as Senators—these Members acknowledged that there were parts of this bill they liked or may like upon review.

Contrary to those who may argue that this legislation is not a priority, it is. Congress has not authorized the Department of Justice in more than two decades. While the Justice Department would certainly continue to exist if we were to fail to reauthorize it, that is not an excuse for shirking our responsibility now. I know that Senator HATCH and Representatives SENSENBRENNER and CONYERS share my view. It is long past time for the Judiciary Committees of the House and Senate—and the Congress as a whole—to restore their proper oversight role over the Department of Justice.

Through Republican and Democratic administrations, we have allowed the Department of Justice to escape its accountability to the Senate and House of Representatives and through them to the American people. Congress, the people's representative, has a strong institutional interest in restoring that accountability. The House has recognized this, and has done its job. I am glad that we have done ours.

I agree with those Members who say that we need to give anti-terrorism priority, but not lose sight of the other important missions of the Department of Justice. The conference report takes such a balanced approach. Those critics who say that there is nothing new in this legislation to fight terrorism, have missed some important provisions in the legislation as well as my floor statements over the past week outlining what the conference report contains to help in the anti-terrorism effort.

Let me repeat the highlights of what the conference report does on this important problem.

The conference report fortifies our border security by authorizing over $20 billion for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration. It also authorizes funding for Centers for Domestic Preparedness in Alabama, Texas, New Mexico, Louisiana, Nevada, Vermont and Pennsylvania, and adds additional uses for grants from the Office of Domestic Preparedness to support State and local law enforcement agencies. These provisions have strong bipartisan support. I thank Senator SESSIONS, Senator SHELBY and Senator SPECTER for supporting cloture on the conference report and for final passage.

Another measure in the bill would correct a glitch in a law that helps prosecutors combat the international financing of terrorism. I worked closely with the White House to pass the original provision to bring the United States into compliance with a treaty that bans terrorist financing, but without this technical, non-controversial change, the provision may not be usable. This law is vital in stopping the flow of money to terrorists. Worse yet, at a time when the President is going before the U.N. emphasizing that our enemies are not complying with international law, by blocking this minor fix, we leave ourselves open to a charge that we are not complying with an anti-terrorism treaty.

I agree with other Members that we should do more to help the FBI Director in transforming the FBI from a crime fighting to a terrorism prevention agency and to help the FBI overcome its information technology, management and other problems to be the best that it can be. The Judiciary Committee reported unanimously the Leahy-Grassley FBI Reform Act, S. 1974, over six months ago to reach those goals, but this legislation has been blocked by an anonymous hold from moving forward. This conference report contains parts of that bipartisan legislation, but not the whole bill, which continues to this day to be blocked to this day.

Since the attacks of September 11 and the anthrax attacks last fall, we have relied on the FBI to detect and prevent acts of catastrophic terrorism that endanger the lives of the American people and the institutions of our country. Reform and improvement at the FBI was already important, but the terrorist attacks suffered by this country last year have imposed even greater urgency on improving the FBI. The Bureau is our front line of domestic defense against terrorists. It needs to be as great as it can.

Even before those attacks, the Judiciary Committee's oversight hearings revealed serious problems at the FBI that needed strong congressional action to fix. We heard about a double standard in evaluations and discipline. We heard about record and information management problems and communications breakdowns between field offices and Headquarters that led to the belated production of documents in the Oklahoma City bombing case. Despite the fact that we have poured money into the FBI over the last five years, we heard that the FBI's computer systems were in dire need of modernization.

We heard about how an FBI supervisor, Robert Hanssen, was able to sell critical secrets to the Russians undetected for years without ever getting a polygraph. We heard that there were no fewer than 15 different areas of security at the FBI that needed fixing.

The FBI Reform Act tackles these problems with improved accountability, improved security both inside and outside the FBI, and required planning to ensure the FBI is prepared to deal with the multitude of challenges we are facing.

We are all indebted to Senator GRASSLEY for his leadership in the area. Working with Republicans and Democrats on the Senate Judiciary Committee we unanimously reported the FBI Reform Act more than six months ago only to be stymied in our bipartisan efforts by an anonymous Republican hold.

The conference report does not contain all of the important provisions in the FBI Reform Act that Senator GRASSLEY and I, and the other members of the Judiciary Committee, agreed were needed, but it does contain parts of that other bill.

Among the items that are, unfortunately, not in the conference report and are being blocked from passing in the stand-alone FBI Reform bill by an anonymous Republican hold are the following: Title III of the FBI Reform bill that would institute a career security officer program, which senior FBI officials have testified before our Committee would be very helpful;

Title IV of the FBI Reform bill outlining the requirements for a polygraph program along the lines of what the Webster Commission recommended;

Title VII of the FBI Reform bill that takes important steps to fix some of the double standard problems and support the FBI's Office of Professional Responsibility, which FBI Ethics and OPR agents say is very important; and

Title VIII to push along implementation of secure communications networks to help facilitate FISA processing between Main Justice and the FBI. These hard-working agents and prosecutors have to hand-carry top secret FISA documents between their offices because they still lack send secure e-mail systems.

The FBI Reform bill would help fix may of these problems and I would hope we would be able to pass all of the FBI Reform Act before the end of this Congress. These should not be controversial provisions and are designed to help the FBI.

During the debate on this conference report, some Members complained it included provisions that were not contained in either the Senate or House bills. Now, each of the proposals we have included are directly related to improving the administration of justice in the United States. We were asked to include many of them by Republican members of the House and Senate.

Let me give you some examples. The conference report reauthorizes the State Criminal Alien Assistance Program, which President Bush has sought to eliminate. On March 4 of this year, Senator KYL and Senator FEINSTEIN sent me a letter asking me to include an authorization for SCAAP—which was not authorized in either the House- or Senate-passed bill—in the conference report. That proposal had been considered and reported by the Judiciary Committee but a Republican hold has stopped Senate consideration and passage. I agreed with Senator KYL that we should authorize SCAAP. I still believe that it is the right thing to do.

In addition to including the reauthorization of SCAAP, the conferees also authorized an additional judge for Arizona. Members have been arguing for years that their States need more judges. We took those arguments seriously, and added another new judge for Arizona on top of the two that were added in 1998 and the third that was added in 2000. As I said before, we have added 20 additional judicial positions in this conference report.

Some have been critical of the conference report's authorization of funding for DEA police training in South and Central Asia, and for the United States-Thailand drug prosecutor exchange program. I believe that both of these are worthy programs that deserve the Senate's support.

I have listened to President Bush and others in his Administration and in Congress argue that terrorist organizations in Asia, including Al Qaeda, have repeatedly used drug proceeds to fund their operations. The conferees wanted to do whatever we could to break the link between drug trafficking and terror, and we would all greatly appreciate the Senate's assistance in that effort.

Beyond the relationship between drug trafficking and terrorism, the production of drugs in Asia has a tremendous impact on America.

For example, more than a quarter of the heroin that is plaguing the northeastern United States, including my State of Vermont, comes from Southeast Asia. Many of the governments in that region want to work with the United States to reduce the production of drugs, and these programs will help. It is beyond me why any Senator would oppose them.

Some have complained that the conference report demands too many reports from the Department of Justice and that this would interfere with the Department's ongoing counterterorism efforts. It is true that our legislation requires a number of reports, as part of our oversight obligations over the Department of Justice. I assure the Senate, however, that if the Department of Justice comes to the House and Senate Judiciary Committees and makes a convincing case that any reporting requirement in this legislation will hinder our national security, we will work out a reasonable accommodation. I think, however, that such a turn of events is exceedingly unlikely, as no one at the Department has mentioned any such concerns.

Some Members have complained that the conference report includes pieces of legislation that had not received Committee consideration. Let me deal with some of the specific proposals that have been cited.

The Law Enforcement Tribute Act was mentioned as a provision not considered by the Judiciary Committee, but this is incorrect. In reality, the Committee reported that bill favorably on May 16. Its passage has been blocked by an anonymous Republican hold.

Complaints have been made about inclusion of the motor vehicle franchise dispute resolution provision in the conference report for bypassing the Committee. But, again, that is incorrect. The Judiciary Committee fully considered this proposal and reported Senator HATCH's Motor Vehicle Franchise Contract Arbitration Fairness Act last October 31. It has been stalled from the Senate floor by anonymous Republican holds.

A section allowing FBI danger pay was cited as a proposal that bypassed Committee consideration, but, again, the Judiciary Committee did consider this proposal as part of the original DOJ Authorization bill, S. 1319.

Some have complained that the Federal Judiciary Protection Act, which is included in the conference report, had not come before the Committee, but on the contrary, this legislation, S. 1099, was passed the Judiciary Committee and the Senate by unanimous consent last year and in the 106th Congress, as well.

A complaint was raised on the floor about a provision on the U.S. Parole Commission being included in the conference report. That was included because the Bush Administration included it in its budget request.

A complaint was also raised about the conference report's provision establishing the FBI police to provide protection for the FBI buildings and personnel in this time of heightened concerns about terrorist attacks. Contrary to the critics, this proposal was considered by the Judiciary Committee as part of the FBI Reform Act, S. 1974, which was reported unanimously on a bipartisan basis but has been blocked by an anonymous hold.

Similarly, a complaint was made on the floor about bypassing the Committee with the provision in the conference report for the FBI to tell the Congress about how the FBI is updating its obsolete computer systems. Again, this is incorrect. This provision was included in the FBI Reform Act, S. 1974, which was considered by the Judiciary Committee and unanimously reported without objection.

Some critics have complained that the conference report includes intellectual property provisions that have passed neither the House or the Senate. It is not for lack of trying to pass these provisions through the Senate, but anonymous Republican holds have held up for months passage of the Madrid Protocol Implementation Act, S. 407. This legislation has passed the House on three separate times in three consecutive Congresses. Let us get it passed now in the conference report.

The conference report also contains another intellectual property matter, the Hatch-Leahy TEACH Act, to help distance learning. Contrary to the critics' statements, this passed the Senate in June, 2001.

The Intellectual Property and High Technology Technical Amendments Act, S. 320, contained in this conference report, was passed by the Senate at the beginning of this Congress, in February, 2001. It is time to get this done.

The criticism made on the floor that the juvenile justice provisions in the conference report never passed the House or Senate is simply wrong. The conference report contains juvenile justice provisions passed by the House in September and October of last year, in H.R. 863 and H.R. 1900.

The criticism that the conference report contains criminal justice improvements that were passed by neither the House or the Senate glosses over two important points: First, that many of the provisions were indeed passed by the House, and, second, that others have been blocked from Senate consideration and passage by anonymous Republican holds. Let me give you some examples.

The conference report contains the Judicial Improvements Act, S. 2713 and HR 3892, that passed the House in July, 2002, but consideration by the Senate was blocked after the Senate bill was reported by the Judiciary Committee.

The Antitrust Technical Corrections bills, H.R. 809, had the same fate. After being passed by the House in March, 2001, and reported by the Senate Judiciary Committee, consideration was blocked in the Senate.

CONCLUSION

This conference report is a comprehensive attempt to ensure the administration of justice in our nation. It is not everything I would like or that any individual Member of Congress might have authored.

It is a conference report, a consensus document, a product of the give and take with the House that is our legislative process. It will strengthen our Justice Department and the FBI, increase our preparedness against terrorist attacks, prevent crime and drug abuse, improve our intellectual property and antitrust laws, strengthen and protect our judiciary, and offer our children a safe place to go after school.

The conference report merits the support of the United States Senate to help the Justice Department and the American people.

• Mr. HATCH. Mr. President, I rise in support of the 21st Century Department of Justice Appropriations Authorization Act. The Conference Report is now before the Senate. The title of the Conference Report—"The 21st Century Department of Justice Appropriations Authorization Act"—is appropriately named—the bill is a forward-looking measure which will strengthen the Justice Department and our judicial system as we face the new challenges of the 21st century. More specifically, the bill provides the Justice Department with the necessary tools and resources: to detect and prevent future terrorist attacks; to reduce drug abuse and prevent drug-related crimes; to enhance our country's ability to compete in international markets by improving our intellectual property and antitrust laws; and to address the growing needs of our at-risk youth by offering meaningful alternatives to the temptations of crime. The House last week passed the Conference Report by a vote of 400–4. I urge my colleagues to support this important piece of legislation.

Before I address the substance of the Conference Report, I want to take a moment to thank my distinguished colleagues, Chairman LEAHY, and House Judiciary Chairman SENSENBRENNER, and Ranking Member CONYERS, for all of their hard work, commitment and determination on this important matter. Senator LEAHY and I have been working together for years to enact a Department of Justice reauthorization bill, and I am pleased that we are finally able to bring the matter to the Senate for its consideration.

The Department of Justice's main duty is to provide justice to all Americans, certainly of central importance to our national life. It has the primary responsibility for the enforcement of our Nation's laws. Through its divisions and agencies including the FBI and DEA, it investigates and prosecutes violations of federal criminal laws, protects the civil rights of our citizens, enforces the antitrust laws, and represents every department and agency of the United States government in litigation. Increasingly, its mission is international as well, protecting the interests of the United States and its people from growing threats of trans-national crime and international terrorism. Additionally, among the Department's key duties is providing much needed assistance and advice to state and local law enforcement agencies.

It has been over two decades since Congress reauthorized the Justice Department. If enacted, H.R. 2215 will be a significant step in Congress's efforts to reassert its rightful role in overseeing the operation of the Justice Department. By instituting a regular reauthorization procedure for the Justice Department, Congress will be able to ensure that the Justice Department has all the necessary tools to carry out its critical functions.

Let me be clear that I am not advocating that we micro-manage the Department of Justice. I have full confidence in Attorney General Ashcroft and the thousands of employees who competently manage the Department daily. However, we cannot continue to neglect our responsibility to exercise responsible oversight of the Justice Department which so profoundly affects the lives of all Americans.

The tragic events of September 11th have underscored the need for Congress to work closely with the Justice Department. Last year, we worked with the Justice Department to ensure swift passage of the PATRIOT Act, which has strengthened America's security by providing law enforcement with the necessary tools to fight the war against terrorism. We will continue to provide the Justice Department with the legislative tools and resources needed to win this war against terrorism.

The 21st Century Department of Justice Appropriations Authorization includes a number of important provisions which I will briefly highlight. Most significantly, the bill fully authorizes the Justice Department and its major components for fiscal years 2002 and 2003. Among these authorizations are funding for the Federal Bureau of Investigation to protect against terrorism and cyber-crime, the Drug Enforcement Administration to combat the trafficking of illegal drugs, and the Immigration and Nationalization Service to enforce our country's immigration laws. The bill also adds 94 new Assistant United States Attorneys to implement the President's Project Safe Neighborhoods initiative which is aimed at reducing gun violence in our communities.

With respect to congressional oversight, the conference report strengthens the authority of the Department's Inspector General in order to address internal issues within the Justice Department. It specifically expands the Inspector General's authority to include responsibility for investigating the FBI. In order to establish a baseline from which to focus future oversight of the Justice Department, the bill requires the Department to submit to Congress reports detailing the operation of the Office of Justice Programs and all of the Justice Department's litigation activities.

The conference report enacts many of the provisions of the Drug Abuse Education, Prevention, and Treatment Act of 2001, S. 304, which I introduced in the Senate with Senators LEAHY and BIDEN more than 18 months ago, and which has received wide bipartisan support. This legislation marks a watershed event in the national effort to combat drug addiction, and makes a significant, sustained commitment to providing federal resources for reducing the demand for illicit drugs. Investing in proven prevention and treatment programs can help reduce the wreckage and the unwarranted burden of drug abuse on society.

Specifically, the Drug Abuse Education, Prevention and Treatment provisions: No. 1, increase drug treatment grants for prisoners and residential aftercare programs; No. 2, require a study and review of drug-testing technologies and all federal drug and substance abuse treatment and prevention programs in order to recommend necessary reforms to these programs; No. 3, expand drug abuse and addiction research; No. 4, expand the Drug Courts program; No. 5, provide post-incarceration vocational and remedial educational opportunities for federal inmates; and No. 6, provide grants to states to establish demonstration projects to promote successful reentry of criminal offenders.

While ensuring effective drug treatment and prevention programs, the conference report includes a broad set of measures designed to protect our youth. Specifically, the bill supports the creation and expansion of Boys and Girls Clubs in our communities, enhances juvenile criminal accountability, and provides states with block grants to address juvenile crime. In addition to our nation's youth, the bill strengthens our criminal justice system by increasing penalties for those who tamper or threaten federal witnesses, or those criminals who harm Federal judges and law enforcement personnel.

In addition to our Nation's youth, the bill provides increased attention to crimes against women by establishing a Violence Against Women Office within the Justice Department, which will be headed by a presidentially appointed and Senate confirmed Director. The Director, in part, will serve as a special counsel to the Attorney General on issues related to violence against women, provide information to the President, the Congress, State and local governments, and the general public, and maintain a liaison with the judicial branches of federal and State governments.

The conference report addresses the operation of our federal judiciary by enacting long-needed judicial improvements and reforms to judicial disciplinary procedures. It also creates judgeships in various districts where there is a chronic shortage of federal judges to handle existing caseloads, particularly in our border States such as Texas, New Mexico, California, Nevada, Florida and Alabama. We need to do more here, and add judges in other districts where caseloads are high, and I am hopeful we will be able to do that next Congress.

The bill also promotes America's economic security by enhancing our competitiveness in the world economy. Specifically, the bill makes some needed changes to our antitrust laws, and creates a Commission to review our antitrust laws to determine what reforms, if any, are needed to ensure the effective operation of our free markets in our "new" high-tech economy.

The conference report enacts critical amendments to the Radiation Exposure Compensation Act of 2000, S. 898, which I introduced in order to clarify the eligibility standards and to ensure appropriate compensation under the program. In addition, the bill enacts "The Motor Vehicle Franchise Contract Arbitration Act," S. 1140, which I introduced, was passed by the Senate Judiciary Committee, and which received bipartisan support. This bill restricts the use of mandatory arbitration provisions in motor vehicle franchise contracts.

Further, the bill includes several important provisions to reform intellectual property law. First, the bill directs the Justice Department to increase its enforcement of intellectual property laws. Second, aside from enforcement, the bill enacts the Technology, Education and Copyright Harmonization Act (TEACH Act, S. 487, which I introduced and has received bipartisan support. This Act enhances our country's education system by revising federal copyright law to extend the exemption from infringement liability for instructional broadcasting to digital distance learning. Third, the Conference Report enacts several important reforms of our patent and trademark system which I supported, including: authorization of the Patent and Trademark Office for fiscal years 2003 to 2008; revision of the filing and processing procedures for patent and trademark applications; and enactment of the Madrid Protocol Implementation Act, S. 407, which ensures international protection of United States trademarks.

Finally, the conference report refines INS administrative procedures in two specific areas in order to reduce INS processing delays. First, the bill extends H–1B status for alien workers who wish to continue working beyond the authorized 6-year period. Second, the bill includes provisions for removal of conditional basis of permanent resident status applicable to certain alien entrepreneurs.

The conference report is a long-awaited and much-needed measure which will ensure that Congress provides the required oversight—and support of—the Justice Department as it continues its critical role of enforcing our country's laws, protecting our country from terrorist attacks, enhancing our competitiveness in the world economy, and making our communities safer. Working together in a spirit of bipartisanship, the bill provides the necessary framework to ensure that Congress and the Administration will be able to identify solutions to the challenges faced by federal law enforcement, and to ensure the efficient operation of the Justice Department and each of its components.

I would also like to take this opportunity to recognize the tireless work of the dedicated Staff members on both sides of the aisle whose work around the clock made this legislation possible. First, on my staff, I want to specifically commend my former staff member Leah Belaire, who recently joined the United States Attorney's Office for the District of Columbia as an Assistant United States Attorney. She along with my counsels, Mike Volkov, Wan Kim, Shawn Bentley, Patti DeLoatche, Rebecca Seidel, Bruce Artim, Dustin Pead, and my Chief Counsel and Staff Director, Makan Delrahim, all poured their hearts into this legislation. On Chairman LEAHY's staff, I want to thank Tim Lynch and Ed Pagano, as well as Chairman LEAHY's able General Counsel, Beryl Howell, and Chief Counsel and Staff Director, Bruce Cohan. On Chairman SENSENBRENNER's staff, I want to commend Will Moschella, Steve Pinkos and Phil Kiko, for their hard work and dedication. On Congressman CONYER's staff, I want to thank Perry Apelbaum, Sam Garg, and Ted Kalo for their commitment to this legislation.

Mr. President, this is an important piece of legislation that deserves our full support. I urge my colleagues to vote in favor of the conference report.●

Mr. CRAIG. Mr. President, I regret to point out one very important provision that is missing from H.R. 2215: a district judgeship for Idaho. This is a matter of great urgency to the citizens of my State.

Idaho has two Federal district judgeships, created in 1890 and 1954. We are one of only three States in the union with two Federal district judgeships.

There are three distinct and widely-distant geographical areas in my State: the Southeast, the Southwest and the North. A district judge must travel up to 450 miles between division offices. This distance is greater than that traveled in other rural district courts, including those of Montana, Wyoming, North Dakota, South Dakota or Eastern Washington. In fact, only a district judge in Alaska has a greater distance to travel, when comparing these rural district courts. Because of the State's sheer size, its extraordinary increase in population, and tremendous growth in caseload over nearly five decades, the current situation is becoming increasingly unworkable, and we are seeking one additional judgeship.

Unlike other States, we have no senior judges to fill in the gaps. We are depending on judges borrowed from other districts to help us, but obviously that can only be a temporary fix for the problem.

To remedy this crisis, the State of Idaho has requested a third Federal district judge. All members of the Federal bench in Idaho agree with this request, and the Idaho State Legislature even passed a resolution petitioning Congress for this change.

I have been working on this issue throughout the 107th Congress, introducing legislation along with my Idaho colleague Senator CRAPO, consulting with the Senate Judiciary Committee and lobbying its members, writing to the Judicial Conference. Our senior district judge in Idaho personally visited Capitol Hill and talked with staff and members of the Judiciary Committee.

When it became apparent that H.R. 2215 was the only legislative vehicle in this Congress for the creation of new judgeships, the entire Idaho Congressional Delegation, Senator CRAPO and I, as well as our House colleagues Representative MIKE SIMPSON and Representative BUTCH OTTER, wrote to each member of the conference committee on this bill, reiterating our request.

To date, not a single member of the Senate or House has opposed our request. Yet at the end of the day, H.R. 2215 fails to include an additional judge for Idaho.

It is my understanding that our request was not given priority because the Judicial Conference of the United States refused to endorse it. While Idaho did not originally meet the narrow requirements imposed by the Conference before it recommends an additional judgeship, I have been informed in the last few weeks that we now meet those requirements, and Idaho hopes to obtain that critical endorsement in the future.

With that, let me put the Senate on notice that my State will return in the next Congress with this request and will work for a better result. There should not be waiting list for people to obtain justice in our courts, but there is in Idaho until relief arrives in the form of a third Federal district judge.

Mr. KYL. Mr. President, I rise to address one aspect of the "21st Century Department of Justice Appropriations Authorization Act," H.R. 2215. Section 312 creates a number of Federal judgeships, including a temporary judgeship for the District of Arizona. Under the bill, the temporary addition of an extra seat to the 12-member Federal district court will commence in July 2003 and will end with the first judicial retirement that occurs after that ten-year period expires, returning the court to twelve seats.

The District of Arizona sorely needs this judgeship. According to the Administrative Office of the United States Courts, the District of Arizona ranks 10th in total weighted filings among all 94 districts. The general standard for weighted filings established by the U.S. Judicial Conference as an indicator of a need for additional judgeships is 430. With 604 weighted filings per judgeship, the District of Arizona exceeds this criteria by 29 percent, despite the recent and much appreciated addition of four new judges. The high level of filings in the District of Arizona is not temporary. The weighted filings in this district have been substantially higher than the national average since 1985.

The District of Arizona reported 6,300 civil and criminal case filings in 2001, a 26 percent increase in filings over a five-year period. The District's criminal felony caseload has increased 104 percent over the past 5 years. The District ranks third among the Nation's 94 districts in weighted criminal felony filings per authorized judgeship, 231 percent above the national average. In addition to the burgeoning criminal caseload, the District's civil caseload is on the rise. This District is an unenviable 71st nationally in median disposition time for civil cases and 85th nationally in median time from filing to trial in civil cases. Seven percent of the civil cases have been pending over three years.

According to the latest population statistics as reported by the U.S. Census Bureau, Arizona's population increased by 40 percent from 1990 to 2000, while the national rate of population growth is only 13.1 percent. Arizona is ranked second only to Nevada for percentage of growth. The Arizona Department of Economic Security projects the State's population will grow another 25 percent by 2010.

This new judgeship will provide emergency aid to Arizona's District Court, whose judges are extremely overburdened by crushing federal caseloads. Arizona's Federal court, like those in other border states, suffers special burdens as a result of sharp increases in drug trafficking and immigration prosecutions. This backlog delays justice for Arizonans and disrupts the proper administration of the courts.

I would like to commend Senator LEAHY, Senator HATCH, and Representative SENSENBRENNER for including this much-needed judgeship. This temporary judgeship is at least one reason to support the "21st Century Department of Justice Appropriations Authorization Act."

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to a period of morning business.

IRAQ

Mr. LOTT. Mr. President, there is no more solemn and important duty for the Senate, in my opinion, than to debate the momentous issues of war and peace. I remember in 1991 when we debated the gulf war resolution that it took on a very serious aura. Every Senator spoke. Senators actually came to the floor and listened to the debate. It was a challenge. Not a one of us didn't feel some amount of concern and trepidation and respect for the importance of that vote. I think we are fixing to embark on a debate of that magnitude again today.

The issue of Iraq is one that we are concerned about and which we have been wrestling with for 11 years. But I think that today on the issue of Iraq we have reached what Winston Churchill called "not the beginning of the end but the end of the beginning."

After weeks of careful preparation and bipartisan negotiation—it has been truly bipartisan on both sides of the aisle in the Senate, and in the House it has been a bicameral effort—I believe the Senate will, once again, show why it is called "the greatest deliberative body." I think we will have some very interesting and very thoughtful speeches that will be given next week. Obviously, we will not all agree. Obviously, we will have respect for each other—no matter what the position may be.

But I think, in the end, we are going to see we are going to have a very broad, bipartisan vote expressing our concern about what this situation is in Iraq, about the fact the United Nations resolutions—all 16 of them—have been ignored, for the most part, for 11 years, and it is time we take action to avoid some horrendous events that could occur if we do not.

I believe we will give the President the authority he needs to deal with this problem. I want to emphasize this President has listened, and he has also challenged us. He has shown commitment and leadership. Some of us in Congress were saying: We want to hear from the President. Come to us. Tell us what you know. Tell us what you want. Let us have a debate. Let us have a vote. He did so, and he continues to work with us to this very moment.

Some people said: Oh, well, you have to take your case to the United Nations. Let the United Nations be a part of this. Encourage the United Nations—in fact, demand the United Nations—live up to its responsibility and its own resolutions.

The President did that. He went to the United Nations and gave one of the most impressive speeches I believe he has ever given. He gave the bill of particulars to the world community about what the problems are and why we had to deal with this menace. I think it changed the United Nations. And while we still do not have a resolution from the United Nations, I know Secretary Powell is working on that.

I know the President and others are talking to the world community. I have had the occasion, as the Republican leader of the Senate, to talk to representatives from seven countries over the past 2 weeks and get a feel for what they are thinking and what their concerns are, what their suggestions are.

So this President is working with us, with the United Nations, and with the world community.

As the Republican leader, I have entertained views from all sides of our own caucus. When we got the first draft of the Iraq resolution, every word was not accepted as being perfect or brilliant. There were some suggestions made, and I listened to them. In fact, I remember there was one phrase in the resolution, when I read it the first time, I said: What does that really mean? I don't think I really like that.

So we did have input. We did have the first draft sent by the President, but the President invited our input and our participation in the development of this resolution, and changes were made. We had the first resolution, the second resolution, the third resolution, and now the bipartisan resolution that was introduced in the Senate by Senator LIEBERMAN, Senator WARNER, Senator MCCAIN, and Senator BAYH. It is the resolution we should consider. Will there be another alternative? Perhaps. I have no problem with that. Will there perhaps be an amendment that is agreed to in advance? Perhaps. I have no problem with that. I do think we are going to have a problem if we just allow this to be endlessly amended. It would be a filibuster by amendment.

I think we need to have a full debate but be prepared to go to votes on these important issues by the middle of next week. Senator DASCHLE, perhaps, will give his own thinking about the specifics of when we might begin to get to some votes.

I have listened to opinions on the other side of the aisle, too. I did not just talk to Senator SHELBY or Senator LUGAR or Senator MCCAIN or Senator WARNER or Senator HUTCHINSON. I talked to Senators on both sides of the aisle, and so did the administration. Because of this, I think we have been able, with the help of the White House and the combined House leadership, to emerge with a strong resolution we now present to the Congress and to the world.

For those who brought us to this moment—the President, the Speaker, Congressman GEPHARDT, SENATORS LIEBERMAN, WARNER, MCCAIN, BAYH, DASCHLE, and others—who are involved in this process, I think the Nation should be grateful. I believe the result of this debate, and the resolution we will vote on next week, will lead to a safer world.

Let me make it clear from the outset, no one—not the President, not any Member of Congress—desires to see our men and women engaged in a fight in Iraq or anywhere unless it is absolutely necessary.

Our history shows that Americans do not seek war; we always are slow to anger. But we got plenty mad last year because of the horror we saw here at home. We now realize the danger is not just over there, as they said in World War I and World War II. Oh, no, it is here. One suicide bomber, with a weapon of mass destruction, is a threat to thousands, perhaps millions.

We are the only Nation in history, though, after having been involved in a war, a conflict, that has turned around and offered a helping hand to all the peoples of the world, including our enemies. We helped in Japan. We helped in Germany. We have done it over and over again.

There is no greater force for good than the United States of America. When our security and our people are threatened, we act swiftly and decisively. But what we want for everybody is opportunity and freedom and democracy—or to choose what they want if they don't want democracy; make that choice.

We want to be safe and secure here at home. That is what this is all about. We are good people, with attributes from our forefathers I am very proud of. But we are very serious about protecting our people at this critical time.

I will save the catalog of Saddam Hussein's crimes for another time, probably about the middle of next week. But today we begin the process of ensuring this violent and cruel man can no longer menace us, his neighbors, and his own people. It is up to us today to send a message to the world, and to America's friends—particularly the Prime Minister of Great Britain, who has shown great strength—that we do appreciate what they have done, and we thank them for their support and courage, and we are committed to stand with them to eliminate the threat this rogue regime poses to peace in the world.

Let there be no mistake either; the elimination of the Iraqi threat is essential if we are to win the war on terror. We know Saddam Hussein's ongoing relationship with the dark forces of international terrorism. Some people say: Show us a smoking gun. Well, there is a lot of smoke out there. We do know of a lot of things that are ongoing, and we will get into some greater discussion of that next week.

We know other evil regimes are looking to see if he, Saddam Hussein, can once again bluff his way out of trouble, thereby emboldening others to seek more deadly means to threaten the United States and the civilized world.

This has huge meaning. If we now go through the process of huffing and puffing and saying we are going to take action, and there are going to be inspections, and there is going to be the destruction of these weapons, and if not, we are prepared to do whatever is necessary, including using force, and we do not do it, the ramifications will be endlessly negative.

The President, answering his critics who decry so-called American unilateralism, has put the case before the world. For 11 years, Saddam Hussein has flaunted the will of the United Nations. He has amassed stockpiles of weapons of mass destruction. He has gassed his own people. He has shown blatant contempt for the rule of law and the United Nations.

If the United Nations is to be a force for peace, it must show it stands ready to meet this ongoing threat in the international community. If it does not, it will be consigned to the ash heap of history, as the League of Nations was before it—a grand idea unable to cope or confront evil dictators bent on the destruction of world peace.

I said at the outset this vote is the "end of the beginning." The Senate will rise to the occasion, as it has throughout its eventful history. As we engage in this momentous debate, let us ensure by its conclusion we will have set in motion "the beginning of the end" of Saddam Hussein and all for which he stands.

Now, I see Senator DASCHLE is in the Chamber. I thank him for his effort in this regard. We do not always agree. We have a lot of conversations people don't even know about to try to come to a fair agreement on how to proceed. We talk about process, and we still have a way to go. But here, in a few minutes, we will officially begin this debate, an important debate. Every Senator will have his or her chance to have their say.

I believe Senator DASCHLE has in mind a process most Senators will feel is fair—I hope all Senators. At the end of the day, in a reasonable period of time, we will get to a vote. But as we started, I thought it was important we express our appreciation for what has been done, and our reassurance to the American people and our colleagues we are going to ensure it be done in a respectful way, regardless of positions, but that it produces a result which is going to be good for America.

Madam President, may I inquire, is it anticipated this would be the last vote of the day but that we would continue in session as long as any Senator wishes to speak?

The PRESIDING OFFICER (Ms. CANTWELL). The majority leader.

Mr. DASCHLE. Responding to the distinguished Republican leader, the answer to that is, yes, this will be the final vote of the day. There will be no votes tomorrow, but we will be in session.

It is my hope and expectation that Senators will avail themselves of the opportunity to come to the floor to not necessarily debate the resolution but to express themselves on the resolutions. The Senate will be available for that purpose today, tomorrow, Monday, and we will have more to say with regard to the specific schedule, perhaps as early as tomorrow. This will be the final vote today.

The PRESIDING OFFICER. The majority leader.

DEBATE ON IRAQ RESOLUTION

Mr. DASCHLE. Madam President, I did not have the opportunity to hear all of the distinguished Republican leader's remarks, but I have a pretty good understanding of the tone of his statement and agree very much with what I did hear of his remarks.

Let me say I would pick up where he left off. I want very much for this debate to be respectful, to recognize our solemn obligation as Senators to debate, and our role in providing advice and consent on issues of this import. That will be what we set out to do over the course of the next several days.

In consultation with the Republican leader, I also had hoped we could have a prompt debate. That is also part of our motivation in bringing the resolution to the floor in the form of a cloture motion this afternoon.

There will be differences of opinion expressed, but there is no difference of opinion with regard to our ultimate goal. Our goal is to address the very understandable and serious concern shared not only by the administration but the American people that we have to address the threat that exists today in Iraq, the threat that it poses to us in a number of ways but especially with regard to weapons of mass destruction.

It is my hope that debate can begin in earnest today, that people can come to the floor to express themselves, to indicate their support and their proposals for ways in which we might address this issue through resolutions that will be offered over the course of the next several days.

I am confident that as we begin this debate, we will debate with every expectation that in spite of what differences exist, the similarities will be far greater than the differences; that ultimately we can come to some resolution that will bring about perhaps a broad bipartisan coalition in support of a resolution that authorizes this administration and our country to move forward.

There is a growing appreciation of the role of the United Nations. There is a growing appreciation of the role of, the international community. There is a recognition that the extent to which we work in and through the international community, as we did in 1991, we will do it again successfully today.

I come to the floor with an expectation that there will be an opportunity at some point for Senator LEVIN to introduce his resolution. We will have a debate and a vote on that resolution sometime next week. We would then lay down—perhaps simultaneously—the resolution that has been the subject of negotiations and discussions now with the administration over the course of the last couple of weeks. Agreement was reached with some members of leadership over the course of the last day or so. That certainly will be one of the primary vehicles we will address as we consider debate on this issue in the coming days.

I might suggest that it be used as the primary vehicle, although we have not entertained a unanimous consent request in that regard.

It is also my expectation that Senators BIDEN and LUGAR may have an amendment that they wish to offer that would go to some of the concerns they have with regard to the need for further clarity of that resolution. That may be the amendment that would be offered to the administration resolution at some point next week.

In the meantime, Senators are encouraged to come to the floor to express themselves in general or to express themselves with regard to any one of those specific resolutions or amendments to the resolution.

I would hope that at some point we could reach an agreement that we would have those three votes—a vote on the Levin resolution, a vote on the Biden-Lugar amendment to the administration resolution, and then ultimately a vote on the administration resolution itself.

As I said today, I am not prepared to propound it because we have not had enough opportunity to consult with colleagues on either side of the aisle. I have had many consultations with the distinguished Republican leader. It will be our intent to suggest that to our caucuses with the hope that we can put that framework in place as we debate this very important matter in the days ahead.

I encourage Senators to come to the floor today, tomorrow, Monday, and all next week as we hope to complete our work. My expectation is that we would complete our work on this resolution, on this set of issues relating to this resolution, sometime by midweek next week.

I know we are scheduled to have a vote at 4:15. That time has arrived.

I yield the floor.

AUTHORIZATION OF THE USE OF UNITED STATES ARMED FORCES AGAINST IRAQ—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to S.J. Res. 45, a joint resolution to authorize the use of U.S. forces against Iraq:

Harry Reid, Jeff Bingaman, Jean Carnahan, Daniel K. Inouye, Bill Nelson of Florida, Ben Nelson of Nebraska, Ernest F. Hollings, John Edwards, Tim Johnson, Joseph I. Lieberman, Herb Kohl, John Breaux, Joseph R. Biden, Jr., Max Baucus, Mary Landrieu, Tom Daschle.

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S.J. Res. 45, a joint resolution to authorize the use of U.S. forces against Iraq, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. HATCH) and the Senator from North Carolina (Mr. HELMS) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 95, nays 1, as follows:

[Rollcall Vote No. 230 Leg.]

YEAS—95

Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—1

Byrd

NOT VOTING—4

Akaka
Hatch
Helms
Inouye

The PRESIDING OFFICER. On this vote, the yeas are 95, the nays are 1. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2003

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.J. Res. 112, a 1-week continuing resolution, just received from the House, which is now at the desk.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The assistant legislative clerk read as follows:

> A joint resolution (H.J. Res. 112) making further continuing appropriations for the fiscal year 2003, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. REID. Mr. President, I ask unanimous consent that the joint resolution be read three times, passed, and the motion to reconsider be laid on the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 112) was read the third time and passed.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—S. 2766

Mr. HARKIN. Mr. President, as I will every day, I ask unanimous consent that the majority leader, after consultation with the Republican leader, turn to the consideration of S. 2766, the Labor, Health, Human Services, and Education appropriations bill.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. I did not quite catch the request. To clarify, this would set aside the homeland security bill? This would set aside the Iraqi resolution?

Mr. HARKIN. Yes. The appropriations bill for Labor, Health and Human Services, and Education passed the subcommittee unanimously, and passed the committee unanimously. We are now in a new fiscal year. Our schools out there need this help. Every day that we don't pass it means they are getting less money for special education, less money for teacher training, less money for title I to help, as a result of the bill we passed just a year ago, to leave no child behind. So I have asked unanimous consent that the leader turn to the consideration of S. 2766, the Labor, Health and Human Services, and Education appropriations bill.

Mr. NICKLES. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HARKIN. Mr. President, I, again, say I am sorry that we hear an objection from the other side. We are not doing much around here. Every day we sort of hang around and have a couple of cloture votes and that is about it. We could bring up this education bill.

As I said, it passed unanimously. That means both Republicans and Democrats supported this bill. It has money in it for Pell grants. We have a lot of middle-class kids going to college who are counting on these Pell grants. This bill had a $100 increase to help these middle-class kids go to college. Yet we are being denied the opportunity to get that $100 increase per year for the Pell grant.

We just passed a leave-no-child-behind bill last year. I ask Senators to go and talk to the principals in the schools. Where are the resources to back them up? Without the resources, a lot of children are going to be left behind.

So this bill has resources in it for title I—as I said, about $700 million. That is going to be denied to our public schools because the other side objected.

Special education—almost $1 billion is tied up because the other side objects to going to our appropriations bill.

I am sorry that the Republican whip has objected to bringing up this bill. But every day that we are here, I intend to ask unanimous consent to bring up the education funding bill.

This is our ticket out of the recession. It is our ticket to a better future. It is a ticket to a stronger America. We can't back off of our support for education.

I am sorry that we have gotten this objection on the Republican side. But, as I said, every day that we are here I will try to bring it up to get our education funding bill through.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

THE SENATE SCHEDULE

Mr. NICKLES. Mr. President, the Senate is not working. The Senator from Iowa is correct. The Senate is almost being dysfunctional when it comes to appropriations bills and the budget process. We haven't passed a budget. I could ask unanimous consent to bring up the budget.

This is the first time since 1974 that the Senate has not passed a budget. The Senate has not passed any appropriations bills and sent them to the President. I can't remember any time that at the beginning of the fiscal year we haven't sent one appropriations bill to the President. I fault the Senate because we haven't passed a budget. Therefore, we haven't worked out an agreement with the House on the total amount of money we are going to spend. The House has passed some appropriations bills because they have a budget, and we don't have a budget. So the Senate passes bills that are much higher than the House. They don't want to go to conference when the two numbers are not the same. Usually, if you have a budget, both the House and the Senate will at least be working with the same figures and it is much easier to reconcile and actually have a bill that would pass.

Also, I might mention that the President has already said he would veto a bill that would be in excess of what the House passed. We would be wasting our time in that respect.

I would love to take up more appropriations bills, but we haven't finished the appropriations bill that is pending before the Senate. Since we came back on, I believe, September 3, the day after Labor Day, the majority leader said we would do a dual track. We would take up the Interior appropriations bill in the morning and then we would take up the Department of Homeland Security in the afternoon. We would double track those. We didn't object. It took unanimous consent to do that. One would have thought we would have rapidly finished both bills. Unfortunately, we haven't finished one in the entire month of September when we usually do a lot of appropriations bills. We have not done one appropriations bill.

The Department of the Interior appropriations bill is still pending before the Senate. It is not up to the individual chairman of the subcommittee to advance this bill on the floor. It is up to the majority leader to move to consideration of the appropriations bill, and the majority leader did not do so—I would guess because we still had other items on the floor. The Department of the Interior appropriations bill should have taken 2 days. We have been on it for 4 weeks.

We have been stuck on an issue dealing with fire management. The State of South Dakota has an exemption. They have fire management that the majority leader was able to pass earlier to deal with cleaning up their forests so they do not have such a volatile fire situation in their forests. Many Senators wanted to do the same thing for their States. They have offered amendments to do so, and they have yet to get a vote on their amendments. I have stated repeatedly that they are entitled to a vote. That is on the Department of the Interior appropriations bill. Hopefully, we can vote on those amendments and finish the bill. We should be able to do that in no time. It should not take too long.

People should be able to offer amendments. If people don't like the amendment, they can object. It doesn't take too long to finish appropriations bills if the managers and the leaders are willing to vote to table the amendments and find out where the votes are. If you win, you win. If you lose, you lose. We are willing to do that.

We haven't finished the Department of the Interior appropriations bill, nor the homeland defense bill.

People say, let us add another bill to the equation. I disagree. We just voted on a cloture motion. We have had several cloture votes. I happen to disagree. Every time we turn around we are voting on cloture. I disagree with that.

I think we are trivializing the rules of the Senate. Cloture should be used to break a filibuster. There was no filibuster on the Department of Justice authorization bill. We had a cloture vote.

Some of us were hoping we could get some agreement on when we would have more votes on judges. We are disappointed in the fact that we have a lot of judges who were nominated a long time ago and who have yet to get a vote, and in many cases even a hearing in the Judiciary Committee. I spoke to that yesterday. I don't need to repeat it. But several outstanding nominees have not been voted on and in some cases have not even had a hearing before the Judiciary Committee. That bothers me because we are going to finish this Congress and these people have been waiting in some cases 1½ years and they are not going to get a vote.

John Roberts comes to mind. He was nominated on May 9. He has argued 35 cases before the Supreme Court and he didn't even get a hearing this year. He is eminently qualified. He is a former assistant solicitor general and he didn't even get a hearing this year.

I have been pushing and I hope maybe we will be successful in getting a vote on Michael McConnell this year. At least the committee has had a hearing on him. He is from Utah. He is from Senator HATCH's State. He was nominated by President Bush and is supported by Senator HATCH. The tradition of the Senate is that surely the ranking minority member of the Judiciary Committee is entitled to get a vote on his judge.

I have asked for the Judiciary Committee—and I hope it is not too late—to put Michael McConnell on the docket to be voted on next week. I hope they will. I understand he is not on it yet. I am going to encourage our colleagues to include him, as well as Dennis Shedd and others.

There is a lot of work to be done. Now we have a whole succession of people coming in asking to take up their bills. The majority leader has the right to move to whatever item is on the floor of the Senate. That is his prerogative. That is the prerogative of the majority leader, and I support maintaining that tradition. Obviously, we have others who are saying: Wait a minute. I want to take up my bill.

Labor-HHS has not passed because we haven't passed a budget. Other bills haven't passed because the Senate didn't pass a budget. Unfortunately, the majority leader never called the budget up to put it on the floor for a vote. It may well have been because he didn't have the votes.

But I know when Senator DOMENICI was chairman of the Budget Committee he had a difficult time. And every once in a while we went to the floor and fought lots of battles. We won some and we lost some. But we ended up with a budget resolution that we were able to work out with the House. We would pass a budget resolution, and it would be identical figures, total spending figures, between the House and the Senate. That enabled us to move forward on the appropriations bills. We did not get it done this year, so we have not passed appropriations bills.

I would also like to say I heard: Well, all these education accounts, they are being cut, cut, cut. That is not actually correct. I believe the correct statement would be: We are continuing appropriations. We just passed a continuing resolution for funding until next week, and that continues at last year's level—not an increase, not a decrease.

So I just mention that. I think people should understand we may be on a continuing resolution, unfortunately—because we have not done our work, because we have not passed a budget, because we have not passed appropriations bills—we may be on a continuing resolution for months, but that will not be a cut for anybody. It is basically going to be a continuation of funding levels at last month's, last year's level. I say that just for people's information, so they will not be saying: Well, this group is being cut or this group is being hurt, and so on. There may be some groups for which there would be pluses or minuses as to what they would have received compared to last year, but basically a continuing resolution says: Continue at last year's level. So I want to make sure that is noted as well.

IRAQ

Mr. NICKLES. Mr. President, the majority leader filed a cloture motion on the motion to proceed to the resolution dealing with Iraq. I happen to be proud of the fact the Senate has bipartisan support for this resolution.

The President has worked hard on it, as well as Senator LIEBERMAN, Senator WARNER, Senator MCCAIN, Senator BAYH, and others. I compliment them for that. I look forward to the debate. I think we can have a good debate.

We can pass a positive resolution that will reaffirm the United States in saying we believe the resolutions we supported and passed in the United Nations should be enforced. This body and the United Nations have passed several resolutions telling Iraq they must comply, and then not enforcing them, and we have done it year after year.

In 1998, we passed a resolution unanimously saying we should enforce the existing resolutions requiring Iraq to disarm. Unfortunately, that resolution was good on paper, but it was not enforced.

Now we have an administration that says they are willing to enforce it. I believe this Congress will stand behind President Bush in saying: Yes, we will give you the authorization to enforce it.

These resolutions mean something. We don't think it is acceptable to have a person with Saddam Hussein's known history of using weapons of mass destruction against his own people, and also invading his neighbors, and lobbing missiles against Israel and Saudi Arabia—it is not acceptable for him to be developing further these weapons of mass destruction. That is against the United Nations resolutions.

We are saying these resolutions mean something. Let's enforce them. We said that unanimously in 1998. It is going to be interesting to see if people want to weaken what we passed in 1998.

I hope our colleagues read President Clinton's statement he made in 1998 to the Pentagon that talked about the need for strong enforcement. That is not the same speech President Clinton made yesterday in London, unfortunately. And I am very disappointed in President Clinton's speech.

Former Presidents usually have a tradition to not undermine current administrations in foreign policy, certainly in foreign lands, and that is not what President Clinton did. President Clinton, in London, I think, made a speech that very much undermines the current administration, including the administration in London, in trying to develop an international coalition to stand up to Iraq and Saddam Hussein.

I mention that. I don't really like being critical of anyone or any administration, but for the former administration, which did not enforce the existing U.N. resolutions during their tenure, during their 8 years in office, did not pursue terrorists, including terrorists that were al-Qaida, who were directly responsible for blowing up two U.S. Embassies in Africa in 1998, and the USS *Cole* in the year 2000—when they did not go after the terrorists aggressively after those two terrorist attacks, did not enforce the U.N. resolutions, then to have President Clinton being critical of President Bush in

Great Britain I think is very demeaning to the office, and I am very regretful a former President would make such a statement.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent the Senate now proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONFIRMATION OF RONALD CLARK

Mr. LEAHY. Mr. President, last night, the Senate confirmed its 79th and 80th judicial nominees, and its 65th and 66th nominees to the Federal district courts since the change in Senate majority and reorganization of the Judiciary Committee less than 15 months ago. In so doing, we have confirmed more judicial nominees than were confirmed in the first 15 months of any of the past three Presidents, and more nominees than were confirmed in the last 30 months that a Republican majority controlled the Senate. We have done more in half the time. We have achieved what we said we would by treating President Bush's nominees more fairly and more expeditiously than President Clinton's nominees were treated.

Since the summer of 2001, we have held more hearings for more judicial nominees and more hearings for circuit court nominees than in any 15-month period of the six and one-half years in which Republicans last controlled the Committee. With our hearing last week, the Democratic-led Judiciary Committee has not held 25 hearings for 96 district and circuit court nominees. This is approximately double the pace at which the Republican majority considered President Clinton's nominees. The Judiciary Committee has likewise voted on more judicial nominees, 83, and on more circuit court nominees, 17, than in any comparable 15-month period of prior Republican control. In fact, Democrats have given votes to more judicial nominees and, in particular, to nominees to the Courts of Appeals, than in 1996 and 1997 combined, and than in 1999 and 2000 combined.

Last night, the Senate voted on the nomination of Ronald Clark to the United States District Court for the Eastern District of Texas. I was troubled by a number of aspects of Mr. Clark's background. Since 1997, Mr. Clark has been a Representative in the Texas State Legislature. His record as a State legislator is controversial, as he has taken positions that would, among other things, limit civil rights, consumer rights and women's reproductive rights. But he has never served as a judge, and he assured us that, as a judge, he would follow precedent and apply the law as written, without partisanship. I am hopeful that Mr. Clark will be a person of his word: that he will follow the law and not seek out opportunities to decide cases in accord with his private beliefs rather than his obligations as a judge.

The confirmation of Mr. Clark last night made the 28th nominee that we have confirmed to fill a judicial emergency vacancy since the change in Senate majority last year, and the 21st judicial emergency vacancy that we have filled this year. Despite Republican claims about a crisis in the courts, this Administration has failed to nominate people to ten seats that have been declared judicial emergencies, seven vacancies on the Courts of Appeals and three vacancies on the District Courts.

I would note that President Bush has nominated nine people to fill district court vacancies in Texas, and with yesterday's vote, we have already considered seven of them and confirmed six of them. Mr. Clark's confirmation made the 13th Texas nominee that we have confirmed and the second nominee that we confirmed to the District Court for the Eastern District. With his confirmation, there are no longer any vacancies on the district Court for the Eastern District of Texas. With our confirmations earlier this year of Randy Crane and Andrew Hanen to the District Court for the Southern District of Texas, we filled the remaining vacancies in that court as well. We have provided much needed help to the courts in Texas, which are facing large caseloads and some of the highest number of filings of criminal cases in the country.

Under Republican control of the Senate, three Texas judicial nominees never received hearings or votes. The Republican-led Senate failed to provide any hearings on nominees to the Court of Appeals for the Fifth Circuit, which includes Texas, in the six years of their majority during the Clinton Administration. Moreover, they delayed action or gave no hearings to a number of district court nominees.

It was not long ago when the Senate was under Republican control that it took 943 days to confirm Judge Hilda Tagle to the United States District Court for the Southern District of Texas. She as first nominated in August 1995, but not confirmed until march 1998. When the final vote came, she was confirmed by unanimous consent and without a single negative vote, after having been stalled for almost three years. I recall the nomination of Michael Schattman to a vacancy on the Northern District of Texas. He never got a hearing and was never acted upon, while his nomination languished for over two years. These are district court nominations that could have helped respond to increased filings in the trial courts if acted upon by the Senate over the last several years.

Yesterday's confirmation of Mr. Clark serves as another example of the Democrats' proven record of action and fairness on this President's judicial nominees. Even though Mr. Clark is a conservative Republican, as the Chairman of the Judiciary Committee, I voted to report him out of Committee and I voted to confirm him yesterday, based on his testimony before the Committee and his written word. Far from payback for Republican actions in the recent past, the Democratic-led Senate continues to take action notwithstanding those wrongs and to help solve a vacancy crisis created solely by the Republican obstruction and defeat of more than 50 of President Clinton's nominees.

Despite the right-wing and partisan din about blockades and obstructionism, Democrats are actually achieving almost twice as much as our Republican counterparts did to staff the Federal courts. But let me be clear. We would be even farther along if so many circuit court and district court nominees of the prior administration had not been purposely blocked and defeated, and if we received more timely reviews from the ABA, even a little cooperation from this unilateralist Administration and received the nominations of more moderate, mainstream judicial nominees.

CONFIRMATION OF JUDGE JAMES GARDNER

Mr. LEAHY. Mr. President, with last night's votes on two district court nominees, including Judge James Gardner to the United States District Court for the Eastern District of Pennsylvania, the Senate has confirmed its 79th and 80th new judges since the change in majority last summer. In less than 15 months, we have confirmed more judges than the Republican majority confirmed in its final 30 months in the majority. We have been more than twice as productive as they were and Republicans are nonetheless complaining that we have not worked three or four times as fast as they did to fill vacancies that their inaction perpetuated. Similarly, in less than 15 months of Democratic control of the Judiciary Committee, we have confirmed more judicial nominees than Republicans did in the first 2 full years they controlled the Senate in 1995 and 1996, combined, and we have confirmed more judges than Republicans allowed to be confirmed in 1999 and 2000 combined. We have been more fair and more expeditious regarding judicial nominations than Republicans were during their prior 6½ years of control of the Senate.

Last night's vote is another example. The Senate has acted quickly on this nomination to the District Court in Pennsylvania. Judge Gardner was nominated at the end of April, received an ABA peer review in July, participated in a hearing in August, was reported out of the Senate Judiciary Committee in September, and was confirmed last night. The Judiciary Committee has held hearings for 11 district court nominees from Pennsylvania and the Senate has now confirmed all 11 of them in just 6 months.

In addition, a Third Circuit nominee, Judge Brooks Smith of Pennsylvania, was also confirmed, although not without controversy based on his record. With the confirmation of 12 judges from Pennsylvania, there is no State that has had more Federal judicial nominees confirmed by this Senate than Pennsylvania. The Senate Judiciary committee and the Senate as a whole have done well by Pennsylvania. This is in sharp contrast to the way vacancies in Pennsylvania were left unfilled during Republican control of the Senate, particularly regarding nominees in the western half of the State.

Despite the best efforts and diligence of the senior Senator from Pennsylvania, Senator SPECTER, to secure confirmation of all of the judicial nominees from every part of his home State, there were seven nominees by President Clinton to Pennsylvania vacancies were never given a hearing or a vote.

A good example of the contrast between the way the Democrats and Republicans have treated judicial nominees is the case of Judge Legrome Davis, a well qualified and uncontroversial judicial nominee. He was first nominated to the Eastern District of Pennsylvania by President Clinton on July 30, 1998. The Republican-controlled Senate took no action on his nomination and it was returned to the President at the end of 1998. On January 26, 1999, President Clinton renominated Judge Davis for the same vacancy. The Senate again failed to hold a hearing for Judge Davis and his nomination was returned after 2 more years.

Under Republican leadership, Judge Davis' nomination languished before the Committee for 868 days without a hearing. Unfortunately, Judge Davis was subjected to the kind of inappropriate partisan rancor that befell so many other nominees to the district courts in Pennsylvania during the Republican control of the Senate. This year, the Democratic-led Senate moved expeditiously to consider Judge Davis, and he was confirmed in just 84 days. The saga of Judge Davis recalls for us so many nominees from the period of January 1995 through July 10, 2001, who never received a hearing or a vote and who were the subject of secret, anonymous holds by Republicans for reasons that were never explained.

In contrast, the hearing we had earlier this year for Judge Conti was the very first hearing on a nominee to the Western District of Pennsylvania since 1994, despite President Clinton's qualified nominees. It is shocking to me that this was the first hearing on a nominee to that court in 8 full years. No nominee to the Western District of Pennsylvania received a hearing during the entire period that Republicans controlled the Senate in the Clinton administration. In fact, one of the many nominees to the Western District, Lynette Norton, waited for almost 1,000 days, and she was never given the courtesy of a hearing or a vote. Unfortunately, Ms. Norton died earlier this year, having never fulfilled her dream of serving on the Federal bench. With the confirmation of Judge Conti earlier this year, we confirmed the first nominee to the Western District of Pennsylvania since October 1994.

Despite this history of poor treatment of President Clinton's nominees, the Democratic-led Senate continues to move forward fairly and expeditiously. Democrats have reformed the process for considering judicial nominees. For example, we have ended the practice of secretive, anonymous holds that plagued the period of Republican control, when any Republican Senator could hold any nominee from his or her home State, his or her own circuit or any part of the country for any reason, or no reason, without any accountability. We have returned to the Democratic tradition of regularly holding hearings, every few weeks, rather than going for months without a single hearing. In fact, we have held 25 judicial nominations hearings in the past 15 months, and we plan to hold our 26th judicial nomination hearing this coming Monday. We have held a confirmation hearing for judicial nominees every month since the Judiciary Committee was reorganized in July 2001, including two hearings during the August recess in 2001. In contrast, during the 6½ years of Republican control, there were 30 months in which Republicans held no hearings on judicial nominees.

By already holding 25 hearings for 96 of this President's judicial nominees in just 15 months, we have held hearings for more circuit and district court nominees than in 20 of the last 22 years during the Reagan, first Bush, and Clinton administrations.

While some complain that a handful of circuit court nominees have not yet had hearings, they fail to acknowledge that Democrats have held hearings for more of President Bush's circuit court nominees, 20, than in any of the 6½ years in which the Republicans controlled the Committee before the change in majority last summer. This is more nominees than received hearings in either of the first 2 years of the Clinton administration when the White House and the Senate were controlled by the same party. The fact that Democrats have treated this Republican President just as fairly as Democrats treated a President of their own party with regard to hearings for circuit court nominees is remarkable. Republicans have utterly failed to acknowledge this fairness. The myth of Democratic obstruction of judicial nominees fits the partisan Republican political strategy better than the truth.

The years of Republican inaction on a number of circuit court vacancies has made it possible for Democrats to have several "firsts" in addressing judicial vacancies. For example, we held the first hearing for a nominee to the Sixth Circuit in almost 5 years, that is more than one full presidential term, and confirmed her, even though three of President Clinton's nominees to the Sixth Circuit never received a hearing or a vote. One of those Clinton nominees waited more than 1,500 days and never received a hearing or a vote, up or down, by the Committee.

We held the first hearing on a Fifth Circuit nominee in 7 years, including the entire period of Republican control of the Senate, and confirmed her last year, while three of President Clinton's Fifth Circuit nominees never received hearings or votes on their nominations. We also held the first hearing on a Tenth Circuit nominee in 6 years, and we have confirmed two of President Bush's nominees to the Tenth Circuit, while two of President Clinton's nominees to that circuit never received hearings or votes.

With last night's confirmation of Judge Gardner, the 12th judicial nominee from Pennsylvania to be confirmed in just 15 months, in addition to the other 79 judicial nominees confirmed in this short period, the Democratic-led Senate has had a record-breaking year of progress and fairness in the judicial confirmation process.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred December 10, 2000 in Jacksonville, FL. Three white men, all 20 years old, assaulted a black man.

The victim was walking down the street when the three allegedly said, "There's one, let's get him" before running toward him. The assailants, who sources say met at a white supremacist rally, knocked the victim to the ground, then punched and kicked him.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

Mr. BINGAMAN. Mr. President, I rise today in strong support of the actions taken by the administration to create a viable international regime that stops trade in conflict diamonds, and I encourage the administration to increase their efforts to further expand this regime so it attains an effective and comprehensive level of coordination, certification, monitoring, and enforcement.

The Kimberley process has its origins in a decision by African countries to end trade in diamonds that fuel regional conflict but sustain trade in diamonds that create economic stability. This effort has been supported by a number of countries, non-governmental organizations, and the diamond industry. In March 2002, the principals concluded their last full session, and it is now the responsibility of the countries involved in this process to enact implementing legislation.

A number of Senators and I are currently engaged in discussions with the administration as to what this legislation would look like and what an appropriate vehicle for the legislation would be. I would like the legislation to be more expansive than the administration wants at this time, and I would like the legislation to directly address the problems related to certification and accountability mentioned in a recent GAO report. But that said, I believe the administration is negotiating in good faith, and that they want the same outcome in the end that I do. Thus I fully expect that we will find common ground for action in the next few days. I also fully expect that discussions will continue so we can find appropriate remedies on all the outstanding issues.

I traveled to Africa in August, and I know from my briefings there that trade in conflict diamonds is a despicable practice that must end. It is incredibly disturbing and sad that one of the most promising means to attain real economic growth and political stability in certain areas of Africa—the natural wealth represented by diamonds and the diamond industry—has instead become a deadly tool by which rebel movements can purchase weapons, maim and massacre civilians, destroy communities, overthrow governments, and perpetuate uncertainty. Of equal significance, there is increasing and incontrovertible evidence that funds from the illicit trade in conflict diamonds are being used by Al-Qaeda to finance terrorism. The problem of conflict diamonds must be confronted, it must be confronted now, and it must be confronted in a way that ends both the brutal violence that is pervasive in Africa and the possibility that conflict diamonds may fund terrorist activities in countries around the world.

In my view, it is incumbent on the United States to play an active and prominent role in creating a framework that ends trade in conflict diamonds. In my view, it is incumbent upon Congress to work with the administration to ensure that this effort occurs. I believe the Kimberley process should move more rapidly toward its stated goals and the more robust goals outlined by the United Nations. But I also understand that multilateral action will be essential for this regime to work, and that multilateral agreements take time to arrange. I am willing to be patient, but only with the understanding that people are dying in Africa at this time and we must help them soon. More delay means more suffering, and we all have to be cognizant of that as we contemplate solutions.

Thus I think it is essential to state on the floor of the Senate today that I stand solidly behind the ongoing effort to end trade in conflict diamonds, and I encourage the administration to continue its effort to create a strong international regime that will engender political stability and economic growth in Africa. I am ready to work intensively with my colleagues and the administration to this end.

I yield the floor.

IN RECOGNITION OF THE 100TH ANNIVERSARY OF 4-H

Mr. DOMENICI. Mr. President, I rise today to celebrate the 100th anniversary of 4-H in America. For 100 years in our great Nation, and since 1911 in New Mexico, 4-H has molded generations of involved citizens and leaders, providing an enduring contribution to the development of America's youth.

This organization, rooted in hands on learning, grew from the interest of seven boys from Doña Ana County in each planting a pound of seed corn they acquired from the New Mexico College of Agriculture and Mechanic Arts, now New Mexico State University. This 1911 experiment was the first of a growing number of activities of this kind in rural communities around the territory that led to the establishment of precursor 4-H clubs in schools, led by teachers. Local merchants, bankers and farmers began the organization's long history of community support by donating prize money, goods and expertise to the young peoples' activities. The 1912 State fair saw the first ever competition between 4-H club members, who earned premiums for prize-winning corn, kafir corn, milo, peanuts, bread and sewing.

Today, New Mexico 4-H boasts more than 50,000 members, part of the 6.4 million youth involved globally in what is the world's largest youth organization. Though 4-H maintains its rural and agricultural roots, its leadership development activities have shown even broader influence as the organization has adapted to changing times. I am proud of the unique and remarkable way New Mexico's 4-H clubs teach responsibility, decision-making, communication skills and citizenship, all key ingredients to purposeful lives and strong communities. Through hands-on experience, 4-Hers learn what it takes to follow a project through to completion, keep records, and make presentations to others about their work. Whether it is baking, showing or judging livestock at the fair, sewing or public speaking, club members are challenged to set and achieve goals, find creative solutions to problems, overcome obstacles along the way, and demonstrate their progress to others.

I would also like to take this opportunity to commend the parents and community leaders of 4-H. Those who donate time, expertise and assistance to 4-H are often alumni who appreciate the lessons they learned in their clubs, and this has created the legacy of involvement that makes the organization so strong after 100 years. The mentorship and wealth of experience these leaders provide produce the tangible results we see in exhibits at the fair and community projects. However, they also sow the seeds of confident leadership and citizenship that may not reach full bloom until later in a member's life. I am also extremely proud to continue supporting 4-H's Share/Care afterschool program and the Rio Arriba County Clover Club, which have proven invaluable in giving young people the chance to get involved in fun, educational activities instead of drugs.

The long, proud record of 4-H in New Mexico, the United States, and around the world is testimony to the enduring viability of this organization and its central values, firmly rooted in our hard-working rural and agricultural communities. I would like to take this opportunity to reaffirm the valuable contribution of 4-H's "head, heart, health and hands," to New Mexico's youth and the very fabric of our society. It is a great pleasure to celebrate the national centennial of 4-H, and I congratulate this organization on beginning another century of "making the best better."

THE ELDER JUSTICE ACT OF 2002

Mr. BURNS. Mr. President, I rise today to support a bipartisan bill to end the longstanding and pervasive problem of elder abuse, the Elder Justice Act of 2002. To care for the aging population in this Nation has been pushed aside for too long. This comprehensive measure centralizes the oversight of elder justice in one Federal office; all while listening to the differing needs of States and localities. To take proactive steps to prevent abuse from occurring, this bill calls for widespread training and maintenance of a national clearinghouse of information. This includes studies, statistics, and a broad review of State practices to ensure adequate protection of our aging population. This bill also deals with abuse after it has occurred, and significantly reforms the security, prosecution, and safe-havens available for seniors.

Most importantly, this bill sets an important precedent: the unspeakable and innumerable accounts of violence against seniors will finally have a long-overdue response from the U.S. Senate. Once again, I appreciate the work and leadership of Senators BREAUX and HATCH, and I am proud to join as a cosponsor of this legislation.

ADDITIONAL STATEMENTS

CONGRATULATIONS TO THE CALDWELL COUNTY FFA

• Mr. BUNNING. Mr. President, I rise today to honor and congratulate the Caldwell County High School Future Farmers of America, FFA, chapter.

The Caldwell chapter has been selected as one of 10 finalists in the country for student development and will compete to be one of three top Models of Innovation at the 75th National FFA Convention in Louisville, KY.

Across the Nation, FFA chapters are rated according to a star system. The Caldwell High School FFA chapter was one of only 103 FFA chapters across the entire United States to receive the highest rating of three stars. This was the first time this chapter ever achieved a three star rating.

All 122 FFA students at Caldwell County High School deserve special recognition for their hard work and innovative spirit. The agricultural industry today needs and deserves folks like the ones at Caldwell County High School. I am confident that this group of young men and women will help further transform the agricultural industry and take innovation to a new level.●

RECOGNIZING SPORTSMEN'S IMPACT ON OUR ECONOMY

• Mrs. LINCOLN. Mr. President, earlier this week I was proud to represent the Congressional Sportsmen's Caucus in a press conference to announce the results of the 2001 National Survey of Fishing, Hunting, and Wildlife Associated Recreation. This report confirms something that many of us have believed for some time, that hunting and fishing are an integral part of the fabric of this Nation and an essential part of our economy.

I was joined in this announcement by Secretary of the Interior Gale Norton; Director of the U.S. Fish and Wildlife Service Steve Williams; Melinda Gable with the Congressional Sportsmen's Foundation; Brent Manning with the International Association of Fish and Wildlife Agencies; Mike Nussman with the American Sportfishing Association; and Doug Painter with National Shooting Sports Foundation.

Hunting and fishing are an important part of people's lives in my home State of Arkansas and all around the country. It is an activity that brings friends and families together and the impressive statistics that the U.S. Fish and Wildlife Service is releasing today are hard for those of us in Congress to ignore. As an avid sportswoman myself, I understand first-hand the importance that should be placed on promoting and preserving our ability to hunt, fish, and pursue outdoor activities. In fact, one of my fondest memories is of sitting with my father, brother, and sisters in a duck blind as the sun rose over the Arkansas Delta. And now, I get the joy of taking my boys outdoors to go fishing and hunting.

I first joined the Congressional Sportsmen's Caucus because of my lifelong love of the outdoors and my commitment that as sportsmen, we have a duty to protect and provide for sustainable uses of America's renewable wildlife resources. And now as the cochair of the Congressional Sportsmen's Caucus, I, along with my colleagues, am working to enact legislation to provide ample resources to conserve wildlife and America's rich tradition of outdoor recreation.

Wildlife and our Nation's lands and waters are the foundation for our outdoor recreation as well as the ecosystems in which we survive. A perfect example of this is Arkansas' RICE, Rice Industry Caring for the Environment, project, where farmers voluntarily set aside 171,000 acres of farmland to provide for waterfowl habitat which in turn provides enormous environmental benefits.

The survey shows that last year over 1.4 million Arkansans and 38 million Americans went hunting, fishing, or wildlife watching. And that translated into over $1 billion to Arkansas' economy and a whopping $108 billion impact on this Nation's economy. It also shows that over 20,000 Arkansans and well over 1 million nationally are employed directly in hunting and fishing related businesses.

Those numbers show that hunting and fishing are not just worthwhile pastimes, they're big business, too.

On top of that, in 2001 Arkansas' sportsmen paid over $112 million in State and federal taxes. And nationwide, sportsmen paid in over $11.4 billion. That's $11.4 billion going to fund many of our most pressing national priorities such as our national defense, education, highway construction, and conservation programs.

We must continue to recognize the American sportsman's impact on this nation's economy and protect our outdoor legacy for future generations. And I look forward to continued work with my colleagues in the Senate to promote and preserve our ability to hunt, fish, and pursue outdoor activities.

I encourage each of my colleagues to take note of this survey's results and the direct impact of sportsmen and sportswomen on his or her State's economy.●

CONGRATULATIONS TO HUNT DOWNER

• Ms. LANDRIEU. Mr. President, I rise today to congratulate Hunt Downer of Houma, LA, for his Senate confirmation to the rank of Brigadier General in the Army National Guard. I have known General Downer for years, and I know he will make an excellent member of the general officer corps. Moreover, he will serve with great competence, skill, and leadership in the Louisiana Army National Guard.

General Hunt Downer epitomizes the Citizen Soldier and has dedicated his life to public service. Not only has Hunt had a long and successful career in the Louisiana National Guard, but Hunt has served in the Louisiana House of Representatives since 1975. During that time, he has always been an advocate for his constituents and the entire State of Louisiana. I served with Hunt in the House of Representatives, where I gained great respect for him. Moreover, he was respected by his peers because they chose him to serve as the Speaker of the House of Representatives. Despite the pressures on his time stemming from his commitments to the Louisiana National Guard and his duties as an elected official, Hunt also runs a successful legal practice in Houma, LA.

Most importantly, Hunt Downer has a wonderful family. I know they must be proud of Hunt. So today, I also want to congratulate Hunt's wife, Linda Lee, and his children, Mary and Blair.●

TRIBUTE TO DEBBIE FOWLER

• Mr. ALLARD. Mr. President, I would like to take a moment to recognize a woman who last week went to work like she does every day, but returned home as a hero.

Debbie Fowler serves at the Veterans Administration Medical Clinic in Colorado Springs as the Homeless Program Assistant. On Tuesday, September 24, Debbie made a call to a VA clinic in Arizona trying to locate some hospital records of a gentleman who had just checked into Debbie's place of work. Her phone call confirmed that the man who had just entered the clinic was wanted for at least 14 sexual assaults in Arizona, California, Oklahoma, and Nevada.

Knowing the type of criminal that was in her midst, Debbie was told by U.S. Marshals over the telephone to keep him in the clinic. With remarkable poise, Ms. Fowler was able to persuade the man to stay. Local police soon arrived at the clinic and apprehended the man, and commended Debbie for a job well done. Families of the victims have called Debbie a hero for what she did, and I concur. Although this women humbly declined that title, I would like to thank Ms. Fowler for her efforts and her bravery.•

IN CELEBRATION OF THE CITY OF MOUNTAIN VIEW'S 100TH ANNIVERSARY

• Mrs. BOXER. Mr. President, I wish to take this opportunity to recognize the 100th Anniversary of the city of Mountain View in my home State of California.

The city of Mountain View began as a stagecoach stop and agricultural center for the Santa Clara Valley. Like other areas in the Santa Clara Valley, Mountain View was once filled with bountiful orchards and vineyards. When Mountain View was incorporated as a city in 1902, there were fewer than one thousand residents living there; today there are 72,200. The population grew after World War II alongside the electronic and aerospace industries. Today, Mountain View is located in the heart of California's Silicon Valley, the technology capital of the world. From orchard and vineyard country to high tech mecca, Mountain View has been part of the rich history of California.

Mountain View combines innovative development efforts with a commitment to strong and diverse neighborhoods and resident involvement. In recent years, Mountain View has received three awards for outstanding city planning, including two at the national level. The American Planning Association, APA, gave Mountain View the "Outstanding Planning Award for Implementation" in honor of the city's Integrated Transit Oriented Development. Mountain View received a wonderful honor when these transit projects were selected to be part of a special exhibit at the Winter Olympics. The exhibit highlighted state-of-the-art architecture, urban design and transportation projects from cities throughout the world. And California's Local Government Commission awarded Mountain View the 2001–2002 Ahwahnee Award Certificate of Merit for Integrated Transit Oriented Development that "reflects the continued evolution toward more livable and sustainable communities."

I am delighted that Mountain View has been recognized around the nation as an outstanding place to live. While the city receives national attention, it also has been recognized around the San Francisco Bay Area for a wide array of neighborhood parks, the Shoreline at Mountain View regional park created from reclaimed landfill, a civic center that includes the Mountain View Center for the Performing Arts, a state-of-the-art library and the Shoreline Amphitheatre. Mountain View's community pride is also evident by the locally organized neighborhood associations that exist to address resident needs. This local pride is one of the things that makes this city such a California treasure.

I am thrilled that the city of Mountain View, its local government and its residents maintain such a strong community spirit while its high-tech companies provide new products to change the way we live. The city's mission statement, to "provide quality services and facilities that meet the needs of a caring and diverse community in a financially responsible manner," could not be more appropriate. I hope the people of Mountain View enjoy this community-wide centennial celebration, and I wish them another 100 years of success.•

MESSAGES FROM THE HOUSE

At 1:27 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 112. A joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 476. Concurrent resolution expressing support for the goals and ideas of a day of tribute to all firefighters who have died in the line of duty and recognizing the important mission of the National Fallen Firefighters Foundation in assisting family members to overcome the loss of their fallen heroes.

At 4:57 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 4628) to authorize appropriations for fiscal year 2003 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as managers of the conference on the part of the House: From the Permanent Select Committee on Intelligence, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. GOSS, Mr. BEREUTER, Mr. CASTLE, Mr. BOEHLERT, Mr. GIBBONS, Mr. LAHOOD, Mr. CUNNINGHAM, Mr. HOEKSTRA, Mr. BURR of North Carolina, Mr. CHAMBLISS, Mr. EVERETT, Ms. PELOSI, Mr. BISHOP, Ms. HARMAN, Mr. CONDIT, Mr. ROEMER, Mr. REYES, Mr. BOSWELL, Mr. PETERSON of Minnesota, and Mr. CRAMER. From the Committee on Armed Services, for consideration of defense tactical intelligence and related activities: Mr. STUMP, Mr. HUNTER, and Mr. SKELTON.

The message also announced that the Speaker appoints the following Member as an additional conferee in the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4) to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people, and for other purposes:

From the Committee on Resources, from consideration of the House bill and the Senate amendment, and modifications committed to conference.

ENROLLED JOINT RESOLUTION SIGNED

At 5:42 p.m., a message from the House of Representatives, delivered by one of its clerks, announced that the Speaker has signed the following enrolled bill:

H.J. Res. 112. A joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

The enrolled joint resolution was signed subsequently by the President pro tempore (Mr. BYRD).

MEASURES PLACED ON THE CALENDAR

The following bills and joint resolution were read the second time, and placed on the calendar:

H.R. 3534. An act to provide for the settlement of certain land claims of Cherokee, Choctaw, and Chickasaw Nations to the Arkansas Riverbed in Oklahoma.

H.R. 4793. An act to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases.

S.J. Res. 46. Joint resolution to authorize the use of United States Armed Forces against Iraq.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2608: A bill to amend the Coastal Zone Management Act of 1972 to authorize the acquisition of coastal areas in order better to ensure their protection from conversion or development. (Rept. No. 107–296).

By Mr. INOUYE, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 958: A bill to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326–A–1, 326–A–3, 326–K, and for other purposes. (Rept. No. 107–297).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DASCHLE (for himself and Mr. JOHNSON):

S. 3036. A bill to establish a commission to assess the performance of the civil works functions of the Secretary of the Army; to the Committee on Environment and Public Works.

By Mr. JEFFORDS:

S. 3037. A bill to amend the Federal Water Pollution Control Act to improve protection of treatment works from terrorists and other harmful intentional acts, and for other purposes; to the Committee on Environment and Public Works.

By Mr. JEFFORDS (for himself and Mr. SMITH of New Hampshire):

S. 3038. A bill to amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species; to the Committee on Environment and Public Works.

By Mr. WYDEN:

S. 3039. A bill to designate certain conduct by sports agents relating to the signing of contracts with student athletes as unfair and deceptive acts or practices to be regulated by the Federal Trade Commission; to the Committee on Commerce, Science, and Transportation.

By Mr. KENNEDY (for himself and Mr. KERRY):

S. 3040. A bill to direct the Secretary of the Interior to conduct a study on the suitability and feasibility of designating certain historic buildings and areas in Taunton, Massachusetts, as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH:

S. 3041. A bill to require the Secretary of Health and Human Services to conduct a study and submit a report to Congress on new technology payments under the Medicare prospective payment system for hospital outpatient department services; to the Committee on Finance.

By Mr. HATCH:

S. 3042. A bill to provide for the recognition of new medical technologies under the medicare inpatient hospital prospective payment system; to the Committee on Finance.

By Mr. HATCH:

S. 3043. A bill to provide for an extension of the social health maintenance organization (SHMO) demonstration project; to the Committee on Finance.

By Mr. DURBIN (for himself and Mr. VOINOVICH):

S. 3044. A bill to authorize the Court Services and Offender Supervision Agency of the District of Columbia to provide for the interstate supervision of offenders on parole, probation, and supervised release; to the Committee on Governmental Affairs.

By Mrs. CLINTON (for herself and Mr. SCHUMER):

S. 3045. A bill to amend the Federal Water Pollution Control Act to provide for the protection and enhancement of the environmental integrity and the social and economic benefits of the Finger Lakes Region in the State of New York; to the Committee on Environment and Public Works.

By Mr. CRAIG:

S. 3046. A bill to provide for the conveyance of Federal land in Sandpoint, Idaho, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CRAIG:

S. 3047. A bill to authorize the Secretary of Agriculture to sell or exchange all or part of certain parcels of National Forest System land in the State of Idaho and use the proceeds derived from the sale or exchange for National Forest System purposes; to the Committee on Energy and Natural Resources.

By Mr. FRIST (for himself, Mr. KENNEDY, Mr. ENZI, Mr. JOHNSON, Mrs. MURRAY, Mrs. CLINTON, and Mr. ROBERTS):

S. 3048. A bill to amend the Public Health Service Act to add requirements regarding trauma care, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALLEN:

S. 3049. A bill to prohibit the Administrator of the Environmental Protection Agency from issuing or renewing certain national pollutant discharge elimination system permits; to the Committee on Environment and Public Works.

By Mr. HATCH:

S. 3050. A bill to provide multiparty, multiform jurisdiction of district courts, and for other purposes; to the Committee on the Judiciary.

By Mr. HATCH:

S. 3051. A bill to extend H–1B status for aliens with lengthy adjudications; to the Committee on the Judiciary.

By Mr. HATCH:

S. 3052. A bill to increase scholarship assistance under the Police Corps program, and for other purposes; to the Committee on the Judiciary.

By Mr. HATCH:

S. 3053. A bill to provide immigration benefits, and for other purposes; to the Committee on the Judiciary.

By Mr. LIEBERMAN (for himself, Mr. FEINGOLD, Mr. DURBIN , Mr. KENNEDY, Mr. JEFFORDS, and Mr. SCHUMER):

S. 3054. A bill to provide for full voting representation in Congress for the citizens of the District of Columbia, and for other purposes; to the Committee on Governmental Affairs.

By Mrs. CLINTON (for herself and Mr. SCHUMER):

S. 3055. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to modify the terms of the community disaster loan program, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CORZINE (for himself and Mr. DEWINE):

S. 3056. A bill to amend title 23, United States Code, to increase penalties for individuals who operate motor vehicles while intoxicated or under the influence of alcohol; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. NELSON of Florida:

S. Con. Res. 149. A concurrent resolution recognizing the teams and players of the Negro Baseball Leagues for their achievements, dedication, sacrifices, and contributions to baseball and the Nation; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 582

At the request of Mr. GRAHAM, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 582, a bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the medicaid and State children's health insurance program.

S. 724

At the request of Mr. BOND, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 724, a bill to amend title XXI of the Social Security Act to provide for coverage of pregnancy-related assistance for targeted low-income pregnant women.

S. 917

At the request of Ms. COLLINS, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Illinois (Mr. FITZGERALD) were added as cosponsors of S. 917, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 1226

At the request of Mr. CAMPBELL, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1226, a bill to require the display of the POW/MIA flag at the World War II Memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial.

S. 1739

At the request of Mr. CLELAND, the names of the Senator from Maine (Ms. SNOWE) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1739, a bill to authorize grants to improve security on over-the-road buses.

S. 2488

At the request of Mr. BROWNBACK, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2488, a bill to establish a commission to conduct a comprehensive review of Federal agencies and programs and to recommend the elimination or realignment of duplicative, wasteful, or outdated functions, and for other purposes.

S. 2596

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2596, a bill to amend the Internal Revenue Code of 1986 to extend the financing of the Superfund.

S. 2750

At the request of Mr. CONRAD, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2750, a bill to improve the provision of telehealth services under the medicare program, to provide grants for the development of telehealth networks, and for other purposes.

S. 2776

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2776, a bill to provide for the protection of archaeological sites in the Galisteo Basin in New Mexico, and for other purposes.

S. 2826

At the request of Mr. REID, his name was added as a cosponsor of S. 2826, a bill to improve the national instant criminal background check system, and for other purposes.

S. 2844

At the request of Mr. ROCKEFELLER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2844, a bill to amend the Internal Revenue Code of 1986 to provide a tax incentive to individuals teaching in elementary and secondary schools located in rural or high unemployment areas and to individuals who achieve certification from the National Board for Professional Teaching Standards, and for other purposes.

S. 2869

At the request of Mr. KERRY, the names of the Senator from Ohio (Mr. DEWINE), the Senator from Utah (Mr. HATCH) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 2869, a bill to facilitate the ability of certain spectrum auction winners to pursue alternative measures required in the public interest to meet the needs of wireless telecommunications consumers.

S. 2933

At the request of Mr. BREAUX, the name of the Senator from Nebraska (Mr. NELSON) was withdrawn as a cosponsor of S. 2933, a bill to promote elder justice, and for other purposes.

S. 2933

At the request of Mr. BREAUX, the names of the Senator from Florida (Mr. NELSON) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 2933, supra.

S. 2943

At the request of Mr. FEINGOLD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2943, a bill to amend title 9, United States Code, to provide for greater fairness in the arbitration process relating to livestock and poultry contracts.

S. 2968

At the request of Mr. SARBANES, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2968, a bill to amend the American Battlefield Protection Act of 1996 to authorize the Secretary of the Interior to establish a battlefield acquisition grant program.

S. 3009

At the request of Mr. WELLSTONE, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 3009, a bill to provide economic security for America's workers.

S. 3012

At the request of Mr. DODD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 3012, a bill to amend the Internal Revenue Code of 1986 to exclude from income and employment taxes and wage withholding property tax rebates and other benefits provided to volunteer firefighters and emergency medical responders.

S. 3016

At the request of Mr. DASCHLE, the names of the Senator from Oregon (Mr. SMITH), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 3016, a bill to amend the Farm Security and Rural Investment Act of 2002 to require the Secretary of Agriculture to establish research, extension, and educational programs to implement biobased energy technologies, products, and economic diversification in rural areas of the United States.

S.J. RES. 46

At the request of Mr. LIEBERMAN, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. J. Res. 46, a joint resolution to authorize the use of United States Armed Forces against Iraq.

S. RES. 307

At the request of Mr. TORRICELLI, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. Res. 307, a resolution reaffirming support of the Convention on the Prevention and Punishment of the Crime of Genocide and anticipating the commemoration of the 15th anniversary of the enactment of the Genocide Convention Implementation Act of 1987 (the Proxmire Act) on November 4, 2003.

S. CON. RES. 142

At the request of Mr. SMITH of Oregon, the names of the Senator from Illinois (Mr. FITZGERALD), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Virginia (Mr. ALLEN) and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. Con. Res. 142, a concurrent resolution expressing support for the goals and ideas of a day of tribute to all firefighters who have died in the line of duty and recognizing the important mission of the Fallen Firefighters Foundation in assisting family members to overcome the loss of their fallen heroes.

S. CON. RES. 147

At the request of Mr. BURNS, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. Con. Res. 147, a concurrent resolution encouraging improved cooperation with Russia on energy development issues.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE (for himself and Mr. JOHNSON):

S. 3036. A bill to establish a commission to assess the performance of the civil works functions of the Secretary of the Army; to the Committee on Environment and Public Works.

Mr. DASCHLE. Mr. President, today I am introducing, with my colleagues Senator JOHNSON, legislation to investigate and hopefully change the culture of disregard for environmental values that infects the Corps of Engineers' management of America's great rivers. My own experiences in South Dakota and my discussions with many of my constituents and others around the Nation have led me to conclude that protecting the future health of our Nation's waterways demands that Congress consider relieving the Corps of its current river management responsibilities.

For the last decade, I have watched as the Corps has steadfastly refused to change its management of the Missouri River to reflect the environmental and economic needs of the 21st century. The agency's refusal to change the management of the river will further jeopardize endangered species, drive river-dependent businesses into bankruptcy, and lead to further erosion of Native American burial and cultural sites along its banks. As a Senator from South Dakota and as a citizen of that State who enjoys hunting and fishing along the Missouri, I share the sense of betrayal that so many upstream residents feel watching the Corps' management slowly degrade this once thriving river.

Last spring, just when sport fish were spawning and the State was facing its worst drought in decades, the Corps began to drain the reservoirs to provide water for navigation downstream. This prompted lawsuits by South Dakota, North Dakota, and Montana to force the Corps to bring common-sense management to the river. Since then, boat ramps have become unusable, while some river-based businesses have lost tens of thousands of dollars.

There is no legitimate reason for further delay in reforming management of the Missouri River. For more than a decade, the Corps has spent millions of dollars revising its operating plan for water flows on the Missouri River, the Master Manual. An overwhelming amount of scientific and technical data all point to the same conclusions: the management of the river should more closely mimic the natural flow regime. Flows should be higher in the spring, and lower in the summer, just as they nature. Yet in June, the Corps indefinitely delayed the release of the new Master Manual due to pressure from the White House.

The mismanagement of the Missouri River is illustrative of a larger problem. For example, a study of proposed upper-Mississippi lock expansion has to be retooled after the Corps whistle blower showed that the study was rigged to provide an economic justification for that billion-dollar project. A broad pattern of disregard by the Corps for environmental priorities throughout the nation's waterways is now evident. In addition, the corps has been shown time and again its unwillingness to work effectively with members of the public, States, tribes, or stakeholders to resolve ongoing challenges.

Indeed, more than ever, the Corps appears mired in the past, incapable of assimilating new scienfic and economic information into its management scheme, and, consequently, failing the people and wildlife that depend on the sound stewardship of Ameria's rivers. The time has come to ask tough questions about the institutional barriers within the Corps, and the influence of special interests, that prevent it from effectively meeting the Nation's river management needs. The time has come to ask whether those responsibilities are better left to others. This ongoing situation presents a compelling case for a thorough, independent review of the agency's operations and management, and for serious reform. Indeed, many of my Senate colleagues have introduced legislation to accomplish certain reforms, and I, along with others have made it clear that we will fight any effort to pass additional authorizations unless they are accompanied by serious, meaningful Corps reform.

Our Nation needs a river management program that is environmentally and economically sound. History does not offer much room for confidence that the Army Corps of Engineers can meet this standard under its current management structure. The management of the Missouri River, the Mississippi River, and other major waterways presents a compelling case for a thorough, independent review of the agency's operations and management, and for serious reform.

I am introducing legislation today to establish an independent Corps of Engineers River Stewardship Investigation and Review Commission. The commission will take a hard and systematic look at the agency's stewardship of our Nation's rivers and make recommendations to Congress on needed reforms. It will examine a number of issues, including Corps compliance with environmental and Indian cultural resource protection laws; the quality and objectivity of the agency's scientific and economic analysis, the Corps' cooperation with Federal agencies, States, and tribes; whether congress needs to amend river planning laws and regulations; and, ultimately, whether the Corps' river management responsibilities should be transferred to a federal civilian agency.

I urge my colleagues to review this legislation.

It is my hope that all those who care about the mission of preserving our Nation's waterways will support this effort to identify and implement whatever reforms are necessary to fulfill that mission. I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3036

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Corps of Engineers River Stewardship Independent Investigation and Review Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term "Commission" means the Corps of Engineers River Stewardship Independent Investigation and Review Commission established under section 3(a).

(2) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(3) SESSION DAY.—The term "session day" means a day on which both Houses of Congress are in session.

SEC. 3. ESTABLISHMENT OF COMMISSION.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the President shall establish a commission to be known as the "Corps of Engineers River Stewardship Independent Investigation and Review Commission".

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of not to exceed 22 members, and shall include—

(A) individuals appointed by the President to represent—

(i) the Department of the Army;

(ii) the Department of the Interior;

(iii) the Department of Justice;

(iv) environmental interests;

(v) hydropower interests;

(vi) flood control interests;

(vii) recreational interests;

(viii) navigation interests;

(ix) the Council on Environmental Quality; and

(x) such other affected interests as are determined by the President to be appropriate;

(B) 6 governors from States representing different regions of the United States, as determined by the President; and

(C) 6 representatives of Indian tribes representing different regions of the United States, as determined by the President.

(2) DATE OF APPOINTMENTS.—The appointment of a member of the Commission shall be made not later than 180 days after the date of enactment of this Act.

(c) TERM; VACANCIES.—

(1) TERM.—A member shall be appointed for the life of the Commission.

(2) VACANCIES.—A vacancy on the Commission—

(A) shall not affect the powers of the Commission; and

(B) shall be filled in the same manner as the original appointment was made.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(e) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRPERSON AND VICE CHAIRPERSON.—

(1) IN GENERAL.—The President shall select a Chairperson and Vice Chairperson from among the members of the Commission.

(2) NO CORPS REPRESENTATIVE.—The Chairperson and the Vice Chairperson shall not be representatives of the Department of the Army (including the Corps of Engineers).

SEC. 4. INVESTIGATION OF CORPS OF ENGINEERS.

Not later than 2 years after the date of enactment of this Act, the Commission shall complete an investigation and submit to Congress a report on the management of rivers in the United States by the Corps of Engineers, with emphasis on—

(1) compliance with environmental laws in the design and operation of river management projects, including—

(A) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) compliance with the cultural resource laws that protect Native American graves, traditional cultural properties, and Native American sacred sites in the design and operation of river management projects, including—

(A) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(B) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.);

(C) the Native American Graves Protection Act and Repatriation Act (25 U.S.C. 3001 et seq.);

(D) Executive Order 13007 (61 Fed. Reg. 26771; relating to Indian sacred sites);

(E) identification of opportunities for developing tribal cooperative management agreements for erosion control, habitat restoration, cultural resource protection, and enforcement;

(F) review of policy and guidance regarding nondisclosure of sensitive information on the character, nature, and location of traditional cultural properties and sacred sites; and

(G) review of the effectiveness of government-to-government consultation by the Corps of Engineers with Indian tribes and members of Indian tribes in cases in which the river management functions and activities of the Corps affect Indian land and Native American natural and cultural resources;

(3) the quality and objectivity of scientific, environmental, and economic analyses by the Corps of Engineers, including the use of independent reviewers of analyses performed by the Corps;

(4) the extent of coordination and cooperation by the Corps of Engineers with Federal and State agencies (such as the United States Fish and Wildlife Service) and Indian tribes in designing and implementing river management projects;

(5) the extent to which river management studies conducted by the Corps of Engineers fairly and effectively balance the goals of public and private interests, such as wildlife, recreation, navigation, and hydropower interests;

(6) whether river management studies conducted by the Corps of Engineers should be subject to independent review;

(7) whether river planning laws (including regulations) should be amended; and

(8) whether the river management functions of the Corps of Engineers should be transferred from the Department of the Army to a Federal civilian agency.

SEC. 5. POWERS.

(a) Hearings.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act.

(b) Information From Federal Agencies.—

(1) In general.—The Commission may secure directly from a Federal department or agency such information as the Commission considers necessary to carry out this Act.

(2) Provision of information.—On request of the Chairperson of the Commission, the head of the department or agency shall provide the information to the Commission.

(c) Postal Services.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) Gifts.—The Commission may accept, use, and dispose of gifts or donations of services or personal property.

SEC. 6. COMMISSION PERSONNEL MATTERS.

(a) Compensation of Members.—

(1) Non-federal employees.—A member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(2) Federal employees.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(b) Travel Expenses.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(c) Staff.—

(1) In general.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(2) Confirmation of executive director.—The employment of an executive director shall be subject to confirmation by the Commission.

(3) Compensation.—

(A) In general.—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) Maximum rate of pay.—The rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(d) Detail of Federal Government Employees.—

(1) In general.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(2) Civil service status.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(e) Procurement of Temporary and Intermittent Services.—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $5,000,000 for each of fiscal years 2003 through 2005, to remain available until expended.

SEC. 8. TERMINATION OF COMMISSION.

The Commission shall terminate on the date on which the Commission submits the report to Congress under section 4(a).

By Mr. JEFFORDS:

S. 3037. A bill to amend the Federal Water Pollution Control Act to improve protection of treatment works from terrorists and other harmful intentional acts, and for other purposes; to the Committee on Environment and Public Works.

Mr. JEFFORDS. Mr. President, I rise today to introduce the Wastewater Treatment Works Security Safety Act. This legislation provides for the safety and security of our Nation's wastewater treatment works by providing needed funds to conduct vulnerability assessments and implement security improvements. In addition, this bill will ensure long-term safety and security by providing funds for researching innovative technologies and enhancing proven vulnerability assessment tools already in use.

Since the terrible events of September 11, we have taken several comprehensive steps to protect our water supplies and infrastructure. Almost a year ago, I spoke on the many initiatives taking place in the Committee on Environment and Public Works and at the Environmental Protection Agency. I am pleased to say that we have made some progress.

EPA worked with State and local governments to expeditiously provide guidance on the protection of drinking water facilities from terrorist attacks. Based on the recommendations of Presidential Decision Directive 63, issued by President Clinton in 1998, the Environmental Protection Agency and its industry partner, the Association of Metropolitan Water Agencies, established a communications system, a water infrastructure Information Sharing and Analysis Center, designed to provide real-time threat assessment data to water utilities throughout the nation.

Earlier this year, Senator SMITH and I worked to include the authorization of $160 million for vulnerability assessments at drinking water facilities as part of the Bioterrorism bill. Despite our advocacy during the conference, we were unable to include a provision in that bill for wastewater facilities due to jurisdictional issues in the House.

While these initial efforts are essential, our task is by no means finished. We cannot forget the vital importance of protecting our Nation's wastewater facilities. Everyday we take for granted the hundreds of thousands of miles of pipes buried under ground and the thousands of wastewater treatment works that keep our water clean and safe. But, like all our Nation's critical infrastructure, the disruption or destruction of these structures could have a devastating impact on public safety and health.

The legislation I am introducing today will take us one step further by authorizing support of ongoing efforts to develop and implement vulnerability assessments and emergency response plans at wastewater facilities.

Using existing tools such as the Sandi Laboratory's vulnerability assessment tool or the Association of Metropolitan Sewerage Association's Vulnerability Self-Assessment Tool, treatment works will be able to securely identify critical areas of need. With the funds provided by this bill, EPA will also ensure that treatment works remedy areas of concerns. Using the results of the vulnerability assessment, treatment works will develop or revise emergency response plans to minimize damage if an attack were to occur.

This bill authorizes $185 million for fiscal years 2003 through 2007 for grants to conduct the vulnerability assessments and implement basic security enhancements. The bill also recognizes the need to address immediate and urgent security needs with a special $20 million authorization over 2003 and 2004.

In my home State of Vermont, we have only three towns of over 25,000 people. The small water facilities serving these communities have been particularly challenged to meet today's new homeland security challenges.

Many times, water managers operate the town's water facilities as a part-time job or even as a free service. We must ensure that they are afforded the same consideration under this act as the medium and large facilities. This bill authorizes $15 million for grants to help small communities conduct vulnerability assessments, develop emergency response plans, and address potential threats to the treatment works. It also instructs the Administrator of the EPA to provide guidance to these communities on how to effectively use these security tools.

To ensure the continued development of wastewater security technologies, the Wastewater Treatment Works Security and Safety Act authorizes $15 million for research for 2003 and 2007. It also provides $500,000 to refine vulnerability self-assessment tools already in existence.

I am proud to say that the Association of Metropolitan Sewerage Agencies has endorsed the Wastewater Treatment Works Security Act. AMSA represents our nation's wastewater treatment works serving large cities. They have been an invaluable partner in the drafting of this bill, and I thank them sincerely for their support. I ask unanimous consent that their letter of support be entered into the RECORD.

I look forward to working with my colleagues on this legislation and other efforts to enhance the security of our Nation's water infrastructure in the weeks, months, and years to come. We truly have something to protect—clean, safe, fresh water is worth our investment.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ASSOCIATION OF METROPOLITAN SEWERAGE AGENCIES,
Washington, DC, October 1, 2002.

Hon. JAMES JEFFORDS,
Chairman, Environment and Public Works Committee, U.S. Senate, Senate Hart Office Building, Washington, DC.

DEAR SENATOR JEFFORDS: The Association of Metropolitan Sewerage Agencies (AMSA) thanks you for the timely introduction of the Wastewater Treatment Works Security and Safety Act. This legislation marks a critical step toward ensuring the safe, uninterrupted operation of the nation's vital wastewater infrastructure. AMSA will be working throughout the closing days of the 107th Congress to secure the passage of this important legislation.

Of critical importance to AMSA member utilities is the $200 million this bill provides to assess vulnerabilities and enhance security at the nation's more than 16,000 public wastewater treatment works. AMSA also believes that the bill's $2.5 million to develop and distribute vulnerability assessment software upgrades will play a key role in ongoing security improvements. AMSA, in coordination with EPA, has developed a vulnerability self assessment tool (VSAT™) for wastewater utilities in the wake of the terrorist attacks of September 11, 2001. To this end, the $2.5 million provides much-needed support to continue and improve this important initiative.

The Wastewater Treatment Works Security and Safety Act comes at a pivotal juncture for communities struggling to secure their critical wastewater infrastructure while tackling shrinking municipal budgets. AMSA applauds your commitment to addressing municipal security needs for making your staff accessible throughout the drafting of this important legislation. AMSA looks forward to working with you, your staff and other members of the Senate and House of Representatives to ensure the passage of this legislation before Congress adjourns this year.

Sincerely,

KEN KIRK,
Executive Director.

By Mr. JEFFORDS (for himself and Mr. SMITH of New Hampshire):

S. 3038. A bill to amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species; to the Committee on Environment and Public Works.

Mr. JEFFORDS. Mr. President I rise today with Senator SMITH of New Hampshire to introduce the Captive Wildlife Safety Act, a firm commitment to protect public safety and the welfare of wild cats that are increasingly being kept as pets.

Current figures estimate that there are more than 5,000 tigers in captivity in the United States. In fact, there are more tigers in captivity in the United States than there are in native habitats throughout the range in Asia. While some tigers are kept in zoos, most of these animals are kept as pets, living in cages behind someone's house, in a State that does not restrict private ownership of dangerous animals. Tigers are not the only animals sought as exotic pets. Today there are more than 1,000 web sites that specialize in the trade of lions, cougars, and leopards to promote them as domestic pets.

Untrained owners are simply not capable of meeting the needs of these animals. Local veterinarians, animal shelters, and local governments are ill equipped to meet the challenge of providing for their proper care. If they are to be kept in captivity, these animals must be cared for by trained professionals who can meet their behavioral, nutritional, and physical needs.

People who live near these animals are also in real danger. These cats are large and powerful animals, capable of injuring or killing innocent people. There are countless stories of many unfortunate and unnecessary incidents where dangerous exotic cats have endangered public safety. last year in Lexington, TX, a three-year-old boy was killed by his stepfather's pet tiger. In Loxahatchee, FL, this past February, a 58 year-old woman was bitten on the head by a 750 pound Siberian-Bengal Tiger being kept as a pet. Just last month in Quitman, AR, four 600 to 800 pound tigers escaped from a "private safari." Parents living nearby sat in their own front yards with high-powered rifles scared that the wild lions might hurt their children playing the front yard.

The bill I introduce today would amend the Lacey Act Amendments of 1981 and bar the interstate and foreign commerce of carnivorous wild cats, including lions, tigers, leopards, cheetahs, and cougars. The legislation would not ban all private ownership of these prohibited species. It would outlaw the commerce of these animals for use as pets.

This is a balanced approach that preserves the rights of those entities already regulated by the Department of Agriculture under the Animal Welfare Act such as circuses, zoos, and research facilities. This Act specifically targets unregulated and untrained individuals who are maintaining these wild cats as exotic pets.

This bill also preserves the importance of local regulations already in existence. I sincerely hope that grass roots level organizing continues to direct State and local governments to increase the number of States and counties that ban private ownership of exotic cats. Full bans are already in place in 12 States and partial bans have been enacted in 7 States.

No one should be endangered by those who cannot properly keep these animals. Those exotic cats who are in captivity should be able to live humanely and healthfully.

The Captive Wildlife Safety Act represents an emerging consensus on the need for comprehensive federal legislation to regulate what animals can be kept as pets. The United States Department of agriculture states, "Large wild and exotic cats such as lions, tigers, cougars, and leopards are dangerous animals . . . Because of these animals' potential to kill or severely injure both people and other animals, an untrained person should not keep them as pets. Doing so poses serious risks to family, friends, neighbors, and the general public. Even an animal that can be friendly and lovable can be very dangerous."

The American Veterinary Medical Association also "strongly opposes the keeping of wild carnivore species of animals as pets and believes that all commercial traffic of these animals for such purpose should be prohibited."

The Captive Wildlife Safety Act is supported by the Association of Zoos and Aquariums, the Humane Society of the United States, the Fund for Animals, and the International Fund for Animal Welfare.

I ask my colleagues to cosponsor this legislation and look forward to working with our partners in the House who have expressed interest in passing this bill into law by the end of this session.

By Mr. WYDEN:

S. 3039. A bill to designate certain conduct by sports agents relating to the signing of contracts with student athletes as unfair and deceptive acts or practices to be regulated by the Federal Trade Commission; to the Committee on Commerce, Science, and Transportation.

Mr. WYDEN. Mr. President, I would like to say a few words about a bill I am introducing today, the Sports Agent Responsibility and Trust Act. The purpose of the bill is simple: to set some basic, uniform nationwide rules to prevent unscrupulous behavior by sports agents who court student athletes.

Too often, unscrupulous sports agents prey upon young student athletes who are inexperienced, naive, or simply don't know all of the collegiate athletic eligibility rules. The agent sees the student athlete as a potentially lucrative future client, and wants to get the biggest headstart possible on other agents. So the agent tries to contact and sign up the student athlete as early as possible, and does whatever it takes to get the inside track.

In some cases, the agent may attempt to lure the student athlete with grand promises. In some cases, the agent may offer flashy gifts. To make the offer more enticing, the agent may withhold crucial information about the impact on the student's eligibility to compete in college sports.

A majority of States have enacted statutes to address unprincipled behavior by sports agents, but the standards vary from State to State and some States don't have any at all. The University of Oregon tells me that this creates a significant loophole. Specifically, Oregon has a State law, but it doesn't apply when a University of Oregon athlete goes home to another State for the summer and is contacted by an agent there. Every time that athlete crosses into another State, a different set of rules apply. And if one State's laws on the subject are particularly weak, that is where shady sports agents will try to contact their targets.

That is why there ought to be a single, nationwide standard. The bill I am introducing today would establish a uniform baseline, enforceable by the Federal Trade Commission, that would supplement but not replace existing State laws. Specifically, the bill would make it an unfair and deceptive trade practice for a sports agent to entice a student athlete with false or misleading information or promises or with gifts to the student athlete or the athlete's friends or family. It would require a sports agent to provide the student athlete with a clear, standardized warning, in writing, that signing an agency contract could jeopardize the athlete's eligibility to participate in college sports. It would make it unlawful to pre-date or post-date agency contracts, and require both the agent and student athlete to promptly inform the athlete's university if they do enter into a contract.

Representative BART GORDON of Tennessee has spearheaded this legislation in the House, where the House Commerce Committee has held hearings and, most recently, unanimously approved the bill on September 25. I applaud Congressman GORDON for his leadership on this issue, and I urge my Senate colleagues to join me in addressing this matter in the Senate.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3039

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sports Agent Responsibility and Trust Act".

SEC. 2. DEFINITIONS.

As used in this Act, the following definitions apply:

(1) AGENCY CONTRACT.—The term "agency contract" means an oral or written agreement in which a student athlete authorizes a person to negotiate or solicit on behalf of the student athlete a professional sports contract or an endorsement contract.

(2) ATHLETE AGENT.—The term "athlete agent" means an individual who enters into an agency contract with a student athlete, or directly or indirectly recruits or solicits a student athlete to enter into an agency contract, and does not include a spouse, parent, sibling, grandparent, or guardian of such student athlete, or an individual acting solely on behalf of a professional sports team or professional sports organization.

(3) ATHLETIC DIRECTOR.—The term "athletic director" means an individual responsible for administering the athletic program of an educational institution or, in the case that such program is administered separately, the athletic program for male students or the athletic program for female students, as appropriate.

(4) COMMISSION.—The term "Commission" means the Federal Trade Commission.

(5) ENDORSEMENT CONTRACT.—The term "endorsement contract" means an agreement under which a student athlete is employed or receives consideration for the use by the other party of that individual's person, name, image, or likeness in the promotion of any product, service, or event.

(6) INTERCOLLEGIATE SPORT.—The term "intercollegiate sport" means a sport played at the collegiate level for which eligibility requirements for participation by a student athlete are established by a national association for the promotion or regulation of college athletics.

(7) PROFESSIONAL SPORTS CONTRACT.—The term "professional sports contract" means an agreement under which an individual is employed, or agrees to render services, as a player on a professional sports team, with a professional sports organization, or as a professional athlete.

(8) STATE.—The term "State" includes a State of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(9) STUDENT ATHLETE.—The term "student athlete" means an individual who engages in, is eligible to engage in, or may be eligible in the future to engage in, any intercollegiate sport. An individual who is permanently ineligible to participate in a particular intercollegiate sport is not a student athlete for purposes of that sport.

SEC. 3. REGULATION OF UNFAIR AND DECEPTIVE ACTS AND PRACTICES IN CONNECTION WITH THE CONTACT BETWEEN AN ATHLETE AGENT AND A STUDENT ATHLETE.

(a) CONDUCT PROHIBITED.—It is unlawful for an athlete agent to—

(1) directly or indirectly recruit or solicit a student athlete to enter into an agency contract, by—

(A) giving any false or misleading information or making a false promise or representation; or

(B) providing anything of value to a student athlete or anyone associated with the student athlete before the student athlete enters into an agency contract;

(2) enter into an agency contract with a student athlete without providing the student athlete with the disclosure document described in subsection (b); or

(3) predate or postdate an agency contract.

(b) REQUIRED DISCLOSURE BY ATHLETE AGENTS TO STUDENT ATHLETES.—

(1) IN GENERAL.—In conjunction with the entering into of an agency contract, an athlete agent shall provide to the student athlete, or, if the student athlete is under the age of 18 to such student athlete's parent or legal guardian, a disclosure document that meets the requirements of this subsection. Such disclosure document is separate from and in addition to any disclosure which may be required under State law.

(2) SIGNATURE OF STUDENT ATHLETE.—The disclosure document must be signed by the student athlete, or, if the student athlete is under the age of 18 by such student athlete's parent or legal guardian, prior to entering into the agency contract.

(3) REQUIRED LANGUAGE.—The disclosure document must contain, in close proximity to the signature of the student athlete, or, if the student athlete is under the age of 18, the signature of such student athlete's parent or legal guardian, a conspicuous notice in boldface type stating: "**Warning to Student Athlete: If you agree orally or in writing to be represented by an agent now or in the future you may lose your eligibility to compete as a student athlete in your sport. Within 72 hours after entering into this contract or before the next athletic event in which you are eligible to participate, whichever occurs first, both you and the agent by whom you are agreeing to be represented must notify the athletic director of the educational institution at which you are enrolled, or other individual responsible for athletic programs at such educational institution, that you have entered into an agency contract.**".

SEC. 4. ENFORCEMENT.

(a) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A violation of this Act shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(b) ACTIONS BY THE COMMISSION.—The Commission shall enforce this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act.

SEC. 5. ACTIONS BY STATES.

(a) IN GENERAL.—

(1) CIVIL ACTIONS.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of any athlete agent in a practice that violates section 3 of this Act, the State may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction to—

(A) enjoin that practice;

(B) enforce compliance with this Act;

(C) obtain damage, restitution, or other compensation on behalf of residents of the State; or

(D) obtain such other relief as the court may consider to be appropriate.

(2) NOTICE.—

(A) IN GENERAL.—Before filing an action under paragraph (1), the attorney general of the State involved shall provide to the Commission—

(i) written notice of that action; and

(ii) a copy of the complaint for that action.

(B) EXEMPTION.—Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the attorney general determines that it is not feasible to provide the notice described in that subparagraph before filing of the action. In such case, the attorney general of a State shall provide notice and a copy of the complaint to the Commission at the same time as the attorney general files the action.

(b) INTERVENTION.—

(1) IN GENERAL.—On receiving notice under subsection (a)(2), the Commission shall have the right to intervene in the action that is the subject of the notice.

(2) EFFECT OF INTERVENTION.—If the Commission intervenes in an action under subsection (a), it shall have the right—

(A) to be heard with respect to any matter that arises in that action; and

(B) to file a petition for appeal.

(c) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this title shall be construed to prevent an attorney general of a State from exercising the powers conferred the attorney general by the laws of that State to—

(1) conduct investigations;

(2) administer oaths or affirmations; or

(3) compel the attendance of witnesses or the production of documentary and other evidence.

(d) ACTIONS BY THE COMMISSION.—In any case in which an action is instituted by or on behalf of the Commission for a violation of section 3, no State may, during the pendency of that action, institute an action under subsection (a) against any defendant named in the complaint in that action—

(e) VENUE.—Any action brought under subsection (a) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(f) SERVICE OF PROCESS.—In an action brought under subsection (a), process may be served in any district in which the defendant—

(1) is an inhabitant; or

(2) may be found.

SEC. 6. PROTECTION OF EDUCATIONAL INSTITUTION.

(a) NOTICE REQUIRED.—Within 72 hours after entering into an agency contract or before the next athletic event in which the student athlete may participate, whichever occurs first, the athlete agent and the student athlete shall each inform the athletic director of the educational institution at which the student athlete is enrolled, or other individual responsible for athletic programs at such education institution, that the student athlete had entered into an agency contract, and the athlete agency shall provide the athletic director with notice in writing of such a contract.

(b) CIVIL REMEDY.—

(1) IN GENERAL.—An educational institution has a right of action against an athlete agent for damages caused by a violation of this Act.

(2) DAMAGES.—Damages of an educational institution may include losses and expenses incurred because, as a result of the conduct of the athlete agent, the educational institution was injured by a violation of this Act or was penalized, disqualified, or suspended from participation in athletics by a national association for the promotion and regulation of athletics, by an athletic conference, or by reasonable self-imposed disciplinary action taken to mitigate actions likely to be imposed by such an association or conference.

(3) COSTS AND ATTORNEYS FEES.—In an action taken under this section, the court may award to the prevailing party costs and reasonable attorneys fees.

(4) EFFECT ON OTHERS RIGHTS, REMEDIES AND DEFENSES.—This section does not restrict the rights, remedies, or defenses of any person under law or equity.

SEC. 7. SENSE OF CONGRESS.

It is the sense of Congress that States should enact the Uniform Athlete Agents Act of 2000 drafted by the National Conference of Commissioners on Uniform State Laws, to protect student athletes and the integrity of amateur sports from unscrupulous sports agents. In particular, it is the sense of the Congress that States should enact the provisions relating to the registration of sports agents, the required form of contract, the right of the student athletic to cancel an agency contract, the disclosure requirements relating to record maintenance, reporting, renewal, notice, warning, and security, and the provisions for reciprocity among the States.

By Mr. HATCH:

S. 3041. A bill to require the Secretary of Health and Human Services to conduct a study and submit a report to Congress on new technology payments under the Medicare prospective payment system for hospital outpatient department services; to the Committee on Finance.

Mr. HATCH. Mr. President, since Utah is the home of many medical device and pharmaceutical companies, I have taken a special interest in legislation affecting the development of cutting-edge technologies and the ability of patients to have access to these innovative products. Three years ago, I authored legislation to ensure that Medicare patients have prompt and appropriate access to the abundant benefits of medical breakthrough products. Prior to the enactment of that law, these innovative technologies were not being properly reimbursed by the Medicare program or, in some cases, were not even being reimbursed by Medicare at all. As a result, patient care suffered.

And, while the 1999 law was a giant step in the right direction, many problems continue to exist regarding the methodology that Medicare has used in developing its hospital outpatient reimbursement payments for these new devices and medicines.

I have been working throughout the year with all parties who have a stake in improving the hospital outpatient prospective payment system methodology for new medical devices, drugs, biologicals, and other technologies. I have listened to the arguments from both the Centers for Medicare and Medicaid Services, CMS, and the industry and recognize that there are problems with this methodology from all perspectives.

And while, in my opinion, a legislative solution would be ideal, so far, we have been unable to draft legislation that would be acceptable to both CMS and industry representatives. Therefore, I now believe that authorizing a comprehensive study through the Department of Health and Human Services is the appropriate next step toward defining the flaws within the current system and developing consensus on how to address them. For this reason, I now advocate that CMS undertake such a study, and also provide recommendations to Congress on how to improve Medicare reimbursement for these products.

This matter is a serious one which needs to be reviewed and analyzed by HHS so that a more equitable reimbursement system may be created. We all agree that Medicare beneficiaries deserve access to most innovative medical technologies. In my opinion, this HHS study will help us accomplish two very important goals, fair and equitable Medicare reimbursement for innovative technology and therapies and, most important, beneficiary access to these cutting-edge products.

By Mr. HATCH:

S. 3043. A bill to provide for an extension of the social health maintenance organization (SHMO) demonstration project; to the Committee on Finance.

Mr. HATCH. Mr. President, the Social Health Maintenance Organization Demonstration Project is due to expire in the next year. I have been a strong supporter of extending the SHMO demonstration project, because these plans help keep seniors independent and out of nursing homes. SHMOs provide beneficiaries with expanded Medicare benefits, including prescription drugs, care coordination and community-based services. While many of us are working toward making this a permanent program, it has now become clear that we will not be able to accomplish this goal this year because of budget constraints. Therefore, I offer as the next best solution extending the SHMO demonstration project for five more years. This way, SHMOs will continue to operate, and, those beneficiaries who receive their Medicare coverage through SHMOs will continue to receive important services and benefits.

By Mr. DURBIN (for himself and Mr. VOINOVICH):

S. 3044. A bill to authorize the Court Services and Offender Supervision Agency of the District of Columbia to provide for the interstate supervision of offenders on parole, probation, and supervised release; to the Committee on Governmental Affairs.

Mr. DURBIN. Mr. President, I rise today, joined by my colleague from Ohio, Senator GEORGE VOINOVICH, to introduce the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002, to enhance the authority of the Court Services and Offender Supervision Agency for the District of Columbia.

The Court Services and Offender Supervision Agency, CSOSA, was established by Congress as part of the District of Columbia Revitalization Act of 1997. CSOSA combines under one helm the previously disparate local functions of pretrial services, parole, adult probation, and post-conviction offender supervision. Following three years of operation as a trusteeship, CSOSA was certified as an independent Federal agency within the executive branch on August 4, 2000.

CSOSA, with 950 employees, an annual budget of $132 million, and responsibility for monitoring 21,000 pretrial release defendants annually, 8,000 at any one time, and 15,338 post-conviction offenders on probation or parole, is directed by Paul A. Quander, Jr., who was confirmed by the Senate on July 25, 2002.

The legislation we introduce today aims to clarify CSOSA's authority to provide for supervision of offenders from other jurisdictions who chose to live in the District of Columbia and to arrange with other States for supervision of District of Columbia probationers who seek residence in other jurisdictions, including authority to enter into a new Interstate Compact.

Among the functions CSOSA absorbed after it was established were the supervision of probationers and parolees from other jurisdictions once their transfer to the District of Columbia was approved. Although not explicitly stated in the law, CSOSA also performs the related function of arranging for the supervision of District of Columbia Code offenders on probation and parole who seek to move from the District of Columbia to reside in other States. Our legislation would add that specific duty to CSOSA's statutory responsibilities.

The movement of adult parolees and probationers across State lines is currently controlled by an interstate compact dating back to 1937, which has all 50 States and territories as signatories. A new agreement, the Interstate Compact for Adult Offender Supervision, has been drafted to improve accountability, coordination, and enforcement mechanisms among the participating states. As of June 19, 35 States had signed on to the new compact. The District has not done so, primarily because the City itself no longer performs the functions since Congress created CSOSA to do so.

Our legislation would provide CSOSA with clear authority to enter into this new compact or any other agreements for interstate supervision with any States which may not become signatories to the new compact. Because a new Compact Commission is now being formed and scheduled to meet in November to begin developing the procedural rules for the new Compact, our legislation will enable CSOSA to actively participate in that process.

For this reason, we urge our colleagues to support this bill and vote for enactment this year. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3044

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Court Services and Offender Supervision Agency Interstate Supervision Act of 2002".

SEC. 2. INTERSTATE SUPERVISION.

Section 11233(b)(2) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (sec. 24–133(b)(2), D.C. Official Code) is amended—

(1) by amending subparagraph (G) to read as follows:

"(G) arrange for the supervision of District of Columbia offenders on parole, probation, and supervised release who seek to reside in jurisdictions outside the District of Columbia;";

(2) by striking the period at the end of subparagraph (H) and inserting a semicolon; and

(3) by adding at the end the following new subparagraphs:

"(I) arrange for the supervision of offenders on parole, probation, and supervised release from jurisdictions outside the District of Columbia who seek to reside in the District of Columbia; and

"(J) have the authority to enter into agreements, including the Interstate Compact for Adult Offender Supervision, with any State or group of States in accordance with the Agency's responsibilities under subparagraphs (G) and (I).".

Mr. VOINOVICH. Mr. President, I rise today with my colleague from Illinois, Senator RICHARD DURBIN, as a cosponsor of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002. I thank my colleague from Illinois for his initiative in advancing this legislation.

As my colleague noted, Congress created the Court Services and Offender Supervision Agency, CSOSA, as part of the 1997 National Capital Revitalization and Self-Government Improvement Act to absorb the responsibilities of three local D.C. agencies. In accordance with that law the Federal Government assumed responsibility for many of the city's judicial functions, including all pre-trial services and the post-conviction supervision of parolees and probationers.

With the support of the District and CSOSA, our bipartisan legislation seeks to clarify that CSOSA is the entity responsible for all offenders, whether on parole, probation, or supervised release, who reside in the District of Columbia or those convicted in District Court and choose to relocate outside of the District of Columbia.

When CSOSA was established, it was expressly charged with the responsibility to arrange for the supervision of District of Columbia paroled offenders who wish to move outside the boundaries of Washington, D.C. Today, however, a growing number of offenders are placed on probation or supervised release, not parole. Our legislation clarifies that CSOSA is the agency responsible for arranging for their supervision.

The original legislation also did not address directly the issue of supervision of offenders who relocate to the District of Columbia. Since CSOSA absorbed the local agency that previously held this responsibility, it has been acting in that capacity. Again, our legislation clarifies that CSOSA is the entity with this responsibility.

Finally, our legislation clearly grants CSOSA the authority to enter into agreements with other states and territories to establish guidelines for offender relocation. An interstate compact, signed by all the states and territories, has established guidelines for the movement of adult offenders. The compact was created originally in 1937 and the states are in the process of revising it to enhance accountability for all offenders on parole, probation, or supervised release. More than half of the states already have signed this revised Interstate Compact for Adult Offender Supervision. The District of Columbia has not signed it, however, primarily because they do not have responsibility for offenders. Our legislation expressly grants CSOSA the authority to do so in their capacity of providing offender supervision.

This legislation clarifies CSOSA's mission, a mission critical to the public safety of our nation's capital. I urge my colleagues to support this bill.

By Mrs. CLINTON (for herself and Mr. SCHUMER):

S. 3045. A bill to amend the Federal Water Pollution Control Act to provide for the protection and enhancement of the environmental integrity and the social and economic benefits of the Finger Lakes Region in the State of New York; to the Committee on Environment and Public Works.

Mrs. CLINTON. Mr. President, today, it is an honor to introduce the Finger Lakes Initiative Act of 2002. The Finger Lakes are the heart of New York.

They stretch across most of the State and nurture an endless supply of natural and economic resources. They attract visitors from across the country, and they deserve our support to maintain and strengthen the quality of life in the entire region.

The Finger Lakes Region of New York State is a land of rolling hills, beautiful lakes, pastoral firms, and incomparable fish and wildlife resources. A critical environmental resource, the Lakes are also vital to the region's economy, generating a tremendous amount of tourism and commerce. Fishing, boating, hunting, wineries, farmers markets and the arts attract visitors from around the nation to the Finger Lakes region. The Finger Lakes region also includes some of the Northeast's most productive agricultural lands.

While Central New York is truly blessed with the environmental, economic, and cultural benefits that the Finger Lakes provide, the health of the Finger Lakes can no longer be taken for granted. Recent reports have confirmed what many residents in New York already know, the Finger Lakes are under environmental stress. In many of the lakes, water quality has suffered. Fluctuating water levels and flooding north of the lakes has also increased. In addition, a significant amount of fish and wildlife habitat is being lost and threats are being posed by the introduction of invasive species.

Local, State, and Federal officials have recognized the seriousness of these threats, and have worked to address these concerns. Local stakeholders have joined forces and are working to protect the lakes, developing management plans, implementing best management practices, and doing what they can to protect the resource that is truly their backyard. Yet there is still no comprehensive, regional action plan to address collective environmental protection and economic development goals for the region.

In recent years, Congress has recognized that our Nation's environmental resources are best protected on an ecosystem or watershed basis, with the federal government providing funds and expertise to assist with protection efforts that are shaped by State and local interests. This approach has been taken with great success in Chesapeake Bay, the Great Lakes, the Long Island Sound, and the California Bay Delta, just to name a few.

Just as the Federal Government has supported these national treasures, it is time for the Finger Lakes to be recognized as a region to be protected and enhanced for the economic and environmental benefit of all who live, work, farm, play, and visit the Finger Lakes.

Under the Finger Lakes Initiative Act of 2002, which I am introducing today with Senator SCHUMER, a new program will be established within the U.S. Environmental Protection Agency to protect and enhance the environmental integrity and cultural and economic benefits of the Finger Lakes. The Initiative will assist Finger Lakes stakeholders in achieving their goals for the region through technical, scientific, and financial assistance and coordination of relevant Federal programs.

To best serve the interests of the region and build upon the knowledge, expertise, and ongoing efforts of local stakeholders, the legislation establishes an official stakeholder group to aid in developing and implementing the Initiative. The stakeholder group will be comprised of representatives from local businesses, regional planning agencies, academic institutions, homeowners associations, environmental organizations, agricultural interests, economic development interests, the tourism industry, and tribes, as well as representatives of Federal, State, and local governments.

This stakeholder group will have three years to develop a comprehensive plan to provide for the protection and enhancement of the environmental integrity and the social and economic benefits of the Finger Lakes. The plan will be made available for public review and comment, including a number of public meetings throughout the Finger Lakes region. Once approved by the EPA Administrator, with the concurrence of the Governor, the plan will become the blueprint for federally supported activities in the region.

Furthermore, there will be an interdisciplinary research and education program established as part of the Finger Lakes Initiative, including $5 million in federal support authorized for a Finger Lakes Institute, such as the Institute that was recently announced at the Hobart and William Smith Colleges in Geneva, NY.

Overall, the bill authorizes $50 million in federal support over five years for efforts to protect and enhance the environmental, economic and cultural benefits of the Finger Lakes. And to ensure proper involvement and coordination among all federal agencies in addressing the needs and challenges in the Finger Lakes, appropriate financial, technical, and scientific assistance will be provided for the Finger Lakes Initiative by the U.S. Environmental Protection Agency, the U.S. Geological Survey, the U.S. Fish and Wildlife Service, the National Park Service, the U.S. Department of Agricultural, the National Oceanic and Atmospheric Administration, the Economic Development Administration, and the U.S. Army Corps of Engineers.

For decades, the Finger Lakes region has held its own in the world. The lakes, the farms, the towns, the wildlife, and the recreational opportunities have all pulled people toward this part of the State. I, myself, was drawn there in August and spent time in Auburn, Seneca Falls, Hammondsport, and Geneva. Seeing the potential of this region, I can just imagine the possibilities when we finally reach out to the Finger Lakes Region—when we finally provide this region with the resources and the attention and the planning it deserves. The possibilities are endless.

There is room in our Nation for another natural wonder, the Finger Lakes Region of New York State.

By Mr. CRAIG:

S. 3046. A bill to provide for the conveyance of Federal land in Sandpoint, Idaho, and for other purposes; to the Committee on Energy Natural Resources.

Mr. CRAIG. Mr. President, I rise today to introduce the "Sandpoint Land and Facilities Act of 2002." This bill is a unique opportunity to meet the facility needs of the Forest Service in Sandpoint, ID and to provide facilities for the local county government. This bill will transfer ownership of the local General Service Administration building currently housing the Forest Service to that agency. The bill also provides authority for the Forest Service to work with Bonner County, Idaho to exchange the existing building to Bonner County in exchange for a new and more functional building to the Forest Service. This transfer of ownership will not only provide the opportunity for the local Forest Service office to obtain a facility that best meets their needs but also will meet the facility needs of Bonner County.

The transfer of this facility will allow the Forest Service to improve service to the public, improve public and employee safety, make the Idaho Panhandle National Forest more financially competitive, and allow increased spending on resource programs that contribute to healthier ecosystems. In turn, Bonner County will benefit by providing to them a building that consolidates county offices so that better services can be provided to the local public, including ADA compliant access to the county courtrooms.

Additionally, the GSA will dispose of a building that is only partially occupied and is remotely located from other GSA facilities.

This is a win-win situation for the Forest Service, Bonner County, GSA, and the taxpayers and an outstanding example of the federal government at the local level working with the county government to create common sense solutions that result in more efficient operations and better service to the public.

By Mr. CRAIG:

S. 3047. A bill to authorize the Secretary of Agriculture to sell or exchange all or part of certain parcels of National Forest System land in the

State of Idaho and use the proceeds derived from the sale or exchange for National Forest System purposes; to the Committee on Energy Natural Resources.

Mr. CRAIG. Mr. President, I rise today to introduce the Idaho Panhandle National Forest Improvement Act of 2002. This bill is an opportunity to provide lands for local benefits and to meet the facility needs of the Forest Service in the Silver Valley of Idaho. This bill will offer for sale or exchange administrative parcels of land in the Idaho Panhandle National Forest that the Forest Service has identified as no longer in the interest of public ownership and that disposing of them will serve the public better. The proceeds from these sales will be used to improve or replace the Forest Service's Ranger Station in Idaho's Silver Valley.

The Forest Service administrative parcels identified for disposal include the land permitted by the Granite/Reeder Sewer District on Priest Lake, Shoshone Camp in Shoshone County, and the North-South Ski Bowl, south of St. Maries.

The bill also directs the Forest Service to improve or construct a new ranger station in the Silver Valley. The current ranger station is in dire need of repair or replacement, and this will ensure my commitment to a continued and increased presence of the Forest Service in the Silver Valley.

This is a win-win situation for the taxpayers, the Forest Service, the residents of the Silver Valley, and the permittees on the parcels of land to be disposed of.

By Mr. FRIST (for himself, Mr. KENNEDY, Mr. ENZI, Mr. JOHNSON, Mrs. MURRAY, Mrs. CLINTON, and Mr. ROBERTS).

S. 3048. A bill to amend the Public Health Service Act to add requirements regarding trauma care, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRIST. Mr. President, each year, nearly 1 out of 4 Americans sustain an injury requiring medical attention. In 1995, injuries were responsible for 148,000 deaths, 2.6 million hospitalizations, and over 36 million emergency room visits.

The direct and indirect cost of injury is estimated to be about $260 billion a year, and the death rate from unintentional injury is more than 50 percent higher in rural areas than in urban areas. It is essential that every American have access to a trauma system that provides definitive care as quickly as possible.

In recent years, Congress has worked to address this issue through the Trauma Care Systems Planning and Development Act, which authorizes Federal grants to States for the purpose of planning, implementing, and developing statewide trauma care systems. However, this important program expires this year. Therefore, I am introducing bipartisan legislation today, along with Senators KENNEDY and ENZI to reauthorize this important program.

Among Americans younger than age 44, trauma is the killer. While injury prevention programs have greatly reduced death and disability, severe injuries will continue to occur. Given the events of September 11, 2001 and our Nation's renewed focus on enhancing disaster preparedness, it is critical that the Federal Government increase its commitment to strengthening programs governing trauma care system planning and development.

Despite our past investments, one-half of the States in the country are still without a statewide trauma care system. Clearly we can do better. We must respond to the goals put forth by the Institute of Medicine in 1999, that Congress "support a greater national commitment to, and support of, trauma care systems at the Federal, State, and local levels."

Today's bill, the "Trauma Care Systems Planning and Development Act of 2002" reauthorizes this program and includes several key improvements: first, it improves the collection and analysis of trauma patient data; second, the bill responds to State budget difficulties by decreasing the requirement for State matching funds to the Federal grants; third, the legislation provides a self-evaluation mechanism to assist States in assessing and improving their trauma care systems; fourth, it authorizes an Institute of Medicine study on the state of trauma care and trauma research; and finally, it doubles the funding available for this program to allow additional States to participate.

I appreciate the assistance of Senators KENNEDY and ENZI on this important legislation, and look forward to working to see this bill passed this year.

Mr. KENNEDY. Mr. President, it is a pleasure to join Senator FRIST, Senator JOHNSON, and Senator MURRAY in introducing the Trauma Care Systems Planning and Development Act. Our goal in this bipartisan legislation is to enable all States to develop effective trauma care systems.

Trauma is the number one killer of Americans under the age of 44. Traumatic injury robs our Nation's youth, devastates families, and costs the Nation more than $260 billion every year. In 1995 alone, injuries were responsible for 148,000 deaths, 2.6 million hospitalizations, and over 26 million emergency room visits.

Despite trauma's toll, we have done little in recent years to prevent trauma or improve the chance of recovery following traumatic injury. Part of the problem is the misunderstanding that trauma is an accident, an unfortunate, but sometimes unavoidable chance event. But the facts reveal that this is not the case.

Trauma is very similar to a disease. It has definable causes with established methods of treatment and prevention. Frequent forms of trauma include motor vehicle accidents, firearm accidents, and natural or man-made disasters. Proven preventative measures could save up to 25,000 lives every year. Putting effective trauma care systems in place would provide victims with the best chance of recovery, by delivering quality care as quickly as possible.

A trauma system is an organized, coordinated effort to provide the full range of care to all injured patients. Intervention begins in the field, at the site of injury, and proceeds along the continuum of care from prehospital to hospital to rehabilitative services. An effective system ensures that resources, supporting equipment, and personnel are ready and trained to go into action.

The skills and knowledge of health care experts alone are not enough. Optimal care is the result of advance planning, preparation, and coordination to produce smooth transitions and the proper sequence of interventions. A comprehensive trauma system accomplishes all this and has been proven to save lives and decrease costs.

Much of the progress in developing trauma systems has occurred as a result of Federal funding and involvement. In 1973, Congress passed the Emergency Medical Services Act, providing $300 million to States and communities over an eight year period. Without that funding, patients in 304 emergency medical service regions in the United States might not have had ready access to emergency care. Even today, there are areas of the United States without 9-1-1 access and prompt emergency transportation.

In 1990, Congress passed the original Trauma Care Systems Planning and Development Act, authorizing Federal grants to States to develop integrated statewide trauma care systems. Funding for this program has been inadequate. From 1995 to 2000, States received no funding under the Act. Last year, only $3.5 million was appropriated for the entire country. As a result, only half of all States have fully functional statewide trauma systems. Clearly, we must do better in providing needed trauma care.

This legislation reauthorizes and enhances the trauma care program to establish comprehensive trauma systems in all States. The bill also addresses the urgent need for improved trauma data and research. Surprisingly, given the burden of trauma on society, only 1 percent of resources at the NIH are devoted to trauma research. The legislation asks the Institute of Medicine to investigate the quality of trauma care and identify areas for improvement.

This legislation is supported by the Coalition for American Trauma Care, the American College of Surgeons, and the American Trauma Society. Its enactment is vitally important to public safety, and I urge the Senate to approve it.

By Mr. LIEBERMAN (for himself, Mr. FEINGOLD, Mr. DURBIN, Mr. KENNEDY, Mr. JEFFORDS, and Mr. SCHUMER):

S. 3054. A bill to provide for full voting representation in Congress for the citizens of the District of Columbia, and for other purposes; to the Committee on Governmental Affairs.

Mr. LIEBERMAN. Mr. President, I rise today to join with my colleagues Senators RUSS FEINGOLD, DICK DURBIN, EDWARD KENNEDY, JIM JEFFORDS, and CHARLES SCHUMER in introducing legislation that would end a terrible injustice suffered by 600,000 American citizens—that is, the denial of full Congressional representation to the citizens of the District of Columbia. This injustice is nothing less than a stain on the fabric of our democracy. To right this wrong, we are introducing the No Taxation Without Representation Act of 2002 today in order to extend full Congressional representation to the citizens of our Capital City.

This is the second bill I have introduced to this Congress in order to achieve this important goal. It is embarrassing that ours is the only democracy in the world in which citizens of the Capital are not represented in the national legislature. I can only wonder what visitors from around the world must think when they come to see our beautiful landmarks, our monuments, and our Capitol dome, proud symbols of the world's greatest democracy, and then learn that the people who live in this great city have no voice in Congress. What would we do if, for some reason, the residents of Boston, Nashville, Denver, Seattle, or El Paso had no voting rights? All those cities are roughly the same size as Washington, D.C., and I know we as a Nation wouldn't let their citizens go voiceless in Congress.

Citizens of Washington, D.C. pay income taxes, and yet they have no say in how high those taxes will be or how their tax dollars will be spent. Citizens of Washington, D.C. serve their fellow Americans both here at home and in wars abroad, and yet inhabitants of the District of Columbia cannot choose representatives to the legislature that governs them. This city's people and institutions have been the direct target of terrorists, and yet citizens of the District have no one who can cast a vote in Congress on policies to protect their homeland security.

The vote is a civic entitlement of every tax-paying citizen of the United States. It is democracy's most elemental and essential right, its most useful tool. The citizens who live in our Nation's capital deserve more than a non-voting delegate in the House. Notwithstanding the strong service of the Honorable Congresswoman ELEANOR HOLMES NORTON and her ability to vote in committee, a representative without the power to vote on the floor of the House simply isn't good enough.

The name of this bill is intended as a reminder of the inextricable link in this Nation's history between the power to tax and the right to vote. Our forebearers went to war rather than pay taxes without representation. The principles for which our Nation's revolutionary heroes fought so hard more than 200 years ago apply just as forcefully to the citizens of the District of Columbia today as they did for the men and women who founded this great Nation.

Despite its title, "No Taxation Without Representation," this bill does not relieve the District residents of their tax obligations, given their non-voting status. The people of D.C. are not looking to avoid paying their fair share of taxes. Instead, the bill grants the citizens of the District of the Columbia their much-belated birthright: the right to vote for and be represented by two Senators and a full Member of the House of Representatives. Further the bill increases the permanent membership of the House of Representatives by one, a symbolic acknowledgment that all along a member was missing: the Representative casting her vote for the people of Washington, D.C.

This legislation is no less than our broadly-held American values demand for our fellow citizens. In fact, a recent national poll shows that a majority of Americans believe D.C. residents already have Congressional voting rights. When informed that they do not, 80 percent say that D.C. residents should have full representation.

In righting this wrong, we won't just be following the will of the American people. We will be following the will of history. When the framers of the Constitution placed our Capital, which had not yet been established, under the jurisdiction of the Congress, they placed with Congress the responsibility of ensuring that D.C. citizens' rights would be protected in the future, just as Congress protects the rights of all citizens throughout the land. For more than 200 years, Congress has failed to meet this obligation. And I, for one, am not prepared to make D.C. citizens wait another 200 years.

In the words of this city's namesake, our first President, George Washington, "Precedents are dangerous things; let the reins of government then be braced and held with a steady hand, and every violation of the Constitution be reprehended: If defective, let it amended, but not suffered to be trampled upon whilst it has an existence."

The people of the District of Columbia have suffered this Constitutional defect far too long. Let's reprehend it and amend it together.

I ask unanimous consent that the text of the No Taxation Without Representation Act of 2002 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3054

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "No Taxation Without Representation Act of 2002".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The residents of the District of Columbia are the only Americans who pay Federal income taxes but are denied voting representation in the House of Representatives and the Senate.

(2) The residents of the District of Columbia suffer the very injustice against which our Founding Fathers fought, because they do not have voting representation as other taxpaying Americans do and are nevertheless required to pay Federal income taxes unlike the Americans who live in the territories.

(3) The principle of one person, one vote requires that residents of the District of Columbia are afforded full voting representation in the House and the Senate.

(4) Despite the denial of voting representation, Americans in the Nation's Capital are second among residents of all States in per capita income taxes paid to the Federal Government.

(5) Unequal voting representation in our representative democracy is inconsistent with the founding principles of the Nation and the strongly held principles of the American people today.

SEC. 3. REPRESENTATION IN CONGRESS FOR DISTRICT OF COLUMBIA.

For the purposes of congressional representation, the District of Columbia, constituting the seat of government of the United States, shall be treated as a State, such that its residents shall be entitled to elect and be represented by 2 Senators in the United States Senate, and as many Representatives in the House of Representatives as a similarly populous State would be entitled to under the law.

SEC. 4. ELECTIONS.

(a) FIRST ELECTIONS.—

(1) PROCLAMATION.—Not later than 30 days after the date of enactment of this Act, the Mayor of the District of Columbia shall issue a proclamation for elections to be held to fill the 2 Senate seats and the seat in the House of Representatives to represent the District of Columbia in Congress.

(2) MANNER OF ELECTIONS.—The proclamation of the Mayor of the District of Columbia required by paragraph (1) shall provide for the holding of a primary election and a general election and at such elections the officers to be elected shall be chosen by a popular vote of the residents of the District of Columbia. The manner in which such elections shall be held and the qualification of voters shall be the same as those for local elections, as prescribed by the District of Columbia.

(3) CLASSIFICATION OF SENATORS.—In the first election of Senators from the District of Columbia, the 2 senatorial offices shall be

separately identified and designated, and no person may be a candidate for both offices. No such identification or designation of either of the 2 senatorial offices shall refer to or be taken to refer to the terms of such offices, or in any way impair the privilege of the Senate to determine the class to which each of the Senators elected shall be assigned.

(b) CERTIFICATION OF ELECTION.—The results of an election for the Senators and Representative from the District of Columbia shall be certified by the Mayor of the District of Columbia in the manner required by law and the Senators and Representative shall be entitled to be admitted to seats in Congress and to all the rights and privileges of Senators and Representatives of the States in the Congress of the United States.

SEC. 5. HOUSE OF REPRESENTATIVES MEMBERSHIP.

(a) IN GENERAL.—Upon the date of enactment of this Act, the District of Columbia shall be entitled to 1 Representative until the taking effect of the next reapportionment. Such Representative shall be in addition to the membership of the House of Representatives as now prescribed by law.

(b) INCREASE IN MEMBERSHIP OF HOUSE OF REPRESENTATIVES.—Upon the date of enactment of this Act, the permanent membership of the House of Representatives shall increase by 1 seat for the purpose of future reapportionment of Representatives.

(c) REAPPORTIONMENT.—Upon reapportionment, the District of Columbia shall be entitled to as many seats in the House of Representatives as a similarly populous State would be entitled to under the law.

(d) DISTRICT OF COLUMBIA DELEGATE.—Until the first Representative from the District of Columbia is seated in the House of Representatives, the Delegate in Congress from the District of Columbia shall continue to discharge the duties of his or her office.

By Mr. CORZINE (for himself and Mr. DEWINE):

S. 3056. A bill to amend title 23, United States Code, to increase penalties for individuals who operate motor vehicles while intoxicated or under the influence of alcohol; to the Committee on Environment and Public Works.

Mr. CORZINE. Mr. President today, along with Senator DEWINE, I am introducing legislation that addresses the serious national problem of drunk driving. This bill, "The Higher-Risk Impaired Driver Act," would help protect the public from those intoxicated drivers who pose the greatest threat to our safety.

This bill would target a specific population of drivers who pose a special danger on our roads. These are drivers who are convicted of driving while intoxicated within 5 years of a prior conviction; drivers who are convicted of driving while intoxicated with a blood alcohol content of .15 or greater; drivers who are convicted of driving while their license is suspended, when the suspension happened due to a driving while intoxicated offense; and drivers who refuse a blood alcohol concentration test while under arrest or investigation for involvement in a fatal or serious injury crash.

The statistics documenting the threat posed by these drivers are startling. Nationally in 2001, about 1,461 fatalities that occurred in crashes involving alcohol-impaired or intoxicated drivers who had at least one previous driving while intoxicated conviction, according to the National Institute of Highway Safety, NHTSA. Further, the AAA Foundation for Traffic Safety, in an analysis of NHTSA data from 1982 to 1999, found that over half the drivers who were arrested or convicted of driving while intoxicated during that period and 64 percent of drunken drivers who were fatally injured had a blood alcohol level of .15 or greater.

There are tragic stories behind these statistics: In my own State of New Jersey, for example, Navy Ensign John Elliott was killed by a driver who had a blood alcohol level that exceeded twice the legal limit. In that case, the driver had been arrested and charged with driving while intoxicated just three hours before the crash. After being processed for that offense, he had been released into the custody of a friend who drove him back to his car and allowed him to get behind the wheel.

The legislation I am introducing today would require states to enact a law that penalizes these higher risk offenders, reduces the threat that they pose, and gets offenders into appropriate substance abuse programs. The penalty provisions in such a law would include the suspension of an offender's drivers license for no less than one year and the requirement that the offender pay both a $1000 minimum fine as well as restitution to any victims of the offense. The reduction of the threat occurs through the requirement that the offender's motor vehicle be impounded for no less than 90 days and the requirement that the offender be imprisoned for a period of time and then shall either wear an electronic bracelet or be assigned to a DWI specialty facility. The treatment provision requires the assessment of the offender for placement into a substance abuse program.

This legislation follows the recommendations of Mothers Against Drunk Driving, MADD, in their Higher-Risk Driver Program. I look forward to working with the members of MADD nationwide to see this legislation enacted into law. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3056

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Higher-Risk Impaired Driver Act".

SEC. 2. INCREASED PENALTIES.

(a) IN GENERAL.—Chapter I of title 23, United States Code, is amended by adding at the end the following:

"§165. Increased penalties for higher risk drivers for driving while intoxicated or driving under the influence

"(a) DEFINITIONS.—In this section, the following definitions apply:

"(1) BLOOD ALCOHOL CONCENTRATION.—The term 'blood alcohol concentration' means grams of alcohol per 100 milliliters of blood or the equivalent grams of alcohol per 210 liters of breath.

"(2) DRIVING WHILE INTOXICATED; DRIVING UNDER THE INFLUENCE.—The terms 'driving while intoxicated' and 'driving under the influence' mean driving or being in actual physical control of a motor vehicle while having a blood alcohol concentration above the permitted limit as established by each State.

"(3) LICENSE SUSPENSION.—The term 'license suspension' means the suspension of all driving privileges.

"(4) MOTOR VEHICLE.—The term 'motor vehicle' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways but does not include a vehicle operated solely on a rail line or a commercial vehicle.

"(5) HIGHER-RISK IMPAIRED DRIVER LAW.—

"(A) The term 'higher-risk impaired driver law' means a State law that provides, as a minimum penalty, that an individual described in subparagraph (B) shall—

"(i) receive a driver's license suspension for not less than 1 year, including a complete ban on driving for not less than 90 days and for the remainder of the license suspension period and prior to the issuance of a probational hardship or work permit license, be required to install a certified alcohol ignition interlock device;

"(ii) have the motor vehicle driven at the time of arrest impounded or immobilized for not less than 90 days and for the remainder of the license suspension period require the installation of a certified alcohol ignition interlock device on the vehicle;

"(iii) be subject to an assessment by a certified substance abuse official of the State that assesses the individual's degree of abuse of alcohol and assigned to a treatment program or impaired driving education program as determined by the assessment;

"(iv) be imprisoned for not less than 10 days, have an electronic monitoring device for not less than 100 days, or be assigned to a DUI/DWI specialty facility for not less than 30 days;

"(v) be fined a minimum of $1,000, with the proceeds of such funds to be used by the State or local jurisdiction for impaired driving related prevention, enforcement, and prosecution programs, or for the development or maintenance of a tracking system of offenders driving while impaired;

"(vi) if the arrest resulted from involvement in a crash, the court shall require restitution to the victims of the crash;

"(vii) be placed on probation by the court for a period of not less than 2 years;

"(viii) if diagnosed with a substance abuse problem, during the first year of the probation period referred to in clause (vii), attend a treatment program for a period of 12 consecutive months sponsored by a State certified substance abuse treatment agency and meet with a case manager at least once each month; and

"(ix) be required by the court to attend a victim impact panel, if such a panel is available.

"(B) An individual referred to in subparagraph (A) is an individual who—

"(i) is convicted of a second or subsequent offense for driving while intoxicated or driving under the influence within a minimum of 5 consecutive years;

"(ii) is convicted of a driving while intoxicated or driving under the influence with a blood alcohol concentration of 0.15 percent or greater;

"(iii) is convicted of a driving-while-suspended offense if the suspension was the result of a conviction for driving under the influence; or

"(iv) refuses a blood alcohol concentration test while under arrest or investigation for involvement in a fatal or serious injury crash.

"(6) SPECIAL DUI/DWI FACILITY.—The term 'special DUI/DWI facility' means a facility that houses and treats offenders arrested for driving while impaired and allows such offenders to work and/or attend school.

"(7) VICTIM IMPACT PANEL.—The term 'victim impact panel' means a group of impaired driving victims who speak to offenders about impaired driving. The purpose of the panel is to change attitudes and behaviors in order to deter impaired driving recidivism.

"(b) TRANSFER OF FUNDS.—

"(1) FISCAL YEAR 2006.—Beginning on October 1, 2006, if a State has not enacted or is not enforcing a higher risk impaired driver law, the Secretary shall transfer an amount equal to 2 percent of the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) to the apportionment of the State under section 402 solely for impaired driving programs.

"(2) FISCAL YEAR 2007.—On October 1, 2007, if a State has not enacted or is not enforcing a higher-risk impaired driver law, the Secretary shall transfer an amount equal to 4 percent of the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) to the apportionment of the State under section 402 to be used or directed as described in paragraph (1).

"(3) FISCAL YEAR 2008.—On October 1, 2008, if a State has not enacted or is not enforcing a higher-risk impaired driver law, the Secretary shall transfer an amount equal to 6 percent of the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) to the apportionment of the State under section 402 to be used or directed as described in paragraph (1).

"(4) DERIVATION OF AMOUNT TO BE TRANSFERRED.—The amount to be transferred under paragraph (1), (2), or (3) may be derived from 1 or more of the following:

"(A) The apportionment of the State under section 104(b)(1).

"(B) The apportionment of the State under section 104(b)(3).

"(C) The apportionment of the State under section 104(b)(4).

"(5) TRANSFER OF OBLIGATION AUTHORITY.—

"(A) IN GENERAL.—If the Secretary transfers under this subsection any funds to the apportionment of a State under section 402 for a fiscal year, the Secretary shall transfer an amount, determined under subparagraph (B), of obligation authority distributed for the fiscal year to the State for carrying out impaired driving programs authorized under section 402.

"(B) AMOUNT.—The amount of obligation authority referred to in subparagraph (A) shall be determined by multiplying—

"(i) the amount of funds transferred under subparagraph (A) to the apportionment of the State under section 402 for the fiscal year; by

"(ii) the ratio that—

"(I) the amount of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs; bears to

"(II) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to any obligation limitation) for the fiscal year.

"(7) LIMITATION ON APPLICABILITY OF OBLIGATION LIMITATION.—Notwithstanding any other provision of law, no limitation on the total of obligations for highway safety programs under section 402 shall apply to funds transferred under this subsection to the apportionment of a State under such section.

"(c) WITHHOLDING OF FUNDS.—

"(1) FISCAL YEAR 2009.—On October 1, 2008, if a State has not enacted or is not enforcing a higher-risk impaired driver law, the Secretary shall withhold 2 percent of the amount required to be apportioned for Federal-aid highways to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b).

"(2) FISCAL YEAR 2010.—On October 1, 2009, if a State has not enacted or is not enforcing a higher-risk impaired driver law, the Secretary shall withhold 4 percent of the amount required to be apportioned for Federal-aid highways to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b).

"(3) FISCAL YEAR 2011.—On October 1, 2010, if a State has not enacted or is not enforcing a higher-risk impaired driver law, the Secretary shall withhold 6 percent of the amount required to be apportioned for Federal-aid highways to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b).

"(4) COMPLIANCE.—Not later than 4 years after the date that the apportionment for any State is reduced in accordance with this section the Secretary determines that such State has enacted and is enforcing a provision described in section 163(a), the apportionment of such State shall be increased by an amount equal to such reduction. If at the end of such 4-year period, any State has not enacted and is not enforcing a provision described in section 163(a) any amounts so withheld shall be transferred to carry out impaired driving programs authorized under section 402.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 149—RECOGNIZING THE TEAMS AND PLAYERS OF THE NEGRO BASEBALL LEAGUES FOR THEIR ACHIEVEMENTS, DEDICATION, SACRIFICES, AND CONTRIBUTIONS TO BASEBALL AND THE NATION

Mr. NELSON of Florida submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 149

Whereas even though African-Americans were excluded from playing in the major leagues of baseball with their Caucasian counterparts, the desire of some African-Americans to play baseball could not be repressed;

Whereas Major League Baseball was not fully integrated until July 1959;

Whereas African-Americans began organizing their own professional baseball teams in 1885;

Whereas 6 separate baseball leagues, known collectively as the Negro Baseball Leagues, were organized by African-Americans between 1920 and 1960;

Whereas the Negro Baseball Leagues included exceptionally talented players;

Whereas Jackie Robinson, whose career began in the Negro Baseball Leagues, was named Rookie of the Year in 1947 and subsequently led the Brooklyn Dodgers to 6 National League pennants and a World Series championship;

Whereas by achieving success on the baseball field, African-American baseball players helped break down color barriers and integrate African-Americans into all aspects of society in the United States;

Whereas during World War II, more than 50 Negro Baseball League players served in the Armed Forces of the United States;

Whereas during an era of sexism and gender barriers, 3 women played in the Negro Baseball Leagues;

Whereas the Negro Baseball Leagues helped teach the people of the United States that what matters most is not the color of a person's skin, but the content of that person's character and the measure of that person's skills and abilities;

Whereas only in recent years has the history of the Negro Baseball Leagues begun receiving the recognition that it deserves;

Whereas in 1997 Major League Baseball created a pension plan for former players of the Negro Baseball Leagues who went on to play in Major League Baseball; and

Whereas baseball is the national pastime and reflects the history of the Nation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the teams and players of the Negro Baseball Leagues for their achievements, dedication, sacrifices, and contributions to both baseball and our Nation; and

(2) encourages Major League Baseball in 2002 to reach a fair compensation agreement with former players of the Negro Baseball Leagues who were excluded under Major League Baseball's 1997 pension plan.

Mr. NELSON of Florida. Mr. President, I rise today to submit a resolution recognizing the teams and players of the Negro Baseball Leagues for their contributions to baseball and the Nation.

This important resolution also calls on Major League Baseball to compensate the Negro League players who were left out of the League's 1997 pension plan.

For half a century, most of the Negro League players were excluded from the Majors.

Even though Jackie Robinson broke the color barrier in 1947, it took another decade for Major League Baseball to really become integrated, when in July of 1959, the last Major League team fielded an African American player.

During the intervening years, Baseball systemically discriminated against most Negro Leaguers.

Baseball Commissioner Bud Selig sought to correct some of the failings of the past when he awarded an annual $10,000 pension benefit to some of the Negro Leaguers, but he left out those who played solely in the Negro Leagues from 1948 to 1960.

Major League Baseball contends they were left out because the sport was integrated during that time. But history shows it took the big leagues many years to fully integrate following Jackie Robinson's historic entry into the Majors.

The players, who were excluded, still seeking a small retirement, have been reaching out to Commissioner Selig for five long years now, without resolution.

Meantime, these ex-players are getting old. Many have passed away. Time is running out to provide them with a small measure of compensation for their time in the Negro Leagues.

I joined them last year in trying to find some resolution to this dispute. I hope this concurrent resolution will act as a catalyst to spur action by Major League Baseball to correct this injustice.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4852. Mr. GREGG (for himself, Mr. HOLLINGS, Mr. SHELBY, Mr. HARKIN, Mr. STEVENS, Mr. INOUYE, Mr. COCHRAN, Mr. HELMS, Mr. JOHNSON, Mr. SESSIONS, Mr. BINGAMAN, Mr. GRASSLEY, Ms. LANDRIEU, Mrs. FEINSTEIN, Mr. ALLEN, Mr. DOMENICI, Mrs. HUTCHISON, Mr. KOHL, Mr. BURNS, Mr. REED, Mr. BIDEN, Mrs. LINCOLN, Mr. FEINGOLD, Mr. THURMOND, Mr. ENZI, Mr. BREAUX, Mr. MCCONNELL, Mr. CRAIG, Mr. CLELAND, Mr. BENNETT, Mr. TORRICELLI, Mr. DASCHLE, Mr. LEAHY, Mr. WYDEN, Mr. CAMPBELL, Mr. NELSON, of Florida, Mr. WELLSTONE, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

SA 4853. Mr. GREGG (for himself, Mr. HOLLINGS, Mr. SHELBY, Mr. HARKIN, Mr. STEVENS, Mr. INOUYE, Mr. COCHRAN, Mr. HELMS, Mr. JOHNSON, Mr. SESSIONS, Mr. BINGAMAN, Mr. GRASSLEY, Ms. LANDRIEU, Mrs. FEINSTEIN, Mr. ALLEN, Mr. DOMENICI, Mrs. HUTCHISON, Mr. KOHL, Mr. BURNS, Mr. REED, Mr. BIDEN, Mrs. LINCOLN, Mr. FEINGOLD, Mr. THURMOND, Mr. ENZI, Mr. BREAUX, Mr. MCCONNELL, Mr. CRAIG, Mr. CLELAND, Mr. BENNETT, Mr. TORRICELLI, Mr. DASCHLE, Mr. LEAHY, Mr. WYDEN, Mr. CAMPBELL, Mr. NELSON, of Florida, Mr. WELLSTONE, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4854. Mr. GREGG (for himself, Mr. HOLLINGS, Mr. SHELBY, Mr. HARKIN, Mr. STEVENS, Mr. INOUYE, Mr. COCHRAN, Mr. HELMS, Mr. JOHNSON, Mr. SESSIONS, Mr. BINGAMAN, Mr. GRASSLEY, Ms. LANDRIEU, Mrs. FEINSTEIN, Mr. ALLEN, Mr. DOMENICI, Mrs. HUTCHISON, Mr. KOHL, Mr. BURNS, Mr. REED, Mr. BIDEN, Mrs. LINCOLN, Mr. FEINGOLD, Mr. THURMOND, Mr. ENZI, Mr. BREAUX, Mr. MCCONNELL, Mr. CRAIG, Mr. CLELAND, Mr. BENNETT, Mr. TORRICELLI, Mr. DASCHLE, Mr. LEAHY, Mr. WYDEN, Mr. CAMPBELL, Mr. NELSON, of Florida, Mr. WELLSTONE, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4855. Mr. REID (for Mr. MCCAIN (for himself and Mr. BAUCUS)) proposed an amendment to the bill H.R. 5063, An Act to amend the Internal Revenue Code of 1986 to improve tax equity for military personnel, and for other purposes.

TEXT OF AMENDMENTS

SA 4852. Mr. GREGG (for himself, Mr. HOLLINGS, Mr. SHELBY, Mr. HARKIN, Mr. STEVENS, Mr. INOUYE, Mr. COCHRAN, Mr. HELMS, Mr. JOHNSON, Mr. SESSIONS, Mr. BINGAMAN, Mr. GRASSLEY, Ms. LANDRIEU, Mrs. FEINSTEIN, Mr. ALLEN, Mr. DOMENICI, Mrs. HUTCHISON, Mr. KOHL, Mr. BURNS, Mr. REED, Mr. BIDEN, Mrs. LINCOLN, Mr. FEINGOLD, Mr. THURMOND, Mr. ENZI, Mr. BREAUX, Mr. MCCONNELL, Mr. CRAIG, Mr. CLELAND, Mr. BENNETT, Mr. TORRICELLI, Mr. DASCHLE, Mr. LEAHY, Mr. WYDEN, Mr. CAMPBELL, Mr. NELSON of Florida, Mr. WELLSTONE, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted insert the following:

SEC. 507. OFFICE FOR DOMESTIC PREPAREDNESS.

(a) ESTABLISHMENT.—There is established within the Directorate of Emergency Preparedness and Response the Office for Domestic Preparedness.

(b) DIRECTOR.—There shall be a Director of the Office for Domestic Preparedness, who shall be appointed by the President, by and with the advice and consent of the Senate. The Director of the Office for Domestic Preparedness shall report directly to the Under Secretary for Emergency Preparedness and Response.

(c) RESPONSIBILITIES.—The Office for Domestic Preparedness shall have the primary responsibility within the executive branch of Government for the preparedness of the United States for acts of terrorism, including—

(1) coordinating preparedness efforts at the Federal level, and working with all State, local, tribal, parish, and private sector emergency response providers on all matters pertaining to combating terrorism, including training, exercises, and equipment support;

(2) in keeping with intelligence estimates, working to ensure adequate strategic and operational planning, equipment, training, and exercise activities at all levels of government;

(3) coordinating or, as appropriate, consolidating communications and systems of communications relating to homeland security at all levels of government;

(4) directing and supervising terrorism preparedness grant programs of the Federal Government for all emergency response providers;

(5) incorporating the Strategy priorities into planning guidance on an agency level for the preparedness efforts of the Office for Domestic Preparedness;

(6) providing agency-specific training for agents and analysts within the Department, other agencies, and State and local agencies and international entities;

(7) as the lead executive branch agency for preparedness of the United States for acts of terrorism, cooperating closely with the Federal Emergency Management Agency, which shall have the primary responsibility within the executive branch to prepare for and mitigate the effects of nonterrorist-related disasters in the United States;

(8) assisting and supporting the Secretary, in coordination with other Directorates and entities outside the Department, in conducting appropriate risk analysis and risk management activities consistent with the mission and functions of the Directorate; and

(9) those elements of the Office of National Preparedness of the Federal Emergency Management Agency which relate to terrorism, which shall be consolidated within the Department in the Office for Domestic Preparedness established under this section.

(d) FISCAL YEARS 2003 and 2004.—During fiscal year 2003 and fiscal year 2004, the Director of the Office for Domestic Preparedness established under this section shall manage and carry out those functions of the Office for Domestic Preparedness of the Department of Justice (transferred under this section) before September 11, 2001, under the same terms, conditions, policies, and authorities, and with the required level of personnel, assets, and budget before September 11, 2001.

(e) REPORT.—Not later than the submission of the fiscal year 2005 budget request, the Secretary shall submit to Congress a detailed report containing a comprehensive, independent analysis, and recommendations addressing whether there should be a single office within the Department responsible for the domestic preparedness of the United States for all hazards, including terrorism and natural disasters. The analysis shall include an examination of the advantages, disadvantages, costs, and benefits of creating a single office for all hazards preparedness within the Department.

SA 4853. Mr. GREGG (for himself, Mr. HOLLINGS, Mr. SHELBY, Mr. HARKIN, Mr. STEVENS, Mr. INOUYE, Mr. COCHRAN, Mr. HELMS, Mr. JOHNSON, Mr. SESSIONS, Mr. BINGAMAN, Mr. GRASSLEY, Ms. LANDRIEU, Mrs. FEINSTEIN, Mr. ALLEN, Mr. DOMENICI, Mrs. HUTCHISON, Mr. KOHL, Mr. BURNS, Mr. REED, Mr. BIDEN, Mrs. LINCOLN, Mr. FEINGOLD, Mr. THURMOND, Mr. ENZI, Mr. BREAUX, Mr. MCCONNELL, Mr. CRAIG, Mr. CLELAND, Mr. BENNETT, Mr. TORRICELLI, Mr. DASCHLE, Mr. LEAHY, Mr. WYDEN, Mr. CAMPBELL, Mr. NELSON of Florida, Mr. WELLSTONE, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the first word and insert the following:

SEC. 507. OFFICE FOR DOMESTIC PREPAREDNESS.

(a) ESTABLISHMENT.—There is established within the Directorate of Emergency Preparedness and Response the Office for Domestic Preparedness.

(b) DIRECTOR.—There shall be a Director of the Office for Domestic Preparedness, who shall be appointed by the President, by and with the advice and consent of the Senate. The Director of the Office for Domestic Preparedness shall report directly to the Under Secretary for Emergency Preparedness and Response.

(c) RESPONSIBILITIES.—The Office for Domestic Preparedness shall have the primary responsibility within the executive branch of Government for the preparedness of the United States for acts of terrorism, including—

(1) coordinating preparedness efforts at the Federal level, and working with all State, local, tribal, parish, and private sector emergency response providers on all matters pertaining to combating terrorism, including training, exercises, and equipment support;

(2) in keeping with intelligence estimates, working to ensure adequate strategic and operational planning, equipment, training, and exercise activities at all levels of government;

(3) coordinating or, as appropriate, consolidating communications and systems of communications relating to homeland security at all levels of government;

(4) directing and supervising terrorism preparedness grant programs of the Federal Government for all emergency response providers;

(5) incorporating the Strategy priorities into planning guidance on an agency level for the preparedness efforts of the Office for Domestic Preparedness;

(6) providing agency-specific training for agents and analysts within the Department, other agencies, and State and local agencies and international entities;

(7) as the lead executive branch agency for preparedness of the United States for acts of terrorism, cooperating closely with the Federal Emergency Management Agency, which shall have the primary responsibility within the executive branch to prepare for and mitigate the effects of nonterrorist-related disasters in the United States;

(8) assisting and supporting the Secretary, in coordination with other Directorates and entities outside the Department, in conducting appropriate risk analysis and risk management activities consistent with the mission and functions of the Directorate; and

(9) those elements of the Office of National Preparedness of the Federal Emergency Management Agency which relate to terrorism, which shall be consolidated within the Department in the Office for Domestic Preparedness established under this section.

(d) FISCAL YEARS 2003 and 2004.—During fiscal year 2003 and fiscal year 2004, the Director of the Office for Domestic Preparedness established under this section shall manage and carry out those functions of the Office for Domestic Preparedness of the Department of Justice (transferred under this section) before September 11, 2001, under the same terms, conditions, policies, and authorities, and with the required level of personnel, assets, and budget before September 11, 2001.

(e) REPORT.—Not later than the submission of the fiscal year 2005 budget request, the Secretary shall submit to Congress a detailed report containing a comprehensive, independent analysis, and recommendations addressing whether there should be a single office within the Department responsible for the domestic preparedness of the United States for all hazards, including terrorism and natural disasters. The analysis shall include an examination of the advantages, disadvantages, costs, and benefits of creating a single office for all hazards preparedness within the Department.

SA 4854. Mr. GREGG (for himself, Mr. HOLLINGS, Mr. SHELBY, Mr. HARKIN, Mr. STEVENS, Mr. INOUYE, Mr. COCHRAN, Mr. HELMS, Mr. JOHNSON, Mr. SESSIONS, Mr. BINGAMAN, Mr. GRASSLEY, Ms. LANDRIEU, Mrs. FEINSTEIN, Mr. ALLEN, Mr. DOMENICI, Mrs. HUTCHISON, Mr. KOHL, Mr. BURNS, Mr. REED, Mr. BIDEN, Mrs. LINCOLN, Mr. FEINGOLD, Mr. THURMOND, Mr. ENZI, Mr. BREAUX, Mr. MCCONNELL, Mr. CRAIG, Mr. CLELAND, Mr. BENNETT, Mr. TORRICELLI, Mr. DASCHLE, Mr. LEAHY, Mr. WYDEN, Mr. CAMPBELL, Mr. NELSON of Florida, Mr. WELLSTONE, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 507. OFFICE FOR DOMESTIC PREPAREDNESS.

(a) ESTABLISHMENT.—There is established within the Directorate of Emergency Preparedness and Response the Office for Domestic Preparedness.

(b) DIRECTOR.—There shall be a Director of the Office for Domestic Preparedness, who shall be appointed by the President, by and with the advice and consent of the Senate. The Director of the Office for Domestic Preparedness shall report directly to the Under Secretary for Emergency Preparedness and Response.

(c) RESPONSIBILITIES.—The Office for Domestic Preparedness shall have the primary responsibility within the executive branch of Government for the preparedness of the United States for acts of terrorism, including—

(1) coordinating preparedness efforts at the Federal level, and working with all State, local, tribal, parish, and private sector emergency response providers on all matters pertaining to combating terrorism, including training, exercises, and equipment support;

(2) in keeping with intelligence estimates, working to ensure adequate strategic and operational planning, equipment, training, and exercise activities at all levels of government;

(3) coordinating or, as appropriate, consolidating communications and systems of communications relating to homeland security at all levels of government;

(4) directing and supervising terrorism preparedness grant programs of the Federal Government for all emergency response providers;

(5) incorporating the Strategy priorities into planning guidance on an agency level for the preparedness efforts of the Office for Domestic Preparedness;

(6) providing agency-specific training for agents and analysts within the Department, other agencies, and State and local agencies and international entities;

(7) as the lead executive branch agency for preparedness of the United States for acts of terrorism, cooperating closely with the Federal Emergency Management Agency, which shall have the primary responsibility within the executive branch to prepare for and mitigate the effects of nonterrorist-related disasters in the United States;

(8) assisting and supporting the Secretary, in coordination with other Directorates and entities outside the Department, in conducting appropriate risk analysis and risk management activities consistent with the mission and functions of the Directorate; and

(9) those elements of the Office of National Preparedness of the Federal Emergency Management Agency which relate to terrorism, which shall be consolidated within the Department in the Office for Domestic Preparedness established under this section.

(d) FISCAL YEARS 2003 and 2004.—During fiscal year 2003 and fiscal year 2004, the Director of the Office for Domestic Preparedness established under this section shall manage and carry out those functions of the Office for Domestic Preparedness of the Department of Justice (transferred under this section) before September 11, 2001, under the same terms, conditions, policies, and authorities, and with the required level of personnel, assets, and budget before September 11, 2001.

(e) REPORT.—Not later than the submission of the fiscal year 2005 budget request, the Secretary shall submit to Congress a detailed report containing a comprehensive, independent analysis, and recommendations addressing whether there should be a single office within the Department responsible for the domestic preparedness of the United States for all hazards, including terrorism and natural disasters. The analysis shall include an examination of the advantages, disadvantages, costs, and benefits of creating a single office for all hazards preparedness within the Department.

SA 4855. Mr. REID (for Mr. MCCAIN (for himself and Mr. BAUCUS)) proposed an amendment to the bill H.R. 5063, An Act to amend the Internal Revenue Code of 1986 to improve tax equity for military personnel, and for other purposes; as follows:

On page 9, strike lines 9 through 12, and insert the following:

(b) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendments made by section 312 of the Taxpayer Relief Act of 1997.

(2) WAIVER OF LIMITATIONS.—If refund or credit of any overpayment of tax resulting from the amendment made by this section is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

On page 46, after line 14, add the following:

SEC. 203. PARTIAL PAYMENT OF TAX LIABILITY IN INSTALLMENT AGREEMENTS.

(a) IN GENERAL.—

(1) Section 6159(a) (relating to authorization of agreements) is amended—

(A) by striking "satisfy liability for payment of" and inserting "make payment on", and

(B) by inserting "full or partial" after "facilitate".

(2) Section 6159(c) (relating to Secretary required to enter into installment agreements in certain cases) is amended in the matter preceding paragraph (1) by inserting "full" before "payment".

(b) REQUIREMENT TO REVIEW PARTIAL PAYMENT AGREEMENTS EVERY TWO YEARS.—Section 6159 is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and inserting after subsection (c) the following new subsection:

"(d) SECRETARY REQUIRED TO REVIEW INSTALLMENT AGREEMENTS FOR PARTIAL COLLECTION EVERY TWO YEARS.—In the case of an agreement entered into by the Secretary under subsection (a) for partial collection of a tax liability, the Secretary shall review the agreement at least once every 2 years.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to agreements entered into on or after the date of the enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, October 3, 2002, at 9:30 a.m., to conduct an oversight hearing on "The Administration's National Money Laundering Strategy for 2002."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, October 3, 2002, at 2:30 p.m., to conduct a hearing on the nominations of Mr. Alberto Faustino Trevino, of California, to be Assistant Secretary of Housing and Urban Development for Policy Development and Research; Mr. Armando J. Bucelo, Jr., of Florida, to be a Director of the Securities Investor Protection Corporation; Ms. Diana E. Furchtgott-Roth, of Maryland, to be a Director of the Federal Housing Finance Board; Ms. Carolyn Y. Peoples, of Maryland, to be Assistant Secretary of Housing and Urban Development for Fair Housing and Equal Opportunity; Ms. Deborah Doyle McWhinney, of California, to be a Director of the Securities Investor Protection Corporation; Mr. John M. Reich, of Virginia, to be Vice Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation; Mr. Rafael Cuellar, of New Jersey, to be a member of the Board of Directors of the National Consumer Cooperative Bank; and Mr. Michael Scott, of North Carolina, to be a member of the Board of Directors of the National Consumer Cooperative Bank.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, October 3, 2002, at 9:30 a.m. on National Park Overflights.,

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, October 3, 2002, at 10:00 a.m., to hear testimony on the Final Report produced by the President's Commission to Strengthen Social Security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 3, 2002, at 9 a.m., to hold a nomination hearing.

Agenda

Nominees

Mr. Richard A. Roth, of Michigan, to be Ambassador to the Republic of Senegal, and to serve concurrently and without additional compensation as Ambassador to the Republic of Guinea-Bissau; Mr. Joseph Huggins, of the District of Columbia, to be Ambassador to the Republic of Botswana; and Ms. Robin R. Sanders, of New York, to be Ambassador to the Republic of Congo.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 3, 2002, at 10:30 a.m., to hold a nomination hearing.

Agenda

Nominees

The Honorable Maura A. Harty to be Assistant Secretary of State for Consular Affairs; Mr. Kim R. Holmes to be Assistant Secretary of State for International Organization Affairs.

To be introduced by: The Honorable GEORGE ALLEN, United States Senate, Washington, DC: The Honorable Ellen R. Sauerbrey for the rank of Ambassador as the United States Representative to the Commission on the Status of Women of the Economic & Social Council of the United Nations.

To be introduced by: The Honorable GEORGE ALLEN, United States Senate, Washington, DC: The Honorable Francis X. Taylor to be Assistant Secretary of State for Diplomatic Security, and Director, Office of Foreign Missions, with the rank of Ambassador.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, October 3, 2002, at 9 a.m., to receive testimony on the nomination of Bruce R. James, of Nevada, to be Public Printer.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, October 3, 2002, at 10 a.m., to hold a joint hearing with the House Permanent Select Committee on Intelligence concerning the Joint Inquiry into the events of September 11, 2001.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, October 3, 2002, at 6 p.m., to hold a closed conference with the House Permanent Select Committee on Intelligence concerning the fiscal year 2003 Intelligence authorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space be authorized to meet on Thursday, October 3, 2002, at 2:30 p.m., on Title IX and Science.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Madam President, I ask unanimous consent that Robert Kerr, a fellow in my office, be granted the privilege of the floor during the duration of the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S.J. 45

Mr. REID. Mr. President, I ask unanimous consent that the motion to proceed to S.J. Res. 45 be agreed to and that consideration of the joint resolution be limited to debate only until Tuesday, October 8.

The PRESIDING OFFICER. Without objection, it is so ordered.

ARMED FORCES TAX FAIRNESS ACT OF 2002

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of Calendar No. 603, H.R. 5063.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5063) to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services.

There being no objection, the Senate proceeded to consider the joint resolution which had been reported from the Committee on Finance, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Armed Forces Tax Fairness Act of 2002".

[SEC. 2. SPECIAL RULE FOR MEMBERS OF UNIFORMED SERVICES IN DETERMINING EXCLUSION OF GAIN FROM SALE OF PRINCIPAL RESIDENCE.

[(a) In General.—Subsection (d) of section 121 of the Internal Revenue Code of 1986 (relating to exclusion of gain from sale of principal residence) is amended by adding at the end the following new paragraph:

["(9) Members of uniformed services.—

["(A) In general.—At the election of an individual with respect to a property, the running of the 5-year period described in subsection (a) with respect to such property shall be suspended during any period that such individual or such individual's spouse is serving on qualified official extended duty as a member of the uniformed services.

["(B) Maximum period of suspension.—The 5-year period described in subsection (a) shall not be extended more than 5 years by reason of subparagraph (A).

["(C) Qualified official extended duty.—For purposes of this paragraph—

["(i) In general.—The term 'qualified official extended duty' means any extended duty while serving at a duty station which is at least 250 miles from such property or while residing under Government orders in Government quarters.

["(ii) Uniformed services.—The term 'uniformed services' has the meaning given such term by section 101(a)(5) of title 10, United States Code, as in effect on the date of the enactment of this paragraph.

["(iii) Extended duty.—The term 'extended duty' means any period of active duty pursuant to a call or order to such duty for a period in excess of 180 days or for an indefinite period.

["(D) Special rules relating to election.—

["(i) Election limited to 1 property at a time.—An election under subparagraph (A) with respect to any property may not be made if such an election is in effect with respect to any other property.

["(ii) Revocation of election.—An election under subparagraph (A) may be revoked at any time.".

[(b) Effective Date.—The amendment made by this section shall apply to elections made after the date of the enactment of this Act for suspended periods under section 121(d)(9) of the Internal Revenue Code of 1986 (as added by this section) beginning after such date.

[SEC. 3. RESTORATION OF FULL EXCLUSION FROM GROSS INCOME OF DEATH GRATUITY PAYMENT.

[(a) In General.—Subsection (b)(3) of section 134 of the Internal Revenue Code of 1986 (relating to certain military benefits) is amended by adding at the end the following new subparagraph:

["(C) Exception for death gratuity adjustments made by law.—Subparagraph (A) shall not apply to any adjustment to the amount of death gratuity payable under chapter 75 of title 10, United States Code, which is pursuant to a provision of law enacted before December 31, 1991.".

[(b) Conforming Amendment.—Subparagraph (A) of section 134(b)(3) of such Code is amended by striking "subparagraph (B)" and inserting "subparagraphs (B) and (C)".

[(c) Effective Date.—The amendments made by this section shall apply with respect to deaths occurring after September 10, 2001.]

SECTION 1. SHORT TITLE; ETC.

(a) Short Title.—This Act may be cited as the "Armed Forces Tax Fairness Act of 2002".

(b) Amendment of 1986 Code.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; etc.

TITLE I—IMPROVING TAX EQUITY FOR MILITARY PERSONNEL

Sec. 101. Exclusion from gross income of certain death gratuity payments.
Sec. 102. Exclusion of gain from sale of a principal residence by a member of the uniformed services or the Foreign Service.
Sec. 103. Exclusion for amounts received under Department of Defense Homeowners Assistance Program.
Sec. 104. Expansion of combat zone filing rules to contingency operations.
Sec. 105. Above-the-line deduction for overnight travel expenses of National Guard and Reserve members.
Sec. 106. Modification of membership requirement for exemption from tax for certain veterans' organizations.
Sec. 107. Clarification of treatment of certain dependent care assistance programs.

TITLE II—OTHER PROVISIONS

Sec. 201. Revision of tax rules on expatriation.
Sec. 202. Extension of IRS user fees.

TITLE I—IMPROVING TAX EQUITY FOR MILITARY PERSONNEL

SEC. 101. EXCLUSION FROM GROSS INCOME OF CERTAIN DEATH GRATUITY PAYMENTS.

(a) In General.—Subsection (b)(3) of section 134 (relating to certain military benefits) is amended by adding at the end the following new subparagraph:

"(C) Exception for death gratuity adjustments made by law.—Subparagraph (A) shall not apply to any adjustment to the amount of death gratuity payable under chapter 75 of title 10, United States Code, which is pursuant to a provision of law enacted after September 9, 1986.".

(b) Conforming Amendment.—Subparagraph (A) of section 134(b)(3) is amended by striking "subparagraph (B)" and inserting "subparagraphs (B) and (C)".

(c) Effective Date.—The amendments made by this section shall apply with respect to deaths occurring after September 10, 2001.

SEC. 102. EXCLUSION OF GAIN FROM SALE OF A PRINCIPAL RESIDENCE BY A MEMBER OF THE UNIFORMED SERVICES OR THE FOREIGN SERVICE.

(a) In General.—Subsection (d) of section 121 (relating to exclusion of gain from sale of principal residence) is amended by adding at the end the following new paragraph:

"(9) Members of uniformed services and Foreign Service.—

"(A) In general.—At the election of an individual with respect to a property, the running of the 5-year period described in subsection (a) with respect to such property shall be suspended during any period that such individual or such individual's spouse is serving on qualified official extended duty as a member of the uniformed services or of the Foreign Service of the United States.

"(B) Maximum period of suspension.—The 5-year period described in subsection (a) shall not be extended more than 10 years by reason of subparagraph (A).

"(C) Qualified official extended duty.—For purposes of this paragraph—

"(i) In general.—The term 'qualified official extended duty' means any extended duty while serving at a duty station which is at least 50 miles from such property or while residing under Government orders in Government quarters.

"(ii) Uniformed services.—The term 'uniformed services' has the meaning given such term by section 101(a)(5) of title 10, United States Code, as in effect on the date of the enactment of this paragraph.

"(iii) Foreign Service of the United States.—The term 'member of the Foreign Service of the United States' has the meaning given the term 'member of the Service' by paragraph (1), (2), (3), (4), or (5) of section 103 of the Foreign Service Act of 1980.

"(iv) Extended duty.—The term 'extended duty' means any period of duty pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period.

"(D) Special rules relating to election.—

"(i) Election limited to 1 property at a time.—An election under subparagraph (A) with respect to any property may not be made if such an election is in effect with respect to any other property.

"(ii) Revocation of election.—An election under subparagraph (A) may be revoked at any time.".

(b) Effective Date.—The amendment made by this section shall apply to elections made with respect to sales and exchanges occurring after the date of the enactment of this Act.

SEC. 103. EXCLUSION FOR AMOUNTS RECEIVED UNDER DEPARTMENT OF DEFENSE HOMEOWNERS ASSISTANCE PROGRAM.

(a) In General.—Section 132(a) (relating to the exclusion from gross income of certain fringe benefits) is amended by striking "or" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ", or" and by adding at the end the following new paragraph:

"(8) qualified military base realignment and closure fringe.".

(b) Qualified Military Base Realignment and Closure Fringe.—Section 132 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

"(n) Qualified Military Base Realignment and Closure Fringe.—For purposes of this section, the term 'qualified military base realignment and closure fringe' means 1 or more payments under the authority of section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to offset the adverse effects on housing values as a result of a military base realignment or closure.".

(c) Effective Date.—The amendments made by this section shall apply to payments made after the date of the enactment of this Act.

SEC. 104. EXPANSION OF COMBAT ZONE FILING RULES TO CONTINGENCY OPERATIONS.

(a) In General.—Section 7508(a) (relating to time for performing certain acts postponed by reason of service in combat zone) is amended—

(1) by inserting "or when deployed outside the United States away from the individual's permanent duty station while participating in an operation designated by the Secretary of Defense as a contingency operation (as defined in section 101(a)(13) of title 10, United States Code) or which became such a contingency operation by operation of law" after "section 112",

(2) by inserting in the first sentence "or at any time during the period of such contingency operation" after "for purposes of such section",

(3) by inserting "or operation" after "such an area", and

(4) by inserting "or operation" after "such area".

(b) CONFORMING AMENDMENTS.—

(1) Section 7508(d) is amended by inserting "or contingency operation" after "area".

(2) The heading for section 7508 is amended by inserting "**OR CONTINGENCY OPERATION**" after "**COMBAT ZONE**".

(3) The item relating to section 7508 in the table of sections for chapter 77 is amended by inserting "or contingency operation" after "combat zone".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any period for performing an act which has not expired before the date of the enactment of this Act.

SEC. 105. ABOVE-THE-LINE DEDUCTION FOR OVERNIGHT TRAVEL EXPENSES OF NATIONAL GUARD AND RESERVE MEMBERS.

(a) DEDUCTION ALLOWED.—Section 162 (relating to certain trade or business expenses) is amended by redesignating subsection (p) as subsection (q) and inserting after subsection (o) the following new subsection:

"(p) TREATMENT OF EXPENSES OF MEMBERS OF RESERVE COMPONENT OF ARMED FORCES OF THE UNITED STATES.—For purposes of subsection (a)(2), in the case of an individual who performs services as a member of a reserve component of the Armed Forces of the United States at any time during the taxable year, such individual shall be deemed to be away from home in the pursuit of a trade or business for any period during which such individual is away from home in connection with such service.".

(b) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ELECTS TO ITEMIZE.—Section 62(a)(2) (relating to certain trade and business deductions of employees) is amended by adding at the end the following new subparagraph:

"(E) CERTAIN EXPENSES OF MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—The deductions allowed by section 162 which consist of expenses, in amounts not in excess of the rates for travel expenses (including per diem in lieu of subsistence) authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, paid or incurred by the taxpayer in connection with the performance of services by such taxpayer as a member of a reserve component of the Armed Forces of the United States.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2001.

SEC. 106. MODIFICATION OF MEMBERSHIP REQUIREMENT FOR EXEMPTION FROM TAX FOR CERTAIN VETERANS' ORGANIZATIONS.

(a) IN GENERAL.—Subparagraph (B) of section 501(c)(19) (relating to list of exempt organizations) is amended by striking "or widowers" and inserting ", widowers, or ancestors or lineal descendants".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 107. CLARIFICATION OF THE TREATMENT OF CERTAIN DEPENDENT CARE ASSISTANCE PROGRAMS.

(a) IN GENERAL.—Section 134(b) (defining qualified military benefit) is amended by adding at the end the following new paragraph:

"(4) CLARIFICATION OF CERTAIN BENEFITS.—For purposes of paragraph (1), such term includes any dependent care assistance program for any individual described in paragraph (1)(A).".

(b) CONFORMING AMENDMENTS.—

(1) Section 134(b)(3)(A) is amended by inserting "and paragraph (4)" after "subparagraph (B)".

(2) Section 3121(a)(18) is amended by striking "or 129" and inserting ", 129, or 134(b)(4)".

(3) Section 3306(b)(13) is amended by striking "or 129" and inserting ", 129, or 134(b)(4)".

(4) Section 3401(a)(18) is amended by striking "or 129" and inserting ", 129, or 134(b)(4)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

(d) NO INFERENCE.—No inference may be drawn from the amendments made by this section with respect to the tax treatment of any amounts under the program described in section 134(b)(4) of the Internal Revenue Code of 1986 (as added by this section) for any taxable year beginning before January 1, 2002.

TITLE II—OTHER PROVISIONS

SEC. 201. REVISION OF TAX RULES ON EXPATRIATION.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

"SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

"(a) GENERAL RULES.—For purposes of this subtitle—

"(1) MARK TO MARKET.—Except as provided in subsections (d) and (f), all property of a covered expatriate to whom this section applies shall be treated as sold on the day before the expatriation date for its fair market value.

"(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

"(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

"(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence.

"(3) EXCLUSION FOR CERTAIN GAIN.—

"(A) IN GENERAL.—The amount which, but for this paragraph, would be includible in the gross income of any individual by reason of this section shall be reduced (but not below zero) by $600,000. For purposes of this paragraph, allocable expatriation gain taken into account under subsection (f)(2) shall be treated in the same manner as an amount required to be includible in gross income.

"(B) COST-OF-LIVING ADJUSTMENT.—

"(i) IN GENERAL.—In the case of an expatriation date occurring in any calendar year after 2002, the $600,000 amount under subparagraph (A) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2001' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) ROUNDING RULES.—If any amount after adjustment under clause (i) is not a multiple of $1,000, such amount shall be rounded to the next lower multiple of $1,000.

"(4) ELECTION TO CONTINUE TO BE TAXED AS UNITED STATES CITIZEN.—

"(A) IN GENERAL.—If a covered expatriate elects the application of this paragraph—

"(i) this section (other than this paragraph and subsection (i)) shall not apply to the expatriate, but

"(ii) in the case of property to which this section would apply but for such election, the expatriate shall be subject to tax under this title in the same manner as if the individual were a United States citizen.

"(B) REQUIREMENTS.—Subparagraph (A) shall not apply to an individual unless the individual—

"(i) provides security for payment of tax in such form and manner, and in such amount, as the Secretary may require,

"(ii) consents to the waiver of any right of the individual under any treaty of the United States which would preclude assessment or collection of any tax which may be imposed by reason of this paragraph, and

"(iii) complies with such other requirements as the Secretary may prescribe.

"(C) ELECTION.—An election under subparagraph (A) shall apply to all property to which this section would apply but for the election and, once made, shall be irrevocable. Such election shall also apply to property the basis of which is determined in whole or in part by reference to the property with respect to which the election was made.

"(b) ELECTION TO DEFER TAX.—

"(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the payment of the additional tax attributable to such property shall be postponed until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

"(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

"(3) TERMINATION OF POSTPONEMENT.—No tax may be postponed under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

"(4) SECURITY.—

"(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided to the Secretary with respect to such property.

"(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

"(i) it is a bond in an amount equal to the deferred tax amount under paragraph (2) for the property, or

"(ii) the taxpayer otherwise establishes to the satisfaction of the Secretary that the security is adequate.

"(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the *taxpayer consents to the waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.*

"(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be made under paragraph (1) with respect to an interest in a trust with respect to which gain is required to be recognized under subsection (f)(1).

"(7) INTEREST.—For purposes of section 6601—

"(A) the last date for the payment of tax shall be determined without regard to the election under this subsection, and

"(B) section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

"(c) COVERED EXPATRIATE.—For purposes of this section—

"(1) IN GENERAL.—Except as provided in paragraph (2), the term 'covered expatriate' means an expatriate.

"(2) EXCEPTIONS.—An individual shall not be treated as a covered expatriate if—

"(A) the individual—

"(i) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

"(ii) has not been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) during the 5 taxable years ending with the taxable year during which the expatriation date occurs, or

"(B)(i) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

"(ii) the individual has been a resident of the United States (as so defined) for not more than 5 taxable years before the date of relinquishment.

"(d) EXEMPT PROPERTY; SPECIAL RULES FOR PENSION PLANS.—

"(1) EXEMPT PROPERTY.—This section shall not apply to the following:

"(A) UNITED STATES REAL PROPERTY INTERESTS.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the day before the expatriation date, meet the requirements of section 897(c)(2).

"(B) SPECIFIED PROPERTY.—Any property or interest in property not described in subparagraph (A) which the Secretary specifies in regulations.

"(2) SPECIAL RULES FOR CERTAIN RETIREMENT PLANS.—

"(A) IN GENERAL.—If a covered expatriate holds on the day before the expatriation date any interest in a retirement plan to which this paragraph applies—

"(i) such interest shall not be treated as sold for purposes of subsection (a)(1), but

"(ii) an amount equal to the present value of the expatriate's nonforfeitable accrued benefit shall be treated as having been received by such individual on such date as a distribution under the plan.

"(B) TREATMENT OF SUBSEQUENT DISTRIBUTIONS.—In the case of any distribution on or after the expatriation date to or on behalf of the covered expatriate from a plan from which the expatriate was treated as receiving a distribution under subparagraph (A), the amount otherwise includible in gross income by reason of the subsequent distribution shall be reduced by the excess of the amount includible in gross income under subparagraph (A) over any portion of such amount to which this subparagraph previously applied.

"(C) TREATMENT OF SUBSEQUENT DISTRIBUTIONS BY PLAN.—For purposes of this title, a retirement plan to which this paragraph applies, and any person acting on the plan's behalf, shall treat any subsequent distribution described in subparagraph (B) in the same manner as such distribution would be treated without regard to this paragraph.

"(D) APPLICABLE PLANS.—This paragraph shall apply to—

"(i) any qualified retirement plan (as defined in section 4974(c)),

"(ii) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A), and

"(iii) to the extent provided in regulations, any foreign pension plan or similar retirement arrangements or programs.

"(e) DEFINITIONS.—For purposes of this section—

"(1) EXPATRIATE.—The term 'expatriate' means—

"(A) any United States citizen who relinquishes citizenship, and

"(B) any long-term resident of the United States who—

"(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

"(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

"(2) EXPATRIATION DATE.—The term 'expatriation date' means—

"(A) the date an individual relinquishes United States citizenship, or

"(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

"(3) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing United States citizenship on the earliest of—

"(A) the date the individual renounces such individual's United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

"(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

"(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

"(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

"(4) LONG-TERM RESIDENT.—The term 'long-term resident' has the meaning given to such term by section 877(e)(2).

"(f) SPECIAL RULES APPLICABLE TO BENEFICIARIES' INTERESTS IN TRUST.—

"(1) IN GENERAL.—Except as provided in paragraph (2), if an individual is determined under paragraph (3) to hold an interest in a trust on the day before the expatriation date—

"(A) the individual shall not be treated as having sold such interest,

"(B) such interest shall be treated as a separate share in the trust, and

"(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

"(ii) the separate trust shall be treated as having sold its assets on the day before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

"(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii). In determining the amount of such distribution, proper adjustments shall be made for liabilities of the trust allocable to an individual's share in the trust.

"(2) SPECIAL RULES FOR INTERESTS IN QUALIFIED TRUSTS.—

"(A) IN GENERAL.—If the trust interest described in paragraph (1) is an interest in a qualified trust—

"(i) paragraph (1) and subsection (a) shall not apply, and

"(ii) in addition to any other tax imposed by this title, there is hereby imposed on each distribution with respect to such interest a tax in the amount determined under subparagraph (B).

"(B) AMOUNT OF TAX.—The amount of tax under subparagraph (A)(ii) shall be equal to the lesser of—

"(i) the highest rate of tax imposed by section 1(e) for the taxable year which includes the day before the expatriation date, multiplied by the amount of the distribution, or

"(ii) the balance in the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (C)(ii) after the 30th day preceding the distribution.

"(C) DEFERRED TAX ACCOUNT.—For purposes of subparagraph (B)(ii)—

"(i) OPENING BALANCE.—The opening balance in a deferred tax account with respect to any trust interest is an amount equal to the tax which would have been imposed on the allocable expatriation gain with respect to the trust interest if such gain had been included in gross income under subsection (a).

"(ii) INCREASE FOR INTEREST.—The balance in the deferred tax account shall be increased by the amount of interest determined (on the balance in the account at the time the interest accrues), for periods after the 90th day after the expatriation date, by using the rates and method applicable under section 6621 for underpayments of tax for such periods, except that section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

"(iii) DECREASE FOR TAXES PREVIOUSLY PAID.—The balance in the tax deferred account shall be reduced—

"(I) by the amount of taxes imposed by subparagraph (A) on any distribution to the person holding the trust interest, and

"(II) in the case of a person holding a nonvested interest, to the extent provided in regulations, by the amount of taxes imposed by subparagraph (A) on distributions from the trust with respect to nonvested interests not held by such person.

"(D) ALLOCABLE EXPATRIATION GAIN.—For purposes of this paragraph, the allocable expatriation gain with respect to any beneficiary's interest in a trust is the amount of gain which would be allocable to such beneficiary's vested and nonvested interests in the trust if the beneficiary held directly all assets allocable to such interests.

"(E) TAX DEDUCTED AND WITHHELD.—

"(i) IN GENERAL.—The tax imposed by subparagraph (A)(ii) shall be deducted and withheld by the trustees from the distribution to which it relates.

"(ii) EXCEPTION WHERE FAILURE TO WAIVE TREATY RIGHTS.—If an amount may not be deducted and withheld under clause (i) by reason

of the distributee failing to waive any treaty right with respect to such distribution—

"(I) the tax imposed by subparagraph (A)(ii) shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax, and

"(II) any other beneficiary of the trust shall be entitled to recover from the distributee the amount of such tax imposed on the other beneficiary.

"(F) DISPOSITION.—If a trust ceases to be a qualified trust at any time, a covered expatriate disposes of an interest in a qualified trust, or a covered expatriate holding an interest in a qualified trust dies, then, in lieu of the tax imposed by subparagraph (A)(ii), there is hereby imposed a tax equal to the lesser of—

"(i) the tax determined under paragraph (1) as if the day before the expatriation date were the date of such cessation, disposition, or death, whichever is applicable, or

"(ii) the balance in the tax deferred account immediately before such date.

Such tax shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax and any other beneficiary of the trust shall be entitled to recover from the covered expatriate or the estate the amount of such tax imposed on the other beneficiary.

"(G) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

"(i) QUALIFIED TRUST.—The term 'qualified trust' means a trust which is described in section 7701(a)(30)(E).

"(ii) VESTED INTEREST.—The term 'vested interest' means any interest which, as of the day before the expatriation date, is vested in the beneficiary.

"(iii) NONVESTED INTEREST.—The term 'nonvested interest' means, with respect to any beneficiary, any interest in a trust which is not a vested interest. Such interest shall be determined by assuming the maximum exercise of discretion in favor of the beneficiary and the occurrence of all contingencies in favor of the beneficiary.

"(iv) ADJUSTMENTS.—The Secretary may provide for such adjustments to the bases of assets in a trust or a deferred tax account, and the timing of such adjustments, in order to ensure that gain is taxed only once.

"(v) COORDINATION WITH RETIREMENT PLAN RULES.—This subsection shall not apply to an interest in a trust which is part of a retirement plan to which subsection (d)(2) applies.

"(3) DETERMINATION OF BENEFICIARIES' INTEREST IN TRUST.—

"(A) DETERMINATIONS UNDER PARAGRAPH (1).—For purposes of paragraph (1), a beneficiary's interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar adviser.

"(B) OTHER DETERMINATIONS.—For purposes of this section—

"(i) CONSTRUCTIVE OWNERSHIP.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

"(ii) TAXPAYER RETURN POSITION.—A taxpayer shall clearly indicate on its income tax return—

"(I) the methodology used to determine that taxpayer's trust interest under this section, and

"(II) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

"(g) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

"(1) any period during which recognition of income or gain is deferred shall terminate on the day before the expatriation date, and

"(2) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

"(h) IMPOSITION OF TENTATIVE TAX.—

"(1) IN GENERAL.—If an individual is required to include any amount in gross income under subsection (a) for any taxable year, there is hereby imposed, immediately before the expatriation date, a tax in an amount equal to the amount of tax which would be imposed if the taxable year were a short taxable year ending on the expatriation date.

"(2) DUE DATE.—The due date for any tax imposed by paragraph (1) shall be the 90th day after the expatriation date.

"(3) TREATMENT OF TAX.—Any tax paid under paragraph (1) shall be treated as a payment of the tax imposed by this chapter for the taxable year to which subsection (a) applies.

"(4) DEFERRAL OF TAX.—The provisions of subsection (b) shall apply to the tax imposed by this subsection to the extent attributable to gain includible in gross income by reason of this section.

"(i) SPECIAL LIENS FOR DEFERRED TAX AMOUNTS.—

"(1) IMPOSITION OF LIEN.—

"(A) IN GENERAL.—If a covered expatriate makes an election under subsection (a)(4) or (b) which results in the deferral of any tax imposed by reason of subsection (a), the deferred amount (including any interest, additional amount, addition to tax, assessable penalty, and costs attributable to the deferred amount) shall be a lien in favor of the United States on all property of the expatriate located in the United States (without regard to whether this section applies to the property).

"(B) DEFERRED AMOUNT.—For purposes of this subsection, the deferred amount is the amount of the increase in the covered expatriate's income tax which, but for the election under subsection (a)(4) or (b), would have occurred by reason of this section for the taxable year including the expatriation date.

"(2) PERIOD OF LIEN.—The lien imposed by this subsection shall arise on the expatriation date and continue until—

"(A) the liability for tax by reason of this section is satisfied or has become unenforceable by reason of lapse of time, or

"(B) it is established to the satisfaction of the Secretary that no further tax liability may arise by reason of this section.

"(3) CERTAIN RULES APPLY.—The rules set forth in paragraphs (1), (3), and (4) of section 6324A(d) shall apply with respect to the lien imposed by this subsection as if it were a lien imposed by section 6324A.

"(j) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) INCLUSION IN INCOME OF GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—Section 102 (relating to gifts, etc. not included in gross income) is amended by adding at the end the following new subsection:

"(d) GIFTS AND INHERITANCES FROM COVERED EXPATRIATES.—

"(1) IN GENERAL.—Subsection (a) shall not exclude from gross income the value of any property acquired by gift, bequest, devise, or inheritance from a covered expatriate after the expatriation date. For purposes of this subsection, any term used in this subsection which is also used in section 877A shall have the same meaning as when used in section 877A.

"(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Paragraph (1) shall not apply to any property if either—

"(A) the gift, bequest, devise, or inheritance is—

"(i) shown on a timely filed return of tax imposed by chapter 12 as a taxable gift by the covered expatriate, or

"(ii) included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate, or

"(B) no such return was timely filed but no such return would have been required to be filed even if the covered expatriate were a citizen or long-term resident of the United States.".

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—Section 7701(a) is amended by adding at the end the following new paragraph:

"(48) TERMINATION OF UNITED STATES CITIZENSHIP.—

"(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(e)(3).

"(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.".

(d) INELIGIBILITY FOR VISA OR ADMISSION TO UNITED STATES.—

(1) IN GENERAL.—Section 212(a)(10)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(E)) is amended to read as follows:

"(E) FORMER CITIZENS NOT IN COMPLIANCE WITH EXPATRIATION REVENUE PROVISIONS.—Any alien who is a former citizen of the United States who relinquishes United States citizenship (within the meaning of section 877A(e)(3) of the Internal Revenue Code of 1986) and who is not in compliance with section 877A of such Code (relating to expatriation).".

(2) AVAILABILITY OF INFORMATION.—

(A) IN GENERAL.—Section 6103(l) (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

"(18) DISCLOSURE TO DENY VISA OR ADMISSION TO CERTAIN EXPATRIATES.—Upon written request of the Attorney General or the Attorney General's delegate, the Secretary shall disclose whether an individual is in compliance with section 877A (and if not in compliance, any items of noncompliance) to officers and employees of the Federal agency responsible for administering section 212(a)(10)(E) of the Immigration and Nationality Act solely for the purpose of, and to the extent necessary in, administering such section 212(a)(10)(E).".

(B) SAFEGUARDS.—Section 6103(p)(4) (relating to safeguards) is amended by striking "or (17)" each place it appears and inserting "(17), or (18)".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to individuals who relinquish United States citizenship on or after the date of the enactment of this Act.

(e) CONFORMING AMENDMENTS.—

(1) Section 877 is amended by adding at the end the following new subsection:

"(g) APPLICATION.—This section shall not apply to an expatriate (as defined in section 877A(e)) whose expatriation date (as so defined) occurs on or after September 12, 2002.".

(2) Section 2107 is amended by adding at the end the following new subsection:

"(f) APPLICATION.—This section shall not apply to any expatriate subject to section 877A.".

(3) Section 2501(a)(3) is amended by adding at the end the following new subparagraph:

"(F) APPLICATION.—This paragraph shall not apply to any expatriate subject to section 877A.".

(4)(A) Paragraph (1) of section 6039G(d) is amended by inserting "or 877A" after "section 877".

(B) The second sentence of section 6039G(e) is amended by inserting "or who relinquishes United States citizenship (within the meaning of section 877A(e)(3))" after "877(a))".

(C) Section 6039G(f) is amended by inserting "or 877A(e)(2)(B)" after "877(e)(1)".

(f) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

"Sec. 877A. Tax responsibilities of expatriation.".

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs on or after September 12, 2002.

(2) GIFTS AND BEQUESTS.—Section 102(d) of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to gifts and bequests received on or after September 12, 2002, from an individual or the estate of an individual whose expatriation date (as so defined) occurs after such date.

(3) DUE DATE FOR TENTATIVE TAX.—The due date under section 877A(h)(2) of the Internal Revenue Code of 1986, as added by this section, shall in no event occur before the 90th day after the date of the enactment of this Act.

SEC. 202. EXTENSION OF INTERNAL REVENUE SERVICE USER FEES.

(a) IN GENERAL.—Chapter 77 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

"SEC. 7527. INTERNAL REVENUE SERVICE USER FEES.

"(a) GENERAL RULE.—The Secretary shall establish a program requiring the payment of user fees for—

"(1) requests to the Internal Revenue Service for ruling letters, opinion letters, and determination letters, and

"(2) other similar requests.

"(b) PROGRAM CRITERIA.—

"(1) IN GENERAL.—The fees charged under the program required by subsection (a)—

"(A) shall vary according to categories (or subcategories) established by the Secretary,

"(B) shall be determined after taking into account the average time for (and difficulty of) complying with requests in each category (and subcategory), and

"(C) shall be payable in advance.

"(2) EXEMPTIONS, ETC.—

"(A) IN GENERAL.—The Secretary shall provide for such exemptions (and reduced fees) under such program as the Secretary determines to be appropriate.

"(B) EXEMPTION FOR CERTAIN REQUESTS REGARDING PENSION PLANS.—The Secretary shall not require payment of user fees under such program for requests for determination letters with respect to the qualified status of a pension benefit plan maintained solely by 1 or more eligible employers or any trust which is part of the plan. The preceding sentence shall not apply to any request—

"(i) made after the later of—

"(I) the fifth plan year the pension benefit plan is in existence, or

"(II) the end of any remedial amendment period with respect to the plan beginning within the first 5 plan years, or

"(ii) made by the sponsor of any prototype or similar plan which the sponsor intends to market to participating employers.

"(C) DEFINITIONS AND SPECIAL RULES.—For purposes of subparagraph (B)—

"(i) PENSION BENEFIT PLAN.—The term 'pension benefit plan' means a pension, profit-sharing, stock bonus, annuity, or employee stock ownership plan.

"(ii) ELIGIBLE EMPLOYER.—The term 'eligible employer' means an eligible employer (as defined in section 408(p)(2)(C)(i)(I)) which has at least 1 employee who is not a highly compensated employee (as defined in section 414(q)) and is participating in the plan. The determination of whether an employer is an eligible employer under subparagraph (B) shall be made as of the date of the request described in such subparagraph.

"(iii) DETERMINATION OF AVERAGE FEES CHARGED.—For purposes of any determination of average fees charged, any request to which subparagraph (B) applies shall not be taken into account.

"(3) AVERAGE FEE REQUIREMENT.—The average fee charged under the program required by subsection (a) shall not be less than the amount determined under the following table:

"Category	***Average Fee***
Employee plan ruling and opinion	*$250*
Exempt organization ruling	*$350*
Employee plan determination	*$300*
Exempt organization determination ...	*$275*
Chief counsel ruling	*$200.*

"(c) TERMINATION.—No fee shall be imposed under this section with respect to requests made after September 30, 2012.".

(b) CONFORMING AMENDMENTS.—

(1) The table of sections for chapter 77 is amended by adding at the end the following new item:

"Sec. 7527. Internal Revenue Service user fees.".

(2) Section 10511 of the Revenue Act of 1987 is repealed.

(3) Section 620 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is repealed.

(c) LIMITATIONS.—Notwithstanding any other provision of law, any fees collected pursuant to section 7527 of the Internal Revenue Code of 1986, as added by subsection (a), shall not be expended by the Internal Revenue Service unless provided by an appropriations Act.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to requests made after the date of the enactment of this Act.

Mr. BAUCUS. Mr. President, I rise today in support of the Armed Forces Tax Fairness Act of 2002. On September 12, 2002, the Finance Committee favorably reported the bill by unanimous voice vote.

This bill will not only correct inequities in the current tax code that our military men and women are subject to, but it will also provide incentives for our dedicated forces to continue their service to America.

On July 9, 2002, the House passed a bill, HR 5063, that provided limited relief to military personnel. The bill would provide a special rule for members of the armed forces in determining the exclusion of gain from the sale of a principal residence and would restore the tax-exempt status of death gratuity payments to members of the armed forces.

I support the efforts of the House, but I believe we should go farther.

These are the men and women that put their lives on the line for our freedom on a daily basis. We need to ensure that laws that we here in Congress pass do not negatively impact them.

We should also develop sound policy that serves as an incentive for our youth to follow in the steps of the men and women that went before them to defend our country.

It is with these principles in mind that I have moved forward with this military tax package and incorporate additional provisions already introduced by my colleagues.

I would now like to describe the provisions that we have chosen to include in this critical piece of legislation:

Death Gratuity Payments: On July 24, 2002, Senator CARNAHAN introduced S. 2783, which would restore the tax exempt status of all death gratuity payments. This proposal is similar to the provision included in house version of H.R. 5063.

Why is this provision so important? Under current law, death gratuity benefits are excludable from income only to the extent that they were as of September 9, 1986. In 1986, the death gratuity benefit was $3,000.

In 1991, the benefit was increased to $6,000, but the Tax Code was never adjusted to exclude the additional $3,000 from income. Because of this oversight, the U.S. Government has been taxing families for the death of a family member who died in combat.

This is just wrong.

We support the provisions of the House version of H.R. 5063 and S. 2783, therefore we have included them in this piece of legislation.

Exclusion of Gain on The Sale of a Principal Residence: In 1997, Congress passed legislation revising the taxation of capital gains on the sale of a person's principal residence.

The new rule states that up to $250,000, or $500,000 per couple is excluded on that sale of a principal residence if the individual has lived in the house for at least two of the previous 5 years.

However, when enacted, Congress failed to provide a special rule for military and Foreign Service personnel who are required to move either within the U.S. or abroad. Senators MCCAIN and GRAHAM both have introduced legislation to address this oversight.

I agree that we should adjust the rule for our service men and women. We shouldn't penalize them for choosing to serve our country. Our proposal would permit service personnel and members of the Foreign Service to suspend the 5-year period while away on assignment, meaning those years would count toward neither the 2 years nor the 5 year periods.

This is also similar to provisions in the House-version of H.R. 5063.

Exclusion of Amounts Received Under Military Housing Assistance

Program: The Department of Defense provides payments to members of the Armed Services to offset diminution in housing values due to military base realignment or closure.

For example, if a house near a base was worth $140,000 prior to the base closure and $100,000 after the base closure, DOD may provide the owner with a payment to offset some, but not all, of the $40,000 diminution in value. Under current law, those amounts are taxable as compensation.

There will be another round of base closures in the near future. That fate was decided in the fiscal year 2002 Defense Authorization bill.

We should ensure that those men and women losing value in their homes due to a Federal Government decision are not adversely affected financially.

The proposal would provide that payments for lost value are not includible into income.

Recently, Senator CLELAND introduced a package that included this provision. I thank him for his unending pursuit to provide military personnel with the best quality of life available. And I am happy we have included this provision in our legislation.

Expand Combat Zone Filing Rules To Include Contingency Operations: Under current law, military personnel in a combat zone are afforded an extended period for filing tax returns.

However, this does not apply to contingency operations. This proposal would extend the same benefits to military personnel assigned to contingency operations.

It can't be easy trying to figure out our complicated tax system while you are overseas and protecting our nation's freedom. Those men and women that have been sent to uphold freedom in other countries are confronted with similar circumstances, such as in Operation Just Cause in Panama, 1989, or in Operation Restore Hope in Somalia in 1992 and 1993, or in Operation Uphold Democracy in Haiti, 1994.

Contingency operations are just as demanding as combat zone deployment, although not always in the same manner. For example, in our current war on terrorism, this proposal would help members of our Special Forces in the Philippines supporting Operation Enduring Freedom who are just as focused on accomplishing their critical mission as our troops in the Afghanistan combat zone.

I would like to thank Senator JOHNSON for introducing S. 2785. It is important that we support all our troops when they are deployed overseas.

Above-The Line-Deduction For Overnight Travel Expenses of National Guard and Reserve Members: Some reservists who travel one weekend per month and two weeks in the summer for reserve duty incur significant travel and lodging expenses.

For the most part, these expenses are not reimbursed. Under current law, these are deductible as itemized deductions but must exceed 2 percent of adjusted gross income.

For lower income reservists, this deduction does not provide a benefit, because they do not itemize. For higher income reservists, the 2 percent floor limits the amount of the benefit of the deductions.

In my home State of Montana, we have approximately 3500 reservists, 800 of which travel each month across the State for their training. These 800 reservists pay out of their own pocket the expense for travel and hotel rooms.

In Montana we rank 48th in the Nation for per capita personal income. I know it can't be easy for Montanans to incur approximately $200 in expenses each and every month. Yet, they continue selflessly to provide their services to our country at their own expense. For those reservists that travel out of State for their training, this expense is higher on average.

This proposal would provide an above the line deduction for overnight travel costs and would be available for all reservists and members of the National Guard.

This issue is currently addressed in S. 540, which Senator DEWINE introduced back in March of 2001. I can't tell you just how many people have contacted our office in support of this bill. I support what this bill does and I am glad that we can include this provision in our military tax package.

Expansion of Membership For Veterans' Organizations: Recently, Senator HARKIN introduced S. 2789, which would expand the membership for Veteran's organizations. Currently, qualified veterans' organizations under section 501(c)(19) of the Tax Code are both tax-exempt and contributions to the organization are tax-deductible.

In order to qualify under 501(c)(19), the organization must meet several tests, including 75 percent of the members must be current or former military, and substantially all of the other members must be either spouses, widows, or widowers of current or former military.

The proposal would permit lineal descendants and ancestors to qualify for the "substantially all" test.

It is important that our veterans' organizations continue the good work that they do. But, as the organizations age, they are in danger of losing their tax-exempt status.

I support Senator HARKIN's bill, as does the American Legion. We have included it in our tax package.

Clarification of Treatment of Child Care Subsidies: Finally, I want to ensure that parents in the military can continue their dedicated service even once they have entered parenthood knowing that their children are being well taken care of.

The military provides extensive childcare benefits to its employees. DoD employees at DoD-owned facilities provide childcare services while other areas contract out their childcare.

When Congress passed the Tax Reform Act of 1986, we included a provision stating that qualified military benefits are excluded from income. It is not absolutely clear whether child care provisions are covered under this provision.

The proposal would clarify that any childcare benefit provided to military personnel would be excludible from income. Senator LANDRIEU has introduced S.2807, a similar measure. I support this measure and am proud we have included it in this piece of legislation.

In addition, this bill includes three provisions that raise revenue, to offset the revenue loss. First, we improve the collection of unpaid taxes from people who have renounced their American citizenship in order to avoid U.S. taxes.

Second, we extend certain IRS user fees.

Third, we restore the ability of IRS to permit partial-pay installment agreements with taxpayers. These are modest, sensible changes. In fact, in the case of expatriates, the offset seems especially fitting.

All told, this bill does a small part to improve our Tax Code and, more importantly, pay respect to the men and women who are making sacrifices and risking their lives to defend us all.

I thank all of the Members who have contributed to the development of the bill, including the support by Senators LEVIN, WARNER and CLELAND of the Armed Services Committee. I especially thank the ranking member of the Finance Committee, Senator GRASSLEY, who has once again been a partner in the development of important bipartisan tax legislation.

Mr. President, it is important that we continue to show members of the armed forces our support and solidarity during this time of conflict. The War on Terrorism has brought to light the essential role the armed services play in upholding freedom throughout the world.

I am happy to see this military tax equity bill passed by the Senate today, and signed into law by the President before Congress adjourns.

Mr. GRASSLEY. Mr. President, we are here today to consider the Armed Forces Tax Fairness Act which was voted out of the Finance Committee on September 12. A similar tax relief package was passed unanimously by the House in July. No one would dispute that many national defense challenges lie ahead for our country. We have spent and will continue to spend a good deal of time discussing homeland security and the war on terrorism as we continue our efforts to secure our borders. Now, we must consider seriously the possibility of military operations in Iraq.

For those reasons, it is a particularly appropriate time to focus our attention on the important contributions of the men and women of our Armed Forces and national guard. These folks are the lifeblood of any initiative against terrorism or movement in Iraq and the first lien of defense in homeland security efforts. We need to make sure that these men and women are treated fairly in all respects and that the Tax Code does not provide any disincentives to continued service.

Our military tax bill would remedy several tax problems and inequities faced by members of our uniformed services, National Guard, and foreign service. As a starting point, the legislation would make sure that military personnel subject to relocation are not disadvantaged in the Tax Code on the sales of their homes. In 1997, we enacted a capital gains tax exclusion on the sale of personal residences for individuals who live in the home for at least 2 of the 5 years before the sale. This works well for most people, but the provision offers little help for military personnel who are frequently transferred. We should not punish members of our Armed Forces and foreign service who are asked to relocate in the name of service to their country. Like many of the provisions in this bill, the issue is one of fairness, and we should provide our military with home ownership tax incentives at least as favorable as those available to most Americans.

Our military tax relief package also makes some important additions to the military tax package sent over by the House. One of those, Senator DEWINE's proposal for the benefit of Reservists and National Guard, is both timely and important. Timely because Reservists continue to play an increasingly prominent role in our country's military operations. Historically, Reservists were used as manpower replacements only in national emergencies and wars. In fact, between 1945 and 1990, 85 percent of involuntarily activated Reservists assisted in the Korean war. In the last decade, however, we have involuntarily activated Reservists six times for a broad array of operations, including (i) nation-building operations in Haiti, Bosnia, and Kosovo, (ii) armed conflicts such as those in Iraq, and (iii) current military operations fighting terrorism. Iowa alone currently has about 800 Guard and Reservists on active duty.

Important because many Guard and Reservists who travel for weekend drills are required to spend their own money for travel expenses. If our military is unable to reimburse these folks for travel expenses related to training assignments, we should at a minimum allow these men and women to fully deduct those expenses on their Federal tax returns. Although we currently allow miscellaneous itemized deductions for such expenses, a limited number of Reservists itemize on their tax returns. Our bill includes a provision offered by Senator DEWINE that such expenses be deductible by all reservists in above-the-line form. This would ensure (i) that Reservists are at least partly compensated for training-related travel expenses paid out of their own pockets, (ii) that all Reservists are treated equally, and (iii) would eliminate a potential disincentive to service. Many Iowans have contacted me with respect to this issue, and I ask unanimous consent to print their comments in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SNAPSHOT REPORT: INCOMING CONSTITUENT MESSAGES

Senator Grassley: Senator Max Baucus (D–MT), Chairman of the Senate Finance Committee, has introduced the "The Foreign and Armed Services Tax Fairness Act of 2002" (S 2616). The bill is intended to remedy a number of tax inequities that have long plagued military service members. Among the several provisions of the bill is one that is close to the hearts of members of the Guard and Reserve—restoration of the tax deductibility of Reserve component members' non-reimbursable training expenses. The deductibility issue stems from a change to the Internal Revenue Code made in 1986 that required that such unreimbursed business expenses must be treated as itemized deductions and must exceed two percent of adjusted gross income. Since only about 25 percent of all taxpayers itemize their deductions, this change has been the bane of many citizens' existence. This includes citizen-soldiers, sailors, airmen, and Marines who must now, in effect, subsidize their own military training. If S 2816 becomes law, it's bill would provide an above-the-line deduction for overnight travel costs for Guardsmen and Reservists. Please sign on as a cosponsor for "The Foreign and Armed Services Tax Fairness Act of 2002" (S 2816). Sincerely, Thomas J. Hicks.

Senator Grassley: Senator Max Baucus (D–MT), Chairman of the Senate Finance Committee, has introduced the "The Foreign Armed Service Tax Fairness Act of 2002" (S 2616). The bill is intended to remedy a number of tax inequities that have long plagued military service members. Among the several provisions of the bill is one that is close to the hearts of members of the Guard and Reserve—restoration of the tax deductibility of Reserve component members' non-reimbursable training expenses. The deductibility issue stems from a change to the Internal Revenue Code made in 1986 that required that such unreimbursed business expenses must be treated as itemized deductions and must exceed two percent of adjusted gross income. Since only about 25 percent of all taxpayers itemize their deductions, this change has been the bane of many citizens' existence. This includes citizen-soldiers, sailors, airmen, and Marines who must now, in effect, subsidize their own military training. If S 2816 becomes law, its bill would provide an above-the-line deduction for overnight travel costs for Guardsmen and Reservists. Please sign on as a cosponsor for "The Foreign and Armed Services Tax Fairness Act of 2002" (S 2816). Sincerely, J.D. Griffith, Burlington.

Senator Grassley: SUPPORT HEARINGS ON CHANGE IN RC RETIREMENT AGE Congressman Jim Saxton (R–NJ) recently introduced a bill (HR 3831) that would reduce the age at which Reservists could begin drawing their military retirement from 60 to 55. I regard the bill as a significant first step in the process of redefining the government's long-standing contract with its Reserve forces. The world and Reservists' terms of service have changed markedly in the half-century since Reserve retirement was passed into law. I believe that it is indeed time to re-evaluate the whole question of Reserve compensation. Please contact the chairmen of the House and Senate military personnel subcommittees. Urge them to hold hearings on lowering the Reserve retirement eligibility age. This is a pivotal issue, one that has the potential to change the shape of both the Reserve and the Total Force. It is critical that the issue receive the full consideration that it merits. Sincerely, James A. Brooks.

Senatpr Grassley: The House recently unanimously passed the Armed Services Tax Fairness Act of 2002 (HR 5063). This bill eliminates two inequities in the tax code for active-duty members of the Armed Services. The bill will now be sent to the Senate and referred to the Senate Finance Committee for consideration. Although it does not directly benefit most Reserve component members, because it is almost certain to win Senate approval, HR 5063 can serve as an ideal vehicle to carry S 540, a bill we've been working on for some time now, into law. (S 540, which currently has 62 cosponsors, would provide tax credits for employers of mobilized Reservists and restore the tax deductibility of Reservists' unreimbursed training expenses.) To achieve this end, the Senate Finance Committee will have to amend HR 5063 to add the provisions of S 540 to the House bill. We need the strong support of Senator Max Baucus, the chairman of the Senate Finance Committee to make this happen. Please call Senator Baucus and ask him to add the provisions of S 540 to HR 5063. It's the right thing to do, and it will be deeply appreciated by the men and women of our Reserve forces and their employers. Sincerely, Jay R. Hildebrand.

Senator Grassley: The House recently unanimously passed the Armed Services Tax Fairness Act of 2002 (H.R. 5063). This bill eliminates two inequities in the tax code for active-duty members of the Armed Services. The bill will now be sent to the Senate and referred to the Senate Finance Committee for consideration. Although it does not directly benefit most Reserve component members, because it is almost certain to win Senate approval, H.R. 5063 can serve as an ideal vehicle to carry S. 540, a bill we've been working on for some time now, into law. (S. 540, which currently has 62 cosponsors, would provide tax credits for employers of mobilized Reservists and restore the tax deductibility of Reservists' unreimbursed training expenses.) To achieve this end, the Senate Finance Committee will have to amend H.R. 5063 to add the provisions of S. 540 to the House bill. We need the strong support of Senator Max Baucus, the chairman of the Senate Finance Committee to make this happen. Please call Senator Baucus and ask him to add the provisions of S. 540 to H.R. 5063. It's the right thing to do, and it will be deeply appreciated by the men and women of our Reserve forces and their employers. Sincerely, James A. Brooks.

Senator Grassley: The House recently unanimously passed the Armed Services Tax Fairness Act of 2002 (H.R. 5063). This bill eliminates two inequities in the tax code for active-duty members of the Armed Services. The bill will now be sent to the Senate and referred to the Senate Finance Committee for consideration. Although it does not directly benefit most Reserve component members, because it is almost certain to win Senate approval, H.R. 5063 can serve as an ideal vehicle to carry S. 540, a bill we've been working on for some time now, into law. (S. 540, which currently has 62 cosponsors, would provide tax credits for employers of mobilized Reservists and restore the tax deductibility of Reservists' unreimbursed training expenses.) To achieve this end, the Senate Finance Committee will have to amend H.R. 5063 to add the provisions of S. 540 to the House bill. We need the strong support of Senator Max Baucus, the chairman of the Senate Finance Committee to make this happen. Please call Senator Baucus and ask him to add the provisions of S. 540 to H.R. 5063. It's the right thing to do, and it will be deeply appreciated by the men and women of our Reserve forces and their employers. Sincerely, Thomas D. Heinold.

Senator Grassley: Senator Max Baucus (D-MT), Chairman of the Senate Finance Committee, has introduced the "The Foreign and Armed Services Tax Fairness Act of 2002" (S. 2816). The bill is intended to remedy a number of tax inequities that have long plagued military service members. Among the several provisions of the bill is one that is close to the hearts of members of the Guard and Reserve—restoration of the tax deductibility of Reserve component members' non-reimbursable training expenses. The deductibility issue stems from a change to the Internal Revenue Code made in 1986 that required that such unreimbursed business expenses must be treated as itemized deductions and must exceed two percent of adjusted gross income. Since only about 25 percent of all taxpayers itemize their deductions, this change has been the bane of many citizens' existence. This includes citizen-soldiers, sailors, airmen, and Marines who must now, in effect, subsidize their own military training. If S. 2816 becomes law, the bill would provide an above-the-line deduction for overnight travel costs for Guardsmen and Reservists. Please sign on as a cosponsor for "The Foreign and Armed Services Tax Fairness Act of 2002" (S. 2816). Sincerely, J. Neil McFarland.

Mr. **GRASSLEY**. Mr. President, finally, our tax fairness bill ensures that military families receive comparable tax treatment for child care expenses. Most American workers are permitted to exclude from income $5,000 of employer-provided child care expenses. A separate blanket exclusion is provided to the military for all benefits. The provision, however, does not specify the treatment of military-provided child care expenses and some confusion has resulted. Our bill confirms this exclusion from military personnel. This ensures that military-provided child care is not treated less favorably than employer-provided child care or other military-provided benefits.

Increased focus on national defense no doubt renews our deep appreciation for the members of our military. These men and women make tremendous sacrifices, and in some cases, risk their lives to protect and defend our freedom. It is a perfect time to ensure that men and women in service are treated fairly under our country's tax laws. In closing, I would like to thank those who continue to serve in the United States military and protect the freedoms that we so frequently take for granted. I thank my colleagues and urge them to vote for this important tax fairness measure.

Mr. **HUTCHINSON**. Mr. President, I rise in strong support of H.R. 5063, the Armed Forces Tax Fairness Act. As a cosponsor of the Senate companion, S. 2816, I believe that this legislation will provide well-deserved tax benefits for those in service to our nation. With the ongoing war on terrorism, it is critical that we do everything in our power to support members of our military, and their families.

This legislation ensures that the entire benefit of $6,000 paid to the family of those individuals killed on active duty is made tax-free. Previously, only half of this benefit was exempt from taxes. H.R. 5063 also ensures that members of our military can receive the tax treatment they deserve from the sale of their home. Because those in our armed forces are required to move frequently, many are unable to take advantage of the aspect of the tax code that allows the exclusion of gains from the sale of a person's home from the capital gains tax. This legislation ensures that they will qualify for this benefit.

As the Ranking Member of the Personnel Subcommittee on the Senate Armed Services Committee, my top priority has been to improve the quality of life for members of our military and their families. H.R. 5063 is an important step toward that effort.

Mr. **REID**. I ask unanimous consent that the McCain-Baucus amendment at the desk be agreed to, the committee substitute amendment be agreed to, as amended, the bill as amended, be read the third time and passed, the amendment to the title be agreed to, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements related to this matter be printed in the RECORD.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The amendment (No. 4855) was agreed to, as follows:

(Purpose: To apply the special rule for members of the uniformed services and Foreign Service to sales or exchanges after May 6, 1997, and for other purposes)

On page 9, strike lines 9 through 12, and insert the following:

(b) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendments made by section 312 of the Taxpayer Relief Act of 1997.

(2) WAIVER OF LIMITATIONS.—If refund or credit of any overpayment of tax resulting from the amendment made by this section is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

On page 46, after line 14, add the following:

SEC. 203. PARTIAL PAYMENT OF TAX LIABILITY IN INSTALLMENT AGREEMENTS.

(a) IN GENERAL.—

(1) Section 6159(a) (relating to authorization of agreements) is amended—

(A) by striking "satisfy liability for payment of" and inserting "make payment on", and

(B) by inserting "full or partial" after "facilitate".

(2) Section 6159(c) (relating to Secretary required to enter into installment agreements in certain cases) is amended in the matter preceding paragraph (1) by inserting "full" before "payment".

(b) REQUIREMENT TO REVIEW PARTIAL PAYMENT AGREEMENTS EVERY TWO YEARS.—Section 6159 is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and inserting after subsection (c) the following new subsection:

"(d) SECRETARY REQUIRED TO REVIEW INSTALLMENT AGREEMENTS FOR PARTIAL COLLECTION EVERY TWO YEARS.—In the case of an agreement entered into by the Secretary under subsection (a) for partial collection of a tax liability, the Secretary shall review the agreement at least once every 2 years.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to agreements entered into on or after the date of the enactment of this Act.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The amendment to the title was agreed to.

The bill (H.R. 5063), as amended, was read the third time and passed as follows:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the "Armed Forces Tax Fairness Act of 2002".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; etc.

TITLE I—IMPROVING TAX EQUITY FOR MILITARY PERSONNEL

Sec. 101. Exclusion from gross income of certain death gratuity payments.
Sec. 102. Exclusion of gain from sale of a principal residence by a member of the uniformed services or the Foreign Service.
Sec. 103. Exclusion for amounts received under Department of Defense Homeowners Assistance Program.
Sec. 104. Expansion of combat zone filing rules to contingency operations.
Sec. 105. Above-the-line deduction for overnight travel expenses of National Guard and Reserve members.
Sec. 106. Modification of membership requirement for exemption from tax for certain veterans' organizations.

Sec. 107. Clarification of treatment of certain dependent care assistance programs.

TITLE II—OTHER PROVISIONS

Sec. 201. Revision of tax rules on expatriation.
Sec. 202. Extension of IRS user fees.
Sec. 203. Partial payment of tax liability in installment agreements.

TITLE I—IMPROVING TAX EQUITY FOR MILITARY PERSONNEL

SEC. 101. EXCLUSION FROM GROSS INCOME OF CERTAIN DEATH GRATUITY PAYMENTS.

(a) IN GENERAL.—Subsection (b)(3) of section 134 (relating to certain military benefits) is amended by adding at the end the following new subparagraph:

"(C) EXCEPTION FOR DEATH GRATUITY ADJUSTMENTS MADE BY LAW.—Subparagraph (A) shall not apply to any adjustment to the amount of death gratuity payable under chapter 75 of title 10, United States Code, which is pursuant to a provision of law enacted after September 9, 1986.".

(b) CONFORMING AMENDMENT.—Subparagraph (A) of section 134(b)(3) is amended by striking "subparagraph (B)" and inserting "subparagraphs (B) and (C)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to deaths occurring after September 10, 2001.

SEC. 102. EXCLUSION OF GAIN FROM SALE OF A PRINCIPAL RESIDENCE BY A MEMBER OF THE UNIFORMED SERVICES OR THE FOREIGN SERVICE.

(a) IN GENERAL.—Subsection (d) of section 121 (relating to exclusion of gain from sale of principal residence) is amended by adding at the end the following new paragraph:

"(9) MEMBERS OF UNIFORMED SERVICES AND FOREIGN SERVICE.—

"(A) IN GENERAL.—At the election of an individual with respect to a property, the running of the 5-year period described in subsection (a) with respect to such property shall be suspended during any period that such individual or such individual's spouse is serving on qualified official extended duty as a member of the uniformed services or of the Foreign Service of the United States..

"(B) MAXIMUM PERIOD OF SUSPENSION.—The 5-year period described in subsection (a) shall not be extended more than 10 years by reason of subparagraph (A).

"(C) QUALIFIED OFFICIAL EXTENDED DUTY.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'qualified official extended duty' means any extended duty while serving at a duty station which is at least 50 miles from such property or while residing under Government orders in Government quarters.

"(ii) UNIFORMED SERVICES.—The term 'uniformed services' has the meaning given such term by section 101(a)(5) of title 10, United States Code, as in effect on the date of the enactment of this paragraph.

"(iii) FOREIGN SERVICE OF THE UNITED STATES.—The term 'member of the Foreign Service of the United States' has the meaning given the term 'member of the Service' by paragraph (1), (2), (3), (4), or (5) of section 103 of the Foreign Service Act of 1980.

"(iv) EXTENDED DUTY.—The term 'extended duty' means any period of duty pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period.

"(D) SPECIAL RULES RELATING TO ELECTION.—

"(i) ELECTION LIMITED TO 1 PROPERTY AT A TIME.—An election under subparagraph (A) with respect to any property may not be made if such an election is in effect with respect to any other property.

"(ii) REVOCATION OF ELECTION.—An election under subparagraph (A) may be revoked at any time.".

(b) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendments made by section 312 of the Taxpayer Relief Act of 1997.

(2) WAIVER OF LIMITATIONS.—If refund or credit of any overpayment of tax resulting from the amendment made by this section is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

SEC. 103. EXCLUSION FOR AMOUNTS RECEIVED UNDER DEPARTMENT OF DEFENSE HOMEOWNERS ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 132(a) (relating to the exclusion from gross income of certain fringe benefits) is amended by striking "or" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ", or" and by adding at the end the following new paragraph:

"(8) qualified military base realignment and closure fringe.".

(b) QUALIFIED MILITARY BASE REALIGNMENT AND CLOSURE FRINGE.—Section 132 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

"(n) QUALIFIED MILITARY BASE REALIGNMENT AND CLOSURE FRINGE.—For purposes of this section, the term 'qualified military base realignment and closure fringe' means 1 or more payments under the authority of section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to offset the adverse effects on housing values as a result of a military base realignment or closure.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made after the date of the enactment of this Act.

SEC. 104. EXPANSION OF COMBAT ZONE FILING RULES TO CONTINGENCY OPERATIONS.

(a) IN GENERAL.—Section 7508(a) (relating to time for performing certain acts postponed by reason of service in combat zone) is amended—

(1) by inserting "or when deployed outside the United States away from the individual's permanent duty station while participating in an operation designated by the Secretary of Defense as a contingency operation (as defined in section 101(a)(13) of title 10, United States Code) or which became such a contingency operation by operation of law" after "section 112",

(2) by inserting in the first sentence "or at any time during the period of such contingency operation" after "for purposes of such section",

(3) by inserting "or operation" after "such an area", and

(4) by inserting "or operation" after "such area".

(b) CONFORMING AMENDMENTS.—

(1) Section 7508(d) is amended by inserting "or contingency operation" after "area".

(2) The heading for section 7508 is amended by inserting "**OR CONTINGENCY OPERATION**" after "**COMBAT ZONE**".

(3) The item relating to section 7508 in the table of sections for chapter 77 is amended by inserting "or contingency operation" after "combat zone".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any period for performing an act which has not expired before the date of the enactment of this Act.

SEC. 105. ABOVE-THE-LINE DEDUCTION FOR OVERNIGHT TRAVEL EXPENSES OF NATIONAL GUARD AND RESERVE MEMBERS.

(a) DEDUCTION ALLOWED.—Section 162 (relating to certain trade or business expenses) is amended by redesignating subsection (p) as subsection (q) and inserting after subsection (o) the following new subsection:

"(p) TREATMENT OF EXPENSES OF MEMBERS OF RESERVE COMPONENT OF ARMED FORCES OF THE UNITED STATES.—For purposes of subsection (a)(2), in the case of an individual who performs services as a member of a reserve component of the Armed Forces of the United States at any time during the taxable year, such individual shall be deemed to be away from home in the pursuit of a trade or business for any period during which such individual is away from home in connection with such service.".

(b) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ELECTS TO ITEMIZE.—Section 62(a)(2) (relating to certain trade and business deductions of employees) is amended by adding at the end the following new subparagraph:

"(E) CERTAIN EXPENSES OF MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—The deductions allowed by section 162 which consist of expenses, in amounts not in excess of the rates for travel expenses (including per diem in lieu of subsistence) authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, paid or incurred by the taxpayer in connection with the performance of services by such taxpayer as a member of a reserve component of the Armed Forces of the United States.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2001.

SEC. 106. MODIFICATION OF MEMBERSHIP REQUIREMENT FOR EXEMPTION FROM TAX FOR CERTAIN VETERANS' ORGANIZATIONS.

(a) IN GENERAL.—Subparagraph (B) of section 501(c)(19) (relating to list of exempt organizations) is amended by striking "or widowers" and inserting ", widowers, or ancestors or lineal descendants".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 107. CLARIFICATION OF THE TREATMENT OF CERTAIN DEPENDENT CARE ASSISTANCE PROGRAMS.

(a) IN GENERAL.—Section 134(b) (defining qualified military benefit) is amended by adding at the end the following new paragraph:

"(4) CLARIFICATION OF CERTAIN BENEFITS.—For purposes of paragraph (1), such term includes any dependent care assistance program for any individual described in paragraph (1)(A).".

(b) CONFORMING AMENDMENTS.—

(1) Section 134(b)(3)(A) is amended by inserting "and paragraph (4)" after "subparagraph (B)".

(2) Section 3121(a)(18) is amended by striking "or 129" and inserting ", 129, or 134(b)(4)".

(3) Section 3306(b)(13) is amended by striking "or 129" and inserting ", 129, or 134(b)(4)".

(4) Section 3401(a)(18) is amended by striking "or 129" and inserting ", 129, or 134(b)(4)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

(d) NO INFERENCE.—No inference may be drawn from the amendments made by this section with respect to the tax treatment of any amounts under the program described in section 134(b)(4) of the Internal Revenue Code of 1986 (as added by this section) for any taxable year beginning before January 1, 2002.

TITLE II—OTHER PROVISIONS

SEC. 201. REVISION OF TAX RULES ON EXPATRIATION.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

“SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

“(a) General Rules.—For purposes of this subtitle—

“(1) Mark to market.—Except as provided in subsections (d) and (f), all property of a covered expatriate to whom this section applies shall be treated as sold on the day before the expatriation date for its fair market value.

“(2) Recognition of gain or loss.—In the case of any sale under paragraph (1)—

“(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

“(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence.

“(3) Exclusion for certain gain.—

“(A) In general.—The amount which, but for this paragraph, would be includible in the gross income of any individual by reason of this section shall be reduced (but not below zero) by $600,000. For purposes of this paragraph, allocable expatriation gain taken into account under subsection (f)(2) shall be treated in the same manner as an amount required to be includible in gross income.

“(B) Cost-of-living adjustment.—

“(i) In general.—In the case of an expatriation date occurring in any calendar year after 2002, the $600,000 amount under subparagraph (A) shall be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting ‘calendar year 2001’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(ii) Rounding rules.—If any amount after adjustment under clause (i) is not a multiple of $1,000, such amount shall be rounded to the next lower multiple of $1,000.

“(4) Election to continue to be taxed as United States citizen.—

“(A) In general.—If a covered expatriate elects the application of this paragraph—

“(i) this section (other than this paragraph and subsection (i)) shall not apply to the expatriate, but

“(ii) in the case of property to which this section would apply but for such election, the expatriate shall be subject to tax under this title in the same manner as if the individual were a United States citizen.

“(B) Requirements.—Subparagraph (A) shall not apply to an individual unless the individual—

“(i) provides security for payment of tax in such form and manner, and in such amount, as the Secretary may require,

“(ii) consents to the waiver of any right of the individual under any treaty of the United States which would preclude assessment or collection of any tax which may be imposed by reason of this paragraph, and

“(iii) complies with such other requirements as the Secretary may prescribe.

“(C) Election.—An election under subparagraph (A) shall apply to all property to which this section would apply but for the election and, once made, shall be irrevocable. Such election shall also apply to property the basis of which is determined in whole or in part by reference to the property with respect to which the election was made.

“(b) Election To Defer Tax.—

“(1) In general.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the payment of the additional tax attributable to such property shall be postponed until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

“(2) Determination of tax with respect to property.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

“(3) Termination of postponement.—No tax may be postponed under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

“(4) Security.—

“(A) In general.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided to the Secretary with respect to such property.

“(B) Adequate security.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

“(i) it is a bond in an amount equal to the deferred tax amount under paragraph (2) for the property, or

“(ii) the taxpayer otherwise establishes to the satisfaction of the Secretary that the security is adequate.

“(5) Waiver of certain rights.—No election may be made under paragraph (1) unless the taxpayer consents to the waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

“(6) Elections.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be made under paragraph (1) with respect to an interest in a trust with respect to which gain is required to be recognized under subsection (f)(1).

“(7) Interest.—For purposes of section 6601—

“(A) the last date for the payment of tax shall be determined without regard to the election under this subsection, and

“(B) section 6621(a)(2) shall be applied by substituting ‘5 percentage points’ for ‘3 percentage points’ in subparagraph (B) thereof.

“(c) Covered Expatriate.—For purposes of this section—

“(1) In general.—Except as provided in paragraph (2), the term ‘covered expatriate’ means an expatriate.

“(2) Exceptions.—An individual shall not be treated as a covered expatriate if—

“(A) the individual—

“(i) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

“(ii) has not been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) during the 5 taxable years ending with the taxable year during which the expatriation date occurs, or

“(B)(i) the individual’s relinquishment of United States citizenship occurs before such individual attains age 18½, and

“(ii) the individual has been a resident of the United States (as so defined) for not more than 5 taxable years before the date of relinquishment.

“(d) Exempt Property; Special Rules for Pension Plans.—

“(1) Exempt property.—This section shall not apply to the following:

“(A) United states real property interests.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the day before the expatriation date, meet the requirements of section 897(c)(2).

“(B) Specified property.—Any property or interest in property not described in subparagraph (A) which the Secretary specifies in regulations.

“(2) Special rules for certain retirement plans.—

“(A) In general.—If a covered expatriate holds on the day before the expatriation date any interest in a retirement plan to which this paragraph applies—

“(i) such interest shall not be treated as sold for purposes of subsection (a)(1), but

“(ii) an amount equal to the present value of the expatriate’s nonforfeitable accrued benefit shall be treated as having been received by such individual on such date as a distribution under the plan.

“(B) Treatment of subsequent distributions.—In the case of any distribution on or after the expatriation date to or on behalf of the covered expatriate from a plan from which the expatriate was treated as receiving a distribution under subparagraph (A), the amount otherwise includible in gross income by reason of the subsequent distribution shall be reduced by the excess of the amount includible in gross income under subparagraph (A) over any portion of such amount to which this subparagraph previously applied.

“(C) Treatment of subsequent distributions by plan.—For purposes of this title, a retirement plan to which this paragraph applies, and any person acting on the plan’s behalf, shall treat any subsequent distribution described in subparagraph (B) in the same manner as such distribution would be treated without regard to this paragraph.

“(D) Applicable plans.—This paragraph shall apply to—

“(i) any qualified retirement plan (as defined in section 4974(c)),

“(ii) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A), and

“(iii) to the extent provided in regulations, any foreign pension plan or similar retirement arrangements or programs.

“(e) Definitions.—For purposes of this section—

“(1) Expatriate.—The term ‘expatriate’ means—

“(A) any United States citizen who relinquishes citizenship, and

“(B) any long-term resident of the United States who—

“(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

“(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

“(2) Expatriation date.—The term ‘expatriation date’ means—

“(A) the date an individual relinquishes United States citizenship, or

“(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

"(3) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing United States citizenship on the earliest of—

"(A) the date the individual renounces such individual's United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

"(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

"(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

"(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

"(4) LONG-TERM RESIDENT.—The term 'long-term resident' has the meaning given to such term by section 877(e)(2).

"(f) SPECIAL RULES APPLICABLE TO BENEFICIARIES' INTERESTS IN TRUST.—

"(1) IN GENERAL.—Except as provided in paragraph (2), if an individual is determined under paragraph (3) to hold an interest in a trust on the day before the expatriation date—

"(A) the individual shall not be treated as having sold such interest,

"(B) such interest shall be treated as a separate share in the trust, and

"(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

"(ii) the separate trust shall be treated as having sold its assets on the day before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

"(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii). In determining the amount of such distribution, proper adjustments shall be made for liabilities of the trust allocable to an individual's share in the trust.

"(2) SPECIAL RULES FOR INTERESTS IN QUALIFIED TRUSTS.—

"(A) IN GENERAL.—If the trust interest described in paragraph (1) is an interest in a qualified trust—

"(i) paragraph (1) and subsection (a) shall not apply, and

"(ii) in addition to any other tax imposed by this title, there is hereby imposed on each distribution with respect to such interest a tax in the amount determined under subparagraph (B).

"(B) AMOUNT OF TAX.—The amount of tax under subparagraph (A)(ii) shall be equal to the lesser of—

"(i) the highest rate of tax imposed by section 1(e) for the taxable year which includes the day before the expatriation date, multiplied by the amount of the distribution, or

"(ii) the balance in the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (C)(ii) after the 30th day preceding the distribution.

"(C) DEFERRED TAX ACCOUNT.—For purposes of subparagraph (B)(ii)—

"(i) OPENING BALANCE.—The opening balance in a deferred tax account with respect to any trust interest is an amount equal to the tax which would have been imposed on the allocable expatriation gain with respect to the trust interest if such gain had been included in gross income under subsection (a).

"(ii) INCREASE FOR INTEREST.—The balance in the deferred tax account shall be increased by the amount of interest determined (on the balance in the account at the time the interest accrues), for periods after the 90th day after the expatriation date, by using the rates and method applicable under section 6621 for underpayments of tax for such periods, except that section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

"(iii) DECREASE FOR TAXES PREVIOUSLY PAID.—The balance in the tax deferred account shall be reduced—

"(I) by the amount of taxes imposed by subparagraph (A) on any distribution to the person holding the trust interest, and

"(II) in the case of a person holding a nonvested interest, to the extent provided in regulations, by the amount of taxes imposed by subparagraph (A) on distributions from the trust with respect to nonvested interests not held by such person.

"(D) ALLOCABLE EXPATRIATION GAIN.—For purposes of this paragraph, the allocable expatriation gain with respect to any beneficiary's interest in a trust is the amount of gain which would be allocable to such beneficiary's vested and nonvested interests in the trust if the beneficiary held directly all assets allocable to such interests.

"(E) TAX DEDUCTED AND WITHHELD.—

"(i) IN GENERAL.—The tax imposed by subparagraph (A)(ii) shall be deducted and withheld by the trustees from the distribution to which it relates.

"(ii) EXCEPTION WHERE FAILURE TO WAIVE TREATY RIGHTS.—If an amount may not be deducted and withheld under clause (i) by reason of the distributee failing to waive any treaty right with respect to such distribution—

"(I) the tax imposed by subparagraph (A)(ii) shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax, and

"(II) any other beneficiary of the trust shall be entitled to recover from the distributee the amount of such tax imposed on the other beneficiary.

"(F) DISPOSITION.—If a trust ceases to be a qualified trust at any time, a covered expatriate disposes of an interest in a qualified trust, or a covered expatriate holding an interest in a qualified trust dies, then, in lieu of the tax imposed by subparagraph (A)(ii), there is hereby imposed a tax equal to the lesser of—

"(i) the tax determined under paragraph (1) as if the day before the expatriation date were the date of such cessation, disposition, or death, whichever is applicable, or

"(ii) the balance in the tax deferred account immediately before such date.

Such tax shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax and any other beneficiary of the trust shall be entitled to recover from the covered expatriate or the estate the amount of such tax imposed on the other beneficiary.

"(G) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

"(i) QUALIFIED TRUST.—The term 'qualified trust' means a trust which is described in section 7701(a)(30)(E).

"(ii) VESTED INTEREST.—The term 'vested interest' means any interest which, as of the day before the expatriation date, is vested in the beneficiary.

"(iii) NONVESTED INTEREST.—The term 'nonvested interest' means, with respect to any beneficiary, any interest in a trust which is not a vested interest. Such interest shall be determined by assuming the maximum exercise of discretion in favor of the beneficiary and the occurrence of all contingencies in favor of the beneficiary.

"(iv) ADJUSTMENTS.—The Secretary may provide for such adjustments to the bases of assets in a trust or a deferred tax account, and the timing of such adjustments, in order to ensure that gain is taxed only once.

"(v) COORDINATION WITH RETIREMENT PLAN RULES.—This subsection shall not apply to an interest in a trust which is part of a retirement plan to which subsection (d)(2) applies.

"(3) DETERMINATION OF BENEFICIARIES' INTEREST IN TRUST.—

"(A) DETERMINATIONS UNDER PARAGRAPH (1).—For purposes of paragraph (1), a beneficiary's interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar adviser.

"(B) OTHER DETERMINATIONS.—For purposes of this section—

"(i) CONSTRUCTIVE OWNERSHIP.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

"(ii) TAXPAYER RETURN POSITION.—A taxpayer shall clearly indicate on its income tax return—

"(I) the methodology used to determine that taxpayer's trust interest under this section, and

"(II) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

"(g) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

"(1) any period during which recognition of income or gain is deferred shall terminate on the day before the expatriation date, and

"(2) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

"(h) IMPOSITION OF TENTATIVE TAX.—

"(1) IN GENERAL.—If an individual is required to include any amount in gross income under subsection (a) for any taxable year, there is hereby imposed, immediately before the expatriation date, a tax in an amount equal to the amount of tax which would be imposed if the taxable year were a short taxable year ending on the expatriation date.

"(2) DUE DATE.—The due date for any tax imposed by paragraph (1) shall be the 90th day after the expatriation date.

"(3) TREATMENT OF TAX.—Any tax paid under paragraph (1) shall be treated as a payment of the tax imposed by this chapter for the taxable year to which subsection (a) applies.

"(4) DEFERRAL OF TAX.—The provisions of subsection (b) shall apply to the tax imposed by this subsection to the extent attributable to gain includible in gross income by reason of this section.

"(i) SPECIAL LIENS FOR DEFERRED TAX AMOUNTS.—

"(1) IMPOSITION OF LIEN.—

"(A) IN GENERAL.—If a covered expatriate makes an election under subsection (a)(4) or (b) which results in the deferral of any tax imposed by reason of subsection (a), the deferred amount

(including any interest, additional amount, addition to tax, assessable penalty, and costs attributable to the deferred amount) shall be a lien in favor of the United States on all property of the expatriate located in the United States (without regard to whether this section applies to the property).

"(B) DEFERRED AMOUNT.—For purposes of this subsection, the deferred amount is the amount of the increase in the covered expatriate's income tax which, but for the election under subsection (a)(4) or (b), would have occurred by reason of this section for the taxable year including the expatriation date.

"(2) PERIOD OF LIEN.—The lien imposed by this subsection shall arise on the expatriation date and continue until—

"(A) the liability for tax by reason of this section is satisfied or has become unenforceable by reason of lapse of time, or

"(B) it is established to the satisfaction of the Secretary that no further tax liability may arise by reason of this section.

"(3) CERTAIN RULES APPLY.—The rules set forth in paragraphs (1), (3), and (4) of section 6324A(d) shall apply with respect to the lien imposed by this subsection as if it were a lien imposed by section 6324A.

"(j) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) INCLUSION IN INCOME OF GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—Section 102 (relating to gifts, etc. not included in gross income) is amended by adding at the end the following new subsection:

"(d) GIFTS AND INHERITANCES FROM COVERED EXPATRIATES.—

"(1) IN GENERAL.—Subsection (a) shall not exclude from gross income the value of any property acquired by gift, bequest, devise, or inheritance from a covered expatriate after the expatriation date. For purposes of this subsection, any term used in this subsection which is also used in section 877A shall have the same meaning as when used in section 877A.

"(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Paragraph (1) shall not apply to any property if either—

"(A) the gift, bequest, devise, or inheritance is—

"(i) shown on a timely filed return of tax imposed by chapter 12 as a taxable gift by the covered expatriate, or

"(ii) included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate, or

"(B) no such return was timely filed but no such return would have been required to be filed even if the covered expatriate were a citizen or long-term resident of the United States.".

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—Section 7701(a) is amended by adding at the end the following new paragraph:

"(48) TERMINATION OF UNITED STATES CITIZENSHIP.—

"(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(e)(3).

"(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.".

(d) INELIGIBILITY FOR VISA OR ADMISSION TO UNITED STATES.—

(1) IN GENERAL.—Section 212(a)(10)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(E)) is amended to read as follows:

"(E) FORMER CITIZENS NOT IN COMPLIANCE WITH EXPATRIATION REVENUE PROVISIONS.—Any alien who is a former citizen of the United States who relinquishes United States citizenship (within the meaning of section 877A(e)(3) of the Internal Revenue Code of 1986) and who is not in compliance with section 877A of such Code (relating to expatriation).".

(2) AVAILABILITY OF INFORMATION.—

(A) IN GENERAL.—Section 6103(l) (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

"(18) DISCLOSURE TO DENY VISA OR ADMISSION TO CERTAIN EXPATRIATES.—Upon written request of the Attorney General or the Attorney General's delegate, the Secretary shall disclose whether an individual is in compliance with section 877A (and if not in compliance, any items of noncompliance) to officers and employees of the Federal agency responsible for administering section 212(a)(10)(E) of the Immigration and Nationality Act solely for the purpose of, and to the extent necessary in, administering such section 212(a)(10)(E).".

(B) SAFEGUARDS.—Section 6103(p)(4) (relating to safeguards) is amended by striking "or (17)" each place it appears and inserting "(17), or (18)".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to individuals who relinquish United States citizenship on or after the date of the enactment of this Act.

(e) CONFORMING AMENDMENTS.—

(1) Section 877 is amended by adding at the end the following new subsection:

"(g) APPLICATION.—This section shall not apply to an expatriate (as defined in section 877A(e)) whose expatriation date (as so defined) occurs on or after September 12, 2002.".

(2) Section 2107 is amended by adding at the end the following new subsection:

"(f) APPLICATION.—This section shall not apply to any expatriate subject to section 877A.".

(3) Section 2501(a)(3) is amended by adding at the end the following new subparagraph:

"(F) APPLICATION.—This paragraph shall not apply to any expatriate subject to section 877A.".

(4)(A) Paragraph (1) of section 6039G(d) is amended by inserting "or 877A" after "section 877".

(B) The second sentence of section 6039G(e) is amended by inserting "or who relinquishes United States citizenship (within the meaning of section 877A(e)(3))" after "877(a))".

(C) Section 6039G(f) is amended by inserting "or 877A(e)(2)(B)" after "877(e)(1)".

(f) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

"Sec. 877A. Tax responsibilities of expatriation.".

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs on or after September 12, 2002.

(2) GIFTS AND BEQUESTS.—Section 102(d) of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to gifts and bequests received on or after September 12, 2002, from an individual or the estate of an individual whose expatriation date (as so defined) occurs after such date.

(3) DUE DATE FOR TENTATIVE TAX.—The due date under section 877A(h)(2) of the Internal Revenue Code of 1986, as added by this section, shall in no event occur before the 90th day after the date of the enactment of this Act.

SEC. 202. EXTENSION OF INTERNAL REVENUE SERVICE USER FEES.

(a) IN GENERAL.—Chapter 77 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

"SEC. 7527. INTERNAL REVENUE SERVICE USER FEES.

"(a) GENERAL RULE.—The Secretary shall establish a program requiring the payment of user fees for—

"(1) requests to the Internal Revenue Service for ruling letters, opinion letters, and determination letters, and

"(2) other similar requests.

"(b) PROGRAM CRITERIA.—

"(1) IN GENERAL.—The fees charged under the program required by subsection (a)—

"(A) shall vary according to categories (or subcategories) established by the Secretary,

"(B) shall be determined after taking into account the average time for (and difficulty of) complying with requests in each category (and subcategory), and

"(C) shall be payable in advance.

"(2) EXEMPTIONS, ETC.—

"(A) IN GENERAL.—The Secretary shall provide for such exemptions (and reduced fees) under such program as the Secretary determines to be appropriate.

"(B) EXEMPTION FOR CERTAIN REQUESTS REGARDING PENSION PLANS.—The Secretary shall not require payment of user fees under such program for requests for determination letters with respect to the qualified status of a pension benefit plan maintained solely by 1 or more eligible employers or any trust which is part of the plan. The preceding sentence shall not apply to any request—

"(i) made after the later of—

"(I) the fifth plan year the pension benefit plan is in existence, or

"(II) the end of any remedial amendment period with respect to the plan beginning within the first 5 plan years, or

"(ii) made by the sponsor of any prototype or similar plan which the sponsor intends to market to participating employers.

"(C) DEFINITIONS AND SPECIAL RULES.—For purposes of subparagraph (B)—

"(i) PENSION BENEFIT PLAN.—The term 'pension benefit plan' means a pension, profit-sharing, stock bonus, annuity, or employee stock ownership plan.

"(ii) ELIGIBLE EMPLOYER.—The term 'eligible employer' means an eligible employer (as defined in section 408(p)(2)(C)(i)(I)) which has at least 1 employee who is not a highly compensated employee (as defined in section 414(q)) and is participating in the plan. The determination of whether an employer is an eligible employer under subparagraph (B) shall be made as of the date of the request described in such subparagraph.

"(iii) DETERMINATION OF AVERAGE FEES CHARGED.—For purposes of any determination of average fees charged, any request to which subparagraph (B) applies shall not be taken into account.

"(3) AVERAGE FEE REQUIREMENT.—The average fee charged under the program required by subsection (a) shall not be less than the amount determined under the following table:

"Category	**Average Fee**
Employee plan ruling and opinion	*$250*
Exempt organization ruling	*$350*
Employee plan determination	*$300*
Exempt organization determination	*$275*
Chief counsel ruling	*$200.*

"(c) TERMINATION.—No fee shall be imposed under this section with respect to requests made after September 30, 2012.".

(b) Conforming Amendments.—

(1) The table of sections for chapter 77 is amended by adding at the end the following new item:

"Sec. 7527. Internal Revenue Service user fees.".

(2) Section 10511 of the Revenue Act of 1987 is repealed.

(3) Section 620 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is repealed.

(c) Limitations.—Notwithstanding any other provision of law, any fees collected pursuant to section 7527 of the Internal Revenue Code of 1986, as added by subsection (a), shall not be expended by the Internal Revenue Service unless provided by an appropriations Act.

(d) Effective Date.—The amendments made by this section shall apply to requests made after the date of the enactment of this Act.

SEC. 203. PARTIAL PAYMENT OF TAX LIABILITY IN INSTALLMENT AGREEMENTS.

(a) In General.—

(1) Section 6159(a) (relating to authorization of agreements) is amended—

(A) by striking "satisfy liability for payment of" and inserting "make payment on", and

(B) by inserting "full or partial" after "facilitate".

(2) Section 6159(c) (relating to Secretary required to enter into installment agreements in certain cases) is amended in the matter preceding paragraph (1) by inserting "full" before "payment".

(b) Requirement To Review Partial Payment Agreements Every Two Years.—Section 6159 is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and inserting after subsection (c) the following new subsection:

"(d) Secretary Required To Review Installment Agreements for Partial Collection Every Two Years.—In the case of an agreement entered into by the Secretary under subsection (a) for partial collection of a tax liability, the Secretary shall review the agreement at least once every 2 years.".

(c) Effective Date.—The amendments made by this section shall apply to agreements entered into on or after the date of the enactment of this Act.

Amend the title so as to read: "An Act to amend the Internal Revenue Code of 1986 to improve tax equity for military personnel, and for other purposes.".

PHARMACY EDUCATION AID ACT OF 2002

Mr. REID. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 621, S. 1806.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1806) to amend the Public Health Service Act with respect to health professions programs regarding the practice of pharmacy.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Pharmacy Education Aid Act of 2001".

[SEC. 2. FINDINGS.

[Congress makes the following findings:

[(1) Pharmacists are an important link in our Nation's health care system. A critical shortage of pharmacists is threatening the ability of pharmacies to continue to provide important prescription related services.

[(2) In the landmark report entitled "To Err is Human: Building a Safer Health System", the Institute of Medicine reported that medication errors can be partially attributed to factors that are indicative of a shortage of pharmacists (such as too many customers, numerous distractions, and staff shortages).

[(3) Congress acknowledged in the Healthcare Research and Quality Act of 1999 (Public Law 106–129) a growing demand for pharmacists by requiring the Secretary of Health and Human Services to conduct a study to determine whether there is a shortage of pharmacists in the United States and, if so, to what extent.

[(4) As a result of Congress' concern about how a shortage of pharmacists would impact the public health, the Secretary of Health and Human Services published a report entitled "The Pharmacist Workforce: A Study in Supply and Demand for Pharmacists" in December of 2000.

[(5) "The Pharmacist Workforce: A Study in Supply and Demand for Pharmacists" found that "While the overall supply of pharmacists has increased in the past decade, there has been an unprecedented demand for pharmacists and for pharmaceutical care services, which has not been met by the currently available supply" and that the "evidence clearly indicates the emergence of a shortage of pharmacists over the past two years".

[(6) The same study also found that "The factors causing the current shortage are of a nature not likely to abate in the near future without fundamental changes in pharmacy practice and education." The study projects that the number of prescriptions filled by community pharmacists will increase by 20 percent by 2004. In contrast, the number of community pharmacists is expected to increase by only 6 percent by 2005.

[(7) The demand for pharmacists will increase as prescription drug use continues to grow.

[SEC. 3. INCLUSION OF PRACTICE OF PHARMACY IN PROGRAM FOR NATIONAL HEALTH SERVICE CORPS.

[(a) Inclusion in Corps Mission.—Section 331(a)(3) of the Public Health Service Act (42 U.S.C. 254d(a)(3)) is amended—

[(1) in subparagraph (D), by adding at the end the following: "Such term includes pharmacist services."; and

[(2) by adding at the end the following:

["(E)(i) The term 'pharmacist services' includes drug therapy management services furnished by a pharmacist, individually or on behalf of a pharmacy provider, and such services and supplies furnished incident to the pharmacist's drug therapy management services, that the pharmacist is legally authorized to perform (in the State in which the individual performs such services) in accordance with State law (or the State regulatory mechanism provided for by State law).".

[(b) Scholarship Program.—Section 338A of the Public Health Service Act (42 U.S.C. 254*l*) is amended—

[(1) in subsection (a)(1), by inserting "pharmacists," after "physicians,"; and

[(2) in subsection (b)(1), by inserting "pharmacy" after "dentistry,".

[(c) Loan Repayment Program.—Section 338B of the Public Health Service Act (42 U.S.C. 254*l*–1) is amended—

[(1) in subsection (a)(1), by inserting "pharmacists," after "physicians,"; and

[(2) in subsection (b)(1), by inserting "pharmacy," after "dentistry,".

[(d) Funding.—Section 338H(b)(2) of the Public Health Service Act (42 U.S.C. 254q(b)(2)) is amended in subparagraph (A), by inserting before the period the following: ", which may include such contracts for individuals who are in a course of study or program leading to a pharmacy degree".

[SEC. 4. CERTAIN HEALTH PROFESSIONS PROGRAMS REGARDING PRACTICE OF PHARMACY.

[(a) In General.—Part E of title VII of the Public Health Service Act (42 U.S.C. 294n et seq.) is amended—

[(1) by redesignating section 770 as section 771; and

[(2) by adding at the end the following subpart:

["Subpart 3—Certain Workforce Programs

["SEC. 771. PRACTICING PHARMACIST WORKFORCE.

["(a) Recruiting and Retaining Students and Faculty.—

["(1) In general.—The Secretary may make awards of grants or contracts to qualifying schools of pharmacy (as defined in subsection (f)) for the purpose of carrying out programs for recruiting and retaining students and faculty for such schools, including programs to provide scholarships for attendance at such schools to full-time students who have financial need for the scholarships and who demonstrate a commitment to becoming practicing pharmacists or faculty.

["(2) Preference in providing scholarships.—An award may not be made under paragraph (1) unless the qualifying school of pharmacy involved agrees that, in providing scholarships pursuant to the award, the school will give preference to students for whom the costs of attending the school would constitute a severe financial hardship.

["(b) Loan Repayment Program Regarding Faculty Positions.—

["(1) In general.—The Secretary may establish a program of entering into contracts with individuals described in paragraph (2) under which the individuals agree to serve as members of the faculties of qualifying schools of pharmacy in consideration of the Federal Government agreeing to pay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of such individuals.

["(2) Eligible individuals.—The individuals referred to in paragraph (1) are individuals who—

["(A) have a doctoral degree in pharmacy or the pharmaceutical sciences; or

["(B) are enrolled in a school of pharmacy and are in the final academic year of such school in a program leading to such a doctoral degree.

["(3) Requirements regarding faculty positions.—The Secretary may not enter into a contract under paragraph (1) unless—

["(A) the individual involved has entered into a contract with a qualifying school of pharmacy to serve as a member of the faculty of the school for not less than 2 years;

["(B) the contract referred to in subparagraph (A) provides that, in serving as a member of the faculty pursuant to such subparagraph, the individual will—

["(i) serve full time; or

["(ii) serve as a member of the adjunct clinical faculty and in so serving will actively supervise pharmacy students for 25 academic weeks per year (or such greater number of academic weeks as may be specified in the contract); and

["(C) such contract provides that—

["(i) the school will, for each year for which the individual will serve as a member of the faculty under the contract with the school, make payments of the principal and interest due on the educational loans of the individual for such year in an amount equal to the amount of such payments made by the Secretary for the year;

["(ii) the payments made by the school pursuant to clause (i) on behalf of the individual will be in addition to the pay that the individual would otherwise receive for serving as a member of such faculty; and

["(iii) the school, in making a determination of the amount of compensation to be provided by the school to the individual for serving as a member of the faculty, will make the determination without regard to the amount of payments made (or to be made) to the individual by the Federal Government under paragraph (1).

["(4) Applicability .of certain provisions.—The provisions of sections 338C, 338G, and 338I shall apply to the program established in paragraph (1) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III, including the applicability of provisions regarding reimbursements for increased tax liability and provisions regarding bankruptcy.

["(5) Waiver regarding school contributions.—The Secretary may waive the requirement established in paragraph (3)(C) if the Secretary determines that the requirement will impose an undue financial hardship on the school involved.

["(c) Information Technology.—The Secretary may make awards of grants or contracts to qualifying schools of pharmacy for the purpose of assisting such schools in acquiring and installing computer-based systems to provide pharmaceutical education. Education provided through such systems may be graduate education, professional education, or continuing education. The computer-based systems may be designed to provide on-site education, or education at remote sites (commonly referred to as distance learning), or both.

["(d) Facilities.—The Secretary may award grants under section 1610 for construction projects to expand, remodel, renovate, or alter existing facilities for qualifying schools of pharmacy or to provide new facilities for the schools.

["(e) Requirement Regarding Education in Practice of Pharmacy.—With respect to the qualifying school of pharmacy involved, the Secretary shall ensure that programs and activities carried out with Federal funds provided under this section have the goal of educating students to become licensed pharmacists, or the goal of providing for faculty to recruit, retain, and educate students to become licensed pharmacists.

["(f) Qualifying School of Pharmacy.—For purposes of this section, the term 'qualifying school of pharmacy' means a college or school of pharmacy (as defined in section 799B) that, in providing clinical experience for students, requires that the students serve in a clinical rotation in which pharmacist services (as defined in section 331(a)(3)(E)) are provided at or for—

["(1) a medical facility that serves a substantial number of individuals who reside in or are members of a medically underserved community (as so defined);

["(2) an entity described in any of subparagraphs (A) through (L) of section 340B(a)(4) (relating to the definition of covered entity);

["(3) a health care facility of the Department of Veterans Affairs or of any of the Armed Forces of the United States;

["(4) a health care facility of the Bureau of Prisons;

["(5) a health care facility operated by, or with funds received from, the Indian Health Service; or

["(6) a disproportionate share hospital under section 1923 of the Social Security Act.

["(g) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2002 through 2006.".

[(b) Technical and Conform Amendments.—Section 1610(a) of the Public Health Service Act (42 U.S.C. 300r(a)) is amended—

[(1) in paragraph (1)—

[(A) in subparagraph (A)—

[(i) in clause (i), by striking "or" at the end thereof;

[(ii) in clause (ii), by striking the period and inserting "; or"; and

[(iii) by adding at the end the following:

["(iii) expand, remodel, renovate, or alter existing facilities for qualifying schools of pharmacy or to provide new facilities for the schools in accordance with section 771(d).";

[(B) in subparagraph (B)—

[(i) in clause (i), by striking "and" at the end thereof;

[(ii) in clause (ii)(II), by striking the period and inserting "; or"; and

[(iii) by adding at the end the following:

["(iii) a qualifying school of pharmacy (as defined in section 771(f)).";

[(2) by striking the first sentence of paragraph (3) and inserting the following: "There are authorized to be appropriated for grants under paragraph (1)(A)(iii), such sums as may be necessary."; and

[(3) by adding at the end the following:

["(4) Recapture of payments.—If, during the 20-year period beginning on the date of the completion of construction pursuant to a grant under paragraph (1)(A)(iii)—

["(A) the school of pharmacy involved, or other owner of the facility, ceases to be a public or nonprofit private entity; or

["(B) the facility involved ceases to be used for the purposes for which it was constructed (unless the Secretary determines, in accordance with regulations, that there is good cause for releasing the school or other owner from such obligation);

[the United States is entitled to recover from the school or other owner of the facility the amount bearing the same ratio to the current value (as determined by an agreement between the parties or by action brought in the United States District Court for the district in which such facility is situated) of the facility as the amount of the Federal participation bore to the cost of the construction of such facility.".]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pharmacy Education Aid Act of 2002".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Pharmacists are an important link in our Nation's health care system. A critical shortage of pharmacists is threatening the ability of pharmacies to continue to provide important prescription related services.

(2) In the landmark report entitled "To Err is Human: Building a Safer Health System", the Institute of Medicine reported that medication errors can be partially attributed to factors that are indicative of a shortage of pharmacists (such as too many customers, numerous distractions, and staff shortages).

(3) Congress acknowledged in the Healthcare Research and Quality Act of 1999 (Public Law 106–129) a growing demand for pharmacists by requiring the Secretary of Health and Human Services to conduct a study to determine whether there is a shortage of pharmacists in the United States and, if so, to what extent.

(4) As a result of Congress' concern about how a shortage of pharmacists would impact the public health, the Secretary of Health and Human Services published a report entitled "The Pharmacist Workforce: A Study in Supply and Demand for Pharmacists" in December of 2000.

(5) "The Pharmacist Workforce: A Study in Supply and Demand for Pharmacists" found that "While the overall supply of pharmacists has increased in the past decade, there has been an unprecedented demand for pharmacists and for pharmaceutical care services, which has not been met by the currently available supply" and that the "evidence clearly indicates the emergence of a shortage of pharmacists over the past two years".

(6) The same study also found that "The factors causing the current shortage are of a nature not likely to abate in the near future without fundamental changes in pharmacy practice and education." The study projects that the number of prescriptions filled by community pharmacists will increase by 20 percent by 2004. In contrast, the number of community pharmacists is expected to increase by only 6 percent by 2005.

(7) The demand for pharmacists will increase as prescription drug use continues to grow.

SEC. 3. HEALTH PROFESSIONS PROGRAM RELATED TO THE PRACTICE OF PHARMACY.

(a) In General.—Part E of title VII of the Public Health Service Act (42 U.S.C. 294n et seq.) is amended by adding at the end the following:

"Subpart 3—Pharmacy Workforce Development

"SEC. 781. LOAN REPAYMENT PROGRAM.

"(a) In General.—In the case of any individual—

"(1) who has received a baccalaureate degree in pharmacy or a Doctor of Pharmacy degree from an accredited program; and

"(2) who obtained an educational loan for pharmacy education costs;

the Secretary may enter into an agreement with such individual who agrees to serve as a full-time pharmacist for a period of not less than 2 years at a health care facility with a critical shortage of pharmacists, to make payments in accordance with subsection (b), for and on behalf of that individual, on the principal of and interest on any loan of that individual described in paragraph (2) which is outstanding on the date the individual begins such service.

"(b) Manner of Payments.—

"(1) In general.—The payments described in subsection (a) may consist of payment, in accordance with paragraph (2), on behalf of the individual of the principal, interest, and related expenses on government and commercial loans received by the individual regarding the undergraduate or graduate education of the individual (or both), which loans were made for—

"(A) tuition expenses;

"(B) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the individual; or

"(C) reasonable living expenses as determined by the Secretary.

"(2) Payments for years served.—

"(A) In general.—For each year of obligated service that an individual contracts to serve

under subsection (a)(3) the Secretary may pay up to $35,000 on behalf of the individual for loans described in paragraph (1). In making a determination of the amount to pay for a year of such service by an individual, the Secretary shall consider the extent to which each such determination—

"(i) affects the ability of the Secretary to maximize the number of agreements that may be provided under this section from the amounts appropriated for such agreements;

"(ii) provides an incentive to serve in areas with the greatest shortages of pharmacists; and

"(iii) provides an incentive with respect to the pharmacist involved remaining in the area and continuing to provide pharmacy services after the completion of the period of obligated service under agreement.

"(B) REPAYMENT SCHEDULE.—Any arrangement made by the Secretary for the making of loan repayments in accordance with this subsection shall provide that any repayments for a year of obligated service shall be made not later than the end of the fiscal year in which the individual completes such year of service.

"(3) TAX LIABILITY.—For the purpose of providing reimbursements for tax liability resulting from payments under paragraph (2) on behalf of an individual—

"(A) the Secretary shall, in addition to such payments, make payments to the individual in an amount equal to 39 percent of the total amount of loan repayments made for the taxable year involved; and

"(B) may make such additional payments as the Secretary determines to be appropriate with respect to such purpose.

"(4) PAYMENT SCHEDULE.—The Secretary may enter into an agreement with the holder of any loan for which payments are made under this section to establish a schedule for the making of such payments.

"(c) PREFERENCES.—In entering into agreements under subsection (a), the Secretary shall give preference to qualified applicants with the greatest financial need.

"(d) REPORTS.—

"(1) ANNUAL REPORT.—Not later than 18 months after the date of enactment of the Pharmacy Education Aid Act, and annually thereafter, the Secretary shall prepare and submit to Congress a report describing the program carried out under this section, including statements regarding—

"(A) the number of enrollees, loan repayments, and recipients;

"(B) the number of graduates;

"(C) the amount of loan repayments made;

"(D) which educational institution the recipients attended;

"(E) the number and placement location of the loan repayment recipients at health care facilities with a critical shortage of pharmacists;

"(F) the default rate and actions required;

"(G) the amount of outstanding default funds of the loan repayment program;

"(H) to the extent that it can be determined, the reason for the default;

"(I) the demographics of the individuals participating in the loan repayment program; and

"(J) an evaluation of the overall costs and benefits of the program.

"(2) 5-YEAR REPORT.—Not later than 5 years after the date of enactment of the Pharmacy Education Aid Act, the Secretary shall prepare and submit to Congress a report on how the program carried out under this section interacts with other Federal loan repayment programs for pharmacists and determining the relative effectiveness of such programs in increasing pharmacists practicing in areas with a critical shortage or pharmacists.

"(e) BREACH OF AGREEMENT.—

"(1) IN GENERAL.—In the case of any program under this section under which an individual makes an agreement to provide health services for a period of time in accordance with such program in consideration of receiving an award of Federal funds regarding education as a pharmacists (including an award for the repayment of loans), the following applies if the agreement provides that this subsection is applicable:

"(A) In the case of a program under this section that makes an award of Federal funds for attending an accredited program of pharmacy (in this section referred to as a 'pharmacy program'), the individual is liable to the Federal Government for the amount of such award (including amounts provided for expenses related to such attendance), and for interest on such amount at the maximum legal prevailing rate, if the individual—

"(i) fails to maintain an acceptable level of academic standing in the pharmacy program (as indicated by the program in accordance with requirements established by the Secretary);

"(ii) is dismissed from the pharmacy program for disciplinary reasons; or

"(iii) voluntarily terminates the pharmacy program.

"(B) The individual is liable to the Federal Government for the amount of such award (including amounts provided for expenses related to such attendance), and for interest on such amount at the maximum legal prevailing rate, if the individual fails to provide health services in accordance with the program under this section for the period of time applicable under the program.

"(2) WAIVER OR SUSPENSION OF LIABILITY.—In the case of an individual or health facility making an agreement for purposes of paragraph (1), the Secretary shall provide for the waiver or suspension of liability under such subsection if compliance by the individual or the health facility, as the case may be, with the agreements involved is impossible, or would involve extreme hardship to the individual or facility, and if enforcement of the agreements with respect to the individual or facility would be unconscionable.

"(3) DATE CERTAIN FOR RECOVERY.—Subject to paragraph (2), any amount that the Federal Government is entitled to recover under paragraph (1) shall be paid to the United States not later than the expiration of the 3-year period beginning on the date the United States becomes so entitled.

"(4) AVAILABILITY.—Amounts recovered under paragraph (1) with respect to a program under this section shall be available for the purposes of such program, and shall remain available for such purposes until expended.

"(f) DEFINITION.—In this section, the term 'health care facility' means an Indian Health Service health center, a Native Hawaiian health center, a hospital, a pharmacy, a Federal qualified health center, a rural health clinic, a nursing home, a home health agency, a hospice program, a public health clinic, a State or local department of public health, a skilled nursing facility, an ambulatory surgical center, or any other facility determined appropriate by the Secretary.

"(g) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of payments under agreements entered into under subsection (a), there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2003 through 2007.

"SEC. 782. PHARMACIST FACULTY LOAN PROGRAM.

"(a) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may enter into an agreement with any school of pharmacy for the establishment and operation of a student loan fund in accordance with this section, to increase the number of qualified pharmacy faculty.

"(b) AGREEMENTS.—Each agreement entered into under subsection (a) shall—

"(1) provide for the establishment of a student loan fund by the school involved;

"(2) provide for deposit in the fund of—

"(A) the Federal capital contributions to the fund;

"(B) an amount equal to not less than one-ninth of such Federal capital contributions, contributed by such school;

"(C) collections of principal and interest on loans made from the fund; and

"(D) any other earnings of the fund;

"(3) provide that the fund will be used only for loans to students of the school in accordance with subsection (c) and for costs of collection of such loans and interest thereon;

"(4) provide that loans may be made from such fund only to students pursuing a full-time course of study or, at the discretion of the Secretary, a part-time course of study; and

"(5) contain such other provisions as are necessary to protect the financial interests of the United States.

"(c) LOAN PROVISIONS.—Loans from any student loan fund established by a school pursuant to an agreement under subsection (a) shall be made to an individual on such terms and conditions as the school may determine, except that—

"(1) such terms and conditions are subject to any conditions, limitations, and requirements prescribed by the Secretary;

"(2) in the case of any individual, the total of the loans for any academic year made by schools of pharmacy from loan funds established pursuant to agreements under subsection (a) may not exceed $30,000, plus any amount determined by the Secretary on an annual basis to reflect inflation;

"(3) an amount up to 85 percent of any such loan (plus interest thereon) shall be canceled by the school as follows:

"(A) upon completion by the individual of each of the first, second, and third year of full-time employment, required by the loan agreement entered into under this subsection, as a faculty member in a school of pharmacy, the school shall cancel 20 percent of the principle of, and the interest on, the amount of such loan unpaid on the first day of such employment; and

"(B) upon completion by the individual of the fourth year of full-time employment, required by the loan agreement entered into under this subsection, as a faculty member in a school of pharmacy, the school shall cancel 25 percent of the principle of, and the interest on, the amount of such loan unpaid on the first day of such employment;

"(4) such a loan may be used to pay the cost of tuition, fees, books, laboratory expenses, and other reasonable education expenses;

"(5) such a loan shall be repayable in equal or graduated periodic installments (with the right of the borrower to accelerate repayment) over the 10-year period that begins 9 months after the individual ceases to pursue a course of study at a school of pharmacy; and

"(6) such a loan shall—

"(A) beginning on the date that is 3 months after the individual ceases to pursue a course of study at a school of pharmacy, bear interest on the unpaid balance of the loan at the rate of 3 percent per annum; or

"(B) subject to subsection (e), if the school of pharmacy determines that the individual will not complete such course of study or serve as a faculty member as required under the loan agreement under this subsection, bear interest on the unpaid balance of the loan at the prevailing market rate.

"(d) PAYMENT OF PROPORTIONATE SHARE.—Where all or any part of a loan, or interest, is canceled under this section, the Secretary shall

pay to the school an amount equal to the school's proportionate share of the canceled portion, as determined by the Secretary.

"(e) REVIEW BY SECRETARY.—At the request of the individual involved, the Secretary may review any determination by a school of pharmacy under subsection (c)(6)(B).

"(f) INFORMATION TECHNOLOGY.—The Secretary may make awards of grants or contracts to qualifying schools of pharmacy for the purpose of assisting such schools in acquiring and installing computer-based systems to provide pharmaceutical education. Education provided through such systems may be graduate education, professional education, or continuing education. The computer-based systems may be designed to provide on-site education, or education at remote sites (commonly referred to as distance learning), or both.

"(g) REQUIREMENT REGARDING EDUCATION IN PRACTICE OF PHARMACY.—With respect to the school of pharmacy involved, the Secretary shall ensure that programs and activities carried out with Federal funds provided under this section have the goal of educating students to become licensed pharmacists, or the goal of providing for faculty to recruit, retain, and educate students to become licensed pharmacists.

"(h) DEFINITIONS.—For purposes of this section:

"(1) SCHOOL OF PHARMACY.—the term 'school of pharmacy' means a college or school of pharmacy (as defined in section 799B) that, in providing clinical experience for students, requires that the students serve in a clinical rotation in which pharmacist services (as defined in section 331(a)(3)(E)) are provided at or for—

"(A) a medical facility that serves a substantial number of individuals who reside in or are members of a medically underserved community (as so defined);

"(B) an entity described in any of subparagraphs (A) through (L) of section 340B(a)(4) (relating to the definition of covered entity);

"(C) a health care facility of the Department of Veterans Affairs or of any of the Armed Forces of the United States;

"(D) a health care facility of the Bureau of Prisons;

"(E) a health care facility operated by, or with funds received from, the Indian Health Service; or

"(F) a disproportionate share hospital under section 1923 of the Social Security Act.

"(2) PHARMACIST SERVICES.—The term 'pharmacist services' includes drug therapy management services furnished by a pharmacist, individually or on behalf of a pharmacy provider, and such services and supplies furnished incident to the pharmacist's drug therapy management services, that the pharmacist is legally authorized to perform (in the State in which the individual performs such services) in accordance with State law (or the State regulatory mechanism provided for by State law).

"(i) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2007.".

Mr. REID. I ask unanimous consent the committee-reported amendment be agreed to, the bill, as amended, be read three times and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1806), as amended, was read the third time and passed.

NATIONAL MINORITY HEALTH AND HEALTH DISPARITIES MONTH

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H. Con. Res. 388 and that we now proceed to the consideration of that matter.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The senior assistant bill clerk read as follows:

A concurrent resolution (H. Con. Res. 388) expressing the sense of the Congress that there should be established a National Minority Health and Health Disparities Month, and for other purposes.

There being no objection, the Senate proceeded to the consideration of the concurrent resolution.

Mr. REID. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 388) was agreed to.

The preamble was agreed to.

NATIONAL MINORITY HEALTH AND HEALTH DISPARITIES MONTH

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Con. Res. 139 and that the Senate now proceed to this matter.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The senior assistant bill clerk read as follows:

A concurrent resolution (S. Con. Res. 139) expressing the sense of Congress that there should be established a National Minority Health and Health Disparities Month, and for other purposes.

There being no objection, the Senate proceeded to the consideration of the concurrent resolution.

Mr. REID. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 139) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 139

Whereas in 2000, the Surgeon General announced a goal of eliminating, by 2010, health disparities experienced by racial and ethnic minorities in health access and outcome in 6 areas: infant mortality, cancer screening, cardiovascular disease, diabetes, acquired immunodeficiency syndrome and human immunodeficiency virus infection, and immunizations;

Whereas despite notable progress in the overall health of the Nation there are continuing health disparities in the burden of illness and death experienced by African-Americans, Hispanics, Native Americans, Alaska Natives, Asians, and Pacific Islanders, compared to the population of the United States as a whole;

Whereas minorities are more likely to die from cancer, cardiovascular disease, stroke, chemical dependency, diabetes, infant mortality, violence, and, in recent years, acquired immunodeficiency syndrome than nonminorities suffering from those same illnesses;

Whereas there is a national need for scientists in the fields of biomedical, clinical, behavioral, and health services research to focus on how best to eliminate health disparities between minorities and the population of the United States as a whole;

Whereas the diverse health needs of minorities are more effectively addressed when there are minorities in the health care workforce; and

Whereas behavioral and social sciences research has increased awareness and understanding of factors associated with health care utilization and access, patient attitudes toward health services, and behaviors that affect health and illness, and these factors have the potential to be modified to help close the health disparities gap that effects minority populations: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) a National Minority Health and Health Disparities Month should be established to promote educational efforts on the health problems currently facing minorities and other populations experiencing health disparities;

(2) the Secretary of Health and Human Services should, as authorized by the Minority Health and Health Disparities Research and Education Act of 2000, present public service announcements on health promotion and disease prevention that target minorities and other populations experiencing health disparities in the United States and educate the public and health care professionals about health disparities;

(3) the President should issue a proclamation recognizing the immediate need to reduce health disparities in the United States and encouraging all health organizations and Americans to conduct appropriate programs and activities to promote healthfulness in minority and other communities experiencing health disparities;

(4) Federal, State, and local governments should work in concert with the private and nonprofit sector to recruit and retain qualified individuals from racial, ethnic, and gender groups that are currently underrepresented in health care professions;

(5) the Agency for Healthcare Research and Quality should continue to collect and report data on health care access and utilization on patients by race, ethnicity, socioeconomic status, and where possible, primary language, as authorized by the Minority Health and Health Disparities Research and Education Act of 2000, to monitor the Nation's progress toward the elimination of health care disparities; and

(6) the information gained from research about factors associated with health care utilization and access, patient attitudes toward health services, and risk and protective

behaviors that affect health and illness, should be disseminated to all health care professionals so that they may better communicate with all patients, regardless of race or ethnicity, without bias or prejudice.

NATIONAL CYSTIC FIBROSIS AWARENESS WEEK

Mr. REID. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 270 and the Senate now proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The senior assistant bill clerk read as follows:

A resolution (S. Res. 270) designating the week of October 13, 2002, through October 19, 2002, as "National Cystic Fibrosis Awareness Week".

There being no objection, the Senate proceeded to the consideration of the concurrent resolution.

Mr. REID. I ask unanimous consent that the resolution and the preamble be agreed to, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 270) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 270

Whereas cystic fibrosis is one of the most common fatal genetic diseases in the United States and there is no known cure;

Whereas cystic fibrosis, characterized by digestive disorders and chronic lung infections, is a fatal lung disease;

Whereas a total of more than 10,000,000 Americans are unknowing carriers of cystic fibrosis;

Whereas one out of every 3,900 babies in the United States is born with cystic fibrosis;

Whereas approximately 30,000 people in the United States, many of whom are children, have cystic fibrosis;

Whereas the average life expectancy of an individual with cystic fibrosis is 32 years;

Whereas prompt, aggressive treatment of the symptoms of cystic fibrosis can extend the lives of those who have this disease;

Whereas recent advances in cystic fibrosis research have produced promising leads in gene, protein, and drug therapies; and

Whereas education can help inform the public of the symptoms of cystic fibrosis, which will assist in early diagnoses, and increase knowledge and understanding of this disease: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of October 13, 2002 through October 19, 2002, as "National Cystic Fibrosis Awareness Week";

(2) commits to increasing the quality of life for individuals with cystic fibrosis by promoting public knowledge and understanding in a manner that will result in earlier diagnoses, more fund raising efforts for research, and increased levels of support for those with cystic fibrosis and their families; and

(3) requests the President to issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities.

ORDERS FOR FRIDAY, OCTOBER 4, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Friday, October 4; that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of S.J. Res. 45 under the conditions of the previous order, with the time until 11:30 a.m. equally divided and controlled between the two leaders or their designees, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, I understand there is no further business to come before the Senate. Therefore, I ask unanimous consent that the Senate stand in adjournment.

There being no objection, the Senate, at 6:25 p.m., adjourned until Friday, October 4, 2002, at 9:30 a.m.

EXTENSIONS OF REMARKS

DEDICATION IN THE MEMORY OF MARINE CORPS PRIVATE FIRST CLASS FRANCIS M. FINNERTY, JR.

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mrs. ROUKEMA. Mr. Speaker, I rise today to call the attention of my colleagues to a very special event to be held later this month in Washington Township, New Jersey.

On October 20, 2002, the community of the Township and the Veterans of Foreign Wars Post 6192 will dedicate the intersection of Pascack and Westgate Avenues to one of Bergen County's fallen sons, Marine Corps Private First Class Francis M. Finnerty, Jr. PFC Finnerty, who made the ultimate sacrifice for his country, exemplifies the American values that have made our country great.

PFC Finnerty arrived in Vietnam in August 1967, at the tender age of nineteen. A rifleman, he was the only soldier in his platoon to survive the battle of Hue in February 1968, later surviving almost a month in the mountains of Vietnam. Even before that—only two weeks after his arrival in Vietnam—PFC Finnerty earned a Purple Heart for injuries to his hand and leg suffered when he was wounded by a land mine in Thu Bai.

Later, in an act of pure selflessness, PFC Finnerty elected to remain in Vietnam to fight, even when he became eligible to return to his home in Washington Township. Tragically, only a short time later, PFC Finnerty became the 117th serviceman from Bergen County to give his life for his country, when he was killed in Da Nang.

Mr. Speaker, at a time when our Nation most needs its heroes, PFC Finnerty's selflessness, courage, and dedication to his country should serve as an example to us all. On October 20, 2002, our hearts will go out to PFC Finnerty's family—particularly his parents. Marion and Francis M. Finnerty—who will return to Washington Township as the Township and VFW Post 6192 dedicate one of the Township's streets in his memory.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in recognizing this solemn occasion, and commemorating the sacrifice made by PFC Francis M. Finnerty, Jr. years ago so that we might all enjoy a more secure freedom today.

TRIBUTE TO EDWIN HEAFEY, JR.

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Ms. PELOSI. Mr. Speaker, I rise today to pay tribute to a remarkable Californian, who has left an indelible mark on the law and the community through his work in both the courtroom and the classroom.

Edwin Heafey, Jr. was a founding partner of the Oakland-based law firm Crosby, Heafey, Roach and May. With his father, brother and a law school classmate, Edwin Heafey built the firm from eight attorneys to 250 attorneys, and six offices throughout the state of California.

Edwin Heafey was a lawyer's lawyer, among the last of the breed who could rightly claim to be an expert in fields ranging from business law to personal injury law and who had 150 trials under his belt to prove it.

He represented Alameda County in the Oakland Raiders' $100 million antitrust dispute with the National Football League, and some of his big cases helped shape product liability law in California and across the country. In these cases and others, he was a fierce advocate, but one known for his good humor and courtesy as much as his expertise and tenacity.

His knowledge of the law was as encyclopedic as his respect for it was immense. Edwin literally wrote the book on trial procedure.

As a professor at Boalt Hall law school in Berkeley for 17 years, he helped train the next generation of trial lawyers. As a teacher and, for many, as a mentor long after graduation, Edwin Heafey seeded the California legal community with talented young people steeped in both his knowledge and his uncompromising ethic.

Edwin Heafey held himself to the highest standards and believed that the law—and his law firm—could be a significant force for social as well as legal justice.

The Crosby, Heafey, Roach & May Foundation has made hundreds of thousands of dollars worth of grants to non-profit organizations throughout the San Francisco Bay Area and Southern California. Grant recipients have included such organizations as Second Chance Adult Literacy Program, Los Angeles Youth Conservation Corps and the Lawyers' Committee for Civil Rights.

In addition, every year dozens of Crosby Heafey lawyers provide pro bono legal services totaling thousands of hours. They represent asylum seekers from Central America, Tibet and Haiti and seniors who have been taken advantage of or abused. They help people with AIDS to plan their estates and provide legal representation to low-income people who would otherwise go unrepresented in discrimination cases, landlord-tenant disputes and consumer problems.

The firm Edwin Heafey helped found is unique in another respect. While many big companies preach the virtues of diversity, few actually achieve a truly diverse workforce. Through commitment to the recruitment and retention of minority and women lawyers, the 2002 issue of Minority Law Journal ranked Crosby, Heafey, Roach and May as the 10th most diverse of the nation's 250 largest law firms.

For that, and for so much more, the East Bay of California and indeed, the legal community nationwide, has much to be thankful for from Edwin Heafey Jr.

Edwin Heafey succumbed to cancer this summer, leaving behind his beloved wife, Mary, two children, three stepchildren and four much-adored grandchildren.

His family, the closest people to him, gave the best description of him that I can imagine in a card written shortly after their loss.

They called him "fun, a phrase maker, the problem solver. He repaired relationships, created opportunities, built careers."

He was "an enthusiastic scholar, learned educator, builder of a band of mutually devoted companions into a law firm."

He was, in sum, "quite a guy."

I could not agree more.

PERSONAL EXPLANATION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. BEREUTER. Mr. Speaker, on rollcall No. 427 & 428 for reasons of official business to release the first annual report of the Congressional-Executive Commission on China.

Had I been present, I would have voted "yea" on the approval of the Journal and on H. Con. Res. 476.

HONORING YALE LEONARD ROSENBERG

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. BENTSEN. Mr. Speaker, I rise in memory of an accomplished and revered legal scholar, Yale Leonard Rosenberg, who passed away on Sunday, September 22, 2002, at the age of 63. His death is a tremendous loss not only to his wife Irene, but to the University of Houston Law Center community and Houston's Jewish community. As an A.A White Professor of Law at the University of Houston Law Center, Mr. Rosenberg will be fondly remembered by his students and colleagues as a devoted teacher who inspired those around him with his quiet decency and boundless passion for teaching the law.

Yale Rosenberg, a native Houstonian, was an exceptional individual who exemplified the best of the legal field. At an early age, he demonstrated remarkable academic ability and desire to be involved in the community. In high

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

school, he was named Houston's "Outstanding Jewish Athlete." At Rice University, Yale Rosenberg not only excelled academically, graduating with a degree in Business Administration-Economics, but also and served as the "Grand Aleph Godol," or International President of the B'nai Br'ith AZA Youth Organization.

Yale Rosenberg's stellar legal career began at New York University Law School and was followed by the prestigious clerkship with the Honorable Judge Oscar H. Davis of the United States Court of Appeals in Washington, D.C. He went on the work at the law firm of Arnold & Porter. Dedicated to public service, he joined the New York Mayor's Task Force on the Constitutional Convention as Legal Advisor in 1966 and served as Assistant United States Attorney in the Southern District of New York from 1967 through 1972.

In 1973, Yale Rosenberg returned to Houston with his wife and legal collaborator Irene Merker Rosenberg to join the faculty of the University of Houston Law Center. By his own account, the years he spent teaching civil procedure, federal jurisdiction, and professional responsibility to aspiring Texas attorneys were incredibly rewarding. Upon receiving the 2000 Teaching Excellence Award at the University of Houston, Professor Rosenberg explained, "The satisfaction of seeing a light come on in a law student's mind—that initial flash of understanding—simply cannot be replicated." His love of teaching was manifest. Yale Rosenberg shared not only his expert knowledge of the law but instilled a respect for the power that our legal institutions and principles play in all our lives. Among Professor Rosenberg's most notable accomplishments in his nearly thirty years of teaching was his development of a Jewish law course. He also made important contributions to jurisprudence in the areas of criminal procedure, constitutional law, and comparative law.

His dedication to the Jewish community was reflected in his long association with the Congregation Young Israel in Houston. Professor Rosenberg opened his home and his heart to his friends and neighbors not only in Houston but from all over the country and world.

Yale Leonard Rosenberg is survived by his loving wife Irene Merker Rosenberg, numerous cousins, vast numbers of friends and students whose lives touched with his uncommon kindness and boundless wisdom.

Mr. Speaker, students and colleagues, as well as friends and family members, mourn the loss of Professor Yale Leonard Rosenberg, but his lasting impact will always remain in their hearts.

IN RECOGNITION OF RUDOLPH "RUDY" MANZ

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mrs. ROUKEMA. Mr. Speaker, I rise today to recognize and congratulate an outstanding member of our community and of New Jersey—Rudolph "Rudy" Manz, who this year completes fifty years of service to the Franklin Lakes Volunteer Fire Department in Franklin Lakes, New Jersey. Rudy is an outstanding example of the type of person who makes Bergen County, our state, and our Nation such a wonderful place. He exemplifies the American values that have made our country great.

The list of Rudy's contributions to the families of Bergen County and New Jersey is innumerable. Rudy joined the Franklin Lakes Volunteer Fire Department on March 3, 1952. In the more than fifty years since, he has served in almost every capacity, from Chief Engineer to Chief of the Department. In 1972, and again in 1988, Rudy was honored as Firefighter of the Year. He is a thirty-year member of the New Jersey State Fire Chief's Association, and is a Past President, Life Member, and Member of the Board of Trustees of the New Jersey/New York Volunteer Fireman's Association.

Perhaps more amazing, while Rudy has given so much of his time and energy to the Franklin Lakes Volunteer Fire Department for the past half-century, his dedication to service and his community does not end there. Rudy serves as a hospitality minister at the Most Blessed Sacrament Church, has delivered Meals on Wheels to those in need, has been a Charter Member of the Northwest Bergen Mutual Aid Association, and is a life Member of the Veterans of Foreign Wars Post 5702. It is little surprise that in 1996, Rudy was honored as "Volunteer of the Year" in Franklin Lakes.

In recognition of all that Rudy has given, on October 19, 2002, the Franklin Lakes Volunteer Fire Department will honor Rudy with a dinner in tribute recognizing his fifty years of service. Rudy's justified pride in this accomplishments is shared by his wife of fifty-two years, Anna, his four children, and his ten grandchildren. In these times, where America most needs its heroes, Rudolph "Rudy" Manz should serve as an inspiration and example to all.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in congratulating Rudy Manz on his fifty years of dedicated service to the Franklin Lakes Volunteer Fire Department, and saluting the countless contributions he has made to the lives of so many residents of New Jersey.

CHIEF JUDGE MICHAEL SKWIERAWSKI, "POLISH AMERICAN OF THE YEAR"

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. KLECZKA Mr. Speaker, on Friday, October 11, 2002, the Milwaukee Society will be honoring the Chief Judge of Wisconsin's First Judicial District, the Honorable Michael J. Skwierawski at its annual Pulaski Day banquet.

Judge Skwierawski has served as a Circuit Court Judge since 1979, and as Chief Judge since 1998. In addition to several other judicial activities, Judge Skwierawski also teaches for the Wisconsin State Bar Association, the Wisconsin Judicial College and the National Judicial College.

Despite his busy professional schedule, Judge Skwierawski finds time to be active in the community. He has coached softball and served on various committees at St. Sebastian's Parish, was board member and consultant for a non-profit group that operates group homes for adolescents, and volunteers at St. Francis Hospital during the Christmas holidays.

But it is also his hard work and dedication within the Polish community in Milwaukee that makes him such a wonderful choice for Polish American of the Year. It was under Judge Skwierawski's leadership and vision as President of the Polish Heritage Alliance that the longstanding dream of a Polish Center in Wisconsin became a reality. This beautiful traditional Polish country manor design facility has become a gathering place for people of Polish heritage, and a source of great pride for Milwaukee's Polish community.

Judge Skwierawski has been a member of the Polish National Alliance since 1978 and has been active in a number of committees and projects, including the annual PolishFest weekend at Milwaukee's lakefront. On occasion, the judge even shares his considerable musical talents for a good cause, and in his "spare" time he can be heard performing as lead singer for the Rock 'n' Roll band, "Presumed Guilty."

It's with great pleasure that I join with the judge's wife Gloria, his children Andrea, Jenny, Meg and Andy, his many colleagues and friends in offering well deserved congratulations to Chief Judge Michael Skwierawski, 2002 Polish American of the Year.

IN MEMORY OF BILL STEVICK

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of Mr. Bill Stevick of Harrisonville, MO.

Mr. Stevick was born in Topeka, KS, on June 8, 1920, son of James Floyd and Vera May (Maze) Stevick. He attended Springfield Missouri High School and received his law degree from Washburn University, Topeka, KS, in 1950.

Mr. Stevick served in the U.S. Army during World War II both in Italy and North Africa under General George Patton receiving both the Silver Star and Purple Heart. He attended the U.S. Army Command and Staff College at Fort Leavenworth and was a graduate of the Industrial College of the Armed Forces. He was called back to active duty in 1951 as a Major during the Korean War and served in Virginia as a training officer. He retired from the Army Reserves as a Lieutenant Colonel.

Along with his distinguished military career, Bill was a member of the Delta Theta Phi legal fraternity and practiced law for over 50 years. In the 1950's he was Director of Vital Statistics and Records for the State of Kansas, served as a general counsel for the State of Kansas and was appointed Workers Compensation Commissioner of Kansas. He was elected as Lee's Summit Municipal Judge in 1962 and worked in public relations for the former AT&T Company in Lee's Summit, retiring with over 25 years of service.

Mr. Stevick was commander of the Topeka chapter of the Military Order of the World Wars, a life member of the Veterans of Foreign Wars, Harrisonville, the American Legion, Harrisonville, Gideons International, the National Rifle Association, the Cass County Historical Society, Telephone Pioneers, and the Missouri and Kansas Bar Associations. Bill was an active member of the Harrisonville United Methodist Church, where he served as lay speaker for many years, as well as an impersonator of John Wesley, founder of the Methodist Church. He was also a well-known impersonator of Mark Twain. Bill was a long-time Scoutmaster, an Eagle Scout and member of the Tribe of Mic-O-Say. He was active in the Harrisonville community affairs in the 28 years he lived there.

Mr. Speaker, Mr. Bill Stevick distinguished himself as a soldier for his country, a dedicated community leader and a wonderful family man. He was indeed a role model for all young people who were graced by his presence. I know the members of the House will join me in extending heartfelt condolences to his family: his wife, Lois; his three sons Jim, Ron, and Craig; his daughter Jacque; his four stepdaughters, Joy, Meyra, Cheri, and Fran; 19 grandchildren; and 36 great-grandchildren.

TRIBUTE TO DR. GEORGE E. LINDSAY

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Ms. PELOSI. Mr. Speaker, I rise today in honor of Dr. George E. Lindsay, who helped generations of Californians to appreciate the splendor and the mystery of their natural world.

Dr. Lindsay died this summer at 85 years old.

Dr. Lindsay held many titles throughout his long and notable career. He was a highly decorated World War II veteran, a botanist and biologist. He was an expert on the natural life of Baja, California, on succulent plants and on dolphins and whales of the Pacific Ocean.

More formally, he was the director of San Diego Museum of Natural History, and, from 1963 to 1982, the executive director of the California Academy of Sciences.

But I think the title he would most appreciate would be one that does not appear on his resume. First and foremost, George Lindsay was a teacher.

His method of instruction was indirect, but far-reaching. The goal of his lessons was to impart not only knowledge, but respect for our natural heritage and a commitment to conservation and stewardship.

Under his watch, the Academy of Sciences, which is located in San Francisco's beautiful Golden Gate Park, grew into one of the largest natural history museums in the world, known for its enthralling and informative exhibits.

Among his many projects was the renowned fish roundabout, which since 1977 has fascinated and amazed visiting children by bringing them as close as humanly possible to the strange and wonderful world of the ocean.

As head of the Academy, he oversaw the creation of the dramatic entranceway, in which visitors are greeted by a massive dinosaur skeleton. And with his wife, Geraldine, he launched a docent program that offered members of the community in-depth lessons in natural history which they then passed on to others as museum guides.

Perhaps Dr. Lindsay's greatest lesson was taught to Charles Lindbergh, the famed flyer who joined him and other naturalists on a scientific expedition to the Islands of the Sea of Corté in 1973.

Lindbergh was already a committed naturalist by that time, and he was overwhelmed by the beauty and fragility of the islands Lindsay showed him.

Lindbergh then used his immense fame and popularity to spread the word and development of awareness of the need to protect the islands of the Sea of Corté and the Pacific Islands of Mexico and California.

Four years after Lindbergh's death, a decree was issued protecting all of the islands of the Gulf of California.

Dr. Lindsay has credited Lindbergh's intervention for that move, which saved the immense natural beauty of the Sea of Corté from destruction and development.

And certainly some credit is due. But a great teacher stands behind every great student. On that trip, more than 30 years ago, George Lindsay did for Charles Lindbergh what he has done for millions of visitors to the magical city of San Francisco. He opened a student's eyes to the world around us.

RECOGNIZING THE BERGEN COUNTY FIRE PREVENTION AND PROTECTION ASSOCIATION

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mrs. ROUKEMA. Mr. Speaker, I rise today to call the attention of my colleagues to a very special and distinguished service organization in my own Fifth District, the Bergen County Fire Prevention and Protection Association.

The BCFPPA is comprised of fire protection and prevention professionals from all of the townships, boroughs, and cities in Bergen County. BCFPPA serves northern New Jersey both by promoting and improving methods of fire prevention and by educating the public as to fire prevention and safety. Since 1966, the BCFPPA has worked to bring these messages to the public, elected officials, schools, and youth of northern New Jersey.

At the same time BCFPPA has worked to educate the public, it has served as a resource and clearinghouse for professional information critical to all fire safety professionals, as well as public officials and the New Jersey State Fire Commission. Indeed, it is no understatement to say that the work that BCFPPA has done in advancing both the science and public awareness of fire safety and fire prevention has saved countless lives, and prevented immeasurable loss to the destruction of property.

Mr. Speaker, at a time when our Nation most needs its heroes, the members of the BCFPPA are the day-to-day sort of heroes that we all should honor. The selfless good work of BCFPPA's members is an outstanding example of the values that make Bergen County, our State, and our Nation such a wonderful place.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in recognizing and congratulating the Bergen County Fire Prevention and Protection Association for their years of valuable contribution to the community, and expressing my sincere best wishes for their continued success and good work.

HOUSES OF WORSHIP POLITICAL SPEECH PROTECTION ACT

SPEECH OF

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2001

Mr. WAXMAN. Mr. Speaker, I rise in strong opposition to H.R. 2357, which would change the tax code to allow religious non-profit organizations to engage in political activity, use tax-exempt contributions for political purposes, and enable religious leaders to endorse candidates from their pulpit.

This legislation is a serious mistake and would be a grave violation of the constitutional separation between church and state.

The real purpose of the bill appears to be helping special interest groups circumvent campaign finance laws by channeling fundraising, contribution, and endorsement activity through religious organizations. We all know that charitable, tax-deductible donations are easier to raise than political contributions. And religious non-profits are the only institutions that do not have to publicly file annual IRS tax reports.

If this ill-conceived bill became law, congregants may have to begin checking the political leanings of their rabbi or preacher before joining congregations. Is that what we want? Do we want annual membership dues ending up in campaign coffers? Are we so greedy for campaign cash that we're willing to violate sacred houses of worship and threaten the integrity of religion?

I'm, not ready for that. Under existing law, religious leaders already have tremendous latitude in their ability to discuss political issues. Religious institutions can even set up affiliate organizations to raise non-deductible funds for political activity, that rightfully must be reported to the IRS and publicly disclosed. That is why the National Council of Churches has called this bill "unnecessary, unwise and unwanted."

I urge my colleagues to reject H.R. 2357. It would only promote abuse of campaign finance laws, abuse of the tax code, and abuse of our nation's founding principle of religious freedom.

HONORING JOSEPH EDWARD GALLO'S FAMILY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Joseph Edward Gallo and his family for their major contribution to the University of California, Merced. The family's presentation of a $2 million gift to the campus will lead to the naming of the new recreation and wellness facility as the Joseph Edward Gallo Recreation and Wellness Center.

UC Merced Chancellor Carol Tomlinson-Keasey announced the name of the facility in recognition of the endowment and Joseph Gallo's legacy of leadership. Planned as an innovative, state-of-the-art facility, the Joseph Edward Gallo Recreation and Wellness Center will be a blending of wellness services and recreational activities in one central location. The goal is to encourage collaboration, joint programming, and the synergies that would naturally come from a focus on athletic and health-related issues.

A living legend in California's dairy industry, Joseph Gallo, founder of Atwater-based Joseph Gallo Farms, began his lifelong devotion to agriculture as a child working in the Gallo family vineyards. He first began his own business 56 years ago, when he acquired and started developing land to grow grapes, later diversifying into other crops and raising heifers. Launched in 1979 with 4,000 cows, the Joseph Gallo dairy has grown to more than 37,000 head of cattle on five dairies. Successful Farming magazine cited Joseph Gallo Farms as the nation's largest dairy farm in 1995. Among the other honors Joseph Gallo Farms has received are the Baker, Peterson, and Franklin Agri-Business of the Year and the Fresno Bee Central California Excellence in Business for Agriculture award.

Mr. Speaker, I rise today to congratulate Joseph Edward Gallo and his family for their continued dedication to improving the Central Valley. I urge my colleagues to join me in thanking Joseph Gallo and his family for their outstanding service to the community and wishing them continued success in all future endeavors.

ZYGMUNT SZCZESNY FELINSKI

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. SCHAFFER. Mr. Speaker, on August 18, 2002, Pope John Paul II beatified the founder of Russian Catholicism Zygmunt Szczesny Felinski (1822–1895). Bl. Zygmunt Felinski was Archbishop of Warsaw and Founder of the Franciscan Sisters of the family of Mary. He was born on November 1, 1822 in Wojutyn in Volinia in present-day Ukraine.

As Co-Chairman of the Congressional Ukrainian Caucus, I call the attention of the House to the life of Archbishop Felinski—a man whose example of courage, perseverance and faith provides heroic encouragement to all of us who desire freedom and liberty.

Mr. Speaker, according to the Vatican, Felinski, Archbishop of Warsaw for 16 months, spent 20 years in exile in Siberia, spent 12 years in semi-exile as Archbishop of Tarsus and parish priest in the county. He died in Kraków, which then belonged to Austria, on 17 September 1985. Indeed, he spent 58 of his 73 years in territory that belong to the Russian Empire.

A Vatican biography describes him as follows: he is venerated as Shepherd in exile, an apostle of national harmony and unity in the spirit of the Gospel, a model of priestly dedication. As Archbishop of Warsaw and founder of a religious congregation, he exercised his duties and role as "Good Shepherd" with great strength, love and courage, always keeping careful watch over himself. "I am convinced that by keeping my heart uncontaminated, living in faith and in fraternal love towards my neighbor, I will not go off the path. These are my only treasures and are without price," he wrote.

The third of six children, of whom two died at an early age, he was brought up with faith and trust in Divine Providence, love for the Church and Polish culture. When Zygmunt was 11 years old his father died. Five years later, in 1838, his mother was arrested by the Russians and sent into exile in Siberia for her involvement in patriotic activity. Her patriotic activity was working for the improvement of the social and economic conditions of the farmers.

Zygmunt was well educated. After completing high school, he studied mathematics at the University of Moscow from 1840–1844. In 1847 he went to Paris, where he studied French Literature at the Sorbonne and the Collége de France. He knew all the important figures of the Polish emigration. He was a friend of the nationalist poet Juliusz Slowacki who died after the revolt of Poznan. In 1848, he took part in the revolt of Poznan which failed. From 1848–50 he was tutor to the sons of Eliza and Zenon Brzozowski in Munich and Paris. In 1851 he returned to Poland and entered the diocesan seminary of Zytomierz. He studied at the Catholic Academy of St. Petersburg until 1857, when the bishop appointed him spiritual director of the Ecclesiastical Academy and professor of philosophy. In 1856 he founded the charitable organization "Recovery for the Poor" and in 1857 he founded the Congregation of the Franciscan Sisters of the family of Mary.

On 6 January 1862, Pope Pius IX appointed Zygmunt Felinski Archbishop of Warsaw. On 26 January 1862 Archbishop Zylinski consecrated him in St Petersburg. On 31 January he left for Warsaw where he arrived on 9 February 1862. The Russians brutally suppressed the Polish uprising against Russian in Warsaw in 1861 creating a state of siege. In response to the harsh measures of the Russians, the ecclesial authorities closed all the churches for four months. On 13 February 1862, the new Archbishop reconsecrate the cathedral of Warsaw; the Russian Army had profaned it on 15 October 1861. On 16 February he opened all of the churches in the city with the solemn celebration of the Forty Hours Exposition of the Blessed Sacrament.

Zygmunt Felinski was Archbishop of Warsaw for 16 months, from 9 February 1862 to 14 June 1863. Times were difficult since there were daily clashes between the occupying Russian power and the Nationalist Party. Unfortunately, he was met by an atmosphere of distrust on the part of some citizens and even clergy, since the Russian government deceived them into thinking that he was secretly collaborating with the government. The Archbishop always made it clear that he was only at the service of the Church. He also worked for the systematic elimination of governmental interference in the internal affairs of the Church. He reformed the diocese by making regular visits to the parishes and to the charitable organizations within the diocese so that he could better understand and meet their needs. He reformed the programs of study at the Ecclesiastical Academy of Warsaw and in the diocesan seminaries, giving new impetus to the spiritual and intellectual development of the clergy. He made every effort to free the imprisoned priests. He encouraged them to proclaim the Gospel openly, to catechize their parishioners, to begin parochial schools and to take care that they raise a new generation that would be sober, devout and honest. He looked after the poor and orphans, starting an orphanage in Warsaw, which he entrusted to the Sisters of the Family of Mary.

In political action he tried to prevent the nation from rushing headlong into a rash and inconsiderate position. As a sign of his own protest against the bloody repression by the Russians of the "January Revolt" of 1863, Archbishop Felinski resigned from the Council of State and on 15 March 1863 wrote a letter to the Emperor Alexander II, urging him to put an end to the violence. He likewise protested against the hanging of the Capuchin Fr. Agrypin Konarski, chaplain of the "rebels". His courage and interventions quickly brought about his exile by Alexander II.

In fact, on 14 June 1863, he was deported from Warsaw to Jaroslavl, in Siberia, where he spent the next 20 years deprived by the Czar of any contact with Warsaw. He found a way to organize works of mercy to help his fellow prisoners and especially the priests. Despite the restrictions of the Russian police, he managed to collect funds to build a Catholic Church, which later became a parish. The people were struck by his spiritual attitude and eventually began calling him the "holy Polish bishop".

In 1883, following negotiations between the Holy See and Russia, Archbishop Felinski was freed and on 15 March 1883, Pope Leo XIII transferred him from the See of Warsaw to the titular See of Tarsus. For the last 12 years of his life he lived in semi-exile, in southeastern Galizia at Dzwiniaczka, among the crop farmers of Polish and Ukrainian background. As chaplain of the public chapel of the manor house of the Counts Keszycki and Koziebrodzki, he launched an intense pastoral activity. Out of his own pocket, he set up in the village the first school and a kindergarten. He built a church and convent for the Franciscan Sisters of the Family of Mary.

In his leisure, he prepared for publication the works he had written during his exile in Jaroslavl. Here are some of them: Spiritual Conferences, Faith and Atheism in the search for happiness, Conferences on Vocation, Under the Guidance of Providence, Social Commitments in view of Christian Wisdom and Atheism; Memories (three editions).

He died in Krak[oacute]w on 17 September 1895 and was buried in Krak[oacute]w on 20 September. Later he was buried at Dzwiniacza (10 October 1895). In 1920 his remains were translated to Warsaw where, on 14 April 1921, they were solemnly interred in the crypt of the Cathedral of St. John where they are now venerated.

Mr. Speaker, the beatification of Zygmunt Felinski is significant for us to consider during the difficult period in which we find ourselves today. Clearly, America's desire to secure freedom and liberty for our neighbors and ourselves must coincide with a sincere commitment to provide aid, comfort and charity to the poor and oppressed of the world.

Upon the Holy Mass and Beatification, Pope John Paul II suggested to the world the suitability of Zygmunt Felinski as an inspiration to persevere in service to the poor. He stressed the importance of establishing educational institutions, orphanages and political activism for the cause of freedom.

The pope said, "inspired by this spirit of social charity, Archbishop Felinski gave himself fully in defending the freedom of the nation. This is necessary today also, when different forces—often under the guidance of a false ideology of freedom—try to take over this land. When the noisy propaganda of liberalism, of freedom without truth or responsibility, grows stronger in our country too, the Shepherds of the Church cannot fail to proclaim the one fail-proof philosophy of freedom, which is the truth of the Cross of Christ. This philosophy of freedom finds full motivation in the history of our nation."

Mr. Speaker, I know the hearts of America's Polish, Ukrainian and Russian immigrants swelled with pride upon the beatification of Archbishop Felinski. Likewise, the faithful of Poland, Ukraine, and Russia, through his ministry, have been truly blessed. His remarkable life brought the Gospel to the most inhospitable reaches of Eastern Europe and he delivered the word of salvation to thousands whose lives were inspired by his exemplary devotion. Indeed, we are all inspired today.

As the son of a Ukrainian immigrant, I am honored to deliver these remarks today as a Member of the U.S. Congress that we may all find encouragement and reassurance in the unyielding love of the Almighty as is intended by the beatification of Archbishop Zygmunt Szczesny Felinski.

LEACH-LAFALCE INTERNET GAMBLING ENFORCEMENT ACT

SPEECH OF

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. CASTLE. Mr. Speaker, I rise today to acknowledge some of the improvements that have been made to H.R. 556 since it was reported out of the House Financial Services Committee earlier this year. I also want to express my continued concerns about some remaining problems with the bill that I hope will be resolved as this bill moves through the Senate and is ultimately reconciled with the House language.

There is no doubt that illegal internet gambling is a serious issue that merits effective solutions. Today, it is much too easy for children to use their parents' credit cards to gamble on the internet creating financial burdens for the family. My concerns about this legislation should not be interpreted by anyone to mean I have a diminished concern for the seriousness of this problem. To the contrary, I want Congress to enact solutions that are truly effective and that will not exacerbate the problem.

My first concern is that this legislation will fracture the unity so essential to regulating the financial services industry. Provisions in this bill that grant the US Attorney General and State Attorney Generals the authority to seek injunctions from the courts against financial institutions that may be having their payment systems manipulated to transact illegal internet gambling will result in 50 different rules for what is necessary for a financial institution to comply with this law. This lack of uniformity will create a disruptive and confusing patchwork of rules that will take resources away from what is needed to solve this problem. Instead, I believe this bill should strike the injunctive section and retain the section that allows the banking regulators to establish regulations for the types of quality control systems financial institutions should have in place to guard against internet gambling. This regulatory section was a vast improvement to the bill reported out of the House Financial Services Committee earlier this year.

According to a recent interim study by the independent U.S. Government Accounting Office (GAO), currently, financial institutions are estimated to be stopping eighty percent of internet gambling transactions using their current internal policies against internet gambling. Banking regulators would have the ability to gather information about which policies are the most effective and promulgate rules for the industry to further increase the success rate of blocking illegal internet gambling transactions. This type of regulatory expertise will not be available to 50 different state judges who have full court dockets and will not likely have the time to fashion an effective and efficient injunctive remedy.

My second concern is that this legislation may exacerbate the extent to which internet gambling is used as a money laundering tool. The interim GAO study reported that using credit cards for money laundering transactions carried high risks for criminals due to the record-keeping in these transactions and the transaction limits on these cards. Unfortunately, e-cash transactions do not present these same risks so this bill could serve as a roadmap for criminals to money launder through e-cash.

Mr. Speaker, as the 107th Congress draws to a close, this legislation is unlikely to be considered by the Senate in time to reach consensus and be delivered to the President for signature. Therefore, should the House consider this legislation again in the next Congress, my hope is that the bill supporters will be open to changes. The GAO is scheduled to complete its report on this issue in November 2002. I am hopeful that its final report will provide some direction to Congress on a better way to address the serious problem of internet gambling.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE PATSY T. MINK, MEMBER OF CONGRESS FROM THE STATE OF HAWAII

SPEECH OF

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. MCKEON. Mr. Speaker, the death of Representative PATSY MINK comes as great sorrow not only to her family, friends and constituents, but also to the U.S. Congress as well will long feel the loss of one of our most passionate members.

I had the privilege of working with PATSY on the House Education and the Workforce Committee recently in her role as the ranking member of the 21st Century Competitiveness Subcommittee, which I chair. She always presented her views with a rare combination of elegance, conviction and passion.

As the first woman of color elected to Congress and the first Asian-American woman to practice law in Hawaii, PATSY was a trailblazer and a role model to young women across the nation.

While PATSY has a long list of accomplishments, female college students in America will forever be heirs to the legacy of Title IX, which she was integral in passing. Title IX prohibits gender discrimination at any education institution receiving federal funds.

I am deeply saddened by this news of my friend and I offer sincere condolences to her family.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE PATSY T. MINK, MEMBER OF CONGRESS FROM THE STATE OF HAWAII

SPEECH OF

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. BOEHNER. Mr. Speaker, last weekend, the members of our committee lost a friend and colleague. The people of Hawaii lost a strong and trusted voice. And the people of our country lost a leader.

PATSY MINK was a vibrant, passionate, and effective voice for the principles she believed in. She spent most of her life serving her beloved state of Hawaii and the people of the United States. Her service to the nation as a member of this House came in two chapters: she first served here from January 1965 to January 1977; then she returned more than a decade later, in 1990, to resume her work on behalf of her constituents.

I was elected to the House that same year—1990. As incoming members of the Education and the Workforce Committee, we didn't see eye to eye on many issues. Our committee was the scene of some of the nastiest partisan sparring in the House, and there wasn't a lot of communication between members from different parties.

Over the years, I went up against PATSY directly several times, on the issue of the Native Hawaiian Education Programs and Hawaii's Bishop Estate Trust. I won't mince words: I lost—each and every time. During those debates I learned first-hand what a fierce advocate she could be. Take it from me: when PATSY MINK decided she was going to fight for something, it wasn't much fun being on the receiving end.

As I mentioned, there wasn't much opportunity to get to know PATSY when I first joined our committee in the early 1990s. But our committee is a different place than it was 10 years ago. And on days like today, it's a little bit easier to understand why that's so important. Republicans on our committee eventually got the opportunity to not only know PATSY MINK, but to work with her side-by-side on issues like education reform. I know I speak for all the Republican members of our committee when I say I'm sincerely grateful we got that chance.

PATSY MINK's passionate commitment to the issues she believed in gave our committee a spark that will not be easily replaced. Many of the bills we've moved in the last year and a half bear her unmistakable imprint. As ranking member of the subcommittee on 21st Century Competitiveness, PATSY played a key role in passing the No Child Left Behind Act, the bipartisan education bill signed in January by President Bush. And this year, she worked closely with the gentleman from California, Mr. MCKEON, on legislation to reduce federal red tape in higher education.

I'm truly disappointed we won't have the chance to continue this partnership with PATSY. We'll never know exactly where it might have led, or the things that might have been accomplished. But I do know one thing. I'm very grateful for the chance to have served with her, and to have worked alongside her to achieve some of the goals for which she strived.

PATSY MINK's passing is a significant loss for our committee, the people of Hawaii, and the people of the United States. I offer my sincere condolences to her family and constituents. She will be greatly missed.

HOUSES OF WORSHIP POLITICAL SPEECH PROTECTION ACT

SPEECH OF

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. LATHAM. Mr. Speaker, I rise today to announce my intention to vote against H.R. 2357, the Houses of Worship Political Speech Protection Act.

I firmly support the base principle of this legislation—reinforcing the right of freedom of speech to America's religious leaders without fear of losing their tax-exempt status. However, I cannot support this legislation because it does not address the issue of political contributions and fundraising by or within the church.

Under this bill churches can maintain their tax exempt status while engaging in political activity such as endorsements, issue advertisements, and get-out-the-vote efforts. Most egregiously, under this bill churches will become involved with partisan fundraising while allowing for tax deductible and tax-exempt status for the church and congregation.

The abuse by political parties and partisan groups and individuals of so many American institutions when it comes to political activity should not be allowed to cross the doorway into America's houses of worship. Politics is not the purpose of our places of worship.

I have been informed that 77 percent of clergy and over two-dozen religious groups have announced their opposition to this bill.

While I do believe that the primary intentions of the bill were well meant, I cannot support it in this form.

INDIAN COMPANIES SELLING MILITARY MATERIALS TO IRAQ

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. BURTON of Indiana. Mr. Speaker, just as we are about to go to war with Iraq, supposedly democratic India is propping up that brutal dictatorship.

According to an article in the September 25 issue of the *Times of India* by Rashmee Z. Ahmed, Iraq possesses some of the deadliest weapons of mass destructions and missile infrastructures thanks to the illicit help of Indian companies. One such company, NEC Engineers Private Limited, has "extensive links in Iraq," according to the article. Although such transactions violate India's export control laws, they are apparently taking place with a wink and a nod from the Indian government. Earlier I exposed India's oil transactions with Iraq, which violates UN sanctions.

In spite of this, according to the September 18 issue of the *Times of India*, the United States and India are conducting joint naval exercises.

On January 2, the *Washington Times* exposed the fact that India is sponsoring cross-border terrorism in the province of Sindh in Pakistan. India's leading newsmagazine, *India Today*, reported that India created the Liberation Tigers of Tamil Eelam (LTTE), which the United States government calls a "terrorist organization." The U.S. State Department reported that the Indian government paid 41,000 cash bounties to police officers for killing Sikhs. According to the Indian newspaper *Hitavada*, the late governor of Punjab, Surendra Nath, received $1.5 billion from the Indian government to forment terrorism in Punjab and Kashmir. The book *Soft Target* shows that the Indian government blew up its own airliner in 1985 to blame Sikhs. This has been discussed many times.

If India is practicing and sponsoring terrorism and helping to build Saddam Hussein's war machine, why are we conducting joint naval exercises with India? Isn't this like conducting joint exercises with the enemy? I call on the Defense Department to call off these exercises.

Mr. Speaker, we can help bring freedom to South Asia and end India's flirtation with terrorist enemies of the United States. The time has come to impose sanctions on India, cut off its aid, and openly declare our support for self-determination for all the people of the subcontinent. This is the best way to help see to it that everyone in that troubled region can live in freedom, dignity, prosperity, stability, and peace.

I am inserting the articles from the *Times of India* into the RECORD.

[From the Times of India, Sept. 25, 2002]

INDIAN FIRMS ARMING IRAQ, SAYS UK

(By Rashmee Z. Ahmed)

LONDON: Britain has alleged that Saddam Hussein's Iraq is able and willing to deploy some of its deadliest weapons of mass destruction in under one hour from the order being given and that it possesses missile infrastructure produced with the illicit help of Indian companies.

The British claims of Indian involvement are contained in a 55-page dossier controversially and uniquely published by Tony Blair on Tuesday on the basis of what he called "unprecedented and secret" intelligence information.

The dossier, received by largely skeptical political, press-and public opinion here, tries to make a case for a Gulf War II-type operation to disarm Saddam and "regime change". Repeating US and UK claims that Baghdad continues to improve its missile capability, the dossier names names when it comes to alleged Indian support for Iraqi missile production.

The document, which only obliquely blames "Africa" for supplying uranium to Saddam's secret nuclear weapons programme, pinpoints India as part of the supply chain for banned propellant chemicals destined for ballistic missiles. One of these, ammonium perchlorate, the dossier says, was "illicitly" provided by an Indian company, NEC Engineers Private Limited, which had "extensive links in Iraq", particularly to its al-Mamoun missile production plant and Fallujah 2 chlorine plant.

Analysts added that in an intriguing insight, the dossier appeared to indicate that much of this had been known to New Delhi for some time.

"(The) Indian authorities recently suspended its (the company's) export license" after "an extensive investigation", the dossier says, "although other individuals and companies are still illicitly procuring for Iraq".

In what defense experts suggested was yet another indication of a host of "front companies" in India and elsewhere, the dossier further says the machine tools and raw materials supply chain crucially remains in place for Iraq's al-Samoud and longer-range missile systems.

Even as Iraq refuted the dossier's claims as "totally baseless" and a "Zionist campaign", Blair went before a heated emergency session of the British parliament to declare, "regime change would be a wonderful thing".

Blair's dossier, which precedes Washington's promised evidence on Iraq, was greeted by boredom and yawns among sections of the pundits and politicians, who said it crucially lacked the so-called killer fact.

Commentators said the dossier, which Blair described as primarily for the British people, may do little to persuade opinion further afield, notably India. India has long said that it is opposed to military intervention in Iraq and that "regime change" is an issue for the Iraqi people.

INDIAN DIPLOMATS REACT

Responding to the allegations in Blair's dossier, Navdeep Suri, spokesman for the Indian High Commission confirmed that the case against the company, NEC, had been charged and the matter was currently subjudice.

He said, "such actions are in violation of India's export control laws and whenever such a violation comes to the government's attention, firm action is taken". He declined to comment on what he called "speculative statements" about "other (Indian) individuals and companies" continuing to procure illicit material for Iraq.

[lsqb]From the Hindustan Times, Sept. 23, 2002[rsqb]

LABOUR MP STOKES KHALISTAN FIRE IN BRITAIN

(By Sanjay Suri)

WOLVERHAMPTON, September 23.—A senior ruling Labour Party MP has supported a demand for a separate Sikh state of Khalistan if the move is made "peacefully and democratically".

Rob Marris, Labur MP, expressed his support at a meeting organized by a pro-Khalistan group in a gurdwara in Wolverhampton Sunday.

At the same meeting a senior shadow minister of the Conservative Party expressed support for Sikhs in Britain to register themselves as Sikhs and not Indians.

Rob Marris, who is treasurer of the All Party Panjabis in Britain Parliamentary Group, expressed strong support for the Sikh Agenda that the Sikh Secretariat has produced. The agenda calls for Sikhs to be registered as separate from Indians in Britain, and calls for self-determination in Punjab.

Marris addressed specifically the demand for Khalistan raised at the meeting. "That is an issue dear to your hearts I can see by looking down the hall. Those in the Indian subcontinent, who peacefully and democratically push for self-determination for that part of the Indian subcontinent, their opinion for self-determination, their right for an independent Khalistan should not be suppressed."

The comment was followed by loud cries of Khalistan zindabad.

Marris said it would not be right for parties in Britain to decide whether there should be self-determination in that part of the subcontinent. "But it would be right for people to democratically and peacefully express their opinions."

A senior shadow minister of the Conservative Party declared at the meeting of Khalistanis Sunday that the Conservatives will give Sikhs the option to register as Sikhs and not Indians when the party comes to power.

The announcement follows backing to the Khalistanis' demand by two senior shadow ministers of the Conservative Party earlier. The developments at the meeting Sunday mark rapid strides the Khalistani group has made in Britain in recent weeks. There has been little evidence of support for the Khalistanis among Sikhs, but strong Conservative Party backing to this group pursuing what they call the "Sikh agenda" has given them new prominence.

The Sikh Secretariat, which organised the meeting in Wolverhampton, had said 10,000 would attend. Only a few hundred came, most of them brought in coachloads from London and Southampton.

Caroline Spelman, shadow cabinet minister for international development and women's affairs, told the meeting that the Sikhs are a distinctive group, "and yet we have very little idea how many Sikhs there are".

Spelman said: "At best that is discourteous, at worst it deprives you of proper monitoring of what your needs are."

She said it was "extraordinary" that an opportunity to find out had been missed in the 2001 census.

She said the Labour government should monitor Sikhs separately and "if they fail, then that will be a task for a Conservative administration to deliver on".

The move is politically loaded. It would give Sikhs the option to declare themselves Sikhs and not Indians. It would mean that the estimated 1.2 million Indian population in Britain could fall to about half of that on the records.

Marris supported the demand for separate listing of Sikhs in Britain. He said there would be many opportunities to do so before the 2011 census.

Amrik Singh Gill, who heads the group that called the meeting, said Khalistan "is the only way out" for Sikhs and that "we will get our own rule". Posters of separatist leader Bhindranwale lined the walls of the hall where the meeting was held.

RECOGNIZING THE DEVASTATING IMPACT OF FRAGILE X

SPEECH OF

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. DELAHUNT. Mr. Speaker, A few years ago, a friend from the South Shore of Boston told me about his son who for years had struggled to overcome the deficits associated with a disease called "Fragile X." Like most Americans, I had never heard of this disorder.

I soon learned that Fragile X is the most common inherited cause of mental retardation. About one in 260 women is a carrier of the disease, and it affects one in 2,000 boys and one in 4,000 girls. Despite this high incidence rate, Fragile X is relatively unknown even within the medical profession. It is easily identified by a simple blood test, yet families often struggle for months, even years, searching for explanations for alarming developmental delays and behavioral problems associated with Fragile X. There are some common physical signs, such as large ears, long faces and flat feet, but half of all Fragile X children do not exhibit these characteristics. Other symptoms are less tangible, including hyperactivity, attention deficits, severe anxiety and violent seizures, making diagnosis difficult. As a result, it is estimated that over 80 percent of children with Fragile X are currently undiagnosed or misdiagnosed.

It is fitting that we gather today to consider a resolution recognizing National Fragile X Research Day, and the urgency of the need for increased funding for Fragile X research. Two years ago this week, Congress enacted another bill I co-authored with Congressman WATKINS, the Fragile X Research Breakthrough Act, as part of the Children's Health Act of 2000. This law directed an arm of the NIH to expand and coordinate research on Fragile X, and authorized the establishment of at least three Fragile X research centers.

I am pleased to report significant progress toward implementing these provisions. Early this year, the Institute began accepting applications for the Fragile X research centers, which may be ready to open their doors by this spring.

Thanks to this federal commitment, many prominent scientists have undertaken Fragile X research projects—rapidly accelerating progress and leading to new breakthroughs about its cause. In a series of landmark discoveries, researchers have identified the set of genes which are normally regulated by the Fragile X gene. Scientists are also now pursuing promising drug therapies for Fragile X as new evidence has shown that this type of defect can be blocked by relatively simple medications.

These new discoveries may not only lead to treatments for Fragile X, but also have uncovered striking connections between Fragile X and other neurological and psychiatric disorders—with implications for autism, pervasive development disorder, Rett Syndrome, Alzheimer's, schizophrenia, obsessive-compulsive disorder, Tourette's Syndrome, and numerous other disorders.

All this holds great promise for the development of safe and effective treatments, but there's a great deal more to do.

Among the thousands of Fragile X families across the country are your constituents and mine. And their experiences are likely similar to Patricia Crouse of Chatham, Massachusetts who wrote to me about her grandson: "After searching for several months and spending a small fortune in doctor bills, my son and daughter-in-law finally found that the cause of their son's development delay is Fragile X. This is apparently just the beginning of a lifetime of special needs he will have unless the researchers can discover a cure or treatment."

Or Blaine and Suzanne Smoller of Brewster, Massachusetts whose son Devin was diagnosed with Fragile X as a toddler. Devin is a bright and happy 12 year old—he is also easily distracted, prone to mood swings and hyperactivity, and has difficulty comprehending conceptual issues. Ensuring Devin receives the education and life skills needed to reach his full potential is a full time job—but because of the lack of understanding of Fragile X, the Smollers have also spent much of the last decade educating themselves, teachers, other parents, and friends about Devin's disorder.

Awareness and early diagnosis is critical to effective therapy and treatment, and can provide emotional relief to families struggling through this maze of medical tests. Only with sound information can parents prepare for the special care and education services most Fragile X children will need—which averages more than $2 million over a lifetime. Accurate diagnosis helps not only the child and parents, but also siblings and extended family members who may have Fragile X, or who risk passing on the mutation.

Countless parents agonize about a child who learns slowly, suffering from intense anxiety and temper tantrums. Do they go from doctor to doctor, without explanation? Do they have additional children with Fragile X before learning a mother is a carrier? Is a child deprived of treatment because she received inaccurate diagnoses? Do parents conclude they simply have a "bad kid"?

For years, Fragile X families and the FRAXA Research Foundation have worked hard to raise public awareness about the disease, and to increase funding for research. Until a cure is discovered, our goal is to provide families dealing with Fragile X with the most significant tool now available: knowledge. With a little help from Congress, these families will at least have a better shot at accurate diagnosis and access to treatment, as we also accelerate research toward overcoming this debilitating disease. I therefore urge my colleagues to join with us in supporting this resolution—which recognizes the devastating impact of Fragile X, calls from an increase in federal research, urges medical schools and other health educators to promote this research, and commends the goals of National Fragile X Research Day.

A SPECIAL TRIBUTE TO THE BALLREICH'S COMPANY OF TIFFIN, OHIO AND THE 150TH ANNIVERSARY OF THE POTATO CHIP

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to recognize an indelible institution in Ohio's Fifth Congressional District. In this, the 150th anniversary year of the potato chip, the Ballreich Potato Chip and Snack Company has been producing some of the best snack foods known to northwestern Ohioans.

The Ballreich Potato Chip and Snack Food Company was started in the 1920s by Fred Ballreich. Fred began his entrepreneurial journey into the snack food business while he was just a teenager while working in a bakery that was owned by his sister. With the end of World War I, Fred, and his wife Ethel, decided to venture into the arena of small business ownership. Peeling and frying the potatoes by hand, the Ballreichs turned the love of making potato chips into a fledgling business. Soon after the start of this small operation, Fred persuaded his brother Carl to join the venture, and thus, the Ballreich Brothers partnership began.

As demand for these snack foods began to grow so did the Ballreich Brothers' business. To meet that demand the Ballreich's moved into the age of technology and began to mechanize their means of production. Today, a multitude of conveyors and industrial size machinery allow the company to produce over 2,000 pounds of the famous potato chip in one hour.

The Ballreich Company is a brand name within the northwest Ohio region, and is becoming nationally recognized. As individuals venture out from the region and take this regional tradition with them around the country, it allows others to become familiar with this beloved Ohio product.

Mr. Speaker, I am proud to recognize this company for all of its contributions to Ohio, including its commitment to all of the employees and their families who diligently work to keep this Ohio tradition alive. Also, it is appropriate to recognize the 150th anniversary of the potato chip, an institution within itself that has engrained itself into the American culture. In addition, I want to wish all of the Ballreich Company family the best. You are an example that not only is the American Spirit stronger than ever, but that the American Dream is alive and well.

EXPRESSING SUPPORT FOR GOALS AND IDEAS OF DAY OF TRIBUTE TO ALL FIREFIGHTERS

SPEECH OF

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mrs. MORELLA. Madam Speaker, I rise today in support of H. Con. Res. 476, legislation Expressing Support for the Goals and Ideas of a Day of Tribute to All Firefighters. When I recently visited the Bethesda Fire Department, the Bethesda-Chevy Chase Rescue Squad, the Glen Echo Volunteer Fire Department, the Kensington Volunteer Fire Department, the Rockville Fire Department, and the Silver Spring Volunteer Fire Department, I witnessed an amazing bond of brotherhood among the firefighters, the Auxiliary Team, and the Emergency Medical Technicians (EMT's). Fire Departments are much more than just buildings that house employees. They are truly places of community. Firefighters are much more than colleagues to one another. They are truly members of an extended family. At many of the firehouses, I saw married couples, their parents, and their children at their monthly meetings brought together by a sense of tradition, honor, family, and love. Tradition and honor is so apparent, any volunteer or career firefighter can tell you the history of their department and the history of their community.

Many would tell you that the last fallen firefighter in Montgomery County, Maryland was Jim Nicewarner. In 1977, as he was transporting an individual to George Washington Hospital, the medic unit he was riding in was tragically struck by another car. Many say he wasn't supposed to be working that night. He was substituting for another medic from another department. The overwhelming consensus among the firefighters in Montgomery County is that's what is done for one another.

I am very proud of my Hometown Heroes of Montgomery County. It is important we recognize that these firefighters, as well as all firefighters across the Nation, were heroes long before September 11. They will continue to be heroes each day they risk their lives to save our own. It is time we pay tribute to those who are ready in a moment's notice to make the ultimate sacrifice, so that our community and our nation is a safe place to live.

HONORING THE CITY OF SHELLEY, IDAHO, AND THE SHELLEY SPUD DAYS ACTIVITIES

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. SIMPSON. Mr. Speaker, as the autumn nights get crisp and fall descends in eastern Idaho, the harvest of potatoes begins. So today, I rise to honor an Idaho tradition: Shelley Spud Days.

Shelley, Idaho, located in Bingham County, produces more potatoes than any other place in the world. Idaho farmers harvest 400,000 acres of spuds each year equaling more than 14 billion pounds. With worldwide fame, it's only fitting that Idaho's most famous commodity is commemorated each year in the heart of potato country USA.

So, for 74 years the closeknit community of Shelley has celebrated the harvest season with Shelley Spud Days. What started in 1927 when a handful of farmers gathered for a harvest party has transcended to one of Idaho's largest community celebrations. With only 3,500 residents, Shelley puts on a premier party. This year more than 10,000 people took in a day's worth of activities including wrestling in a mashed potato pit, shaking hands with Mr. Potato Head and eating a free baked potato with sour cream and butter.

As any non-profit organization understands, these events could never function without dedicated volunteers who spend countless hours ensuring its success. I especially want to thank Raylene Johnson, coordinator for the event, for her hard work.

I'm proud Shelley has continued this community event to celebrate what Idaho is famous for—potatoes. It's a celebration that hopefully will continue for years to come.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE PATSY T. MINK, MEMBER OF CONGRESS FROM THE STATE OF HAWAII

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. RANGEL. Mr. Speaker, I rise before you today to join with my colleagues in paying a richly deserved tribute to the memory of our esteemed and devoted colleague here in the Congress, Congresswoman PATSY MINK.

The character of the life she lived could be summed up in just a few words: she was compassionate, dedicated, strong-spirited, a tireless worker, a real trailblazer, and an inspiring leader. Congresswoman MINK was self-sacrificing and sincerely devoted to her constituents and to this House.

After becoming the first Asian-American woman elected to Congress in 1964, Congresswoman MINK won a reputation for taking the lead on issues involving civil rights, education, the environment, poverty, as well as opposition to the Vietnam War. She was one of the first legislators to call for the impeachment of President Richard M. Nixon over Watergate, and her pioneering campaign for equality for women was credited with helping to make the issue a focal point of Democratic politics.

Congresswoman MINK was extremely proud of the leading role she played in 1972 in the passage of Title IX of the Education Act which as a result opened many doors and provided opportunities for young women in athletics. More recently, she opposed the toughening of welfare laws signed by former President Bill Clinton.

MINK has served in the U.S. Congress for 24 years. She was a "voice for the voiceless" and worked diligently for those who are oftentimes forgotten such as the poor and the disenfranchised.

Congresswoman MINK was a petite woman with a big heart and great intellect. It was a privilege to serve with her in the House and observe as she combined charm with an unlimited energy and the highest integrity. Her leadership and passion for justice will be missed not only by those who served with her, but by her constituents which she proudly served.

In closing and to sum up the impact which I believe PATSY MINK has had, I would like to paraphrase the words of Abraham Lincoln who stated in a memorable address: "The world will little note, nor long remember what we say here, but can never forget what they did here."

My deepest condolences to her husband John and daughter Wendy, and to the constituents to the second district of Hawaii.

HONORING ED AND NANCY FELDMAN AND DRS. GUS AND BECCA GALANTE

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to commend four of Northwest Indiana's most distinguished citizens, Ed and Nancy Feldman and Drs. Gus and Becca Galante. On Sunday, October 6, 2002, these couples will be honored for their exemplary and dedicated service to Northwest Indiana and to the State of Israel. Their praiseworthy efforts will be recognized at the annual Northwest Indiana-Israel Dinner of State, as they receive the prestigious Jerusalem Medal. The State of Israel Bonds presents the Jerusalem Medal to worthy recipients who demonstrate their dedication and outstanding service to Israel and their community.

The State of Israel Bonds is an international organization offering securities issued by the government of Israel. Since its inception in 1951, Israel Bonds has secured $25 billion in investment capital for the development of every aspect of Israel's economy, including agriculture, commerce and industry. Throughout its history, Israel has maintained a perfect record on the payment of principal and interest on the securities it has issued.

Mr. and Mrs. Ed Feldman, are two of the most caring, dedicated, and selfless citizens of Indiana's First Congressional District. The Feldman's are very active members of Congregation Beth Israel in Hammond. Ed teaches Bar and Bat Mitzvah students, serves as chairman of the Ritual Committee, acts as Cantor for Shabat and holiday services, and is a member of the Executive Committee and Board of Directors. He is the immediate past president of the Jewish Federation of Northwest Indiana and serves on the Endowment Fund Trustees Committee as well as the Building Legal Finance Committee. Nancy is also a member of the Board of Directors and serves as co-chair of the Chevra Kedisha, is a member of the Mitzvah Committee, and coordinates projects for Bar and Bat Mitzvah students. Along with Gus Galante, she is co-chair of the Federation's annual fund-raising campaign, where she serves on the Executive Committee and Board of Directors as vice president.

Drs. Gus and Becca Galante are the other recipients of the Jerusalem Medal. Gus was born in Buenos Aires, Argentina and is the descendant of Jews who migrated from Lithuania, Russia, Gibraltar and Morocco. He is an active member of the Northwest Indiana Federation Board and is the current co-chairman of the general campaign. In addition, he participates in Chevra Kedisha and is the recipient of the Emanuel Marcus Leadership Award for community participation. Becca is descended from Jews who migrated from Russia, Poland and Austria and was born in Lafayette, Indiana. She serves on the Board of Directors of Congregation Beth Israel, on the Sisterhood Board and is a member of the Chevra Kedisha. She is a past co-chair of the Federation's general campaign, co-founder of the Jewish Future Forum, and recipient of the Hurst Family Leadership Award, as well as the Gevurah Award from the Jewish Federation.

The special guest at this gala event will be Ambassador Gvir. Ambassador Gvir was born in Shilde near Antwerp, Belgium, and escaped the Nazis as a child to Switzerland. He made aliyah in 1958 and has served as Israel's Ambassador to the Czech Republic, Switzerland and Liechtenstein. He was also the minister at the Permanent Mission of Israel to the United Nations.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in commending the Feldman's and Galante's for their lifetime of service, success, and dedication to Indiana's First Congressional District and the State of Israel.

RECOGNIZING THE DEPARTMENT OF LABOR FOR SUCCESS OF COMMUNITY AND FAITH-BASED INITIATIVE

HON. JOHN R. THUNE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. THUNE. Mr. Speaker, I want to recognize the Department of Labor for its efforts to integrate community and faith-based organizations into Federal employment and training services. The department is working with these local partners to deliver effective programs to some of our hardest to reach neighborhoods. Small community and faith-based organizations have already made significant human investments in communities throughout America and are known and trusted to deliver results.

The importance of this initiative is most evident among some of America's poorest families and individuals, where community and faith-based organizations are sometimes the only partners capable of delivering effective services. I commend the Department of Labor for creating several pilot and innovative grant programs designed to better utilize the unique skills of community and faith-based institutions in its employment and training efforts.

Given the department's growing record of success, I sincerely hope that Congress will pass and send legislation to the President's desk that ensures the Federal government will no longer ignore these critical partnerships. The House has passed H.R. 7 to make community and faith-based organizations eligible to receive federal program dollars, and again, I hope this legislation will pass both chambers before we adjourn.

Again Mr. Speaker, I want to commend the Department of Labor for its work to improve Federal services and encourage them to continue and expand their successful partnerships with community and faith-based organizations.

EXPRESSING SUPPORT FOR GOALS AND IDEAS OF DAY OF TRIBUTE TO ALL FIREFIGHTERS

SPEECH OF

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. WILSON of South Carolina. Madam Speaker, I am very pleased to be here today to speak in support of H. Con. Res. 476, providing tribute to firefighters who have died in the line of duty.

This Resolution has special meaning to my home community in that last year Jeff Chavis, of the Lexington County Fire Service of Lexington, South Carolina, lost his life as he courageously fought a fire that destroyed a home on the shores of Lake Murray. Jeff was a dedicated twenty-two year old firefighter who will always be remembered in South Carolina as a symbol of devotion to protecting the public from harm.

Jeff's death, and then the murderous attack on the World Trade Center towers, have reminded all Americans of the courage of firefighters and the sacrifice they voluntarily provide. At no time in American history has this profession been more appreciated.

My family has a personal respect for the competence of firefighters. The West Columbia Fire Department, led by Chief Barry Anderson, has three times saved our family home from a faulty water heater, a stove fire, and an electrical short of a television. In each event the Department was prompt and thoughtful.

As a newcomer to Congress, I have been impressed by the quality of my colleagues in the House. One whom I have grown to truly respect is the author of this Resolution, CURT WELDON of Pennsylvania. I know firsthand of his appreciate for and his tireless work on behalf of our nation's firefighters.

RECOGNIZING THE ACHIEVEMENTS OF HAROLD W. JURGENA

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize the achievements of Harold W. Jurgena, from Irving, Illinois.

A graduate of Hillsboro High School, Mr. Jurgena went on to work at the Hillsboro Glass Company for nearly 40 years. He and his family have been involved in farming since his birth.

In 1962, Jurgena was appointed to replace John Walters' in his term as Village President. He has been re-elected as Village President for the last nine consecutive terms.

The Jurgena tenure has been marked by a number of achievements such as improvements in the city's water system, natural gas, sewage upgrades, cable television, modernizing the city police department, lighting the ball field, a new Fire House and City Hall and the construction of the Irving Century House.

As Village President or "Mayor" as he is known, Jurgena never overlooked the needs of his city. Yet he didn't stop with just elected public service. He has also served on the Hillsboro Board of Education, as a member of the Irving Volunteer Fire Department, a member of the Farm Bureau, past president of the Lutheran Brotherhood, member of the Ansar Shrine in Springfield, Adult Leader of the Montgomery county 4–H and Past Master of the Irving Masonic Lodge.

Throughout his life, Harold Jurgena has given selflessly for his community and those around him. He has been an inspiration to generations of Irving residents and I am proud to call him one of mine as well.

The people of our area have benefited greatly from Harold Jurgena and I believe it is proper for us to take the time to recognize him and say thanks for a job well done.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE PATSY T. MINK, MEMBER OF CONGRESS FROM THE STATE OF HAWAII

SPEECH OF

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. HONDA. Mr. Speaker, I thank the gentleman from Hawaii for yielding, it is with great sadness that I rise today to address the House.

I offer my deepest sympathies to PATSY MINK's family, husband John Francis Mink, daughter Wendy and brother Eugene Takemoto. Anyone who was fortunate enough to have been touched by her life knows that this Nation has lost a true warrior in the constant struggle for justice.

We will all miss her counsel and guidance as well as her friendship.

She encountered early on the difficulties of prejudice and sexism. She also understood the importance of coalition building that she would carry on for the rest of her career.

She was a person of firsts: first Japanese American woman to become a lawyer in Hawaii in 1952, first Asian American woman and woman-of-color elected to Congress, being 1 of only 12 women total in 1964.

Her abilities in awakening all of our social consciousness through her tireless advocacy, work and dedication, inspired students, community leaders, political appointees and especially elected officials of the APA community and beyond.

Congresswoman MINK's record as an advocate for civil rights is unassailable, a crowning achievement being the passage of Title IX of the Federal education amendments in 1972. This landmark legislation banned gender discrimination in schools, whether it was in academics or athletics.

As I have indicated, she has been a role model for countless women as well as those of us from the Asian American and Pacific Islander community. Though she is not physically present, her spirit and legacy will live on through those of us who believe that the fight for fairness and equity is never over.

Mr. Speaker, as we all know, PATSY had a fierce passion for freedom and equal treatment for all persons and during these tense times as our Nation faces growing poverty rates and international turmoil, I'd like to close with two quotes from PATSY MINK. The first quote underscores her passion for the need to stand up for the underrepresented and the second quote makes the point that when our national security is tested, we as a people must not ignore the basic principles that this country was founded on:

> If to believe in freedom and equality is to be a radical, then I am a radical. So long as there remain groups of our fellow Americans who are denied equal opportunity and equal protection under the law * * * we must remain steadfast, till all shades of man may stand side by side in dignity and self-respect to truly enjoy the fruits of this great land.
>
> America is not a country which needs to punish its dissenters to preserve its honor, America is not a country which needs to demand conformity of all its people, for its strength lies in all our diversities converging in one common belief, that of the importance of freedom as the essence of our country.

We all know that Hawaii was founded by Polynesian travelers guided by the stars. Today in the skies of Hawaii shines yet another star in the constellations to still guide the islanders and those of us here on the mainland.

I will miss her very much.

USS SIERRA TRIBUTE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. GILMAN. Mr. Speaker, I rise today to pay recognition to the men of the USS Sierra Veterans Association, who will be gathering at their annual "Ship Reunion" this weekend.

The *Sierra* (AD–18) had a long career of distinction within the U.S. Navy. A *Dixie*-class destroyer tender commissioned in 1944, the *Sierra* was named for the famous Nevada mountain range, which means "Snow Mountains."

Almost immediately after her commissioning, the *Sierra* began repairing battle-damaged destroyers in Pearl Harbor. During one nine-day period, the *Sierra's* crew performed 21,393 man-hours of work on 65 ships, for which they were commended.

As the Japanese forces were driven back across the Pacific, the *Sierra* followed the fleet, performing battle repairs and maintenance upkeep at the Admiralty Islands, Caroline Islands, Solomon Islands and the Philippines. Her early postwar duties included work on ships stationed in Inchon, Korea; Okinawa, Japan; and Tsingtao and Shanghai, China.

After transferring to Norfolk, Virginia in 1950, the *Sierra* served with the Sixth Fleet until 1992. Operating both in the Mediterranean and in the Atlantic near Norfolk, the *Sierra* performed maintenance support to Sixth Fleet logistics, amphibious, combatant ships and submarines. This service included support to naval forces during operation Desert Storm in 1991.

In late August 1992, Hurricane Andrew, a devastating category 5 storm, left a wide swath of destruction throughout Southern Florida. Within 26 hours of being notified, the *Sierra* was en route to help rebuild shattered communities in South Florida. In less than one month, the *Sierra's* crew restored 12 schools, erected a tent city, provided federal emergency management agency case workers, supplemented Navy relief volunteers, provided Spanish linguists to U.S. Army medical units, and prepared tens of thousands of meals for relief workers, fire fighters and police officers. In this relief effort, the *Sierra* was the first ship to arrive, and the last to leave.

The *Sierra* was decommissioned on October 15, 1993 at the U.S. Naval Base in Charleston, South Carolina.

All too often, Mr. Speaker, ships like the *Sierra* have stood in the shadows of the more familiar front line combat vessels, the battleships and aircraft carriers, cruisers and destroyers. But as the history of this vessel has shown, these ships play a vital role in keeping those combat vessels operating at peak form. Moreover, by making timely repairs at sea, ships like the *Sierra* save the Navy countless millions in more expensive upkeep and labor repairs in drydock.

The crew of the USS *Sierra* deserve the recognition of this house for their contributions to the U.S. Navy in times of war and peace. I want to further recognize the members of the USS Sierra Veterans Association for their efforts to keep the memory of their ship alive and strong, and extend my best wishes for a successful and memorable gathering this year.

PERSONAL EXPLANATION

HON. FRANK MASCARA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. MASCARA. Mr. Speaker, on October 1, 2002, I was absent for personal reasons and missed rollcall votes numbered 424 through 426. For the record, had I been present I would have voted "yea" on all of these votes.

IN HONOR OF THE LIFE AND ACCOMPLISHMENTS OF ELIZABETH UPHAM-McWEBB

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. DINGELL. Mr. Speaker, I rise today to pay tribute to Elizabeth Upham-McWebb, known to the world as "Aunt Bett" on the dedication of her statue of Little Brown Bear, and to commemorate her on ninety-eight prosperous years.

Born and raised in Monroe County, which is part of Michigan's 16th Congressional District, Aunt Bett grew up telling stories and writing with her parents and eight siblings. Aunt Bett has always loved working with children. After attending school, she became an elementary school teacher; she still enjoys teaching Sunday school to Monroe County youth. Aunt Bett's most famous accomplishments include authoring numerous verses and stories for children. The most well-known of these are Little Brown Bear and Little Brown Monkey. These remarkable stories have become favorites among children everywhere.

In May 1978, Aunt Bett was awarded a special state tribute. She also received numerous awards for her writing. Her rhymes and stories have been widely published in magazines, books and textbook readers.

Aunt Bett has benefited the community of Monroe County in countless ways. For decades she has been entertaining and assisting the reading world with her writing and teaching. In addition, she and her husband donated their playhouse to the Monroe County fair where it continues to serve as an exciting attraction to county children and adults. Aunt Bett has illustrated several safety posters that inform children of important safety rules. The Elizabeth Upham-McWebb "Little Brown Bear" Fund is endowed by the Trustees for the Community Foundation of Monroe County and with a major grant from the C.S. and Marion F. McIntyre Foundation to support programs which encourage children to read books.

Little Brown Bear has become a celebrity in the Monroe County Community. Monroe County libraries have organized a sign-up for residents who want to take Little Brown Bear along on their travels. This program has been very successful; in fact Little Brown Bear has traveled to countries such as England, Germany, Finland, Korea, Sweden, Thailand and Australia with Monroe County residents. In Germany he received an honorary pilot's license and German visa. Little Brown Bear has compiled an interesting collection of worldwide library cards for the Monroe libraries.

A pride and joy of Monroe County, Aunt Bett is admired and loved by all. Today Monroe is honoring Aunt Bett with this 900-pound bronze statue of Little Brown Bear, to be placed outside the Dorsch Memorial Library. The statue is a tribute to Aunt Bett and will remind residents of her legacy for decades to come. A community based event, more than fifty percent of the work on the statue was donated. Built to last centuries, the statue will undoubtedly remain an honorable Monroe County fixture.

Mr. Speaker, I would like you to join me in commending Elizabeth Upham-McWebb for her leadership in both her community and her country, as we dedicate this statue and celebrate her 98th birthday.

McGOWAN INSTITUTE FOR REGENERATIVE MEDICINE

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. COYNE. Mr. Speaker, I rise today to call the House's attention to an important event that took place in Pittsburgh, Pennsylvania, on Thursday, September 26. On that day, the McGowan Institute of Regenerative Medicine of UPMC Health System and the University dedicated a new building that will be used for important medical research.

The next-generation medical therapies that will be designed and tested in this building will be used to wage war on disease and suffering. In this new facility a coordinated partnership effort will enable Pittsburgh to make impressive advances in artificial heart technology, in designing artificial lungs for wounded soldiers, and producing artificial blood.

This new building has been made possible by the leadership of the McGowan Foundation, the McGowan family, Pittsburgh's dynamic local leadership, and the Commonwealth of Pennsylvania. The excitement about this new facility is enhanced, Mr. Speaker, by the fact that it is also a remarkable "green building." Designed at every step with the protection of the environment as its first and foremost concern, this building is achieving national recognition for its combination of cutting edge research space with environmental sustainability.

Mr. Speaker, the McGowan Institute for Regenerative Medicine will lead the way in artificial organ design, cell therapy, and tissue engineering. The research accomplished there will touch the lives of many of us in the years to come. I join the scientific community and the constituents of Pennsylvania's 14th Congressional District in congratulating the McGowan Institute on this important milestone.

MEMORIALIZING DR. ROY E. YOUNG

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. HONDA. Mr. Speaker, I rise today to honor the memory of Dr. Roy Young of San Jose, California. As a devoted husband, father, and professor, Dr. Young deeply influenced the lives of thousands of Californians.

On July 26th, 1925, Dr. Young was born in San Angelo, Texas where he was raised. He studied theater at Cornell University and earned his Ph.D. at the University of Texas at Austin. During World War II, he served as an ensign on the battleship USS *West Virginia*. Eventually, Dr. Young moved to San Jose where he served as professor and chairman of the political science department at San Jose State University for 30 years. During his tenure, his research focused on American politics and elections. He created two new courses at San Jose State University on public opinion and ethnic politics.

The University and Bay Area were fortunate to be recipients of his work. He gave to his community as a professor and as an active community member. Twice elected chair of San Jose State University's Academic Senate, he challenged the University's governance policies. He was a proud democrat and an active member of the San Jose Board of Ethics and Campaign Finance. The University's College of Social Sciences presented him the Distinguished Service Award. In each position, he took seriously the responsibilities placed on him, often challenging the status quo.

His teaching was what he was most proud of. His passion for education overflowed into every aspect of his life. His dedication to his students went far beyond the prescribed role of a professor. If a student needed a book, he would purchase it with his own money. His love of learning extended beyond the classroom and into his home. A lover of books, his house is filled from floor to ceiling with texts covering a broad range of subjects. As testimony to his devotion to education, Dr. Young chose to be buried on a hill overlooking San Jose State University and the students of tomorrow.

In the last years of his life, Dr. Young recovered from a heart attack and battled Parkinson's Disease and cancer. Though his last years were difficult, they slowed his busy schedule giving him cherished time to spend with friends and family. In passing, he leaves his loving wife Linda and his two sons Jason and Joshua. He succumbed to pneumonia on August 8th at the age of 77.

Mr. Speaker, I extend my deepest condolences to Dr. Young's wife, children, and friends. Please join me in honoring a truly exceptional individual, Dr. Roy Young, who dedicated his life to the service of others. I want to give thanks for all he did throughout his life to make his community and our country better for human kind.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. BECERRA. Mr. Speaker, on Tuesday, October 1, 2002, I was unable to cast my floor vote on rollcall numbers 424, 425, and 426. The votes I missed include rollcall vote 424 on the Motion to Suspend the Rules and Pass, as Amended S. 434, providing Sioux Tribe Compensation; rollcall vote 425 on the Motion to Suspend the Rules and Pass, as Amended H.R. 4125, the Federal Courts Improvement Act of 2002; and rollcall vote 426 on the Motion to Suspend the Rules and Agree to H. Res. 538, Honoring Johnny Unitas.

Had I been present for the votes, I would have voted "aye" on rollcall votes 424, 425 and 426.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE PATSY T. MINK, MEMBER OF CONGRESS FROM THE STATE OF HAWAII

SPEECH OF

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mrs. JONES of Ohio. Mr. Speaker, I rise today in remembrance of my colleague Congresswoman PATSY MINK who served in the House of Representatives for twelve terms. She was the first woman of Asian descent to serve in the U.S. Congress. Representative PATSY MINK's ancestry is the classic story of immigrants seeking a better life in America for themselves and their families. Her four grandparents emigrated from Japan in the late 1800's to work as contract laborers in Maui's sugar plantations.

Representative MINK began college at the University of Hawaii, but transferred to the University of Nebraska where she faced a policy of segregated student housing. Working with other students, their parents, and even university trustees, this policy of discrimination was ended. She returned to the University of Hawaii to prepare for medical school and graduated with a degree in zoology and chemistry. However, in 1948, none of the twenty medical schools to which she applied would accept women. She decided to study law and was accepted by the University of Chicago because they considered her a "foreign student." Choosing not to inform the University that Hawaii was an American territory, she obtained her Doctor of Jurisprudence in 1951. Newly married, she became the first Asian-American woman to practice law in Hawaii.

In 1956, she was elected to the Territorial House of Representatives. It was the beginning of a long and effective political life. In 1959, Hawaii became the 50th state. In 1965, PATSY MINK was elected to the U.S. House of Representatives and began the first of six consecutive terms in the House of Representatives. She was the first woman of color to be elected to Congress.

Representative MINK's ability to build coalitions for progressive legislation continued during her tenure in Congress. She introduced the first comprehensive Early Childhood Education Act and authored the Women's Educational Equity Act.

In the early 1970's, she played a key role in the enactment of Title IX of the Higher Education Act Amendments. Written in 1972 to be enacted by 1977, Title IX, which prohibited gender discrimination by federally funded institutions, has become the major tool for women's fuller participation not only in sports, but in all aspects of education. Title IX is the reason why girls and women have made such gains in education and particularly in sports. In 1971, only 294,015 girls participated in high school athletics. Today, over 2.7 million girls participate in high school athletics, an 847 percent increase, according to the Department of Education.

Mr. Speaker, I rise today to reiterate the importance the legacy of my dear friend PATSY MINK. Congresswoman MINK will be remembered for her deep concern and support of education, women rights, and Pacific Islander issues. Her struggles and accomplishments bear witness to the strength of the American Spirit.

HOUSES OF WORSHIP POLITICAL SPEECH PROTECTION ACT

SPEECH OF

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2001

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in opposition to H.R. 2357, the Houses of Worship Political Speech Protection Act, and I urge my colleagues to vote no on this measure. This bill, which would allow houses of worship to participate or intervene in political elections and still maintain tax-exempt status, is unnecessary, unwanted, could have far-reaching and unintended consequences on the tax code, and goes against our constitutional value of the separation of church and state.

Current law does not hinder a religious leader's right to free speech; it simply limits groups from being both a tax-exempt ministry and a partisan political entity. Numerous faith-based organizations have spoken out against this bill because they feel it would lift important safeguards that protect the integrity of both religious institutions and the political process. Some of these organizations include the Interfaith Alliance Foundation, the National Council of Churches, the Congress of National Black Churches, the General Board of Church and Society—United Methodist Church, the Presbyterian Church (USA), the Union of American Hebrew Congregations, the Baptist Joint Committee on Public Affairs, and the Central Conference of American Rabbis. Many religious leaders feel this bill could create division among their members and would compromise their position as religious and moral leaders.

In addition, this bill was not approved by the Ways and Means Committee, in part because there are concerns about its unintended consequences. Churches receive preferential tax treatment as 501(c)3 nonprofit organizations and receive very little oversight from the IRS. If this bill were to become law, not only could people's tax deductible contributions be used for political purposes, but there would be significant campaign finance implications. Religious entities would be able to undertake substantial amounts of partisan campaign activity, including contributing soft and hard money to federal and state races and national parties. This bill would effectively create a significant new loophole in our campaign finance and tax laws with serious ethical and legal implications.

Finally, this bill stands in stark contrast to our time tested constitutional principle of the separation of church and state. Religious organizations hold a special place in our tax code because it is believed that their work is contributing to the common good of society, not a political party or a partisan campaign. This bill seeks to remove that special and appropriate place.

I urge my colleagues to vote "no" on H.R. 2357.

HUMAN RIGHTS CENTER, H.R. 5528

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. GILMAN. Mr. Speaker, at the present, there is no independent institution or resource which focuses exclusively on international human rights. Although there are hundreds of private, nongovernmental entities concerned with international human rights, the community of organizations is often divided on issues of great importance. Accordingly, it is vital to have an entity that transcends the particular ideologies of the human rights groups and fosters the development of a consensus on U.S. human rights policy. Moreover, U.S. human rights policy requires legitimacy and direction as it competes within the broader foreign policy agenda for the resources and attention of policy-makers in Washington.

To that end, I am introducing legislation that will create a center for international human rights which will focus on the role of human rights in U.S. foreign policy and improve the intellectual resources available to professionals and scholars working on human rights policy. The center will involve the participation of U.S. government and non-government policy makers, activists and scholars as well as individuals from other countries. The center will sponsor fellows, activists and thinkers from the U.S. and abroad for integrated research projects as well as conducting seminars that will assist Washington officials in the policy-making process.

Moreover, since the center for international human rights will be the only independent institution that will have human rights as its primary responsibility in Washington, it will complement the work of other institutions that have a slightly different focus such as regional institutions like the East West Center or functional institutions like the National Endowment for Democracy. Accordingly, the center will serve not only as a coordinating organization but as a motivating vehicle for enhancing U.S. government human rights policies.

Accordingly, I urge my colleagues to support this human rights measure, H.R. 5528.

H.R. 5528

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Center for International Human Rights Act of 2002".

SEC. 2. DEFINITIONS.

In this Act:

(1) CENTER.—The term "Center" means the Center for International Human Rights.

(2) BOARD.—The term "Board" means the Board of Directors of the Center.

SEC. 3. ESTABLISHMENT OF CENTER; PURPOSES.

(a) ESTABLISHMENT.—Congress finds that there has been established in the District of Columbia a private, nonprofit corporation known as the Center for International Human Rights which is not an agency or establishment of the United States Government.

(b) PURPOSES.—The purposes of the Center, as set forth in its articles of incorporation, are—

(1) to establish programs devoted to the promotion of human rights throughout the world;

(2) to independently monitor and analyze the status of human rights in Asia, Latin America, Africa, the Middle East, Europe, and throughout the world;

(3) in conjunction with both private and governmental organizations, to investigate allegations of human rights violations, particularly torture, genocide, extrajudicial killing, imprisonment due to expression of political or religious beliefs, and other gross violations of fundamental human rights;

(4) to sponsor fellows from the United States and other countries who desire to study current issues related to international human rights at the Center's headquarters in the District of Columbia;

(5) to establish and carry out a conference series to bring together experts in the field of international human rights from the United States and other countries to discuss and disseminate information regarding human rights; and

(6) to make grants to, and enter into co-operative agreements with, nongovernmental organizations to promote human rights, with priority on making grants to, and entering into co-operative agreements with, indigenous human rights organizations in countries the governments of which engage in torture, genocide, extrajudicial killing, imprisonment due to expression of political or religious beliefs, or other gross violations of fundamental human rights.

SEC. 4. GRANTS TO CENTER.

The Secretary of State is authorized to make an annual grant to the Center to enable the Center to carry out its purposes as specified in section 3(b). Such grants shall be made with funds specifically appropriated for grants to the Center.

SEC. 5. RULE OF CONSTRUCTION; OVERSIGHT; RELATED ADMINISTRATIVE PROVISIONS.

(a) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to make the Center an agency or establishment of the United States Government or to make the members of the Board of the Center, or the officers or employees of the Center, officers or employees of the United States.

(b) OVERSIGHT.—The Center and its grantees shall be subject to the appropriate oversight procedures of Congress.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS; AVAILABILITY.

There are authorized to be appropriated to carry out this Act $15,000,000 for each of the fiscal years 2003 through 2007. Amounts appropriated pursuant to the authorization of appropriations under the preceding sentence are authorized to remain available until expended.

IN RECOGNITION OF THE 42ND ANNIVERSARY OF THE INDEPENDENCE OF THE REPUBLIC OF CYPRUS

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. ANDREWS. Mr. Speaker, I rise before you today in recognition of the 42nd anniversary of the independence of the Republic of Cyprus. On October 1, 1960, Cyprus broke free from 80 years of British colonial rule to become its own independent Republic. While the tragic events in this region over the past four decades have overshadowed its progress, the government of the Republic of Cyprus remains committed to the core principles enshrined in the Cyprus Constitution that guarantee basic rights and freedoms to both Greek Cypriots and Turkish Cypriots.

This year, Cyprus' Independence Day occurs at a time of great hope and optimism for its people. The economic and political progress that Cyprus has made during its young history has made it a leading candidate for membership in the European Union, and it is expected that a formal invitation to enter the EU will be extended to them at the end of this year. As resolutions have been introduced in both the House and Senate expressing the sense of Congress that security, reconciliation, and prosperity for all Cypriots can be best achieved within the context of membership in the EU, this is certainly a favorable advancement for the prosperous future of Cyprus. Despite the hardships and trauma caused by the ongoing Turkish occupation, Cyprus has registered remarkable economic growth, and the people living in the government-controlled areas enjoy one of the world's highest standards of living. Sadly, however, the citizens who reside within the occupied area continue to be mired in poverty as a result of the policies implemented by the Turkish occupants.

This year's celebration is also marked by significant advances in U.S.-Cyprus relations. The United States Congress has adopted several resolutions stating that the status quo in Cyprus is unacceptable, and has called for international efforts to resolve the Cyprus occupation on the basis of international law. In return, the government of Cyprus has taken many concrete and active steps to assist the U.S. with the war on terrorism, including blanket clearances for U.S. military aircraft, the sharing of intelligence, the introduction of new criminal laws and regulations to deter and punish terrorism, and endorsement of UN Security Council Resolution 1373 which serves to freeze the assets of terrorists and their supporters. The relationship between Cyprus and the United States is strong and enduring. The people of Cyprus appreciate the leadership that America has shown in trying to end the division of Cyprus and bring about reunification. At the same time, the people of Cyprus stand with the American people and share in their firm resolve to uphold the ideals of freedom, justice, and democracy.

Mr. Speaker, please join me in congratulating the Republic of Cyprus on the progress they have made during their first 42 years of independence. In addition, let's take this opportunity to recommit the United States Congress to continuing their blossoming relationship with the Cypriot government and working towards a peaceful, agreeable resolution to the Turkish occupation.

CONGRATULATIONS TO NATIONAL ASSOCIATION OF REALTORS

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. GARY MILLER of California. Mr. Speaker, I rise to honor the National Association of Realtors on their decision to build a new headquarters on Capitol Hill.

In addition to serving their 850,000 members, this new building will enhance the Capitol Hill community. Its elegant design will complement the location, and its state of the art environmentally friendly features will serve as a model for future construction. Moreover the $45 million in construction and acquisition capital will benefit several Washington, D.C. businesses, including developer Lawrence N. Brandt, Inc., construction manager CarrAmerica, architectural firm Bannigan and Associations, and numerous contractors and subcontractors.

As a homebuilder, I understand the significance of selecting a community to call home. The District of Columbia should take pride in the fact that the National Association of Realtors has chosen 500 New Jersey Avenue, NW as their new home. This new building will demonstrate the association's commitment to both the city and the legislative process.

Clearly, this is an exciting time for the National Association of Realtors. Mr. Speaker, I ask that this 107th Congress join me in congratulating them on this endeavor.

PERSONAL EXPLANATION

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. MCDERMOTT. Mr. Speaker, I missed some votes yesterday because I was traveling. I left for Iraq last week to get a better understanding of how a preemptive U.S. military strike against Iraq will affect the Iraqi people, and to encourage the Iraqi leadership to allow United Nations weapons inspectors into the country.

Had I been able to, I would have voted: "yes" on H.R. 4793; "yes" on H.R. 3450; "yes" on H. Res. 398; "yes" on H. Con. Res. 291; "yes" on H.R. 4013; "yes" on H.R. 4014; "yes" on H. Res. 399; "yes" on H.R. 5091; "yes" on H. Res. 561; "yes" on H. Con. Res. 484; "yes" on H. Con. Res. 451; "yes" on H. Res. 522; "yes" on H.R. 556; "yes" on H.R. 5472; "yes" on H.R. 5469; "yes" on H.R. 4125; "yes" on H. Res. 417; "yes" on H. Res. 538; "yes" on H.R. 4851; "yes" on H. Res. 530; "yes" on H.R. 4944; "yes" on H.R. 4874; "yes" on H.R. 4141; "no" on H.R. 4968; "yes" on H.R. 4129; "yes" on H.R. 3802; "yes" on H. Con. Res. 425; "yes" on H.R. 3813; "yes" on H.R. 4830; "yes" on H.R. 4692; "yes" on H.R. 3534; "yes" on H.R. 5125; "yes" on H.R. 2426; "yes" on H.R. 5303.

TRIBUTE TO PASTOR PAUL GOLATT

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mrs. MEEK of Florida. Mr. Speaker, I rise today to commend a dedicated Pastor and leader in my district as he celebrates his fourteenth Pastor's Appreciation Day on October 6, 2002.

Pastor Paul Golatt, Jr. is the Pastor of Macedonia Church of God in Christ and the Superintendent of the North Miami District of the Church of God in Christ. He also serves his community as an employee for the United States Postal Service.

Pastor Paul Golatt, Jr. was ordained by Bishop Jacob Cohen in Fort Pierce, Florida during the Jurisdictional Holy Convocation in 1969. After many sermonettes, faithful services and training under the leadership of the late Pastor Paul Golatt Sr., he was appointed the first Assistant Pastor of the Macedonia Church of God in Christ. Upon the passing of his father and Pastor in December 1987, Paul Golatt, Jr. was appointed Pastor of Macedonia Church of God in Christ. On September 4, 1999, he was officially appointed and installed as District Superintendent of the North Miami District Church of God in Christ, by the Jurisdictional Prelate, Bishop Jacob Cohen.

Pastor Paul Golatt, Jr. continues to devote his life by extending benevolence to people in need. In addition to providing churches and communities with school supplies for children, he frequently donates food, clothing and money to communities and to orphanages in Haiti. He also finds the time to conduct joint services on holidays, including Easter, Thanksgiving and Christmas, with neighboring churches.

Pastor Paul Golatt, Jr. is a remarkable man whose personal achievement and community service are an example to us all. He is a father, Superintendent, Mail Carrier, an Organist, Choir Director, Recording Artist, Counselor, Secretary, Singer, Jurisdictional Adjutant, caring and compassionate Shepherd, praying servant and "A Man After God's Own Heart". (Jeremiah 3:15)

Mr. Speaker, I am proud to recognize Pastor Paul Golatt, Jr. for his humanitarian efforts which have touched the lives of so many people. I ask my colleagues to join me in honoring this congenial man of God. His faith, courage and kindness are an inspiration to all who have been touched by him.

PERSONAL EXPLANATION

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. THOMPSON of California. Mr. Speaker, I was out of the country on congressional business from September 25 to October 1. Had I been present I would have voted in the following manner:

"No" on rollcall vote Nos. 413, 414, 416, 417, 419, and 421.

"Yes" on rollcall vote Nos. 415, 418, 420, 422, 423, 424, 425, and 426.

A TRIBUTE TO GAIL SHAIVITZ

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. CARDIN. Mr. Speaker, I rise today to pay special tribute to Gail Shaivitz and her 22-year career in service to Baltimore County seniors. During her career at the Pikesville Senior Center, Gail was dedicated to the well-being of her members, whom she treated as extended family.

Gail is unique because she has spent 20 years with one senior center, the Pikesville Senior Center. She began her career in 1980 as a part-time regional program specialist. In October 1982, she was assigned to the Pikesville Senior Center as the center supervisor. In 1984, Gail was promoted to director. In fact, Gail has the distinction of working at one senior center, in the same position, for the longest period of time of anyone in the Baltimore County Department of Aging.

As director of the Pikesville Senior Center, she was instrumental in getting it accredited by the National Council on the Aging's National Institute of Senior Centers. It was largely through Gail's efforts that the Pikesville Senior Center became one of the first centers in the county to receive accreditation status. Since then, all 18 Baltimore County senior centers have been accredited.

Gail's 20-year career at the Pikesville Senior Center has been marked by significant expansion and creativity in programing. She has worked to connect the senior center to the greater Pikesville community through membership in the Pikesville Community Growth Corporation and the Pikesville Chamber of Commerce. In 1997, she received special recognition from Baltimore County Executive Dutch Ruppersberger and the Baltimore County Department of Aging Director Charles Fisher.

I hope my colleagues in the U.S. House of Representatives will join me in saluting Gail Shaivitz, a committed public servant who has done much to improve the lives of seniors in Baltimore County.

TRIBUTE TO PROFESSOR DEAN BERGERON

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. MEEHAN. Mr. Speaker, I rise to pay tribute to Professor Dean Bergeron upon his retirement for his lifetime commitment to educating and inspiring students at the University of Massachusetts Lowell.

Robert F. Kennedy often said that "It is from numberless diverse acts of courage and belief that human history is shaped. Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope; and crossing each other from a million different centers of energy and daring, those ripples build a current which can sweep down the mightiest walls of oppression and resistance."

Professor Dean Bergeron, who is lovingly referred to by students as "Dean", learned the lessons of acceptance, tolerance and the joy of life from his parents Joseph and Chloe. Their upbringing inspired Dean to enter the teaching profession, so he studied History at St. Michael's College. Upon the completion of his baccalaureate degree, his passion motivated him to further his education in history at both Villanova and Brown University. In 1965, Dean Bergeron concluded his studies and accepted a teaching position in the History Department at Lowell State College, a decision that resulted in a lifetime career that positively changed thousands of students' lives.

Dean Bergeron displayed diverse acts of courage on a daily basis by challenging students to recognize the depths of their potential. He implemented cutting edge classroom techniques to keep students engaged. He created the Model Leagues, an involvement learning program for students to participate in simulated United Nations and Arab League conferences. He and Professor Joyce Denning used their own money to start a grant program for students. He even implemented new classes into the curriculum, such as, Middle East Studies, the Environment and the Kennedys.

His impact upon the lives of students has truly been remarkable. The Model Leagues program is one of the best in the nation, winning local, national and international awards. It has provided students with the opportunity to learn and to travel. The grant opportunities has provided students an opportunity to create meaningful projects at home and abroad.

There are few words to express the way students feel about him. Many refer to him as a mentor, advisor and best friend.

Dean Bergeron used the classroom to encourage students to stand up for an ideal, to help those less fortunate and to dispel myths about other cultures. Dean was truly an outstanding professor who cared about his students. His legacy has created countless ripples of hopes that impacted the hearts and minds of his students and has left the University of Massachusetts Lowell, the Commonwealth of Massachusetts, the United States of America and the World community a far better place.

HOUSES OF WORSHIP POLITICAL SPEECH PROTECTION ACT

SPEECH OF

HON. DAVID VITTER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. VITTER. Mr. Speaker, I offer my strong support H.R. 2357, the Houses of Worship Political Speech Protection Act. This bill, a much-needed change in current law, would once again offer First Amendment freedoms to our nation's churches without the fear of a heavy-handed or politicized IRS or federal government.

Since 1954, our nation's religious institutions have been silenced. Prior to that time, religious leaders spoke freely about issues. Civil rights had a great moral and religious component to it. Abolition had a great moral and religious component to it. And so issues today continue to have their moral and religious components. Yet churches are told, many times under an inconsistent system that is only selectively enforced, to silence themselves or face losing tax-exempt status. This is the greatest disservice to some of our greatest institutions.

Sadly, there has even been an attempt to intimidate churches from speaking out on issues. One liberal organization devoted to their own version of the First Amendment actually mailed over a quarter million letters in 2000 to houses of worship warning them about speaking out on political issues. The chilling effect of this clear attempt to muzzle our nation's pastors, priests, ministers, rabbis and other clergy, must not stand.

This legislation has been well thought out and thoroughly reviewed by committees so that new campaign loopholes are not created, and no new avenues of soft money are allowed—both things I would oppose. We are merely asking to go back to the laws that existed for the first one hundred fifty years of our nation, which simply allowed freedom of expression for religious organizations.

I strongly urge my colleagues to support and vote for H.R. 2357.

COLLECTIONS FROM OTHER FEDERAL HEALTH PROGRAMS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. SMITH of New Jersey. Mr. Speaker, today I am introducing H.R. 5530, a bill that would strengthen VA's rights under law to collect reimbursement from certain third parties to cover the costs the Department incurs in providing health care to veterans covered by another private or public health plan. A number of these plans either refuse to reimburse, or are prohibited from doing so by current law. My bill, H.R. 5530, would fix this problem by eliminating these barriers to reimbursement for VA care.

Those who pay attention to such matters are aware that the VA health care system is seriously under-funded to meet the demands being placed on it by our nation's veterans. As Chairman of the authorizing Committee for the Department of Veterans Affairs, I have worked hard to ensure that VA health care has the resources it requires to provide high quality health care services in a timely fashion. However, today VA health care is in crisis, as increasing enrollment and rising health care costs have resulted in hundreds of thousands of veterans being forced to wait months, even more than a year, to see a VA doctor. A VA report recently said that over 300,000 veterans are now waiting over six months to be seen in VA primary care. This is not acceptable.

America's veterans did not ask us to wait while they finished high school, apprenticeships or college before being trained and sent into the European Theater of World War II as replacements for troops killed or taken prisoner of war at the Battle of the Bulge. They did not ask the U.S. Government to delay our call-up of WWII veterans in 1950 to go into the frozen confines of Korea to fight Chinese Communists along the 38th Parallel, or whether they could somehow postpone the horrible suffering caused by extreme cold weather at the Chosin Reservoir.

They were called, they answered, and they served. This is the way of America's citizen soldiers. Now, many of these veterans are calling on their government to fulfill their promises and provide them health care through VA—many in their final years. They should not be told to wait because we lack the resources.

Mr. Speaker, H.R. 5530 would correct a number of deficiencies in VA's ability to recover the costs of care provided to veterans covered by other health plans. Since 1986, VA has had statutory authority to collect from traditional insurers such as Blue Cross-Blue Shield, Aetna, Mutual of Omaha and many others. These funds are used by VA to supplement appropriated funds to maintain high quality health care. VA also collects from so called "Medi-gap policies" that are an important adjunct to the Medicare program.

But VA is unable to collect from the massive managed care sector, accounting now for over two-thirds of all health plans in the United States, including the managed care plans within Federal Employee Health Benefits Plan. Nor can VA collect from the Medicare program with nearly 40 million eligibles. My legislation would require these federal programs to pay VA for care it provides to covered beneficiaries. This would increase the amount of money VA could collect by hundreds of millions of dollars each year—providing funds that are desperately needed to reduce these intolerable waiting lists and promote better use of all available health care resources.

I urge my colleagues to support and cosponsor this bill that will be an important supplement to a cash-strapped VA health care system charged with caring for many of our nation's heroes.

TRIBUTE TO DR. MATTHEW PRINCE

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. DUNCAN. Mr. Speaker, on August 26, this Nation lost a great and patriotic American. Dr. Matthew Prince, a very close friend of mine, passed away suddenly due to a heart attack.

Matt was one of the finest men I have ever known. He was both a lawyer and a minister, having graduated from the University of Tennessee with both undergraduate and law degrees, and the Dallas Theological Seminary.

He founded New Life, Inc., an evangelistic ministry and Bible study and served for several years as Pastor for Calvary Evangelical Church. He was host of the Answerline program on WRJZ Radio Station for more than 15 years and later the Treasures of Grace Program. He had also served as Legal Counsel for the Young Life Christian organization and as a lawyer in private practice.

In addition to all this, Dr. Prince was a Sunday School teacher for many years at Cedar Springs Presbyterian Church and West Park Baptist Church.

His brother, Dr. Tom Prince, said "Matt was one of the great men of God in his time. . . "

Most important of all, Matt was a good family man who loved his wife, children, grandchildren, and great grandchildren very much. He was very proud of them, and they have every right to be proud of the life he led.

Matt Prince was a man in the arena. He fought very hard for the things he believed in, and he was never afraid to take a stand for God or Country. This Nation is a better place today, and thousands of lives were touched in a positive way, because of Matt Prince.

I would like to call to the attention of my colleagues and other readers of the RECORD the following article about the life of Matt Prince which ran in the Knoxville News-Sentinel on September 18, 2002.

EVANGELIST, CHRISTIAN RADIO HOST OF ANSWERLINE, DIES OF HEART ATTACK

(By Sherri Gardner Howell)

The Rev. Dr. Matthew "Matt" Prince, evangelist and longtime Christian radio host, died Monday, Aug. 26, of a heart attack. The Rev. Dr. Prince, 73, was a radio host for more than 15 years for Answerline on WRJZ radio and taught Sunday School classes at Cedar Springs Presbyterian Church and West Park Baptist Church.

After Answerline went off the air, the Rev. Dr. Prince began the Treasures of Grace radio program, which aired each weekday.

A graduate of the University of Tennessee, the Dallas Theological Seminary and UT Law School, the Rev. Dr. Prince founded New Life Inc., an evangelistic outreach ministry and Bible study. As part of his law practice, the Rev. Dr. Prince served as head of legal council for Young Life in Colorado Springs, Colo., and then practiced law in Knoxville.

In 1988, the Rev. Dr. Prince led a team that formed Calvary Evangelical Church in West Knoxville and served as its pastor for 5 years.

"Matt was one of the great men of God in this time, and he recreated 'Friendship Evangelism,' a way of introducing people to Christ through friendship and in people's homes," says his brother Dr. Tom Prince.

Their father, Thomas C. Prince, was instrumental in bringing Young Life to Knoxville in 1947.

The Rev. Dr. Prince is survived by his wife, Judy Prince, sons Matt S. Prince Jr. and David Prince of Simi Valley, Calif.; daughters Peggy Miller of Plano, Texas, Patty Mastro of Huntington Beach, Calif., Penny Griffin and Beverly Sharp; step-daughter Trudi Neubeck, and stepson Rick Boensch of St. Petersburg, Fla.; brother, Dr. Tom Prince; nephews Tommy, Gary and Steven Prince; and niece Gayle Scaggs. The Rev. Dr. Prince had 10 grandchildren and two great-grandchildren.

The family will receive friends from 5 to 8 p.m. Wednesday at Rose Mortuary Mann Heritage Chapel. The funeral service will be at 11 a.m. Thursday at West Park Baptist Church with burial at 3 p.m. Thursday at Highland Memorial Cemetery.

EXPRESSING SORROW FOR THE PASSING OF REPRESENTATIVE PATSY MINK

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. HOLT. Mr. Speaker, I rise today to honor and remember the works of a great mentor, friend, colleague, and champion in Congress, Representative PATSY MINK.

I am saddened by the sudden loss of such a great leader and heroine. She inspired many of us through her tireless work, commitment, and dedication throughout her tenure in Congress. I send my condolences to Representative MINK's family, Mr. John Francis Mink, her husband, and Gwendolyn Rachel Mink, her daughter. You are in my thoughts and prayers.

Congresswoman MINK was the first Asian American woman to serve in Congress. During her time in Congress she championed many issues including women's rights, education, the environment, equal opportunity for all citizens, and Title IX of the Education Act. She will always be remembered as an outspoken advocate for women and children. She was the kind of public servant we all want to emulate.

PATSY left a lasting legacy behind that has inspired us to continue her work. She touched the lives of many individuals, particularly women through her work on Title IX, which mandates gender equality in any education program or activity receiving federal financial assistance. Title IX has been instrumental in prohibiting discrimination on the basis of sex in educational programs and sports activities that receive Federal funding. Before Title IX, many schools saw no problem in maintaining strict limits on the admission of women or simply refusing to admit them. Since the passage of Title IX, this has changed dramatically. In 1994, women received 38 percent of medical degrees, 43 percent of law degrees, and 44 percent of all doctoral degrees. In 1972, women received only 9 percent of medical degrees, 7 percent of law degrees and 25 percent of doctoral degrees.

Female participation in sports, like receiving a college education, has had unexpected benefits for women through Title IX. Studies have shown that values learned from sports participation, such as teamwork, leadership, discipline and pride in accomplishment, are important attributes as women increase their participation in the workforce, as well as their entry into business management and ownership positions.

More and more women are entering and graduating from college and graduate school. More women are entering and excelling in sports activities. And, more women are entering the corporate world and holding management positions. Representative MINK's leadership in enacting Title IX will continue to make a difference for young women. This is why today in the Education and the Workforce Committee we passed a bill to name Title IX after PATSY MINK. Thanks to her courage and foresight the country is better as women have the opportunity to achieve their full position.

Her work enabled many young women to enter the field of sports, medicine, law, and business. Women today have been empowered to reach as far as they want because of the work Representative MINK championed in Congress.

Representative PATSY MINK's dedication and perseverance will be admired. She will be forever known as a strong, intelligent, and inspirational woman. She left a legacy behind that motivated and touched me deeply. Her work has allowed women to accomplish and reach for any dream they desire to achieve. Thank you, PATSY MINK.

SENATE—*Friday, October 4, 2002*

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK DAYTON, a Senator from the State of Minnesota.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, You have endowed us with a thinking brain so we could think Your thoughts after You. That is awesome, Father. You are omniscient; You know everything. You also know what is best for our future as a Nation and our continuing battle with terrorism. This is Your Nation; we are Your people; we are a Nation under Your sovereignty. In response, we make Proverbs 16:3 the motto for this day, "Commit Your works to the Lord and Your thoughts will be established." Throughout this day, we intentionally will submit the work of this Senate to You and seek Your guidance for the resolution on war with Iraq. We claim Your promise for clarified direction in keeping with Your will. We say with the psalmist:

I commit my way to the Lord and trust also in Him, and He shall bring it to pass . . . I rest in the Lord and wait patiently for Him—(Psalm 37:5,7).

Speak to our minds; we are listening. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK DAYTON led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, October 4, 2002.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK DAYTON, a Senator from the State of Minnesota, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. DAYTON thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

AUTHORIZATION OF THE USE OF UNITED STATES ARMED FORCES AGAINST IRAQ

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S.J. Res. 45, which the clerk will report.

The legislative clerk read as follows:

> A joint resolution (S.J. Res. 45) to authorize the use of United States Armed Forces against Iraq.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 11:30 a.m. shall be equally divided between the two leaders or their designees, with Senators permitted to speak therein for up to 10 minutes each.

Who yields time?

The Senator from Kentucky.

Mr. BUNNING. Mr. President, I rise in support of S.J. Res. 46 to authorize the use of U.S. Armed Forces against Saddam Hussein's Regime in Iraq.

This bipartisan resolution would enable the President to take necessary action in order to defend our Nation and our people against Iraq and any other threatening terrorist nation or organization.

I believe it will pass Congress by broad bipartisan support and send a signal to the world that America stands united behind our President.

This vote will be one of the most important—if not the most important—that I or any of my colleagues will ever take in Congress.

Nothing is more sobering or serious than voting to send troops into battle and committing our Nation to war.

As the President said the other day, war is not our first choice. In fact, it is our last choice.

Having this debate and making this vote is something that none of us wants but in the end, I am afraid that we have no other choice.

The case against Saddam Hussein is clear. We can no longer tolerate him and the threat that he poses not only to us, but to his neighbors, the Middle East and the entire world.

To do anything else would be to repeat the mistakes of the past and to bury our heads in the sand.

After September 11, we cannot afford to simply sit on our hands. Now is the time to take bold and decisive action in our own self-defense.

The arguments against Saddam Hussein are compelling, and I believe the President made a convincing case when he spoke to the United Nations about Saddam's contempt for the rest of the world.

Eleven years ago after he was defeated in the Gulf War, Saddam suspended hostilities and agreed to a series of commitments to help bring peace and stability to the Middle East.

He has broken each of these commitments.

In 1991, U.N. Security Council Resolution 688 demanded Saddam cease repression and torture of his own people.

He broke that promise.

Also in 1991, the Security Council passed resolutions demanding that Iraq return all prisoners from Kuwait and other lands. Saddam Hussein broke that promise also.

The U.N. Security Council, through Resolution 687, demanded that Iraq renounce all involvement with terrorism and permit no terrorist organizations to operate in Iraq. Saddam not only broke that promise, but he continues to harbor terrorists, including al-Qaida leaders who fled from Afghanistan.

Most importantly, after the Gulf War, Iraq promised to destroy and to stop the development of weapons of mass murder and agreed to inspections by the world community. Once again, Saddam Hussein broke that promise. In fact, U.N. officials believe Iraq has produced tons of biological and chemical agents and failed to account for more than 3 metric tons of material that could be used to produce biological weapons.

In 1995, Iraq finally admitted it had a nuclear weapons program prior to the Gulf War.

And up to now, Iraq continues to withhold important information about its nuclear program. We know Iraq is working on rebuilding its nuclear capability.

After the Gulf War, Saddam promised to allow for a vigorous series of inspections of his military programs.

But for 7 years, we watched, on almost a daily basis, as the Iraqi Government bobbed and weaved and did everything in its power to delay, stop and confuse the inspectors.

Finally, in 1998, Saddam kicked the United Nations Inspectors out of Iraq altogether. Once again, he broke his promise.

All in all, Iraq has failed to abide by 16 U.N. Security Council resolutions. Saddam has broken his word at every opportunity.

There is an old saying: "fool me once, shame on you. Fool me twice, shame on me."

I don't see how we can let Saddam fool us again. There is absolutely no

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

doubt in my mind that Saddam Hussein cannot be trusted.

The time for inspections, diplomacy, and delay has passed. It is time for us to act.

Many in Congress believe we should not use force against terrorist nations such as Iraq without approval from the United Nations or our allies.

I believe this resolution takes the right approach and addresses their concerns.

It says that we should do all we can to work with our friends and the United Nations to address the menace of Saddam Hussein.

But it does not tie our hands and preserves our right to act in self-defense.

In trying to resolve tensions with Iraq, America has gone the extra mile. And I believe that our allies and the U.N. have done so as well.

We have done all that we can to ensure a peaceful resolution of disputes with Saddam.

And I support Secretary Powell's continuing efforts to reach out to the security council and the rest of the world to find a way to bring peace to the Middle East without using violence.

But I do not believe that in the end you can negotiate with a madman.

Sooner or later, we are going to have to act, and we should pass this resolution to give the President every tool at his disposal to prevail in this struggle with evil.

I know that some of my colleagues and many in the world community worry that America is acting without provocation and that we should not preemptively attack another Nation.

I have to disagree with them on two grounds.

First, we have already been attacked.

Last September 11 was the bloodiest day in our history. We have already lost 3,000 of our friends and neighbors.

Many of those involved in planning and carrying out those attacks are now living in Iraq.

In fact, Saddam Hussein has openly praised their actions.

We are not acting preemptively. We are reacting to an assault on our Nation and our people.

Second, in the case of Saddam Hussein, he has made it clear many, many times already that he will attack us as soon as he feels he can effectively do so.

His past actions against his neighbors and even his own people prove he is a man of his word.

To say now that we should wait and not act first is foolhardy and naive.

In the wake of September 11, we have a choice. We can either act or we can wait and react.

I do not think we should sit like children on the beach and simply wait for the tide to come in and wash us away.

We should act now to protect ourselves and our Nation.

Some have even made the argument that attacking Saddam would destabilize the Middle East and lead to further tensions in that sensitive part of the world.

But I cannot imagine a more destabilizing and threatening menace than Saddam.

This is one time where that old saying "The devil you know is better than the devil you don't" is wrong—dead wrong.

After all, under Saddam's rule, Iraq has used nerve gas and other weapons of repression to slaughter tens of thousands of its own people.

It used chemical weapons over and over during its war with Iran in the 1980s.

Saddam has launched ballistic missiles at four of his neighbors—Israel, Iran, Saudi Arabia, and Bahrain.

He has had his followers assassinate opponents in Iraq and abroad.

During the Gulf War, his regime beat and tortured Americans and used them as "Human Shields."

And on almost a daily basis Iraq continues to fire missiles and artillery at U.S. and coalition aircraft patrolling the no-fly zones in Northern and Southern Iraq—no-fly zones that Saddam agreed to after the Gulf War.

Looking at the evidence, I cannot imagine anything more destabilizing and threatening than the status quo.

Some say wait and let the U.N. pass another resolution. They argue that more inspections and towing a tougher line against Saddam will work this time.

But surely Saddam is not going to adhere to the 17th resolution after ignoring the first 16.

Finally, those who make the argument about preemption say we need more proof—that we can't act first without a smoking gun.

Even if they ignore all of the evidence, I would still argue that the last thing we want is a smoking gun.

A gun only smokes after it is fired and our goal and fight must be to prevent Saddam from firing that weapon.

I have heard the arguments from the opponents of this resolution say that we should wait and deal with Saddam after the upcoming November election.

They say this issue smacks of politics and that President Bush is using the war as a political tool in this next election.

Some have even had harsh words for President Bush on this issue and at times I wonder who they think the real enemy is—President Bush or Saddam.

I believe that politics should not be part of this debate from either party.

This debate is about war and peace, not petty political squabbles.

The congress should vote now and the President should act when it would be most effective to end Saddam's evil regime.

I don't know if that's today, tomorrow, the day after the election, or some other time in the near future.

But I will give the Commander-in-Chief and our military leaders the benefit of the doubt.

What is most important is that we do this right and launch our assault when it will be most effective.

The longer we wait, the more time this mad man has to hatch his evil plots.

There are risks in acting. But there are more risks in not acting.

In conclusion, I urge support for the resolution.

The evidence is clear. And the arguments against acting do not stand up to hard-headed reality.

Saddam Hussein is a deadly threat, a threat we have ignored, put off and used every excuse for not finally dealing with for too long.

We cannot afford to wait anymore. After September 11, the world has changed. It is time for us to act. It is time for us to be bold.

God bless this republic and our Great People.

I yield the floor.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARPER). Without objection, it is so ordered.

Mr. LEVIN. I ask unanimous consent I be allowed to speak for up to 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESOLUTION ON IRAQ

Mr. LEVIN. Mr. President, I come to the floor today to speak in support of an alternative resolution which I will be introducing, and to explain why I believe it is the right way to go, and is a better alternative than the White House approach.

At the outset, it must be noted that whatever differences there may be among us, the one thing which we can all agree upon is Saddam Hussein is a tyrant and a threat to the peace and stability of the Middle East. He has used weapons of mass destruction against his own people and against Iran. He has launched invasions of Iran and Kuwait. For the last 11 years, he has defied the will of the entire world, as expressed in United Nations security resolutions, by refusing to destroy his weapons of mass destruction and prohibited ballistic missiles.

Another point which I believe there is a consensus on among Members of the Senate is the fact that confronting the threat posed by Saddam Hussein could lead to committing U.S. military forces, including ground forces, into combat, and that the vote we take on a resolution relating to Iraq may be the most important vote we make this year.

Whether we commit our forces to attack Iraq as part of a United Nations authorized coalition, or whether we go it alone, could have immense consequences for our security and for future peace and stability in the Persian Gulf and the Middle East and beyond. That is why I will be introducing an alternative resolution.

The resolution agreed to between the White House and House leadership fails to address the two main problems with the original White House discussion draft. Those problems are the following: The White House approach still specifically authorizes at this time the use of force on a unilateral go-it-alone basis. That is, without Security Council authorization. Second, the White House approach authorizes the use of force beyond dealing with Iraq's weapons of mass destruction and their means of delivery.

The resolution I will be introducing is consistent with how I think most Americans want us to proceed. It emphasizes the importance of dealing with Iraq on a multilateral basis and it withholds judgment at this time on the question of whether the United States should go it alone, should go unilaterally against Iraq, should the United Nations fail to act.

My alternative resolution does the following: First, it urges the United Nations Security Council to adopt promptly a resolution that demands unconditional access for U.N. inspectors so Iraq's weapons of mass destruction and prohibited ballistic missiles may be destroyed; and within that same U.N. resolution authorizes the use of necessary and appropriate force by U.N. member States to enforce such resolution in the event Iraq refuses to comply.

My alternative resolution will also specifically authorize the use of the United States Armed Forces, pursuant to that U.N. Security Council resolution if Iraq fails to comply with its terms and the President informs the Congress of his determination that the United States has used appropriate diplomatic and other peaceful means to obtain compliance by Iraq with such U.N. resolution.

My resolution affirms under international law and the U.N. Charter, the United States has at all times the inherent right to use military force in self-defense, affirming the fact there is no U.N. veto over U.S. military action. The alternative resolution which I will be introducing affirms that Congress will not adjourn sine die so that Congress can return to session to consider promptly proposals relative to Iraq if, in the judgment of the President, the U.N. Security Council does not adopt the resolution I described above.

It provides further that the President report to Congress every 60 days on the status of efforts to have the U.N. Security Council adopt such a resolution, and if such a resolution is adopted, to obtain compliance by Iraq with the resolution.

Many were relieved when the President of the United States went to the United Nations and rightfully declared the Iraqi threat is "exactly the kind of aggressive threat that the United Nations was born to confront." The President reminded the world that Iraqi aggression was stopped after the invasion of Kuwait "by the might of coalition forces and the will of the United Nations." In calling upon the United Nations to act again, the President committed the United States to "work with the U.N. Security Council to meet our common challenge. We will work," the President said, "with the U.N. Security Council for the necessary resolutions."

Acting in this manner, the President was setting in motion the same process that was used when Iraq invaded Kuwait in August of 1990. At that time, then-President Bush on November 29, 1990, obtained U.N. Security Council authorization for the use of force if Iraqi forces did not withdraw from Kuwait by January 15, 1991. President Bush assembled a coalition of 39 nations that included Arab nations, Bahrain, Egypt, Oman, Qatar, Saudi Arabia, Syria, The United Arab Emirates, and Muslim nations Afghanistan, Bangladesh, Morocco, Niger, Pakistan, Senegal, Sierra Leone, and our NATO ally, Turkey.

The Senate and the House of Representatives passed a joint resolution authorizing the use of force to achieve implementation of the U.N. resolution on January 12, 1991, almost 7 weeks after the U.N. acted, and 3 days prior to the U.N.'s deadline.

The fact the United States went to and obtained U.N. authorization for the use of force meant that, with very few exceptions, the world was united in support of the United States and against Saddam Hussein. It did not mean the United States was going to war against an Arab nation. It meant that the world community, with the participation of Arab nations, was taking action against Iraq. It did not mean the United States was going to war against a Muslim nation. It meant the world community, with the participation of Muslim nations, was going to war against Iraq. It resulted in the sharing of risks and the sharing of costs of war.

Also important, the United Nations, by its approval, gave unquestioned international legitimacy to the United States-led military action. And the United States, by seeking U.N. approval, cemented the credibility and the relevancy of the United Nations.

President Bush has now gone to the U.N., as his father did before him, and laid out the issues with the following words:

> All the world now faces a test and the United Nations, a difficult and defining moment. Are Security Council resolutions to be honored and enforced, or cast aside without consequences? Will the United Nations serve the purpose of its founding, or will it be irrelevant? The United States helped found the United Nations. We want the United Nations to be effective, and respectful, and successful. We want the resolutions of the world's most important multilateral body to be enforced. And right now those resolutions are being unilaterally subverted by the Iraqi regime. Our partnership of nations can meet the test before us, by making clear what we now expect of the Iraqi regime.

That test for the United Nations was laid out clearly by President Bush. Negotiations are going on now among the permanent members of the U.N. Security Council. We all pray they will meet the test, and that is why my resolution specifically urges the Security Council to adopt, promptly, a resolution that:

> demands that Iraq provide immediate, unconditional, and unrestricted access of the United Nations weapons inspectors so that Iraq's weapons of mass destruction, nuclear-weapons-usable material, ballistic missiles with a range in excess of 150 kilometers, and related facilities are destroyed, removed, or rendered harmless; and authorizes the use of necessary and appropriate military force by member states of the United Nations to enforce such resolution in the event that the Government of Iraq refuses to comply.

Congress has a test that we have to face as well, and that test, in my view, is to support the President's request to the United Nations and not to do anything that will undermine the effort to get the United Nations to do what the President has requested that they do, and that, in my judgment and I think in the judgment of most of us, they should do.

In other words, if Congress endorses the use of force, even in the absence of a U.N. authorization at this time, what it does is enable the members of the Security Council to take a pass on the use of force. They can avoid taking a tough position on the basis that the United States will act no matter what the U.N. does.

I think we all want the U.N. to be relevant and credible. We want the U.N. to succeed. We do not want the U.N. to be relegated to humanitarian and disaster relief and other tasks that are useful to international peace and security but are not essential.

I believe if it is done wisely, we can unite not only the Congress, but ultimately the world community, on a course of action that we all seek: The elimination of Saddam Hussein's ability to threaten the world with weapons of mass destruction. In other words, our focus should be on uniting the world and not dividing it.

Let me say that again. I strongly believe that the test for Congress is to help the President lead and unite the world, and not divide it.

The resolution the White House supports authorizes the use of military force with or without world community support. In addition to letting the members of the U.N. Security Council off the hook, the adoption of that type of resolution tells the world that the United States is ready to act unilaterally, to go it alone, and the Congress is not even willing to wait to see if the United Nations will act to follow the President's request and unite the world to enforce its resolutions before deciding we will go it alone.

Moreover, by not limiting the authorization for the use of force at this time to the destruction of Iraq's weapons of mass destruction and their means of delivery, the White House resolution endorses the use of force for regime change and for a host of other purposes as minor as getting the return of Kuwaiti archives, which is a requirement of one of the U.N. resolutions which the White House resolution says we will go to war to enforce.

That language saying we will use force for purposes other than the elimination of weapons of mass destruction separates us from the one nation that has been our most faithful and trusted ally, Great Britain. British Prime Minister Tony Blair and British Foreign Secretary Jack Straw made clear on numerous occasions that Great Britain's willingness to go to war with Iraq is to destroy Iraq's weapons of mass destruction. Why on Earth would we want to divorce ourselves from Great Britain? Even if we abandoned the effort to unite the world, why would we emphasize the only apparent difference that we have with Great Britain?

But the most important question, in my opinion, is whether we decide to go it alone at this time, to go to war with or without the support of the world community. In my view, a go-it-alone approach, where we attack Iraq without the support and participation of the world community, entails serious risks and could have serious consequences for us in the Middle East and around the world. It makes a difference. It makes a difference, when deciding to use force, whether or not the use of force has the support of the world community.

If we go it alone, will we be able to secure the use of airbases, ports and supply bases, and overflight rights in that region? Those rights and those capabilities are so important to the success of a military operation against Saddam.

If we go it alone, will there be a reduction in the broad international support for the war on terrorism, including the law enforcement, financial, and intelligence cooperation that is so essential?

If we go it alone, will that destabilize an already volatile region, undermine governments such as Jordan and Pakistan, and possibly end up with a radical regime in Pakistan, a country that has nuclear weapons?

If we go it alone, if we go it without the support of the world community, will Saddam Hussein or his military commanders be more likely to use weapons of mass destruction against other nations in the region and against our military forces in response to our attack than would be the case if he faced a U.N.-authorized coalition, particularly if that coalition included Muslim nations as the coalition did during the gulf war?

If we go it alone, will other nations view our action as a precedent for threatening unilateral military action against their neighbors in the future?

If we go it alone, will we be undercutting efforts to get other countries to help us with the expensive, lengthy task of stabilizing Iraq after Saddam is removed?

By seeking a U.N. resolution that will authorize U.N. member states to use force if Iraq does not comply with its terms, we are not giving the United Nations a veto. Rather, we are getting from the United Nations strength and international credibility and legitimacy, should military force be needed.

The alternative resolution which I will offer is clear about the fact that we are not giving the U.N. a veto. We are just seeking support from the world community before we decide whether to go it alone.

This is a similar approach to what Prime Minister Tony Blair said recently in an interview with David Frost. Prime Minister Blair is quoted as saying, "I do not think that the U.N. will avoid the issue; but if they do, then we'll see at that time."

In his testimony before the Armed Services Committee on September 23, former Chairman of the Joint Chiefs of Staff Gen. John Shalikashvili addressed the issue of acting pursuant to a U.N. Security Council resolution that authorizes the use of force in the following manner:

> I am convinced that such a resolution would in fact be a powerful tool, and I say that for a number of reasons. First of all, we need to impress upon Saddam Hussein that he is not just facing the United States, but that he is facing the will of the majority of the world.
>
> We must also ensure that we have made it possible for as many of our friends and allies to join us. Some of them privately tell us they would do so, but that it's difficult for political, internal reasons, whatever, very difficult to do so without the United Nations having spoken on the issue. Some of them believe deeply that you should go to war only—unless you're directly attacked—that you should go to war only with the sanction of the United Nations. Others just have that in their culture.
>
> Finally, I think it's important from a security point of view, because every time we undermine the credibility of the United Nations, we are probably hurting ourselves more than anyone else. We are a global Nation with global interests. And undermining the credibility of the United Nations does very little to help provide stability and security and safety to the rest of the world.

General Shalikashvili ended by stating, "So I see nothing but value added for the United States to try our very best to get that kind of a resolution."

General Clark, the former NATO Supreme Allied Commander, who testified at the same hearing, echoed the views of General Shalikashvili and added "we need to be certain we really are working through the United Nations in an effort to strengthen the institution in this process and not simply checking a block."

Those two former senior commanders were concerned, of course, not only with the diplomatic and political aspects of working through the United Nations, but also with the practical impact that not going through the United Nations would have on the actual conduct of a war.

General Joseph Hoar, former Commander in Chief of U.S. Central Command, the command with responsibility for the Middle East region, including Iraq, testified that:

> And the Arab countries, while they are supporting us in private, have a serious problem in convincing their populations that this is the right thing to do. And so I believe that we have to give them top cover, as well, and we will do that with the United Nations.
>
> On an operational level, I would just point out this, that, for example, if you can't bring Saudi Arabia into the coalition to be able to use, at a minimum, air space, but, ideally air bases as well, the complications associated with carrying out a military campaign will grow exponentially.
>
> We need them. We need a broad base. We need it for the political reasons as well as the military reasons that we all understand. It will make the whole job a great deal easier. And, in the long run, as Wes (General Clark) said, in our relationship with these countries in the future, it will expedite and ease our ability to do business after the military campaign is over.

General Hoar's testimony points out the practical problems that result if we are using military force against Iraq without the support of the world community. The Saudi Foreign Minister has stated that if there was a Security Council Resolution backing military action, all United Nations members would have to honor it. But he made clear that Saudi Arabia remained opposed in principle to a unilateral attack by the United States. The inability to use Saudi airspace—no less Saudi air bases—would be a major impediment to the use of military force against Iraq.

The position of European allies need to be considered as well. As the Washington Post reported last Monday, a senior European official responding to the United States going it alone, said "A lot of Europeans would feel they'd been put in an intolerable position." For those who would agree to participate militarily, "it would be less a coalition of the willing than of the dragooned."

That says a lot.

It is very important that we carefully consider the short-term and the long-term effects of unilateral action by the United States, and whether we need to make a decision on that at this point when we should be pressing all of our energies for United Nations action, and—as my alternative resolution does—letting the United Nations know we are ready to enforce their resolution.

My alternative resolution specifically authorizes the use of American forces in support of a United Nations resolution. My alternative doesn't wait to see what the United Nations will do. My resolution puts the focus on getting the United Nations to act, and says in advance to the United Nations that we will authorize military force and use it in support of the resolution that we are seeking.

It is very different than waiting for the United Nations to act, which, in fact, is what we did during the gulf war. This body didn't vote on authorizing military force until after the United Nations authorized member states to use force.

My alternative resolution is stronger than that. It is a strong message to the United Nations. We are so committed to your acting to enforce your resolution and to authorize member states to enforce those resolutions with military force—we are so committed to that course and we believe it is so important that we force Saddam Hussein to open up to inspections and to disarm, we are so committed to that—that this Congress in my alternative resolution authorizes U.S. military force now in the expectation and the hope and the belief that you as a United Nations body will authorize member nations to act.

This alternative approach—called The Multilateral Use of Force Authorization Act of 2002—provides for the use of force pursuant to a subsequent United Nations Security Council resolution that authorizes United Nations member states to use force.

It withholds judgment at this time on the question of whether the United States should go it alone unilaterally against Iraq. It doesn't preclude that. Should the President call us back into session and seek that authority, it does not preclude that at all.

If we authorize the use of our military forces on a go-it-alone basis at this time—at the time we are seeking United Nations support—we will send the wrong message to the United Nations. Telling the United Nations that, if you do not enforce your resolutions, we will, not only send an inconsistent message, but it lets the United Nations off the hook.

We should be seeking to unite the world against Saddam Hussein and not divide it. The best chance of having Saddam Hussein comply is when he looks down the barrel of a gun and sees the world at the other end, and not just the United States.

So our focus should be securing a United Nations resolution that can unite the world; that has the best chance of forcing compliance; that reduces the risk to our forces and to our interests throughout the world; that avoids to the maximum extent possible the negative consequences, if force is required, including the loss of cooperation on the war on terrorism; and that has the best chance of isolating Saddam Hussein rather than isolating the United States.

This resolution, again, does not determine that we will not go it alone if the United Nations does not authorize the use of force. It withholds judgment on that very difficult and very different issue. But it says in that case, if the United Nations does not act, that the President can convene us quickly in order to seek authorization for going it alone should the United Nations not act in a prompt way.

The vote that we take may have significant consequences for our children and our grandchildren. I believe our security is enhanced when we seek the authority and the credibility of the United Nations, and if military force is required, that it is used with the full support of the world community.

I thank the Chair. I yield the floor.

Mr. BAUCUS. Mr. President, I first compliment my good friend from Michigan. He is one of the more thoughtful Members of this body, addressing a very grave issue.

ARMED FORCES TAX FAIRNESS ACT OF 2002

Mr. President, as we debate the degree to which the United States and the Congress should be giving authorization to the President of the United States to commit military action, a decision which affects all of us as Americans, I also want to point out there is another group of people whom we have neglected, and that is our armed services personnel, in many of the provisions of the Tax Code.

I am now going to explain several provisions of a tax bill we passed last night which will have a very direct, positive effect on millions of Americans individuals, and those are our men and women serving in our Armed Forces and our Foreign Service.

For several months, the Finance Committee has been working on tax legislation that would affect the individuals who fight our country's wars. As our Nation responded to the attacks on 9/11, as military personnel went through Afghanistan to fight the Taliban and to break apart the al-Qaida network, Senator GRASSLEY and I began looking at how the Tax Code affects those who defend our national security.

We consulted first with Senator CLELAND, who chairs the Personnel Subcommittee of the Armed Services Committee. He and his staff pointed out several areas where the tax law had not kept up with changes in military compensation. We reviewed military tax legislation that was introduced by various Senators, including Senator McCAIN and Senator DEWINE.

We listened to the problems that other Senators had identified through discussions with their constituents. I went back home to my State, Montana, to Malmstrom Air Force Base in Great Falls, to meet with military leadership there. I also worked with Major General Prendergast of the Montana National Guard. He provided a great deal of assistance as we crafted this package.

The Finance Committee met with the Armed Services Committee leadership, Senator LEVIN and Senator WARNER, to discuss these proposals. The result is, last night the Senate unanimously passed the Armed Forces Tax Fairness Act of 2002.

I come to the Chamber today to explain this bill in a little more detail, to pay tribute to the men and women who serve in our military and Foreign Service, and to pay tribute to the Senators who helped shape this legislation.

I will begin with military death gratuity payments.

In 1986, the U.S. Government paid death gratuity payments to the families of military personnel who died in the line of duty. That was $3,000. Prior to 1991, none of that was taxable income to the estate.

In 1991, the Congress increased the gratuity death benefit to $6,000, and, regrettably, we failed to exclude all of that from taxable income. So $3,000 of that death gratuity was treated as taxable income.

So the proposal we passed last night is one that restores the full tax exclusion of the death benefit gratuity. So now when the $6,000 is paid to the family of the deceased military personnel, all $6,000 is paid tax free.

Another provision applies to the exclusion-of-gain on the sale of a principal residence. The general rule, prior to 1997, for most taxpayers, is that they would have the gain on their home excluded, so long as they replaced their home within 2 years after its sale, so long as the principal place of their residence was established 2 years after the sale.

We provided a break for the military at that time, prior to 1997, and that is, the military personnel could replace their home within up to 8 years. They were given an additional 6-year period within which to replace their home and still get the full exclusion from the gain on their home.

In 1997, Congress changed the law with respect to exclusion of gain on the sale of a principal residence. The new law provided that the taxpayer must live in a home for at least 2 years of the 5 years preceding the sale of that home. That has been the standard rule since 1997.

The Congress, however, neglected to make this special change for our military personnel, neglecting to recognize that military personnel travel a lot more, which is not of their choice, because of their military orders as to where they are stationed.

So the general rule has been the same for them, and it has made it very difficult for them, because sometimes they cannot live in their principal residence, their home, for 2 years of the preceding 5 years to get the full exclusion.

So what we have done is this, essentially. We have suspended the 2 years out of 5 rule for military personnel when they are on active duty or when they are in the line of duty, stationed someplace else around the world, someplace different from their principal residence. It is suspended during that period. So when they come back to their principal residence, then the 2 out of 5 years begins to apply.

So it is much more fair to military personnel now, so they will also, in effect, as with other taxpayers, be able to get the full exclusion from the sale of their principal home so long as they live there 2 of the 5 years.

Another change is the Military Homeowners Assistance Program. Under current law, the homeowners in the military, who stay at a base that has changed because of BRAC—the Base Realignment and Closure Commission—sometimes experience a loss in the value of their home. The results of BRAC recommendations—they either close a military installation or substantially change a military installation—have the effect of changing the value of the home of someone in the military.

Here is an example of what happens today. Let's say the value of a home prior to the BRAC decision was $140,000. Then the sale price, after the announcement of the BRAC decision, fell to $100,000; the loss, obviously, being $40,000 on that home.

Currently, the U.S. Government, the military, in what is called the Military Homeowners Assistance Plan, will reimburse that person in the Army, the Air Force, the Navy. It is a formula. In this example, the reimbursement would be $30,000 out of the $40,000 loss. Unfortunately, under current law, that $30,000 law is fully taxable income to someone in the military. So what we have done is said: No, none of that military reimbursement is taxable. It is not taxable.

Another change is this. We have extended the filing delay rules to contingency operations. So now it will not only be for combat zones but also for contingency operations. What does that mean? That means, when someone in the military is overseas, currently, if he or she is in a combat zone, that person gets to file a delayed filing date of 180 days after departure to file his or her tax return. We are extending this to apply to not only combat zones but also to contingency operations when military personnel are sent overseas.

Next we are changing the tax treatment with respect to our Reserve officers—Army Guard, Air Guard,—when they are on reserve, when they are off in training, so that they are not penalized for the expenses they have incurred when they were in training.

This is above-the-line deductions for overnight travel expenses of National Guard and Reserve members. For example, let's say Reserve Sergeant Jones—basically the rank would be E-5—is on a weekend drill. His take-home pay would be $200. His weekend drill expenses might be $65 for travel, roughly $110 for lodging, and meals for $25, also totaling $200. That is not reimbursed. That is an expense that the reservist or the person in the National Guard has to incur him or herself. That is not reimbursed.

So we are saying, OK, we will take that full cost of overnight travel expenses, and that will be an above-the-line deduction from that person's taxable income. That is an above-the-line deduction. The expenses are deducted above the line.

We have two more items.

Another change in legislation that passed last night, essentially, is to extend the definition of Qualified Veterans' Organizations. Today, the membership test is 75 percent of the members—let's say, the American Legion or the Veterans of Foreign Wars,—75 percent of the membership has to be present or past military personnel. That is current law.

In addition, substantially all of the members must be military or spouses or widowers of the members. The trouble is, a lot of military organizations, a lot of these organizations, veterans organizations, would like to expand the definition of membership to include ancestors and lineal descendants, and we have done that with the law that was passed last night.

Finally, we are clarifying the treatment of childcare subsidies. Currently, the military reimburses half the childcare expense. That is basically a subsidy. Let's say on average a subsidized benefit for two children is $7,700. The current exclusion for childcare subsidies today is $5,000. That is the limit. No more than $5,000 can be excluded from a person's income to date generally. We are now clarifying the law so that for military personnel, the childcare subsidy portion of 50 percent is fully excluded from taxable income.

I believe these changes will go a long way. I thank my colleagues for making tax law more fair to military personnel. We have neglected them over the years. This makes the laws much more fair to them. After all, they are serving us, helping make this country continue to be the greatest country on earth. We are deeply indebted to all of them.

I thank Senators who helped with this legislation, provided ideas, who worked with us to make sure these are in a form that should be enacted into law.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

EDUCATION

Mr. HARKIN. Mr. President, as I have every day and will every day we are in session, I will make a few remarks, and then ask unanimous consent to go to the education appropriations bill, to bring it up so we can debate it and get the funding out there for our schools. I have warned the Republican side, I said every day I am here, I am going to ask unanimous consent to bring it up.

Our schools need this money. If we go to a continuing resolution, we could lose up to $1 billion in funding for special education. We could lose up to $700 million in title I so we can really help our schools truly leave no child behind.

Pell grants for our kids going to college, there is an increase in the education funding bill for middle-class kids to go to college under the Pell grant system. That will not be there for them, either, if we go into a continuing resolution.

Again, the Republicans are holding up funding of education. I don't know why. I have heard all these speeches about the President going around the country, banging on the podium, saying he wants the Congress to act. Well, we are here to act. We are here to move. The education funding bill passed the subcommittee unanimously. It passed the full committee unanimously.

I have tried for 2 or 3 days in a row to bring it up. Yet every time I try to bring it up, there is an objection from the Republican side to moving to the education appropriations funding bill.

I will ask unanimous consent again to bring this up today. I see we don't have any Republicans on the floor right now. I see my colleague from Oregon waiting to speak also on another topic. I know Senate comity requires we have at least someone from the other side on the floor before propounding a unanimous consent request.

I have said repeatedly, every day I am here I will be offering this, so it should come as no surprise to the Republicans I am trying to bring up a unanimous consent request to move to the education appropriations bill. I will hold off a couple of minutes.

I ask unanimous consent that I yield the floor to my colleague from Oregon, and then when one of the Republicans shows up on the floor, we could interrupt his speaking to move to my unanimous consent request at that point in time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent that Senator BAUCUS, who I know has a unanimous consent request to make at this time—and then I could follow him for my remarks—I would like to let Senator BAUCUS make his unanimous consent request at this time, and then per my unanimous consent request, when Senator BAUCUS has completed, I would then make my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—S. 3018

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 3018, a bill to amend title 18 of the Social Security Act; that the bill be read a third time, passed, the motion to reconsider be laid on the table, and that any statements thereon be printed in the RECORD at the appropriate place.

I might say before I put the question to the Chair, as Senator HARKIN has said, there are no Members of the body on the other side, the Republican side, who I know, if here, would object. This has been cleared on the Democratic side.

This is the Medicare give-back bill. It has been cleared on the Democratic side.

I might say in all fairness—here he is. I was going to say, the failure of someone to appear is tantamount to an objection from the other side.

I will repeat the request for the benefit of my good friend and colleague from Oklahoma.

I ask unanimous consent that the Senate proceed to the consideration of S. 3018, a bill to amend title 18 of the Social Security Act, the bill be read a third time, passed, the motion to reconsider be laid on the table, and that any statements thereon be printed at the appropriate place in the RECORD.

Before putting that request to the Chair, again, I add, this has been cleared on this side. Nobody on the Democratic side objects to this unanimous consent request. So I put the request to the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Mr. President, reserving the right to object, I might ask my friend and colleague from Montana, chairman of the Finance Committee, I am just wondering—I happen to be a Member of the committee. I can't remember a markup—did we mark up this bill in committee?

Mr. BAUCUS. Mr. President, there are so few days ramaining in this session that in order to help American hospitals, American doctors, beneficiaries who desperately need this bill, and with so little time remaining, as chairman of the committee I feel I have an obligation to the people of Montana to get this legislation up and passed. There are so few days remaining. We are on the Iraq resolution, which is going to take a lot of time. We are on homeland security, which is not passed. We have all the appropriations bills not passed. As a service to the people of the State of Montana, as a service to the American people, and because this is a bill Senator GRASSLEY, the ranking member of the Finance Committee, and I have worked out together, working with all Members of the committee, trying to find an agreement, which Senator GRASSLEY and I do have, an agreement to the provisions of this bill, this is by far the most efficient and best way to get the help to the people in our States who need this legislation passed.

Mr. NICKLES. If the Senator will yield further, I am a little disgruntled. I am a Member of that committee. I had some issues. Senator SESSIONS wanted me to work with him to do something for the wage index for rural areas. I understand that is not in the bill.

I had a provision I wanted to do dealing with the outpatient prospective payment system. I understand that is not in the bill. There was nothing done on prescription drugs. Senator SNOWE and many of us wanted to do something this year. We never had a markup on that issue in the Finance Committee.

So waiting until the last minute, we have known, frankly, of the necessity to do some type of adjustment. The House passed some of these provisions months ago. The Senate, to never have a markup, never to schedule one even in the Finance Committee, to debate and let all Members—not one and maybe two Members—to offer amendments, to come up with a Medicare adjustment bill, I think, is not letting the Senate work. To come up and say we introduced a bill—correct me if I am wrong, I believe it was placed on the calendar Wednesday, and on Friday they want to pass it without letting somebody offer other amendments. That is not allowing the Senate to work its will as it should.

I happen to have waited many years to be on the Finance Committee. I waited for a purpose. I thought it was such a prestigious committee because it dealt with issues I like dealing with—Medicare, Medicaid, welfare, Social Security, and taxes. Not to be able to do a markup on bills such as this, on which almost always we would have a markup—we would have a bipartisan consensus and maybe then it could pass by unanimous consent through the Senate.

But I don't think we did anything on the wage index for rural areas or on the outpatient payment system. I know we didn't do anything on prescription drugs. So, regretfully, at this point, unless there is—I ask my colleague, how much does this bill cost?

(Mrs. LINCOLN assumed the Chair.)

Mr. BAUCUS. In answer to the question, my good friend knows that October 1 has come and gone. That means 15 percent of home health care provisions that we have to address—large nursing home cuts—the so-called "cliff" that we have to address—and teaching hospital provisions, and after October 1, we have to move. I also say to my good friend from Oklahoma that the ranking Republican on the committee and I spent a lot of time talking with staffs of Senators on both sides, including that of the Senator from Oklahoma—all Senators on the committee and their staffs. This is the bill we all agree on, Senator GRASSLEY agreed to. This has been worked out very thoroughly, and it has been around a long time. The Senator well knows the provisions of the bill. There was a selective error on one—that is, we do address the wage index factor. Most importantly, this has to pass quickly to help our people. The cost of the bill is $43 billion over 10 years.

Mr. NICKLES. It is $43 billion over 10 years. If the Senator will yield further, what is the cost over 2 or 3 years?

Mr. BAUCUS. I don't have that estimate because we have been dealing with 10-year figures here. So it is calculated over 10 years. They are very good provisions. When this comes up for a vote, in whatever form, it is going to get a large vote.

Mr. NICKLES. Madam President, the bill was introduced, I believe, on Monday. It was printed in the RECORD, I believe, on Tuesday or Wednesday. Many of us—most all Senators, including most on the Finance Committee—have not had a chance to look at the bill. I don't believe it dealt with the wage index for rural areas, at least satisfactorily to Senator SESSIONS and myself. I don't believe it dealt with outpatients. I know it didn't deal with prescription drugs, which Senator SESSIONS and others want to deal with this year.

We may be willing to do something, but before we pass bills by unanimous consent—introduce bills on Wednesday and say we want to pass them Friday—it is going to take a little more bipartisan work. There has not been enough of that. Maybe two Senators are in agreement on this bill in the committee. But other committee members are entitled to look at it and to have some input and have a little more of a chance to figure out what is in it. To introduce a bill or have it put on the calendar Wednesday and say we want to pass it on Friday by unanimous consent, I don't think is a proper way to legislate. Also, all of us have known October 1 was fast approaching. As I mentioned before, the House passed this months ago. There is no reason, in my opinion, to not have a markup in the full committee. There is no reason in my mind. We didn't have a markup on prescription drugs in the full committee. I don't think you should disenfranchise members of the committee, some of whom have waited a long time to be a member. For those reasons, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HARKIN. While we are waiting, Madam President—

Mr. BAUCUS. Madam President, I know the Senator is concerned about a couple provisions, and I would like to clarify what the costs are. There are provisions here with respect to wage index for rural hospitals. We clearly want to do the best we can, and all these provisions cost a little bit of money. The provisions suggested by Senator SESSIONS would cost about $10 billion over 10 years. That will be in addition to the $43 billion that is already there.

For the Senator's information, we did rough calculations for 2 years, and it would be about $10 billion for the cost of the bill.

Mr. NICKLES. If the Senator will yield further, you estimate the cost over 2 years to be $10 billion?

Mr. BAUCUS. Yes.

Mr. NICKLES. Let me work with my colleague. I may be willing to come back with a counteroffer in the not too distant future, pulling in a few other members of the Finance Committee and maybe the administration. I would like to see us do something this year in this area. It is not too late. I haven't had a chance to review the proposal that the chairman is trying to pass this morning. I am happy to look at it. I am happy to look at what others are trying to do. We may make a counteroffer in the not too distant future.

UNANIMOUS CONSENT REQUEST—S. 2766

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Madam President, I ask unanimous consent that the majority leader, after consultation with the Republican leader, turn to the consideration of S. 2766, the Labor, Health and Human Services and Education appropriations bill.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Madam President, reserving the right to object—and I will object—the majority leader has the right to move to any bill he wants to move to. It is one of the prerogatives of the majority leader. If he wishes to move to the Labor-HHS bill, he has to set aside a few other bills. I happen to think we should finish the appropriations bill we started a month ago, the Department of Interior bill. If he really wants to move off the Interior bill and go to Labor-HHS, the majority leader can do that.

I don't know what kind of games are being played. People are running to the floor saying, "I want to pass this bill," and it never was marked up in committee or "I want to pass this," and we want to do unemployment compensation. And some people said on the floor, oh, it is a straight extension, but it costs about three times as much as a straight extension. I have not figured out all the differences, but we find out it is much more expensive. It is not a good way to legislate. They say we are going to pass unemployment compensation legislation, and it was estimated by the proponents that it might cost $10 billion or $12 billion. Now I get estimates it is going to cost $18 billion. The proposal was made a moment ago to do Medicare adjustment, and the cost was estimated by the proponents at $43 billion. I have not even had a chance to look at it. So one proposal was $17 billion, dealing with unemployment.

I guess this proposal by the chairman of the Finance Committee is $43 billion, and that is $60 billion. Most of the expenses are over the first couple of years, certainly on unemployment compensation, and I would think on the Medicare adjustment bill as well. And then on successive actions we have people running to the floor saying: I want to pass a unanimous consent, and I hope a Republican will object, and then we can say we didn't pass that bill because a Republican objected—not telling people, wait a minute, did these things go through committee? Do we have an idea how much they cost?

That is a pretty crummy way to legislate. The fiscal year just began October 1, but we didn't know it was going to come, so we will go to the floor. I have made umpteen speeches this month as to why are we not marking up bills and passing the Interior bill. We should have passed the Interior bill in 2 days. We got stuck on a provision dealing with fire management. Several Senators said they wanted to have flexibility on how to deal with fire in their own States. The Senator from South Dakota got a fix in for his State. They are able to do it in South Dakota. I compliment him, but shouldn't the rest of the West be able to have fire management tools to get out some of the dead timber so they don't have such enormous fires? That is what several Senators have asked. Yet we have not even been able to get a vote on that proposal.

If you were managing a bill in days past, you would have an amendment, and you would vote on it. If you didn't like it, you moved to table it. We didn't do either of those. We just let the bill amble along and take up the entire month of September.

Then we have the Department of Homeland Security. I do not know if we are any closer today than we were when we started the day after Labor Day. We are on that bill now for the fifth week. People are running to the Chamber saying: We need to pass an appropriations bill; we are just going to do it by unanimous consent. That is a pretty crummy way to legislate. We did not know we were running out of time; we did not know October 1 was coming; we did not know it was the beginning of the fiscal year. There is gross ineptitude as far as management of the appropriations process and the budget process.

I used to be a member of the Appropriations Committee. I still am a member of the Budget Committee. It is the first time since 1974 that we have not passed a budget. Because we did not pass a budget, unfortunately, it has really clogged up the appropriations process. Now the Interior bill is back on the calendar. We have homeland security, which the majority leader promised the President we would pass. We thought we would pass it before the August break. We have not done it, and we are well into October.

Now we are on the Iraq resolution and, hopefully, we will be able to conclude that shortly. I happen to be one who wants to do the appropriations bills, but the majority leader is the one who sets the agenda, and he is the one who calls up the appropriations bills, not individual Senators calling them up and saying: I have my bill; let's pass it today. No one gets to look at it; no one gets to know how much is in it. No one gets to know whether it is signable or not.

The bill the chairman of the Finance Committee is promoting today has a lot of provisions that I am sure a lot of Senators want. I would like to get a bill the President will sign. I would like to get a bill that does not bust the budget. I would like to get a bill that is responsible. Maybe we can do that. I am willing to work with colleagues. But if you are going to come to the floor and pass a bill dealing with an unemployment compensation extension, it is going to take unanimous consent. We are not going to be able to pass a bill that costs $17 billion or $18 billion when we might be able to do a straight adjustment for $5 billion or $6 billion.

It is the same for the Medicare adjustment bill. It is going to have to be a unanimous consent package that all people sign off on, not just two, and all members of the Finance Committee should have a chance to review it and say: Yes, this is a good package.

I will work with my colleagues. We pass a lot of legislation by unanimous consent, but it takes bipartisan cooperation to do it. I do not think we have seen evidence of that enough. I hope we will see it in the next few days as we conclude this very unproductive year in this session.

Madam President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Oregon is recognized.

Mr. WYDEN. Madam President, I ask unanimous consent that the Senator from Montana speak next to respond and then, per my unanimous consent request, I will make my comments following those of the Senator from Montana.

The PRESIDING OFFICER. Without objection, it is so ordered. Objection was heard to the prior request.

Mr. BAUCUS. Madam President, I thank my friend. We are down to the last several days. It is important we all work together. As we all know, under Senate rules, that number 60 means a lot, particularly with so few days remaining, not knowing exactly how many days remain, but we all know there are not many of them. It is important we all work together.

I thought it unfortunate the Senator used the words "gross ineptitude" in managing the budget process and the appropriations process. I am sure he did not really mean that because, in the spirit of comity, in working these issues out, the Senator well knows both sides are trying to work out solutions, and sometimes there are Senators on both sides who have their particular views which tend to impede or slow down the work of the majority. That happens on both sides of the aisle.

I urge we work together and find ways. Honey attracts more than vinegar, we all know that. I am trying to figure out a way to get more honey around here and a little less vinegar so we can do what we all want to do. I know the Senator agrees with that.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, I appreciate my colleague's remarks. He mentioned 60 as a magic number. At this point, 100 is the magic number. So it takes a lot of bipartisan work and cooperation to get things done because right now we have to do a lot of legislation by unanimous consent.

I think my statement of gross ineptitude in dealing with the budget process is probably pretty accurate. I was not defining any one Senator, but we have not passed a budget. That is a pretty significant failing. We have passed one every year I have been in the Senate for the last 22 years. It is never easy but is always done. Because we did not get a budget done this year, we do not have the appropriations bills done. It has led to a whole chain of failures.

This is the first year—you have to give Congress an F in the appropriations-budget process. We have not sent to the President one appropriations bill, other than a continuing resolution. Not one. I hope we can break that train. I hope we can pass several appropriations bills, certainly the Department of Defense, and I hope others, but we are going to have to move much more rapidly.

The majority leader is going to have to call them up. I hope maybe we can change and have a more productive week. I hope it is just a week and not 2 weeks.

Mr. BAUCUS. Will the Senator yield for a question?

Mr. NICKLES. Yes.

Mr. BAUCUS. I wonder if the Senator can make a telephone call to the other body and have them send over appropriations bills so we can pass them over here—they have not sent over appropriations bills yet—in the spirit of comity.

Mr. NICKLES. I will be happy to urge my friends and colleagues in the House to pass more appropriations bills, but frankly, they are reticent to do so because the Senate is working off much different numbers than the House. Always before, when we passed a budget, ultimately the House and the Senate worked off similar numbers, the same gross numbers. So there is a reason the House is reluctant to pass bills because they are going to pass them at lower figures than the Senate, and they feel as if that puts them at a disadvantage when they go to conference.

I do not know that I agree with that. I know Senator HARKIN was on the floor wanting to pass Labor-HHS. The House has not passed Labor-HHS. I never believed constitutionally that we had to wait on the House. Some people have made that argument, but that is not constitutional. The Senate does not have to wait on the House of Representatives to pass an appropriations bill—a tax bill, yes, not an appropriations bill.

Mr. BAUCUS. That is the point I was going to make, revenue bills, yes. Appropriations bills are not required in the Constitution. However, it has been a matter of tradition for years.

Mr. NICKLES. I understand.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, I ask unanimous consent to speak up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUSINESS OF THE SENATE

Mr. WYDEN. Madam President, I had intended to talk on energy, but since our good friend, the distinguished Senator from Oklahoma, is here and talking about getting the important business of the Senate done in the last few days; I wish to reflect for a minute on how we are in these delays, particularly on issues such as homeland security.

I note that the New York Times this morning points out that on the homeland security bill—and I am going to quote from an editorial in the New York Times:

> . . . the Democrats have made key concessions on personnel management for the department in recent weeks that give the administration almost everything it wants.

It is clear Senators on this side are very anxious to attack the serious questions that are before this country. This editorial really sums it up. They point out literally that Democrats have practically done somersaults to address these important questions that colleagues on the other side and the administration have with respect to homeland security, and this morning in one editorial in the New York Times, they say on the other side of the aisle there is an inexcusable filibuster taking place on a measure that is of great importance to this country as we struggle to win this war against terrorism.

Madam President, I ask unanimous consent that editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IMPASSE OVER HOMELAND SECURITY

The prospect of war so dominates Washington that vital elements of the campaign against terrorism have fallen by the wayside. One victim is the drive to establish a new Homeland Security Department by consolidating disparate parts of the government into an agency to protect Americans from attack. Such a department has widespread support in Congress, but President Bush is foolishly holding up its creation by demanding complete freedom to hire and fire those working there. He claims that such power is needed to run the department properly. There is no basis for such a claim. Moreover, the Democrats have made key concessions on personnel management for the department in recent weeks that give the administration almost everything it wants. Yet Mr. Bush and his Republican allies are inexcusably filibustering a homeland measure that has a majority of votes in the Senate.

For months after Sept. 11 last year, Mr. Bush and the Republicans adamantly opposed efforts to create a department for domestic security. When support for such a measure grew, the White House shifted tactics. Behind closed doors it wrote a bill that would give radical powers to the president to hire, fire and punish employees without due process and to hire people from the outside without respect to Civil Service rules. Since there were no consultations with the departments being consolidated, it was obvious that this demand came more from ideology than from a careful look at what was needed to run the new department.

A group of conservative Democrats has joined with Senator Lincoln Chafee, a Rhode Island Republican, to give Mr. Bush substantially what he wants. The bill would confer on him the power to decertify union affiliation for any federal workers because of national security concerns, but it would require him to declare that their mission had changed in a way that justified such a move. This is a wholly reasonable limitation. The bill would also give the new agency head more flexibility than now available to offer raises, shift someone's job or punish an employee. But it would also require a good-faith effort to consult with the employee or union and submit any disagreements to a federal panel whose members would all be appointed by him.

In trying to eliminate even these narrow limits on presidential prerogative, Mr. Bush has accused the Democrats of putting "special interests"—by which he means unions and workers—above the nation's security. But one might equally argue that Mr. Bush, in refusing to compromise, is making the nation's security secondary to the administration's union-busting conservatism. If the homeland security bill goes down, it will kill not only a vital consolidation of federal agencies but also such measures as an independent commission to investigate the Sept. 11 attacks and increased funding to protect container ports against possible nuclear bombs. In the waning weeks of this session, Mr. Bush should compromise for the sake of one of the nation's most urgent priorities.

ENERGY POLICY

Mr. WYDEN. Madam President, as our country faces the possibility of war with Iraq, one of the most patriotic steps our Nation can take is to change our energy policy and reduce our dependence on foreign oil.

Today, more than half of our Nation's oil is imported from overseas. Reducing our dependence on foreign oil would reduce threats to our Nation's economy and security, whether from enemies who would do us harm, like Saddam Hussein, or simply the greed of the OPEC cartel.

If Congress passes an energy bill that truly reduces our dependence on imported oil, that would be important. It would be a strategic security action. Reducing our dependence on oil imports would clearly strengthen our energy and our national security. It would provide an additional measure of economic security.

Reducing oil imports also strengthens our economy by reducing our vulnerability to shortages and price spikes. And it would be patriotic. As our Nation does face the possibility of war, this would reduce our vulnerability to one of the enemy's most powerful weapons. So far this year, the United States has been importing more than 600,000 barrels of oil per day from Iraq.

How does the energy bill currently in the House-Senate conference reduce our dependence on foreign oil and strengthen our Nation's security? The short answer is it does not do enough. The best way to reduce our dependence on imported oil is, in fact, to take specific steps that do that. That is the critical yardstick—my guess is a lot of Americans might call it a dipstick—that could be used for measuring the importance of any energy bill that Congress passes.

I happen to think the best place to look for those energy savings is in the transportation sector. All the evidence shows the best place to look is in the transportation sector with the cars, trucks, and sport utility vehicles all of us drive each day. By that measure, the conference has basically left us stalled by the side of the road.

At a time when the fuel economy has sunk to the lowest point in 21 years, the conference agreed on provisions that amount to savings of less than 1 mile per gallon. Think about that: At a time when fuel economy has sunk to the lowest point in 21 years, the conference agreed on provisions that amount to savings of less than 1 mile per gallon. That is doing virtually nothing to reduce our dependence on foreign oil.

The bottom line, when one looks at all of the fuel economy provisions together, as far as I can tell by the energy conference at this point, this country would actually be increasing consumption of gasoline by billions of gallons.

Where is that oil going to come from to meet the increased demand for gasoline that I think will be required by the conference as the bill is written now? It is not going to come from the United States. Our Nation has only 3 percent of the known oil reserves in the world. Almost two-thirds of the reserves come, in fact, from the Middle East. Instead of reducing dependence on foreign oil, the energy conference has adopted provisions that would increase consumption and, my guess is, increase imports from the Middle East.

Better fuel economy could have saved millions of barrels of oil a day, almost as much as U.S. imports from the Persian Gulf. The energy conference not only has missed the boat as far as reducing oil imports, it missed the supertanker when it failed to adopt an increased fuel economy standard.

Passing the right kind of energy bill, in fact, would advance our Nation's energy security, our economic vitality, and our strategic interests. I fear Congress may pass legislation that has the word "energy" in the title but does little or nothing to reduce our dependence on foreign oil. That will not strengthen our national security. That will not strengthen our economic security, and it is going to send the wrong message around the world to all of those who would use oil as a weapon against the United States of America.

There are those who are going to try to claim the energy bill could meet all the goals if only the Congress opened the Arctic National Wildlife Refuge to drilling. But even if Congress authorized drilling today, the oil produced would be too little too late to reduce our reliance on foreign oil. Even the rosiest scenarios show if the Arctic National Wildlife Refuge is open to drilling, it would provide only a 6-month supply of oil, and it would take about 10 years to even do that.

Drilling in the Arctic National Wildlife Refuge is certainly a risky proposition. The U.S. Geological Survey, in their most likely scenario, estimates a profitable yield of just 2 billion barrels. If that is the case, the Arctic National Wildlife Refuge drilling, at peak production, would supply no more than 1 percent of America's projected daily petroleum needs.

By comparison, the National Academy of Sciences says the fuel economy savings needed to reduce our dependence on foreign oil would be achieved using existing technologies.

That is the choice, use existing technologies, technologies today that are available in Arkansas, Oregon, Montana, and around this country, something we can look to now to stop those who are using oil as a weapon against us, or look at risky scenarios that do not produce a whole lot and take a long time to do it like drilling in the Arctic National Wildlife Refuge.

Our country urgently needs an energy policy that meets our national security needs and our economic needs, especially as the prospect of war with Iraq looms on the horizon. If the energy conference can produce a bill that actually does it, I think one of the most patriotic steps the Congress can take now is to pass that legislation. If Congress cannot come up with an energy bill that actually meets those challenges, maybe there should not be an energy bill at all.

That is not what I want. I want a bill that takes away the weapons of those around the world who are using oil against this country. That is one of the key challenges we face.

As I go home to Oregon—I am sure this is true in Arkansas, Montana, and all of our States—I see such extraordinary patriotism at this time. The people of our country understand we face extraordinary threats around the world, and I want us to come together to show that we understand how strongly we feel about the concerns of our citizens and that we identify with the patriotism that we see in our communities every day. One of the most patriotic steps that can be taken now is to change our energy policy, stop those who are using oil as a weapon against us, and to actually pass energy legislation that reduces our dependence on foreign oil.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

NEGOTIATIONS REGARDING A U.S.-CHILE FREE TRADE AGREEMENT

Mr. BAUCUS. Madam President, I want to take a few minutes today to discuss the trade negotiations that are currently taking place with Chile.

Let me get straight to the point.

We worked tirelessly this year to reinvigorate our trade agenda by passing the Trade Act of 2002. This legislation includes, as most people know, an extension of fast track negotiating authority—something which was stalled for nearly a decade.

We were able to pass that legislation only after agreeing on a delicate balance for new trade negotiations—particularly on the issues of labor and environment, investment, trade laws, and congressional consultations.

The first test of this new legislation will likely be the U.S.-Chile Free Trade Agreement. Those negotiations are in the final stages—and they are down to some of the most controversial issues.

Let me say at the outset—I have been an advocate for trade negotiations with Chile for several years.

And as recently as several weeks ago, I felt confident about this agreement. Most importantly, the President had just signed the Trade Act, which lays out Congress's goals regarding new agreements. That legislation passed with bipartisan support, particularly in the Senate.

At the same time, an agreement with Chile makes sense—it is, first and foremost, an important trading partner.

Last year we exported over $3 billion worth of goods to Chile. And with an agreement, our opportunities should increase.

Completing an agreement with Chile will also increase pressure on other countries in the region, particularly Brazil, to let go of their protectionist tendencies, and instead work toward their own agreements with the United States.

Because a free trade agreement with Chile seemed substantively promising, I really viewed it as a major opportunity. Here is a chance, I thought, to take this great trade bill we passed, and use it to regain some momentum on trade—to move beyond the arguments of the past.

I now fear that some in the administration, and frankly some of my colleagues, may be squandering this opportunity.

On issues that were critical to passing this bill—congressional consultations, labor, environment, and investment—some seem bent on clawing back the progress that has been made.

Let me begin with consultations, and by that I mean real congressional participation in trade policy an equal partnership.

During negotiations of the trade bill, there was a clear understanding that congressional trade advisors would be able to observe negotiations. Yet just last week I sought to send one of my staff to observe—simply observe—negotiation between the U.S. and Chile. Ambassador Zoellick declined this request.

The argument the administration makes is separation of powers. But, as Justice Jackson famously remarked, the Constitution "enjoins upon its branches separateness but interdependence, autonomy but reciprocity." We need some reciprocity to make the fast track deal work.

The administration when criticized about consultations seems fond of recounting a list of times they have met with Congress. But these statistics have little meaning. The test of consultations is not the number of meetings; it is the willingness to hear substantive input and have that input reflected in trade negotiations.

Similarly, we in Congress certainly expect that the administration will allow us to see negotiating documents far enough in advance to have a meaningful opportunity to comment. That means there must be enough time for reasonable congressional suggestions to be incorporated into U.S. negotiating potions.

In the first test, the results were mixed. On the highly charged issue of investment, a proposal was shared, but only one day before the latest round of negotiations with Chile were to begin. That is clearly not enough time to provide Congress with the opportunity to carefully consider and suggest revisions.

These actions undermine confidence. Why would the administration be so concerned about Congress merely observing negotiations? Why are they reluctant to share documents with Congress that they plan to share with foreign governments? It suggests, perhaps unnecessarily that there is something to hide.

The bottom line is this: There is no substitute for first-hand information. There is no substitute for seeing and evaluating events through your own eyes. And having this greater transparency in the process could have many benefits—better relations between the Hill and the White House, better agreements, and, I believe, a better likelihood that agreements will pass. Given the benefits, I cannot for the life of me understand why the administration would not make more of an effort to engage Members of Congress early in the process.

In the trade act we also hammered out a clear direction to the administration to follow the so-called Jordan standard on labor and environment issues—that is, non-derogation from existing laws and equal access to dispute settlement.

Senator GRASSLEY and I agreed on this—it was key to moving forward—and we spelled this out very clearly in the Finance Committee report.

In fact, just so everyone understands this point, let me read the exact provision in the report that Senator GRASSLEY and I authored:

> The provisions on labor and environment standards are "based upon the trade and labor and trade and environment provisions found in articles 5 and 6 of the United States-Jordan Free Trade Agreement. Those provisions (including their coverage by the Agreement's general dispute settlement procedures) have come to be known as the "Jordan standard." They seek to ensure that a country does not promote exports or attract investment by lowering or relaxing the enforcement of its environmental and labor laws. The agreement with Jordan accomplishes this through several commitments, which the present bill directs negotiators to pursue in ongoing and future trade negotiations.

To me, this is not ambiguous. Yet there are indications that both the administration and some of my colleagues would now like to ignore this clear direction in the Trade Act. They do so at the risk of losing support—including my support—for future agreements.

Finally, let me address the issue of investment. As many will recall, this was one of the most contentious issues in the Senate debate on the trade bill. The question is, in setting rules for arbitration between investors and governments, how do we balance the interests of U.S. investors abroad with the interests of Federal, State and local regulation here at home? In the trade act, we laid out a blueprint for achieving that balance. The objectives we set in this area include:

Mechanisms for prompt dismissal of frivolous claims;

Clearer definitions of key terms—such as "expropriation"—based on U.S. legal principles and practice; and

The establishment of an appellate body to review arbitration decisions in investment disputes and bring coherence to the interpretation of investment provisions.

I am cautiously optimistic about the administration's approach to implementing these objectives.

Early consultations suggest that Congress's instructions were understood.

The one issue on which I have particular concern is the appellate body. It is perhaps the most important aspect of the objective on investment. An appellate body will help ensure that erroneous conclusions of law are corrected and that text is interpreted consistently from one case to the next. Given the potential for investor suits to challenge legitimate policies designed to promote the public welfare, it is crucial that the decisions in these cases "get it right."

I realize that establishing an appellate body is a big task. It is something new. The closest analogy under current investor-state dispute settlement rules is what is known as "nullification." In certain circumstances, a party may ask to have an arbitration award "nullified" by a court or other competent body. However, the standard for nullification is extraordinarily high. The question is not whether the arbitrator got it right, but rather, whether the arbitration process itself was fundamentally tainted.

We need something more than nullification review. We need an institution that will take a fresh look at arbitrators' conclusions of law and decide whether they got it right.

It may be that we will not be able to build a new appellate body for investor-state dispute settlement in the context of the Chile agreement over the course of the next few months. However, it is my expectation that our negotiators will continue this endeavor beyond the formal initialing of that agreement, and that they will secure Chile's commitment to that endeavor. I want to make it clear that any first steps short of true appellate review included in the U.S.-Chile Agreement should be understood as just that—first steps. The trade act's objective requires that we go further.

An agreement with Chile can be one of two things—if supported by a large bipartisan majority, it can put us on the right track for other agreements—agreements with Singapore and Morocco, agreements for hemispheric free trade. It can even help us achieve success in the WTO.

Or this agreement can become a political battleground—where those in Congress who were promised a partnership of equals in trade policy feel duped. Where commitments to agreements that reflect strong labor and environmental standards go unrealized.

I hope that I can strongly support an agreement with Chile—I want to. And I know many of my colleagues who voted for the trade act also want to. But I would caution the administration that they have responsibilities to Congress under this Act. And so far, they seem willing to play fast and loose with those responsibilities. I say respectfully that they continue that path at their peril.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. WARNER. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Madam President, I was privileged 2 days ago to join on the floor with my esteemed colleague, Senator LIEBERMAN of Connecticut, and Senator BAYH and Senator MCCAIN when the four of us introduced the resolution which is the pending resolution before the body. We came together as a foursome, sort of, under the following circumstances.

Senator LIEBERMAN and I, in 1991, were the principal cosponsors of the resolution which authorized President George Herbert Walker Bush to institute the use of force with the U.S. men and women in uniform together with numbers of uniformed individuals from the coalition that he, President Bush, had put together in the fall of 1990 and early 1991.

I had talked with Senators LIEBERMAN and MCCAIN about this forthcoming resolution, which our President requested. I happened to be among the Senate leadership in the Cabinet Room when he spoke to us about a month or so ago indicating he would want the Congress to provide a resolution, given the growing crisis that the world faces with Saddam Hussein and his threatened use of weapons of mass destruction.

I think our President has shown extraordinary leadership in this crisis. I remember vividly the fall of 1990 and 1991 as the buildup was taking place. But that buildup was taking place against the background of the clear, unwarranted, blatant use of force by Saddam Hussein against the people of Kuwait. Together with a number of our colleagues, I visited that region several times. Ever so vivid is my memory of the burning oilfields, of the capital of Kuwait severely damaged. It was something that was indelibly emblazoned in my mind.

The purpose of this resolution is to show the resolve of the Congress of the United States, show the resolve of other nations, not to let that happen again. People say: Where is the smoking gun? Let's hope we do not have a smoking gun. In other words, that gun will not have been fired, leaving a trail of smoke, as it was in 1990 and 1991.

The rapid development of technology in the decade-plus since that conflict undergirds the decision now to bring together a coalition of nations and for the Congress to speak with one voice with our President to try to avoid a conflict.

Each day, I watch our President address this issue. Wherever he is traveling in the United States, time and time again he reminds the people: The last option is the use of force and war. Throughout the history of the world, famous military leaders, George Washington and others, have said the best way to avoid war is to show clearly the preparations and the ability and the willingness to fight.

Through the centuries, that has proven to be the most effective way to deter war.

It is the desire of our President, it is the desire of everyone privileged to serve in the Senate, and indeed in the House of Representatives, to avoid war. But through the leadership of our President, he has brought to the attention not only of the people of the United States but to the people of the entire world the threat posed today by Saddam Hussein.

The conflict in 1990–1991 was fought by Saddam Hussein and repelled by the coalition of nations led by the United States. That conflict, almost without exception, was fought with what we refer to as conventional weapons—the tanks, the artillery people, the rifles, and the hand grenades. We were fortunate in that conflict that weapons of mass destruction such as biological and chemical were not employed to any great extent.

I say that because Saddam Hussein had those weapons strategically placed with his various elements inside Iraq and some forward-deployed cache, if he were to give the order to use them. So they were there. Indeed, the destruction of some of the cache could well have had injured some of our troops. That is still not fully known. But those weapons of mass destruction were poised and ready for use.

Now we know that in the years subsequent to that conflict—once he drove the inspectors who were there in accordance with United Nations resolutions out of Iraq some 4 years ago—he has put the resources of his country behind replenishing those weapons and even building larger stocks and newer types—types that are now more easily transportable, types that can be containerized in weapons.

Here we are faced with the situation of an individual who has extensively utilized in years past—not in the 1990–1991 conflict but in the war with Iran—chemical weapons. He also used those chemical weapons against elements of his own people who he was trying to repress and subject to his tyrannical regime.

So there is a clear case history of the use of these weapons. There is now a clear, documented case of open intelligence that he possesses larger stocks, more versatile stocks and the ability to use them.

How can this Nation and how can other nations just sit and wait?

To the everlasting credit of President Bush, our President, he has alerted the world, and he has taken those steps necessary to prepare this Nation and those steps necessary to engage every possible diplomatic means to avoid conflict. That is the course of action he is embarking on now here at home and in the United Nations and foreign capitals of the world.

Madam President, I have been advised that one of our colleagues has a very tight schedule to enable him to return to his State. This Senator is going to be available throughout the day. At this point in time, I would like to yield the floor as a courtesy to a colleague.

I yield the floor.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Ohio is recognized.

Mr. VOINOVICH. Madam President, I thank the Senator from Virginia for extending the courtesy to allow me to speak for about 13 minutes in regard to the resolution that is before us today.

Madam President, after careful consideration, meditation and prayer to the Holy Spirit for enlightment and wisdom, I rise today in support of the resolution before us.

We all recognize that the world is a very different place than it was before September 11. In spite of the 1993 bombing at the World Trade Center, the attack on the U.S.S. *Cole*, and the attacks on our Embassies in Africa, the threat of terrorism was not taken seriously enough by our country and the rest of the world. The tragic events of that day—our 21st century Pearl Harbor changed the way that we and the rest of the world perceive terrorism and weapons of mass destruction. For America, the loss of more than 3,000 lives demanded this change and, as I said on 9/11, demanded that we "identify those who committed these cowardly acts, as well as those who encourage them through actions or silence, and make them fully pay for their crimes."

Saddam Hussein poses a clear threat to peace in the world, to America and our interests, to regional stability, and to his own people. After briefings by the Secretary of Defense, the President's National Security Advisor, the Director of the CIA, and members of the Joint Chiefs of Staff, I am convinced that the threat is real. He has an arsenal of sophisticated chemical and biological weapons and continues to refine and manufacture them and develop ways to deliver them. He is working as if his life depended on it to acquire nuclear weapons and deliver them. He supports terrorist groups and encourages violence against Israel with cash payments to the families of suicide bombers. Although we have not connected the acts of al-Qaida and 9/11 directly with Iraq, we know that al-Qaida is present there as are representatives of other terrorist groups.

After 9/11, do we doubt that terrorist groups would turn down the opportunity to get their hands on Saddam's weapons and use them against us?

It is well documented that Saddam Hussein has used chemical weapons against his own people and his neighbors. According to the Center for Strategic and International Studies, during the Iraq-Iran War Saddam used chemical weapons in August 1983, against Iranians and Kurds, resulting in 100 casualties; in October and November of 1983 against Iranians and Kurds resulting in 3,000 casualties; in February and March of 1983 against Iranians causing 2,500 casualties; in March 1984 against Iranians causing between 50 and 100 casualties; in March 1985 against Iranians causing 3,000 casualties; in February 1986 against Iranians causing 8,000–10,000 casualties; in December 1986 against Iranians causing 1,000 casualties; in April 1987 against Iranians causing 5,000 casualties; in October 1987 against Iranians causing 3,000 casualties; and in March of 1988 against Iranians and Kurds causing hundreds of casualties.

And, no one needs to be reminded that he invaded a peaceful neighbor and committed countless atrocities against the people of Kuwait until the world community acted in concert to drive him out.

Saddam Hussein has thumbed his nose at the international community for a decade by ignoring U.N. Security Council resolutions—resolutions that required him to disclose his weapons stockpiles, to disarm, and to cut ties to terrorist groups. He has lied repeatedly and has proven beyond any possible doubt that he cannot be trusted.

Moreover, by example, Iraq encourages other rogue nations and groups to follow its lead with a simple message: "Go ahead and do what you want. The world community does not have the backbone to stop you."

That example cannot be allowed to stand. Saddam Hussein is the neighborhood bully and only when neighbors come together and say enough is enough can he be stopped. He needs to understand that the jig is up and the world must act now together to protect the peace by confronting this bully.

It is not only appropriate but essential that members of the United Nations come together to confront Saddam Hussein, and I applaud the President for challenging the United Nations to reaffirm its relevance by standing up to Iraq. Already his diplomatic efforts have produced results. If the President had not successfully crystallized international attention with his speech before the United Nations, then Iraq would not even have started talking about letting inspectors return.

It is imperative that the U.N. Security Council pass a strong resolution demanding that Iraq comply with U.N. resolutions allowing for unfettered inspection without conditions, dismantle his weapons of mass destruction, and that the U.N. back up these demands with the threat of force.

It is my hope and prayer that these diplomatic efforts will succeed. However, if the world is to be safe from Saddam Hussein, if we are to preserve stability in the Middle East, and if the United States is to be safe, then we—in cooperation with our allies—have to be willing to take military action if our diplomatic efforts are rebuffed.

In the event that military action should be required, it should be done under the auspices of the U.N. or, in the alternative, in conjunction with our allies as we did in Operation Desert Storm. That coalition successfully drove Saddam out of Kuwait and paid for $57 billion of the operation. A broad, multinational coalition will send a strong signal of international resolve not only to Saddam Hussein, but to others who seek to acquire weapons of mass destruction. It will show that the international community will not sit idly by, but will instead come together to confront grave threats to peace and security in the world.

Finally, should Saddam Hussein be removed from power as a result of military action or internal upheaval, a strong international coalition will more effectively implement peacekeeping and rebuilding efforts—rebuilding efforts that can largely be paid for with Iraq's substantial oil resources. If we are to count on the international community's participation throughout this effort then it is imperative that we work to solidify their support from the very beginning.

Let us be perfectly clear, Congress has already enacted strong legislation concerning Iraq. The Iraq Liberation Act of 1998 passed the Senate unanimously and passed the House by a vote of 360–38. This legislation established that regime change is U.S. policy toward Iraq and it provided $97 million to Iraqi opposition groups.

The resolution before us today puts a premium on diplomacy first but backs up words with actions if necessary. It is a significant improvement over previous versions that, frankly, failed to adequately prioritize diplomacy and the need for the U.S. to seek international cooperation.

One of the concerns I have heard repeatedly from Ohioans was the fear that the U.S. would go it alone and preemptively strike Iraq without first reaching out diplomatically or engaging the international community. I would strongly oppose that course of action. The resolution before us today, in my opinion, does not allow that to happen.

It makes clear the convictions of Congress that the President should exhaust all diplomatic options first, but if Iraq resists diplomatic solutions, then the President is authorized to use all necessary means to enforce U.N. Security Council resolutions in Iraq.

In section 2, the resolution calls on the President to work with the United Nations. In section 3, the resolution allows the President to back up our diplomacy with action, defend American interests against Iraqi threats and enforce U.N. resolutions concerning Iraq.

In exercising the authority under section 3, the President is required to first determine that reliance on diplomacy alone will not succeed in protecting our national security or lead to enforcement of U.N. Security Council resolutions. Also, he is required to report that determination to Congress and make regular reports on the status of any military action.

This version of the resolution is an improvement over previous versions because it contains new language supporting the President's efforts in the U.N. to obtain Saddam's compliance with Security Council resolutions. It also limits and defines the scope of the authorization to use military force specifically to Iraq instead of the entire region. It limits the duration of authorization to the current and ongoing threats from Iraq and clarifies that the authorization to use force applies to the U.N. resolutions concerning Iraq.

The resolution today reflects compromise, is balanced, limited in scope, and specific in its goals. Most importantly, it reflects the importance of putting diplomacy first and working with the international community to solve the Iraqi threat.

Madam President, I do not take my vote on this resolution lightly and understand the enormous impact it can have on the men and women who serve in our Armed Forces and their families, and on our country and the world.

As Governor I served as the commander-in-chief of the Ohio National Guard during Operation Desert Storm. I attended the funerals of those that did not come back and, because my wife Janet and I have lost a child, I understand the grief of parents and have an insight into the enormous loss to surviving spouses and to their children. I also grieve for those we lost on 9/11 and for their families and I vowed that I would do all in my power to make sure that we would never have another 9/11. Madam President, I believe that voting for this resolution will help me keep my vow. I also believe that voting for this resolution will reduce the likelihood of using force.

Madam President, I trust our President. He is a man of good character. He has surrounded himself with one of the most experienced, knowledgeable teams fielded by any President in my memory starting with Vice President CHENEY to Secretary Powell, Secretary Rumsfeld and National Security Advisor Condoleezza Rice.

I have been briefed by State, Defense, the CIA and the White House. I wish all Americans could have sat in on these briefings.

I believe the resolution before us that was put together in bipartisan negotiations reflects the balance of power that must exist between the executive and legislative branches. It allows the President the authority to use force but respects Congress' power to restrict that authority. It reflects the concerns of Congress that every diplomatic effort be made first and that any action take place in cooperation with the international community.

May the Holy Spirit enlighten the leaders of the world to understand the true meaning of the Second Great Commandment to love they neighbor as thyself and may God continue to bless America as we go forward.

Thank you, Madam President. And I thank the Senator from Virginia for allowing me to make this statement on my support of the fine resolution he has put together.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I thank our colleague for a very strong statement of support. I know he has reflected long and hard on this issue, and will continue to do so. He has searched his conscience, reached his decision and, in a most fitting way, concluded his remarks with prayer, which is so important as we go into these difficult times ahead. I hope at some point he might consider becoming a cosponsor of the resolution.

With the resolution Senators LIEBERMAN, BAYH, MCCAIN and I put before the Senate, we embark on this historic debate. One of my great recollections is of the debate we had in 1991 at the time the first George Bush was President, and sought to use force. It was, with a deep sense of humility, one of the highlights of my career to have been on the floor as a comanager with then-Republican leader Senator Dole and Senator MCCAIN, Senator STEVENS, and others who were working the management side of that historic debate. On the other side of the aisle was the distinguished majority leader, Senator Mitchell, a lifelong friend, Senator Sam Nunn, who at that time was chairman of the Armed Services Committee, and I was ranking member. They took quite a different position.

The Nation experienced a very good debate by the Senate. Of course, at the conclusion of that debate, only by a mere five votes did the resolution—I won't say on our side of the aisle, but it was bipartisan—the resolution Senator LIEBERMAN and I submitted to the Senate prevailed.

We are on the threshold of another debate of similar significance and proportions. I welcome it, as do other colleagues, who at the moment do not agree with the contents of the resolution. We will see in the days to come the evolution of one of the greater debates in the contemporary history of the Senate.

One of the most difficult things any of us here in Congress, indeed, any citizen of the United States, ever faces is a decision to authorize the use of the Armed Forces.

I have been privileged myself to serve twice in uniform, once as a 17-year-old sailor at the concluding months of World War II. I did not go overseas at that time. Fortunately, the war was concluded rather unexpectedly. But we were prepared, my age group of 17 and 18, 19-year-olds, not unlike those today in uniform, to follow out the orders of the Commander in Chief, President Harry Truman. I have in my office today a small bronze statue of him given to me by one of the veterans' organizations as a reminder of the courage that President showed at that time in our history.

When I enlisted in January 1945, the Battle of the Bulge was just completing. It was an extraordinary battle, where Hitler had thrown his last divisions against the force that crossed the Normandy beaches and had been working its way through Belgium toward Germany. I remind our audience today, in that one battle alone, 41,000 Americans were killed, wounded, or missing in action, to give the proportion of the battles that our Nation, together with Great Britain, France, and others, were engaged in in that conflict. That is in comparison to the valiant efforts of our troops today in Afghanistan, where the casualties, fortunately, are in the 100s to 200s so far in their heroic efforts to turn the tide of terrorism.

It is important to remind America of the sacrifices of previous generations, as we make this difficult decision. The Battle of the Bulge was followed by United States forces in the Pacific, when the Marines and elements of the United States Army stormed Iwo Jima. That was a battle of some 6 to 7 weeks. There 21,000 Americans were killed, wounded, or missing. Again, we always have to reflect on the enormity of the sacrifices previous generations have made to enable us to be standing here today with the same courage and conviction they had to face the dangers of the world in this hour, on this day, and in the weeks and months to come.

I remember so well the Korean war. Again, I had the privilege of serving in the Marines. My two periods of military service were very modest. I am always extremely humble when I am in the presence of others who served far more valiantly and displayed far more courage than I ever had the opportunity to display. I was able to serve alongside brave men and some women in both of those conflicts.

Again, in the Korean war, for a brief period, I served in Korea with the First Marine Air Wing. I remember the aviators in our squadron. They flew every day. Occasionally I was in the capacity of an observer with them. Again, I don't put myself in the combat arms category because I was a staff officer. I remember they didn't come home from those missions; several in the tent in which I slept. You are mindful of the sacrifices when you have to take the personal effects of your bunkmate, wrap them in a blanket, and send them back home.

So those are the things that cross my mind as I stand here today and as I will stand on this floor in the days to come as we pursue this resolution.

Even though I had those modest experiences of active duty, and then, I must say, during the next major engagement, the war in Vietnam, I was privileged to serve in the Pentagon, again, alongside the brave men and women of the Armed Forces of the United States who fought in that battle, several of whom are serving in this Chamber today: Senators MCCAIN and HAGEL. Those are truly warriors. But in visiting the battlefields in Vietnam in the concluding months and years after, 50,000-plus Americans were casualties in that conflict. Again, it was the courage and the resolve of that generation and previous generations that undergird the same courage and resolve that is in the Armed Forces today, if the Commander in Chief has to give the order to engage them in conflict.

It is with a sense of deep emotion I deliver these remarks today in support of this resolution which I was privileged with others to draw.

Senator LOTT, throughout the drawing up of this resolution, has shown extraordinary leadership. His door and his office were opened. He convened from time to time small groups of Senators to sit down and gather their ideas and their thoughts. He continues to do that. Finally, the time came when the administration, working actively with the group that was drawing up the resolution, laid down a marker, and that is this resolution.

My distinguished friend and colleague, the chairman of the committee on which I am privileged to serve as ranking member, Senator LEVIN, engaged in his debate this morning in setting forth his ideas, which are very different from mine. Perhaps there will be other Senators who will come to the floor and set forth their ideas, which could be different from this resolution. We will see how, procedurally, the Senate addresses the differing views. But I think those debates and differing views will add to the strength of the ultimate resolution, which I respectfully say to my colleagues will be passed upon with strong, bipartisan support behind the ultimate resolution and the form it takes. I believe it will remain as it is today, but I will not make a prediction as to what might occur.

We must pay due respect to our colleagues who have different views. But the important thing is that the Congress speaks with one voice with our President as he proceeds to address these issues in the United Nations and as he proceeds to engage other nations' leaders to encourage them to accept the same responsibility the United States is prepared to accept in addressing the potential dangers of these weapons of mass destruction which are clearly possessed by Saddam Hussein and his regime.

This is, quite literally, a decision to put our Nation's sons and daughters in harm's way. It is a decision that must never be taken lightly. It is also a decision we must be willing to make when the security of our Nation or our vital national security interests are threatened. Today, our President and others have made it eminently clear that those interests are threatened.

Another interesting bit of history is that our Republic—some 200-plus years old—has sent forth the men and women of our Nation in uniform—depending on the calculation you use—close to 100 times. Some calculations use 80, some 90, but it is roughly 100 times.

The issue is often put to me as to the Constitution, which created the two coequal branches of our Government—the executive branch headed by the President of the United States, and the legislative branch composed of the two Houses of Congress, coequal in their responsibilities as it relates to the crisis we face today and the crises we have had over 200 years when about 85 times—I will use that figure—men and women have gone forth into harm's way. The interesting thing is that in article I, section 8, of the Constitution, it lays out the responsibilities of the Congress. I would like to read this:

> The Congress shall have the Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

Then it goes on to enumerate with specificity the duties and the powers of Congress. One is to declare war. What does that mean? Well, that is the ultimate and most serious responsibility of the Congress of the United States. But as I look over those 80-plus times that the men and women of the Armed Forces have gone forward, only 4 times in the 200-plus-year history has this Congress ever declared war. My recollection is the War of 1812, and then in 1840, and—5 times—the Spanish-American War, World War I, and World War II—5 out of the 80-plus times that the men and women have gone forward.

So why is it we are not declaring war? Well, it would take too long to engage my colleagues, in my own view, as to why we do not declare war. What we are about to do, let me say unequivocally, has the same depth of seriousness and the same depth of consequences to the men and women in the Armed Forces as does the constitutional recitation of the power to declare war. So it is an awesome one.

I respect the vote of every person in this Chamber with whom, I say with a sense of humility, I have enjoyed friendships, working relationships—with some for the 24 years I have been privileged to serve here, almost a quarter century, and with others who are completing their first term, such as my colleague from Virginia, GEORGE ALLEN, with whom I have discussed this in great depth. He has a searching mind, is intensely interested in the points of this issue, is clearly aware of the threat to this Nation, and is strongly in favor of this resolution.

But each will have their own conscience to serve. I doubt if there is a Member of this Chamber who has not spent a great deal of time already in studying the implications of this perplexing conflict that looms with Saddam Hussein, the individual, and his immediate regime—not the people of Iraq, but it is this dictator and those around him. Each of our colleagues has spent time studying this matter.

We have received, in varying degrees, briefings on the facts. My long-time friend, Senator STEVENS, the ranking member of the Appropriations Committee and the ranking member of the Defense Subcommittee on Appropriations, and I conferred with our leadership yesterday. I think there will be a similar initiative taken by the Democratic leadership to bring others in early next week to provide further briefings, particularly in the area of intelligence.

I have undertaken—I will speak for myself—to encourage the administration to see what further declassification we can make of certain facts that could be important to each Senator as he and she reach their decisions on this resolution—facts that will enable them to go back home with coequal responsibility to the duties we have in the Chamber. It is going back home—as I will do this weekend, with two scheduled meetings with people and to talk with my constituents about this resolution, but more importantly, the overall problems that face this Nation today, as posed by this arsenal of weapons of mass destruction possessed by Saddam Hussein.

I cannot tell you the satisfaction I receive—and I think others do—when we go back home to our communities, whether large or small—and it is not necessarily whether they are Republicans, or Democrats, or Independents; they are citizens, and they are focused on this problem. It has been my experience, in the past weeks particularly, that they are focused very intently on this problem. Many have their sons and daughters serving in uniform today. Many now recognize, in the wake of the tragedy of September 11 of last year, that we no longer as a nation enjoy the protections of being here in this country and so much of the threat being beyond the oceans.

If I may, I will enter into a little personal story. My father served in World War I. He was a young doctor who served in the trenches. I proudly hang his picture on the wall of my Senate office—in uniform, in France, where he was decorated for valor and gallantry for going to the front trenches to care for the wounded—wounded himself. I remember when I was growing up and the looming clouds of war began to make an awareness in this country in the late thirties when I was a very young man and the forties that the United States could become embroiled. He, of course, having deep roots in the State of Virginia, took me on trips. We took a trip down the coastline in the area of Norfolk, VA. He wanted to show me the coastal artillery weapons. Not one of those weapons exist today, except maybe in a museum. They were enormous cannons. The whole cannon itself was probably half the width of the Senate Chamber from the barrel back to the carriage where the shell was put in the breech.

My father would say: You know, son, these oceans protect us, but if an enemy were to come, this weapon fires 20 miles out to sea with enormous accuracy. This was a brilliant man, my father. He had seen war. He said: We are protected by the ocean. We are protected by our coastal defenses.

He was proven wrong. In the first place, those weapons hardly ever fired. They were eventually, during World War II, melted down and the metal incorporated in more modern artillery pieces. We did, however, as a nation, experience warfare right off the coast of Virginia and other coastal States on the Atlantic coast when the German submarine force began to sink merchant ships. We were trying to supply those nations abroad in Europe that were suffering the ravages of World War I, and those ships were sunk right off the coast of Virginia.

I went back with my father one time. To his astonishment, there on the beaches was scattered the debris from those sinkings. Those are memories that I cherish and I keep.

I always remember those oceans have protected us—those long distances.

Saddam Hussein is up to 6,000 miles away, and people in the security of our homes say: Is he really a menace to us? We will see unfold here in the days to come the story of how he can take the weapons of mass destruction, he can take some of that biological material and put it in the hands of the worldwide terrorist organization, and we only need to look at 9/11 to know that organization existed then and still, to a lesser extent, to the credit of the initiatives of our President and the men and women in the Armed Forces, it possibly is not as powerful, certainly, as al-Qaida, but it exists today. And if that technology manufactured by Saddam Hussein gets into the hands of those terrorists—and I say as strongly as we try to protect the borders of this country, we put in a lot of measures to strengthen our borders, but it is not beyond risk that material could be smuggled into this country and utilized in such a way as to cause incredible damage and destruction to human life and further complicate our ability to have a security umbrella in homeland defense to enable us to conduct our way of life, perform our work at our places of business, and to live our lives.

It is very serious. This man has that material. For example, open intelligence now shows, and the experts have discussed this in the open, some of the manufacturing infrastructure of the biological and possibly chemical weapons are now on trucks, trucks of the proportions we see on the highways throughout this country; three or four of those larger trucks put together at one location, the manufacturing capability to build—manufacture perhaps is a better word—manufacture the biological and chemicals weapons. We know it is transportable because it can move about in those trucks. He does that to provide deception and cover for his manufacturing capability.

I will point out one other tragic fact. This very institution, the Congress of the United States, together with our postal system, suffered through an anthrax—that is a biological weapon—attack. To this day, no matter how hard our investigative infrastructure has worked—and they have worked hard—we do not have the full story of how that was done.

The leadership of our Senate and the House of Representatives, together with our infrastructure—the Secretary of the Senate, the Sergeant at Arms, the medical department, Admiral Eisold—worked to enable us to as quickly as possible resume the use of the Hart Building which was closed down and took precautions in the Congress of the United States, most particularly the Senate, to carry on our business.

Think of the disruption we experienced. That is the type of threat we are addressing in this resolution. That is the type of threat.

In the days to come, I will have more specifics to share with my colleagues and with those who are following this debate.

None of us wants to see our men and women in uniform committed to foreign battlefields. None of us seeks a war with Saddam Hussein. Our President has reiterated that almost every time he has spoken. I was privileged to be with him the other day on the steps of his office when he addressed the Nation, and I had the privilege of saying a few words in support at the time this resolution was introduced.

He reminded the Nation and the world again: War, conflict is the last resort; that the strength and the resolve that we take now is the best way to avoid that conflict.

There are times, again, we must be prepared and willing to resort to the use of force to protect our national security and the people of our great Nation and those of our allies. This is one of those times, critical times, in the 200-plus years of our Republic.

The principal purpose of this resolution is to authorize our President to use military force if—if—he deems it necessary to remove the threat to our Nation and the world possessed by Saddam Hussein and his growing inventory of weapons of mass destruction—the chemical and biological weapons this evil man already possesses and the nuclear weapons he is racing to acquire—I repeat, working to acquire.

My colleagues will recall in the early 1980s, Israel struck a bold move to bomb the plant that Saddam Hussein was utilizing at that time to build his arsenal of nuclear weapons. That set him back. I often wonder: Could we have, as a member of a coalition of nations, prevailed in the gulf war of 1990 and 1991 had that plant finally, with other elements of infrastructure, produced a nuclear weapon?

Stop and think about it. That war, in terms of combat by the coalition forces, was 100 hours of vigorous fighting to repel Saddam Hussein's forces out of Kuwait and drive them across the border of Iraq. Could we have done that war as successfully in the face of a nuclear weapon had he possessed it at that time?

I remember going with other Members several days after the conclusion of the final hours of that war, visiting the battlefield on the border of Iraq strewn for miles with abandoned and burning equipment, where the Iraqi armed forces dropped their arms, fled to their homes, and the safety they felt their borders provided. Had he had a nuclear weapon at that time, they might not have turned, dropped their arms and ran.

We know he is working on it. There is unquestioned evidence to show he is working to obtain that category of weapons. But the primary concern we have at the moment is he actually possesses weapons of mass destruction in the category of biological and chemical. That is irrefutable in fact.

The principal purposes resolution is to authorize our President to use that force if, and I repeat, if he deems it necessary to remove the threat of those weapons for the security of our Nation and other nations.

As recently as September 19 of this year, a week after President Bush addressed the United Nations, Saddam Hussein denied he has such weapons. It was clear in 1984, when Saddam Hussein used chemical weapons against Iran, that he had such weapons. It was clear in 1987, when Saddam Hussein used chemical weapons against his own citizens in the Kurdish areas, that he had such weapons. It was clear in 1994, after UNSCOM—those are the first inspectors—had uncovered enormous stockpiles, that he had such weapons. It was clear in 1998, when Saddam Hussein expelled UNSCOM inspectors from Iraq that he had such weapons. It is clear in 2002, after 4 years without the international United Nations inspectors being able to perform their duties, that Saddam Hussein has such weapons and is urgently attempting to manufacture and acquire more, most particularly the nuclear capability of weapons.

This resolution also authorizes the President to use all necessary means to ensure that Saddam Hussein complies with the U.N. Security Council resolutions which prohibit Iraqi support for terrorism and terrorist organizations, prohibits Saddam Hussein's repression of minorities within his country, require repatriation and accounting for prisoners of war—that is the 1990 war—which he was required to do but has defied the resolution; and return of such other property as owing to Kuwait, that small little country he so devastated in 1990–1991.

Why now, is the question we hear in this debate? And I pay respect to those who raise questions because I think it is important that the toughest of questions are raised.

The answer is simple. Enough is enough. In this post-9/11 world, we as a nation cannot afford to wait while this evil dictator, who terrorizes his own people and shelters those who terrorize others—just think, al-Qaida elements are now known to be within Iraq—acquires even more destructive capabilities to attack and terrorize our Nation, possibly his neighbors in the region and the entire world.

Saddam Hussein brutally invaded Kuwait in August of 1990. In the ensuing Persian Gulf war, he was decisively defeated on the battlefield by the coalition of forces in that heroic battle of roughly 100 hours.

In the aftermath, Saddam Hussein agreed—and the pictures are there of his representatives meeting in the desert to sign these agreements—to comply with a number of U.N. Security Council resolutions. He was defeated. The coalition forces made a decision not to pursue the remnants of his bedraggled fleeing army into Iraq, but they decided to impose upon Saddam Hussein and his regime a very strict set of resolutions in order to prevent any comparable use of aggression by his forces beyond his borders.

Almost 12 years later, we are still waiting for Iraq to comply with those international mandates. Saddam Hussein has defied the international community for far too long. Diplomatic efforts have not worked. Economic sanctions have not worked. He has skillfully figured out how to evade those sanctions, to sell on the world oil market.

His nation has the second largest known reserves of petroleum, second only to Saudi Arabia, from which he can generate considerable oil revenues—and that he has done in the ensuing years, skillfully evading the United Nations clear restrictions on the use of oil revenues; diverted it away from his people, let them starve; diverted it away from food and medicine to care for his people; diverted those funds into building weapons of mass destruction.

The time is running late. That is why now. The time is now for Saddam Hussein to live up to the 16 U.N. resolutions he has defied.

In my public life, I have had the privilege of working with two very well-respected Secretaries of State, and I want to take a moment to quote these two Secretaries, George Schultz and Henry Kissinger. These are men who have dominated the international scene and worked with world leaders for many years. I know them both very well, I am privileged to say. This has nothing to do with politics, nothing to do with Republican versus Democrat. These are their views as the elder statesmen. They are still both very active in international discourse, still very active in trying to achieve peace in the world. Extraordinary. They have not rested on their laurels and slipped back into blissful retirement. They still remain on the cutting edge of diplomacy the world over.

Secretary of State George Schultz recently stated:

> The danger is immediate. The making of weapons of mass destruction grows increasingly difficult to counter with each passing day. The moment is racing toward us when Hussein's possession of nuclear weapons could transform the regional and international situation into what in the Cold War we called a balance of terror.

He is referring to that period when our Nation and other nations were faced with an awesome inventory of nuclear weapons possessed then by the Soviet Union.

Strong determination in the Western World—and led in the final days by a very courageous President, Ronald Reagan, who said, tear down that wall, Mr. Gorbachev, referring to the Berlin wall. Because of the determination of the free nations and because of the voice of expression of so many people who had been repressed in the Soviet Union, that wall did come down. Today we see a revived and strengthening nation of Russia. There is a clear example of when forces of freedom gathered against the forces of oppression and were successful.

I remember going to that wall with Senator Moynihan, a wonderful, marvelous friend of mine from New York, as it was being torn down. We were part of a delegation. We actually went out with people who were gathered there who picked up their own hammers and chipped off pieces of the wall. The chip is on my mantle in the Senate. That little chip reminds me of the symbolism and the importance of nations resolving to have the strength to overcome oppression.

Shultz said the moment is racing toward us when Saddam Hussein's possession of nuclear weapon could transform the regional and international situation into what in the cold war we called the balance of terror. Some argue that to act now might trigger Hussein's use of the worst weapons. We must have that in mind. Such self-imposed blackmail presumes easier judgments when he is even better equipped than now. "Time is his ally," concluded Secretary Shultz, "not ours." Ours, being the United States, Great Britain, whose Prime Minister has stood steadfast with President Bush in the resolve to alert the people of both of our Nations to the potential dangers.

(Mr. DAYTON assumed the Chair.)

Mr. WARNER. Prime Minister Tony Blair, whom I have been privileged to be with on several occasions, has shown enormous courage, in the face of dissension among his own political party, dissension of the people in Great Britain who marched in the streets, 100,000, but that is the burden put on leadership, be it in Great Britain, America, or elsewhere, to go and explain.

As George Shultz said, time is Saddam Hussein's ally, not ours. We must join our arms in a solid phalanx to repel the threats of the weapons of mass destruction possessed by Saddam Hussein.

Continuing in the testimony before the Senate Foreign Affairs Committee last week, Dr. Kissinger testified. I talked to Dr. Kissinger by phone. I do it occasionally, as do other Members of the Senate. He is always available, no matter how busy or where he is in the world, to take the calls from the Senate Members from both sides of the aisle.

I was engaging with Senator LEVIN in an effort to have him testify before our committee, but travel commitments prevented that. He wanted to do it, but said he would testify, if not before our committee, before the Foreign Affairs Committee. I commend Senator BIDEN and Senator HELMS, Senator LUGAR, and others who persuaded him to come down.

In his testimony before the Foreign Affairs Committee, he said:

> Unlike previous centuries, when the movement of armies foreshadowed threat, modern technology in the service of terror gives no warning, and its perpetrators vanish with the act of commission. Cold war principles of deterrence are almost impossible to implement when there is a multiplicity of states, some of them harboring terrorists in position to wreak havoc. The concern that war with Iraq could unleash Iraqi weapons of mass destruction on Israel and Saudi Arabia is a demonstration of how even existing stockpiles of weapons turn into instruments of blackmail and self-deterrence. Procrastination is bound to magnify such possibilities.

Both Secretaries join in concluding in these remarks that time is Saddam Hussein's ally. Time is not ours.

Again, I commend our president, President Bush, for the leadership he has shown on this issue. Saddam Hussein is a threat, not just to the United States but to the world, with his relentless drive to manufacture and acquire weapons of mass destruction. We would not be having this debate in the U.S. Senate had not our president focused the attention of the world on this threat to freedom.

Time and time again, abroad, at home, wherever he is, he stops to points out this threat. We would not have in the United Nations at this very hour the consideration of a new and strong resolution, we would not be having this debate in the United States at this very hour, had not this courageous President of ours for months and months brought to the attention of this Nation that time is not on our side.

President Clinton, to his credit, in 1998, brought this to the attention of the Congress, sought and received a resolution from the Congress which in many respects is parallel to this. But then again, and I do not criticize the President; I simply point out the fact of history, Clinton felt the United Nations would step in and pick up their responsibility as required by their charter. President Clinton directed and utilized force in December of that period, had a bombing of Iraq when the inspectors were driven out. But again, the United Nations began to go through its motions and this Nation and other nations felt we could entrust them with addressing that serious problem recognized by President Clinton in 1998. But they failed. They failed. The U.N. failed.

Let us hope they do not fail today or tomorrow or in the weeks to come in devising a resolution, the four corners of which I think this Nation has outlined to the Security Council, which if it is a decision that inspectors once again go back, then and only then they go back if it is a new regime with teeth in it, backed up by the clear expression of the use of force if, in fact, Saddam Hussein does not cooperate, Saddam Hussein does not allow them to perform their duties consistent with such new directives as the United Nations may lay down. That process is now on hold.

Members of the Senate have had available to them extensive briefings from senior administration, national security, and intelligence officials on the situation in Iraq. We are continuing with that consultation. These are sobering, thorough assessments that have been given to Members. A common base of knowledge of these facts is being gathered and presented to the Senate—much classified but an increasing amount unclassified. But that adds up to a clear threat that Saddam Hussein poses to the United States, to the region in which his nation is situated, and to elsewhere in the world. In particular, Saddam Hussein's relentless pursuit of weapons of mass destruction and the means to deliver these weapons represents a present threat and an immediate challenge to the international community.

That is the basic framework in which our President went to the United Nations and gave his historic speech. I think there is not one on either side of the aisle who does not respect that moment in the United Nations when our President stood up and challenged them to live up to their charter.

I remind my colleagues that the Iraqis agreed in writing on April 6, 1991, just weeks after the 100-hour war had concluded, in a letter to the U.N. Secretary General from the Iraqi Foreign Minister—Iraq as a nation accepted the cease-fire conditions as embodied in U.N. Security Council Resolution 687. It is very clear. It is all a matter of record. Not today, but next week I will put that resolution and its full text in the RECORD.

Prior to that, we all watched as Iraqi generals, at the direction of Saddam Hussein, met in a tent. I remember the pictures very well. It was a tent in the middle of the desert, at the Safwah Airfield in Iraq, with Gen. Norman Schwarzkopf. What an American hero he was. I had the privilege, together with many of my colleagues, to visit him on several occasions. As a matter of fact, I remember one time on our fourth trip over there, he said to us—and he was a man who had a good sense of humor—if I see any of you back here again, I am going to put you in khakis and send you out into the battlefield.

I remember that. He had a good sense of humor. But he used to brief us thoroughly and carefully. What a magnificent individual: The right man at the right place at the right time.

Anyway, at that airfield, General Schwarzkopf, the commander who had led the forces of the coalition in that 100-hour engagement, discussed the conditions of a cease-fire. He witnessed the signing of the papers. He transmitted those papers to the United Nations. Colleagues, those conditions have never been met by Saddam Hussein and his regime. That is why we are gathered here today for this debate.

Last month, our President gave an historic speech, as I said, at the United Nations, challenging the U.N. to live up to its responsibility as stated in article I of the United Nations Charter, and I quote his remarks:

> . . . to take effective collective measures for the prevention and removal of threats to the peace.

In my view, President Bush was clearly there not to seek a declaration of war but to challenge this important organization to live up to the terms of the charter. That speech was one of the finest and most important speeches ever given by a head of state of any nation to the United Nations. The speech dramatically elevated the level of debate and the attention of the world's leaders on Iraq's conduct and continued defiance of the U.N. It further challenged the nations of the world to think long and hard about what they could expect from the United Nations: Is it to be effective and relevant—their actions today, tomorrow, and in the weeks to come—and live up to its charter, over 50 years old? Or is it to be irrelevant and fall into the dustbin of history, as did the League of Nations, as the world descended into the darkness in the years following World War I and on the eve of World War II?

There are among us Senators, and I hope one who will soon speak who has spent much of his life studying diplomatic history. I will not take further time, but I do want to bring to the attention of Senators a little bit of history about the League of Nations. It was put together in the aftermath of World War I to prevent further conflict. I remembered, as I spoke about my father who served in World War I, our library that was filled with books about the history of that conflict. I remember one book was entitled "The Last Great War." There it is. I still have that book, "The Last Great War." And the world reposed trust and confidence in the League of Nations, to ensure that war wouldn't happen.

I learned so much of my history from my father because when I was young, he would have me read the newspapers with him. I remember the world was shocked in the 1930s, the late 1930s, when Mussolini, in a bolt out of the blue, invaded Abyssinia—a small nation presided over by a world-renowned statesman and President, Haile Selassie.

I remember when I first came to the Senate, he came to Washington and a group of us went down and had breakfast with him. I will put in the RECORD at another time the quotes of Haile Selassie, pleading with the League of Nations to come and rescue his tiny little nation from, in those times, the high-tech Italian Army decimating his country.

What did the League do? It debated, it debated, it debated, it debated. It did nothing.

I remember there was one press report. The reporters covered these debates, covered what the League was discussing. One day, finally, the League decided to issue a press release. It said something to the effect that: There is a hope that we can make a little progress.

That reporter said: I don't know how I can report in truthfulness that press release when in fact I am privy to being in closed session, behind closed doors, and seeing that the League is doing nothing—nothing to resolve that conflict. And nothing they did. They limped on as an irrelevant international body throughout much of World War II and finally packed up their remnants of files and furniture and office spaces, and I think they are in the archives of the U.N. somewhere.

Perhaps my colleague would be interested in probing, as I have, and will in the days to come, that bit of history. We are on that threshold now, when this organization can become irrelevant, as did the League, and go into the dustbin of history. That is the challenge this President has placed at the doorstep of the U.N. today.

Of equal importance, the President's U.N. speech articulated a clear, decisive, and timely United States policy on Iraq; that is, to remove the threat before Iraq is able to use its weapons of mass destruction. The United States is now firmly on a course to accomplish this policy and invites the nations of the world to join.

Prior to his U.N. speech, this body, Members, challenged the President to do exactly what he did, go to the U.N. As our President builds this international coalition, it is vital that he do so with the strong bipartisan support of the Congress. That is the purpose of this resolution. Over the summer, many Members of Congress and many American citizens expressed the hope for meaningful consultations between Congress and the President, as well as consultations with our allies in the United Nations. Our President has done exactly that.

It is now time for Congress, in accordance with his expressed request to the Congress, to express to the people of our Nation and to the world its support of our President, squarely and overwhelmingly—with no daylight whatsoever—between how we stand firmly behind our President. That is the purpose of this resolution.

I say this as my own view: To the extent that Congress joins and supports our President and sends that message unambiguously to the international community—most particularly to the United Nations and to Saddam Hussein with this resolution as now drafted—is to the extent to which we will be able to get a strong and decisive action from the United Nations.

We are making success. The reports are this morning that Hans Blix—who has been deputized here in the past years to begin to work out plans for such further inspections in Iraq—when Hans Blix came back he was ordered to the Security Council. The thought this morning was that he believes before he goes back that he wants to see what actions the Security Council will take to enable a new regimen of inspection to be effective and not to be thwarted by Saddam Hussein.

We are, at this hour, at a very important juncture. I hope this body, as well as the House of Representatives, will send a resolution that will have no daylight that could be exploited most certainly by some of those nations that do not share the threat now that we know exists and that could be used not only against us but against them, possibly.

It is my firm conviction that diplomatic efforts to achieve Iraqi compliance with all applicable United Nations Security Council resolutions—16 so far—will fail unless the Iraqi dictator, Saddam Hussein, clearly understands that swift and decisive force will be the automatic consequence of any additional thwarting of such inspections as may be agreed upon.

Clearly, there are risks associated with confronting Iraq. I have enumerated those in some detail. But the risks associated with inaction, to me and to our President, are far greater if we fail to confront this danger now—not tomorrow; now.

Some argue that a war with Iraq would distract our attention from the global war on terrorism. I disagree, and that disagreement is predicated on the testimony of not only administration officials but, most particularly, the leadership of the Armed Forces of the United States. They can handle both situations. That remains clear, certainly to the Committee on Armed Services.

Confronting Saddam Hussein now is a logical step, a necessary step, and a mandatory step to rid the world of his potential.

As President Bush reminded us a few days ago when I was privileged to join him on the steps of his office:

> We must confront both terrorist cells and terrorist states because they are different faces of the same evil.

How will we explain to the American people—in the wake of a possible future attack on the United States or U.S. interests, directly by Saddam Hussein, or indirectly through surrogate terrorists equipped and directed by him—that we, the Congress, knew Saddam Hussein had weapons of mass destruction, that we knew from history that he did use them against others, and that he intended to manufacture and acquire even more and to use these weapons possibly against us and others, and yet the world failed to act timely?

Now, more than ever, the Congress, as a coequal branch of government, must join our President and support the course that he has set. We have to demonstrate a resolve within our Nation and internationally that communicates to Saddam Hussein a clear message that enough is enough. You are to be held accountable to the world law and order as enunciated in 16 resolutions—and possibly a 17th—of the United Nations. He has to be convinced that America and international resolve is real, unshakable, and enforceable if there is to be a peaceful resolution. But, if diplomacy fails, we must be prepared to act.

I was never more proud of an American President than Wednesday—again, on the steps of his office, joined by many of us here in this Chamber—when he said:

> We will not leave the future of peace and the security of America in the hands of this cruel and dangerous man. None of us here today desires to see military conflict because we know the awful nature of war. Our country values life and never seeks war unless it is essential to security and to justice. America's leadership and willingness to use force, confirmed by the Congress, is the best way to ensure compliance and avoid conflict.

I support our President's call to duty. I urge my colleagues to likewise join.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DODD. Mr. President, I ask unanimous consent that I may be allowed to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ELECTION REFORM

Mr. DODD. Mr. President, I know the debate is about Iraq and the pending resolutions. At an appropriate time, I would like to address that subject matter. But I want to take the floor briefly this afternoon to announce some good news. Early this morning, at around 2 a.m., we were able to reach an agreement on the election reform bill between the House and the Senate.

Earlier today, I held a press conference with the leadership on this bill in the House, including Congressman BOB NEY from Ohio, the chairman of the House Administration Committee; Congressman STENY HOYER from Maryland, and Congresswoman EDDIE BERNICE JOHNSON from Texas, who is the chairperson of the Congressional Black Caucus; as well as my colleague from Kentucky, Senator MCCONNELL, and my colleague from Missouri, Senator BOND; with statements from CORRINE BROWN from Florida and JOHN CONYERS from Michigan, my original cosponsor, who could not be there but wanted to be heard on this issue.

This has been a long and arduous trail over the last two years, as I know the Presiding Officer is aware. I believe the Presiding Officer was in the Chair about a year-and-a-half ago when we announced on the floor that we had an agreement, at least in the Senate anyway, on this issue.

So it is a historic day. If we are able to adopt this conference report in the coming days before adjournment, it will be the first time in over 200 years—since the founding of this Republic—when the Federal Government becomes a partner with the States and localities in the conduct of Federal elections.

None of us have to be reminded of the tragic events that occurred almost 2 years ago in Florida and many other places around the country. They showed that the condition of our democracy was deteriorating because the quality of our elections was falling apart.

Trying to reform the electoral process was critically important for all of us. We needed to provide adequate resources—the change of outdated equipment. In my own State of Connecticut, we have used the same voting machines for 40 or 50 years now. The company that made them has long since gone out of business. In light of the constitutional crisis that plagued our nation two years ago, I believe it would have been a great shortcoming not to pass this legislation before the end of this session of Congress.

There has been a lot of talk about whether or not we would get this done. Obviously, when you talk about election reform, unlike other subject matters where people will likely defer to someone who may know more about the subject matter, every one of us in this Chamber is an expert because we got here through the electoral process.

For too many years, there has been a Republican suspicion, as my colleague from Kentucky likes to point out, that Democrats were interested in having everyone vote, no matter if they had a right to or not; and Democrats were suspicious of Republicans that they too often wanted to deny people a right to vote or to make it difficult.

It is very difficult to craft a piece of legislation when people have such reluctance and hesitation. However, we were able to break down all of that, and what we did is come up with a bill that has new responsibilities, new rights, and new resources for the first time in our country.

It is a civil rights act in many ways. The rights here will say: The voter gets to cast a provisional ballot; and the voter has a right to see your ballot and correct your ballot. In addition, the bill gives the voter a right to redress grievances through a remedy process, if, in fact, a voter is denied these rights.

I will quickly say, a remedy process that isn't everything I would like it to be, but the bill that came out of the Senate had very little remedy in it while the House had none. We fashioned a remedy in conference which, as you know, is very difficult when there are strong voices in opposition to doing anything.

We did not roll back in any way the motor voter legislation. The Department of Justice is involved, obviously, to enforce the provisions of this act.

The responsibilities are also here on the part of voters. Senator BOND felt very strongly about having some requirements that a person who is registered by mail or voted by mail would in some way identify themselves.

I know there are those who are concerned that having some form of identification could be problematic for the first-time voter, for the first-time registrant. Those provisions are in the bill.

If you are a first-time voter or registrant, then you have to provide some identification. There is no requirement in this bill that mandates any specific form of identification. Can you use a photo ID? Yes, you can. It must be current and valid. That is all we say. Can there some other forms of identification? Yes, there can be.

We also provide that States must check the last four digits of a voter's Social Security number or driver's license. If the voter has neither, he or she will be given a four-digit number. It is a simpler way and less intrusive for people to become registrants.

You would have statewide voter registration for the first time. So if you move around in your State, from one town to the next, you do not have to register again every time you move. But if you move to another State, you will have to register in that new State. We think that this is going to help a great deal toward eliminating some of the fraud issues because people won't be able to jump around from one local jurisdiction to another local jurisdiction in the same State and vote in different places. And with high-technology, we will be able to monitor the process much more effectively.

These are the rights and responsibilities in this bill. The resources are $3.8 billion over the next several years. The administration had already agreed, with Speaker HASTERT and others, to commit more than $400 million in fiscal year 2002–2003. Obviously, as part of the supplemental, that money got vetoed by the President, but not because of election reform. We are very confident, based on conversations the House leadership has had and the discussions we have had here, that there will be something in the neighborhood of $750 million included right away, so antiquated equipment in the States with levers or punch-card systems can be replaced.

Now, do I have an absolute guarantee for all of that? Obviously, no, because we have to vote on the appropriations. Did I condition these requirements on it? No. Are there requirements here? Yes. But this is an authorization bill. Obviously, if you do not have it as a requirement that had to be met, and you left it to the vagaries of whether or not the appropriations would be made, then these requirements would only be voluntary, and all we would be doing is subsidizing the status quo.

For those who are concerned we have no ironclad commitment on this, that is difficult to get in any area of our budget. But I am convinced, given the bipartisan nature of the support for this bill, the bicameral support for it, knowing how strongly the State and local officials feel about it, that we will be able to achieve the necessary funding requirements in the coming years.

There are staggering provisions in the bill where various points become operative. If we had passed this bill a year ago, we might have been able to move up these dates. In light of the fact we are passing the bill in the very last days of the 107th Congress, it is going to be more difficult to effectuate some of these changes in the shorter term.

We all witnessed what happened recently in Florida with new equipment and new requirements down as a result of legislation passed at the State level. There was a lot of misinformation, a lot of confusion. We want to be careful not to do that here. We have new requirements. We have new responsibilities in this bill. We want to give people an adequate time to become familiar with them.

We have provisions that will assist communities to educate poll workers. We encourage young people to become involved as poll workers and poll watchers and to encourage their participation. We establish a permanent commission. For the first time, the Federal Government will have a place where people can comment on an ongoing basis on how we can improve the right to vote and to have the vote count. Despite the fact the Constitution speaks clearly about a Federal role and a State role in the conduct of elections, we have never done this before.

For most of the last 200 years, the Federal Government has honored its Constitutional commitment. Except for the Voting Rights Act in 1965, the Federal Government largely has stayed out of the States' role to conduct elections. We are not becoming overly intrusive. It is still a local matter. It is still a State matter. But we have become, with this legislation, a partner where we say to our local communities and States, in the conduct of Federal elections, your government wants to help, wants to be involved through resources. By creating some requirements, by creating some responsibilities, we think we can vastly improve the process.

For 20 million Americans who are disabled, who are either blind or manually disabled, if we pass this legislation, for the first time there must be voting equipment mandated by law that will allow a blind person or a manually disabled person to cast a ballot privately and independently. Presently, there are no ballots written in braille, or an audio system—except for one jurisdiction.

If you go into any building in this city, there are requirements that an elevator be in braille so you know what floor you are going to. The day has arrived when a person, regardless of their ability to see or not, should be able to walk into a polling place and read a ballot in braille. This is not the 18th or 19th century. It is the 21st century. I am proud to say, on a strong bipartisan basis, with little or no debate or argument, we have included in these provisions a requirement that people who are disabled, particularly those who are blind, will for the first time be able to walk into a polling place and not have to rely on a stranger to go in and help them cast a ballot.

I have a sister who has been blind since birth. She is a teacher. I am very proud of her. She is a remarkable woman. I would like to know that my sister, as she reaches retirement age as a teacher, will, as a result of her brother's work on a bill, be able to cast a ballot without having to rely on someone telling her how to vote. So for millions of disabled Americans, this legislation is a major breakthrough for them as well.

I do not intend to go through all the details. If there are people here demanding perfection, I will have to disappoint them. If I could have written it myself, it would have been different. But, unfortunately, there are people who gather in a conference who have differing opinions. I wish they didn't, but they do. When they do, you have to compromise. That is not an ugly word. As long as you are not compromising your principles, that, in a legislative context of working out arrangements, where there are people who hold strong views, is the only way we get anything done.

I ask unanimous consent that a list of the staff people in my office and that of Senators BOND and MCCONNELL, Congressman HOYER, Congressman NEY, and others be printed in the RECORD.

We don't give these people enough credit. They were up all night last night scrubbing through this bill. After we quit about 2:00 or 2:30 in the morning, they stayed at it all night. I wish the American people, when they talk about faceless bureaucrats, sometimes could peer down and see on how many nights and how many days, long after the Members have argued their points in broad terms, these fine staff people of ours, who work on behalf of taxpayers, stay on countless nights, through weekends, to hammer out details, to see to it we produce the products we can. I am deeply grateful to all of them.

They include:

Kennie Gill, Ronnie Gillespie, and Shawn Maher.

Chairman Ney's staff: Paul Vinovich, Chet Kalis, Roman Buhler, Matt Peterson, and Pat Leahy.

Senator McConnell's staff: Brian Lewis and Leon Sequeira.

Senator Bond's staff: Julie Damann and Jack Bartling.

Senator Hoyer's staff: Bill Kable, Keith Abovchar, and Len Shanbon.

Senator Schumer's staff: Polly Trottenberg.

Senator Durbin's staff: Bill Weber.

Eddie Bernice Johnson's staff: Paul Braithwaite.

I thank Congressman NEY. I didn't know him very well before. He is from Ohio, worked in the State legislature of that State, and is chairman of the House Administration Committee. I have developed a strong affinity for him. He is a fine person, a fine man. He fought very hard for what he believed in, defended the other body's positions. Because of the many nights and weekends, we have gotten to know each other.

I thank Congressman STENY HOYER. Many of us know and served with him over the years, from Maryland, a remarkably fine individual who did a great job with Congressman NEY in producing the House bill. He has been the leader in the House on so many occasions dealing with disability issues. From his staff, Bill Cable, and others did a wonderful job. I thank him.

My colleagues over here, I mentioned Senator BOND and Senator MCCONNELL. I thank Senators SCHUMER and DURBIN, who worked very hard. BOB TORRICELLI worked on an early bill with Senator MCCONNELL, did a great job trying to bring this matter to our attention. There are so many people here. I am afraid I will leave people out.

I ask unanimous consent to include statements by Congresswoman Eddie BERNICE JOHNSON, Congressman JOHN CONYERS, and Congresswoman CORRINE BROWN be printed in the RECORD.

There being no objection, the material was ordered to the printed in the RECORD, as follows:

STATEMENT BY CBC CHAIR EDDIE BERNICE JOHNSON ON THE PROPOSED ELECTION REFORM CONFERENCE COMMITTEE AGREEMENT (AS PREPARED)

Thank you. I am pleased to join Members of the Election Reform Conference Committee today as we announce this historic agreement.

Our democracy begins and ends with the fundamental right to vote. Truly, today we have taken an important step forward towards our goal of making sure every vote cast is counted.

It has now been six hundred and ninety six (696) days since the 2000 elections revealed a pattern of voter intimidation, inaccurate voter registration, arbitrary ballot counting standards and antiquated machinery that deprived millions of citizens of their right to vote.

We have certainly waited long enough for election reform legislation.

I must thank Representative Steny Hoyer, who has been battling every day since the 2000 elections to extend these important protections to our nation's voters. His leadership in getting us where we are today on this legislation has been limitless, and I thank him for everything that he has done.

In the same spirit, I must also thank Representative Bob Ney for his hard work in helping us bridge the differences between these two bills.

The CBC has had terrific support from our colleagues from the other chamber, and I would like to especially commend the efforts of Senator Christopher Dodd, who has worked alongside the Caucus and the civil rights community to ensure that the issues we care about most deeply are being addressed in the final bill.

I would also like to thank Senate Majority Leader Daschle for his leadership on bringing this bill to the Senate floor earlier this year.

Finally, I must thank the 38 Members of the Congressional Black Caucus, and in particular, the gentleman from Michigan, Representative John Conyers for working tirelessly. I'm so sorry that he could not be here today, but he is speaking to the NAACP in Florida, and I know that he will be bringing this important message to voters in the state who sparked this drive for election reform.

As many of you know following the 2000 elections, the Congressional Black Caucus pledged to make election reform our number one priority. We said that we would not rest until Congress enacted reform legislation that would protect the right to vote for all Americans. And I am proud to say that we are very closer to delivering on our word.

We all know that the conference agreement is likely to be far from perfect, but there is no such thing as perfect legislation. However, it is time that we take a FIRST step toward meaningful reform.

We must improve our elections system so that all Americans can register to vote, remain on the rolls once registered and vote free from harassment. We must act before another day has passed.

I call upon my colleagues to bring this legislation forward for debate, pass this bill, and we must sent it to the President for his signature before another day passes. We cannot wait another day. Thank you.

CONGRESSWOMAN BROWN ANNOUNCES ELECTION REFORM AGREEMENT!

WASHINGTON, DC.—Congresswoman Corrine Brown is elated to announce a monumental agreement made today in Washington on the election reform bill. This agreement will bring millions of dollars in federal assistance to the state of Florida for election reform.

Since the 2000 presidential election debacle, Congresswoman Brown has been a leading voice on the issue of election reform in Congress, and has worked arduously on the issue of election reform since the Supreme Court selected the President of the United States nearly two years ago.

With respect to the agreement, Congresswoman Brown made the following statement:

I am thrilled to see this agreement finally come to fruition. I have worked hours and hours with Members on both sides of the political aisle, in the House of Representatives, and the Senate. This agreement, which gives the states $3.9 billion for election reform, and requires them to replace outdated punch-card voting machines, train poll workers, educate voters, upgrade voter lists, and make polling places more accessible for the disabled, and other logistical assistance measures, is long, long overdue.

Although Florida spent $32 million to overhaul our voting system, the governor did not allow enough time to hold mock elections to educate voters and poll workers prior to the primaries to work out the inevitable kinks. Moreover, this $32 million in funding is relatively low, given that Florida, with 16 million people, spent $32 million, and Georgia, with only 8 million, spent $54 million on election reform. This agreement however, will funnel more desperately needed federal funding into our state for future elections.

Even though this compromise will allow Congress to pass a bill before mid-term elections, I am disappointed that the provisions will not take place until the 2004 elections. The bill is however, perhaps the greatest accomplishment of the 107th Congress.

During the 2000 elections, in my district alone, Duval County, there were approximately 27,000 ballots that were tossed out. A disproportionately large percentage of these votes came from City Council Districts 7, 8, 9 and 10, primarily African American residential areas. Even more disturbing to me is that the Supervisor of Elections' office didn't release these figures to local officials until after the deadline had passed. As a result, we were unable to demand a recount.

Even more disturbing is the often unpublished fact that the Governor of Florida spent $4 million dollars of taxpayer money to purge a list of suspected felons from the rolls across the state: but whether or not this list of felons was accurate was of little importance to the Governor. Apparently, it was the responsibility of the accused citizen to correct his or her status.

One of the worst problems that occurred during the 2000 election had to do with motor voter registration. As part of a grassroots effort to encourage voters, particularly minorities, to get out to the polls, I organize motor voter drives. However, during the last election, many voters, especially African Americans, were erroneously purged from registration lists, and many, who had signed up at state motor voter vehicle offices, never had their voter registration fully processed. As a result all of these voters became disenfranchised. It is for this reason that it is of utmost importance to include a provisional balloting provision (wherein if a voter has not re-registered after moving within the same county, he or she may cast a provisional ballot at the polling place of their current residence).

Although there are not any perfect election reform bills, I think this one is a good start. The agreement today gives the individual states millions of dollars over three years to upgrade voter equipment, improve the accuracy of voter registration lists, recruit and train poll workers and enhance accessibility to polling places for people with disabilities. It would also include a one-time payment of perhaps as much as $850 million to states and counties to replace punch card voting systems, which were used by more than one-third of the voters last year. This bill sets out on the right foot towards guaranteeing voters their fundamental right: the right to vote and have it counted.

STATEMENT OF REPRESENTATIVE CONYERS

Nearly two years after the wholesale disenfranchisement of the elderly, people of color and individuals with disabilities, we have at last passed legislation which will help to place in the dustbin of history the butterfly ballots, punchcard voting machines and discriminatory practices of Florida. This bill bears name and gives tribute to his vision and dream of a world without barriers to the exercise of the most basic right of citizenship, the right to vote.

Because of this bill, every American will be closer to living in a democracy where every vote that is cast is counted and where the legitimacy of our democracy is no longer placed in doubt. Because of this bill, voting machines will help voters instead of hindering them.

There were naysayers in the Congress and on some of the editorial pages who claimed that Senator Chris Dodd and I were unrealistic and that our vision of minimum federal voting rights standards for machines would never come to pass. The fact that it did is a tribute to our vision that voting rights should not be left to anyone's whims, and it is a tribute to Senator Dodd's tireless efforts to pass this bill and Majority Leader Daschle's rock solid faith in the legislation. My colleagues in the House, Steny Hoyer and Bob Ney deserve tremendous praise for their role in this agreement as well.

The Voter I.D. provisions contained in this bill is not a provision I would have wanted. That being said, its inclusion in this agreement cannot possibly overshadow the tremendous step forward the bill represents. We live in a democracy where the essence of accomplishment is compromise and yielding in part to different points of view.

At the end of the day and this long struggle, we have a bill that represents a tremendous advance of civil rights and for our democracy.

Mr. DODD. I also thank the leadership, Senator DASCHLE and Senator LOTT, for their support. When they asked me how long it would take to debate the election reform bill on the floor, I said I thought I could do it in 24 to 48 hours. About 12 days later, I was still here. Their patience was almost unlimited.

We were able to get it done, and I am proud we were able to do so. I know there were editorial comments over the last number of weeks and months, saying where are these people, why can't they get this done? We did something you are probably not supposed to do. We did it quietly. It was not quiet inside the room, but we didn't announce every day to the press what we were doing because I felt if we did, we would never get anything done. I have been up almost every night until 2 or 3 in the morning. I have spent almost every weekend involved in this legislation over the last several weeks and months.

I thank colleagues who managed to keep this relatively quiet so we could get the job done. Had we not done it, we would not be standing here recommending this product to our colleagues for their consideration, when the other body and the Senate votes on this bill.

I will have more to say about it when the bill comes to the floor. I wanted to bring my colleagues the good news that we were able to come to agreement on this election reform bill before this Congress, the 107th Congress, became a record of history.

Let me also say, since I am still in morning business, to my colleague from Virginia who was here, and my colleague and friend from West Virginia, on the matter before us, I have great respect for both of them. This is a weighty and important matter. I didn't want to take time away from that discussion today, but I would like to be heard on the subject matter at the appropriate time.

I know my colleague from West Virginia has some strong feelings. I want to say to him and in the presence of my good friend from Virginia, I have known these two individuals for many years. They have great reverence for this institution, great reverence for the legislative body. I carry very proudly in my pocket every single day of my life, 7 days a week, a copy of the United States Constitution. It was given to me years ago by the Senator I sit next to, ROBERT C. BYRD. I walk around with it on weekends, evenings, wherever I am. I carry it.

I hope in this discussion, not just this one but others, people will listen to what he has to say about this document and our obligations to it as a coequal branch of government. The Founders did not envision this particular debate. Probably the name Iraq didn't exist at the time the Constitution was ratified or written. They envisioned circumstances like this. They wanted to make sure there would be a sense of weight and counterweight without giving one side an advantage, necessarily, but that we would deliberate very seriously about matters such as this, certainly the matter of going to war.

I have great reverence for this document and great reverence for people who embrace it and cherish it, knowing it is only as good as each generation's willingness to defend it, and that our obligation to coming generations is to give them the tools to appreciate what it means. It is a subtle document. This is not a document an ignorant nation would be willing to fight for and sustain. The right to say what you want and have people stand up even when they vehemently disagree with what you are saying takes an educated, sophisticated population to appreciate.

Certainly the rights of a Congress, a legislative branch to appropriate, the right to declare war, the right of a Commander in Chief to lead during difficult times, these are not notions that can be easily understood if you are not well educated and prepared. And it becomes incumbent upon us, in this particular moment, to serve not only as a source to resolve the matter before us, but to educate our constituents and the people of this country about why this document is important, particularly in moments like this, where none of us are ever asked to cast a more significant vote. It is not a vote on a Supreme Court justice, or not even amending the Constitution, but the decision is whether or not young men and women will go into battle and lay down their lives for us.

Both of these individuals understand this better than I—JOHN WARNER, particularly, because he has donned that uniform. I served in the military briefly, but I never had to face an enemy across the firing zone, and I respect somebody who has. Those who have engaged in battle seem far more cautious about committing this Nation to conflict. Those who have not, seem, on many occasions, to fail to understand the significance of what we may be asking people to endure.

I will have more to say about this specific matter. I didn't want this moment to pass. I wanted to express my deep thanks to my colleagues. We have closed caucuses every week to discuss the matters before us, political and otherwise. I have watched over the last several weeks, and it is not well known—maybe there is a historic record kept somewhere, but I wish every person in America could have been at the caucus luncheons to listen to our colleague from West Virginia passionately defend the Constitution of the United States. There is no press release, and there is no television show afterwards. It is just one person standing up defending the very document that gave rise to this institution and the rights all of us enjoy as Americans. I thank him immensely for having the courage of his convictions, the strong legs, the good set of lungs, and the determination to be heard.

I thank my colleague from Virginia for all he does every day to see the ideals and values of the Constitution are carried out by his Members. He does that whenever I have been with him in the Chamber and in committees. He is a person who deeply cherishes this Constitution.

Mr. WARNER. Mr. President, I express my appreciation to my colleague, and I share his sentiments with regard to our magnificent colleague, Senator BYRD. We are privileged to have adjoining States, with a small boundary between them, that was inserted at one point in history during the historic Civil War period. But we cross that boundary together because we love those people—particularly the people of Appalachia.

I thank the Senator for his comments about me. I receive them with great humility. I served in uniform, but I was always a communications officer in Korea, the First Marines Airwings, and a staff officer. In the field of battle, I shared the bunks and tents with others, but I don't put myself in the combat arms category. I served with others who did. Yes, perhaps I have some thoughts and views emanating from those periods I was privileged to serve in uniform. But I think every Member of the Chamber has equal conscience and the strength of his or her own convictions to make the tough decisions we have to make in the days coming with regard to Iraq. I look forward to engaging the Senator from Connecticut. Yes, we have been good friends, but let me tell you, no Senator should ever think they have been tested in the field of oratory until they tangle with that Senator from Connecticut or the awesome Senator from West Virginia. There is just not as much of the great oratory that this Chamber has enjoyed in the 24 years I've been here. There seemed to be more when I came than we have now. My gracious, I was in awe of the senior Members of this Chamber when I first came here and sat and listened intently. But I say to the Senator from Connecticut, I am ready for this debate he and I will have one day. I only wish it were this afternoon in the presence of our senior Member of this body. But if it is to be another day, I will await it. I hope he will some day debate me on the League of Nations. He is a student of American foreign policy as a senior Member of the committee, following in the footsteps of his proud father who served in this institution. Some day let us talk about the fate of the League of Nations. As our President challenges the U.N. today, I challenge the Senator to that debate some day.

Also, serving on the Rules Committee, we are very proud of what you have done, together with Senators BOND, MCCONNELL, and others, to bring about this bill—particularly as this Nation stands somewhat in awe—I am not going to take sides on what is happening in New Jersey regarding the complexity of the election laws, the problems encountered for a second time, most unfortunately, in Florida. Let us hope this legislation can improve that system and serve as a means to inspire more of our citizens to participate in the electoral process, whether it is for county commissioner, sheriff, or for the Presidency and the Members of Congress. All too often, less than half of the people who are eligible vote or take the trouble to exercise the right given to them under the Constitution, to which the Senator so reverently referred. I thank my colleague.

(Ms. STABENOW assumed the Chair.)

Mr. BYRD. Madam President, if the distinguished Senator will yield.

Mr. DODD. I am pleased to yield.

Mr. BYRD. Madam President, as a member of the Rules Committee on which sit the distinguished Senator from Virginia, Mr. WARNER, and our chairman, Mr. DODD from Connecticut, I have asked the chairman to yield to compliment him. I want to compliment him, and I do compliment the chairman for his patience, for his dogged determination, and for his far-seeing vision in pursuing and pressing on to the end this cause for which he has been studying, speaking, and fighting for so long. It has an importance that goes far beyond the surface. This, we often hear, is a democracy. It is a Republic. We say that clearly each time we "pledge allegiance to the Flag of the United States of America and to the Republic for which it stands." We have democratic principles under a republican form of government. There you are. It is a republican form of government.

The importance of encouraging and persuading and leading the citizens of the country to vote—what a great duty it is of each citizen to vote his or her sentiments. And what a sad commentary on this Republic, whose people have been so far blessed beyond the peoples of any other nation, and then to think that so few, relatively speaking, of the American people bother—bother—to go to the polls and exercise their duty at the polls. It is a sad commentary on the American people. We take this duty loosely, and we take advantage of this right in a very cavalier fashion.

The Senator from Connecticut has performed an extremely important service to the people of this country today and to future generations, by his stick-to-itiveness, by his incessant application of his enormous talents to bring to fruition the completion of this work on which he has been engaged for so long. It is not the kind of work such as the work we do on some other measures. It is kind of a dry subject when one stops to think about it. It is kind of like the rules of the Senate. They are dry, there are no headlines in them, but how important the rules of the Senate are.

It is that way with this piece of legislation that our dear friend has so long labored in the vineyard to bring to fruition. I compliment him. I salute him. He has performed an immeasurable service to the people of this country; whatever we can do to bring about a greater focus and a greater application of the people's views when it is election time because, after all, that helps to mold the character of this country and to present the image of this country as a nation.

I wish it were possible to say that 80 or 85 or 90 percent of the people in this country turn out and vote. What a great victory that would be for this Republic and for the principles of democracy.

I not only salute this man, I say thank you to the distinguished senior Senator from Connecticut. He is my candidate for President. Throw your hat in the ring.

Mr. DODD. Madam President, I am going to leave now.

Mr. BYRD. Hold on a minute. Madam President, there has to be a little levity. Even the wisest will stop for a moment to smile, laugh a little, be a little jovial. But this is a tremendous victory; as a member of the committee on which this great man serves, I am proud to serve on that committee.

On another subject which has been injected here, no Senator should have to stand in a party caucus and defend this Constitution. No Senator should have to stand in a party caucus and refer to this document.

This is a time when we must return to the language and the spirit of this Constitution. All too often I hear the leaders of this Nation in both parties refer to this document or that document or what this person said or that person said, but very seldom do I hear on the television talk shows on Sundays and other days of the week, seldom, relatively speaking, do I hear them base their position on the Constitution of the United States.

As I have witnessed the tides that ebb and flow on the world stage over these 50 years, all the more have I come to believe that the Constitution is the principal mast to which we should rope ourselves in order to put wax in our ears to the siren calls that will lead us astray from what the Constitution says.

The Constitution very clearly says in a nonambiguous sentence, the Congress shall have power to declare war. I am very pained to see a Congress, most of the leaders of which say we should pass this resolution, meaning S.J. Res. 46. We should pass it now, pass it here, get it behind us before the election. Get it behind us.

Madam President, if the Senator will further yield without losing his right to the floor, permit me to say we are not going to get this issue behind us. Say what you will. It is front and center. Why? Because the Bush administration has made this issue front and center in these last few days before the election.

Why did they not make homeland security front and center? Because that would not have shifted the national perspective and focus away from the domestic issues which also are important. But to turn the emphasis to Iraq shifts the emphasis of the debate away from homeland security, shifts the emphasis of debate away from domestic issues, shifts it to a foreign scene and a foreign stage and a foreign field of action. So our eyes have been averted from what we should be watching, and that is homeland security, the defense of this country. Homeland security, protecting this country right here against attack, subtle attacks—it may be individual attacks, it may come in the form of an attack by one person or two or a group of six, as we saw in New York recently when the FBI arrested a cell of six individuals who were from Yemen. They are American citizens, but they were originally from Yemen. The FBI arrested them. The FBI did not have to have any Department of Homeland Security to bring that about.

The people who are on the front line securing this country, securing you and me, securing the people of this country every day, every night, every hour of every day, every hour of every night are on the line now. They are out there on the borders. They are out there in the ports of entry. They are out there working day and night as we saw when the FBI did its work.

Here just before an election, our eyes taken away from the education needs of this country, away from the security needs of this country, away from the questions that involve the health of our citizens, away from the veterans of this country. This issue has been shifted away so that our eyes temporarily are distracted and we are looking in another direction.

Where are we looking? We are looking at Iraq. Yet, Madam President, there is nothing new in the evidence.

I have asked the Director of the CIA on two different occasions: What is different? Do not tell me anything about policy; we will make the policy. But tell me what there is by way of intelligence where you are the expert? What is there that is new today, that you know today that you did not know 3 months ago or 6 months ago? What is it that is so new, so compelling that all of a sudden, after we heard all this business to the effect there is no plan on the President's desk? I asked that question of the Secretary of State: What is it that is new? I have asked that question of the Secretary of Defense. What does he say? The thing that is new is September 11. That is not so new; that is over 365 days old. So what is there that is new that requires us to make this fateful, far-reaching decision before the election?

There is nothing new. They have known it for 3 months, 6 months. A lot of it they have known for years.

This is a fateful decision, and the decision ought to be made here, and this Congress ought not turn this fateful determination, this decision, over to any President, any one man, because, as James Madison said, the trust and the temptation are too great for any one man.

Oh, that Madison were here today. Oh, that Madison could speak today. We would hear him say: The trust and the temptation are too great for any one man. Hear his voice as it rolls across the decades of history.

Here we are today; we have rubber spines, rubber legs, and we do not have backbones. This branch of Government, under the Constitution, is the branch consisting of the immediately-elected representatives of the people, and under the Constitution it is to declare war.

The Framers were very wise when they determined that these two matters—the decision to go to war and the making of war—should be in two different places. The decision, the determination to declare war, should flow from this branch, the people's branch, and the matter of making war should be in the hands of a unified commander, the Commander in Chief.

What are we doing? In my view, if we accept this resolution as it is written, we are saying both of these vital functions would be placed in the hands of one man. And what did Madison say? He said: The trust and the temptation are too great for any one man.

So in closing, if the Senator will further yield——

Mr. DODD. I am happy to.

Mr. BYRD. I say to those people out there who are watching through the electric lenses, let the leadership of this Congress know, tell the leadership of this Congress, urge the leadership of this Congress, to put aside this fateful decision which may affect the blood and the lives of our sons and daughters, put it aside until after the election so that our representatives in both Houses can make a determination in an atmosphere that is not so supercharged with politics. Let them come back after the election. They are getting paid for all the days of the year. Bring them back then. Let them make a decision when they are not distracted by politics, by an election. Tell the leadership of this Congress. Let them hear you.

You do not have to worry where I stand. I am telling you now. I am stating my position now. Tell the leadership of this country, both Houses: Hold up, wait, listen, ask questions, debate, and wait until politics can be shoved aside. Wait until after the election. Tell the leadership this affects your blood, your treasury, your son, your daughter, your grandson. Let them know in no uncertain terms. Tell them. They will hear you.

I am proud to say that our leader on this side of the aisle has not yet made a final determination, I do not think. He has not joined with the leadership in the other body that went like lambs to the slaughter following after the President.

I respect the President of the United States. We should work with him, and we should support him when we can. But remember what Madison said: The trust and the temptation are too great for any one man.

We elected representatives of the people are not supposed to follow any President, whether he is a Democrat or Republican, meekly and without question. I do not believe there is a Republican in this body who knows me well who would believe for a moment, if we had a Democratic President today, I would not be saying exactly what I am saying right now.

I took the position against our President on the line item veto. I did not go along with President Clinton because he supported the line item veto. Nor would I go with any President in this more fateful matter, this question of peace or war, if they were a Democrat. I am standing where the Constitution says I should stand.

There is no king in the American scheme of things. There is no place for kings in our constitutional system. But there is a place for men. When I say "men," of course, I am speaking of men and women, but when the Constitution was written it was only men.

There is no place for weakness. There is no place for wishy-washiness. There is only a place for steadfastness and a place for supreme dedication to the Constitution of the United States, for every word that is in it, and to stand by the spirit with which it speaks. We cannot stand by that spirit and just go along. The people want a political party that stands for something. They want men and women in office who stand for them. They do not want men and women in office who just go along because their party goes along or because the President goes along. They want men and women who think for themselves and who keep in mind that they are sent here by the people who cannot speak on this floor but who expect us to speak.

That is where I stand. That is where I am going to stand always and forever. As long as I live and have the privilege of representing the people of the State of West Virginia, that is exactly where I am going to be, regardless of where any President is. If I differ with him, I will say so, and I differ with this President on this issue.

I do not think there is any new evidence that compels us to vote on this resolution before we go home. Oh, they say we need to get it behind us. We cannot get this issue behind us. We can vote for this resolution, but that will not get the issue behind us. The President will have us back on that question every day until the election is over, and he can do that. He has the bully pulpit. Do not think for a moment this issue is going to be put behind us before this election is over.

Another thing we will not get behind us is the record of where we stand, the record of where I stand, the record of where he or she stands. We will not get that behind us. That will be there engraved in stone, in marble, and in bronze, until the Lord comes home. Until kingdom come, it will be there. You cannot efface it. You cannot erase it. It is there.

I intend to let my record stand. I do not intend to put a blemish on it by walking away from the Constitution in this fateful hour.

There are questions to be asked. What is going to happen to Israel? What is going to happen to the people of Israel? What is going to happen to the Palestinians? What are the ramifications of going to war in a preemptive strike, which this Constitution does not represent and does not allow? What are the ramifications around the globe? What is the image of the United States then going to be: A nation that is a rogue nation, that is determined to wipe out other nations with a preemptive strike? And what will happen if we deliver a preemptive strike? Will other nations be encouraged to do the same? What will be the cost? How many men and women do we expect will become casualties if this country goes to war in a preemptive strike against Iraq? What is going to be the cost in dollars?

The President's economic advisor says: Oh, $100 billion or $200 billion. He says that is nothing, $100 billion. That is nothing. Even $9 billion has been a stumbling block and a bone in the craw of this administration when it comes to appropriations bills. All that has kept us from having agreements on appropriations bills is $9 billion.

What is going to be the price tag? What is it going to cost in terms of homeland security? Might we expect other terroristic acts if we launch a preemptive strike? How can we be sure we will not be subject to preemptive strikes of terrorists? What will be the cost? What is likely to happen on our borders? Are we going to have to maintain greater vigilance in our ports? What is going to happen to the needs of veterans? What is going to happen to the needs of education? What is this going to do to the American pocketbook? What is it going to do to the deficits?

There are these and many more questions. They ought to be questioned. It is not unpatriotic to ask.

I thank the distinguished Senator for yielding. I thank the distinguished Senator from Virginia. I hope I have not tried the patience of these two Senators too much.

Mr. WARNER. Madam President, I have had the privilege of sharing these floor debates with my distinguished colleague from West Virginia many times. If he would allow me, I will make some observations about the comments just delivered by this esteemed Member of the Senate.

I fear no question that would be asked. I have the privilege of being designated by our Republican leader to be one of the managers of the debate today, tomorrow, and the days to come, since I am proud to have my name on this resolution which is before the Senate. I will be prepared, as best I can, to respond to my colleagues because I speak from my own personal convictions, which are equally as strong as those of my dear friend from West Virginia.

But the Senator said the President is not king, and the Senator is right. There is no one who understands this Constitution better. The king is not mentioned, as far as I can recall, in the Constitution anywhere. But what is in the Constitution is the President should be Commander in Chief of the Army and Navy and, indeed, the Air Force and the Marines.

At this very moment, while we are in this Chamber, Saddam Hussein is firing on our airplanes over Iraq, which have been operating for over a decade, trying to enforce at least one of the resolutions, 688, which precluded him from using force, such as poison gas and biological weapons against his own people.

Just in the month of September, 60 times have our airplanes and those of Great Britain and at one time France experienced that hostile fire against American and British aviators. Therein is the constitutional responsibility of our President to fire back.

A very good question which my good friend raises, What is new? I am urging the administration to try and share more information with the Congress this week and to perhaps declassify information, but I can only speak for myself as to what is new, and that is the biological weaponry. It is an open fact now.

It has been expressed by the chairman of the Joint Chiefs, Secretary Rumsfeld, that Saddam Hussein is manufacturing this biological agent by using trucks. Three or four trucks constitute a small industrial plant, and they can be moved around. It can be containerized. It could be put in a bottle or can of baby powder and smuggled into the United States. There are means, and all of us know how that could be distributed in a harmful way against our people.

That is the new information that compels me to take the actions I am taking with others. I will, in the days to come, give other bits of information that compel me to take this position behind this resolution.

Mr. BYRD. Will the Senator yield?

Mr. WARNER. I am happy to yield.

Mr. BYRD. He speaks of biological weapons in the hands of Saddam Hussein as being something new. That is not new. That is not new.

This Nation itself helped to build, helped to create the building blocks of biological weaponry years ago when we sent to Saddam Hussein, this country made available to Iraq, back in the days when we thought that Saddam Hussein would be our friend. A few years later, after we provided Iraq help in making biological weapons, today we find he is our enemy.

This is the way it is. Yesterday's friend is today's enemy. We have known about the biological weapons for years. We helped Iraq to have the building blocks. Now we have claimed this is something new. This is not new. This is not a new pretext. We have known this all along. The Israelis knew these things. They knew what was happening in Iraq with respect to nuclear weapons. These things are not new, but they are new just before this election. That is what I am saying. Let us come back after the election and then debate, and then, who knows? I might join with the distinguished Senator in promoting a resolution to declare war, Congress declare war.

Mr. WARNER. If I might say to my good friend, I think it is helpful Senators engage as you and I are, and I hope throughout this debate there is a great deal of that, Senator to Senator, eye to eye, to talk about these issues.

But this biological weaponry, the ability to manufacture it and move those sites around to conceal his industrial base, the ability to package it in such a way that it now can be transported long distances, I think that is new technology, which is troublesome to me. We know full well of the willingness and capability of terrorists to hit us as they did on 9/11. We saw them attack the USS *Cole*. What is to prevent those biological weapons being placed into the hands of this growing network of terrorists, people who hate the United States, and bring it to our shores and distribute it?

Mr. BYRD. Will the Senator yield?

Mr. WARNER. Yes.

Mr. BYRD. Madam President, it was not more than 6 weeks ago when this President, this administration, expressed concern at the "frenzy" that people were being wrapped into. This administration tried to cool it 6 weeks ago, talking about the frenzy.

We have heard this administration's Cabinet Members out on the trail say time and again, there is no plan, no plan on the President's desk. That is what Secretary of State Powell said to me when I asked, What is new? What about these plans? Oh, there is no plan on the President's desk. Even the President himself has said there is no plan. Even as late as October 1, just a few day ago, 3 days ago, 4 days ago, the President himself said he has not made a decision to go to war.

So what is new? That is what I am saying to my distinguished friend. We knew about their packaging. Why didn't the CIA Director say it to me when I asked him twice, once up in 407 and once in my own office, What is there that is new from your standpoint of intelligence that we did not know 3 months ago, 6 months ago? He has not been able to come up with anything.

So I say to my distinguished friend from Virginia, yes, I am concerned about packaging and all that. But that is not new. That should not make it all-compelling that we vote on this matter of peace or war, or preemptive strike, before we go home. The people out there want us to come home. Let's go home to the people who send us here; let's talk with them in town meetings; let's tell them what we know. They have questions they want answered. Let's go to our people, our bosses, the people whom we represent. Let's go back to them before we make this fateful decision once and for all, which involves so much of the treasure and blood of the people who sent us here. Let's go back to them; let's get their feelings; and then we can come back and make this decision.

Mr. WARNER. Madam President, I will walk out of this Chamber after we complete our debate to go to my State, as others have gone to theirs, to listen to my citizens. But I say to them, the timing of the work we are doing on this resolution is important now, for many reasons. But I draw to the attention of my colleague that the United Nations is now deliberating, at this very moment, on the possibility of another resolution providing for yet another attempt for an inspection regime.

If we show our strength and we show our resolve as a unified Congress, behind the President, to the extent we do that, it is to that extent that resolution could be meaningful and have teeth in it and enforceability in such a way that we can avoid the conflict of war to resolve this question of weapons of mass destruction, about which I know my good friend may have a view different from mine.

We know now he possibly does not have an operative nuclear weapon, but he is doing everything he can to get the materials to construct one or the materials to incorporate in such technology as he has in place now.

Mr. BYRD. Madam President, will the Senator yield? Will the Senator yield?

Mr. WARNER. Oh, yes, of course, Madam President.

Mr. BYRD. Madam President, may I say to my friend, he is getting the cart—I say most respectfully, the distinguished Senator from Virginia, for whom I have tremendous respect—he has been chairman of the Armed Services Committee on which I sit—is getting the cart before the horse. Let's let the United Nations, that forum of world opinion, speak. Let it make its decision; let's see where those people stand; let's see where those other nations stand, and then come back to this body and the body across the Capitol and let the Congress make its decision after the United Nations has taken a position; otherwise, we get the cart before the horse. Let's wait and see what that world opinion says. Let's wait and see where they stand, the United Nations, and then we will be in a better position to make our decision.

What we are doing here—if the distinguished Senator will yield further?

Mr. WARNER. Oh, yes.

Mr. BYRD. We are voting on this new Bush doctrine of preventive strikes—preemptive strikes. There is nothing in this Constitution about preemptive strikes. Yet in this rag here, this resolution, S.J. Res. 46, we are about to vote to put the imprimatur of the Congress on that doctrine. That is what the Bush administration wants us to do. They want Congress to put its stamp of approval on that Bush doctrine of preemptive strikes.

That is a mistake. That is a mistake. Are we going to present the face of America as the face of a bully that is ready to go out at high noon with both guns blazing or are we going to maintain the face of America as a country which believes in justice, the rule of law, freedom and liberty and the rights of all people to work out their ultimate destiny?

Mr. WARNER. Madam President, if I could turn to the reference to the United Nations and the timing, I wish I were the student of history that my good friend ROBERT BYRD is.

I remember when you took me, hand in hand, to Rome and we went to the very site of the Roman Senate. Do you remember that day? You stood there, amidst the falling rubble of that historic building—if only they would restore it to its original integrity as ever more a reminder of the strength of the Senate as a body, in State legislatures or wherever—but at any rate, what was the quote of a Frenchman who said one time: Oh, tell me in which direction the crowd is surging so I can run out and get in front and lead?

Do you remember that quote?

Mr. BYRD. No, but I remember Caesar, when he saw one of the Roman soldiers running away from the battle, he took that Roman soldier and turned him around. He said: You are running in the wrong direction.

That is what I am afraid we are doing. We are running in the wrong direction.

Mr. WARNER. No, but what I say is, what our President has done, to hope that the United Nations will move in the right direction, is to go there and speak to them and to lead, together with others—the Prime Minister of Great Britain and others—lead, not wait and see in what direction they go. No, that is the reason for the timing of this resolution.

I would like to ask most respectfully——

Mr. BYRD. Madam President, will the Senator yield?

Mr. WARNER. Oh, yes.

Mr. BYRD. I think the President would be in a much better position with the United Nations to leave the case as he had made it. He made a fine case. He made a case in which there was no room for water or air. He placed it right in front of the United Nations, the fact that that body has been recreant in its duty and its responsibility. It passed resolution after resolution after resolution, and has done very little.

I think the President is in a much better position, ultimately, if we let the United Nations speak first and not go to the United Nations and say: Now, we would love to hear what you have to say, but regardless of what you have to say, we have made up our minds, and if you don't do it, we are going to do it.

Well, why not let him do it?

I think this responsibility should be left clearly in the lap of the United Nations. We will make our decision later, when the President comes back to this institution which, under this Constitution, has the power—not any President—the power to declare war.

Mr. WARNER. Madam President, I draw to the attention of my colleague that it has been over a decade since hostilities were concluded in the signing of those documents in the desert by Saddam Hussein's Foreign Minister on April 6, 1991. Sixteen resolutions which have been passed by this body have been ignored. Only one of them is receiving any degree of enforcement through the bravery of our airmen.

I say, what is the record of the U.N., having sat there and let 16 resolutions be ignored, allowing the inspectors to be driven out? And President Clinton made his effort to get this Chamber to pass a resolution for regime change, to send the inspectors back. What fragment of knowledge do you have about the U.N. that I do not possess, that they have sat there 16 times and said do this—did not enforce it, allowed for a 4-year lapse in the inspection team to be there—and are now considering at this very moment sending another team back? What is it about this institution that instills in you the confidence that this, the 17th resolution, if they adopt it, will have more force and teeth and resolve and conviction than did the previous 16?

Mr. BYRD. Madam President, will the Senator yield?

Mr. WARNER. Yes, of course.

Mr. BYRD. Madam President, what were we doing in those 4 years? What were we doing? What were we failing to do that now comes to mind that makes us so determined and so hell-bent to vote on this rag, S.J. Res. 46, before this election? We knew all this for 4 years. Where were we?

Why did we wait until this particular moment?

That is one answer.

Mr. WARNER. Madam President, if I interject, we were flying those missions. Our airmen were risking their lives. That is what we did.

Mr. BYRD. We were doing that, but we ought to have been doing more. Why wait until an election and then come up all of a sudden and say, Oh, we have got to have this S.J. Res., we have got to put into the hands of one man the trust and the temptation, which Madison so well spoke against because it was too much, too great for any one man?

The gulf war, does the Senator remember the total cost of that war?

Mr. WARNER. No, I do not recall, but I know it was shared.

Mr. BYRD. It was $61.1 billion.

Does the Senator recall how much the U.S. had to pay?

Mr. WARNER. Madam President, it seems to me a smaller fraction of it because our allies contributed a considerable number.

Mr. BYRD. That is right. We ended with the United States being left holding the bag for about $7.5 billion.

Mr. WARNER. That is my recollection.

Mr. BYRD. That is a little over $7 billion. That is what we ought to be doing now. We ought to get these other countries to belly up to the bar and help to bear the cost of this war. We are not doing that, though. We are having an administration that says, Give it to me, give me the authorization to go, and if you, the U.N., don't do it, I will.

Who is "I"? "I will." "We will." Who is "we"?

We are committing the American people, we are committing the blood and the treasure of the American people to do what the United Nations won't do. I say, do what the President has done thus far. Put it in the lap of the United Nations and expect them to give us an answer. Then come back to the people's representatives and let them make a determination as to whether or not at that point we should strike. Maybe we shouldn't.

Mr. WARNER. Madam President, let's stop and think. We are not in this alone. Great Britain—I know of no Senator who has a greater respect for England's participation as our ally in World War I, World War II. I have had the privilege of going with my good friend to Great Britain and sitting in the Houses of Parliament.

Mr. BYRD. That Anglo-Saxon blood flows through the veins of the Senator from Virginia.

Mr. WARNER. My mother's great-great-great-grandfather built Balmore Castle, which the Queen uses as her home.

But let us get back to this. Great Britain has helped us. I know Spain and Portugal expressed an interest.

I ask my good friend—I have seen him on this floor defending the courage of Turkey and its leaders—am I not correct that Turkey has been a valiant partner in war in the area?

Mr. BYRD. Does the Senator know how many times Turkey has violated the U.N. Security Council resolutions? More than 40 times.

I am a friend of Turkey.

Mr. WARNER. I know the Senator is.

Mr. BYRD. I say to my dear friend, point to Iraq, for which I have no grievance, and talk about Iraq's violations of United Nations Security Council resolutions. Turkey has violated those resolutions; and that ain't all. Israel has violated those resolutions. Israel has violated those Security Council resolutions. So don't put it all on the basis of violations of Security Council resolutions.

I am simply saying—and the distinguished Senator can stay with me here until the Moon is up and full at midnight and until that Moon changes.

Mr. WARNER. I am prepared to do so.

Mr. BYRD. He can stay with me until the cows come home, and I will always lead him right back to this foundation, my rock on which I stand. And it says: Congress shall have the power to declare war.

The administration can say all it wants. It can bring all of its Cabinet heads up and have them on television on Sunday. It can bring Dr. Rice, it can bring Secretary Powell, it can bring the secretary of war, it can bring the Vice President of the United States, the President of this body, and they can say whatever they want until they are completely out of breath. And I guarantee you they will not once mention the Constitution of the United States. They haven't thus far. But they are going to be brought right back every time to face this Constitution which I hold in my hand, which says Congress shall have the power to declare war.

Mr. WARNER. Madam President, I wish to ask one more question. I see other colleagues seeking the floor. Could I wrap up on one point in my colloquy with the Senator?

Mr. BYRD. Yes. Will the Senator allow me one thing? Then he has the floor and he can wrap up.

Madam President, today—just today—I say this at 15 minutes until 3 p.m. on this day, the 4th day of October in the year of our Lord 2002—my office has received 1,400 telephone calls—just today. And almost every single caller has said: Wait. Slow down. Don't rush this through.

If the Senator will allow me 1 more minute, I plead with those people out there, I plead with the American people, let your voice be heard. You need to be heard. You have a right to be heard. You have questions that should be asked and answered. Let the leadership of this Congress know that you don't want this resolution rammed through this Congress before the election. The life of your son may depend upon it. The life of your daughter may depend upon it. Get out there and let this leadership know that we should stay on our jobs—or that we should come home and talk with the people back home and put off this fateful decision which cannot be retracted except through another piece of legislation.

Let the people back there speak to us and then come back after the election and make this decision so we will not be hearing the television ads and reading the newspaper ads with respect to politics while we have to make this decision.

I hope the people will speak out. Let the hills and the mountains and the valleys reverberate with the sound of your voices. It is your country. Stand for it now. People out there, speak out, write, use the telephones, use the mail, and let the leadership of this Congress hear you. Tell them to wait.

I thank the distinguished Senator for his kindness.

Mr. WARNER. Madam President, if I could ask one further question of my good colleague, first, I join with the Senator in encouraging the people to speak out, write, and call. I welcome those who disagree with my views, or those who might wish to associate with my views and those of others who have written this resolution.

But I say to my good friend that it is always a learning experience to join him on this historic floor of this great Chamber of this Senate, which he has referred to with the deepest of affection for so many years as the greatest deliberative body on Earth.

The Senator mentioned Madison. By coincidence, my itinerary this weekend will take me to Madison County, VA, where there is a little museum that has some of the fragments and memorabilia of that great statement.

I ask this one last question: This document will rest on every Senator's desk. S.J. Res. 46 was introduced by our colleague who sits right here, JOSEPH LIEBERMAN, for himself and Mr. WARNER of Virginia, and others. I wrote the resolution with others in 1991. It was then the Warner-Lieberman resolution. Now I think, appropriately with the majority resting on that side, it is the Lieberman-Warner resolution.

But I ask my good friend: Is there a word in this resolution—and I hold myself responsible for the words in this resolution. Is there any word, is there any sentence, is there any paragraph that exceeds the authority given to the President of the United States in the Constitution which you love and defend so dearly?

Mr. BYRD. Absolutely. Absolutely. This whole piece, this great expenditure of paper, is nothing more than a blank check given to the President of the United States to use the forces of this country, the military forces, in whatever way he determines, whenever he determines, and where he determines to use those forces to "defend the national security interests of the United States against the threat posed by Iraq, and restore international peace and security in the region.”

Now, Madam President, you don't need all this paper. You have a vast waste of verbiage here. Just make it one sentence. Make it one sentence, may I say to my friend from Virginia, one sentence. If we are going to make it a blank check, let's make it a blank check right upfront, without all of these flowery figleaves of “whereas” clauses, and simply say that the President has this power. Give it to him and we will put up a sign on the top of this Capitol: “Out of business.” Gone home. “Gone fishing.” Put up a sign: “We are out of it. We are out of business. We, here in the Congress, are out of business,” may I say to my friend.

Now, I know his intentions are the best. I believe that. I respect him. I have served with him. He is a reasonable man. I consider it an honor to be a Member of the same body. He is always a man with whom one can debate, disagree, agree, and he does not carry it out of this Chamber. He is a good man at heart. He loves his country. He has served his country. He is loyal to his country, sometimes too loyal to his party, may I say, which cannot be said of this Senator from West Virginia. Party is important, but not all that important.

But I say, instead of just passing this resolution, why don't we say upfront: Let's give this man downtown a blank check. Leave it all to him. Give it to him lock, stock, and barrel. We'll go home. Put a sign on the Capitol: “Out of business until we are called back by the President under the Constitution.” We will go home. We will go fishing, play golf, study, read, write our memoirs—“out of business.”

Why don't we just do that, instead of going through this kind of blank check, and covering it over with figleaves and “whereases” that are flowery—flowery—beautiful? Oh, they are pretty figleaves, they are pretty “whereases.” But that is what this all amounts to: Nothing; a poison pill covered with sugar. That is all we are doing.

Mr. WARNER. Madam President, I say to my friend, the President of the United States, as I read the Constitution, has the authority, at this very moment, to employ the men and women of our Armed Forces in the defense of our Nation.

Mr. BYRD. No. That Constitution does not say that. No, no, no.

Mr. WARNER. I think it is implied in there.

Mr. BYRD. Oh, no, no.

Mr. WARNER. As Commander in Chief, if he believes an attack has been made on this country, or that an attack is imminent which he believes he has to preempt, he has the authority to use those forces, and we don't have to pass this.

Mr. BYRD. No. Wait a minute. The Senator is saying two different things now. I say that under this Constitution, this President—any President—as Commander in Chief of our country, and as the chief executive officer of this country, has the inherent power to repel any sudden, unforeseen attack upon this Nation, its territories, its people. He has that because Congress may not even be in session. Congress may be out for the August recess.

Mr. WARNER. That is correct.

Mr. BYRD. The Framers foresaw there might be that situation where Congress might not be here and the President would have to take action. But this resolution is saying something far different. That is not what this resolution says.

Read it. It does not say that the President has the inherent power to repel an instant, an unforeseen attack on this Nation. It does not say that. Now, I go along with that. But I do not go along with this. This says:

> The President is authorized—

We are handing it right over, right now, if we pass this. We are not saying come back tomorrow or next week or next month or next year.

> The President is authorized—

That means here and now, as soon as he signs his name on this piece of paper.

> The President is authorized to use all means that he determines—

He determines—

> to be appropriate.

What “he determines to be appropriate.” The Senator from Virginia may not determine that to be appropriate. What “he determines to be appropriate, including force. . . .” That means the Army, the Navy, the airplanes, everything—“including force. . . .”

In order to do what?

> in order to enforce the United Nations Security Council Resolutions referenced above—

Well, what is that: “referenced above”? You have to go through all these beautiful figleaves to find out what resolutions are referenced. And even some of those resolutions have long gone out of existence. They no longer exist. And yet are we going to raise from the dead, like Lazarus, U.N. resolutions that have long ago gone out of existence, that no longer have life in their bodies?

No. We say we are going to revive them. Like the Shulamite woman in the Bible, we are going to revive her son.

> . . . referenced above—

“Referenced above”? They do not tell you specifically what resolutions.

> defend the national security interests of the United States against the threat—

What threat? Is it a direct, immediate, imminent attack on this country? Then, that is one thing. But “against the threat posed by Iraq. . . .”

A threat determined by whom? Who determines what the threat is?

> against the threat posed by Iraq, and restore international peace and security in the region.

What a broad grant of naked power. To whom? One person, the President of the United States. This Constitution itself refutes—it refutes—this resolution right on its face.

Mr. WARNER. Madam President, if I could say to my dear friend, on the desk are two resolutions. The one that was originally introduced by Mr. DASCHLE and Mr. LOTT—

Mr. BYRD. All right.

Mr. WARNER. I say to you, sir, that is the one to which you referred.

Mr. BYRD. Let me look at that one.

Mr. WARNER. Fine.

Mr. BYRD. Let me read from it.

Mr. WARNER. But the one I drew your attention to, I say to my good friend, is the one drawn by Mr. LIEBERMAN and myself, which language is somewhat changed. This is the one that is presently the subject of this debate.

Mr. BYRD. Yes. Let me read it.

I am sorry Mr. LIEBERMAN has joined in this resolution, but he is a Senator, and he has the perfect right to join any resolution he wants to join.

But I think the American people want somebody who stands for something. They are tired of this wishy-washy going along and saying: We have to get it over, and we have to put it behind us.

We are not going to put this thing behind us. The President has chosen to make this the battlefield. Iraq: He has chosen to make that the battlefield. His administration has chosen to do that. His chief political adviser, Karl Rove, advised the Republican members of the National Committee in January to do that, make that the battlefield. So they have chosen to do it. And you will find a way to get away from it. You can't do it.

So let's fight that battle on that battlefield, and in so doing, let's draw attention to the shortcomings of this administration when it comes to the domestic issues and the problems facing this Nation: health issues, the issues of homeland security. That is where the battle ought to be fought. But if it were fought on that battleground, the eyes of the people would not be deflected during an election.

Well, here is what the verbiage says:

> The President is authorized to use the Armed Forces of the United States as he determines—

“He.” Madison said that was too much, too much trust, too much temptation, too great to be turned over to any one man. And that is precisely what we are doing here.

> The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to—

(1) defend the national security of the United States against the continuing threat posed by Iraq—

Why, Iraq has posed a threat for decades now. But how imminent and how much is it directed toward the heart of America?

He can do anything he wants and say: Well, Congress said I could defend the national security of the United States against the continuing threat posed by Iraq, and Congress also included the language "and enforce all relevant U.N. Security Council resolutions regarding Iraq." How much looser can that be, "enforce all relevant"? What do we mean by "relevant U.N. Security Council resolutions"?

A resolution may have long ago expired, gone out of existence by virtue of the happening of some circumstance. Yet like Lazarus, we are going to say: Lazarus, come forth, and Lazarus came forth when Jesus called him to come forth. He came forth wrapped in his grave clothes. And Jesus said: Loose him and let him go.

We can't say that about U.N. Security Council resolutions. We can't say "resolutions come forth; come forth in your grave clothes. Loose that resolution and let it go." We can't say that. That is what we are saying here, "enforce all relevant United Nations Security Council resolutions regarding Iraq."

This is, plain and simple, a blank check given to the President of the United States. I won't touch it. With all respect to those Senators who believe in what they are doing, they believe in it as sincerely as I believe they are wrong, but they believe they are right. I don't say anything with respect to their integrity. I don't challenge their honor. I don't challenge for a moment their dedication to their country. I say it is wrong.

We are giving to the President of the United States a blank check, and Congress cannot do that. Congress should not do that. Where is the termination? Where is the deadline? Where is the sunset language that says after this happens, this resolution shall no longer exist, this resolution we are over and done with? There is nothing. This goes on to the next President of the United States.

Show me if I am wrong. It goes on to the next President of the United States, and the next one. We are going to have a Democratic President at some point in this country. Then where will my friends on the other side of the aisle be? I know where they will find me. They will find me right where I am now, if God lets me live. But that is what we are doing. We are unwittingly passing a blank check, not just to this President but to any future President, until such time as the Congress acts to repeal or amend this resolution.

I am not willing to do it. Put a sunset provision in it. That would help some.

Mr. WARNER. Madam President, I thank my colleague. I thank him for recognizing what he was reading from previously is separate from the resolution which I coauthored with Senator LIEBERMAN which he now has read. That is the subject. I say most respectfully to my colleague, I firmly say there is nothing in this resolution, of which I was privileged to be a coauthor with others, which in any way transcends the authority given to the President of the United States by this Constitution. We have a disagreement on that.

Mr. BYRD. Will the Senator join his friend from across the mountains, across the Alleghenies, in putting language into this resolution which he advocates here, would he join me in putting language in here which indubitably states, unquestionably states the authority of the Constitution, which requires that Congress declare war, not be impinged upon by this resolution in any way?

Mr. WARNER. Madam President, that is a challenge. I will consider that. But let me just say, earlier today I recounted how this body has only used that power to declare war five times. Yet we have sent forward men and women of the Armed Forces into harm's way upwards of 200 times. I say to my friend, that is a challenge.

I assert very firmly, there is nothing in this resolution that goes beyond the authority the President has. This President, as well as any other President, could act tomorrow without the specific authority of Congress, if he felt it was necessary to use the troops to defend the security interests of this country.

Mr. BYRD. The Constitution does not say that. That is exactly what my friend is wanting to read into this Constitution. I don't mean just my friend, I mean the others who support his view.

Will the Senator yield?

Mr. WARNER. Yes.

Mr. BYRD. He has said this Nation has issued a declaration of war but five times. That is right. There have been 12 major wars in which this country has participated. We have had five declarations of war by this Congress out of those 12 wars. But out of six of the remaining seven, the President acted on authorizations by statutes. They were not declarations of war as such, but they were statutes from which the authorization could be drawn. So that is 11 of the 12. The 12th was in Korea, and Congress did not declare war. Congress did not authorize the forces of this country being injected into that conflict. That was done by Harry Truman, and he is my favorite Democratic President during my career, not my favorite all-time Democratic President.

By the way, Eisenhower is my favorite Republican President during this time.

Back on the subject, there were 12 major wars. The distinguished Senator from Virginia has mentioned the number 200. He has said we have had military forces involved in over 200 conflicts. Yes, in over 200, but they were not major conflicts. They were minor skirmishes having to do with cattle rustlers, having to do with pirates, having to do with minor engagements. No, they were not major conflicts.

Mr. WARNER. Madam President, the war in Vietnam did not have a declaration. That was not minor, and you know that well. There were over 50,000 casualties. The war in Korea, in which I had a very modest role in the Marine Corps, was not modest. There were over 50,000 casualties.

Mr. BYRD. I said for the war in Korea, we did not have a declaration. Mr. Truman put our troops there, and we didn't have a declaration.

Let's go back to the war in Vietnam. I was here. I was one of the Senators who voted for the Gulf of Tonkin resolution. Yes, I voted for the Gulf of Tonkin resolution. I am sorry for that. I am guilty of doing that. I should have been one of the two, or at least I should have made it three, Senators who voted against that Gulf of Tonkin resolution. But I am not wanting to commit that sin twice, and that is exactly what we are doing here. This is another Gulf of Tonkin resolution. I am not going to vote for that this time. No. Don't count me in on that.

I see my friend, the Senator from Massachusetts. I join with the Senator from Virginia in wanting to hear what that Senator has to say. That is my answer to the Senator.

Mr. WARNER. I respect this. We just have strong differences. I think we have stated them.

I would like to read this bit of history. I was going to save this for next week. You have raised properly the classification of this current set of facts as presenting the preemptive issue. But let me read you—I will hand this to you, but it will be in the RECORD—use of the military forces of the United States in engagements which have the facts that could be judged as preemptive action by our Presidents: In 1901, in the Colombia-Panama engagement; 1904, 1914, and 1965, the Dominican Republic; 1912, Honduras; 1926, Nicaragua; 1958, Lebanon; 1962, naval quarantine of Cuba; 1983, Grenada; 1986, Libya; 1989, Panama, Just Cause; 1992, Somalia; 1998, Sudan; 1998, Iraq, Desert Fox, when President Clinton ordered that; 1999, Kosovo. You and I had that resolution together, brother Senators, on Kosovo. We did the right thing.

Mr. BYRD. We may have been brother Senators on the resolution which brought us out of Somalia.

Mr. WARNER. I remember that well.

Mr. BYRD. I thank the distinguished Senator. He has been very liberal——

Mr. WARNER. Not liberal but prepared.

Mr. BYRD. He was gracious in his yielding to me. The Senator from Massachusetts is going to address the Senate at 2:30.

Mr. WARNER. We will have more on this floor in the days to come.

I yield the floor.

The PRESIDING OFFICER (Mr. ROCKEFELLER). The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I commend my two colleagues and friends for framing this issue as it has been framed over the period of these last hours, and I appreciate the nature of the discussion. I say to my friend from West Virginia and my friend from Virginia, I hope over the period of these next several days as we contemplate this issue, going into next week, the American people will take the time to follow not only the debate here but to understand what is at stake with the various resolutions that are going to be coming before us.

I was going to inquire of the Senator from West Virginia. As I understand previous resolutions which have been considered by the Security Council, the only resolution that provided for the use of force was the 1990 resolution, and it was pursuant to that resolution that passed the Security Council where the President then came to the Congress and asked for the Congress' authorization to go to war. I believe when we are talking about resolutions, which was one of the many valid points the Senator was making, on that particular occasion the Security Council authorized the use of force, and then the President came to the Congress to ask for the authorization, and was able to gain the authorization, and the American forces were committed. But that is an entirely different situation, as the Senator pointed out during his exchange with my friend from Virginia.

Mr. President, I intend to oppose the Lieberman-Warner resolution authorizing the use of force against Iraq. America should not go to war against Iraq unless and until all other reasonable alternatives are exhausted.

Just a year ago, the American people and the Congress rallied behind the President and our Armed Forces as we went to war in Afghanistan. Al-Qaida posed a clear, present and continuing danger. The need to destroy al-Qaida was urgent and undeniable.

In the months that followed September 11, the Bush administration marshaled an impressive international coalition. Today, 90 countries are enlisted in the effort, from providing troops to providing law enforcement, intelligence, and other critical support.

I am concerned that going to war against Iraq before other means are tried will jeopardize the war against terrorism. One year into the battle against al-Qaida, the administration is shifting focus, resources, and energy to Iraq. The change in priority is coming before we have eliminated the threat from al-Qaida, before we know whether Osama bin Laden is dead or alive, and before we know whether the fragile post-Taliban government in Afghanistan will succeed.

No one disputes that America has lasting and important interests in the Persian Gulf, or that Iraq poses a significant challenge to U.S. interests. There is no doubt that Saddam Hussein's regime is a serious danger, that he is a tyrant, and that his pursuit of lethal weapons of mass destruction cannot be tolerated. He must be disarmed.

Our goal is to achieve this objective in a way that minimizes the risks to our country. We cannot ignore the danger to our young men and women in uniform, to our ally Israel, to regional stability, the international community, and victory against terrorism.

There is clearly a threat from Iraq, and there is clearly a danger, but the administration has not made a convincing case that we face such an imminent threat to our national security that a unilateral, pre-emptive American strike and an immediate war are necessary. Nor has the administration laid out the cost in blood and treasure of this operation.

With all the talk of war, the administration has not explicitly acknowledged, let alone explained to the American people, the immense post-war commitment that will be required to create a stable Iraq.

The President's challenge to the United Nations requires a renewed effort to enforce the will of the international community to disarm Saddam. Resorting to war is not America's only or best course at this juncture. There are realistic alternatives between doing nothing and declaring unilateral or immediate war. War should be a last resort, not the first response.

The Bush administration says America can fight a war in Iraq without undermining our most pressing national security priority—the war against al-Qaida. But I believe it is inevitable that a war in Iraq without serious international support will weaken our effort to ensure that al-Qaida terrorists can never, never, never threaten American lives again.

Unfortunately, the threat from al-Qaida is still imminent. The Nation's armed forces and law enforcement are on constant high alert. America may have broken up the network in Afghanistan and scattered its operatives across many lands. But we have not broken its will to kill Americans. We know that al-Qaida is still there, and still here in America—and will do all it can to strike at America's heart and heartland again. But we don't know when, where, or how this may happen.

On March 12, CIA Director Tenet testified before the Senate Armed Services Committee that al-Qaida remains "the most immediate and serious threat" to our country, "despite the progress we have made in Afghanistan and in disrupting the network elsewhere."

Even with the Taliban out of power, Afghanistan remains fragile. Security remains tenuous. Warlords still dominate many regions, and 17 people were recently killed in fighting between rival warlords in the northern mountains.

Our reconstruction efforts, which is vital to long-term stability and security, is in doubt and is cause for continuing concern. Some al-Qaida operatives—no one knows how many—have faded into the general population.

Terrorist attacks are on the rise. A bomb exploded near the U.S. Embassy in Kabul last week. A car bomb took 26 lives in that city earlier in September. The U.S. military base in Bagram is under periodic fire.

President Karzai, who has already survived one assassination attempt, is still struggling to solidify his hold on power. And although neighboring Pakistan has been our ally, its stability is far from certain.

It is an open secret in Washington that the Nation's uniformed military leadership is skeptical about the wisdom of war with Iraq. They share the concern that it may adversely affect the ongoing war against al-Qaida and the continuing effort in Afghanistan by draining resources and armed forces already stretched so thin that many Reservists have been called for a second year of duty, and record numbers of service members have been kept on active duty beyond their obligated service.

To succeed in our global war against al-Qaida and terrorism, the United States depends on military, law enforcement, and intelligence support from many other nations. We depend on Russia and countries in the former Soviet Union that border Afghanistan for military cooperation. We depend on countries from Portugal to Pakistan to the Philippines for information about al-Qaida's plans and intentions.

Because of these relationships, terrorist plots are being foiled and al-Qaida operatives are being arrested. It is far from clear that these essential relationships will be able to survive the strain of a war with Iraq that comes before the alternatives are tried—or comes without the support of an international coalition.

A largely unilateral American war that is widely perceived in the Muslim world as untimely or unjust could worsen, not lessen, the threat of terrorism. It could strengthen the ranks of al-Qaida sympathizers and trigger an escalation in terrorist acts. As General Wesley Clark, the former Supreme Allied Commander in Europe, told the Senate Armed Services Committee, that kind of war against Iraq, would "super-charge recruiting for al-Qaida."

In a September 10 article, General Clark wrote:

> Unilateral U.S. action today would disrupt the war against al-Qaida.

We ignore such wisdom and advice from many of the best of our military at our own peril.

General Joseph Hoar, the former Commander of the Central Command, advised the Armed Services Committee on September 23 that America's first and primary effort should be to defeat al-Qaida.

We have known for many years that Saddam Hussein is seeking and developing weapons of mass destruction. Our intelligence community is also deeply concerned about the acquisition of such weapons by Iran, North Korea, Libya, Syria and other nations. But information from the intelligence community over the past 6 months does not point to Iraq as an imminent threat to the United States or a major proliferator of weapons of mass destruction.

In public hearings before the Senate Armed Services Committee in March, CIA Director George Tenet described Iraq as a threat but not as proliferator, saying that Saddam Hussein "is determined to thwart U.N. sanctions, press ahead with weapons of mass destruction, and resurrect the military force he had before the Gulf War." That is unacceptable, but it is also possible that it could be stopped short of war.

In recent weeks, in briefings and in hearings in the Armed Services Committee, I have seen no persuasive evidence that Saddam could not be deterred from attacking U.S. interests by America's overwhelming military superiority.

I have heard no persuasive evidence that Saddam is on the threshold of acquiring the nuclear weapons he has sought for more than 20 years.

The administration has offered no persuasive evidence that Saddam would transfer chemical or biological weapons of mass destruction to al-Qaida or any other terrorist organization. As General Hoar told the members of the Armed Services Committee, a case has not been made to connect al-Qaida and Iraq.

To the contrary, there is no clear and convincing pattern of Iraqi relations with either al-Qaida or the Taliban.

General Clark testified before the Armed Services Committee on September 23 that Iran has had closer ties to terrorism than Iraq. Iran has a nuclear weapons development program, and it already has a missile that can reach Israel.

In August, former National Security Advisor Brent Scowcroft wrote that there is "scant evidence" linking Saddam Hussein to terrorist organizations, and "even less to the September 11 attacks." He concluded that Saddam would not regard it as in his interest to risk his country or his investment in weapons of mass destruction by transferring them to terrorists who would use them and "leave Baghdad as the return address."

At the present time, we do face a pressing risk of proliferation—from Russia's stockpile of weapons of mass destruction. America spends only $1 billion a year to safeguard those weapons. Yet the administration is preparing to spend between $100 billion and $200 billion on a war with Iraq.

I do not accept the idea that trying other alternatives is either futile or perilous—that the risks of waiting are greater than the risks of war. Indeed, by launching a war against Iraq now, before other alternatives are tried in good faith, the United States may well precipitate the very threat that we are intent on preventing—weapons of mass destruction in the hands of terrorists. If Saddam's regime and his very survival are threatened, then his view of his interests may be profoundly altered. He may decide he has nothing to lose by using weapons of mass destruction himself or by sharing them with terrorists.

Such a war would also pose great risks to our armed forces. Some who advocate military action against Iraq assert that air strikes will do the job quickly and decisively, and that the operation will be complete in 72 hours. But there is no persuasive evidence that air strikes alone over the course of several days will incapacitate Saddam and destroy his weapons of mass destruction. Experts have informed us that we do not have sufficient intelligence about military targets in Iraq. Saddam may well hide his most lethal weapons in mosques, schools and hospitals. If our forces attempt to strike such targets, untold number of Iraqi civilians could be killed.

In the gulf war, many of Saddam's soldiers quickly retreated because they did not believe the invasion of Kuwait was justified. But when Iraq's survival is at stake, it is more likely that they will fight to the end. Saddam and his military may well abandon the desert, retreat to Baghdad, and engage in urban, guerrilla warfare.

In our September 23 hearing, General Clark told the Armed Services Committee that we would need a large military force and a plan for urban warfare. General Hoar said that our military would have to be prepared to fight block by block in Baghdad, and that we could lose a battalion of soldiers a day in casualties. Urban fighting would, he said, look like the last brutal 15 minutes of the movie "Saving Private Ryan."

Mr. BYRD. Will the Senator yield at that point?

Mr. KENNEDY. I yield.

Mr. BYRD. I have listened with great interest to what he is saying. Does the Senator know—he is on the Armed Services Committee of the Senate as I am—does he know of any plan the administration has in readiness to deal with any one of these several possible contingencies in which we may find ourselves if we attempt to launch a unilateral strike, a unilateral invasion? Does he know of any plan that the administration has?

I have heard time and again the administration's surrogates say that the President has no plan on his desk. The distinguished Senator has made reference to a plan. Does he know of any plan that the administration has ready today and, if so, does he not believe the American people ought to know something about that plan? Does he believe the Congress ought to be informed of that plan?

Mr. KENNEDY. The Senator has asked the right question. The answer is that the best information we have is the President has been given alternatives, but the Armed Services Committee has not been given those alternatives, those estimates, the different possibilities that might occur should forces be engaged. No one is looking at a particular kind of military operation, but people want to gather information of the totality of what might be necessary and what might be expected. That certainly has not been shared with the Armed Services Committee.

I repeat, no one has been asking for the details of a military operation. We would not expect it. But the type of issues—the magnitude, what can be expected within the country, what will be expected from our allies, what will be the reaction from many of those countries that are on the front line of helping the United States in the fight against terrorism and deal with the challenges of al-Qaida—we have not seen any of those estimates, nor have we seen what the burden would be on the United States in a postwar situation.

We know of the difficulties and challenges in Afghanistan.

We see the tenuousness of that whole regime, the difficulties that we are facing in terms of Pakistan, in terms of its various challenges economic-wise, but we have not received any kind of information about what would be the burden upon the Americans in terms of a postwar period. That is something that should certainly be explained, other than the general figure that it will cost somewhere between $100 billion and $200 billion.

Mr. WARNER. Mr. President, could I just add a fact here? In August, I became so concerned about the national dialogue on this issue that I took it upon myself to write the chairman of the Armed Services Committee, Senator LEVIN, urging that promptly upon the Congress returning from its August recess period we initiate hearings.

Senator LEVIN and I worked together on the scheduling of hearings. We talked before the August recess and in due course a hearing schedule was put together. Regrettably, the timing of those hearings has been such that our committee apparently will not have its hearing with the four Chiefs of Services who were to come before the Armed Services Committee.

A second hearing we had tentatively agreed on was having General Franks, the commander in chief of the particular area of operation that is involved, to come before the committee.

So I say to my friend, regrettably, we have not had the opportunity—I tried in August to get these started, but we just did not complete that hearing schedule.

Mr. KENNEDY. I thank the Senator for his comments, which I think make the point that Senator BYRD and I would make, and that is that we ought to have those hearings prior to the time we give the authorization to go to war. I cannot believe that Senator LEVIN would not welcome the opportunity to have those hearings mentioned by the Senator before the time we would have the vote on it. The Senator from Virginia makes an excellent point. This Congress has not heard from those who are in the authority. It certainly is not because Senator LEVIN, who has had a series of hearings, is not willing to have them. I would welcome the fact that we have those hearings, and I am going to suggest it to the chairman of that committee that we do that prior to the time we vote.

Mr. WARNER. Mr. President, we were to have the hearing on General Franks today. Now, the reason it was not held, I leave that to my colleague from Massachusetts to consult with the chairman.

Mr. KENNEDY. We do not need the hearing to have the administration spell out to the American people what will be involved in this whole undertaking. The President can do this. The Secretary of Defense can do it. The general can do it at any time. We do not need the hearing.

These are the questions that the Senator from West Virginia and others have asked on this. We still have not gotten it. The American people have not gotten it. We do not need the hearings just to satisfy ourselves. The American people are entitled to this information certainly if we are going to be going to war.

Mr. BYRD. Mr. President, will the distinguished Senator yield for another question?

Mr. KENNEDY. Yes.

Mr. BYRD. Mr. President, I understand it is possible the United States could be lucky if the United States made a unilateral decision to invade Iraq. We could be lucky, but we might not be.

Does the Senator have any idea, based on his having information from the administration, what is the likelihood we might find ourselves bogged down in the hot sands of the Middle East and our men and women may have to fight a house-to-house, apartment-to-apartment battle in any one of the cities of Iraq? What would be the cost in terms of human life, not only of Iraqis but of our own men and women, if we were faced with a war in which we have to go street by street, avenue by avenue, house by house, floor to floor, to root out the snipers? What would be the cost in American lives?

The distinguished Senator has stated that in this war, Saddam may believe he has nothing to lose by pushing the button and going the final mile, the last way, and making whatever expenditure in human life that flows from that decision. I wonder if the administration, in its planning, has determined at any point that we may be faced with that kind of situation.

I wonder this further, if the Senator will allow me: Have the American people been asked to face up to that possibility? And, no, the administration will not make its military officers available for one reason or another to accommodate the Senate Armed Forces hearings, but why then do we have to rush in and make a decision before an election that is only 30 days away? Why should the leadership of this Congress not say we are going to go home, we are going to talk to the people, we are going to listen to what they have to say? After all, they are the ones who are going to have to pay the price. We will go home and we will await this fateful, momentous, all-important, vital decision until after the election, and we will come back.

When I was the majority leader of this Senate, I, from time to time, included in the adjournment resolution a provision that allowed me to call the Senate back after discussing it with the minority leader. I was able to call it back. Why should we go home? What is there about this that says we need to make this decision now and go home? I have only heard the feeble excuse: Oh, we have to put it behind us.

Does the Senator believe, with me, that we are not going to put this behind us, even though we vote on this resolution? If we are weak enough to support this resolution, with all due respect to the authors thereof, this is a blank check to the President of the United States, dressed up in the glittering figleaves of "whereases," beautifully flowered whereases. They are pretty, but this is nothing but a blank check. There could be a saving in paper if we wrote it in one sentence, just turn it over lock, stock, and barrel, give it to the President of the United States—not only this one but also the next one. It is so broad in scope and there is no end to it. It is just open ended.

May I ask my friend from Massachusetts, why shouldn't the leadership of this Congress say that the concerns are so great, the potential is so weighty, that we, the people's representatives, ought to go back and talk to the American people about this? Let's hear from them before we make this final decision.

Why should we have to have our thoughts cluttered up with an election, with the supercharged politics of this atmosphere in which we vote? Why should we be forced to make this decision now? Does the Senator agree with me?

Mr. KENNEDY. The Senator is quite correct in terms of his whole analysis, I believe, of the underlying resolutions that are before the Senate and the fact that we were effectively yielding the decisionmaking power of making war or peace—effectively unilaterally turning that over just to the decision of the President of the United States, as the Senator pointed out.

The Gephardt-Lieberman-Warner language says they can take unilateral action without a Security Council mandate to defend against a threat posed by Iraq. It talks about the test to defend against the continuing threat from Iraq.

The Senator, in his earlier exchange, points out that language is certainly not even implied in terms of whatever authority the President has to provide for the security of the United States. It would have to be an imminent threat. The Senator had a very strong exchange and made that case effectively.

The test in the Gephardt-Lieberman-Warner Resolution says to defend against the continuing threat from Iraq—that is the operative word. And in Biden-Lugar it talks about dealing with the threat of Iraq is "so grave" that force should be used. New words, "so grave." The President already said it was a grave situation.

In effect, if that was to be accepted—the President already said it was a grave situation. It would, in effect, grant unilaterally, without any involvement in the international community, any effort whatsoever to try and bring allies into this, give the authority for the President to go ahead with war, as the President has indicated he may very well do.

Back to the Senator's other question about what the general said September 23. General McInerney believed that 72 hours of bombing would effectively break the spirit and the military capability of Iraq. I will let him speak in his own words, and I ask unanimous consent to have pertinent statements printed after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KENNEDY. The conclusion I drew was it would be basically a cleanup operation.

That was not what General Wesley Clark or General Hoar stated. Wesley Clark, the general in Kosovo, and General Hoar, the distinguished marine and central commander in Europe, two very prominent, distinguished, extraordinary military officials worth listening to—General Clark on that day told the Armed Services Committee that we would need a large military force and a plan for urban warfare.

Those are not my words, not my conclusions. That is what General Clark said would be his estimate of what would be needed. General Hoar said our military would have to be prepared to fight block by block in Baghdad, and we could lose a battalion of soldiers a day in casualties. That is the testimony of General Hoar before the Armed Services Committee. He concluded: The urban fighting would look like the last brutal 15 minutes of the movie "Saving Private Ryan."

One of my colleagues said you can find generals who will say just about anything you want. That is certainly an insult to two of the finest military leaders we have had in recent times, one in the Marine Corps, and the other a very distinguished Army officer.

I agree with what the Senator said. Maybe we will get lucky. If this goes ahead we hope that is the outcome. But the Senator reminds us there are too many instances in the past we have not been lucky; the events went against us and we experienced the loss of enormous numbers of young Americans. We ought to be cautious and guarded, as the Senator has spelled out.

I have a few more minutes, and I will conclude.

A decade ago, before the Gulf War in 1991, Secretary of State James Baker met with the Iraqis and threatened Hussein with catastrophe if he used weapons of mass destruction. In that war, although Saddam launched 39 Scud missiles at Israel, he did not use the chemical or biological weapons he had.

If Saddam's regime and survival are threatened today, he will have nothing to lose, and may use everything at his disposal. Israeli Prime Minister Ariel Sharon has announced that instead of its forbearance in the 1991 Gulf War, this time Israel will respond if attacked. If weapons of mass destruction land on Israeli soil, killing innocent civilians, the experts I have consulted believe Israel will retaliate, and possibly with nuclear weapons.

This escalation, spiraling out of control, could draw the Arab world into a regional war in which our Arab allies side with Iraq, against the United States and against Israel. And that would represent a fundamental threat to Israel, to the region, and to the world community.

Nor can we rule out the possibility that Saddam would assault American forces with chemical or biological weapons. Despite advances in protecting our troops, we do not yet have the capability to safeguard all of them.

The members of our armed forces are serving our country with great distinction. Nearly 70,000 Reservists and National Guardsmen have been mobilized for the war against terrorism. The Pentagon has also been forced to retain 22,000 service members involuntarily, due to critical shortages of pilots, intelligence specialists, and security personnel. This number is almost as high as in the Gulf War, in which 29,000 service members were involuntarily retained.

In the Gulf War, no service members were recalled for longer than a year. Today, an additional 11,000 Reservists have been mobilized for a second year—that is today.

If we embark upon a premature or unilateral military campaign against Iraq, or a campaign only with Britain, our forces will have to serve in even greater numbers, for longer periods, and with graver risks. Our fores will be stretched even thinner.

War should be the last resort. If in the end we have to take that course, the burden should be shared with allies—and that is less likely if war becomes an immediate response.

Even with the major technological gains demonstrated in Afghanistan, the logistics of such a war would be extraordinarily challenging if we could not marshal a genuine coalition of regional and international allies.

President Bush made the right decision on September 12 when he expressed America's willingness to work with the United Nations to prevent Iraq from using chemical, biological or nuclear weapons. The President's address to the General Assembly challenging the United Nations to enforce its long list of Security Council resolutions on Iraq was powerful—and for many of us, it was persuasive.

But to maintain the credibility he built when he went to the U.N., the President must follow the logic of his own argument.

Before we go to war, we should give the international community a credible opportunity to meet the President's challenge—to renew its resolve to disarm Saddam Hussein completely and effectively. This makes the resumption of inspections more imperative and perhaps more likely than at any time since they ended in 1998.

So this should be the first aim of our policy—to get U.N. inspectors back into Iraq without conditions. I hope the Security Council will approve a new resolution requiring the Government of Iraq to accept unlimited and unconditional inspections and the destruction of any weapons of mass destruction.

The Security Council resolution should set a short timetable for the resumption of inspections. It should also require the head of the UN inspection team to report to the Security Council at frequent intervals. No delaying tactics should be tolerated—and if they occur, Saddam should know that he will lose his last chance to avoid war.

The Security Council Resolution should authorize the use of force, if the inspection process in unsatisfactory. And there should be no doubt in Baghdad that the United States Congress will strongly support the determination of the international community and President Bush to disarm Saddam.

The return of inspectors with unfettered access and the ability to destroy what they find not only could remove any weapons of mass destruction from Saddam's arsenal. They could also be more effective than an immediate or unilateral war in ensuring that these deadly weapons would not fall into the hands of terrorists.

The 7 years of inspections that took place until 1998 succeeded in virtually eliminating Saddam's ability to develop a nuclear weapon in Iraq during that period. Even with Iraq's obstructions, those inspections resulted in the demolition of large quantities of chemical and biological weapons. By the time the inspectors were forced out of the country in 1998, they had accomplished far more disarmament than the Gulf War achieved. Before going to war again, we should do all we can, to resume the inspections now—and set a non-negotiable demand of no obstruction, no delay, no more weapons of mass destruction in Iraq.

What can be gained here is success—and in the event of failure, greater credibility for an armed response, greater international support, and the prospect of victory with less loss of American life.

So what is to be lost by pursuing this policy before Congress authorizes sending young Americans into another and in this case perhaps unnecessary war?

Even the case against Saddam is, in important respects, a case against immediate or unilateral war. If Prime Minister Blair is correct in saying that Iraq can launch chemical or biological warheads in 45 minutes, what kind of sense does it make to put our soldiers in the path of that danger without exhausting every reasonable means to disarm Iraq through the United Nations?

Clearly, we must halt Saddam Hussein's quest for weapons of mass destruction. Yes, we may reach the point where our only choice is conflict—with like-minded allies at our side, if not, in a multilateral action authorized by the Security Council. But we are not there yet.

The stakes are too high if we do the wrong thing. We have the opportunity now, in Congress, to do the right thing, and it is our responsibility to do it.

I yield the floor.

EXHIBIT 1

URBAN WARFARE

"In urban warfare, you could run through battalions a day at a time. All our advantages of command and control, technology, mobility . . . are in part given up and you are working with corporals and sergeants and young men fighting street to street. It looks like the last 15 minutes of Saving Private Ryan."—General Joseph P. Hoar, USMC (Ret.), Former Commander in Chief, United States Central Command, September 23, 2002.

"I think if it gets to urban warfare, and the likelihood is certainly great that it could, just like the likelihood is very good that he could use weapons of mass destruction, it could get very messy. The collateral damage could be very great. And our own casualties could increase significantly."—General John M. Shalikashvili, USA (Ret.), Former Chairman, Joints Chiefs of Staff, September 23, 2002.

Weapons of Mass Destruction Use

"The United States could certainly defeat the Iraqi military and destroy Saddam's regime. But it would not be a cakewalk. In fact, Saddam would be likely to conclude he had nothing left to lose, leading him to unleash whatever weapons of mass destruction he possesses."—Brent Scowcroft, Former National Security Advisor, August 15, 2002.

No Convincing al Qaeda Link

"To my knowledge . . . there has not been a case made to connect Iraq and al Qaeda."—General Joseph P. Hoar, USMC (Ret.), Former Commander in Chief, United States Central Command, September 23, 2002.

"There is scant evidence to tie Saddam to terrorist organizations, and even less to the September 11 attacks . . . He is unlikely to risk his investment in weapons of mass destruction, much less his country, by handing such weapons to terrorist who would use them for their own purposes and leave Baghdad as the return address."—Brent Scowcroft, Former National Security Advisor, August 15, 2002.

al Qaeda Threat

"Last year I told you that Osama bin Laden and the al Qaeda network were the most immediate and serious threat this country faced. This remains true despite the progress we have made in Afghanistan and in disrupting the network elsewhere."—CIA Director George Tenet, February 6, 2002.

"It seems as we came upon the 11th of September, 2002, with ground-to-air missiles ringing the Capitol and uncertain about where and when we might be attacked again by terrorists, that we need to continue, as our primary effort, to defeat al Qaeda."—General Joseph P. Hoar, USMC (Ret.), Former Commander in Chief, United States, Central Command, September 23, 2002.

Cost of Unilateral Use of Force

"We should try our best not to have to go it alone . . . The costs in all areas will be much greater, as will the political risks, both domestic and international, if we end up going it alone or with only one or two other countries."—James A. Baker, III, Former Secretary of State, August 25, 2002.

"This is not the time to risk the loss of support from so many countries shocked by the attacks of 11 September last year who have offered to help us and, indeed, provide it on a daily basis."—General Joseph P. Hoar, USMC (Ret.), Former Commander in Chief, United States Central Command, September 23, 2002.

"If we go in unilaterally or without the full weight of the international organizations behind us—if we go in with a very sparse number of allies, . . . we're liable to super-charge recruiting for al Qaeda."—General Wesley K. Clark, USA (Ret.), Former Supreme Allied Commander, Europe, September 23, 2002.

Mr. WARNER. Mr. President, may I ask my distinguished colleague and very good friend of many, many years just a question or two? I listened very carefully to his remarks. I just wish to observe that, on the point about——

The PRESIDING OFFICER. Does the Senator yield?

Mr. KENNEDY. Yes, I yielded the floor.

Mr. WARNER. I think he yielded, and I asked if I could engage in a colloquy.

The Senator mentioned the case has not been made to connect al-Qaida to Iraq, but I think the Senator is aware of the fact that the Secretary of Defense has now revealed what was intelligence prior thereto; the fact that al-Qaida has now established some training camps, and so forth, within the sovereign boundaries of Iraq. That, to me, is a very important bit of intelligence that has come to the forefront.

Senator BYRD keeps saying, What is new? To me, that is very new. It is now out in the open.

While I am not suggesting there has been an absolute, airtight, direct connection between 9/11, 2001, it is clear that Iraq sponsors and shelters terrorists, including al-Qaida.

On the point about the generals who appeared before the Armed Services Committee, the Senator referred to portions of their testimony. But I have the very clear recollection—I sat with Chairman LEVIN throughout every minute of that hearing. These generals also, when pressed by myself and others, said there are times when the U.S. has to act alone, if necessary, to defend ourselves and protect our national interests.

That is the point, time and time again, that I debated with our distinguished colleague, Senator BYRD, in which we have, I suppose, from his perspective, different opinions.

The Senator in his remarks just now indirectly suggests that we should wait on the U.N. Perhaps there will be a new inspection regime. I know Secretary of State Powell has brilliantly and courageously worked up there to develop a strong United Nations resolution. We will have to await judgment until that resolution is forthcoming. But I think we cannot leave in the minds of the American people that, in any way, our Nation must relinquish the authority, under the Constitution, to protect our own national interests—relinquish it in any way or predicate it on action of the United Nations. We cannot do that. We cannot let the United Nations think in any way they could veto the authority of this President or the ability of this Nation to defend itself. I hope the Senator was not suggesting that in any way by his remarks.

Mr. KENNEDY. Mr. President, General Scowcroft, who is a distinguished retired general and arms control expert, the head of a Presidential intelligence board, was the one who indicated that he did not believe there had been a connection; that you might have had contact, but by definition, as the Senator has pointed out, the connection with al-Qaida did not in any way reflect on September 11. And Secretary Powell indicated that as well. The Director of the FBI said that this summer.

Mr. WARNER. Mr. President, I agree with that.

Mr. KENNEDY. If I could just finish now, I was at the last intelligence briefing. I will not characterize it as to what new information came out as a result of interviewing detainees in the past few days or weeks, but, very clearly, the statements that I said in characterizing the contacts between al-Qaida and Iraq, by Mr. Scowcroft, by Secretary Powell, by Director Mueller, would indicate that this had not been a contact that was meaningful and significant in terms of a threat to the United States.

They also pointed out that, in terms of a country that was providing aid and assistance to terrorists such as Hamas and Hezbollah, it was much higher in terms of Iran than it was in terms of Iraq.

Those references—I included two in my statement. I will include the third.

The other point I mention is, as the Senator remembers, Secretary of Defense Rumsfeld and Chairman of the Joint Chiefs of Staff, Richard Myers, testified before the committee on September 19, 2002 that they would not talk about planning, would not talk about casualties, would not talk about operational issues. Even in the closed session, Secretary Rumsfeld refused to address the issues.

So I think it is important to understand that type of information, as was raised, has been denied both to the members of the committee and, most importantly, to the public.

Again, I say no one is asking for the military operations, but what we are asking for is basic assessments in terms of the numbers of personnel, their best estimates in terms of the length and what would be involved, in terms of the conflict.

Mr. WARNER. Mr. President, I say to my colleague, it had been my hope—and there was planning in place—that our committee, the Armed Services Committee, was to have had hearings this week with the Joint Chiefs of Staff, and most specifically with General Franks, who has been entrusted with much of the planning. I leave it to our chairman to give the responses to why that did not occur, but that is a fact that we had planned to do it.

Secretary Rumsfeld declassified information recently and said that al-Qaida has camps existing now within the sovereign boundaries of Iraq, and senior al-Qaida leaders have had sanctuaries in Iraq. While the link, as I pointed out, between 9/11 has yet to be established, there is information of the linkage.

I am more concerned with the question I posed to the Senator. In any way does his remark suggest we should abrogate our right to act when it is in our security interest because of action or inaction, as the case may be, of the United Nations on the resolution now being formed while our Secretary of State and others are working to establish the framework in such a way that it would meet the concerns that this Nation has, and I believe Great Britain? It may not. And if it does not meet them, does that action to put out a new inspection regime which falls below the standards and requirements and goals that we think are necessary, does that mean we do nothing? Does that mean our President's hands and the hands of the Prime Minister of Great Britain are tied?

What are we to do? Allow another ineffective inspection regime to take place, which would possibly obviate the possibility of engaging Iraq more forcibly, if it were necessary to stop the spread of weapons of mass destruction?

Would you clarify the position you have taken?

Mr. KENNEDY. I certainly will. If there is a clear and present danger to the United States and an immediate threat, obviously the President has the right to act and should act. But that is not what we have here. That is not the case that has been made by the Secretary of Defense or the President or the Senator from Virginia, that there is a clear and present danger to the security of the American people, and that it is imminent. That case has not been made. When that case has been made, put me down in terms of being in favor of taking immediate action.

If the President of the United States makes that determination, fine. But we have been asking: Where is this evidence? In 1962, President Kennedy took it to the United Nations and showed the world what was out there. Every American understood what was at risk. Do you have the information or don't you have the information? Is the information different today than it was a year ago when we never had this proposal? If it is, let's see it. Let's hear about it. We have not seen it in the Armed Services Committee. I haven't attended all the meetings, but I have attended just about all of them, the recent ones that we have had on Iraq. If there is any information there, I would welcome the Senator from Virginia telling me, pointing that out. But we haven't got it.

The Secretary of Defense says he does not have to make the case anymore. We ought to know that Saddam is a tyrant. We all agree.

The best question is: How are we going to best defend the security of the United States? I maintain that the security of the United States today is threatened as much by al-Qaida as by anything that is immediate now in terms of Iraq. We do not hear anything more about al-Qaida. We don't understand what the threat is. That was all we heard about.

The Senator hasn't said anything about that. Yet we find an unsettled situation in Afghanistan with the blowing up of cars, the warlords coming back, and the fact that they are trying to a get a 60,000- or 70,000-man army and they have 1,600 recruits. They want a national army. They have virtually nothing there.

We have to ask ourselves: If this doesn't go away—as General McInerney says—in 72 hours, what is going to happen in terms of all of those countries that are helping the United States deal with al-Qaida that was a threat to the United States, and, according to the head of the Central Intelligence Agency, continued to be the principal threat to the security of the United States just 4 months ago? You wouldn't know that. I do not know what has changed. Neither do the American people. That is what they want to hear. They hope they will hear that during this debate. But we haven't.

Mr. WARNER. Mr. President, in reply to my colleague's observations, in no way has this Nation lessened the intensity or commitment to the war on international terrorism in Afghanistan or elsewhere. It may not be the featured article in the press today, but I assure the Senator that the men and women of our Armed Forces, together with those of many other nations, are pressing unrelentlessly against the spread of terrorism, be it in Afghanistan or elsewhere in this world.

Again, I bring my colleague back to this question of the United Nations. A quote appears in today's newspaper.

I ask unanimous consent to have printed in the RECORD following our colloquy an article from today's Washington Post.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WARNER. Mr. President, it quotes our distinguished colleague, Senator EDWARD KENNEDY, as saying: I am waiting for the final recommendation of the Security Council before I am going to say how I am going to vote.

I would like to give the Senator an opportunity to clarify.

Mr. KENNEDY. I called him and asked him for the context. We have not received that yet.

Mr. WARNER. Certainly, Mr. President, I in no way attack authenticity, and I am glad that the Senator has clarified that.

Mr. KENNEDY. It is quite clear what I have said; that is, I think it is a mistake for us to go it alone, unless there is the kind of threat that I have just described—a clear and present danger and an imminent threat to the United States. Then we have to take action. That power is reserved for the President. We had that discussion earlier in the afternoon between the Senator from West Virginia and the Senator from Virginia. That happens to be the case. But that has not been the case, and the case has not been made.

It seems to me that we are much better off going internationally and not saying that our first choice ought to be war, the first choice ought to be battle, and the first choice ought to be conflict. I think we ought to try to build a coalition of the United Nations and take concerted action with an inspection regime that does authorize force, that does permit unfettered inspections, that includes the reporting back to the Security Council of the progress that has been made.

I outlined that in my speech. That is our position. That is what I thought the President was saying when he went to the United Nations initially. That is what I thought he was saying. That is the course of action that we ought follow, and we ought to hear certainly from the United Nations Security Council on that recommendation and on that challenge.

Mr. WARNER. Mr. President, let us be clear. I assure my colleague that I agree that our President states almost daily when he addresses this issue, as he did on the steps of the White House just a day or two ago when I was right there, that his first priority is to pursue a coalition. His first priority is to pursue in the United Nations the enforcement of the resolutions passed and perhaps one in the future. He has repeatedly said war is the last—I repeat—the last option. He is fulfilling, in my judgment, his responsibility as President under our Constitution. And I commend him for doing so.

Mr. KENNEDY. Mr. President, I hope he will go to the United Nations and that he will go to the Security Council. Then, if he finds out they will not take the steps, and that we have a clear, present, and immediate danger to the United States, I hope he will come back and that we can debate and pass a resolution so we can take the steps necessary to secure this country.

But that isn't what the resolution says. We have been through that. Basically, it doesn't deal with the Security Council of the United Nations. It doesn't deal with that. It says it permits unilateral action without the Security Council taking any steps at all.

We want to follow what the Senator from Virginia says. The President has gone to the Security Council. Challenge it, get an international coalition, go for that and challenge with inspections. If that is not successful, come back here to the Senate. And I bet you that Senator BYRD will be the first name that will be on a resolution to take the action and mine will be the second. But that is not where we are now. That isn't what this resolution is all about. It effectively is granting the President the authority to go to war unilaterally if he concludes there is a continuing threat from Iraq—not an immediate, not a clear and present danger—if there is a continuing threat from Iraq. I think he has concluded that today.

If you pass this resolution, you are saying, Why even bother with the Security Council? If I were a member of the Security Council, I would say, Why are you even taking the time to talk to us? You have already made up your mind. You are going to war.

That is effectively what that resolution says. That is the problem some of us have with the construct and why we are here.

I thank the Senator. I appreciate it very much. I am sure we will have more opportunity to talk.

Mr. WARNER. Mr. President, the Senator from Massachusetts made reference to the Cuban missile crisis and the extraordinary courage that his brother, the late President, showed in his leadership. There again, as the Senator points out, there was clear evidence of a threat—the "smoking gun," as someone said—that famous picture of the missile. But I say to my good friend, in the days to come on this debate I will go into greater detail on the changes in technology since 1961. And here we are in 2002 with changes in technology which present a whole new framework of threats that this Nation has never experienced before—to use the words of Secretary Kissinger in his testimony to the Foreign Relations Committee—"modern technology in the service of terror gives no warning."

Those are the words that say to me the doctrine of preemption, which I recited, and which has been followed for many years by this country in times of need, is one that bears careful reexamination in the light of the technology possessed by Saddam Hussein. He has far more weapons than were ever presented by Adolf Hitler—far more weapons in terms of weapons of mass destruction and the technology that exists today that didn't exist in 1961 and that didn't exist in 1941.

Mr. KENNEDY. Mr. President, I, for one, am not prepared to sign up for the change in foreign policy where we have one person making a decision to go to war. Today, it is Iraq because we have Saddam Hussein. Khomeini was in Iran. We were going to that country as well. What about Qadhafi? I heard from families in my State of Massachusetts who lost members of their family. Sixty-seven members of the Armed Forces lost their lives in the war against Qadhafi. Why aren't we going after Qadhafi?

What about North Korea? They may have murdered millions of their own people. They may have nuclear weapons.

Where are we stopping on this? The idea that you had a great deal more time—in the Cuban missile crisis, had the weapons come from Cuba, we had about 11 minutes. You are saying there is no more of a dangerous time now than we had with 11 minutes?

I am not prepared to say we are going to turn over to a single individual in our democracy the authority to go to war at any time when a President believes there is a "continuing threat" from—you fill in the name of the country. You fill in the name of the country. A "continuing threat" from where?—fill in the name of the country—authorizing the President to go to war.

That is not, I think, what our Founding Fathers intended.

Mr. WARNER. Mr. President, I thank my colleague.

We will conclude this debate. Indeed, policies of containment have worked in the past, but with the spread of modern technology, and the clear documentation that this particular evil dictator, Saddam Hussein, has used these weapons against his own people and his adversaries, it is clear and convincing proof to this Senator that there is a threat that must be dealt with now—not tomorrow, now.

Hopefully, the United Nations will devise a resolution and live up to its responsibilities. But if it does not, let there be no doubt in the minds of anyone that our Nation will act in its own interests to protect its own people and, hopefully, will act with a coalition of allies.

[From the Washington Post]

The Myth of U.N. Support

(By Charles Krauthammer)

"This nation is prepared to present its case against the Soviet threat to peace, and our own proposals for a peaceful world, at any time and in any forum—in the Organization of American States, in the United Nations, of in any other meeting that could be useful—*without limiting our freedom of action*."—President John F. Kennedy, Cuban missile crisis, address to the nation, Oct. 22, 1962

"I'm waiting for the final recommendation of the Security Council before I'm going to say how I'm going to vote."—Sen. Edward M. Kennedy, Iraq crisis, address to the Johns Hopkins School of Advanced International Studies, Sept. 27, 2002

How far the Democrats have come. Forty years ago to the month, President Kennedy asserts his willingness to present his case to the United Nations, but also his determination not to allow the United Nations to constrain America's freedom of action. Today his brother, a leader of the same party, awaits the guidance of the United Nations before he will declare himself on how America should respond to another nation threatening the United States with weapons of mass destruction.

Ted Kennedy is not alone. Much of the leadership of the Democratic Party is in the thrall of the United Nations. War and peace hang in the balance. The world awaits to see what the American people, in Congress assembled, will say. These Democrats say: wait, we must find out what the United Nations says first.

The chairman of the Senate Armed Services Committee, Carl Levin, would enshrine such lunacy in legislation, no less. He would not even authorize the use of force without prior U.N. approval. Why? What exactly does U.N. approval mean?

It cannot mean the U.N. General Assembly, which is an empty debatable society. It means the Security Council. Now, the Security Council has five permanent members and 10 rotating member. Among the rotating members is Syria. How can any senator stand up and tell the American people that before deciding whether America goes to war against a rogue state as Iraq, it needs to hear the "final recommendation" of Syria, a regime on the State Department's official terrorist list?

Or maybe these senators are awaiting the wisdom of some of the other nonpermanent members. Cameroon? Mauritius? Guinea? Certainly Kennedy and Levin cannot be saying that we must not decide whether to go to war until we have heard the considered opinion of countries that none of their colleagues can find on a map.

Okay. So we are not talking about these dots on the map. We must be talking about the five permanent members. The United states is one. Another is Britain, which support us. That leaves three. So when you hear senators grandly demand the support of the "international community," this is what they mean: France, Russia and China.

As I recently asked in this space, by what logic does the blessing of these countries bestow moral legitimacy on American action? China's leaders are the butchers of Tiananmen Square. France and Russia will decide the Iraq question based on the coldest calculation of their own national interest, meaning money and oil.

Everyone in the Senate wants a new and tough inspection regime in Iraq: anytime, anywhere, unannounced. Yet these three countries, whose approval the Democrats crave, are responsible for the hopelessly diluted and useless inspection regime that now exists.

They spent the 1990s doing everything they could to dismantle the Gulf War mandate to disarm Saddam Hussein. The Clinton administration helplessly acquiesced, finally approving a new Security Council resolution in 1999 that gave us the current toothless inspections regime. France, Russia and China, mind you, refused to support even that resolution; they all abstained because it did not make yet more concessions to Saddam Hussein.

After a decade of acting as Saddam Hussein's lawyers on the Security Council, these countries are now to be the arbiters of America's new and deadly serious effort to ensure Iraqi disarmament.

So insist leading Democrats. Why? It has no moral logic. It has no strategic logic. Forty years ago, we had a Democratic president who declared that he would not allow the United Nations or any others to tell the United States how it would defend itself. Would that JFK's party had an ounce of his confidence in the wisdom and judgment of America, deciding its own fate by its own lights, regardless of the wishes of France.

Or Cameroon.

Mr. WARNER. I yield the floor.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I ask unanimous consent that following my remarks, Senator MURKOWSKI be recognized to speak and that Senator STABENOW be recognized after Senator MURKOWSKI.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I rise today not in opposition to the resolutions before us but, rather, to ask my colleagues to carefully consider our national priorities as we debate our course of action against Saddam Hussein's regime in Iraq.

Congress is preparing to consider a series of resolutions authorizing the President to initiate options against Iraq, including the use of force. If there is one matter upon which there would be unanimity of agreement, it is that Saddam Hussein is an evil man, an evil man in a region of evil men. He is a tyrant who has used chemical and biological weapons on his own people. He has flouted U.N. resolutions calling for inspections of his arms capabilities. His forces regularly fire on American and British jet pilots who are enforcing the no-fly zones in the north and south of his country, and he has the potential to develop and deploy nuclear weapons, a potential we need to monitor closely.

The resolutions before us mean we as Members of Congress, acting on behalf of the American people, are investing our collective trust in the judgment of the President of the United States, because it will be his decision as to whether, when, and under what ultimate circumstances to utilize whatever authority we might grant.

We are in a very similar position to where we were immediately after September 11, 2001, when the President asked for an authorization, and we gave him the power to launch a war against al-Qaida and the Taliban regime in Afghanistan.

The latest White House draft of the resolution before us today attempts to link two challenges to our Nation's security: terrorism and Saddam Hussein. I am not certain it does so in the most coherent and effective way. Frankly, I fear elevating Saddam Hussein to our Nation's No. 1 enemy poses risks that have not been fully considered.

In the constellation of threats to the American homeland, as well as to our interests abroad, in my judgment, terrorism represents the greatest and most urgent security threat to the American people. Saddam Hussein cannot be viewed in isolation. The region of the Middle East to Central Asia is a very tough neighborhood, and we have many threats and commitments in that neighborhood. We have commenced a war against terror in Afghanistan—not yet complete. We know that, as we leave Afghanistan, there will be other chapters in the war on terror, and it is quite probable that those future chapters will be more difficult than the one we have already experienced in Afghanistan.

In addition to that, we have a tense, continuing standoff between India and Pakistan, two nuclear powers at virtual sword's point. We have a continuing conflict between Israel and the Palestinians, and we have other countries in the region that have a substantial—in several instances greater capacity for weapons of mass destruction than does Iraq. So we must decide what our priorities are.

In my opinion, our first priority must be the successful completion of the war on terrorism. When President Bush spoke before a joint session of Congress on September 20, 2001, just 9 days after the attacks, he declared:

> Our war on terror begins with al-Qaida, but it does not end there. It will not end until every terrorist group of global reach has been found, stopped, and defeated.

That is the challenge the United States of America undertook in the war on terror. In his State of the Union speech on January 29, 2002, President Bush again, standing in the House Chamber before a joint session of Congress, set this agenda:

> Our Nation will continue to be steadfast and patient and persistent in the pursuit of two great objectives: First, we will shut down terrorist camps, disrupt terrorist plans, and bring terrorists to justice. Second, we must prevent the terrorists and regimes who seek chemical, biological, or nuclear weapons from threatening the United States and the world.

Mr. President, I concur with President Bush's ranking of our priority targets: First, to shut down terrorist camps, disrupt terrorist plans, and to bring terrorists to justice; and, second, to go after regimes that seek chemical, biological, or nuclear weapons.

Clearly, terrorists pose the most immediate threat to America. They have, as their avowed goal, to kill Americans. They have the capability of recruiting and training in the skills of terrorism, in those training camps to which the President referred, waves of terrorists. And they have the capability to strike within our homeland, as was demonstrated again today by the arrest of six alleged terrorist cell members, four of whom were in Oregon and one in Michigan.

There is no question that our national security paradigm changed with the events of September 11. We used to think about national security in terms such as "balance of power"—particularly, the United States and the Soviet Union. Our concerns centered on big-picture questions, such as whether an adversary had the capability to launch nuclear missiles that could reach our homeland or how a dispute in a far-off region, in Southeast Asia, or the Persian Gulf, might affect our interests. We did not have to worry much about whether an adversary had the ability to execute a terrorist attack against Americans here at home.

That changed on September 11. Our most dangerous adversaries are no longer nation-states but shadowy organizations with operations scattered around the world. They are not interested in the traditional prizes of power, such as geography or wealth. They are not deterred by the traditional means by which nations are constrained to operate within their borders and within some set of international standards. Their ambition is to win a trip to paradise by killing infidels—killing Americans.

On September 11, we learned how little these new adversaries need to launch a terrorist strike within our homeland. A terrorist organization requires only the ability to recruit people motivated by zealotry, generally religious fervor. They need someone trained in the particular skills of a specific method of attack, such as detonating a truck bomb or hijacking a commercial jetliner. They need a relatively small amount of financial support from internal or external sources. They need the ability to place operatives around the world, including in the United States of America. And they need a command-and-control system capable of developing the plot and then sending the signal for its initiation.

Our efforts against al-Qaida and the Taliban in Afghanistan have been exemplary. But the United States today faces more deadly battles in the future as we move to the next phase of the war on terror. For the last month, we have been debating—and I hope it will shortly pass—legislation to create a new Department of Homeland Security. That is a good thing. But the creation of that new Department will not guarantee the security of the American people.

The most effective defense against terrorism is not to be found on the defense, as we attempt to protect our vulnerabilities but, rather, an aggressive offense against terrorist organizations abroad, taking the fight to them where they live. We must chop the head off the snake before it has a chance to strike us.

As we move beyond al-Qaida and the Taliban, the terrorist organizations that we must target are more mature, better organized, and more competent. The most prominent example is Hezbollah, the Party of God. Hezbollah has been described as the A-team of international terrorists—more dangerous than even al-Qaida.

Prior to September 11, Hezbollah, through its terrorist wing, the Islamic Jihad Organization, had killed more Americans, by far, than any other terrorist organization in the world. The bombing of U.S. Marine Corps barracks in Beirut, the bombing of the U.S. Embassy in Beirut, the hijacking of TWA flight 847, numerous other brutal kidnappings and murders of Americans, all were the work of Hezbollah's Islamic Jihad Organization, as were other acts of terrorism where the link to Hezbollah remains classified.

On July 4 of this year, with Senators DEWINE and BAYH, I stood on the front lawn of the U.S. Embassy in Beirut. We laid a wreath on a newly constructed plat. That plat contained the names of hundreds of Americans who have died in Lebanon at the hands of Hezbollah.

Hezbollah is vehemently opposed to United States policy in the Middle East, and it is allied with the most extreme anti-American elements in Iran and Syria. Iran and Syria provide support, training, and weapons to Hezbollah, and both of these countries have weapons of mass destruction that they could provide to Hezbollah.

Hezbollah also operates terrorist training camps in Iran, Syria, and Syrian-controlled parts of Lebanon that are preparing the next generation of terrorists.

If there is one lesson we have learned from Afghanistan, it is the grave mistake we committed in allowing Osama bin Laden's terrorist training camps to operate for years, preparing thousands of terrorists, many of whom carried out the attacks against Americans, including the tragedy of September 11.

What is it going to take to achieve victory in the war on terrorism? It is going to require a united and sustained effort that is based on a realistic understanding of the scale and capability of our terrorist adversaries such as Hezbollah. It is going to require the active support, or at least the avoidance of active hostility, in those countries in which the war is going to be waged.

Just as we needed Pakistan's cooperation to fight al-Qaida and the Taliban in Afghanistan, we will need the assistance of other nations, many of them predominantly Muslim nations, as we move against these additional targets. And it is going to take action by Congress, action to authorize the President to use all necessary force against international terrorists.

One might ask: Haven't we already done that? Didn't we do that on September 18, 2001? We did, in fact, pass a joint resolution that day. We gave the President this authority:

> . . . to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations, or persons.

That is the authority that we have granted to the President. What we have not granted to the President is the full authority which he sought on September 18, which was the authority to go not only after those organizations, nations, and persons who had been directly linked to the events of September 11, but also against other international terrorist groups which, in his words, "required action to deter and preempt any future acts of terrorism or aggression against the United States."

In my judgment—and I am pleased to say I am joined by Senator ROCKEFELLER in this determination—now is the time to extend the authority of the President to go after all terrorist groups, those that were linked specifically to the actions of September 11, such as al-Qaida, and those that, in my judgment, represent an equally or possibly greater threat to the United States, such as Hezbollah, which were not involved in the events of September 11.

The State Department has identified 34 groups on its list of foreign terrorist organizations. Two-thirds of those 34 groups have their headquarters in the Middle East or central Asia. The State Department has also listed seven countries as state sponsors of terrorism. Five of those seven—Iraq, Iran, Libya, Sudan, and Syria—are in this same region.

What the President is proposing today might be called an Iraq-first policy. I am concerned that a war with Saddam Hussein would be waged to the exclusion of or possibly to the detriment of the war on terrorism. There are indications that there has been a shift of focus already occurring.

There have been reports of reduction in our intensity of efforts in Afghanistan as intelligence and military resources, particularly the attention of the leadership of the intelligence community and the Defense Department, have turned to Iraq.

A Washington Post story in late August has an anecdote on this and quoted Chief Warrant Officer Mike Smith complaining of inactivity in Afghanistan:

> It's so boring. We're trying to figure out what we're still doing here.

A second concern is that as a consequence of the threat to take unilateral action against Iraq, we have seen a hardening of anti-American sentiment in the Middle East, which puts U.S. persons and interests in the region at greater jeopardy.

Finally, with the significant capacity that groups such as Hezbollah have within our country, within our borders, war with Iraq increases the chances that they will strike in our homeland. Like al-Qaida, Hezbollah has active cells within our borders, only more so. I cannot discuss the numbers and locations, but I can tell you, Mr. President, they have significant numbers and substantial capabilities. Therefore, we need to prepare not just for a war with Iraq, but for a broader war on international terrorism.

Let me be clear, the proposal that Senator ROCKEFELLER and I will offer next week at the appropriate time is not a reduction of the President's authority. To the contrary. It represents an expansion. It will authorize all necessary action against those international terrorist organizations which represent a threat to kill Americans. This is what the President had requested on September 12, 2001. This, in my judgment, is what we should give to the President. It will then be the judgment of the President to determine which of the authorities he will utilize—the resolution of September 18 that gave him the authority to move with necessary force against those responsible for September 11; the resolution that I hope we will adopt through this amendment to extend that to other international terrorist groups which threaten the people of the United States but were not part of the September 11 plot; as well as whatever resolution we may adopt—and I am confident we will adopt one—relative to Iraq.

Then it will be the responsibility of the President to exercise his judgment as to which of these authorities he wishes to use, in what sequence, in what relative level of commitment, and he will be accountable for his judgment.

At a minimum, we need the President to initiate actions that prepare us to respond to those who would use a war with Iraq as a justification to escalate their attacks on Americans here at home and abroad.

As the President begins to exercise his judgment with these expanded authorities, I want him to have the capability to wage war as he sees most appropriate to give to the American people the greatest degree of protection that they can have in these days of threat.

Of all the terrorist organizations and their sponsors, as well as the regime that now controls Iraq, there should be a single message: America is resolute; America is united; America is prepared to do what is required to assure the safety and security of its people. I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. MURKOWSKI. I wish the occupant of the Chair a good afternoon.

Mr. President, I wish to call my colleagues' attention to a situation associated with our increasing dependence on Iraq. Let me share with you a picture of Saddam Hussein, who is no stranger to this body. The title is: "Oil as a Weapon."

As we address the disposition of the resolution which the President has sent up to this body for action, we should recognize a few hard realities, and that is oil is funding terrorism, oil is funding the economy of Iraq, in spite of the efforts through the United Nations to try and control that funding, and the inconsistency of our policy where we are increasing our dependence on Iraqi oil, even at a time when we are contemplating going to war with Iraq, is indeed an inconsistency of a magnitude to which I think more Members should relate.

If one reflects on the number of sorties we have flown over a period of time starting in 2000, even though we have been enforcing the no-fly zone since about 1992, Iraqi forces fired at Allied forces 642 engagements in 2000; 647 in 2001; and 480 times so far this year.

What is happening is we are enforcing the no-fly zone. Allied forces returned fire 46 times so far this year. In the last weekend alone, Iraqi forces shot at allied forces 14 times. Iraqi forces have fired anti-aircraft artillery over 1,100 times, 600-some-odd rockets, fired nearly 60 surface-to-air missiles. This is not a game we are playing. We are basically in a limited war.

To administer the no-fly zone, more than 6,400 personnel and almost 200 aircraft from the United States and Great Britain are involved in Operation Northern and Southern Watch. As Secretary of Defense Rumsfeld said, with each missile launched at our aircrews, Iraq expresses its contempt for the U.N. resolutions, a fact that must be kept in mind as their latest inspection offers are evaluated.

I cannot begin to reflect on how many times we have heard the promise from the Iraqis and Saddam that he was going to allow inspectors to come in. Prior to the Persian Gulf war, I was over there with a number of Senators. Senator Dole was with us. We had an opportunity to have a short meeting with Saddam Hussein. It was clear then that he was a very ruthless, unpredictable, dangerous individual. At that time, he was attempting to ship in a very large cannon from the docks of London into Iraq with the capability of launching a long-range projectile.

In the meeting, he dismissed that. He said it was parts for his refineries. The triggering mechanism was dismissed.

I recall Senator Metzenbaum was talking to him about some of the human rights issues going on in Iraq. He took us out on the balcony and said: There are five of you and there are five helicopters. Go anywhere you want in Iraq. We happened to be up in Mousala at that time. Obviously, we declined.

We have been dealing with this despot for an extended period of time. In the meantime, he has been developing weapons of mass destruction, as evidenced by another chart. It indicates the manner in which he generates this cashflow because without the cashflow, we all know his country cannot exist. This is the importation from Iraq during the first half of the year 2002, 600,000 barrels a day. That is an average price of $20. We know he is getting nearly $28 now.

The point is, the U.S. is spending about $12.5 million each day by buying Iraqi oil; total U.S. dollars on oil from Iraq is $2.3 billion. Those reflect, on the average price, a little over $20. The source of this is from the Energy Information Administration.

The occupant of the chair and I have some knowledge of finance. Cut off the cashflow of a country or an individual and you bring them to their knees. When you continue to buy their product, why obviously they continue to prosper.

There is another chart that shows basically how American families are counting on energy from Saddam Hussein. This is a list of the Persian Gulf countries that are producing oil. Iraq's production is a little over 1 million barrels a day, but it is the fastest growing source, at least it has been up until a short time ago, of U.S. oil imports.

The reason I go into some length on this is to again draw the attention of the inconsistency while we enforce no-fly zones, we buy his oil. We take the oil and put it in our airplanes. We bomb his targets. My colleagues have heard me time and again draw this comparison. He takes our money that we pay him for the oil, develops weapons of mass destruction, chemical weapons, biological weapons, nuclear capabilities, that he is developing obviously, and he is spending funds on developing a delivery capability that aims at our ally, Israel. That is an oversimplification, perhaps, but nevertheless one can draw that general conclusion.

Today, we are beginning a very important debate on a resolution that we give our President whatever means are necessary to combat this threat to world peace and bring terrorists to their knees. I think there are going to be a couple of proposals that we are going to evaluate, but I am personally quite satisfied with the President's proposal.

As we address this growing threat, we have to recognize we are dealing with an individual who simply cannot afford to step down voluntarily and depart the scene. We are dealing with an individual who has been around for a while. He is tough. He has taken out his family. He has taken out his own people. One can almost conclude that to some extent he is prepared to continue what was started on September 11 in this country.

Now, we can wait. We can react after the fact. Had we known what al-Qaida was up to, clearly we would have initiated an action prior to the tragic event of the Twin Towers, the Pentagon, and the tragedy in Pennsylvania. We would have initiated an action. We did not know. We did not have the intelligence. Now we are reflecting on what is going to cause us to act. Is it going to be a recognition that he is a threat, that he does train the al-Qaida, that he does fund the terrorists?

At a certain point in time we have to face the reality: How would we feel leaving this session of the Congress without an action, and then find that he initiated an action and took lives? We would feel we had been derelict in our obligation.

I think we have learned that Saddam has developed more capabilities. He has pilotless drones capable of spreading chemical weapons. We have learned that Saddam sends young men and women, as young as 13, to boot camp to learn to be soldiers under the guise of a program to keep the kids supposedly off the streets.

Now, if we look back, In June of 1981, and this is going to be said many times on this floor, Israel's Prime Minister Begin observed Saddam building a military reactor with the help of the French. It was called the Osiraq reactor, a reactor capable of producing nuclear weapons. Four Israeli aircraft launched a surprise, preemptive attack, destroying the reactor and obviously setting back the Iraqi weapons program for many years.

There was criticism from the world, but a decade later, during the gulf war, allied forces did not face a nuclear weapon capability from Iraq.

The ways of addressing Saddam Hussein, I think, are the firmness of the President in his communication that we demand unlimited access throughout Iraq to our total satisfaction. I do not think Saddam Hussein is going to give it to us. On the other hand, I do not think Saddam Hussein is going to step down.

We can try to develop an area of insecurity surrounding Saddam Hussein, but we have tried that time and again and he has been quite responsive in taking out those who he believed are not responsive to his whims or his demands.

I suggest one of the first things we should do is not only initiate this particular action that has been set up by our President, but we should simply cut off the purchase of oil from Saddam Hussein. Some will argue that means somebody else is going to buy Saddam Hussein's oil and we are going to have to buy somebody else's, but there is a principle.

I have an amendment that is part of the energy bill which I think should be passed by this body and that is simply to terminate oil imports into the United States from Saddam Hussein.

Where does this oil go? This chart shows, Washington, California, Texas; a fair smattering of the country. It moves around because there is a market for it. No one cares whose oil is in their furnace or whose oil is refined into gasoline and propels their automobile. It is not much of a concern. Minnesota, New Jersey, name it, those are particular States that are getting oil from Iraq.

As we address a situation relative to what we know about Saddam Hussein today, we have to develop from this knowledge a certain recognition that if he is not going to use the capabilities he has developed, then why is he developing them? Who is at risk from the standpoint of the 22,500 gallons of anthrax? We have had experience with anthrax around here. Or 100,000 gallons of toxin that causes botulism. Or 200 tons of VX nerve gas. Or 350 tons of sarin gas. Or 800 tons of mustard gas. Those are weapons of mass destruction. They are weapons of terror. They cause agonizing death.

Are these the weapons a country would use to defend itself? Are these the weapons of an aggressor that would go to whatever means is necessary to prevail or fund the developing aspects of world terrorism? The answer is very clear. Saddam Hussein is our enemy. The world must isolate him, cut him off, and hopefully coax his regime to an end.

The battlefield is one option. Diplomacy is another. We have had experience with both. We should be setting an example. The first thing we should do as the United States—the world leader everyone is looking toward to accomplish a regime change in Saddam Hussein and resolve our concern over the development of his weapons of mass destruction—is to cut off his cash flow. The fact we continue to engage in the importation of oil from Iraq is a grave mistake. It is a great inconsistency of foreign policy. I hope as we address the disposition of the energy bill, the first thing we will do will be to terminate our purchases from Saddam Hussein.

ENERGY

Mr. MURKOWSKI. Mr. President, I will make a few remarks on the status of the energy bill. As we know, our President earlier stated one of his priorities was Congress should pass an energy bill. The House of Representatives has done its job. It passed a bill. The bill has been sent over to the Senate. We have been to conference, and had a number of meetings associated with the items in that bill. Many of those items are contentious. On the other hand, that is what a conference is all about: Solving, compromising, whether it is electricity or renewable portfolio standards, climate change, producing more oil from my State of Alaska by opening up ANWR, or whether it is stimulating the agricultural industry and the farm industry of this State through the ethanol. We need a substantial mandate to increase the use of ethanol.

It is important to recognize one specific offer that was made. That I will go into some detail. It reflects as much of an inconsistency regarding our dependence on imported oil and an opportunity we have in the United States to develop a significant potential of oil on U.S. land known as ANWR.

This chart shows in some detail a couple of realities. One is the large area called the Arctic National Wildlife Refuge. That is the ANWR area. It is 19 million acres, about the size of the State of South Carolina. There is ANWR in relationship to the State of Alaska. On the left is the TransAlaska pipeline, 800 miles long, from Prudhoe Bay to Valdez, carrying about 17 to 20 to 23 percent of the total crude oil produced in this Nation for the last roughly 23 years. That pipeline was designed to flow at about 2 million barrels a day. It is flowing a little over 1 million barrels a day. So there is additional capacity.

In the green area, the area that is proposed for any development, which is called the coastal plain, the estimated reserves there are somewhere between 5.6 and 16 billion barrels. If it were half that, if it were 10 billion barrels, it would be equal to what we import currently from Iraq in a period of 40 years, or equal to what we import from Saudi Arabia in 30 years. We do not know if it is there. But this is Federal land, and we have an opportunity to make a decision because there is an offer that has been made by the House to the Senate. The offer has been specifically to take the whole area colored in the buff and put it into a wilderness. This would be the largest wilderness ever created in the United States. Currently, the area of wilderness colored light buff on the chart is approximately 9 million acres. The area colored darker buff is a refuge. The proposal is to take that refuge of 10 million acres, add it to the wilderness, and then there will be a wilderness area of almost 17 million acres. That would again be the largest wilderness area in the United States.

It is hard to make a comparison. We currently have 57 million acres of wilderness in our State, and we would be adding another 10 million acres of wilderness.

The point is this is an offer that is pending. I cannot help but reflect on periodicals addressing what else is going on in the energy world. A release indicates our Department of Energy and the President issued a special Presidential permit for energy plants powered by natural gas piped from Texas, cooled with Mexican sewage, and linked to California's energy grid next year. The plants will be built in Mexico.

A New York Times article called "Japan Looks to Eastern Russia for Relief of Oil." The last paragraph says there is expended a commitment to expend about $13 billion that ordinarily would go into Alaska.

> With about $2 billion scheduled to be spent on development on this island every year until the end of the decade, Sakhalin's 591,000 residents are bracing for a major boom.
>
> "Come next summer, and we are going to hit a logjam of—cargo, airplanes, hotels, you name it," predicted James R. Sexton, an American business consultant who has worked here for the last decade. It's exciting times, just like Alaska was decades ago."

As one of the settlers of Alaska, I have a particular sensitivity to that because what the American oil industry is doing is simply moving offshore. If we have the infrastructure but we can't open the area, clearly we will go offshore.

The irony here—and it is very apparent—is just what constitutes this offer and why there is a lack of consideration for the merits of the offer. This would create the largest wilderness area in the United States. The amendment by the House, sent to the Senate conferees, would increase the total wilderness in ANWR to 17.4 million acres, the largest in the United States. The designated area is in the southern portion of the refuge, which actually has more species than the Coastal Plain, and the area is not as barren as the Coastal Plain.

Basically, the proponents argue that for a couple of thousand acres of surface disturbance, the Greenies, so to speak, are getting 10.2 million acres of additional wilderness. This is an offer of 10.2 million acres for 2,000 acres because that is the footprint allowed in the House bill. The House bill says, out of that green area of 1.5 million acres, there can only be 2,000 acres dedicated to the footprint of developing the oil.

So what the tradeoff is, is 10.2 million acres of additional wilderness, this whole thing, for the authority to go in and initiate an exploration in ANWR. It would have a mandate of only 2,000 acres. That is a pretty good trade, if you are trading acres for acres.

On the other hand, it is my understanding the environmental community is not buying. Why are they not buying? Some might say they have an issue. Some might say that once they concede to this offer, it would show that their effort to stop any development in the Arctic would be terminated and development could go ahead. But if you recognize in exchange for 2,000 acres of surface disturbance you are adding 10.2 million acres to the wilderness areas—this happens to be the Mollie Beattie Wilderness Area in the Arctic National Wildlife Reserve—clearly you have to look at just what you are getting for that.

This area is distinctly different from the area along the barren coastal plains, with high mountains, with headwaters, valleys, glaciers. There is more of an abundance of species—moose, caribou, snow geese, ducks, woodpeckers, all kinds of activities given the various species.

From a strictly regional point of view, in 1980, when they divided up Alaska's lands and designated Federal land areas, Congress established at that time 13 new national parks, 16 wildlife refuges, and 2 national forests in Alaska as part of the 56 million acres of wilderness that was designated. As a matter of fact, the State of Alaska has currently 16 percent of the landmass of our State as a wilderness. This is well over half of the Nation's entire wilderness area, we are talking about, if they accept the offer of that 810 million acres. We already have the largest park, 9.7 million acres.

But here we are today, talking about war with Iraq, war over oil. We are talking about sending our corporations to Russia, to Sakhalin, to Mexico, to develop the oil we need. And right here at home we have an opportunity to stimulate the economy with U.S. jobs, somewhere between 200,000 and 500,000 jobs according the unions, building 19 new supertankers in U.S. shipyards that employ U.S. trades and U.S. skills, because the carriage of this oil has to move in U.S. flag vessels as it moves down from Alaska to the west coast of the United States.

I am deeply disappointed that the Senate conferees, the majority on the other side, are not taking this offer seriously, of 10.2 million acres of additional wilderness for the rights to go in and initiate a drilling program to see if, indeed, there is oil of the abundance there would have to be there to go over and fill that pipeline that is already there.

I want to walk you briefly through a couple of things that a lot of people do not understand; that is, the implication of what refuges are. Refuges, as evidenced by the charts we have here, indicate activity. These are refuges in Alabama, California, Louisiana, Oklahoma. These are areas in national wildlife refuges, in wetland management districts where oil and gas are currently being produced.

In North Dakota, Montana, California, and specifically this map shows the States and the number of refuges where oil production takes place: California, Texas—we have one in Alaska, I might add.

The point is, what we have in ANWR is a refuge. Congress has the authority to open it, just like it is opened in other areas. So we are not breaking any commitments here or setting any new precedents. It is simply a matter about which the House has made a proposal.

I might add, there are other limitations in the authorization that would require that the Secretary can close down any exploration if, indeed, there is any disturbance associated with the calving of the caribou. The development activity would occur only in the wintertime. And the safeguards that are taken in the authorization proposed by the House are more stringent than exist in any other part of the world.

I am going to go through a few other charts. I want to give you some idea of what we have done to this country and, in effect, to our national security.

If you look at the west coast—Washington, Oregon, California, that gray area—that is estimated to hold 21 trillion cubic feet of gas offshore. We have taken this and put it off limits. We have taken the east coast, from Maine to Florida, 31 trillion cubic feet as evidenced by the dark blue, and said no oil and gas activity off the east coast.

In the Gulf of Florida, we have taken that away on the lease sale. In the overthrust belt of Montana, Wyoming, Colorado, we have taken that out because we require roadless areas in the parks.

Where is the energy going to come from? Is it going to come from the Mideast where they have what we cannot have in this country, and that is a cartel? What do you think OPEC is? Most Members recognize it is a cartel. A cartel sets a price; they set a floor and set a ceiling; it is $22 to $28; today it is a little over $28. Our antitrust laws would not allow it.

But what is the largest consumer of oil in the word? The United States. And we import most of it from the OPEC countries, and, as a consequence, we are becoming more and more beholden to them. We are currently importing about 55, 56 percent of our oil from overseas. Yet we have the opportunity to develop that right here at home.

There are some people who assume this area in ANWR is an untouched area. There is the picture of the community that is there. That is a picture of Kaktovik. It is a very small Native community, Eskimo community, on the shores of the Arctic Ocean. You can see the ice out there. There are a couple of radar towers, a school, small stores. There is a landing facility. Real people live there. There are some of the kids. This is one of the community halls. They have the same dreams and aspirations. They are on a snow machine. There are a couple of kids going to school.

My point is to suggest that somehow this is a untapped, unspoiled area—it is an extraordinarily hostile area. Joe is going to take a chart and turn it around and show you what it looks like in the wintertime. This is what it looks like in the wintertime. I am not exaggerating, it could be 40 or 50 below and you have what you call a whiteout condition. This is what it looks like.

Here is some of the harsh tundra in the wintertime. It is tough—tough. Temperatures are 40 or 50 below zero.

Let me show you the technology that has been developed by the industry in this particular area of North America.

There is an oil exploration program going on. You notice there are no gravel pits. There are no ordinary roads going in because what we have is technology that has been developed particularly for the Arctic where we can directionally drill. You don't just drill one hole with a rig like that. This was in the science portion of the New York Times. We directionally drill. We have 3-d sysmics that allow us to make visual cuts, if you will, through a technology to see these small pockets. You see these directional drills coming down in the black pockets. In ordinary times, you would drill straight down and hope to hit something.

This technology has been compared to drilling a well here on the Capitol grounds and come up at gate 7 at Reagan National Airport. That kind of technology is what is used.

I want to show you some more pictures of the Arctic and the ice roads. This is an ice road. An ice road is simply a situation where the snow is removed from the surface, and water is put down to make a hard-packed road.

I cite that because this is the kind of activity that we are seeing move from the United States and move over to the Soviet Union. There is no reason why, since we have the likelihood of these discoveries being made here in the United States—for the life of me—we shouldn't consider the merits offered by the conferees of the House of Representatives.

There are a couple of others that I want to show you. This one shows another resource that we have a great abundance of; that is, corn. The reference to corn and energy is ethanol. It takes roughly 2,000 acres of a corn-producing farm to produce the equivalent of 25 barrels of oil a day. If we look at the footprint, we are talking about a significant footprint. Two-thousand acres of ANWR can produce a million barrels of oil in a day. I just offer that comparison.

I am going to conclude with some charts that we have seen from time to time because people are concerned about the wildlife in the area. This happens to be Prudhoe Bay. There is a rig. You see the caribou. They are not stuffed. They are real. They are there because they are not threatened. They are not harmed or run down with snow machines. As long as they have that security from any predators—which are, of course, naturally the wolves—they feel quite comfortable in their native surroundings as they pass through in a migratory manner.

Here are a few pictures we have seen from time to time. These are three bears walking on the pipeline because it is much better than walking in the snow.

It is beyond my comprehension why we are allowing ourselves to simply pass over what the House of Representatives has proposed; that is, a 2,000-acre limitation proposed in allowing exploration in ANWR.

In addition, there is a proposal to add 10 million acres to the wilderness. It has received virtually no consideration by America's environmental community. They evidently aren't interested in more wilderness. They only seem to be interested in killing an opportunity to develop this reserve which would reduce our dependence on imported energy.

Some say, well, it is going to take several years. I remind my colleagues that in 1995 this body passed out a bill in the Omnibus Act that authorized the opening of ANWR. It was vetoed by our President at that time. We would know today. We would have production today. When we talk about a timeframe, it is all relative to when you start.

The fact that we have the infrastructure in the pipeline, and the pipeline is half full, and we have the prospects here of a major discovery, we could stimulate the American economy with new jobs more than any other single action that could be contemplated because this is a big jobs issues. It is steel, it is valves, and it is the things that are produced all over the United States. It takes the technical skill of U.S. labor and U.S. wherewithal and knowhow to do it. The industry stands ready. Only Congress can make the decision. The time to make that decision is clearly now while we have the opportunity. There is no logical reason to suggest that this isn't a good proposal and it shouldn't be considered. I am just fearful that it will be ignored. That would, indeed, be tragic.

I encourage my colleagues and those listening to this debate to reflect a little bit on this opportunity. If we go out of session and don't take advantage of this opportunity and continue to import oil from Iraq at a time when we are contemplating going into a conflict with Iraq, I think future historians will regard this as a very irresponsible action by the Senate—because, someday, we all know we will go in there. It is just a question of time. Clearly, this is an appropriate time when we are contemplating action.

I remind my colleagues, in conclusion, of one thought that I think captures the realization that we are going to continue to use a great abundance of oil. While we have other means of power generation, whether it be nuclear, hydro, natural gas, or coal, the world moves on oil. We don't move in and out of here on hot air. Something has to go in there to fuel the trucks and to fuel the trains. It is just not the growth in the United States. It is the growth of the world and the Third World nations. As they become more and more advanced, they are going to use more and more oil.

We are cutting ourselves short from the standpoint of our national security, if, indeed, we pass up this opportunity to add an additional 10 million acres to the wilderness associated with ANWR with the tradeoff. We are only opening 2,000 acres. I think any one of us could take this on a bet. But for some reason or another, there is not enough pressure on America's environmental community to consider this proposal on the merits.

I hope that our friends in the Israeli lobby will reflect a little bit on this because the threat to Israel is directly related to the cashflow associated with oil production from the OPEC nations, and particularly Iraq.

I thank the President for his attention. I wish him a very pleasant weekend.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, first, I would like to say at the end of a long day on a Friday that I thank the Chair. I know he has been doing double duty today. My good friend is someone who I know has been very diligent in his responsibilities. We appreciate the fact that the Senator from Minnesota has been willing to serve his duty today; and to all of the staff. I appreciate your attention at the end of a long day.

Mr. President, I rise to address the issue of importance of the day—I think it is important to all of us and to our country—the issue of taking military action against Iraq.

As Members of Congress, the most important vote that we cast is one that will place American troops in harm's way. The issue of war and peace is a burden of responsibility that lies heavy upon me, as well as each and every one of my esteemed colleagues.

This is a vote of conscience, and also a vote of historic consequence because what we debate and decide here will not only significantly affect this great Nation but will immediately influence global events for years to come.

No matter how difficult the decision may be, it is one that each of us must make for the sake of our country. We have an obligation and duty to carefully weigh the demands and the consequences of a preemptive attack. Before we engage in war, we must understand the results of war are irrevocable, and peaceful solutions should always be our first choice.

I have carefully listened to the President and key members of his administration. I have asked many questions. I have read extensive information and listened to the people in my own great State of Michigan.

Just as important, I have had many conversations with men and women of our armed services who, as we speak, are gallantly serving to protect and defend our American way of life.

The issue before the Senate is not whether the regime of Saddam Hussein is good or evil. We know, in fact, that he is a despicable dictator. He has gassed and poisoned thousands of his own people. He rules not by choice but by decree, backed by brutal force, and he blatantly defies United Nations resolutions by his continual development of weapons of mass destruction. I strongly oppose his regime. He is a growing threat to the United States and our allies, and his policies have devastated the lives of his own Iraqi people.

I am convinced that the United States and the world would be safer if this regime were replaced with a democratic form of government that would work in a constructive manner with the world community and focus on bringing peace and prosperity to millions of Iraqi citizens.

The question—the question—before the Senate is not whether or not we support or trust the regime of the Iraqi President, Saddam Hussein, but how the United States will counter the threat, how we will counter the threat of Saddam Hussein to our citizens and the citizens of his own country.

The questions that must be asked are: Does the Congress stand ready to alter the historic precedents that have guided our Nation for over 200 years? Is it in our national interest to change our policy of deterrence and arms control to a policy that accepts a preemptive strike on another country as a legitimate way to defend ourselves against regimes suspected of having weapons of mass destruction? And, under what circumstances should such a preemptive strike against another country be authorized?

These are serious, grave questions.

In mapping out our course of action against Iraq, it is essential that we draw on lessons and successes of the past.

Our response to the September 11 attacks united our Nation. We achieved the support of our allies and the backing of the United Nations in our retaliatory attacks on al-Qaida forces and the Taliban. In a short time, our Armed Forces, working with our allies, toppled the Taliban and sent al-Qaida fleeing from their training camps.

Iraq, in many ways, is different. Nonetheless, it serves as an important model for proceeding with effective military action when it is required.

Before we invaded Afghanistan, we put together a worldwide effort to effectively prosecute the war on terrorism.

Consider all that we were able to do to put together a partnership against terrorism.

Mr. President, 136 countries offered the United States a range of military assistance. The U.N. has received 46 multilateral declarations of support from organizations. The U.N. General Assembly and Security Council condemned the attacks on September 12, just the day after. NATO, OAS, and ANZUS—the Australian, New Zealand, and U.S. coalitions—quickly invoked their treaty obligations to support the United States. Our NATO allies are assisting directly in the defense of American territory. Also, 142 countries have issued orders freezing the assets of suspected terrorists and organizations. Mr. President, 89 countries have granted overflight authority for U.S. military aircraft. In addition, 76 countries have granted landing rights for U.S. military aircraft. And 23 countries have agreed to host U.S. forces involved in offensive operations.

This is impressive work. I congratulate President Bush and his administration for their efforts in putting together this impressive coalition.

In addition to this most recent success in Afghanistan, any planned action against Iraq has an excellent model in the alliance we formed against Saddam Hussein after his invasion of Kuwait in 1990.

In the Persian Gulf war, former President Bush worked arduously to assemble a large coalition of countries to support our efforts to oust the Iraqi army from Kuwait. Consider all of the countries which supported us in 1990 and 1991: Afghanistan, Argentina, Australia, Bahrain, Bangladesh, Belgium, Canada, Czechoslovakia, Denmark, Egypt, France, Germany, Greece, Hungary, Honduras, Italy, Kuwait, Morocco, the Netherlands, New Zealand, Niger, Norway, Oman, Pakistan, Poland, Portugal, Qatar, Saudi Arabia, Senegal, South Korea, Spain, Syria, Turkey, the United Arab Emirates, and the United Kingdom.

A myriad of nations, each different in their own way, separated by religion, political system, economics and culture, but united in common cause at the same time. This coalition was critical to our success. The ground war was over in 3 days. Our coalition stayed together after the gulf war to try to keep a check on Saddam Hussein, and the United Nations passed resolutions prohibiting him from developing weapons of mass destruction, oppressing his own people, and beginning another military and terrorist buildup.

Unfortunately, Saddam Hussein did not adhere to these resolutions, and the inspectors left Iraq 4 years ago. However, we have contained him, which is no small achievement.

Now we must confront his failure to live up to these U.N. resolutions. I congratulate President Bush for going to the United Nations and speaking out on September 12. As a result, the U.N. and negotiators are now working on a new resolution, a stronger resolution, to enforce the existing U.N. resolutions against Iraq.

We should adopt the same approach for dealing with the threats of Saddam Hussein's evil regime as we did during the Persian Gulf war and the war on terrorism, which is still ongoing. It worked, and we need to do it again. It only makes sense to build upon the successes learned during past military campaigns. There are many nations that equally revile Saddam Hussein's regime and all he represents.

I firmly believe the United States has ample will and strength to form a similar coalition. Unfortunately, the administration seems to be headed in the exact opposite direction. President Bush has expressed his desire to take unilateral, preemptive action against Iraq, in sharp contrast to the manner in which his father led us into the Persian Gulf war.

The President proposes to change a policy that has been in place since the founding of our country, that we do not invade sovereign countries without direct provocation. I have grave concern the administration's resolution authorizes the use of preemptive, unilateral U.S. force without the participation of partners in the war against terrorism. If we do authorize preemptive, unilateral force, there could be grave consequences for our actions.

First, we could lose much, if not all, of the support of our partners in the war against terrorism. We could lose access to military facilities in and around Afghanistan. We could lose the support of Pakistan, which recently helped us arrest some leaders of al-Qaida. In all, Pakistani authorities have detained 402 al-Qaida members. We are also receiving military and intelligence support in the war on terrorism from many other Muslim countries. Obviously, a unilateral attack on Iraq could sour, if not ruin, all of these relationships and undermine our efforts in the war on terrorism.

Furthermore, such an attack would likely reenergize al-Qaida sympathizers across the globe. According to former NATO General Wesley Clark, a military strike of this nature would "supercharge recruiting for al-Qaida."

In more ways than one, a unilateral attack could weaken our chances to continue to dismantle al-Qaida's network and bring Osama bin Laden to justice. There are many other critical questions that need to be answered. Given the widely supported belief that Saddam Hussein has biological and chemical weapons, how do we assure he will not use them against us when we attack him first?

There is also more than a great possibility this would have to be a ground war. Would our soldiers be attacked with these weapons? Would Israel be attacked with chemical weapons? Would Saddam give his stockpile to terrorists? Will an attack by the United States against Iraq prevent Saddam from using weapons of mass destruction, or will it ultimately become a self-fulfilling prophecy?

In other words, if we attack Saddam, and he is headed for certain death, he will have nothing to lose. What will stop him from launching a chemical or biological attack against Americans or against Israel?

A unilateral, preemptive invasion of Iraq could set a dangerous long-term precedent for us and the rest of the world. If we take such an action against Iraq for trying to develop nuclear weapons, should not other countries also have the same right against any other hostile country that is exploring nuclear weapons or already has them? Would this justify a preemptive strike by Pakistan against India or vice versa? Heaven help us.

Furthermore, if we attack unilaterally, who would help us keep the peace in Iraq while trying to set up a democratic government to replace Saddam Hussein?

Let me be clear, if the United States is in imminent danger of being attacked by Saddam Hussein, we should take immediate, unilateral military action. However, it seems clear he does not have this capacity at this time. I don't believe the administration has made the case. I have listened very closely and seriously. They have not made the case for a preemptive, unilateral strike against Iraq that would justify the risks to our people or such a historic change in American policy. We have time to build the coalitions. We need to be effective and minimize our own risks.

Another serious question: Is the President going to ask Congress to support the same unilateral action against other countries, such as Iran, which has ballistic missiles and close ties to terrorist groups? Why aren't they proposing action there, where the threat is much more imminent and real?

We should not be reluctant to use military force when there is a serious threat to the American people, but we should only go to war as a last resort. Peace should always be our goal.

I believe we should work with our partners in the war against terrorism and get the U.N. inspectors back into Iraq as soon as possible. We should give Saddam Hussein real deadlines. And if they are not met satisfactorily, then we should use force in partnership along with our allies, appropriate force in partnership along with our allies.

I am not the only one who believes this is the best way to proceed toward Iraq. Brent Scowcroft, President George H.W. Bush's national security adviser, wrote in the Wall Street Journal:

> Don't attack Saddam. An attack on Iraq at this time would seriously jeopardize, if not destroy, the global counterterrorist campaign we have undertaken. . . . Ignoring that clear [world] sentiment [against an attack] would result in a serious degradation in international cooperation with us against terrorism. And make no mistake, we simply cannot win that war without enthusiastic international cooperation, especially on intelligence.

We also must remember any war comes with a terrible price. In a war with Iraq, many of our own service men and women will be wounded or killed. Many innocent civilians will die. We should remember what the distinguished Senator from Hawaii, Mr. INOUYE, recently said on this floor. He reminded us when he served in the armed services, as my father did, only 5 percent of the soldiers had spouses and children. Today over 77 percent of our service members have spouses and children. If we go to war, there will be a lot of empty chairs at kitchen tables all across America, a lot of children growing up without their parents. The possibility of this alone should force us to make sure we have exhausted all diplomatic efforts first before we go to war.

We should not have any illusion this war will be easy. It will not be an antiseptic war. It will not be won through air power alone. Military commanders have told us this will be an urban war with thousands of troops engaged in vicious house-to-house fighting. Knowing Saddam Hussein's tactics, he will likely hide his weapons in mosques and schools and hospitals, making it more difficult for us to get to them, and guaranteeing more loss of life.

In closing, I want to make sure my voice and my view are not distorted. I believe we, the American people, have the right to defend ourselves from an imminent attack. If we are seriously threatened, we don't need the permission of the United Nations or even our NATO allies to attack Iraq or any other nation, for that matter.

In this case, I believe the United Nations and our allies can be helpful in our part. Every attempt should be made to work with our partners in the war against terrorism. If we have to use military force, our battle against Saddam Hussein's weapons of mass destruction will be more effective.

Clearly, the United States must once again take the leadership role. We must insist that renewed inspections take place immediately, without delay or obfuscation. And it must be made clear to Iraq that enforcement by a unified world coalition is not a threat but a promise.

I believe the President's approach takes us down the path that poses the most risk for the people of our country and the world. I truly believe that a better approach is the alternative I am supporting authored by my colleague from Michigan, CARL LEVIN.

The President's approach is entirely too broad. This resolution says that the Congress authorizes force, including unilateral, preemptive strikes, for broad national security reasons and for the enforcement of a broad range of U.N. resolutions that may have nothing to do with weapons of mass destruction. For the reasons I have mentioned, I will oppose this resolution.

In contrast, the Levin resolution strikes the right balance. This approach focuses on what matters most—destroying Saddam Hussein's weapons of mass destruction. And it calls on us to work with our allies to effectively accomplish this task. It gets us behind the U.N.'s efforts to get the weapons inspectors back into Iraq to do their job as soon as possible.

It also authorizes the use of force, with our allies, to get rid of Saddam Hussein's weapons of mass destruction if all diplomatic efforts fail.

Senator LEVIN's approach will also shake up the U.N. and force our allies to participate in a coalition to rid Saddam Hussein of his weapons of mass destruction. If we do not engage the U.N. and we decide to go it alone, the U.N. and our other key allies will likely sit on the sidelines while we confront Saddam Hussein and try to build a new country on our own. This is not in our best interest.

Finally, the Levin approach specifically affirms our right to self-defense. There is nothing in this approach that takes away our right to self-defense and to attack Iraq unilaterally to do so.

Therefore, no one should be confused about the Levin proposal. It does not take away our right to make our own decisions about our own actions or to defend ourselves. I believe this is the proper approach.

If we do this right, Mr. President, we will truly make the world safer for our families. If we choose the wrong approach, I am deeply concerned that we will start down a road that could ultimately create a more unstable and a more dangerous world for our children and our grandchildren.

There is no doubt that we can defeat Saddam Hussein in battle. The test of our strength is not in our ability to marshal our Armed Forces but our willingness to adhere to that which has made us great.

We are a strong and powerful nation, made that way by our willingness to go that extra mile in the name of liberty and peace. The time is now for us to work together in the name of the American people and get it right.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, are we in a period for morning business now?

The ACTING PRESIDENT pro tempore. We are not.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Senators permitted to speak therein for not to exceed 5 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CONFIRMATION OF THE 80TH JUDICIAL NOMINEE OF THIS CONGRESS

Mr. LEAHY. Mr. President, this week Republican critics, for whom we expedited hearings and committee votes on a number of judicial nominees in their home States, spoke on the floor about their frustration that not all the President's judicial nominees have yet been confirmed. They complain about a handful of judicial nominees. The fact is that the hearing I will chair next week will include the 100th judicial nominee to receive a hearing since the Democrats became the majority party in the Senate less than 15 months ago. Had the Senate been more productive in 1999 and 2000 and the first months of 2001, when a Republican majority was not holding hearings and votes on judicial nominees, we would be farther along. Since the shift in majority, we have been proceeding dramatically faster than the Republicans. It took Republicans 33 months, almost 3 full years, to hold hearings for 100 of President Clinton's judicial nominees when they were in the majority, we will exceed that mark next week, in less than 15 months.

Republican critics who now come to the floor of the Senate expressing outrage that a handful of judicial nominees have not had a hearing in the past year, were deafeningly silent when scores of President Clinton's judicial nominees never received hearings after many months and years. For example, Judge Helene White of Michigan, nominated to the Sixth Circuit, waited in vain for over 4 years, 1,454 days, for a hearing and never had a hearing or a vote. James Beaty of North Carolina, nominated to the Fourth Circuit, waited in vain for almost 3 years, 1,033 days, and never got a hearing. H. Alston Johnson of Louisiana, nominated to the Fifth Circuit, waited in vain for over 600 days and never got a hearing. Others, such as Allen Snyder and Bonnie Campbell who were nominated to the D.C. Circuit and Eighth Circuit, received hearings but no committee vote. Likewise, Clarence Sundram, nominated to the Northern District of New York, waited 19 months for a hearing and then languished in committee without the committee vote for 18 months before his nomination was returned, after pending before the Senate for 1,119 days. There were others, too many others, who waited in vain for a hearing or after a hearing for committee consideration.

In addition, it often took months and sometimes years for those who were ultimately confirmed to be acted upon by the Republican-controlled Senate. For example, Judge Richard Paez, nominated to the 9th Circuit, was finally confirmed after four years, 1,520 days; Judge William Fletcher, also nominated to the 9th Circuit, was finally confirmed after 1,264 days; Judge Hilda

Tagle, nominated to the District Court in Texas, waited 943 days to be confirmed; Judge Susan Molloway, nominated to the District Court in Hawaii, waited 913 days to be confirmed, Judge Ann Aiken, nominated to the District Court in Oregon, waited 791 days to be confirmed; Judge Timothy Dyk, nominated to the Federal Circuit, waited 785 days to be confirmed; Judge Marsha Berzon, nominated to the 9th Circuit, waited 772 days to be confirmed; Ronald Gould, nominated to the 9th Circuit, waited 739 days to be confirmed; Margaret McKeown, nominated to the 9th Circuit, waited 728 days to be confirmed; and Margaret Morrow, nominated to the California District Court, waited almost 2 years to be confirmed. Many others took more than 1 year.

I understand how difficult the confirmation process can be. During the 6½ years Republicans controlled the Senate only 39 judicial nominees, including seven circuit court nominees, were confirmed per year on average. In contrast, in less than 15 months, the Democratic majority has already confirmed 80 judicial nominees.

The confirmation process can be frustrating at times, but it is also important work by which we implement our constitutionally-mandated advise and consent role for these lifetime appointments. It is a role that I do not take lightly and the other Members of the Senate Judiciary Committee do not take lightly. Accordingly, it is distressing to hear unintentionally inaccurate portrayals of the progress we have made in the less 15 months of Democratic control of the Senate. It is true that we have not been able to confirm every single judicial nominee proposed by this President, but we have worked at a historically fast pace to address the vacancy crisis by moving consensus nominees first and working our way through the more controversial and divisive nominees.

Since the summer of 2001, we have held more hearings for more judicial nominees and more hearings for circuit court nominees than in any comparable 15-month period of the 6½ years in which Republicans last controlled the committee. With our hearing last week, the Democratic-led Judiciary Committee has now held 25 hearings for 96 district and circuit court nominees. This is twice the pace at which the Republican majority considered President Clinton's judicial nominees. The Judiciary Committee has likewise voted on more judicial nominees, 83, and on more circuit court nominees, 17, than in any comparable 15-month period of prior Republican control. In fact, Democrats have given votes to more judicial nominees than in 1996 and 1997 combined as well as in 1999 and 2000 combined.

During their 6½ years of control, Republicans allowed only 39 judicial nominees to be confirmed per year, on average, 39, and only seven circuit court nominees to be confirmed per year on average. In contrast, in little more than a year, Democrats have already confirmed 80 of this Republican President's judicial nominees, including 14 circuit court nominees. We have done twice as much as their average, and yet they still complain.

Rather than compare the improvements we are making over the way they treated the judicial nominees of the last President when they were recently in the Senate majority, they would pick other times when the Senate and executive branch were headed by those of the same party. This reveals how embarrassed they must be about their own record. That must be why they ignore their own record and refuse to acknowledge the improvements we have made, the hard work we have done, and all that we have accomplished.

This past week, Republicans reiterated their claim that other Presidents had 80 or 90 percent of their circuit court nominees confirmed. This ignores entirely the efforts of these same Republicans to block President Clinton's circuit court nominees. For example, in 1996, Republicans allowed none, zero percent and the absolute number of zero circuit court nominees to be confirmed. In 1997, Republicans allowed only 7 of President Clinton's 21 circuit court nominees to be confirmed, about one-third. Only 5 of President Clinton's first 11 circuit court nominees that year were confirmed that same year. In 1998, Republicans allowed 13 of the 23 pending circuit court nominees to be confirmed, which was 56 percent for the year, their best year for circuit court confirmations in their 6½ years of control of the Senate. In 1999, Republicans were back down to 28 percent, when they allowed only seven of the 25 circuit court nominations made to be confirmed, or about one of every four. Four of President Clinton's first 11 circuit court nominees that year were not confirmed. In 2000, Republicans allowed only 8 of the 26 circuit court nominees pending to be confirmed, or 31 percent. All but one of the circuit court candidates initially nominated that year, were returned to President Clinton without confirmation.

Republicans simply have no standing to complain that 100 percent of President George W. Bush's circuit court nominees have not been confirmed. Recent history makes their complaints on this point ring hollow. Democrats have been better by far to this President's judicial nominees than Republicans were to the last President's. For example, at the most recent judicial nominations hearing held last week, Democrats had already given hearings to 96 of the 105 eligible judicial nominees with complete files, the remaining two dozen nominees did not have completed files. Thus, 91 percent of judicial nominees who had completed files were given a hearing. This remarkable achievement is irrefutable evidence that we are not blocking this administration's judicial nominees.

I am certain that President Clinton would have been overcome with gratitude if the Republicans ever gave 91 percent of his judicial nominees hearings in the years Republicans controlled the confirmation process during his administration. They never did. Instead, almost half the time his judicial nominees never got hearings or votes. Indeed, only 49 percent of President Clinton's circuit court nominations were confirmed, 46 out of 93 nominations during the period of Republican control. How dare they complain that 100 percent or 90 percent of President Bush's circuit court or district court nominees have not been confirmed in our first 14½ months of control.

The real reason there are so many circuit vacancies is because Republicans blocked so many of President Clinton's judicial nominees. During the 6½ years of Republican control, the number of circuit vacancies more than doubled from 16 to 33, and the total number of vacancies increased from 65 to 110 by the time of the reorganization of the committee in the summer of 2001. If Republicans had not blocked the confirmation of almost two dozen, 22, circuit court nominees and many more district court nominees, Democrats on the Judiciary Committee would have begun with 11 circuit court vacancies, instead of the 33 we inherited. With the 10 new circuit court vacancies that arose over these past 14½ months, there would have been a total of 22 circuit court vacancies for this President to fill. At the Democratic pace of considering circuit court nominees, almost of all of them would have had hearings by now, and 14 of them would have already been confirmed, with our pace of confirmation. That would have left only 6 vacancies on the circuit courts today. That is what might have been, but for the determined, strategic blocking of so many circuit court nominees during the 6½ years of Republican control of the Senate.

Instead, even after 14 circuit confirmations, there are 27 circuit court vacancies. This number is still fewer than at the start of this Congress and fewer than the 33 vacancies we inherited. We have outstripped attrition and are making progress. We cannot undo the damage done between 1995 and 2001 overnight, but we have held hearings for 96 of this President's judicial nominees, which is more circuit and district court nominees in less than 15 months than they held when they first took over the Senate or in their subsequent years. It is more in raw numbers and in percentages. We have made real progress to fix the problems that we inherited from the period of Republican control of the process.

The Judiciary Committee has focused on consensus nominees. This prioritization will help end the crisis caused by Republican delay and obstruction by confirming as many of the President's judicial nominees as quickly as possible. Most Senators understand that the more controversial nominees require greater review. This process of careful review is part of our democratic process. It is a critical part of the checks and balances of our system of government that does not give the power to make lifetime appointments to one person alone to remake the courts along narrow ideological lines, to pack the courts with judges whose views are outside of the mainstream of legal thought, and whose decisions would further divide our nation. The Senate should not and will not rubber stamp nominees who would undermine the independence and fairness of our federal courts. It is our responsibility to preserve a fair, impartial and independent judiciary for all Americans, of all races, all religions, whether rich or poor, whether Democrat or Republican.

The committee continues to try to accommodate Senators from both sides of the aisle. Virtually all of the Court of Appeals nominees included at hearings so far this year have been at the request of Republican Senators, including Senator GRASSLEY, Senator LOTT, Senator SPECTER, Senator ENZI, Senator SMITH, and Senator THOMPSON, Republican Senators who each sought a prompt hearing on a Court of Appeals nominee and who was accommodated.

However, the whipsawing by Republicans has been truly remarkable. When we proceed on nominees that they support and on whom they seek action, we are criticized for not acting on others. When we direct our effort to trying to solve problems in one Circuit, they complain that we are not acting in another. Since these multiple problems arose on their watch while they were in the majority, it is a bit like the arsonist who complains that the local fire department is not responding fast enough to all of his destructive antics.

This week the Senate confirmed its 79th and 80th judicial nominees since the change in Senate majority and reorganization of the Judiciary Committee less than 15 months ago. In so doing, we have confirmed more judicial nominees than were confirmed in the first 15 months of any of the past three Presidents and more judicial nominees than were confirmed in the last 30 months that a Republican majority controlled the Senate. Simply put, we have done more in half the time. We have achieved what we said we would by treating President Bush's nominees more fairly and more expeditiously than President Clinton's nominees were treated. Partisan critics of these accomplishments ignore the facts. The facts are that we are confirming President Bush's nominees at a faster pace than the nominees of prior presidents, including those who worked closely with a Senate majority of the same political party.

At this important time in our Nation's history we can all appreciate the need for a sound judiciary. Under the Democratic majority, we will continue to review nominees' files expeditiously and grant hearings regularly to candidates with complete paperwork and home State consent. Our record breaking efforts in the past 14½ months have left us with few remaining nominees who are ready to appear before the Committee. Of the circuit court nominees who have not yet received a hearing, half of them, 6, are without home State consent. Only 3 remain from the initial 11 circuit court nominees who have not had a hearing and have home State Senator support. Of the 17 district court nominees who have not yet received a hearing, more than half of them 9 have incomplete paperwork, including six of them without home State consent. Moreover, 9 out of 17 district court nominees are without ABA ratings.

Despite the partisan din about blockades and obstructionism, Democrats are actually achieving almost twice as much as our Republican counterparts did to staff the Federal courts. The Democratic Senate has shown its resolve to work in a bipartisan way to fill judicial vacancies. That is what the confirmation of 80 judges in less than 15 months demonstrates.

But let me be clear. Our judiciary would be in even better shape if so many judicial nominees of the prior administration had not been purposely blocked and defeated, if we received more timely reviews from the ABA, and even a little cooperation from this administration by nominating more moderate, mainstream judicial nominees. I, again, invite the President and all Republicans to join with us and work with us to fill the remaining judicial vacancies as quickly as possible with qualified, consensus nominees chosen from the mainstream and not for their ideological orientation, nominees who will be fair and impartial judges and will ensure that an independent judiciary is the people's bulwark against a loss of their freedoms and rights.

SENATOR STROM THURMOND: STATESMAN, PATRIOT, LEADER

Mr. HELMS. Mr. President, last week, several Senators spoke during morning business one day about our distinguished colleague from South Carolina, Senator THURMOND. Long before I came to the Senate, I myself spoke many times on television editorials commending Senator THURMOND.

He was then, and is today, even more of a genuine American patriot than when I was in Raleigh never dreaming that I would one day be a colleague to Senator THURMOND in the Senate.

Trying to capture the essence of STROM THURMOND in a relatively few words of tribute is impossible. Who can adequately describe his firm handshake, his unmistakable South Carolina cadence, or his almost superhuman capacity for work? How to convey the explosive energy STROM THURMOND has carried anytime he walks into a room?

The sheer breadth of experience STROM THURMOND brings to the Senate boggles the mind: Born in 1902, he served South Carolina as State Senator, as a Circuit Judge, as Governor and as U.S. Senator.

He voted for Franklin Delano Roosevelt in 1932, and more than fifty years later, voted for Ronald Reagan in 1984. He ran for President against Harry Truman in 1948 and actively participated in Bill Clinton's impeachment trial in 1999.

When the Army told him he was too old to fight in World War II, he managed to obtain an age waiver, an age waiver, to participate in the fighting. Then, in typical STROM THURMOND fashion, he landed with the 82nd Airborne Division in Normandy on D-Day. Small wonder that Fort Bragg recently honored him by christening its newest building the Major General Strom Thurmond Strategic Deployment Facility.

My simple references to STROM THURMOND's accomplishments fail to convey the historic legacy he will leave in the Senate. In 1997, STROM became the longest serving Senator in the history of the institution, but he was the quintessential Senator long before he officially assumed that honor.

Senator THURMOND had great influence on my decision in 1972 to become a candidate for the Senate from North Carolina. He came to Raleigh many times urging me to run, and countless others to support me.

Every time he came, he told me again that if I would just run for the Senate, he would come to North Carolina frequently to campaign for me.

I decided to run because thanks to Senator THURMOND, there were many urging me to do it. And, sure enough, there he came, down from Washington to Raleigh, to help me. Again and again he came.

He was a fellow Southerner, and like me, he was a Democrat who had converted to the Republican Party. In those days, there were not a lot of Republicans in North and South Carolina, but STROM was determined to change that. And I might add, parenthetically, that no single individual, with the possible exception of Ronald Reagan, has done more to build the Republican Party in the South than STROM THURMOND.

Senator THURMOND knows how much I admire and respect him. He knows how grateful I am for his enormously helpful trips to North Carolina where we stood together, day after day, night after night, urging the people of North Carolina to send Helms to Washington to help STROM THURMOND.

I am proud to say, that STROM THURMOND became one of the best friends I have ever had, and one of the finest men I have ever known. He tutored me in the intricacies of the Senate and its traditions, the personal dedication the job requires, and the genuine commitment Senators owe to their constituents.

Some years ago, STROM paid me the ultimate honor of asking me to serve as godfather to his newborn daughter. Today, Julie Thurmond Whitmer is a beautiful young woman, and the pride I take in her is exceeded only by her father.

One final note, I owe Senator THURMOND my eternal gratitude for a favor he did for me.

When I arrived in the Senate, I was searching for young people to help me with my Senate responsibilities. Senator THURMOND referred a wonderfully smart, principled, and competent young lady for my staff.

After 30 years of working with, and for, the irreplaceable Mrs. Pat Devine, I can genuinely say that her presence among the "Helms Senate Family" is the finest helping hand STROM THURMOND could possibly extend to me.

Senator THURMOND watched over her protectively, and he often jokingly needled me about how I had "stolen away his red-head".

The Senate simply will never be the same without Senator THURMOND sitting tall and straight at his desk, serving the people of South Carolina and the country he loves.

He is a true friend, a great statesman, and a blessing to all who cherish the strength of statesmen like J. STROM THURMOND. He is a great patriot. He is my friend and I am his. This is a stronger and greater country because of his service and his dedication to the principles that made America great from the beginning.

WHEN MEN MURDER WOMEN: AN ANALYSIS OF 2000 HOMICIDE DATA

Mr. LEVIN. Mr. President, earlier this week the Violence Policy Center released its annual review examining the role of firearms in murders involving one female victim and one male offender. The analysis found that in 2000, the most recent data available, a majority of women who were murdered were killed with firearms. Seventy-six percent of all firearm homicides of women were committed with handguns. The report is sobering in demonstrating how easily a domestic violence dispute can turn into domestic homicide.

According to the VPC's review, in 2000, there were 1,805 women murdered by males in single victim/single offender incidents reported to the FBI. Of the more 1,800 women murdered, 963 of the victims were wives or intimate acquaintances of their killers and 331 were murdered during the course of an argument. In my home State of Michigan, 82 women were murdered. For homicides in which police could identify the weapon, 41 were shot and killed with guns. Of these, 22 victims were killed with handguns.

In 1996, Congress passed legislation to deny firearms purchases to individuals who were under a domestic violence restraining order or convicted of a domestic violence misdemeanor. Despite the passage of this law, many people are slipping through the system. I supported that legislation because of evidence that people who had committed acts of domestic violence were buying guns and using them. I also support closing the gun show loophole, which requires background checks for people who purchase guns at gun shows. The lack of background checks at gun shows leaves battered women and their children more vulnerable to violence.

October is Domestic Violence Awareness Month. The VPC's report highlights how much we still have to do to protect women from becoming victims of domestic violence, and I urge my colleagues to support sensible gun safety legislation.

TAX RELIEF FOR MEMBERS OF THE ARMED FORCES

Mr. GRAHAM. Mr. President, I would like to thank Senators BAUCUS and GRASSLEY for introducing the Armed Forces Tax Fairness Act, and for including a very important provision within it. I, along with Senators LINCOLN and MCCAIN, am proud to cosponsor a specific provision that provides tax relief for members of the military and foreign service officers serving on assignment abroad. This provision provides tax relief on the profit generated by the sale of a primary residence—allowing those who serve our country the ability to exclude their time living abroad from the calculation of total years living in their primary residence.

This provision does not create a new tax benefit, it merely modifies current law. The Taxpayer Relief Act of 1997 gave taxpayers who sell their principal residence a much-needed tax break. Prior to the 1997 act, taxpayers received a one-time exclusion on the profit they made when they sold their principal residence, but the taxpayer had to live in the residence for two of the five years preceding the sale and be at least 55 years old. This policy provided no tax relief to younger taxpayers and their families.

The 1997 act corrected this flaw. Now, a taxpayer who sells his or her principal residence is not taxed on the first $250,000 of profit from the sale. Joint filers are not taxed on their first $500,000 of profit. To qualify for this tax relief, the taxpayer must meet two requirements: No. 1, they must own the home for at least two of the five years preceding the sale; and No. 2, they must live in the home as their primary residence for at least two of the last five years.

Unfortunately, this second requirement unintentionally and unfairly prohibits men and women in the armed services and foreign service from qualifying for this beneficial tax relief when their service mandates that they live abroad for longer periods of time.

The bill being considered today remedies the inequality in the Taxpayer Relief Act of 1997. While military and foreign service professionals working abroad would still be required to own and live in their home for at least 2 years, the Internal Revenue Code would be amended to suspend the five-year determination period—when members of the military and foreign service are away from home.

The 1997 home sale provision was bad fiscal policy because as it unintentionally discouraged government personnel from owning their own homes. We all know that home ownership has numerous benefits. It provides Americans with a valuable sense of community. It adds stability to our Nation's neighborhoods, and generates valuable property taxes for our Nation's communities. Home ownership should be commended and encouraged, and members of the military and foreign service should not be penalized with higher taxes simply because they are on extended assignment abroad. Enacting this remedy will grant equal and fair tax relief to those U.S. citizens who serve our country away from home.

Ms. LANDRIEU. Mr. President, I want to commend the chairman and ranking member of the Finance Committee for bringing the Armed Forces Tax Fairness Act of 2002 to the floor and winning Senate passage of this important legislation. This bill contains some valuable tax benefits for the men and women who defend out country, fighting the war against terrorism.

I am very pleased that this bill contains provisions based on a bill I introduced, S. 2807, to clarify that dependent care benefits paid to our armed forces are excluded from their gross incomes. S. 2807 fixes what I believe was an oversight in the Tax Reform Act of 1986. That Act consolidated the laws regarding the tax treatment of certain military benefits. The conference report to the 1986 Act contained a long list of benefits to be excluded from the gross incomes of military personnel. According to the report, this list was to be exhaustive. The problem was that dependent and child care benefits were not included on the list.

The Treasury Secretary does have the authority to expand the list of benefits in the 1986 Act, but so far no

Treasury Secretary has chosen to expand the list. As a matter of practice, we do not tax these benefits, but the Department of Defense is concerned that this may change without greater clarification. The Defense Department came to us to clarify the tax treatment of dependent and child care benefits once and for all. I was proud to help them. I thank Senator BAUCUS, the chairman of the Finance Committee and the ranking member, Senator GRASSLEY, for including my legislation in this package.

Throughout our history, in times of war and in times of peace we have worked to make sure that our armed forces have everything they need and we have spared no expense in this regard. The Armed Forces Tax Fairness Act of 2002 is another symbol of this support. I hope the House of Representatives will pass this bill as well and move it on to the President's desk for passage into law before we adjourn this session of Congress. The men and women of our armed forces and their families deserve this legislation.

Mrs. CARNAHAN. Mr. President, last night the Senate acted to demonstrate our support and gratitude for those brave men and women who are fighting to protect our freedom and our Nation's interests abroad. I am proud to be an original cosponsor of the Armed Forces Tax Fairness Act. These common sense tax cuts rectify injustices in our tax code that punish those who serve in our military.

Even in times of peace, extraordinary demands are placed on our troops. They are separated from their families. They endure physically grueling training. And most important, they commit to put their own lives at risk for the sake of this country. Since last year's attacks, we have become even more dependent on the dedication of our armed forces.

This reality makes it all the more important that we ensure our tax laws are fair to those who serve in our military. In August, I introduced the Honoring Our Heroes Act. Under my bill, families of soldiers who lose their lives while serving their country do not have to pay income taxes on the death benefit payment the federal government provides. Under current law the government provides $6,000 to families of servicemen and women who die. However, families are required to pay income tax on half of that benefit. My legislation enables a family to use the entire death benefit to cover funeral or other expenses they face after losing their loved one.

The bill passed by the Senate last night includes my bill, and other improvements to our tax code. Reservists and members of the National Guard will be pleased to know that this bill enables them to deduct their service-related travel expenses even if they do not itemize their tax deductions. This bill also ensures that service members will not be penalized when they sell their houses after a period of service away from home. In addition, this legislation provides automatic filing extensions to military personnel who are assigned to contingency operations and would naturally have trouble meeting the regular IRS deadlines.

These and other tax cuts for our service members are paid for by closing a horrible loophole in our tax code. Currently wealthy individuals can escape paying taxes by renouncing their U.S. citizenship. This is unconscionable. Citizens who have benefited from the freedom and opportunity provided by this country should not be allowed to avoid paying income tax by renouncing their citizenship. I believe we owe it to those fighting for our country's freedom to close this loophole.

I am pleased to work with my colleagues on both sides of the aisle to make our tax code more fair. The United States is extremely grateful for the hard work and dedication of our armed forces. And the bill we passed last night will ensure that our tax code reflects this gratitude.

TIMOTHY WHITE

Mr. LEAHY. Mr. President, Monday in Boston and Tuesday in New York there will be tribute concerts in memory of Timothy White, the editor of Billboard Magazine who recently died at the young age of 50. Tim is survived by his wife Judy Garlan and twin sons Christopher and Alexander. I understand that these concerts includes performances by some of my favorite musicians, performers, and recording artists, including Sheryl Crow, Don Henley, John Mellencamp, Sting, Billy Joel, James Taylor, Jimmy Buffett, and Roger Waters. These are people with big hearts as well as talent.

Tim White loved his family and he loved music. He wrote:

> Music entered my world on a summer morning in 1956, in the tough mill town of Paterson, N.J., when a band of Italian street musicians ambled down East 27th Street and paused in front of my family's tiny Cape Cod-style house. . . . What still moves me most about musicians—about all creative people who disclose the depths of their better selves—is that same thing that touched me on that otherwise torpid August afternoon—that these people would be willing to trust another stranger with the open expression of such inner truths.

He was an editor, a writer, an observer and a person of conviction and commitment. In addition to his family and friends, those who care about music will miss him.

VOTE EXPLANATION

Mr. HATCH. Mr. President, I regret that a family emergency in Utah kept me from the Senate yesterday. Had I been present, I would have voted in favor of the motion to proceed on S.J. Res. 45, the resolution authorizing the use of force in Iraq.

The President and his administration have been actively consulting with the Congress on the language of this resolution over the past days and weeks. Our committees have heard many testimonies from the administration and other experts. And, for many years now, we have been apprised of the threat of Saddam Hussein and his outlaw regime. It is time for the Congress to come together, to hold a public debate, and to vote on a critical request made by this Administration.

This administration has worked closely, and will continue to work closely, with our allies and the United Nations. The challenge posed to the U.N. by President Bush in his historic speech before the General Assembly last month demonstrated the dedication that the U.S. wishes to keep the U.N. relevant, while plainly stating that our national interest cannot and will not be subjugated to Saddam's willful deceptions and manipulations before that body.

The world is looking to the United States to see our resolve. It is time for the world to see the American Congress debate whether we will support our Administration. I believe that we will show the world that this Congress, and the American people, overwhelmingly supports our President.

It is not preordained the resolve we will show the world will lead to war. I believe that the resolve we show will demonstrate the U.S. will unite to confront the dangers that lie ahead.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in November 2000 in Shawano, WI. Two men tried to run an Asian couple off a road with a pickup truck. The men pulled up behind the victims' car at a high speed and forced the couple's car to swerve onto the shoulder. They then continued to chase the couple and buzzed close to the vehicle. The driver, Grant Heim, 19, used racial slurs when referring to the victims and was charged with a hate crime in connection to the incident.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

FALLEN FIREFIGHTERS FOUNDATION MEMORIAL WEEKEND 2002

Mr. LEVIN. Mr. President, this weekend firefighters from across the country are coming to Washington, DC, to honor the lives of their family, friends, and colleagues during the 2002 Fallen Firefighters Foundation Memorial Weekend. Since 1981, the names of America's fallen fire heroes have been memorialized at the official National Fallen Firefighters Memorial. Sadly, this year the names of 446 brave and heroic men and women of the fire service will be added to the Roll of Honor in Emmitsburg, MD.

Last year, 442 firefighters from 34 States lost their lives while serving their communities. 2001 was the deadliest year in the history of America's fire service. New York leads the list with 359 firefighters killed, including the 347 World Trade Center heroes. Also, four firefighters who died before 2001 but whose names had not been included on the national memorial will be added. Three individuals from my home State of Michigan will also be added to Roll of Honor.

James Pelton joined the City of Mason Volunteer Fire Department in May of 1964. He received his training the old fashioned way, on the job. Jim worked his way up through the ranks from First Lieutenant to Chief of the department. He always looked for ways to educate people about the importance of fire safety. Jim helped implement a variety of training programs, including ice rescue, hazardous materials handling, and vehicle extrication training.

In April 1972, James Rupkey became a charter member of Station Five of the Troy Fire Department. He served the department for more than 30 years. As Troy's volunteer assistant fire chief, he designed software to help the fire department respond run more efficiently. According to his colleagues, no matter what rank he held, he was always a leader at the fire department. In 2000, the department named him Firefighter of the Year.

Christopher Towne, Engine Company 5 of the Detroit Fire Department, joined the fire department in 1972. Christopher was a courageous fireman, in 1991, he received a department citation for helping save another firefighter from being overcome by smoke when the firefighter's equipment malfunctioned. Christopher's job often took him out of the firehouse to the Children's Hospital Burn Unit where he worked as a fundraiser activist.

These are just three of the 442 firefighters that lost their lives last year. The Fallen Firefighters Foundation Memorial offers family, friends, and loved ones an opportunity to grieve, honor, and bring closure to the loss of their loved ones. However, I hope that over the coming weekend, people across the country will take a moment to thank and honor their firefighters for their service, and I know my colleagues will join me in honoring the lives of these courageous public servants.

CONGRATULATION LEE C. BOLLINGER

Mr. GREGG. Mr. President, I rise today to congratulate Lee C. Bollinger on becoming the 19th president of Columbia University.

President Bollinger comes to this highly esteemed post superbly qualified, having previously served as a exceptional teacher and world renowned scholar. After serving as law clerk for Judge Wilfred Feinberg on the U.S. Court of Appeals for the 2nd Circuit and the Chief Justice Warren Burger on the U.S. Supreme Court, he joined the faculty of the University of Michigan Law School in 1973. In 1987 he was named Dean of the Law School, position he held for 7 years. He became Provost of Dartmouth College and Professor of Government in July 1994 and was named twelfth president of the University of Michigan in 1996.

President Bollinger's primary teacher and scholarly interests are focused on free speech and first amendment issues, and he has published numerous books, articles and essays in academic journals on these and other subjects. Bollinger is well known also for his commitment to students and will be teaching a class on first amendment issues to Columbia College students this year.

As an alum, I am proud to welcome this distinguished and committee scholar to the presidency of Columbia University. I wish him all the best.

ADDITIONAL STATEMENTS

RECOGNITION OF CERTIFIED FINANCIAL PLANNER BOARD OF STANDARDS' 40,000TH CFP CERTIFICANT

• Mr. ALLARD. Mr. President, at a time when many Americans have witnessed the loss of their life savings and millions of others face difficult decisions regarding their personal finances, the need for competent, ethical financial planning is greater than ever. It is with great pride that I rise today to recognize Certified Financial Planner Board of Standards Inc. As of today, CFP Board has announced that 40,000 financial planners now hold the CFP® certification.

This outstanding, Colorado-based, nonprofit regulatory organization has been working since 1985 to foster professional standards so that the public values, has access to, and benefits from, competent, ethical financial planning. The organization also works closely with 17 affiliates of the International CFP Council, whose nearly 31,000 additional certificants are helping to elevate standards for the financial planning professional globally.

The CFP certification is based on the 4 E's: Education, Examination, Experience and Ethics. CFP Board has registered 234 education programs at 151 accredited U.S. colleges and universities to help CFP certification candidates develop competency in financial planning. CFP Board administers a comprehensive, 2-day, 10-hour examination and requires certificants to meet rigorous standards for continuing education developed by its subsidiary board of examiners. Every candidate must demonstrate at least three years of relevant experience. Those individuals who then qualify for certification must agree to abide by CFP Board's Code of Ethics and Professional Responsibility, as well as the Financial Planning Practice Standards. Among the many provisions contained in these documents is the overriding principle of placing the client's interests first. CFP Board's subsidiary Board of Professional Review strictly enforces ethical compliance.

To fulfill its mission to the public, CFP Board publishes extensive printed and online materials to educate consumers regarding topics such as the financial planning process, selecting financial planning professionals and the rights of financial planning clients. Several of these publications have been reviewed by the Securities and Exchange Commission and are available through the Federal Consumer Information Center. Through the Web site www.CFP.net, consumers can quickly and easily determine whether financial planners hold the CFP certification and have been subject to public disciplinary action by CFP Board.

Earlier this year, CFP Board completed implementation of the Financial Planning Practice Standards, establishing what clients are reasonably entitled to expect during financial planning engagements and providing a blueprint for recently deregulated and other financial services firms that wish to offer their clients comprehensive financial planning. CFP Board continues to proactively address public concerns such as disclosure of compensation and possible conflicts of interest on the part of financial planners. CFP Board's continued efforts to protect and educate our nation's citizens should not go unnoticed. For that, we owe CFP Board our recognition, gratitude, and congratulations. I urge my colleagues to join me in paying special tribute to Certified Financial Planner Board of Standards Inc. for 17 years of protecting the public.•

COMMEMORATION OF JAMES MARTIN

• Mr. HOLLINGS. Mr. President, I rise today to express my sorrow at the untimely and tragic death of a talented and dedicated public servant, James Martin. On the evening of Wednesday, October 2, Jim Martin became the first homicide victim in this week's violent and senseless string of shootings in suburban Maryland.

Jim was an outstanding civilian employee of the National Oceanic and Atmospheric Administration, NOAA, Office of Marine and Aviation Operations, OMAO, the branch of NOAA that operates the agency's scientific ocean research vessels and the famous P-3 "Hurricane Hunter" aircraft. Jim served as a program analyst in the Resource Management Division of OMAO.

For 16 years, first with the Office of the Comptroller, then with OMAO, Jim used his talents as a program analyst to advance NOAA's mission and core values. Jim was credited with single-handedly orchestrating and implementing OMAO's program to improve NOAA employee satisfaction, and with becoming a Diversity Coordinator not because he was asked to, but because he believed in the principles and in improving representation of diversity in the sciences. Jim began his commitment to diversity issues long ago, when he worked here in the U.S. Senate on Native American affairs as a legislative assistant for Senator Lee Metcalf of Montana.

At NOAA, Jim also was instrumental in OMAO's adoption of a Washington, DC, elementary school and worked to get NOAA pilots and ship captains to talk to youth about our sea and skies. When the school needed computers, Jim quickly came up with 10 surplus ones for students. He was in the process of arranging a "tour" for the kids on a NOAA research vessel. Jim's demonstrated commitment to inspire minority youth to become future scientists sets a standard for us all to follow.

Jim's colleagues say that he was always a gentleman, that he listened first, and talked second. With his subtle sense of humor, and ready willingness to help, Jim is already sorely missed by his colleagues throughout the NOAA community. Our deep condolences go out to Jim's wife Billie and their 11-year old son Ben in this very difficult time.•

HONORING BILL HOLMBERG FOR HIS CONTRIBUTIONS TO ENERGY AND THE ENVIRONMENT

• Mr. NELSON of Nebraska. Mr. President, today it is my privilege to share with my colleagues the accomplishments of a distinguished citizen and entrepreneur, Mr. William C. Holmberg.

Mr. Holmberg, a former member of my staff, has recently been appointed to the New Uses Council. Founded in 1990, the council is dedicated to expanding the development and commercialization of new industrial, energy, and nonfood consumer uses of renewable agricultural, forestry, livestock, and marine products. I am certain that Mr. Holmberg will provide exceptional leadership and ingenuity in his new post.

I am also pleased to share that Mr. Holmberg has been awarded the Department of Energy's 2002 Biomass Energy Program Distinguished Service Award. This annual award is presented to individuals exemplifying superior achievement in establishing, promoting, and implementing projects that exhibit the efficient use of biomass energy resources and technologies.

In pursuit of developing renewable resources, Mr. Holmberg established Global Biorefineries, Inc., a nonprofit organization dedicated to the development of sustainable bioenergy initiatives. Since its inception, Global Biorefineries has promoted the production of renewable domestic fuels to advance our Nation toward energy independence.

As these examples illustrate, Mr. Holmberg's dedicated to the creation of efficient alternative energy sources is essential in developing a plan for our Nation's environmental and energy future. His tireless effort to ensure the promotion of renewable agricultural products has helped our country's environmental conservation efforts, and Mr. Holmberg's commitment to solving our Nation's energy challenges will ensure that new and innovative resources and technologies will continue to flourish.•

SHANNON ROVERS IRISH PIPE BAND: 75 YEARS OF ENTERTAINMENT

• Mr. DURBIN. Mr. President, I am pleased to recognize the Shannon Rovers Irish Pipe Band for providing 75 years of entertainment. More than 500 individuals have played the pipes and drums of the Shannon Rovers Band. Currently, the band is made up of over 75 pipers, drummers and color guard members, and includes a student program with over 20 individuals actively learning the pipes and drums.

The band was organized in 1926 by a group of Irish immigrants, and was originally named the Shannon Rovers Fife and Drum Corps. The group was directed by Dan Hennessy and played for every Irish gathering in Chicago during the late 1920's and early 1930's. In 1932 the decision was made to switch from fife and drums to the "Irish Warpipe" or bagpipe. Thus, the Shannon Rovers Irish Pipe Band was introduced.

In the 1930's the band performed for Presidential candidate Franklin Delano Roosevelt and has continued to play for Presidents and distinguished guests to this day, including Presidents Harry S. Truman, John F. Kennedy, Lyndon B. Johnson, Richard M. Nixon, and Pope John Paul II.

The band's popularity has grown immensely over the years. The demand for them to play continues to grow in the Chicago land area, as well as across the Nation, and around the world. The Rovers continue to excite Chicagoans with performances at halftime of Bears games, leading the pre-race ceremonies at Chicago Motor Speedway, performing at the Celtic Fest, and at the Irish Heritage Center. They make an annual trip to Springfield, IL. for the Illinois State Fair and they also perform at countless rallies and dinners. The members of this group freely volunteer their time for all types of civic and charitable events.

Internationally, the band is a perennial contender in Ireland's Fleadh Cheoil, a world-class traditional Irish music event. The Rovers have placed first, second, and third in this prestigious competition.

The Shannon Rovers Irish Pipe Band has accomplished much in the 75 years since its founding. It is my pleasure to extend my congratulations and thanks to this group for their decades of service and dedication to their music and to the people of Illinois.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-9221. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the report of a violation of the Antideficiency Act relative to Section 514 grant program during Fiscal Years 1999 and 2001; to the Committee on Appropriations.

EC-9222. A communication from the Chief of Staff, Trade and Development Agency, transmitting, pursuant to law, a report relative to Serbia; to the Committee on Appropriations.

EC–9223. A communication from the Deputy General Counsel, Board of Veterans' Appeals, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled "Board of Veterans' Appeals: Rules of Practice—Attorney Fee Matters; Notice of Disagreement Requirement" (RIN2900–AL25) received on September 30, 2002; to the Committee on Veterans' Affairs.

EC–9224. A communication from the Director, Office of Personnel Policy, Department of the Interior, transmitting, pursuant to law, the report of a vacancy and a nomination for the position of Chairman, National Indian Gaming Commission, received on September 30, 2002; to the Committee on Indian Affairs.

EC–9225. A communication from the Director, Office of Personnel Policy, Department of the Interior, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Special Trustee for American Indians, received on September 30, 2002; to the Committee on Indian Affairs.

EC–9226. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC–9227. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, transmitting, the report of a certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Germany and Russia; to the Committee on Foreign Relations.

EC–9228. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the Annual Report on the Proliferation of Missiles and Essential Components of Nuclear, Biological, and Chemical Weapons for the period December 1, 2000 through December 31, 2001; to the Committee on Foreign Relations.

EC–9229. A communication from the Assistant Secretary for Land and Minerals Management, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Rights-of-Ways Under the Mineral Leasing Act; Timing of Approval" (RIN1004–AD55) received on September 30, 2002; to the Committee on Energy and Natural Resources.

EC–9230. A communication from the Assistant Secretary of the Interior, Bureau of Land Management, transmitting, pursuant to law, the report of a rule entitled "Permits for Recreation on Public Lands" (RIN1004–AD25) received on September 30, 2002; to the Committee on Energy and Natural Resources.

EC–9231. A communication from the Director, Cooperative and State Programs, Occupational Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Changes to State Plans (revised)" (RIN1218–AB91) received on September 26, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–9232. A communication from the Deputy General Counsel, National Science Foundation, transmitting, pursuant to law, the report of a rule entitled "Antarctic Conservation Act of 1978, Civil Monetary Penalties" (45 CFR Part 672) received on September 30, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–9233. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of the Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oriental Fruit Fly; Removal of Quarantined Areas" (Doc. No. 01–080–3) received on September 30, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9234. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of the Agriculture, transmitting, pursuant to law, the report of a rule entitled "Gypsy Moth Host Material from Canada; Removal of Infested Areas in British Columbia, Canada" (Doc. No. 01–132–2) received on September 30, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9235. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of the Agriculture, transmitting, pursuant to law, the report of a rule entitled "Change in Disease Status of Denmark Because of Exotic Newcastle Disease" (Doc. No. 02–089–1) received on September 30, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9236. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of the Agriculture, transmitting, pursuant to law, the report of a rule entitled "Texas (Splenetic) Fever in Cattle; Incorporation by Reference" (Doc. No. 01–110–2) received on September 30, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9237. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of the Agriculture, transmitting, pursuant to law, the report of a rule entitled "Imported Fire Ant; Approved Treatments" (Doc. No. 01–115–2) received on September 30, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9238. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of the Agriculture, transmitting, pursuant to law, the report of a rule entitled "Pink Bollworm Regulated Areas; Removal of Oklahoma" (Doc. No. 02–031–2) received on September 30, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9239. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–9240. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to mental health counselors demonstration project; to the Committee on Armed Services.

EC–9241. A communication from the Under Secretary of Defense, Comptroller, transmitting, pursuant to law, a report relative to a multi-service (Army/Navy) multiyear procurement (MYP) for UH–60 and MH–60 aircraft for Fiscal Year 2002 through 2006; to the Committee on Armed Services.

EC–9242. A communication from the Under Secretary of Defense, Personnel and Readiness, transmitting, pursuant to law, reports relative to the Ready Reserve of the Armed Forces; to the Committee on Armed Services.

EC–9243. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–9244. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–9245. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Change in Flood Elevation Determinations" (Doc. No. FEMA–D–7527) received on September 30, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–9246. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (44 CFR Part 67) received on September 30, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–9247. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (44 CFR Part 67) received on September 30, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–9248. A communication from the Assistant General Counsel for Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Exception Payment Standard to Offset Increase in Utility Costs in the Housing Choice Voucher Program" (RIN2577–AC29) received on September 30, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–9249. A communication from the Chairman of the Federal Reserve System, transmitting, pursuant to law, a report on credit availability for small business; to the Committee on Banking, Housing, and Urban Affairs.

EC–9250. A communication from the Senior Paralegal, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Alternative Mortgage Transaction Parity Act; Preemption" (RIN1550–AB51) received September 25, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–9251. A communication from the Assistant Administrator for a Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "NASA Grant and Cooperative Agreement Handbook—Rewrite of Section D—Cooperative Agreements with Commercial Firms and Implementation of Section 319 of Public Law 106–391, Buy American Encouragement" (RIN2700–AC44) received on September 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9252. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting pursuant to law, the report of a rule entitled "Missile Technology Production Equipment and Facilities" (RIN0694–AC51) received on September 30, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–9253. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Issuance of Revised Model Administrative Order on Consent for Removal Actions"; to the Committee on Environment and Public Works.

EC–9254. A communication from the Director, Office of Congressional Affairs, Office of the Chief Financial Officer, United States

Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Revision to Salary Offset Procedures" (RIN3150–AG96) received on September 27, 2002; to the Committee on Environment and Public Works.

EC–9255. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled "Status of the State Small Business Stationary Source Technical and Environmental Compliance Programs (SBTCPs)" for calendar year 2000; to the Committee on Environment and Public Works.

EC–9256. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Louisiana; Baton Rouge Nonattainment Area; Ozone; 1-Hour Ozone Attainment Demonstration; Attainment Date Extension, and Withdrawal of Nonattainment Determination and Reclassification" (FRL7387–5) received on September 26, 2002; to the Committee on Environment and Public Works.

EC–9257. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plan; Ohio" (FRL7386–9) received on September 26, 2002; to the Committee on Environment and Public Works.

EC–9258. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fining of Failure to Submit State Implementation Plan Revisions for Ozone (1-hour Standard), California—San Joaquin Valley" (FRL7387–9) received on September 26, 2002; to the Committee on Environment and Public Works.

EC–9259. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Retroactive Accident and Health Benefits" (Rev. Rul. 2002–58) received on September 30, 2002; to the Committee on Finance.

EC–9260. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Archer MSA Counter 2002" (Ann. 2002–90) received on September 30, 2002; to the Committee on Finance.

EC–9261. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Railroad Track Maintenance Costs—Class II and III Railroads" (Rev. Proc. 2002–65) received on September 30, 2002; to the Committee on Finance.

EC–9262. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2003 Per Diem Rates" (Rev. Proc. 2002–63) received on September 30, 2002; to the Committee on Finance.

EC–9263. A communication from the Chief of the Regulations Branch, United States Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Extension of Import Restrictions Imposed on Archaeological Material From Guatemala" (RIN1515–AD17) received on September 30, 2002; to the Committee on Finance.

EC–9264. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Republic of Cyprus and the status of cultural property agreements with Peru and Canada; to the Committee on Finance.

EC–9265. A communication from the Commissioner of the Financial Management Service, Department of the Treasury, transmitting, pursuant to law, a report concerning the appearance of Social Security account numbers on or through unopened mailings of checks or other drafts issued on public money in the Treasury; to the Committee on Finance.

EC–9266. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, the annual reports that appear on pages 119–141 of the March 2002 Treasury Bulletin; to the Committee on Finance.

EC–9267. A communication from the Regulations Coordinator for the Centers for Medicare and Medicaid Services, Department of Health and Human Service, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Supplementary Medical Insurance Premium Surcharge Agreements" (RIN0938–AK42) received on September 30, 2002; to the Committee on Finance.

EC–9268. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Service, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "State Children's Health Insurance Program; Eligibility for Prenatal Care for Unborn Children" (RIN0938–AL37) received on September 30, 2002; to the Committee on Finance.

EC–9269. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare and Medicaid Programs; Program of All-inclusive Care for the Elderly (PACE) Program Revisions" (RIN0938–AL59) received on September 30, 2002; to the Committee on Finance.

EC–9270. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Material Regulations: Minor Editorial Corrections and Clarifications" (RIN2137–AD72) received on September 30, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9271. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Required for Maintenance, Requalification, Repair and Use of DOT Specification Cylinders; Extension of Compliance Date" (RIN2137–AD58) received on September 30, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9272. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: (including 3 regulations)" ((RIN2115–AE47)(2002–0083)) received on September 30, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9273. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; Cape Fear River, Wilmington, NC" ((RIN2115–AE46)(2002–0032)) received on September 30, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9274. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Gulf Intracoastal Waterway Mile 134.0, Cypremort Point, Louisiana" ((RIN2115–AA97)(2002–0189)) received on September 30, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9275. A communication from the Senior Regulations Analyst, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Procedures for Transportation Workplace Drug and Alcohol Testing Programs; Procedures for Non-Evidential Alcohol Screening Devices" (RIN2105–AD13) received on September 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9276. A communication from the Senior Regulations Analyst, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Withdrawal of Proposed Rulemaking Actions" (RIN2105–AD16) received on September 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9277. A communication from the Trial Attorney, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Schedule of Fees Authorized by 49 USC 30141" (RIN2127–AI77) received on September 30, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9278. A communication from the Regulations Officer, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Development of a North American Standard for Protection Against Shifting and Falling Cargo" (RIN2126–AA27) received on September 30, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9279. A communication from the Secretary of Transportation, transmitting, pursuant to law, the National Plan of Integrated Airport Systems (NPIAS), 2001–2005; to the Committee on Commerce, Science, and Transportation.

EC–9280. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, the Commission's Revised Strategic Plan for Fiscal Years 2003 through 2008; to the Committee on Commerce, Science, and Transportation.

EC–9281. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2001 through March 31, 2002; to the Committee on Governmental Affairs.

EC–9282. A communication from the Chairman of the Postal Rate Commission, transmitting, pursuant to law, a report relative to network vulnerability assessment report dated August 2002; to the Committee on Governmental Affairs.

EC–9283. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the Semiannual Report of the Office of the Inspector General for the period October 1, 2001 through March 31, 2002; to the Committee on Governmental Affairs.

EC–9284. A communication from the Assistant Secretary for Policy, Management and

Budget, Department of the Interior, transmitting, pursuant to law, the Department's inventory of commercial activities for Fiscal Year 2001; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 2799: A bill to provide for the use of and distribution of certain funds awarded to the Gila River Pima-Maricopa Indian Community, and for other purposes. (Rept. No. 107–298).

By Mr. INOUYE, from the Committee on Indian Affairs, without amendment:

S. 2989: A bill to protect certain lands held in fee by the Pechanga Band of Luiseno Mission Indians from condemnation until a final decision is made by the Secretary of the Interior regarding a pending fee to trust application for that land. (Rept. No. 107–299).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. LANDRIEU (for herself and Mr. BAYH):

S. 3057. A bill to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring for children in foster care; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself, Mr. BUNNING, Mr. HARKIN, Mr. ALLARD, Mr. REID, and Mrs. CLINTON):

S. 3058. A bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to provide benefits for contractor employees of the Department of Energy who were exposed to toxic substances at Department of Energy facilities, to provide coverage under subtitle B of that Act for certain additional individuals, to establish an ombudsman and otherwise reform the assistance provided to claimants under that Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS:

S. 3059. A bill to provide for the distribution of judgment funds to the Assiniboine and Sioux Tribes of the Fort Peck Reservation; to the Committee on Indian Affairs.

By Mr. KENNEDY:

S. 3060. A bill to amend the Public Health Service Act to provide protections for human participants in research; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LOTT:

S. 3061. A bill to impose greater accountability on the Tennessee Valley Authority with respect to capital investment decisions and financing operations by increasing Congressional and Executive Branch oversight; to the Committee on Environment and Public Works.

By Mr. CRAIG:

S. 3062. A bill to direct the Secretary of Agriculture to conduct a study of the effectiveness of silver-based biocides as an alternative treatment to preserve wood; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HUTCHINSON (for himself, Mr. LOTT, Mr. HELMS, Mr. HAGEL, Mr. BURNS, Mr. CRAIG, Mr. ROBERTS, Mr. ALLARD, Mr. VOINOVICH, Mr. CRAPO, Mr. ENSIGN, Mr. DEWINE, Mr. BOND, Mr. FRIST, Mr. WARNER, and Mr. HATCH):

S. Res. 333. A resolution expressing the sense of the Senate relating to a dispute between the Pacific Maritime Association and the International Longshore and Warehouse Union; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE (for Mrs. CLINTON):

S. Res. 334. A resolution recognizing the Ellis Island Medal of Honor; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 1379

At the request of Mr. KENNEDY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1379, a bill to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes.

S. 1434

At the request of Mr. SPECTER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1434, a bill to authorize the President to award posthumously the Congressional Gold Medal to the passengers and crew of United Airlines flight 93 in the aftermath of the terrorist attack on the United States on September 11, 2001.

S. 2053

At the request of Mr. FRIST, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2053, a bill to amend the Public Health Service Act to improve immunization rates by increasing the distribution of vaccines and improving and clarifying the vaccine injury compensation program, and for other purposes.

S. 2268

At the request of Mr. MILLER, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 2268, a bill to amend the Act establishing the Department of Commerce to protect manufacturers and sellers in the firearms and ammunition industry from restrictions on interstate or foreign commerce.

S. 2480

At the request of Mr. LEAHY, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 2480, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from state laws prohibiting the carrying of concealed handguns.

S. 2490

At the request of Mr. TORRICELLI, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2490, a bill to amend title XVIII of the Social Security Act to ensure the quality of, and access to, skilled nursing facility services under the medicare program.

S. 2569

At the request of Mrs. CLINTON, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2569, a bill to award a congressional gold medal to Dr. Dorothy Height, in recognition of her many contributions to the Nation.

S. 2667

At the request of Mr. DODD, the names of the Senator from Florida (Mr. NELSON) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2667, a bill to amend the Peace Corps Act to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government, and for other purposes.

S. 2770

At the request of Mr. DODD, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2770, a bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas.

S. 3018

At the request of Mr. BAUCUS, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Iowa (Mr. HARKIN), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Missouri (Mrs. CARNAHAN) were added as cosponsors of S. 3018, a bill to amend title XVIII of the Social Security Act to enhance beneficiary access to quality health care services under the medicare program, and for other purposes.

S. 3054

At the request of Mr. LIEBERMAN, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 3054, a bill to provide for full voting representation in Congress for the citizens of the District of Columbia, and for other purposes.

S.J. RES. 46

At the request of Mr. BUNNING, his name was added as a cosponsor of S.J. Res. 46, a joint resolution to authorize the use of United States Armed Forces against Iraq.

S. RES. 307

At the request of Mr. TORRICELLI, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. Res. 307, a resolution reaffirming support of the Convention on the Prevention and Punishment of the Crime of Genocide and anticipating the commemoration of the 15th anniversary of the enactment of the Genocide

Convention Implementation Act of 1987 (the Proxmire Act) on November 4, 2003.

S. CON. RES. 138

At the request of Mr. REID, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. Con. Res. 138, a concurrent resolution expressing the sense of Congress that the Secretary of Health And Human Services should conduct or support research on certain tests to screen for ovarian cancer, and Federal health care programs and group and individual health plans should cover the tests if demonstrated to be effective, and for other purposes.

S. CON. RES. 142

At the request of Mr. SMITH of Oregon, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. Con. Res. 142, a concurrent resolution expressing support for the goals and ideas of a day of tribute to all firefighters who have died in the line of duty and recognizing the important mission of the Fallen Firefighters Foundation in assisting family members to overcome the loss of their fallen heroes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. LANDRIEU (for herself and Mr. BAYH):

S. 3057. A bill to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring for children in foster care; to the Committee on Health, Education, Labor, and Pensions.

Ms. LANDRIEU. Mr. President, in 1999, several of us, including the late John Chafee and former First Lady, HILLARY CLINTON, took a long hard look at our Nation's foster care system and in particular those whom the system failed. Each year 25,000 young people leave our foster care system without ever finding a permanent family. Too many of these young people have been in this system for the majority of their lives, moved from home to home to home, school to school, with no one to count on or turn to for guidance and no where to call "home."

Studies show that within two to four years of leaving foster care, only half have completed high school, fewer than half are employed, one-fourth have been homeless for at least one night, 30 percent did not have access to needed health care, 60 percent of the young women have given birth, and less than one-in-five are completely self-supporting. In addition, many States report that the overwhelming majority of youth offenders housed in their State prisons were once a part of our Nation's foster care system.

While these statistics are, in and of themselves. disturbing, as author, Ruth Sidel, once said, "statistics are people with the tears wiped away." It is easier for us to think of the almost 600,000 children making their way through our foster care system as numbers, but they are not. They are children. And like every child, they are born with a need to belong, to be loved, to feel protected and sheltered. When we were working on the John Chafee Foster Care Independence Act of 1999, a young woman named Lisa, who had spent her life in foster care explained this concept better than I ever could. She said, "even at 21, I dream about having someone to call when I am not sure whether you wash whites in warm or cold water, someone to tell me that they are proud that I got an A on my Biology test, and most importantly someone who will love me no matter what. Other kids have that and they are lucky."

One of my goals as United States Senator is to change our foster care system so children like Lisa do not fall through it's cracks. When you stop and think about it, there is no such thing as a foster care "system", its just people, and these children do not fall through "cracks", they fall through our fingers. I, for one, intend to do what I can to ensure that each and every child in the world goes to bed at night blanketed with the security that only a family of their own can provide. The legislation that I am here to introduce today by no means solves the many problems facing our kids in care, but it will go a long way toward ensuring that they do not fall through our fingers.

The Foster Care Mentoring Act of 2002 authorizes $15 million a year to be used by States to create a statewide foster care mentor program that aims to match a trained, responsible adult with each and every child in care. Last week, I had the chance to sit down with an organization, Children Uniting Nations and the First Lady of California, Sharon Davis, and they shared with me the enormous success they have had in California with a program like this. The mentors provide friendship, guidance, academic tutoring and most importantly consistency to children who are in desperate need of such things. In addition, this legislation provides Federal student loan forgiveness for each mentor that contributes at least 200 hours a year to a child in need.

Although a mentor can never take the place of a permanent family, they can make sure these children do not get lost in a system designed to protect them. Mentors can give these children the tools they need to survive and help guide and protect them as they wait for the permanent home they need and deserve. I hope that my colleagues will join me in support of this legislation.

Mr. BAYH. Mr. President, I rise today to speak in support of legislation I have been working on with Senator LANDRIEU to ensure our foster care youth are provided every opportunity to develop into bright, capable adults and become productive and valuable members of our society. The Foster Care Mentoring Act will help provide a foster care child with a role model, tutor and friend.

Although there are several concerns with the administration of our child welfare system, this bill is one way we can immediately provide necessary relief and guidance to children who have been the victims of abuse and neglect. This legislation takes a necessary step toward providing these children with a healthy stable environment. There are over half a million children in the nation's foster care system, 7,482 children in Indiana alone. As the guardian of these children, the government should take all possible steps to help them overcome their barriers.

As a result of the abuse foster care children have experienced, they are less likely to trust adults, create healthy relationships, and perform academically. Mentors will help them establish trusting relationships, assist them with their school work, and develop emotionally. Mentors will remind foster care youth that they are wanted members of our society who deserve every opportunity to achieve their dreams.

Mentors have proven to have positive impacts on the youth they mentor. Children that have mentors have better relationships with adults, fewer disciplinary referrals, and more confidence to achieve their goals. Research shows that caring adults can make a difference in children's lives: 46 percent of mentored teens are less likely to use drugs; 59 percent of mentored teens have better academic performance; 73 percent of mentored teens achieve higher goals generally.

The Foster Care Mentoring Act authorizes $15 million a year to ensure that each mentor receives the appropriate training, makes a long-term commitment to the program, and fulfills educational requirements to mentor foster care youth. Mentoring foster care youth is another way young citizens can serve their country. This bill would reward those who take time to assist those in need. Each college-bound individual will have $2,000 forgiven from their student loans for every 200 hours they serve as a mentor to a foster care child. States will have the flexibility to coordinate with already existing programs to create mentor-child partnerships. In addition, the legislation would provide $4 million a year for the creation and administration of a national hotline and website to coordinate mentoring efforts.

Although we should work together to ensure each child in the foster care system is placed in a loving, stable, safe, and permanent home, in the meantime we can at least provide them with a guiding friend. I look forward to working with my colleagues to implement this important legislation.

By Mr. BINGAMAN (for himself, Mr. BUNNING, Mr. HARKIN, Mr. ALLARD, Mr. REID, and Mrs. CLINTON):

S. 3058. A bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to provide benefits for contractor employees of the Department of Energy who were exposed to toxic substances at Department of Energy facilities, to provide coverage under subtitle B of that Act for certain additional individuals, to establish an ombudsman and otherwise reform the assistance provided to claimants under that Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, two years ago we enacted the Energy Employees Occupational Illness Compensation Program Act, EEOICPA. This important legislation was intended to give timely, uniform and reasonable compensation to Department of Energy employees suffering injury and disease resulting from working in the nuclear weapons program.

The program has two parts: a Federal component for certain diseases, and, for all others, an assistance program for the filing of State workers' compensation claims. The Federal component, for workers made ill by exposure to substances unique to DOE facilities, gives a one-time $150,000 payment and covers medical payments for illnesses like beryllium disease, certain cancers and silicosis.

Since the passage of the original act in October 2000 a number of additional issues, complicating factors and implementation barriers have emerged. Recently I held a public meeting in Espanola, New Mexico with Representative TOM UDALL, to review the performance of the program. The gathering, attending by over 300 present and former workers, focused on three broad issues: delays in processing claims, missing radiation exposure records and difficulty gaining compensation for exposure to toxic substances, like mercury.

Upon my return I continued to investigate the implementation barriers facing the program. Meetings with Department of Energy, Labor and HHS officials as well as experts in occupational health and workers compensation revealed further flaws. Let me describe some of the problems this legislation is intended to address based on what I have recently learned.

First, with regard to subtitle D, the program relies on an amalgamation of private insurance, state workers compensation programs and DOE contractor self-insurance for the timely and fair payment of medical costs and lost wages. Unfortunately, Department of Energy officials recently stated that up to 50 percent of all eligible beneficiaries would not have access to a willing payor. Assistant Secretary of Energy Beverly Cook in a June 7, 2002 letter noted DOE cannot give directives to "persons who are not DOE contractors, such as insurers or lessees of DOE facilities." In short, workers found to have a meritorious claim under the program may not have a payor. The legislation introduced today would address this problem by making DOE the defacto for all claims.

Further, the Department of Energy failed, for nearly two years following the passage of the legislation, to publish a rule crucial for the submission of subtitle D claims. The physician panel rule is a critical component allowing injury claims to be adjudicated by a panel of physicians specializing in occupational medicine. Since the inception of the program and because of delays like the one described above, only four claims have been sent to the physician panel for review. Clearly, we must do better. My legislation simplifies the process to allow the expeditious handling of claims.

The dangers faced by these workers is only now being fully understood. In addition to certain cancers, silicosis and beryllium disease, increased risk for other maladies are now being discovered. In my own State of New Mexico I have workers suffering from mercury poisoning, once known as "Mad Hatters" disease. Mr. Alex Smith of Espanola operated a mercury still for many years at the Los Alamos National Laboratory. At one point Mr. Smith displayed all the signs of both acute and chronic mercury poisoning. He approached LANL's medical clinic seeking treatment only to be told he was not suffering from mercury poisoning. Documentation later revealed a different story. In fact, the physician did suspect Mr. Smith suffered from mercury toxicity but, for reasons we can only speculate on now, failed to act. According to the Oak Ridge Environmental Peace Alliance, during the 1950's a majority of the world's mercury was used in the production of nuclear weapons. Although mercury usage is not unique to DOE facilities, the volumes utilized in these facilities, at one point 70 percent of the world's supply, set mercury toxicity in this setting apart from other exposures.

Recent data has revealed an increased risk of chronic renal disease and lung cancer from exposure to uranium and beryllium, respectively. Although lung cancer can arise from many causes, clear scientific data points to beryllium disease as a precursor for this devastating illness. As well, chronic renal disease has many etiologies with uranium among them. Like mercury, these exposures and the consequent illnesses are unique to the environment workers found themselves in and should be recognized.

The legislation I am introducing today, along with Senators BUNNING, HARKIN, ALLARD and REID, entitled the Energy Workers Compensation Act of 2002 is intended to fulfill the original legislative objectives of Congress, address unforeseen obstacles and assure just compensation for our Nation's energy workers.

The Energy Workers Compensation Act of 2002 addresses and improves the shortcomings of the original legislation by: Establishing the Department of Labor as the willing payor of benefits for claimants approved by the Department of Energy under Subtitle D. Benefit payments are authorized from the previously established EEOICPA fund. Setting time limits for DOE to make determinations regarding claimant's employment records. Setting at 150 days the time limit for the reconstruction of worker's radiation dosages. Adding lung cancer to a list of covered beryllium related diseases. Adding chronic renal disease as a covered illness for uranium workers. Adding mercury disease as a covered illness for workers employed at facilities utilizing more than 100 kilograms of mercury. Establishing an ombudsman to help claimants with administration of claims. Allowing individuals otherwise eligible for compensation under EEOICPA, but who previously received Radiation Exposure Compensation Act awards, to be compensated at levels equal to EEOICPA.

It is imperative we protect those who helped America win the cold war. Members of the House of Representatives have come to similar conclusion. Representatives WHITFIELD and STRICKLAND have recently introduced legislation similar to ours. They too realize that promises made to cold war era workers and families must be kept. A debt of gratitude to these workers, who became sick through no fault of their own, must be paid.

I request unanimous consent that the bill and selected testimony be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3058

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Energy Workers Compensation Act of 2002".

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The Energy Employees Occupational Illness Compensation Program Act of 2000 (the "Act") was intended to ensure timely, uniform, and adequate compensation of covered employees (and, where applicable, survivors of such employees) suffering from illnesses incurred by such employees in the

performance of duty for the Department of Energy and certain of its contractors, subcontractors, and vendors, and to provide parity for uranium miners under the Radiation Exposure Compensation Act (42 U.S.C. 2210 note).

(2) Four Federal agencies, the Departments of Labor, Health and Human Services, Energy, and Justice, have been assigned responsibilities under the Act pursuant to Executive Order No. 13179, dated December 7, 2000 (42 U.S.C. 7384 note).

(3) The Department of Labor began accepting claims July 31, 2001, and the Department of Health and Human Services, through the National Institute for Occupational Safety and Health, will perform radiation dose reconstruction for cancer claims and evaluate petitions for Special Exposure Cohorts.

(4) The Department of Energy finalized its regulations governing claims under Subtitle D of the Act on August 14, 2002. Those regulations require claimants to use a State workers' compensation system to secure benefits after receiving a positive findings from a Department of Energy physicians panel. The Department of Energy has conceded, however, that it will not have a willing payor for as many as 50 percent of the claims that are meritorious. As a consequence, many deserving claimants with a positive determination from a Department of Energy physicians panel will nonetheless be denied benefits.

(5) The Department of Energy's regulations (at 10 C.F.R. Part 852) direct contractors of the Department to adopt a non-adversarial posture in state workers' compensation proceedings, which are structured as an adversarial forum. The policy of inserting a non-adversarial respondent in an adversarial system should be remedied by utilizing a non-adversarial dispute resolution system. Taxpayers would also benefit from placing claimants in a non-adversarial system, such as the type of systems administered by the Department of Labor under subtitle B of the Act or under chapter 81 of title 5, United States Code (known as the Federal Employees Compensation Act), as doing so would assure that disabilities related to occupational illnesses would be compensated proportional to the degree of injury.

(6) In order to assure that congressional intent is honored with respect to the Department of Energy's program of worker assistance with state worker compensation for occupational illnesses that arose out of the course of employment from exposure to toxic substances at Department of Energy facilities, the Department of Energy's implementation of subtitle D of the Act requires reform, refinement, and clarification.

(7) Certain renal diseases related to uranium exposure and cancers related to employment by beryllium vendors should be added to coverage under subtitle B.

(8) Congress intended that follow-up implementing legislation would be required when it passed the Act and, in section 3613 of the Act, directed the administration to provide such legislation. Although such legislation was forwarded on January 15, 2001, and Congress adopted technical amendments to the Act in 2001, significant shortcomings in the Act have been identified as the Act has been implemented.

(b) PURPOSE.—The purpose of this Act is to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to—

(1) ensure that meritorious claims for exposure to toxic substances at Department of Energy facilities are compensated under subtitle D of the Act;

(2) enhance assistance to claimants at the Department of Labor;

(3) ensure that there is parity in treatment of chronic renal disease between uranium-exposed Department of Energy employees (including employees of contractors, subcontractors, and atomic weapons employer facilities) and the uranium-exposed workers under the Radiation Exposure Compensation Act;

(4) provide coverage of lung cancer for covered beryllium workers; and

(5) make administrative improvements and technical corrections.

TITLE I—WORKERS' COMPENSATION BENEFITS FOR DOE CONTRACTOR EMPLOYEES EXPOSED TO TOXIC SUBSTANCES

SEC. 101. BENEFITS.

Subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385o) is amended to read as follows:

"Subtitle D—Workers' Compensation Benefits for DOE Contractor Employees Exposed to Toxic Substances

"SEC. 3661. DEFINITIONS.

"In this subtitle:

"(1) The term 'DOE contractor' means any of the following:

"(A) A contractor (or subcontractor at any tier) of the Department of Energy.

"(B) A contractor (or subcontractor at any tier) of USEC, a Government-owned corporation, during the period beginning on July 1, 1993, and ending on July 28, 1998.

"(2) The term 'DOE contractor employee' means any of the following:

"(A) An employee of a contractor (or subcontractor at any tier) of the Department of Energy.

"(B) An employee of a contractor (or subcontractor at any tier) of USEC, a Government-owned corporation, during the period beginning on July 1, 1993, and ending on July 28, 1998.

"(3) The term 'covered DOE contractor employee' means a DOE contractor employee, if a claim relating to that employee is forwarded by the Secretary of Energy under section 3662(d)(3)(A) to the Secretary of Labor for payment under section 3663.

"(4) The term 'specified illness' means, with respect to a covered DOE contractor employee, the illness by reason of which the claim relating to that employee was forwarded by the Secretary of Energy under section 3662(d)(3)(A) to the Secretary of Labor for payment under section 3663.

"SEC. 3662. DETERMINATIONS OF CAUSATION BY DEPARTMENT OF ENERGY.

"(a) PROCEDURE FOR SUBMITTING CLAIMS.—

"(1) IN GENERAL.—The Secretary of Energy shall establish, by regulation, procedures under which an individual may submit a claim for benefits under this subtitle due to occupational illness from exposure to toxic substances.

"(2) NOTICE TO CLAIMANT.—Not later than 10 days after the receipt of a claim under paragraph (1), the Secretary of Energy shall notify the claimant of the receipt of the claim and provide the name, address, and phone number of a person capable of answering questions and providing additional information with respect to the procedures and benefits under this subtitle.

"(b) INITIAL REVIEW BY DOE.—

"(1) EVIDENCE REQUIRED.—The Secretary of Energy shall review each claim submitted under this section and, for each such claim, determine not later than 30 days after receipt of the claim whether the claimant submitted reasonable evidence of both of the following:

"(A) The claim was filed by or on behalf of a DOE contractor employee or such employee's estate.

"(B) The illness or death of the DOE contractor employee may have been related to employment at a Department of Energy facility.

"(2) DETERMINATIONS.—

"(A) If the Secretary determines that the claimant did not submit reasonable evidence under either paragraph (1)(A) or (1)(B), or both, the Secretary shall, not later than 10 days after making such determination, notify the claimant of such determination and include the claimant's options for appeal or for submitting additional evidence.

"(B) If the Secretary determines that the claimant did submit reasonable evidence under both paragraphs (1)(A) and (1)(B), the Secretary shall—

"(i) not later than 10 days after making such determination, notify the claimant of such determination;

"(ii) ensure that the claimant is afforded the opportunity to review the entire record, and to supplement the record within 30 days after the date on which information is provided by the DOE contractor, before the claim is submitted to a physicians panel;

"(iii) not later than 10 days after the end of the 30-day period referred to in clause (ii) or the date on which the claimant completes the supplement of the record under that clause, whichever is later, submit the claim to a physicians panel for review under subsection (c); and

"(iv) not later than 10 days after submitting the claim to a physicians panel, notify the claimant of such submission.

"(c) REVIEW BY PHYSICIANS PANELS.—

"(1) COMPOSITION.—

"(A) The Secretary of Energy shall inform the Secretary of Health and Human Services of the number of physicians panels the Secretary of Energy has determined to be appropriate to administer this section, the number of physicians needed for each panel, and the area of jurisdiction of each panel.

"(B) The Secretary of Health and Human Services shall appoint panel members with experience and competency in diagnosing occupational illnesses under section 3109 of title 5, United States Code. Each member of a panel shall be paid at the rate of pay payable for level III of the Executive Schedule for each day (including travel time) the member is engaged in the work of a panel.

"(C) A panel established under this subsection shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

"(2) OPERATION.—

"(A) The Secretary of Energy shall assist the claimant in obtaining additional evidence within the control of the Department of Energy or a DOE contractor who employed a DOE contractor employee and relevant to the panel's deliberations.

"(B) At the request of a panel, the Secretary of Energy and a DOE contractor who employed a DOE contractor employee shall provide additional information relevant to the panel's deliberations. A panel may consult specialists in relevant fields as it determines necessary.

"(C) In any case in which the panel finds that additional diagnostic testing or an exposure assessment is necessary to the panel's deliberations— .

"(i) the panel shall so notify the Secretary of Energy and the claimant;

"(ii) the claimant may obtain such diagnostic testing or exposure assessment using a qualified physician chosen by the claimant or a qualified occupational health expert (as applicable) or, if the claimant so desires, may obtain such diagnostic testing or exposure assessment using the program carried out under section 3162 of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C. 7274i) to monitor Department of Energy workers exposed to hazardous and radioactive substances; and

"(iii) any costs of such diagnostic testing or exposure assessment shall be paid for from the Fund established under section 3612 and shall be provided by the Secretary of Energy through a method under which the claimant is not required to advance any amount toward payment of such costs.

"(D) The Secretary of Energy is authorized to enter into or modify cooperative agreements with providers who are implementing the program carried out under section 3162 of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C. 7274i) to provide assessments of exposures to toxic substances at Department of Energy facilities to claimants under circumstances covered by subparagraph (C).

"(3) DETERMINATION OF CAUSATION.—A panel shall review a claim submitted to it under this subsection and shall determine, under guidelines established by the Secretary of Energy, by regulation, whether the illness or death that is the subject of the claim arose out of and in the course of employment by the Department of Energy and exposure to a toxic substance at a Department of Energy facility. For purposes of the preceding sentence, illness or death shall be deemed to arise out of and in the course of employment by the Department of Energy and exposure to a toxic substance at a Department of Energy facility if exposure to the toxic substance (or substances, as the case may be) was a significant factor which aggravated, contributed to, or caused the illness or death.

"(4) MAJORITY VOTE.—A determination under paragraph (3) shall be made by majority vote.

"(5) REPORT TO SECRETARY.—Once a panel has made a determination under paragraph (3), it shall report to the Secretary of Energy its determination and the basis for the determination.

"(d) REVIEW OF PANEL DETERMINATIONS.—

"(1) IN GENERAL.—The Secretary of Energy shall review a panel's determination under subsection (c)(3), information the panel considered in reaching its determination, any relevant new information not reasonably available at the time of the panel's deliberations, and the basis for the panel's determination.

"(2) ACCEPTANCE OF PANEL DETERMINATION.—As a result of the review under paragraph (1), the Secretary shall accept the panel's determination in the absence of a preponderance of evidence to the contrary.

"(3) ACTION UPON ACCEPTED CLAIMS.—If the panel has made a positive determination under subsection (c)(3) and the Secretary accepts the determination under paragraph (2), or the panel has made a negative determination under subsection (c)(3) and the Secretary finds significant evidence to the contrary—

"(A) the Secretary of Energy shall within 10 days forward the claim to the Secretary of Labor for payment under section 3663, together with information relating to—

"(i) the DOE contractor employee to whom the claim relates;

"(ii) the illness to which the claim relates;

"(iii) the determination of the panel and the basis for the determination;

"(iv)(I) the acceptance of the Secretary and the basis for the acceptance; or

"(II) the reversal of the negative determination by the panel and the basis for the reversal;

"(v) the employment to which the claim relates, including available wage or salary information; and

"(vi) any other matter that the Secretary of Labor considers necessary;

"(B) the Secretary of Energy thereafter—

"(i) shall not contest the claim;

"(ii) shall not contest an award made regarding the claim; and

"(iii) shall direct the DOE contractor who employed the DOE contractor employee to which the claim relates not to contest the claim or such award in any administrative or judicial forum, and such obligation in no case shall be considered discretionary; and

"(C) any costs of contesting a claim or an award regarding the claim incurred by the DOE contractor who employed the DOE contractor employee who is the subject of the claim shall not be an allowable cost under a Department of Energy contract.

"(e) ACCESS TO INFORMATION.—

"(1) DUTY TO PROVIDE INFORMATION.—At the request of the Secretary of Energy, a DOE contractor who employed a DOE contractor employee and any other entity possessing information related to such employee relevant to deliberations under this section shall make such information available to the Secretary.

"(2) COPIES TO CLAIMANT.—The Secretary of Energy shall require that a DOE contractor who provides any information to the Secretary or a panel under this section shall simultaneously provide such information to the claimant.

"(f) OUTREACH.—The Secretary of Energy, in cooperation with the Secretary of Labor, shall carry out a program of outreach and education about the availability of benefits under this subtitle. The Secretary shall make available in paper and electronic format forms and information available for potential claimants. As part of the program of outreach, the Secretary shall conduct notification by mail and use the former worker medical screening programs to notify, educate, and assist claimants.

"(g) ADMINISTRATIVE AND JUDICIAL REVIEW.—The Secretary of Energy shall establish a process under which a claimant may obtain prompt and independent administrative review of any adverse determination by the Secretary under subsection (b) or (d) or by a panel under subsection (c). The results of any such administrative review shall be deemed to be a final agency action subject to judicial review.

"(h) REPORT TO CONGRESS.—Not later than February 1 of each year, the Secretary of Energy shall submit to Congress a report on the implementation and operation of this section. The report shall include, for the preceding calendar year—

"(1) the number of claims received under this subtitle;

"(2) the size of the backlog in processing such claims;

"(3) the number of such claims submitted to a physicians panel;

"(4) the number of such claims for which a panel made a determination, including the number of determinations that were positive and the number that were negative;

"(5) the number of determinations accepted, reversed, and denied by the Secretary;

"(6) the number of claims denied under subsection (b) for failure to submit reasonable evidence;

"(7) the number and type of diagnostic tests and exposure assessments requested by a panel, and the number and type of such tests and assessments that were carried out;

"(8) the number and type of claims appealed, and the dispositions of such appeals; and

"(9) the expenditures made, and staff and contractors employed, in carrying out the Department of Energy's responsibilities under this section.

"(i) APPLICABILITY OF EXISTING REGULATIONS.—In implementing the Energy Workers Compensation Act of 2002 and the amendments to this title made by that Act, regulations prescribed by the Secretary of Energy before the date of the enactment of that Act may, to the extent not inconsistent with this title (as so amended), continue to apply to this title.

"SEC. 3663. PAYMENT OF BENEFITS BY DEPARTMENT OF LABOR.

"(a) IN GENERAL.—

"(1) PAYMENTS.—Payments shall be made with respect to a covered DOE contractor employee in accordance with this section for the disability or death of that employee resulting from that employee's specified illness.

"(2) MEDICAL BENEFITS.—A covered DOE contractor employee shall receive medical benefits under section 3629 for that employee's specified illness.

"(3) PAYMENT FROM FUND.—The compensation provided under this section shall be paid from the Fund established under section 3612.

"(b) DUTY OF SECRETARY OF LABOR.—The Secretary of Labor shall have the duty to carry out this section.

"(c) NATURE AND AMOUNT OF PAYMENTS.—

"(1) IN GENERAL.—The following provisions of subchapter I of chapter 81 of title 5, United States Code, apply to a covered DOE contractor employee (including the regulations prescribed with respect to those provisions, adapted as appropriate), and the Secretary of Labor shall provide, with respect to that employee and that employee's specified illness, payments determined in accordance with those provisions: Sections 8102(a), 8105, 8106, 8107, 8108, 8109, 8110, 8111(a), 8112, 8114, 8115, 8116, 8117, 8133, 8134, and 8146a.

"(2) ORGANS AND PHYSIOLOGICAL SYSTEMS.—For purposes of carrying out this subtitle, the Secretary of Labor shall prescribe additional regulations for resolving claims under this subtitle of partial or total loss of use of function of organs or physiological systems that are not already covered by existing regulations. Such additional regulations shall cover the liver, brain, stomach, heart, esophagus, bladder, thyroid, pancreas, and nervous system, and such additional organs and physiological systems as the Secretary considers appropriate. The Secretary shall issue such regulations not later than 90 days after the date of the enactment of the Energy Workers Compensation Act of 2002.

"(d) ADMINISTRATIVE AND JUDICIAL REVIEW.—

"(1) IN GENERAL.—The Secretary of Labor shall establish a process under which a claimant may obtain administrative review of any adverse determination by the Secretary of Labor under this section. Such process shall not apply to any adverse determination by the Secretary of Energy.

"(2) JUDICIAL REVIEW.—The results of any such administrative review shall be deemed to be a final agency action subject to judicial review in the United States district court for the district in which the claimant resides.

"(3) ATTORNEY FEES.—In any proceeding pursuant to this subsection, attorney fees shall be available on the same basis as such fees are available under section 28 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 928).

"SEC. 3664. GENERAL PROVISIONS RELATING TO RESOLUTION OF CLAIMS.

"(a) Nonadversarial.—The Secretary of Energy and the Secretary of Labor shall each ensure that claims under this subtitle are resolved in a nonadversarial manner.

"(b) No Statute of Limitations.—A claim under this subtitle shall not be barred by any statute of limitations.

"SEC. 3665. OFFSET FOR CERTAIN PAYMENTS.

"A claimant awarded benefits under this subtitle as a result of a specified illness or death of a DOE contractor employee who receives benefits because of the same illness or death from any State workers' compensation system shall receive the benefits specified in this subtitle for such illness or death, reduced by the amount of any workers' compensation benefits that the claimant receives or will receive on account of such illness or death under any State workers' compensation system during the period that awarded benefits are provided under this subtitle, after deducting the reasonable costs, as determined by the Secretary of Labor by regulation, of obtaining such benefits.

"SEC. 3666. SUBROGATION OF THE UNITED STATES NOT APPLICABLE.

"Notwithstanding any other provision of law, the United States has no right of subrogation against any person by reason of payments or other benefits provided under this subtitle.

"SEC. 3667. CERTIFICATION OF TREATMENT OF PAYMENTS UNDER OTHER LAWS.

"Compensation or benefits provided to an individual under this subtitle—

"(1) shall be treated for purposes of the internal revenue laws of the United States as damages for human suffering; and

"(2) shall not be included as income or resources for purposes of determining eligibility to receive benefits described in section 3803(c)(2)(C) of title 31, United States Code, or the amount of such benefits.

"SEC. 3668. CERTAIN CLAIMS NOT AFFECTED BY AWARDS OF DAMAGES.

"A payment under this subtitle shall not be considered as any form of compensation or reimbursement for a loss for purposes of imposing liability on any individual receiving such payment, on the basis of such receipt, to repay any insurance carrier for insurance payments; and a payment under this subtitle shall not affect any claim against an insurance carrier with respect to insurance.

"SEC. 3669. FORFEITURE OF BENEFITS BY CONVICTED FELONS.

"(a) Forfeiture of Compensation.—Any individual convicted of a violation of section 1920 of title 18, United States Code, or any other Federal or State criminal statute relating to fraud in the application for or receipt of any benefit under this title or under any other Federal or State workers' compensation law, shall forfeit (as of the date of such conviction) any entitlement to any compensation or benefit under this subtitle such individual would otherwise be awarded for any injury, illness, or death covered by this subtitle for which the time of injury was on or before the date of the conviction.

"(b) Information.—Notwithstanding section 552a of title 5, United States Code, or any other Federal or State law, an agency of the United States, a State, or a political subdivision of a State shall make available to the President, upon written request from the President and if the President requires the information to carry out this section, the names and Social Security account numbers of individuals confined, for conviction of a felony, in a jail, prison, or other penal institution or correctional facility under the jurisdiction of that agency.

"SEC. 3670. EXCLUSIVITY OF REMEDY.

"The liability of the United States or a DOE contractor in its capacity as an employer of a DOE contractor employee under this subtitle with respect to the specified illness or death of a DOE contractor employee for which compensation is made under this subtitle is exclusive and instead of all other liability of the United States or DOE contractor in such capacity to the employee, his legal representative, spouse, dependents, next of kin, and any other person otherwise entitled to recover damages from the United States or DOE contractor in such capacity because of the specified illness or death in a direct judicial proceeding, in a civil action, or in admiralty, except for a State workers' compensation proceeding or a State intentional tort liability proceeding. However, this section shall not apply to illness or death for which compensation under this subtitle is not made.

"SEC. 3671. COORDINATION WITH BENEFITS UNDER SUBTITLE B.

"(a) Receipt of Subtitle B Benefits No Bar to Application Under This Subtitle.—An individual may apply for benefits under this subtitle without regard to whether the individual received a lump sum payment under subtitle B.

"(b) Offset for Benefits Paid on Same Illness of Same Person.—If a lump sum payment is made under subtitle B by reason of a specified illness of a person, any payment (excluding medical costs) made under this subtitle by reason of the same specified illness of the same person shall be offset by the amount of such lump sum payment. In no case shall a claimant obtain double indemnity wage replacement benefits for specified illness under this subtitle.

"SEC. 3672. ASSIGNMENT OF CLAIM.

"An assignment of a claim for compensation under this subtitle is void. Compensation and claims for compensation are exempt from claims of creditors.".

SEC. 102. GAO REPORT.

Not later than February 1, 2004, the Comptroller General shall submit to Congress a report on the implementation by the Department of Energy of subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385o et seq.), as amended by section 101, and of the effectiveness of such subtitle in assisting DOE contractor employees in obtaining compensation for exposure to a toxic substance at a Department of Energy facility.

TITLE II—AMENDMENTS RELATING TO SUBTITLE B OF PROGRAM

SEC. 201. COVERAGE FOR CHRONIC RENAL DISEASE.

(a) Definitions for Program Administration.—Section 3621 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384l) is amended—

(1) in paragraph (1), by adding at the end the following new subparagraph:

"(D) A covered employee with chronic renal disease.";

(2) in paragraph (15), by striking "or chronic silicosis" and inserting "chronic silicosis, chronic renal disease,"; and

(3) by adding at the end the following new paragraphs:

"(19) The term 'chronic renal disease' includes nephritis and kidney tubal tissue injury and related illnesses of the urogenitoury tract.

"(20) The term 'covered employee with chronic renal disease' means an individual determined to have sustained chronic renal disease in the performance of duty in accordance with section 3623(f).".

(b) Exposure in the Performance of Duty.—Section 3623 of such Act (42 U.S.C. 7384n) is amended by adding at the end the following new subsection:

"(f) Chronic Renal Disease.—(1) An individual with chronic renal disease shall, in the absence of substantial evidence to the contrary, be determined to have sustained chronic renal disease in the performance of duty for purposes of the compensation program if the individual—

"(A) was employed in a Department of Energy facility (in the case of a Department of Energy employee or a Department of Energy contractor employee) or an atomic weapons employer facility (in the case of an atomic weapons employee) that conducted uranium processing, converting, refining, enriching, extruding, calcining, machining, or rolling, or that operated as a uranium foundry;

"(B) carried out job functions while so employed that resulted in the potential for exposure, inhalation, or uptake of uranium or uranium compounds for at least 250 days; and

"(C) submits medical evidence that the individual, after commencing the employment specified in subparagraph (A), contracted chronic renal disease.

"(2) Not later than 60 days after the date of the enactment of the Energy Workers Compensation Act of 2002, the Secretary of Energy shall designate a list of Department of Energy facilities and atomic weapons employer facilities that were engaged in uranium processing, converting, refining, enriching, extruding, calcining, machining, or rolling, or that operated as a uranium foundry, including the dates such activities were performed. The list of facilities shall not include facilities for which uranium millers and transporters are already covered under the Radiation Exposure Compensation Act (42 U.S.C. 2210 note).

"(3) Not later than 90 days after the date of the enactment of the Energy Workers Compensation Act of 2002, the Secretary of Labor, in consultation with the Secretary of Health and Human Services, shall establish, by regulation, procedures to be followed and medical evidence to be submitted by claimants for chronic renal disease claims.".

(c) Offset for Certain Payments.—Section 3641 of such Act (42 U.S.C. 7385) is amended—

(1) by striking "or covered uranium employee (as defined in section 3630)," and inserting "covered uranium employee (as defined in section 3630), covered employee with chronic renal disease,"; and

(2) by striking "or radiation," and inserting "radiation, uranium,".

(d) Conforming Amendments.—The following provisions of such Act are amended by inserting "chronic renal disease," after "chronic silicosis," each place such term appears:

(1) Subsections (a)(1) and (b)(2)(A) of section 3631 (42 U.S.C. 7384v).

(2) Section 3644(a) (42 U.S.C. 7385c(a))—

(A) in the matter preceding paragraph (1);

(B) in paragraph (2)(C); and

(C) in the matter following paragraph (2)(C).

SEC. 202. COVERAGE FOR MERCURY POISONING.

(a) Definitions for Program Administration.—Section 3621 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384l), as amended by section 201(a) of this Act, is further amended—

(1) in paragraph (1), by adding at the end the following new subparagraph:

"(E) A covered employee with mercury poisoning.";

(2) in paragraph (15), by inserting "or mercury poisoning" after "chronic renal disease,"; and

(3) by adding at the end the following new paragraph:

"(21) The term 'covered employee with mercury poisoning' means an individual determined to have sustained mercury poisoning in the performance of duty in accordance with section 3627A.".

(b) PARTICIPATION IN COMPENSATION PROGRAM.—Subtitle B of that Act (42 U.S.C. 7384l et seq.) is further amended by inserting after section 3627 the following new section:

"SEC. 3627A. MERCURY POISONING.

"(a) IN GENERAL.—A Department of Energy employee or Department of Energy contractor employee who was exposed to mercury in the performance of duty and who experiences mercury poisoning shall be treated as a covered employee for purposes of the compensation program.

"(b) EXPOSURE TO MERCURY IN PERFORMANCE OF DUTY.—A Department of Energy employee or Department of Energy contractor employee shall, in the absence of substantial evidence to the contrary, be treated as having been exposed to mercury in the performance of duty for purposes of subsection (a) if while employed in activities associated with the design, production, or testing of atomic weapons, or clean-up related thereto, such employee was present in a Department of Energy facility that—

"(1) contained more than 100 kilograms of mercury; and

"(2) did not confine mercury operations to work spaces with dedicated ventilation systems for the removal of airborne toxic substances.

"(c) MERCURY POISONING.—A Department of Energy employee or Department of Energy contractor employee shall be treated as experiencing mercury poisoning for purposes of subsection (a) if such employee manifests a physical, psychological, or neurological illness consistent with mercury poisoning.

"(d) DETERMINATIONS OF MERCURY POISONING.—The Secretary of Labor shall utilize evaluations, tests, or other medical information obtained pursuant to section 3162 of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C. 7274i), and may utilize any other evaluations, tests, information, or other means that the Secretary considers appropriate, to determine whether a Department of Energy employee or Department of Energy contractor employee manifests a physical, psychological, or neurological illness consistent with mercury poisoning for purposes of subsection (a).".

(c) OFFSET FOR CERTAIN PAYMENTS.—Section 3641 of such Act (42 U.S.C. 7385), as amended by section 201(c) of this Act, is further amended—

(1) by inserting "or covered employee with mercury poisoning" after "covered employee with chronic renal disease,"; and

(2) by inserting "or mercury" after "uranium,".

(d) CONFORMING AMENDMENTS.—The following provisions of such Act, as amended by section 201(d) of this Act, are further amended by inserting "mercury poisoning," after "chronic renal disease," each place such term appears:

(1) Subsections (a)(1) and (b)(2)(A) of section 3631 (42 U.S.C. 7384v).

(2) Section 3644(a) (42 U.S.C. 7385c(a))—

(A) in the matter preceding paragraph (1);

(B) in paragraph (2)(C); and

(C) in the matter following paragraph (2)(C).

SEC. 203. COVERAGE FOR LUNG CANCER IN COVERED BERYLLIUM EMPLOYEES.

Section 3621(8) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384l(8)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D) and, in that subparagraph, by striking "or (B)" and inserting "(B), or (C)"; and

(2) by inserting after subparagraph (B) the following new subparagraph:

"(C) Lung cancer, if such cancer occurs within 5 years after the date on which the employee is determined to have been first exposed to beryllium in the performance of duty in accordance with section 3623(a).".

SEC. 204. CLARIFICATION OF SPECIAL EXPOSURE COHORT EXPANSION PROCEDURE.

(a) AUTOMATIC DESIGNATION BY LAPSE OF TIME.—Section 3626 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384q) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c) AUTOMATIC DESIGNATION BY LAPSE OF TIME.—Notwithstanding subsection (b), if a class of employees described in subsection (a)(1) petitions to be treated as members of the Special Exposure Cohort under subsection (a)(3), the members of that class shall, as of the expiration of the 180-day period beginning with the date on which the petition was received, be deemed to be members of the Special Exposure Cohort for purposes of the compensation program, unless before the expiration of that period the petition is denied.".

(b) INDIVIDUAL PRESUMPTION BY LAPSE OF TIME.—Section 3623 of that Act (42 U.S.C. 7384n) is amended by adding at the end of subsection (d) the following new paragraph:

"(3) An estimate referred to in paragraph (1) shall be completed by the Secretary of Health and Human Services within 150 days after the date on which the Department of Labor submits to the Secretary of Health and Human Services the claim for which the estimate is required. If such estimate cannot be completed before the expiration of such period, it shall be deemed, for purposes of section 3626(b)(1), that it is not feasible to estimate with sufficient accuracy the radiation dose received by the individual to which the claim relates.".

SEC. 205. CORRECTING PROBLEMS IN THE RADIOEPIDEMIOLOGIC MODEL FOR DETERMINING COMPENSATION.

Section 3623(c)(3) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384n(c)(3)) is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C)—

(A) by striking "past health-related activities (such as smoking),"; and

(B) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(D) provide the benefit of the doubt to the claimant wherever there is reasonable scientific evidence to justify compensation, including such factors as dose rate effectiveness of low dose radiation, bias due to selection effects, and increasing risks from radiation with increasing age at exposure.".

SEC. 206. ADDITIONAL SPECIFIED CANCERS.

(a) REPORT.—The National Institute for Occupational Safety and Health shall prepare a report that identifies each type of cancer (other than specified cancers, as already defined in section 3621(17) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384l(17))) that the Institute has determined from epidemiology studies of workers or atomic bomb survivors to be radiosensitive and, for each cancer so identified, provides a basis for that determination. Not later than 90 days after the date of the enactment of this Act, the Institute shall submit the report to Congress, the Secretary of Labor, and the Advisory Board on Radiation and Worker Health, and shall publish the report in the Federal Register, for public review and comment.

(b) FINAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Institute shall submit to Congress, the Secretary of Labor, the Secretary of Health and Human Services, and the Advisory Board on Radiation and Worker Health a final report, taking into account comments received in response to the report under subsection (a), that identifies each type of cancer that is appropriate to be deemed an additional specified cancer for purposes of the Energy Employees Occupational Illness Compensation Program Act of 2000.

SEC. 207. COVERAGE FOR INDIVIDUALS EMPLOYED BY ATOMIC WEAPONS EMPLOYERS OR BERYLLIUM EMPLOYEES DURING PERIOD OF RESIDUAL CONTAMINATION.

Paragraphs (3) and (7)(C) of section 3621 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384l) are each amended by inserting before the period at the end the following: ", or during a period when, as specified by the National Institute for Occupational Safety and Health in the reports required by section 3151(b)(2)(A)(ii) of the National Defense Authorization Act for Fiscal Year 2002 (42 U.S.C. 7384 note) or any subsequent report, significant contamination remained in a facility of the employer after such facility discontinued activities relating to the production of nuclear weapons and such contamination could have caused or substantially contributed to the cancer of a covered employee with cancer or a covered beryllium illness, as the case may be".

SEC. 208. COORDINATION OF COMPENSATION AND BENEFITS FOR CANCER WITH COMPENSATION AND BENEFITS UNDER OTHER RADIATION COMPENSATION LAWS.

(a) COORDINATION.—Section 3651 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385j) is amended to read as follows:

"SEC. 3651. COORDINATION WITH OTHER RADIATION COMPENSATION LAWS.

"(a) IN GENERAL.—Except in accordance with section 3630 and except as provided in subsection (b), an individual may not receive compensation or benefits under the compensation program for cancer and also receive compensation under either of the following:

"(1) The Radiation Exposure Compensation Act (42 U.S.C. 2210 note).

"(2) Section 112(c) of title 38, United States Code.

"(b) OFFSET.—A payment of compensation may be made to an individual, or the survivor of an individual, under subtitle B for cancer for which payment has been made under the Radiation Exposure Compensation Act, but the amount of such payment shall be offset by the amount of any payment made pursuant to section 4(a)(1)(A)(i)(III) or 4(a)(2)(C) of that Act on account of such cancer.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 209. TECHNICAL CORRECTIONS.

(a) FINDINGS.—Section 3602(a)(6) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384(a)(6)) is amended by striking the second sentence and inserting the following: “Furthermore, studies indicate that 98 percent of radiation-induced cancers within the Department of Energy nuclear weapons complex occur at dose levels below the existing thresholds for establishing proof of causation. Those studies further indicate that workers at Department of Energy sites were exposed to levels of silica, heavy metals, and toxic substances that will lead, contribute to, or aggravate illnesses or diseases.”.

(b) PAYMENTS IN THE CASE OF DECEASED PERSONS.—Section 3628(e)(3)(A) (42 U.S.C. 7384s(e)(3)(A)) of such Act is amended by inserting before the semicolon the following: “, or a wife or husband of that individual who was married to that individual immediately before the death of that individual and filed, on or before December 28, 2001, a claim in that capacity under this subtitle”.

TITLE III—ADMINISTRATIVE ASSISTANCE FOR CLAIMANTS UNDER EITHER SUBTITLE OF ACT

SEC. 301. PROVIDING ADMINISTRATIVE RELIEF IN CASES WHERE MEDICAL RECORDS ARE NOT AVAILABLE.

Subtitle C of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385 et seq.) is amended by adding at the end the following new section:

“SEC. 3652. PROOF WHEN MEDICAL RECORDS NOT AVAILABLE.

“For any claim under any subtitle of this title, if the Department of Energy, a contractor of the Department of Energy (including a DOE contractor, as defined in section 3661), an atomic energy weapons employer, or a beryllium vendor is unable to locate medical records necessary for the processing of that claim that it possessed or was required to possess within 120 days after receiving a written request from the claimant to locate such records, an affidavit of the employee as to the contents of those records, together with any medical records possessed by the claimant or otherwise made available, shall be considered in determining the medical evidence relating to the claim.”.

SEC. 302. RESOURCE CENTERS AND OUTREACH PROGRAMS.

Subtitle C of such Act is further amended by adding after section 3652 (as added by section 301) the following new section:

“SEC. 3653. RESOURCE CENTERS AND OUTREACH PROGRAMS.

“(a) REQUIREMENT.—The Secretary of Labor and the Secretary of Energy shall maintain resource centers and outreach programs relating to the availability of benefits under any subtitle of this title. Such centers shall be staffed and maintained proportional to the demand for assistance and follow-up.

“(b) UNDERSERVED AREAS.—The resource centers required by subsection (a) shall include one or more resource centers in each underserved area near a Department of Energy facility.

“(c) DURATION.—(1) Except as provided in paragraph (2), such centers and programs shall be maintained through September 30, 2004.

“(2) In the case of a resource center in an underserved area referred to in subsection (b), such center shall be maintained until demand is exhausted.”.

SEC. 303. OFFICE OF THE OMBUDSMAN.

(a) IN GENERAL.—Subtitle C of such Act is further amended by adding after section 3653 (as added by section 302) the following new section:

“SEC. 3654. OFFICE OF THE OMBUDSMAN.

“(a) ESTABLISHMENT.—There is established within the Office of the Secretary of Labor an office, to be known as the Office of the Ombudsman for Occupational Illness Compensation (in this section referred to as the ‘Office’), to assist claimants under this title.

“(b) OMBUDSMAN.—

“(1) APPOINTMENT.—The head of the Office shall be the Ombudsman. The Ombudsman shall be appointed by the Secretary of Labor, after consultation with claimants or claimant advocates, worker compensation experts, and members of the advisory committees to Federal agencies implementing this title, from among individuals with at least one of the following qualifications:

“(A) Experience or training as an advocate.

“(B) Training as a health care provider with knowledge of occupational illness and disease.

“(C) Experience in assisting claimants with worker compensation claims.

“(2) REMOVAL.—The Secretary of Labor may remove the Ombudsman for just cause and shall, in such a case, communicate to Congress the circumstances forming the basis of such just cause.

“(c) DUTIES.—The duties of the Ombudsman are as follows:

“(1) To direct the operations of the Office.

“(2) To report to the Secretary of Labor with respect to the activities of the Office.

“(3) To assist claimants under this title with claims filed with the Department of Labor or the Department of Energy.

“(4) To receive and investigate complaints or inquiries regarding the status of a claim under this title.

“(5) To provide claimants under this title with contacts at agencies with responsibilities under this title.

“(6) To offer informal advice on options available to claimants under this title.

“(7) To identify whether claimants under this title are encountering systematic difficulties or delays with respect to claims under this title, and to make recommendations for improvement, with respect to such claims, in speed, equity, fairness, or compliance with statutes and regulations.

“(8) With respect to individuals filing complaints or requests for information under this title—

“(A) to respond within 30 days after receiving such a complaint or request;

“(B) to maintain reasonable communication with the individual until the matter is resolved; and

“(C) to maintain, as confidential and privileged, the identity of the individual, unless such confidentiality or privilege is otherwise waived.

“(9) To maintain and publish a telephone number, facsimile number, electronic mail address, and post office address for the Office.

“(d) LIMITATION.—The Ombudsman may not reverse or make decisions regarding any claim under this title.

“(e) AUTHORITY.—The Ombudsman is authorized to carry out the following activities:

“(1) Investigate questions regarding a claim under this title, or procedures or systems for processing such claims, with the offices of the Department of Energy, Department of Labor, and Department of Health and Human Services (including the National Institute for Occupational Safety and Health), and any contractor of any such department, that has responsibility under this title.

“(2) Contract for expert advice with respect to the Ombudsman's responsibilities under this title.

“(3) Access any material relating to a matter under investigation under paragraph (1).

“(4) Request explanations from any Federal agency with responsibilities under this title about the activities of that agency under this title.

“(5) Enter and inspect places in order to carry out an investigation under paragraph (1).

“(6) Refer any matter within the responsibility of the Ombudsman to an appropriate inspector general.

“(f) COOPERATION WITH FEDERAL AGENCIES.—Federal agencies and the officials responsible for the implementation of this title shall assist the Ombudsman in carrying out this section and shall promptly make available to the Ombudsman all information requested by the Ombudsman. The Ombudsman shall cooperate with such agencies and officials.

“(g) COORDINATION.—The Ombudsman shall coordinate the activities of the Office with the activities of the Secretaries of Energy, Health and Human Services, and Labor in carrying out this title. Such coordination shall be carried out pursuant to memoranda of agreement entered into among and between the Ombudsman and such Secretaries.

“(h) ANNUAL REPORT.—Not later than January 1 of each year, the Ombudsman shall submit a report on this title to the President, Congress, and the Secretaries of Energy, Health and Human Services, and Labor. No official outside the Office may require such outside official's approval before submitting the report. The report shall contain the following:

“(1) The number and types of complaints, grievances, and requests for assistance received by the Ombudsman in the previous year.

“(2) Identification of the most common difficulties encountered by claimants under this title.

“(3) Recommended changes to the administrative practices of the Federal agencies with responsibility under this title.

“(4) Recommended legislative changes that may be appropriate to mitigate problems with the implementation of this title.

“(i) PUBLICATION.—The Secretaries of Energy, Health and Human Services, and Labor shall publicize the availability of the services of the Office.

“(j) SEPARATE LINE ITEM.—The budget of the President under section 1105(a) of title 31, United States Code, shall include funding for the Office as a separate line item.

“(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $800,000 for each of fiscal years 2003 through 2007.”.

(b) INITIAL APPOINTMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Labor shall appoint the Ombudsman required by section 3654 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (as added by subsection (a)).

(c) MEMORANDA OF AGREEMENT.—Not later than 90 days after the date of the enactment of this Act, the Ombudsman shall enter into the memoranda of agreement required by such section 3654 (as added by subsection (a)).

Meeting on the Energy Employees Occupational Illness Compensation Program, May 11, 2002, 3:00 p.m., Espanola, New Mexico

You know, these people are all good people. And after 9/11, when there's been so much talk about patriotism and doing the right thing by people who helped their country, on behalf of Levi and others similarly situated, I would just ask the Congress and the Administration to remember those words and not let them be hollow, empty phrases. Thank you very much. (Applause.)

Mr. Smith: My name is Alex Smith. I'm a 33-year employee with the Lab. I testified before Tom and Senator Bingaman and David Michaels the last time. I went to work for the Lab in 1947 in the chemical warehouse. Tom and Bingaman already know and I've been doing this for your benefit.

I went to work for the chemical warehouse there at the Lab in the old TA 1. My duties were clerk and to issue laboratory chemicals and laboratory glassware, and when we had time, I'd run a mercury, still, me and another fellow named Lewis Devetima.

In 1948, early in 1948, I started having trouble. My face would swell up, and my gums were bleeding. And I would go down to Q Building to see Dr. Whipple, and he would send me home. He said, "You're allergic to something," and that was it.

And when my face went back down, I'd come back to work and it would happen all over again. About the fourth time, I got to see Dr. Harriet Harding, who was a consultant there, and she interviewed me. Luckily, I got to see her. And she asked me where I worked, and I told her. She asked me what my duties were, and I told her that I run a mercury still when I didn't issue chemicals.

She said, "You're operating what?"

I said, "I operate a mercury still."

She said, "Take me up there and show it to me."

So I did. She shut it down. And so we were full, me and Lewis Devetima were full of mercury. We used to heat it, and it had a still, like it was made out of glassware. It would go through this, heat it, and form a gas, go through that, come out condensed on that end, pure mercury. And we would breathe in vapors, and it was in a small 10 x 10. The old warehouse there in TA 1 was a shed. It was formerly the stable for the school that was there before the Lab took over, and they converted it into a chemical shop.

Anyway, when I retired in 1982—prior to 1982, I suffered from depression, bleeding gums, and so I went to the doctor there at the Lab. I was in very bad shape, and she sent me to a sanitarium in Albuquerque, and I spent some time there, about two or three weeks. I then was on an outpatient to Dr. Kenneth Poole there in Albuquerque for about three years.

And then I came back and was under the tutelage of Dr. William Oakes who worked for the H Division, and then he retired. And I saw Dr. Charles Shafer, and then he retired. And then I saw Dr. Ralph Greer. And anyway, when I retired, I noticed that there was no record of this sickness on my medical records.

And I asked Dr. Greer why. And he said they searched and they searched and they searched and they even went back into the microfilms, and they could find no evidence of anything to do with a mercury still or anything. So I retired thinking that.

When I testified before Mr. Bingaman and Mr. Udall and Mr. Michaels, I didn't have any evidence. It was my story against theirs. And I have met a fellow named Ken Silver. He found these letters from Dr. Harding telling the whole story in six letters, and the DOE database of historical documents, it tells the whole story about me and Devetima's sickness, about the mercury still, their shutting it down.

These are all H Division letters to our division leader, Van Gammer, Assistant Property Division leader. Yet they couldn't find them. There was no evidence. They're here, right here. Everything I have reverts back to those six letters. In one of them, she refers to a fellow name Carl Butler. I happen to know Carl Butler, so I wrote him a letter telling him what was happening. He wrote me back a five-page handwritten letter confirming everything that I said when I testified, everything, even to closing down and admitted that nobody in 1947 and 1948 in H Division knew anything about mercury until an industrial engineer named Harold Sheeton—Harry Sheeton—came on board, and this was months later.

And after I got that letter from Butler, I wrote a letter to Mr. Udall and Mr. Bingaman, asking him—I sent them a copy of those six letters. I didn't give them a copy of this, but I did take it to Mr. Udall's office, everything I had, when you were in Federal Place over there, and I gave it to Raul and he made copies of it. He said he would forward it on to you, your office.

And this is my letter to Senator Bingaman asking that you amend that Act to include mercury. I don't know what happened there. I got a letter from Mr. Udall there, and he asked that I get documentation. So I've got it. Don't you think I have it? And you asked for names and addresses of people that are working. I can give you names, Mr. Udall, but they all got one address: Cemetery. There's no—me and Mr. Butler are the only ones alive that I know that knew about that mercury still, and why I'm still around, I don't know.

After that, Mr. Silver came up with a couple more publications by Dr. Harriet Potter on mercury poisoning. Anybody that knows anything about mercury should read it. She even enlightened me. I guess she really dug in to her research. And in this—the other one is Challenging Manmade Decisions by Harriet Potter. I'll read you just one paragraph here.

On page 54 it tells about the year 1948 in Los Alamos, nonradioactive acting hazard material in use in Los Alamos. "An example will make this clear. Very soon after I began active duty, a worker came to the nurse in H-2 complaining with bleeding gums and skin rash." That's me. "In taking his job history, I found he and three other men were engaged in cleaning dirty mercury, an element widely used.

"Next, I visited the job site. And even though I had no engineering skill, I knew from my Massachusetts Department of Occupational Hygiene experience that the mercury hazard was great in this dirty, shed-like building."

I could go on, but I haven't got time, but you get the drift. And I don't know where to go from here. I know mercury is not covered in the Act. Like I say, I'm asking you to amend it to include mercury. Thank you very much for listening to me. I'm probably out of time. (Applause.)

Mr. Leyba: The next person will be Phil Schofield.

Mr. Schofield: Thank you for coming, Beverly Cook and Congressman Udall, Senator Bingaman, Mr. Turcic, Mr. Elliot. I'll try to keep my time short here.

I worked for Los Alamos National Lab for 2 years. I suffer from several severe health problems, multiple chemical sensitivities, HO cervical syndrome, respiratory problems, severe dermatology problems, swelling of my extremities. I have short-term memory and concentration deficits, and plus I lost almost half my hearing.

Mainly what I would like to address is some problems with the reconstruction of people's dosages. I can give you two quick examples where personnel worked in the same room. One was a—it depended on your job. You * * *

Mr. BUNNING. Mr. President, I rise today as a cosponsor of the Energy Workers Compensation Act of 2002, EWCA.

During the Cold War, workers employed at the Department of Energy sites across the country served our country by helping to make nuclear weapons. But, for over 50 years of manufacturing these weapons, we now know that the Department of Energy consistently sacrificed health and safety of the workers and placed them in harm's way without their knowledge. Many of these workers subsequently became ill due to their work with radioactive and toxic substances at the sites.

In 2000, Congress passed legislation, the Energy Employees Occupational Illness Compensation Program Act, EEOICPA, to establish compensation programs for Department of Energy workers who became sick as a result of their work. The bill addressed compensation for illnesses caused by the workers' exposure to radiation, beryllium, and numerous toxic substances. EEOICPA created two separate programs: Subtitle B of the law provided a program administered by the Department of Labor that would give a lump sum $150,000 payment to workers exposed to radiation and beryllium; and, subtitle D of the law provided a program administered by the Department of Energy that relied on State worker compensation programs to make compensation payments to workers exposed to toxic substances. Subtitle D is what the EWCA legislation addresses.

Currently, under subtitle D the Department of Energy uses a physician's panel to review workers' claims and determine whether a worker's illness is related to work at a Department of Energy site. Upon a positive finding, the panel relies upon individual State worker compensation programs to make payments for wage loss and medical benefits. The Department of Energy, however, has admitted that nearly half of the claimants will not be able to pinpoint a responsible payor who will be able to honor the Department of Energy Physician Panel finding because many contractors no longer are associated with DoE.

Congress intended a uniform and equitable Federal compensation program for these employees who worked to serve our country. The Government should not sit idly by and let this problem fester knowing that so many claimants will not receive any compensation.

Introduction of the Energy Workers Compensation Act of 2002 will fulfill the original legislative objectives of Congress to assure compensation to all of our country's energy workers who were made ill due to their work with toxic substances. The legislation would correct subtitle D by making the Department of Labor responsible for paying those sick workers who are determined eligible to receive compensation.

We are only now beginning to realize the dangers that the energy workers faced. These workers thought they were serving our country and were unaware of the risks they took to win the Cold War. We must do all we can to protect the energy workers to make sure they receive just compensation for the illnesses and disabilities they incurred from their jobs at the Department of Energy nuclear weapons sites.

By Mr. BAUCUS:

S. 3059. A bill to provide for the distribution of judgment funds to the Assiniboine and Sioux Tribes of the Fort Peck Reservation; to the Committee on Indian Affairs.

Mr. BAUCUS. Mr. President, I rise today to introduce a bill to provide for the use and distribution of judgment funds awarded to the Assiniboine and Sioux Tribes of the Fort Peck Reservation in northeast Montana.

In 1987, the Assiniboine and Sioux Tribes of the Fort Peck Reservation brought suit against the United States to recover interest earned on their trust funds while those funds were in Special Deposit and IMPL-Agency accounts. The case was filed in the United States Claims court, and docketed as No. 773-87-L.

After the Court ruled that the United States was liable to the Fort Peck Tribes and individual Indians for interest on those funds, the Tribes and the United States reached an agreement for settling claims in the case, for the sum of $4,522,551.84. The court approved the settlement agreement.

The settlement agreement further provided that the judgment be divided between the Fort Peck Tribes and those individual Indians who are found to be eligible to share in the judgment. On January 31, 2001, the court approved a stipulation between the parties that defined the procedures by which the Fort Peck Tribes' and individual Indians' respective shares in the judgment would be determined and distributed to them.

Pursuant to the Court-approved stipulation in the case, on February 14, 2001, a portion of the Tribe's share of the judgment was deposited into an account in Treasury for the use of the Fort Peck Tribes. As provided by the Court-approved stipulation, those funds are to be available for immediate use by the Tribe pursuant to a plan adopted under the Indian Tribal Judgment Funds Use or Distribution Act, 25 U.S.C. 1401 et seq. The Court-approved stipulation further recognized that the Tribe will most likely receive additional payments from this settlement once the work identifying all individuals eligible to share in the judgment is completed and the pro rata shares are finally computed. Those funds, too, are to be available for use by the Tribe in accord with a plan adopted under the Tribal Judgment Funds Use or Distribution Act.

As required by the stipulation and the Tribal Judgment Funds Use or Distribution Act, the Tribe developed a plan for the use of the Tribe's share of the settlement. Under the plan, the Tribe's share of the judgment will be used for tribal health, education, housing and social services program.

The Tribe submitted its plan to the Department of the Interior for review and approval. Public hearings were held during which the views and recommendations of Tribal members were heard regarding the plan. The Tribe has been advised that the Department of Interior has no objection to the Tribe's plan and can approve it. However, although the plan was developed and public hearing held during 2001, the Interior Department did not complete its review of the plan, nor submit the approved plan to Congress within the one-year deadline imposed by the Tribal Judgment Funds Use or Distribution Act. As a result, in order for the Fort Peck Tribe to make use of the judgment awarded to the Tribe, it is necessary for Congress to formally adopt legislation approving the Tribe's plan. The proposed bill language, would serve this purpose.

This judgment is based on money that rightfully belongs to the Fort Peck tribes and should be moved expeditiously through Congress. I look forward to working with the Committee on Indian Affairs to move this legislation forward.

By Mr. KENNEDY:

S. 3060. A bill to amend the Public Health Service Act to provide protections for human participants in research; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, today I am introducing legislation to achieve reforms in our system of oversight for protecting the safety of human subjects in research. As the Institute of Medicine report released today again demonstrates, reforms are long overdue. The moment has come to take action to restore the trust and confidence of those who serve as subjects in clinical trials and other forms of research.

We passed the National Research Act over twenty years ago as an important step toward protecting against inhuman research experiments and conditions. We have developed guidelines to ensure that people participating in medical research have clearly agreed to be a part of the study and will be treated humanely during the study.

These protections benefit the people participating as subjects in medical research, but they also help those conducting the research. If patients fear that they will not be protected or that the researchers do not have their best interests in mind, patients will not volunteer to take part in these needed tests.

As we all know, a revolution is taking place in medicine today. Scientists have mapped the human genome. They have made incredible breakthroughs in treatments for cancer and AIDS. It is not unreasonable to expect that we will see cancer cured, a quadriplegic stand up and walk, new drugs that prevent Alzheimer's and AIDS, and other advances we cannot even begin to imagine. But for all these advances to take place, new treatments will first have to be tested on human subjects. For these studies to succeed, patients must have confidence in our system and must be willing to participate in medical research. We must protect patients when they volunteer for these tests. To do otherwise would jeopardize this very hopeful future.

Many of those who participate in these studies are the most vulnerable members of our society and are the most in need of our protection. We are now benefiting from drugs that have been developed and tested outside the United States. Our country is based on the premise that all people are created equal. Basic protections that are good enough for research subjects in the United States should be good enough for research subjects in other nations who volunteer for tests that will benefit all of us.

We also must face the fact that medical research is constantly changing. Protections that were put in place 20 years ago no longer cover all human research projects. New studies in areas such as gene therapy have raised safety and ethical concerns requiring special scrutiny.

Institutional Review Boards, which review the safety and ethical acceptability of research involving human subjects, are overworked and underfunded. Loopholes in the system allow researchers who have had proposals rejected by one Board to reapply to a second Board in the hope of obtaining a more lenient review—all without notifying the second Board of the decision of the first. We do little to train researchers about methods for protecting human subjects. Many researchers with the best intentions are not knowledgeable of the latest changes to regulations.

These shortcomings cry out for a response, especially at this moment in history that holds so much promise for future medical research. The legislation I am introducing addresses these issues by expanding research subject protections and strengthening the review and oversight mechanisms to ensure that all human subjects are properly protected.

The legislation will, for the first time, ensure that all participants in such research are protected by a comprehensive and strong set of safeguards. The legislation provides clear statutory authorization for these protections and establishes a central office to review and amend current rules for the protections.

The legislation will improve Institutional Review Boards by strengthening firewalls against conflicts of interest and enhancing training for Board members. The bill will provide the Boards with the funding they need to be effective, by allowing human subject protection costs to be charged as direct costs on federal grants. The bill will end "IRB shopping", the practice in which a proposal rejected by one Board for ethical reasons is submitted to a second Board in the hope of obtaining a more lenient review. The legislation will require that every Board receives accreditation to assure that it is carrying out its duties effectively and rigorously.

The legislation will assist researchers in learning more about the best practices for protecting human subjects, by creating programs to improve training for researchers in good research practices. The bill strengthens the firewalls against financial conflicts of interest for researchers, and will require the establishment of regulations to govern payment of research subjects.

The legislation will also enhance the ethical review of clinical trials conducted overseas with federal funding or submitted to FDA for review, by requiring that research conducted overseas that falls within U.S. regulatory jurisdiction must be reviewed and approved by a U.S. Institutional Review Board. The bill enhances the review of areas of research that raise special safety concerns, such as gene therapy and xenotransplantation.

We must act now to improve our protections for human research subjects, so that patients will feel confident enough to volunteer for the many vital research projects that will be developed in coming years. These reforms will have a significant role in improving medical care. But even more important, these safeguards will protect our fellow human beings. The people this bill protects are not numbers of statistics. They are someone's mother, daughter, or spouse. Mistakes and abuses that hurt them affect their families, friends, and communities.

We are a great people and a great nation. We are a moral people and an ethical nation. We must do all we can to see that our great medical advances of the future do not come at an unnecessary cost of death and suffering by patients who first volunteered to test these new medical treatments. I look forward to working with my colleagues to enact these needed reforms as soon as possible.

I ask unanimous consent that a section-by-section analysis of the bill be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

THE RESEARCH REVITALIZATION ACT

The current oversight system for protecting human subjects is overdue for reform. Rules for research subject protection do not cover all research. Protections for research subjects are largely based on regulation rather than statute. There is no Federal lead agency charged with amending and issuing guidance on the rules for research subject protections, resulting in an often confusing set of divergent regulations across different Federal research agencies. In addition, since no single agency can amend the research rules, the rules themselves have not been updated in years and have not kept pace with the changing nature of research. To address these problems, the bill will: 1. Ensure that all human subjects in all research are covered by strong protections. 2. Provide a clear statutory authorization for research subject protections. 3. Establish a central office to amend the rules for research subject protection.

Institutional Review Boards, IRBs are committees at universities and hospitals that review the safety and ethical acceptability of research involving human subjects. The IRB system is under severe strain for several reasons. First, IRBs are overworked and underfunded. Second, IRBs vary widely in their training and effectiveness. Third, conflicts of interest threaten the integrity or research. Fourth, investigators can engage in "IRB shopping" whereby a proposal rejected by one IRB for ethical reasons can be submitted to a second board in the hope of a more lenient review all without notifying the second IRB of the decision of the first. To address these problems the bill will: 1. Require accreditation of all IRBs to ensure that they do their jobs adequately. To be accredited, IRBs would not only have to review proposals to conduct research, but also monitor such research once it is initiated. 2. End "IRB shopping" by requiring notification of previous proposal rejection. 3. Establish rules for financial conflict of interest for IRB members. 4. Allow IRB expenses to be charged as direct costs on Federal grants, so that universities can give IRBs the resources they need to do their job. 5. Allow, on a voluntary basis, a central IRB to review projects conducted a multiple local research sites to provide for more effective and efficient review.

Investigators conducting human subject research are often poorly trained in protecting human subjects. As revealed by the controversies surrounding gene therapy, financial conflicts of interest can often compromise the objectivity or researchers. Finally, payment of research subjects is becoming common, but few standards have been established to govern when and how a subject can or should be compensated. To address these problems, the bill will: 1. Require HHS to establish a model program to train researchers in good research practices and then provide grants to allow universities to establish similar programs. 2. Strengthen current rules on financial conflict of interest for researchers. Numerous studies have shown that the existing system does a poor job in protecting against conflict of interest. The proposal follows recent recommendations by the AAMC. 3. Establish standards to govern payments to research subjects.

Research projects involving human subjects that use federal funds or support a submission to the FDA are subject to US regulations even when conducted overseas. When conducted on poorly educated and/or impoverished populations in nations with weak local oversight, such research raises special ethical concerns. First, subjects may not be adequately protected when an ethical review is conduced in a country without a strong infrastructure for research subject protection. Second, there are significant ethical concerns about conducting high-risk research on local populations who will never receive the benefits of the products being tested on them. Third, some subjects receive placebos or non-treatment, even when effective treatments are available and could be given to patients. The bill will: 1. Require review by a US-accredited IRB of all human subject research conducted overseas that falls within US regulatory jurisdiction. This requirement would be waived where standards of review are equivalent to those in the US, e.g. EU, Australia, Canada. 2. Require rules governing the use of placebos or non-treatment when effective therapies could be administered to research subjects.

Certain areas of research, such as gene therapy or xenotransplantation, raise unusual safety concerns. NBAC has recommended special scrutiny for such areas, beyond simple IRB review. The bill will require special monitoring of adverse events in clinical trials of such research so that threats to patient safety can be identified.

By Mr. LOTT:

S. 3061. A bill to impose greater accountability on the Tennessee Valley Authority with respect to capital investment decisions and financing operations by increasing Congressional and Executive Branch oversight; to the Committee on Environment and Public Works.

Mr. LOTT. Mr. President, the Tennessee Valley Authority has long served as an engine for economic development in my part of the country and has enjoyed widespread support for its efforts to provide power that is needed to fuel the economy and enhance the quality of life of those it serves. It is my desire to assist the TVA in continuing its legacy and carrying out its mission. To provide that assistance, the Congress, the Administration, and the TVA itself must determine whether TVA's policies, practices, and long-term strategies are consistent with the realities of today's marketplace.

The TVA is at a crossroads in its illustrious history. The United States taxpayer and the power consumers in the TVA service area have provided the capital necessary to develop, finance, and operate one of the largest, if not the largest, public power systems in history. The TVA is now facing a number of challenges with respect to its existing generating system in the form of environmental compliance, aging and obsolete plants, and the urgent need to provide additional generating capacity to meet the demands of the future. It is my belief that the United States taxpayer is unwilling and unable to continue to bear the financial burden and risks associated with addressing these challenges.

The reality of the marketplace for energy and the political imperatives with which we are confronted mandate that any new financing strategies and supplemental sources of capital be considered and utilized by the TVA. Likewise, we need to review and analyze the short-term and long-term financing and risk management strategies employed by the TVA with respect to its almost $26 billion of debt.

During 2002, we have witnessed the results of risky and sometimes corrupt corporate financing and management practices. Although I have no reason to believe that TVA has been involved in any such practices, I believe we have a responsibility to the taxpayers to examine the financing and disclosure practices of the TVA to ensure that their investment is being protected. I note that TVA has utilized short-term financing facilities and derivative securities as hedging and interest rate management techniques. We need to better understand the risks and rewards associated with these strategies.

The legislation that I am introducing today would require that the TVA provide the Congress and the Administration with a 10-year business outlook and strategic plan with respect to its development and financing needs, as well as an analysis of its ongoing financing and risk management strategies. During the period in which the TVA is responding to this Congressional mandate, the TVA would be required to cease and desist from incurring new obligations or entering into any arrangements for the development or financing of new, additional, or replacement plant, equipment, or capacity. Likewise, during this period the TVA would be required to gain the concurrence of the Director of the Office of Management and Budget and the appropriate Senate and House Committee leaders before undertaking any additional financing or refinancing activities. The legislation specifically provides for the necessary flexibility for the TVA to continue normal operations and fund necessary maintenance activities while complying with this Congressional mandate.

I strongly support the TVA and I recognize its importance to the economic health of several states in the southeastern United States, including my own. Indeed, the TVA is a critical component of the infrastructure that supports the economy of the entire United States. It is my desire in introducing this legislation that the TVA be positioned to meet the challenges of the 21st Century. Introduction of this legislation is the first step to help the TVA achieve that goal.

By Mr. CRAIG

S. 3062. A bill to direct the Secretary of agriculture to conduct a study of the effectiveness of silver-based biocides as an alternative treatment to preserve wood; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. CRAIG. Mr. President, today I am introducing the Wood Preservation Safety Act of 2002. If enacted, this legislation would authorize the Forest Products Laboratory of the U.S. Forest Service to study the effectiveness of silver-based biocides as a wood preservative treatment.

According to silver experts and academics, silver biocides could serve as a viable, safe and cost effective alternative wood preservative. Given silver's long-standing role as an effective biocide, testing should be undertaken to determine silver's suitability as a wood preservative. Thus, I feel it is important to study and fully explore the potential of silver as a wood preservative.

Mining has been an important part of Idaho's history since the late 1800s. It became Idaho's first industry and remains a critical part of Idaho and the nation's economy. Mining in Idaho has supplied the nation with minerals necessary for today's modern lifestyle which many of us take for granted. In 1985, the mines of Idaho's Coeur d'Alene mining district produced their one billionth ounce of silver. The Sunshine Mine was America's richest silver mine, producing over 300 million ounces of silver, more than the entire output of Nevada's famous Comstock Lode. Silver contributes to our quality of life in many ways, and its use as a biocide in wood products is an important application that must be explored.

I look forward to working with my colleagues to pass legislation that would create a comprehensive research program to test the viability of silver-based biocides for the treatment of wood products.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 333—EXPRESSING THE SENSE OF THE SENATE RELATING TO A DISPUTE BETWEEN THE PACIFIC MARITIME ASSOCIATION AND THE INTERNATIONAL LONGSHORE AND WAREHOUSE UNION

Mr. HUTCHINSON (for himself, Mr. LOTT, Mr. HELMS, Mr. HAGEL, Mr. BURNS, Mr. CRAIG, Mr. ROBERTS, Mr. ALLARD, Mr. VOINOVICH, Mr. CRAPO, Mr. ENSIGN, Mr. DEWINE, Mr. BOND, Mr. FRIST, Mr. WARNER, and Mr. HATCH) submitted the following resolution, which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 333

Whereas the ongoing dispute between the Pacific Maritime Association and the International Longshore and Warehouse Union, relating to a collective bargaining agreement, has shut down 29 West Coast ports;

Whereas this dispute has sent harmful economic reverberations far beyond the shipping industry, the West Coast, or even the borders of the United States;

Whereas 7 percent of the Nation's gross domestic product travels through those ports and the flow of goods in and out of those ports is critical to the operation of businesses, farms, and factories, and the business of retailers and consumers, all across the United States;

Whereas the stay of all West Coast transport by sea has already prevented farmers from selling their crops, shut down manufacturing plants, idled trucks and trains, and precluded consumers from purchasing goods;

Whereas, due to the interruption of the flow of commerce caused by the dispute, thousands of persons in the United States have been laid off and are living without a paycheck through no fault of their own;

Whereas the United States is already enduring an economic recession and high unemployment; and

Whereas if the shutdown of those ports continues, the shutdown will present a serious threat to the Nation's safety and health: Now, therefore, be it

Resolved,.

SECTION 1. SENSE OF THE SENATE.

It is the sense of the Senate that—

(1) the Pacific Maritime Association and the International Longshore and Warehouse Union should enter into mediation to resolve the dispute, adopt 24-hour extensions of the expired collective bargaining agreement, and end the current lockout; and

(2) if the Pacific Maritime Association and the International Longshore and Warehouse Union do not reach a settlement or reopen the ports through that mediation during a reasonable period (as determined by the President), the President should appoint a board of inquiry, to begin the emergency dispute-settling procedure under the Labor-Management Relations Act, 1947.

Mr. HUTCHINSON. Mr. President, today, many of my colleagues have joined me in submitting a resolution urging the President to invoke the Taft Hartley emergency dispute resolution procedures in response to the complete shutdown of twenty-nine West Coast ports due to a labor dispute. I deeply regret that this legislation is necessary, but the grave economic consequences of the shutdown and the serious ramifications on our country's ability to improve homeland security have made it so.

It is estimated that 7 percent of our Nation's gross domestic product flow through these ports. However, that does not begin to calculate the cost to the workers and families who are and will be affected by this impasse. Transportation of products. to West Coast ports has been shut down. The jobs of railroad employees, barge employees, and independent truck drivers, whose livelihoods all depend upon the flow of goods in and out these ports, are being endangered by this dispute. In addition, manufacturers who are unable to move products are facing unexpected storage costs that have already resulted in thousands of layoffs.

In the agriculture sector, the inability to ship grains, vegetables, livestock, and other perishables is having a catastrophic effect on farmers and ranchers, many of whom are already facing consecutive years of drought and economic hardship. The ability to move agricultural products and sell them to foreign markets when prices are best is essential to the health of rural communities across our country. In addition, the inability to move these products off our own domestic market threatens to push commodity and livestock prices even lower. Agricultural producers and marketers have spent millions of dollars to open and develop Asian markets amidst heavy competition from Canada, Australia, and many other countries vying for access. This dispute is threatening thousands of jobs and years of work to increase trade with these emerging markets.

At a time when the country is already experiencing economic hardships, this shutdown is jeopardizing the jobs and livelihoods of thousands of citizens across our country. From auto-workers in Michigan and Missouri to rice and wheat farmers in Arkansas and Kansas, the human cost of this dispute far exceeds the financial and technical issues that have provoked it.

This resolution calls on the Pacific Maritime Association and the International Longshore and Warehouse Union to adopt 24-hour extensions of the expired collective bargaining agreement and end the current lockout while they go through mediation.

It also urges the President to appoint a board of inquiry and begin the emergency dispute settling procedures called for under the Taft Hartley Labor Management Relations Act, 1947, if he determines that mediation has failed.

My colleagues and I have taken this action out of concern for our home states and the safety and health of the nation. Much of the industry in my home state of Arkansas relies on product import and export, and much of it travels through west coast docks. Arkansas is already feeling the effect of the shutdown, and it is critical that labor dispute be solved before even more damage is done.

Mr. Craig. Mr. President, I rise to commend my colleague, the Senator from Arkansas, Mr. HUTCHINSON, and an happy to join him as an original cosponsor, upon his submission of a resolution expressing the sense of the Senate about the recent shutdown of shipping that has occurred on the West Coast.

We are at war with terrorism. The Senate is now debating action on another front in that war. We are at a critical moment in our economic recovery, when we are eager for that economy to continue to grow, and we want to protect and resume creating good jobs for American workers.

At such a time, frankly, I am at a loss to understand how such a dispute has ever come about in these 29 ports on the West Coast. I would hope the partied involved understand that they risk strangling an estimated 7 percent of our Nation's economy. I would hope they realize the implications a prolonged dispute would have for millions of workers and their families, as well as for our Nation's health and safety.

This shutdown already is hurting agriculture, one of the largest sectors of Idaho's economy. I have been in touch with farmers and ranchers in Idaho. The impact of this shutdown has been immediate and it threatens to be devastating. I know it is affecting other industries as well. We have all heard the estimates that it will cost the Nation's economy $1 billion a day, but I understand that is the cost in the early days of the shutdown. The harm will grown, and it is something that workers, families, farmers, and employers in Idaho and across the Nation should not be forced to bear.

So, I commend Senator HUTCHINSON for his leadership in the submission of this resolution. I join him in imploring the disputing parties to work with urgency to resolve differences and reach a settlement, while adopting twenty-four extensions of the expired collective bargaining agreement, allowing the ports to reopen, and restoring the full, brisk, efficient flow of American goods to markets overseas.

I also appreciate the fact that the adminsitraiton already is working to resolve this problem. A Federal mediator has gotten engaged. Now it is time for the Senate to add its voice to the constructive efforts of the administration.

With my colleagues, I call on the disputing parties to consider the good of the country at a critical time; to recognize the responsibilities of a good neighbor to employers and labor across our land; and to come back to the table and come back to work.

SENATE RESOLUTION 334—RECOGNIZING THE ELLIS ISLAND MEDAL OF HONOR

Mr. DASCHLE (for Mrs. CLINTON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 334

Whereas the Ellis Island Medal of Honor, established by the National Ethnic Coalition of Organizations in 1986, pays tribute to individuals of various ethnic origins who have distinguished themselves through their contributions to the United States;

Whereas the Ellis Island Medal of Honor has been awarded on a bipartisan basis to 6 Presidents and numerous Representatives and Senators;

Whereas the National Ethnic Coalition of Organizations is the largest organization of its kind in the United States, representing more than 5,000,000 family members and serving as an umbrella group for more than 250 organizations that span the spectrum of ethnic heritage, culture, and religion;

Whereas the mandate of the National Ethnic Coalition of Organizations is to preserve ethnic diversity, promote equality and tolerance, combat injustice, and bring about harmony and unity among all peoples;

Whereas the Ellis Island Medal of Honor is named for the gateway through which more than 12,000,000 immigrants passed in their quest for freedom of speech, freedom of religion, and economic opportunity;

Whereas the Ellis Island Medal of Honor celebrates the richness and diversity of American life by honoring not only individuals, but the pluralism and democracy that have enabled the Nation's ethnic groups to maintain their identities while becoming integral parts of the American way of life;

Whereas during the 15-year history of the Ellis Island Medal of Honor, more than 1,500 individuals from scores of different ethnic groups have received the Medal, and more than 5,000 individuals are nominated each year for the Medal; and

Whereas at the 2002 Ellis Island Medal of Honor ceremony in New York City, individuals from different ethnic groups will be honored for their contributions to the rescue and recovery efforts of September 11, 2001, the war against terrorism, and the enhancement of the Nation's homeland security: Now, therefore, be it

Resolved, That the Senate recognizes the Ellis Island Medal of Honor for acknowledging individuals who live exemplary lives as Americans while preserving the values of their particular ethnic heritage.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Friday, October 4, 2002, at 11 a.m., to conduct a hearing on the nomination of Mr. Philip Merrill, of Maryland, to be president of the Export-Import Bank of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, October 4, 2002, at 10 a.m., to hold a nomination hearing.

Agenda

Nominees: The Honorable John R. Hamilton, of North Carolina, to be Ambassador to the Republic of Guatemala; Mr. John F. Keane, of Virginia, to be Ambassador to the Republic of Paraguay; and the Honorable David N.

Greenlee, of Maryland, to be Ambassador to the Republic of Bolivia.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Friday, October 4, 2002, at 11 a.m., to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BAUCUS. Mr. President, I also ask unanimous consent that Ryan Montgomery, an intern in the Finance Committee staff, be accorded floor privileges for the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE INDEFINITELY POSTPONED—H. CON. RES. 401

Mr. REID. Mr. President, I ask unanimous consent that Calendar No. 583, H. Con. Res. 401, be indefinitely postponed.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ENVIRONMENTAL POLICY AND CONFLICT RESOLUTION ADVANCEMENT ACT OF 2002

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar No. 432, S. 2064.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2064) to reauthorize the United States Institute for Environmental Conflict Resolution, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (S. 2064) was read the third time and passed, as follows:

S. 2064

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Environmental Policy and Conflict Resolution Advancement Act of 2002".

SEC. 2. ENVIRONMENTAL DISPUTE RESOLUTION FUND.

Section 13 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5609) is amended by striking subsection (b) and inserting the following:

"(b) ENVIRONMENTAL DISPUTE RESOLUTION FUND.—There is authorized to be appropriated to the Environmental Dispute Resolution Fund established by section 10 $4,000,000 for each of fiscal years 2004 through 2008, of which—

"(1) $3,000,000 shall be used to pay operations costs (including not more than $1,000 for official reception and representation expenses); and

"(2) $1,000,000 shall be used for grants or other appropriate arrangements to pay the costs of services provided in a neutral manner relating to, and to support the participation of non-Federal entities (such as State and local governments, tribal governments, nongovernmental organizations, and individuals) in, environmental conflict resolution proceedings involving Federal agencies.".

NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION REAUTHORIZATION ACT OF 2002

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 609, S. 1210.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1210) to reauthorize the Native American Housing Assistance and Self-Determination Act of 1996.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Banking, Housing, and Urban Affairs with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

[Matter to be omitted is shown in black brackets; matter to be added is shown in bold italic.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Native American Housing Assistance and Self-Determination Reauthorization Act of 2001".

[SEC. 2. REAUTHORIZATION OF THE NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT OF 1996.

[(a) BLOCK GRANTS.—Section 108 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4117) is amended by striking ", 1999, 2000, and 2001" and inserting "through 2006".

[(b) FEDERAL GUARANTEES.—Subsections (a) and (b) of section 605 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4195) are each amended by striking ", 1998, 1999, 2000, and 2001" and inserting "through 2006".

[(c) TRAINING AND TECHNICAL ASSISTANCE.—Section 703 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4212) is amended by striking ", 1998, 1999, 2000, and 2001" and inserting "through 2006".]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native American Housing Assistance and Self-Determination Reauthorization Act of 2002".

SEC. 2. REAUTHORIZATION OF THE NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT OF 1996.

(a) BLOCK GRANTS.—Section 108 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4117) is amended by striking "1998, 1999, 2000, and 2001" and inserting "1998 through 2007".

(b) FEDERAL GUARANTEES.—Section 605 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4195) is amended—

(1) in subsection (a), by striking "1997, 1998, 1999, 2000, and 2001" and inserting "1997 through 2007"; and

(2) in subsection (b), by striking "1997, 1998, 1999, 2000, and 2001" and inserting "1997 through 2007".

(c) TRAINING AND TECHNICAL ASSISTANCE.—Section 703 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4212) is amended by striking "1997, 1998, 1999, 2000, and 2001" and inserting "1997 through 2007".

(d) INDIAN HOUSING LOAN GUARANTEE FUND.—Section 184(i) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a(i)) is amended—

(1) in paragraph (5)(C), by striking "each fiscal year" and inserting "each of fiscal years 1997 through 2007"; and

(2) in paragraph (7), by striking "each fiscal year" and inserting "each of fiscal years 1997 through 2007".

SEC. 3. DEFINITIONS.

Section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C 4103) is amended by adding at the end the following:

"(22) HOUSING RELATED COMMUNITY DEVELOPMENT.—

"(A) IN GENERAL.—The term 'housing related community development' means any tribally-owned and operated facility, business, activity, or infrastructure that—

"(i) is necessary to the direct construction of reservation housing; and

"(ii) would help an Indian tribe or its tribally-designated housing authority reduce the cost of construction of Indian housing or otherwise promote the findings of this Act.

"(B) EXCLUSION.—The term 'housing and community development' does not include any activity conducted by any Indian tribe under the Indian Gaming Regulatory Act (25 U.S.C. 2710 et seq.).".

SEC. 4. BLOCK GRANTS AND GRANT REQUIREMENTS.

Section 101(h) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111(h)) is amended—

(1) in the heading, by inserting "AND PLANNING" after "ADMINISTRATIVE"; and

(2) by inserting after the word "Act" the first place that term appears, the following: "for comprehensive housing and community development planning activities and".

SEC. 5. TREATMENT OF PROGRAM INCOME AND LABOR STANDARDS.

Section 104 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4114) is amended—

(1) in subsection (a)(1)—

(A) by striking "A recipient" and inserting the following: "Notwithstanding any other provision of this Act, a recipient"; and

(B) by striking subparagraph (B) and inserting the following:

"(B) the recipient has agreed that it will utilize such income for housing related activities in accordance with this Act."; and

(2) in subsection (a)(2)—

(A) in the heading, by inserting "RESTRICTED ACCESS OR" before the word "REDUCTION";

(B) in subparagraph (B), by striking "or" at the end;

(C) in subparagraph (C), by striking the period at the end and inserting "; or"; and

(D) by adding at the end the following:

"(D) whether the recipient has expended retained program income for housing-related activities.".

SEC. 6. REGULATIONS.

Section 106(b)(2)(A) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4116(b)(2)(A)) is amended by inserting after "required under this Act" the following: ", including any regulations that may be required pursuant to amendments made to this Act after the date of enactment of this Act,".

SEC. 7. FEDERAL GUARANTEES FOR FINANCING FOR TRIBAL HOUSING ACTIVITIES.

Section 601 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4191) is amended—

(1) in subsection (a), by inserting after "section 202" the following: "and housing related community development activity as consistent with the purposes of this Act";

(2) by striking subsection (b); and

(3) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

SEC. 8. FEASIBILITY STUDIES TO IMPROVE THE DELIVERY OF HOUSING ASSISTANCE IN NATIVE COMMUNITIES.

Section 202 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4132) is amended by adding at the end the following:

"(7) COMMUNITY DEVELOPMENT DEMONSTRATION PROJECT.—

"(A) IN GENERAL.—Consistent with principles of Indian self-determination and the findings of this Act, the Secretary shall conduct and submit to Congress a study of the feasibility of establishing a demonstration project in which Indian tribes, tribal organizations, or tribal consortia are authorized to expend amounts received pursuant to the Native American Housing Assistance and Self-Determination Reauthorization Act of 2002 in order to design, implement, and operate community development demonstration projects.

"(B) STUDY.—Not later than 1 year after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2002, the Secretary shall submit the study conducted under subparagraph (A) to the Committee on Banking, Housing, and Urban Affairs and the Committee on Indian Affairs of the Senate, and the Committee on Financial Services and the Committee on Resources of the House of Representatives.

"(8) SELF-DETERMINATION ACT DEMONSTRATION PROJECT.—

"(A) IN GENERAL.—Consistent with the provisions of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the Secretary shall conduct and submit to Congress a study of the feasibility of establishing a demonstration project in which Indian tribes and tribal organizations are authorized to receive assistance in a manner that maximizes tribal authority and decision-making in the design and implementation of Federal housing and related activity funding.

"(B) STUDY.—Not later than 1 year after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2002, the Secretary shall submit the study conducted under subparagraph (A) to the Committee on Banking, Housing, and Urban Affairs and the Committee on Indian Affairs of the Senate, and the Committee on Financial Services and the Committee on Resources of the House of Representatives.".

SEC. 9. BLACK MOLD INFESTATION STUDY.

Not later than 180 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall—

(1) complete a study on the extent of black mold infestation of Native American housing in the United States; and

(2) submit to Congress a report that describes recommendations of the Secretary for means by which to address the infestation.

Mr. SARBANES. Mr. President, on September 12, 2002, the Committee on Banking, Housing, and Urban Affairs reported out favorably S. 1210, the Native American Housing Assistance and Self-Determination Reauthorization Act, NAHASDA. The Indian Affairs Committee referred NAHASDA to the Committee on Banking, Housing, and Urban Affairs on August 28, 2002. According to the Senate Rules, all legislation affecting HUD's Indian Housing programs must be considered in the Banking Committee. This is bipartisan legislation that has the support of the National American Indian Housing Council, NAIHC.

The NAHASDA Reauthorization Act extends the program originally created in 1996. The bill makes very modest changes to update the legislation, including asking HUD to explore ways to increase tribal self-determination with regards to the NAHASDA block grant. It also asks HUD to do a study of black mold, which is apparently is a growing problem on reservations.

In 1996, Congress passed NAHASDA in order to strengthen federal housing assistance for tribal communities. NAHASDA provides block grants to Indian tribes or their tribally designated housing entities, TDHEs, for affordable housing activities that were previously under general housing programs, including public housing, section 8, Youthbuild, and homeless programs. Consolidating these funds into a block grant helps to meet the goal of self-determination for Indian tribes.

Since its passage, NAHASDA has achieved many successes. HUD reports that through NAHASDA, 25,000 new units of housing has been produced in Indian communities. In spite of NAHASDA's successes, many of the people in these communities still live in severely substandard housing. According to the NAIHC, Native American housing is said to be six to eight times more crowded than the national average. Furthermore, it is estimated that 1 out of every 5 Indian homes lacks complete plumbing; and 40 percent of homes on Indian lands are overcrowded. These figures demonstrate the need for affordable housing programs, like NAHASDA, that benefit Native American communities.

Mr. JOHNSON. Mr. President, I am proud to be a cosponsor of the bill to reauthorize the Native American Housing Assistance and Self-Determination Act which is an important step in strengthening Federal housing assistance for tribal authorities. I urge prompt consideration of this legislation by the full Congress. I wish to thank Senators INOUYE and CAMPBELL for their work on this bill during deliberations in the Committee on Indian Affairs. Also, I wish to thank Senator SARBANES for his leadership in moving this bill quickly through the Banking Committee.

Throughout my 16 years in Congress, I have been dismayed by the living conditions of Native Americans. On numerous occasions, it has been documented that Native Americans have the worst housing conditions in the United States. Rampant overcrowding, homelessness, and a crumbling housing stock plague our tribal communities, and South Dakota has seen some of the worst conditions overall. Our tribes suffer from anywhere between 50 to 80 percent unemployment on Native American reservations. According to the Housing Assistance Council, South Dakota contains 10 counties that are inhabited by 30 to 65 percent of persons below poverty.

NAHASDA was originally passed in 1996 to strengthen Federal housing assistance to tribal communities. NAHASDA provides block grants to Indian tribes for affordable housing activities that were previously under general housing programs, including public housing, section 8, Youthbuild, and homeless programs. I believe that consolidating these funds in a block grant to tribes helps meet the goal of self-determination for Indian tribes.

NAHASDA has proven to be a vast improvement over the previous way that housing assistance was provided to tribes. The Federal Government must end the practice of treating our first Americans as third class citizens. As this bill is considered by the full Senate, I will continue to press my colleagues for their full support.

Mr. REID. Mr. President, I ask unanimous consent that the Banking Committee substitute amendment be agreed to; that the bill, as amended, be read the third time and passed; that the motion to reconsider be laid upon the table, with no intervening action or debate; and that any statements relating to the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1210), as amended, was read the third time and passed.

ORDERS FOR MONDAY, OCTOBER 7, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today—maybe I should say tonight—it adjourn until the hour of 12 noon, Monday, October 7, 2002; that on Monday, immediately following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; that there be a period for morning business until 1 p.m., with Senators permitted to speak for up to 10 minutes each, with the first half under the control of Senator WYDEN, and the second half under the control of the Republican leader or his designee; that at 1 p.m., the Senate resume consideration of S.J. Res. 45, with the time until 4 p.m. equally divided and controlled between the two leaders or their designees, with Senators permitted to speak up to 15 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, I announce on behalf of the majority leader that we should move to as many Iraq speeches as quickly as we can. Not everyone can give their speeches on Wednesday. It is possible someone might attempt to invoke cloture on this legislation. If that, in fact, were the case, everyone should be aware that following Thursday, we would be in postcloture if someone decided to file it on Tuesday. So everyone should be aware of that and move forward with the speeches as quickly as possible.

There will be no votes on Monday, Mr. President.

ADJOURNMENT UNTIL MONDAY, OCTOBER 7, 2002

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment.

There being no objection, the Senate, at 6:09 p.m., adjourned until Monday, October 7, 2002, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate October 4, 2002:

NATIONAL LABOR RELATIONS BOARD

ROBERT J. BATTISTA, OF MICHIGAN, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2007, VICE WILMA B. LIEBMAN, TERM EXPIRING.

WILMA B. LIEBMAN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2006, VICE PETER J. HURTGEN.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT W. WAGNER, 3914

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

ERRISH NASSER G. ABU, 5853
ZAIGHAM H. ANSARI, 8465
ERIC L. BERNING, 6364
JAMES P. BROOKS, 8412
ROSEMARY PHILLIPS CARDOSI, 5852
BLAINE J. CASHMORE, 9395
NAILI A. CHEN, 2464
BRADLEY R. DAVIS, 8389
DONALD D. DILWORTH, 5722
DANIEL H. DUFFY, 7503
MATTHEW J. FICENEC, 7451
GILBERT A. FIELD, 6781
JOEL G. GOTVALD, 9965
GEOFFREY K. HAHM, 2167
KERRIE M. HENRY, 1802
JOCELYN Q. IVIE, 0431
DARICK LEE JACOBS, 7103
STEVEN YOUNG KIM, 0258
WADE M. LARSON, 9714
PERCY H. LO, 0735
AJAY K. MAKHIJA, 6021
ELIZABETH A. MITTENDORF, 8390
JUDITH A. NORMAN, 8636
DENNIS A. NUTTER JR., 3127
DAVID H. PARK, 6621
RICHARD J. REPETA JR., 8674
CRAIG A. ROHAN, 9685
MICHAEL E. SHEEHY, 3286
MICHAEL T. SHOEMAKER, 1370
GEOFFREY D. STILLER, 6656
JAMES L. SULLIVAN, 6576
JACK J. SWANSON, 0566
BENJAMIN D. TANNER, 4388
ERIC E. WEISSEND, 1699
ROBERT T. WILCOX, 7466
EDWARD B. WOODWARD, 8652
CLARENCE B. YATES, 2808
BRIAN M. YORK, 0751
ERNEST J. ZERINGUE, 0085

WITHDRAWAL

Executive message transmitted by the President to the Senate on October 4, 2002, withdrawing from further Senate consideration the following nomination:

ROBERT J. BATTISTA, OF MICHIGAN, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2006, VICE PETER J. HURTGEN, WHICH WAS SENT TO THE SENATE ON JUNE 13, 2002.

EXTENSIONS OF REMARKS

EXPRESSING SUPPORT FOR GOALS AND IDEAS OF DAY OF TRIBUTE TO ALL FIREFIGHTERS

SPEECH OF

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. SMITH of New Jersey. Madam Speaker, I rise in strong support of H. Con. Res. 476 and all of America's firefighters, especially those who have died in the line of duty.

As a proud Member of the Congressional Fire Services Caucus, I think it is fitting and appropriate that we set aside time to pay tribute to our nation's firefighters, men and women who have dedicated their lives so that the rest of us can sleep in peace. The threat of fire and the calamity an actual fire often creates is a day-to-day concern for all our communities, not to mention the added threats of terrorism now confronting us.

In 1992, on behalf of the more than one million firefighters in over 32,000 fire departments nationally, Congress rightly created the National Fallen Firefighters Foundation to lead a nationwide effort to remember our nation's fallen firefighters and their families. Since its creation, this foundation has assisted many family members, helping them overcome the loss of their fallen champions. Within hours of the September 11th tragedy, the foundation established a process that used resources from across the country to provide the critical support that members of the Fire Department of New York City and their families needed.

This weekend the National Fallen Firefighters Foundation will honor the 442 firefighters who made the ultimate sacrifice in service to their communities last year, including those lost in the World Trade Center's disaster. Also to be honored are five firefighters from my State of New Jersey who served with pride and honor and who dedicated their lives to protect others in their communities. Willie Barns, George "June" Danielson, Jr., James T. Heenan, Alberto Tirado, and Lawrence James Webb are New Jersey's fallen heros. They will be honored for their ultimate acts of valor this weekend. My prayers and the prayers of New Jerseyans everywhere will be with them and their families.

Madam Speaker, our firefighters and emergency personnel who stand at the ready to protect and help us around the clock deserve our support and dedication. Madam Speaker, I urge my colleagues to vote YES on H. Con. Res. 476.

NATIONAL PUBLIC LANDS DAY

HON. ANÍBAL ACEVEDO-VILÁ

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. ANÍBAL ACEVEDO-VILÁ. Mr. Speaker, National Public Lands Day was celebrated across the land—and in Puerto Rico last Saturday, September 28. This is an annual day of caring for our public lands with volunteers doing needed work to improve those special places we go for recreation and enjoyment of the outdoors.

More than 700 volunteers worked in the Caribbean National Forest, known as El Yunque, and at the San Juan National Historic Site. This is the third year Puerto Rico has joined this hands-on effort that is directed by the National Environmental Education & Training Foundation.

El Yunque is the largest block of public land on the island and one of the most popular recreation sites in Puerto Rico. Nearly a million tourists experience this lush tropical rain forest environment each year, recognized as the friendliest and most accessible tropical rain forest in the world. The Toyota Foundation coordinated efforts for an educational clean up activity with teachers and their environments clubs throughout Puerto Rico after having attended a one-day seminar on the importance of conservation of our island and around the world. Keynote speaker was Mario Davila, president of Toyota of Puerto Rico, who told volunteers of Toyota's worldwide commitment to the environment. Volunteers were enthusiastic and said they look forward to next year's National Public Lands Day.

The National Historic Site is the defense fortification that once surrounded the old, colonial portion of San Juan, including sandstone walls dating to the 1630s. Here, volunteers worked in the San Felipe del Morro Fort and on the recently designated trail.

I am delighted that so many were willing to give up a Saturday to join in this largest volunteer, hands-on effort to improve public lands—in Puerto Rico and in all 50 States and Guam.

WHITE HOUSE CONFERENCE ON MISSING, EXPLOITED, AND RUNAWAY CHILDREN

HON. JIM MATHESON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. MATHESON. Mr. Speaker, today I rise in support of the efforts that the President has taken in organizing the White House Conference on Missing, Exploited, and Runaway Children. As you know, our country has been especially affected by the seemingly large number of child abductions over the summer. I am proud to say that I am an original cosponsor of Representatives Frost and Dunn's National AMBER Alert Network Act, which was passed earlier this year by the U.S. Senate.

Mr. Speaker, over 58,000 children were reported missing in 1999 according to the National Center for Missing and Exploited Children. While this number represents only nonfamily kidnappings, the anguish that parents and loved ones go through when any child becomes missing is indescribable.

Today, both the House of Representatives and the President took a leap forward in protecting our youth. The Judiciary Committee passed the Child Abduction Prevention Act, which significantly enhances the ability of our nation's law enforcement community to not only find missing children, but also prosecute their abductors. This bipartisan approach will improve the AMBER Alert programs in many states and establish a national coordinator to set up minimum standards for relaying information about abductions in a quick and efficient manner.

The bill also strengthens penalties for violence against children, including automatic first degree murder charges for child abuse and child torture murders, severe penalties for sexual abuse, kidnapping and sex tourism, and a "two strikes you're out policy" mandating life in prison for repeat violators.

Today the President hosted a White House Conference where he announced a new national standard for rapid-response electronic notifications. He also pre-empted Congress by creating a new coordinator at the Department of Justice tasked with improving coordination and cooperation between federal, regional, state, and local law enforcement communities.

I am very pleased the government and private organizations are realizing that they can help prevent kidnappings. On Tuesday, I was happy to hear that AOL will begin using the AMBER Alert system to notify more than 26 million subscribers in states and cities all over the country. This effort is to be applauded by Congress and the country and will hopefully encourage other businesses to begin taking a proactive approach to helping communities solve these crimes early and prevent kidnappings.

Mr. Speaker, while the role of the federal government in preventing these heinous crimes is very important, I must also say that I am proud of the efforts that communities have made. The outpouring of support for the families of those who have lost their children is exceptional. The AMBER Alert system only works when the community is involved. A number of kidnappings were foiled this year specifically because regular citizens paid attention and helped catch criminals.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

LEACH-LAFALCE INTERNET GAMBLING ENFORCEMENT ACT

SPEECH OF

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. TERRY. Mr. Speaker, I rise in strong support of H.R. 556, the Unlawful Internet Gambling Funding Prohibition Act.

In 1997, there were only 12 illegal Internet gambling sites. Today, there are close to 2,000. Testimonies received during Congressional hearings underscored that children and problem gamblers are the most frequent visitors to online gaming sites. Financial ruination and despair are all too often the results for their families.

Most Internet gambling sites are based in the Caribbean or Central America, beyond the reach of the U.S. Justice Department. It is estimated that the American market generates up to 60 percent of their revenue. The local governments of these jurisdictions are also profiting from online gambling. For example, the Antigua and Barbuda governments are now licensing virtual casinos at a cost of $75,000 to $85,000 per site.

While the scourges of gambling addiction are well known, less understood is the fact that Internet gambling poses a serious threat to national security. A recent report by the General Accounting Office emphasized the concerns of law enforcement officials that gambling sites can serve as covers for illegal money laundering by terrorists and organized crime.

Enacting H.R. 556 would give law enforcement officials and bank regulators the necessary tools to crack down on illegal Internet gambling. Banks and credit card companies would be required to block payments to Internet casinos and other gaming operations, and accepting payment for illegal online gambling transactions would be a crime.

Mr. Speaker, I urge my colleagues to join me in supporting this common-sense legislation to help put a stop to illegal Internet gambling for the benefit and protection of American families and businesses.

IN MEMORY OF ROYCE MAGNESS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Mr. HALL of Texas. Mr. Speaker, I rise today in memory of a longtime friend and outstanding East Texan, Royce G. Magness of Telephone, Texas, who passed away on August 30 at the age of 76 after a long illness. Royce was a prominent farmer-rancher who owned and operated Magness Farms for almost 50 years, and he was an influential leader in his community.

Royce was dedicated to his vocation and was well-respected for his abilities and his advocacy of farm issues. He was a member of the Fannin County Farm Bureau since 1964 and served as president from 1978 to 1983. He was elected to serve as a Texas Farm Bureau state director from 1983 to 1988, and in 1995, he was honored as one of 13 Texas Farm Bureau Pioneer Award winners from across the state. He was named Fannin County Fanner of the Year in 1988 by the Bonham Area Chamber of Commerce. At his funeral service, it was written that "he believed a man's greatest possession is his dignity and that no calling bestows this more abundantly than farming . . . He believed that farming, despite its hardships and disappointments, is the most honest and honorable way a man can spend his days on this earth."

Royce was a member of the Telephone Baptist Church, where he served as trustee, deacon, Sunday School teacher, and for almost 30 years as treasurer of the church. He was a charter member of the Fannin County Hospital Board, a member of the Fannin County Peanut Association and the Forest Grove Cemetery Board.

He is survived by his wife of 55 years, Jean; two sons and daughters-in-law, Jerry and Brenda Magness of Telephone and David and Shirley Magness of Royse City; a daughter, Marilyn Ackmann of Fort Worth; six grandchildren; two great-grandsons; sister Neva Lewis and husband Bob of Lantana, Fla; and many other family members. In his last weeks Royce spent countless hours with members of his family, retelling funny tales and recalling many happy memories of a lifetime spent in Telephone, Texas.

Mr. Speaker, Royce was a man of tremendous character and integrity. He loved his family, his community, his country, and the land on which he farmed—and to each of these he gave so much of himself. He will be missed by all those who knew him and loved him—but he leaves behind a powerful legacy that will endure. As we adjourn today, let us do so in memory of this great American, Royce Glen Magness.

COMMEMORATING 100 YEARS OF AAA NORTHWEST OHIO

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Ms. KAPTUR. Mr. Speaker, I rise to commemorate 100 years of AAA Northwest Ohio. For a century, the company has provided quality service to people throughout its region.

Prior to the formation of AAA, a series of small automobile clubs served the 23,000 automobile owners across the country. In 1902 as more people began to own cars, these clubs formed into the federation American Automobile Association, AAA. In that same year, fifteen Toledoans came together to form the Toledo Automobile Club, later renamed AAA Northwest Ohio. Its first president was Dr. Lewis Liffrin. By 1947 the club boasted 10,000 members. Only 15 years later, in 1962, that number had reached 50,000 and in 1989 the milestone of 100,000 members was achieved. Today, AAA Northwest Ohio is over 150,000 members strong.

With its mission to offer the community "exceptional customer service and diverse member benefits along with a commitment to public safety" AAA Northwest Ohio strives to put the customer first. The association provides roadside emergency assistance, a full service travel and insurance agency, and its unique "triptik" maps for travelers.

I am pleased to recognize the invaluable service AAA Northwest has provided to its customers, and congratulate its employees past and present for a century of dedication and commitment to quality.

HONORING THE AMERICAN LUNG ASSOCIATION GENESEE VALLEY REGION 2002 HEALTH ADVOCATES OF THE YEAR

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Mr. KILDEE. Mr. Speaker, I rise today before my colleagues in the United States House of Representatives to pay tribute to both an outstanding organization, and an outstanding individual in my hometown of Flint, Michigan. Mott's Children's Health Center has been selected as the 2002 Corporate Health Advocate of the Year and Gloria R. Bourdon has been selected as the 2002 Individual Health Advocate of the Year by the American Lung Association of Michigan-Genesee Valley Region. They will be recognized for their achievements at the 2002 Health Advocate of the Year Awards Dinner on October 30th.

Mott Children's Health Center was founded in 1939 by C.S. Mott to "serve borderline medically indigent children of Genesee County." Today they offer a wide array of services including adolescent services, referral programs, child health strategies, pediatric dentistry and school and neighborhood programs for parents, caregivers and their children. Along with direct services, Mott Children's Health Center has also played a vital role in advocating for children's health issues. Mott Children's Health Center sponsors a number of conferences, workshops, and presentations all with the health of children as their number one priority.

Gloria Bourdon began her career in 1987 at Pinconning Area Schools and Linden Area Schools, teaching children the fundamentals of healthy lifestyles. Through the years since then, Gloria has expanded her classroom doctrine of healthy living and today she is the Director of Health, Safety, and Nutrition Services for the Genesee County Intermediate School District. Her job places her in charge of the health of students in 32 public schools, 9 public academies, and 14 private schools. Through her years of hard work and dedication to children, Gloria has received the Genesee County Child Advocacy Award, the Michigan Association of School Boards Health and Safety Award and the Rainmaker Award presented by HealthPlus.

Mr. Speaker it is indeed an honor and a privilege for me to urge my colleagues in the House of Representatives to join me in paying tribute to the Mott Children's Health Center, and to Gloria R. Bourdon for their years of dedication to the health and education of our most cherished resource on the planet, our children.

RECLAMATION RECREATION MANAGEMENT ACT OF 2002

SPEECH OF

HON. JAMES V. HANSEN

UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. HANSEN. Mr. Speaker, I request that the attached letters for H.R. 5460 be submitted for the RECORD under General Leave.

As you know, H.R. 5460 passed the House under suspension of the rules on Tuesday, October 1, 2002. These letters are an exchange between the Committee on Resources with the Committee on Transportation and Infrastructure and the Committee on Science, concerning the mentioned legislation.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, October 1, 2002.

Hon. JAMES HANSEN,
Chairman, Committee on Resources, Longworth Building, Washington, DC.

DEAR CHAIRMAN HANSEN: I am writing with regard to H.R. 5460, to reauthorize and amend the Federal Water Project Recreation Act, which was referred to the Committee on Resources on September 25, 2002. This legislation affects programs under the jurisdiction of the Transportation and Infrastructure Committee.

I recognize your desire to bring this bill before the House in an expeditious manner. Accordingly, I will not exercise my Committee's right to a sequential referral of the legislation. By agreeing to waive its consideration of the bill, however, the Committee on Transportation and Infrastructure does not waive its jurisdiction over H.R. 5460. In addition, the Transportation and Infrastructure Committee reserves its authority to seek conferees on provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this legislation. I ask for your commitment to support any request by the Transportation and Infrastructure Committee for conferees on H.R. 5460.

I request that you include a copy of our exchange of letters in the CONGRESSIONAL RECORD during consideration on the House Floor. Thank you.

Sincerely,

DON YOUNG,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, October 2, 2002.

Hon. DON YOUNG,
Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 5460, to reauthorize and amend the Federal Water Project Recreation Act, and for other purposes. As you know, scheduling this bill for Floor consideration was a last-minute decision on the part of our Leadership, and I apologize for not consulting with you earlier about this bill and its unintended affect on programs within the Committee on Transportation and Infrastructure's jurisdiction. Fortunately, when the House considered the bill yesterday on the Floor, we were able to pass it with an amendment worked out between our staffs which should resolve your concerns.

In response to your letter, I agree that by not pursuing a sequential referral of H.R. 5460, you did not waive your jurisdiction over the bill. Moreover, in the unlikely event that a House-Senate conference should be required on H.R. 5460, I would support your request to have Committee on Transportation and Infrastructure represented on that conference for matters within your Committee's jurisdiction. As requested, I also plan to insert both your letter and my response in the CONGRESSIONAL RECORD.

Thank you again for your cooperation on this matter and for the good work of Susan Bodine of your staff.

Sincerely,

JAMES V. HANSEN,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, October 1, 2002.

Hon. SHERWOOD BOEHLERT,
Chairman, Committee on Science, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for agreeing to allow H.R. 4792, to reauthorize funding for the Water Desalination Act of 1996, and for other purposes, to be brought to the Floor of the House of Representatives as part of a larger legislative package dealing with water projects. H.R. 4792, authored by our colleague Mr. Horn, was referred primarily to the Committee on Resources and additionally to the Committee on Science.

It is my intention to include the text of H.R. 4792 as one of several amendments to H.R. 5460 and consider the resulting bill on the Floor under suspension of the rules this week.

By allowing this bill to be scheduled, I agree that the Committee on Science has not waived its jurisdiction over the measure, nor should this action be taken as precedent for other bills. In addition, in the unlikely event that a conference on H.R. 5460 becomes necessary, I would support the Committee on Science's request to be represented on that conference for those matters within its jurisdiction. Finally, I would be pleased to include this letter and any response you might have in the Congressional Record during debate on H.R. 5460.

Thank you again for your cooperation on this matter, and I look forward to seeing H.R. 4792 enacted soon as part of H.R. 5460.

Sincerely,

JAMES V. HANSEN,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC, October 1, 2002.

Hon. JAMES V. HANSEN,
Chairman, Committee on Resources, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN HANSEN: On May 22, 2002, Mr. Horn introduced H.R. 4792, a bill "to reauthorize funding for the Water Desalination Act of 1996, and for other purposes," which was referred to the Committee on Resources in addition to the Committee on Science. It has come to my attention that you intend to include the text of H.R. 4792 as one of several amendments to H.R. 5460.

In deference to your desire to bring this legislation before the House in an expeditious manner I will not exercise this Committee's right to consider H.R. 4792. Despite waiving its consideration of H.R. 4792, the Science Committee does not waive its jurisdiction over H.R. 4792. Additionally, the Science Committee expressly reserves its authority to seek conferees on any provisions that are within its jurisdiction during any House-Senate conference that may be convened on this or similar legislation which falls within the Science Committee's jurisdiction. I ask for your commitment to support any request by the Science Committee for conferees on H.R. 4792 as included in H.R. 5460 as well as any similar or related legislation.

I request that you include this letter as part of the Record during consideration of the legislation on the House floor. Thank you for your consideration and attention regarding these matters.

Sincerely,

SHERWOOD L. BOEHLERT,
Chairman.

HOUSES OF WORSHIP POLITICAL SPEECH PROTECTION ACT

SPEECH OF

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. TERRY. Mr. Speaker, I rise in opposition to the Houses of Worship Political Speech Protection Act (H.R. 2357).

While I am a strong defender of the fundamental freedoms of religion and speech, I am deeply concerned that H.R. 2357 could have serious unintended consequences. For example, this legislation would allow churches, mosques, and synagogues to make hard and soft money contributions to political campaigns, run issue advocacy advertisements for and against candidates, and use tax-free donations to sponsor political fundraisers. Simply by paying their tithing, parishioners could be contributing to a political campaign without their knowledge or consent. This would jeopardize the integrity of religious institutions and endanger the rights of citizens to choose who they will and will not support for public office. Tithes and offerings would be better spent feeding the poor and hungry, and helping other disadvantaged members of our society find hope and healing.

The primary mission of houses of worship is to save souls, comfort the afflicted, and uplift and inspire the people. Our Constitution guarantees the freedom of religion, and the government specifically exempts religious institutions from taxation in recognition of their crucial work. Religious leaders have, since the founding of our country, spoken out on moral and spiritual issues, serving as the catalyst for the anti-slavery and prohibition movements. I am extremely concerned that some spiritual leaders now feel they cannot adequately address moral issues without risking the loss of their church's tax-exempt status. I strongly support further investigation into the IRS regulations on political speech by tax-exempt organizations so a workable and appropriate solution can be found. However, H.R. 2357 is not the answer. While churches would be able to participate in political campaigns, involving their parishioners in electioneering and partisan politics would ultimately undermine their mission of hope and comfort.

Mr. Speaker, I urge my colleagues to join me in opposing H.R. 2357 and working toward a more effective and appropriate solution to address the legitimate concerns of religious leaders.

EXPRESSING SUPPORT FOR GOALS AND IDEAS OF DAY OF TRIBUTE TO ALL FIREFIGHTERS

SPEECH OF

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. ISRAEL. Mr. Speaker, before I begin, let me start by expressing my heartfelt sympathy for all the families and coworkers of firefighters who so valiantly responded to the call of duty. Is there anything more selfless than the bravery of a firefighter fighting to save the life of others and in doing so losing his own? Their sacrifice will never be forgotten.

This October, the National Fallen Firefighters Foundation, as it has every year since its creation by Congress in 1992, will lead a nationwide effort to remember America's fallen firefighters through a variety of activities. Since it began, the National Fallen Firefighters Memorial Weekend has been an opportunity for a grateful nation to offer a tribute to firefighters who have died in the line of duty.

When people come to Washington, DC this year, we will celebrate the lives of 442 firefighters from 34 states who made the ultimate sacrifice. In some way, they have touched all our lives. They came from every walk of life, but were united by a calling to serve. For all of us, including myself, the tragic deaths of the 347 firefighters who rushed into the World Trade Center towers, give added poignancy to this year's memorial. Even more so because, forty of these brave men and women called my district home.

Living in the shadow of the World Center, the days after that tragic day were filled with funerals, wakes, and memorial services. Remembering those difficult days, I know the rest of the New York delegation shares my appreciation to the National Fallen Firefighters Foundation for their efforts to coordinate resources from across the country to provide logistic and peer support to the New York Fire Department's Counseling Service Unit after September 11. They mounted an unprecedented response effort to help families and coworkers through the critical early days and are now providing long-term emotional support for the fallen firefighters' families.

At the same time, it is important to remember that when we remember those who gave their lives, it is not just out of sadness, but it is also with a sense of pride. In these troubled times they evoke the courage of the American spirit. And we take comfort in the fact that our firehouses are still filled with brave men and women, waiting to answer that call to duty. For that we will always be grateful. Mr. Speaker, it is my hope that all of our colleagues will support this important resolution.

IN SUPPORT OF TAIWAN'S BID TO RETURN TO THE UNITED NATIONS

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Ms. BERKLEY. Mr. Speaker, I rise today to support Taiwan's bid to return to the United Nations. It is my understanding that a number of member-states have renewed their request that the UN General Assembly reconsider this legitimate and timely request. Taiwan is a vibrant multiparty democracy that serves as a beacon of hope to East Asia's population—most of which lives under the tyranny of authoritarian regimes. As the world's oldest and most enduring democracy, the United States has an obligation to voice its strong support for Taiwan's 23 million people to be represented in the UN. In just five decades, Taiwan has transformed herself into an established democracy as well as one of East Asia's economic "Tigers." It is inconceivable to me that a peaceful, democratic member of the international community has not yet been offered membership to the UN. Taiwan is a peace-loving country that embraces the core values of democracy—liberty, justice, the rule of law and respect for basic human rights. Moreover, Taiwan is willing and able to carry out all UN Charter duties and obligations. With respect to the Chinese mainland, Taiwan has repeatedly sought a peaceful settlement to the political issues of concern to both countries. In recognizing Taiwan's peaceful intentions, the UN must encourage a dialogue between the two countries. Indeed, granting Taiwan UN membership would be an important first step toward permanent peace and stability in the Taiwan Strait. I urge my colleagues to support Taiwan's bid to return to the United Nations.

TRIBUTE TO TYSON BARNES

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Mr. HALL of Texas. Mr. Speaker, it is my privilege to pay tribute today to the late Tyson H. Barnes, Sr., of Kemp, Texas, who passed away in July at the age of 83. Tyson was a lifelong resident of Henderson and Kaufman Counties, a decorated veteran of World War II, a respected and delicated teacher for more than 30 years and a beloved member of his community.

Tyson was born March 4, 1919, in Henderson County, the son of Robert H. and Lalla Tison Barnes. He graduated from Kemp High School in 1937 and entered the Army Air Corps in 1941, serving 29 months in the Pacific as a B-17 and B-24 pilot. His distinguished service resulted in his being awarded the Distinguished Flying Cross, Air Medal, and a Presidential Unit Citation.

After the War Tyson returned to Texas and received a Bachelors degree from Sam Houston State Teachers College and later a Masters degree from East Texas State University. He was employed by Henderson County Junior College for five years and in 1953, he joined the faculty of Kemp High School, where he taught Vocational Agriculture for 30 years. His legacy includes having taught several fathers and sons—and at one point, six of the seven School Board members had been students of his.

Tyson was a state president of the Future Farmers of America and a long-time member of Calvary Baptist Church, where he served as a deacon for many years. Later, he joined the First Baptist Church of Kemp.

Tyson is survived by his wife, Marie Barnes; daughter and son-in-law Marsha and Bill Walsh; son Tyson Barnes, Jr., brother John W. Barnes; grandchildren Braden and Brennan Barnes; a niece and nephew; four great nieces and two great-great nieces. He was preceded in death by his first wife, Frances Bland Barnes; brother Leslie Barnes; and sisters-in-law Alma Barnes and Doris Barnes.

Mr. Speaker, Tyson was a longtime friend of mine who distinguished himself in all that he did—in his service to our Nation in times of war, in devotion to his family and community, in dedication to his calling as a teacher. Throughout his more than 30 years as a teacher, he influenced countless young people and helped instill in them the importance of hard work and of education—and he leaves behind a powerful legacy in Kemp. As we adjourn today, let us do so in celebration of the life of this outstanding man—Tyson Barnes.

DR. BENJAMIN REED

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Ms. KAPTUR. Mr. Speaker, it is with great sadness that I rise to recognize the passing from this life of Dr. Benjamin Reed, Physician Emeritus of Fulton County, Ohio. Dr. Reed joined our Creator on August 13, 2002 at the age of 80 years.

Born in West Virginia, Dr. Reed's grandfather was a country doctor, visiting his patients by horse and buggy. After receiving a teaching degree from Concord College in his hometown of Athens, Dr. Reed entered the United States Army. He served in the Pacific Theatre for three years, receiving both the Purple Heart Award and a bronze star. After his discharge he went to medical school, completing, his medical degree in 1950. He then decided to open his practice in Fulton County, serving as Delta's doctor for 46 years! He even managed a two year stint as the village's mayor. Moving to Wauseon in 1974, Dr. Reed served as the medical director of three Fulton County nursing homes while continuing his Delta family practice.

In addition to his medical service to the people of Fulton County, Dr. Reed was a community leader. He was past president of the Fulton County Health Center's medical staff, where he served on the Board of Directors for eighteen years. He was a past president of both the Fulton County and Northwest Ohio Heart Associations; a member of both the Delta and Wauseon Chambers of Commerce; president of the Fulton County Medical Society and member of the Toledo Lucas County Academy of Medicine, the Ohio State Medical Association, the American Medical Association, and the Peer Review Organization in addition to volunteering in several other health related programs. All the while, he served Fulton County as coroner for 38 years.

If the measure of a man is the goodwill of his community, then Dr. Reed was peerless. A physician in the purest sense of the word, he was also a humanitarian, civic-minded, and a man of faith. He was well known and beloved by everyone, and his life touched countless people through the years. Those whom he met were made better for having known him.

Our condolences turn now to his wife Penny and their children David, Tom, and Nancy, and grandchildren Peter and Molly. May their love for this truly great yet humble man sustain them in their loss while memories offer some small comfort. May it hearten those grieving Dr. Reed's passing to know that the legacy he carefully built over nearly half a century will go on.

HONORING WILLIAM LUCY

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Ms. LEE. Mr. Speaker, I rise today to honor William Lucy for his lifetime of pioneering work in the labor community.

William "Bill" Lucy was a native of Memphis before he came out west to attend the University of California, Berkeley. A civil engineer by trade, Lucy was an assistant materials and research engineer for Contra Costa County, California. In 1965, he became President of AFSCME Local 1675, Contra Costa County Employees. Lucy joined the AFSCME International staff in 1966 as the Associate Director of the Legislation and Community Affairs Departments before serving as Executive Assistant to AFSCME's late president, Jerry Wurf.

Bill Lucy was elected International Secretary-Treasurer, the second-highest ranking officer, of the 1.3 million member American Federation of State, County and Municipal Employees (AFSCME), AFL–CIO in May 1972. Lucy has since been re-elected every four years, most recently in 2000, resulting in a tenure in office of more than 30 years

In addition to his position at AFSCME, Lucy is an important leader of the AFL–CIO. In October 1995, Lucy was named a member of the AFL–CIO Executive Council and is vice president of the Maritime Trades Department and Department for Professional Employees.

International affairs are of special interest to Bill. In November 1994, Lucy became the president of Public Services International, the world's largest union federation. He also serves on the boards of directors for the Africa America Institute, Americans for Democratic Action and the Center for Policy Alternatives.

He is a founder and the president of the Coalition of Black Trade Unionists (CBTU), an organization of union leaders and rank-and-file members dedicated to the unique needs of African Americans and minority group workers. His devotion to the idea of staying within the African American Community has now opened many doors to the ranks of union leadership for the next generation which is comprised of all ethnic backgrounds.

In a nation with such a critical need for increased minority leadership and representation in the unions, William Lucy is the highest ranking African-American labor leader in the nation and innovative founder of several African American union councils. His is an example that continues to lead the mission in promoting unionized workplaces, as well as providing and maintaining positive role models for inner city youth in these troubled times.

I take great pride in joining Bill Lucy's friends and colleagues today to salute the extraordinary William Lucy.

CENTRAL NEW JERSEY CELEBRATES 23 YEARS OF DEDICATED PASTORAL SERVICE OF BISHOP JEROME S. WILCOX AND FIRST LADY ELDER MAE E. WILCOX

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Mr. HOLT. Mr. Speaker, I rise today to recognize and honor the commitment of bishop Jerome S. Wilcox and First Lady Elder Mae E. Wilcox to their congregants at Grace Cathedral Fellowship Ministries and to the extended community of central New Jersey.

From his call to service 35 years ago, Bishop Wilcox has taken a church of thirteen members and, through hard work and God's blessings, expanded his congregation to well over five hundred.

His call to the assistance of others was exhibited even earlier than his establishment of the then entitled Grace Cathedral First Bom Church in 1979. Previously, he served his community as a Vice Principal of a local public school, even then excelling as a mentor and role model.

In addition to Grace Cathedral, Bishop Wilcox continues his good work in the greater central Jersey area with the Covenant Partners Association of Trenton New Jersey and the Surrounding Areas, with the Concerned Pastors, and with the Township Commission.

The service to Central New Jersey performed by Bishop and First Lady Elder Wilcox is impressive and commendable and I am proud to rise here today in their honor.

SENSE OF HOUSE THAT CONGRESS SHOULD COMPLETE ACTION ON H.R. 4019, PERMANENT MARRIAGE PENALTY RELIEF ACT OF 2002

SPEECH OF

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. TERRY. Mr. Speaker, last May 26, I voted with 239 of my colleagues to scrap the marriage penalty once and for all. We didn't vote to phase it out over ten years and then bring it back; we voted to get rid of it. Why? Because, above all, our tax code must be fair.

Is it fair to tax marriage? Is it fair to tell a young couple on the event of marriage that, aside from paying for the invitations, caterer, photographer, music, and reception hall, they'll have to pay an additional $1400 in taxes every year? What kind of message are we sending to the American people when we can afford wasteful spending like tattoo removal programs, but are not willing to invest in marriage? Well, how's this for bringing home pork: phasing out the marriage penalty once and for all will return $81.2 million to the 58,000 couples in the Second District of Nebraska. That way, they can spend their money the way they want.

I keep hearing from the other side of the aisle that tax cuts cost money. Who does it cost? It certainly costs the 175,000 couples in my state of Nebraska, who pay the marriage penalty every year. But, it doesn't cost the federal government anything.

If we fail to work to make provisions of President Bush's tax cut permanent, the American taxpayers will experience the single greatest tax increase in U.S. history: more than $380 billion in the year 2012.

Mr. Speaker, this tax is unfair, unnecessary, and wrong. It defies American morals, it defies logic, and it flies in the face of family values. Let's bring some common sense back to our tax code. Vote for this legislation.

HONORING MAXIE WALKER WILSON

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Mr. HALL of Texas. Mr. Speaker, I am honored today to pay tribute to a longtime friend and a prominent member of the Overton, Texas, community, Maxie Walker Wilson, who passed away in June of this year at the age of 85. Walker was active in various projects throughout his life and was well-known as a cattle rancher, breeder and importer who traveled throughout the world in search of cattle.

As a result of his extensive travel, Walker was instrumental in improving the importation process of foreign cattle breeds to the United States and the building of a quarantine station in the Florida Keys by the United States Department of Agriculture. He served in various capacities for many cattle breed associations, including president of the American International Charolais Association, president of the American Charbray Association, director of the Texas Charolais Breeders Association, director of the Bluebonnet Charolais Association and a founding member of the East Texas Farm and Ranch Club.

Walker was a prominent leader of the Overton community. He served on the Overton School Board for six years and was president for a two-year term. He was active in the Boy Scouts of America and the East Texas Area Council and in 1960 received the Silver Beaver Award for outstanding service to the Boy

Scouts. As a member of the Overton Chamber of Commerce, he was selected as "Outstanding Citizen of the Year" in 1964. He was also a member of the Overton Rotary Club and a lifelong member of the First United Methodist Church, where he served on many committees.

Walker's favorite pastime was the game of golf. He was active in the Overton Golf Association for many years and assisted in the development of the Overton Community Golf Course. He also was an avid quail hunter, a sport he enjoyed with his sons and close friends.

Walker is survived by his wife of 64 years, Winifred Wilson; sons and daughters-in-law Weir and Susan Wilson of Fort Worth, Dr. Steve and Charlotte Wilson of Tyler, and Barry and Pat Wilson of Big Spring; four grandchildren and three great-grandchildren.

Mr. Speaker, Walker was one of those men who dreamed big and worked hard to make those dreams come true. He was always active in his business, in his community, and with his family, and he will be sorely missed. I am grateful that he was my friend, and it is a privilege today to join his family and many friends in celebrating the life of this great Texan, Walker Wilson.

REVEREND FRANK MUSGRAVE

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Ms. KAPTUR. Mr. Speaker, I rise today in tribute to a man whose life embodied the living Gospel, the Reverend Frank Musgrave. Reverend Musgrave, of Toledo, Ohio, passed from this life on Tuesday, September 10, 2002. A personal friend, Reverend Musgrave was a true servant and legendary figure of ministry and service whose love extended to our community as well as his church.

A Baltimore native, Frank Musgrave served four years in the Army Air Corps, then went on to pursue his degree in early childhood education. He met his wife Jane while both were students at Johns Hopkins University. Reverend Musgrave attended the Episcopal Theological School in Cambridge, Massachusetts and was ordained in 1952. His first assignment was St. Mark's Episcopal Church in Toledo, where he remained until his 1991 retirement. Even after retiring, he continued ministry on a part-time basis in churches in Fostoria and Monroeville, Ohio and later at St. Mark's Episcopal Church in Toledo. He served the Episcopal diocese as well, as youth chaplain and examining chaplain for new clergy.

Fervently ecumenical, Reverend Musgrave served on the Toledo Ministerial Association and the Toledo Area Council of Churches as president and past president of the organizations. An "outstanding ecumenist who was ahead of his time" according to one associate, Reverend Musgrave would say, ". . . if the good Lord came down and put us all in a bag, shook it up, and rolled us out, we wouldn't know who we were anyway." He was very much a leader in the early years of the ecumenical movement, and remained a visionary for ecumenism. He is credited with starting Toledo's ecumenical Feed Your Neighbor Program, a comprehensive network of area churches providing groceries for those of our own community who do not have enough to eat.

A real labor minister, Reverend Musgrave was long a member of the Toledo Labor Management Citizen's Committee, and served as the organization's chair from 1975 to 1993. His voice of reason, coupled with tenaciousness and passion marked his tenure, as Reverend Musgrave guided the Committee into the cooperative entity which has become its hallmark.

Reverend Musgrave lived out Christ's teachings by zealously pursuing social justice and never backing down on his principles. His heart was with those among us most vulnerable, and he never lost sight that true Christian ministry served all people. Our community has been privileged to call him a true and enduring friend.

As he joins our Creator, he leaves to this earth his wife Jane and their children Amy and Jane, his brother and grandchildren. May they find comfort in the memory of this gifted and wonderful priest, family man and friend, committed activist and Christian. May he guide them and us from above on our journey forward.

NATIONAL COMMUNITY EDUCATION DAY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Mr. KILDEE. Mr. Speaker, "Partners-In Community Education," is the theme of the 20th Annual National Community Education Day to be observed in my hometown of Flint and across the nation on October 10, 2002.

Sponsored by the National Community Education Association (NCEA), this special day was conceived in 1982 to recognize and support strong relationships between communities and public schools and community colleges that serve them. NCEA believes that it is crucial to highlight the positive impact community education programs play in building community through parents and community involvement, lifelong learning and the establishment of partnerships with other organizations.

Community Education Day 2002: "Partners—In Community Education" emphasizes the importance of partnerships and collaboration by community education programs to positively impact the lives of children, youth, families and communities. In keeping with the theme of National Community Education Day NCEA has partnered with the After School Alliance, sponsor of Lights On Afterschool! to present both celebrations on October 10th. NCEA hopes that this joint observance will draw attention to the importance of community education programs not only in the lives of adults, families and communities, but as well as the need for more after school programs across the country.

Our children need a safe and nurturing place to go after school. Our community members need opportunities to learn, grow and enrich their lives. Adult education, GED, ESL, early childhood education, after school programs and enrichment programs for all ages are partners in community education and are celebrated as integral parts of community education programming.

Community education multiplies the richness of after school programs and opens the doors of schools buildings to everyone as it serves all ages in the community. National Community Education Day 2002 is co-sponsored by over 36 organizations, including the Afterschool Alliance, the Children's Defense Fund, the Council of Chief State School Officers, the National PTA, the National Assembly of Health and Human Service Organizations, and the U.S. Department of Education.

Mr. Speaker, I ask my colleagues in the U.S. House of Representatives to join me in calling attention to National Community Education Day.

UNREALISTIC CAPITAL GAINS TAXES

HON. JOHNNY ISAKSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Mr. ISAKSON. Mr. Speaker, the American economy is sluggish, the Stock Market is at a six year low, and consumer confidence is declining. All this is happening in an environment of low inflation, historically low interest rates, and unemployment rate under six percent. What is wrong?

Our problem is capital held hostage by oppressive and unrealistic capital gains taxes. Today in America billions of dollars sit idle that would be otherwise available for investment were it not for capital gains taxes. Average Americans have mature stock, bond or real estate investments they would love to sell and reinvest their gain. This reinvestment would stimulate the economy, improve the stock market, and create jobs.

We should join the rest of the world and reduce or eliminate capital gains taxes. Such a suggestion raises the ire of many liberals who immediately would say such a cut would only help the rich, raise the deficit, and hurt the poor. I don't believe that for a moment. The facts are that 70 percent of the American people are investors not just the rich. Deficit increases would be minimal since current revenue projections from capital gains are low due to the economy. The poor would benefit because the economy would improve and job growth would begin.

Mr. Speaker, let us free the capital held hostage by capital gains taxes. I am so confident that a repeal of the capital gains tax would immediately stimulate the economy, create jobs and restore consumer confidence, I would be willing the sunset the repeal in three years. Why, because I believe the success would be so dramatic, Congress would never allow the capital gains tax to return.

IN RECOGNITION OF THE FLOODWALL MURAL PROJECT IN PORTSMOUTH, OHIO

HON. ROB PORTMAN

OF OHIO

HON. TED STRICKLAND

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Mr. PORTMAN. Mr. Speaker, we are pleased to rise today to congratulate the people of Portsmouth, Ohio, who will gather for the celebration and dedication of the Floodwall Mural Project on Saturday, October 5, 2002.

In 1992, Dr. Louis R. Chaboudy, a lifetime resident of Portsmouth, Ohio, looked at ways to change the massive Portsmouth floodwall along the Ohio River from a grim reminder of flood and destruction to something positive. After a visit to Steubenville, another Ohio River Setting outdoor murals, he envisioned murals depicting local history painted on the massive concrete wall in Portsmouth.

To bring this vision to fruition, Dr. and Mrs. Chaboudy contacted local elected officials and community leaders, outlining the project and encouraging a trip up river to Steubenville to view the murals to investigate the possibility for such a project in Portsmouth. On the return trip, the decision was made to go forward with the project. An informal committee was organized in 1992 to begin fundraising efforts and select a muralist.

Given the scope of the project, the selection of a muralist was of utmost importance. Robert Dafford of Layfayette, Louisiana was highly recommended for his work on a similar project in Chemanius, Vancouver Island, Canada. Mr. Dafford was commissioned for the project, and work on the first mural—the longest of the project at 20 feet high and 160 feet long—began in May, 1993.

A total of 44 beautiful murals depict the history of Portsmouth, ranging from early inhabitants, the Mound Builders, to early settlement of the area. The murals highlight historical events, locations, and structures, and include notable individuals and businesses in the community.

Mr. Speaker, the Floodwall Mural Project is a dream come true, presenting the Portsmouth community with a wonderful visual history of a great city, and creating an attraction for out-of-town visitors. The project is an excellent example of how a community can come together to make a difference, and we hope our colleagues will join us in congratulating the community of Portsmouth on a job well done.

LOCAL TEACHER JEAN McNEELY NAMED NATIONAL ELEMENTARY SOCIAL STUDIES TEACHER OF THE YEAR

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Mr. COMBEST. Mr. Speaker, I rise today to commend Ms. Jean McNeely from my home town of Lubbock, Texas for her tremendous contributions to educate children and improve our community, The National Council for the Social Studies recently named her the "National Elementary Social Studies Teacher of the Year." This award recognizes Ms. McNeely's commitment to students and her dedication to providing them a memorable educational experience in the field of social studies.

"National Elementary Social Studies Teacher of the Year" is the highest honor that the National Council for the Social Studies can present to an elementary educator. Founded in 1921, the National Council for the Social Studies is the largest association in the country devoted solely to social studies education. It boasts a membership of over 26,000 individual and institutional members from the United States and around the world. Ms. McNeely will be presented with her award in the presence of her colleagues at the Council's Annual Convention this November.

As a teacher at the All Saints Episcopal School in Lubbock, Ms. NcNeely's motivation has inspired and encouraged students to pursue their dreams over the years. She is the kind of teacher that makes learning fun and exciting. She helps set her students on a path for their future and steers them in a positive direction. I commend Ms. McNeely for her dedication to providing the students with a memorable educational experience in the field of social studies and congratulate her on being named "National Elementary Social Studies Teacher of the Year."

THE 42ND ANNIVERSARY OF THE INDEPENDENCE OF THE REPUBLIC OF CYPRUS

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Ms. BERKLEY. Mr. Speaker, I rise today to observe the 42nd anniversary of the Republic of Cyprus. Despite the political tensions between the Greek Cypriots and the Turkish Cypriots that have taken place since its independence in 1960, the Government of the Republic of Cyprus remains committed to the core values enshrined in the Cyprus Constitution guaranteeing basic rights and freedoms for all its citizens. This year, Independence Day comes at a time of great hope for the people of Cyprus. In particular, we have made significant advances in U.S.-Cyprus relations, and Cyprus is a leading candidate for European Union membership during the EU's next enlargement round. Both chambers of Congress have passed resolutions expressing the Sense of Congress that security, reconciliation, and prosperity for all Cypriots can best be achieved through EU membership. However, Cyprus' Independence Day is also clouded by territorial disputes with Turkey. Despite Turkish violations of UN Security Council resolutions, Cyprus remains committed to achieving a peaceful resolution through UN-sponsored negotiations. Immediately after the September 11th terrorist attacks, Cyprus was among the first nations to express its solidarity with the U.S. Cyprus has taken many concrete and active steps to target the perpetrators, collaborators, and financiers of terrorism—and the relationship between Cyprus and the U.S. is strong and enduring. Mr. Speaker, I want to congratulate the Republic of Cyprus on this 42nd anniversary of its independence.

CIVIL WAR BATTLEFIELD PRESERVATION ACT OF 2002

SPEECH OF

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. HANSEN. Mr. Speaker, I request that the attached cost estimate for H.R. 5125 be submitted for the RECORD under General Leave.

As you know, H.R. 5125 passed the House under suspension of the rules on Tuesday, October 1, 2002. At the time of passage, the Committee on Resources had not yet received a cost estimate from the Congressional Budget Office for this piece of legislation.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 30, 2002.

Hon. JAMES V. HANSEN,
Chairman, Committee on Resources, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5125 Civil War Battlefield Preservation Act of 2002.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 5125—Civil War Battlefield Preservation Act of 2002

Summary: H.R. 5125 would establish a new grant program to assist state and local governments in acquiring eligible Civil War battlefield sites. The bill would require the National Park Service (NPS) to update a 1993 report on Civil War battlefield protection to reflect recent preservation activities, changes in battlefield conditions, and other developments. Finally, the bill would authorize the appropriation of $0.5 million to update the report and $10 million a year for grants over the 2002–2008 period.

Assuming appropriation of the authorized amounts, CBO estimates that the NPS would spend $17 million over the next five years to implement H.R. 5125. An additional $34 million would be spent for this purpose after 2007, including $10 million authorized to be appropriated for 2008.

H.R. 5125 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments. Enacting H.R. 5125 would benefit state and local governments that would be eligible for grant funds. Any costs incurred by these governments to comply with the conditions of this assistance would be voluntary.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 5125 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment). For this estimate, CBO assumes that the $0.5 million authorized for the battlefield report will be appropriated for 2003 and that the $10 million for grants will be appropriated for each year authorized through 2008. Outlays are estimated on the basis of historical spending patterns for other land acquisition grants.

	By fiscal year, in millions of dollars—				
	2003	2004	2005	2006	2007
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Authorization level	1	10	10	10	10
Estimated outlays	1	1	2	5	8

Intergovernmental and private-sector impact: H.R. 5125 contains no intergovernment or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. Enacting H.R. 5125 would benefit state and local governments that would be eligible for grant funds. Any costs incurred by these governments to comply with the conditions of this assistance would be voluntary.

Estimate prepared by: Federal costs: Deborah Reis; impact on state, local, and tribal governments: Majorie Miller; impact on the private sector: Lauren Marks.

Estimate provided by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

PERSONAL EXPLANATION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Mr. BEREUTER. Mr. Speaker, on September 26, 2002, this Member unavoidably missed rollcall vote No. 423 (final passage of H.J. Res, 111, making continuing appropriations for fiscal year 2003). Had this Member been present, he would have voted "aye."

HONORING THE RETIREMENT OF WILLIAM McSHANE

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Mr. ACKERMAN. Mr. Speaker, I rise today to honor Mr. William McShane, on the occasion of his retirement, from the Suffolk County Board of elections.

For the past 30 years, Mr. McShane has tirelessly devoted himself to public service. He has most recently served as the campaign finance director of the Suffolk County Board of Elections. Previously, Mr. McShane worked for a member of the legislature before running for office himself.

Mr. McShane is a veteran of the Army Air Force who has served both his country and the state of New York well. As a Bronx native, the former owner of a small business in Nassau County and a longtime member of the Deer Park Community, Mr. McShane embodies the true spirit of a New Yorker.

His professional achievements are more than matched by his personal success. His lovely wife, Anne, is a retired school teacher. Together, they raised 5 beautiful children and have been blessed with six amazing grandchildren.

I am proud to recognize such an accomplished individual and commend Mr. McShane for his dedication and service to his community. I ask my colleagues in the House of Representatives to please join me in wishing William McShane many years of success as he celebrates his well deserved retirement.

SENSE OF HOUSE THAT CONGRESS SHOULD COMPLETE ACTION ON H.R. 4019, PERMANENT MARRIAGE PENALTY RELIEF ACT OF 2002

SPEECH OF

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Ms. SLAUGHTER. Mr. Speaker, I rise to express my deep disappointment that the House Leadership has turned a deaf ear to the concerns that preoccupy Americans. Among the chief concerns voiced by my constituents, in addition to the high cost of prescription drugs and the need to protect their retirement savings, is the need to extend temporary federal unemployment assistance. Over 60 percent of workers receiving extended benefits are currently exhausting all of their Federal benefits before finding work. By the end of August, 135,000 New Yorkers depleted their unemployment benefits and without timely action by this Congress—this number is certain to rise.

New York, in particular, is struggling with an unemployment crisis that rates among the severest in the country. Over 550,000 New Yorkers are out of work today. Mr. Speaker, in Western New York, the unemployment situation is particularly terrible as evidenced by the 5.1 percent unemployment rate in Rochester and 5.5 percent in the Buffalo-Niagara Falls area. Mr. Speaker, certainly Rochesterians, as well as residents throughout Western New York, are acutely sensitive to their vulnerability to economic despair, triggered by the loss of a good job.

Mr. Speaker, since the beginning of the current recession, long-term unemployment has increased faster than any part of the past 5 recessions. In fact, the percentage increase in workers that exhausted regular 13 weeks of benefits has risen 121 percent between 2000 and 2002. Mr. Speaker, if our economy is in recovery, it is certainly a "jobless one." Companies did not add workers in September.

Mr. Speaker, the debate today should be over how to respond to the needs of the 1.5 million jobless Americans who have already exhausted their Federal unemployment benefits, and to hundreds of thousands of other workers who will exhaust their benefits in the coming months. My colleague, Mr. RANGEL, introduced legislation, H.R. 5491, that would extend temporary federal unemployment assistance for an additional six months, through June 30, 2003. This measure would ensure that workers in every State are eligible for 26 weeks of extended unemployment benefits. In States with high unemployment, like New York, workers would receive an additional 7 weeks of benefits. Inaction by this Congress risks the economic security of some 3 million workers and their families in the next five months.

For these reasons, Mr. Speaker, I strongly urge the Congress listen to the needs of growing numbers of Americans undergoing real economic hardship and act to extend temporary unemployment assistance.

MICHAEL MURRY HONORED AS 2002 FRANCISCAN HOPE AWARD RECIPIENT

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Mr. KLECZKA. Mr. Speaker. On Sunday, October 13, 2002, Milwaukee businessman, philanthropist and my friend, Michael J. Murry, will be honored as this year's Franciscan Hope Award Honoree at St. Josaphat Basilica's annual Loaves and Fishes Gala.

Similar to the namesake of the Franciscan order, St. Francis of Assisi, Mike was also born the son of a prominent entrepreneur. Growing up in the shadows of the Basilica, he was first introduced to the world of banking through his father, a former president of Lincoln State Bank.

After attending college and serving his country in the Air Force, Mike returned to Milwaukee. Through his diligent hard work and visionary expectations for his father's bank, Lincoln State Bank thrived and expanded from Lincoln Village, the Basilica's neighborhood, to branch into the rest of the state of Wisconsin under Mike's presidency.

Just as St. Francis returned to his hometown to perform charity among the sick and through restoring churches, Mike has also put his Catholic values into action by serving on various healthcare boards of directors and the voluntary organization responsible for the beautiful restoration of the Basilica of St. Josaphat. The same enthusiasm and skill he has shown in the business community has benefited the philanthropic community and the Milwaukee area as a whole.

The patron saint of ecologists, St. Francis of Assisi was often depicted outdoors surrounded by wildlife. During time away from the office, Mike, an avid outdoorsman, can often be found at his lake home in Hayward, Wisconsin, where he has shared his passions for hiking, fishing and outdoor pursuits with his wife Jan and children Michelle and Joe.

It has been documented that thousands "were drawn to [St. Francis of Assisi's] sincerity, piety, and joy." As the 2002 Honoree of the Franciscan Hope Award, Michael Murry has proven himself an embodiment of St. Francis's characteristics and deserving recipient of this great honor.

Congratulations, Mike!

IN CELEBRATION OF THE 50TH ANNIVERSARY OF THE EAST ORANGE CAMPUS OF THE DEPARTMENT OF VETERANS AFFAIRS

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Mr. HOLT. Mr. Speaker, I rise today to recognize the 50th anniversary of East Orange Campus of the Department of Veterans Affairs New Jersey Health Care System.

The East Orange Campus has served those who have served us all. For more than 50 years now, veterans from throughout New Jersey have received quality medical, surgical, and psychiatric care at the East Orange Campus.

This institution provides more than just care for our veterans, however; as a leading teaching and research institution, the East Orange Campus has helped train New Jersey doctors, nurses, and other healthcare providers while conducting pioneering work in areas such as infectious disease, cardiovascular disease, and gulf war related illnesses.

I believe we have a responsibility to care for the brave men and women who served this nation, helping to win in war and preserve the peace. Providing for their healthcare is the least we can do to honor their sacrifice. In this way, the East Orange Campus has delivered on that responsibility, that promise, for more than 50 years.

Therefore, Mr. Speaker, again, I rise to celebrate the East Orange Campus. I ask my colleagues to join me in recognizing the 50 years of service and care delivered by the East Orange Campus.

HONORING JOHN JENKINS' 20 YEARS OF SERVICE TO PRINCE WILLIAM COUNTY, VA

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this opportunity to pay tribute to John Jenkins, who has dedicated 20 years of his life to Dale City and Prince William County as Neabsco District Supervisor.

John Jenkins began serving on the Prince William County Board of Supervisors in 1982 as the representative of the Neabsco Magisterial District. He has served two terms as Chairman of the Northern Virginia Planning District Commission, two terms as State President of the Virginia Association of Planning District Commission, and one term as State President of the Virginia Association of Counties. Additionally, he has taken on a wide variety of Board assignments, including but not limited to the following: member of the Environmental Quality Policy Committee, Telecommunications and Utilities Committee, and the Northern Virginia Transportation Coordinating Committee.

Beyond the sterling example he sets for his three children and fourteen grandchildren, Supervisor Jenkins is no stranger to community service. As a participant in numerous civic organizations, including the Veterans of Foreign Wars, American Legion, Disabled American Veterans, Dale City Civic Association, Board of Directors Prince William County Boys and Girls Club, Chamber of Commerce, Dale City Lions Club, Salvation Army Advisory Board and numerous other community groups, he has displayed his commitment to enhancing quality of life in our communities.

While coming from different sides of the aisle, John and I shared a healthy and respectful working relationship during my tenure on the neighboring Fairfax County Board of Supervisors. We worked together on intercounty associations such as the Virginia Association of Counties, VACO, to promote the good of our constituents and our respective counties.

Mr. Speaker, in closing, I wish the very best to Mr. Jenkins as he is recognized for service to his community, his county, and the Commonwealth of Virginia. Over the past 20 years, he has earned this evening of recognition, and I call upon all of my colleagues to join me in applauding his tenure and the work he will do in the years to come.

TRIBUTE TO BLUE RIBBON SCHOOLS RECIPIENTS

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Mr. CUNNINGHAM. Mr. Speaker, I am proud to rise today to recognize that three blue ribbon schools in my 51st Congressional District of California are being honored as National Blue Ribbon Schools for 2002. In alphabetical order, these schools are:

La Costa Canyon High School, Encinitas, CA. The principal is Mr. Don Rizzi, and the superintendent of the San Dieguito Union High School District is Peggy Lynch.

Madison Middle School, Oceanside, CA. The principal is Mrs. Theresa Ketchem-Grace, and the superintendent of the Vista Unified School District is Dave Cowles.

Valley Middle School, Carlsbad, CA. The principal is Dr. Kim Marshall, and the superintendent of the Carlsbad Unified School District is Cheryl Ernst.

The National Blue Ribbon Schools program evaluates schools based upon their effectiveness in meeting local, state and national educational goals. In 2002, 172 middle and secondary schools are being recognized as National Blue Ribbon Schools, including the three above in California's 51st Congressional District, and 30 in the State of California. Blue Ribbon status is awarded to schools that have strong leadership, clear vision and mission, excellent teaching and curriculum, policies and practices that keep the schools safe for learning, expanded involvement of families, evidence that the school helps all students achieve high standards, and a commitment to share best practices with other schools.

I am immensely proud of the men and women whose outstanding and tireless work in the interest of better education has now been recognized through the National Blue Ribbon Schools program. This is particularly close to my heart, because, as a former teacher and coach, and as a father, one of my passions is improving education so that every American can have a fighting chance to achieve the American Dream.

And while these three schools in my district have now been recognized as National Blue Ribbon Schools, the real winners are all of the children, parents, teachers, and citizens who have all been challenged through this recognition to successfully improve education in all of their local communities.

TRIBUTE TO MARK WAYNE JACKSON

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Mr. SMITH of Washington. Mr. Speaker, I rise today to extend my deepest condolences to the family of Sergeant First Class Mark Wayne Jackson who was killed in a bomb blast yesterday in Zamboanga, Philippines. He died while advancing freedom, peace and stability in the Philippines and his family should be proud of his service and his work on behalf of the American people.

Sergeant Jackson, who was part of the 1st Special Forces Group at Fort Lewis, WA, was on the front lines of the global war against terrorism. He served as a member of a U.S. force deployed in support of Operation Enduring Freedom, helping to train the Philippine military to fight the Abu Sayyaf terrorist organization more effectively. He will be remembered as one of our finest young Americans and he gave his life so that people throughout the world could be safer and more secure.

I strongly condemn the cowardly terrorists who committed this act. The Abu Sayyaf, who has been blamed for the attack, has been consistently linked to Osama bin Laden's al Qaeda network. They represent a clear threat to America and we will continue the global campaign to uproot the terrorist cells and bring them to justice. Through the efforts of the courageous and dedicated men and women in our Armed Forces, I am confident that we will prevail in this fight.

RECOGNITION OF STATE SENATOR LARRY ROHRBACH

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Mr. GRAVES. Mr. Speaker, I rise today to recognize State Senator Larry Rohrbach of the 6th senatorial district of Missouri. Senator Rohrbach has served the Missouri State Legislature for 18 years. He was first elected to the State House in 1982 and then to the State Senate in 1990.

Senator Rohrbach has served his constituents well, representing them as chair of the Insurance and Housing Committee and Vice

Chair of the Appropriations, Interstate Cooperation, and Ways and Means Committees as well as a Member of the Agriculture, Conservation and Parks and Tourism Committees.

Senator Rohrbach has always been a champion of the people. He has continuously proven himself as the taxpayers' watchdog and a fiscal conservative. Too many legislators gauge their success on the volume of legislation that they have passed; however, Senator Rohrbach's most impressive legislative accomplishments are the numerous pieces of weak legislation that he has fought to defeat while serving the people of the 6th Senatorial District and the great State of Missouri.

Senator Rohrbach has always been a good friend and partner in the Republican Party. He has proven himself time and time again as a leader in the Missouri Legislature and as a tireless defender of the virtues of his constituents. In the time that I have known Senator Rohrbach, he has never sacrificed his principles; and in that regard, Senator Rohrbach has earned my unwavering respect and regard. He is a true patriot.

Mr. Speaker, please help me to recognize a great friend and an outstanding servant to the people of Missouri, State Senator Larry Rohrbach.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE PATSY T. MINK, MEMBER OF CONGRESS FROM THE STATE OF HAWAII

SPEECH OF

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. KILDEE. Mr. Speaker, I am deeply saddened by the recent loss of my beloved colleague and dear friend, PATSY MINK of Hawaii. While serving together on the Education and Workforce Committee, we developed a long-lasting friendship and mutual admiration for each other. PATSY'S impact on this institution and our nation's history should never be overlooked or forgotten. Her legacy will remain an inspiration for all those who struggle to overcome social, racial and economic injustice.

PATSY MINK will forever be remembered as a modem day pioneer of gender and racial equality in government. Throughout her distinguished career, PATSY continually overcame insurmountable obstacles to achieve success and acceptance in her professional and political career. In Hawaii, she became the first Asian-American woman to practice law and the first Asian-American woman to be elected to the Territorial House before Hawaii became a state in 1959. While serving in the Territorial House, she became one of the leading advocates for Hawaii's statehood. In 1964, she had the honor of becoming the first Asian-American women of Japanese-American heritage to be elected to the U.S. House of Representatives.

During her tenure, Congresswoman MINK became a leading advocate for racial, gender and social equality. Inspired by her lifelong challenges, Congresswoman MINK fought for women to have equal access to education and athletic opportunities. Thanks to her leadership and steadfast commitment, Title IX of the Education Amendments of 1972 helped dismantle gender discrimination in schools across this country. In order to preserve and protect her beloved state of Hawaii, Congresswoman MINK also helped write tough environmental protection laws safeguarding sacred lands and fragile waters from over development and exploitation.

I feel absolutely privileged to have served with this historic and wonderful woman. Despite all the obstacles and challenges, PATSY MINK was still able to achieve her dreams and goals. Her perseverance and determination should continue to be an inspiration for future generations of Americans. I will forever admire my friend and colleague for her lifelong commitment and service to her country. Although it is difficult to say goodbye to my colleague, I know that her profound contributions and legacy will continue to influence our nation's future.

INTRODUCING LEGISLATION THAT EXPANDS THE DEFINITION OF CHARITABLE WORK

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Mr. ISRAEL. Mr. Speaker, I rise today to introduce a bill that would allow certain computer services to be counted as charitable deductions.

Many small non-profit organizations have not utilized all the technical advances that computers can bring, because of the cost of hiring a networking and technology specialist. My bill would allow computer technologists to donate their time and deduct that time from their federal taxes. Some of the services that would be tax deductible include setting up networks, fixing computers, training staff and creating custom programs. My legislation would assist small non-profits in becoming more efficient and productive, by utilizing new skills, software, and hardware.

My bill would also allow computer graphic specialists to donate their time and knowledge for the creation of brochures, the design of websites, and preparation of printing films. Once again, non-profits would gain substantially from having computer professional graphic artists design their education and information pamphlets.

Non-profit and charitable organizations do great work in the community, and my bill would give them better access to services that will help them help others.

HONORING JIM WHITTINGTON, MSGT USAF, RETIRED

HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Mr. SHOWS. Mr. Speaker, I rise today to share with my colleagues the news that my good friend, Jim Whittington, of Laurel MS, has been given the "Excellence in Community Service" Award by the National Society of the Daughters of the American Revolution.

Although he would disagree with me, there is no individual more deserving of this award than Jim Whittington. Jim is a leader of a nationwide grassroots movement fighting to restore earned health care for military retirees. While there are many grassroots leaders across the country who have been working together in this fight, it was Jim's persistence that led to the introduction of legislation that was enacted into law and went a long way towards fulfilling America's commitment to military retirees.

In the spring of 1999, Jim, along with his friend and fellow military retiree Floyd Sears, of Ocean Springs MS, organized a Military Retirees Summit in Laurel. Over 400 retirees from the southeastern United States gathered to explain to local officials, including me, how the United States government had broken its promise of lifetime health care for military retirees.

Having recently been elected to Congress, I had never confronted this issue before. I did not know about problems with military health care. Like many other Americans, I believed that our nation's veterans received priority health care. Until I attended the summit in Laurel, I did not know that military retirees, who served a career in service to the country, were not getting the level of health care that had been promised to them.

Since the founding of our Republic, recruits to the uniformed services were promised lifetime health care. They were told that health care would be provided for them and their families when they retired after a career in service. And for many years, they received quality health care when they retired. But over time, Congress changed the laws. The availability and quality of health care for many military retirees declined. For too many retirees, health care just wasn't there at all.

Jim Whittington is one of the most tenacious people I know, and it was his persistence that got me to agree to attend his summit. What I learned at that summit convinced me and others across the country to join the fight to make good on the "Broken Promise." If it wasn't for Jim Whittington, the Keep Our Promise to America's Military Retirees Act would not have been introduced.

But, thanks to Jim, the bill was introduced in the fall of 1999, giving the grassroots a platform on which to stand and challenge Congress to act. In just one year, Congress enacted Tricare for Life, which went a long way towards restoring the promise of lifetime health care and keeping faith with our nation's military retirees.

Tricare for Life—TFL—answered the prayers of thousands of military retirees and their families. Jim Whittington is one of those who benefit from TFL. But Jim knows that there are still thousands more military retirees and dependents who are not covered by TFL and still lack the level of health care they have earned. Jim unselfishly continues to be one of the grassroots leaders fighting to restore the health care promise for ALL military retirees.

TFL was the first big victory for the military retirees, but it will not be the last, Today there is a movement called the MRGRG—The Military Retirees Grassroots Group—that has no formal structure or membership. But there are thousands of them, connected by the Internet, who have combined their individual voices into one. Leaders of the MRGRG, including Jim, are circulating a "White Paper" throughout Congress that outlines the remaining promises waiting to be kept.

Jim Whittington has earned the respect of Americans across the country who know of his leadership in the fight to treat military veterans with the respect they deserve. But Jim is a humble man and knows he did not do this alone—far from it. He knows he shares this award with fellow retirees who cared enough to act.

But it is always up to somebody to take the first step. When Jim took that step—to organize the Laurel summit and convince his Congressman to attend—he did not know where it would lead. Today we know that Jim and the others of the MRGRG have set an example for all Americans. They have shown us that Democracy works—that Americans who combine their individual voices into one voice, loud and strong, can change things and restore justice where it is needed.

So, Mr. Speaker, I am proud to salute my friend Jim Whittington, who has set an example for all of us.

IN REMEMBRANCE OF JAMES HENRY HAIGLER

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Mr. ETHERIDGE. Mr. Speaker, I rise today to honor the service and sacrifice of one of our Nation's Fallen Firefighters and one of my District's hometown heroes, Mr. James Henry Haigler. Mr. Haigler worked for ten years as a Driver with the Sanford Fire Department. He was one of the Sanford community's unique group of hometown heroes; the firefighters, law enforcement officers, and others who keep our streets safe, protect our families and possessions from fire, and are the first to respond to an emergency. Our hometown heroes put their lives on the line for each of us every day.

On January 19, 2001, the Sanford Fire Department lost one of its own heroes. James suffered heart failure just two hours after completing a 24-hour shift, leaving behind his wife Renee and his son Dustin. His loss was felt deeply in the department and in the community. As a firefighter, James displayed selfless devotion everyday on our streets and in our communities. "Big Jim" as he was affectionately known was dedicated and professional, and when we called on him, he was ready to lay down his life for us.

On October 6, 2002, the National Fallen Firefighters Foundation will honor James and many other firefighters who made the supreme sacrifice. Every year at the National Firefighters Memorial in Emmitsburg, Maryland, survivors join together to celebrate how these brave men and women lived and what they represented in their communities. Members of the Sanford Fire Department who served as pallbearers for Mr. Haigler and a department escort will accompany Mrs. Haigler and Dustin to the ceremony. In addition, Congress, with my support, passed into law a resolution calling for all flags to be lowered to half-staff on the day of the National Firefighters Memorial Service.

The National Fallen Firefighters Memorial reminds us that our country is filled with hometown heroes, who embody the American spirit. The Haigler family, the Sanford community and the family of firefighters can be proud of the sacrifice that James Haigler made. The citizens of North Carolina and I will make sure that the memory of this hero does not soon fade.

PERSONAL EXPLANATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Ms. SANCHEZ. Mr. Speaker, on Wednesday, October 2, I was absent during the beginning of the legislative session as I was discussing the state of our Nation's health care with the United Domestic Workers of America/National Union of Hospital and Health Care Employees in Philadelphia.

I request that the CONGRESSIONAL RECORD reflect that had I been present and voting, I would have voted "yes" on rollcall No. 427, "yes" on rollcall No. 428, "no" on rollcall No. 429, "no" on rollcall No. 430, "yes" on rollcall No. 431, "yes" on rollcall No. 432, "no" on rollcall No. 433 and "no" on rollcall No. 434.

RECOGNIZING THE ACCOMPLISHMENTS OF DANIEL JURAFSKY

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Mr. UDALL. Mr. Speaker, I rise today to recognize the accomplishments of Daniel Jurafsky and to submit for the RECORD a recent article from the Rocky Mountain News describing these accomplishments. Dr. Jurafsky recently was one of twenty-four scholars chosen as MacArthur fellows, awards granted annually by the John D. and Catherine T. MacArthur Foundation.

Daniel Jurafsky is an associate professor of linguistics and computer science at the University of Colorado in Boulder. Dr. Jurafsky focuses on designing computer and other systems that use everyday language to communicate with their users. A major part of his research is concentrated on identifying patterns in syntax that are relevant to the underlying semantic structure of communications. With the help of his colleagues, Dr. Jurafsky has found that by recognizing these patterns, computers can be more efficient and accurate in their interpretation of language because they can connect what is heard to what is most likely meant by that language.

Every year the John D. and Catherine T. MacArthur Foundation rewards a small group of exceptionally creative individuals by naming them MacArthur Fellows. The foundation gives fellowship awards to those individuals who are pursuing unique approaches to their fields of study and those taking intellectual, scientific, and cultural risks. Jonathan Fanton, president of the MacArthur Foundation, has said it is "a vital part of the Foundation's efforts to recognize and support individuals who lift our spirits, illuminate human potential, and shape our collective future."

Clearly, these criteria describe the University of Colorado's awardee. Dr. Jurafsky's research is all about enabling better communications between people and computers, which is so important in our 21st century technology-driven lives.

Dr. Jurafsky is an incredibly talented and dedicated individual who is well liked and respected by his colleagues. I am certain that the foundation made an excellent choice in awarding Dr. Jurafsky this prestigious fellowship. I am honored to represent such an exemplary individual.

[From Rocky Mountain News, September 25, 2002]

CU PROFESSOR CHOSEN FOR "GENIUS AWARD"

MacArthur Fellow to receive $500,000 to spend as he likes

(By Bill Scanlon)

One day, you're working 70 hours a week and playing the drums in your spare time.

The next day, you're awarded a half-million dollars for being one of the 24 most creative and intellectually brilliant scholars in the nation.

"I was shocked." University of Colorado linguistics professor Daniel Jurafsky, 39, said Tuesday, after hearing that he was one of 24 Americans chosen as MacArthur Fellows.

The no-strings-attached awards are to nurture geniuses who are "a source of new knowledge and ideas" and have "the courage to challenge inherited orthodoxies" and to take intellectual, scientific and cultural risks.

For Jurafsky, that means time to pursue his passion for helping computers communicate better with people—and vice versa.

No-strings-attached means he could use some of the money to buy a hot tub for his funky century-old Boulder house, or to buy a Corvette or Jaguar.

"No, that's not my style," Jurafsky said Tuesday. "If it doesn't involve work or music, I'm not interested. And I have a nice old set of drums—Ludwig."

It's a good thing Jurafsky likes to travel, because otherwise he'd have a tough time deciding how to spend the half-million dollars.

"I may spend some of it on research expenses or to help pay for graduate students or postdocs," Jurafsky said. "If the department said, 'If only we had a big computer,' maybe I could buy them one. But really, computers are so inexpensive now. And unlike the sciences, we in the humanities don't have big expenses for equipment."

The John D. and Catherine T. MacArthur Foundation has been presenting the awards since 1981—to 635 scholars in all. The board searches for extraordinary originality, dedication, self-direction, exceptional creativity and promise for important future advances.

Linguistics chairwoman Barbara Fox said the MacArthur Fellow award is perfect for Jurafsky.

"He's brilliant and creative and wonderfully unique. He's generous and kind and a wonderful person."

Fox said Jurafsky "makes the department a community. He knows how to get people to work with others."

Part of the mystique of the MacArthur awards is that the nomination process is secret—the winners are caught completely by surprise.

"They call you up," Jurafsky said. "They say, 'Sit down.' They ask you if you're alone." After he heard on Friday, they told him he'd have to keep it to himself for four days. "They told me I could tell my parents, but no one else," said Jurafsky, who is not married.

Jurafsky wants to improve on Google and other search engines. Now, someone who wants to know who shot Abraham Lincoln can type in "Lincoln" and "assassination," and get back references to 1,000 Web sites.

"But suppose you want to ask an entire question and get back one short answer?" Jurasksy said. "You type in, 'Who assassinated Abraham Lincoln,' and you get back, 'It was Booth.' "

He's on sabbatical this year, but starting in January Jurafsky will teach an introductory course in linguistics and a graduate course in psycholinguistics.

When he's not jamming with some of his fellow scholars and jazz lovers, you can sometimes see him in the chorus at CU musicals. "I'm a baritone," he said.

Jurafsky's optimistic about today's students and the future of the human race. "The freshmen today know a lot more about computers than most faculty," he said.

"They're completely capable of carrying on five instant-messaging conversations while doing their homework.

"We do want to teach them programming, but their comfort level is there. Seven years ago, incoming students were afraid of computers. It's like night and day."

Jurafsky foresees a day when computers can assist translation.

People from around the world can communicate, typing in whole sentences that the computer can instantly translate "close enough so the other person can understand it. It's definitely possible."

HONORING THE CALIFORNIA ASSOCIATION OF REAL ESTATE BROKERS, INC.

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Ms. LEE. Mr. Speaker, I rise today to honor the California Association of Real Estate Brokers, Inc. for their many contributions to the real estate industry.

The California Association of Real Estate Brokers, Inc. (CAREB) is the state chapter of the National Association of Real Estate Brokers, the oldest minority real estate association in America. CAREB has been instrumental in promoting the participation of minorities in the real estate industry and has been responsible for many of the anti-discrimination and fair housing laws which now exist locally and across the country.

The members of the California Association of Real Estate Brokers are outstanding men and women dedicated to providing fair and equal housing opportunities, equal employment and equal representation in the political arena as well as the business community.

I ask Congress to join me and the constituents of the 9th Congressional District as we salute the California Association of Real Estate Brokers, Inc. for their endless service to our community. We wish them many years of continued success helping to fulfill the American dream of homeownership.

HONORING AIR FORCE MAJOR JAMES G. CUSIC, III

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing Air Force Major James G. Cusic, III, a constituent of mine from Fairview Heights, Illinois.

Major Cusic is receiving a Certificate of Merit from the American Red Cross for his actions on September 11, 2001. This is the highest award the organization gives for someone who saves or sustains a life with skills that were learned in an American Red Cross safety course.

The attacks on the World Trade Center and the Pentagon on September 11, 2001 made this perhaps the most tragic day in our nation's history. However, the day could have been even more catastrophic if it were not for the efforts of men and women such as Major Cusic.

On the morning of September 11, Major Cusic saw the news of the attacks on the World Trade Center from his Pentagon office. As he watched, he began to feel the floor shake below him, and the television reported that a third plane had been used as a weapon. This time, the target was the Pentagon. A voice came on the Pentagon intercom with a message to evacuate the building.

As the news came that a second hijacked plane might be headed toward Washington, Major Cusic cleared all the rooms in his area of the building to make sure everyone had exited. Next, he assisted five of the approximately 65 patients that were being treated at the Air Force Pararescue triage site.

Major Cusic volunteered to reenter the building as one of five leaders of a 20-person team to provide medical treatment for survivors in the building. He was responsible for providing treatment for life threatening injuries. Major Cusic aided one man who had a severe scalp laceration and a spinal injury. He assisted another man who suffered from severe burns on his face and neck and was experiencing difficulty breathing.

Later in the evening, Major Cusic's heroic actions were needed once again. A firefighter that had entered the building as part of the rescue effort collapsed from heat exhaustion and an erratic pulse. Once again, Major Cusic provided the treatment necessary under extreme circumstances.

Major Cusic maintained clarity of mind throughout the day on September 11 and should be commended for his actions in the face of adversity. At the end of the day, he was directly involved in saving three lives and in caring for two more people with severe injuries. In addition, he provided invaluable encouragement to other survivors and those involved with the rescue effort.

Mr. Speaker, I ask my colleagues to join me in honoring Major Cusic and to wish him all the best in the future for him and his family.

YOUNG SCIENTIST CHALLENGE

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Mr. BOEHLERT. Mr. Speaker, I rise today to recognize a very special group of young scientists. As Chairman of the House Committee on Science, I am an avid supporter of programs that encourage the youth of America to push the limits of innovation and originality in science. One such program is the Discovery Channel Young Scientist Challenge.

Created in 1999, Discovery Communications, Inc., designed the Discovery Channel Young Scientist Challenge as part of the solution to America's chronic underachievement in science and math. The annual national contest responds to evidence that academic performance and interest in science among American students declines dramatically as students become older. This is particularly evident during the middle school years.

For these reasons, the Discovery Channel Young Scientist Challenge identifies and honors America's top middle school student who demonstrates the best skills in leadership, teamwork, and scientific problem solving. More than 6,000 middle school students have entered the challenge since its inception in order to compete for the title of "America's Top Young Scientist of the Year." Since 1999, scholarship awards for the students have totaled more than $400,000 and challenge winners have participated in science-related trips to far-off places, including the Roslin Institute in Midlothian, Scotland, and the El Yunque rain forest in Puerto Rico.

On September 18, 2002, Discovery Communications, Inc., announced the 40 middle school students who have advanced to the finals of the Discovery Channel Young Scientist Challenge. Selected from more than 1,700 entrants, the "Final Forty" represent an elite group of young Americans who demonstrated exceptional creativity and communications skills in original science research projects. The "Final Forty" will travel to Washington, DC, October 19–23 where they will compete in complex science challenges largely revolving around science and the roll it plays in our national security.

The finalists for the 2002 Discovery Channel Young Scientist Challenge are: Brittany Anderson of Texico, New Mexico; Guatam Bej of Birmingham, Alabama; Terrance Bunkley of Fort Worth, Texas; Russell Burrows of San Antonio, Texas; Trevor Corbin of Richmond, Virginia; Kurt Dahlstrom of Hillsboro, North Dakota; Roy Gross of Lansdale, Pennsylvania; Kristin Grotecloss of St. Petersburg, Florida; Jennifer Gutman of Wheeling, West Virginia; Christine Haas of Clovis, California; Alicia Hall of Hoople, North Dakota; David Hart of Lake Charles, Louisiana; Stephanie Hicks of San Antonio, Texas; Lorren Kezmoh of Pittsburgh, Pennsylvania; Asmita Kumar of Goleta, California; Daniel Lang of Yardley, Pennsylvania; Hilana Lewkowitz-Shpuntoff of Great Neck; New York; Rayden Llano of Miami, Florida; Michael Mi of Pittsburgh, Pennsylvania; Jessica Miles of San Antonio, Texas; Daniel Miller Jr. of Pittsburgh, Pennsylvania; Yahya Mohammed of Niceville, Florida; Sarah Mousa of West Grove, Pennsylvania; Noele Norris of Miami, Florida; Kels Phelps of Butte, Montana; Adam Quade of New Brighton, Minnesota; Sasha Rohret of San Antonio, Texas; Haileigh Stainbrook of Sanger, California; Nupur Shridhar of Malvern, Pennsylvania; Jared Steed of Delaware, Ohio; Aron Trevino of San Antonio, Texas; Kory Vencill of Applegate, Oregon; Kelydra Welcker of Parkersburg, West Virginia; Kevin Welsh of Paulina, Louisiana; Nicole Wen of San Antonio, Texas; Emily Willis of Heber, Utah; Ashley Woodall of Garland, Texas; Dylan Young of Upper Arlington, Ohio.

At a time when science and technology plays such an enormous role in our lives, I believe it is imperative that we continue to support and nurture the next generation of young scientists. I would like to congratulate these students for their dedication and hard work in the name of science and wish them all good luck during the 2002 Discovery Channel Young Scientist Challenge.

DIGITAL MEDIA CONSUMERS' RIGHTS ACT OF 2002

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Mr. BOUCHER. Mr. Speaker, I am pleased to join with my colleague from California, Mr. DOOLITTLE, in introducing the Digital Media Consumers' Rights Act of 2002 (DMCRA).

The Digital Millennium Copyright Act of 1998 (DMCA) tilted the balance in our copyright laws too heavily in favor of the interests of copyright owners and undermined the longstanding fair use rights of information consumers, including research scientists, library patrons, and students at all education levels. With the DMCRA, we intend to restore the historical balance in our copyright law that has served our nation well in past years.

In order to reduce growing consumer confusion and to reduce a burden on retailers and equipment manufacturers caused by the introduction of so-called "copy protected CDs," we have also included in the bill comprehensive statutory provisions to ensure that consumers will receive adequate notice before they purchase these non-standard compact discs that they cannot record from them and that they might not work as expected in computers and other popular consumer electronics products. Consumers shouldn't have to learn after they get home that the product they just purchased can't be recorded onto the hard drive of a personal computer or won't play in a standard DVD player or in some automotive CD players.

BACKGROUND AND NEED FOR LEGISLATION

Before describing the provisions of the bill in detail, I think it useful to provide a general overview of what has occurred over the past five years and why we need to recalibrate the DMCA in light of that experience.

As my colleagues may recall, in 1997 the Administration proposed legislation to implement two international copyright treaties intended to protect digital media in the 21st century. At the time, motion picture studios, record companies, book publishers, and other owners of copyrighted works indicated that the treaty implementing legislation was necessary to stop "pirates" from "circumventing" technical protection measures used to protect copyrighted works. As the bill was being formulated, it was clear that the proclaimed effort to crack down on piracy would have potentially harmful consequences for information consumers. Nonetheless, copyright owners asserted that the proposed legislation was not intended to limit fair use rights.

At the time, libraries, universities, consumer electronics manufacturers, personal computer manufacturers, Internet portals, and others warned that enactment of overly broad legislation would stifle new technology, would threaten access to information, and would move our nation inexorably towards a "pay per use" society. Prior to 1998, the American public had enjoyed the ability to make a wide range of personal non-commercial uses of copyrighted works without obtaining the prior consent of copyright owners. These traditional "fair use" rights have long been at the foundation of the receipt and use of information by the American public, and have been critical to the advancement of important educational, scientific, and social goals.

Congress was warned that overly broad legislation could have potentially harmful effects. Manufacturers of consumer electronic and other multiple purpose devices, for example, pointed out that a VCR or PC, among other popular devices, could be deemed to be an illegal "circumvention" device. In response to these concerns, the Administration limited the prohibition to devices that are primarily designed or produced for the purpose of circumventing; have only a limited commercially significant purpose or use other than to circumvent; or are marketed for use in circumventing. Even with this modification, however, the provision still contained a fundamental defect: it prohibited circumvention of access controls for lawful purposes, and it prohibited the manufacture and distribution of technologies that enabled circumvention for lawful purposes. In apparent response to expressions of concern, the Administration proposed a savings" clause (ultimately enacted as section 1201(c)(1)), which states that section 1201 does not affect rights, remedies, limitations, or defenses to copyright infringement, including fair use. However, as at least some of us understood at the time, and two courts have since confirmed, the fair use defense to copyright infringement actions is not a defense to the independent prohibition on circumvention contained in Chapter 12 of the DMCA. Since Chapter 12 actions are not grounded in copyright law, the so-called "savings clause" preserving fair use defenses to copyright infringement actions is meaningless in the context of actions under the DMCA.

Other problems were seen with the Administration's original draft. As Congress became aware that the Administration's proposal prohibited many other legitimate activities, our colleagues agreed to graft numerous exceptions onto section 1201. The House Committee on Commerce, in particular, sought to more carefully balance the interests of copyright owners and information consumers by including provisions dealing with encryption research, reverse engineering, and security systems testing. We can now see in retrospect, however, that these provisions did not go far enough.

Congress made other changes in an effort to right the balance. Principally at the urging of consumer electronics manufacturers, Congress adopted the so-called "no mandate" provision to give equipment manufacturers the freedom to design new products without fear of litigation. Section 1201(c)(3) provides that, with one exception (set forth in section 1201 (k)), manufacturers of consumer electronics, telecommunications, and computing products are not required to design their products to respond to any particular technological protection measure. (The only requirement imposed on device manufacturers is to build certain analog VCRs to conform to the copy control technology already in wide use in the market.) The "no mandate" provision was essential to addressing the legitimate concerns of the consumer electronics, telecommunications, and computer industries, which feared that section 1201 otherwise might require VCRs, PCs, and other popular consumer products to respond to various embedded or associated codes, or other unilateral impositions by content owners without the assurance of corresponding protections for equipment consumers. Moreover, through legislative history, Congress also made clear that equipment manufacturers were free to make adjustments to products to remedy "playability" problems created by unilaterally developed technical measures.

In the end, however, these changes were not enough to achieve the appropriate level of balance. In the end, the DMCA dramatically tilted the balance in the Copyright Act towards content protection and away from information availability.

Given the breadth of the law and its application so far, the fair use rights of the public at large clearly are at risk. From the college student who photocopies a page from a library book for use in writing a report, to the newspaper reporter excerpting materials from a document for a story, to the typical television viewer who records a broadcast program for viewing at a later time, we all depend on the ability to make limited copies of copyrighted material without having to pay a fee or to obtain prior approval of the copyright owner. In fact, fair use rights to obtain and use a wide array of information are essential to the exercise of First Amendment rights. In my view, the very vibrancy of our democracy is dependent on the information availability and use facilitated by the fair use doctrine.

Yet, efforts to exercise those rights increasingly are being threatened by the application of section 1201 of the DMCA. Because the law does not limit its application to circumvention for the purpose of infringing a copyright, all kinds of traditionally accepted activities may be at risk.

Consider the implications. A time may soon come when what is now available for free on library shelves will only be available on a "pay per use" basis. It would be a simple matter for a copyright owner to technically enshroud material delivered in digital format and then to impose a requirement that a small fee be paid each time the password is used so that a digital book may be accessed by a library patron. Even the student who wants the most basic access to only a portion of an electronic book to write a term paper would have to pay. The DMCA places the force of law behind these technical barriers by making it a crime to circumvent them even to exercise fair use rights. The day is already here in which copyright owners use "click on," "click through," and "shrink wrap" licenses to limit what purchasers of a copyrighted work may do with it. Some go so far as to make it a violation of the license to even criticize the contents of a work, let alone to make a copy of a paragraph or two.

To address these and other concerns that have been voiced since enactment of the DMCA, the bill we have introduced would amend sections 1201(a)(2) and (b)(1) to permit otherwise prohibited conduct when engaged solely in furtherance of scientific research into technological protection measures. Current law permits circumvention of technological protection measures for the purpose of encryption research. The bill expands the exception to include scientific research into technological protection measures, some of which are not encryption. This change is intended to address a real concern identified by the scientific community. It does not authorize hackers and others to post trade secrets on the Internet under the guise of scientific research, or to cloak otherwise unlawful conduct as scientific research.

Since September 11, we have all become more aware of the importance of improving the security of computer networks against hacking. Our computer scientists must be allowed to pursue legitimate research into technological protection measures to determine their strengths and shortcomings without fear of civil litigation or criminal prosecution under the DMCA. The public needs to know the genuine capabilities of the technological protection measures. The proposed amendment provides computer scientists with a bright line rule they can easily follow, and would encourage them to engage in research for the public's benefit.

The bill we have introduced does what the proponents of section 1201(c)(1) of the DMCA said it did, namely, to preserve the fair use rights of consumers under section 107 of the Copyright Act and under section 1201. (Just last year, the presidents of the Business Software Alliance and the Interactive Digital Software Associations citing the "savings clause" stated in a letter to the editor of the Washington Post that "[t]he DMCA did nothing to upset existing fair use rules that still permit a variety of academic inquiries and other activities that might otherwise be infringing.") The bill amends the "savings clause" to make clear that it is not a violation of section 1201 to circumvent a technological measure in connection with gaining access to or using a work if the circumvention does not result in an infringement of the copyright in the work. In short, if a consumer may make a fair use of a copyrighted work, he may gain access to it and then make use of it without liability under section 1201. At the same time, if his or her conduct does not constitute fair use under section 107, liability may attach under section 1201.

In this connection, I think it is important to stress that, when the DMCA was being debated equipment manufacturers unsuccessfully sought to clarify the savings clause in section 1201. Since enactment of the DMCA, these same manufacturers have had to build business plans that incorporate copy protection technologies into their digital product offerings in order to ensure that content will be made available to consumers in digital formats. At the same time, these manufacturers have worked to ensure that those technologies are used in ways that are consistent with consumers' customary recording and viewing practices. I recognize that because the determination of whether or not a particular use is considered a "fair use" depends on a highly fact specific inquiry, it is not an easy concept to translate into a technological implementation. Our bill is not intended to encourage consumers to disable copy protection systems in order to gain increased access to protected works where the technology has been implemented in a manner that seeks to accommodate the consumer's fair use expectations. Instead, this proposal is in pursuance of a larger objective of ensuring that existing copy protection measures are implemented in ways that respect consumers' customary practices and ensuring that, as future technologies are developed, they incorporate means by which fair use of content can be made. As Congress demonstrated in developing section 1201(k) of the DMCA, there are ways to balance legislatively the interests of content owners and consumers when technological solutions that respect fair use practices can be agreed upon by all parties.

In addition to restrictions on their fair use rights, consumers face a new problem as record companies increasingly introduce into the market non-standard "copy-protected compact discs." As widely reported in the press, consumers have found that these ordinary-looking CDs do not play in some standard consumer electronics and computer products and that they cannot be copied on computer hard drives or in CD recorders. Without question, record companies should have the freedom to innovate, but they also have the responsibility to provide adequate notice to consumers about the "recordability" and "playability" of these discs. They have not done so. For that reason, I believe it is appropriate for Congress to now step in. Our bill will ensure that non-standard discs are properly labeled to give consumers adequate notice of all disfunctionalities.

In this connection, I think it is important to note that the conferees to the DMCA expected all affected industries to work together in developing measures to protect copyrighted works. As the conferees pointed out, "[one of the benefits of such consultation is to allow testing of proposed technologies to determine whether there are adverse effects on the ordinary performance of playback and display equipment in the marketplace, and to take steps to eliminate or substantially mitigate those effects before technologies are introduced." That process does not appear to have been employed with regard to the new unilaterally developed methods being used to protect compact discs.

In closing, I think it important to stress that, for over 150 years, the fair use doctrine has helped stimulate broad advances in scientific inquiry and in education, and has advanced broad societal goals in many other ways. We need to return to first principles. We need to achieve the balance that should be at the heart of our efforts to promote the interests of copyright owners while respecting the rights of information consumers. The DMCRA will restore that balance.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE PATSY T. MINK, MEMBER OF CONGRESS FROM THE STATE OF HAWAII

SPEECH OF

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to thank PATSY MINK, a leader, a visionary, a mentor, and a true advocate for so many who had no voice. PATSY MINK was a woman I looked up to, learned from, and was inspired by. As the first woman of color elected to the U.S. Congress in 1964, PATSY knew what it meant to break down barriers. Her passion was for those who were otherwise forgotten or pushed to the side.

PATSY was a strong fighter for women's rights. Her leadership in the fight for equality for women and girls in education and sports has made an everlasting impact on this country. The passage of Title IX has literally changed the lives of millions of young girls and women. It opened the doors to countless opportunities for women and girls and allowed us to dream bigger than we ever had before. It allowed more people to see women as Olympic athletes and competitors. It allowed parents to see their daughters as softball players and runners. It challenged school administrators and coaches to see the potential in female athletes and embrace it.

PATSY was a relentless fighter for low-income and poor families. She had great compassion for those who were struggling against the odds to work and provide for their families. She wasn't afraid to make her voice heard in standing up for fair treatment of women receiving welfare benefits, workers' rights and fair pay, and children who were lacking food or a good education. PATSY was a fearless fighter for the environment. She helped protect Hawaii's natural beauty in national parks and worked at the local level to help communities preserve their lands. PATSY was a lifelong fighter for civil rights. She knew what it meant to stand up in the face of adversity and she worked hard to break down barriers so those coming after her would instead experience justice and equality.

PATSY was tough and passionate. I can see her now shaking her small but mighty fist as she eloquently challenged an injustice. PATSY was a pioneer and a trailblazer. As we honor the memory of PATSY MINK today, we should also think about the future that she would want and work to achieve it. PATSY would want us to pass a Labor/HHS bill that truly leaves no child behind. She would want us to fully fund the Women's Education Equity Act. She wanted to see passage of a welfare bill that lifts women and children out of poverty, not just off the welfare rolls. PATSY wants us to make sure that all people have a fair chance.

Today, as I mourn with my colleagues and extend my condolences to her family and to the people of Hawaii, I honor the memory PATSY MINK and all that she stood for. And I deeply miss her beautiful smile.

ANNIVERSARY OF THE INDEPENDENCE OF THE REPUBLIC OF CYPRUS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Mrs. MALONEY of New York. Mr. Speaker, it is with great pleasure that I speak today in honor of the 42nd Anniversary of the Republic of Cyprus. It was on October 1st in 1960, that Cyprus became an independent republic after decades of British colonial rule.

I am very fortunate and privileged to represent Astoria, Queens—one of the largest and most vibrant communities of Greek and Cypriot Americans in this country.

It is truly one of my greatest pleasures as a Member of Congress to be able to participate in the life of this community, and the wonderful and vital Cypriot friends that I have come to know are one of its greatest rewards.

This year, Cyprus' Independence Day occurs at a time of great hope for the people of Cyprus and significant advances in U.S.-Cyprus relations.

Cyprus is currently the leading candidate country for membership in the European Union during the EU's next enlargement round. On October 9, the European Commission will issue its annual progress reports on all applicant countries. The EU's enlargement Commissioner, Gunther Verheugen, said on September 30 that Cyprus' progress report will be positive and will confirm that Cyprus meets the political and economic criteria for membership. The formal invitation to the 10 most advanced candidate countries, including Cyprus, is expected to be issued in December in Copenhagen, which would allow them to join the EU on January 1st, 2004.

On June 21, 2001, I joined my colleague, Representative MICHAEL BILIRAKIS in introducing HCONRES 164, a bill that expresses the sense of Congress that security, reconciliation, and prosperity for all Cypriots can be best achieved within the context of membership in the European Union which will provide significant rights and obligations for all Cypriots. This bill has 83 bipartisan cosponsors and passed unanimously in the Europe Subcommittee of the House International Relations Committee. I believe we must pass this bill on the House floor in order to voice support during a crucial period of major developments for Cyprus' EU bid.

The commemoration of Cyprus' Independence Day this year, as in the past 28 years, is clouded by the fact that 37 percent of the Mediterranean island nation's territory continues to be illegally occupied by the Turkish military forces, in violation of U.N. Security Council resolutions. But Cyprus remains committed to achieving a peaceful resolution of this tragic problem through negotiations.

United Nations-sponsored negotiations are ongoing in an effort to resolve the 28-year division of Cyprus under the framework of U.N. Security Council resolutions. The next round of meetings between the President of the Republic of Cyprus, Glafcos Clerides, and the Turkish Cypriot leader, Rauf Denktash, with U.N. Secretary-General Kofi Annan, are scheduled for October 3–4 in New York. U.N. Secretary General Annan said on September 30 that talks to end the division of Cyprus will continue even after the December 12 decision by the European Union, to accept Cyprus as a member. Mr. Annan stressed "we are going to continue our efforts and try to make progress as quickly as we can. If by the time of the accession the issues have not been resolved, I expect the talks to continue beyond the EU accession". The EU has made it clear for the past three years that a resolution of the Cyprus problem is not a precondition for Cyprus' EU accession and I support that viewpoint.

Cyprus and the United States have a great deal in common. We share a deep and abiding commitment to democracy, human rights, free markets, and the ideal and practice of equal justice under the law.

In fact, Cyprus was among the first nations to express its solidarity with the U.S. immediately following the September 11th terrorist attacks. Cyprus has taken many concrete and active steps to target the perpetrators, collaborators and financers of terrorism. For example, Cyprus has endorsed and implemented all resolutions and decisions of the U.N. Security Council, the EU and other International Organizations pertaining to the fight against terrorism.

Unfortunately, Cyprus is not without its own difficult history. Thirty seven percent of this nation is still occupied by a hostile foreign power, and it has been for more than 25 years.

On July 20, 1974, Turkey invaded Cyprus, and to this day continues to maintain an estimated 35,000 heavily armed troops. Nearly 200,000 Greek Cypriots, who fell victim to a policy of ethnic cleansing, were forcibly evicted from their homes and became refugees in their own country.

Every year, on or around July 20, I, along with my dear friend Representative BILIRAKIS, sponsor a Special Order to remember the anniversary of the Turkish invasion in a tradition that has become one of our proudest traditions.

Despite the hardships and trauma caused by the ongoing Turkish occupation, Cyprus has registered remarkable economic growth, and the people living in the Government-controlled areas enjoy one of the world's highest standards of living. Sadly, the people living in the occupied area continue to be mired in poverty.

In the times we are facing, it is clear that divisions among people create harmful, destructive environments. The U.S. has expressed its unwavering support for a peaceful solution to the Cyprus problem and I wholeheartedly agree. The relationship between Cyprus and the United States is strong and enduring. We stand together celebrating democracy and freedom, hopeful that a peaceful solution will soon be negotiated and a united Cyprus will join the EU.

BLACK LUNG CONSOLIDATION OF ADMINISTRATIVE RESPONSIBILITIES ACT

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Ms. HART. Mr. Speaker, I am pleased to sponsor legislation, on behalf of the Administration, which would consolidate all of the responsibility for the administration of the Black Lung Benefits Program under a single agency. This proposal was initially outlined in the President's FY 2003 Budget for the Department of Labor.

The Black Lung Benefits Program was enacted as part of the Coal Mine Health and Safety Act of 1969, the first comprehensive Federal legislation to regulate health and safety conditions in the coal industry. The law created a temporary system to compensate victims of dust exposure in the mines with public funds administered by the Social Security Administration (SSA).

In 1972, the Act was amended to require the use of simplified interim eligibility for all claims filed with SSA and to transfer new claims to the Department of Labor (DOL) in 1973. The Office of Workers' Compensation Programs in DOL assumed responsibility for the processing and paying of new claims on July 1, 1973. Most of the claims filed prior to that date remained within the jurisdiction of SSA until 1997.

On September 26, 1997, officials from SSA and DOL signed a Memorandum of Understanding transferring responsibility for managing all active SSA Black Lung claims to DOL. This change was aimed at eliminating any confusion about which Federal agency handles the claims and enhancing customer service to all Black Lung beneficiaries. At present, DOL manages all Federal black lung claims, while formal appeals on Part B claims are referred to SSA. The Black Lung Consolidation of Administrative Responsibilities Act would simply transfer all of the responsibilities for the administration of claims under Part B of the Act to DOL, while retaining all regulations currently applicable to the beneficiaries' entitlements.

Besides improving administrative efficiency, this transfer of responsibilities will ensure the continuation of a high level of customer service to beneficiaries. Joint audits by the Office of the Inspector General of SSA and DOL have confirmed the high quality of claims-related services being provided by DOL. Last year, the University of Michigan released the results of a customer satisfaction survey of beneficiaries receiving services from DOL and found the highest level of customer satisfaction of any of the Federal benefits programs surveyed.

Finally, the legislation implements a longstanding recommendation by the Inspector Generals at DOL and SSA that the administrative responsibility for the Black Lung Benefits Act should be consolidated within DOL. This change would ensure the continuation of a high level of service to program beneficiaries, while eliminating confusion and duplication of administrative functions between the two agencies.

The Black Lung Consolidation of Administrative Responsibilities Act is simply common sense and good government. I urge my colleagues to support this legislation.

RECOGNIZING AMERICAN FAMILY INSURANCE

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Ms. BALDWIN. Mr. Speaker, I rise to today to recognize American Family Insurance, which was founded in Madison, Wisconsin 75 years ago today on October 3, 1927.

American Family Insurance was originally founded as Farmers Mutual by Herman Wittwer. Its mission was to sell auto insurance to low-risk farmers. The first policyholder paid $15.22 for his annual premium, which was 25 percent less than the going rate. It did not take long for Farmers Mutual to become the fastest growing insurance company in Wisconsin. (As time went by, Farmers Mutual expanded its market and product line and changed its name to American Family Insurance.)

Today, American Family is Madison's largest private employer and largest company as measured by annual revenue. It provides jobs to 3,500 employees in Madison and 7,500 employees across 17 states. American Family Insurance is the tenth largest property/casualty insurance company in nation and the fourth largest mutual insurance company. At the ranking of 337, it is Dane County's only listing on the Fortune 500.

I am proud that through all of American Family's growth and expansion, the company has remained true to its Madison and Wisconsin roots. The company has shown its commitment to the area through its community giving and involvement. American Family donates more than $1 million annually to groups and organizations that help enhance quality of life and provide opportunities for everyone in our communities.

Congratulations on 75 great years.

PERSONAL EXPLANATION

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Mr. DEUTSCH. Mr. Speaker, I was unavoidably absent from the chamber today during rollcall vote No. 427, No. 428, and No. 429. Had I been present, I would have voted "yea" on rollcall vote No. 427, "yea" on rollcall vote No. 428 and "nay" on rollcall vote No. 429.

JOSEPH J. URBAN: PUSHING THE POLKA

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Mr. BARCIA. Mr. Speaker, I rise today to honor my very good friend, Joe Urban of Bay City, Michigan, for his induction into the Michigan State Polka Music Hall of Fame and for his many years of cultivating and publicizing polka music in our shared hometown. The polka has long been king in Bay City, especially among the members of our significant Polish and German communities, and Joe Urban has been a polka fan and promoter since he was a boy.

Although Joe never learned to play a musical instrument, he has been beating the proverbial drum on behalf of his fellow polka music enthusiasts for more than 40 years. In 1959, he began promoting polka for festivals at St. Hyacinth Catholic Church and for dances at Pulaski Hall in Bay City. Joe's Polish Circle dinnerdances became legendary in the 1960s, featuring local bands and musicians such as Stan Drzewicki, Gene Kochaney, Pat Lepeak's Starliners and nearly every other polka band in the region. Later, out-of-town bands joined the line-up as polka music and dancing grew in popularity.

Since then, Joe's tremendous energy and enduring passion for the polka has been instrumental in keeping the music alive and flourishing in Bay City and beyond, particularly at Pulaski Hall. The list of bands that Joe has managed to bring to Bay City is a veritable "Who's Who" of the polka industry, including The Polish Kid, Tony Blazonczyk, Polkamotion Crusade, Lenny Golmulka and The Chicago Push and many others. In fact, Lenny Gemulka's retirement party was held at Pulaski Hall.

Over the years, Joe also has extended his polka promotion efforts throughout the state and across the country. He has attended events produced by the United States Polka Association and the International Polka Association. Of course, Joe's wife, Rita, and daughter, Jeanne, should also be commended for their support of Joe and his keen interest and involvement in anything and everything associated with the polka.

Finally, Mr. Speaker, I ask my colleagues to join me in congratulating Joe Urban upon the occasion of his induction into the Michigan State Polka Music Hall of Fame. It is an appropriate and well-deserved honor for someone who has made so many contributions to ensure that generations to come will continue to stomp their feet and dance to the energetic beat of the polka well into the future.

EIGHTH AVENUE SENIOR CENTER 9TH ANNIVERSARY

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Ms. VELÁZQUEZ. Mr. Speaker, I am honored to rise today to commemorate the 9th Anniversary Celebration of the Eighth Avenue Senior Center sponsored by the Brooklyn Chinese-American Association in my district.

Founded in 1988, the Brooklyn Chinese-American Association began as a small social services agency dedicated to providing assistance to the Asian American community. Since then, that community has blossomed with over 250,000 residents that form the heart of Brooklyn's Chinatown.

The B.C.A. has expanded with the Eighth Avenue Senior Center, which serves the community with daily meals, bilingual information, English as a Second Language classes, Citizenship classes, medical check-ups, and even field trips. Its membership is 1,800 and serves more than 200 senior citizens each day. Such dedication to this community should be commended.

On October 3, the Senior Center will host its Millennial Roundtable celebration in similar style, by pairing guests with 12 senior members aged 84 and older—a combined age of 1000 years. The Double Millennial Roundtable pairs guests with 23 members aged 87 years or older, for a combined age of 2000 years. This is a great tribute to the age, wisdom and contributions our senior citizens have made, and continue to make, to our community.

GENE AND POCO GERTLER

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Mr. STUMP. Mr. Speaker, I rise today to pay tribute to the spirit of charity and two very good people in my district.

Gene and Poco Gertler joined us in Prescott just a few years ago, but they have made quite a difference for our community. While they came to enjoy retirement in Arizona, they ended up working harder than they ever imagined—not for themselves, but to improve the lives of other Arizonans.

One day, while cleaning out closets for the winter, they decided to donate their surplus clothes to the citizens of the Hopi reservation 250 miles north of Prescott. And, since there was extra room in the pickup truck, Gene sent an e-mail to 21 neighbors and friends, giving them the opportunity to add their contributions.

Well, instead of the few bags of clothing Gene and Poco expected, neighbors showed up with over 600 pounds of donations—enough that they had to rent a trailer. Many of the donations came from families the Gertlers didn't know, but who had heard about the trip by word of mouth.

Word continued to spread, and the Gertlers' one-time visit to the reservation became a regular shuttle. Furniture and other household items joined the clothes, and soon there was too much for the pickup and trailer. It seemed like every load was bigger than the last. Many people would be overwhelmed, or say, "I've done my part." Gene and Poco bought a bigger truck and a bigger trailer and kept on hauling.

The years bring new challenges to all of us, and sadly, Gene and Poco have found that they are no longer able to carry on their work.

But that wasn't until they had rounded up and personally delivered over 25,000 pounds—yes, over twelve tons—of clothing, furniture, and other assistance for Arizona's Native Americans. All for no remuneration other than knowing they'd helped keep other people warm.

The Bible says, "By their works shall ye know them." We sure know about Gene and Poco. And we are proud to call them our neighbors.

HELP EFFICIENT, ACCESSIBLE, LOW-COST, TIMELY HEALTH CARE ACT OF 2002

SPEECH OF

HON. JEFF FLAKE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 2002

Mr. FLAKE. Mr. Speaker, today I voted "no" on final passage of H.R. 4600, the Help Efficient, Accessible, Low-cost, and Timely Healthcare (HEALTH) Act. My vote was a difficult one, but after consulting with both supporters and opponents of the bill, I was not convinced that the federal government should preempt state law in this area.

Those supporting this bill have made some compelling arguments as to why Congress should step in and institute these reforms. They cite the national nature of insurance plans, whereby a doctor in Arizona might have to pay more for malpractice insurance due to an over-the-top jury award in Texas. They also note that, as doctors close up shop or stop providing high-risk care in specialties such as emergency medicine and obstetrics and gynecology, patients are forced to cross state lines in order to seek out treatment. We have all watched with dismay as hospitals have been forced to shut their doors and doctors have opted to treat patients without malpractice insurance due to the high costs of premiums. Certainly, the trial attorneys who line their pockets with egregious fees aren't suffering as a result of the mess they've made with unscrupulous lawsuits. These arguments only underscore an already evident need for the states to pursue medical malpractice reforms. However, as one who believes firmly in federalism, I am unwilling to support legislation that would, in effect, preempt the constitution of the state of Arizona, which prohibits caps on damages.

The natural evolution of health care delivery suggests that a federal solution such as H.R. 4600 may one day be necessary. Even today, we need tort reform badly. It's up to the states to begin that process, and I plan to be part of those efforts. The states should follow California's example; which has been an undeniable success over the past 25 years.

HONORING THE FEMINIST MAJORITY FOUNDATION AND MS. MAGAZINE

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Ms. SOLIS. Mr. Speaker, I rise today to recognize a leader in the movement to establish equality for women in the United States—the Feminist Majority Foundation.

Co-founded by Peg Yorkin and Eleanor Smeal, the Feminist Majority Foundation has been instrumental in the fight to create gender equality, eradicate domestic violence and promote feminist women and men as they seek elected office across the country.

Yorkin's involvement with feminist causes can be traced back to 1977, when she was elected as a delegate from California to the National Women's Conference. In 1986, she worked with Eleanor Smeal, then the president of the National Organization for Women to produce NOW's 20th Anniversary show, and in 1987, the two joined to found the Feminist Majority Foundation.

Nineteen ninety-one was a banner year for the Feminist Majority, which received a historic $10 million gift to ensure a legacy of empowerment for young women. The first endowment made was a drive to make the so-called abortion pill RU–486 available to women.

That year also saw sexual harassment propelled to new heights as Clarence Thomas was vetted for a spot on the U.S. Supreme Court. Testimony by Anita Hill, coupled with the Senate's treatment of her and her allegations of sexual harassment, prompted the Feminist Majority to open the Sexual Harassment Hotline to provide information and help to harassment victims.

The groundbreaking efforts of the Feminist Majority continued, and in 2001 the organization bought a building in Beverly Hills to house the Foundation and its new enterprise—the editorial offices of Ms. Magazine, which the Feminist Majority acquired in January 2002.

On Sunday, October 6, 2002, the Feminist Majority Foundation will open its new offices. Although the organization's location may have changed, it and Ms. Magazine's commitment remains the same—to advance the women's equality cause in the United States.

I urge my colleagues to join me in supporting this remarkable foundation.

A CENTURY OF SERVICE—SAN MATEO HIGH SCHOOL CELEBRATES 100 YEARS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Mr. LANTOS. Mr. Speaker, I invite my colleagues in the Congress to join me in marking a century of service as San Mateo High School celebrates its 100th anniversary.

Mr. Speaker, a century ago, the city of San Mateo and the rest of the Peninsula looked dramatically different than they do today. At its creation, the first high school in the San Mateo Union High School District required only three teachers to educate the fourteen students who attended the school, which was housed in a three-bedroom cottage. During the next twenty-five years of its existence, San Mateo High School moved three times, finally settling into its present location on Delaware Street, in San Mateo, California, in 1927.

Like the rest of the Peninsula, the school has witnessed exceptional growth during the last one hundred years, and today San Mateo High School boasts an enrollment of 1,425 ethnically and socially diverse students. It is that remarkable diversity, that is a major part of what makes San Mateo High School a great institution of learning. According to the most recent figures, the school includes African American, Hispanic, Caucasian, Filipino, Asian American, Pacific Islander, and Native American students.

Mr. Speaker, in addition to this melting pot of American students, San Mateo High School's student body also includes many international students. For many years the school participated in the American Field Service's exchange student program. This program facilitates international understanding by sending American students to study abroad, and bringing foreign students to study in the United States. A testimony of the success of San Mateo High School's commitment to the benefits of diversity is the fact that at one time the student body was comprised of individuals from 80 different nations. This diversity certainly enriched the educational experience of the pupils and fostered international understanding among its students. As Jacqueline McEvoy, who became the school's 13th principal in 2000, commented, "it was like walking into a microcosm of the world."

Mr. Speaker, San Mateo High School and its students have also established an outstanding record of community service. The school was the recipient of international recognition when the Guinness Book of World Records certified that the 214,713 pounds of food collected by the students at the school was the largest food drive ever put together by a non-charitable organization. This extraordinary feat is testament to the intelligence, drive, determination, and commitment to service of the students that make up San Mateo High School.

Mr. Speaker, during the past century, San Mateo High School has actively pursued and achieved excellence in academic, vocational, performing arts, and athletic programs. It has provided countless opportunities for the enrichment of students on the Peninsula and around the globe. I am greatly honored to have the privilege of representing this excellent institution in the United States Congress. I urge all of my colleagues to join me in celebrating the 100th anniversary of San Mateo High School.

HELP EFFICIENT, ACCESSIBLE, LOW COST, TIMELY HEALTH CARE ACT OF 2002

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 2002

Ms. McCOLLUM. Mr. Speaker, I rise today in strong opposition to H.R. 4600, the HEALTH Act of 2002. While this legislation should address the skyrocketing costs of medical malpractice insurance it is really a huge tort reform bill that threatens to weaken patient protections. This legislation goes well beyond medical malpractice. It would not only place restrictions on the ability of individuals to receive compensation when they are injured by the negligent conduct of health care providers. But it would also include, defective medical products, tainted prescription drugs, and claims against HMO's and health insurance companies.

This legislation would preempt current state law regarding the statute of limitations for actions. During my time in the Minnesota House of Representatives, I supported legislation that lengthened the statute of limitations for medical malpractice cases to four years. H.R. 4600 would require lawsuits to be filed within three years of the date of injury or only one year after discovery. We must have a longer statute of limitations to help protect individuals who have diseases with long incubation periods.

For example, a patient who contracts HIV from mishandled blood, but does not show symptoms until three years later, could not seek remedy for this gross injustice under this new law. A patient who has a medical device implanted and years later the device fails due to a part defect, will not be able to seek remedy under this new law. These patients deserve the same protections any other individuals who have been injured by other forms of negligence.

The overly broad scope of this bill sets a dangerous new precedent. We should not prevent individuals from seeking remedy for their injuries by allowing medical manufacturers who obtain FDA approval, FDA "pre-market approval" or "are generally recognized as safe effective" to be exempted from liability. We should absolutely not be preempting states' HMO reform laws that have allowed patients to sue for wrongful actions.

I have heard from doctors the challenges they face over the significant increases in medical liability insurance premiums. I am concerned that additional costs make it more difficult for physicians to stay in practice, however, this legislation does not address the real problem. This bill does nothing to fix the increasing cost of insurance premiums and goes far beyond its stated purpose of reducing the costs of malpractice insurance, while compromising the health and safety of patients.

TRIBUTE TO EDWARD TELLER ON THE OCCASION OF THE 50TH ANNIVERSARY CELEBRATION OF LAWRENCE LIVERMORE NATIONAL LABORATORY

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Ms. ESHOO. Mr. Speaker, I rise today to honor a distinguished American, a renowned scientist, a national icon, and a resident of the distinguished 14th Congressional District, Dr. Edward Teller.

Hailed as one of the most thoughtful statesmen of science and recognized by his scientific colleagues as one of the most imaginative and creative physicists alive, Edward Teller has led an extraordinary career. Born into a Jewish family on January 15, 1908 in Budapest, Hungary, Edward Teller grew up during a particularly turbulent time in Hungarian history when a virulently anti-semitic fascist dictator ruled the country. Edward Teller left his homeland in 1926 to study in Germany and received his Ph.D. in theoretical physics from the University of Leipzig in 1930. Soon after the rise of Hitler, Edward Teller left Germany and immigrated to the United States to take a teaching position at George Washington University and pursue his research in quantum mechanics. The rest as they say, "is history."

Dr. Teller has led one of the most distinguished careers in science. Most widely known for his significant contributions to the first demonstration of thermonuclear energy, Dr. Teller also made enormous contributions to quantum theory, molecular physics and astrophysics. Since the early 1950's, Dr. Teller has been concerned with national defense. He served as a member of the General Advisory Committee of the U.S. Atomic Energy Commission (1956 to 1958) and was Chairman of the first Nuclear Reaction Safeguard Committee. Dr. Teller also served as Associate Director at the new Lawrence Livermore National Laboratory from 1954 to 1958 and became Director in 1958.

Edward Teller has earned numerous honors . . . the Albert Einstein Award, the Enrico Fermi Award, the Harvey Prize from the Technion-Israel Institute, and the National Medal of Science.

Mr. Speaker, I ask my colleagues to join me in honoring Edward Teller on the occasion of the 50th anniversary celebration of Lawrence Livermore National Laboratory which he helped found. We're a better, more scientifically advanced, and safer nation because of Dr. Teller and his extraordinary accomplishments.

CARSON'S QUESTION OF PRIVILEGE

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to voice my strong support of Ms. CARSON's resolution and my even stronger support of Amtrak. As Ms. CARSON's resolution recognizes, Amtrak provided a vital transportation alternative during the weeks and months following the attacks of September 11th. The importance of Amtrak, however, goes far beyond simply providing an alternative mode of transportation in times of crisis. Amtrak serves more than 500 stations in 46 states, provides employment to thousands of workers, and provides a significant economic impact to small communities throughout the country.

Specifically, in my state of New Mexico the most recent figures show that New Mexico Amtrak ridership totaled 95,278 passengers. Amtrak also employed 63 New Mexicans totaling wages of $3.62 million. Three Amtrak routes run through New Mexico; the Southwest Chief route, the Texas Eagle route, and the Sunset Limited route. All three of these lines are of vital importance to the number of small communities through which they run. Communities such as Raton, Las Vegas, and Gallup, all three of which are in the 3d Congressional District, which I represent, depend heavily on the Amtrak passengers to bring their dollars to these local economies. Without Amtrak, these communities would experience devastating economic hits that would threaten the very existence of these wonderful places.

That is why it is so important that we provide Amtrak with the level of funding they have requested—the level of funding they deem necessary to maintain and improve their existing services. The President's request of $521 million will result in a severe cutback of Amtrak's services, which will, in turn, result in a devastating impact on the communities that Amtrak currently serves. I urge my colleagues to not only support Ms. CARSON's resolution, but also support an increase to $1.2 billion of funding for Amtrak.

TRIBUTE TO TAYLOR BOWMAN

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Mr. SPRATT. Mr. Speaker, I rise to recognize Taylor Bowman, of Fort Mill, South Carolina, who was named a top youth volunteer this year by The Prudential Spirit of Community Awards, a nationwide program honoring young people for outstanding acts of volunteerism. The awards program, now in its seventh year, is conducted by Prudential Financial in partnership with the National Association of Secondary School Principals. A record 28,000 high school and middle level students submitted applications for this year's program.

Taylor, who graduated from Fort Mill High School this year, developed and led a mentoring program that paired high school athletes with potential at-risk students from a local elementary school.

When Taylor first began tutoring a new student from Puerto Rico in his mother's third-grade class, he was reminded of "a turtle with his head in his shell trying to forget about the world outside." But as he worked with him each week, Taylor said, "I saw the turtle come out of his shell."

Soon, other teachers were asking Taylor for help with their limited-English and academically challenged students, but he knew he didn't have enough time to help everyone. So, after getting permission from his coach and the elementary school principal, Taylor recruited 37 members of his high school cross-country team and other friends to become mentors, as well. He also applied for grant money to purchase incentive rewards and fund a hot dog picnic, Christmas party, and other activities.

The success of the first year convinced Taylor that other schools could also benefit from the program, and he began recruiting other volunteer schools and teams. "It took a lot of time and effort," Taylor says, "but it was worth it. Life is much better when you take time to help a child."

Mr. Speaker, I am honored to join the Prudential Spirit of Community Awards in recognizing Taylor Bowman as one of South Carolina's top youth volunteers.

TRIBUTE TO REV. DONALD F. DEVOS

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to pay tribute to the Rev. Donald F. DeVos, president of the Detroit Rescue Mission Ministries (DRMM), who peacefully left this world on Saturday afternoon, September 28, 2002.

Don dedicated his life to serving the least, the last, and the lost. I witnessed this firsthand as late as March of this year when I met with Don in my office. He was here in Washington, 81 years old, resplendent in his attire, walking the marble halls of Congress strongly advocating on behalf of Michigan's at-risk and abused youth.

Don brought tremendous vision, leadership, grace and love to his work. He came to the Mission in 1990 to just "help out" and two years later he became the organization's president. When Don arrived, the Mission quietly operated on a small budget, with few facilities, and a narrow focus in the city. Under Don's strong leadership, the Mission expanded its services and has become the largest provider to the homeless and addicted in southeast Michigan.

In 1998, Don DeVos was awarded Executive of the Year by United Way Community Services. A year earlier, the City of Detroit awarded the Detroit Rescue Mission Ministries Agency of the Year. Today, the Mission has an $8 million budget, operates facilities in 18 locations throughout the Metro area, including Highland Park and Howell. The Mission successfully transforms the lives of gang members, drug addicts, prostitutes, juvenile offenders, and the homeless with time-tested, cost-effective programs, and through the power of the Living Gospel. The Mission's programs, which include drug treatment, transitional housing, education, job training, and youth assistance, have a combined success rate of 77 percent.

Don would often say that his most satisfying moments came when he would meet someone who held out his or her hand and said, "Mr. DeVos, I went through your program and it changed my life!" It occurred at his favorite lunch spot, Mario's restaurant; on the street outside his office on the notorious Cass Corridor; even the doorman to Don's apartment building was once a Mission resident. This is Don's legacy.

While Don's energy and inspiration came from above, the person who gave him daily encouragement and strength was his beloved wife, Betty, who passed away last year. Losing his life-long partner was difficult for Don. Now they are together again.

Don was a graduate of Union High School in Grand Rapids. After graduating in 1942 from the Moody Bible Institute in Chicago he served in the U.S. Navy. Beginning in 1944, Don worked with Christian leaders throughout the world, including the Rev. Billy Graham, to found Youth for Christ International and to direct public relations for other faith-based international organizations, including World Vision and Global Concern. Before coming to the Mission, he founded a long-term residential treatment program in Texas for young substance abusers that has changed the lives of thousands of boys and girls.

In Don's office hangs a beautiful motto that reads, "The will of God will never lead you where the grace of God cannot keep you." The greatest thing I can say about Don is that he lived every day of his life by this sacred promise.

Don DeVos died one year, one month, and one day after his beloved wife, Betty.

DISSENTING VIEWS ON CONGRESSIONAL EXECUTIVE COMMISSION ON CHINA ANNUAL REPORT

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Mr. WOLF. Mr. Speaker, the Congressional Executive Commission on China released its inaugural report today. I am one of nine commissioners from the House. Because of my concerns that this report inadequately addresses the Government of China's continuing human rights abuses, I could not vote to support it. I want to share with our colleagues my dissenting views on the report.

DISSENTING VIEW

While this first report by the Congressional Executive Commission on China (CECC) contains some worthwhile recommendations and observations on the continued human rights abuses in the People's Republic of China, I do not believe it sufficiently describes and addresses the degree to which these human rights abuses can be laid at the feet of the Government of China.

In a recent letter to all CECC commissioners, human rights advocate Harry Wu outlined several human rights issues in China that should have been included or discussed with more vigor and analysis in this report. I share in Mr. Wu's analysis.

For example, the section of the report on village elections gives the impression that the practice of village elections may be a positive development in a transition to democracy in China, without seriously analyzing whether or not the Communist Party may use village elections as a method of establishing control in the rural regions. The report says that "critics of the process say that the Communist Party manipulates the outcome[s[rsqb]", but it does not adequately assert that China's rulers may use village elections as part of a strategy to maintain control.

On another matter which Mr. Wu raises, it is perplexing that the report fails to reflect the debate this year in Congress and in the Bush Administration about China's planned birth policy, particularly regarding whether or not the Administration would withhold funding from the United Nations Population Control Fund. This important issue is not addressed in this, the first, report of the commission and is conspicuous by its absence. The commission recently held a hearing on this subject, and I believe the report should address in detail China's planned birth policy.

Similarly, I agree with Mr. Wu that the report fails to discuss China's state-sponsored harvesting and trafficking of prisoners' organs, where a common thief can be executed in order for his organs to be sold for transplanting. Can you imagine being imprisoned for a minor offense and ending up being shot in the head and having your kidneys or corneas removed to be sold? Congress has held numerous hearings on this issue and the news media has written about this issue, but the report fails to discuss this horrible practice.

I also believe the recommendations on religious freedom should be stronger. While these recommendations may be well-intentioned, they lack the necessary depth of discussion in addressing the Chinese Government's continued persecution of believers of all faiths—Roman Catholics, Protestants, Falun Gong practitioners, Muslim Uighurs, and Tibetan Buddhists.

Furthermore, I am concerned that this commission may not be willing to be a direct advocate on behalf of human rights and religious freedom, through letters or conversations with Chinese officials.

As I stated at a commission hearing this year, this panel should follow the model of the Helsinki Commission and be vocal in its advocacy for individual cases and human rights in general. I agree with John Kamm, president of the Dui Hua religious freedom organization, who has done more than almost anyone I know for human rights in China, who said at a commission hearing, "The model should be the Helsinki Commission . . . I foresee a day when this commission . . : is an arsenal of human rights."

The Helsinki Commission does not hesitate to write directly to leaders of member countries advocating human rights and religious freedom. The Helsinki Commission has done more than almost any other entity to bring freedom, hope and democracy to the former Soviet Union and the Eastern Bloc countries. The CECC ought to follow this successful model. But, clearly, this has not yet occurred, and it is almost as if the CECC is afraid that it will offend the China Government.

If I were a prisoner in China today, I wonder if I would have the same amount of trust and hope in the CECC to take up my case with Chinese officials as Soviet dissidents had in the Helsinki Commission, which was a tireless advocate with officials in the former Soviet Union.

While there are those of us on the commission on differing sides of the China PNTR issue, I am concerned with the perception that many of the commission's staff are more skilled in the areas of business and trade than in the area of human rights. As the law that created the CECC states, monitoring China's compliance on respecting human rights is a primary task of the commission. I believe the commission's efforts would be enhanced if staff expertise were more balanced, especially to include more staff who have the passion for promoting human rights in China. While I know that the commission staff is composed of competent and skilled professionals, and they are people of integrity, I have been very disappointed with their shortcomings in human rights and religious freedom advocacy.

For the reasons outlined above, I believe this report has some serious gaps in its coverage of human rights in China and I cannot sign the report.

This commission was created with a mandate to promote human rights in China. Unfortunately, I do not see this happening. Human rights organizations have expressed similar concerns to me and some have even questioned whether the commission should continue to exist. I have similar questions regarding the continued viability of the commission.

Lastly, an observation: the fundamental problem in China in regard to the government's human rights abuses and restriction on human liberty is not the "law" in China, but the "regime" in China. The root problem in China is not just a faulty legal system, but a corrupt, totalitarian, oppressive, communist ruling regime that consistently violates human rights and religious freedom of its own citizens—Roman Catholics, Protestants, Falun Gong practitioners, Muslim Uighurs, Tibetan Buddhists or almost anyone who strives to worship and live with liberty.

RECOGNIZING ST. PAUL'S EVANGELICAL LUTHERAN CHURCH ON THE OCCASION OF ITS 175TH ANNIVERSARY

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Mr. REYNOLDS. Mr. Speaker, I rise today to recognize the 175th Anniversary of St. Paul's Lutheran Church in Eggertsville, New York.

Throughout this coming weekend, parishioners will gather for a variety of celebrations to honor this milestone, and dedicate recent building renovations.

First incorporated on December 18, 1827, St. Paul's was founded by Rev. Vincent Phillip Meyerhoffer, a Hungarian immigrant who served as a Chaplain in the Austro-Hungarian Empire in the Napoleonic wars. Rev. Meyerhoffer came to Buffalo in 1819, and founded St. Paul's in order to serve the area's German-speaking population.

Mr. Speaker, since its inception, St. Paul's Evangelical Lutheran Church has been an important part of the spiritual and of civic life of our community; and I ask that this Congress join me in wishing the clergy and parishioners of St Paul's Evangelical Lutheran Church our sincerest best wishes on its 175th Anniversary celebration.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE PATSY T. MINK, MEMBER OF CONGRESS FROM THE STATE OF HAWAII

SPEECH OF

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. CROWLEY. Mr. Speaker, I rise today in sadness at the passing of my colleague and friend PATSY MINK.

But I also rise in great joy and gratitude as I reflect on the paths she cleared for so many people.

PATSY MINK blazed trails for women and people of color. She was a stalwart progressive voice and aggressive leader on issues important to the American people.

She is known all over this great country for her work on minority affairs and equal rights. Various groups have called her an inspirational role model for students and an "American political trailblazer extraordinaire." The National Organization for Women called her a valiant champion.

One of her greatest successes was the passage of Title IX, which she sponsored. Title IX literally leveled the playing field for women in academics and athletics, bringing countless women into athletics in high schools and colleges and universities, and helping to fuel the successes of many professional women's teams today.

PATSY MINK's biggest fans were also her most important fans—the people she represented in Congress for 24 years, as well as the Hawaii Legislature and the Honolulu City Council, where she consistently advocated on behalf of and delivered for her constituents. This tireless work explains why her local papers described her as "a true champion of the people."

While there are words in honor of her vibrant life in service to the American people, perhaps the most fitting tribute is to strive to capture her extraordinary spirit in this great House as we continue the critical work she devoted her life to achieving—expanding job and education opportunities for women, promoting peace in our troubled world, and fighting for social justice.

My own special memory of PATSY was of the annual gift of chocolate covered macadamia nuts she gave Members of Congress from her native Hawaii. She was not only thoughtful, she was an all around class act.

Mr. Speaker, we all came to Congress to help better the lives of people we represent. We fight hard everyday to achieve results that will improve the quality of life for people in our hometowns. But few can claim the results that PATSY MINK delivered for the people of Hawaii. She is an inspiration to all of us. While being a role model for so many young people in Hawaii and across the nation, she is also a role model for each of us.

God bless her distinguished career in public service. And may God bless her family.

SENATE—*Monday, October 7, 2002*

The Senate met at 11:59 a.m. and was called to order by the Honorable ERNEST F. HOLLINGS, a Senator from the State of South Carolina.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, strength for those who seek You, hope for those who trust You, courage for those who rely on You, peace for those who follow You, wisdom for those who humble themselves before You, and power for those who seek to glorify You, we begin this new week filled with awesome responsibilities and soul-sized issues and confess our need for You. We are irresistibly drawn into Your presence by the magnetism of Your love and by the magnitude of challenges we face. Our desire to know Your will is motivated by Your greater desire to help us. We thank You for the women and men of this Senate. Bless them as they debate the resolution on war with Iraq. Help them maintain a spirit of unity as they press on with honest, open discussion and come to a conclusion which is best for our Nation and the world. You are our Lord and Saviour. Amen

PLEDGE OF ALLEGIANCE

The Honorable ERNEST F. HOLLINGS led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, October 7, 2002.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ERNEST F. HOLLINGS, a Senator from the State of South Carolina, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. HOLLINGS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada, the acting majority leader, is recognized.

SCHEDULE

Mr. REID. Mr. President, under the order that is now before the Senate, the Chair will shortly announce morning business for half an hour on both sides, with the Democrats controlling the first half.

ORDER OF PROCEDURE

As a courtesy to the Senator from Pennsylvania, Mr. SPECTER, we are going to extend the morning business on both sides for an extra 15 minutes, so it will be 45 minutes on both sides, with the first 15 minutes of time of the majority under the control of Senator KENNEDY, and the second half hour under the control of Senator WYDEN. At approximately 12:50, or whenever the minority begins their morning business time, the Senator from Pennsylvania, Mr. SPECTER, will be recognized for the first half hour, and I ask unanimous consent for this time agreement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I further say in light of this agreement, morning business will extend until approximately 1:45, at which time the Senate will resume consideration of S.J. Res. 45, with the time until 4 p.m. equally divided and controlled between the two leaders or their designees, with Senators permitted to speak for up to 15 minutes each.

I hope Senators will recognize they do not have the rest of this month to speak on Iraq. The time is now for Senators to do that. We ask they do so as quickly as possible, and limit their speeches to 15 minutes.

Mr. SPECTER. May I seek a point of clarification. This Senator has 30 minutes starting at 12:50?

Mr. REID. Approximately 12:50.

The majority leader asked me to announce there will be no votes today.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

IRAQ

Mr. KENNEDY. Mr. President, we face no more serious decision in our democracy than whether or not to go to war. The American people deserve to fully understand all of the implications of such a decision.

The question of whether our Nation should attack Iraq is playing out in the context of a more fundamental debate that is only just beginning—an all-important debate about how, when and where in the years ahead our country will use its unsurpassed military might.

On September 20, the administration unveiled its new National Security Strategy. This document addresses the new realities of our age, particularly the proliferation of weapons of mass destruction and terrorist networks armed with the agendas of fanatics. The Strategy claims that these new threats are so novel and so dangerous that we should "not hesitate to act alone, if necessary, to exercise our right of self-defense by acting preemptively."

In the discussion over the past few months about Iraq, the administration, often uses the terms "pre-emptive" and "preventive" interchangeably. In the realm of international relations, these two terms have long had very different meanings.

Traditionally, "pre-emptive" action refers to times when states react to an imminent threat of attack. For example, when Egyptian and Syrian forces mobilized on Israel's borders in 1967, the threat was obvious and immediate, and Israel felt justified in preemptively attacking those forces. The global community is generally tolerant of such actions, since no nation should have to suffer a certain first strike before it has the legitimacy to respond.

By contrast, "preventive" military action refers to strikes that target a country before it has developed a capability that could someday become threatening. Preventive attacks have generally been condemned. For example, the 1941 sneak attack on Pearl Harbor was regarded as a preventive strike by Japan, because the Japanese were seeking to block a planned military buildup by the United States in the Pacific.

The coldly premeditated nature of preventive attacks and preventive wars makes them anathema to well-established international principles against aggression. Pearl Harbor has been rightfully recorded in history as an act of dishonorable treachery.

Historically, the United States has condemned the idea of preventive war, because it violates basic international rules against aggression. But at times in our history, preventive war has been seriously advocated as a policy option.

In the early days of the cold war, some U.S. military and civilian experts advocated a preventive war against the

Soviet Union. They proposed a devastating first strike to prevent the Soviet Union from developing a threatening nuclear capability. At the time, they said the uniquely destructive power of nuclear weapons required us to rethink traditional international rules.

The first round of that debate ended in 1950, when President Truman ruled out a preventive strike, stating that such actions were not consistent with our American tradition. He said, "You don't 'prevent' anything by war . . . except peace." Instead of a surprise first strike, the nation dedicated itself to the strategy of deterrence and containment, which successfully kept the peace during the long and frequently difficult years of the Cold War.

Arguments for preventive war resurfaced again when the Eisenhower administration took power in 1953, but President Eisenhower and Secretary of State John Foster Dulles soon decided firmly against it. President Eisenhower emphasized that even if we were to win such a war, we would face the vast burdens of occupation and reconstruction that would come with it.

The argument that the United States should take preventive military action, in the absence of an imminent attack, resurfaced in 1962, when we learned that the Soviet Union would soon have the ability to launch missiles from Cuba against our country. Many military officers urged President Kennedy to approve a preventive attack to destroy this capability before it became operational. Robert Kennedy, like Harry Truman, felt that this kind of first strike was not consistent with American values. He said that a proposed surprise first strike against Cuba would be a "Pearl Harbor in reverse."

For 175 years, [he said] we have not been that kind of country.

That view prevailed. A middle ground was found and peace was preserved.

Yet another round of debate followed the Cuban Missile Crisis when American strategists and voices in and out of the administration advocated preventive war against China to forestall its acquisition of nuclear weapons. Many arguments heard today about Iraq were made then about the Chinese communist government: that its leadership was irrational and that it was therefore undeterrable. And once again, those arguments were rejected.

As these earlier cases show, American strategic thinkers have long debated the relative merits of preventive and pre-emptive war. Although nobody would deny our right to pre-emptively block an imminent attack on our territory, there is disagreement about our right to preventively engage in war.

In each of these cases a way was found to deter other nations, without waging war.

Now, the Bush Administration says we must take pre-emptive action against Iraq. But what the Administration is really calling for is preventive war, which flies in the face of international rules of acceptable behavior.

There is no doubt that Saddam Hussein is a despicable dictator and that he must be disarmed. But the Administration has not made a persuasive case that the threat is so imminent that we should risk going it alone. We should resort to war only as a last resort. If we work through the United Nations for free, unfettered inspections, we strengthen our hand with our allies, our hand against Saddam Hussein and our ability to disarm him.

The Administration's new National Security Strategy states "As a matter of common sense and self-defense, America will act against such emerging threats before they are fully formed."

The circumstances of today's world require us to rethink this concept. The world changed on September 11, and all of us have learned that it can be a drastically more dangerous place. The Bush administration's new National Security Strategy asserts that global realities now legitimize preventive war and make it a strategic necessity.

The document openly contemplates preventive attacks against groups or states, even absent the threat of imminent attack. It legitimizes this kind of first strike option, and it elevates it to the status of a core security doctrine. Disregarding norms of international behavior, the Bush strategy asserts that the United States should be exempt from the rules we expect other nations to obey.

I strongly oppose any such extreme doctrine and I'm sure that many others do as well. Earlier generations of Americans rejected preventive war on the grounds of both morality and practicality, and our generation must do so as well. We can deal with Iraq without resorting to this extreme.

It is impossible to justify any such double standard under international law. Might does not make right. America cannot write its own rules for the modern world. To attempt to do so would be unilateralism run amok. It would antagonize our closest allies, whose support we need to fight terrorism, prevent global warming, and deal with many other dangers that affect all nations and require international cooperation. It would deprive America of the moral legitimacy necessary to promote our values abroad. And it would give other nations—from Russia to India to Pakistan—an excuse to violate fundamental principles of civilized international behavior.

The administration's doctrine is a call for 21st century American imperialism that no other nation can or should accept. It is the antithesis of all that America has worked so hard to achieve in international relations since the end of World War II.

This is not just an academic debate. There are important real world consequences. A shift in our policy toward preventive war would reinforce the perception of America as a "bully' in the Middle East and would fuel anti-American sentiment throughout the Islamic world and beyond.

It would also send a signal to governments the world over that the rules of aggression have changed for them too, which could increase the risk of conflict between countries such as Russia and Georgia, India and Pakistan, and China and Taiwan.

Obviously, this debate is only just beginning on the administration's new strategy for national security. But the debate is solidly grounded in American values and history.

It will also be a debate among vast numbers of well-meaning Americans who have honest differences of opinion about the best way to use United States military might. The debate will be contentious, but the stakes, in terms of both our national security and our allegiance to our core beliefs, are too high to ignore.

I look forward to working closely with my colleagues in Congress to develop an effective, principled policy that will enable us to protect our national security, and respect the basic principles that are essential for the world to be at peace.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

(The remarks of Mr. WYDEN and Mr. HATCH pertaining to the introduction of S. 3063 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I have sought recognition, as noted, to discuss the pending resolution. At the outset, I commend the President for coming to Congress. Originally the position had been articulated by the White House that congressional authority was not necessary. The President, as Commander in Chief, has the authority under the Constitution to act in cases of emergency. But if there is time for discussion, deliberation, and debate, then in my view it is a matter for the Congress.

Senator HARKIN and I introduced a resolution on July 18 of this year calling for the President to come to Congress before using military force.

When the President made his State of the Union speech and identified the axis of evil as Iran, Iraq, and North Korea, followed by the testimony of Secretary of State Powell that there was no intention to go to war against either North Korea or Iran, it left the obvious inference that war might be in the offing as to Iraq.

I spoke extensively on the subject back on February 13, 2002, raising a number of issues: What was the extent of Saddam Hussein's control over weapons of mass destruction? What would it cost by way of casualties to topple Saddam Hussein? What would be the consequence in Iraq? Who would govern after Saddam was toppled? What would happen in the region, the impact on the Arab world, and the impact on Israel? I believe it is vastly preferable on our resolution to focus on the question of weapons of mass destruction as opposed to the issue of regime change. When we talk about regime change, there is a sense in many other nations that the United States is seeking to exert its will on another sovereign nation. Much as Saddam Hussein deserves to be toppled, when we move away from the focus of containing weapons of mass destruction, it is my view we lose a great deal of our moral authority.

There is no doubt Saddam Hussein has been ruthless in the use of weapons of mass destruction with the use of chemicals on his own people, the Kurds, and in the Iran-Iraq war. There is very substantial evidence Saddam Hussein has storehouses of biological weapons, and there is significant evidence he is moving as fast as he can toward nuclear weapons. So when we talk about self-defense, when we talk about ridding the world of the scourge, that is a very high moral ground. When we talk about regime change, it raises the concern of many leaders of many nations as to who is next—maybe they are next.

I suggest it is possible to achieve regime change in a way superior to articulating or planning an attack with the view to toppling Saddam Hussein. I believe the way to achieve regime change, consistent with international principles, is to try Saddam Hussein as a war criminal. I introduced a resolution on March 2, 1998, which was passed by the U.S. Senate on March 13, 1998, calling for the creation of a military tribunal, similar to the war crimes tribunal at The Hague, similar to the war crimes tribunal in Rwanda, so that Saddam Hussein could be tried as a war criminal. There is no doubt on the evidence available that Saddam Hussein has committed war crimes. Without going into all of the details set forth in the resolution, I ask unanimous consent that it be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. Herein, there is a very ample statement for the basis for trying Saddam Hussein and trying him successfully as a war criminal. In doing that, we would be following the precedent of trying former Yugoslavian President Milosevic as a war criminal. I have made some seven visits to The Hague and have participated in marshaling U.S. resources from the Department of Justice, also specifically from the FBI, also from the CIA during the 104th Congress back in 1995 and 1996, when I was chairman of the Intelligence Committee; and we now see the head of state, Slobodan Milosevic, on trial.

We had the experience of the war crimes tribunal in Rwanda, which achieved an international precedent in convicting former Prime Minister Jean Kambanda of Rwanda, the first head of state to be convicted. He is now serving a life sentence.

So it is my suggestion that the objective of regime change can be accomplished in accordance with existing international standards, on a multilateral basis, without having other nations in the world saying the superpower United States is trying to throw its weight around. It might take a little longer, but as is evidenced from the proceedings in Rwanda as to the former Prime Minister of Rwanda, and as evidenced from the proceedings of Milosevic, that is an ordinary successful progress of the law. The most difficult issue pending on the resolutions as to the use of force on Iraq, the most difficult issue, in my opinion, is the question of whether the United Nations authorizes the use of force.

I commend the President for his efforts to organize an international coalition. President George Herbert Walker Bush did organize an international coalition in 1991, and prosecuted the war against Iraq with great success, enlisting the aid of the Arab nations, including Egypt, Syria, and other countries. That is the preferable way to proceed, if it can be accomplished.

The obvious difficulty in conditioning the President's authority to use force on a United Nations resolution is the United States would be subjecting itself to the veto by either China, or Russia, or even France, and we prize our sovereignty very highly—justifiably so. The conundrum, then, is whether we will get that kind of an international coalition that would have the weight of world public opinion, would have the weight of the U.N. behind them.

The difficulties of having the United States act alone would be the precedent that would be set. It could be a reference point for China, for example, looking at Taiwan, where China has made many bellicose warlike statements as to its disagreements with Taiwan. If the United States can act unilaterally, or without United Nations sanction, there would be a potential argument for a country like China proceeding as to Taiwan. There would be a potential argument for a nation like India proceeding as to Pakistan, or vice versa, Pakistan proceeding as to India, which could be a nuclear incident. Both of those countries have nuclear power.

This is a question I believe has to be debated on the floor of the U.S. Senate. I have not made up my mind as to whether it is preferable to condition the use of force on a United Nations resolution, and I am cognizant of the difficulties of giving up sovereignty and being subject to the veto of China, which I don't like at all, or being subject to the veto of Russia, which I don't like at all, or being subject to the veto of France, again something I do not like. But I think we have to recognize when we are authorizing the use of force, and if the President takes the authorization and is not successful going to the U.N. to get a coalition, we will be establishing a precedent that may have ramifications far into the future, at some point in time when the United States may not be the superpower significantly in control of the destiny of the world with our great military power.

I am glad to see the President is moving ahead with an effort to get inspections in the United Nations, and Secretary of State Powell met last Friday with the U.N. inspection chief, who agreed there ought to be broader authority for the U.N. inspection than that which was in place in 1998 when Iraq ousted the U.N. inspectors. Hans Blix supported the position the United States has taken. Yesterday, on a Sunday talk show, the Iraqi Ambassador to the U.N. made a comment to the effect there was no huge problem on having U.N. inspectors come, even to the Presidential compounds.

That is probably a typical Iraqi statement: holding out an offer one day and revoking it the next. I do believe it is important that we exhaust every possible alternative before resorting to the use of our armed forces, and to have the inspectors go back into Iraq is obviously desirable. We must have the inspectors, though, go into Iraq in a context where there are no holds barred.

In August, Senator SHELBY and I visited the Sudan. The Sudan is now interested in becoming friendly with the United States. Our former colleague, Senator Jack Danforth, has brokered the basic peace treaty which still has to be implemented in many respects. But as a part of the new Sudanese approach, the Government of Sudan has allowed U.S. intelligence personnel to go to Sudanese factories, munitions plants, and laboratories with no announcement or minimal announcement of just an hour, break locks, go in, and conduct inspections. That would be a good model for the inspection of Iraq. If, in fact, the Iraqis will allow unfettered, unlimited inspections, it is conceivable that would solve the problem with respect to the issue of weapons of mass destruction.

Certainly that ought to be pursued to the maximum extent possible. If, and or when the Iraqis oust the U.N. inspectors or limit the U.N. inspectors, raising again the unmistakable inference that Saddam Hussein has something to hide, then I think there is more reason to resort to force as a last alternative and, in that context, a better chance to get other countries, perhaps countries even in the Arab world, to be supportive of the use of force against Iraq at the present time as they were in the gulf war in 1991.

Extensive consideration has to be given, in my judgment, to the impact on the Arab world. Egyptian President Mubarak has been emphatic in his concern as to what the impact will be there. So we ought to make every effort we can to enlist the aid of as many of the nations in the Arab world as possible.

If Saddam Hussein rebuffs the United Nations, again raising the unmistakable inference that he has something to hide, then I think the chances of getting additional allies there would be improved.

With respect to the situation with Israel, there is, again, grave concern that a war with Iraq will result in Scud missiles being directed toward Israel. Some 39 of those Scud missiles were directed toward Israel during the gulf war. Their missile defense system was not very good. Now we know that Israel has the Arrow system, but still all of Israel is not protected. The Arrow system has not been adequately tested.

In the gulf war in 1991, the Israeli Prime Minister Yitzhak Shamir honored the request of President Bush not to retaliate. It is a different situation at the present time with Israeli Prime Minister Sharon having announced if Israel is attacked, Israel will not sit back again.

When former National Security Adviser Brent Scowcroft published a very erudite op-ed piece in the Wall Street Journal in August, he raised the grave concern that with Israeli nuclear power, there could be an Armageddon in the Mideast. Former National Security Adviser Brent Scowcroft was advising caution; that we ought not proceed without exhausting every other alternative.

A similar position was taken by former Secretary of State James Baker in an op-ed piece, again in August, in the New York Times urging that inspections be pursued as a way of possibly avoiding a war.

DELEGATION OF CONGRESSIONAL AUTHORITY

Mr. SPECTER. Mr. President, one other issue is of concern to me, and that is the question of delegation of congressional authority to the President. The constitutional mandate—and I spoke to this subject last Thursday and will not repeat a good bit of what I said—but the doctrine of separation of powers precludes the Congress from delegating its core constitutional authority to the executive branch.

I had occasion to study that subject in some detail on the question of the delegation of congressional authority on base-closing commissions. There is a substantial body of authority on the limitations of the delegation of congressional authority.

In an extensive treatise by Professor Francis Wormuth, professor of political science at the University of Utah, and Professor Edwin Firmage, professor of law at the University of Utah, the historical doctrines were reviewed leading to a conclusion that the Congress may not delegate the authority to engage in war.

If we authorize the President to use whatever force is necessary, that contemplates future action. While no one is going to go to court to challenge the President's authority, that is of some concern, at least to this Senator.

I discount the argument of those who say that regime change of Saddam Hussein is motivated by the failure to finish the job in 1991 or Saddam's efforts to assassinate President Bush, the elder. While it is true that Vice President CHENEY and Secretary of State Powell were principal participants as Secretary of Defense and as Chairman of the Joint Chiefs of Staff on the decision not to march to Baghdad in 1991, their experience benefits the United States in this current situation.

I further discount the argument that President George W. Bush seeks to correct any mistakes of his father or that it is a personal matter, as some have argued, from his comment: The guy tried to kill my dad. I am not unaware of the psychologist's contentions that motives are frequently mixed and hard to sort out, but I do think our Nation is fortunate to have the leadership of President Bush, Vice President CHENEY, and Secretary Powell at this perilous time.

I have been briefed by administration officials on a number of occasions, and I am looking forward to another briefing tomorrow by National Security Adviser Condoleezza Rice and CIA Director George Tenet.

There is substantial information about the weapons of mass destruction which Saddam Hussein has available, but I am interested in knowing with greater precision, to the extent that the administration can release it, the situation with regard to Saddam's efforts to develop nuclear weapons.

In evaluating the time when preemptive action may be used, Secretary of State Daniel Webster, in dealing with the so-called Caroline incident, in 1837, when British troops attacked and sank an American ship, then-Secretary of State Webster made a point that an intrusion into the territory of another State can be justified as an act of self-defense only in those:

> Cases in which the necessity of that self-defense is instant, overwhelming and leaves no choice of means and no moment of deliberation.

It is very relevant, on an evaluation of meeting that goal, as to just where Iraq stands on the weapons of mass destruction. In previous briefings, I have sought the administration plan as to what will be done after Saddam Hussein is toppled, and I think that is an area where a great deal more thought needs to be given. The situation in Iraq would obviously be contentious, with disputes between the Sunnis and the Shi'ites, with the interests of the Kurds in an independent state, and it means a very long-term commitment by the United States.

We know the problems we have in Afghanistan. Iraq has to defray some of the costs, but what happens after Saddam Hussein is toppled has yet to be answered in real detail.

On the issue of a battle plan, perhaps that is too much for the administration to tell the Congress, but as a Senator representing 12 million Pennsylvanians, in a country of 280 million Americans, I think we ought to have some idea as to how we are going to proceed and what the casualties may be.

All of this is to say there are many questions and many issues to be considered. The predictions are numerous that the Congress of the United States will pass a resolution authorizing the use of force by an overwhelming majority. I am not prepared to disagree with that. And on a proper showing of the imminence of problems with Saddam Hussein and on a proper showing that this is the last recourse, my vote may well be cast with the administration as well. But I am interested in hearing debate on the floor of the Senate as to the relative merits of requiring U.N. multilateral action as a condition for the use of force, contrasted with U.S. unilateral action.

If we require U.N. multilateral action, we do subject ourselves to the veto of France, China, and Russia, which is undesirable. If we authorize the use of force unilaterally by the President, then we may well be setting a precedent which could come back to haunt us with nations such as China going after Taiwan or a nation such as India or Pakistan going after the other.

I look forward to the additional briefing tomorrow, and I look forward to the debate which we will be having on the Senate floor on these very important issues.

I note that the distinguished President pro tempore has come to the floor. While this is not prearranged and I have not given him any warning—although I do not think Senator BYRD needs any warning on constitutional issues—I would be interested in the views of the Senator from West Virginia, if he cares to give them, on this issue of delegation of authority.

Earlier in my presentation, as I said last Thursday, I talked about this issue and referred to the treatise by Professors Wormuth and Firmage of the University of Utah where in a chapter devoted to the delegation of the war power the professors say:

> That Congress may not transfer to the executive . . . functions for which Congress itself has been made responsible. Of course, the power to declare war is a core congressional responsibility.

Chief Justice Marshall said—and I am leaving out some of the irrelevant parts—it will not be contended Congress can delegate powers which are exclusively legislative. And Hamilton argued in the Federalist to the effect that it is impossible for Congress to enact governing standards for launching future wars and, thus, spoke about the impermissibility of delegating the power to declare war.

The treatise notes the prohibition against the delegation of such power:

> To initiate a war in a future international environment in which significant details, perhaps even major outlines, change from month to month or even from day to day. The posture of international affairs of the future cannot be known to Congress at the time the resolution is passed.

According to Henry Clay, a great Senator, the Constitution requires that Congress itself appraise the immediate circumstances before the Nation voluntarily enters into a state of war.

Clay's argument went beyond that. He argued that:

> Congress itself cannot make a declaration of a future war dependent upon the occurrence of stipulated facts, because war is an enterprise in which all the contemporary circumstances must be weighed.

If we adopt the resolution, we will be saying that the President has the authority to use force, and that will be a decision which the President will make in futuro—some time in the future.

I am interested in the views of my distinguished colleague from West Virginia as to whether that is an unconstitutional or constitutional delegation of Congress' authority to declare war.

The PRESIDING OFFICER (Mrs. LINCOLN). The Senator from West Virginia.

Mr. BYRD. The distinguished Senator from Pennsylvania does me great honor in making his inquiry. I am not prepared to respond at the moment. I would be interested in reading the treatise by the persons named.

I might suggest that the Supreme Court, in its recent decision with reference to the line-item veto, strongly indicated that Congress cannot cede its powers under the Constitution.

I believe the court in that instance was alluding to certain powers over the purse.

This is a good question the distinguished Senator has posed. Based on his wide and rich experience as a prosecuting attorney, I think such questions as he raised are worthy of our attention. I would certainly want to be better prepared than I am at this moment to attempt to deal with the particular question he has asked. I thank him for his statement. I have been listening to his statement from my office. He raises serious questions which ought to be answered, ought to be debated.

I think we are hurrying too fast into this situation. I, as the Senator from Pennsylvania, have heard all of these predictions as to how fast the Senate and House will act. It may be that the train has gathered such momentum it will not be possible to slow it down, but I hope and pray this decision can be put off until after the election. I think it is too grave a decision. I think our fighting men and women need to be shown much greater regard than this, that we would not rush into having a vote on this resolution before it is adequately debated and amended.

I view with great concern the judgment that history will make of us for rushing into this decision, as we seem to be doing. I am concerned that Members of both Houses will have their decision tainted by the fact that it is going to be rendered in an atmosphere that is supercharged with politics. I have always had a great deal of confidence in the Senator from Pennsylvania, Mr. SPECTER. He is not one to be rushed or stampeded into making a decision. He always asks questions. He has the courage, the conviction, to stand up and state his principles and ask questions. That is what I hear him doing now. I am sorry I cannot respond to the questions the Senator posed, but I am glad to have this opportunity to make the comment aboout the Senator from Pennsylvania and what he is doing today, the questions he is asking.

Mr. SPECTER. Madam President, I thank my distinguished colleague from West Virginia for his response. I have raised quite a number of questions in the presentation I have made today. I am prepared to honor the President's request that we vote on this matter before we adjourn, but I think we ought to take the time to debate that need. There are a great many questions to be answered.

I look forward to having more of our colleagues on the floor. We were scheduled to go to this resolution at 1 p.m. today, and it is now 1:23. These issues about where the inspections are going to lead are important. These questions about the ramifications of acting alone are important. We do not want to repeat the mistakes of not going after bin Laden, as we had good cause to prior to 9/11.

We accused the generals of always fighting the last war. We have learned a bitter lesson from September 11, and we had cause to act in advance. We have to ask all this.

There is another issue I mention briefly before concluding, and that is the difference in language between the 1991 resolution, which says the President is authorized to use the Armed Forces in order to achieve the implementation of Security Council resolutions, and contrast it with the language of the two resolutions which are now pending, the resolution introduced by Senator LIEBERMAN and another resolution introduced by Senators DASCHLE and LOTT which say the President is authorized to use all means he determines to be appropriate.

"All means that the President deems to be appropriate" is a subjective standard, which is different from the authority which the Congress gave President Bush in 1991, saying the President is authorized to use the U.S. Armed Forces in order to achieve implementation of Security Council resolutions, which we call in the law "objective standard" as opposed to subjective standard.

When we have other Senators on the floor, I will look for an opportunity to discuss this and to have a clarification as to what is meant here.

I thank the Chair. I thank my colleague from West Virginia.

EXHIBIT 1

S. CON. RES. 73

Whereas the International Military Tribunal at Nuremberg was convened to try individuals for crimes against international law committed during World War II;

Whereas the Nuremberg tribunal provision which held that "crimes against international law are committed by men, not by abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced" is as valid today as it was in 1946;

Whereas, on August 2, 1990, and without provocation, Iraq initiated a war of aggression against the sovereign state of Kuwait;

Whereas the Charter of the United Nations imposes on its members the obligations to "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state";

Whereas the leaders of the Government of Iraq, a country which is a member of the United Nations, did violate this provision of the United Nations Charter;

Whereas the Geneva Convention Relative to the Protection of Civilian Persons in Times of War (the Fourth Geneva Convention) imposes certain obligations upon a belligerent State, occupying another country by force of arms, in order to protect the civilian population of the occupied territory from some of the ravages of the conflict;

Whereas both Iraq and Kuwait are parties to the Fourth Geneva Convention;

Whereas the public testimony of witnesses and victims has indicated that Iraqi officials violated Article 27 of the Fourth Geneva Convention by their inhumane treatment and acts of violence against the Kuwaiti civilian population;

Whereas the public testimony of witnesses and victims has indicated that Iraqi officials violated Articles 31 and 32 of the Fourth Geneva Convention by subjecting Kuwaiti civilians to physical coercion, suffering and extermination in order to obtain information;

Whereas in violation of the Fourth Geneva Convention, from January 18, 1991, to February 25, 1991, Iraq did fire 39 missiles on

Israel in 18 separate attacks with the intent of making it a party to war and with the intent of killing or injuring innocent civilians, killing 2 persons directly, killing 12 people indirectly (through heart attacks, improper use of gas masks, choking), and injuring more than 200 persons;

Whereas Article 146 of the Fourth Geneva Convention states that persons committing "grave breaches" are to be apprehended and subjected to trial;

Whereas, on several occasions, the United Nations Security Council has found Iraq's treatment of Kuwaiti civilians to be in violation of international law;

Whereas, in Resolution 665, adopted on August 25, 1990, the United Nations Security Council deplored "the loss of innocent life stemming from the Iraq invasion of Kuwait";

Whereas, in Resolution 670, adopted by the United Nations Security Council on September 25, 1990, it condemned further "the treatment by Iraqi forces on Kuwait nationals and reaffirmed that the Fourth Geneva Convention applied to Kuwait";

Whereas, in Resolution 674, the United Nations Security Council demanded that Iraq cease mistreating and oppressing Kuwaiti nationals in violation of the Convention and reminded Iraq that it would be liable for any damage or injury suffered by Kuwaiti nationals due to Iraq's invasion and illegal occupation;

Whereas Iraq is a party to the Prisoners of War Convention and there is evidence and testimony that during the Persian Gulf War, Iraq violated articles of the Convention by its physical and psychological abuse of military and civilian POW's including members of the international press;

Whereas Iraq has committed deliberate and calculated crimes of environmental terrorism, inflicting grave risk to the health and well-being of innocent civilians in the region by its willful ignition of 732 Kuwaiti oil wells in January and February, 1991;

Whereas President Clinton found "compelling evidence" that the Iraqi Intelligence Service directed and pursued an operation to assassinate former President George Bush in April 1993 when he visited Kuwait;

Whereas Saddam Hussein and other Iraqi officials have systematically attempted to destroy the Kurdish population in Iraq through the use of chemical weapons against civilian Kurds, campaigns in 1987–88 which resulted in the disappearance of more than 182,000 persons and the destruction of more than 4,000 villages, the placement of more than 10 million landmines in Iraqi Kurdistan, and ethnic cleansing in the city of Kirkuk;

Whereas the Republic of Iraq is a signatory to international agreements including the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, and the POW Convention, and is obligated to comply with these international agreements;

Whereas section 8 of Resolution 687 of the United Nations Security Council, adopted on April 3, 1991, requires Iraq to "unconditionally accept the destruction, removal, or rendering harmless, under international supervision of all chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support, and manufacturing facilities";

Whereas Saddam Hussein and the Republic of Iraq have persistently and flagrantly violated the terms of Resolution 687 with respect to elimination of weapons of mass destruction and inspections by international supervisors;

Whereas there is good reason to believe that Iraq continues to have stockpiles of chemical and biological munitions, missiles capable of transporting such agents, and the capacity to produce such weapons of mass destruction, putting the international community at risk;

Whereas, on February 22, 1993, the United Nations Security Council adopted Resolution 808 establishing an international tribunal to try individuals accused of violations of international law in the former Yugoslavia;

Whereas, on November 8, 1994, the United Nations Security Council adopted Resolution 955 establishing an international tribunal to try individuals accused of the commission of violations of international law in Rwanda;

Whereas more than 70 individuals have faced indictments handed down by the International Criminal Tribunal for the former Yugoslavia in the Hague for war crimes and crimes against humanity in the former Yugoslavia, leading in the first trial to the sentencing of a Serb jailer to 20 years in prison;

Whereas the International Criminal Tribunal for Rwanda has indicted 31 individuals, with three trials occurring at present and 27 individuals in custody;

Whereas the United States has to date spent more than $24 million for the International Criminal Tribunal for the Former Yugoslavia and more than $20 million for the International Criminal Tribunal for Rwanda;

Whereas officials such as former President George Bush, Vice President Al Gore, General Norman Schwarzkopf and others have labeled Saddam Hussein a war criminal and called for his indictment; and

Whereas a failure to try and punish leaders and other persons for crimes against international law establishes a dangerous precedent and negatively impacts the value of deterrence to future illegal acts: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the President should—

(1) call for the creation of a commission under the auspices of the United Nations to establish an international record of the criminal culpability of Saddam Hussein and other Iraqi officials;

(2) call for the United Nations to form an international criminal tribunal for the purpose of indicting, prosecuting, and imprisoning Saddam Hussein and other Iraqi official who are responsible for crimes against humanity, genocide, and other violations of international law; and

(3) upon the creation of such an international criminal tribunal seek the reprogramming of necessary funds to support the efforts of the tribunal, including the gathering of evidence necessary to indict, prosecute and imprison Saddam Hussein and other Iraqi officials.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. What is the parliamentary situation?

The PRESIDING OFFICER. The majority has 2 minutes 41 seconds remaining in morning business, and the minority has 7 minutes remaining.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. If there is no further business, morning business is closed.

AUTHORIZATION OF THE USE OF UNITED STATES ARMED FORCES AGAINST IRAQ

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S.J. Res. 45, which the clerk will report.

The bill clerk read as follows:

A resolution (S.J. Res. 45) to authorize the use of United States Armed Forces against Iraq.

The PRESIDING OFFICER. Under the previous order, the time until 4 p.m. shall be equally divided and controlled between the two leaders or their designees with Senators permitted to speak therein for up to 15 minutes each.

Mr. BYRD. I ask unanimous consent I may have an additional 5 minutes over the 15.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, tonight at 8:00 p.m., President Bush will make a televised address to speak to the Nation about the threat of Iraq. According to press reports from this weekend, the President is expected to lay out, in detail, his case against Saddam Hussein, including the repressive dictator's long history of violence and aggression.

There is no disagreement about the character of Saddam Hussein, neither on Capitol Hill nor in the minds of every American. But while the President continues to make his case against Saddam Hussein, the issue on the minds of Senators and our constituents is, what exactly is the United States planning to do?

Rather than hearing more about Saddam Hussein—we know enough about him—what we need to hear from the President are answers to our questions about what he plans to do in Iraq. We need to know why the President is demanding that we act now. We need to have some idea of what we are getting ourselves into, what the costs and consequences may be, and what the President is planning to do after the fighting has stopped. After Iraq. After Saddam Hussein. It is not unpatriotic to ask these questions, especially when they are already on the minds of all Americans.

Why now? Those two little words: Why now?

Why now? What has changed in the last year, 6 months, or 2 weeks that would compel us to attack now?

Is Iraq on the verge of attacking the United States? If so, should our homeland security alert be elevated? Shouldn't the President be spending more time with his military advisors in Washington, instead of making campaign speeches all over the country?

The media reports suggest that the administration does not plan to act until February. Why is the President telling Congress it has to act before the elections? Why are our own leaders telling us we have to act before the elections.

What are we signing up for?

We are about to give the President a blank check to deal with Iraq however he sees fit. What exactly is he planning to do with this power?

Does the President have clear objectives for this war? Does he want to disarm Saddam Hussein, or remove him from power?

When might the fighting end? What conditions must be met before the President would determine that the war is over?

The President has said several times that he wants to use force in order to bring Iraq into compliance with its international obligations. Why is he then demanding that Congress go even further and give him a blank check that would give him the power to commit our country to years or even decades of bloody war without the support of our allies?

We have already given the President a blank check to deal with al-Qaida, which he used to invade and occupy Afghanistan. Does the President plan to fight these two wars separately, or will the President combine them into a broader regional campaign?

What will be the costs of this war?

How many troops will be involved? Will we exercise the heavy ground option or will we exercise the heavy air option? Or might we exercise both options? How many reservists will have to leave their jobs to serve in uniform?

Will they be fighting door-to-door combat in downtown Bagdad?

Do our troops have adequate protection against the chemical and biological weapons that Saddam Hussein might employ?

How many American casualties is the Department of Defense anticipating in case the heavy ground option is utilized? How many American casualties is the Department of Defense anticipating. ?

In addition to the cost in blood, war is also a drain on the national treasury. How much will it cost to fight this war and to maintain an occupation force? Larry Lindsey said it would cost $100 billion to $200 billion, talking about this war and what it would cost. One hundred to two hundred billion dollars, and he said: That's nothing. During the Gulf War, our allies contributed $54 billion of the $61 billion cost of the war. Leaving the United States holding the bag for roughly $7 billion, a little over $7 billion out of the $61.1 billion total. Will our allies give us financial assistance in this war? Has anyone been asking them to divvy it up, to help pay the financial cost, or do we plan to shoulder it all?

Do we have the resources to care for our injured and sick veterans when they return from Iraq? Are our hospitals in this country prepared for that event?

Will there be other consequences to a war with Iraq?

How will the war against Iraq affect the fight against terrorism? How many of us will feel safer here in this country at night, when the shades of evening fall? How many of us will feel safer, once an attack against Iraq is launched? Will National Guard troops be removed from important homeland security missions in the United States?

If we act without the approval of the international community, what happens to the international cooperation in the war on terror we worked so hard to foster after 9/11?

How will a war between the United States and Iraq affect regional stability in the Middle East?

What will we do if Iraq attacks Israel? Can we persuade Israel to stay out of the war, or will we just stand by and watch them join in the fighting?

Are we putting more moderate regimes in the Middle East at risk, like Jordan, or Pakistan, which already has nuclear weapons. If a more radical government takes over in Pakistan, are we prepared to act there as well?

What happens after the war?

Who will govern a defeated Iraq?

How long will our troops be expected to occupy Iraq?

Do we expect Iraqis to rise up against Saddam Hussein, or take arms against us?

What plans do we have to prevent Iraq from breaking up and descending into civil war?

How can we contain the instability that will likely result in the north of Iraq that may threaten Turkey, our friend and NATO ally? Are we giving any thought to this? Is anybody in the administration giving thoughts to this question?

In his weekend radio address, the president told us that:

> should force be required to bring Saddam to account, the United States will work with other nations to help the Iraqi people rebuild and form a just government.

What does he mean by that? Is the President advocating a new Marshall Plan for the Middle East? Are the American people ready to make that kind of long-term regional commitment?

How much will the American taxpayer pay to rebuild Iraq? How much will our allies pay? If the United States should act alone in attacking Iraq, can we really expect the rest of the world to help rebuild Iraq after the war? Have any other countries committed to assisting in these peacekeeping duties? If so, how many? Can we afford to rebuild Iraq and Afghanistan at the same time? We may have to rebuild Israel as well.

I have a lot of questions. The American people have a lot of questions. But apparently the American people are not going to be asked. They are not going to be given the opportunity to ask their questions.

We are going to be stampeded and rushed pellmell into a showdown right here in the Senate and in the House, and in the next few days. Why all the hurry? Why are we in such a hurry? Election day is 4 weeks away from tomorrow. Wouldn't it be better to go home and listen to the people, hear what they have to say, and answer their questions before voting on this far-reaching, grave, and troubling question?

Every one of the questions the American people have is important. Without better answers from the President, we will only be getting part of the story, which is a dangerous position for Congress to be in as we prepare to vote on a war resolution this week or next week.

It is a sad thing that the elected representatives of the American people are being asked to vote on this troubling question before the election.

But the administration is not giving us meaningful answers to these questions. All we are getting are vague threats and political pressure from the White House. The President has not backed up his case against Iraq with a consistent justification based on clear reason and evidence. When the President and his advisers are pressed for clarity, they have responded with evasive and confusing references to the dangers of terrorism which they now seem to think has more to do with Saddam Hussein than Osama bin Laden. Defense Secretary Rumsfeld revealed that recently when he told the Senate Armed Services Committee:

> I suggest that any who insist on perfect evidence are back in the 20th century and still thinking in pre-9-11 terms.

In other words, it is just too hard for them to answer all of these questions, so Congress should just hand everything over to the President, and he will determine by himself what is "necessary and appropriate" when the time comes. Until then, the administration will provide Congress and the American people with very little information.

We need to know this information, and we need to know it now, before we are pressured into making a hasty decision about whether to send the sons and daughters of Americans to war in a foreign land; namely, Iraq.

The President's military doctrine will give him a free hand to justify almost any military action with unsubstantiated allegations and arbitrary risk assessments, and Congress is about to rubberstamp that doctrine and simply step out of the way.

I cannot understand why much of the leadership of this Congress has bought into the administration's political pressure. Congress will be out of the business of making any decisions about war, and the voice of the people will quickly be drowned out by the White House beating the drums of war.

There is no need for Congress to underwrite the President's new military doctrine. If the United States uses force against Iraq, then Congress can provide the President with enough authority to act decisively in Iraq. Any further actions the President wants to take should be decided on a case-by-case basis. We should not get carried away by all of the war rhetoric and turn this Iraq resolution into a blank check for the President to enforce some vague new doctrine in every corner of the Middle East or the world beyond. Granting him such broad power would not only set a dangerous international precedent but would severely undermine our own constitutional system of checks and balances.

Some say that the process laid out in the Constitution will be satisfied once Congress votes on whether to authorize war. But Congress must not grant the use of force authorization without a full understanding of the consequences. We will be voting to decide whether we will allow the President to declare war at his convenience for an unlimited period of time. That does not satisfy the Constitution. After all, the President has repeatedly said he has not decided whether we must go to war.

Do we want to just give the President and all future Presidents an authorization for war that they can put in their hip pockets, to be pulled out whenever it is convenient? That is not the course of action worthy of the greatness the Founding Fathers expected when they created the legislative branch.

We should not have this vote on the issue for war or for peace before the Congress has answers to these questions. The President, when he speaks to the Nation tonight, must provide real answers to these questions that the American people are asking.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I say to my valued friend and colleague on the Senate Armed Services Committee that I thought we had an excellent debate on Friday afternoon, at which time a number of the points the Senator from West Virginia raised today were discussed. But I believe the administration has worked diligently in consultation with the Congress—most particularly the appropriate committees—the Senate Armed Services Committee, on which my colleague from West Virginia and I are privileged to serve, and also our colleague from Georgia, as well as the Foreign Relations Committee.

These questions, I believe, and the information that can be made available are and perhaps will again in the next day or so be made available to the Congress. I know I have, I say to my good friend from West Virginia, pressed the administration to see whether or not further information that now has classification can be given.

I and other Members of the Senate were back with our constituencies this weekend. I had about five meetings with my constituents at various places, and foremost in their minds is the seriousness of this situation we face with Saddam Hussein and his regime which possesses these weapons of mass destruction.

I believe this debate is evolving. I believe the Congress is in possession of those facts to justify a vote on the resolution, which Senator LIEBERMAN, Senator BAYH, Senator MCCAIN, and I have drawn up in accordance with consultations with the White House and the leadership.

I thought we got off to a good start on Friday. I thank my colleague for the opportunity to debate him—and we do very vigorously, and undoubtedly we will continue. But I believe, if I might say respectfully to my colleague from West Virginia, it is a good, strong record for the Congress and the American people. And there may be additional facts forthcoming. Certainly, we should await the President's message to the Nation and to the world with great respect because he has time and time again said war is the last option, the use of force is the last option. He pursued diligently diplomatic means before, not only with the United Nations but in one-to-one meetings himself, and the Secretary of State with the heads of state and governments in a great many nations.

I believe progress has been made in all directions.

I thank the Chair. I thank my colleague. I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CLELAND. Madam President, we as Members of the Senate, are now being asked by the Commander in Chief to make the most serious decision we can make: the decision to authorize him potentially to send our young American men and women in the American military into harm's way. When I was a young man in the mid-1960s, the U.S. Congress authorized the use of force against North Vietnam, and I volunteered to fight in that war. Three times since I came to the Senate—on Iraq in 1998, on Kosovo in 1999, and then last year on al-Qaida and international terrorism—I have been asked by the Commander in Chief to authorize the use of military force to achieve our Nation's objectives, and all three times I voted to authorize the use of force. This is now the fourth occasion I have been asked to give my consent to such action, and each time I have thought back to the words of one who occupied the same seat in the Senate I now have the privilege to hold, Dick Russell. Senator Russell said:

> While it is a sound policy to have limited objectives, we should not expose our men to unnecessary hazards to life and limb in pursuing them. As for me, my fellow Americans, I shall never knowingly support a policy of sending even a single American boy overseas to risk his life in combat unless the entire civilian population and wealth of our country—all that we have and all that we are—is to bear a commensurate responsibility in giving him the fullest support and protection of which we are capable.

That was a marvelous quote by Senator Russell in the 1960s.

While we need to update Senator Russell's statement to encompass the young women who now also put themselves into harm's way when we go to war, I think it stands the test of time very well and speaks to us all now as we contemplate our second declaration of war in the last 12 months. I believe its counsel of limited ends but sufficient means is sage advice now, as it was when first uttered under the shadow of the Vietnam war.

The leading military analyst of the Vietnam War, the late Col. Harry Summers, wrote in his excellent book, "On Strategy: The Vietnam War in Context":

> The first principle of war is the principle of The Objective. It is the first principle because all else flows from it . . . How to determine military objectives that will achieve or assist in achieving the political objectives of the United States is the primary task of the military strategist, thus the relationship between military and political objectives is critical. Prior to any future commitment of U.S. military forces our military leaders must insist that the civilian leadership provide tangible, obtainable political goals. The political objective cannot merely be a platitude but must be stated in concrete terms. While such objectives may very well change during the course of the war, it is essential that we begin with an understanding of where we intend to go. As Clausewitz said, we should not "take the first step without considering the last." In other words, we (and perhaps, more important, the American people) need to have a definition of "victory."

Colonel Summers continues:

> There is an inherent contradiction between the military and its civilian leaders on this issue. For both domestic and international political purposes the civilian leaders want maximum flexibility and maneuverability and are hesitant to fix on firm objectives. The military on the other hand need just such a firm objective as early as possible in order to plan and conduct military operations.

Since we are indeed being asked to authorize the commitment of U.S. military forces, it is our responsibility—I would say it is our obligation—as the civilian leadership to provide our Armed Forces with "tangible, obtainable political goals." In other words, we have to define now, before the fighting starts, what the objective is.

It is crystal clear to me what the appropriate, achievable, internationally supported and sanctioned objective is at the present time and in the present case: not simply the admission of weapons inspectors but the verified destruction of Saddam Hussein's store of weapons of mass destruction. This is the matter which makes the Iraqi regime a danger requiring international attention beyond that which is afforded to the all too numerous other regimes which oppress their own people, or threaten regional peace, or fail to fulfill their international obligations. It is the objective which President Bush has been increasingly centered on in his calls for action by the UN. For example, in his September 26 meeting with congressional leaders, the President put it very well. He said:

> We are engaged in a deliberate and civil and thorough discussion. We are moving toward a strong resolution . . . And by passing this resolution we'll send a clear message to the world and to the Iraqi regime: the demands of the U.N. Security Council must be followed. The Iraqi dictator must be disarmed. These requirements will be met, or they will be enforced.

And this objective, the disarming of Saddam Hussein, is the objective which this Senate, this Congress is prepared to overwhelmingly endorse as we close ranks behind the President.

Adoption of the force resolution authorization will satisfy our obligations to make it clear to the international community that America stands united in its determination to rid the world of Iraq's weapons of mass destruction. And it will fulfill our responsibility to our military and our service men and women to provide a tangible, militarily obtainable objective. But it will not discharge this Congress of all responsibility with respect to our policy on Iraq.

In retrospect, it seems to me that the real failure of Congress in the Vietnam war was not so much passage of the open-ended Gulf of Tonkin resolution by near unanimous margins in both Houses—based as it was on what we now regard as very dubious information supplied by the executive branch and what those Senators and Representatives had to take at face value—but its subsequent failure for too many years to exercise its constitutional responsibilities as that authorization lead to a cost and level of commitment that few, if any, foresaw at the time. I would note that Senator Russell actually got the following language added to the Gulf of Tonkin resolution itself:

> This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations, or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress.

Our duty, and the duty of this Congress and its successors, to our Nation's security and to our service men and women with respect to Iraq will not end merely with the passage of the pending resolution. We have a constitutional and moral responsibility to continue to review the evolving situation and to ask the hard questions. I did so on each of the three previous occasions when I have supported an authorization of the use of military force. I asked those questions on Iraq in 1998, on Kosovo in 1999, and then last year on al-Qaida and Osama bin Laden and the international terrorism war. And I will do so again with respect to Iraq.

After the 1990–1991 gulf war and after the final end of the cold war, then Chairman of the Joint Chiefs of Staff, Colin Powell, propounded a list of six questions which he believed must be addressed before we commit to a military intervention:

> Is the political objective important, clearly defined, and well understood?
>
> Second, have all nonviolent means been tried and failed?
>
> Additionally, will military force actually achieve the objective?
>
> What will be the cost?
>
> Have the gains and risks been thoroughly analyzed?
>
> And finally, after the intervention, how will the situation likely evolve and what will the consequences be?

I have already discussed the first question, the mission, and to the extent we focus on disarmament, I believe we satisfy Colin Powell's first criterion. The second, as to nonmilitary means, is being asked right now, at the United Nations, at Vienna, and in other world capitals. And while what the President calls a "decade of deception" by Iraq must make one very skeptical about the possibility for a satisfactory diplomatic resolution, I believe we should and must give it one final chance before considering the military option. As to the effectiveness of military force, since the President has not made any final decisions, he says, as to what kind of military operation, if any, will be undertaken, it is premature to make a firm determination, but in principle, given the outstanding capabilities of our Armed Forces, and what will hopefully be a well-defined mission, I believe we can answer in the affirmative. So far, so good.

But when we turn to the final three of General Powell's questions that he asked years ago, we see the need for some serious and sustained attention not only by the administration but by the Congress as well.

What will be the cost? And here we need to factor in not only the cost in terms of the immediate military operation, but also potential costs of what could be a very long-term occupation and nation-building phase. Among the many reasons we need to actively seek to build as large an international coalition as possible behind whatever we eventually undertake in Iraq is to help with the aftermath. I want to single out the leadership of my friends and colleagues from across the aisle, Senators LUGAR and HAGEL, in calling the country's and the Senate's attention to the importance of this aspect of our Iraq policy.

And what about the cost for our economy? The mere threat of war has sent oil prices upward and caused shudders on Wall Street. What will a full blown war do?

Have the gains and risks been thoroughly analyzed? And after the intervention, how will the situation likely evolve and what will be the consequences? These two are closely related in that, in my view, the long-term consequences have been the least discussed part of the equation thus far. If, as some believe, the consequence of a U.S. invasion of Iraq will be a united, democratic Iraq which can serve as a "role model" for the rest of the Arab world. Maybe, but such an outcome would not only fly in the face of Iraq's entire history since being created out of a British mandate at the end of the First World War but would appear to be contrary to much of what we have seen in the aftermath of other recent U.S. interventions, including most recently in Afghanistan. Perhaps, most importantly, we need to make absolutely certain that whatever we do in Iraq does not distract or detract from the war we authorized 12 months ago, our war on terrorism, which remains, in my view, job No. 1, mission No. 1, objective No. 1, one for our national security policy.

So these are the kinds of questions I will be asking, and I hope I will be joined by colleagues from both sides of the aisle in asking, as we move forward.

It now appears the Senate may have at least three alternatives to consider as we move forward on authorizing force against Saddam Hussein: the Biden-Lugar-Hagel resolution; a Levin resolution; and the resolution endorsed by the President, the House leadership and a bipartisan group of Senators. I certainly wish to pay tribute to all of the Senators involved in crafting all of these alternatives. Without exception, they are acting out of conscience and conviction in promoting our national security. And I believe most Senators share the views that diplomacy is preferential to force, and that proceeding with the input and support of the international community, including the United Nations, is far better and more effective than going it alone.

I will be supporting the resolution backed by the President and opposing the alternatives because I believe it is imperative that we now speak with one voice to Saddam Hussein, to the entire international community and, most importantly, to our servicemen and women. A strong, bipartisan vote for the pending resolution will strengthen the President's hand in his efforts to get the international community to step up to the plate and deal effectively with the threat posed by Iraq's weapons of mass destruction, and give the diplomats one last chance to secure Saddam Hussein's final, unconditional surrender of those weapons, as he has pledged since 1991.

The objective of our policy against Saddam Hussein should be a regime of unfettered inspections leading to full disarmament of Iraq's weapons of mass destruction. If diplomacy fails, the military objective must be the complete destruction of such weapons. Regime change may come but, because of the large costs and massive uncertainties this will inevitably produce, this should be the last resort, not the first.

We must not repeat the most disturbing display of partisanship with respect to national security to have occurred in the time I have served in the Congress. I am referring to the extremely disturbing spectacle of disunity and irresolution displayed by the House of Representatives on April 28, 1999 when, with American servicemen and women already in combat against Milosevic and Serbia, the House cast a series of votes that: prohibited the deployment of ground forces, which the President had never asked for; defeated an attempt to remove US forces; and most dismaying of all, on a tie vote of 213–213, defeated the Senate-passed resolution authorizing the very air operations and missile strikes which were even then underway. What kind of message was that to send our Armed Forces personnel, or our NATO allies or Milosevic?

I implore the Senate to pull together behind the one resolution endorsed by the President, by the bipartisan House leadership and by a bipartisan group of Senators. That resolution affirms the importance of working in concert with other nations, gives preference to a diplomatic over military solution, focuses attention where it should be on disarming Saddam Hussein, seeks to ensure that we not be diverted from fighting the war on terrorism, and provides for the ongoing and Constitutional role of the Congress as events unfold in our policy toward Iraq. I urge a strong and bipartisan vote in favor of the resolution.

God Bless our country and the young men and women who serve in uniform.

I yield the floor.

The PRESIDING OFFICER (Mr. ROCKEFELLER). The Senator from Virginia.

Mr. WARNER. Mr. President, I wonder if I might ask my very valued friend and colleague a question or two.

With his indulgence, I would like to make a few preliminary comments. First and foremost is that we have shared for some years now a strong friendship and strong working relationship, primarily through his service on the Senate Armed Services Committee. There has been no Senator who has been more mindful of the needs of the men and women of the Armed Forces than our colleague from Georgia. I felt his remarks today were exceedingly well taken, and in particular the need for a strengthened resolution here in the Congress, House and Senate together, acting on a resolution which is clear in its terms, in such a way that there be no daylight, no perceived or actual difference between the legislative bodies of our Government—the Congress, the Senate and the House, and the Executive, the Commander in Chief, the President. I commend him on that point and share it.

In previous days on this floor, most particularly on Friday, I have said that repeatedly. That is the key, the arch of this whole debate is the need to have unity of the two branches of Government.

I was also drawn to his excellent analysis of what we call the Powell doctrine, enunciated by General Powell during his period as Chairman of the Joint Chiefs. It is interesting today, of course, in his role as Secretary of State and in his testimony before the Foreign Relations Committee here in the Senate, those criteria he set down are basically the criteria he follows today as he represents this Nation on behalf of the President and all others in the United Nations and in his constant series of meetings with heads of state and government in an effort to build a coalition much like that which was built by the first President Bush in 1991.

The Senator from Georgia hit on the key part of the formula of Secretary Powell: What is the cost? And he quite properly enunciated some concerns and areas in there.

The question I ask is the question that has to be asked: What is the cost if we don't act now, act as we are doing; namely, through the United Nations, trying to exhaust all diplomatic means, act as we are now acting in consultation with the heads of state and government in order to build a coalition, and, as I understand it, supporting in some way the writing of a new resolution to be considered by the Security Council which would enable a new inspection regime, this time with clear absolute authority, no equivocation whatsoever about the authority of those going in to perform it and the consequences? Hopefully that resolution would be forthcoming, spelling out the consequences of the failure of Saddam Hussein to accept the resolution and indicate cooperation.

As my colleague knows, cooperation is essential in discharging any inspection regime. So that is where we are now.

What would be the cost, had our President not taken the initiative here in the past months to bring to the very forefront of the entire world the problem facing liberty and freedom with the potential of weapons of mass destruction being made night and day by Saddam Hussein in amounts far exceeding anything he would ever need to defend a sovereign nation?

What is the cost, had we not elevated this debate, had we not gone to the U.N., had not the Congress been asked by the President to have a resolution? What is your estimate of the cost? What would be the course of action for the world to take?

Mr. CLELAND. I thank the Senator for those kind words. In terms of the Powell doctrine, I had a chance to listen to it up front and close when I encountered him as Chairman of the Joint Chiefs of Staff at the Pentagon. We had a long discussion about being fellow Vietnam veterans, about what we learned out of that war, and how he approached the world now as Chairman of the Joint Chiefs.

I can remember two elements to the Powell doctrine. The first is sometimes overlooked. The first should be how to use the American military to stay out of war and, if we do get in it, win quickly. The second part of the Powell doctrine is the doctrine of superior force, what Nimitz called in the Second World War in the Pacific "superior upon the point of contact."

I am delighted we have a Secretary of State who understands the power of the first, which is using the American military to stay out of war. I think that is step one for me in the Powell doctrine. Step two is obviously if diplomacy fails, use superior force to accomplish your objective. In many ways, we have been acting since 1991. We have had Iraq under Operation Northern Watch and Southern Watch. We are covering 40 percent of Iraqi territory as we speak, we have a naval blockade, and we have sanctions, so we have not been inactive since 1991.

What is the status of his weapons of mass destruction, which is the focus of this entire debate? We really don't know, since the U.N. inspectors were kicked out about 4 years ago, where we stand in that regard. That poses a question and a threat. We know he has biological and chemical weapons, and he is working on a nuclear weapon. So that poses great danger to the Middle East, our allies, Western Europe, and potentially to us. Therefore, I think it is appropriate for the U.S. Senate to support, and the Congress to support, a resolution authorizing the President to take all necessary means, including to use force, to back up the original 1991 U.N. resolution authorizing disarmament of Saddam Hussein and his weapons of mass destruction. For me, that is the political objective and the military objective.

Mr. WARNER. The Senator also made reference to the period of the Clinton administration when President Clinton, again, in consultation with the Congress, acted on the seriousness of the issues of Saddam Hussein after he kicked out the inspectors and defied all 16 resolutions. We in the Senate acted, and I am going to read the resolution we adopted in the Senate:

> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Government of Iraq is in material and unacceptable breach

of its international obligations, and therefore the President is urged to take appropriate action, in accordance with the Constitution and relevant laws of the United States, to bring Iraq into compliance with its international obligations.

Both the Senator from Georgia and I supported it, am I not correct?

Mr. CLELAND. That is correct. I voted for that resolution in 1998. At one point, the resolution did not authorize the American forces to involve themselves in a regime change. In this resolution we are considering now, we are considering using American forces to not only order Saddam Hussein to comply with the 1991 resolution in terms of disarmament, there is an "or else" clause that says the President can use force as well.

Mr. WARNER. As my colleague, I assume, agrees with me, whoever is President of the United States—be it President Clinton or now President George Bush—has the inherent power to utilize the Armed Forces of our Nation when he deems there is a threat to our security. That, of course, is the essence of the debate we are undertaking now. So when I read the clause where the Congress said "therefore the President is urged to take appropriate action, in accordance with the Constitution and relevant laws of the United States," to me, that implies a recitation of what we all know since the very first President—he has the authority to use force, if he deems it necessary, to bring Iraq into compliance with its international obligation.

I wonder if the Senator would agree with this Senator one thing that has changed since this resolution is the situation in Iraq has worsened in the sense Saddam Hussein has had these years to proceed with his scheme of building weapons of mass destruction, and I think the open evidence shows he has achieved it in terms of the biological, and he has achieved it in terms of the chemical. With respect to the nuclear weapons, I believe the agreed-upon set of facts is he is doing everything he can to complete a program. There is a difference of opinion as to the time within which he can complete a program to give him a nuclear weapon.

So, in my judgment, what has changed since 1998 is the situation has gotten worse and more threatening from Saddam Hussein. Does my colleague have a view in concurrence with the Senator from Virginia?

Mr. CLELAND. Two points. First, the 1998 resolution, which I supported, the Senator from Virginia supported, and most of us supported, called for regime change but did not authorize the use of American military force. This resolution is different because I believe the situation is different, as the Senator pointed out. The situation is we really don't know the exact status of the biological and chemical capability of Saddam Hussein to wage warfare on his neighbors, our allies, our friends in the Middle East, and on us. Therefore, the 4 years the inspectors have not been there gives us great pause and great concern.

Therefore, our first step should be access to those military sites, those weapons of mass destruction sites, and the destruction of those weapons of mass destruction and complete disarmament according to the 1991 resolution. It is worth, in my opinion, authorizing the use of military force to accomplish that objective.

Mr. WARNER. I thank my colleague very much. I have enjoyed his observations. I respect him very much, as he bears the scars of a brave soldier on behalf of freedom while defending this country.

Mr. President, to conclude our colloquy, I want to read a brief statement that was given by President Clinton at the time of this resolution:

> In the next century, the community of nations may see more and more the very kind of threat Iraq poses now: a rogue state with weapons of mass destruction, ready to use them or provide them to terrorists, drug traffickers, or organized criminals, who travel the world among us unnoticed. If we fail to respond today, Saddam and all those who would follow in his footsteps will be emboldened tomorrow by the knowledge that they can act with impunity—even in the face of a clear message from the United Nations Security Council and clear evidence of a weapons of mass destruction program.

Mr. President, I see others on the floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, all I know is what I read in the newspapers. Based on what I do know about public policy and what I read in the newspapers, I would be very frightened if all I knew was what I read in the newspapers because newspapers often get things wrong. It has been interesting to me, as we have had the buildup to this discussion in the Senate about Iraq, there have been a number of very thoughtful pieces written that have appeared in the newspapers, and I wish to draw on some of those and quote from some of them at length here today.

It so happens that both of the pieces I will use today appeared in the Washington Post, but there have also been useful pieces in the New York Times and the Wall Street Journal.

Before I get to that, I want to describe a conversation I had once as a younger man that has been an absolute paradigm conversation in my understanding of politics.

I was having lunch with an old friend, a very experienced political hand, a man who had once served President Eisenhower as a close member of his staff. We were discussing a certain candidate for President.

I said, somewhat improperly, because it was rather arrogant for me to do this: Is this candidate smart enough to be President of the United States?

My old friend answered immediately. He said: Of course not. Nobody is. Then he went on to explain.

As I say, he was a man who had been at Eisenhower's elbow during some of the most significant decisions of our time, and he made this point. He said: Every truly Presidential decision is so loaded down with unknowable consequences, with unforeseen possibilities, and unforeseeable challenges that no truly Presidential decision is ever made on the basis of intellect. It is made on the basis of instinct.

He mentioned this same candidate, and he said: He has good instincts, and you can back him with a clear conscience.

I have thought about that ever since that conversation, and I have realized the wisdom of it. If difficult decisions could be made by smart people and resolved, they would be resolved before they got to the President of the United States because any President in either party has plenty of smart people around him who can figure things out and come to a neat, tidy, absolutely defensible conclusion. But those decisions that do not lend themselves to neat and tidy and absolutely defensible conclusions are the ones that ultimately end up on the President's desk and are ultimately made, as my old friend said, on instinct, out of the gut, rather than intellect out of the analysis.

I remember a President who many people thought was lacking in intellectual candle power, who made a very momentous decision. His name was Harry Truman. He described how he was at his mother-in-law's home for Sunday dinner back in Missouri when the phone rang. He went to the entry hall of that old home where the phone was kept—showing how long ago this really was. There was no black box following him around. There was no communications apparatus with instant ties to the White House, just a phone in the entry hall where the phone used to be put in the days when there was only one phone per house, and that would be in a central location.

He answered the phone. It was Dean Acheson, who told him the North Koreans had just started across the border into South Korea. President Truman said: We have to stop the—expletives deleted.

In later years, he was asked to outline his decisionmaking analysis of the decision to hold the line in North Korea, and he told of the phone call and said: My decisionmaking analysis was that one sentence when I told Dean Acheson: We have to stop the—expletives deleted. He did not think about it any more than that. That came straight out of his gut. And it was Harry Truman's gut that made him one of the Presidents we now revere as one of the greatest of the past century.

This decision is about going to war in Iraq or about, putting it more properly, giving the President authorization to move ahead with force if at some point it becomes clear to him that is what we should do. It is in the category of those truly Presidential decisions.

As I listen to the debate on the floor, the questions being asked, the analysis being demanded, the effort being made to come up with a clear set of tidy pros and cons that can then be weighed on a balance sheet or an accounting statement and then a carefully crisp decision made on the basis of all of that evidence, I go back to my conversation with my friend. We do not know. No one knows what will be the situation in Iraq if we attack after it is over. We do not know whether the Middle East will be a more beneficent place or a more malevolent place if that attack takes place, and no one does.

I can find experts who will tell us this would be the very best thing we could possibly do, and that the Middle East will be much more peaceful, and that liberty will be on the march if we just stand firm. Out of the newspapers we can find plenty of columnists who will tell us that.

I can find other experts who will say this is the greatest disaster we would possibly bring upon the Middle East, and that if we attack Iraq, we will unleash a whole Pandora's box of problems. The Arab street will rise up, and America will be hated for 100 years. There are plenty of columnists in the newspapers who will tell us that.

I can find experts who will say: Weapons of mass destruction will be used against Israel if we move ahead against Iraq; that there will be biological and chemical attacks not only against Israel but against American installations everywhere; that American multinational companies will become the targets of biological and chemical attacks; and that all of this can be averted if we just continue the discussions. I can find plenty of columnists and people in the newspapers who will tell us that.

Then there are those who say: If we do not act, we will so embolden Saddam Hussein and all the other dictators of the area that they will never move in a peaceful direction; we will have inevitable war, and it will be many times worse than anything that would be triggered by action taken now. Again, in the newspapers, I can find plenty of columnists who will tell us that.

So this is a truly Presidential decision, and it will be made not in George Bush's head or in the heads of those around him—DICK CHENEY, Colin Powell, Don Rumsfeld, Condoleezza Rice, brilliant people all; they stack up their degrees, they stack up their accomplishments in the world, and this is as glittering an array of talent as any President has ever assembled to advise him on foreign policy matters—but the ultimate decision will be made in the President's gut because this is a truly Presidential decision fraught with so many unknowable consequences and possible side effects that no one, no matter how smart, can accurately analyze them in advance and come to a neat and tidy and firm conclusion.

I take some comfort in an analysis that has been made of what I would call the long-term and big-picture question, a big-picture question that perhaps can be analyzed a little better than the specifics of whether or not we move ahead with force in Iraq. I refer first to a piece that appeared in the Washington Post written by Jackson Diehl entitled "Bush's Foreign Policy First—But no one seems to notice—even at the White House." That is the subhead.

The "foreign policy first" that Mr. Diehl is talking about is the fact that the Bush administration, for the first time since the cold war, has laid down a coherent doctrine and strategy with respect to America's role in the post-cold war world.

We all sat in the House Chamber 10 days after the attack, perhaps a week or so after the attack, on September 11, and we heard President Bush deliver a fabulous speech. It had some of the most dramatic rhetoric I expect to ever hear in my lifetime, and it was the finest Presidential speech I have ever heard in my lifetime. As I stepped away from that speech and the emotion of the moment and analyzed it, realized President Bush had, in fact, for the first time in the post-cold war world, laid down a vision of that world and America's role in it. That speech was more than a rhetorical masterpiece. It was a serious policy statement of where America should be.

That has been fleshed out in a 34-page statement of foreign policy issued by the White House. That is what Jackson Diehl is referring to when he says Bush's foreign policy first—the first statement of the situation post-cold war as seen by an American administration looking at it in toto.

Quoting from Mr. Diehl's presentation, he says:

> For a decade U.S. internationalists bemoaned the absence of any coherent policy for engaging the world after the fall of Communism. The Clinton administration, like the Bush team before it, was excoriated for stumbling from crisis to crisis and for consistently making bad judgments about where and how to use America's sole-superpower strength. Now, at last, the internationalists have gotten what they wanted, and the reaction of too many of them is to be aghast.

Continuing the quote:

> The national security doctrine issued this month by the White House packs into just 34 pages everything the foreign policy of the 1990s lacked. It begins by embracing two facts that have been observed since 1991, but hard for a democratic and sometimes insular society to accept: that America has unmatched and unprecedented power in the world and therefore no choice but to shape the international order; and that it faces threats that are utterly different but in some ways more dangerous than the threats from the old Soviet Union.

I think that is exactly what the President was saying in his statement to the Joint Session of Congress. We must face the fact that we have power unmatched in history and, therefore, cannot abdicate our responsibility to shape the international order and, two, we must face the fact that we still live in a dangerous world and we are ironically more vulnerable now than we were before.

Mr. Diehl goes on, after talking about the situation surrounding the word "unilateral," or "presumptive action," and he makes this point:

> American presidents have been engaging in unilateral and preemptive military actions all along—most recently in Panama, Grenada and Haiti, and in Iraq following the 1998 expulsion of the inspectors. And what the new policy actually says is this: Because terrorists and rogue dictators now have the potential to do enormous harm to Americans with weapons of mass destruction and are not easily deterred, it may be necessary to strike at some before they can act. Should we again sit still if a future al-Qaida operates large terrorist training camps in a future Afghanistan? Rice's document treats this question as a matter of common sense, which it is. It also says, sensibly, that preemption is not the answer to all threats—and so far, at least, it hasn't been the legal basis for the White House campaign against Iraq.

I ask unanimous consent that I be allowed to continue for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator may proceed.

Mr. BENNETT. Jackson Diehl summarizes this way:

> The real heart of the doctrine, the proposition that U.S. strength be wielded to spread liberty throughout the world, has been barely acknowledged by a policy apparatus that continues to cultivate old and new autocratic allies in the Middle East and Asia.

I ask unanimous consent that the entire article appear at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. BENNETT. Turning to a piece which also appeared in the Washington Post written by Bernard Lewis, who is considered by some to be the ultimate authority on conflicts in the Middle East, it is entitled: "Targeted By a History of Hatred—The United States Is Now the Unquestioned Leader of the Free World, Also Known as the Infidels." That is an interesting tie: We are the unquestioned leader of the free world, also known in many parts of the world as the infidels.

Put that headline against the statement contained in Jackson Diehl's summary of the Bush position paper authored primarily by Condoleezza Rice, and once again you see the big picture. We do live in a world where we are the only superpower. We have the responsibility to do something with that, and President Bush and his advisers have now come to the conclusion that the ultimate test of how we use our power should be how will it ultimately spread liberty throughout the world. That is the kind of flag to which I can repair. That is the kind of standard I can follow.

If we were the British in the 1700s and 1800s presiding over the world, the grand scheme would be: How can we enhance and increase British Imperial power? If we were the Romans when they were the only superpower in that portion of the world they cared about, the only big picture item would be: How can we secure and extend the power of the Roman legions? But as President Bush makes this truly Presidential decision out of his gut, he has made it clear that the ultimate question he is asking, and we must ask with him, is, How will this expand the role of liberty throughout the world? That, as I say, is a standard I can follow.

So I will be voting in favor of the resolution, not because I have figured out all of the unknowables and imponderables relating to it and not because I am absolutely sure that the Presidential power will be used in the right possible way in every possible circumstance. I will be doing it because I trust George W. Bush's instincts as outlined as clearly as any post-war President has ever outlined America's role in the post-war world.

He will use his power to expand and defend liberty throughout the world. He may use it by mistake. He may do things that do not produce that result. But that will be his polestar; that should be America's polestar; that should be the policy we lay down and hold now for generations to come. It resonates with the decision of the Founding Fathers when the country was created. It is a worthy position for us to take now that the country has become preeminent in the world. Let us hope and pray that as we give this President this power it is always used to that end.

I yield the floor.

EXHIBIT NO. 1

BUSH'S FOREIGN POLICY FIRST

(By Jackson Diehl)

For a decade U.S. internationalists bemoaned the absence of any coherent policy for engaging the world after the fall of communism. The Clinton administration, like the Bush team before it, was excoriated for stumbling from crisis to crisis and for consistently making bad judgments about where and how to use America's sole-superpower strength. Now, at last, the internationalists have gotten what they wanted—and the reaction of too many of them is to be aghast.

The national security doctrine issued this month by the White House packs into just 34 pages everything the foreign policy of the 1990s lacked. It begins by embracing two facts that have been obvious since 1991, but hard for a democratic and sometimes insular society to accept: that America has unmatched and unprecedented power in the world and therefore no choice but to shape the international order; and that it faces threats that are utterly different but in some ways more dangerous than the threats from the old Soviet Union.

The Bush doctrine commits the United States to act aggressively, with others or alone, "to promote a balance of power that favors freedom." The phobias about engaging abroad that paralyzed policy in the '90s, and infuriated the internationalists, are banished. This isn't just the Jacksonian assertion of American interests, though that is surely part of it. There is also a Wilsonian promise to "bring the hope of democracy, development, free markets and free trade to every corner of the world"—and a Kissingerian strategy of maintaining a "great power balance" that decisively favors the United States. The ambition is breathtaking; "We will work to translate this moment of influence," declares the doctrine, "into decades of peace, prosperity and liberty." It is, in short, a bold—and mostly brilliant—synthesis, one that conceivably could cause national security adviser Condoleezza Rice, who executed it, to be remembered as the policymaker who defined a new era.

The first proof that Rice and her team are on to something is the alarmist reactions that have greeted her paper. Scandalized members of the foreign policy establishment are calling its treatment of preemptive action an unprecedented policy departure that endorses blitzkrieg as the remedy for anti-Americanism. In a chat with National Public Radio, historian Douglas Brinkley claimed that it "is simply saying, 'We do what we want when we feel like it, and we will declare war on anybody if we think they might be declaring war on us.'"

Policy perestroika usually provokes such first responses. But American presidents have been engaging in unilateral and preemptive military actions all along—most recently in Panama, Grenada and Haiti, and in Iraq following the 1998 expulsion of the inspectors. And what the new policy actually says is this: Because terrorists and rogue dictators now have the potential to do enormous harm to Americans with weapons of mass destruction and are not easily deterred, it may be necessary to strike at some before they can act. Should we again sit still if a future al Qaeda operates large terrorist training camps in a future Afghanistan? Rice's document treats this question as "a matter of common sense," which it is. It also says, sensibly, that preemption is not the answer to all threats—and so far, at least, it hasn't been the legal basis for the White House campaign against Iraq.

That Colin Powell now is negotiating the text of another Security Council resolution on U.N. inspections with Russia, Syria and France points to the real weakness of the Bush doctrine—not that it is too radical but that it lacks the political momentum needed to overcome decades of encrusted old thinking and bureaucratic inertia. It's not just that liberal academics haven't signed on to the new doctrine. Inside the administration, it's hard to find anyone—other than Rice—who subscribes to every part of it. Instead, some push the unilateral offense, some the democratic nation-building—and no one quite gets his or her way. In practice, despite all the alarms, the administration's foreign policy, when not entirely paralyzed by internal infighting, mostly follows the old norms.

George Kannan's theory of containment eventually won over challengers from the right and left, and thus became the consensus doctrine of the Cold War. Will Rice have the same luck? So far preemption is no more than a scary word used to motivate the United Nations—which, at least in the case of Iraq, is perhaps its best use. Meanwhile, the real heart of the doctrine—the proposition that U.S. strength be wielded to spread liberty through the world—has been barely acknowledged by a policy apparatus that continues to cultivate old and new autocratic allies in the Middle East and Asia. Does George Bush really subscribe to the doctrine issued in his name? Ask Hosni Mubarak, or Pervez Musharraf.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank our distinguished colleague for an excellent contribution to this debate. He has a remarkable way of tying it to the reality of the present day and the present time and also looking toward the future. So, again, I thank him for his participation and hope he can perhaps return to the floor in the future.

I ask unanimous consent that following my remarks, an op-ed piece that appears today, Monday, October 7, in the Wall Street Journal, authored by our distinguished colleague JOE LIEBERMAN, whose name appears in the first place on the resolution that is before the Senate, be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. WARNER. I read the following excerpt:

> It is time to authorize the use of our military might to enforce the United Nations resolutions, disarm Iraq, and eliminate the ongoing threat to our security, and the world's, posed by Saddam Hussein's rabid regime.

Later he asks the question, Why now? He replies:

> For more than a decade we have tried everything—diplomacy, sanctions, inspections, limited military action—except war to convince Saddam Hussein to keep the promises he made, and the U.N. endorsed, to end the Gulf War. Those steps have not worked . . .
>
> So my answer to "why now?" is, "Why not earlier?" And, of course, that question has new urgency since September 11, 2001.

Further, he quotes from former Secretary of Defense Jim Schlesinger, under whom I was privileged to serve as Secretary of the Navy. Senator LIEBERMAN states:

> As former secretary of defense Schlesinger recently told the Senate Armed Services Committee, "Vigorous action in the course of an ongoing conflict hardly constitutes preventive war."

EXHIBIT 1

[From the Wall Street Journal, Oct. 7, 2002]

OUR RESOLUTION

(By Joe Lieberman)

The most fateful and difficult responsibility the Constitution gives to members of

Congress is to decide when the president should be authorized to lead the men and women of the U.S. military into war. We are now engaged in such a debate regarding Saddam Hussein's belligerent dictatorship in Iraq.

Although I disagree with many other aspects of President Bush's foreign and domestic policy, I believe deeply that he is right about Iraq, and that our national security will be strengthened if members of both parties come together now to support the commander-in-chief and our military. That's why I have cosponsored the Senate resolution that was negotiated with the White House. It is time to authorize the use of our military might to enforce U.N. resolution, disarm Iraq, and eliminate the ongoing threat to our security, and the world's posed by Saddam Hussein's rabid regime.

RESPONSIBILITY

Making the case for such action is a responsibility to be shouldered by those of us who have reached these conclusions. If we do so convincingly, not long will the American people and our allies better understand our standards for engagement, but governments around the world who defy the dictates of the U.N. to make weapons of mass destruction or to support terrorists will appreciate how painful the consequences of their brutality and lawlessness can be.

In that spirit, let me now address a few of the most critical questions my Senate colleagues and many American are asking.

Why has military action against Saddam become so urgent? Why not give diplomacy and inspections another chance? Why now?

For more than a decade we have tried everything—diplomacy sanctions, inspections, limited military action—except war to convince Saddam to keep the promises he made, and the U.N. endorsed, to end the Gulf War. Those steps have not worked.

In 1998, Bob Kerry, John McCain, and I sponsored the Iraq Liberation Act declaring it national policy to change the regime in Baghdad. The act became law, but until recently little has been done to implement it. In the meantime, Saddam has not wavered from his ambition for hegemonic control over the Persian Gulf and the Arab world: He has invested vast amounts of his national treasure in building inventories of biological and chemical weapons and the means to deliver them to targets near and far. Saddam once told his Republican Guard that its national honor would not be achieved until Iraq's arm reached out beyond its borders to "every point in the Arab homeland."

So, my answer to "Why now?" is, "Why not earlier?" And, of course, that question has new urgency since Sept. 11, 2001.

Won't a war against Iraq slow or stop our more urgent war against terrorism?

To me, the two are inextricably linked. First, remember that Iraq under Saddam is one of only seven nations in the world to be designated by our State Department as a state sponsor of terrorism, providing aid and training to terrorists who have killed Americans and others. Second, Saddam himself meets the definition of a terrorist—someone who attacks civilians to achieve a political purpose. Third, though the relationship between al Qaeda and Saddam's regime is a subject of intense debate within the intelligence community, we have evidence of meetings between Iraqi officials and leaders of al Qaeda, and testimony that Iraqi agents helped train al Qaeda operatives to use chemical and biological weapons. We also know that al Qaeda leaders have been, and are now, harbored in Iraq.

Saddam's is the only regime that combines growing stockpiles of chemical and biological weapons and a record of using them with regional hegemonic ambitions and a record of supporting terrorists. If we remove his influence from the Middle East and free the Iraqi people to determine their own destiny, we will transform the politics of the region. That will only advance the war against terrorism, not set it back.

Why should we launch a strike against a sovereign nation that has not struck us first?

We should and will soon have a larger debate about the president's new doctrine of pre-emption, but not here and now, because the term is not apt for our current situation. We have been engaged in an ongoing conflict with Saddam's regime ever since the Gulf War began. Every day, British and American aircraft and personnel are enforcing no-fly zones over northern and southern Iraq; the ongoing force of about 7,500 American men and women in uniform costs our taxpayers more than $1 billion a year. And this is not casual duty. Saddam's air defense forces have shot at U.S. and British planes 406 times (and counting) in 2002 alone.

As former Secretary of Defense James Schlesinger recently told the Senate Armed Services Committee, "Vigorous action in the course of an ongoing conflict hardly constitutes preventive war."

Why not have two congressional resolutions, one now encouraging the U.N. to respond to President Bush's call for inspections without limits, and another one later authorizing U.S. military action if the U.N. refuses to act?

This is sometimes described as the way to stop "go-it-alone" action by the U.S. unless and until absolutely necessary. But I believe that the best way to encourage forceful U.N. action, so that we never have to "go it alone," is for Congress to unite now in authorizing the president to take military action, if necessary. I am convinced that if we lead decisively, others will come to our side, in the U.N. and after. If we are steadfast in pursuit of our principles, allies in Europe and the Middle East will be with us.

Why not just authorize the president to take military action to disarm the Iraqis instead of giving him a "blank check"?

Our resolution does not give the president a blank check. It authorizes the use of U.S. military power only to "defend the national security of the United States against the continuing threat posed by Iraq" and to "enforce all relevant United Nations Security Council Resolutions regarding Iraq."

There are 535 members of Congress who have the constitutional responsibility to authorize American military action, but there is only one commander-in-chief who can carry it out. Having reached the conclusion I have about the clear and present danger Saddam represents to the U.S., I want to give the president a limited but strong mandate to act against Saddam. Five hundred and thirty-five members of Congress cannot wage war; we can only authorize it. The rest is up to the president and our military.

A RECORD OF STRENGTH

We in Congress have now begun a very serious debate on these questions and others. Each member must act on values, conscience, sense of history and national security. When it is over, I believe there will be a strong majority of senators who will vote for the bipartisan resolution that John Warner, John McCain, Evan Bayh and I have introduced. I am equally confident that a strong majority of Democrats in the Senate will support it. In doing so, they will embrace the better parts of our party's national security legacy of the last half century. From Truman's doctrine to prevent communist expansion to Kennedy's "quarantine" of Cuba to prevent Soviet missiles from remaining there, to Bill Clinton's deployment of American forces to the Balkans to stop genocide and prevent a wider war in Europe, Democrats should be proud of our record of strength when it counted the most.

Each of the Democratic presidents above tried diplomacy, but when it failed, they unleashed America's military forces across the globe to confront tyranny, to stop aggression, and to prevent any more damage to America or Americans. That is precisely what our resolution would empower President Bush to do now.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I will use my 15 minutes to speak on the Iraq resolution at a subsequent time. I will speak today on something I think is extremely important to what we are doing militarily around the world; that is, as a result of an article I saw in today's Washington Post, and I am sure it is running all over the world.

Mr. WARNER. Could I ask my colleague, could your very important colloquy which I will have with you on this subject appear in a place elsewhere in the RECORD?

Mr. REID. I want it at this point. Sorry, but I really do. I think this is important to what we are doing today, I say to my friend, the distinguished Senator and my good friend from Virginia.

This headline reads: "Bush Threatens Veto of Defense Bill."

I cannot believe the President is involved in this—maybe some of the people around him—I cannot believe the President would do this. I cannot accept that. I cannot accept George W. Bush, a person I have found to be very sensitive to people—I hope my feelings are warranted.

We have statements from the same article:

> David S.C. Chu, Undersecretary of defense for personnel and readiness, said VA disability compensation is intended not to supplement military pensions.
>
> "We're going to rob Peter to pay Paul."

He was speaking for the President of the United States on this very important issue, saying:

> "We're going to rob Peter to pay Paul"—"and the question is, should Peter really lose here?"

This is legislation I authored and others have supported over the years to allow military retirees to receive not only their retirement benefits from the military but also their disability benefits. That is all this is. Somebody who is in the U.S. military, who is disabled, can receive that pension in addition to their retirement benefits. The law now says you can't. I say that is wrong.

If you retire from the Department of Energy or Sears & Roebuck and have a disability pension from the military, you can draw both pensions. Why shouldn't you be able to if you retire from the military?

I am troubled with this administration's opposition of concurrent receipt of retirement pay and disability pay for disabled military retirees.

America's veterans have long been denied concurrent receipt based on an antiquated law that in effect says if you have 20 years in uniform you cannot draw your disability.

This "robbing Peter to pay Paul" troubles me. As we speak today, starting at 2:45 today until 2:45 tomorrow, 1,000 World War II veterans will die. A number of those have disabilities, and they are entitled to receive those disability benefits as a result of their service in the military. They are entitled to that. But not legally.

This law which has passed the Senate on two separate occasions—passed the House this year—is being threatened by the President. He is not going to OK this bill.

I held a press conference with Senator WARNER and Senator LEVIN last year saying they fought a good fight, and we were sorry we could not get it done. I will not accept that this year; neither are the veterans of this country. I know how dedicated Senator WARNER and Senator LEVIN are to the military of this country. Don't let them be bamboozled by this administration saying he will veto the bill.

I dare them to veto the bill based on disability benefits to veterans, 1,000 of whom are dying every day, World War II veterans. Not all 1,000 will draw benefit. They have exaggerated how man people will draw these benefits. But there are some.

And now I see a proposal in the same article, the distinguished Senator from Arizona saying maybe we will compromise and say those who have a service-connected disability can draw their benefits.

If you are in battle—at most, there are 10 percent during a conflict with military people on the front lines in combat—if someone gets shot and their shoulder is ruined, they should be entitled to the benefits. If someone is not in the front lines, but in the back lines, or even in America, not over in a foreign country, and they fall off a truck and ruin their shoulder, they are entitled to those benefits just like someone who was shot. They are doing their best to represent our country, and they are just as important. If you did not have those people behind the lines, you would not have the people on the front lines able to fight.

Career military retired veterans are the only group of Federal retirees required to waive their retirement pay to receive disability. Other Federal retirees get both disability and retirement pay.

Some officials have been quoted in recent newspaper articles stating that retirement pay is two pays for the same event. Come on, get real, Mr. President. These people say this is doubledipping. These statements are simply untrue—or people do not know what they are talking about. Military retirement pay and disability compensation are earned from entirely different purposes. Therefore, a disabled veteran should be allowed to receive both.

Current law ignores the distinction. Military retired pay is earned compensation for the extraordinary demands and sacrifices inherent in a military career. It is a reward promised for serving two decades or more under conditions that most Americans would find intolerable. When a person goes into the military, they are expecting to draw retirement pay. When they go in the military, they are not expecting to come out disabled. But it happens. Veterans disability compensation is recompense for pain, suffering, and loss of earning power caused by a service-connected illness or injury. Few retirees can afford to live on their retired pay alone, and a severe disability makes the problem worse, limiting or denying postservice working life.

The Presiding Officer of this body is the chairman of the Veterans' Affairs Committee, and on a daily basis he deals with the problems, the burdens of veterans in our country. No group of people have more problems than veterans. Whether you are a World War II veteran, Korean war veteran, or a Vietnam veteran, you have problems. We have people from all those conflicts, plus others who have served in recent years who have disabilities. They are entitled to this. It has passed the Senate. It is the will of the people of this country. It is the will of the Senate. For, now, the President—his representative, a Mr. Chu—to come in and say:

> The President is not going to support this legislation. It would be robbing Peter to pay Paul.

What is that supposed to mean? We are not going to be able to buy a tank or airplane? Instead, we are going to have to give the money to somebody like Senator INOUYE, who has lost an arm, or Senator CLELAND, who has lost three limbs?

A retiree should not have to forfeit part or all of his or her earned retired pay as a result of having suffered a service-connected disability. There are those who have suggested a compromise for limited concurrent receipt to only combat-injured military retirees. I don't accept that. Many of our veterans have not been injured in combat, but they are no less injured or any less deserving of fair compensation. This is simply bowing to the administration's threat of a veto.

Likewise, the administration's assertion that if the concurrent receipt passes, "1.2 million veterans could qualify" for extra benefits is simply not credible. The Department of Defense and Department of Veterans Affairs previously informed Congress about 550,000 disabled retirees would qualify if the Senate concurrent receipt plan were approved. So where do they come up with another 700,000 people?

The administration's argument that funding benefits for America's disabled veterans would hurt current military personnel is misleading. Congress is not cutting funding for those who are now serving our country in order to provide benefits for those from previous generations who served loyally and made tremendous sacrifices. Congress will appropriate the money to pay for that.

Enacting this concurrent receipt legislation will not cause current service members to live in substandard quarters, as some say, in a misguided attempt to turn one generation of patriots against another. Moreover, at a time when our Nation is calling upon our Armed Forces to defend democracy and freedom, we must be careful not to send the wrong signal to those in uniform. All who have selected to make their careers in the United States military are now facing an additional unknown risk in our fight against terrorism. If they were injured, they would be forced to forego their earned retired pay in order to receive their VA benefits. In effect, they would be paying for their own disability benefits from their retirement checks unless this legislation is passed overwhelmingly.

If the President vetoes this bill because of this, how many Senators are going to come here and vote to sustain that veto? I don't think very many. Who would they rather have on their backs? The President or the veterans of this country? I know from Nevada, I would rather have the President on my back than those veterans—and they are right.

At a time when our Nation is calling on our Armed Forces, we need to do this. We must send a signal to these brave men and women the American people and Government take care of those who make sacrifices for our Nation. We have a unique opportunity this year to redress the unfair practice of requiring disabled military retirees to fund their own disability compensation. It is time for us to show our appreciation to these people.

Finally, the assertion the veterans who would benefit from concurrent receipt are already doing well financially is ridiculous. NBC, the National Broadcasting System, recently aired three news stories in which they documented the dire situation veterans are facing today. The Pentagon has acknowledged its studies of retiree income included extremely few seriously disabled retirees.

For too long America's disabled military retirees have been unjustly penalized by concurrent offset, and they are demanding action be taken now, not in the future. With such strong bipartisan support on both sides of the Congress, these men and women do not understand the opposition of the administration. As I say, I hope the President doesn't know what is going on.

Let me say again to my friend, the Senator from Virginia, who is on the floor—I have spoken to him today. I have spoken to Senator LEVIN today. I think this is so important we do this. At a time when our country finds itself in crisis, what could be wrong with a veteran getting retirement pay and disability pay at the same time? They are two separate earnings, one for being hurt, one for spending a lot of time in the military.

I have worked hard on this. I appreciate the support of the Senator from Virginia and the Senator from Michigan. But I am saying here we can't let this opportunity pass. We would be letting down people whom we should not be letting down.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I would like to commend my distinguished colleague and friend on this particular issue. Among the group of us, you have been primarily the leader. My recollection is this is about the fourth year we have brought this up for attention and really asked the Senate to focus upon it. This year it was a direct focus upon it by the Senate and the House, and both Chambers put a provision in their bill.

Mr. REID. I would also say to my friend from Virginia, not only that, but the House—we don't have a budget here, but the House budget includes this. They didn't include——

Mr. WARNER. Yes.

Mr. REID. They included it to 60 percent disabled. They have the dollars budgeted in the House. They did that. So the answer is absolutely correct.

I vote for these defense budgets. I am for a strong military. I remind everyone here in this Iraq season we are in, I was the first Democrat to announce publicly to support the first President Bush. I had no problem doing that. I want a good, strong military. But I think part of that is rewarding these people for having been injured. Why should we take their retirement away from them because they have been injured? There is no reason.

Mr. WARNER. I say to my colleague, we are now, as you know, in conference. Senator LEVIN and I work daily on this with our two colleagues from the House, Chairman STUMP and IKE SKELTON. This has not been resolved as yet.

We, of course, have to take notice of what is stated here. Presumably the statement in the Pentagon, by Mr. Chu, would not have been made had there not been some consultation with the staff of the President. I don't know the extent this has been brought to his attention. After all, he has been among the staunchest defenders of the men and women of the Armed Forces—past, present and for the future.

So I say to my friend, I will join him and others and continue to try to work this issue in our conference. But I believe your statement at this time, I say to my colleague, comes at a critical moment. Because that decision could be made, indeed, today, tomorrow, the next day, as to how, finally, to constitute the provisions of the House-Senate conference document which would then be brought back to both Chambers for vote.

So I take to heart your comments. I will share them with our conferees. I express again my appreciation to you for your staunch—staunch defense of our veterans. I humbly say, modestly: I am a veteran. As a matter of fact, I would not be here had it not been for what the military did for me. I have often said they did a lot more for me than I ever did for them in my modest service. But I assure you, I am contemporary with the World War II generation, and you are absolutely right. One thousand a day are departing.

I have met with them. They have been among the more vigorous, to try and bring forth congressional action on this, as have any number of veterans' groups and groups associated with our military.

I say to my friend, your message is timely. We should take it to heart and do our very best.

Mr. REID. Mr. President, I can say to my friend, the "gentleman" from Virginia—and certainly he is the epitome of a gentleman—I appreciate very much his remarks.

Mr. DORGAN. Will the Senator from Nevada yield for 2 brief questions?

The PRESIDING OFFICER. Does the Senator yield?

Mr. WARNER. I have no objection, of course, but we are proceeding on the Iraq resolution. Following colleagues' comments and questions to our distinguished Democratic whip, we will return to, I believe, Senator KYL to be recognized.

Mr. DORGAN. Mr. President, I am mindful there are others waiting to speak. But when I learned Senator REID was going to speak today; I was going to ask him a couple of questions on this issue. I will just be 2 to 3 minutes, if I can ask the indulgence of my colleagues.

Mr. DOMENICI. If the Senator will yield, can I ask for the record that I follow Senator KYL?

Mr. WARNER. Certainly I have no objection. I think that is very helpful.

The PRESIDING OFFICER. That is ordered without objection.

Mr. REID. And following Senator DORGAN, Senator KYL be recognized for 15 minutes and Senator DOMENICI for 15 minutes.

Mr. DORGAN. I wanted to say to the Senator from Nevada, he has raised a very important issue at this point. Twenty-three of us in the Senate sent a letter to the authorizing committee on this subject, saying those soldiers who have earned a retirement should receive it, and those same soldiers who are entitled to a disability payment should receive that as well. It is that simple. Senator REID of Nevada has made the case. It is just a very simple issue of equity.

What I wanted to do is point out that NBC News did a story recently. I don't know whether the Senator mentioned this on the floor of the Senate. Hank Nix, from Ozark, AL, 52 years ago was shot in the chest. He took a bullet leading his platoon. He earned a Silver Star. He is now talking about having to move from their home because of what is called a broken promise. The Government is reducing his retirement pay because he is not allowed to collect both his disability—he is 100 percent disabled, he took a bullet in the chest leading his platoon in the Korean war, but he is not allowed to collect the retirement he earned and a disability payment he is due. Why? Because there is a quirk in the law that applies only to disabled soldiers and no other Federal worker. About half a million soldiers are in this circumstance.

It is, in my judgment, totally unforgivable that we don't fix this. It has been around for a long while. Many of us have talked about it on the floor of the Senate. I know the Senator from Virginia is in support of fixing it, as are, I think, most of our colleagues.

I appreciate the fact that the Senator from Nevada brought this to the floor today because this is critically important. If we are going to get it fixed, now is the time to get it fixed. A military career is filled with hardships, family separations, and sacrifices, and all too often being put in harm's way. There are promises made to those folks who wear America's uniform, and then we are not keeping the promise with respect to this issue.

Finally, let me say this: I have, as many of my colleagues have since September 11, 2002, visited military bases in Central Asia, Afghanistan, and elsewhere. You can see the pride in the eyes of those soldiers—men and women—who are fighting terrorism on behalf of our country. You know and they know we have an obligation to keep our promise to our veterans.

George Washington said it 200 years ago. I will not repeat the quote that has been repeated many times on the floor of this Senate. But when we send young men and women to war to defend freedom, we have an obligation to keep our promises to them. One of those promises is to say: If you earn a retirement, we will pay you that retirement.

If you are disabled because of your service to our country, you are entitled to that disability payment. It is just that simple.

I appreciate the Senator from Nevada bringing it to the floor.

Mr. REID. I appreciate very much having worked with the Senator from North Dakota on this most important issue as we have on a number of issues.

My point is, the conferees must not cave in on this. Let them veto this issue. We will override the veto. This isn't something that is, oh, well, we will see. As I said, let everyone here in the Senate decide whom they want to support—the President's people or the veterans of their States. This is an issue on which conferees cannot let us down.

Mr. DORGAN. The President threatened a veto today—or the White House did, apparently. They said they cannot afford this. We can't afford not to do this. You just have to keep the promises here. I am talking about our country. We must keep our promise to veterans. I hope he will not veto. If he does, it will be overridden, I believe, by a very large margin here in the Senate.

I yield the floor.

The PRESIDING OFFICER (Mrs. FEINSTEIN). The Senator from Arizona.

Mr. KYL. Madam President, I support S.J. Res. 45 authorizing the use of force against Iraq.

Perhaps the most difficult decision one can make as a Member of this body is to vote to send American troops into harm's way. It forces one to consider every question, every possibility, and every option short of war. But this does not mean we should eschew action simply because we have not yet tried every other option. Some threats must be dealt with before implausible alternatives are allowed to play out because of the consequences of delay. Preemption may be the only logical course of action in some situations. A nation need not allow itself to be struck to be justified in acting to protect itself.

With these principles in mind, we can evaluate the need to authorize the use of force against Iraq. Actually, use of force against Iraq has already been authorized by both the United States and the United Nations. And the United States and Great Britain are already using force on a weekly basis.

Notwithstanding his obligations to allow aerial inspections in the no-fly zones, Saddam Hussein regularly attempts to shoot down our unarmed reconnaissance planes, and we either react by destroying the offending antiaircraft site or seek to discover and destroy it before it can fire—preemption. No one questions our right to do this.

Two facts can, therefore, be established: No. 1, Saddam Hussein is not willing to allow unconditional inspections as he claims. He is not doing it now. No. 2, his continued violation of the United Nations resolutions requires a military response. That is assuming the resolutions were intended to be enforced when they were adopted. Delay in doing so only degrades our claim of authority to act and makes more difficult the task.

No one can argue that the United States and the international community have not exhausted the full range of legal, diplomatic, and other alternatives to try to compel Saddam Hussein to obey all of the terms of the cease-fire to which he agreed at the end of the gulf war. His continuing defiance of that agreement, including his desire to acquire nuclear weapons and his support of terrorism, presents a real and growing threat to U.S. national security. We have now reached a juncture where the risks of inaction outweigh the risks of action.

Those who oppose the authorization of force usually define the test as whether there is an immediate threat, asking, Why do we have to act now? But I submit this is the wrong question. Our intelligence will never be good enough to allow us to calibrate our action to a threat just a few days or a few weeks away. We simply do not know enough to do that. We cannot wait until we are sure that Iraq has a nuclear weapon and is about to use it because it is unlikely we will ever have that evidence, and it will be too late when we do.

I find it ironic that some of the people insisting on this standard are also some of the loudest critics of our intelligence failures before September 11, arguing that we should have known an attack was imminent and we should have taken action to prevent it. If September 11 had not happened, my guess is that these same people would be urging caution, arguing that since we haven't yet "connected all the dots," any preemptive action at that time would be too risky and premature.

Moreover, action is warranted now because there is no realistic hope that the United Nations resolutions and Saddam's promises to us at the end of the gulf war will otherwise be enforced, and each month that passes increases the danger.

Finally, Iraq is another front in this war on terror. Eliminating Saddam's threat will give us greater latitude in other actions we will have to take, and it will create a more willing group of allies in the region. For some of these countries to throw in with us, they need to know that we are absolutely committed to winning and that they are better off joining the winning side than continuing to pay tribute to terrorists in order to protect their regimes from terrorists.

While there is much about Iraq's capabilities we do not know, there are also some things we do know. No one, for example, can doubt the extent of Iraq's weapons of mass destruction. The only question is when and how he will use them and how long it will be before he can add nuclear weapons to his existing chemical and biological capabilities.

In recounting Iraq's nasty capabilities, it is useful to remind ourselves that Baghdad has continued to pursue the development of these weapons of mass destruction and the means to deliver them in violation of numerous U.N. resolutions. There are 13 such resolutions.

During the 7 years that the United Nations Special Commission—UNSCOM—inspectors were present in Iraq, Saddam Hussein went to great lengths to obstruct inspections to conceal his stockpiles and continue his programs under cloak of secrecy. It has now been 4 years since United Nations inspection teams last set foot in Iraq. We have evidence that Saddam has used that time to enhance his weapons and his development programs. I need not detail that evidence here. It has been amply discussed in a variety of open and closed sources of information provided by the administration, and it includes everything banned by the United Nations—chemical, biological, and nuclear weapons, and the means of delivering them.

In addition, Saddam Hussein has demonstrated proclivity to use force to achieve his objectives—twice against his neighbors. And his aggressive ambitions have already led him to deploy the devastating weapons if his stockpiles. He used chemical weapons against Iran. He again used them against his own Kurdish population. And he has launched ballistic missiles against four neighbors. He is devoting enormous resources of his country to upgrade his threat, which is not an action of one who only wants to survive.

There should be little doubt that Saddam Hussein will use his weapons of mass destruction again either to back up a threat to harm us if we stand in the way of some future aggression or in actual attack against us or our allies, including, potentially a terrorist type attack on our homeland. A recent article by Kenneth Pollack in the Arizona Republic amplifies this point. In the article, Pollack concludes, ". . . there is every reason to believe that the question is not one of war or no war, but rather of war now or war later—a war without nuclear weapons or a war with them."

Saddam Hussein's abuse of the Iraqi people is also deplorable, not to mention a violation of a U.N. resolution passed just after the Gulf War, resolution 688. His hideous treatment of Iraqi men, women, and children is documented. A report published by Human Rights Watch in 1990 described the shocking brutality of the Iraqi regime:

> Large numbers of persons have unquestionably died under torture in Iraq over the past two decades. Each year there have been reports of dozens—sometimes hundreds—of

> deaths, with bodies of victims left in the street or returned to families bearing marks of torture. . . . The brazenness of Iraqi authorities in returning bodies bearing clear evidence of torture is remarkable. Governments that engage in torture often go to great lengths to hide what they have done. . . . A government so savage as to flaunt its crimes obviously wants to strike terror in the hearts of its citizens. . . .

And, as Iraqi citizens starve, Saddam has illegally used oil revenues from the U.N. oil-for-food program to rebuild his military capabilities, including his weapons of mass destruction. Then, of course, Saddam blames the United States and the United Nations for the suffering of the Iraqi people.

Finally, there is Saddam Hussein's support for international terrorism. In his address to the Nation following the September 11 attacks, President Bush presented the countries of the world with two unambiguous options. He said: "Every nation in every region now has a decision to make. Either you are with us, or you are with the terrorists." Saddam Hussein made his decision.

Iraq was the only Arab-Muslim country that failed to condemn the September 11 attack. In fact, the official Iraqi media stated on that day that America was "reaping the fruits of [its] crimes against humanity." We know that Iraq has hosted members of al-Qaeda. And National Security Advisor Condoleezza Rice has commented specifically on Iraq-al-Qaeda ties.

"We clearly know," she said, "that there . . . have been contacts between senior Iraqi officials and members of al Qaeda. We know too that several of the [al Qaeda] detainees, in particular some high-ranking detainees, have said that Iraq provided some training to al Qaeda in chemical weapons."

And Iraq has supported other terrorists. For example, Abu Abbas, the mastermind of the 1985 *Achille Lauro* hijacking and murderer of American Leon Klinghoffer, lives in Baghdad: The notorious Abu Nidal lived in Baghdad from 1974 to 1983, and then again recently until he was gunned down earlier this year. And Saddam Hussein has provided over $10 million to the families of Palestinian homicide bombers.

Now, the question is, what has the international community been doing about all of this? The answer, Madam President, is not much. The much-touted doctrine of deterrence only works if agreements are enforced. Saddam obviously has not been deterred because no one has been willing to stop him from continuing his unlawful activities.

Saddam Hussein has failed to live up to his cease-fire obligations. The U.N. has failed to enforce them. President Bush described it succinctly in his speech before the United Nations:

> Just months after the 1991 cease-fire, the Security Council twice renewed its demand that the Iraqi regime cooperate fully with inspectors, condemning Iraq's serious violations of its obligations. The Security Council again renewed that demand in 1994, and twice more in 1996, deploring Iraq's clear violations of its obligations. The Security Council renewed its demand three more times in 1997, citing flagrant violations; and three more times in 1998, calling Iraq's behavior totally unacceptable. And in 1999, the demand was renewed yet again.

If nothing else, the decade following the Gulf War has illustrated clearly the limits of U.N. diplomacy. But the U.S. does not have to participate in this folly. Our word must mean something. If we fail to force Saddam Hussein to comply with his obligations, we will have sowed the seeds of even greater and more threatening action in the future.

Is it possible that we could avoid military actions by accepting Iraq's offer to allow unlimited inspections? The answer, I submit, is no. It would have been hard enough for UNSCOM, but it has been replaced by a new entity negotiated between Secretary General Kofi Annan and Iraq in 1998. Unlike UNSCOM, this new entity, the U.N. Monitoring, Verification, and Inspection Commission, known as UNMOVIC, is staffed by U.N. employees, rather than officials on loan from member governments.

The inspectors—who are not even required to have expertise in relevant weapon programs—will not be able to make effective use of intelligence information. They can't receive intelligence information on a privileged basis, and the information that they gather can't flow back to national intelligence agencies, like our CIA. As Gary Millholin, Director of the Wisconsin Project on Nuclear Arms control recently commented, "This eliminates the main incentive for intelligence sources to provide UNMOVIC with information in the first place." Since most of what we learned during inspections was the result of intelligence gathered from Iraqi defectors, it is doubtful UNMOVIC could produce much of value.

The absurdity of this set-up can only be trumped by the absurdity of believing that this commission could possibly succeed against a vicious dictator who has spent the last 11 years perfecting the arts of concealment and deception in a country the size of France. As David Kay, former head of the U.N.'s nuclear inspection team, recently remarked, "The only way you will end the weapons of mass destruction program in Iraq is by removing Saddam from power."

Let me repeat that. This is from the former head of the nuclear inspection team of the United Nations:

> The only way you will end the weapons of mass destruction program in Iraq is by removing Saddam from power.

Here is the bottom line on the international community's ability to deal with the Iraqi threat: Since the end of the Gulf War, Saddam has a nearly perfect record in violating U.N. Security Council resolutions. The United Nations, in turn, has a nearly perfect record in failing to enforce them.

It is time to end this whole charade. Knowing that diplomacy will continue to fail, we have an obligation to act, and not allow diplomacy to be used as a weapon by a brutal dictator. That is a lesson we should have learned through our experiences with the likes of Hitler, Stalin, Ho Chi Minh, and Slobodan Milosevic. Moreover, too much is at stake to place American security in the hands of unaccountable bureaucrats at the U.N.

It is time for military action that will terminate the regime of Saddam Hussein and destroy his weapons of mass destruction. We cannot be assured of peace unless this threat is removed.

Some observers still insist that we should try to contain Saddam through the doctrine of deterrence. After all, they say, we relied on deterrence to contain the Soviets for 50 years, and maybe that will work against Saddam. Mr. President, perhaps we should be thankful that we suddenly have so many new converts to deterrence, since many of these same voices were 20 years ago arguing instead for a nuclear freeze and unilateral U.S. disarmament. I'll remember their newfound commitment to deterrence as we attempt to deal with China's growing militarization in the coming months and years.

There are situations where deterrence can work. This is not one of them for two reasons. First deterrence has a shelf life. If there is no response to violations, a dictator is not deterred—the threat of retaliation is no longer credible. The U.N. has done nothing and the U.S. next to nothing. As a result, Saddam has not been deterred. In any event, containment and deterrence do not apply well in this case.

President Bush was absolutely correct when he declared at West Point that "deterrence means nothing against shadowy terrorist networks with no nation or citizens to defend;" and, "containment is not possible when unbalanced dictators with weapons of mass destruction can deliver those weapons on missiles or secretly provide them to terrorist allies."

While belatedly embracing deterrence, critics of force reject a doctrine of preemption. Yes, they say, there have always been situations where countries had to act with force to prevent some attack on them, but that's different from an announced doctrine of preemption.

There are several answers. The first is: no it is not. Preemption only applies to certain situations—like Iraq. Though Iran presents many of the same circumstances as Iraq, there are differentiating factors that make preemption less appropriate vis-a-vis Iran.

There is no "outstanding warrant" as with Iraq; regime change could come from within Iran; and, militarily, force is much less an option—to name three differences.

Second, it is senseless to require a "smoking gun" in order to act. As Secretary Rumsfeld has said: "A gun doesn't smoke until it's been fired and the goal has to be to stop such an attack before it starts."

Since September 11, this takes on a whole new meaning. Don't think smoking gun—think World Trade Center and Pentagon.

As we stand here more than one year after 3,000 innocent civilians perished at the hands of vicious terrorists, we need to ask ourselves, do we really want to wait until another attack, perhaps one using weapons of mass destruction? What opponents really mean is, wait until just before such an attack, and only act if we're reasonably sure the attack is coming. Obviously, we can't count on knowing that, and the potential consequences are too great to risk it.

So the answer to that question is an emphatic no. September 11 changed everything, or at least should have changed everything, in the way we approach these matters. September 11 moved us out of the realm of international relations theory and into the realm of self-defense. If the President decides to move against Iraq, it will be an act of self-defense. And by voting to authorize the President to take that action, this body will be authorizing an act of self-defense. Knowing what we know, how could we explain inaction if we were subsequently attacked?

What's more, it should be obvious that if Saddam acquires nuclear weapons, it will give him the ability to deter us. We are already hearing arguments against the use of force because of the potential of Iraq using chemical or biological weapons against our forces. Consider having this debate a few months or years from now after we've ascertained that he definitely has a nuclear saber to rattle. This will make a move against Saddam, or any other American action in the Middle East, more dangerous, and in all probability, less likely. It is Saddam's dream come true. He will be able to check our actions. So, again, the time to act is now.

But, some critics say, we must wait for international approval. Mr. President, I submit that the proponents of "multilateralism," in addition to willfully ignoring the fecklessness of the U.N. and certain other countries, neglect the special leadership role that our country plays in the world.

It is no accident that it devolved to us to end German imperialism in World War I, stop Adolf Hitler in World War II, and defeat the forces of international communism in the Cold War. It is no accident that the oppressed peoples of the world look at us, rather than other countries or the U.N., as their ray of hope. That is why we lead, and why we must lead.

We are fortunate to have a President today who appreciates this. While much of the rest of the world insists on burying its head in the sand or clinging to failed approaches, President Bush understands that now is the time to confront Saddam. And while others insist on a false distinction between the Iraqi threat and the war on terrorism, President Bush has, as Noemie Emery has written in The Weekly Standard, connected the dots. In so doing, writes Emery, President Bush has, like Harry Truman when the Soviets encroached on Greece and Turkey in the 1940s, perceived "an ominous and enlarging pattern" that demanded a response. Emery continues, "Several presidents have had to wage wars, but only two, Bush and Truman, have had to perceive them, and then to define them as wars."

This is the essence of leadership. By perceiving that we can no longer afford to be attacked before we act, President Bush's doctrine of preemption allows us, where appropriate, to act first against terrorist organizations and states.

Our use of force in self-defense against Iraq will also help liberate the beleaguered people of Iraq. Aside from the moral imperative, there are a number of tangible benefits to the United States that a more democratic Iraq will bring.

First, if real democracy can take hold, it will dispel the notion that the people of the Middle East are incapable of democratic governance, just as Taiwan and the Philippines have destroyed the "Asian values" myth in recent years. It's notable that the scourge of Islamic terrorism has been nurtured, not in democratic Muslim countries such as Turkey, but in repressive dictatorships like Iraq, Iran, Syria, and Saudi Arabia. A democratic regime in Baghdad will set an example and hopefully spark other badly-needed changes in governments in the region. And, in the long run, democracy will prove to be the antidote to Islamic-based terrorism.

A democratic regime that follows our removal of Saddam Hussein will also provide us with a new and reliable ally in this critical part of the world. The war on terrorism will almost certainly entail additional actions, and the intelligence, political support, overflight rights and the like from an allied regime in Iraq could prove critical to those efforts.

Lastly, a democratic Iraq will bring that nation's vast oil production capabilities back onto the world market. This will help the world economy by, among other things, lessening the ability of the Saudis and others to manipulate oil prices.

While I support this resolution and support using force to rid the world of Saddam Hussein, I do want to offer a few caveats.

First, our commitment to this effort must be total. Our goal here must be nothing short of the destruction of the current Iraqi regime. There is no other realistic way to permanently disarm Iraq of its weapons of mass destruction. And providing our Armed Forces with anything less than everything they need to accomplish that goal is unacceptable. And that includes the support of our intelligence community.

Second, after removing the regime, we must resist the temptation to rush home. As I just stated, there are enormous benefits in helping Iraq achieve democracy. However, it is most unlikely that Iraq can be stabilized and democratized without a significant U.S. presence after the defeat of Saddam.

There can be no questioning the fact that the U.S. occupation of Germany and Japan after World War II was critical to forging those two countries into the democracies they now are. I am not saying we need to copy those examples precisely, but it would be short-sighted and dangerous for us to leave a shattered Iraq on its own or in the hands of the United Nations after the removal of Saddam.

Third, we must not undertake this struggle on the cheap. We should make no mistake: this operation is going to require a great deal of manpower, weapons platforms and equipment, possibly for quite some time. Those forces need to come from somewhere, and our forces have already been stretched thin by the profusion of peacekeeping missions and the budget cuts of the 1990s.

Meanwhile, we need to maintain and, I would say, even augment our deterrent posture elsewhere in the world. For example, last year's Quadrennial Defense Review, mostly drafted before September 11, called for increasing our carrier presence in the Western Pacific. This seems to me to be quite necessary, given that we normally have only one carrier—the *Kitty Hawk*—in that region, but two potential conflict zones, Korea and Taiwan. Yet, when we began our operations in Afghanistan last year, the *Kitty* Hawk was called to duty in the Arabian Sea, leaving us with no carrier in the Western Pacific for months.

We will almost certainly face this situation again if we go to war against Iraq, and it is not something that we should ignore. The upshot, is that this body needs to come to grips with the need for a defense budget that supports the cost of operations like Afghanistan and Iraq, defense transformation and an adequate global force posture. At current spending levels, we are going to come up short of that goal.

Last, but not least, I believe the administration needs to be very careful in its diplomatic efforts to secure a new U.N. Security Council resolution. That body includes the terrorist regime of Syria, Communist China, which threatens our friends on Taiwan and sells fiber-optics to Iraq, and Russia, which has forged close economic ties with Iraq over the past decade. Principle, not expedience, must be our ultimate guide in dealing with these countries that hold the votes to deny or authorize U.N.-backed action.

If we need to make concessions to these regimes that undermine our interests elsewhere—in Taiwan, for example—then it is not worth securing their votes in the Council. Ultimately, we should be prepared to defend our interests with or without the U.N.

Which bring me to my conclusion, Mr. President.

This resolution we are considering today, and this action the President is contemplating in Iraq, is not about carrying out the will of the United Nations or restoring its effectiveness. It is not about assuring the world that the United States is committed to "multilateralism."

Section 3(a)(1) is the heart and soul of this resolution. It authorizes the President to use the Armed Forces of the United States to "defend the national security of the United States against the continuing threat posed by Iraq."

That is what we are doing here today, defending our national security.

It is a sobering, and humbling, task. But as members of the United States Senate, it is our solemn duty.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I compliment our distinguished colleague. I say to the Senator, even though you have given your statement, I anticipate this debate in the Senate will continue for 2 days, and perhaps you will find the opportunity to revisit the floor and, again, personally elaborate on your points.

Today, you have given a very important and timely historical context of the events, and the sequence of those events. And you have placed extremely important emphasis on what the U.N. is trying to do today, as we are right here, in fashioning an inspection regime that is much stronger than the one that is on the books from when Hans Blix was appointed. But I am sure the Senator observed Hans Blix, after visiting with Iraqi officials in Austria, said he would like to wait until the Security Council acted.

So what we are looking forward to now is the evolving process of a regime which I think has to meet the criteria established by our President and the Prime Minister of Great Britain, and others, before we can accept that as a workable solution. Would the Senator agree?

Mr. KYL. Madam President, I hope to have the opportunity to speak to this issue again, but I will say two quick things in response to the Senator from Virginia.

First, I note that Hans Blix has largely, it appears to me from news media accounts, agreed with the position of the United States on what would be necessary to conduct meaningful inspections that would result in the disarmament of Saddam Hussein because, as he noted, the object here is not inspections; the object is disarmament. And inspections would be but a way to achieve that.

Secondly, as I said, I think that only the most naive would believe that it is possible to have an effective regime, irrespective of what kind of resolution were adopted, as long as Saddam Hussein is in power. That is why I quoted the former U.N. inspection team leader David Kay, who made the point, with which I totally agree, that as long as Saddam Hussein is in power there, it is impossible to have disarmament of the kind that was called for at the end of the gulf war.

Mr. WARNER. I thank my colleague. Assuming the Security Council will act, I will personally await the judgment of our President and that of the Prime Minister of Great Britain with regard to the structure and effectiveness, potentially, of such a new regime.

In this debate we have sort of gone back and forth in a very effective discourse on the issues. I wonder if at this time I might ask unanimous consent that the junior Senator from Virginia, Mr. ALLEN, might follow our distinguished colleague, Mr. DOMENICI.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I thank the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I have 15 minutes, I believe.

The PRESIDING OFFICER. The Senator may proceed. He does.

Mr. DOMENICI. Madam President, I would like to talk about the Iraqi situation for a small portion of my 15 minutes.

The more I have been reading about this, the more I have been studying it, the more I come to an answer that I have to make as to whether I will give the President authority to use our military forces along with other countries so as to avoid the use of weapons of mass destruction by Saddam Hussein. I have to ask myself a question: How is he most apt to disarm? What is most apt to make him disarm? Talk? Resolutions? I think not.

When we are finished, a huge majority of the Senate will say this is not necessarily a question of war or peace.

This could be a question of whether an America armed for war, with the full knowledge on the part of Saddam Hussein that we are armed for war, and the President has the authority, might that bring about disarmament on the part of Saddam Hussein sooner than any other means that we know about thus far as we look at the Middle East and its various problems.

I ask unanimous consent to speak as in morning business on the American economy.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DOMENICI are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Virginia is recognized under the unanimous consent agreement for 15 minutes.

Mr. ALLEN. Madam President, I ask unanimous consent that I be able to speak for up to 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Madam President, I rise to address the most pressing and difficult issue facing our Nation today. Over the course of the next few days, we will be debating in the Senate and we will vote on the most serious responsibility the U.S. Constitution delegates to Congress, which is authorizing the use of military force against another nation.

I have only been here for about a year and a half. I passed in the hallway the senior Senator from Virginia, John Warner, who told me, "This is the first time you will have to do this." He said he has been through this experience seven times. I am sure he takes the same sort of care and consideration each time. But for me, this is the first time I have had to face such a question and such an issue as to where I stand.

It is my view the use of military force to resolve a dispute must be the last of all options for our Nation. Before entering into such a decision, it is absolutely necessary Government officials sincerely and honestly are confident they exhausted all practical and realistic diplomatic avenues and understand the short-term as well as the long-term ramifications and implications of such actions.

Exercising our best judgment based on the evidence of the threat, we must look at the consequence not only on the international community, but, more importantly, on the effect such action would have on the people of our country.

In considering the use of military action, my thoughts immediately turn to the people of the Commonwealth of Virginia. While the use of Armed Forces affects all Americans, it has traditionally had a significant impact on Virginia. The Commonwealth is home to literally tens of thousands of brave men and women who risk their lives to defend the freedoms we enjoy. The prospect of war places the lives of many of these men and women in jeopardy, and it means constant anxiety and fear for their families, wherever they may be based—whether in the

U.S. or overseas, whether on land or on the seas.

I know from my experience as Governor how we rely heavily on the National Guard and Reserves whenever military action is necessitated, especially in the past decade. Military action will call up more Reserves and more of the National Guard when they are protecting our safety. It will disrupt those families and businesses and communities all across our great land.

This is not a decision I come to easily or without prayers for guidance and wisdom. The use of our Armed Forces means lives are at risk. The history of military action shows there are frequently unintended consequences and unseen dangers whenever the military is utilized. Fiscally, military action is expensive and can cause unrest both in the U.S. and international markets. When considering these outcomes, it is obvious using force to resolve the dispute is the least desirable and the last option for our country. But military action must remain an option for our diplomatic efforts to have any credibility or success.

I have listened and read comments from constituents and people all over this country, sincere words from the Religious Society of Friends and Pax Christi. They are well-meaning in pointing out their sentiments and the risks involved. However, we must weigh these risks and probable outcomes in the context of the threat Iraq poses to the U.S. and to our interests. I agree with the President, and the CIA, and the Department of Defense, and the State Department, that Iraq and Saddam Hussein's regime are a credible threat to the United States and our interests and our allies around the world. Because that threat is present and real, I believe the dangers will become substantially greater with continued inaction by the international community, or the United States acting in concert with allies.

The "whereas" clauses of the resolution we are debating effectively spell out good reasons, and reasons I look at for authorizing the President to use military action, if necessary. Saddam Hussein has continually, brazenly disregarded and defied resolutions and orders to disarm and discontinue his pursuit of the world's worst weapons. To bring an end to the Gulf War and Saddam's violent attempt to occupy Kuwait, the Iraqi leader unequivocally agreed to eliminate chemical, biological, and nuclear weapons programs, as well as putting severe limits on his missiles and the means to deliver and develop them. Since that armistice was reached in 1991, it has been consistently and constantly breached by Saddam's regime, and has not been enforced at all by the U.N. for the past 4 long years.

Can one imagine a nuclear weapon in the hands of Saddam Hussein? Let's not forget this is a head of state who has demonstrated his willingness to use chemical weapons on other nations and his own citizens with little or no reservation.

If the current Iraqi regime possessed a nuclear weapon, it would drastically alter a balance of power in an already explosive region of the world. Such a capability would renew Saddam's quest for regional dominance and leave many U.S. citizens, allies, and interests at great peril.

This man has no respect for international laws or rules of engagement. I share President Bush's fear that increased weapons capability would leave the fate of the Middle East in the hands of a tyrannical and very cruel dictator.

Most dangerous, currently, is not his desire to have nuclear weapons, but stockpiling of chemical weapons, the stockpiling of a variety of biological weapons; and also his missile range capabilities, that far exceed U.N. restrictions.

There is another concern not only that he has stockpiled biological and chemical weapons and the means of delivering them, but also the justifiable and understandable fear that he could transfer those biological or chemical agents to a terrorist group or other individuals. After all, Saddam Hussein is the same heartless person who offers $25,000 to families of children who commit suicide terrorist acts in Israel.

The goal of the United States and the international community needs to be disarmament. Saddam Hussein must be stripped of all capabilities to develop, manufacture, and stockpile these weapons of mass destruction, meaning chemical, biological agents, and the missiles and other means to deliver them by himself or by a terrorist subcontractor.

If regime change is collateral damage of disarmament, I do not believe there is anyone in the world who will mourn the loss of this deposed dictator. True disarmament can only be accomplished with inspection teams that have the ability to travel and investigate where they deem appropriate. To ensure they have full access to inspections is a key component of what the President of the United States is trying to get the United Nations to do.

We are trying to get full and unimpeded inspections. It would be appropriate for us to say noncompliance would result in forced disarmament.

The U.S. and the world cannot afford to have this mission undermined by wild goose chases and constant surreptitious, conniving evasion and large suspect areas being declared by Saddam to be immune from inspection.

I commend President Bush for recognizing the importance of including all countries in this effort. His statement to the United Nations on September 12, 2002, clearly and accurately spelled out the dangers Iraq poses to the world. By placing the onus on the United Nations, the President has given that international body the opportunity to re-establish its relevance in important world affairs, and finally enforce the resolutions that its Security Council has passed for the last eleven years.

Passing a new resolution will increase the credibility of the United Nations, which has steadily eroded since the mid 1990s. The Security Council has an obligation to provide weapons inspectors with the flexibility to accomplish their mission. This can only be realized if a resolution is passed with consequences for inaction or defiance.

That is why as the United Nations debates a new and stronger resolution against Iraq, the United States must be united in our resolve for disarmament. Passing a resolution authorizing our President to use military force in the event that diplomatic efforts are unsuccessful sends a clear message to the international community that Americans are united in our foreign policy.

I respectfully disagree with the premise that the President must first petition the United Nations before asking Congress for authority. I question: How can we expect the United Nations to act against Iraqi defiance if the U.S. Government does not stand with our President and our administration's efforts to persuade the United Nations and the international community to enforce their own resolutions?

It is right for us to debate the resolutions before the Senate, to voice concerns and sentiments in support or opposition. Each Member will take a stand and be accountable, and when the debate concludes, I respectfully ask my colleagues, when a resolution is agreed to, stand strong with our troops, our diplomats, and our mission. From time to time, one sees elected officials who moan in self-pity about having to make a tough decision that may not be popular. Well, I know the vast majority of the Senators, regardless of their ultimate position on this issue, can make tough decisions with minimal whimpering. Senators have all been elected by the people of their States to exercise judgment consistent with principles and promises.

As the Senate debates the merits of each resolution, it must be prepared for the possibility of continued inaction by the United Nations. Americans cannot stand by and cannot cede any authority or sovereignty to an international body when the lives and interests of U.S. citizens are involved.

I believe it would be a grave mistake for the United Nations to shirk its responsibility regarding Iraq; however, a consensus might not be reached with all nations on the U.N. Security Council. If that circumstance arises, the United States and the President will have a duty to garner as much international support as is realistically possible.

Blissful, delusional dawdling, wishful thinking, and doing nothing is not an option for the United States. However, continuing the diplomatic work in face of the Security Council veto is necessary not only for diplomacy, but to gain allies to help shoulder the logistical and operational burdens that would be a part of any military campaign.

It is true the United States can disarm Saddam Hussein alone. However, as we continue to pursue the venomous, vile al-Qaida terrorists and other terrorist supporters, we would greatly benefit from allied support in these extended efforts. I believe we will see more allies join this effort to disarm Saddam Hussein's regime. Britain will not be our sole teammate in this effort. As other countries begin to understand the severity of the threat, they will recognize it is in their best interest to disarm Iraq.

The UK along with Spain, Italy and some countries from the Middle East have supported our position. Kuwait, Qatar, and the Saudis have also indicated that maybe they will not send troops in, but have offered logistical bases that would be helpful for our tactical air strikes.

We do not want to make this a war against a particular group or certain religious beliefs. We must guard against any rhetoric or statement that is targeted against Muslims or Arabs. Our mission is to protect the United States, its allies, and interests by upholding internationally agreed-upon resolutions to disarm Iraq of biological, chemical, nuclear, and missile technologies. I urge the President to make absolutely clear that in the event we have to seek support from allies, that we continue to do so in the Middle East.

As a member of the Foreign Relations Committee, I have participated in committee meetings and top secret briefings and analyzed this issue very closely, and with questions. After reviewing the several resolutions offered by our colleagues, I believe the best way to provide the President with the authority and the support he may need is by passing the authorization for use of military force against Iraq.

This resolution, introduced and offered by Senator WARNER and Senator LIEBERMAN, as well as Senator McCAIN and others, gives the President the authority and flexibility to ensure the protection of the United States. I am particularly pleased that the resolution will task the President with determining that diplomatic means will not adequately protect the national security of the United States. This determination will ensure the United States is exhausting every diplomatic option before authorizing the use of our Armed Forces.

I refer to section 2 on page 7 of the resolution and those clauses therein: Where the Congress of the United States supports the efforts of the President to strictly enforce United Nations Security Council resolutions applicable to Iraq and encourages him in those efforts. It also encourages the President to obtain prompt and decisive action by the Security Council to ensure that Iraq abandons its strategy of delay, evasion, and noncompliance, and promptly and strictly complies with all relevant security resolutions.

I interpret this as also, in dealing not just with the United Nations, but also garnering allies in the process.

I will continue to listen intently to the debate on all the resolutions regarding Iraq. However, I truly and sincerely believe that Senate Joint Resolution 46, which I referenced earlier, will provide a sense of the Senate that the Congress, and most importantly, in our reflection in representation, a reflection that Americans are united behind our President and we support efforts to garner allied and U.N. support in the event that diplomatic options fail to disarm Saddam Hussein.

We all know that Saddam Hussein is a vile dictator with regard for only his own survival. He compromises the well-being of all Iraqis in his efforts to maintain power and accumulate wealth. History shows the Iraqi leader only responds when there is a gun put to his head. Sweet talking will not do any good with this man.

Now we are seeing this phenomenon play out as he allows weapons inspections to resume only after intense, consistent pressure from the international community. But even then what we are seeing again is the same shell game of conditions and prevarications that led to the departure of inspectors 4 years ago. We must not allow him to continue with these ploys of deception.

I do not believe any American welcomes the prospect of deploying our brave men and women for military action. However, standing strong and united as a country, together with our President, our diplomats, and our defense forces, and in favor of congressional authority to use force if it is absolutely necessary, is the best way to ensure Saddam Hussein is disarmed and military conflict is actually avoided.

The greatest responsibility of this Government and its officials is to protect and ensure the national security of the United States and our citizens. We know Saddam Hussein poses a threat to our country, and it is incumbent upon every Member of this body to help neutralize that threat. I am hopeful this problem will be resolved peacefully, through international diplomacy. But in the event those efforts fail, I do not want our President to be hobbled without the authority to protect the citizens of the United States of America.

Therefore, when my name is called, I will stand with President Bush, stand with our diplomats, stand with our troops and support this serious and necessary resolution, which is designed to save innocent American lives.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Madam President, I think this is one of the most serious issues I have ever addressed on this floor, and I thank Lindsay Hayes and Karina Waller, who are with me today, for their help in preparing this statement.

There are few of us still around who lived through events which led to World War II. I was in high school, as a matter of fact, and I studied Hitler's actions month after month in history class. I vividly remember watching the world appease Hitler while he pursued an aggressive military policy aimed at dominating the world.

The current situation reminds me of the agreements we studied in high school which were made after World War I. Hitler just waved them away. When Hitler flaunted the terms of the Versailles Peace Treaty, France and Britain did nothing to enforce it. When Hitler occupied the Rhineland and the Anschluss in Austria, no nation tried to stop him. Instead, the world repeatedly gave into an obnoxious, aggressive leader to avoid war.

When I was a senior in high school many of my friends left school to enlist. I left Oregon State College in December of 1942. Only seven of us in the Senate today served during World War II, but as one who fought in China, the "Forgotten War," I see the next Hitler in Saddam Hussein.

Senator WARNER, Senator INOUYE, Sam Nunn, and I also experienced the horror of the gulf war firsthand. In 1991, in an Israeli defense conference room we were told a Scud had been fired at Tel Aviv, which is where we were, and it could be carrying chemical or biological agents. Gas Masks were passed around the room and we waited about 20 minutes before being told that the Scud had fallen. The next morning we went to locate the Scud and found that it had been grazed by a Patriot missile. It had hit an apartment complex.

This was quite an interesting experience to Senator INOUYE and I because several years before this incident Senator DAN INOUYE and I had demanded that the anti-aircraft Patriot be modified to become an anti-missile system, and we were in Israel witnessing the use of that Patriot system.

Over 20 years ago, the Israelis saved the world a great deal of pain when they destroyed the Iraqi nuclear reactor. That action delayed an Iraqi bomb by at least 15 years, and that raid also made Hussein more cautious. Today he has spread out and carefully concealed his military-weapons infrastructure to make destruction of those weapons more difficult.

We seek peace.

We abhor war.

We work to assure our military capacity is second to none because we believe in this new world no nation has time to re-arm. We must be ready instantly to defend our interests at home and abroad or perish.

Our President is right to shake Hussien's cage. The Middle East is a tinder box, but only one nation has the ability to ignite the entire world, and that is Iraq.

Saddam Hussein cannot be allowed to expand beyond his borders again and he cannot continue developing weapons of mass destruction.

President Bush has an important role as the leader of the free world as he repeatedly states there is a menace in Iraq and it is growing.

This is the most serious situation we have faced since World War II.

Since the end of the Persian Gulf war, our forces have been enforcing the United Nation's mandate that there should be two no-fly zones in Iraq. Our planes fly patrols for the United Nations, over those no-fly zones daily and have been shot at almost every day. We cannot allow this continued risk to the lives of our own pilots.

The threat of weapons of mass destruction was real during the Persian Gulf war. It is even more real today. Five years ago, weapons inspectors were forced out of Iraq. Based on classified briefings I have received I have no doubt that Saddam Hussein has used this opportunity to expand his weapons program.

Iraq has not accounted for hundreds of tons of chemical precursors and tens of thousands of unfilled munitions canisters. It has not accounted for at least 15,000 artillery rockets previously used for delivering nerve agents or 550 artillery shells filled with mustard gas. When inspectors left Iraq in 1998, the regime was capable of resuming bacterial warfare agent production within weeks. Hussein has had time to produce stockpiles of anthrax and other agents, including smallpox, and he is not afraid to use these weapons.

He has used weapons of mass destruction against Iranians, against his own people, and, I believe, against some of our military in the gulf war.

When Hussein begins blackmailing his neighbors and using his resources, The world will face an impossible situation. If Hussein's weapons program continues unchecked our allies—his neighbors—face an unconventional threat of immense proportions—a threat more horrible than all Hitler's legions.

The President needs our support to form a coalition that can confront this crisis. We must grant President Bush the same powers that Congress has given his predecessors.

We must pass this resolution now or our children, or our grandchildren, are going to shed a monstrous amount of blood to deal with this threat in the future.

Hussein will use these weapons if he is not stopped now. He will become a Hitler. He will continue as Hitler started—dominating one country after another. With the weapons he has, he need only to threaten their use, or to use them as he did in Iran. Then ours will be a terrible dilemma: how does the world deal with a madman who has weapons against which the world cannot defend?

If any Senator has doubts about this resolution, I ask them to ask themselves this question: is Saddam Hussein really ready to become part of the family of nations again? Can anyone on this Senate floor answer that question "Yes"?

The U.N. has told Hussein that he must disarm 16 times. Sixteen times he has defied that body. He has lied. He has not once complied. Between 1991 and 1998, Iraq practiced a series of deceitful tactics designed to prevent U.N. inspectors from completing inspections. The same course of action will bring the same results.

As I have traveled at home, I am often asked "How do we know Hussein is so bad?" Our intelligence agencies have developed an enormous amount of evidence on his activities, his use of weapons of mass destruction, and his lies and deceptions. Unfortunately, this information is mostly classified to protect sources and methods by which the information was acquired.

As one of the Senate who is briefed on a regular basis I believe our intelligence agencies understand the nature of the threat Iraq poses. However, while it is likely that Iraq has large amounts of biological and chemical weapons, our knowledge of their ability to deliver those agents against long-range targets outside of Iraq is limited.

To assure the formation of a coalition to contain Hussein, we must pass this resolution.

The President must have this authority. We want the U.N. to demand full inspections before this threat becomes even greater. This Congressional authorization to use force if necessary will send a message to the United Nations: Congress is united. We stand behind our Commander in Chief.

In 1945 the world community gathered together to denounce the atrocities committed by Hitler and form the United Nations. That action made a commitment to protect succeeding generations from the scourge of war and promised such horrors would never again take place. Now it is incumbent upon the United National to fulfill that promise. The U.N. must send a message that the international community will not tolerate regimes which commit genocide against their own people, employ weapons of mass destruction against other countries, and harbor terrorists.

The world community must confront this Iraqi threat. This resolution gives the President the support he needs to convince the U.N. to join in building that coalition.

United States policy must be clear. Should the United Nations fail to live up to its promise, this resolution authorizes the President to take the necessary steps to protect the United States and ensure the stability of the world community.

With this authority the President may state clearly to members of other nations: Are you with us? Do you support our determination to face this threat now?

We are not alone. Great Britain and other nations are already supporting our President.

A new history of international courage can be written now. This generation need not endure a long and bloody world war if our leaders stand together and state clearly: the world will not condone defiance and deception, we will not allow a dictator to rise from the ashes of defeat to menace the world with awesome weapons.

I support our Commander in Chief.

I shall vote for the administration's bipartisan resolution.

Our Nation is the last real superpower. The burden of that status is that every nation in the world must know we will use our military force, if necessary, to prevent tyrants from acquiring and using weapons of annihilation.

It is my belief that with this authority President Bush may prove that determination to the United Nations and there will be a coalition that will bring peace through strength to the Middle East.

The PRESIDING OFFICER (Mr. CARPER). The Senator from Virginia.

Mr. WARNER. I thank our distinguished colleague from Alaska. It was very helpful for him to make references to his knowledge of the pre-world War II days. He had a very distinguished career in World War II as a member of the Army Air Corp and as a pilot. I had a very modest one at the tail end, just in training, in the Navy. But both of us remember that period very well.

The Senator emphasized quite forcibly the need for the United Nations to face up to this. Having lived through that period, we remember the League of Nations. We remember the blatant attack by the Italian military under the leadership of Mussolini against then Abyssinia, now referred to as the nation of Ethiopia, and how the league began to look at that situation, and look at it and look at it and look at it and did nothing, and then the aggression during the attacks by Japan on China.

The Senator recalls these periods in history. Eventually the league went out of business. It fell into the dust bin of history and in some small vestige was absorbed into the United Nations.

I have a strong view, and I think our President has made reference to this, that unless the United Nations lives up to its charter and assumes the responsibility of enforcing its own Security Council resolution, that organization, too, could fall into the dust bin of history, not unlike the League of Nations.

Does the Senator share those views?

Mr. STEVENS. I certainly do. I share deeply the views of the Senator from Virginia. It does seem to me that we should have learned a lesson from the period of World War II. It took a terrible attack upon Pearl Harbor to bring us to the point where we were willing to enter that war. Our Nation was part of the group trying to brush Hitler under the rug, thinking somehow or another this would go away. But President Roosevelt, to his great credit, had the courage to stand up and try to find ways to help those who were willing to stand in Hitler's way.

Now is the time to recognize that once a person becomes President of the United States and becomes Commander in Chief, there is an awesome responsibility, and particularly after the events of September 11 of last year, we have to recognize that as Commander in Chief he needs our support. Politics in my mind has always stopped at the water's edge. We ought to be united behind our President when he is dealing with problems such as Saddam Hussein. We certainly ought to be united in terms of voicing the sentiment that the United Nations must stand up and be counted this time.

Sixteen times. How many times does he have to go to the well before he finds out that he must comply with these U.N. mandates? There is enough evidence out there now that Saddam Hussein has failed to comply with the mandates that give rise to a world coalition to contain him. We thought we already had.

We have our Coast Guard stopping ships going into the station. We have pilots flying over the two no-fly zones every day. And on the ground he has palaces all over the place and will not let anyone know what is in them.

Mr. WARNER. Might I add that those pilots to whom the Senator referred, American and Great Britain, were shot at 60 times in just the month of September alone and they have been at it now for over a decade. It is the only enforcement of any resolution undertaken by any of the member nations. It is the United States, Great Britain, and at one time France. They have now discontinued. That is the only enforcement of any resolution.

Mr. STEVENS. I have spoken to those young pilots at the Prince Sultan airbase in Saudi Arabia and at our offices in Kuwait and even in London. Many of our own pilots who flew those missions day in and day out did not reenlist. They just got tired of the stress of flying over the no-fly zone and being shot at daily by missiles that are capable of downing their aircraft.

Thank God we have some of the systems to defend against those missiles, but the U.N. has absolutely had blinders on. They have not even seen that. Both British and American pilots are shot at daily by this person. Why? Because they are flying over no-fly zones. They have every right under international law to be there because Saddam Hussein agreed they could be there.

Mr. WARNER. In writing.

Mr. STEVENS. In writing.

He is shooting missiles at them every day.

It is high time we did away with that concept that the area of Baghdad is off limits. If they down an airplane, I don't think there is any question in the world we should declare war against them because he has violated the United Nations agreement he entered into himself. The idea of allowing him to shoot at pilots day in and day out with impunity is totally beyond my comprehension.

Mr. WARNER. The purpose of this resolution is to prevent a pilot from being downed. If we are resolute in this Chamber, if we clearly show, not only to the American public but to the whole world, that we stand arm in arm with our President, no daylight between us which can be exploited by Saddam Hussein and perhaps weak nations—if we are arm in arm, it is the extent to which this United Nations is more likely to fulfill its obligations under the charter and, hopefully, devise a resolution which can bring about an inspection regime which has teeth in it this time, and make it very clear if Saddam Hussein's regime does not live up to it, then member nations such as ours and others in the coalition can utilize and resort to force.

Mr. STEVENS. Mr. President, the Senator is absolutely correct. The real problem is until the members of the United Nations know we mean business, they are not going to come and join a coalition. It takes money, it takes time, it takes commitment, it takes internal debates like this in every democracy. But the necessity is there for us to tell the world we are ready. We are ready to bring an end to this man's deceitful action against the world. But until we do, who is going to join a coalition until they know the superpower is really in there? We have to put our money on the table first. We have to put our hand out there to anyone who is ready to join this coalition, to say: We are there. Are you with us or not? If you are not, then you are not part of history, as far as I am concerned. History will read the nations who stood together and stopped Saddam Hussein, saved the world, as well as those who joined with us in World War II saved the world.

I think this threat is even worse, though, than the one we faced. It is the most awesome thing possible, the more I learn about these weapons he has, weapons of mass destruction that can be deployed and used in so many ways. To think a person is there who has been willing to use them against Iran, against his own people, the Kurds. I still believe some of the problems our people had in the Persian Gulf war came from his testing some of those weapons. There is no question in my mind.

Mr. WARNER. My colleague is absolutely right. Now with the transportability of some of those weapons of mass destruction, and if he were to place them in the hands of the international terrorist ring—I don't say he hasn't done it already. We don't have the specific knowledge—that is an imminent danger to the United States.

But you concluded on history. I would like to read one brief statement. June 1936, Haile Selassie, Emperor of Abyssinia—Ethiopia today—in an appeal to the League of Nations.

> I assert that the problem submitted to the Assembly today is a much wider one. It is not merely a question of the settlement of Italian aggression. It is a collective security. It is the very essence of the League of Nations. It is the confidence that each state is to place in international treaties. It is the value of promises made to small states that their integrity and their independence shall be respected and ensured. It is the principle of equality of states on the one hand, or otherwise the obligation laid upon small powers to accept the bonds of vassalship. In a word, it is international morality that is at stake. Do the signatures appended to a treaty have value only insofar as the signatory powers have a personal, direct and immediate interest involved?

The rest is history. The League did nothing but debate and debate and did nothing. And this country perished.

We are at that juncture now, I say respectfully to the United Nations. Will they fall into the dustbin of history as did the League?

I thank my colleague.

Mr. STEVENS. Mr. President, the Senator and I are of another generation. There is no question about that. I never thought I would live to see the day I would say there is no question in my mind this is a greater threat than what we faced when we were young. But we had time. There was time to adjust. Even in the Persian Gulf war, we had time to take the actions that were necessary to evict Saddam Hussein's likes from Kuwait.

But now it is not a matter of time. I am convinced the clock is ticking on the world as far as this threat is concerned. These are weapons of mass destruction. Even one of them should lead a person to have some fear. The only thing we can do is to join together with the world.

Someone said to me the other day we can't do it alone. Whoever said that is absolutely right. This is not something one nation can do alone. But this is something where one nation can lead. That is what is happening right now. We must lead. We must form this coalition, and we must convince the U.N. to be a part of that coalition and to be firm. And this time—this time, to know either they enforce those mandates that come from the U.N., or we will lead the world to enforce them. It must be done.

Mr. WARNER. Mr. President, we thank our colleague. The advancement of technology is what makes things different. The advances of technology are what underlies this doctrine of preemptive strike, which our President says must be addressed now, not only by our Nation, but other nations that wish to protect themselves and their own security. That is a very important issue, and I give great credit to this President for having the courage to bring to the forefront of the world—not just the United States, but the forefront of the world—the threats we face with now rapid technology and the development of weapons of mass destruction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I want to praise my two learned, worthy colleagues who have done so much through the years to make sure our country is free and many areas of the world are free as well. I want to associate myself with their remarks.

I was particularly impressed with the remarks of the distinguished Senator from Alaska, whom we all revere and respect, and, I might add, particularly with the remarks of the distinguished Senator from Virginia. I was very aware of the Abyssinia problem—now we call it Ethiopia. I think his point is well taken. I would just like to associate myself with the remarks of both of my dear colleagues.

I ask unanimous consent I be allowed to use such time as I need.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, this week, as we know, we debate the most serious topic Congress can ever face, whether we will authorize the President to use force to address a looming threat to our national security. Right here and now I wish to say I will support this President, should he determine we need to deploy the military of the United States to force Iraq into compliance with the resolutions of the international community requiring it—transparently and permanently—to disarm itself of weapons of mass destruction.

If this requires the removal of Saddam Hussein from power, as I believe it will, I will support this President's policy of regime change, and I respectfully urge my colleagues to join me. It may be early in our Senate debate on this resolution, but we have been discussing our policy options for years. The President and his advisers have regularly consulted with us, with our allies, with the international community, and with the American public. As a result, I believe this administration will act with a coalition of willing nations, fully within the boundaries of international law, with the support of this Congress, and with the support and prayers of the American people.

I am honored to have served the people of Utah for 26 years. Utahans are a patriotic people. Almost all, Republicans and Democrats, will support the President of the United States when he makes his final determination the vital interests of this country are at risk and we must take military action to protect those vital interests. Tonight the President will make that case before the American people, and we will all listen intently to his words.

As a Senator who represents the interests of Utah but also the interests of our country, I know a decision on the use of force is the most serious consideration I can make because the costs may be measured by the ultimate sacrifice of good Americans. I make this decision with the deepest of study and prayer, and I offer my prayers to support any President who must make such a final decision.

President Bush has acted conscientiously and openly in determining his administration's policy toward Iraq. I do not understand criticisms of this administration as being secretive, unilateral, militaristic, and uncooperative. From my perspective, none of these adjectives represent an objective reality. President Bush has warned us of the threat from Saddam Hussein's Iraq since he stepped into the national spotlight during the Presidential campaign. I was there. He has been expressing what most observers, expert analysts, and honest brokers have long recognized.

Iraq has broken all of its pledges to cooperate with the international community and disarm;

Iraq has refused to allow international inspectors since 1998;

Iraq has never completely accounted for materials used for weapons of mass destruction, specifically biological and chemical weapons, since its defeat in 1991;

Iraq has violated every U.N. resolution passed since 1991;

Iraq has repeatedly fired on U.S. and allied aircraft patrolling the northern and southern "no-fly" zones;

Saddam Hussein has continued to threaten his neighbors and has never ceased his hostile rhetoric toward the United States;

And, Iraq has never proven to the international community that it has abandoned its pursuit of nuclear weapons.

In fact, as a member of the Senate Select Committee on Intelligence, I can tell you Iraq has never really abandoned that.

Charges that the President has been unilateralist are completely unfounded. The pace of diplomatic activity conducted by administration officials in the capitals of our friends and allies, as well as in Geneva and in New York, is as active as any administration's diplomacy in modern times. Every day there is another respectful consultation, as the President's Secretaries of State and Defense, and the National Security Adviser's team, have repeatedly demonstrated.

The President's speech before the United Nations 1 day and 1 year after September 11 was the most eloquent and forceful presentation of a U.S. President before that body.

His appeal was ethical and it was logical. He stood before the body of the international community and he said:

> The United States stands with you behind the resolutions that are the core reason for this body's existence.
>
> If this body is to mean anything, the President logically implored, then this body must stand behind the resolutions that Iraq is flaunting today.
>
> Never before has a President made such a dramatic and persuasive appeal before the U.N.
>
> Never before has the U.N. been confronted with such a clear choice: Stand by what you say . . . . . . or stand aside in irrelevance.

The President has consulted with every Member of Congress, and with most of us many times.

His representatives have dutifully and constructively testified before numerous of our committees, and they have always been available for more discussions when needed.

While the Constitution gives the foreign policy-making prerogative to the executive branch, I have always thought it sound judgment that a President voluntarily seek support and authorization from the U.S. Congress.

Clearly, that is what this President has done with numerous consultations over the past weeks, including discussions that have culminated in this resolutions we will debate this week.

This administration has respectfully included the public in this most serious of deliberations. Virtually all of these presentations, testimonies, and speeches have been done in the public eye.

While a few congressional briefings have had to be conducted in closed settings due to the necessary review of classified materials, the arguments and most of the evidence for the determination of this administration's policy on Iraq have been there for the public to judge.

The President's speech tonight will crystalize for the American people the important decision before us.

In the past 2 weeks, there have been a few partisan eruptions.

I believe we should never shirk from debate, and I believe that the matters of war and peace must be thoroughly debated as long as we recognize that, in the world of human affairs, there is no perfect wisdom, particularly of how the future will unfold.

But let us not presume there are limits to good faith.

There is not a single Democrat or Republican who glibly supports a decision that may have the consequence of shedding blood.

And there is no Democrat or Republican who would ever seek to jeopardize the national security of this country by refusing to engage a threat that is looming.

The decision to go to war cannot, must not, ever be a function of politics.

In 1996, I warned that Osama bin Laden was a threat to this country. Bin Laden's activities had been of concern to a few prior to this. But, in that year, a number of interviews and articles with this man led me to conclude that he had large and evil intentions. I believed that he would distinguish himself from other terrorists by taking his grievances out of his homeland and his region and that some day—at a time we could not predetermine—he would be a threat to this country.

I cannot raise this point with any pride. I warned about bin Laden, and many good people in the intelligence and law enforcement agencies began to respond to this growing threat.

For reasons the historians will someday study, based in part on the inquiries we have already begun, we did not stop bin Laden. And he brought the terrorism war home to us.

Two years later after I first warned about bin Laden, he attacked two U.S. embassies in the same morning, destroying buildings, and killing American diplomats and their families, as well as hundreds of Africans in Nairobi and Dar es Salaam.

A few days later, the President addressed the Nation, telling us he had responded to the Africa attacks by bin Laden with cruise missiles against Sudan and Afghanistan.

While some raced to criticize him for "wagging the dog" trying to distance himself from the unfolding drama of his personal troubles I personally spoke out and approved of the President's initiative.

I was in Salt Lake at the time. Because I had raised bin Laden so many times and had become thoroughly involved in trying to help the President with some of his problems, they interviewed me there, and I said at that time that he did the right thing, but I also said he should follow up and not just do it once.

We were attacked and the U.S. had to respond, because if we did not respond, our passivity would invite further attacks.

I also urged the President not to let that be a single set of strikes. I knew that any response we made short of eliminating the threat of bin Laden would embolden bin Laden.

Since the days after September 11, I have often thought of those key moments in the late 1990s. I do so not to cast blame. The lives lost in New York, at the Pentagon, and in that Pennsylvania countryside will always be a reminder of how we failed to anticipate, failed to respond, failed to eliminate a threat we knew was out there.

But let these not be lessons lost.

The lives lost in New York, Washington, Pennsylvania, and in our campaign in Afghanistan demonstrate that if we are not prepared to engage an enemy before he strikes us then we must accept that we will pay a cost for pursuing him afterward.

To me and to many Utahns and citizens throughout the Nation, the lesson of September 11 is: do not wait for your enemy to attack—especially when he has access to weapons of mass destruction.

If you have evidence of your enemy's capabilities and with Saddam Hussein we do and if you have evidence of his enmity and with Saddam Hussein we do—then do not err on the side of wishful thinking. With enemies with the destructive capabilities of Saddam Hussein, we must be hard-headed.

The administration has argued that Saddam's Iraq poses a threat, a threat that must be eliminated. If we cannot eliminate the threat of weapons of mass destruction through coercive, thorough and comprehensive inspections backed by the threat of force supported by the international community—then the U.S. must seek to build our own coalition of willing nations to disarm Iraq by force and allow for a regime that will replace Saddam and return Iraq to the community of nations.

I believe the President should continue to work with the international community to seek ways to disarm Iraq short of military intervention. Military force should never be our first course of action.

But I will not support a resolution that conditions our authorization on actions by the United Nations.

Such a move would set a precedent over sovereign decisions conducted by this country to defend its national interests.

Supporting such language would, in my opinion, infringe upon the constitutional prerogative that resides with the President to conduct and manage the Nation's foreign policy.

Congress must resist attempts to micromanage a war effort.

The resolution we debate today is an authorization. But, the timing and modalities of action need to be—and must be controlled by the administration, with consultation wherever possible, so long as that consultation does not hamper the war effort.

Traditional geopolitics requires us to think about national security in categories of our interests.

Our vital interests are defined as the security of our homeland and our way of life; we must defend them at any costs, and we must be willing to defend them alone, if necessary.

There are areas of vital national interest to this country, that if they were threatened or succumbed to hostile control, would jeopardize our homeland or our way of life.

They are: the Western Hemisphere; Japan; Europe; and the Persian Gulf.

Saddam Hussein continues to threaten the stability of the Persian Gulf. From this perspective, I believe that the frightening capabilities of Saddam's chemical and biological weapons pose a threat to the region, and to the stability of the Gulf, and therefore to our vital national interests.

In addition, nontraditional geopolitics recognizes that international phenomena other than nation states must be considered when assessing the national security of the United States.

Terrorism is the number one non-traditional threat to the U.S. today. This may seem obvious after September 11. It was not obvious enough before September 11.

The American people know that we are at war with al-Qaida.

The American people recognize that never again can we be complacent about threats to this country and our interests.

And the American people understand that this war on al-Qaida cannot be used as an excuse to ignore other grave threats, such as the threat that Iraq continues to pose.

We should not assume that Saddam Hussein will politely stand in line behind al-Qaida.

With the questions remaining about Iraq's weapons of mass destruction, with too many suggestions of Iraq's ties with terrorists, and with no question about Iraq's animosity to the United States, and other countries as well, including many in the Middle East, should the United States consider an option of doing nothing, or too little, as we did with al-Qaida before September 11?

Perhaps, as a result of the diplomatic pressure building on Saddam Hussein in recent days, his regime will comply with a forceful and comprehensive international inspection regime.

However, we should not for a single moment forget Saddam's history of obfuscation and delay. His record of noncompliance is 100 percent. Any inspection regime which we agree to support must complete the actions required in all Security Council resolutions, including the ones being drafted now, that would demand compliance with inspections or face the use of force.

Some have suggested that a war on Iraq would be the beginning of a radical doctrine of preemption—that we are now setting a precedent for unilateral military action against regimes that we find odious.

The idea of "preemption" is as old as Grotius, the father of international law, who wrote in the 17th century.

U.S. policymakers have never foresworn the option of preemption, and have never seen the U.N. Charter as restricting the use of preemption in the event of a threat to our national security. There are many examples of this thinking in both Republican and Democratic administrations.

Recall that U.S. nuclear doctrine never adopted a no-first-use policy.

Nor is the policy decision we are facing today opening up a new, militaristic, and unilateral approach to dealing with other countries with which we have conflicts.

Some have suggested that, if we authorize the use of force against Iraq, we are automatically implying that we support the use of force against the other two countries in the "axis of evil" termed by the President.

Today, the administration is using diplomacy to control the ongoing confrontation on the Korean Peninsula.

And while Iran remains a geopolitical threat, as it continues to fund terrorists operating in the Middle East, and is extending its influence in Afghanistan, the political foment within Iran is also providing a challenge to that Islamic fundamentalist dictatorship, as more and more Iranians seek to overthrow their corrupt and repressive tyranny.

Despite some leftist revisionist histories, America has always been reluctant to use force overseas. As a democracy, we are imbued with values of caution and respect for human rights, reluctance and a desire to let other nations choose their own paths.

But the world changed for us on September 11, 2001.

The American people are patient, but we should never let that patience be used against us. As the President has said, if we are to wait until we have definite proof that Iraq intends to use weapons of mass destruction against us, then it may be too late.

For too long, we were hesitant to attack al-Qaida, presuming that they would never dare to attack us in the heart of our financial center, at the core of our defense establishment, in the openness of our commercial airways. We were wrong.

Can we accept the consequences of being wrong with Saddam Hussein's Iraq?

If this Congress authorizes the use of force, and if the President concludes that force is the only option in removing Saddam Hussein from power and disarming Iraq of weapons of mass destruction, then I believe that every member of this body will fully support our President and our Armed Forces.

Iraq has been in a dangerous geopolitical limbo since Saddam Hussein was ejected from Kuwait in 1991, and then left to oppress his people over the ensuing decade.

If the United States must act to remove Saddam Hussein, we must be committed to help reconstruct Iraq. This will take sustained policy focus. The U.S. will, once again, pay for a large portion of the costs of war. We would expect our allies to pay for a large portion of the reconstruction.

U.S. policy must commit to the long-term stability of Iraq. We must work with the various Iraqi ethnic groups to build their own vision of a tolerant, educated, modern Iraq. Many of the Iraqi people have a history of valuing education, modernity and multiethnic society. We must commit to staying in Iraq until the basic institutions that will provide long-term stability are built.

A stable, tolerant, modern Iraq may transform the Arab Middle East. Other traditional states will have to explain to their own peoples why they hesitate to grant democratic rights and privileges, basic human rights, and respect for women, if an Iraqi government were to arise from the repression of Saddam to blossom as an example of tolerance and modernity.

If we commit to the liberation of the Iraqi people, and we assist them in rising out of decades of Saddam Hussein's depredations, the whole world will be able to see that the Arab world is not predestined to tyranny, radical regimes, anti-Western hatred, willful ignorance.

I believe that this is President Bush's vision. The President understands that the use of force against Saddam Hussein—if it comes to this—will be the beginning of the end—not just of that dictator's brutal reign, but also of nearly a century of Arab despotism.

I pray that Saddam Hussein capitulates to the international community and allows unfettered and comprehensive inspections, and that he removes himself from power or is removed by some brave Iraqi.

But if we are not so fortunate, I pray Godspeed for our men and women in the military when they, once again, go beyond our shores to protect those of us within them.

Mr. President, I again thank our very fine leader on our side and others on the other side for their efforts in this regard, for the support they have for this country, for our President, and for doing what is right.

I personally respect the distinguished Senator from Virginia very much. I have watched him through the years work with both sides, trying to bring people together and to accomplish the best things for our country. I personally express my respect for him here today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank our colleague for his kind comments, and also for his important statement he has delivered to the Senate.

I want to pick up on one thing that the Senator mentioned, and there has not been as much discussion as yet on this subject. It is a very important one.

The President has repeatedly said the use of force is the last option. But should that be taken, and there be force used by presumably our country, Great Britain, and hopefully others in the coalition, then the responsibility devolves upon those nations, primarily those who use force—again, hopefully, the United Nations would take a strong role, but that remains to be seen—in trying to reestablish, for the people of Iraq, against whom we hold no animosity—the people—a nation bringing together the factions in the north, the Kurds, and the Shi'ites in the south, and hold that country together.

But I find, in studying, as my astute colleague will undoubtedly believe, as we look at the situation in Kosovo, we had to come in there with other nations and help establish the economy, and we are still there. Indeed, in South Korea, how well you know we have been there now over 50 years.

It seems to me there are several points with regard to Iraq which differentiate the responsibilities of our Nation and other nations following such hostility, as hopefully will not occur, but should they occur; that is, Iraq, at one time, was an absolute extraordinary nation, a nation of well-educated people, a nation which had a number of natural resources, primarily petroleum, from whence to gain a revenue flow.

So far as I can determine, much of that infrastructure of intellectual people and well-educated, hard-working people and, indeed, the oil that is present there, once it is properly cared for and put in the competitive world market, it seems to me that the dollars involved would be, comparatively speaking, much less because of the natural resources, and the problem of reconstructing a government, hopefully, would not be as challenging as maybe some say because of the presence of such a fine citizenry, almost all of whom, not all, have been severely depressed by Saddam Hussein and the brutality of his regime.

Does the Senator share those thoughts?

Mr. HATCH. I do. Our intelligence shows that the Iraqi people know they are repressed, that there are many of them who wish things would change, but there is such repression that they are afraid to strike out, afraid to speak out, or afraid to react in ways other than the way the current leadership in Iraq wants them to react.

This is a very important country. It has tremendous resources, resources that are fully capable of helping that country to resuscitate itself, to reconstruct. Those resources are being ripped off of the Iraqi people right now by Saddam Hussein and others around him. They are being spent on matters that really do not benefit the country of Iraq, and they are being spent on matters that do not uplift the aspirations and hopes of the people in Iraq.

As we all know, there is no question that if we could get rid of this repressive regime, Iraq could become a real player in the Middle East and help everybody in the world to understand that Islam is not a religion of destruction. It is not a religion of warfare in particular. It is a very good religion with tremendous ethics and responsible approaches towards life and towards living in the world community.

Nor do I agree with some of our critics in the evangelical movement in this country who have been outspoken in their criticism of Islam, blaming the radical elements of Islam, who are not the majority, for many of the things that are going on, that are reprehensible, including the Osama bin Laden group, al-Qaida, and so many other terrorist groups.

The Senator is absolutely right. We believe, and our intelligence shows, that Iraq could become a major player in world affairs, a major construct for good, if it had different leadership and if the people had the privilege of democratic principles.

I thank my colleague because he has been pointing out all day, as he has served here, very important nuances upon which every one of us should take more time to reflect.

Mr. WARNER. I thank my distinguished colleague. He has many years of experience in the Senate. His wisdom is being brought to bear on this critical issue. All of us feel a weight on our shoulders, the importance of this debate, and the importance of the vote we will cast. If there was ever a vote that would be clearly a matter of conscience between all of us, this is it.

Mr. HATCH. I thank my colleague.

Mr. WARNER. I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. WARNER. I see our valued colleague on the Senate Armed Services Committee. I look forward to hearing his remarks.

Mr. NELSON of Nebraska. Mr. President, I thank my colleague from Virginia for the opportunity to be here today and for his close attention to these matters of war and these matters of peace that so often come before us on the U.S. Armed Services Committee, and for his counsel and wisdom. I thank him so much.

I rise today to discuss our Nation's Iraq policy, and the resolution we are now debating. This resolution could give the President the power to send the United States Armed Services into a military conflict with Iraq.

As I am sure most of my colleagues will agree, for the U.S. Congress there is no more important debate than one that involves a decision that may lead to loss of life of our brave men and women in uniform.

It is without question that Saddam Hussein poses a threat to the Middle East, our allies in the region, and our international interests that include rebuilding Afghanistan and making peace between the Israelis and Palestinians.

Saddam has refused to comply with United Nations resolutions that were the basis for a cease-fire during the Persian Gulf war in 1991. He agreed to those terms in order to prevent the multinational coalition from proceeding into Iraq and removing him from power by force.

Throughout most of the 1990s Saddam was held in check through U.N. weapons inspectors, a naval blockade and United States and allied air patrols over the southern and northern areas of Iraq.

During that time the U.N. inspectors uncovered Saddam's chemical and biological programs and dismantled those they located. However, since 1998, Saddam has not allowed U.N. weapons inspections.

Now, nearly 4 years have passed with no outside reporting on progress made in Saddam's chemical, biological, or nuclear programs. Moreover, we know that Saddam recently attempted to purchase aluminum rods used to refine uranium. These rods could be used to develop materials for nuclear weapons.

President Bush and his advisers have determined that Saddam Hussein's quest for weapons of mass destruction must end now. The President said in his speech before the U.N. that Saddam poses an immediate, unchecked threat to our Nation and our allies, and unless we act now his arsenal will only grow.

Any resolution on action involving Iraq that the United States Congress would approve must focus on the imperative of disarmament of Iraq.

By disarming Saddam and removing his nuclear, biological and chemical capability, he will pose no strategic threat to the United States or our allies. Saddam would be contained.

If, in order to disarm Iraq, we need to use military force that results in the removal of the current regime, then we should do so. Saddam Hussein must know that the United States will support President Bush's use of force to remove him, if he does not comply with orders to disarm and destroy all weapons of mass destruction.

The President has suggested that "regime change" may be the only way Iraq will comply with the 16 existing U.N. resolutions. However, a resolution whose primary focus is "regime change" does not address the fact that the next regime in Iraq, even if it is more friendly to the United States, would inherit all weapons systems and programs that the United States did not destroy.

Additionally, if we pursue "regime change" as an objective, we will severely limit our ability to form a multinational coalition of support as President Bush's father did so successfully during the gulf war.

Our allies worldwide have expressed support for disarming Saddam, but little enthusiasm for regime change.

Alone among President Bush's advisers, Secretary of State Colin Powell has suggested that putting weapons inspectors back in and making sure they can do their job is the proper avenue to pursue.

The heart of this resolution should outline precisely what access weapons inspectors should be afforded as they inspect the Iraqi military capabilities. It should demand complete transparency of Saddam's military inventory, and unrestricted and unfettered access to all of Iraq by U.N. weapons inspectors, including the presidential palaces.

In concert with a focus on disarmament, a congressional resolution should also strongly urge the President to exhaust all diplomatic efforts within and outside the United Nations. Total disarmament of Iraq should be a multinational effort.

Nevertheless we must reserve the right, and give the President the authority, to act unilaterally provided the presence of an immediate and grave threat to the United States.

This congressional resolution should not give the President an immediate and unconditional pass to wage war, but should place an emphasis on his diplomatic effort to resolve the issue of disarmament without loss of life.

If Saddam's defiance leads to war, we must also focus on what will need to be accomplished after the war in order to ensure stability in the region.

More thought must be given to the effort that will be required to maintain peace and provide for the Iraqi people in the event that Saddam fails to resolve this issue peacefully.

We seek no quarrel with the people of Iraq and the international community must be prepared to assist them. It is an endeavor that the United States should not undertake alone which, in my opinion, strengthens the need for any use of force to be multilateral.

As a member of the Armed Services Committee, I have heard many hours of testimony from administration officials outlining their case for war. But I fear we have not yet heard enough about what Iraq will look like when the smoke clears.

I am willing to debate and support a resolution that has the characteristics that I have mentioned, but there needs to be equal debate and thought into how we will leave Iraq and what kind of commitment we are willing to give.

This resolution will serve as Saddam's last chance at a peaceful conclusion to his years of defiance of international law if it meets these conditions: The primary objective of the

United States is the disarmament of Iraq rather than regime change; the United States will work to establish international support and cooperation and exhaust all diplomatic avenues before going it alone in Iraq; and the United Nations weapons inspectors will be allowed unfettered access to inspect Iraqi weapons systems and facilities and they will be supported by armed U.N. troops.

With these objectives, the United States will demonstrate that we seek a peaceful and diplomatic solution, but if diplomacy fails the United States will take every measure necessary to defend our country, our allies, and our interests. This is our responsibility to our national security, our international interests, our citizens, and the people of the world.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I thank our colleague for his contribution to this debate. Listening to him, as I have to all the others who have spoken today, underscores the importance of each Senator hoping to contribute to this debate.

My understanding is the leadership will announce shortly the intention to have periods tomorrow that this debate can take place. I hope we will experience tomorrow as robust and important debate as we have had today on the floor.

I yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, the order that has been guiding us all day continuing until 4 o'clock was the time be equally divided between the two leaders, and that Senators have up to 15 minutes to speak on the Iraq resolution. We have done a good job in doing that.

I ask unanimous consent that any Senators who wish to come yet today, before we adjourn for the evening, still be guided by the 15-minute limitation. Senator DASCHLE and I have spoken about this, and I am sure Senator LOTT would agree—although I have not spoken with him—that we would be well advised that Tuesday we are going to be very busy, with a lot of people speaking. Senators who wish to speak would be well advised to notify their respective cloakrooms. So people will not have to wait all day for their turn, we can set up a sequence. If an equal number of Democrats and Republicans wish to speak, we will alternate, and that way we can have an orderly debate and move on to the ultimate disposition at a subsequent time.

Mr. WARNER. I think I can speak for our leadership on that. That is a constructive observation. I am sure my distinguished colleague would think almost all 100 Senators will want, at one point in time prior to the vote, to express themselves on this important issue. So that will result in a considerable amount of the Senate's time. It is the most important thing before us. I think that is wise counsel.

Mr. REID. Mr. President, Senator BYRD asked me if I would clear a unanimous consent request in regard to this matter with him. So I ask that everyone be recognized for 15 minutes, and I am sure he will agree to a reasonable time. I don't have his permission now. So I will reiterate my unanimous consent request, with the exception of Senator BYRD.

I also ask Senators who wish to speak to get word to their cloakrooms, and we can set up a time for them to speak during the day.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WARNER. Mr. President, I have just been advised possibly someone on our side might want some additional time, and the matter will be managed here by the designees, the respective leaders. I have offered to work with Senator LOTT, and he accepted that offer. There may be others who want more time. We will try to facilitate the management of the floor.

My point is those Senators who might desire to exceed 15 minutes, I am sure the Senate will consider why they need that additional time.

Mr. REID. Mr. President, as usual, our staff saw a possible problem with this. So what I think would be best to do is just not worry about Senator BYRD. We will have this limitation apply for the rest of the evening and until 12:30 tomorrow when we go into the party conferences.

Mr. President, I ask unanimous consent that any further speeches tonight on the Iraq matter be limited to 15 minutes, and that when we come in tomorrow morning to go on the Iraq matter, the speeches be limited to 15 minutes until 12:30.

Mr. WARNER. Mr. President, it is my understanding it will be around 10 o'clock.

Mr. REID. It will be 9 or 10 o'clock.

Mr. WARNER. I thank our colleague.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I am going to depart the floor. I see no colleague on either side wishing to address further the debate on Iraq, although the opportunity has been offered.

I ask unanimous consent at the conclusion of my brief remarks an article that appeared today in the Washington Post be printed in today's RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

The article is well composed in the sense it asks eight questions of those participating in the Iraqi debate about issues at the heart of what we are discussing. I hope by including it in the RECORD it is more readily available to colleagues as they work on their remarks. These are the very questions I encountered this weekend and last weekend as I traveled in my State. I daresay, other Senators will be asked these questions by their constituents and therefore this article is very helpful.

I will not pick up without specifically pointing to those provisions which prompt me to do so. I pick up comments to the effect by others that if Saddam Hussein does this, then everything will be one way or the other. If he does not do that, then this will happen, one way or the other. I call it the doctrine of giving Saddam Hussein the benefit of the doubt. I urge colleagues to think about that because we are dealing with an individual who is extremely complex, at the least. People are trying to read his mind. Speaking for myself, I have no capability of reading his mind. Nor do I ever predicate action I take or support on what he might do if he does this. I can't follow that line of reasoning. Therefore, I do not subscribe to giving the benefit of the doubt to Saddam Hussein.

What dictates my views about this man is the clear record that he used poison gas against his own population, his own citizens of Iraq. It is reputed, and I think it is well documented, he has actually beheaded individuals who have stood up to disagree with him. So I somehow feel he has not earned a place in leadership that you can, in any way, pontificate about, or figure out what he might do. I think we have to decide as a free Nation what we are going to do, and urge the United Nations to lay that out very clearly in a resolution that leaves no doubt, gives no benefit of the doubt to him as to what he might do. We should plan a course of decisive action because our very future is dependent upon, hopefully, the United Nations taking such actions as are necessary, clearly, to enforce their resolutions and such additional resolution—and I hope it is only one—as they may devise.

I yield the floor.

EXHIBIT 1

DEBATE OVER IRAQ FOCUSES ON OUTCOME—MULTIPLE SCENARIOS DRIVE QUESTIONS ABOUT WAR

(By David Von Drehle)

Congress plans this week to debate a joint resolution that would give President Bush broad powers to disarm Iraq—including the authority to invade the country and depose President Saddam Hussein.

The resolution is expected to pass easily, in part because leading Democrats want to get the issue of war behind them, and in part because there is widespread agreement on Capitol Hill that Hussein must be dealt with. "We begin with the common belief that Saddam Hussein is a tyrant and a threat to the peace and stability of the Middle East," said Sen. Carl M. Levin (D-Mich.), chairman of the Armed Services Committee.

There is also general agreement that if it comes to war, the United States will win.

But beyond this first level of agreement lie major disputes over important questions—about the alternatives to war, the timing and, most of all, the outcomes. The debate in Congress is likely to distill these disputes.

And although these questions may not be answerable without a crystal ball—experts have already debated them without researching consensus in congressional hearings, op-ed and journal articles, speeches and interviews—they frame the risks and the assumptions of the U.S. approach.

Here are eight of the most important questions:

(1) Can Hussein be "contained" and "deterred"?

For more than 50 years of the Cold War, the United States faced an enemy armed with thousands of high-yield bombs mounted on sophisticated missiles and managed to avoid a direct military confrontation. How? By "containing" the enemy—that is, trying to prevent communist expansion—and "deterring" attacks with threats of apocalyptic retaliation.

Some experts believe that this strategy, applied aggressively, can work with Iraq. After all, continued containment and deterrence is the U.S. policy for dealing with Iran, which is widely believed to be more advanced in nuclear capability and deeply involved in supporting terrorists. Brent Scowcroft, the national security adviser to then-President George H.W. Bush, recently argued that "Saddam is a familiar . . . traditional" case, "unlikely to risk his investment in weapons of mass destruction, much less his country, by handing such weapons to terrorists" or by using them for blackmail. "While Saddam is thoroughly evil, he is above all a power-hungry survivor."

Hussein's behavior has not always squared with this view. In 1993, he tried to use secret agents to assassinate George H.W. Bush, and Iraqi guns routinely fire at allied aircraft over the Iraqi "no-fly" zones. But proponents of continued containment think there is a line that the Iraqi leader will not cross for fear of the consequences.

This assumption drives the thinking of figures such as Morton H. Halperin of the Council on Foreign Relations, who advocates a policy of tougher weapons inspections and a more effective embargo on trade with Iraq—"containment-plus," as he calls it. This strategy, "if pursued vigorously . . . will, in fact, succeed in preventing Saddam from using weapons of mass destruction or supplying them to terrorist groups," Halperin recently assured Congress.

But many people, President Bush among them, believe deterrence is no longer enough after the Sept. 11 attacks—not when weapons might be delivered secretly to fanatics willing to destroy themselves in an attack. Sen. John W. Warner (R-Va.), the ranking Republic on the Armed Services Committee, put it this way: "The concept of deterrence that served us well in the 20th century has changed. . . . Those who would commit suicide in their assaults on the free world are not rational and are not deterred by rational concepts of deterrence."

(2) Is Hussein in league with al Qaeda?

Somewhere, there is a cold, hard answer to this question, but so far, no one has publicly proved it one way or the other. Though administration officials have charged that al Qaeda operatives are living in Iraq, the same is believed to be true of more than 50 other countries. Daniel Benjamin, former director of counterterrorism for the National Security Council, recently argued that secular Iraq and fundamentalist al Qaeda are natural rivals, not co-conspirators.

But if the answer is yes, it strengthens the case for moving quickly.

"We must remove threats such as those [posed by] Saddam Hussein, al Qaeda and other terrorist groups," retired Air Force Lt. Gen. Thomas McInerney told a Senate hearing. The same gaps in intelligence gathering that make it hard to know whether Hussein deals with al Qaeda make it dangerous to assume he doesn't, McInerney argued. "We face an enemy that makes its principal strategy the targeting of civilians. . . . We should not wait to be attacked with weapons of mass destruction."

(3) Is disarmament possible without "regime change"?

No one in the mainstream believes that Hussein will disarm voluntarily, but some experts—including Secretary of State Colin L. Powell—entertain the possibility that he will if it is his last hope of survival.

That said, skepticism is very high that the Iraqi weapons problem can be solved while Hussein runs the country. Charles Duelfer, a veteran of previous weapons inspections in Iraq, recently said, "In my opinion, weapons inspections are not the answer to the real problem, which is the regime." Finding and destroying offending weapons now would not prevent the regime from developing new ones after the inspectors have left.

Even many proponents of renewed U.N. weapons inspections see them mainly as a tool for building international support for war. As retired Gen. Wesley Clark, a former supreme commander of NATO, put it: "The closer we get to the use of force, the greater the likelihood. And the more we build up the inspections idea, the greater the legitimacy of the United States effort in the eyes of the world."

(4) In the event of war, what would Hussein's military do?

There are two scenarios: one ghastly, one hopeful.

In the first, his commanders fire chemical and biological weapons into Israel, trying to ignite a pan-Arabic war, and lob gas bombs at approaching U.S. troops. In the other, Iraqi officers refuse to commit such futile war crimes in the face of certain defeat and turn on the dying regime.

"Most of the army does not want to fight for Saddam," McInerney maintained. "We are already seeing increasing desertions from the regular army as well as the Republican Guards." He cited reports from inside Iraq that Hussein has arrested or executed scores of disaffected officers and won't allow even some elite Republican Guard units into Iraq's cities, for fear of a coup. "That's why I think there will not be urban fighting."

But retired Gen. Joseph Hoar, a former commander in chief of U.S. Central Command, sees it differently. "The nightmare scenario is that six Iraqi Republican Guard divisions and six heavy divisions, reinforced with several thousand antiaircraft artillery pieces, defend the city of Baghdad. The result would be high casualties on both sides, as well as the civilian community . . . [and] the rest of the world watches while we bomb and have artillery rounds exploded in densely populated Iraqi neighborhoods," Hoar testified before Congress. "It looks like the last 15 minutes of 'Saving Private Ryan.'"

(5) What would the Iraqi people do?

Again, there are two scenarios (always with the possibility that the truth is somewhere in between).

One emphasizes the relative sophistication and education of the Iraqi population, and its hatred for Saddam Hussein. These qualities, according to the optimists, would make the Iraqis unwilling to defend him, grateful for the arrival of American liberators and ready to begin building a new, pro-Western country as soon as the smoke cleared. "We shall be greeted, I think, in Baghdad and Basra with kites and boom boxes," Arab scholar Fouad Ajami of Johns Hopkins University has predicted.

The aftermath of the war would not necessarily be chaos, Duelfer has theorized. "There are national institutions in Iraq that hold the country together: the regular army; there's departments of agriculture, irrigation; there's a civil service."

The pessimistic view emphasizes the deep divisions in Iraq. There are Kurds in the oil-rich north, yearning for an independent state. There are Shiite Muslims concentrated in the South and seething at the discrepancy between their large numbers and small influence in Iraq. For all their education and institutions, Iraqis do not have experience with self-government. Iraq might trade one despot for another.

In this scenario, the only thing that would prevent a messy breakup of the former Iraq would be a long American occupation—a prospect the Bush administration has been reluctant to discuss.

(6) How will the Middle East react to the war and to the subsequent peace?

This may be the most potent of the unanswered questions. Here, there seems to be agreement that rank-and-file Muslims won't like an American war in Iraq. Michael O'Hanlon, a defense analyst at the Brookings Institution, has referred to the "al-Jazeera effect"—millions of Muslims watching televised scenes of destruction and death, and blaming the United States. Halperin is one of many who have theorized that al Qaeda recruiters would be inundated. "Certainly if we move before there is a Palestinian settlement . . . what we will stimulate is a large number of people in the Arab world who will be willing to take up a terrorist attack on the United States and on Americans around the world."

Some experts predict that the regional reaction would then go from bad to worse.

According to Geoffrey Kemp, director of Regional Strategic Studies at the Nixon Center in Yorba Linda, Calif., "Iranians . . . worry about a failed or messy U.S. operation that would leave the region in chaos. They would then be on the receiving end for possibly millions of new Iraqi Shi'a refugees." Mark Parris, a former U.S. ambassador to Iraq's northern neighbor, Turkey, has raised the specter of a war between the Turks and the Kurds over the oil cities of Mosul and Kirkuk. The fragile reign of Jordan's moderate King Abdullah II would be shaken by an expected anti-American reaction among that nation's many Palestinians. Said Kemp: "The Saudis will ride it out, the Egyptians will ride it out, the Qataris will—but we're all a little worried about the king." Against this, there is a school of thought that says a moderate government in Iraq could lead to modernization and liberalization throughout the region. "A year after [Hussein falls], Iran will get rid of the mullahs," McInerney recently predicted. "The jubilation that you see in Baghdad . . . will change the whole tenor of the world, and the sum of all your fears will disappear, I assure you."

(7) Would a military campaign in Iraq help or hurt the war on terrorism?

Sources as diverse as the conservative Weekly Standard magazine and former president Bill Clinton scoff at the idea that it would be too much to pursue al Qaeda and deal with Iraq simultaneously, both saying: "The U.S. can walk and chew gum at the same time." However, former NATO commander Clark worries about "a diversion of effort" on the part of U.S. military and intelligence forces, and Halperin counsels that there is a limit on the number of things government bureaucracies can handle at once.

But the deeper problem, many believe, is that U.S. action in Iraq could spoil the spirit of cooperation with many nations—including many Arab nations—that is essential to fighting terror.

To "drive a stake in the heart of al Qaeda," Hoar recently said, it is essential to have "broad support from our European allies and from our friends in the Arab world." Like many experts, he believes that a war in Iraq could dry up that support like fire under a damp skillet.

On the other hand, retired Gen. John Shalikashvili, a former chairman of the Joint Chiefs of Staff—while insisting on the importance of building more international support for U.S. policy on Iraq—has argued that dealing with Iraq cannot, ultimately, be separated from the war on terror. "It really falls under the same umbrella," he told a Senate committee. "The war against terrorism isn't just al Qaeda. . . . It is also denying terrorists the means of getting to weapons of mass destruction."

(8) In the end, will the United States be more secure?

One's answer to this question is a sort of scorecard for one's answers to the previous seven. If Hussein is indeed impossible to deter and willing to engage in terror, if a new regime is the only way to eliminate the threat he poses, and if that can be done with a minimum of chaos and relatively few bad consequences—then the case for war might seem strong. Different answers to these questions can change the equation dramatically.

In the coming debate, Americans will watch scores of elected leaders wrestle with some or all of these disputes, but if the resolution passes, as expected, they will ultimately come to a final calculus on a single desk. As Sen. John D. "Jay" Rockefeller IV (D-W. Va.) said last week: "You don't have all the answers and you never will have all the answers. . . . It rests in the hands of the president of the United States."

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, while the Senator from Virginia is still on the floor, I wonder if he would be willing to have a brief discussion on the resolution and the action before the United Nations?

Mr. WARNER. Yes, I would be privileged to do so.

Mr. SPECTER. Earlier today I had discussed the considerations on conditioning authority for the President to use force on a United Nations resolution which called for the use of force, very much like the 1991 incident, contrasted with authorization by the Congress for the President to use force unilaterally, without a United Nations resolution, or perhaps with the assistance of Great Britain. The disadvantage, to which I had referred earlier today, on having a resolution which required U.N. action is that, in effect, we would be subordinate or subject to a veto by China, which is undesirable; France—undesirable; Russia—undesirable.

But the difficulty with authorizing the President to use force unilaterally is it might set a precedent for other countries to say they could do the same. While these analogies are not perfect, one which comes to mind is China on Taiwan, or India on Pakistan, or the reverse—Pakistan on India.

My question to one of the managers of the bill, one of the coauthors of the bill, is: Do you see any problem at all on a precedent being established if Congress authorizes the President to use force without a U.N. resolution to use force, on justifying some action by some other country like China and Taiwan, or Pakistan and India, or some other situation in the future?

Mr. WARNER. Mr. President, I say to my distinguished colleague, speaking for myself—and I hope the majority of the Senate—in no way should this Nation ever subordinate itself in its decision making with respect to our national security, to actions or inactions by the United Nations.

Let me just give a wonderful quote that I, in my research on this subject, have referred to before. This was October 22, 1962, when our Nation, under the leadership of President Kennedy, was faced with the looming missile crisis down in Cuba. I know my colleague knows that period of history very well.

Kennedy said the following:

> This Nation is prepared to present its case against the Soviet threat to peace and our own proposals for a peaceful world at any time and in any forum in the Organization of American States, in the United Nations, or in any other meeting that could be useful, without limiting our freedom of action.

That, to me, answers the question.

Mr. SPECTER. Mr. President, the citation by the Senator from Virginia is a very impressive one, beyond any question, that some might think there was some difference in circumstances between the imminence of a possible attack in 1962, with the so-called Cuban missile crisis, compared to the present time with respect to Iraq. I would be interested to know what the Senator from Virginia was doing at that time. I can tell the Senator from Virginia that was the one occasion where my wife and I went out to the supermarkets and stocked up on food, as did most Americans, and put them in the basement of our house.

The television was replete with maps showing the missile range from Cuba to Philadelphia—the ones I particularly noted. They passed by Virginia en route to Philadelphia.

I quite agree with the Senator from Virginia, we ought never subordinate our sovereignty when we face that kind of a threat.

But I think the threat is significantly different with respect to Iraq—although I concede the threat. But the point is missed, at least somewhat, and that is whether U.S. unilateral action could set a precedent for some other country taking unilateral action, such as the ones to which I referred.

Mr. WARNER. Mr. President, any action by a strong, sovereign Nation such as ours, which I say with humility is a leader in the world in so many issues of foreign policy, can be used as a precedent. But I say to my friend, what is the precedent of inaction? I have given some comments about the League of Nations here earlier today. Throughout the history of the League, it is documented inaction, from Mussolini's attack on Abyssinia in the 1930s, to other operations militarily, naked aggression—inaction.

So what is the precedent of inaction, if our President and our Nation does nothing collectively with Great Britain, in the face of this crisis? So, of course, it would be a precedent.

But the times have changed. I also put a list in the RECORD the other day of some 13 instances where Presidents of our United States, going back as far as 1901, have instituted—you might characterize it, as I do, as preemptive; I certainly so characterize it—preemptive strikes in the use of the military, the U.S. Army, Navy, Air Force, Marines. Look here; it is documented: Panama, 1901; Dominican Republic, 1904, 1914 and 1965; Honduras, 1912; Nicaragua, 1926; Lebanon, 1958; Cuba, the naval quarantine in 1962; Grenada, 1983; Libya, 1986; Panama—just cause—1989; Somalia, 1992; Sudan and Afghanistan, August 1998; Iraq, Desert Fox—you recall that one. The eve of Christmas.

I remember my good friend and your good friend, Bill Cohen, was Secretary of Defense. I went over and visited with him in his office as ranking member of the Armed Services Committee, where we discussed the coming Desert Fox operation, a form of consultation between the executive and legislative branch. That was December of 1998.

Kosovo, there was preemption. I will hand this to the Senator. That was March of 1999.

International law recognizes the concept of anticipatory self-defense. That is a phrase known in international law—if a country is imminently threatened.

I think the record at this point is replete with facts, where we could be in imminent threat of the use of weapons of mass destruction by Saddam Hussein, and more likely his surrogates—any one of which in this international coalition of terrorists.

Mr. SPECTER. Mr. President, without going through the entire litany, I agree that those are all illustrations of anticipatory self-defense. The Afghanistan missile attack on August 20 of 1998 was in response to al-Qaida because of the destruction of our embassies in Africa at about that time. I don't think you could call the Grenada incident a matter of anticipatory self-defense. I don't think you can call it self-defense at all. I think what the Senator from Virginia referred to is not a case of anticipatory self-defense—action by the United States, but not anticipatory self-defense. The quarantine of Cuba, as I said before, certainly does qualify, but under very different circumstances.

But I thank my colleague from Virginia. During the course of the coming days, I think we are going to have very extended discussions on these issues as we debate this resolution.

Mr. WARNER. Mr. President, I say to my good friend we have been fortunate to serve in this institution for many years together, and I hope, with luck perhaps, a few more. But the Senator has always been very careful, very thoughtful, and well prepared. While I haven't always agreed with the Senator, it is not for lack of a strong case that he has worked up on his side. I hope in due course he can see the wisdom of joining in this resolution which I and three others—Senators MCCAIN, LIEBERMAN, and BAYH—have put together. We really believe—and it is the one which is before the House of Representatives right now—that this is the wisest course of action for this Congress to take to support the President, and do it in a way that leaves no doubt in anyone's mind—Saddam Hussein or any other nations in the United Nations—who are thinking that a different course should be taken.

Mr. SPECTER. Mr. President, I thank my colleague from Virginia for those comments. We form a long-time mutual admiration society. The Senator from Virginia was elected in 1978, and I was elected 2 years later. So he has been here finishing up his 24th year, and I, 22. We have worked together on many matters.

I am raising questions only because I think it is in the tradition of what they call the world's greatest deliberative body. I am not sure that is accurate. But when we face an issue of this sort, we ought to be considering it very carefully. That is what I intended to do with this very brief colloquy today along that line.

Mr. WARNER. Mr. President, I thank my colleague for his kind remarks. We have had a very healthy debate here for 4½ hours on Friday afternoon—Senator BYRD, Senator KENNEDY, Senator DODD, and myself. We resumed today with, I think, seven colloquies on both sides of the aisle addressing this issue. I think we are going to perhaps even exceed the thoroughness, the thoughtfulness, and the strength in the debate we had in 1991 on a similar resolution that I dealt with at that time, along with my distinguished friend and colleague, Senator LIEBERMAN.

I thank the Senator.

Mr. SPECTER. Mr. President, it is true that in 1991 we had a debate which was characterized as historic. I recall the occasions when I was in the Chamber with the Senator from Virginia seated over there on the right-hand side. Senator Nunn was in the Chamber. We were debating that extensively in the Chamber today. I think it will be reassuring to the American people to see this kind of analysis and this kind of discussion—that we are not rushing to judgement.

Mr. WARNER. They deserve no less. I thank the Senator.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 3068 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

NOMINATION OF MIGUEL ESTRADA

Mr. SPECTER. Mr. President, I now will comment on the pending nomination of a very distinguished lawyer to the Court of Appeals for the District of Columbia Circuit, Miguel A. Estrada, who has been nominated by President Bush for the Court of Appeals for the District of Columbia Circuit.

Mr. Estrada has an extraordinary background. He received his law degree from Harvard, magna cum laude, in 1986. He received his bachelor's degree, magna cum laude, from Columbia College.

Mr. President, I ask unanimous consent to have printed in the RECORD his employment record, which shows the very outstanding work he has done.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MIGUEL ESTRADA, NOMINEE TO THE COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA—BIOGRAPHY/EXPERIENCE

Miguel A. Estrada is currently a partner in the Washington, D.C. office of Gibson, Dunn & Crutcher LLP, where he is a member of the firm's Appellate and Constitutional Law Practice Group and the Business Crimes and Investigations Practice Group.

Mr. Estrada has broad appellate experience—he is widely regarded as one of the country's best appellate lawyers, and has argued 15 cases before the U.S. Supreme Court.

The American Bar Association—the Democrats' "gold standard" for judicial nominees—unanimously rated Estrada "well qualified."

If confirmed, Estrada would be the first Hispanic-American ever to sit on the Court of Appeals for the D.C. Circuit.

From 1992 until 1997, he served as Assistant to the Solicitor General of the United States. From 1990 to 1992, he served as Assistant U.S. Attorney and Deputy Chief of the Appellate Section, U.S. Attorney's Office, Southern District of New York.

Mr. Estrada served as a law clerk to the Honorable Anthony M. Kennedy of the U.S. Supreme Court from 1988–1989, and to the Honorable Amalya L. Kearse of the U.S. Court of Appeals for the Second Circuit from 1986–1987.

He received a J.D. degree magna cum laude in 1986 from Harvard Law School, where he was editor of the Harvard Law Review. Mr. Estrada graduated with a bachelor's degree magna cum laude and Phi Beta Kappa in 1983 from Columbia College, New York. He is fluent in Spanish.

Mr. SPECTER. Mr. President, during the course of the hearings on Mr. Estrada, the issue was raised about obtaining memoranda which Mr. Estrada had worked on in the Solicitor General's office from 1992 to 1997, internal memoranda which would be very troublesome for disclosure because of the need for candid expressions by lawyers who work in the Solicitor General's office.

A letter, dated, June 24, 2002, was submitted by a former Solicitor General, Seth P. Waxman, on behalf of all seven living ex-Solicitors General, objecting to the request by the Judiciary Committee for these internal memoranda, signed by Mr. WAXMAN, on behalf of Walter Dellinger; Drew S. Days, III; Kenneth W. Starr; Charles Fried; Robert H. Bork; and Archibald Cox. It is apparent, on the face of those signatories, that you have people from a broad spectrum, from very liberal to very conservative.

But of more importance than the range of Solicitors General on the political spectrum are the reasons set forth in the letter. And the essence is contained in a couple of paragraphs:

> As former heads of the Office of the Solicitor General—under Presidents of both parties—we can attest to the vital importance of candor and confidentiality in the Solicitor General's decision-making process.

Then, in a later paragraph, it continues:

> It goes without saying that, when we made these and other critical decisions, we relied on frank, honest, and thorough advice from our staff attorneys, like Mr. Estrada. Our decision-making process required the unbridled, open exchange of ideas—an exchange that simply cannot take place if attorneys have reason to fear that their private recommendations are not private at all, but vulnerable to public disclosure. Attorneys inevitably will hesitate before giving their honest, independent analysis if their opinions are not safeguarded from future disclosure. High-level decision-making requires candor, and candor in turn requires confidentiality.

Mr. President, I ask unanimous consent that the full text of this letter be printed at the conclusion of my statement. That will abbreviate the time of the statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. SPECTER. Mr. Estrada was questioned about an article which appeared in The Nation, which referred to anonymous sources on the subject that Mr. Estrada was questioning prospective clerks for Justice Kennedy and was applying a litmus test. This is what is set forth in the article in The Nation in the October 7, 2002, issue:

> Perhaps the most damaging evidence against Estrada comes from two lawyers he interviewed for Supreme Court clerkships. Both were unwilling to be identified by name for fear of reprisals. The first told me: "Since I knew Miguel, I went to him to help me get a Supreme Court clerkship. I knew he was screening candidates for Justice Kennedy. Miguel told me, 'No way. You're way too liberal.' I felt he was definitely submitting me to an ideological litmus test, and I am a moderate Democrat. . . ."

A second unnamed person in the article said:

> "I was a clerk for an appeals court judge," the professor told me, "and my judge called Justice Kennedy recommending me for a clerkship with him. Justice Kennedy then called me and said I had made the first cut and would soon be called for an interview. I was then interviewed by Miguel Estrada and another lawyer. Estrada asked most of the questions. He asked me a lot of unfair, ideological questions, a lot about the death penalty, which I told him I thought was immoral. I felt I was being subjected to an ideological litmus test. . . ."

And it goes on, but that is the pertinent part.

During the course of the Judiciary Committee hearings, Mr. Estrada was questioned about these two unidentified sources. He said he had not asked such questions, and then later responded to further questions saying that he couldn't remember if it had ever happened, that it might have been possible but he had no recollection.

His answer was:

> Now, that you have drawn that to my attention, it is possible that interviewing a candidate—I can't think of any now, but it is possible that I may have come to the conclusion that the person's ideology was so strongly engaged in what he thought as a lawyer that he would not be able to follow the instructions in the chambers as set forth by Justice Kennedy.

Then, when the questions are pursued, Mr. Estrada says candidly he can't remember ever having said that but would not rule out the possibility.

It seems to me that when someone is being questioned, and being questioned from sources which refuse to reveal their identity, that it is impossible for a witness, a nominee for a judgeship, to give a responsive answer.

One of the very basic principles of American jurisprudence is that an individual is entitled to confront his accuser. That is a basic constitutional requirement, of course, in a different context in the fifth amendment of right to confrontation. But as a matter of basic fairness anywhere, if a person is to have an opportunity to focus on a question, to focus on the event, he or she should be told who it was who made the statement, so there can be an appropriate focus of attention.

And a prospective nominee ought not to be ruled out, ought not to be criticized, or ought not have it held against him if people are challenging him who will not be disclosed.

And the article in The Nation magazine says specifically it came from two lawyers, both unwilling to be identified by name for fear of reprisals. It is a little hard to see what the reprisals would be.

If somebody has something to say about a judicial nominee, let him come forward. If they are not going to be identified, how can you expect a responsive answer to be given by an individual, which is apparent on its face, as Mr. Estrada tries to respond to these questions without knowing precisely what they are?

Other issues were raised as to Mr. Estrada because of clients he represented and causes he undertook. I regrettably could not be present for all of the Estrada hearings because we were debating homeland security on the day his hearing was up, and I was there for part of it but not there for all of it.

It was reported to me that Mr. Estrada was questioned about comments which he had made in representing a client, trying to have the case of Miranda v. Arizona overruled, a 1966 decision where the Supreme Court laid down certain requirements for warnings and waivers.

The Omnibus Crime Control Act of 1968, passed by the Congress, sought to change the Miranda rule by providing that the confession be judged on the totality of the circumstances. An act of Congress is presumptively constitutional, and it was a matter for argument. The Supreme Court considered the issue and decided that Miranda would not be overruled, considered it, many years later.

Shortly after the Omnibus Crime Control Act was passed in 1968, I was asked by the National District Attorneys Association to argue a case captioned Frasier v. Cupp where there was a confession at issue under Escobedo. I appeared in the Supreme Court and argued that the confession which was given, the statements which were given should be judged under the 1968 Omnibus Crime Control Act which said voluntariness should be decided on the basis of the totality of circumstances.

In a State prosecution, the due process clause picks up the right to counsel of the sixth amendment and the privilege against self-incrimination of the fifth amendment. The argument which I made was there ought not to be a higher standard imposed on the States under the due process clause than on the Federal Government.

Under the 1968 statute gauging the admissibility on the totality of the circumstance, the act was presumptively constitutional. The Supreme Court did not reach the issue in deciding the case of Cupp v. Oregon where the confession was upheld. But I had appeared before a congressional committee, the McClellen committee, in 1966 and said I agreed with Miranda and that I thought as a matter of public policy Miranda was the correct decision. I said that not withstanding the fact that I was a district attorney at that time and had to deal with the limiting effects. It seemed to me it placed the suspect on an equal par with the interrogators for them to be required to say you have a right to counsel, you have a right to remain silent.

But notwithstanding my own personal view that Miranda was the correct decision, I felt entirely free to argue to the Supreme Court the position that the 1968 act ought to govern, and the totality of the circumstances ought to prevail.

This is just one of what I understood to be a number of concerns expressed by some members of the Judiciary Committee. I think there ought to be a sharp distinction between what an individual believes as a matter of judicial philosophy or ideology and what an individual does by way of presenting a case for argument.

Under our adversarial system, all sides are to be presented, both sides are to be presented, and the court is to make the decision. An attorney has the liberty of making arguments which he thinks are good-faith arguments for resolution by the court.

It is my hope that the Judiciary Committee will report out Mr. Estrada. Frankly, it looks as if they are not going to do so. The reason, really, the excuse will be given that the Solicitor General's opinions will not be forthcoming. But they realistically cannot be forthcoming for reasons set forth by the Solicitor General's letter that if they are to be able to have honest and frank discussions, they have to have the honest opinions of their lawyers.

And if you are going to make public disclosure in the context of a judicial confirmation proceeding, the lawyers are always going to be worried about that and are not going to give their frank opinions.

Ultimately, I hope we are able to adopt a protocol. Perhaps the year 2004 would be a good time. We have a Republican President now and a Senate controlled by Democrats and nominations were being held up. I am candid to say and have said, when we had a President who was a Democrat and the Judiciary Committee was controlled by Republicans, that nominations were held up.

I crossed party lines and voted for President Clinton's nominees when I thought they were qualified. In the spirit of reciprocity, I have been able to get Pennsylvania judges confirmed.

But perhaps in the year 2004, when no one knows exactly what 2005 will bring, we can end this politicization of the Judiciary Committee process and adopt a protocol which I have submitted but which would say that after so many days after a nomination, the committee would consider it with a hearing; so many days after the hearing, the committee would vote; and so many days later, it would come to the floor. We could get rid once and for all of this politicization of the nomination process.

I ask unanimous consent that the text of my resolution of protocol be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 2.)

Mr. SPECTER. I yield the floor.

EXHIBIT 1

WILMER, CUTLER & PICKERING,
Washington, DC, June 24, 2002.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY: We write to express our concern about your recent request that the Department of Justice turn over "appeal recommendations, certiorari recommendations, and amicus recommendations" that Miguel Estrada worked on while in the Office of the Solicitor General.

As former heads of the Office of the Solicitor General—under Presidents of both parties—we can attest to the vital importance of candor and confidentiality in the Solicitor General's decisionmaking process. The Solicitor General is charged with the weighty responsibility of deciding whether to appeal adverse decisions in cases where the United States is a party, whether to seek Supreme Court review and adverse appellate decisions, and whether to participate as amicus curiae in other high-profile cases that implicate an important federal interest. The Solicitor General has the responsibility of representing the interests not just of the Justice Department, nor just of the Executive Branch, but of the entire federal government, including Congress.

It goes without saying that, when we made these other critical decisions, we relied on frank, honest, and thorough advice from our staff attorneys, like Mr. Estrada. Our decisionmaking process required the unbridled, open exchange of ideas—an exchange that simply cannot take place if attorneys have reasons to fear that their private recommendations are not private at all, but vulnerable to public disclosure. Attorneys inevitably will hesitate before giving their honest, independent analysis if their opinions are not safeguarded from future disclosure. High-level decisionmaking requires candor, and candor in turn requires confidentiality.

Any attempt to intrude into the Office's highly privileged deliberations would come at the cost of the Solicitor General's ability to defend vigorously the United States' litigation interests—a cost that also would be borne by Congress itself.

Although we profoundly respect the Senate's duty to evaluate Mr. Estrada's fitness for the federal judiciary, we do not think that the confidentiality and integrity of internal deliberations should be sacrificed in the process.

Sincerely,

SETH P. WAXMAN.
WALTER DELLINGER.
DREW S. DAYS, III.
KENNETH W. STARR.
CHARLES FRIED.
ROBERT H. BORK.
ARCHIBALD COX.

EXHIBIT 2

S. RES.

Whereas there has been a continuing controversy with the political party of the President protesting the process on confirmation of Federal judges by the Senate when the Senate is controlled by the opposite political party; and

Whereas there is a concern about a lack of public confidence in the Senate's judicial confirmation process when different parties control the White House and the Senate: Now, therefore, be it

Resolved,

SECTION 1. PROTOCOL FOR NONPARTISAN CONFIRMATION OF JUDICIAL NOMINEES.

(a) TIMETABLES.—

(1) COMMITTEE TIMETABLES.—The Chairman of the Committee on the Judiciary, in collaboration with the Ranking Member, shall—

(A) establish a timetable for hearings for nominees to the United States district courts, courts of appeal, and Supreme Court, to occur within 30 days after the names of such nominees have been submitted to the Senate by the President; and

(B) establish a timetable for action by the full Committee to occur within 30 days after the hearings, and for reporting out nominees to the full Senate.

(2) SENATE TIMETABLES.—The Majority Leader shall establish a timetable for action by the full Senate to occur within 30 days after the Committee on the Judiciary has reported out the nominations.

(b) EXTENSION OF TIMETABLES.—

(1) COMMITTEE EXTENSIONS.—The Chairman of the Committee on the Judiciary, with notice to the Ranking Member, may extend by a period not to exceed 30 days, the time for action by the Committee for cause, such as the need for more investigation or additional hearings.

(2) SENATE EXTENSIONS.—

(A) IN GENERAL.—The Majority Leader, with notice to the Minority Leader, may extend by a period not to exceed 30 days, the time for floor action for cause, such as the need for more investigation or additional hearings.

(B) RECESS PERIOD.—Any day of a recess period of the Senate shall not be included in the extension period described under subparagraph (A).

(c) REPORT OF NOMINATION TO SENATE.—

(1) NOMINATION TO SUPREME COURT.—Regardless of the vote of the Committee on the Judiciary, a nomination for the Supreme Court of the United States shall be reported by the Committee for action by the full Senate.

(2) NOMINATION TO DISTRICT COURT OR COURT OF APPEALS.—If a nomination for the United States district court or court of appeals is rejected by the Committee on the Judiciary on a party line vote, the nomination shall be reported by the Committee for action by the full Senate.

UNANIMOUS CONSENT REQUEST—S. 2949

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 623, S. 2949, the aviation security legislation; that the Smith-Boxer amendment at the desk be considered and agreed to; the committee amendment be agreed to; the bill, as amended, be read three times, passed, and the motion to reconsider be laid on the table, without any intervening action or debate.

This legislation is sponsored by Senators BOB SMITH and BARBARA BOXER, an unlikely pair, you would think, to sponsor legislation. But they agree, as a majority of the Senate agrees, we should move forward on this legislation to allow certain pilots in commercial aviation to be armed. That is what the legislation is all about.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Mr. President, on behalf of the leader, Senator LOTT, I have been asked to lodge a formal objection to the unanimous consent request. I know the Senator from Nevada had expected that.

I want it plain that I express none of my own views on the pending legislation in lodging this formal objection. I am the last Republican available to represent the leader, who has asked that a formal objection be lodged on behalf of other Members.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I understand my friend from Pennsylvania entering the objection. This measure has been cleared on this side, the Democratic side, for approximately 2 weeks. I understand the Commerce Committee staff has been working diligently on this matter. It is something we should complete. It has widespread support. I appreciate the statement of my friend from Pennsylvania.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak therein for a period not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN ECONOMY

Mr. DOMENICI. Madam President, it isn't often that a Senator from New Mexico and a Republican quotes an editorial by the Washington Post regarding economics and economic activity and America's economic future. This morning I caught an editorial in that newspaper which I have here behind me. It is from Saturday, October 5. It is styled "Negative Al Gore."

I didn't put it up here to be negative to Al Gore. I put it up here because the editors of this newspaper have come to the conclusion, and have come to it rather firmly, that the President of the United States, George Bush, is not responsible for the current state of the American economy, nor did he do anything to cause the recession—how mild it was, how deep it was, how long it has lasted. He didn't cause it.

I would like to start first with a statement which I will print in the RECORD which has gotten a lot of notoriety since I issued it and put it in the RECORD some days ago. It is a statement by Joseph Stiglitz, chairman of President Clinton's Council of Economic Advisors. I don't think we can quote it enough, as those on the other side think they are going to convince the American people, who are already rather doubtful, that they are going to convince them that President George Bush is responsible for this slow economy.

This is a man, Dr. Joseph Stiglitz, who speaks for the Democrats, if he speaks for either party. He worked for President Clinton. He answered the question: When did the downturn start? I quote:

> [T]he economy was slipping into recession even before Bush took office, and the corporate scandals that are rocking America began much earlier [than that.]

We ought to be able to carry one of these around for the next 4 or 5 weeks, just as our friend Senator BYRD carries the Constitution. Every time we hear a Democrat, wearing his partisan clothes, get up and say President Bush did this, we will refer him to one of the best economists that ever served America, served the previous President on his Council of Economic Advisors, and later on was a member of the Federal Reserve with the distinguished President we have there now, and he wrote this as a part of a dissertation with reference to the American economy.

Along comes the Washington Post a few weeks later, Saturday, October 5. Let me just read the yellow print and you can all be looking at the rest of it:

> But President Bush's main economic policy—the large tax cut of last year—was not responsible for any of the current damage. Indeed, given the twin shocks of 9/11 and the post-Enron stock market decline, the short-term stimulus created by the tax cuts has turned out to be fortuitously well timed.

You might recall, on a number of occasions, Senators who were putting forth the President's tax policy—I think the occupant of the Chair might have even supported that tax policy—would get up and say: It just might be the right time. We might be doing something right for a change, where we are getting a tax cut to come in just at the time that the American economy starts to stutter, starts to stammer around. And for once we might be on time, I said, in proposing it and getting the reconciliation instruction through here.

I said, in addition, spending additional resources rather than tightening the budget would be in order also. Sure enough, the tax cuts were supplemented by an increase in expenditures. And, guess what. The Federal Reserve Chairman lowered the interest rates, and we had the threefold attack which normally works in terms of the American economy.

We seldom do it right and punctual enough, but we did. So the American economy is stuttering for some other reason. It may very well be that we had such an extensive balloon-type economy when the stock market was driving almost everything to outlandish prices coming on to the market that maybe when those start to fall, it takes a little bit longer for things to catch on and push that back up the ladder because so much is falling down on us. Some say $11 trillion is the amount—trillion—of diminution in value. I put "value" in quotes as I say it because I am not sure what that value meant. I am not sure that was value like you had dollar bills, but I am not sure what it was. People are having difficulty saying how much of that was nothing more than the hot air of the stock market. I don't know the answer to that. I haven't studied that.

I would like very much to say to the editors of the Washington Post, I have some additional comments on the editorial that they have written. Obviously, I have taken parts of it and put it in my statement, obviously giving the Washington Post credit wherever I thought it was right, that that language was consistent with what I am talking about.

The lead editorial on Saturday, titled "Negative Al Gore," seriously questions the Senate leader's attack on President Bush. Let me highlight once more a couple of items:

> But President Bush's main economic policy—the large tax cut of last year—was not responsible for any of the current damage.

That is not the Senate Republican Policy Committee saying that. That is the Washington Post.

Another quote:

> Given the twin shocks—

I have read that to you. It ends with:

> . . . fortuitously well timed.

That is again not mine, not the Republican Senatorial Committee. That is the Washington Post's summary of how their editors see things in terms of the stock market and other things related to the American economy.

Another quote:

> But to blame the weak American economy on Mr. Bush is nonsense.

That is the editorial of the Washington Post I am showing you here. Anyone who doesn't want to listen can read this and see what the Washington Post says. Let me proceed. I think the writers of the editorial have it just about right. The economic blame and the blame game that Leader DASCHLE and former Vice President Gore have launched is, for certain, wrong. There is little truth to it, and there is little economic veracity attendant. It is not accepted as being realistic by those in the highest echelons of economic terms and assessments in America.

From the long-term economic history, we know a speculative boom, once started, cannot end without some disruption. I believe the American public understands this, and understands that to blame the current weak economy on President George Bush is nonsense.

Having said that, I know we are engaged today, and for the next few days, in a serious discussion. Some would like to put the economy back front and center, and some think that would not be right. I believe we should proceed with dispatch to give the President the authority, if necessary, to see to it Saddam Hussein does not use weapons of mass destruction, and to use force, if he has to do that. I will speak in more detail and in more depth on that subject later on.

I think we are capable of discussing two major issues at the same time and getting them both right. We surely can discuss this issue the writers in the Washington Post editorial bring to our attention. I, for one, am not fearful of standing up and discussing that issue with anybody, any color of politics, any party that wants to talk about President Bush and the relevancy of his actions to the current status of the American economy.

I believe almost everything that was done—the lowering of the interest rates, extra expenditures that were put on rather than keeping the strings tightened around the budget and, obviously, a tax cut that came in just as the recession started to occur—I think we can discuss those and we can ask anyone around, what would you have done? They would come up with three of them, or two out of the three. When a President gets that done and he is starting his first term, and he has one body that is not of his party, it seems he deserves some very significant accolades. It is not every President who would have gotten that done.

I believe we all looked for the right way to do it and the right things to do—what we did in urging a tax cut, urging the Fed to lower interest rates, and making the strings a little bit looser instead of tighter so we can spend more money. Some other reason is causing the slowdown, but it is not President Bush and his policies. It is not what the Senate voted in when we were in the majority and carrying it out under the majority of the Democrats, who have the body by one vote. We must remember one of our Members became an Independent and now votes with the other side.

Whoever would like to discuss the American economy, I am willing. I have a lot of other Senators who are willing. We will be here whenever you care to speak about it, and we might be here even when you don't care about speaking about it. We may speak to it ourselves.

21ST CENTURY DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT

Mr. BIDEN. Mr. President, I rise today to call attention to Section 2202 of the 21st Century Department of Justice Appropriations Authorization Act which directs the President—in consultation with the Attorney General, the Secretary of Health and Human Services and the Secretary of Education—to review all Federal drug and substance abuse treatment, prevention, education and research programs and make recommendations about how to "streamline, consolidate, coordinate, simplify, and more effectively conduct and deliver" these services.

Mr. HATCH. I understand that this provision is intended to allow the administration to assess current treatment, prevention, education and research programs. The conference report directs the President to conduct the study. The President's logical choice to conduct this study would be Drug Czar John Walters, the President's point person on the drug issue, wouldn't you agree?

Mr. BIDEN. Yes, I would.

Mr. President, I want to make it clear that Section 2202 of the 21st Century Department of Justice Appropriations Authorization Act was not included because the Senate wants to cut substance abuse treatment, prevention, education and research programs. After all, when the Senate unanimously passed S. 304, the Drug Abuse Education, Prevention and Treatment Act, which Senators HATCH, LEAHY and I introduced, it went on record supporting an increase in funding for demand reduction programs, including providing treatment for some of the 3.9 million people in this country who need it but are not receiving it. I know that the President does not want to shrink these programs either. Recall that when he announced Mr. Walters' nomination to be drug czar, he said that "the most effective way to reduce the supply of drugs in America is to reduce the demand for drugs in America" and he pledged that his administration "will focus unprecedented attention on the demand side of the problem." As I see it, the study is meant to assess current programs in order to identify where there may be duplication of effort and where we need to increase effort.

The belief that demand reduction programs are a valuable part of our national drug policy needs to guide this report. That does not mean that the authors should be afraid of recommending ways to deliver services more efficiently or to suggest that there is duplication of effort that needs to be streamlined. What it means is that the report should not be interpreted as a directive from Congress to decrease the level of effort dedicated to demand reduction.

Increasing access to treatment is critical. Drug addiction is a chronic relapsing disease. And as with other chronic relapsing diseases, such as diabetes, hypertension and asthma, there is no cure, although a number of treatments can effectively control the disease. According to the Journal of the American Medical Association, the rate of adherence to treatment programs and relapse rates are similar for drug addiction and other chronic diseases. That means that treatment for addiction works just as well as treatment for other chronic relapsing diseases. I hope these facts will be reflected in the drug czar's report, particularly in terms of relapse. We should not be skimping on the amount of time a patient spends in treatment because someone thinks that would be more efficient. In truth, it would be less efficient. Studies have shown that the longer a patient spends in treatment the more likely that patient is to stay off drugs. But even with the best treatment protocol, patients relapse. That does not mean that treatment does not work, however.

Research is another area where returns on investment are not always linear or predictable. But I believe that we need to be doing more research on new forms of treatment, particularly when it comes to developing new anti-addiction medications. In the last Congress, I worked with Senators LEVIN and HATCH and former Senator Moynihan to pass a law to allow qualified doctors to prescribe certain anti-addiction medications from their offices rather than requiring patients to pick them up at special clinics. The bill helps to move drug treatment using anti-addiction medications into the medical mainstream. And buprenorphine, the first medication that could be prescribed under the system created by the bill, is expected to be approved any day now. We need to develop additional medications for this new system to treat cocaine and methamphetamine addiction as well as to curb the cravings associated with addiction.

The last item that I would suggest that the drug czar keep in mind when drafting his report is the importance of prevention, particularly school-based prevention programs. After several years of a stable level of drug use in the United States, this year drug use is up 11 percent among 12 to 17-year-olds and 18 percent among 18 to 25-year-olds. It is vital that we increase our current efforts at preventing drug use among teens and young adults. After all, we know that if we can get a child through age 21 without abusing drugs, they are unlikely ever to do so.

My goal is not to dictate what the drug czar writes in his report. Rather, I want to make clear that when Congress directs that the drug czar write a report on how to "streamline, consolidate, coordinate, simplify, and more effectively conduct and deliver" Federal drug and substance abuse treatment, prevention, education and research programs, it does not mean that we are trying to minimize the importance of these programs. We are merely looking for guidance on how they could be delivered more effectively and more efficiently.

SENATOR JESSE HELMS

Mr. SHELBY. Mr. President, I rise today to pay tribute to North Carolina Senator JESSE HELMS, a dedicated public servant who has served with distinction for five terms in the United States Senate. During this time, Senator HELMS has had a tremendous influence on the issues which have faced our country and his reasoned and determined beliefs on foreign policy have helped to shape the direction of America's relationships around the globe. In doing so, Senator HELMS has always put the interests of the United States above all else, and his efforts were often rewarded with hard-fought concessions. Indeed, when others would hope to expedite and rush through legislation, it was often Senator HELMS who called for deliberation and patience. Senator HELMS truly understands the Senate's function as a deliberative body and takes to heart the great responsibility the Constitution has given the Senate in its role as a check to the powers of the Executive branch. I have had the pleasure to work with Senator HELMS for the past 16 years and it is with great appreciation and respect that I commend him for all of his meaningful work as he retires at the end of the 107th Congress.

Senator HELMS was born in Monroe, NC in 1921. A product of the public schools of Monroe county, he took to heart the lessons he learned early in life. A firm believer in family, respect for one's elders, morality, patriotism and religious faith, Senator HELMS has let these convictions be his guide throughout his life. After serving his country in the Navy during World War II, Senator HELMS came back to his home State as a city editor of the Raleigh Times. It was not long before he received his first exposure to Senatorial duties working as an Administrative Assistant to U.S. Senator Willis Smith and later for Senator Alton Lennon. Politics seemed to agree with Senator HELMS, for in 1952, he directed the radio-television division of the presidential campaign of Democratic Senator Richard B. Russell of Georgia.

For the next 7 years, Senator HELMS served as the Executive Director of the North Carolina Bankers Association and editor of the Tarheel Banker, which grew under his guidance into the largest banking publication in the United States. Following this remarkable success, Senator HELMS in 1960 became the Vice-President, Vice-Chairman of the Board and assistant Chief Executive Officer of Capitol Broadcasting Company. It was from this post that Senator HELMS became a familiar voice in politics, filing daily editorials for WRAL-TV and the Tobacco Radio Network. Over the next 12 years, Senator HELMS became known as an articulate conservative across the nation, where his editorials were printed regularly in more than 200 newspapers throughout the United States and broadcast by more than 70 stations in North Carolina. Senator HELMS capitalized on his familiarity and popularity with the voters of North Carolina in 1972, when he was elected to the U.S. Senate on his first attempt at state-wide elective office. His election marked the beginning of a long and distinguished career in the Senate, where Senator HELMS has been an active and consistent presence dedicated to preserving American freedom and liberty.

Senator HELMS has had a tremendous influence on policy matters over the last 30 years. He has been an outspoken critic of ceding American power to international organizations and an ever-vigilant watch dog of any treaty or agreement which may not be in the best interests of the United States. He has been a reliable conservative voice on many social issues and a consistent critic of government bureaucracy. Of his many achievements, Senator HELMS has been the most active through his position on the Foreign Relations Committee, which he took over as Chairman in 1994. He sponsored the Helms-Burton Act, which codified the U.S. trade embargo against Cuba and allowed lawsuits against foreign companies who benefitted from American property expropriated by Castro's Communist dictatorship. Senator HELMS also achieved another remarkable feat, when in 1998, he worked across the aisle to achieve passage of historic legislation reorganizing the State Department. Senator HELMS has also maintained flexibility in his thinking, working closely with other members of the Foreign Relations Committee to examine and solidify the relationship of the United States and the United Nations, examine trade relations with China and examine the policies surrounding U.S. foreign aid.

Senator HELMS has had a significant impact in his 30 years here in Washington. His absence from important policy decisions will truly be missed. Anyone who has dealt with Senator HELMS knows that he is a man whose conviction to his beliefs will not be easily swayed. They will also tell you that there are few people who are more congenial and charming than Senator HELMS. I wish he and his wife, Dorothy, and the rest of his family all the best. It is with great appreciation and admiration that I offer these words to commemorate his retirement.

ACHIEVEMENTS OF THE SENATE JUDICIARY COMMITTEE

Mr. LEAHY. Mr. President, today we held the 26th hearing for judicial nominees since the change in majority in the summer of 2001. The Judiciary Committee has now considered 103 nominees in less than 15 months. It took the Republican-controlled Senate 33 months—almost 3 full years—to hold hearings for 100 of President Clinton's judicial nominees, although more than 100 were pending well before that. We have reached that mark in less than half that time.

Since the summer of 2001, we have held more hearings for more judicial nominees—103 candidates—than in any comparable 15-month period of the 6½ years before the Senate changeover last year.

We have also held more hearings for circuit court nominees—20—than in any comparable period of that previous 6½ years, when our predecessors allowed an average of only seven circuit court nominees to be confirmed per year. In the past three weeks we held two back-to-back hearings for controversial circuit court nominees back to back. In contrast, at 11 of the judicial nomination hearings held during the prior period of Republican control, no circuit court nominees were on the agenda.

During their 6½ years of control of the Senate, there were also 30 months in which Republicans held no hearings at all. Democrats have held at least one hearing per month and have held almost two per month on average. We have been working nonstop to address the vacancy crisis we inherited. In the 6½ years of Republican control, before the reorganization of the committee last summer, vacancies on the Courts of Appeals more than doubled from 16 to 33 and overall vacancies rose from 65 to 110.

Added to that were the 47 new vacancies that have arisen since last summer. Thus, rather than 157 vacancies, with the 80 circuit and district court nominees we have confirmed, there are now 77 vacancies.

The President has yet to nominate anyone for 30 of these vacancies. With today's hearing for 7 judicial nominees, we will have held hearings for 21 of the 47 nominees currently pending.

Many of the 26 judicial nominees who have not yet had a hearing were nominated only recently toward the end of this congressional session. Due to the White House's refusal to allow ABA peer reviews to begin prior to nomination and because the ABA peer reviews have been taking between 50 and 60 days from the time of nomination, the White House knows that many of these late nominees will not have their files completed in time for hearings.

Thus, of the 26 who have not yet had a hearing, only seven have completed files—especially, ABA reviews and the consent of both of their home-State Senators. That is, the majority of the nominees who have not yet had a hearing—19—do not have completed files. Of the seven who are eligible for a hearing, but who have not yet had a hearing, six have relatively controversial records which require more review. The only remaining district court nominee did not have a complete file by the time the last hearing was noticed.

Accordingly, with today's hearing, since the changeover last year we will have held hearings for 103 of the 110 eligible judicial nominees with complete files. Thus, 94 percent of this President's judicial nominees who had completed files have been given hearings. This remarkable achievement is irrefutable evidence of the good-faith efforts we have made to restore order to the confirmation process—good faith efforts that we continue to hope will be matched by the White House.

I am certain that President Clinton would have been overcome with gratitude if the Republicans ever gave 94 percent of his judicial nominees hearings in the years Republicans controlled the confirmation process during his administration. They never did. Instead, in 1995 for example, Republicans allowed only 58 of the 86 pending judicial nominations of President Clinton to be confirmed, nowhere near 100 percent or even 90 percent.

In 1996, Republicans allowed only 17 of the 49 pending judicial nominees, or 35 percent, to be confirmed, and none were circuit court nominees. In 1997, Republicans allowed only 36 of the 79 Clinton nominees to be confirmed, or 46 percent. In 1998, Republicans allowed 66 of 92 pending judicial nominees to be confirmed. In 1999 they allowed only 33 of the 71 judicial nominees to be confirmed, about 46 percent, and in 2000 they allowed only 39 of the 81 pending judicial nominees to be confirmed, or 48 percent. Thus, during their 6 years of Senate control during the Clinton administration, Republicans allowed only about half of the judicial nominations to be confirmed on average per year. Their percentages are even worse for circuit court nominees. These are detailed in my floor statement of October 4.

To this point, the Senate Judiciary Committee has voted on more judicial nominees—83—and on more circuit court nominees—17—than in any comparable 15-month period of prior Republican control. The Democratic-led Senate has already confirmed 80 of the judicial nominations of President George W. Bush. In so doing, we have confirmed more judicial nominees in less than 15 months that were confirmed in the last 30 months that a Republican majority controlled the Senate. We have done more in half the time.

The expeditious pace should not be construed as a rush to process the appointment of judges to lifetime positions. I ask unanimous consent to print in the RECORD several recently published editorials from the Rutland Herald, the Barre Montpelier Times Argus and the Los Angeles Times. Each of these articles emphasize the important obligation of the Senate to thoroughly review the records of the President's judicial nominees. They serve as an important reminder that our outstanding record of treating President Bush's nominees more fairly and more expeditiously than President Clinton's nominees were treated.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Oct. 3, 2002]

CAUTION ON COURT NOMINEES

Since George Washington took the oath of office, U.S. presidents have nominated 140 men and women to the Supreme Court and many more to the federal courts of appeal and trial courts. In two centuries, the Senatee has rejected 11 Supreme Court nominees and an uncertain number of prospective lower court judges. Seven others withdrew their high court nominations, some to avoid likely defeat.

The Senate has blocked ideologues, including die-hard Federalists during the 18th and early 19th centuries, who it concluded would not put aside their political beliefs on the bench. It killed the nominations of men viewed as shills for special interests and rejected others for being ethically compromised or simply not smart enough or wise enough to sit on federal courts for life.

That history matters as the Senate Judiciary Committee considers Dennis Shedd, Michael McConnell and Miguel Estrada for seats on the U.S. Court of Appeals. Republicans insist that the Senate panel, now with a one-vote Democratic edge, has dragged its feet in confirming President Bush's picks and that the tough questions senators have asked these three men and others about their judicial philosophy and temperament are a partisan effort to destroy the reputations of qualified men and women. Neither charge holds water.

In the 14 months since the Democrats took narrow control of the Senate, the Judiciary Committee has confirmed 78 judges, 14 of them to appellate courts. That compares with an average of 39 confirmations a year during the six-plus years of Republican control.

The committee has readily approved men and women more centrist in their views and more likely to be fair-minded on the bench. But committee members are right to hesitate over Shedd, McConnell and Estrada.

Shedd has published a scant 60 opinions in 12 years as a judge. He has backed employers against claims by workers almost without exception. In criminal cases, he has generously interpreted the law to favor police. He held quixotically that the federal family leave law does not apply to state employees, a ruling that, by extension, could invalidate other federal civil rights protections for state workers.

McConnell has repeatedly asserted that Supreme Court precedents should not bind the current court. He has argued before the Supreme Court that religious schools should receive certain types of government aid on the same basis as public schools.

Estrada, a corporate lawyer who helped make Bush's case in the Florida recount battle, has virtually no public writings and no judicial experience. The committee needs to see the memos he wrote at the U.S. solicitor general's office, which Atty. Gen. John Ashcroft has refused to release.

The Senate's obligation in confirming judges is to the people, not the president. All three men now before the Judiciary Committee should give members pause.

[From the Rutland Herald, Oct. 7, 2002]

MEESE OFF BASE CRITICIZING LEAHY

(By Leslie Black)

Former Attorney General Ed Meese and his so-called "truth squad" have a nerve coming to Vermont to berate Senator Leahy and insult the intelligence of Vermont citizens.

Senator Leahy, in his important role as chair of the Senate Judiciary Committee, is holding hearings on judicial nominations responsibly and admirably. He has demonstrated a commitment to choosing judges for the federal bench who are willing to uphold the U.S. Constitution.

Meese would prefer to see President Bush's anti-women's rights, anti-civil rights nominees confirmed, and he came to Vermont to spread poisonous misinformation about Senator Leahy to the senator's own constituents.

Vermont citizens don't need any of Meese's versions of the "truth." We know who represents us in the United States Senate, and what he stands for. We wholeheartedly support Senator Leahy's considered choice of federal judges and his respect for law. We have confidence in his ability to do his job honorably.

[From the Barre Montpelier Times Argus, Apr. 23, 2002]

DEFENDING LEAHY

(By Edwin Granai)

Sen. Leahy has been accused by some Vermont Republicans of partisanship for not confirming Charles Pickering's nomination to the 5th Circuit Court of Appeals.

On the contrary, the Republican members of Leahy's committee voted the party line in support of a judge whose judicial record was often devoid of impartial objective considerations relating to existing law, and most importantly, to constitutional provisions.

Aside from the Pickering nomination, the fact is that under Leahy's chairmanship the Senate Judiciary Committee has approved 42 consecutive Bush administration appointees to the federal bench, including, though not Pickering, the 5th Circuit Court of Appeals.

Forty-two approvals out of 43 Bush nominations can hardly be considered partisan. Orrin Hatch, Leahy's Republican predecessor as chairman, sat on 53 of Clinton nominees. Didn't even give them a hearing. The partisanship in the Senate is clearly with the party of Leahy's accusers.

Patrick Leahy may be imperfect along with the rest of us. But as chairman of the Senate Judiciary Committee he has restored fairness and objectivity to the advise-and-consent role of the Senate.

[From The Barre Montpelier Times Argus, May 15, 2002]

POLITICAL TRIAGE

Edwin Meese, former U.S. attorney general, came to Montpelier on Monday to apply a bit of political pressure aimed at forcing Sen. Patrick Leahy to take speedier action in confirming judicial nominations.

Leahy, chairman of the Senate Judiciary Committee, has responsibility for holding hearings on President Bush's nominees to the federal bench. Bush himself has criticized the delays to which he says Leahy has subjected his nominees, saying vacancies on the bench threaten the administration of justice.

That was also the pitch made by Meese on Monday. His was another voice in the partisan wrangling that surrounds the issue. But Meese needn't have bothered.

Vermont Republicans no doubt took comfort in the boost their cause received from Meese's appearance. But on the whole, Vermonters are probably pleased by the idea that Leahy is giving Bush's more extreme nominees a closer look.

Leahy has played a shrewd game on the issue. Contrary to the accusations of his Republican opponents, he has actually been more efficient than his Republican predecessors in taking action on judicial nominees.

Figures from Leahy's office show that the number of vacancies on the bench grew from 65 to 110 from 1995 to 2001 when Republicans controlled the committee. That was a time when Sen. Orrin Hatch, the Republican chairman, failed to give a hearing to numerous nominees sent up by President Clinton.

By contrast Leahy's committee has already confirmed 52 Bush nominees, which exceeds the number of nominees confirmed by the Republican Senate during the final four years of Clinton's presidency. And the number of vacancies has fallen to 84.

So what are the Republicans complaining about?

They are complaining because, even though Leahy is moving quickly to confirm nominees; he is not moving so quickly on all of them. Those whom the Democrats view as extreme conservatives are getting a long, careful look from the committee, and their hearings have been delayed.

The committee has already rejected the nomination of Charles Pickering for the Fifth Circuit Court of Appeals. But a nomination fight like that over Pickering takes a political toll, and Leahy knows he cannot subject his committee to that kind of grueling battle on all questionable candidates.

When the Republicans controlled the Senate, they understood the strategic value of delay. They defeated 24 Clinton nominees to the appellate courts, but they did not defeat them by an outright vote. They refused to allow a vote.

Leahy has urged Bush to nominate moderate judges around whom his committee can reach a consensus. But among Bush's nominees there is a cadre of extreme conservatives with questionable records on women's rights, workers' rights, and consumers' rights.

So Leahy is performing a sort of political triage. There are so many judges to confirm that, in order to move quickly, he has decided to act on those who can be confirmed quickly. That leaves the more controversial nominees cooling their heels.

When Sen. James Jeffords abandoned the Republican Party, he made it possible for Leahy to assume the chairmanship of the Judiciary Committee. Jeffords was concerned about the extremist tendencies of the Bush administration, and now Leahy has been able to exercise power to moderate those extremist tendencies.

Meese should know that most Vermonters were pleased that Jeffords gave Leahy that chance and that Leahy is making the most of the opportunity.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred October 1, 2000 in Traverse City, MI. A 23-year-old bartender at a gay bar was attacked as he was removing the trash out of the back door of the building around 2 a.m. An attacker grabbed him by the shoulders and began shouting "faggot" and other obscenities at him. Moments later, two other men jumped into the alley, one brandishing a baseball bat. The bartender was able to run away after the initial attack, but was assaulted again after trying to return to the club several minutes later.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

HONORING DR. SALVATOR ALTCHEK

Mr. DODD. Mr. President, I rise today to pay tribute to Dr. Salvator Altchek, the beloved "$5 doctor" of Brooklyn, NY, who passed away last month at the age of 92. I ask unanimous consent to print in the RECORD the beautiful obituary commemorating the life of Dr. Altchek written by Douglas Martin of the New York Times.

Dr. Altchek was warmly known as "the $5 doctor" because he spent virtually his entire 67-year career treating anyone who showed up at his basement office in a working class section of Brooklyn Heights, charging them little or nothing for his services.

Despite treating thousands of people, and delivering thousands of babies, most people never heard of Dr. Altchek. That's because he sought neither fame nor fortune. His only goal in life was to help as many people as possible. In so doing, he touched the lives of so many individuals and so many families. He was truly an American treasure.

I leave it to the words of Douglas Martin's obituary to tell the story of Dr. Salvator Altchek, whose lifetime of selfless devotion to helping strangers will continue to serve as an inspiration to us all. I urge all of my colleagues to read this special tribute to a very, very special American.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 15, 2002]

SALVATOR ALTCHEK, "THE $5 DOCTOR" OF BROOKLYN, DIES AT 92

(By Douglas Martin)

Salvator Altchek, known for 67 years as the $5 doctor to the melting pot of Brooklyn, especially the poorer residents of affluent Brooklyn Heights, died on Tuesday. He was 92.

He continued to work until two months ago, but gave up house calls five years ago. He delivered thousands of babies and generally attended to the health needs of anyone who showed up at his basement office in the Joralemon Street row house in the Heights where he lived, charging $5 or $10 when he charged at all. The office, with its faded wallpaper of Parisian scenes, cracked leather furniture and antique medical devices, had not changed much since Jimmy Rios got his first penicillin shot there half a century ago.

"You could walk into his office and he could tell you what you had before you sat down," Mr. Rios said.

Dr. Altchek often made his house calls on foot, carrying his black medical bag. He treated the poorest people, angering his wife by sending one away with his own winter coat. He welcomed longshoremen and lawyers, store owners and streetwalkers. One patient insisted on always paying him $100 to make up for some of those who could not pay at all.

A few years ago, a homeless man knocked on his door and said he had walked all the way from Long Island to have a wounded finger treated. He had last seen the doctor as a toddler growing up in Brooklyn Heights more than 50 years before.

The doctor sometimes greeted 70-year-olds he had delivered. While it is unclear whether he was the oldest and longest-working physician in the city, he was very likely the only one nicknamed "the $5 doctor." When his practice opened, he treated Arab-Americans around Atlantic Avenue and was the favored doctor of the Puerto Ricans who began to live in the row houses of Columbia Place, near the waterfront, in the 1930's.

"He wasn't out to make money; he was out to help people," said Sara Mercado, whose daughter was delivered by Dr. Altchek. People in her family were among his first patients.

Ramon Colon, in his book about a Puerto Rican leader, "Carlos Tapia: A Puerto Rican Hero in New York" (Vantage, 1976), wrote:

"He is a physician who treated the poor and never asked for money from the oppressed community. they paid when they had it, and he treated them as though they were Park Avenue residents."

Salvator Altchek was born in 1910 in Salonika, then part of the Turkish Ottoman Empire, now part of Greece. As Sephardic Jews, with roots long ago in Spain, the Altcheks spoke Ladino, a form of Spanish spoken by Sephardim that dates back to the 15th century.

The family became part of New York's ethnic rainbow when his father, David, who spoke a half-dozen additional languages, brought the family to the city in 1914, in steerage. They lived at first on the Lower East Side, but moved to Spanish Harlem, where they felt more comfortable with Spanish-speaking people.

Dr. Altchek's father took a variety of jobs, including selling fudge at Macy's. But as a professional fermentation engineer, his main income, even during Prohibition, came from the ouzo, cherry brandy and wine he discreetly made and sold.

Salvator Altchek and his seven brothers and sisters made deliveries. In a favorite family story, he delivered wine to a buyer who admired it and speculated on the vintage.

"That's fresh," the boy chirped. "He just made it."

He graduated from Columbia and attended New York Medical College, then in Manhattan and now in Westchester County. Emanuel Altchek, the oldest brother and the first of three of the brothers to graduate from medical school, paid Salvator's tuition. Salvator, in turn, paid his brother Victor's way.

Salvator Altchek worked in Prospect Heights Hospital, long since closed. But he decided that he wanted his own practice. For more than half a century, he began his workday at 8 a.m., took a half-hour off for dinner at 5 p.m. and closed the office door at 8. He then made house calls, often until midnight.

He knew everyone, and everyone knew him. Walking down a street, he would recognize gay lovers, Mafia soldiers and prominent lawyers. He often greeted someone by grabbing his hand and taking his pulse. His passion for preventive medicine surpassed his tact.

"Hello, dear, you're looking well," he would say to a patient. "You put on a little weight, didn't you?"

When his wife, Blanche, died 32 years ago, he fell into a depression. His sister Stella Shapiro heard him advise a patient to find another doctor. But he gradually recovered by throwing himself into his work.

He never remarried and was especially proud of the tall linden tree in front of his house, which he dedicated to his wife. He built a bench around it that neighbors and strollers could use.

In addition to his brother Victor and sister Stella, both of Manhattan, he is survived by his daughters, Susan Aroldi of Saddle River, N.J., and Phyllis Sanguinetti of Buenos Aires; four grandchildren; and five great-grandchildren.

Dr. Altchek was a constant personality in a neighborhood that changed many times, from proper society enclave to wartime boardinghouse district to artistic bohemia to haven for young professionals. When Truman Capote, then a Brooklyn Heights resident, invited him to his famed Black and White Ball in 1966, the doctor did not know who Capote was until he finally recalled his face from the steam bath of the St. George Hotel, Caren Pauley, a niece, said.

Once when he was held up at gunpoint, Dr. Altchek said he could not give the would-be robber any money because he had a date with an attractive woman, Ms. Pauley recalled. The robber, recognizing him, reached into his pocket and gave him $10.

Dr. Ozgun Tasdemir, a physician who immigrated from Turkey, made Turkish candy for him, having noticed his cache of Turkish desserts in the office refrigerator. She said he brought the latest literature on her ailment to share with her.

Dr. Altchek stopped making house calls only when he could no longer walk up steps easily. He did not renew his malpractice insurance when it expired in July. He began calling up other doctors, asking them to take his patients who had no insurance.

His brother Victor said that Dr. Altchek had correctly diagnosed the abdominal condition that led to his own death. His last spoken thought was to remember that he owed a patient a medical report.

NATIONAL 4-H YOUTH DEVELOPMENT PROGRAM WEEK

Mr. DEWINE. Mr. President, I rise today, along with my friend and colleague from Oklahoma, Senator INHOFE, to pay tribute to 4-H, one of the strongest youth organizations in the country. I am proud to be a cosponsor of the legislation that Senator INHOFE introduced recently to designate October 6, 2002, through October 12, 2002, as "National 4-H Youth Development Program Week."

4-H began in Clark County, OH. Just minutes away from where I grew up. In 1902, a century ago this year, A.B. Graham established a "Boys' and Girls' Agricultural Club." There were approximately 85 children who attended that first meeting in the basement of the Clark County Courthouse in Springfield, OH. This was the start of what would be called a "4-H Club" within a few years. The first projects included food preservation, gardening and beginning agriculture.

4-H has grown from its 85 original members to approximately 300,000 in Ohio and over 6.8 million nationwide. One out of every six people in Ohio has been or is currently involved with 4-H youth development programs either as a member, parent, volunteer, or donor. The project selection has also grown from the original three to over 200. A sampling of today's projects include health, family life, photography, aerospace science, bicycles, natural resources, safety, horticulture and nutrition.

We need organizations, like 4-H, to help guide our next generation of agriculturists, teachers, and even elected officials toward a better tomorrow. I also am proud to say, that my wife, Fran, and I have had children go through the 4-H program for 24 straight years now, in fact, last year was our eighth and youngest child Anna's first year in 4-H.

4-H clubs have expanded from rural to urban areas, where they provide a new group of kids with essential leadership skills and community service involvement. National 4-H conferences have even become platforms for presidents and other national officials to voice their ideas for agriculture and other policies.

Although today's 4-H organization may be larger than the original 100 members and our communication has increased from town meetings to Internet chat rooms, the organization's principles of Head, Heart, Hands, and Health remain the same. Without question, the lessons and skills 4-H members learn will last a lifetime.

I am pleased to report that in Ohio, 4-H members, Nationwide Insurance, and the Ohio Farm Bureau have teamed together to create a brand new 4-H Center on the campus of The Ohio State University. The groundbreaking ceremony occurred just last month. This new Center will provide research, teaching resources, and service opportunities for youth, adult volunteers, and community organizations. The development of this Center is a result of partnerships, one of the many skills our youth learn through 4-H.

In closing, I take this opportunity to challenge other Senators to become involved in 4-H either as a parent or volunteer. I guarantee it will be one of the most rewarding experiences of their lives.

Mr. FITZGERALD. Mr. President, I rise today to recognize the week of October 6 as National 4-H Youth Development Program Week.

The need to provide a quality education and opportunities for our youth is ever-present. In order to ensure that our country continues to progress, we must encourage our youth to take active roles in their schools and their communities.

One hundred years ago, groups of concerned community members organized boys' and girls' agricultural clubs to provide better agricultural education to young people. These clubs adopted a model of learning by doing, and their popularity continued to grow. By addressing the needs of the local community, these small boys and girls clubs rapidly evolved into the National 4-H Program that now can be found in communities across America.

Today, 7 million youth and 50 million 4-H alumni participate in over 1,000 4-H programs, ranging from robotics and biotechnology to skateboarding and agriculture. These programs provide opportunities for youth to participate in innovative programs through which they can develop valuable, lifelong skills.

During my tenure as a U.S. Senator, I have enjoyed meeting with 4-H leaders and members throughout the State of Illinois, and have seen first-hand how the 4-H program has changed the lives of our young people. I have also appreciated the extraordinary dedication that 4-H leaders bring to their clubs.

It was with pride that I cosponsored the resolution submitted by Senator INHOFE and Senator STABENOW declaring the week of October 6 as "National 4-H Youth Development Program Week." I hope that the 4-H program will build on the successes of the last one hundred years and hold true to the 4-H motto "to make the best better" in the years to come.

TRIBUTE TO ELECTION JUDGES

Mr. DAYTON. Mr. President, I am pleased today to pay tribute to those Americans who play a very special role in our democracy, the citizens who volunteer to serve as election judges. They work at the polls on Election Day, safeguarding our most precious right as Americans, the right to choose our leaders whom we then trust to govern, legislate on our behalf, and protect our rights and freedoms. Having received training in election laws and rules, judges open and close the polls, making a formidable commitment of time, energy, and stamina to work all day, often from before dawn until after dark. Some judges must promise to remain inside the polling place all day. They distribute ballots, tend to ballot boxes, count ballots, strictly adhering to prescribed procedures to ensure secrecy and accuracy of election materials. The judges process absentee ballots, help voters who require assistance, register new voters, and make certain that only qualified voters are permitted to vote. Recent history has taught us, all too dramatically, how important this process of validation is.

To undertake this form of volunteer service is truly to exercise one's civic responsibility while also facilitating that right and duty for one's fellow citizens. While voters with strong party interests might be drawn to the position, a judge's job is not to influence voters. To be an election judge is to be a citizen-activist on a very basic, very human level. The activities of a judge, although routine, figure among the most rewarding and meaningful that an ordinary citizen can perform. Older Americans, especially retirees, regard it as a welcome way to keep in touch with what's happening in the broader community and to connect with their neighbors.

Election judges are people of character and dedication. The official functions they pledge to perform are honorable and indispensable to our society. On Election Day, November 5th, many thousands of fine Americans will invest their time by fulfilling the role of election judge. We are most fortunate to have these conscientious citizens. I am proud to express my appreciation for their valuable service which makes our form of government work.

ADDITIONAL STATEMENTS

HEALTH CARE HERO

• Mr. SMITH of Oregon. Mr. President, today I rise to salute Terry O. Finklein, a true healthcare and community hero for Oregon. Terry is the chief executive officer of Columbia Memorial Hospital in Astoria, OR. Columbia Memorial evolved from the north coast's oldest hospital in 1927, and has served the people of Clatsop County, OR for generations.

Not long ago, Columbia Memorial Hospital was on the brink of closing because of financial problems. Terry arrived at Columbia Memorial in late 1989 and promptly turned the financially troubled hospital around. When you lead a rural hospital, financial heroics are an ongoing necessity.

Over the last decade Terry's accomplishments include implementation of a $3.5 million dollar hospital building project, successive 3-year JCAHO accreditations, creation of a Home Health Care program and the establishment of a Medicare certified hospice program.

Terry is counted among the pioneers of Oregon's statewide trauma system. He built a helipad on Columbia Memorial's front lawn, something everyone swore "couldn't be done", brought the hospital's Emergency Room and staff up to a standard of excellence that earned the hospital State designation as a Level III Trauma Center, and doubled the size of the ER.

Last year, Terry's community lost the services of five physicians in one week with the closure of a clinic. As most of my colleagues from rural States know, physician recruitment in rural communities is tough. So is the clinic business. In order to ensure that the residents of Clatsop County had access to stable health care, Terry took Columbia Memorial into the non-profit clinic business. He implemented the Columbia Memorial Hospital Women's Center, which is now staffed by three excellent physicians and a certified nurse midwife.

Statistically, Clatsop County's children are an at-risk population. Terry decided to tackle this issue at its roots by administering the Healthy Families program of Clatsop County. This program offers at-risk babies and parents a "how to" helping hand with regular home visits and access to other agencies as needed.

In Clatsop County, 45 percent of the population has incomes at or below 200 percent of the federal poverty level. Combine that with a shortage of physicians, and access to health care becomes a major issue. About a year ago, Terry envisioned a federally funded clinic. "It can't be done," folks said. This time Terry went directly to his community partners for support. He received dozens of letters of support. He funded and implemented research and a grant proposal. He spent, and still spends, hours on project implementation.

In December of this year, the Coastal Family Health Center will open for business. It will provide general health care, dental care and mental health services in a community where these services are desperately needed.

For his service and dedication to the health of the people in Clatsop County, OR, I salute Terry O. Finklein, a true hero for Oregon.●

COMMENDING ISRAEL BROOKS

● Mr. HOLLINGS. Mr. President, I want to pay tribute to Israel Brooks, a native of Newberry County, SC, as he retires from a 35-year career in law enforcement, most recently as the U.S. Marshal for the District of South Carolina.

In March of 1994, I nominated Mr. Brooks to that important position, and I believe his record in the past eight years has proven what this Senator has long felt: it is one of the best nominations I ever made. He has served with such great distinction that in 1996 the District of South Carolina, under Mr. Brooks' leadership, earned the "Distinguished District of the Year Award" for being the best in the nation in efficiency, service, and work ethics.

Mr. Brooks served in the South Carolina Highway Patrol, being promoted through the ranks all the way up to Major. He served his country as a U.S. Marine. He also served his community, devoting an incredible amount of time and effort to helping elementary, junior high, and senior high students throughout the state.

We will miss Mr. Brooks. I know all the Senators in this body not only thank him for his many achievements, but wish him and his family all the best.●

MEASURE PLACED ON THE CALENDAR

The Committee on Indian Affairs was discharged from further consideration of the following bill, which was placed on the calendar:

S. 2018. A bill to establish the T'uf Shur Bein Preservation Trust Area within the Cibola National Forest in the State of New Mexico to resolve a land claim involving the Sandia Mountain Wilderness, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WYDEN (for himself and Mr. HATCH):

S. 3063. A bill to establish a Citizens Health Care Working Group to facilitate public debate about how to improve the health care system for Americans and to provide for a vote by Congress on the recommendations that are derived from this debate; to the Committee on Health, Education, Labor, and Pensions.

By Mr. NELSON of Florida:

S. 3064. A bill to prohibit the use of patient databases for marketing without the express consent of the patient; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HUTCHINSON (for himself, Mr. INHOFE, and Mr. SCHUMER):

S. 3065. A bill to provide exceptions to empowerment zone eligibility criteria; to the Committee on Finance.

By Mr. INOUYE:

S. 3066. A bill to improve programs relating to Indian tribes; to the Committee on Indian Affairs.

By Mr. THOMPSON:

S. 3067. A bill to amend title 44, United States Code, to make Government information security reform permanent, and for other purposes; to the Committee on Governmental Affairs.

By Mr. SPECTER:

S. 3068. A bill to amend the Agricultural Adjustment Act to require the Secretary of Agriculture to use the price of feed grains and other cash expenses as factors to determine the basic formula price for milk under milk marketing orders; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DASCHLE (for himself and Mr. LOTT):

S. Res. 335. A resolution relative to the death of Jo-Anne Coe; considered and agreed to.

By Mr. BOND:

S. Con. Res. 150. A concurrent resolution welcoming Her Majesty Queen Sirikit of Thailand on her visit to the United States, and for other purposes; considered and agreed to.

ADDITIONAL COSPONSORS

S. 830

At the request of Mr. CHAFEE, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 830, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 874

At the request of Mr. TORRICELLI, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 874, a bill to require health plans to include infertility benefits, and for other purposes.

S. 1129

At the request of Mr. WARNER, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1129, a bill to increase the rate of pay for certain offices and positions within the executive and judicial branches of the Government, respectively, and for other purposes.

S. 2215

At the request of Mrs. BOXER, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2215, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and by so doing hold Syria accountable for its role in the Middle East, and for other purposes.

S. 2562

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2562, a bill to expand research regarding inflammatory bowel disease, and for other purposes.

S. 2608

At the request of Mr. HOLLINGS, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2608, a bill to amend the Coastal Zone Management Act of 1972 to authorize the acquisition of coastal areas in order better to ensure their protection from conversion or development.

S. 2903

At the request of Mr. SMITH of Oregon, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2903, a bill to amend title 38, United States Code, to provide for a guaranteed adequate level of funding for veterans health care.

S. 2943

At the request of Mr. FEINGOLD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2943, a bill to amend title 9, United States Code, to provide for greater fairness in the arbitration process relating to livestock and poultry contracts.

S. 3009

At the request of Mr. WELLSTONE, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 3009, a bill to provide economic security for America's workers.

S. 3018

At the request of Mr. HUTCHINSON, his name was added as a cosponsor of S. 3018, a bill to amend title XVIII of the Social Security Act to enhance beneficiary access to quality health care services under the medicare program, and for other purposes.

S. 3049

At the request of Mr. ALLEN, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 3049, a bill to prohibit the Administrator of the Environmental Protection Agency from issuing or renewing certain national pollutant discharge elimination system permits.

S.J. RES. 46

At the request of Mr. LIEBERMAN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S.J. Res. 46, a joint resolution to authorize the use of United States Armed Forces against Iraq.

S. RES. 266

At the request of Mr. VOINOVICH, his name was added as a cosponsor of S. Res. 266, a resolution designating October 10, 2002, as "Put the Brakes on Fatalities Day".

S. RES. 333

At the request of Mr. HUTCHINSON, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Iowa (Mr. GRASSLEY), the Senator from Wyoming (Mr. THOMAS), and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. Res. 333, a resolution expressing the sense of the Senate relating to a dispute between the Pacific Maritime Association and the International Longshore and Warehouse Union.

S. CON. RES. 142

At the request of Mr. SMITH of Oregon, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. Con. Res. 142, a concurrent resolution expressing support for the goals and ideas of a day of tribute to all firefighters who have died in the line of duty and recognizing the important mission of the Fallen Firefighters Foundation in assisting family members to overcome the loss of their fallen heroes.

S. CON. RES. 146

At the request of Mrs. LINCOLN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Con. Res. 146, a concurrent resolution supporting the goals and ideas of National Take Your Kids to Vote Day.

S. CON. RES. 149

At the request of Mr. LEVIN, his name was added as a cosponsor of S. Con. Res. 149, a concurrent resolution recognizing the teams and players of the Negro Baseball Leagues for their achievements, dedication, sacrifices, and contributions to baseball and the Nation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself and Mr. HATCH):

S. 3063. A bill to establish a Citizens Health Care Working Group to facilitate public debate about how to improve the health care system for Americans and to provide for a vote by Congress on the recommendations that are derived from this debate; to the Committee on Health, Education, Labor, and Pensions.

Mr. WYDEN. Mr. President, today I join with Senator ORRIN HATCH, one of the most caring and thoughtful public officials I have ever known, in offering a bipartisan roadmap to creating a health care system that works for all Americans. Our country has been trying to find such a path since President Harry Truman's proposal to cover all Americans was voted down in 1945. I believe the Wyden-Hatch proposal can succeed after 57 years of failure because our bipartisan plan begins with the public discussing and deciding their health care priorities, followed by a guarantee Congress will actually vote on the recommendations that result from this grassroots debate.

This approach has never been tried before. Now, when major health laws are written, politicians sit down and prescribe what benefits will be offered, and then try to come up with the money to pay for them. After the politicians write their plans, the special interest lobbies start attacking one feature or another through shrill television commercials. Pretty soon, the public gets understandably confused, the chance for building consensus is lost, and important health care needs go unmet.

The 280 million Americans whose survival depends on quality, affordable health care have never been given the chance to shape their health care future before the special interest lobbyists weigh in. The Wyden-Hatch bill changes that. Under our proposal, the public gets to jump-start health reform by stating their priorities at the outset, rather than being treated as an afterthought. We believe our legislation can serve as an illuminated route to a health care system where each American has the ability to obtain quality, affordable health care coverage. We placed three signposts on our roadmap to provide guidance to the American people and their elected officials as they make the tough choices inherent in tackling health care reform.

At the first signpost, the public is given an extensive opportunity, in their home communities and on line, to state their personal health care priorities and how they should be paid for. In addition, the public will be asked to look beyond their personal needs, to those of the community at large, and how those needs should be paid for.

Our legislation forthrightly asks the questions that must be answered to have meaningful health reform—questions such as: What kind of health care do you want most? How much are you willing to pay? How should costs be contained without sacrificing the quality of care? Should the Government or private businesses be required to pay a portion of your costs? How about those of your neighbors?

Our national Government has never directly asked the public these questions. After asking these questions, the Government ought to keep quiet for a bit and listen to the people because without some sense of the public's view, it is always going to be virtually impossible to create a health care system that works for everyone, with the consensus that is needed to get it done.

To ask the key questions and follow up on the suggestions given by the American people, the Wyden-Hatch legislation creates a Citizens' Health Care Working Group. The Working Group is made up of a representative cross-section of our people. It is not just another Washington, DC commission of so-called policy experts.

The Working Group directs the public participation portion of this proposal. For example, as a guide to help the public in formulating their views on the tough choices that lie ahead, the Wyden-Hatch legislation directs the Working Group to prepare and make widely available a "Health Report to the American People."

The legislation we have authored requires that this report be written in understandable language and describe the cost and availability of the major public and private health choices now available—and also contain enough information so the public can create alternatives. Here are the kinds of issues we want to address: "If covering liver transplants under government health programs requires cutting other services, what services are you willing to cut, or would you rather not have liver transplants covered? If government coverage of long-term care for the elderly would require workers to begin contributing to the program at age 40, is it still worth it to you?"

These are moral choices about what health care the public has a right to expect. These are economic choices that affect the finances of our families. These are legal and social choices that will be difficult for our people to make. The Wyden-Hatch proposal is built around the proposition that these choices are too important to duck any longer.

After establishing a sense of how the public feels about these hard choices, the legislation directs that the Working Group move to the second signpost on our roadmap. There the Working Group is to take the ideas offered by the American people, and translate these views into recommendations for our elected officials to create a health care system that works for all. With the Working Group's involvement in the public participation requirement of this legislation, we believe they are the right people to take this historic step: to synthesize the opinions and information provided by the public and then present a faithful picture to Congress.

At the third signpost, the Congress takes the recommendations from the Working Group and utilizes the legislative process to develop one or more plans for the recommendations, with a guarantee to the public that the plans will be voted on in both Houses of Congress. We believe that the assurance that Congress will vote after the public's will is expressed provides an added measure of credibility for this legislation. Simply put, people will be able to see their voices, their participation, lead to actual votes on the floors of both Houses of Congress to create a health care system that works for all. With these steps I have described, our country can as never before discuss, decide and deliver on health care reforms.

I know there will be many questions about this proposal, and I'll try to answer them in the coming days. I'd like to briefly answer just one question I've already been asked: "Why now? This is the end of the Congressional session; we are all concerned about the possibility of war with Iraq. Why are you putting this before Congress today?"

My answer is that the lack of decent health care for so many Americans, and the skyrocketing costs of coverage for insured Americans, threaten countless lives and our economic security just as tenaciously as any foreign enemy our Nation has ever faced. Just as we are beginning a debate about how best to address the Nation's security interests, it is high time Congress resumed the debate about how to address the inequities and failures of the American health care system.

On health care, our families can't afford to wait any longer. Congress is completing another session without significant progress on major health care issues. A demographic tsunami of baby boomer retirees is coming soon. It is increasingly evident that piecemeal health reform—considering prescription drugs one day, patients' rights legislation the next, something else after that—isn't working.

I have no intention on giving up on any one of those important issues when it's possible to get Congress to consider them separately. I still believe the bipartisan prescription drug bill I authored with OLYMPIA SNOWE could bring the Senate together and help seniors get and afford prescription medicine now.

Yet it is clear that because health care is like an ecosystem, with one part affecting all others, it is extremely difficult to make real progress on a single important issue without factoring in the way it will ripple through our entire health care system.

So as the Congress pushes ahead on prescriptions and other urgent needs, let us simultaneously reopen the debate about creating a health care system that works for all. That debate stopped in 1994, and needs to begin again. The Wyden-Hatch bill provides an opportunity to reopen this debate, and by introducing our bill now we believe it will be ready for full Congressional deliberation when the next Congress begins in January.

One way or another, it is urgent that Congress find a way to do better by the people's health care needs.

My constituents at home in Oregon make this case constantly. At town meetings, Chamber of Commerce lunches, labor halls, non-profit board meetings, after church coffee hours, and especially at my "sidewalk office hours" where I just set up a card table to listen, they ask, "RON, when's Congress going to get going on health care and help us out?"

One Oregon business after another has been telling me their health premiums are going up by as much as 20 percent a year. The number of uninsured is going up, with many of these individuals working at small businesses whose owners desperately want to offer health coverage and can't figure out how to do it and keep their doors open. Many physicians have been leaving government health programs because of inadequate reimbursements. Thousands and thousands of pages of health care regulations now exist and the system is almost choking on all the bureaucracy.

We know that America's health care system is scientifically prodigious. Every day our dedicated and caring health care providers are performing miracles. Last year more than $1.4 trillion was spent on health care in America. Divide that sum by the number of Americans, and there would be enough for every family of four to receive more than $18,000 for health care. With all this money, and so much talent and creativity in America, shouldn't it be possible to create a health system that works for everyone?

Senator HATCH and I believe it is. We know it will be hard, but we believe it can be done if our roadmap is used.

For example, to achieve real reform our elected officials are going to have to reject the blame game. Republicans can no longer say the problem in health care is primarily the trial lawyers. Democrats can no longer say the problem in health care is primarily the insurance companies. All—let me repeat, all—of the powerful lobbies are going to have to accept some changes they have rejected in the past if America is to have a health care system that works for everyone. I believe that's what we'll hear from the public if they're given the chance to discuss and decide their health care priorities as the Wyden-Hatch legislation envisions.

Before I wrap up, I wish to offer a few thank yous.

The first thank you is to the people of Oregon. They have honored me with a chance to serve, and I get up every morning feeling like the luckiest guy around. It was not very long ago, as codirector of the Oregonian Gray Panthers, I was driving to senior citizens meetings in a beat-up station wagon, and I never thought I would have the privilege of being able to serve in this capacity.

Oregonians can see I have modeled much of this legislation after the debate that Oregon has had on health care. And we are proud that we are the first of the initiatives to ask the tough questions.

Oregonians began asking those difficult questions more than a decade ago in community meetings, for one reason: Gov. John Kitzhaber, an emergency room physician, insisted that we do it. He deserves great credit for his efforts, his courage, and his tenacity. When I told him I was going to push Congress to build on Oregon's public process, the Governor said: Go for it.

Senator HATCH—and I note that Senator HATCH is in the Chamber this morning—could easily have said he wanted no part of this whole discussion. Senator HATCH has written several vital health care laws, from his S-CHIP legislation, to his community health centers bill, to the Hatch-Waxman legislation, to make sure there are pharmaceuticals available for the public, and that they are affordable. All of those pieces of legislation have made a huge contribution.

Senator HATCH has about the fullest plate in the Senate, with his Judiciary and Intelligence responsibilities, but he and Patricia Knight and Patricia DeLoatche have been thoughtful and patient as we went through draft after draft of this proposal in an effort to start the discussion now. I want Senator HATCH to know how grateful I am to him.

Dr. Paul Ellwood, who founded the Jackson Hole Health Group, has been working for more than three decades to create a health system that works for everybody. Now, when he could be enjoying retirement, riding horses in beautiful Wyoming, he is still bringing together health care policymakers, at 7 o'clock on a Sunday morning, in an effort to try to find a consensus on the kinds of common ground that Senator HATCH and I are pursuing.

Dr. Ellwood has been so helpful in the development of this proposal and his own new plan called Heroic Pathways, which encourages the use of information technologies and evidence-based medicine, which is a fancy way of saying health care that actually works. I am of the view that Dr. Ellwood's ideas have great potential. To Paul and Barbara Ellwood, I say this morning, we would not be here today without you.

In my office, Stephanie Kennan and Carole Grunberg kept us tethered to reality, and Ms. Daphne Edwards, a young lawyer in the legislative counsel's office, produced eight separate drafts of this legislation alone.

Finally, I went into public life because I have always believed if people could not get affordable, quality health care, they were not in a position to be able to do much of anything else. Since those Gray Panther days, I have believed that it is wrong for people in this country to die because they could not get health care or because it came too late.

America is now hemorrhaging dollars into a health care system that simply does not work at all for too many people. The longer people go on dying needlessly, and the longer prosperity and security allude our families, the less America looks like the America of our dreams. No one I know thinks it should be so easy to slip through the cracks in our health care system. No one I know believes America is supposed to be a place where people forfeit their well-being for doing honest work that just does not pay enough for good medical care.

The Wyden-Hatch legislation is a chance to move toward America as it is meant to be. People can voice their vision for health care in America. Their voices can count. Their vision can come to pass.

So today I ask the Senate to give our people this opportunity. The Wyden-Hatch bill provides a roadmap. The great people of this country, working with their public servants, can use it as a guide to a health care system that works for everyone.

Mr. President, I see that my colleague is on the floor this morning. I wrap up by again expressing my appreciation to Senator HATCH. I have come to the conclusion that if you want to get anything important done, particularly in health care, it has to be bipartisan. Senator HATCH and I have been talking about this health care reform for an awfully long time. He has been extraordinarily patient—he and his staff—in working with me. I think we bring to the Senate today a chance, as we end this session—a session where there has not been the progress the people deserve on health care—a chance to move forward in a bipartisan way. I am just especially grateful to my colleague from the State of Utah, who is one of the most caring people I have known in public life, for all his help.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3063

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Care That Works for All Americans Act of 2002".

SEC. 2. FINDINGS.

Congress finds the following:

(1) In order to improve the health care system, the American public must engage in an informed national public debate to make choices about the services they want covered, what health care coverage they want, and how they are willing to pay for coverage.

(2) More than a trillion dollars annually is spent on the health care system, yet—

(A) 41,000,000 Americans are uninsured;

(B) insured individuals do not always have access to essential, effective services to improve and maintain their health; and

(C) employers, who cover over 170,000,000 Americans, find providing coverage increasingly difficult because of rising costs and double digit premium increases.

(3) Despite increases in medical care spending that are greater than the rate of inflation, population growth, and Gross Domestic Product growth, there has not been a commensurate improvement in our health status as a nation.

(4) Health care costs for even just 1 member of a family can be catastrophic, resulting in medical bills potentially harming the economic stability of the entire family.

(5) Common life occurrences can jeopardize the ability of a family to retain private coverage or jeopardize access to public coverage.

(6) Innovations in health care access, coverage, and quality of care, including the use of technology, have often come from States, local communities, and private sector organizations, but more creative policies could tap this potential.

(7) Despite our Nation's wealth, the health care system does not provide coverage to all Americans who want it.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to provide for a nationwide public debate about improving the health care system to provide every American with the ability to obtain quality, affordable health care coverage; and

(2) to provide for a vote by Congress on the recommendations that result from the debate.

SEC. 4. CITIZENS' HEALTH CARE WORKING GROUP.

(a) ESTABLISHMENT.—The Secretary, acting through the Agency for Healthcare Research and Quality, shall establish an entity to be known as the Citizens' Health Care Working Group (referred to in this Act as the "Working Group").

(b) APPOINTMENT.—Not later than 45 days after the date of enactment of this Act, the Speaker and Minority Leader of the House of Representatives and the Majority Leader and Minority Leader of the Senate (in this section referred to as the "leadership") shall each appoint individuals to serve as members of the Working Group in accordance with subsections (c), (d), and (e).

(c) MEMBERSHIP CRITERIA.—

(1) APPOINTED MEMBERS.—

(A) SEPARATE APPOINTMENTS.—The Speaker of the House of Representatives jointly with the Minority Leader of the House of Representatives, and the Majority Leader of the Senate jointly with the Minority Leader of the Senate, shall each appoint 1 member of the Working Group described in subparagraphs (A), (G), (J), (K), and (M) of paragraph (2).

(B) JOINT APPOINTMENTS.—Members of the Working Group described in subparagraphs (B), (C), (D), (E), (F), and (N) of paragraph (2) shall be appointed jointly by the leadership.

(C) COMBINED APPOINTMENTS.—Members of the Working Group described in subparagraphs (H) and (L) shall be appointed in the following manner:

(i) One member of the Working Group in each of such subparagraphs shall be appointed jointly by the leadership.

(ii) The remaining appointments of the members in each of such subparagraphs shall be divided equally such that the Speaker of the House of Representatives jointly with the Minority Leader of the House of Representatives, and the Majority Leader of the Senate jointly with the Minority Leader of the Senate each appoint an equal number of members.

(2) CATEGORIES OF APPOINTED MEMBERS.—Members of the Working Group shall be appointed as follows:

(A) 2 members shall be patients or family members of patients who, at least 1 year prior to the date of enactment of this Act, have had no health insurance.

(B) 1 member shall be a representative of children.

(C) 1 member shall be a representative of the mentally ill.

(D) 1 member shall be a representative of the disabled.

(E) 1 member shall be over the age of 65 and a beneficiary under the medicare program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(F) 1 member shall be a recipient of benefits under the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(G) 2 members shall be State health officials.

(H) 3 members shall be employers, including—

(i) 1 large employer (an employer who employed 50 or more employees on business days during the preceding calendar year and who employed at least 50 employees on the first of the year);

(ii) 1 small employer (an employer who employed an average of at least 2 employees but less than 50 employees on business days in the preceding calendar year and who employs at least 2 employees on the first of the year); and

(iii) 1 multi-state employer.

(I) 1 member shall be a representative of labor.

(J) 2 members shall be health insurance issuers.

(K) 2 members shall be health care providers.

(L) 5 members shall be appointed as follows:

(i) 1 economist.

(ii) 1 academician.

(iii) 1 health policy researcher.

(iv) 1 individual with expertise in pharmacoeconomics.

(v) 1 health technology expert.

(M) 2 members shall be representatives of community leaders who have developed State or local community solutions to the problems addressed by the Working Group.

(N) 1 member shall be a representative of a medical school.

(3) Secretary.—The Secretary of Health and Human Services or the designee of the Secretary of Health and Human Services shall be a member of the Working Group.

(d) Prohibited Appointments.—Members of the Working Group shall not include members of Congress or other elected government officials (Federal, State, or local) other than those individuals specified in subsection (c). To the extent possible, individuals appointed to the Working Group shall have used the health care system within the previous 2 years and shall not be paid employees or representatives of associations or advocacy organizations involved in the health care system.

(e) Appointment Criteria.—

(1) House of representatives.—The Speaker and Minority Leader of the House of Representatives shall make the appointments described in subsection (b) in consultation with the chairperson and ranking member of the following committees of the House of Representatives:

(A) The Committee on Ways and Means.

(B) The Committee on Energy and Commerce.

(C) The Committee on Education and the Workforce.

(2) Senate.—The Majority Leader and Minority Leader of the Senate shall make the appointments described in subsection (b) in consultation with the chairperson and ranking member of the following committees of the Senate:

(A) The Committee on Finance.

(B) The Committee on Health, Education, Labor, and Pensions.

(f) Period of Appointment.—Members of the Working Group shall be appointed for a term of 2 years. Such term is renewable and any vacancies shall not affect the power and duties of the Working Group but shall be filled in the same manner as the original appointment.

(g) Appointment of the Chairperson.—Not later than 15 days after the date on which all members of the Working Group have been appointed under subsection (b), the leadership shall make a joint designation of the chairperson of the Working Group. If the leadership fails to make such designation within such time period, the Working Group Members shall, not later than 10 days after the end of such time period, designate a chairperson by majority vote.

(h) Subcommittees.—The Working Group may establish subcommittees if doing so increases the efficiency of the Working Group in completing its tasks.

(i) Duties.—

(1) Hearings.—Not later than 90 days after the date of appointment of the chairperson under subsection (g), the Working Group shall hold hearings to examine—

(A) the capacity of the public and private health care systems to expand coverage options;

(B) the cost of health care and the effectiveness of care provided at all stages of disease, but in particular the cost of services at the end of life;

(C) innovative State strategies used to expand health care coverage and lower health care costs;

(D) local community solutions to accessing health care coverage;

(E) efforts to enroll individuals currently eligible for public or private health care coverage;

(F) the role of evidence-based medical practices that can be documented as restoring, maintaining, or improving a patient's health, and the use of technology in supporting providers in improving quality of care and lowering costs; and

(G) strategies to assist purchasers of health care, including consumers, to become more aware of the impact of costs, and to lower the costs of health care.

(2) Additional hearings.—The Working Group may hold additional hearings on subjects other than those listed in paragraph (1) so long as such hearings are determined to be necessary by the Working Group in carrying out the purposes of this Act. Such additional hearings do not have to be completed within the time period specified in paragraph (1) but shall not delay the other activities of the Working Group under this section.

(3) The health report to the American people.—Not later than 90 days after the hearings described in paragraphs (1) and (2) are completed, the Working Group shall prepare and make available to health care consumers through the Internet and other appropriate public channels, a report to be entitled, "The Health Report to the American People". Such report shall be understandable to the general public and include—

(A) a summary of—

(i) health care and related services that may be used by individuals throughout their life span;

(ii) the cost of health care services and their medical effectiveness in providing better quality of care for different age groups;

(iii) the source of coverage and payment, including reimbursement, for health care services;

(iv) the reasons people are uninsured or underinsured and the cost to taxpayers, purchasers of health services, and communities when Americans are uninsured or underinsured;

(v) the impact on health care outcomes and costs when individuals are treated in later stages of disease;

(vi) health care cost containment strategies; and

(vii) information on health care needs that need to be addressed;

(B) examples of community strategies to provide health care coverage or access;

(C) information on geographic-specific issues relating to health care;

(D) information concerning the cost of care in different settings, including institutional-based care and home and community-based care;

(E) a summary of ways to finance health care coverage; and

(F) the role of technology in providing future health care including ways to support the information needs of patients and providers.

(4) Community meetings.—

(A) In general.—Not later than 1 year after the date of enactment of this Act, the Working Group shall initiate health care community meetings throughout the United States (in this section referred to as "community meetings"). Such community meetings may be geographically or regionally based and shall be completed within 180 days after the initiation of the first meeting.

(B) Number of meetings.—The Working Group shall hold a sufficient number of community meetings in order to receive information that reflects—

(i) the geographic differences throughout the United States;

(ii) diverse populations; and

(iii) a balance among urban and rural populations.

(C) Meeting requirements.—

(i) Facilitator.—A State health officer may be the facilitator at the community meetings.

(ii) Attendance.—At least 1 member of the Working Group shall attend and serve as chair of each community meeting. Other members may participate through interactive technology.

(iii) Topics.—The community meetings shall, at a minimum, address the following issues:

(I) The optimum way to balance costs and benefits so that affordable health coverage is available to as many people as possible.

(II) The identification of services that provide cost-effective, essential health care services to maintain and improve health and which should be included in health care coverage.

(III) The cost of providing increased benefits.

(IV) The mechanisms to finance health care coverage, including defining the appropriate financial role for individuals, businesses, and government.

(iv) Interactive technology.—The Working Group may encourage public participation in community meetings through interactive technology and other means as determined appropriate by the Working Group.

(D) Interim requirements.—Not later than 180 days after the date of completion of the community meetings, the Working Group shall prepare and make available to the public through the Internet and other appropriate public channels, an interim set of recommendations on health care coverage and ways to improve and strengthen the health care system based on the information and preferences expressed at the community meetings. There shall be a 90-day public comment period on such recommendations.

(j) RECOMMENDATIONS.—Not later than 120 days after the expiration of the public comment period described in subsection (h)(3)(D), the Working Group shall submit to Congress and the President a final set of recommendations, including any proposed legislative language to implement such recommendations.

(k) ADMINISTRATION.—

(1) EXECUTIVE DIRECTOR.—There shall be an Executive Director of the Working Group who shall be appointed by the chairperson of the Working Group in consultation with the members of the Working Group.

(2) COMPENSATION.—While serving on the business of the Working Group (including travel time), a member of the Working Group shall be entitled to compensation at the per diem equivalent of the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code, and while so serving away from home and the member's regular place of business, a member may be allowed travel expenses, as authorized by the chairperson of the Working Group. For purposes of pay and employment benefits, rights, and privileges, all personnel of the Working Group shall be treated as if they were employees of the Senate.

(3) INFORMATION FROM FEDERAL AGENCIES.—The Working Group may secure directly from any Federal department or agency such information as the Working Group considers necessary to carry out this Act. Upon request of the Working Group, the head of such department or agency shall furnish such information.

(4) POSTAL SERVICES.—The Working Group may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(l) DETAIL.—Not more than 10 Federal Government employees employed by the Department of Labor and 10 Federal Government employees employed by the Department of Health and Human Services may be detailed to the Working Group under this section without further reimbursement. Any detail of an employee shall be without interruption or loss of civil service status or privilege.

(m) TEMPORARY AND INTERMITTENT SERVICES.—The chairperson of the Working Group may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(n) ANNUAL REPORT.—Not later that 1 year after the date of enactment of this Act, and annually thereafter during the existence of the Working Group, the Working Group shall report to Congress and make public a detailed description of the expenditures of the Working Group used to carry out its duties under this section.

(o) SUNSET OF WORKING GROUP.—The Working Group shall terminate when the report described in subsection (j) is submitted to Congress.

SEC. 5. CONGRESSIONAL ACTION.

(a) DRAFTING.—If the Working Group does not provide legislative language in the report under section 4(j) then the committees described in paragraphs (1) and (2) of section 4(e) may draft legislative language based on the recommendations of the Working Group.

(b) BILL INTRODUCTION.—

(1) IN GENERAL.—Any legislative language described in subsection (a) may be introduced as a bill by request in the following manner:

(A) HOUSE OF REPRESENTATIVES.—In the House of Representatives, by the Majority Leader and the Minority Leader not later than 10 days after receipt of the legislative language.

(B) SENATE.—In the Senate, by the Majority Leader and the Minority Leader not later than 10 days after receipt of the legislative language.

(2) ALTERNATIVE BY ADMINISTRATION.—The President may submit legislative language based on the recommendations of the Working Group and such legislative language may be introduced in the manner described in paragraph (1).

(c) COMMITTEE CONSIDERATION.—

(1) IN GENERAL.—Any legislative language submitted pursuant to paragraph (1) or (2) of subsection (b) (in this section referred to as "implementing legislation") shall be referred to the appropriate committees of the House of Representatives and the Senate.

(2) REPORTING.—

(A) COMMITTEE ACTION.—If, not later than 150 days after the date on which the implementing legislation is referred to a committee under paragraph (1), the committee has reported the implementing legislation or has reported an original bill whose subject is related to reforming the health care system, or to providing access to affordable health care coverage for Americans, the regular rules of the applicable House of Congress shall apply to such legislation.

(B) DISCHARGE FROM COMMITTEES

(i) SENATE.—

(I) IN GENERAL.—If the implementing legislation or an original bill described in subparagraph (A) has not been reported by a committee of the Senate within 180 days after the date on which such legislation was referred to committee under paragraph (1), it shall be in order for any Senator to move to discharge the committee from further consideration of such implementing legislation.

(II) SEQUENTIAL REFERRALS.—Should a sequential referral of the implementing legislation be made, the additional committee has 30 days for consideration of implementing legislation before the discharge motion described in subclause (I) would be in order.

(III) PROCEDURE.—The motion described in subclause (I) shall not be in order after the implementing legislation has been placed on the calendar. While the motion described in subclause (I) is pending, no other motions related to the motion described in subclause (I) shall be in order. Debate on a motion to discharge shall be limited to not more than 10 hours, equally divided and controlled by the majority leader and the minority leader, or their designees. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed or disagreed to.

(IV) EXCEPTION.—If implementing language is submitted on a date later than May 1 of the second session of a Congress, the committee shall have 90 days to consider the implementing legislation before a motion to discharge under this clause would be in order.

(ii) HOUSE OF REPRESENTATIVES.—If the implementing legislation or an original bill described in subparagraph (A) has not been reported out of a committee of the House of Representatives within 180 days after the date on which such legislation was referred to committee under paragraph (1), then on any day on which the call of the calendar for motions to discharge committees is in order, any member of the House of Representatives may move that the committee be discharged from consideration of the implementing legislation, and this motion shall be considered under the same terms and conditions, and if adopted the House of Representatives shall follow the procedure described in subsection (d)(1).

(d) FLOOR CONSIDERATION.—

(1) MOTION TO PROCEED.—If a motion to discharge made pursuant to subsection (c)(2)(B)(i) or (c)(2)(B)(ii) is adopted, then, not earlier than 5 legislative days after the date on which the motion to discharge is adopted, a motion may be made to proceed to the bill.

(2) FAILURE OF MOTION.—If the motion to discharge made pursuant to subsection (c)(2)(B)(i) or (c)(2)(B)(ii) fails, such motion may be made not more than 2 additional times, but in no case more frequently than within 30 days of the previous motion. Debate on each of such motions shall be limited to 5 hours, equally divided.

(3) APPLICABLE RULES.—Once the Senate is debating the implementing legislation the regular rules of the Senate shall apply.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act, other than section 4(i)(3), $3,000,000 for each of fiscal years 2003, 2004, 2005.

(b) HEALTH REPORT TO THE AMERICAN PEOPLE.—There are authorized to be appropriated for the preparation and dissemination of the Health Report to the American People described in section 4(i)(3), such sums as may be necessary for the fiscal year in which the report is required to be submitted.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, I thank my colleague for his kind remarks, especially his kind remarks with regard to me. I share a mutual affection for him because, as a leader in the House on health care, he did so many good things. We are so happy to have him in the Senate where he has continued his work on health care. I am very grateful to him.

Mr. President, I rise to associate myself with the remarks of my good friend and colleague, the Senator from Oregon, Mr. WYDEN.

Last week, we were all dismayed to learn the Census Bureau figures indicate the number of uninsured in our country has risen from 39.8 million in 2000 to 41.2 million in 2001.

Of even greater concern is the fact that most of the newly uninsured previously had employer-based coverage.

Obviously, this is a trend in the wrong direction despite years of efforts here in Washington to improve our country's health care delivery system.

Clearly, we must take another approach.

In a nutshell, the legislation that Senator WYDEN and I are introducing today will stimulate fruitful discussion and debate on how we can really effect improvements to our nation's health care system—improvements that can be accepted at all levels, from communities on up to the Federal government.

We have worked on this bill for several months and are proud to have reached bipartisan consensus.

Bipartisanship, it seems, is a rare occurrence these days. But, in our opinion, the only way to resolve our country's health crisis is to put politics aside and work together toward common goals.

The Health Care That Works for All Americans Act of 2002 reflects our common goals on how to resolve this country's health care woes.

We accomplish these important goals by fostering candid discussions—in every corner of our country—through which the public can have an earnest discussion about our current health care system.

These discussions will lead to recommendations on how to improve health care coverage which will help guide the Congress as it moves forward in this area.

It is our hope that, in the end, this legislation will provide Americans with the proper tools to access high quality, affordable health care coverage.

Basically, our legislation envisions three steps: public meetings; recommendations to Congress; and congressional action.

We see this an as interactive process, which will help all of us be more informed consumers and which can produce real changes for the public.

At this point, I would like to take this opportunity to discuss each of these steps in more detail.

The first step of this bill is to stimulate community gatherings at which individuals from all walks of life can provide their viewpoints on which health benefits they believe should be covered.

Obviously, a necessary component of that discussion will be how the benefits can be paid for, and by whom. Strange as it may seem, our government has never actually asked the American people what they want from our health care system. These community meetings would pose questions to individuals such as, "What type of health coverage do you want how much are you willing to pay?"

In addition, debate would focus on the financial responsibilities of the government, businesses, and individual citizens.

I believe these issues must be discussed at the beginning of a new debate on health coverage, because the public's response is essential to building a nationwide consensus for creating a new health care system. It is critical to receive feedback from those who use the health care system on a daily, weekly or even annual basis.

Our plan is to hear from everyone who has had first-hand experience with the health care system. We want to hear what people like and dislike about the current system and their proposals for change. And, we also hope to hear from those who do not use health services and the reasons why they have not sought health care coverage.

We hope to stimulate a provocative discussion based on key questions. Is health care too expensive? Too complicated? Or is it just not available to certain segments of our society?

The Wyden-Hatch legislation creates a Citizens' Health Care Working Group which would be charged with posing these tough questions and overseeing this crucial debate on how to improve upon our current health care system.

The Citizens' Health Care Working Group will be comprised of individuals who have a deep interest in health care: patients; providers, community leaders; and key state and federal officials.

The Working Group will coordinate nationwide community meetings and facilitate the public in expressing their views on the complex and often difficult choices concerning health care coverage.

To achieve this objective, our bill directs the Working Group to produce a "Health Care Report to the American People." This report will be used as a guidebook designed to describe the cost and availability of health choices available to Americans across the country—taking into account geographic differences.

Since this issue has been visited over and over again without noticeable results, we believe that it is time to have an honest dialogue about sensitive health care issues with the public so that individual citizens will have a better idea of what choices members of Congress and key health officials are facing when health care issues are being debated.

We envision asking citizens about a whole range of services and procedures, a "bottom-up" review of the health care system, if you will. We hope these community discussions will look at current coverage issues, such as whether Medicaid should provide better coverage for transplants, recognizing that these are very expensive, labor-intensive procedures that may use scarce resources that might have been used elsewhere.

Another area we hope might be explored is how to improve coverage of long-term care services, and how this should be paid.

These choices—economic, moral, legal and social—will be difficult ones, but the purpose of our legislation is this—to start discussing these vital issues with those on whom there will be the greatest impact—the American people. We cannot afford to put off these discussions any longer.

In the past, health reform debates have not included the voice of the people who actually need to live with these decisions. The Wyden-Hatch legislation will ensure that those Americans who depend on quality, affordable health care are at the forefront of the discussion before the special interests weigh in with their objectives.

Mr. President, I ask my colleagues, given the failures of the past, isn't it time that we approach this problem by listening to citizens' viewpoints on health care coverage?

The second step of this legislation is to direct the Working Group to take the ideas offered by the public and translate these comments into recommendations for our elected officials, specifically Members of Congress and the President.

The Working Group will have substantial awareness of our citizens' preferences because of their involvement in the public meetings across the country. After the meetings are completed, the Working Group will highlight the issues raised by the public and provide them to members of Congress and the President for evaluation.

The third step of this legislation involves drafting these recommendations into legislation which will eventually be voted upon by both the House and the Senate.

Never before has Congress voted on a health care proposal built on a foundation created by the public making difficult heath care choices.

If enacted, the Wyden-Hatch bill will provide for just such a vote.

Senator WYDEN and I both know there will be many questions about this proposal, but, in my opinion, the most important question is "Why now?"

The answer is simple—the American people cannot afford to wait any longer. The number of uninsured Americans, which had been declining for the past couple of years, is now increasing.

In addition, the costs of gridlock are simply too great—on human, social, economic and moral grounds. Congress is on the verge of completing another session without significant progress on major health care reforms.

Once again, we have not passed prescription drug coverage for Medicare beneficiaries. Once again, we have not addressed the issue of the uninsured. Once again, we have not approved legislation that includes patient protections.

And the reason for this inaction is partisan politics—no one is willing to compromise so we end up doing nothing and the American public suffers. In my opinion, something must be done to address these important issues, sooner rather than later.

One issue that must be addressed is the overwhelming cost of health care. Every time I go home to Utah, I hear complaints from my constituents about escalating health care premiums and the price of prescription drugs. People are having a difficult time paying for their health insurance premiums, their physicians' visits and their medicines. We were all disturbed last year to hear about a recent Towers Perrin survey indicating that the cost of health benefit plans at large companies is expected to rise an average of 15 percent—15 percent!—in 2003.

Some businesses, especially smaller employers, are worried that they will no longer be able to provide health insurance coverage to their employees. Utah physicians complain to me about the inadequate Medicare reimbursement rates and are threatening to leave the state.

In fact, many of the federal health programs have complicated and overbearing regulations that are confusing to participating providers. For example, is it necessary to have a book of Medicaid regulations thicker than the Black's Law Dictionary?

While our health care system provides the highest quality services in the world and is the most technologically advanced, America's health system has fundamental flaws. The purpose of this legislation is to build on the positive components of our current system and improve the flaws.

We believe that the best way to improve the current system is to listen to public input and implement their ideas and suggestions.

We must get past playing the blame game. All of the powerful special interests are going to have to accept some reforms they have rejected in the past if America is to have a health care system that works for all.

I believe this is what we will hear from the American people if they are given the chance to drive the debate on health reform as envisioned by this legislation. Unfortunately, there never has been a system to gather that public input until now.

Mr. President, I am proud to be the lead Republican sponsor of the Health Care that Works for All Americans Act of 2002. I urge my colleagues to work with us so this legislation will be enacted into law in a timely manner. The American people cannot afford to wait any longer.

I praise my colleague again for his leadership in so many areas, but especially the area of health care. He is sincere. He is dedicated. He is smart. He works hard on these issues. I am proud to work with him on this issue, and hope we can be successful in passing this bill and getting this very worthwhile effort started.

By Mr. NELSON of Florida:

S. 3064. A bill to prohibit the use of patient databases for marketing without the express consent of the patient; to the Committee on Health, Education, Labor, and Pensions.

Mr. NELSON of Florida. Mr. President, privacy concerns continues to grow not only in Florida, but throughout the Nation. This past August, the Administration finalized rules which will allow pharmacies and other health care entities to profit from their confidential patient databases by entering marketing agreements with giant health corporations.

Under the new rules, a pharmacy can search its database for patients using a specific prescription drug and then turn around and send an unsolicited advertisement on behalf of a drug maker peddling a more expensive alternative drug, even if it's less effective. And to make matters worse, the consumer can't ask the company to stop.

Instead of banning this anti-consumer practice, the Administration issued non-binding guidelines asking third parties not to provide financial incentives to doctors or pharmacies in exchange for suggesting certain drugs to patients. While the guidelines are well meaning, this terrible practice won't stop if the government doesn't do more than offer suggestions. We need to pass a law to prohibit this behavior.

Today, I'm introducing a bill that allows consumers to decide if they want to receive health advertisements generated as a result of their personal health characteristics. Under my legislation, pharmacies, insurance companies and other health entities would be prohibited from using private, personally identifiable health information to provide marketing services to any entity without providing notice to the consumer about its disclosure practices and obtaining the consumer's express written consent.

The legislation makes an exception for treatment communications unless the covered entity receives direct or indirect remuneration from a third party for making the communication. The free flow of information is important when sought by the consumer, but treatment communications tarnished by the marketing dollars of third parties create an inherent conflict of interest by encouraging patients, who don't know their pharmacist has been paid, to purchase high-cost alternative drugs that are not necessarily more effective than those prescribed by their doctor. Unnecessary spending driven by this practice, not only hurts individual consumers, but also the American taxpayer as Medicare and Medicaid costs skyrocket.

My goal is to restore control to the consumer, so that they can make a decision to receive, or not receive, these advertisements once they have been informed that their personal information will be used for that purpose and once they understand that the covered entity is being paid to make a particular recommendation.

I look forward to working with all interested parties to resolve this problem in a timely manner for consumers and ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3064

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Records Confidentiality Act of 2002".

SEC. 2. DEFINITIONS.

In this Act:

(1) INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION.—The term "individually identifiable health information" means information that is a subset of health information, including demographic information collected from an individual, that—

(A) is created or received from a health care provider, health plan, employer, or health care clearinghouse;

(B) relates to the past, present, or future physical or mental health or condition of an individual, the provision of health care to an individual, or the past, present or future payment for the provision of health care to an individual; and

(C)(i) identifies the individual; or

(ii) with respect to which there is a reasonable basis to believe that the information can be used to identity the individual.

(2) MARKETING.—The term "marketing" means to make a communication about a product or service to encourage recipients of the communication to purchase or use the product or service, but does not include communications made as part of the treatment of a patient for the purpose of furthering treatment unless the covered entity receives direct or indirect remuneration from a third party for making the communication.

SEC. 3. PROTECTION OF PRIVATE HEALTH INFORMATION.

Except in accordance with section 4, a health care provider, pharmacy, health researcher, health plan, health oversight agency, public health authority, employer, health or life insurer, or school or university shall not—

(1) disclose individually identifiable health information to an entity for marketing the products or services of such entity; or

(2) use individually identifiable health information in its possession to provide marketing services to any entity.

SEC. 4. NOTICE AND CONSENT REQUIREMENTS.

A health care provider, pharmacy, health researcher, health plan, health oversight agency, public health authority, employer, health or life insurer, or school or university may provide marketing services to a pharmaceutical company if such health care entity—

(1) provides clear and conspicuous notice to the individual involved concerning its disclosure practices for all individually identifiable health information collected or created with regard to the individual; and

(2) obtains the consent of the individual involved to use the information and that consent is manifested by an affirmative act in a written communication which only references and applies to the specific marketing purpose for which the information is to be used.

By Mr. INOUYE:

S. 3066. A bill to improve programs relating to Indian tribes; to the Committee on Indian Affairs.

Mr. INOUYE. Mr. President, I ask unanimous consent that the text of the bill and a section-by-section analysis be printed in the RECORD.

There being no objection, the bill and additional material was ordered to be printed in the RECORD, as follows:

S. 3066

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Indian Technical Corrections Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—PROGRAMS RELATING TO PARTICULAR INDIAN TRIBES

Sec. 101. Leases of restricted land.
Sec. 102. Lease of tribally-owned land by Assiniboine and Sioux Tribes of the Fort Peck Reservation.
Sec. 103. Navajo-Hopi relocation impact study.
Sec. 104. Indian health demonstration project.
Sec. 105. Fetal alcohol syndrome and fetal alcohol effect grants.
Sec. 106. Illegal narcotics traffic on the Tohono O'Odham and St. Regis Reservations.
Sec. 107. Rehabilitation of Celilo Indian Village.
Sec. 108. Rural health care facility, Fort Berthold Indian Reservation, North Dakota.
Sec. 109. Health care funding allocation, Eagle Butte Service Unit.
Sec. 110. Oklahoma Native American Cultural Center and Museum.
Sec. 111. Certification of rental proceeds.
Sec. 112. Waiver of repayment of expert assistance loans to the Oglala Sioux Tribe.
Sec. 113. Waiver of repayment of expert assistance loans to the Seminole Tribe of Oklahoma.
Sec. 114. Facilitation of construction of pipeline to provide water for emergency fire suppression and other purposes.
Sec. 115. Conveyance of Native Alaskan objects.
Sec. 116. Shakopee fee land.
Sec. 117. Agreement with Dry Prairie Rural Water Association, Incorporated.

TITLE II—COLLABORATION BETWEEN TRIBAL GOVERNMENTS AND FOREST SERVICE

Sec. 201. Short title.
Sec. 202. Findings.
Sec. 203. Forest legacy program.
Sec. 204. Forestry and resource management assistance to Indian tribes.

TITLE III—PUEBLO OF SANTA CLARA AND SAN ILDEFONSO, NEW MEXICO

Sec. 301. Definitions.
Sec. 302. Trust for the Pueblo of Santa Clara, New Mexico.
Sec. 303. Trust for the Pueblo of San Ildefonso, New Mexico.
Sec. 304. Survey and legal descriptions.
Sec. 305. Administration of trust land.
Sec. 306. Effect.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of the Interior.

TITLE I—PROGRAMS RELATING TO INDIAN TRIBES

SEC. 101. LEASES OF RESTRICTED LAND.

Subsection (a) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(a)) is amended by adding at the end the following: "Notwithstanding any other provision of law, no approval by the Secretary shall be required for any new lease, or for renewal of any existing lease, of land under this subsection if the lease, including all periods covered by any renewal, is for an aggregate term of less than 7 years.".

SEC. 102. LEASE OF TRIBALLY-OWNED LAND BY ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK RESERVATION.

The first section of the Act of August 9, 1955 (25 U.S.C. 415) is amended by adding at the end the following:

"(g) LEASE OF TRIBALLY-OWNED LAND BY ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK RESERVATION.—

"(1) IN GENERAL.—Notwithstanding subsection (a) and any regulations under part 162 of title 25, Code of Federal Regulations, subject to paragraph (2), the Assiniboine and Sioux Tribes of the Fort Peck Reservation may lease to the Northern Border Pipeline Company tribally-owned land on the Fort Peck Indian Reservation for 1 or more interstate gas pipelines.

"(2) CONDITIONS.—A lease entered into under paragraph (1)—

"(A) shall commence during fiscal year 2011 for an initial term of 25 years;

"(B) may be renewed for an additional term of 25 years; and

"(C) shall specify in the terms of the lease an annual rental rate—

"(i) which rate shall be increased by 3 percent for each 5-year period; and

"(ii) the adjustment of which in accordance with clause (i) shall be considered to satisfy any review requirement under part 162 of title 25, Code of Federal Regulations.".

SEC. 103. NAVAJO-HOPI RELOCATION IMPACT STUDY.

(a) IN GENERAL.—Section 34 of Public Law 93–531 (commonly known as the "Navajo-Hopi Land Settlement Act of 1974") (25 U.S.C. 640d et seq.) (as added by section 203 of the Indian Programs Reauthorization and Technical Amendments Act of 2002) is amended to read as follows:

"SEC. 34. NAVAJO-HOPI RELOCATION IMPACT STUDY.

"(a) IN GENERAL.—Not later than 120 days after the date of enactment of this section, the Office of Navajo and Hopi Indian Relocation shall enter into a contract with an independent contractor under which the independent contractor shall complete, not later than 18 months after the date of enactment of this section, a study to determine whether—

"(1) the purposes of this Act have been achieved; and

"(2) recommended activities should be carried out to mitigate the consequences of the implementation of this Act.

"(b) SCOPE.—The study conducted under subsection (a) shall include an analysis of—

"(1) the long-term effects of the relocation programs under this Act on the Hopi Tribe and the Navajo Nation;

"(2) the ongoing needs of the Hopi and Navajo populations relocated under this Act;

"(3) the ongoing needs of the other communities affected by relocations under this Act (including communities affected by section 10(f) and communities on Hopi partitioned land and Navajo partitioned land);

"(4) the effects of termination of the relocation programs under this Act, including the effects of—

"(A) closure of the Office of Navajo and Hopi Indian Relocation; and

"(B) transfer of responsibilities of that Office to other Federal agencies, the Hopi Tribe, and the Navajo Nation in accordance with applicable provisions of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.); and

"(5) other appropriate factors, as determined by the Office of Navajo and Hopi Indian Relocation.

"(c) RESTRICTION ON STUDY.—The study conducted under subsection (a) shall neither address, nor make any recommendations relating to, the relocation requirements for Navajos and Hopis under this Act, including any proposals for the return of Navajos or Hopis.

"(d) REPORT.—Not later than 2 years after the date of enactment of this section, the Office of Navajo and Hopi Relocation shall submit to Congress, the Hopi Tribe, and the Navajo Nation a report that describes the results of the study conducted under subsection (a).

"(e) FUNDING.—Of amounts made available to the Office of Navajo and Hopi Indian Relocation, not more than $1,000,000 shall be made available to carry out this section.".

(b) EFFECTIVE DATE.—The amendment made by this section takes effect on the later of—

(1) the date of enactment of this Act; or

(2) the date of enactment of the Indian Programs Reauthorization and Technical Amendments Act of 2002.

SEC. 104. INDIAN HEALTH DEMONSTRATION PROJECT.

Section 10 of the Ponca Restoration Act (25 U.S.C. 983h) is amended by adding at the end the following:

"(e) DEMONSTRATION PROJECT.—The Director of the Indian Health Service shall direct the Aberdeen Area Office of the Indian Health Service to carry out, in coordination with the Tribe, a demonstration project to determine—

"(1) the ability of an urban, restored facility of the Tribe to provide health services to members residing in Douglas County and Sarpy County, Nebraska, and Pottawattamie County, Iowa;

"(2) the viability of using third-party billing to enable a facility described in paragraph (1) to become self-sustaining; and

"(3) the effectiveness of using a computer-registered patient management system in the counties specified in paragraph (1).".

SEC. 105. FETAL ALCOHOL SYNDROME AND FETAL ALCOHOL EFFECT GRANTS.

Section 708(f)(2) of the Indian Health Care Improvement Act (25 U.S.C. 1665g(f)(2)) (as amended by section 103(g)(1)(C) of the Indian Programs Reauthorization and Technical Amendments Act of 2002) is amended by inserting before the period at the end the following: "(including to carry out demonstration projects that involve 1 or more Indian tribes, tribal organizations, or urban Indian organizations working with organizations such as the National Organization on Fetal Alcohol Syndrome to carry out subparagraphs (A) and (F) of subsection (a)(2))".

SEC. 106. ILLEGAL NARCOTICS TRAFFIC ON THE TOHONO O'ODHAM AND ST. REGIS RESERVATIONS.

(a) IN GENERAL.—Section 4216(a)(3) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2442(a)(3)) (as amended by section 104(e)(1) of the Indian Programs Reauthorization and Technical Amendments Act of 2002) is amended by striking paragraph (3) and inserting the following:

"(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated—

"(A) to carry out paragraph (1)(A), $1,000,000 for each of fiscal years 2002 through 2006; and

"(B) to carry out provisions of this subsection other than paragraph (1)(A), such sums as are necessary for each of fiscal years 2002 through 2006.".

(b) EFFECTIVE DATE.—The amendment made by this section takes effect on the later of—

(1) the date of enactment of this Act; or

(2) the date of enactment of the Indian Programs Reauthorization and Technical Amendments Act of 2002.

SEC. 107. REHABILITATION OF CELILO INDIAN VILLAGE.

Section 401(b)(3) of Public Law 100–581 (102 Stat. 2944) is amended by inserting "Celilo Village and other" before "existing sites".

SEC. 108. RURAL HEALTH CARE FACILITY, FORT BERTHOLD INDIAN RESERVATION, NORTH DAKOTA.

The Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act is amended—

(1) in section 3504 (106 Stat. 4732), by adding at the end the following:

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section."; and

(2) by striking section 3511 (106 Stat. 4739) and inserting the following:

"SEC. 3511. RURAL HEALTH CARE FACILITY, FORT BERTHOLD INDIAN RESERVATION, NORTH DAKOTA.

"There is authorized to be appropriated to the Secretary of Health and Human Services for the construction of a rural health care facility on the Fort Berthold Indian Reservation of the Three Affiliated Tribes, North Dakota, $20,000,000.".

SEC. 109. HEALTH CARE FUNDING ALLOCATION, EAGLE BUTTE SERVICE UNIT.

Section 117 of the Indian Health Care Improvement Act (25 U.S.C. 1616j) is amended by adding at the end the following:

"(g) CHEYENNE RIVER SIOUX TRIBE BONUS PAYMENT.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, to promote more efficient use of the health care funding allocation for fiscal year 2003, the Eagle Butte Service Unit of the Indian Health Service, at the request of the Cheyenne River Sioux Tribe, may carry out a program under which a health professional may be paid—

"(A) a base salary in an amount up to the highest grade and step available to a physician, pharmacist, or other health professional, as the case may be; and

"(B) a recruitment or retention bonus of up to 25 percent of the base salary rate of the health professional.

"(2) MONITORING AND REPORTING.—If the Service implements the program under paragraph (1), the Service shall—

"(A) monitor the program closely; and

"(B) not later than September 30, 2003, submit to the Committee on Indian Affairs of the Senate and the Committee on Resources and the Committee on Energy and Commerce of the House of Representatives a report that includes an evaluation of the program.".

SEC. 110. OKLAHOMA NATIVE AMERICAN CULTURAL CENTER AND MUSEUM.

Section 1 of the Act entitled "An Act to authorize the construction of a Native American Cultural Center and Museum in Oklahoma City, Oklahoma" is amended—

(1) by striking subsection (c)(3) and inserting the following:

"(3) DIRECTOR.—The term 'Director' means the Director of the Institute of Museum and Library Services."; and

(2) by striking "Secretary" each place it appears and inserting "Director".

SEC. 111. CERTIFICATION OF RENTAL PROCEEDS.

Notwithstanding any other provision of law, any actual rental proceeds from the lease of land acquired under section 1 of Public Law 91–229 (25 U.S.C. 488) certified by the Secretary of the Interior shall be deemed—

(1) to constitute the rental value of that land; and

(2) to satisfy the requirement for appraisal of that land.

SEC. 112. WAIVER OF REPAYMENT OF EXPERT ASSISTANCE LOANS TO THE OGLALA SIOUX TRIBE.

Notwithstanding any other provision of law—

(1) the balances of all outstanding expert assistance loans made to the Oglala Sioux Tribe under Public Law 88–168 (77 Stat. 301), and relating to Oglala Sioux Tribe v. United States (Docket No. 117 of the United States Court of Federal Claims), including all principal and interest, are canceled; and

(2) the Secretary of the Interior shall take such action as is necessary to—

(A) document the cancellation under paragraph (1); and

(B) release the Oglala Sioux Tribe from any liability associated with any loan described in paragraph (1).

SEC. 113. WAIVER OF REPAYMENT OF EXPERT ASSISTANCE LOANS TO THE SEMINOLE TRIBE OF OKLAHOMA.

Notwithstanding any other provision of law—

(1) the balances of all outstanding expert assistance loans made to the Seminole Tribe of Oklahoma under Public Law 88–168 (77 Stat. 301), and relating to Seminole Tribe of Oklahoma v. United States (Docket No. 247 of the United States Court of Federal Claims), including all principal and interest, are canceled; and

(2) the Secretary of the Interior shall take such action as is necessary to—

(A) document the cancellation under paragraph (1); and

(B) release the Seminole Tribe of Oklahoma from any liability associated with any loan described in paragraph (1).

SEC. 114. FACILITATION OF CONSTRUCTION OF PIPELINE TO PROVIDE WATER FOR EMERGENCY FIRE SUPPRESSION AND OTHER PURPOSES.

(a) IN GENERAL.—Notwithstanding any other provision of law, subject to valid existing rights under Federal and State law, the land described in subsection (b), fee title to which is held by the Barona Band of Mission Indians of California (referred to in this section as the "Band")—

(1) is declared to be held in trust by the United States for the benefit of the Band; and

(2) shall be considered to be a portion of the reservation of the Band.

(b) LAND.—The land referred to in subsection (a) is land comprising approximately 85 acres in San Diego County, California, and described more particularly as follows: San Bernardino Base and Meridian; T. 14 S., R. 1 E.; sec. 21: W½SE¼, 68 acres; NW¼NW¼, 17 acres.

(c) GAMING.—The land taken into trust by subsection (a) shall neither be considered to have been taken into trust for gaming, nor be used for gaming (as that term is used in the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

SEC. 115. CONVEYANCE OF NATIVE ALASKAN OBJECTS.

Notwithstanding any provision of law affecting the disposal of Federal property, on the request of the Chugach Alaska Corporation or Sealaska Corporation, the Secretary of Agriculture shall convey to whichever of those corporations that has received title to a cemetery site or historical place on National Forest System land conveyed under section 14(h)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(1)) all artifacts, physical remains, and copies of any available field records that—

(1)(A) are in the possession of the Secretary of Agriculture; and

(B) have been collected from the cemetery site or historical place; but

(2) are not required to be conveyed in accordance with the Native American Graves Protection Act and Repatriation Act (25 U.S.C. 3001 et seq.) or any other applicable law.

SEC. 116. SHAKOPEE FEE LAND.

(a) IN GENERAL.—Notwithstanding any other provision of law, without further authorization by the United States, the Shakopee Mdewakanton Sioux Community in the State of Minnesota (referred to in this section as the "Community") may lease, sell, convey, warrant, or otherwise transfer all or any part of the interest of the Community in or to any real property that is not held in trust by the United States for the benefit of the Community.

(b) TRUST LAND NOT AFFECTED.—Nothing in this section—

(1) authorizes the Community to lease, sell, convey, warrant, or otherwise transfer all or part of an interest in any real property that is held in trust by the United States for the benefit of the Community; or

(2) affects the operation of any law governing leasing, selling, conveying, warranting, or otherwise transferring any interest in that trust land.

SEC. 117. AGREEMENT WITH DRY PRAIRIE RURAL WATER ASSOCIATION, INCORPORATED.

(a) IN GENERAL.—Any agreement between the Tribe and Dry Prairie Rural Water Association, Incorporated (or any non-Federal successor entity) for the use of water to meet the needs of the Dry Prairie system that is entered into under section 5 of the Fort Peck Reservation Rural Water System Act of 2000 (114 Stat. 1454)—

(1) is approved by Congress; and

(2) shall be approved and executed by the Secretary.

TITLE II—COLLABORATION BETWEEN TRIBAL GOVERNMENTS AND FOREST SERVICE

SEC. 201. SHORT TITLE.

This title may be cited as the "Tribal Governments and Forest Service Collaboration Act of 2002".

SEC. 202. FINDINGS.

Congress finds that—

(1) Indian tribes, members of Indian tribes, and Alaska Natives hold 100,600,000 acres of land (56,600,000 acres in the lower 48 States and 44,000,000 acres in Alaska), equaling 4.2 percent of the land area of the United States;

(2) land held in trust for Indian tribes shares thousands of miles of common boundary with National Forest System land;

(3) Indian tribes have reserved rights and interests that affect the management of hundreds of thousands of acres of National Forest System land;

(4) National Forest System land contains hundreds of thousands of acres in which Indian tribes have cultural, religious, and traditional interests, including interests recognized in—

(A) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.); and

(B) the Act of August 11, 1978 (42 U.S.C. 1996 et seq.) (commonly referred to as the "American Indian Religious Freedom Act");

(5) tribal land and National Forest System land share natural resource attributes in many common ecosystems, including biodiversity of plant and animal fauna, timber, fish, wildlife, range, soils, recreation attributes, airsheds, and watersheds;

(6) effective ecosystem management—

(A) integrates ecological principles and economic and social factors; and

(B) safeguards ecological sustainability, biodiversity, and productivity;

(7) Federal land management activities on National Forest System land are affecting ecosystems that encompass National Forest System land and tribal land;

(8) collaborative planning and management between Indian tribes and the Forest Service needs to be strengthened;

(9) management practices on National Forest System land can—

(A) adversely affect tribal trust, cultural, religious, and traditional resources on National Forest System land; and

(B) place tribal land and resources at risk;

(10) Indian tribal land managers and National Forest System land managers have shared interests in maintaining the health of the forests and in coordinating and sustaining the timber supply from National Forest System land and tribal trust land in order to jointly contribute to the economic stability of local, timber-dependent communities;

(11) cross-boundary management collaboration is needed to address forest health emergencies that currently exist on Federal and tribal forest land because of substantial areas of dead and dying trees resulting from drought, insects, fire, windstorm, or other causes;

(12) tribal communities possess unique traditional knowledge and technical expertise that can provide valuable insight and guidance in the management of land and resources contained within the National Forest System;

(13) the Forest Service lacks comprehensive authorities to work with tribal neighbors on collaborative or other issues;

(14)(A) in recognition of that goal, in October 1999, the Chief Operating Officer of the Forest Service commissioned a National Tribal Relations Program Task Force to develop recommendations to improve working relationships with Indian tribes; and

(B) the Task Force issued a final report in August 2000, including administrative and legislative recommendations on which this title is based;

(15) Indian tribes and National Forests would benefit from improved coordination and integration in application of wildland fire resources, including Native American fire crews; and

(16) the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1600 et seq.) does not contain specific authority for the Secretary to enter into cooperative research and development agreements with tribal governments.

SEC. 203. FOREST LEGACY PROGRAM.

(a) PARTICIPATION BY INDIAN TRIBES.—Section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) is amended—

(1) in the first sentence of subsection (a), by inserting ", and Indian tribes," after "government";

(2) in subsection (b), by inserting "and programs of Indian tribes" after "regional programs";

(3) in the second sentence of subsection (f), by striking "other appropriate State or regional natural resource management agency" and inserting "other appropriate natural resource management agency of a State, region, or Indian tribe";

(4) in subsection (h)(2), by inserting "or Indian tribe" before the period at the end; and

(5) in the first sentence of subsection (j)(2), by inserting "Indian tribes," after "governmental units,".

(b) OPTIONAL STATE AND TRIBAL GRANT PROGRAM.—

"(1) IN GENERAL.—Section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) is amended by striking subsection (l) and inserting the following:

"(l) OPTIONAL STATE AND TRIBAL GRANTS.—

"(1) DEFINITION OF INDIAN TRIBE.—In this subsection, the term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(2) GRANTS.—At the request of a participating State or participating Indian tribe, the Secretary shall provide a grant to the State or Indian tribe to carry out the Forest Legacy Program.

"(3) ADMINISTRATION.—If a State or Indian tribe elects to receive a grant under this subsection—

"(A) the Secretary shall use a portion of the funds made available under subsection (m), as determined by the Secretary, to provide the grant to the State or Indian tribe; and

"(B) the State or Indian tribe shall use the grant to carry out the Forest Legacy Program.".

(2) CONFORMING AMENDMENTS.—Section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) is amended—

(A) in subsection (i), by striking "subsection (b)" and inserting "this section";

(B) in subsection (j)(1), by striking the first sentence and inserting the following: "Fair market value shall be paid for any property interest acquired under this section."; and

(C) in subsection (k)(2), by striking "United States or its" and inserting "United States, a State, Indian tribe, or other entity, or their".

SEC. 204. FORESTRY AND RESOURCE MANAGEMENT ASSISTANCE TO INDIAN TRIBES.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—The Secretary of Agriculture may provide financial, technical, educational, and related assistance to an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) for—

(1) tribal consultation and coordination with the Forest Service on issues relating to—

(A) access by members of the Indian tribe to National Forest System land for traditional, religious, and cultural purposes;

(B) coordinated or cooperative management of resources shared by the Forest Service and the Indian tribe; and

(C) provision of tribal traditional, cultural, or other expertise or knowledge;

(2) projects and activities for conservation education and awareness with respect to forest land and grassland under the jurisdiction of the Indian tribe; and

(3) technical assistance for forest resources planning, management, and conservation on land under the jurisdiction of the Indian tribe.

(b) IMPLEMENTATION.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary of Agriculture shall promulgate regulations to implement subsection (a), including rules for determining the distribution of assistance under that subsection.

(2) CONSULTATION.—In carrying out paragraph (1), the Secretary shall engage in full, open, and substantive consultation with Indian tribes and representatives of Indian tribes.

(c) COORDINATION WITH THE SECRETARY OF THE INTERIOR.—The Secretary of Agriculture shall coordinate with the Secretary of the Interior during the establishment, implementation, and administration of subsection (a) to ensure that programs under that subsection—

(1) do not conflict with tribal programs provided under the authority of the Department of the Interior; and

(2) meet the goals of the Indian tribes.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

TITLE III—PUEBLO OF SANTA CLARA AND SAN ILDEFONSO, NEW MEXICO

SEC. 301. DEFINITIONS.

In this title:

(1) AGREEMENT.—The term "Agreement" means the agreement entitled "Agreement to Affirm Boundary Between Pueblo of Santa Clara and Pueblo of San Ildefonso Aboriginal Lands Within Garcia Canyon Tract", entered into by the Governors on December 20, 2000.

(2) BOUNDARY LINE.—The term "boundary line" means the boundary line established under section 304(a).

(3) GOVERNORS.—The term "Governors" means—

(A) the Governor of the Pueblo of Santa Clara, New Mexico; and

(B) the Governor of the Pueblo of San Ildefonso, New Mexico.

(4) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(5) PUEBLOS.—The term "Pueblos" means—

(A) the Pueblo of Santa Clara, New Mexico; and

(B) the Pueblo of San Ildefonso, New Mexico.

(6) TRUST LAND.—The term "trust land" means the land held by the United States in trust under section 302(a) or 303(a).

SEC. 302. TRUST FOR THE PUEBLO OF SANTA CLARA, NEW MEXICO.

(a) IN GENERAL.—All right, title, and interest of the United States in and to the land described in subsection (b), including improvements on, appurtenances to, and mineral rights (including rights to oil and gas) to the land, shall be held by the United States in trust for the Pueblo of Santa Clara, New Mexico.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) consists of approximately 2,484 acres of Bureau of Land Management land located in Rio Arriba County, New Mexico, and more particularly described as—

(1) the portion of T. 20 N., R. 7 E., sec. 22, New Mexico Principal Meridian, that is located north of the boundary line;

(2) the southern half of T. 20 N., R. 7 E., sec. 23, New Mexico Principal Meridian;

(3) the southern half of T. 20 N., R. 7 E., sec. 24, New Mexico Principal Meridian;

(4) T. 20 N., R. 7 E., sec. 25, excluding the 5-acre tract in the southeast quarter owned by the Pueblo of San Ildefonso;

(5) the portion of T. 20 N., R. 7 E., sec. 26, New Mexico Principal Meridian, that is located north and east of the boundary line;

(6) the portion of T. 20 N., R. 7 E., sec. 27, New Mexico Principal Meridian, that is located north of the boundary line;

(7) the portion of T. 20 N., R. 8 E., sec. 19, New Mexico Principal Meridian, that is not included in the Santa Clara Pueblo Grant or the Santa Clara Indian Reservation; and

(8) the portion of T. 20 N., R. 8 E., sec. 30, that is not included in the Santa Clara Pueblo Grant or the San Ildefonso Grant.

SEC. 303. TRUST FOR THE PUEBLO OF SAN ILDEFONSO, NEW MEXICO.

(a) IN GENERAL.—All right, title, and interest of the United States in and to the land described in subsection (b), including improvements on, appurtenances to, and mineral rights (including rights to oil and gas) to the land, shall be held by the United States in trust for the Pueblo of San Ildefonso, New Mexico.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) consists of approximately 2,000 acres of Bureau of Land Management land located in Rio Arriba County and Santa Fe County in the State of New Mexico, and more particularly described as—

(1) the portion of T. 20 N., R. 7 E., sec. 22, New Mexico Principal Meridian, that is located south of the boundary line;

(2) the portion of T. 20 N., R. 7 E., sec. 26, New Mexico Principal Meridian, that is located south and west of the boundary line;

(3) the portion of T. 20 N., R. 7 E., sec. 27, New Mexico Principal Meridian, that is located south of the boundary line;

(4) T. 20 N., R. 7 E., sec. 34, New Mexico Principal Meridian; and

(5) the portion of T. 20 N., R. 7 E., sec. 35, New Mexico Principal Meridian, that is not included in the San Ildefonso Pueblo Grant.

SEC. 304. SURVEY AND LEGAL DESCRIPTIONS.

(a) SURVEY.—Not later than 180 days after the date of enactment of this Act, the Office of Cadastral Survey of the Bureau of Land Management shall, in accordance with the Agreement, complete a survey of the boundary line established under the Agreement for the purpose of establishing, in accordance with sections 302(b) and 303(b), the boundaries of the trust land.

(b) LEGAL DESCRIPTIONS.—

(1) PUBLICATION.—On approval by the Governors of the survey completed under subsection (a), the Secretary shall publish in the Federal Register—

(A) a legal description of the boundary line; and

(B) legal descriptions of the trust land.

(2) TECHNICAL CORRECTIONS.—Before the date on which the legal descriptions are published under paragraph (1)(B), the Secretary may correct any technical errors in the descriptions of the trust land provided in sections 302(b) and 303(b) to ensure that the descriptions are consistent with the terms of the Agreement.

(3) EFFECT.—Beginning on the date on which the legal descriptions are published under paragraph (1)(B), the legal descriptions shall be the official legal descriptions of the trust land.

SEC. 305. ADMINISTRATION OF TRUST LAND.

(a) IN GENERAL.—Effective beginning on the date of enactment of this Act—

(1) the land held in trust under section 302(a) shall be declared to be a part of the Santa Clara Indian Reservation; and

(2) the land held in trust under section 303(a) shall be declared to be a part of the San Ildefonso Indian Reservation.

(b) APPLICABLE LAW.—

(1) IN GENERAL.—The trust land shall be administered in accordance with any law (including regulations) or court order generally applicable to property held in trust by the United States for Indian tribes.

(2) PUEBLO LANDS ACT.—The following shall be subject to section 17 of the Act of June 7, 1924 (commonly known as the "Pueblo Lands Act") (25 U.S.C. 331 note):

(A) The trust land.

(B) Any land owned as of the date of enactment of this Act or acquired after the date of enactment of this Act by the Pueblo of Santa Clara in the Santa Clara Pueblo Grant.

(C) Any land owned as of the date of enactment of this Act or acquired after the date of enactment of this Act by the Pueblo of San Ildefonso in the San Ildefonso Pueblo Grant.

(c) USE OF TRUST LAND.—

(1) IN GENERAL.—Subject to the criteria developed under paragraph (2), the trust land may be used only for—

(A) traditional and customary uses; or

(B) stewardship conservation for the benefit of the Pueblo for which the trust land is held in trust.

(2) CRITERIA.—The Secretary shall work with the Pueblos to develop appropriate criteria for using the trust land in a manner that preserves the trust land for traditional and customary uses or stewardship conservation.

(3) LIMITATION.—Beginning on the date of enactment of this Act, the trust land shall not be used for any new commercial developments.

SEC. 306. EFFECT.

Nothing in this title—

(1) affects any valid right-of-way, lease, permit, mining claim, grazing permit, water right, or other right or interest of a person or entity (other than the United States) that is—

(A) in or to the trust land; and

(B) in existence before the date of enactment of this Act;

(2) enlarges, impairs, or otherwise affects a right or claim of the Pueblos to any land or interest in land that is—

(A) based on Aboriginal or Indian title; and

(B) in existence before the date of enactment of this Act;

(3) constitutes an express or implied reservation of water or water right with respect to the trust land; or

(4) affects any water right of the Pueblos in existence before the date of enactment of this Act.

SECTION BY SECTION ANALYSIS OF S. 3059—ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK RESERVATION JUDGMENT FUND DISTRIBUTION ACT OF 2002

Section 1. Short Title. The Act may be cited as the "Assiniboine and Sioux Tribes of the Fort Peck Reservation Judgment Fund Distribution Act of 2002."

Section 2. Findings and Purpose. Section 2 provides congressional findings including that in 1987, the Assiniboine and Sioux Tribes of the Fort Peck Reservation and five individual Fort Peck tribal members filed a complaint in the United States Claims Court in Assiniboine and Sioux Tribes of the Fort Peck Reservation v. the United States of America, Docket No. 773-87-L to recover interest earned on trust funds while those funds were held in special deposit and IMPL-agency accounts; in this case, the Court held that the United States was liable for any income derived from investment of the trust funds of the Tribe and individual members of the Tribe; the plaintiffs entered into a settlement with the United States for payment of the claims; the terms of the settlement were approved by the Court and judgment in the amount of $4,522,551.81 was entered;

Section 3. Definitions. Terms defined in this section include "Distribution Amount," "Judgment Amount," "Principal Indebtedness," and "Tribe."

Section 4. Distribution of Judgment Funds. Section 4 describes how the distribution amount awarded to the Tribe shall be made available for tribal health, education, housing and social services programs of the Tribe and the amount of funds allocated among these uses shall be specified in an annual budget developed by the Tribe and approved by the Secretary of the Interior.

Section 5. Applicable Law. Section 5 provides that all funds distributed under this act, except those distributed under Section 4 are subject to sections 7 and 8 of the Indian Tribal Judgment Funds Use or Distribution Act.

Section 6. Agreement with Dry Prairie Rural Water Association, Incorporated. Section 6 provides that any agreement between the Tribe and the Dry Prairie Rural Water Association for the use of water that is entered into under section 5 of the Fort Peck Reservation Rural Water System Act of 2000 is approved by Congress and shall be approved and executed by the Secretary.

By Mr. THOMPSON:

S. 3067. A bill to amend title 44, United States Code, to make Government information security reform permanent, and for other purposes; to the Committee on Governmental Affairs.

Mr. THOMPSON. Mr. President, I rise today to introduce a bill which will make permanent a law which was intended to protect the security of Federal computers and information systems. Over the years, numerous Governmental Affairs Committee hearings and General Accounting Office reports uncovered and identified systemic failures of government information systems which highlighted our Nation's vulnerability to computer attacks, from international and domestic terrorists to crime rings to everyday hackers. As a result, Congress enacted the Government Information Security Reform Act as part of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, Public Law 106-398. Since its passage in the 106th Congress, the law has required Federal agencies to develop and implement security policies and provided the Office of Management and Budget authority to demand from agencies better plans for improving computer security. Unfortunately, this relatively new law is set to expire next month.

The information security legislation upon which the law is based, which I sponsored along with Senator LIEBERMAN, was reported by the Governmental Affairs Committee and passed by the Senate with no sunset provision. A two-year sunset was added in conference providing that the law expire on November 29, 2002.

The bill I am introducing today would repeal the sunset and restore the language to what originally was approved by the Governmental Affairs Committee and the Senate last Congress. Further, given that the law is commonly referred to as the "Government Information Security Reform Act," the bill also would codify that short title.

We must ensure that Federal agencies continue to protect their assets and prevent hackers and cyberterrorists from wreaking havoc with citizens' sensitive information, such as taxpayer data, veterans' medical records, and social security portfolios. We must not let this law expire.

By Mr. SPECTER:

S. 3068. A bill to amend the Agricultural Adjustment Act to require the Secretary of Agriculture to use the price of feed grains and other cash expenses as factors to determine the basic formula price for milk under milk marketing orders; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. SPECTER. Mr. President, I had sought recognition initially to discuss two other subjects. While the issue of Iraq is very much on the minds of the American people and the focus of attention worldwide, there are other important considerations which are pending and are of interest to Pennsylvanians and what is happening with the economy.

We really cannot let our attention focus solely on Iraq.

There are many matters which involve important economic issues and great numbers of jobs. That is a subject that is very much on my mind with respect to the Pennsylvania dairy farmers. I propose to introduce legislation this afternoon on that subject.

Agriculture is the largest industry in Pennsylvania, and dairy is its single largest component. Pennsylvania is the fourth largest dairy producer in the Nation. We have approximately 10,300 dairy farms which produce $1.710 billion worth of milk each year.

Regrettably, over the past decades, Pennsylvania has lost an average of 300 to 500 dairy farmers per year. In the years 1993 to 1998, Pennsylvania lost more than 11 percent of its dairy farmers. That is because Pennsylvania farmers have had to deal with drought and other natural disasters, high feed and transportation costs, and other variables that challenge their ability to sustain their farms, but mostly because the cost of production exceeds what has been the average price for class 3 dairy products. It varies tremendously. It was $15.90 in September of last year. It went down to $9.92 in September of this year. The cost has been tremendous.

Meanwhile, the average cost of production of milk in Pennsylvania per hundredweight is calculated by the Pennsylvania Department of Agriculture. The average was $14.32 in the year 2001. The price for milk in January of 2002 was $11.87 per hundredweight, going down to $10.82 per hundredweight in May, and $9.54 per hundredweight in August of this year. The cost of production exceeds what the Pennsylvania dairy farmers are able to obtain for their milk.

I serve on the Agriculture Subcommittee of Appropriations. On May 14 of last year at an extensive hearing in Philadelphia, we heard from economists, we heard from farmers, and an analysis for merchants and an analysis of what was happening on dairy farming.

It is a complex matter. While the price of milk goes down for dairy farmers, the cost of milk goes up to the consumer. I know at the shop where I buy a half-gallon of milk, it was $1.89, and it jumped to $2.19 for a half-gallon of milk at the precise time when the payments made to the dairy farmers were going down. It seems to me there really has to be an additional factor in the calculation of these prices by the U.S. Department of Agriculture.

It is for that reason that I am proposing legislation today which would amend section 8(c)(5) of the Agriculture Adjustment Act with amendments by the Agriculture Marketing Agreement Act of 1937 to add the following:

Subsection M, using as factors to determine the basic formula price for milk under an order issued pursuant to this section (i) the price of feed grains, including the cost of concentrates, byproducts, liquid, whey, hay, silage, pasture, and other forage; and (ii) other cash expenses, including the cost of hauling, artificial insemination, veterinary services and medicine, bedding and litter, marketing, custom services and supplies, fuel, lubrication, electricity, machinery and building repairs, labor, association fees, and assessments.

During the course of the July and August break, I traveled extensively on open house town meetings throughout Pennsylvania. I heard recurrent complaints from the dairy farmers about being unable to maintain the dairy farms. It is a very important matter that the small dairy farmers be able to continue to produce milk, which is a very important item in our daily diets. I don't think I need to expand upon that point.

But the dairy farmers are facing enormous problems. We had hoped there would be a dairy compact. There had been one for the New England States. Legislation has been introduced—S. 1157—which is now pending before the Judiciary Committee. And the dairy compact would be of material assistance to farmers generally but certainly farmers in Pennsylvania.

We had many Senators supporting the dairy compact concept but have had contentious battles on the Senate floor. And while the proposed legislation on the dairy compact was pending, I do propose the legislation to which I refer, and I send that amendment to the desk.

SUBMITTED RESOLUTIONS

SENATE RESOLUTIONS 335—RELATIVE TO THE DEATH OF JOANNE COE

Mr. DASCHLE (for himself and Mr. LOTT) submitted the following resolution; which was considered and agreed to:

S. RES. 335

Whereas Jo-Anne Coe served as an employee of the Senate of the United States and ably and faithfully upheld the high standards and traditions of the staff of the Senate from January 3, 1969 until January 31, 1989 for a period that included ten Congresses;

Whereas Jo-Anne Coe was the first woman in history to be elected as the Secretary of the Senate in 1985;

Whereas Jo-Anne Coe served as Secretary of the Senate, Administrative Director of the Committee on Finance, Administrative Director of the office of Senator Bob Dole and chief of staff under Senator Dole;

Whereas Jo-Anne Coe faithfully discharged the difficult duties and responsibilities of a wide variety of important and demanding positions in public life, with honesty, integrity, loyalty, and humility;

Whereas Jo-Anne Coe's clear understanding and appreciation of the challenges facing the Nation has left her mark on those many areas of public life: Now, therefore, be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Jo-Anne Coe;

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased;

Resolved, That when the Senate recesses or adjourns today, it stand recessed or adjourned as a further mark of respect to the memory of Jo-Anne Coe.

SENATE CONCURRENT RESOLUTION 150—WELCOMING HER MAJESTY QUEEN SIRIKIT OF THAILAND ON HER VISIT TO THE UNITED STATES, AND FOR OTHER PURPOSES

Mr. BOND submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 150

Whereas the United States and the Kingdom of Thailand have enjoyed 169 years of peaceful and constructive relations since the signing of the Treaty of Amity and Commerce in 1833;

Whereas that document was the first such treaty signed between the United States and any Asian nation;

Whereas the United States enjoys both a bilateral security agreement and a military assistance agreement with Thailand and conducts several military exercises with the armed forces of Thailand every year, the largest of which is the Cobra Gold Exercise;

Whereas her Majesty Queen Sirikit, most notably as President of the Thai Red Cross Society, has made major contributions to advancing the social and economic welfare, and health, of the people of Thailand;

Whereas, in order to assist the rural poor of Thailand, Her Majesty Queen Sirikit serves as patron and chairperson of the Foundation for the Promotion of Supplementary Occupations and Related Techniques (SUPPORT);

Whereas, in her capacity as President of the Thai Red Cross Society, Her Majesty Queen Sirikit established the Khao Larn Thai Red Cross Center to provide food, shelter, and medical attention to Cambodian refugees fleeing the turmoil in their country; and

Whereas Her Majesty Queen Sirikit's contributions to the welfare of Thai citizens and of international refugees have been widely recognized by groups as diverse as the United Nations Food and Agriculture Organizations, the Fletcher School of Law and Diplomacy, and the British Royal College of Physicians: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress welcomes Her Majesty Queen Sirikit on her visit to the United States and expresses the hope that her visit will further strengthen the deep historical relationship between the United States and the Kingdom of Thailand.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President with the request that such copy be further transmitted to the Government of the Kingdom of Thailand.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on the nomination of Mark McClellan to be Commissioner of the Food and Drug Administration during the session of the Senate on Monday, October 7, 2002, at 1:30 p.m., in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Judicial Nominations" on Monday, October 7, 2002, in Dirksen Room 226 at 2 p.m.

Panel I: The Honorable Richard Shelby; the Honorable Jeff Sessions; and the Honorable Lincoln Chafee.

Panel II: Rosemary Mayers Collyer to be U.S. District Court Judge for the District of Columbia; Mark Everett Fuller to be U.S. District Court Judge for the Middle District of Alabama; Robert Gary Klausner to be U.S. District Judge for the Central District of California; Robert Byron Kugler to be U.S. District Court Judge for the District of New Jersey; Ronald Bruce Leighton to be U.S. District Court Judge for the Western District of Washington; Jose Luis Linares to be U.S. District Court Judge for the District of New Jersey; and William Edward Smith to be U.S. District Court Judge for the District of Rhode Island.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that Barbara Teraji, a congressional fellow in my office, be granted floor privileges for the discussion on Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I make a unanimous consent request that Thomas Swanton, a staff member of my office, be granted floor privileges for the duration of debate on S.J. Res. 45.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent that privilege of the floor be granted to Mark Swayne a Military Fellow in my office, as well as James Kadtke a Science and Technology Fellow in my office for the duration of the Senate's debate on S.J. Res. 45, a joint resolution to authorize the use of United States Armed Forces against Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEATH OF JO-ANNE COE

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. Res. 335, submitted earlier today by Senators DASCHLE and LOTT.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 335) relative to the death of Jo-Anne Coe.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, Jo-Anne Coe, who made history as the first woman to serve as the Secretary of the Senate after our good friend Bob Dole became Majority Leader in 1985, died suddenly on Friday, September 27, of an aneurysm.

We all have experienced the love and friendship of those most loyal staff who work for and with us over a period of years and eras in our lives. And I am calling to the Senate's attention today the loss of Jo-Anne Coe because she was an especially cherished friend and confidante of the entire Dole family, most recently serving as Bob's indispensable Chief of Staff in the private sector. Some referred to her as Bob's alter ego or "Bob Dole in an ultra suede suit." All who knew her respected and admired her talent and loyalty to Bob and the Senate institution.

On behalf of the entire Senate family, I offer our profound sympathy and prayers to Jo-Anne's family, especially to her daughter Kathryn Lee Coe Coombs of Alexandria, VA.

I ask unanimous consent that a tribute to Jo-Anne Coe be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JO-ANNE COE, DOLE CHIEF OF STAFF, FIRST WOMAN SECRETARY OF THE SENATE

Jo-Anne Lee Coe, 69, Chief of Staff to former Senate Majority Leader Bob Dole, and the first woman to serve as Secretary of the US Senate, died September 27 at Inova Fairfax Hospital of an aneurysm. She was a Fairfax County resident.

Mrs. Coe had worked for Senator Dole for nearly 35 years, first joining the staff of then-Congressman Dole in early 1968 as he prepared for his first Senate race. Initially a constituent caseworker, she rose through the ranks to become office manager.

In late 1975, she briefly left the senator's staff to accept an appointment in the Ford Administration. A few months later, President Ford tapped Senator Dole to be his Vice Presidential running mate and Mrs. Coe became Office Manager for the Vice Presidential campaign.

After the campaign, she returned as Office Manager in the Dole Senate office and became the staff member designated as political liaison to his campaign committee under the new Federal Election Campaign Act regulations.

When Senator Dole became Senate Majority Leader in 1985 he nominated Mrs. Coe as his choice for Secretary of the Senate. She was the first woman in history to be elected to this post. As well as supervising the Senate's vast administrative apparatus, historical and archival functions and Interparliamentary relations with other countries; the Secretary of the Senate has numerous legislative and parliamentary functions including presiding over the Senate during the election of the President Pro Tempore.

Upon the Democrats regaining control of the senate in 1987, she returned to the Dole Senate staff until joining Senator Dole's 1988 Presidential campaign. Following the campaign, she was named Executive Director of Campaign America, the leadership PAC she had helped Senator Dole found.

Never one to seek the limelight for herself, she was surprised at the media attention she received during the 1996 campaign as the GOP Presidential nominee's confidante. However, in many ways she was seen politically as Senator Dole's alter ego. In a feature article during the 1996 campaign, the New York Times Rick Berke called her "Bob Dole in ultra suede suit."

Following the Presidential campaign, senator Dole joined the Washington law firm of Verner Liipfert MacPherson and Hand as Special Counsel and Mrs. Coe joined him there as his chief of staff, and advised clients on legislative strategy. She also managed Senator Dole's personal business interests, including relationships with speakers bureau and the publishers of his books, and assisted on a voluntary basis with fundraising for a number of causes promoted by senator Dole, including the World War II Memorial Commission, the Dole Institute of Politics at the University of Kansas, and the Families of Freedom Scholarship fund, co-chaired by Senator Dole and Former President Clinton to assist the families of 9/11 victims.

Born Jo-Anne Lee Johnson in Coronado, California in 1933, Mrs. Coe was the daughter of Admiral Roy Lee Johnson, Commander in Chief of the US Pacific Fleet during the Vietnam conflict and the first commander of the USS *Forrestal*; and of the former Margaret Louise Gross of Georgetown, now both deceased. On her mother's side, she was a seventh generation Washingtonian.

Mrs. Coe attended the College of William and Mary and spent a year at Alexandria's George Washington High School during one of her father's many assignments in the Washington area. She was briefly married while in college to Benjamin P. Coe of New York and leaves one daughter, Kathryn Lee Coe Coombs, of Alexandria, Virginia.

She first came to Capitol Hill as an aide to Representative Harold D. Cooley, a conservative Democrat and powerful chairman of the House Agriculture Committee, who was credited with brokering the deal whereby then-Senator John F. Kennedy chose Senate Majority Leader Lyndon B. Johnson as his running mate.

In 1962–67, she left the Washington area to follow her parents in her father's various assignments to senior U.S. Navy posts in Nebraska, Japan and Hawaii. She worked as a secretary for the U.S. Navy and U.S. Air Force, returning to Capitol Hill in early 1968 upon her father's retirement. She interviewed for jobs among her Agriculture Committee contacts on both sides of the aisle and accepted a job with then-Rep. Bob Dole, whom she'd briefly met when he was a freshman Congressman on the Committee in 1961.

A former children's church choir instructor, she was an active parishioner at the church of St. Lawrence the Martyr in Franconia and a donor to a variety of Catholic and other charities. A month before her death, she had bought a historic farmhouse in King George County, Virginia and was in the midst of planning to work part time and telecommute so that she could spend more time painting and pursuing other hobbies.

In addition to her daughter she also leaves a nephew, Kevin Lee Johnson of Scottsdale, Arizona and niece, Kindra Lee Johnson Vincent, of Seattle; children of her late brother Roy Lee Johnson, Jr. The family and friends are establishing the Jo-Anne Coe Memorial Foundation to aid a variety of charitable and educational causes, including establishing an annual award to recognize up and coming young women on Capitol Hill who exhibit the traits of honesty, integrity, loyalty and humility for which Mrs. Coe was known.

Mr. REID. Mr. President, I ask unanimous consent the resolution and preamble be agreed to en bloc, the motion to reconsider be laid on the table, and that any statements related to this matter be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 335) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 335

Whereas Jo-Anne Coe served as an employee of the Senate of the United States and ably and faithfully upheld the high standards and traditions of the staff of the Senate from January 3, 1969 until January 31, 1989 for a period that included ten Congresses;

Whereas Jo-Anne Coe was the first woman in history to be elected as the Secretary of the Senate in 1985;

Whereas Jo-Anne Coe served as Secretary of the Senate, Administrative Director of the Committee on Finance, Administrative Director of the Office of Senator Bob Dole and Chief of Staff under Senator Dole;

Whereas Jo-Anne Coe faithfully discharged the difficult duties and responsibilities of a wide variety of important and demanding positions in public life, with honesty, integrity, loyalty, and humility;

Whereas Jo-Anne Coe's clear understanding and appreciation of the challenges facing the Nation has left her mark on those many areas of public life: Now, therefore, be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Jo-Anne Coe.

Resoved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of deceased.

Resolved, That when the Senate recesses or adjourns today, it stand recessed or adjourned as a further mark of respect to the memory of Jo-Ann Coe.

WELCOMING QUEEN SIRIKIT OF THAILAND

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 150, submitted earlier today by Senator BOND.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 150) welcoming Her Majesty Queen Sirikit of Thailand on her visit to the United States, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 150) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S CON. RES. 150

Whereas the United States and the Kingdom of Thailand have enjoyed 169 years of peaceful and constructive relations since the signing of the Treaty of Amity and Commerce in 1833;

Whereas that document was the first such treaty signed between the United States and any Asian nation;

Whereas the United States enjoys both a bilateral security agreement and a military assistance agreement with Thailand and conducts several military exercises with the armed forces of Thailand every year, the largest of which is the Cobra Gold Exercise;

Whereas her Majesty Queen Sirikit, most notably as President of the Thai Red Cross Society, has made major contributions to advancing the social and economic welfare, and health, of the people of Thailand;

Whereas, in order to assist the rural poor of Thailand, Her Majesty Queen Sirikit serves as patron and chairperson of the Foundation for the Promotion of Supplementary Occupations and Related Techniques (SUPPORT);

Whereas, in her capacity as President of the Thai Red Cross Society, Her Majesty Queen Sirikit established the Khao Larn Thai Red Cross Center to provide food, shelter, and medical attention to Cambodian refugees fleeing the turmoil in their country; and

Whereas Her Majesty Queen Sirikit's contributions to the welfare of Thai citizens and of international refugees have been widely recognized by groups as diverse as the United Nations Food and Agriculture Organizations, the Fletcher School of Law and Diplomacy, and the British Royal College of Physicians: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress welcomes Her Majesty Queen Sirikit on her visit to the United States and expresses the hope that her visit will further strengthen the deep historical relationship between the United States and the Kingdom of Thailand.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President with the request that such copy be further transmitted to the Government of the Kingdom of Thailand.

ORDERS FOR TUESDAY, OCTOBER 8, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 a.m. Tuesday, October 8; that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day; that there be a period of morning business until 10 a.m., with Senators permitted to speak therein up to 10 minutes each, with the first half of the time under the control of the Republican leader or his designee, and the second half of the time under the control of the Democratic leader or his designee; that at 10 a.m. the Senate resume consideration of S.J. Res. 45; further, that the Senate recess from 12:30 until 2:15 p.m. for the weekly party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. REID. Mr. President, there was a unanimous consent request earlier today, which has been approved, that the time from when we come in at 10 o'clock tomorrow to begin work on this resolution until 12:30 be in 15-minute slots, and we would be happy to alternate back and forth. But it would be to everybody's advantage if those wishing to speak would notify their respective cloakrooms. What I will do in the morning, when we come in at 9 o'clock, is set that up so people will know when to come. We would set up an order of procedure for debate in this matter. I think that would save Senators a lot of time, and it would allow us to move along in the matter more quickly.

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask that the Senate stand in adjournment under the previous order following the remarks of the majority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader is recognized.

WORK TO BE DONE BEFORE ADJOURNMENT

Mr. DASCHLE. Mr. President, let me thank the distinguished assistant Democratic leader for his characteristic leadership and cooperation as we have worked through so many of these procedural issues. I thank him so much for all he has done on the floor in the last few weeks.

We have had the debate on the resolution now for a couple of days. They have been good days. I think Senators have used the time wisely and productively, and I think it has been very constructive and respectful debate, as we hoped it would be.

I have indicated to Senator LOTT it is my hope we can reach an agreement tomorrow about how we might proceed to the completion of the debate. I am hopeful we might propound a unanimous consent request that would accommodate the Senators who wish to offer amendments, that those amendments be debated tomorrow, Wednesday, and Thursday, and that we have a vote on final passage on Thursday night.

That would allow an entire week to have debate on this resolution. Senators will have ample time to be heard and to speak tomorrow, Wednesday, and Thursday. We will go late into the night, if we have to, to accommodate Senators who wish to be heard. But I think that is sufficient time. So I will make such a request after further consultation with colleagues on both sides of the aisle.

I hope Senators will accommodate our desire, recognizing first that, as important as this is, there are other issues that still have to be addressed prior to the time we leave. We have to deal with the continuing resolution; we have to deal with the budget enforcement resolution; we have to deal with homeland security.

Given the fact that tomorrow will be 1 month to the day before the election, that is a lot to be done in a very short period of time. So I urge Senators to work with us to accomplish these legislative goals and recognize there are other issues as well that we hope to deal with, such as nominations, perhaps conference reports; the election reform conference report ought to be done. I would like to see bankruptcy done.

In any case, we have work that cannot be done unless we are cognizant of the limited time available and make use of every day. Again, I appreciate everyone's cooperation to date. I hope we can reach that agreement tomorrow and we can complete our work on this resolution by sometime Thursday night.

I yield the floor.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9 o'clock tomorrow morning.

Thereupon, the Senate, at 6:15 p.m., adjourned until Tuesday, October 8, 2002, at 9 a.m.

HOUSE OF REPRESENTATIVES—*Monday, October 7, 2002*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. KERNS).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 7, 2002.

I hereby appoint the Honorable BRIAN D. KERNS to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 11 a.m. today.

Accordingly (at 9 o'clock and 32 minutes a.m.), the House stood in recess until 11 a.m.

□ 1100

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. UPTON) at 11 a.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord, God, You guide all creation with providential care and establish an order that governs all the ages.

Hear our prayer and enlighten the Members of the 107th Congress of these United States throughout this week in their deliberations and decisions.

Make them strong in their convictions of human rights and in protecting this Nation.

Overall lead them by Your grace to be responsive to Your inspiration, and take responsible action in the cause of justice and truth.

May those who are at peace with one another hold fast to the good will that unites them.

May those who are enemies forget hatred and be healed; that the fruits of Your kingdom may fall upon the earth and take root in human hearts around the world, until there is true and lasting peace.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Oregon (Mr. BLUMENAUER) come forward and lead the House in the Pledge of Allegiance.

Mr. BLUMENAUER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5063. An act to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services.

The message also announced that the Senate has passed bills and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 1210. An act to reauthorize the Native American Housing Assistance and Self-Determination Act of 1996.

S. 1806. An act to amend the Public Health Service Act with respect to health professionals programs regarding the practice of pharmacy.

S. 2064. An act to reauthorize the United States Institute for Environmental Conflict Resolution, and for other purposes.

S. Con. Res. 139. Concurrent resolution expressing the sense of Congress that there should be established a National Minority Health and Health Disparities Month, and for other purposes.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 4, 2002.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 4, 2002 at 10:18 a.m.

That the Senate passed without amendment H. Con. Res. 388.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 3, 2002.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 3, 2002 at 5:40 p.m.

That the Senate passed without amendment H. Con. Res. 112;

That the Senate agreed to conference report H.R. 2215.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled joint resolution on Thursday, October 3, 2002:

H.J. Res. 112, making further continuing appropriations for the fiscal year 2003, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Record votes on motions to suspend the rules ordered prior to 6:30 p.m. today may be taken today. RECORD votes on remaining motions to suspend the rules will be taken tomorrow.

WASTEWATER TREATMENT WORKS SECURITY ACT OF 2002

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5169) to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works.

The Clerk read as follows:

H.R. 5169

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wastewater Treatment Works Security Act of 2002".

SEC. 2. WASTEWATER TREATMENT WORKS SECURITY.

Title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) is amended by adding at the end the following:

"SEC. 222. WASTEWATER TREATMENT WORKS SECURITY.

"(a) Grants for Vulnerability Assessments and Security Enhancements.—The Administrator may make grants to a State, municipality, or intermunicipal or interstate agency—

"(1) to conduct a vulnerability assessment of a publicly owned treatment works;

"(2) to implement security enhancements listed in subsection (c)(1) to reduce vulnerabilities identified in a vulnerability assessment; and

"(3) to implement additional security enhancements to reduce vulnerabilities identified in a vulnerability assessment.

"(b) Vulnerability Assessments.—

"(1) Definition.—In this section, the term 'vulnerability assessment' means an assessment of the vulnerability of a treatment works to actions intended to—

"(A) substantially disrupt the ability of the treatment works to safely and reliably operate; or

"(B) have a substantial adverse effect on critical infrastructure, public health or safety, or the environment.

"(2) Identification of methods to reduce vulnerabilities.—A vulnerability assessment includes identification of procedures, countermeasures, and equipment that the treatment works can implement or utilize to reduce the identified vulnerabilities.

"(3) Review.—A vulnerability assessment shall include a review of the vulnerability of the treatment work's—

"(A) facilities, systems, and devices used in the storage, treatment, recycling, or reclamation of municipal sewage or industrial wastes;

"(B) intercepting sewers, outfall sewers, sewage collection systems, and other constructed conveyances;

"(C) electronic, computer, and other automated systems;

"(D) pumping, power, and other equipment;

"(E) use, storage, and handling of various chemicals; and

"(F) operation and maintenance procedures.

"(c) Grants for Security Enhancements.—

"(1) Preapproved security enhancements.—Upon certification by an applicant that the applicant has completed a vulnerability assessment for a treatment works and that the security enhancement for which assistance is sought is to reduce vulnerabilities of the treatment works identified in the assessment, the Administrator may make grants to the applicant under subsection (a)(2) for 1 or more of the following:

"(A) Purchase and installation of equipment for access control, intrusion prevention and delay, and detection of intruders and hazardous or dangerous substances, including—

"(i) barriers, fencing, and gates;

"(ii) security lighting and cameras;

"(iii) metal grates, wire mesh, and outfall entry barriers;

"(iv) securing of manhole covers and fill and vent pipes;

"(v) installation and re-keying of doors and locks; and

"(vi) smoke, chemical, and explosive mixture detection systems.

"(B) Security improvements to electronic, computer, or other automated systems and remote security systems, including controlling access to such systems, intrusion detection and prevention, and system backup.

"(C) Participation in training programs and the purchase of training manuals and guidance materials relating to security.

"(D) Security screening of employees or contractor support services.

"(2) Additional security enhancements.—

"(A) Grants.—The Administrator may make grants under subsection (a)(3) to an applicant for additional security enhancements not listed in paragraph (1).

"(B) Eligibility.—To be eligible for a grant under this paragraph, an applicant shall submit an application to the Administrator containing such information as the Administrator may request.

"(3) Limitations.—

"(A) Use of funds.—Grants under subsections (a)(2) and (a)(3) may not be used for personnel costs or operation or maintenance of facilities, equipment, or systems.

"(B) Disclosure of vulnerability assessment.—As a condition of applying for or receiving a grant under this section, the Administrator may not require an applicant to provide the Administrator with a copy of a vulnerability assessment.

"(d) Grant Amounts.—

"(1) Federal share.—The Federal share of the cost of activities funded by a grant under subsection (a) may not exceed 75 percent.

"(2) Maximum amount.—The total amount of grants made under subsections (a)(1) and (a)(2) for one publicly owned treatment works shall not exceed $150,000.

"(e) Technical Assistance for Small Publicly Owned Treatment Works.—

"(1) Security assessment and planning assistance.—The Administrator, in coordination the States, may provide technical guidance and assistance to small publicly owned treatment works on conducting a vulnerability assessment and implementation of security enhancements to reduce vulnerabilities identified in a vulnerability assessment. Such assistance may include technical assistance programs, training, and preliminary engineering evaluations.

"(2) Participation by nonprofit organizations.—The Administrator may make grants to nonprofit organizations to assist in accomplishing the purposes of this subsection.

"(3) Small publicly owned treatment works defined.—In this subsection, the term 'small publicly owned treatment works' means a publicly owned treatment works that services a population of fewer than 20,000 persons.

"(f) Authorization of Appropriations.—There is authorized to be appropriated to the Administrator—

"(1) $200,000,000 for making grants under subsection (a); and

"(2) $15,000,000 for providing technical assistance under subsection (e).

Such sums shall remain available until expended.".

SEC. 3. REFINEMENT OF VULNERABILITY ASSESSMENT METHODOLOGY FOR PUBLICLY OWNED TREATMENT WORKS.

(a) Grants.—The Administrator of the Environmental Protection Agency may make grants to a nonprofit organization for the improvement of vulnerability self-assessment methodologies and tools for publicly owned treatment works, including publicly owned treatment works that are part of a combined public wastewater treatment and water supply system.

(b) Eligible Activities.—Grants provided under this section may be used for developing and distributing vulnerability self-assessment methodology software upgrades, improving and enhancing critical technical and user support functions, expanding libraries of information addressing both threats and countermeasures, and implementing user training initiatives. Such services shall be provided at no cost to recipients.

(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $1,000,000 for each of the fiscal years 2003 through 2007. Such sums shall remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Oregon (Mr. DEFAZIO) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 5169, the Wastewater Treatment Works Security Act of 2002.

The terrorist attacks of September 11, 2001, made the identification and protection of critical infrastructure a national priority and taught our Nation to take a broader look at our vulnerabilities. A good deal of planning and protection of our Nation's crucial infrastructure is now under way as a result of those tragic events.

Only limited attention has been given to security issues associated with our Nation's wastewater treatment plants. Sewer pipes form a vast underground network that can provide a terrorist with access to many public buildings, metropolitan centers, private businesses, residential neighborhoods, military installations, transportation systems and urban centers.

A wastewater treatment system itself could also be a target of an attack, with significant public health and environmental impacts.

H.R. 5169 will help communities address these security concerns by authorizing $200 million for grants to wastewater utilities to conduct vulnerability assessments and implement security enhancements at their facilities, $15 million for technical assistance to small wastewater facilities on security measures, $5 million for the further development and refinement of vulnerability self-assessment methodologies and tools for use by wastewater facilities. These authorizations are designed to help wastewater treatment utilities take immediate and necessary steps to improve security at their facilities.

These authorizations do not create a new, ongoing infrastructure assistance program or create any new Federal mandates. I urge all Members to support this very bipartisan bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of the legislation.

Mr. Speaker, today I rise in support of H.R. 5169, the Wastewater Treatment Works Security Act of 2002. This is a bipartisan bill that would authorize $200 million in grants from the EPA to States and local government entities to conduct vulnerability assessments of wastewater treatment facilities and to take steps to reduce identified vulnerabilities. The legislation is similar to the approach taken for vulnerability assessments of drinking water facilities in the bioterrorism legislation signed into law earlier this summer.

Mr. Speaker, in the wake of September 11, we have learned that the Nation's wastewater treatment plants are potentially vulnerable to terrorist activities. Many plants have treatment redundancies, but, often, they have single points of failure. These plants, in addition to the possibility of disruption and environmental catastrophe, often use hazardous materials in the treatment process, and those things certainly also need to be safeguarded.

In order to alleviate these concerns, under H.R. 5169 the EPA would be authorized to provide grants for three purposes: conduct vulnerability assessments to publicly-owned treatment works; to implement certain pre-approved security enhancements that have been identified in a vulnerability assessment; and, three, to implement any other security enhancement measures identified in a vulnerability assessment.

This legislation would also authorize $15 million to provide technical assistance to small communities, those serving fewer than 20,000 individuals, and $1 million annually for 5 years development and dissemination of computer software, data and vulnerability assessment.

Finally, Mr. Speaker, the funding provisions for vulnerability assessments and security enhancements contained in this legislation have been drafted as an amendment to the Clean Water Act with the intent of ensuring that the Davis-Bacon Act would apply to any federally funded work that meets the definition of construction. This approach has been confirmed through staff conversations with representatives of the Environmental Protection Agency, and I certainly would urge my colleagues to support this legislation.

Mr. Speaker, we had also hoped to bring up under regular order other legislation which would go to the water infrastructure and economic security particularly of our Nation, the Water Resources Development Act of 2002. The bill itself is in pretty good form in terms of projects. Many Members have vital infrastructure projects included in that bill.

The bill did not, because of some controversy and concern on the committee, include any amendments to the current authority of the Corps of Engineers to conduct these projects and did not go to concerns a number of Members have regarding the need for independent peer review of projects and better cost benefit analyses.

That bill was scheduled to come up just prior to this legislation under suspension of the rules which would have been opposed on this side by the minority, and I am pleased to see that the bill has been pulled, but, hopefully, it has only been pulled to be brought up later in the week during regular order with amendments allowed from Members on this side of the aisle who have expressed concerns regarding, again, the peer review and independent analysis of projects.

Mr. Speaker, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate my fellow Oregonian's courtesy in allowing me to speak on this; and I would rise first to express my appreciation for the leadership of our subcommittee, the gentleman from Tennessee (Mr. DUNCAN), the chairman, for the gentleman from Oregon (Mr. DEFAZIO), for work that has been done on our subcommittee this session.

This is important work, Mr. Speaker, dealing with the water resources of this country. The bill we have before us today, H.R. 5169, is an example of where we have been able to hone in on a problem to be able to deal with meaningful solutions, advance them in a bipartisan and expeditious fashion. I plan on supporting it today.

I wanted to add my voice here publicly on the floor to what I have said before our full committee and before the subcommittee, where I have expressed my appreciation for the way in which the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Oregon (Mr. DEFAZIO) have been able to bring together the disparate voices dealing with water resources. These are areas that are not without controversy. They are complex, they are expensive, and they touch the lives and livelihoods of virtually every family and every business in America. I think because of my colleagues' good work it has been given more of the attention that it deserves, not just in the aftermath of some horrendous tropical storm where maybe we have dodged a bullet or in the course of some sad scandal that appears in a newspaper where the process has broken down and it brings disrepute on our system here, and my colleagues have focused the attention of the subcommittee on how to fix the problem.

I am here today not just to support the bill and to thank them but to hope that the leadership of the full committee and of the House is mindful of what they have done, is mindful of the legislation that is in, if my colleagues will pardon the expression, the pipeline from the Subcommittee on Water Resources and Environment.

□ 1115

The most significant example of that is the Water Resources Development Act, which is 90 percent finished; and we were promised in subcommittee, at the staff level and at the full committee, an opportunity to bring these issues to the floor, to have a fair and honest debate and let the chips fall where they may.

Mr. Speaker, I am absolutely convinced that as a result of the record that the chairman and ranking member have compiled before our subcommittee, as a result of the hard work that has been done throughout the Congress and frankly in the outside world with our friends, not just in the environmental community, I have had these conversations with General Flowers since soon after his appointment, he too wants to change the way that business is done; he wants to make sure that we are respectful of the tax dollar and of the environmental concerns to bring forward a new era of water resources activities with the Corps of Engineers and with the Federal Government. But in order for that to happen, we have got to bring these issues to the floor, and we need to realign what Congress is doing.

I reject the notion that problems with water resources lie solely at the feet of the Corps of Engineers. There is over a 200-year history of that agency performing admirably. There have been problems. Some of the problems on the floor we are dealing with. Again we did this with our committee last session, dealing with the problems in the Everglades. But frankly we are putting $8.5 billion in the Everglades as a down payment to change some of what we did to it in the first place. We need to have this discussion. We need to bring the product of our subcommittee to the floor and be able to deal with these issues meaningfully and honestly.

It is time for Congress to get its act together, because frankly some of what people feel in some instances are scandals and problems with the Corps of Engineers I think are a result of past practices and the traditional cross-currents they face. In no small measure it is pressure from individual Members of Congress. We need to have this discussion here; we need to help the Corps of Engineers; we need to be part of the solution, not continuing to be part of the problem.

I conclude, Mr. Speaker, by expressing again my appreciation to the subcommittee chair and ranking member. I pledge my efforts to continue to work with them, with a group of Members of Congress who have organized the Corps Reform Caucus, to be able to make sure that this Congress does not adjourn without considering the fruits of their hard work. It is time to allow that on the floor. I look forward to working with them so that we can have other successes like we have here with H.R. 5169.

Mr. DEFAZIO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

To conclude this, let me first of all just say that I would like to thank the gentleman from Oregon for his kind comments in regard to this legislation and the WRDA bill. Most of his concerns relate to the WRDA bill, the Water Resources Development Act, which was pulled; and it is still my hope that we can reach some type of consensus agreement on that bill before this session ends. There are very serious and heartfelt concerns that Chairman YOUNG has concerning that bill and we will have to see if those can be addressed. But certainly the gentleman from Oregon has been one of the most hardworking and dedicated members of our subcommittee, and I appreciate that very much.

Also, I want to thank Chairman YOUNG, ranking member OBERSTAR, and also the gentleman from Oregon (Mr. DEFAZIO) for their work on this legislation. This is an example of the bipartisan legislation of which our full committee is so proud. We have worked together to produce a very good bill, a very necessary bill that will help wastewater treatment facilities and municipalities and local governments all over this country. I think this is legislation that all of us can support.

Mr. Speaker, I urge the passage of this bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. UPTON). The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and pass the bill, H.R. 5169.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 5169.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

MORTGAGE SERVICING CLARIFICATION ACT

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 163) to amend the Fair Debt Collection Practices Act to exempt mortgage servicers from certain requirements of the Act with respect to federally related mortgage loans secured by a first lien, and for other purposes, as amended.

The Clerk read as follows:

H.R. 163

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mortgage Servicing Clarification Act".

SEC. 2. MORTGAGE SERVICING CLARIFICATION.

(a) IN GENERAL.—The Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.) is amended—

(1) by redesignating section 818 as section 819; and

(2) by inserting after section 817 the following new section:

"§ 818. Mortgage servicer exemption

"(a) EXEMPTION.—A covered mortgage servicer who, whether by assignment, sale or transfer, becomes the person responsible for servicing federally related mortgage loans secured by first liens that include loans that were in default at the time such person became responsible for the servicing of such federally related mortgage loans shall be exempt from the requirements of section 807(11) in connection with the collection of any debt arising from such defaulted federally related mortgage loans.

"(b) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) COVERED MORTGAGE SERVICER.—The term 'covered mortgage servicer' means any servicer of federally related mortgage loans secured by first liens—

"(A) who is also debt collector; and

"(B) for whom the collection of delinquent debts is incidental to the servicer's primary function of servicing current federally related mortgage loans.

"(2) FEDERALLY RELATED MORTGAGE LOAN.—The term 'federally related mortgage loan' has the meaning given to such term in section 3(1) of the Real Estate Settlement Procedures Act of 1974, except that, for purposes of this section, such term includes only loans secured by first liens.

"(3) PERSON.—The term 'person' has the meaning given to such term in section 3(5) of the Real Estate Settlement Procedures Act of 1974.

"(4) SERVICER; SERVICING.—The terms 'servicer' and 'servicing' have the meanings given to such terms in section 6(i) of the Real Estate Settlement Procedures Act of 1974.".

(b) CLERICAL AMENDMENT.—The table of sections for the Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.) is amended—

(1) by redesignating the item relating to section 818 as section 819; and

(2) by inserting after the item relating to section 817 the following new item:

"818. Mortgage servicer exemption.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentleman from Texas (Mr. BENTSEN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. ROYCE).

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of my bipartisan legislation, H.R. 163, the Mortgage Servicing Clarification Act. This carefully written legislation addresses a specific problem for consumers and businesses involved in the mortgage servicing industry by simply clarifying the existing law governing mortgage servicing. This uncontroversial bill enjoys the support of 12 cosponsors, eight Democrats and four Republicans, and has been approved for consideration under the suspension of the rules by both the chairman and the ranking member of the Committee on Financial Services.

Mr. Speaker, I introduced this bill to fix a problem in the mortgage servicing industry which has hampered the ability of this industry to serve its clients effectively and to conduct its business efficiently for too long. Currently, when a mortgage servicing company acquires the rights to service a portfolio of home loans, it is exempt from the unnecessary strictures of the Fair Debt Collection Practices Act under the creditor exemption that was also extended to the originator of the mortgage.

The new mortgage servicer is extended this exemption because its relationship to the borrower is more like the relationship between a borrower and a lender than it is like the relationship between a borrower and a true collections agency. The law already recognizes this reality.

However, in the typical loan servicing portfolio transfer, a small percentage of the loans acquired by a new servicer will inevitably be delinquent or technically in default at the time of transfer. These loans are currently treated by the law as being subject to the Fair Debt Collection Practices Act; and subsequently the new servicers of these loans are required to provide certain form notices, known as Miranda warnings, to the borrower. The law also currently requires that in every subsequent contact, both written and oral, whether initiated by the servicer or the borrower, the servicer is required to provide a shorter, mini-Miranda notice disclosing that the communication is "an attempt to collect a debt" and that any information provided by the borrower will be used toward that end.

The purpose of these cookie-cutter warnings is to prevent unscrupulous debt collectors from using false or misleading tactics, such as a phony winning sweepstakes claim, to trick consumers into divulging private financial information or personal details like their home address or their home phone number. The Fair Debt Collection Practices Act has worked extremely well in preventing bad actors in the debt collection business from using lies and deceit to harm consumers, and this legislation would in no way prevent it from continuing to protect American consumers. However, as I have already mentioned, mortgage servicers are not like debt collectors. Their role to consumers is much more like that of a mortgage originator. And in the context of a mortgage servicing transfer, these Miranda notices are both detrimental to consumers and unnecessary and inefficient for mortgage servicers' operations.

First, the notice misleads the borrower about the nature of the relationship between him or her and the new servicer. Unlike true debt collectors, mortgage servicers have a long-term relationship with their client, and these harshly worded notices often have the effect of discouraging a borrower who is slightly late on a mortgage payment from contacting their new servicer for fear that the servicer is a true third-party debt collector. This ends up frustrating the servicer's efforts to work with delinquent borrowers on developing strategies to bring their loans current and keep their credit ratings intact. A mortgage servicer's biggest hurdle in helping delinquent borrowers to help themselves is getting them on the phone, and these threatening Miranda notices only contribute to that unnecessary fear without doing anything to help the borrower. Additionally, the information protected by the Miranda notice is information already in the servicer's possession, so nothing new is truly protected by requiring these additional legalistic and threatening notices be provided.

Finally, these warnings simply make consumers feel unnecessarily defensive and antagonistic toward their new servicer during the first step of their new association, which can have a chilling effect on the rest of their relationship. Mortgage servicers typically send these Miranda notices along with a new customer's welcome letter as required by the Real Estate Settlement Procedures Act, and this letter also includes important consumer information about the new servicer and the borrower's monthly payment arrangements. This preliminary contact is the first opportunity that a servicer has to create a positive relationship with a new client, and the harsh language used in the Miranda warning can create animosity between the servicer and the borrower where none need exist.

Additionally, because the mini-Miranda is required in all subsequent contacts, they can continue for decades, even after customers bring their loans current and keep them that way for years. H.R. 163 resolves this problem by creating a narrow exemption from Miranda notices for the servicers of federally related first lien mortgages whose primary function is servicing current loans, not collecting third-party debts. It exempts these servicers only from the Miranda notices, leaving all other borrower protections required by the Fair Debt Collection Practices Act in place.

This legislation is consistent with a longstanding recommendation from the Federal Trade Commission to improve the mortgage servicing process. I urge my colleagues on both sides of the aisle to support this bipartisan legislation to improve the mortgage servicing process for both the consumer and for the companies who serve them.

Mr. Speaker, I reserve the balance of my time.

Mr. BENTSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 163, the Mortgage Servicing Clarification Act of 2002. As an original sponsor of the bill, along with the gentleman from California (Mr. ROYCE), I want to personally thank both the gentleman from Ohio (Mr. OXLEY) and the gentleman from New York (Mr. LAFALCE), chairman and ranking member of the Committee on Financial Services, for their support and help in bringing this bill before the House on an expedited basis. I believe that this technical bill is necessary in order to protect both consumers and mortgage servicers.

The Fair Debt Collection Practices Act of 1977 is a consumer protection statute which was established in order to protect consumers from deceptive and abusive practices by third-party debt collectors. Under the Fair Debt Collection Practices Act, debt collectors are required to give certain notices to debtors regarding the nature and amount of the delinquent debt. The original intent of this notice was to ensure that the debtor understood why the collector was calling and what was owed.

While I believe that both consumers and debt collectors have benefited from this law, it has proven cumbersome for mortgage servicers who do not necessarily seek to call the note or debt. Under the act, collection activities by the original creditors were generally exempt from the FDCPA; however, third parties such as debt collectors were generally considered to be covered and are required to provide such written or oral communications to consumers. These notifications are generally referred to as Miranda warnings to the consumers.

The reason for the bill before the House is to determine whether mortgage servicers would be considered as third parties.

□ 1130

In the mortgage market, mortgages are bought and sold on a regular basis in order to provide liquidity for lending and better rates for borrowers. In some cases originators will keep loans on their books but will decide to sell the servicing rights to other parties.

This legislation was developed in response to a growing concern that some mortgage servicers were unclear as of whether these transfers were covered by the FDCPA and what the appropriate communication should be between the mortgage servicer and the consumer. Under current law when a mortgage servicer acquires the right to service a loan, the mortgage servicer is generally exempt from complying with the FDCPA because the act extends the creditor's exemption to the new servicer. However, in a typical loan-servicing transfer, a certain percentage of loans will be delinquent or in default at the time of the transfer. Even with good due diligence by the mortgage servicer there is always a possibility that a person will be in default with their mortgage at the time of the transfer.

H.R. 163 would resolve this problem by providing a narrow exemption from the FDCPA by clarifying that this exemption only applies to a mortgage servicer who acquires responsibility for servicing the mortgage by assignment, sale, or transfer. Under this exemption a mortgage servicer would not be required to provide a Miranda warning to those specified defaulted loans.

In addition, in order to protect consumers, this exemption only applies in those cases when the loan is actually in default at the time of the transfer. This means that the exemption is narrowly drawn so as to affect a small number of mortgages.

In addition, this bill ensures that this exemption only applies to collection activities in connection with these specified loans. As a result, a mortgage servicer cannot use his exemption with respect to other loans which may be in default after the transaction occurs.

I also want to point out that this legislation was modified from its original form to address every concern of consumer rights. As introduced, H.R. 163 would have provided an exemption for those mortgage servicers whose collection of delinquent debts is incidental to the servicer's primary function of servicing federally related mortgage loans.

It is interesting to note that this "incidental to servicer's primary function" was a suggestion by the Federal Trade Commission in order to clarify that mortgage servicers are exempt from the FDCPA. Both the 2000 and 2001 FTC annual report on the FDCPA include a legislative recommendation with this language.

After discussion with consumer groups and other public policy advocates, we determined that this exemption appeared overly broad and, as a result, we agreed to amend the bill to limit the exemption to only those loans which were delinquent at the time of transfer. This amendment will ensure that only a small number of loans will be covered by the exemption.

I also want to highlight that this bill does not provide an exemption from other substantive borrowers' rights. Rather, this exemption is narrowly drawn to apply only to the Miranda warning which third-party debt collectors are required to give to consumers.

This bipartisan legislation is supported by the Consumer Mortgage Coalition, the American Financial Services Association, the Mortgage Bankers Association, and the Financial Services Roundtable. I urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. ROYCE. Mr. Speaker, I yield 5 minutes to the gentleman from Alabama (Mr. BACHUS), the distinguished chairman of the Subcommittee on Financial Institutions and Consumer Credit.

Mr. BACHUS. Mr. Speaker, this bill which the gentleman from California (Mr. ROYCE) has introduced has broad support and that is bipartisan support. It also has broad cosponsorship from both sides of the aisle. The bill has been modified from an earlier version which was in the 106th Congress to address concerns raised by consumer groups. Now the Consumer Mortgage Coalition has endorsed the bill, as has the American Financial Services Association and the Mortgage Banking Association. They all support this legislation.

The bill is drafted to be consistent with the previous recommendations by the Federal Trade Commission to apply the Fair Debt Collection Practices Act protections based on the nature of the overall business conducted by the party to be exempted, rather than the status of individual obligations when the party obtained them.

H.R. 163 is even narrower than the FTC recommendation. It only exempts mortgage servicers from the Miranda notices required by Section 8071 on original first lien Federal-backed mortgages. All other borrower protections provided by the Fair Debt Collection Practices Act remain in full force.

And, finally, just to show the bipartisan nature of this effort, I want to read to a letter, just a part of a letter, explaining why the Miranda warnings are clearly appropriate for third-party debt collection activities but that they actually put borrowers at greater risk in mortgage service transfers and impair the ability of the new mortgage servicer to establish a strong customer relationship. This letter is from the gentleman from Texas (Mr. BENTSEN), the gentleman from Connecticut (Mr. MALONEY), the gentleman from Pennsylvania (Mr. KANJORSKI), the gentlewoman from New York (Mrs. MALONEY), the gentleman from California (Mr. SHERMAN), the gentlewoman from Ohio (Mrs. JONES), the gentleman from Texas (Mr. GONZALEZ), the gentlewoman from Indiana (Ms. CARSON), the gentleman from Tennessee (Mr. FORD) and the gentleman from New York (Mr. MEEKS), all Democrats, all members of the Committee on Financial Services.

Here is what they say about the present state of the law and why this bill is needed. They gave three reasons.

One, the present Miranda notice misleads the borrower about the nature of the new servicer's relationship. The most important thing a delinquent mortgage borrower can do is call his or her servicer to discuss working out options. The harshly worded Miranda actually discourages borrowers from contacting their new servicer out of fear that the company is simply another debt collector.

Second reason, the notice "protects borrowers from providing information that the mortgage servicer already has in its possession. Mortgage servicers already possess detailed information about the borrower in the loan files. There is no need for the servicer to engage in deceptive tactics to obtain information from the borrower."

Third, the notice hurts customer relationships for the remaining term of the mortgage. The mini Miranda is required in all subsequent contacts with the borrower even after customers have brought their loans current and maintained them that way for years.

Let me simply close by saying that what this committee heard is, many times, a person's mortgage servicer would change. That mortgage would be assigned and that person would get a telephone call from someone who had to identify themselves as a debt collector. The mortgage might be up, it may be current. They would have to warn the person that they were trying to collect a debt and that they were a debt collector. In fact, what they were and, in fact, in reality they are, is they were the person's mortgage servicer, and as opposed to avoiding them, what you ought to be doing is talking with them, letting them answer questions and establishing a new relationship.

In the original act, I think it was inadvertent that these Miranda warnings were applied to someone servicing a person's mortgage. This legislation will go a long way towards clearing up this confusion and protecting people who have mortgages.

Mr. BENTSEN. Mr. Speaker, I have no other requests for time, and I yield back the balance of my time.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

I thank my colleague from Texas (Mr. BENTSEN) who is the cosponsor of this legislation. I also want to thank the gentleman from Alabama (Mr. BACHUS), again, the chairman of the Subcommittee on Financial Institutions and Consumer Credit.

Mr. Speaker, I would just like to close by reiterating that this bill is a narrowly tailored bill that enjoys strong bipartisan support and the long-time support of the Federal Trade Commission. This legislation is a commonsense, consumer-friendly fix to the law, to the law that currently governs the mortgage servicing process that has been cleared for consideration under the suspension of the rules by both the gentleman from Ohio (Mr. OXLEY), chairman, and by the gentleman from New York (Mr. LAFALCE).

It does not sacrifice or alter any of the meaningful protections afforded to consumers by the Fair Debt Collection Practices Act. Rather than, it creates a narrow exemption for mortgage services whose primary function is servicing current mortgage loans, not the third-party collection of debt, from having to threaten their newest and most needy customers with a legalistic and misleading pro forma notice.

The law as it is currently written prevents these at-risk consumers from building strong relationships with their mortgage servicers, putting those consumers whose mortgages may be uncharacteristically later delinquent at the time that they are acquired at a distinct disadvantage. The exemption that this legislation creates is already extended to mortgage originators and those loans that are current at the time they are acquired by a new servicer. This legislation simply recognizes that the relationship between a mortgage servicer and a customer more closely resembles the relationship between a mortgage originator and a consumer than the relationship between a consumer and a third-party debt collector.

So, Mr. Speaker, I urge all of my colleagues to stand up for consumers and help to increase the efficiency of the mortgage servicing industry by supporting this commonsense and bipartisan legislation.

Mr. Speaker, I yield back the balance my time.

The SPEAKER pro tempore (Mr. UPTON). The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and pass the bill, H.R. 163, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

TRUTH IN LENDING INFLATION ADJUSTMENT ACT

Mr. BACHUS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5507) to amend the Truth in Lending Act to adjust the exempt transactions amount for inflation.

The Clerk read as follows:

H.R. 5507

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Truth in Lending Inflation Adjustment Act".

SEC. 2. AMOUNTS OF EXEMPT TRANSACTIONS ADJUSTED FOR INFLATION.

(a) CREDIT TRANSACTIONS OTHER THAN MORTGAGES.—Section 104(3) of the Truth in Lending Act (15 U.S.C. 1603(4)) is amended by striking "$25,000" and inserting "$75,000".

(b) CONSUMER LEASES.—Section 181(1) of the Truth in Lending Act (15 U.S.C. 1667(1)) is amended by striking "$25,000" and inserting "$75,000".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alabama (Mr. BACHUS) and the gentleman from Texas (Mr. BENTSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama (Mr. BACHUS).

GENERAL LEAVE

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material into the RECORD on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 5507, the Truth in Lending Inflation Adjustment Act. This bill makes a very modest change in the Truth in Lending Act.

This legislation adjusts for inflation the dollar threshold for transactions that are exempt from the Truth in Lending Act. The Truth in Lending Act offers great protection to consumers and, under the current law, merchants need not comply with the Truth in Lending Act for credit and leasing transactions when the amount financed exceeds $25,000. Congress set this dollar amount at $25,000 in 1968, and in the last 34 years inflation has eroded the effectiveness of the Truth in Lending Act. This bill corrects that problem and ensures that the Truth in Lending Act will once again apply to most consumer credit and leasing transactions by raising that to $75,000.

This bill will not result in significant new costs to financial institutions and merchants because most financial institutions and merchants voluntarily comply with the requirements of the Truth in Lending Act even for transactions above the current threshold of $25,000.

Let me commend the gentleman from New York (Mr. LAFALCE), Member of the other party, for his sponsorship of this legislation.

I do want to again commend, as with the previous legislation, these two consumer protection items or pieces of legislation had broad bipartisan support, once again, just a demonstration of what this Congress can do when it puts aside its differences and works together in a bipartisan way.

Mr. Speaker, I reserve the balance of my time.

☐ 1145

Mr. BENTSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say at the outset that I am standing in for the gentleman from New York (Mr. LAFALCE), who is traveling in his district and could not get back here in time this morning for this bill. I have a statement that I will put into the RECORD that actually is a statement he would have made had he been here at this time.

Mr. Speaker, I rise in support of H.R. 5507, a bill to update and enhance an important consumer protection. In 1968, Congress enacted the Truth in Lending Act to ensure that consumers receive accurate and meaningful disclosure of the cost of consumer credit. Such disclosures enable American consumers to compare credit terms and make informed credit decisions.

Prior to 1968, consumers had no easy way to determine the true cost of their credit transactions, nor did they have a basis for comparing the various creditors in the marketplace. TILA addressed this problem by providing a standardized finance cost calculation, the annual percentage rate, or APR, and by requiring creditors to provide clear and accurate disclosures of all credit terms and costs. Over the past 30 years, however, key statutory protections and remedies stated in 1968 dollars have not been updated to reflect inflation and to provide comparable protections in today's dollars.

The bill we are considering today, H.R. 5507, though modest in scope, provides the first update of an important section of TILA in 34 years. This is clearly an overdue change in the law.

TILA protections apply to all credit transactions secured by home equity and other non-business consumer loans or leases under $25,000. In 1968, this $25,000 limit on unsecured credit and lease transactions was considered more than adequate to ensure that most automobile, credit card, and personal loan transactions would be covered.

This is clearly not the case today. It is now quite common for many non-mortgage credit transactions to exceed $25,000. H.R. 5507 ensures that TILA protections will continue to apply to most consumer credit and lease transactions by raising the statutory exemption from $25,000 to $75,000. By doing so, we are providing updated protections to consumers that will ensure that a broad range of transactions are covered by TILA.

Though I welcome the overdue change provided for in H.R. 5507, I would have preferred that the agreement we reached with my Republican colleagues on the Committee on Financial Services to schedule this bill would have also included other provisions from the broader TILA modernization bill, H.R. 1054, introduced by our colleague, the gentleman from New York (Mr. LAFALCE), the ranking member of the committee.

This comprehensive bill, which he introduced at the outset of the 107th Congress and is known as the Truth in Lending Modernization Act of 2001, amends TILA to restore important consumer protections that have been weakened by inflation. It also ensures that consumers benefit from advances in accounting technology and strengthens TILA's civil liability and rescission remedies.

But I am, nonetheless, very pleased that we were able to agree on bringing up H.R. 5507 to the House today, along with H.R. 163, a bill to amend the Fair Debt Collection Practices Act, and H.R. 4005, to make the District of Columbia and the U.S. Territories part of the ongoing commemorative quarters program.

Mr. Speaker, I urge support for this long overdue legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, simply let me close by sort of reminiscing. If you think back to 1968, 1968 you could actually buy a two-bedroom home in the community I was raised in, a modest home, but you could buy a two-bedroom home in that community, for $25,000. Today, you would be hard placed to buy that for $50,000 or even $75,000.

So this act that we do pass today and hopefully the Senate will take up and pass will extend those protections, which many lenders are presently voluntarily complying with. But the ones that are not are the ones we worry about.

I want to commend, again, the gentleman from New York (Mr. LAFALCE) and the gentleman from Texas (Mr. BENTSEN). The gentleman from Ohio (Chairman OXLEY), chairman of the Committee on Financial Services, and I both support this legislation. It is part of a package of three bills that will move through the House today: this bill; the Mortgage Servicing Clarification Act, which the gentleman from California (Mr. ROYCE) sponsored and we have just disposed of; and H.R. 4005, the District of Columbia and United States Territories Circulation Quarter Dollar Program Act, which will extend that program to the District of Columbia and the Territories.

On behalf of the gentleman from Ohio (Mr. OXLEY) and myself, I urge my colleagues to support all three of these bills.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. UPTON). The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and pass the bill, H.R. 5507.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 50 minutes a.m.), the House stood in recess subject to the call of the Chair.

☐ 1305

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ADERHOLT) at 1 o'clock and 5 minutes p.m.

REAFFIRMING REFERENCE TO ONE NATION UNDER GOD IN PLEDGE OF ALLEGIANCE

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass Senate bill (S. 2690) to reaffirm the reference to one Nation under God in the Pledge of Allegiance, as amended.

The Clerk read as follows:

S. 2690

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds the following:

(1) On November 11, 1620, prior to embarking for the shores of America, the Pilgrims signed the Mayflower Compact that declared: "Having undertaken, for the Glory of God and the advancement of the Christian Faith and honor of our King and country, a voyage to plant the first colony in the northern parts of Virginia,".

(2) On July 4, 1776, America's Founding Fathers, after appealing to the "Laws of Nature, and of Nature's God" to justify their separation from Great Britain, then declared: "We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness".

(3) In 1781, Thomas Jefferson, the author of the Declaration of Independence and later the Nation's third President, in his work titled "Notes on the State of Virginia" wrote: "God who gave us life gave us liberty. And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the Gift of God. That they are not to be violated but with His wrath? Indeed, I tremble for my country when I reflect that God is just; that his justice cannot sleep forever.".

(4) On May 14, 1787, George Washington, as President of the Constitutional Convention, rose to admonish and exhort the delegates and declared: "If to please the people we offer what we ourselves disapprove, how can we afterward defend our work? Let us raise a standard to which the wise and the honest can repair; the event is in the hand of God!".

(5) On July 21, 1789, on the same day that it approved the Establishment Clause concerning religion, the First Congress of the United States also passed the Northwest Ordinance, providing for a territorial government for lands northwest of the Ohio River, which declared: "Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.".

(6) On September 25, 1789, the First Congress unanimously approved a resolution calling on President George Washington to proclaim a National Day of Thanksgiving for the people of the United States by declaring, "a day of public thanksgiving and prayer, to be observed by acknowledging, with grateful hearts, the many signal favors of Almighty God, especially by affording them an opportunity peaceably to establish a constitution of government for their safety and happiness.".

(7) On November 19, 1863, President Abraham Lincoln delivered his Gettysburg Address on the site of the battle and declared: "It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain—that this Nation, under God, shall have a new birth of freedom—and that Government of the people, by the people, for the people, shall not perish from the earth.".

(8) On April 28, 1952, in the decision of the Supreme Court of the United States in Zorach v. Clauson, 343 U.S. 306 (1952), in which school children were allowed to be excused from public schools for religious observances and education, Justice William O. Douglas, in writing for the Court stated: "The First Amendment, however, does not say that in every and all respects there shall be a separation of Church and State. Rather, it studiously defines the manner, the specific ways, in which there shall be no concern or union or dependency one on the other. That is the common sense of the matter. Otherwise the State and religion would be aliens to each other—hostile, suspicious, and even unfriendly. Churches could not be required to pay even property taxes. Municipalities would not be permitted to render police or fire protection to religious groups. Policemen who helped parishioners into their places of worship would violate the Constitution. Prayers in our legislative halls; the appeals to the Almighty in the messages of the Chief Executive; the proclamations making Thanksgiving Day a holiday; 'so help me God' in our courtroom oaths—these and all other references to the Almighty that run through our laws, our public rituals, our ceremonies would be flouting the First Amendment. A fastidious atheist or agnostic could even object to the supplication with which the Court opens each session: 'God save the United States and this Honorable Court.'".

(9) On June 15, 1954, Congress passed and President Eisenhower signed into law a statute that was clearly consistent with the text and intent of the Constitution of the United States, that amended the Pledge of Allegiance to read: "I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.";

(10) On July 20, 1956, Congress proclaimed that the national motto of the United States is "In God We Trust", and that motto is inscribed above the main door of the Senate, behind the Chair of the Speaker of the House of Representatives, and on the currency of the United States.

(11) On June 17, 1963, in the decision of the Supreme Court of the United States in Abington School District v. Schempp, 374 U.S. 203 (1963), in which compulsory school prayer was held unconstitutional, Justices Goldberg and Harlan, concurring in the decision, stated: "But untutored devotion to the concept of neutrality can lead to invocation or approval of results which partake not simply of that noninterference and noninvolvement with the religious which the Constitution commands, but of a brooding and pervasive devotion to the secular and a passive, or even active, hostility to the religious. Such results are not only not compelled by the Constitution, but, it seems to me, are prohibited by it. Neither government nor this Court can or should ignore the significance of the fact that a vast portion of our people believe in and worship God and that many of our legal, political, and personal values derive historically from religious teachings. Government must inevitably take cognizance of the existence of religion and, indeed, under certain circumstances the First Amendment may require that it do so.".

(12) On March 5, 1984, in the decision of the Supreme Court of the United States in Lynch v. Donelly, 465 U.S. 668 (1984), in which a city government's display of a nativity scene was held to be constitutional, Chief Justice Burger, writing for the Court, stated: "There is an unbroken history of official acknowledgment by all three branches of government of the role of religion in American life from at least 1789 . . . [E]xamples of reference to our religious heritage are found in the statutorily prescribed national motto 'In God We Trust' (36 U.S.C. 186), which Congress and the President mandated for our currency, see (31 U.S.C. 5112(d)(1) (1982 ed.)), and in the language 'One Nation under God', as part of the Pledge of Allegiance to the American flag.

That pledge is recited by many thousands of public school children—and adults—every year . . . Art galleries supported by public revenues display religious paintings of the 15th and 16th centuries, predominantly inspired by one religious faith. The National Gallery in Washington, maintained with Government support, for example, has long exhibited masterpieces with religious messages, notably the Last Supper, and paintings depicting the Birth of Christ, the Crucifixion, and the Resurrection, among many others with explicit Christian themes and messages. The very chamber in which oral arguments on this case were heard is decorated with a notable and permanent—not seasonal—symbol of religion: Moses with the Ten Commandments. Congress has long provided chapels in the Capitol for religious worship and meditation.''.

(13) On June 4, 1985, in the decision of the Supreme Court of the United States in Wallace v. Jaffree, 472 U.S. 38 (1985), in which a mandatory moment of silence to be used for meditation or voluntary prayer was held unconstitutional, Justice O'Connor, concurring in the judgment and addressing the contention that the Court's holding would render the Pledge of Allegiance unconstitutional because Congress amended it in 1954 to add the words ''under God,'' stated ''In my view, the words 'under God' in the Pledge, as codified at (36 U.S.C. 172), serve as an acknowledgment of religion with 'the legitimate secular purposes of solemnizing public occasions, [and] expressing confidence in the future.' ''.

(14) On November 20, 1992, the United States Court of Appeals for the 7th Circuit, in Sherman v. Community Consolidated School District 21, 980 F.2d 437 (7th Cir. 1992), held that a school district's policy for voluntary recitation of the Pledge of Allegiance including the words ''under God'' was constitutional.

(15) The 9th Circuit Court of Appeals erroneously held, in Newdow v. U.S. Congress, (9th Cir. June 26, 2002) that the Pledge of Allegiance's use of the express religious reference ''under God'' violates the First Amendment to the Constitution, and that, therefore, a school district's policy and practice of teacher-led voluntary recitations of the Pledge of Allegiance is unconstitutional.

(16) The erroneous rationale of the 9th Circuit Court of Appeals in Newdow would lead to the absurd result that the Constitution's use of the express religious reference ''Year of our Lord'' in Article VII violates the First Amendment to the Constitution, and that, therefore, a school district's policy and practice of teacher-led voluntary recitations of the Constitution itself would be unconstitutional.

SEC. 2. ONE NATION UNDER GOD.

(a) REAFFIRMATION.—Section 4 of title 4, United States Code, is amended to read as follows:

''§4. Pledge of allegiance to the flag; manner of delivery

''The Pledge of Allegiance to the Flag: 'I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.', should be rendered by standing at attention facing the flag with the right hand over the heart. When not in uniform men should remove any non-religious headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Persons in uniform should remain silent, face the flag, and render the military salute.''.

(b) CODIFICATION.—In codifying this subsection, the Office of the Law Revision Counsel shall show in the historical and statutory notes that the 107th Congress reaffirmed the exact language that has appeared in the Pledge for decades.

SEC. 3. REAFFIRMING THAT GOD REMAINS IN OUR MOTTO.

(a) REAFFIRMATION.—Section 302 of title 36, United States Code, is amended to read as follows:

''§302. National motto

'' 'In God we trust' is the national motto.''.

(b) CODIFICATION.—In codifying this subsection, the Office of the Law Revision Counsel shall make no change in section 302, title 36, United States Code, but shall show in the historical and statutory notes that the 107th Congress reaffirmed the exact language that has appeared in the Motto for decades.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 2690, the Senate bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Senate 2690 would amend section 4 of title 4 of the U.S. Code to reaffirm the text of the Pledge of Allegiance, including the phrase, "one Nation under God," and section 302 of title 36 to reaffirm the text of the national motto, "In God we trust."

It is an accepted legal principle that government acknowledgment of the religious heritage of the United States is consistent with the meaning of the establishment clause of the first amendment. The U.S. Supreme Court has repeatedly affirmed this principle in its rulings.

Yet, on June 26, 2002, a three-member panel of the United States Court of Appeals for the Ninth Circuit held unconstitutional, in Newdow v. U.S. Congress, a California school district's policy and practice of teacher-led voluntarily recitation of the Pledge of Allegiance, concluding that the use of the phrase "one Nation under God" violates the establishment clause of the first amendment.

The Newdow ruling is troubling because its analysis to reflect a belief that any religious reference presents an inherent danger to individuals who hear it, the result of which would be the banishment of all such references from the public arena. Clearly, this is inconsistent with any reasonable interpretation of the establishment clause of the first amendment. Thus, it has become necessary for Congress to reaffirm its understanding that the text of both the Pledge and our national motto are legally and historically consistent with a reasonable interpretation of the first amendment.

Immediately following the Newdow ruling, on June 27, 2002, the House of Representatives passed House Resolution 459, which I introduced, expressing the sense of the House that the Newdow case was erroneously decided by the Ninth Circuit and that the court should agree to rehear the ruling en banc. H. Res. 459 passed the House of Representatives by a 416-3 vote.

By passing Senate 2690, the House will join the Senate in reaffirming its commitment to our Nation's pledge and motto and also reaffirm that the myriad of ways in which Federal, State and local governments acknowledge America's religious heritage and its consistency with both historical practice and legal precedent.

I urge Members to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I come from a State that has a long tradition in supporting religious freedom. In fact, it was Thomas Jefferson of Virginia who wrote the Virginia Statute for Religious Freedom which precedes the first amendment of the Constitution.

Today's exercise is totally gratuitous, as nothing we do here will change the underlying law. This is because we are dealing with constitutional issues that cannot be altered by statute. If the Judicial branch ultimately finds the Pledge or the national motto to be constitutional, then nothing needs to be done. If, on the other hand, the courts ultimately find either to be unconstitutional, no law that we pass will change that.

Although I tend to agree with the dissent in the Newdow case regarding the Pledge of Allegiance, I believe the reasoning of the majority opinion in that case was sound. In that case the Supreme Court applied three different tests that have been applied in the last 50 years in evaluating the establishment clause cases.

One test was whether the phrase "under God" in the Pledge constitutes an endorsement of religion. The majority opinion says it was an endorsement of one view of religion, monotheism and, therefore, was an unconstitutional endorsement.

Another test was whether the individuals were coerced into being exposed to the religious message, and the majority opinion concluded that the Pledge was unconstitutional because young children "may not be placed in the dilemma of either participating in a religious ceremony or protesting."

Finally, the court applied the Lemon test, part of which holds that a law violates the establishment clause if it has no secular or nonreligious purpose. For example, cases involving a moment of silence in public schools, some of those laws have been upheld if the law allows silent prayer as one of the many activities that can be done in silence. But courts have stricken laws in which a moment of silent prayer is added to existing moments of silence because that law has no secular purpose.

The court concluded that the 1954 law which added "under God" to the existing Pledge had no secular purpose and, therefore, was unconstitutional.

Mr. Speaker, I indicated that I tended to agree with the dissent in the case. The operative language in the dissent which persuaded me was, "Legal world abstractions and ruminations aside, when all is said and done, the danger that 'under God' in our Pledge of Allegiance will tend to bring about a theocracy or suppress someone's belief is so minuscule as to be de minimis. The danger that phrase represents to our first amendment's freedoms is picayune at best."

Mr. Speaker, unfortunately, our actions today may cause the courts to review the sentiments behind "one Nation under God" or "In God We Trust" because if the courts look at the importance that we apparently affix to "one Nation under God" or "In God We Trust," then it diminishes the argument that the phrase has de minimis meaning and increases the constitutional vulnerability of the use of that phrase in the Pledge.

Furthermore, the court may look at the legislation under the Lemon test and find that this exercise has no secular purpose and is, therefore, unconstitutional. The section of bill referring to "In God We Trust" as the national motto appears to be vulnerable to the same constitutional attack as the phrase "under God" in the Pledge. Those attacks gain validity because of our actions today.

Mr. Speaker, let me just close with a quote from an editorial that appeared in the Christian Century, a non-denominational Protestant weekly, which a good friend was kind enough to send me. It reads, "To the extent 'under God' has real religious meaning, then it is unconstitutional. The phrase is constitutional to the extent that it is religiously innocuous. Given that choice, we side with the Ninth Circuit. We see no need, especially for Christians, to defend hollow references to an innocuous God." For those reasons, I urge Members to oppose this legislation.

Mr. SHOWS. Mr. Speaker, in 1776 the great American patriot Thomas Paine wrote, "These are the times that try men's souls."

But right now we are living in times that try men's souls. These are times when our faith is being tested as never before.

Even as we contend with the aftermath of the September 11th attacks, three judges in California decide that our Pledge of Allegiance is unconstitutional because it includes the words, "Under God."

The values we teach at home and church are universal and should not be left outside the schoolhouse door, or outside of where we work and play every day.

"One Nation Under God" is the foundation of our Pledge of Allegiance. "In God We Trust" is our national motto and should be engraved in our national conscience. I am not afraid to say, "In God We Trust" wherever and whenever I want. All Americans should have that right.

My father, Clifford Shows, was one of those captured as a Prisoner of War at the Battle of the Bulge in World War II. He stands tall when our Flag is displayed. There is nothing more un-American than denying our children the right to honor the symbol of the very freedom we all enjoy today.

The California court ruling flies in the face of every veteran who sacrificed his or her life to protect this nation. The Court's ruling was a disgrace and our people deserve better.

In the 106th Congress I introduced a resolution that encourages "In God We Trust" to be posted prominently in all public and government buildings, just like it is in my own office, right next to the Ten Commandments.

I wrote this bipartisan resolution with the direct assistance of the Reverend Donald Wildmon of the American Family Association. And I re-introduced it as H. Res. 15 on the first day of the 107th Congress.

This issue is too important to let partisan politics get in the way, and I am happy that we are today considering a measure that reiterates the importance of our National Motto, and the presence of God in our lives.

Let's adopt an "In God We Trust" resolution today—for our families and for our nation.

Mr. SCOTT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the Senate bill, S. 2690, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1315

FEDERAL AGENCY PROTECTION OF PRIVACY ACT

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4561) to amend title 5, United States Code, to require that agencies, in promulgating rules, take into consideration the impact of such rules on the privacy of individuals, and for other purposes.

The Clerk read as follows:

H.R. 4561

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Agency Protection of Privacy Act".

SEC. 2. REQUIREMENT THAT AGENCY RULEMAKING TAKE INTO CONSIDERATION IMPACTS ON INDIVIDUAL PRIVACY.

(a) IN GENERAL.—Title 5, United States Code, is amended by adding after section 553 the following new section:

"§ 553a. Privacy impact analysis in rulemaking

"(a) INITIAL PRIVACY IMPACT ANALYSIS.—

"(1) IN GENERAL.—Whenever an agency is required by section 553 of this title, or any other law, to publish a general notice of proposed rulemaking for any proposed rule, or publishes a notice of proposed rulemaking for an interpretative rule involving the internal revenue laws of the United States, the agency shall prepare and make available for public comment an initial privacy impact analysis. Such analysis shall describe the impact of the proposed rule on the privacy of individuals. The initial privacy impact analysis or a summary shall be signed by the senior agency official with primary responsibility for privacy policy and be published in the Federal Register at the time of the publication of a general notice of proposed rulemaking for the rule.

"(2) CONTENTS.—Each initial privacy impact analysis required under this subsection shall contain the following:

"(A) A description and assessment of the extent to which the proposed rule will impact the privacy interests of individuals, including the extent to which the proposed rule—

"(i) provides notice of the collection of personally identifiable information, and specifies what personally identifiable information is to be collected and how it is to be collected, maintained, used, and disclosed;

"(ii) allows access to such information by the person to whom the personally identifiable information pertains and provides an opportunity to correct inaccuracies;

"(iii) prevents such information, which is collected for one purpose, from being used for another purpose; and

"(iv) provides security for such information.

"(B) A description of any significant alternatives to the proposed rule which accomplish the stated objectives of applicable statutes and which minimize any significant privacy impact of the proposed rule on individuals.

"(b) FINAL PRIVACY IMPACT ANALYSIS.—

"(1) IN GENERAL.—Whenever an agency promulgates a final rule under section 553 of this title, after being required by that section or any other law to publish a general notice of proposed rulemaking, or promulgates a final interpretative rule involving the internal revenue laws of the United States, the agency shall prepare a final privacy impact analysis, signed by the senior agency official with primary responsibility for privacy policy.

"(2) CONTENTS.—Each final privacy impact analysis required under this subsection shall contain the following:

"(A) A description and assessment of the extent to which the final rule will impact the privacy interests of individuals, including the extent to which the proposed rule—

"(i) provides notice of the collection of personally identifiable information, and specifies what personally identifiable information is to be collected and how it is to be collected, maintained, used, and disclosed;

"(ii) allows access to such information by the person to whom the personally identifiable information pertains and provides an opportunity to correct inaccuracies;

"(iii) prevents such information, which is collected for one purpose, from being used for another purpose; and

"(iv) provides security for such information.

"(B) A summary of the significant issues raised by the public comments in response to the initial privacy impact analysis, a summary of the assessment of the agency of such issues, and a statement of any changes made in the proposed rule as a result of such issues.

"(C) A description of the steps the agency has taken to minimize the significant privacy impact on individuals consistent with the stated objectives of applicable statutes, including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the privacy interests of individuals was rejected.

"(3) Availability to public.—The agency shall make copies of the final privacy impact analysis available to members of the public and shall publish in the Federal Register such analysis or a summary thereof.

"(c) Procedure for Waiver or Delay of Completion.—An agency head may waive or delay the completion of some or all of the requirements of subsections (a) and (b) to the same extent as the agency head may, under section 608, waive or delay the completion of some or all of the requirements of sections 603 and 604, respectively.

"(d) Procedures for Gathering Comments.—When any rule is promulgated which may have a significant privacy impact on individuals, or a privacy impact on a substantial number of individuals, the head of the agency promulgating the rule or the official of the agency with statutory responsibility for the promulgation of the rule shall assure that individuals have been given an opportunity to participate in the rulemaking for the rule through techniques such as—

"(1) the inclusion in an advance notice of proposed rulemaking, if issued, of a statement that the proposed rule may have a significant privacy impact on individuals, or a privacy impact on a substantial number of individuals;

"(2) the publication of a general notice of proposed rulemaking in publications of national circulation likely to be obtained by individuals;

"(3) the direct notification of interested individuals;

"(4) the conduct of open conferences or public hearings concerning the rule for individuals, including soliciting and receiving comments over computer networks; and

"(5) the adoption or modification of agency procedural rules to reduce the cost or complexity of participation in the rulemaking by individuals.

"(e) Periodic Review of Rules.—

"(1) In general.—Each agency shall carry out a periodic review of the rules promulgated by the agency that have a significant privacy impact on individuals, or a privacy impact on a substantial number of individuals. Under such periodic review, the agency shall determine, for each such rule, whether the rule can be amended or rescinded in a manner that minimizes any such impact while remaining in accordance with applicable statutes. For each such determination, the agency shall consider the following factors:

"(A) The continued need for the rule.

"(B) The nature of complaints or comments received from the public concerning the rule.

"(C) The complexity of the rule.

"(D) The extent to which the rule overlaps, duplicates, or conflicts with other Federal rules, and, to the extent feasible, with State and local governmental rules.

"(E) The length of time since the rule was last reviewed under this subsection.

"(F) The degree to which technology, economic conditions, or other factors have changed in the area affected by the rule since the rule was last reviewed under this subsection.

"(2) Plan required.—Each agency shall carry out the periodic review required by paragraph (1) in accordance with a plan published by such agency in the Federal Register. Each such plan shall provide for the review under this subsection of each rule promulgated by the agency not later than 10 years after the date on which such rule was published as the final rule and, thereafter, not later than 10 years after the date on which such rule was last reviewed under this subsection. The agency may amend such plan at any time by publishing the revision in the Federal Register.

"(3) Annual publication.—Each year, each agency shall publish in the Federal Register a list of the rules to be reviewed by such agency under this subsection during the following year. The list shall include a brief description of each such rule and the need for and legal basis of such rule and shall invite public comment upon the determination to be made under this subsection with respect to such rule.

"(f) Judicial Review.—

"(1) In general.—For any rule subject to this section, an individual who is adversely affected or aggrieved by final agency action is entitled to judicial review of agency compliance with the requirements of subsections (b) and (c) in accordance with chapter 7. Agency compliance with subsection (d) shall be judicially reviewable in connection with judicial review of subsection (b).

"(2) Jurisdiction.—Each court having jurisdiction to review such rule for compliance with section 553, or under any other provision of law, shall have jurisdiction to review any claims of noncompliance with subsections (b) and (c) in accordance with chapter 7. Agency compliance with subsection (d) shall be judicially reviewable in connection with judicial review of subsection (b).

"(3) Limitations.—

"(A) An individual may seek such review during the period beginning on the date of final agency action and ending 1 year later, except that where a provision of law requires that an action challenging a final agency action be commenced before the expiration of 1 year, such lesser period shall apply to an action for judicial review under this subsection.

"(B) In the case where an agency delays the issuance of a final privacy impact analysis pursuant to subsection (c), an action for judicial review under this section shall be filed not later than—

"(i) 1 year after the date the analysis is made available to the public; or

"(ii) where a provision of law requires that an action challenging a final agency regulation be commenced before the expiration of the 1-year period, the number of days specified in such provision of law that is after the date the analysis is made available to the public.

"(4) Relief.—In granting any relief in an action under this subsection, the court shall order the agency to take corrective action consistent with this section and chapter 7, including, but not limited to—

"(A) remanding the rule to the agency; and

"(B) deferring the enforcement of the rule against individuals, unless the court finds that continued enforcement of the rule is in the public interest.

"(5) Rule of construction.—Nothing in this subsection shall be construed to limit the authority of any court to stay the effective date of any rule or provision thereof under any other provision of law or to grant any other relief in addition to the requirements of this subsection.

"(6) Record of agency action.—In an action for the judicial review of a rule, the privacy impact analysis for such rule, including an analysis prepared or corrected pursuant to paragraph (4), shall constitute part of the entire record of agency action in connection with such review.

"(7) Exclusivity.—Compliance or noncompliance by an agency with the provisions of this section shall be subject to judicial review only in accordance with this subsection.

"(8) Savings clause.—Nothing in this subsection bars judicial review of any other impact statement or similar analysis required by any other law if judicial review of such statement or analysis is otherwise permitted by law.

"(g) Definition.—For purposes of this section, the term 'personally identifiable information' means information that can be used to identify an individual, including such individual's name, address, telephone number, photograph, social security number or other identifying information. It includes information about such individual's medical or financial condition.".

(b) Periodic Review Transition Provisions.—

(1) Initial plan.—For each agency, the plan required by subsection (e) of section 553a of title 5, United States Code (as added by subsection (a)), shall be published not later than 180 days after the date of the enactment of this Act.

(2) In the case of a rule promulgated by an agency before the date of the enactment of this Act, such plan shall provide for the periodic review of such rule before the expiration of the 10-year period beginning on the date of the enctment of this Act. For any such rule, the head of the agency may provide for a 1-year extension of such period if the head of the agency, before the expiration of the period, certifies in a statement published in the Federal Register that reviewing such rule before the expiration of the period is not feasible. The head of the agency may provide for additional 1-year extensions of the period pursuant to the preceding sentence, but in no event may the period exceed 15 years.

(c) Congressional Review.—Section 801(a)(1)(B) of title 5, United States Code, is amended—

(1) by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively; and

(2) by inserting after clause (ii) the following new clause:

"(iii) the agency's actions relevant to section 553a;".

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of title 5, United States Code, is amended by adding after the item relating to section 553 the following new item:

"553a. Privacy impact analysis in rulemaking.".

The SPEAKER pro tempore (Mr. ADERHOLT). Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4561, the Federal Agency Protection of Privacy Act. Throughout my tenure as chairman of the Committee on the Judiciary, I have worked to strike a proper balance between laws designed to preserve the safety and security of Americans and those which needlessly compromise our civil liberties. The Federal Agency Protection of Privacy Act helps preserve this balance.

H.R. 4561 requires that rules noticed by Federal agencies for public comment under the Administrative Procedure Act be accompanied by an initial privacy impact assessment which explains how the proposed rule will affect personal privacy. The issuing agency would then receive public views on the privacy impact of the proposed rule and issue a final privacy impact analysis which explains how the Federal agency will obtain, utilize, and safeguard personally identifiable information.

Importantly, the bill contains a judicial review provision to ensure that Federal agencies adhere to its requirements. In this respect H.R. 4561 mirrors regulatory enhancements to the Regulatory Flexibility Act, which require Federal agencies to consider the potential impact of proposed legislation and regulations on small businesses. Furthermore, unlike existing Federal statutes which protect against the unauthorized disclosure of personal information obtained by the Federal Government, the Federal Agency Protection of Privacy Act prospectively ensures that Federal agencies consider the privacy impact of proposed rules before they become binding Federal regulations.

This bill reflects a spirit of commitment to privacy rights by providing the American public a mechanism which simply requires an agency to give advanced notice and opportunity to comment on how rules issued by Federal agencies will affect their personal privacy. As such, it reaffirms our fidelity to the fundamental civil liberties cherished by all Americans.

Mr. Speaker, this measure enjoys broad bipartisan support on the Committee on the Judiciary and is endorsed by as diverse a group of organizations ranging from the American Civil Liberties Union to the National Rifle Association. I urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 4561, the Federal Agency Protection of Privacy Act. I believe this legislation will improve the regulatory process and protect Americans from unjustified or unintended invasions of privacy. Individuals are required to provide detailed personal information while conducting a variety of everyday activities including credit card purchases, Internet usage, medical care, financial transactions, and the delivery of basic government services. Public transmission of this information further heightens the potential of identity fraud, a growing problem which impacted more than 700,000 Americans last year.

While the Identity Theft and Assumption Deterrence Act of 1988 was enacted to address this problem, the FBI stated that identity theft remains America's fastest-growing white collar crime. Under this legislation, Federal agencies must consider the impact of proposed regulations on individual privacy. They will be required to include an initial privacy impact analysis with proposed regulations that are circulated for public notice and final privacy impact analysis that describes the steps that were taken to minimize the significant privacy impact of proposed regulations and justifies any alternative with respect to privacy that was chosen by the agency. In addition, the bill provides judicial review of the adequacy of an agency's final privacy impact, similar to that provided by the Regulatory Flexibility Act for small businesses. Essentially, the bill requires agencies to take responsibility for privacy concerns of individual citizens.

At a time when identity theft and misuse of personal information is rampant, increasing this bill will go a long way in protecting the American citizens from victimization. That is why it is supported by broad bipartisan, diverse political and philosophical organizations, such as the ones the chairman mentioned. I support the legislation and strongly urge my colleagues to support it.

Mr. BARR of Georgia. Mr. Speaker, on April 21, 2002, I introduced H.R. 4561, the "Federal Agency Protection of Privacy Act." I was pleased to be joined by several cosponsors on the Subcommittee on Commercial and Administrative Law, including the distinguished Ranking Member MEL WATT, and Representatives CHABOT, GEKAS, NADLER, and GREEN. Since its introduction, the bill has garnered the support of an additional 37 members of Congress, including Judiciary Committee Chairman F. JAMES SENSENBRENNER, JR., Ranking Member JOHN CONYERS, and several other distinguished members of Congress.

It is clear that this bill's many cosponsors do not agree on every issue. In fact, many observers have been particularly impressed by the political diversity of its legislative sponsors. The same can be said of the bill's non-congressional supporters, which include groups ranging from the National Rifle Association to the Electronic Privacy Information Center—from the Eagle Forum to the American Civil Liberties Union.

Supporters share a commitment to protecting the privacy cherished by American citizens—a value increasingly imperiled in an information age in which personal information is captured and compiled, manipulated and misused, bought and sold in ways unimagined just a few years ago. The sphere of privacy, which Justice Brandeis eloquently described as the "right to be let alone," is not only rapidly diminishing, it is increasingly penetrable. Special care is necessary to ensure that personal information remains personal, absent a sound reason to treat it otherwise.

This value is neither Republican nor Democratic; liberal or conservative, it is an American value.

The Federal Agency Protection of Privacy Act takes the first—necessary—step toward protecting the privacy of information collected by the federal government, by requiring that rules noticed for public comment by federal agencies be accompanied by an assessment of the rule's impact on personal privacy interests, including the extent to which the proposed rule provides notice of the collection of personally identifiable information, what information will be obtained, and how this information will be collected, protected, maintained, used and disclosed.

H.R. 4561 further provides that final rules be accompanied by a final privacy impact analysis, which indicates how the issuing agency considered and responded to privacy concerns raised by the public, and explains whether the agency could have taken an approach less burdensome to personal privacy.

Unlike existing laws protecting against the disclosure of information already obtained by the federal government, the Federal Agency Protection of Privacy Act provides prospective notice of a proposed rule's effect on privacy before it becomes a binding regulation.

While some have decried the loss of personal privacy by private companies, it must be emphasized government alone has the authority to compel the disclosure of personal information; and unlike a private commercial gatherer of personal data, the government can put you in jail based on what it uncovers. For this reason, the government has an obligation to exercise greater responsibility when enacting policies which undermine privacy rights. An earlier version of this measure was introduced last Congress by Representative CHABOT, a fellow member of the Committee on the Judiciary, and a strong defender of privacy rights.

Importantly, H.R. 4561 permits individuals adversely affected by an agency's failure to follow its provisions to seek judicial review pursuant to the provisions of the Administrative Procedure Act.

In this respect, the bill tracks amendments to the Regulatory Flexibility Act championed by Representative GEKAS, which provide for judicial review of rules issued without regard to their impact on small businesses. Mr. Speaker, I can say, without hesitation, privacy is no less important to American citizens than regulatory burdens are to American businesses, and this measure reflects this recognition.

Earlier in the Congress, the Judiciary Committee played a central role in House consideration of the Department of Homeland Security. Several pro-privacy provisions which I authorized, including the creation of a Privacy Officer at the new Department, and a prohibition against the creation of national identification cards were reported by the Judiciary Committee and adopted by the Select Committee on Homeland Security. While I continue to support the creation of a federal department dedicated to homeland security, we must continue to ensure the privacy rights of all Americans are not needlessly compromised by the government, and the Federal Agency Protection of Privacy Act helps maintain this vigilance.

Finally, I want to emphasize H.R. 4561 will not unduly burden regulators nor will it hinder law enforcement. The Federal Agency Protection of Privacy Act will apply the best antiseptic—sunshine—to the federal rulemaking process by securing the public's right to know about how rules will affect their personal privacy. It also ensures that citizens have the opportunity not only to critique the substance of a rule, but to do so with an understanding of the reasoning and justification upon which the rule was predicated by the federal government.

Mr. Speaker, recent polls reflect growing public unease about the diminishing sphere of privacy brought about by rapid technological and social change. The Federal Agency Protection of Privacy Act helps address these concerns by providing the American public with a modest, although necessary mechanism which requires federal agencies to give advance notice, and an opportunity to comment, on how rules issued by federal agencies will affect their personal privacy.

Mr. Speaker, throughout my tenure in Congress, I have striven to keep faith with my sworn obligation to protect and preserve the Constitution of the United States. This precious document, which secures our fundamental rights and liberties, will endure as a charter of freedom only as long as there are those with the fidelity to live by it and the courage to defend it. Of the several philosophical foundations which undergird the Bill of Rights, the right to privacy provides a central, organizing principle which gives content to the substantive protections contained in our Founding document.

I believe I have done my part to uphold this body's sacred obligation to preserve the sanctity of our Constitution, and urge my colleagues to do the same by supporting the Federal Agency Protection of Privacy Act.

Mr. SCOTT. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4561.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL COMMUNITY ROLE MODELS WEEK

Mr. DAN MILLER of Florida. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 409) supporting the goals and ideals of National Community Role Models Week, and for other purposes.

The Clerk read as follows:

H. CON. RES. 409

Whereas individuals who are motivated every day by traditional American values such as selflessness, compassion, dedication, courage, and integrity have a positive effect on society by encouraging others to act in a similar manner;

Whereas individuals in local communities located throughout the United States embody these values in their daily work, communities, and homes;

Whereas children and adults would benefit from learning about individuals in their community who embody these values and about what motivates them;

Whereas because children learn and act by examples they experience on a daily basis, they need role models from their local community with whom they can realistically relate;

Whereas inspiring stories about an individual that a child knows or might meet in the community can make a difference in that child's decisions and life;

Whereas the Recognizing Achievement—Rewarding Excellence Foundation (R.A.R.E. Foundation) based in Troy, Michigan, has established a program to recognize exceptional people who work in the community and further educate children in the community about such people;

Whereas the R.A.R.E. Foundation is willing to provide guidance to any community interested in starting such a program; and

Whereas National Community Role Models Week is a fitting tribute to the many individuals who displayed motivation, selflessness, compassion, dedication, courage, and integrity during the aftermath of the terrorist attacks against the United States which occurred on September 11, 2001: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) supports the goals and ideals of National Community Role Models Week;

(2) commends the Recognizing Achievement—Rewarding Excellence Foundation based in Troy, Michigan, for establishing a program to recognize exceptional people who work in the community and further educate children in the community about such people; and

(3) encourages the establishment of similar programs in communities throughout the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. DAN MILLER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. DAN MILLER).

GENERAL LEAVE

Mr. DAN MILLER of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 409.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. DAN MILLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker I am pleased to have the House consider House Concurrent Resolution 409. I commend the distinguished gentleman from Michigan (Mr. KNOLLENBERG) for introducing this measure and working so hard to bring it to the floor.

I am a co-sponsor of this important resolution that expresses the support of the House of Representatives for the goals and ideals of the National Community Role Models Week. This resolution encourages communities to adopt programs that recognize local heroes and educate children about them.

In addition, this resolution recognizes an organization of southeastern Michigan that has established a program to recognize outstanding community residents and teach children about work ethic values and accomplishments. Since 1998 the Recognizing Achievement-Rewarding Excellence, or RARE, Foundation of Troy, Michigan, has identified hundreds of unsung heroes in the Detroit Metropolitan area. Some award winners include an entrepreneur who built a successful company that teaches moderately handicapped people to live on their own, a receptionist who created a care program for the spouses of terminally ill employees, and a principal of an elementary school located in a poverty-stricken and drug-impacted neighborhood who led the school to achieve the national Blue Ribbon award.

Children need role models today more than ever. A role model from a child's family or community can make a great difference in a child's life. Although we often hear inspiring stories about famous individuals, we seldom publicly recognize exceptional people in our communities who can better relate to kids. There are many working individuals in our local communities who are motivated every day by values such as selflessness, compassion, dedication, courage, and integrity. Although these people could be a wonderful role model for children in their communities, their efforts are seldom publicly recognized; and as a result, people in the community cannot benefit from not knowing about them. Since children learn by examples they experience on a daily basis, they need role models from their local community.

More than rock stars or sports figures, these individuals can better inspire children to think about their personal heroes and reflect upon their dreams and aspirations. It is essential that we validate and promote at a local level the exceptional values possessed by many individuals within our communities. Establishing an annual week for identifying role models in our local communities would remind us how each individual, no matter his or her profession, plays a vital role in the greatness of this Nation. I commend the RARE Foundation for establishing a program to recognize community role models, and I encourage other communities to establish similar programs. I ask my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join with the gentleman from Florida (Mr. DAN MILLER) in considering Con. Res. 409, supporting the goals and ideals of National Community Role Models Week, and for other purposes.

Mr. Speaker, H. Con. Res. 409 supports the goals of National Community Role Models Week and the Recognizing Achievement-Rewarding Excellence Foundation, the RARE Foundation.

While today's athletes and entertainers have inspiring stories of perseverance, endurance, and dedication and are indeed noteworthy individuals, they are often far removed from the lives that young people live. However, parents, teachers, nurses, crossing guards, the so-called working stiff, ordinary everyday people are the people that interact and touch the lives of young people on a daily basis. People that go to work every day to earn an honest living that provide a service and do so in a professional manner, these are the individuals that often are overlooked, but fortunately not during National Community Role Models Week. These individuals are motivated every day by traditional American values such as selflessness, compassion, dedication, courage, and integrity. They embody these values in their daily work, in their communities, and in their homes.

Not only should these individuals, the neighbor, dentist, baker, shopkeeper, Sunday school teacher, scout leader, the lady down the block who teaches children, young girls how to bake, how to cook, how to sew, all of these individuals should be honored during National Community Role Models week but every day they touch the lives of children in a very positive and enduring way. The "working stiff" as they are often called, the average person, is indeed a national treasure and should be treated as such. There are thousands and thousands of individuals throughout our country who give of themselves on a daily basis in such a way as to empower, enlighten and enrich the lives of others and especially of children. And when they do so, we must recognize that they are role models and should be treated as such. So I am pleased to join in support of this resolution and urge its passage.

Mr. Speaker, I yield back the balance of my time.

Mr. DAN MILLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

I urge adoption of House Concurrent Resolution 409. This legislation supports the goals and ideals of the National Community Role Models Week. It also commends those unsung heroes, community role models who make a difference in the lives of children and inspire all of us. I thank the RARE Foundation of Troy, Michigan, for recognizing community role models.

Mr. KNOLLENBERG. Mr. Speaker, more than anything else, the tragic events of September 11 helped our Nation realize that it is blessed with so many wonderful heroes—not only the firefighters and other emergency personnel that were on the scene but countless others all over the Nation in our communities who demonstrate daily remarkable deeds of character, integrity and bravery.

I have introduced this legislation because I believe children must learn to recognize the strong role models that live in their local communities. Children need to understand that they are important and can make a difference no matter their occupation. Although we often hear inspiring stories about famous celebrities, sports figures, and civil leaders, we seldom publicly recognize exceptional people right in our own neighborhoods and communities with whom children can more readily relate.

The legislation before us today encourages communities to adopt programs that recognize local heroes and educate children about them, and supports the goals and ideals of a National Community Role Models Week.

Establishing an annual week for identifying role models in our local communities would remind us how each individual, no matter his or her profession, plays a vital role in the greatness of this Nation.

There are many working individuals in our local communities who are motivated every day by values such as selflessness, compassion, dedication, courage, and integrity. Although these people could be wonderful role models for children in their communities, their efforts are seldom publicly recognized and, as a result, people in the community cannot benefit from knowing about them.

As children learn and act by examples they experience on a daily basis, they need role models from their local community with whom they can realistically relate. More than rock stars or sports figures, these individuals can better inspire children to think about their personal heroes and reflect upon their own dreams and aspirations.

An organization in Troy, Michigan, the RARE (Recognizing Achievement—Rewarding Excellence) Foundation, has established a program to recognize outstanding community residents and teach children about their work ethic, values and accomplishments. The Foundation helps children develop a sense of purpose and hope for their future by providing inspirational examples of ordinary people with traditional jobs who make extraordinary contributions.

Since its inception, the RARE Foundation has identified hundreds of unsung, silent heroes in the Detroit Metropolitan area. Some award winners include: an entrepreneur who built a successful company that teaches moderately handicapped people to live on their own; an apartment maintenance supervisor who risked his life to save tenants from a fire; a receptionist who created a care program for the spouses of terminally ill employees; detectives who worked for years during evenings and weekends to solve a murder; a principal of an elementary school located in a poverty-stricken and drug impacted neighborhood who led the school to achieve the national Blue Ribbon award. These individuals hold ordinary jobs but distinguish themselves with their extraordinary dedication, persistence and compassion.

Earlier this year, RARE Foundation teamed up with the Detroit News and sent brochures to 19,000 classrooms throughout the State of Michigan asking students to write essays nominating the person who is their hero. The News received 600 essays in response and selected winners. During the week of September 11, the Detroit News sent a 20-page supplement to schools that contained the winning essays, articles about RARE Award Winners and a teacher's guide for teaching the qualities and characteristics of heroism.

Heroes in the eyes of 4th through 8th graders included: well-loved elementary school principals, local philanthropists, challenging and supportive teachers, school secretaries, venerable coaches, youth pastors, dentists, nurses, doctors, judges, veterans, and family members.

H. Con. Res. 409 encourages communities to adopt similar programs that recognize local heroes and educate children about them.

Children in need role models today more than ever in our history, and the role model in the family or next-door is immeasurably more important than the famous. It is essential that we validate and promote at a local level the exceptional values possessed by many individuals within our communities. Ideally, a national role models week would surround September 11 each year to memorialize the remarkable heroism and compassion displayed by so many after the terrible attack on our country. Establishing an annual week for identifying role models in our local communities would remind us how each individual, no matter his or her profession, plays a vital role in the progress of this nation.

I encourage my colleagues to support this resolution.

Mr. DAN MILLER of Florida. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. DAN MILLER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 409.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUGUSTUS F. HAWKINS POST OFFICE BUILDING

Mr. DAN MILLER of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2578) to redesignate the facility of the United States Postal Service located at 8200 South Vermont Avenue in Los Angeles, California, as the "Augustus F. Hawkins Post Office Building.".

The Clerk read as follows:

H.R. 2578

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION.

The facility of the United States Postal Service located at 8200 South Vermont Avenue in Los Angeles, California, shall be known and redesignated as the "Augustus F. Hawkins Post Office Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the "Augustus F. Hawkins Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. DAN MILLER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. DAN MILLER).

□ 1330

GENERAL LEAVE

Mr. DAN MILLER of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2578.

The SPEAKER pro tempore (Mr. ADERHOLT). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. DAN MILLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to have the House consider H.R. 2578, introduced by our distinguished colleague, the gentlewoman from California (Ms. WATERS), that designates the facility of the United States Postal Service located in Los Angeles as the Augustus F. Hawkins Post Office Building. Members of the entire House delegation from the State of California are cosponsors of this legislation.

This legislation honors a former Member of the House who preceded our colleague, the gentlewoman from California (Ms. WATERS), in what was the 29th Congressional District of California.

Congressman Augustus Hawkins was elected to 14 consecutive terms to this House on behalf of the people of South Central Los Angeles.

He rose through the ranks of this body and ultimately chaired the Committee on Education and Labor in the 1980s. Prior to his term in the House of Representatives, he served 28 years in the California State Assembly, a body in which he was the only black member for the greater part of his tenure.

Mr. Speaker, this legislation honors a man who devoted more than five decades of public service to the people of California. For that reason, I urge all Members to support the adoption of H.R. 2578.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Committee on Government Reform, I am indeed pleased to join my colleagues in consideration of H.R. 2578, which names a post office in Los Angeles, California, after former Representative Augustus Hawkins. H.R. 2578 was introduced by the distinguished gentlewoman from California (Ms. WATERS) on July 19, 2001, and enjoys the support and cosponsorship of the entire California delegation.

Augustus Freeman Hawkins was born in Shreveport, Louisiana, in 1907 and moved with his parents to Los Angeles in 1918. He received a public school education and graduated from the University of California at Los Angeles and the University of Southern California.

From 1935 to 1962, Mr. Hawkins served as a member of the California State Assembly. He served on the important Committee on Rules during part of his tenure in the Assembly and began his focus on education, labor and employment issues.

In 1963, Augustus Hawkins was elected to Congress as a Democrat representing the 29th Congressional District in California. In 1971, he joined 12 other African American Members of Congress and formally established the Congressional Black Caucus, a coalition of African American Members of the House dedicated to achieving greater equality for persons of African descent.

During his tenure in Congress, Gus Hawkins served as chairman of the Committee on House Administration and the Committee on Education and Labor. The 1990 Almanac of American Politics describes Chairman Hawkins' mindset: "His convictions are that government programs can help and have helped the poor and middle class; that aid to education has strengthened the Nation; that Federal job programs have made the difference between a productive life and an idle one; and that the government has a responsibility to give jobs to those who cannot find employment in the private sector."

To that end, Chairman Hawkins coauthored the Humphrey-Hawkins Full Employment and Balanced Growth Act of 1978, legislation designed to promote genuine and sustainable recovery and a full employment society.

Representative Hawkins also served as Chairman of the Joint Committee on Printing and Joint Committee on the Library. He retired at the end of the 101st Congress.

Mr. Speaker, I commend my good friend, the gentlewoman from California (Ms. WATERS), for seeking to honor Chairman Augustus Freeman Hawkins by naming a post office after him in Los Angeles, California.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. I thank the gentleman from Illinois (Mr. DAVIS) for yielding me time.

Mr. Speaker, I am pleased that this bill is being considered today. As it has been stated, it would rename the post office at 8200 South Vermont Avenue, which is California's 35th Congressional District, after Representative Augustus Hawkins. Representative Augustus Hawkins represented this district for nearly 30 years.

Mr. Speaker, this is a small gesture to a truly great man. Congressman Hawkins was a distinguished Member of this House. He worked hard, and he carried the respect of all those who worked with him.

Again, he was first elected to the California State Assembly in 1935. He served in the Assembly for almost 28 years. In 1962, he was elected to the U.S. House of Representatives and was California's first African American Member of Congress. He served a total of 13 terms.

Throughout his career, Gus focused on education, labor and employment issues. He served as chairman of the Committee on House Administration for 4 years. He also sat on the House Education and Labor Committee.

However, it is for his work on monetary and economic policies that he is often talked about. He teamed up with Senator Humphrey to sponsor the Full Employment and Balanced Growth Act of 1978. One aspect of the bill, which has become known as the Humphrey-Hawkins Report, required the Chairman of the Federal Reserve to report to the House and Senate Banking Committees on the economy and monetary policy twice a year. This report has become one of the most important speeches given by the Federal Reserve Chairman.

While the statute has officially expired, the report is still provided to Congress and remains a benchmark for evaluating the economy.

In 1971, though already in office for nearly a decade, Congressman Hawkins joined 12 other African American Members of Congress to establish the Congressional Black Caucus. Today, only the gentleman from New York (Mr. RANGEL) and the gentleman from Michigan (Mr. CONYERS) of the pioneering group remain in the House.

Over the past 31 years, the CBC has grown in influence and in size. Today, we have 38 Members from all over the country. The CBC owes much of its success to Gus Hawkins and the other founding members.

In 1991, after 14 terms in Congress, Congressman Hawkins decided to retire. I was fortunate enough to be elected to serve in the district that he had represented so well for so many years.

Recently, Congressman Hawkins partnered with Dr. Vinetta C. Jones, the Dean of Howard University School of Education, to form the Black Education Leadership Summit. The group is comprised of education, civil rights, nonprofit, business and community groups that seek to remove the public education debate beyond rhetoric-based theory. The ultimate goal of the group is to develop and enhance the education of all African American students.

I certainly appreciate the work of Congressman Augustus Hawkins, and I am very pleased and proud to represent the 35th Congressional District, that area which he served so admirably for so long.

I would like to just close by giving my very fond thoughts about the length of time that I have known Congressman Hawkins. The conversations that we have had over the years helped me to understand that not only do I have a responsibility to come to this body and represent my constituents in the absolutely best way that I possibly can, but Congressman Hawkins taught me to "trace the money."

He came home often, and he always went to city hall to find out what they were doing with the Federal funds that we were sending down there. I learned to pay attention to that. Because of Gus Hawkins, even today I am tracing the dollars from the CDBG Grants, Section 108 loan guarantees and other areas of government where we appropriate money that goes into the local government to be disbursed.

It was because of Gus Hawkins that I think our city began to do a better job of making sure, as Gus said, that all of the money was not concentrated downtown, that the money got out into the communities and out to the district that he represented, and certainly to the district that I now represent.

Again, I am pleased and proud to be a part of the efforts here today to name this Post Office after a most deserving gentleman, Congressman Augustus Hawkins.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. WATSON).

Ms. WATSON of California. Mr. Speaker, I rise in strong support of H.R. 2578, the naming of a post office after Gus Hawkins. I just want to tell my colleagues this personally. My father, who has long been deceased, did the first fund-raiser for Gus Hawkins. They raised all of $75, and that was a lot of money in those days.

During a time of renewed interest in public service, Gus's career and life epitomized the importance and the impact of serving one's fellow man for the betterment of our country and way of life. A champion of children, poor people, working people, senior citizens, and minorities, he expressed his views about public service by stating: "The leadership belongs not to the loudest, not to those who beat the drums or blow the trumpets, but to those who day in and day out work for the practical realization of a better world."

Still living, and we are so proud that he is with us, he was born in Louisiana in 1907. He moved with his family to Los Angeles when he was 11 to escape racial discrimination. He received degrees from UCLA, my alma mater, and USC and began his legislative career in 1935 in the California Assembly where he served for 28 years, often as its only black member. And to get him there in 1935, that $75 went a long way.

Gus faithfully served this House from 1963 to 1991; and during his tenure, he served as chairman of the Committee on Education and the Committee on House Administration. He is the author of more than 17 Federal laws, including the title VII of the Civil Rights Act establishing the Equal Employment Opportunity Commission, the Job Training Partnership Act, and the School Improvement Act, which revamped virtually all major elementary and secondary education programs.

Gus once recounted that he wanted to be remembered as one who simply loved children. I recall a telephone call I got from him just a few months ago. He was very concerned about the Leave No Child Behind Act.

As he continues to open his heart to others, today we open our hearts to Gus Hawkins and the officially named post office in Los Angeles. He is a friend, he is a mentor, and he is someone who simply loves children and their parents. He is very deserving of this honor.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just close by indicating that Representative Hawkins was indeed and is indeed a legend. Between the time that he spent in the California Assembly and the time that he spent here in the halls of Congress, he must have spent much more than half of his life in representative positions. I think that that is indeed rare, and it is my pleasure to urge passage of this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. DAN MILLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge all Members to support this measure.

Mr. ABERCROMBIE. Mr. Speaker, I rise today to join in paying tribute to a great American. Former Congressman Augustus Hawkins was not only a pioneer in breaking a race barrier of the House of Representatives, he was also a pioneer in economic and unemployment reform.

Congressman Hawkins was well respected by both sides of the aisle for his sincerity, dedication hard work, and commitment to helping those less fortunate. He sponsored numerous laws that created jobs and insured civil rights. He was a forceful advocate of Federal support of education.

During his years in Congress, Mr. Hawkins' most notable accomplishments included the establishment of the Equal Employment Opportunity Commission in Title VII of the Civil Rights Act of 1964, and the Full Employment and Balanced Growth Act of 1978.

Mr. Speaker, I join with my colleagues in wishing Congressman Hawkins a happy 95th birthday, which he celebrated earlier this year. it is fitting that we name a postal facility after Congressman Hawkins so that Californians and Americans can long remember his legacy. Let us not only look back at his accomplishments and his patriotism, let us look forward and wish him many more healthy and happy years.

Ms. NORTON. Mr. Speaker, I rise to support giving long overdue honor to a man who will be remembered as a great chair of the Committee on Education and Labor. "Gus" Hawkins, as he was affectionately called, will be remembered for many significant federal laws that he authored. His name has become synonymous with the Humphrey-Hawkins Act to set our country on the course in pursuit of the often-elusive balance between full employment, balanced growth, and minimal inflation. However, I want speak especially to Chairman Hawkins' work as the author of Title VII of the Civil Rights Act, which established the Equal Employment Opportunity Commission.

I had the good fortune to chair the EEOC during a period when Gus Hawkins was chair of the House Education and Labor Committee. I came to the agency when it was only ten years old and had had a rocky management tenure. Faced with no experience in handling large numbers of complicated cases, the Commission had developed a crippling backlog. The EEOC was fortunate during that period, and later during my own tenure, to have in chairman. Hawkins a dedicated, no nonsense taskmaster who insisted that the agency reform itself so that it could deliver the equal job opportunity the statute envisioned. It fell to me to institute the restructuring and the reform of the EEOC beginning in 1977, but that process had the advantage of the determine and very knowledgeable oversight of a chairman who knew what needed to be done and made sure that all of us did our best to do it.

Chairman Hawkins' name is synonymous with hard work and an encyclopedic understanding of the most important domestic agencies and statutes affecting health, welfare, education, and equal opportunity in our society. His work in the California Assembly and here in the Congress is replete with examples of his leadership and education to the needs of working people, the unemployed, children, and minorities. He was the author of such land mark legislation as the School Improvement Act, which made the federal government an important factor in elementary and secondary education for the first time. He was a founding member of the Congressional Black Caucus.

However, when a man has been the author of more than seventeen federal laws, it is difficult to overestimate his importance in American legislative history. Mr. Hawkins was an understated man but his legislative achievements are legendary. He is not a man who would have sought to have a building named after him. Instead many bills bear his name, as he would prefer. Never the less, let this House add the name of Augustus Hawkins to a post office allowing many more to know his work and become aware of the significance of Gus Hawkins in our history.

Mr. DAN MILLER of Florida. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. DAN MILLER) that the House suspend the rules and pass the bill, H.R. 2578.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

FRANCIS DAYLE "CHICK" HEARN POST OFFICE

Mr. DAN MILLER of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5340) to designate the facility of the United States Postal Service located at 5805 White Oak Avenue in Encino, California, as the "Francis Dayle 'Chick' Hearn Post Office."

The Clerk read as follows:

H.R. 5340

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FRANCIS DAYLE "CHICK" HEARN POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 5805 White Oak Avenue in Encino, California, shall be known and designated as the "Francis Dayle 'Chick' Hearn Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Francis Dayle "Chick" Hearn Post Office.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. DAN MILLER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. DAN MILLER).

GENERAL LEAVE

Mr. DAN MILLER of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5340.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. DAN MILLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to have the House consider H.R. 5340, introduced by our esteemed colleague, the gentleman from California (Mr. SHERMAN), that designates the facility of the United States Postal Service located in Encino, California, as the Francis Dayle "Chick" Hearn Post Office Building.

Mr. Speaker, all Americans were saddened to hear that Chick Hearn, the renowned play-by-play announcer of the National Basketball Association's Los Angeles Lakers passed away on August 5 of this year. He was unquestionably one of the most adored and distinctive sports broadcasters in American history.

"Chick" Hearn's record of broadcasting longevity is astonishing. Since the 1960s, he called over 3,300 Lakers games, plus numerous University of Nevada at Las Vegas basketball games, many college and professional football games, and even the first Muhammad Ali-Joe Frazier boxing match. His continued excellence earned him the nickname the "Golden Throat."

It was remarkable that, despite leaving the Laker's announcing booth last December because he had to undergo heart surgery, he valiantly returned to call the Lakers playoff games all the way through to their third consecutive NBA championship this past summer.

While his longevity in the broadcasting booth is well known, many outside of California may not realize that scores of basketball phrases were in fact invented by the colorful Chick Hearn. He made famous terms that are now pervasive in basketball vernacular such as "air ball," "finger roll," "give and go," and even "slam-dunk."

Mr. Speaker, naming a Post Office after Francis Dayle "Chick" Hearn is a fitting tribute to a man who was as beloved and appreciated as Chick Hearn was. Therefore, I urge all Members to adopt H.R. 5340.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. SHERMAN), the sponsor of this legislation.

□ 1345

Mr. SHERMAN. Mr. Speaker, I thank the gentleman from Illinois for yielding me this time, and I thank the House of Representatives and particularly the Committee on Government Reform for moving this bill to the House floor in record time.

We are here to honor a man who epitomized the spirit, the unity, and the joy of life, of living in southern California, a man who was the best reason to buy a transistor radio, perhaps the best reason to live in southern California, and perhaps the best reason to be an NBA fan. We knew how much he meant to us, but we did not fully know until he died last August 5. He had broadcast 3,338 consecutive games between November 1965 and December 2001. Not only did he broadcast those consecutive games, but his total number of games called reached 3,362.

In addition to broadcasting those Lakers games, he also broadcast NCAA basketball and football games, NFL football games, UNLV basketball, and the first Ali-Frazier fight. He won two Emmy awards, three Golden Mike awards, two National Sportscaster of the Year awards, seven California Sportscaster of the Year awards, and a star on Hollywood Boulevard's Walk of Fame. He was also inducted into the basketball Hall of Fame and the American sportscasters Hall of Fame.

No one in this country I think influenced the poetry of basketball to the extent of Chick Hearn. He invented or popularized the terms we all are familiar with: slam dunk, air ball, finger roll, give and go, and one other phrase that I will use at the conclusion of my remarks.

Francis Dayle Hearn was born in Buda, Illinois, on November 27, 1916. He was a talented athlete, but a car accident ended his semi-pro basketball career in the 1930s. While playing in Aurora, Illinois, his affable response to a practical joker's placing of a dead chicken in his locker won him the nickname Chick, the name that we all in Los Angeles came to know him by.

He served in the Army in the South Pacific during World War II and after the war became a sportscaster in Aurora and Peoria, Illinois. In 1956 he moved to Los Angeles to cover college football and basketball for CBS radio and NBC television. He joined the Lakers in their first season in Los Angeles and became the voice of basketball for southern California.

Chick is survived by his wife, Marge, a granddaughter and a great granddaughter. Chick and Marge were residents for many decades in the San Fernando Valley and have lived in Encino for well over 20 years. This bill will rename their local post office the "Francis Dayle 'Chick' Hearn Post Office."

Mr. Speaker, this legislation, of course, enjoys the support of not only the Lakers organization, but the entire California delegation. I talked to Marge earlier today and she asked me, What are the chances that this bill will pass this House today? And I said, Marge, "it's in the refrigerator. The door's closed, the light's out, the eggs are cooling, the butter's getting hard, and the Jello's jiggling."

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as she might consume to the gentlewoman from California (Ms. WATSON).

Ms. WATSON of California. Mr. Speaker, I come to support two champions who will have post offices named after them.

First I would like to support H.R. 5340 and sportscaster legend Chick Hearn. I represented the Lakers for many a year in Inglewood while Chick Hearn was at his finest, and I feel very close to that voice even in death, because his was the voice representing a real sportsman's spirit; and he was able to educate, train, and mentor almost everyone who heard him in sportsmanship.

As the gentleman from California (Mr. SHERMAN) expressed, he coined many phrases that are used today. Our younger people will grow up parroting those phrases and appreciating good sportsmanship and good women in sports as well. Our women's basketball team played in that same sports arena while I represented that area; and I am so very, very proud of what he was able to put forth to them in the line of sportsmanship and in the line of broadcasting what good sports was all about.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

As a member of the House Committee on Government Reform, I am pleased to join with my colleagues in consideration of H.R. 5340, which names a Post Office in Encino, California after the late Francis Dayle "Chick" Hearn. Mr. Speaker, H.R. 5340, which enjoys the support and cosponsorship of the entire California delegation, was indeed introduced by the gentleman from California (Mr. SHERMAN) on September 5, 2002.

Francis Hearn was born in the great State of Illinois in the city of Aurora. He attended Bradley University and was given the nickname "Chick" when, as an AAU basketball player, he found a chicken inside a box of sneakers.

Chick Hearn began his career in Los Angeles, California, broadcasting the University of Southern California football and basketball games. He went on to do night and radio sports, winning Emmy awards along the way. In 1961, Chick began play-by-play announcing for the Los Angeles Lakers, a job he held for over 30 years. During his Lakers career, Chick Hearn became one of the most recognizable voices in the industry and the greatest basketball announcer of all time. His great announcing gave birth to "Chickisms," as it was called. These were comments Chick made while broadcasting the games. Some of his greatest comments were: "The mustard's off the hot dog," "He's in the popcorn machine," "slam dunk," "air ball," "This game's in the refrig."

A man of much commentary, Chick Hearn earned a Cable ACE Award, Best Sports Play-by-Play in 1988, and a star on Hollywood Boulevard's "Walk of Fame." He was the recipient of a Golden Mike award, six California Sportscaster of the Year awards, and three Southern California Sports Broadcasters Association awards. His greatest honor came when he was inducted into the basketball Hall of Fame in 1991. Sadly, he passed away on August 5, 2002, from injuries suffered in a fall.

Mr. Speaker, I commend the gentleman from California (Mr. SHERMAN) for seeking to honor Chick Hearn by naming a post office after him in Encino, California; and I urge the swift passage of this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. DAN MILLER of Florida. Mr. Speaker, I urge adoption of this measure, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ADERHOLT). The question is on the motion offered by the gentleman from Florida (Mr. DAN MILLER) that the House suspend the rules and pass the bill, H.R. 5340.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

☐ 1400

EXPRESSING SUPPORT FOR PRESIDENT'S 2002 NATIONAL DRUG CONTROL STRATEGY

Mr. SOUDER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 569) expressing support for the President's 2002 National Drug Control Strategy to reduce illegal drug use in the United States.

The Clerk read as follows:

H. RES. 569

Whereas nearly 20,000 Americans, many of them children, die of drug-induced deaths, more than 52,000 Americans die from drug-related causes, and more than 600,000 Americans visit hospital emergency rooms for drug-related episodes every year;

Whereas the United States has for years been one of the largest consumers of illegal drugs in the world;

Whereas more than 50 percent of high school seniors have experimented with an illegal drug at least once prior to graduation, 2,800,000 Americans are considered to be "dependent" on illegal drugs, and an additional 1,500,000 are in the less severe "abuser" category;

Whereas the societal costs, including lost productivity, of the illegal drug problem in America have reached a staggering $160,000,000,000 per year;

Whereas the United States is experiencing a dramatic increase in the potency of marijuana and sharply escalating use of drugs such as methamphetamines, "club drugs" such as MDMA ("ecstasy") and abuse of legally prescribed drugs such as Oxycontin;

Whereas the Office of National Drug Control Policy within the Executive Office of the President was established by the National Narcotics Leadership Act of 1988 to coordinate the Nation's overall counter-narcotics efforts;

Whereas the United States has consistently and firmly supported a "balanced" approach in the war on drugs, and the National Drug Control Strategy for 2002 calls for stopping drug use before it starts through education and community action, healing America's drug users by getting treatment resources where they are needed, and disrupting the market by attacking the economic basis of the drug trade;

Whereas more than 5,000 community anti-drug coalitions across America have been created to bring together parents, teachers, coaches, mentors, business leaders, faith-based organizations, and Federal, State, and local governments to reduce drug use through effective grassroots efforts;

Whereas the President of the United States has directed the Secretary of Health and Human Services and the Attorney General to better define and address the so-called "treatment gap" in America through increased and more effective drug treatment facilities across America and by convincing nearly 90 percent of drug abusers, particularly adolescents, that they in fact need help;

Whereas the National Youth Anti-Drug Media Campaign plays an important role in reducing drug use and social disapproval of drugs;

Whereas there is a well-established link between the profits from the illegal drug trade and the financing of many of the world's leading terrorist organizations, including the Taliban, al-Qaeda, and the Fuerzas Armadas Revolucionarias de Colombia (FARC), and the illegal narcotics trade has contributed directly to social and political instability and loss of innocent life in democratic nations in the Andean region and around the world;

Whereas the United States Government and the House of Representatives are working closely with allied nations to stop the international production and transit of illegal drugs and promote alternative development and means of economic growth;

Whereas the capabilities of the United States Coast Guard, the United States Customs Service, and the United States Border Patrol are critical to our Nation's drug interdiction efforts and must be maintained at no less than their current levels;

Whereas Federal, State, and local law enforcement agencies are working diligently to enforce laws prohibiting the use of illegal drugs and to interdict illegal drug traffic to the United States;

Whereas the Supreme Court of the United States decisively reaffirmed that the Controlled Substances Act is binding national law in United States v. Oakland Cannabis Buyers' Collective, 532 U.S. 483 (2001); and

Whereas the use of illegal drugs has been decisively rejected by the American people as inconsistent with the general welfare of the United States and individual dignity: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its support for the President of the United States and the Office of National Drug Control Policy in the goal to reduce drug use in America by 10 percent during the next 2 years and 25 percent during the next 5 years;

(2) calls on all Americans to join in the effort to prevent, reduce, and reject illegal drug use in America by talking to children about the dangers and consequences of illegal drug use and encouraging other responsible adults to do the same in their families and communities;

(3) calls on the President, the Secretary of State, the Secretary of Defense, the Attorney General, the Secretary of the Treasury, the Secretary of Health and Human Services, the Secretary of Transportation, the Director of the Office of National Drug Control Policy, and the heads of subsidiary agencies (including the Drug Enforcement Administration, the United States Customs Service, the United States Coast Guard, and the Substance Abuse and Mental Health Administration) to work together to effectively implement the 2002 National Drug Control Strategy and continue to seek ways to improve the coordination among Federal, State, and local governments, nonprofit organizations, corporations, foreign governments, and private citizens to reduce the demand for international supply of illegal drugs in the United States;

(4) expresses its sense that narcotics control is an integral part of homeland security and should be a priority mission for any new Department of Homeland Security;

(5) commends all Federal, State, and local government personnel working to combat illegal drug use in the United States, as well as community leaders who seek to make a difference across the United States; and

(6) reaffirms the sense of the House of Representatives against any use of narcotic and other drugs in a manner inconsistent with the Controlled Substances Act.

The SPEAKER pro tempore (Mr. ADERHOLT). Pursuant to the rule, the gentleman from Indiana (Mr. SOUDER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

GENERAL LEAVE

Mr. SOUDER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. SOUDER. Mr. Speaker, I yield myself such time as I may consume.

This resolution expresses the support of the House for the President's National Drug Control Strategy as well as for the work of the many individuals across America, in the government and in the private sector, who dedicate themselves to controlling and preventing drug abuse and helping drug abusers.

I introduced this resolution in my capacity as chairman of the Subcommittee on Criminal Justice, Drug Policy, and Human Resources, joined by, as original cosponsor, the ranking member, the gentleman from Maryland (Mr. CUMMINGS). I very much appreciate his bipartisan support for this resolution and on so many other issues during this Congress.

I would also like to recognize the continued work of my co-chairs on the Speakers' Task Force for a Drug-Free America, the gentleman from Ohio (Mr. PORTMAN), the gentleman from Florida (Mr. MICA), as well as the gentleman from Illinois (Mr. DAVIS), who has been a great member and asset to our subcommittee.

I believe it is also appropriate to take a moment to recognize the lifelong work on drug control of the vice-chairman of the subcommittee, the gentleman from New York (Mr. GILMAN), the former chairman of the Committee on International Relations. He has tirelessly advocated vigorous efforts to stop drug abuse and trafficking and protect American youth throughout his distinguished career, and his unwavering leadership in this House will be sorely missed, especially on this issue.

As the resolution details, drug abuse continues to be a serious problem in America today. The death of nearly 20,000 Americans this year will be caused directly by illegal drugs. Fifty-two thousand Americans will die of drug-related causes, and more than 600,000 Americans visit hospital emergency rooms for drug-related episodes every year.

In the past year, we have redirected the focus of the vast apparatus of the Federal Government to the threat of catastrophic terrorism. I want to remind my colleagues, however, that day-to-day and town-by-town, the slow, deadly, painful, and disruptive toll of illegal drug use continues unabated. Today, in addition to the continued tremendous challenge of holding the line on traditional drugs like cocaine and heroin, we also face emerging threats such as high potency marijuana, which many know as "BC Bud," the growth of methamphetamine use, the so-called "club drugs" like Ecstasy, and increased abuse of the prescription drug Oxycontin.

Earlier this year, President Bush and Director Walters of the Office of National Drug Control Policy released the National Drug Control Strategy to detail the administration's approach to reducing drug use in America. It is a balanced strategy that calls for stopping drug use before it starts through education and community action, healing America's drug users by getting treatment resources where they are needed, and disrupting the market by attacking the economic basis of the drug trade through interdiction and vigorous law enforcement.

As part of the strategy, the President has set the aggressive goal of reducing drug use in America by 10 percent during the next 2 years and 25 percent during the next 5 years. This resolution expresses the support of the House for the balanced strategy set forth, as well as the goal of a measurable reduction of illegal drug use in America. I believe that meeting these specific goals will be a challenge but that the House should strongly support the effort to restore accountability and performance measurement to the Nation's drug control programs.

I also believe that the House should express its support for the tireless and often thankless work which so many Americans do every day to combat illegal drug traffic and abuse within our country and around the world.

Whether it be a drug counsellor who helps the addicted, the DEA agent who risks his or her own life to fight the often violent drug cartels, the community coalition leader who tries to keep kids from starting drug use, the Customs, Immigration, or Border Patrol officer on the front line at the border, the doctor or nurse who offers the medical help, the Coastie on the water in the transit zone, the local cop, the Foreign Service officer in a source country, or even the mother who reports suspicious activity on her block, these and countless other Americans work every hour of every day to fight illegal drugs. We ought to recognize and thank them. This resolution does that.

The resolution also expresses the sense of the House that narcotics control should continue to be a priority mission for the new Department of Homeland Security, as well as our continued opposition to any use of narcotics not permitted by the Controlled Substances Act, the basic Federal law prohibiting use of illegal drugs.

Finally, I want to note that this resolution calls on all Americans to join in a united effort to fight drug use in our communities. This is especially true of our parents, who we want to urge to talk to their children about the dangers and consequences of illegal drug use and encourage others to do so in their families and communities.

We have seen how increased vigilance to threats to our society and way of life can help make us safer as a Nation, and I hope that families and communities can do the same with respect to parenting and drug use.

I urge my colleagues to support the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very pleased to join with the gentleman from Indiana (Chairman SOUDER) in consideration of House Resolution 569, a bill expressing support for the President's 2002 National Drug Control Strategy to reduce illegal drug use in the United States.

I also want to commend the gentleman from Indiana for his outstanding leadership on this issue and especially for the convening of a field hearing in Chicago, where I live. I have appreciated the work that the gentleman has done; and, as I have indicated, I am pleased to join with him in consideration of this legislation.

Mr. Speaker, I include for the RECORD the statement of the gentleman from Maryland (Mr. CUMMINGS), who is the ranking member, and for whom I am actually filling in, in the presentation of this matter.

The statement referred to is as follows:

Mr. CUMMINGS. Mr. Speaker, I rise in favor of H. Res. 569, expressing support for the President's 2002 National Drug Control Strategy. As the Ranking Minority Member of the drug policy subcommittee, I'm happy to join with my chairman, the gentleman from Indiana, as an original cosponsor of this resolution.

As the War on Terror, homeland security, possible war with Iraq, and other issues dominate headlines, it is important that the American people, we in Congress, and the various state, federal and local agencies involved in the War on Drugs remain vigilant with regard to illegal drug control. Illegal drugs still claim many more American lives than terrorist attacks and they are responsible for much of the violent crime and property crimes that undermine the stability and safety of communities across the country, including my own city of Baltimore.

The increasing linkage between illegal drug trafficking and the financing of terrorist activities makes it all the more imperative that we keep our eye on the ball and not let the war on drugs slip as a national priority. Chairman SOUDER and I share this concern and worked together in the Government Reform Committee on a provision in the homeland security bill to create a high-level position within the new department that will be responsible and accountable for coordination of drug control functions within and outside the new department. A similar provision has been included in the bill approved by the whole House and I would urge our colleagues in the other body to preserve it.

Mr. Speaker, the President deserves credit for making drug control a high priority in his administration. The national drug control strategy unveiled in February by the President and Office of National Drug Control Policy Director John Walters reflects a balanced and thoughtful approach to combating the drug problem. It recognizes that U.S. demand for drugs is the root of our domestic drug problem, identifying U.S. demand-reduction as a "central focus." Consistent with this recognition, the strategy boldly states the goal of reducing domestic drug use by ten percent over two years, and by 25 percent over 5 years.

The strategy further reflects a recognition of the essential role that treatment plays in reducing drug-demand. The President's proposed drug control budget includes a $1.6 billion increase in drug treatment funding over 5 years, in addition to a solid commitment to the Drug Free Communities Program, the National Youth Anti-Drug Campaign, drug courts, and other vital demand-reduction programs.

In the areas of treatment and domestic law enforcement, the President's strategy reflects an emerging pragmatic consensus around the concept that drug treatment and law enforcement are most effective when approached as complementary rather than competing objectives. The criminal justice system must work in concert with treatment initiatives in order to achieve positive long-term outcomes for users, addicts, and communities afflicted with drugs and drug-related crime.

This is the approach vindicated by a recent, groundbreaking drug-treatment study, focusing on Baltimore, entitled "Steps to Success." Commissioned by Baltimore Substance Abuse Systems, Inc., and conducted by a blue-ribbon panel of experts from Johns Hopkins University, the University of Maryland, and Morgan State University, the study showed that a substantial increase in funding for drug treatment resulted not only in dramatic decrease in addiction and abuse, but also in equally dramatic reductions in emergency-room deaths, HIV/AIDS transmission, and both violent and property crimes. "Steps to Success" is the most thoroughly researched study of its kind and should put to rest the notion that treatment dollars are not dollars well spent. This is a lesson that communities nationwide can benefit from.

Mr. Speaker, I want to thank the gentleman from Indiana, Mr. SOUDER, for his constructive leadership on the drug policy subcommittee and in bringing this resolution to the floor. I know we both look forward to continuing to work together, and with Director Walters, in maintaining our government's focus on the critical goal of reducing illegal drug use.

Mr. DAVIS of Illinois. Mr. Speaker, last year the Chicago Defender published an article entitled "Cook County Drug Offenders Lose Out in Drug Treatment Revival."

Though the article focused on Cook County in Illinois, it brought to the forefront a national trend towards treatment for drug offenders. Troubled by the devastating impact of drugs on the criminal justice system, the courts are diverting more drug offenders away from prisons, mandating instead that they enroll in substance abuse rehabilitation programs.

Keevin Irons, for example, a 41-year-old native of suburban Chicago Heights, had been hooked on drugs for 20 years when a Cook County circuit judge gave him 4 years' probation on a drug possession charge and ordered him to 28 days in a residential treatment center.

Mr. Irons said of the treatment that was aimed at getting him to recognize the patterns of abuse in his life, and I quote, "Treatment has brought me a long way to learn about my disease and what made me do the things that I did. I see my life differently now. I can go out to society and be a productive citizen. Recovery is a beautiful thing."

Mr. Speaker, recovery is a beautiful thing, which is why I am pleased to see that President Bush's 2002 National Drug Control Strategy includes over $850 million for various drug prevention programs and an additional $1.6 billion over the next 5 years for drug treatment programs.

This money, and more, is sorely needed to address the devastating impact of drugs on the criminal justice system. More and more addicts are streaming into the system than it can help. The problem is particularly acute in Cook County, where the drug caseload has exceeded those of other Illinois counties. Cook County drug offenders are far less likely to receive drug treatment as part of their probation than those in Illinois' other 101 counties, shown by an investigation by the Chicago Reporter.

According to the Illinois Department of Corrections, the number of prison sentences for drug crimes increased more than 12-fold from 1983 to 1999, when 13,766 drug offenders were sentenced to prison. Once discharged, about 40 percent of them will end up back in prison within 3 years.

Furthermore, drug users are among the most active perpetrators of other crimes. Nearly two-thirds of jailed inmates nationwide said they used drugs regularly prior to their arrest, and about one in six committed their current offense to sustain a drug habit, according to a 2000 study by the Department of Justice.

In response to this, as the Chicago Defender reported, States are moving away from incarceration to initiatives such as drug courts. Drug courts divert offenders to treatment, but they also impose penalties for misbehavior. The drug courts program uses the coercive power of the court to force abstinence and alter behavior through a combination of escalating sanctions, mandatory drug testing, treatment, and strong aftercare programs.

The 2002 drug strategy provides an additional $2 million for drug court programs, bringing the total to $52 million for fiscal year 2003. According to the 1997 National Treatment Improvement Evaluation Study by the U.S. Department of Health and Human Services, such treatment programs cut illicit drug use by 48 percent and reduce arrest rates by 64 percent. These programs help stabilize communities by making them safer and making productive citizens out of drug offenders.

I support the President's drug prevention and treatment strategy and its continued funding. Recovery is a beautiful thing; and, Mr. Speaker, I urge the adoption of this resolution.

Once again, Mr. Speaker, I want to commend my colleagues, the gentleman from Indiana (Chairman SOUDER) and the ranking member, the gentleman from Maryland (Mr.

CUMMINGS), for the outstanding leadership they both have brought and continue to bring to this issue.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SOUDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, this is a very important resolution that we acknowledge that, even under this time when we are under a terrorist attack, that we are under chemical attack as well.

In my hometown of Fort Wayne, Indiana, we have seen in the past month a very gruesome murder that occurred to cover up another murder, where kids were high on drugs and alcohol. In fact, they not only beat up and then shot but then burned two of their acquaintances in a field.

This past week we saw another group murder. It appears to be gang-related. It appears to be related to narcotic sales in the City of Fort Wayne.

The principal of South Side High School had to have teachers and police at the football game. He has been actively reaching out and looking for prevention programs and trying to reach the kids, whether it is through community churches, community organizations and the classroom, to try to show the evils of narcotics and the impact they have on the community and the evil of gang warfare that often is closely related.

We may or may not ever see terrorist attacks in Fort Wayne and we may or may not see terrorist attacks around the United States, but we are certainly going to see drug abuse. For the people in the field, those working in the programs and prevention in the schools and prevention in the communities, those who work with treatment, it is often very discouraging.

A lot of people ask me, as chairman of the Subcommittee on Criminal Justice, Drug Policy, and Human Resources, why can you not just eliminate this problem? But let me remind the Members that, at core, there are a couple of different things. One is that we will never eliminate evil from the world. We try to control it as much as possible. This is true of rape, it is true of child abuse, it is true of spouse abuse, it is true of child abandonment. They have been with us for a long time.

As leaders in this country, we cannot say, oh, it is not working; therefore, we are going to abandon it. We have to redouble our efforts.

Furthermore, in the area of narcotics, we see every day new people who heretofore we thought were invulnerable to a narcotics attack, whether it is young kids who now are being exposed for the first time in elementary school, the first time at a party in junior high, or at a club scene as a high schooler who had never been exposed to narcotics before.

We have to be there in prevention, be there when they are first exposed, be there for treatment, and also be there to intercept the drugs as they are coming into this country, so we keep the prices from going so cheap and the purity so high that, when they have that exposure, they die on simple impact.

This is a combined strategy that never gives up, that understands that we are battling all the time to try to change these families, people who have lost work, people who have gone through a divorce, people who are vulnerable at that moment, much like they are for other types of things. We need to be working aggressively, and this resolution praises all those in the field who have worked with this and reminds Congress and the American people that we have tens of thousands of people who lose their lives, who get shot, who go to emergency rooms because of this evil of narcotics.

Mr. Speaker, I commend this resolution to the House and hope that it passes unanimously.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H. Res. 569, a resolution expressing support for the president's 2002 National Drug Control Strategy. I urge my colleagues to lend it their wholehearted support.

This resolution expresses the support of the Congress for President Bush's 2002 National Drug Control Strategy to reduce illegal drug use in the United States. It recognizes the alarming rate of drug abuse in our country, the serious toll it takes on American families and communities in the form of damaged or destroyed lives, and the financial support which drug traffic provides for terrorist and other criminal enterprises. Finally, it expresses the support of the House for the balanced approach to the Nation's war on drugs, focusing equally on supply and demand reduction.

Drug abuse is a widespread problem effecting more than 9 million individuals. Recent years have shown disturbing trends in the use of heroin, various club drugs, and methamphetamine, especially among our younger population. Moreover, the drugs available on the streets today are cheaper, purer and easier to acquire than at any previous point in our Nation's history.

All told, it is estimated that 85 percent of all crime committed in the United States is somehow related to either drug or alcohol addiction. Furthermore, U.S. taxpayers spend an average of $150 billion per year in drug-related criminal and health care costs. Moreover, since last year we have learned of the insidious link between the drug trade and international terrorism.

Equally troubling is the long term impact on the families, and especially the children, of alcoholics and drug abusers. Far too many children grow up in homes where one or both parents consume are more likely to suffer abuse or neglect from their parents, and have a higher risk of becoming alcoholics or addicts themselves.

We have made enormous progress in improving drug and alcohol awareness. Thanks to the tireless efforts of groups like mothers against drunk driving, alcohol-related traffic fatalities have decreased considerably from thirty years ago.

Yet we still have far to go. Far too many people do not view alcohol as a drug, and an alarming number of Americans do not realize that various alcoholic beverages contain different amounts of alcohol.

We also have far to go on the drug front as well. Recent years have seen a proliferation of efforts to create back doors to legalization, best shown by the medical marijuana argument. However, anti-drug efforts are seeing signs of finally working after years of neglect. A return to a balanced approach that attacks both the supply and demand side of the problem has made a difference.

Drug treatment is an important component of demand reduction that has proven itself to work, but it requires enormous commitment on the part of both doctor and patient. This is especially true for those addicted to opiate narcotics and alcohol.

H. Res. 569 supports the President's argument that the current time is ideal to reinvigorate the American people public in the war on drugs. In implementing this strategy, we should apply the recent lessons learned to formulate a balanced approach that attacks both demand and supply of illicit drugs.

The President has outlined a bold strategy that is designed to: Stop drug use before it starts, provide appropriate treatment for America's drug users, and disrupt the current illicit drug market.

I have spent the last thirty years in the Congress fighting the scourge of illegal drugs. I am pleased to see an administration that is strongly committed to this goal, and recognizes the dangers posed by this illicit trade, both in lives affected, wasted talent, and the turmoil caused by drug-financed terrorism.

Success in our drug war requires the commitment of every American. This resolution is a good start. I therefore urge its adoption.

Mr. SOUDER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CANTOR). The question is on the motion offered by the gentleman from Indiana (Mr. SOUDER) that the House suspend the rules and agree to the resolution, House Resolution 569.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

ACCOUNTABILITY OF TAX DOLLARS ACT OF 2002

Mr. HORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4685) to amend title 31, United States Code, to expand the types of Federal agencies that are required to prepare audited financial statements, as amended.

The Clerk read as follows:

H.R. 4685

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Accountability of Tax Dollars Act of 2002".

SEC. 2. AMENDMENTS RELATING TO AUDITING REQUIREMENT FOR FEDERAL AGENCY FINANCIAL STATEMENTS.

(a) IN GENERAL.—Section 3515 of title 31, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "Not later" and inserting "(1) Except as provided in subsection (e), not later";

(B) by striking "each executive agency identified in section 901(b) of this title" and inserting "each covered executive agency"; and

(C) by striking "1997" and inserting "2003";

(2) in subsection (b) by striking "an executive agency" and inserting "a covered executive agency";

(3) in subsection (c) and (d) by striking "executive agencies" each place it appears and inserting "covered executive agencies"; and

(4) by adding at the end the following:

"(e)(1) The Director of the Office of Management and Budget may exempt a covered executive agency, except an agency described in section 901(b), from the requirements of this section with respect to a fiscal year if—

"(A) the total amount of budget authority available to the agency for the fiscal year does not exceed $25,000,000; and

"(B) the Director determines that requiring an annual audited financial statement for the agency with respect to the fiscal year is not warranted due to the absence of risks associated with the agency's operations, the agency's demonstrated performance, or other factors that the Director considers relevant.

"(2) The Director shall annually notify the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate of each agency the Director has exempted under this subsection and the reasons for each exemption.

"(f) The term 'covered executive agency'—

"(1) means an executive agency that is not required by another provision of Federal law to prepare and submit to the Congress and the Director of the Office of Management and Budget an audited financial statement for each fiscal year, covering all accounts and associated activities of each office, bureau, and activity of the agency; and

"(2) does not include a corporation, agency, or instrumentality subject to chapter 91 of this title.".

(b) WAIVER AUTHORITY.—

(1) IN GENERAL.—The Director of the Office of Management and Budget may waive the application of all or part of section 3515(a) of title 31, United States Code, as amended by this section, for financial statements required for the first 2 fiscal years beginning after the date of the enactment of this Act for an agency described in paragraph (2) of this subsection.

(2) AGENCIES DESCRIBED.—An agency referred to in paragraph (1) is any covered executive agency (as that term is defined by section 3515(f) of title 31, United States Code, as amended by subsection (a) of this section) that is not an executive agency identified in section 901(b) of title 31, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HORN) and the gentlewoman from Illinois (Ms. SCHAKOWSKY) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HORN).

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GENERAL LEAVE

Mr. HORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4685.

The SPEAKER pro tempore (Mr. CANTOR). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HORN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4685, the Proposed Accountability of Tax Dollars Act of 2002, was introduced on May 8 by the distinguished gentleman from Pennsylvania (Mr. TOOMEY). This bill would expand the number of Federal agencies that are required to prepare audited financial statements each year. At present, only 24 Departments and agencies are covered by the Chief Financial Officers Act of 1990, as amended. They now must meet this requirement.

This bill would require that most executive branch agencies produce annual audited financial statements. However, the Office of Management and Budget could exempt agencies with annual budgets of less than $25 million a year. However, to do so it must determine that those agencies do not present risk factors that warrant audited financial statements. I expect this waiver authority to be used rarely, if ever. The bill would also permit the Office of Management and Budget to phase in the financial statement requirement over a 2-year period. This provision would give agencies additional time to prepare if they need it.

The Enron debacle and similar events underscored the need for honest and accurate financial reporting in the private sector. I can assure you, Mr. Speaker, that this need is just as critical in the Federal Government. The Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations, which I chair, has held countless hearings on the pervasive financial management problems that confront most Federal agencies. Requiring annual audited financial statements will not solve all of those problems; however, it will bring more agencies closer to providing reliable financial information and holding them accountable to the American taxpayers:

We should bring behavior sanctions to Federal financial officers, who misuse fiscal management.

Many agencies that are not currently required to provide audited financial statements recognize their value. A recent survey conducted by the General Accounting Office found that 12 such agencies were voluntarily producing audited financial statements.

During our subcommittee's May 14 hearing on H.R. 4685, witnesses from four or more of those agencies testified to the importance of audited financial statements in achieving greater accountability.

H.R. 4685 is a bipartisan and commonsense bill. It has the strong support of the General Accounting Office headed by the Comptroller General of the United States and the Office of Management and Budget headed by the director that reports to the President.

Enactment of this bill will help ensure greater accountability over the billions of tax dollars the Federal Government spends each year. I urge all of my colleagues to support this important bill.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Pennsylvania (Mr. TOOMEY), who has done really an excellent job. He has been in and over every line and has spent quite a few hours and weeks on this legislation.

Mr. TOOMEY. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, I rise today to urge my colleagues to support H.R. 4685, the Accountability for Tax Dollars Act.

Mr. Speaker, I first introduced this bill actually in the 106th Congress as a good government measure to combat waste, fraud, and abuse at Federal agencies. I reintroduced this legislation in this Congress with bipartisan support.

The Subcommittee on Government Efficiency, Financial Management and Intergovernmental Affairs of the Committee on Government Reform then held a hearing and a markup of the bill before reporting it out favorably. And I want to thank very much the subcommittee chairman, the gentleman from California (Mr. HORN), not only for his support for this legislation, without his help we would not have this bill on the floor today, but in addition to that help, I want to thank him for his career-long commitment to improving the operations of government, improving the management and effectiveness and efficiency, as well as the accountability, of government. The gentleman from California deserves to be recognized for that commitment.

Mr. Speaker, I decided to introduce this legislation when I discovered, much to my surprise, that actually a majority of Federal agencies are not required by law to prepare audited financial statements even though, of course, we mandate that publicly traded private enterprises do in fact perform such audited financial statements. This strikes me as unacceptable for several reasons: first, the agencies themselves really need reliable financial statements in order to evaluate their own operations and operate efficiently. But, secondly, Congress has an important oversight responsibility over all of these agencies. And we cannot conduct that oversight properly if we do not have reliable financial information.

Thirdly, taxpayers themselves ought to be able to look at financial information that they can rely upon so they can evaluate whether their Federal tax dollars are being used appropriately and efficiently.

Finally, the government ought to be willing to impose upon itself those mandates that we are willing and able to impose on the private sector. It is a little bit ironic that Federal law requires, as I said, that publicly traded private companies file audited financial statements with whom? With the SEC. The SEC, who ironically is not required to prepare such audits on themselves.

It is interesting Congress did not formally require that any agency prepare audits on its financial statements until fiscal year 1996. And even then we only required 24 of the largest agencies, those covered by the Chief Financial Officers Act, to perform these audits. The list of agencies that do not audit their financial statements includes large agencies charged with very significant regulatory and fiduciary responsibilities, including the Federal Communications Commission, the Securities and Exchange Commission, the Commodities and Futures Trading Commission, the Equal Employment Opportunity Commission, and the National Labor Relations Board, just to name a few.

Well, in the process of evaluating this issue, I asked the General Accounting Office to survey agencies which are not required to prepare audited financial statements in order that we could learn a little bit about them, and specifically to determine what degree of effort would be required for agencies to implement this requirement, and also whether non-CFO agencies that voluntarily do audit their own financial statements, and there are a number of do, whether they have realized benefits from having done so.

The GAO study was very interesting. It found out that, first of all, the surveyed agencies reported they either achieved significant benefits or anticipated achieving major benefits from auditing their financial statements. Twenty-one of the 26 largest agencies that are not required to audit their financial statements thought that the Federal agencies in fact should be required to audit these financial statements.

All of the surveyed agencies that have voluntarily adopted a standard of auditing their statements reported significant benefits, including enhanced accountability, greater ability to identify inefficiencies and weaknesses, improved internal controls, compliance with statutory requirements, and better monitoring of assets and liabilities. Probably the most convincing result of the GAO survey was the fact that almost all of the agencies that do not prepare audited financial statements reported that the absence of a statutory requirement was the main reason for not doing such an audit.

So what does H.R. 4685 actually do? Well, the Accountability of Tax Dollars Act of 2002 would extend the CFO act requirements currently imposed on the major agencies to all Federal agencies. The act then gives the Office of Management and Budget the authority to waive the audit requirements for agencies with annual budgets less than $25 million. And I share the chairman's hope that this provision will be seldom, if ever, invoked.

Now to ease the transition of this new requirement, the Office of Management and Budget director will be given discretion for the first 2 years to waive the application of this provision for those agencies where he deems it necessary. The agencies covered by this bill have a combined annual budget of tens of billions of dollars, huge significant sums of money that simply should be accounted for more rigorously.

In summary, Mr. Speaker, in our current climate of budget constraints, a Federal agency really should be able to demonstrate measurable outcomes and demonstrate it with audited financial statements. Audits make an agency's transactions public so that an agency can be evaluated on how well their programs perform; and how well they are fulfilling their mission, rewarding the successful agencies, and, frankly, withholding resources from those who are failing can only be achieved if we have complete and audited financial information on which we can rely to make our judgments.

Mr. Speaker, I believe that H.R. 4685 takes us one step closer to achieving this goal. Both the GAO and the administration support this bill. It was introduced with bipartisan support. I would like to thank my colleague from Pennsylvania (Mr. KANJORSKI) for being an original cosponsor of this bill. I also want to thank the GAO for their work in looking into this issue, and my staff for the hard work that they did in determining an appropriate response to this. I relied on the expertise of the GAO and the staff and their insights regarding the costs and benefits of implementing this rule.

Once again, I want to thank the gentleman from California (Mr. HORN) for making it possible to have this bill on the floor today.

Mr. Speaker, I urge my colleagues to support this important good government legislation.

Ms. SCHAKOWSKY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4685. It is a bill to improve the financial accountability of the executive branch agencies.

The bill before us today extends the requirements for audited financial statements to nearly all executive branch agencies. Unfortunately, this bill provides no funds to pay for those audits. The result is that the money spent to pay for these audits would otherwise be used by the Inspectors General to investigate waste, fraud and abuse. I believe strongly that Congress should fund what it authorizes.

Mr. Speaker, I have been pleased to work with the gentleman from California (Mr. HORN) on this and other financial management activities in the Committee on Government Reform. We share a belief that sound financial management gives us greater freedom to fund the many programs designed to help the public and that shoddy financial management directly impacts every taxpayer in this country and particularly harms the most vulnerable of our citizens.

Bad financial management is a double crime. First, it is wrong to disregard the value of taxpayer funds by wasting them through mismanagement. Second, it denies taxpayers the services for which they have paid their taxes. Unfortunately, the bill we have on the floor today is not the bill we have passed out of our subcommittee. The bill we have passed included a section that required the agencies covered under this bill to conform to the accounting standards set out in the Federal Financial Management Improvement Act of 1996. The administration insisted that those provisions be stripped from the bill, or it would block the bill from coming before the House today. I find this turn of events disappointing.

I am disappointed because we are passing a weaker bill than should be passed and because we are acquiescing to an unreasonable demand by the Bush administration. Our actions send a signal to the public that Congress is not serious enough about accounting standards. If there is any time in our history that we should be demanding greater accountability from government agencies, it is today.

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Requiring agencies to follow the standards of the Federal Financial Management Improvement Act is not new. In fact, every year, as part of its financial review of the executive branch, the General Accounting Office reports to Congress on whether each agency is conforming within the provisions of this Act. The Act requires agencies to put in place policies and systems that lead to sound financial management on a day-to-day basis. Frankly, I am puzzled that the Bush administration opposes this kind of sound financial management.

This administration talks a lot about its management initiatives and improving accountability in the government. However, it is very careful to make sure that it is the Office of Management and Budget that sets the rules by which agencies are graded. I am afraid that the administration's opposition to the accounting standards that were in this bill is just one more attempt to make sure that OMB, and not Congress, sets the standards by which agencies are judged. It is very easy to claim success when you define what success is.

The bill before us today is not just about accounting standards. The title is the Accountability for Tax Dollars Act, and I would like to speak to that topic.

The chart in the well shows the Federal deficit in surpluses for the years 1980 to 2001 and projections of the deficit through 2010. As my colleagues can see, after a few years of surplus at the end of the Clinton administration, we are back to the deficit spending of the Reagan and Bush, Senior, administrations.

I believe that it is important for the American public to understand just who is accountable in this situation. The administration would like the public to believe that the recession and the attacks of last September are responsible for these deficits, but that is not true.

The second chart, based on data from the Congressional Budget Office, shows that the single biggest cause of the deficits in this year and into the future is the Bush tax cut.

When President Clinton signaled to the world that he was serious about balancing the budget, it had an important effect. International investment began to flow into the U.S. economy and was one of the engines of the expansion of the 1990s. These deficits will have the opposite effect, holding back the economy and taking a toll on everyone.

We have already seen that happening. Last week, the Department of Commerce announced that the poverty rate was up and household income was down. The last time we saw poverty go up and income go down was during the recession in 1991.

Mr. Speaker, I support the bill before us today. However, it is unfortunate that we are not also considering a bill that I introduced, the First Things First Act. My bill truly addresses the problem of accountability for tax dollars by preventing further implementation of the Bush tax cuts, provisions that overwhelmingly benefit the rich and are fueling the Bush recession.

My bill puts further implementation of the tax cuts for the top bracket on hold until we can pay for the needs created by the terrorist attack last year, until we can ensure the solvency of Social Security and Medicare trust funds, until we can provide a comprehensive prescription drug benefit under Medicare, until we can ensure Federal funding for school modernization and hiring 100,000 teachers, and until we reduce the number of people who face homelessness and substandard housing.

Mr. Speaker, I ask that my colleagues pass the bill before us today, and I ask my colleagues to be truly accountable to the American public for their tax dollars. It is our patriotic duty to ensure that every tax dollar is accounted for and that agencies like the Department of Defense, which cannot account for over $1 trillion in transactions, clean up their books and their acts.

I would like to take a personal note, Mr. Speaker, to just thank the Chairman of the Subcommittee of Government Efficiency, Financial Management and Intergovernmental Relations. I want to commend him and thank the gentleman not only for the many courtesies that he has shown to me, as the ranking Democrat on that committee, and not only for the many, many things I learned from him on how to carry out the role of chairman with integrity and fairness, but I want to thank him for his service to the American people.

He has been relentless in his pursuit of government efficiency and financial management. He has had over a dozen hearings around the country on our capacity to deal with some of the threats of the terrorist attacks, and this decent and dedicated leader of our country will be deeply missed as he retires. He deserves all of our thanks.

Mr. Speaker, I yield back the balance of my time.

Mr. HORN. Mr. Speaker, I yield myself such time as I may consume.

I thank the fine speech of the gentlewoman from Illinois (Ms. SHAKOWSKY). She has worked in our committee on good government matters; and, of course, she comes from Chicago, so she knows where there needs a little work up there, but I thank her.

Mr. Speaker, I have no other requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CANTOR). The question is on the motion offered by the gentleman from California (Mr. HORN) that the House suspend the rules and pass the bill, H.R. 4685, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SMALL WEBCASTER AMENDMENTS ACT OF 2002

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5469) to suspend for a period of 6 months the determination of the Librarian of Congress of July 8, 2002, relating to rates and terms for the digital performance of sound recordings and ephemeral recordings, as amended.

The Clerk read as follows:

H.R. 5469

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as the "Small Webcaster Amendments Act of 2002".

SEC. 2. EPHEMERAL ROYALTY RATES FOR ELIGIBLE SMALL WEBCASTERS.

Section 112(e) of title 17, United States Code, is amended—

(1) in paragraph (4), by inserting immediately before the period at the end of the first sentence the following: ", except that the royalty payable under this section for any reproduction of a phonorecord made during the period beginning on October 28, 1998, and ending on December 31, 2004, and used solely by an eligible small webcaster to facilitate transmissions for which it pays royalties as and when provided in section 114(f)(2)(D) shall be deemed to be included within such royalty payments"; and

(2) in paragraph (6), by adding at the end the following: "Notwithstanding the preceding provisions of this paragraph, the royalty payable under this section for any reproduction of a phonorecord made during the period beginning on October 28, 1998, and ending on December 31, 2004, and used solely by an eligible small webcaster to facilitate transmissions for which it pays royalties as and when provided in section 114(f)(2)(D) shall be deemed to be included within such royalty payments."

SEC. 3. ROYALTY RATES AND NOTICE AND RECORDKEEPING FOR ELIGIBLE SMALL WEBCASTERS.

(a) PROVISION FOR CERTAIN RATES.—Section 114(f)(2) of title 17, United States Code, is amended—

(1) in subparagraph (B), by inserting immediately before the period at the end of the first sentence the following: ", except that the royalty rates for certain public performances of sound recordings shall be as provided in subparagraph (D)"; and

(2) in subparagraph (C), by adding after clause (iii) the following:

"(iv) Notwithstanding the preceding provisions of this subparagraph, the royalty rates and terms for certain public performances of sound recordings by certain entities shall be as provided in subparagraph (D).".

(b) RATES FOR ELIGIBLE SMALL WEBCASTERS.—Section 114(f)(2) of title 17, United States Code, is amended by adding after subparagraph (C) the following:

"(D)(i) Subject to clause (iii) and paragraph (3), but notwithstanding any other provision of this paragraph, an eligible small webcaster may, as provided in clause (ii)(VII), for the period beginning on October 28, 1998, and ending on December 31, 2002, or one or both of calendar years 2003 and 2004, elect the royalty rates specified in this clause in lieu of any other applicable royalty rates:

"(I) For eligible nonsubscription transmissions made by an eligible small webcaster during the period beginning on October 28, 1998, and ending on December 31, 2002, the royalty rate shall be 8 percent of the webcaster's gross revenues during such period, or 5 percent of the webcaster's expenses during such period, whichever is greater, except that an eligible small webcaster that is a natural person shall exclude from expenses those expenses not incurred in connection with the operation of a service that makes eligible nonsubscription transmissions, and an eligible small webcaster that is a natural person shall exclude from gross revenues his or her income during such period, other than income derived from—

“(aa) a media or entertainment related business that provides audio or other entertainment programming, or

“(bb) a business that primarily operates an Internet or wireless service,

that is in either case directly or indirectly controlled by such natural person, or of which such natural person beneficially owns 5 percent or more of the outstanding voting or non-voting stock.

“(II) For eligible nonsubscription transmissions made by an eligible small webcaster during 2003 or 2004, the royalty rate shall be 10 percent of the eligible small webcaster's first $250,000 in gross revenues and 12 percent of any gross revenues in excess of $250,000 during the applicable year, or 7 percent of the webcaster's expenses during the applicable year, whichever is greater.

“(ii) Notwithstanding paragraph (4)(C), payment of the amounts specified in clause (i) shall be made as follows:

“(I) Except as provided in clause (iii)(I) and (IV), the amounts specified in clause (i)(I) for eligible nonsubscription transmissions made by an eligible small webcaster during the period beginning on October 28, 1998, and ending on September 30, 2002, shall be paid in three equal installments, with the first due by November 30, 2002, the second due by May 31, 2003, and the third due by October 31, 2003.

“(II) The amounts specified in clause (i) for eligible nonsubscription transmissions made by an eligible small webcaster during October 2002 or any month thereafter shall be paid on or before the twentieth day of the month next succeeding such month.

“(III) If the gross revenues, plus the third party participation revenues and revenues from the operation of new subscription services, of a transmitting entity and its affiliates have not exceeded $1,250,000 in any year, and the transmitting entity expects to be an eligible small webcaster in 2003 or 2004, the transmitting entity may make payments for 2003 or 2004, as the case may be, on the assumption that it will be an eligible small webcaster for that year for so long as that assumption is reasonable.

“(IV) In making payments under clause (i)(II), the webcaster shall, at the time a payment is due, calculate its gross revenues and expenses for the year through the end of the applicable month, and for the applicable month pay the applicable percentage of gross revenues or expenses, as the case may be, for the year through the end of the applicable month, less any amounts previously paid for such year.

“(V) If a transmitting entity has made payments under clause (i)(II) for 2003 or 2004 based on the assumption that it will qualify as an eligible small webcaster, as provided in subclause (IV), but the actual gross revenues in 2003, or the actual gross revenues, third party participation revenues, and revenues from the operation of new subscription services in 2004, of the eligible small webcaster and its affiliates, exceed the maximum amounts provided in clause (vi)(II), then the transmitting entity shall immediately commence to pay monthly royalties based on the royalty rates otherwise applicable under this subsection, and on the third payment date after the month in which such maximum amounts are exceeded, it shall pay an amount of royalties based on such otherwise applicable rates for the whole year through the end of the immediately preceding month, less any amounts previously paid under clause (i) for such year.

“(VI) Payments of all amounts specified in clause (i) shall be made to the entity designated by the Copyright Office to receive royalty payments under this section and shall under no circumstances be refundable, but if an eligible small webcaster makes overpayments during a year, it shall be entitled to a credit in the amount of its overpayment, and such credit shall be applicable to its payments in subsequent years.

“(VII) An eligible small webcaster that wishes to elect the royalty rates specified in clause (i) in lieu of any other royalty rates that otherwise might apply under this subsection for the period beginning on October 28, 1998, and ending on December 31, 2002, or one or both of calendar years 2003 and 2004, shall file an election with the Copyright Office and serve it on each entity designated by the Copyright Office to distribute royalty payments under this section to copyright owners and performers entitled to receive royalties under subsection (d)(2) by no later than the first date on which the webcaster is obligated under this clause to make a royalty payment for such period. An eligible small webcaster that fails to make a timely election shall pay royalties as otherwise provided under this section. As a condition of such election, an eligible small webcaster shall—

“(aa) make available to the entity designated to receive royalties under this section, on request at any time during the 3 years following the applicable period, sufficient evidence to support its eligibility as an eligible small webcaster; and

“(bb) provide to such entity, by not later than January 31 of the year following the applicable period, an accounting of its third party participation revenues.

The entity designated to receive royalties under this section may share with individual copyright owners the accounting provided by an eligible small webcaster under division (bb) if such entity does so in such a way that the eligible small webcaster cannot readily be identified.

“(iii) Notwithstanding clause (i), eligible small webcasters that elect the royalty rates specified in clause (i) shall pay a minimum fee for the periods specified in this clause, as follows:

“(I) For eligible nonsubscription transmissions made by an eligible small webcaster during the period beginning on October 28, 1998, and ending on December 31, 1998, the minimum fee for the year shall be $500.

“(II) For eligible nonsubscription transmissions made by an eligible small webcaster in any part of calendar years 1999 through 2002, the minimum fee for each year in which such transmissions are made shall be $2,000.

“(III) For eligible nonsubscription transmissions made by an eligible small webcaster in any part of calendar years 2003 and 2004, the minimum fee for each year in which such transmissions are made shall be $2,000 if the eligible small webcaster had gross revenues during the immediately preceding year of not more than $50,000 and expects to have gross revenues during the applicable year of not more than $50,000.

“(IV) For eligible nonsubscription transmissions made by an eligible small webcaster in any part of calendar years 2003 and 2004, the minimum fee for each year in which such transmissions are made shall be $5,000 if the eligible small webcaster had gross revenues during the immediately preceding year of more than $50,000 or expects to have gross revenues during the applicable year of more than $50,000.

“(V) The minimum fees specified in subclauses (I) and (II) shall be paid within 30 days after the date of the enactment of the Small Webcaster Amendments Act of 2002, except in the case of an eligible small webcaster with gross revenues during the period beginning on October 28, 1998, and ending on December 31, 2002, of not more than $100,000, which may pay such minimum fees in three equal installments at the times specified in clause (ii)(I). The minimum fees specified in subclauses (III) and (IV) shall be paid in two equal installments, with the first due by January 31 of the applicable year and the second due by June 30 of the applicable year.

“(VI) Payments of all amounts specified in this clause shall be made to the entity designated by the Copyright Office to receive royalty payments under this section and shall under no circumstances be refundable.

“(VII) All amounts paid under this clause shall be fully creditable toward amounts due under clauses (i) and (ii) for the same year.

“(iv) Subject to paragraph (3), but notwithstanding any other provision of this paragraph, a noncommercial, non-FCC webcaster may, for the period beginning on October 28, 1998, and ending on December 31, 2002, or one or both of calendar years 2003 and 2004, elect the royalty rates specified in this clause in lieu of any other royalty rates that otherwise might apply under this section. The royalty rate shall be .02 cents per performance. For the purpose of this clause, the term ‘performance’ has the meaning given that term in section 261.2 of title 37, Code of Federal Regulations, as published in the Federal Register on July 8, 2002. Such royalties shall be payable at the times specified in clause (ii)(I) and (II). Noncommercial, non-FCC webcasters shall pay a minimum fee, for any part of calendar years 1998 through 2004, of $500 for each year in which such performances are made. Such minimum fee shall be fully creditable toward royalties due for the same year. For performances made during the period beginning on October 28, 1998, and ending on December 31, 2002, such minimum fee shall be paid within 30 days after the date of the enactment of the Small Webcaster Amendments Act of 2002. The minimum fee for a subsequent year shall be paid by January 31 of that year. All payments specified in this clause shall be made to the entity designated by the Copyright Office to receive royalty payments under this section and shall under no circumstances be refundable.

“(v) Any otherwise applicable terms determined in accordance with this paragraph and applicable to payments under this paragraph shall apply to payments under this subparagraph except to the extent inconsistent with this subparagraph.

“(vi) The rates and terms set forth in this subparagraph shall not constitute evidence of rates and terms that would have been negotiated in the marketplace between a willing buyer and a willing seller or that meet the objectives set forth in section 801(b)(1).

“(E) As used in subparagraph (D), the following terms have the following meanings:

“(i) An ‘affiliate’ of a transmitting entity is a person or entity that directly, or indirectly through one or more intermediaries —

“(I) has securities or other ownership interests representing more than 50 percent of such person's or entity's voting interests beneficially owned by—

“(aa) such transmitting entity; or

“(bb) a person or entity beneficially owning securities or other ownership interests representing more than 50 percent of the voting interests of the transmitting entity;

"(II) beneficially owns securities or other ownership interests representing more than 50 percent of the voting interests of the transmitting entity; or

"(III) otherwise controls, is controlled by, or is under common control with the transmitting entity.

"(ii) A 'beneficial owner' of a security or other ownership interest is any person or entity who, directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise, has or shares voting power with respect to such security or other ownership interest.

"(iii) The term 'control' means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person or entity, whether through the ownership of voting securities, by contract or otherwise.

"(iv)(I) Subject to subclause (II), an 'eligible small webcaster' is a webcaster (as defined in section 261.2 of title 37, Code of Federal Regulations, as published in the Federal Register on July 8, 2002) that—

"(aa) for the period beginning on October 28, 1998, and ending on December 31, 2002, has gross revenues during the period beginning on November 1, 1998, and ending on June 30, 2002, of not more than $1,000,000;

"(bb) for 2003, together with its affiliates, has gross revenues during 2003 of not more than $500,000; and

"(cc) for 2004, together with its affiliates, has gross revenues, third party participation revenues, and revenues from the operation of new subscription services during 2004 of not more than $1,250,000.

"(II) In determining qualification under subclauses (I)(bb) and (cc), a transmitting entity shall exclude—

"(aa) income of an affiliate that is a natural person, other than income such natural person derives from another affiliate of such natural person that is either a media or entertainment related business that provides audio or other entertainment programming, or a business that primarily operates an Internet or wireless service; and

"(bb) gross revenues of any affiliate that is not engaged in a media or entertainment related business that provides audio or other entertainment programming, and is not engaged in a business that primarily operates an Internet or wireless service, if the only reason such affiliate is affiliated with the transmitting entity is that it is under common control of the same natural person or both are beneficially owned by the same natural person.

"(v) The term 'expenses'—

"(I) means all costs incurred (whether actually paid or not) by an eligible small webcaster, except that capital costs shall be treated as expenses allocable to a period only to the extent of charges for amortization or depreciation of such costs during such period as are properly allocated to such period in accordance with United States generally accepted accounting principles (GAAP);

"(II) includes the fair market value of all goods, services, or other non-cash consideration (including real, personal, tangible, and intangible property) provided by an eligible small webcaster to any third party in lieu of a cash payment and the fair market value of any goods or services purchased for or provided to an eligible small webcaster by an affiliate of such webcaster; and

"(III) shall not include—

"(aa) the imputed value of personal services rendered by up to 5 natural persons who are, directly or indirectly, owners of the eligible small webcaster, and for which no compensation has been paid;

"(bb) the imputed value of occupancy of residential property for which no Federal income tax deduction is claimed as a business expense; or

"(cc) costs of purchasing phonorecords of sound recordings used in the eligible small webcaster's service.

"(vi) The term 'gross revenues'—

"(I) means all revenue of any kind earned by a person or entity, less —

"(aa) revenue from sales of phonorecords and digital phonorecord deliveries of sound recordings;

"(bb) the person or entity's actual cost of other products and services actually sold through a service that makes eligible nonsubscription transmissions, and related sales and use taxes imposed on such transactions, costs of shipping such products, allowance for bad debts, and credit card and similar fees paid to unrelated third parties;

"(cc) revenue from the operation of a new subscription service for which royalties are paid in accordance with provisions of this section other than this subparagraph; and

"(dd) revenue from the sale of assets in connection with the sale of all or substantially all of the assets of such person's or entity's business, or from the sale of capital assets; and

"(II) includes—

"(aa) all cash or cash equivalents;

"(bb) the fair market value of goods, services, or other non-cash consideration (including real, personal, tangible, and intangible property); and

"(cc) amounts earned by such person or entity but paid to an affiliate of such person or entity in lieu of payment to such person or entity.

Gross revenues shall be calculated in accordance with United States generally accepted accounting principles (GAAP), except that a transmitting entity that computes Federal taxable income on the basis of the cash receipts and disbursements method of accounting for any taxable year may compute its gross receipts for any period included in such taxable year on the same basis.

"(vii) A 'noncommercial, non-FCC webcaster' is a webcaster as defined in section 261.2 of title 37, Code of Federal Regulations, as published in the Federal Register on July 8, 2002, that is exempt from taxation under section 501 of the Internal Revenue Code of 1986 (26 U.S.C. 501).

"(viii) The 'third party participation revenues' of a transmitting entity are revenues of any kind earned by a person or entity, other than the transmitting entity, including those identified in divisions (aa), (bb), and (cc) of clause (vi)(II)—

"(I) that relate to the public performance of sound recordings and are subject to an economic arrangement in which the transmitting entity receives anything of value; or

"(II) that are earned by such person or entity from the sale of advertising of any kind in connection with the transmitting entity's eligible nonsubscription transmissions.".

(c) Notice and Recordkeeping.—Section 114(f)(4)(A) of title 17, United States Code, is amended—

(1) by striking "(A) The" and inserting "(A)(i) Subject to clauses (ii) and (iii), the"; and

(2) by adding at the end the following:

"(ii) For either or both of calendar years 2003 and 2004, an eligible small webcaster that makes an election pursuant to paragraph (2)(D)(ii)(VII) for any year shall, for that year, keep records, and make available to copyright owners of sound recordings reports of use, covering the following on a channel by channel basis:

"(I) The featured recording artist, group or orchestra.

"(II) The sound recording title.

"(III) The title of the retail album or other product (or, in the case of compilation albums created for commercial purposes, the name of the retail album identified by the eligible small webcaster for purchase of the sound recording).

"(IV) The marketing label of the commercially available album or other product on which the sound recording is found—

"(aa) for all albums or other products commercially released after 2002; and

"(bb) in the case of albums or other products commercially released before 2003, for 67 percent of the eligible small webcaster's digital audio transmissions of such pre-2003 releases during 2003 and all of the eligible small webcaster's digital audio transmissions during 2004.

"(V) The International Standard Recording Code (ISRC) embedded in the sound recording, if available—

"(aa) for all albums or other products commercially released after 2002; and

"(bb) in the case of albums or other products commercially released before 2003, for 50 percent of the eligible small webcaster's digital audio transmissions of such pre-2003 releases during 2003, and for 75 percent of the eligible small webcaster's digital audio transmissions of such pre-2003 releases during 2004, to the extent that such information concerning such pre-2003 releases can be provided using commercially reasonable efforts.

"(VI) The copyright owner information provided in the copyright notice on the retail album or other product (e.g., following the symbol (P) (the letter P in a circle) or, in the case of compilation albums created for commercial purposes, in the copyright notice for the individual track)—

"(aa) for all albums or other products commercially released after 2002; and

"(bb) in the case of albums or other products commercially released before 2003, for 50 percent of an eligible small webcaster's digital audio transmissions of such pre-2003 releases during 2003, and for 75 percent of an eligible small webcaster's digital audio transmissions of such pre-2003 releases during 2004, to the extent that such information concerning such pre-2003 releases can be provided using commercially reasonable efforts.

"(VII) The aggregate tuning hours, on a monthly basis, for each channel provided by the eligible small webcaster as computed by a recognized industry ratings service or as computed by the eligible small webcaster from its server logs. For the purpose of this subclause, the term 'aggregate tuning hours' has the meaning given that term in section 261.2 of title 37, Code of Federal Regulations, as published in the Federal Register on July 8, 2002.

"(VIII) The channel for each transmission of each sound recording.

"(IX) The start date and time of each transmission of each sound recording.

"(iii) Reports of use described in clause (ii) shall be provided, at the same time royalty payments are due under paragraph (2)(D)(ii)(II), to the entity designated by the Copyright Office to distribute royalty payments under this section.

"(iv) For calendar years 2003 and 2004, details of the means by which copyright owners may receive notice of the use of their sound recordings, and details of the requirements under which reports of use concerning the matters identified in clause (ii) shall be made available, shall be as provided in regulations issued by the Librarian of Congress under clause (i).''.

SEC. 4. DEDUCTIBILITY OF COSTS AND EXPENSES OF AGENTS AND DIRECT PAYMENT TO ARTISTS OF ROYALTIES FOR DIGITAL PERFORMANCES OF SOUND RECORDINGS.

(a) FINDINGS.—The Congress finds that—

(1) in the case of royalty payments from the licensing of digital transmissions of sound recordings under subsection (f) of section 114 of title 17, United States Code, the parties have voluntarily negotiated arrangements under which payments shall be made directly to featured recording artists and the administrators of the accounts provided in subsection (g)(2) of that section;

(2) such voluntarily-negotiated payment arrangements have been codified in regulations issued by the Librarian of Congress, currently found in section 261.4 of title 37, Code of Federal Regulations, as published in the Federal Register on July 8, 2002;

(3) other regulations issued by the Librarian of Congress were inconsistent with the voluntarily-negotiated arrangements by such parties concerning the deductibility of certain costs incurred for licensing and arbitration, and the Congress is therefore restoring those terms as originally negotiated among the parties; and

(4) in light of the special circumstances described in this subsection, the uncertainty created by the regulations issued by the Librarian of Congress, and the fact that all of the interested parties have reached agreement, the voluntarily-negotiated arrangements agreed to among the parties are being codified.

(b) DEDUCTIBILITY.—Section 114(g) of title 17, United States Code, is amended by adding after paragraph (2) the following:

''(3) A nonprofit agent designated to distribute receipts from the licensing of transmissions in accordance with subsection (f) may deduct from any of its receipts, prior to the distribution of such receipts to any person or entity entitled thereto, the reasonable costs of such agent incurred after November 1, 1995, in—

''(A) the administration of the collection, distribution, and calculation of the royalties;

''(B) the settlement of disputes relating to the collection and calculation of the royalties; and

''(C) the licensing and enforcement of rights with respect to the making of ephemeral recordings and performances subject to licensing under section 112 and this section, including those incurred in participating in negotiations or arbitration proceedings under section 112 and this section.''.

(c) DIRECT PAYMENT TO ARTISTS.—Section 114(g)(2) of title 17, United States Code, is amended to read:

''(2) An agent designated to distribute receipts from the licensing of transmissions in accordance with subsection (f) shall distribute such receipts as follows:

''(A) 50 percent of the receipts shall be paid to the copyright owner of the exclusive right under section 106(6) of this title to publicly perform a sound recording by means of a digital audio transmission.

''(B) 2-1/2 percent of the receipts shall be deposited in an escrow account managed by an independent administrator jointly appointed by copyright owners of sound recordings and the American Federation of Musicians (or any successor entity) to be distributed to nonfeatured musicians (whether or not members of the American Federation of Musicians) who have performed on sound recordings.

''(C) 2-1/2 percent of the receipts shall be deposited in an escrow account managed by an independent administrator jointly appointed by copyright owners of sound recordings and the American Federation of Television and Radio Artists (or any successor entity) to be distributed to nonfeatured vocalists (whether or not members of the American Federation of Television and Radio Artists) who have performed on sound recordings.

''(D) 45 percent of the receipts shall be paid, on a per sound recording basis, to the recording artist or artists featured on such sound recording (or the persons conveying rights in the artists' performance in the sound recordings).''.

SEC. 5. REPORT TO CONGRESS.

(a) FINDINGS.—The Congress finds that—

(1) eligible small webcasters have economic arrangements with third parties, as a result of which third parties, many of them large businesses, realize a significant portion of the revenues generated from the use of sound recordings in the services operated by eligible small webcasters; and

(2) as a result of these arrangements, any royalty based on revenues realized by an eligible small webcaster may result in recording artists and sound recording copyright owners receiving a royalty based on revenues that are a fraction of the total revenues generated from the use of the sound recordings under statutory license.

(b) REPORT TO CONGRESS.—By not later than June 1, 2004, the Register of Copyrights and the Comptroller General of the Untied States shall prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a joint report concerning—

(1) the economic arrangements among eligible small webcasters and third parties and their consequences for the ability of recording artists and sound recording copyright owners to be compensated appropriately on a percentage of revenue basis; and

(2) the economic incentives that percentage of revenue statutory rates create for structuring economic arrangements among eligible small webcasters and third parties that may be to the detriment of recording artists and sound recording copyright owners.

(c) DEFINITION.—In this section, the term ''eligible small webcaster'' has the meaning given that term in section 114(f)(2)(E) of title 17, United States Code, as added by section 3 of this Act.

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from California (Mr. BERMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5469, the bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the 1995 Digital Performance Right and Sound Recording Act that created a performance right in sound recordings for digital transmissions did not specifically address the issue of webcasting or Internet radio broadcasts. As a result, the 1998 Digital Millennium Copyright Act contains provisions that authorize eligible webcasters to accept a compulsory license, thereby enabling them to operate over the Internet without negotiating licenses in the marketplace. A compulsory license essential allows an individual or entity to use copyrighted works like music and movies at an industry-negotiated or government-mandated rate.

Because webcasters and members of the recording industry could not agree to a rate, a statutorily authorized arbitration panel, called a CARP, was convened at the U.S. Copyright Office to determine what the rate would be. The arbitrators issued a decision on February 20, 2002. The copyright holders in the recording industry thought that the rate was too low, and the webcasters thought that the rate was too high.

Pursuant to his authority under the Copyright Act, the Librarian of Congress, based upon a recommendation by the Register of Copyrights, decided on June 8 to reject the suggestions of the webcasting CARP. On June 20, he issued a final decision which lowered the rate further. Some webcasters believe that the rate is still excessive. The copyright holders maintain that this lower rate is even less reflective of a fair market standard. That decision is now on appeal to the United States Court of Appeals for the District of Columbia circuit.

Although a resolution to this dispute is legally in play, implementation of the decision by the Librarian takes effect on October 20 and is retroactive to 1998. Unless Congress acts, some webcasters will shut down. This explains the point of H.R. 5469 as originally drafted: to suspend the implementation of the Librarian's decision for 6 months, effective October 20. This delay would ensure that all parties would receive all of the judicial process to which they are entitled under the law before the rate took effect.

I am happy to report that introduction of this bill placed a burr under the saddle of both the copyright holders and the small webcasters to conclude negotiations on these matters that began last summer. Since last week, the parties have negotiated around the clock. They have now arrived at a deal that sets new rates and payment terms that will obviate the need for further legal and administrative intervention. The manager's amendment simply codifies the terms of that deal.

Mr. Speaker, this solution is fair to both sides, the small webcasters as well as the copyright holders. It dovetails with the purpose of the Copyright Act in these cases, that is, to encourage parties to develop their own agreements governing rates and terms. I am happy to report that the parties have agreed today, as evidenced by the manager's amendment. I urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of the manager's amendment to H.R. 5469.

Last week, the Chairman introduced a bill which was scheduled for the suspension file, which I reacted initially to, assumed was a rather ham-handed effort to force the copyright owners, the recording artists, the backup musicians and vocalists to wait at least another 6 months before they receive the royalties they were entitled to under the performance right we legislated in 1995, as amended by the compulsory license in the Digital Millennium Copyright Act.

I was wrong. The Chairman had a method to the ham-handedness, and the result of his legislative effort was to pull the parties together, the webcasters, recording industry and the other affected parties, and put together an excellent proposal which, as adjusted by a few matters just today, I think builds a broad base of support for this proposal.

The manager's amendment will greatly benefit small webcasters. Under this legislation, small webcasters will receive a huge discount on the webcasting royalties they are required to pay pursuant to a July decision by the Librarian of Congress.

From the small webcasters' perspective, this legislation is particularly beneficial because it allows them to pay royalties as a percentage of revenue. Small webcasters vehemently objected to the Librarian's decision because it required them to pay royalties on a per song per listener basis.

The terms of the deal are somewhat complicated, but the basic provisions are this. Small webcasters pay webcasting royalties that equal 8 percent of their gross revenues for the years 1998 through 2002, or a statutory minimum, whichever is greater. In 2003 and 2004, small webcasters will pay the greater of 10 percent of their gross revenues under $250,000 and 12 percent of their gross revenues over $250,000, or 7 percent of expenses.

The criteria for eligibility as a small webcaster are reasonable and allow such webcasters to grow and yet still obtain the royalty discount provided by the legislation. A webcaster will be eligible for the discounted royalty rate for the past 4 years if it had less than $1 million in gross revenues over those four years. A webcaster will be eligible in the year 2003 if it has gross revenues under $500,000 for that calendar year and in 2004 if it has gross revenues under $1.25 million.

While it drastically cuts the royalties to be paid copyright owners and artists, this legislation has the support of the recording industry. The legislation also requires that artists get direct payment of webcasting royalties and thus gives them something that they stated was necessary to garner their support; and it is a result of that that the American Federation of Radio and Television Artists, the American Federation of Musicians, the Screen Actor's Guild and the AFL–CIO are supportive of this legislation.

The recording industry and small webcasters are to be commended for working so hard to agree on terms, and the Chairman is to be commended for driving them to this agreement.

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The recording industry and small webcasters are to be commended for working so hard to agree on terms, and the chairman is to be commended for driving them to this agreement.

In sum, this legislation provides small webcasters with much better terms than the webcasting rates set by the Librarian of Congress. As such, it addresses the concerns that the Librarian's rate might drive many small webcasters out of business.

Mr. Speaker, I was wondering if I might engage with the chairman of the committee in a colloquy.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, I am happy to engage in a colloquy with the gentleman.

Mr. BERMAN. Mr. Speaker, section 4 of this bill requires that agents directed by the copyright office to distribute webcasting royalties must make direct payment of those royalties to featured and nonfeatured recording artists and musicians. Section 4 also allows such agents to deduct their administrative and other reasonable expenses from the royalties they distribute. These provisions are somewhat unusual, so I want to confirm my understanding of their import with the distinguished chairman. It is my understanding that both provisions simply codify what is the current practice in the marketplace. Copyright office regulations require direct payment of royalties for the years 1998 to 2002, and the only distributing agent currently designated by the copyright office has contracted to make direct payments. Further, royalty recipients have agreed to allow that distributing agent to deduct its expenses from royalties. Is it the chairman's understanding that these provisions simply codify those current practices?

Mr. SENSENBRENNER. Yes, that is my understanding.

Mr. BERMAN. Mr. Speaker, I would like to make one other point. It is my understanding that these two provisions in no way interfere with the longstanding U.S. legal doctrine that parties can voluntarily assign, transfer, or allocate through contracts and other marketplace arrangements the rights provided them under U.S. copyright law.

Mr. SENSENBRENNER. If the gentleman will yield further, that is also my understanding.

Mr. BERMAN. I thank the gentleman for confirming my understanding.

Mr. CONYERS. Mr. Speaker, I rise in support of the manager's amendment to H.R. 5469. This legislation reflects a compromise between vocalists, recording artists, background musicians, record labels, and small webcasters.

This bill has several provisions that will make it easier for music to be performed online and for the creators to be compensated. First, it incorporates an agreement that was reached between the content owners and the small webcasters on royalty rates for Internet broadcasts from 1998 through 2004.

I am especially pleased that the final legislation includes a statutory direct payment provision. This provision ensures the musicians, vocalists, and artists receive their royalties from digital music directly from the collection agent instead of through other intermediaries.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise in support of H.R. 5469, the Small Webcaster Amendments Act of 2002. This bill codifies a compromise between webcasters, recording artists, and record companies to determine royalty payments for Internet radio broadcasts. I opposed the bill in its original form last week when it delayed the payments to copyright holders for six months. The measure allows webcasters to broadcast diverse programming to consumers, artists will be paid the royalty fees they need to continue creating and performing the music we want to hear, and record companies will deduct the administrative fees for royalty collection.

This compromise bill benefits all parties involved. After deductions, record companies will receive 50 percent of the royalty, artists will receive 45 percent of the direct royalty payments, and the rest is distributed to nonfeatured musicians and vocalists. This is a vast improvement from past versions of this bill which left the recording artists out of the equation. Even though webcasters have not begun to make payments, future royalty rights are protected in H.R. 5469. Small webcasters benefit from a reduced royalty fee, which will keep many webcasters from declaring bankruptcy due to excessively high costs. This lower payment schedule will ensure that Internet radio continues to offer consumers a nearly endless number of listening choices including Latin, classical, and even native African music that may not be available over terrestrial stations. In addition, record companies can deduct the administrative costs associated with royalty collection for digital recordings so that their past and future expenses are reimbursed.

Paying copyright owners for the use of their creative work is not a new concept. In 1909, Congress passed a law to ensure that manufacturers of piano rolls had to pay for the songs they were reproducing. The license protects the composer's right to control reproductions of the work, but permits the recording of a song by a third party on "mechanical" media like a piano roll or record. This statute was later expanded to protect digital media, and thus it applies to Internet radio. The Copyright Arbitration Panel (CARP) first met in 1998 to determine royalty fees, but they were unable to come to an agreement between the interested parties. The last piece of the puzzle came in the form of the Librarian of Congress implementing rates for the statutory license on June 20, 2002, with the assumption that Internet radio companies would begin paying royalties on October 20, 2002. The private sector compromise codifies the Librarian's recommendations, and webcasters now have a defined schedule to pay artists for the use of copyrighted works.

I thank my colleagues for their support of H.R. 5469. I am very grateful to the organizations whose negotiations helped craft this important legislation. Due to this agreement, consumers will benefit from a myriad of choices for their listening pleasure.

Mr. BERMAN. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CANTOR). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 5469, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend title 17, United States Code, with respect to the statutory license for webcasting, and for other purposes.".

A motion to reconsider was laid on the table.

CHILD ABDUCTION PREVENTION ACT

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5422) to prevent child abduction, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5422

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Abduction Prevention Act".

TITLE I—SANCTIONS AND OFFENSES

SEC. 101. SUPERVISED RELEASE TERM FOR SEX OFFENDERS.

Section 3583 of title 18, United States Code, is amended by adding at the end the following:

"(k) SUPERVISED RELEASE TERMS FOR SEX OFFENDERS.—Notwithstanding subsection (b), the authorized term of supervised release for any offense under section 1201 involving a victim who has not attained the age of 18 years, and for any offense under chapter 109A, 110, 117, or section 1591 is any term of years or life.".

SEC. 102. FIRST DEGREE MURDER FOR CHILD ABUSE AND CHILD TORTURE MURDERS.

Section 1111 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting "child abuse," after "sexual abuse,"; and

(B) by inserting "or perpetrated as part of a pattern or practice of assault or torture against a child or children;" after "robbery;"; and

(2) by inserting at the end the following:

"(c) For purposes of this section—

"(1) the term 'assault' has the same meaning as given that term in section 113;

"(2) the term 'child' means a person who has not attained the age of 18 years and is—

"(A) under the perpetrator's care or control; or

"(B) at least six years younger than the perpetrator;

"(3) the term 'child abuse' means intentionally, knowingly, or recklessly causing death or serious bodily injury to a child;

"(4) the term 'pattern or practice of assault or torture' means assault or torture engaged in on at least two occasions;

"(5) the term 'recklessly' with respect to causing death or serious bodily injury—

"(A) means causing death or serious bodily injury under circumstances in which the perpetrator is aware of and disregards a grave risk of death or serious bodily injury; and

"(B) such recklessness can be inferred from the character, manner, and circumstances of the perpetrator's conduct;

"(6) the term 'serious bodily injury' has the meaning set forth in section 1365; and

"(7) the term 'torture' means conduct, whether or not committed under the color of law, that otherwise satisfies the definition set forth in section 2340(1).".

SEC. 103. SEXUAL ABUSE PENALTIES.

(a) MAXIMUM PENALTY INCREASES.—(1) Chapter 110 of title 18, United States Code, is amended—

(A) in section 2251(d)—

(i) by striking "20" and inserting "30"; and

(ii) by striking "30" the first place it appears and inserting "50";

(B) in section 2252(b)(1)—

(i) by striking "15" and inserting "20"; and

(ii) by striking "30" and inserting "40";

(C) in section 2252(b)(2)—

(i) by striking "5" and inserting "10"; and

(ii) by striking "10" and inserting "20";

(D) in section 2252A(b)(1)—

(i) by striking "15" and inserting "20"; and

(ii) by striking "30" and inserting "40"; and

(E) in section 2252A(b)(2)—

(i) by striking "5" and inserting "10"; and

(ii) by striking "10" and inserting "20".

(2) Chapter 117 of title 18, United States Code, is amended—

(A) in section 2422(a), by striking "10" and inserting "20";

(B) in section 2422(b), by striking "15" and inserting "30"; and

(C) in section 2423(a), by striking "15" and inserting "30".

(3) Section 1591(b)(2) of title 18, United States Code, is amended by striking "20" and inserting "40".

(b) MINIMUM PENALTY INCREASES.—(1) Chapter 110 of title 18, United States Code, is amended—

(A) in section 2251(d)—

(i) by striking "or imprisoned not less than 10" and inserting "and imprisoned not less than 15";

(ii) by striking "and both,";

(iii) by striking "15" and inserting "25"; and

(iv) by striking "30" the second place it appears and inserting "35";

(B) in section 2251A(a) and (b), by striking "20" and inserting "30";

(C) in section 2252(b)(1)—

(i) by striking "or imprisoned" and inserting "and imprisoned not less than 10 years and";

(ii) by striking "or both,"; and

(iii) by striking "5" and inserting "15";

(D) in section 2252(b)(2)—

(i) by striking "or imprisoned" and inserting "and imprisoned not less than 5 years and";

(ii) by striking "or both,"; and

(iii) by striking "2" and inserting "10";

(E) in section 2252A(b)(1)—

(i) by striking "or imprisoned" and inserting "and imprisoned not less than 10 years and";

(ii) by striking "or both,"; and

(iii) by striking "5" and inserting "15"; and

(F) in section 2252A(b)(2)—

(i) by striking "or imprisoned" and inserting "and imprisoned not less than 5 years and";

(ii) by striking "or both,"; and

(iii) by striking "2" and inserting "10".

(2) Chapter 117 of title 18, United States Code, is amended—

(A) in section 2422(a)—

(i) by striking "or imprisoned" and inserting "and imprisoned not less than 2 years and"; and

(ii) by striking ", or both";

(B) in section 2422(b)—

(i) by striking ", imprisoned" and inserting "and imprisoned not less than 5 years and"; and

(ii) by striking ", or both"; and

(C) in section 2423(a)—

(i) by striking ", imprisoned" and inserting "and imprisoned not less than 5 years and"; and

(ii) by striking ", or both".

SEC. 104. STRONGER PENALTIES AGAINST KIDNAPPING.

(a) SENTENCING GUIDELINES.—Notwithstanding any other provision of law regarding the amendment of Sentencing Guidelines, the United States Sentencing Commission is directed to amend the Sentencing Guidelines, to take effect on the date that is 30 days after the date of the enactment of this Act—

(1) so that the base level for kidnapping in section 2A4.1(a) is increased from level 24 to level 32 (121-151 months);

(2) so as to delete section 2A4.1(b)(4)(C); and

(3) so that the increase provided by section 2A4.1(b)(5) is 6 levels instead of 3.

(b) MINIMUM MANDATORY SENTENCE.—Section 1201(g) of title 18, United States Code, is amended by striking "shall be subject to paragraph (2)" in paragraph (1) and all that follows through paragraph (2) and inserting "shall include imprisonment for not less than 20 years.".

SEC. 105. PENALTIES AGAINST SEX TOURISM.

(a) In General.—Section 2423 of title 18, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) Travel With Intent To Engage in Illicit Sexual Conduct.—A person who travels in interstate commerce or travels into the United States, or a United States citizen or an alien admitted for permanent residence in the United States who travels in foreign commerce, for the purpose of engaging in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 15 years, or both.

"(c) Engaging in Illicit Sexual Conduct in Foreign Places.—Any United States citizen or alien admitted for permanent residence who travels in foreign commerce, and engages in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 15 years, or both.

"(d) Ancillary Offenses.—Whoever arranges, induces, procures, or facilitates the travel of a person knowing that such a person is traveling in interstate commerce or foreign commerce for the purpose of engaging in illicit sexual conduct shall be fined under this title, imprisoned not more than 15 years, or both.

"(e) Attempt and Conspiracy.—Whoever attempts or conspires to violate subsection (a), (b), (c), or (d) shall be punishable in the same manner as a completed violation of that subsection.

"(f) Definition.—As used in this section, the term 'illicit sexual conduct' means (1) a sexual act (as defined in section 2246) with a person that would be in violation of chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States; or (2) any commercial sex act (as defined in section 1591) with a person who has not attained the age of 18 years.

"(g) Defense.—In a prosecution under this section based on illicit sexual conduct as defined in subsection (f)(2), it is a defense, which the defendant must establish by a preponderance of the evidence, that the defendant reasonably believed that the person with whom the defendant engaged in the commercial sex act had attained the age of 18 years.".

(b) Conforming Amendment.—Section 2423(a) of title 18, United States Code, is amended by striking "or attempts to do so,".

SEC. 106. TWO STRIKES YOU'RE OUT.

(a) In General.—Section 3559 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(e) Mandatory Life Imprisonment for Repeated Sex Offenses Against Children.—

"(1) In general.—A person who is convicted of a Federal sex offense in which a minor is the victim shall be sentenced to life imprisonment if the person has a prior sex conviction in which a minor was the victim, unless the sentence of death is imposed.

"(2) Definitions.—For the purposes of this subsection—

"(A) the term 'Federal sex offense' means—

"(i) an offense under section 2241 (relating to aggravated sexual abuse), 2242 (relating to sexual abuse), 2243(a) (relating to sexual abuse of a minor), 2244(a)(1) or (2) (relating to abusive sexual contact), 2245 (relating to sexual abuse resulting in death), or 2251A (relating to selling or buying of children); or

"(ii) an offense under section 2423(a) (relating to transportation of minors) involving prostitution or sexual activity constituting a State sex offense;

"(B) the term 'State sex offense' means an offense under State law that consists of conduct that would be a Federal sex offense if, to the extent or in the manner specified in the applicable provision of this title—

"(i) the offense involved interstate or foreign commerce, or the use of the mails; or

"(ii) the conduct occurred in any commonwealth, territory, or possession of the United States, within the special maritime and territorial jurisdiction of the United States, in a Federal prison, on any land or building owned by, leased to, or otherwise used by or under the control of the Government of the United States, or in the Indian country (as defined in section 1151);

"(C) the term 'prior sex conviction' means a conviction for which the sentence was imposed before the conduct occurred constituting the subsequent Federal sex offense, and which was for a Federal sex offense or a State sex offense;

"(D) the term 'minor' means an individual who has not attained the age of 17 years; and

"(E) the term 'State' has the meaning given that term in subsection (c)(2).".

(b) Conforming Amendment.—Sections 2247(a) and 2426(a) of title 18, United States Code, are each amended by inserting ", unless section 3559(e) applies" before the final period.

TITLE II—INVESTIGATIONS AND PROSECUTIONS

Subtitle A—Law Enforcement Tools To Protect Children

SEC. 201. LAW ENFORCEMENT TOOLS TO PROTECT CHILDREN.

(a) In-General.—Section 2516(1) of title 18, United States Code, is amended—

(1) in subparagraph (a), by inserting after "chapter 37 (relating to espionage)," the following: "chapter 55 (relating to kidnapping),"; and

(2) in subparagraph (c)—

(A) by striking "2251 and 2252" and inserting "2251, 2251A, 2252, and 2252A"; and

(B) by inserting "section 2423(b) (relating to travel with intent to engage in a sexual act with a juvenile)," after "motor vehicle parts),".

(b) Transportation for Illegal Sexual Activity.—Section 2516(1) of title 18, United States Code, is amended—

(1) by striking "or" at the end of paragraph (q);

(2) by inserting after paragraph (q) the following:

"(r) a violation of section 2422 (relating to coercion and enticement) and section 2423(a) (relating to transportation of minors) of this title, if, in connection with that violation, the intended sexual activity would constitute a felony violation of chapter 109A or 110, including a felony violation of chapter 109A or 110 if the sexual activity occurred, or was intended to occur, within the special maritime and territorial jurisdiction of the United States, regardless of where it actually occurred or was intended to occur; or"; and

(3) by redesignating paragraph (r) as paragraph (s).

SEC. 202. NO STATUTE OF LIMITATIONS FOR CHILD ABDUCTION AND SEX CRIMES.

(a) In General.—(1) Chapter 213 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 3296. Child abduction and sex offenses

"Notwithstanding any other provision of law, an indictment may be found or an information instituted at any time without limitation for any offense under section 1201 involving a minor victim, and for any felony under chapter 109A, 110, or 117, or section 1591.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"3296. Child abduction and sex offenses.".

(b) Application.—The amendments made by this section shall apply to the prosecution of any offense committed before, on, or after the date of the enactment of this section.

Subtitle B—No Pretrial Release for Those Who Rape or Kidnap Children

SEC. 221. NO PRETRIAL RELEASE FOR THOSE WHO RAPE OR KIDNAP CHILDREN.

Section 3142(e) of title 18, United States Code, is amended—

(1) by inserting "1201 (if the victim has not attained the age of 18 years), 1591 (if the victim has not attained the age of 18 years)," before "or 2332b"; and

(2) by striking "of title 18 of the United States Code" and inserting "or a felony offense under chapter 109A, 110, or 117 where a victim has not attained the age of 18 years".

Subtitle C—No Waiting Period To Report Missing Children "Suzanne's Law"

SEC. 241. AMENDMENT.

Section 3701(a) of the Crime Control Act of 1990 (42 U.S.C. 5779(a)) is amended by striking "age of 18" and inserting "age of 21".

Subtitle D—Recordkeeping to Demonstrate Minors Were Not Used in Production of Pornography

SEC. 261. RECORDKEEPING TO DEMONSTRATE MINORS WERE NOT USED IN PRODUCTION OF PORNOGRAPHY.

Not later than 1 year after enactment of this Act, the Attorney General shall submit to Congress a report detailing the number of times since January 1993 that the Department of Justice has inspected the records of any producer of materials regulated pursuant to section 2257 of title 18, United States Code, and section 75 of title 28 of the Code of Federal Regulations. The Attorney General shall indicate the number of violations prosecuted as a result of those inspections.

TITLE III—PUBLIC OUTREACH

SEC. 301. NATIONAL COORDINATION OF AMBER ALERT COMMUNICATIONS NETWORK.

(a) Coordination Within Department of Justice.—The Attorney General shall assign an officer of the Department of Justice to act as the national coordinator of the AMBER Alert communications network regarding abducted children. The officer so designated shall be known as the AMBER Alert Coordinator of the Department of Justice.

(b) Duties.—In acting as the national coordinator of the AMBER Alert communications network, the Coordinator shall—

(1) seek to eliminate gaps in the network, including gaps in areas of interstate travel;

(2) work with States to encourage the development of additional elements (known as local AMBER plans) in the network;

(3) work with States to ensure appropriate regional coordination of various elements of the network; and

(4) act as the nationwide point of contact for—

(A) the development of the network; and

(B) regional coordination of alerts on abducted children through the network.

(c) Consultation With Federal Bureau of Investigation.—In carrying out duties under subsection (b), the Coordinator shall notify and consult with the Director of the Federal Bureau of Investigation concerning each child abduction for which an alert is issued through the AMBER Alert communications network.

(d) COOPERATION.—The Coordinator shall cooperate with the Secretary of Transportation and the Federal Communications Commission in carrying out activities under this section.

SEC. 302. MINIMUM STANDARDS FOR ISSUANCE AND DISSEMINATION OF ALERTS THROUGH AMBER ALERT COMMUNICATIONS NETWORK.

(a) ESTABLISHMENT OF MINIMUM STANDARDS.—Subject to subsection (b), the AMBER Alert Coordinator of the Department of Justice shall establish minimum standards for—

(1) the issuance of alerts through the AMBER Alert communications network; and

(2) the extent of the dissemination of alerts issued through the network.

(b) LIMITATIONS.—(1) The minimum standards established under subsection (a) shall be adoptable on a voluntary basis only.

(2) The minimum standards shall, to the maximum extent practicable (as determined by the Coordinator in consultation with State and local law enforcement agencies), provide that the dissemination of an alert through the AMBER Alert communications network be limited to the geographic areas most likely to facilitate the recovery of the abducted child concerned.

(3) In carrying out activities under subsection (a), the Coordinator may not interfere with the current system of voluntary coordination between local broadcasters and State and local law enforcement agencies for purposes of the AMBER Alert communications network.

(c) COOPERATION.—(1) The Coordinator shall cooperate with the Secretary of Transportation and the Federal Communications Commission in carrying out activities under this section.

(2) The Coordinator shall also cooperate with local broadcasters and State and local law enforcement agencies in establishing minimum standards under this section.

SEC. 303. GRANT PROGRAM FOR NOTIFICATION AND COMMUNICATIONS SYSTEMS ALONG HIGHWAYS FOR RECOVERY OF ABDUCTED CHILDREN.

(a) PROGRAM REQUIRED.—The Secretary of Transportation shall carry out a program to provide grants to States for the development or enhancement of notification or communications systems along highways for alerts and other information for the recovery of abducted children.

(b) ACTIVITIES.—Activities funded by grants under the program under subsection (a) may include—

(1) the development or enhancement of electronic message boards along highways and the placement of additional signage along highways; and

(2) the development or enhancement of other means of disseminating along highways alerts and other information for the recovery of abducted children.

(c) FEDERAL SHARE.—The Federal share of the cost of any activities funded by a grant under the program under subsection (a) may not exceed 50 percent.

(d) DISTRIBUTION OF GRANT AMOUNTS ON GEOGRAPHIC BASIS.—The Secretary shall, to the maximum extent practicable, ensure the distribution of grants under the program under subsection (a) on an equitable basis throughout the various regions of the United States.

(e) ADMINISTRATION.—The Secretary shall prescribe requirements, including application requirements, for grants under the program under subsection (a).

(f) AUTHORIZATION OF APPROPRIATIONS.—(1) There is authorized to be appropriated for the Department of Transportation $20,000,000 for fiscal year 2003 to carry out this section.

(2) Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

SEC. 304. GRANT PROGRAM FOR SUPPORT OF AMBER ALERT COMMUNICATIONS PLANS.

(a) PROGRAM REQUIRED.—The Attorney General shall carry out a program to provide grants to States for the development or enhancement of programs and activities for the support of AMBER Alert communications plans.

(b) ACTIVITIES.—Activities funded by grants under the program under subsection (a) may include—

(1) the development and implementation of education and training programs, and associated materials, relating to AMBER Alert communications plans;

(2) the development and implementation of law enforcement programs, and associated equipment, relating to AMBER Alert communications plans; and

(3) such other activities as the Secretary considers appropriate for supporting the AMBER Alert communications program.

(c) FEDERAL SHARE.—The Federal share of the cost of any activities funded by a grant under the program under subsection (a) may not exceed 50 percent.

(d) DISTRIBUTION OF GRANT AMOUNTS ON GEOGRAPHIC BASIS.—The Attorney General shall, to the maximum extent practicable, ensure the distribution of grants under the program under subsection (a) on an equitable basis throughout the various regions of the United States.

(e) ADMINISTRATION.—The Attorney General shall prescribe requirements, including application requirements, for grants under the program under subsection (a).

(f) AUTHORIZATION OF APPROPRIATIONS.—(1) There is authorized to be appropriated for the Department of Justice $5,000,000 for fiscal year 2003 to carry out this section.

(2) Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

SEC. 305. INCREASED SUPPORT.

Section 404(b)(2) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5773(b)(2)) is amended by striking "2002, and 2003" and inserting "and 2002 and $20,000,000 for each of fiscal years 2003 and 2004".

SEC. 306. SEX OFFENDER APPREHENSION PROGRAM.

Section 1701(d) of part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

(1) by redesignating paragraphs (10) and (11) as (11) and (12), respectively; and

(2) by inserting after paragraph (9) the following:

"(10) assist a State in enforcing a law throughout the State which requires that a convicted sex offender register his or her address with a State or local law enforcement agency and be subject to criminal prosecution for failure to comply;".

TITLE IV—MISCELLANEOUS

SEC. 401. FORENSIC AND INVESTIGATIVE SUPPORT OF MISSING AND EXPLOITED CHILDREN.

Section 3056 of title 18, United States Code, is amended by adding at the end the following:

"(f) Under the direction of the Secretary of the Treasury, officers and agents of the Secret Service are authorized, at the request of any State or local law enforcement agency, or at the request of the National Center for Missing and Exploited Children, to provide forensic and investigative assistance in support of any investigation involving missing or exploited children.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 5422, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, children today are more at risk than ever to falling prey to sexual predators. Sexual exploitation of children, a prime motive for kidnapping, is on the rise. When it comes to abduction, rape and murder of children, the United States must have a zero tolerance policy. Our children are not statistics, and no level of abductions is acceptable.

H.R. 5422, the Child Abduction Prevention Act of 2002, will send a clear message that child abductors will not escape justice. This legislation strengthens penalties against kidnapping, subjects those who abduct and sexually exploit children to the possibility of lifetime supervision, aids law enforcement to effectively prevent, investigate and prosecute crimes against children, and provides families and communities with immediate and effective assistance to recover a missing child.

An abducted child is a parent's worst nightmare. We must ensure that law enforcement has every possible tool necessary to try and recover a missing child quickly and safely. Prompt public alerts of an abducted child could be the difference between life and death for that innocent victim. To accomplish this, H.R. 5422 establishes a national AMBER Alert program to expand the child abduction communications warning network throughout the United States.

For those individuals that would harm a child, we must ensure that punishment is severe and that sexual predators are not allowed to slip through the cracks of the system to harm other children. To this end, the legislation provides a 20-year mandatory minimum sentence of imprisonment for nonfamilial abductions of a child under the age of 18, lifetime supervision for sex offenders, and mandatory life imprisonment for second-time offenders. Furthermore, H.R. 5422 removes any statute of limitations and opportunity for pretrial release for crimes of child abduction and sex offenses.

Those who abduct children are often serial offenders who have actually been convicted of similar offenses. Sex offenders and child molesters are four times more likely than any other violent criminals to recommit their crimes. This number demands attention, especially in light of the fact that a single child molester on average destroys the lives of over 100 children. In response, H.R. 5422 provides judges with the discretion to impose lifetime supervision of such offenders.

The bill also fights against an industry supporting one of the fastest growing areas of international criminal activity. The sex tourism industry obtains its victims through kidnapping and trafficking of women and children. These women and children are then forced into prostitution. The bill addresses this problem.

Passage of this legislation also increases support for the National Center for Missing and Exploited Children, the Nation's resource center for child protection. The center assists in the recovery of missing children and raises public awareness on ways to protect children from abduction, molestation, and sexual exploitation. H.R. 5422 doubles the Federal funds for the center to $20 million by 2004 in recognition of its important role in these efforts to prevent child abductions.

Many of the provisions of H.R. 5422 previously passed the House in separate bills with tremendous bipartisan support. This legislation deserves the same support.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to H.R. 5422. I would like to be able to support the AMBER Alert portion of this bill; but that bipartisan, noncontroversial part of the bill has been buried literally behind a host of controversial soundbite-based provisions which may do more harm than good if passed. The AMBER Alert portion of the bill, which is the only justification for being here today, would provide grants and assistance to States and localities to establish a national system of communications and alerts to assist with locating and returning missing and abducted children. The system has proven itself at the State level and could help save lives and additional heartache on a national basis.

An AMBER Alert bill has already passed the Senate unanimously and could easily pass the House. America On-Line has already implemented an AMBER Alert system over its Internet systems and the President, through the first White House council on missing, exploited and runaway children which was held last week, has directed Federal agencies to assist. If we had before us either the bill introduced by the gentleman from Texas (Mr. FROST) and the gentlewoman from Washington (Ms. DUNN), called the Amber Alert bill, or the companion Senate bill which has already passed that House a few weeks ago, I would be speaking in favor of that bill and urging its passage. Instead, we have additional death penalty provisions and more mandatory minimum penalties, as if we do not already have too many of both.

We all know the problems we have with implementing the death penalty in this country. Over 100 individuals on death row have been exonerated in the last decade. Until we pass the Innocence Protection Act to shield against more innocent individuals being sentenced to death, we should not be passing more death penalties, especially complicating a noncontroversial bill to establish a national alert system to protect children. That Innocence Protection Act has over 240 cosponsors, so we should pass that. But in the meantime, this bill includes more new death penalties.

The bill also includes mandatory minimum penalties. Mandatory minimums have been studied and been found to distort the sentencing process, discriminate against minorities, and waste the taxpayers' money. Even Chief Justice Rehnquist, who is no flaming liberal when it comes to crime issues, has decried the effects of mandatory minimum sentences on a rational sentencing process and states that mandatory minimums are frequently the result of floor amendments to demonstrate emphatically that legislators want to be "tough on crime." Just as frequently, they do not involve any careful consideration of the effect they may have on sentencing guidelines as a whole.

One of the worst examples of mandatory minimums included in the bill is the "two strikes and you're out" bill that comes before us today, which mandates a life term without eligibility for parole for offenses, including consensual sexual activity between a 19-year-old and a 15-year-old, including those that may even be engaged to be married. Such approaches will do nothing to reduce crimes against children and may even endanger them. A professor from the University of California Law School at Berkeley in his testimony at an earlier version of "two strikes" cautioned that when we punish lesser offenses such as consensual sex crimes with the same penalty reserved for the highest grade of murder, a child sex offender would have nothing further to lose, if not an incentive, to eliminate the victim who is the most important witness against him.

Furthermore, because the "two strikes" bill applies to cases brought in Federal jurisdiction, 75 percent of those cases will involve Native Americans on reservations. This means that two offenders sentenced for the same crime in the same State with the same prior criminal record could receive such varied results as probation for one and life without parole for the other depending on whether the crime was committed on one side of the reservation line or the other. It is grossly unfair to subject one group of people to such a vastly disparate impact of law based on the fact that they live on a reservation. Amendments to exclude these types of consensual sex crimes and their Draconian impacts on Native Americans were rejected in committee. Although all parts of this bill have passed the House during the last three Congresses, it is small wonder why the Senate has not seen fit to take up this matter.

In addition to the "two strikes and you're out," there is a lifetime supervision provision, sex crimes wiretapping, sex tourism, all parts of this bill, all have passed the House and are awaiting Senate action. If the Senate has not seen fit to take any of them up because they do not have sufficient merit, now or in the last three Congresses, why would we think the Senate would see more merit in them with more new death penalties and additional mandatory minimums? And why should we jeopardize children by tying up a clearly meritorious, bipartisan, noncontroversial bill that could help them and get that into a legislative quagmire just for the purposes of having individuals have their little bills passed one more time?

Mr. Speaker, I would hope that we will put aside the politics of divisive, repetitive soundbite legislation, defeat this bill and take up a bill which would be the AMBER Alert bill that has already passed the Senate or the House version of that bill.

Mr. Speaker, I hope that we would defeat the motion to suspend the rules and defeat this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, just because the other body has not taken up a bill that has overwhelmingly passed this body is no reason why we should turn our back on trying to get it through in another method. I believe that all of the provisions of this bill are very meritorious. I intend to ask for a rollcall, and I think that most of the Members of this body will agree.

Mr. SMITH of Texas. Mr. Speaker, this legislation is good policy. It has the potential to protect and save lives, the lives of the most innocent among us. H.R. 5422 is divided into three titles: Sanctions and offenses, investigation and prosecution, and public outreach. This legislation ensures that our Nation's laws protect our children from those that would prey on them.

Title I, "Sanctions and Offenses," strengthens the penalties against kidnapping by providing for a 20-year mandatory minimum sentence of imprisonment for non-family abductions of a child under the age of 18.

The section includes Representative George GEKAS' bill, H.R. 4679, that requires lifetime supervision for sex offenders. Also included is Representative MARK GREEN's bill, H.R. 2146, that requires mandatory life imprisonment for second time offenders. Chairman JIM SENSENBRENNER's bill, H.R. 4477, strengthens the laws related to travel to foreign countries for sex with minors, and is a part of this legislation.

In addition, this title directs the U.S. Sentencing Commission to increase offense levels for crimes of kidnapping, expands the crime of sexual abuse murder, and adds child abuse that results in murder as a predicate for first degree murder.

Title II, "Effective Investigation and Prosecution," includes Representative NANCY JOHNSON's bill, H.R. 1877, which adds for new wiretap predicates that relate to sexual exploitation crimes against children.

It also provides that child abductions and felony sex offenses can be prosecuted without limitation of time and provides a rebuttable presumption that child rapists and kidnappers should not get pre-trial release.

Title III, "Public Outreach," establishes a national AMBER Alert program based on Representative JENNIFER DUNN's and Representative MARTIN FROST's bill to expand the child abduction communications warning network throughout the United States.

The AMBER program is a voluntary partnership between law-enforcement agencies and broadcasters to activate an urgent alert bulletin in serious child-abduction cases.

This title also increases support for the National Center for Missing and Exploited Children by doubling its authorization to $20 million. Further, the title authorizes COPS funding for local law enforcement agencies to establish sex offender apprehension programs within their states.

Mr. Speaker, the recent wave of high profile child abductions illustrates the tremendous need for legislation in this area. These criminals breach the security of our homes to kidnap, molest, rape, and kill our children. Immediate action is necessary. I urge my colleagues to support this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to remind us that, as America is considering war with Iraq, we have threats to our children's security that we have yet to carefully consider.

Child abduction is one of many threats to our children that we must address thoughtfully and comprehensively. I am disappointed with the majority's approach dealing with the very serious problem of child abduction and protecting our children.

Just last week at the White House Conference on Missing and Exploited and Runaway Children, the President said he supports the AMBER Plan legislation passed by the Senate. When discussing the AMBER Plan he also said, "the House hasn't acted yet." Sadly, our children are still in danger because of House inaction. We had the opportunity to act, but we let it go. The bipartisan legislation to create a national Amber Alert System quickly passed the Senate and it should have passed the House and been sent to the President. Instead what we have is a bill that has AMBER Alert provisions and as well as a host of unrelated provisions that will undoubtedly make it difficult to pass this legislation in the Senate.

I support the underlying purpose of the Child Abduction Prevention Act (H.R. 5422), but I am concerned that we are hastily putting together legislation to confront issues that need to be addressed in more comprehensive and meaningful ways. I know, for example, that H.R. 5422 includes provisions from the National AMBER Network Act. But the AMBER provisions of the Omnibus Child Protection Act are not the same as having a standalong bipartisan bill to comprehensively facilitate the implementation of State and local AMBER Alert Plans.

Around the country we have seen a rash of children being abducted. Many of these children are never found or returned alive. The stories of child abductions have become all too common. Over 2,000 children are abducted or missing everyday. Studies indicated that 74 percent of children who were kidnapped and later found murdered were killed in the first 3 hours of being taken.

We know that when a child is abducted it is important to mobilize the entire community quickly. The AMBER Alert Plan was instituted in 1996, when 9-year old Amber Hagerman was kidnapped and murdered in Arlington, Texas. Under the AMBER Plan, local radio and television stations interrupt programming to broad cast information about the abducted child.

By mobilizing thousands of people to safely recover an abducted child, we know that our children are more likely to be recovered. The AMBER Plan works. To date the AMBER Alert has been credited with recovering 31 children. Still, the vast majority of America's communities have not established an Amber Plan to protect our children. That is why it is critical that Congress moves to build on the success of the AMBER Plan. The National AMBER Alert Networks Act (H.R. 5326) aimed to build a seamless network of local AMBER Plans.

The Child Abduction Prevention Act of 2002 delays the passage of legislation that could swiftly move toward protecting our children. In addition, it does not address all the issues that are relevant to protecting our children. More comprehensive legislation would include provisions to treat children who have experienced the trauma of abduction. We must not forget that once our children are rescued they need medical attention and treatment to help them cope with the psychological effects of such a horrifying experience.

I am sorry that we have reached a point where we are in more of rush to put legislation together than we are interested in looking at all the tools that are available to help our children. I hope that in a better climate we can look at legislation that will extensively facilitate the protection of children from violent crimes. One such bill is the Save Our Children: Stop the Violent Predators Against Our Children DNA Act of 2002. We know that DNA is a critical tool if we are going to capture violent offenders who have preyed on our children. Yet, only 22 State Sex Offender Registries collect and maintain DNA samples as a part of registration.

The DNA Act of 2002 directs the Attorney General to establish and maintain a database solely for collecting DNA information with respect to violent predators against children. This bill also authorizes Federal, State and local agencies to submit DNA information for the database, and to compare DNA information with the DNA database.

There is nothing that devastates parents, friends, and a community more than a reported child abduction. What do we say to those families who are watching day-by-day as more stories of abductions are reported but we have yet to act?

In my own district these tragic acts of violence have hit home. Laura Ayala, a 13-year-old girl from Houston was reported missing after leaving her apartment to buy a newspaper at a nearby gas station. Only her shoes were found.

We know that 5-year-old Rilya Wilson was staying with her grandmother in January 2001 when someone showed up saying they were with the Department of Children and Families and took her away. Tragically, she is still unaccounted for. There are too many similar cases of our children being abducted and all too often harmed.

Mr. Speaker, a murder is the only major cause of childhood death that has increased in the past three decades. Something must be done to reverse this reality. I am dismayed that we are stalling progress with legislation that does not include all the tools to help protect our children and includes provisions we know will prevent it from passing.

Mr. FROST. Mr. Speaker, each year, over 58,000 children in America are abducted by predators. Although the vast majority of such children are safely returned to their parents—too many children are not. As a parent and a grandparent, I cannot imagine anything more devastating then having a child snatched away.

AMBER Alerts are one of the most effective tools available to keep our children safe. We have all seen how successful AMBER Alerts can be. To date, they have been credited with the recovery of 32 children. And thanks to the work of the National Center for Missing and Exploited Children and other organizations, there are now 66 AMBER Plans, including 24 statewide plans. Still, the vast majority of America's communities have not established an AMBER Plan to protect their children.

Last week, I met with the parents of Elizabeth Smart, good people who have had to endure every parent's worst nightmare. They were on Capitol Hill to urge the House to pass the National AMBER Alert Network Act, which I've introduced with my Republican colleague JENNIFER DUNN.Our bill mirrors the AMBER Alert legislation that has already passed the Senate. Also last week, President Bush called on the House to pass our bill so we could establish a national child abduction alert system this year.

We've been working with Chairman SENSENBRENNER, Ranking Member CONYERS and other members of the Judiciary Committee to pass a national AMBER Alert and I want to thank them for including our bill's key provisions in H.R. 5422, the Omnibus Child Abduction Prevention Act.

Our bill provides $25 million in needed funding to create a seamless network of local AMBER Plans across America. President Bush called this funding crucial to implementing an AMBER Alert network to protect every American child.

I am very pleased that Chairman SENSENBRENNER recognized the importance of the AMBER Alert by including our bill in this child protection package, but frankly, I would have preferred it if our bill had been brought up for a vote in the form that has already passed the Senate. That bill would go straight to the President's desk and we could immediately begin setting up a national AMBER network.

I am pleased to vote to pass this bill today, but this is a large package with some controversial provisions that may not pass the Senate this year. If the Senate does not act on this larger bill, I will implore the House Republican leadership not to play politics on this issue and request that we vote on the National AMBER Alert Network Act that has already passed that Chamber.

The AMBER Alert has proven its effectiveness and every child deserves its protections. There is no excuse for not passing a national AMBER Alert network into law this year.

Mr. ROYCE. Mr. Speaker, I rise in strong support of H.R. 5422, the Child Abduction Prevention Act. I am pleased to be an original cosponsor of the AMBER Alert legislation contained in this bill. As we witnessed this past summer, Amber Plans have worked to bring children home safely. An AMBER Alert was sent out to a number of States to search for 10-year old Nicole Timmons of Riverside, California. The alert was not only delivered throughout California but also in neighboring States, and Nicole was found in Nevada. What if Nicole's abductor went to an area that wasn't covered by the AMBER Alert System?

Currently, there is no national coordination. In fact, only 18 states have statewide plans and when an AMBER Alert is activated, all areas of the country are not covered. Instead, the alert is targeted more locally, regionally, or statewide. With the recent expansion of the AMBER Alert Program, a system is needed to ensure that neighboring states and communities will be able to honor each other's alerts when an abductor is traveling with the child to other parts of the country. This bill helps coordinate AMBER Alerts nationally. We need a coordinated nation-wide effort so that abducted children transported across state lines do not fall through the cracks. Speed is essential when trying to rescue an abducted child. Seventy-four percent of children who are murdered by their abductors are killed within 3 hours of being taken. That's why it is imperative that law enforcement and the media react quickly and get the word back to the community.

The AMBER Alert Plan does just that by sending an emergency alert to the public when a child has been abducted. Several high profile child abductions and recoveries have recently demonstrated how successful the AMBER Alert Plan can be—to date, the AMBER Alert has been credited with recovering about 30 children.

In addition, the bill would provide grants on a 50–50 matching basis to update provide training and technology to law enforcement, and for the purpose of disseminating alerts. The Senate has passed similar legislation and President George Bush has also announced his strong support for a national AMBER Alert Network. I urge Congress to pass this important bill quickly so that the AMBER Alert System will be there for all of our Nation's children.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

□ 1500

The SPEAKER pro tempore (Mr. CANTOR). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 5422, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

DISTRICT OF COLUMBIA AND UNITED STATES TERRITORIES CIRCULATING QUARTER DOLLAR PROGRAM ACT

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4005) to provide for a circulating quarter dollar coin program to commemorate the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, and for other purposes.

The Clerk read as follows:

H.R. 4005

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia and United States Territories Circulating Quarter Dollar Program Act".

SEC. 2. ISSUANCE OF REDESIGNED QUARTER DOLLARS COMMEMORATING THE DISTRICT OF COLUMBIA AND EACH OF THE TERRITORIES.

Section 5112 of title 31, United States Code, is amended by inserting after subsection (m) the following new subsection:

"(n) REDESIGN AND ISSUANCE OF CIRCULATING QUARTER DOLLAR COMMEMORATING THE DISTRICT OF COLUMBIA AND EACH OF THE TERRITORIES.—

"(1) REDESIGN IN 2009.—

"(A) IN GENERAL.—Notwithstanding the fourth sentence of subsection (d)(1) and subsection (d)(2) and subject to paragraph (6)(B), quarter dollar coins issued during 2009, shall have designs on the reverse side selected in accordance with this subsection which are emblematic of the District of Columbia and the territories.

"(B) FLEXIBILITY WITH REGARD TO PLACEMENT OF INSCRIPTIONS.—Notwithstanding subsection (d)(1), the Secretary may select a design for quarter dollars issued during 2009 in which—

(i) the inscription described in the second sentence of subsection (d)(1) appears on the reverse side of any such quarter dollars; and

(ii) any inscription described in the third sentence of subsection (d)(1) or the designation of the value of the coin appears on the obverse side of any such quarter dollars.

"(2) SINGLE DISTRICT OR TERRITORY DESIGN.—The design on the reverse side of each quarter dollar issued during 2009 shall be emblematic of one of the following: The District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

"(3) SELECTION OF DESIGN.—

"(A) IN GENERAL.—Each of the 6 designs required under this subsection for quarter dollars shall be selected by the Secretary after consultation with—

"(i) the chief executive of the District of Columbia or the territory being commemorated, or such other officials or group as the chief executive officer of the District of Columbia or the territory may designate for such purpose; and

"(ii) the Commission of Fine Arts.

"(B) SELECTION AND APPROVAL PROCESS.—Designs for quarter dollars may be submitted in accordance with the design selection and approval process developed by the Secretary in the sole discretion of the Secretary.

"(C) PARTICIPATION.—The Secretary may include participation by District or territorial officials, artists from the District of Columbia or the territory, engravers of the United States Mint, and members of the general public.

"(D) STANDARDS.—Because it is important that the Nation's coinage and currency bear dignified designs of which the citizens of the United States can be proud, the Secretary shall not select any frivolous or inappropriate design for any quarter dollar minted under this subsection.

"(E) PROHIBITION ON CERTAIN REPRESENTATIONS.—No head and shoulders portrait or bust of any person, living or dead, and no portrait of a living person may be included in the design of any quarter dollar under this subsection.

"(4) TREATMENT AS NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136, all coins minted under this subsection shall be considered to be numismatic items.

"(5) ISSUANCE.—

"(A) QUALITY OF COINS.—The Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) in uncirculated and proof qualities as the Secretary determines to be appropriate.

"(B) SILVER COINS.—Notwithstanding subsection (b), the Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) as the Secretary determines to be appropriate, with a content of 90 percent silver and 10 percent copper.

"(C) SOURCES OF BULLION.—The Secretary shall obtain silver for minting coins under subparagraph (B) from available resources, including stockpiles established under the Strategic and Critical Materials Stock Piling Act.

"(D) TIMING AND ORDER OF ISSUANCE.—Coins minted under this subsection commemorating the District of Columbia and each of the territories shall be issued in equal sequential intervals during 2009 in the following order: the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

"(6) OTHER PROVISIONS.—

"(A) APPLICATION IN EVENT OF ADMISSION AS A STATE.—If the District of Columbia or any territory becomes a State before the end of the 10-year period referred to in subsection (l)(1), subsection (l)(7) shall apply, and this subsection shall not apply, with respect to such State.

"(B) APPLICATION IN EVENT OF INDEPENDENCE.—If any territory becomes independent or otherwise ceases to be a territory or possession of the United States before quarter dollars bearing designs which are emblematic of such territory are minted pursuant to this subsection, this subsection shall cease to apply with respect to such territory.

"(7) TERRITORY DEFINED.—For purposes of this subsection, the term 'territory' means the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

GENERAL LEAVE

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on H.R. 4005.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4005, the District of Columbia and United States Territories Circulating Quarter Dollar Program Act sponsored by the gentleman from New York (Mr. KING).

As Members are aware, the 50-State quarter program that began in 1999 has been a truly successful effort. I had the privilege of serving as the Chairman of the then-Domestic and International Monetary Policy Subcommittee at the time the 50-State Quarter bill was signed into law. The program calls for the production over 10 years of quarter dollar coins with the reverse, or back, of the coins depicting scenes representing each of the 50 States. Five are produced each year.

That program has been wildly successful. It is not uncommon for people to stop and examine the change in their pocket before making a transaction, perhaps saving a new quarter out of a pocketful. The result has been as much as a five-fold increase in the demand for quarters. But the bottom line is that every time someone looks at the back of a quarter, they learn something about the State represented.

At the time the bill was moving through Congress, not everyone was convinced that it would be a great success. This skepticism kept us from including the District of Columbia, Puerto Rico and the territories in the program. Because the program has been a wild success, it is appropriate for us to create a sister program for the District of Columbia, Puerto Rico and the territories.

The District of Columbia, Puerto Rico and the territories are not States, but they are certainly part of the United States' history. In the case of the territories, particularly, I know we could all stand to learn a little more about them. Therefore, I think it is self-evident that this program is a good idea. It creates an entirely separate program from the State quarters program, so there is no confusion that inclusion somehow confers statehood.

The gentlewoman from the District of Columbia (Ms. NORTON) may have different thoughts about that, but that is the way it had to be done. The program would run for 1 year when the other program finished, issuing all six quarters in that year, 2009. And if the history of the State quarters program is any guide, the D.C. and territories' quarters taken out of circulation permanently by collectors would total as much as $1 billion which would accrue to the U.S. Treasury in the form of money deposited into the general fund.

Mr. Speaker, this is a good program. It is identical to H.R. 5010, sponsored in the 106th Congress by the gentleman from Alabama (Mr. BACHUS) and passed by the House 377–6 after a convincing hearing in the Committee on Banking and Finance. It is educational, and it would raise a little money for the general fund as well. It deserves the support of all Members. I urge its immediate passage.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I cannot help but to appreciate the remark of the gentleman from Delaware (Mr. CASTLE) about the requirement that it be understood that this bill not confer statehood. All I can say to the gentleman is that I have heard of back-door legislation, but I am sure this House knows how to keep the district from becoming a State through the back door. Nevertheless, I certainly appreciate all of the consideration that has been given to the District for a coin, a bill that matters a great deal to the people I represent.

Mr. Speaker, today I rise in strong support of H.R. 4005, the District of Columbia and United States Territories Circulating Quarter Dollar Program Act, a bill that would give the District of Columbia and the territories a privilege the 50 States already have, namely the ability to choose a design for the reverse side of the quarter coin in order to commemorate our history as part of the United States.

Mr. Speaker, we have traveled a long road to get to this moment today with the generous assistance of each chair and ranking member of the committee and the subcommittee. The absence of the District of Columbia and the territories drew our attention when the original 50 States Commemorative Coin Program Act came to the House floor in the 105th Congress. I am grateful to the initiative of the gentleman from Delaware (Mr. CASTLE), who has come to manage the bill and was then Chairman of the Subcommittee on Domestic and International Monetary Policy. The gentleman from Delaware (Mr. CASTLE) immediately agreed to cosponsor a bill with the other delegates and with me to allow the District and the four insular areas to participate in the program.

With the gentleman's support, I then introduced a bill to include the District and the territories. During the 106th Congress, I again introduced the bill; and the new chairman of the subcommittee, the gentleman from Alabama (Mr. BACHUS), agreed to lend his support, sponsored the bill and took it to the House floor, where it passed overwhelmingly by a vote of 377–6 on September 18, 2000.

Unfortunately, because the bill was passed late in the session, the Senate did not act on the bill. That brings us to the current Congress and a new chairman of the subcommittee, the gentleman from New York (Mr. KING). I want to thank the gentleman from New York (Mr. KING), as I thank his predecessors, for introducing the bill and for his leadership in bringing the bill to the floor today.

Also, I want to thank the ranking member of the subcommittee, the gentlewoman from New York (Mrs. MALONEY), for cosponsoring the bill and for her diligent work; and I thank the chairman and ranking member of the full committee, the gentleman from Ohio (Mr. OXLEY) and the gentleman from New York (Mr. LAFALCE), for their great cooperation in helping us with this effort today. Without their leadership, this day would not have been possible.

Mr. Speaker, I want to reserve my particular gratitude for my colleagues, the delegates from the insular areas, who are all cosponsors of this bill and who have remained committed to this effort from the beginning.

I must also say a special word of thanks to the excellent staff who have worked so diligently on this bill, Joe Pinder of the majority staff and Jaime Lizarraga of the minority staff.

Although the residents of the District of Columbia and the insular areas are American citizens, there are some differences between us and the States. Qualification to be part of a program to redesign quarters to commemorate Members' home districts is not among them. There is no legal or constitutional reason why the District and the territories cannot be part of a popular commemorative coin program created to celebrate the components of our Federal republic to spark interest both in the history of this great Nation and in numismatics and to raise funds for the Treasury.

We recognize that Congress always desires to avoid any appearance of unfairness, and it is clear that the initial exclusion from the program was an oversight. With the passage of this bill, we will correct that oversight today.

H.R. 4005 would extend the 10-year commemorative coin program for an additional year to include the District of Columbia and the four insular areas, American Samoa, Guam, Puerto Rico and the Virgin Islands, as well as the Commonwealth of Northern Mariana Islands, in the program.

In the District, I have suggested that we hold a competition to choose the design for our quarter. Of course, the bill requires that "the Secretary shall not select any frivolous or inappropriate design for any quarter dollar minted." Although to some American citizens the Commemorative Coin Program may seem like a minor activity, the ability to participate in this program is important recognition to our constituents.

Despite the fact that in the normal process, it has taken 5 years to get to this point today, no damage has been done because the original Commemorative Coin Program mandates a 10-year period from minting commemorative quarters, according to the date of admission to the Union, and, therefore, the Treasury would not have reached the districts recognized in this bill at this point in any case.

We are very pleased by the success of the program. Nineteen States already have quarters, all of whom I am certain feel pride in having a coin to commemorate their particular characteristics, achievements or history as a part of our Nation.

We also are pleased that this program costs the Treasury nothing, but, instead, because of the popularity of the coins, actually brings in new money for the government, totaling billions of dollars. Our participation will mean even more funds will come to our government.

D.C. residents carry the flag and wave the flag. We are second per capita in Federal income taxes, and we serve in the Armed Forces in numbers disproportionately higher than the States. The District, for example, had more residents who served in the Gulf War than 47 States and more casualties in Vietnam than each of 10 States.

This coin bill, therefore, may not mean much to the average citizen, but it means a great deal to those of us who live in the District of Columbia. The commemorative quarter will be a matter of particular pride to the residents of the District. We are sensitive to find ways to indicate our unity with the 50 States.

I know I speak for all of the delegates when I say that, as American citizens, we would appreciate being acknowledged with a coin of our own. We seek only the maximum recognition permissible under law. H.R. 4005 will afford our residents a sense of particular pride as we join other Americans in commemorating our unique contributions to our shared history.

Mr. Speaker, I thank all of my colleagues, especially the gentleman from Delaware (Mr. CASTLE) who initiated this effort, for their leadership on this bill and urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first, with respect to the gentlewoman from the District of Columbia (Ms. NORTON), she has been working on this tirelessly from the beginning of it. In fact, as we were getting started, she came to see me and started to talk to me about it. I saw the wisdom after a couple of visits and have heartily embraced it ever since. I am glad that it is going through the House again, and hopefully we can get it through the Senate.

While we are not exactly providing statehood, we are in no way hurting statehood. I think that statehood will be, if anything, enhanced by this, and not hurt by it.

I thank Joe Pinder of the Committee on Financial Services staff. He has worked long and hard on these issues. While it is nice to say this program has worked so well, there was a great deal of resistance to this program at a whole variety of levels, and it took a lot of studies and a lot of people having to be convinced before it could work.

I would like to say finally, on the economics, some people might wonder how this makes money. For the millions of people listening on C–SPAN, I would just point out that it costs about 4 cents to make a quarter. And when they are issued eventually by the Federal Reserve to the banks, they receive 25 cents for each quarter, so there is a 21-cent float. And as long as that float is out there, it is money that can be used by the Federal Government and is money on which the Federal Government does not have to pay interest. In that sense, that money is able to be used without having to borrow other money.

The reality of this program is that all these coins are being collected. So it is almost a permanent matter of 21-cent conversion, so, as a result, the Treasury has benefited and will continue to benefit. We talked about a billion dollars with these six new coins. That is probably a correct estimate over some period of time. That is the economics of this, in addition to the education aspects of it, and another reason why this has been a program which has been so greatly successful.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Delaware (Mr. CASTLE) proved prescient in his understanding of how this bill would not only benefit this country's Treasury but individual States. In fact, he may well go down in history as the Member who almost effortlessly raised billions of dollars for the United States Treasury. All he had to do was, with the stroke of his pen, bring this bill to the floor, and money began to flow into the Treasury.

As for the people of the District of Columbia, and for the insular areas as well, I can say with deep sincerity never has a coin meant so much to so few, but that is what it means to us. We are very appreciative of the opportunity to be included in this bill.

□ 1515

Mr. Speaker, and with thanks to the gentleman from Delaware (Mr. CASTLE) and to those who worked so hard, the chairman and past chairman and ranking members of this committee and subcommittee.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield myself the remainder of my time.

I thank the gentlewoman for her kind comments, and hopefully we can speed this through the Senate as well.

Mr. UNDERWOOD. Mr. Speaker, I would like to take this opportunity to commend the leadership of Representatives PETER KING and CAROLYN MALONEY for their instrumental work in moving this legislation out of the Subcommittee on Domestic Monetary Policy, Technology and Economic Growth and onto the floor today. I would also like to recognize the leadership of my colleagues Representative MIKE CASTLE and Delegates NORTON, FALEOMAVAEGA, CHRISTENSEN, and ACEVEDO-VILÁ, who have worked steadily to achieve the same recognition given to the 50 states when the Commemorative Coin Program Act was passed in 1997.

Though it has taken five years to recognize these U.S. jurisdictions, I am very pleased that the passage of this legislation would extend this program and acknowledge the participation of the District of Columbia and the U.S. territories of Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa and Puerto Rico in the scope of our great nation. Like citizens of other states, Americans living in these jurisdictions have served in the armed forces, but in numbers disproportionately higher than in the states. Both the District and the territories have cultivated generations of scholars, athletes, entertainers, and artists, who have added to the rich history and diversity of this nation. It may not mean much for the average citizen to have a commemorative quarter, but it means a great deal to these jurisdictions.

Since 1998, the United States Treasury has issued five specially designed quarters to commemorative each state in order of their ratification of the Constitution and admission into the Union. To date, there are 19 state quarters in circulation, which signify particular characteristics, achievement, and history of each state.

It was hoped that the Commemorative Coin Program would lead the American public to appreciate the history of U.S. coinage and generate a collective pride among Americans, not only in their home states, but also the nation as a whole. It has always been my hope that Congress would not forget the history of these jurisdictions. I am proud to note that today we can realize the full and rich history of the District of Columbia, of my district of Guam, and the four other territories of the United States.

Not very many Americans know that my district of Guam, an island approximately 3,500 miles southwest of Hawaii, was also attacked on December 7, 1941, the date which marked the United States' entrance into World War II. From the time of the attack to the liberation of the island on July 21, 1944, Guam has the distinction of being the only civilian U.S. jurisdiction to be occupied by the Japanese during the war.

In 1998, Guam marked its 100th anniversary of the commencement of its relationship with the United States which resulted from the Spanish-American War. In 1999, we commemorated the 50th anniversary of the enactment of the Organic Act of Guam, which granted civilian government and U.S. citizenship to the people of Guam. We are the westernmost territory of the United States on the opposite side of the International Date Line and have the distinction of being the place "where America's day begins." The passage of this legislation today will not only give acknowledgment to the unique circumstances and histories of these U.S. jurisdictions, it also pays tribute to Americans living in these places who take great pride and provide service to the nation but often feel marginalized or left behind because they are unable to take part in programs which most other Americans enjoy.

As an original co-sponsor of this legislation and of its predecessor, H.R. 5010, I urge my colleagues to unanimously support this very important legislation and urge its expeditious passage and enactment.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in support of H.R. 4005, a bill to provide for a circulating quarter dollar coin program to commemorate American Samoa, the District of Columbia, Guam, Puerto Rico, the Virgin Islands, and the Northern Mariana Islands.

In general, this legislation would amend the popular 50 States Commemorative Coin Program Act to include 6 new designs emblematic of the District of Columbia, American Samoa, Guam, Puerto Rico, the Virgin Islands, and the Northern Mariana Islands. Designs on the reverse side of each quarter dollar issued during 2009 will be selected by the Secretary of Treasury in consultation with the chief executive officers of these areas.

It should come as no surprise that I am a strong supporter of this bill. My colleagues and I have worked for some time to move this legislation forward. All five delegates are and were original co-sponsors of this bi-partisan measure. This measure was first introduced in the 106th Congress and passed overwhelmingly in the House by a vote of 377–6. Unfortunately, the 106th Congress ended before the Senate was able to consider our bill.

I am now pleased that H.R. 4005 has once again made it to the House floor for consideration. I want to thank Congresswoman ELEANOR HOLMES NORTON for her leadership and I also want to thank the order Delegates who have also worked tirelessly to ensure that this legislation is considered.

Speaking on behalf of American Samoa, I believe it is only fitting for Congress to acknowledge our relationship with the United States with the issuance of a commemorative coin. American Samoa has a long and proud history of supporting the United States. The traditional leaders of the island of Tutuila ceded our islands to the United States in 1900.

Tutuila's harbor is the deepest in the South Pacific and the port village of Pago Pago was used as a coaling station for U.S. naval ships in the early part of the century and as a support base for U.S. soldiers during WWII. To this day, American Samoa serves as a refueling point for U.S. naval ships and military aircraft.

American Samoa also has a per capita enlistment rate in the U.S. military which is as high as any State or U.S. Territory. Our sons and daughters have served in record numbers in every U.S. military engagement from WWII to present operations in our war against terrorists. We have stood by the United States in good times and bad and I believe this relationship should be acknowledged with the issuance of a commemorative coin.

H.R. 4005 afford us an opportunity to recognize the special contributions that the District of Columbia, American samoa, Guam, Puerto Rico, and the Northern Marianas have made to the history of our Nation. I urge my colleagues to vote in favor of this legislation.

Mr. CASTLE. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CANTOR). The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and pass the bill, H.R. 4005.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ALLOWING CERTAIN CATCH-UP CONTRIBUTIONS TO THRIFT SAVINGS PLAN

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3340) to amend title 5, United States Code, to allow certain catch-up contributions to the Thrift Savings Plan to be made by participants age 50 or over, as amended.

The Clerk read as follows:

H.R. 3340

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. THRIFT SAVINGS PLAN CATCH-UP CONTRIBUTIONS.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Paragraph (2) of section 8351(b) of title 5, United States Code, is amended by adding at the end the following:

"(C) Notwithstanding any limitation under this paragraph, an eligible participant (as defined by section 414(v) of the Internal Revenue Code of 1986) may make such additional contributions to the Thrift Savings Fund as are permitted by such section 414(v) and regulations of the Executive Director consistent therewith.".

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

(1) PROVISION APPLICABLE TO EMPLOYEES GENERALLY.—Subsection (a) of section 8432 of title 5, United States Code, is amended by adding at the end the following:

"(3) Notwithstanding any limitation under this subsection, an eligible participant (as defined by section 414(v) of the Internal Revenue Code of 1986) may make such additional contributions to the Thrift Savings Fund as are permitted by such section 414(v) and regulations of the Executive Director consistent therewith.".

(2) PROVISION APPLICABLE TO CERTAIN OTHER INDIVIDUALS.—Section 8440f of title 5, United States Code, is amended—

(A) by striking "The maximum" and inserting "(a) The maximum", and

(B) by adding at the end the following:

"(b) Notwithstanding any limitation under this section, an eligible participant (as defined by section 414(v) of the Internal Revenue Code of 1986) may make such additional contributions to the Thrift Savings Fund as are permitted by such section 414(v) and regulations of the Executive Director consistent therewith.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of the earliest practicable date, as determined by the Executive Director (appointed under section 8474(a) of title 5, United States Code) in regulations.

SEC. 2. REAUTHORIZATION OF MERIT SYSTEM PROTECTION BOARD AND OFFICE OF SPECIAL COUNSEL.

(a) MERIT SYSTEMS PROTECTION BOARD.—Section 8(a)(1) of the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note) is amended by striking "1998, 1999, 2000, 2001 and 2002" and inserting "2003, 2004, 2005, 2006, and 2007".

(b) OFFICE OF SPECIAL COUNSEL.—Section 8(a)(2) of the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note) is amended by striking "1993, 1994, 1995, 1996, and 1997," and inserting "2003, 2004, 2005, 2006, and 2007".

(c) EFFECTIVE DATE.—This section shall be effective as of October 1, 2002.

SEC. 3. DISCLOSURE OF VIOLATIONS OF LAW; RETURN OF DOCUMENTS.

Section 1213(g) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking the last sentence; and

(2) by striking paragraph (3) and inserting the following:

"(3) If the Special Counsel does not transmit the information to the head of the agency under paragraph (2), the Special Counsel shall inform the individual of—

"(A) the reasons why the disclosure may not be further acted on under this chapter; and

"(B) other offices available for receiving disclosures, should the individual wish to pursue the matter further.".

SEC. 4. CONTINUATION OF HEALTH BENEFITS COVERAGE FOR INDIVIDUALS ENROLLED IN A PLAN ADMINISTERED BY THE OVERSEAS PRIVATE INVESTMENT CORPORATION.

(a) ENROLLMENT IN CHAPTER 89 PLAN.—For purposes of the administration of chapter 89 of title 5, United States Code, any period of enrollment under a health benefits plan administered by the Overseas Private Investment Corporation before the effective date of this Act shall be deemed to be a period of enrollment in a health benefits plan under chapter 89 of such title.

(b) CONTINUED COVERAGE.—

(1) IN GENERAL.—Any individual who, as of the enrollment eligibility date, is covered by a health benefits plan administered by the Overseas Private Investment Corporation may enroll in an approved health benefits plan described under section 8903 or 8903a of title 5, United States Code—

(A) either as an individual or for self and family, if such individual is an employee, annuitant, or former spouse as defined under section 8901 of such title; and

(B) for coverage effective on and after such date.

(2) INDIVIDUALS CURRENTLY UNDER CONTINUED COVERAGE.—An individual who, as of the enrollment eligibility date, is entitled to continued coverage under a health benefits plan administered by the Overseas Private Investment Corporation—

(A) shall be deemed to be entitled to continued coverage under section 8905a of title 5, United States Code, for the same period that would have been permitted under the plan administered by the Overseas Private Investment Corporation; and

(B) may enroll in an approved health benefits plan described under section 8903 or 8903a of such title in accordance with section 8905a of such title for coverage effective on and after such date.

(3) UNMARRIED DEPENDENT CHILDREN.—An individual who, as of the enrollment eligibility date, is covered as an unmarried dependent child under a health benefits plan administered by the Overseas Private Investment Corporation and who is not a member of family as defined under section 8901(5) of title 5, United States Code—

(A) shall be deemed to be entitled to continued coverage under section 8905a of such title as though the individual had ceased to meet the requirements for being considered an unmarried dependent child under chapter 89 of such title as of such date; and

(B) may enroll in an approved health benefits plan described under section 8903 or 8903a of such title in accordance with section 8905a for continued coverage effective on and after such date.

(c) TRANSFERS TO THE EMPLOYEES HEALTH BENEFITS FUND.—

(1) IN GENERAL.—The Overseas Private Investment Corporation shall transfer to the Employees Health Benefits Fund established under section 8909 of title 5, United States Code, amounts determined by the Director of the Office of Personnel Management, after consultation with the Overseas Private Investment Corporation, to be necessary to reimburse the Fund for the cost of providing benefits under this section not otherwise paid for by the individuals covered by this section.

(2) AVAILABILITY OF FUNDS.—The amounts transferred under paragraph (1) shall be held in the Fund and used by the Office in addition to amounts available under section 8906(g)(1) of title 5, United States Code.

(d) ADMINISTRATION AND REGULATIONS.—The Office of Personnel Management—

(1) shall administer this section to provide for—

(A) a period of notice and open enrollment for individuals affected by this section; and

(B) no lapse of health coverage for individuals who enroll in a health benefits plan under chapter 89 of title 5, United States Code, in accordance with this section; and

(2) may prescribe regulations to implement this section.

(e) ENROLLMENT ELIGIBILITY DATE.—For purposes of this section, the term "enrollment eligibility date" means the last day on which coverage under a health benefits plan administered by the Overseas Private Investment Corporation is available. Such date shall be determined by the Office of Personnel Management in consultation with the Overseas Private Investment Corporation.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3340.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

I rise today to urge support for H.R. 3340. This is legislation that will help ensure the retirement security and independence of many Federal employees. Under the Economic Growth and Tax Relief Reconciliation Act of 2001, employer-sponsored thrift plans, such as private sector 401(k) plans and the TSP, may allow employees age 50 and older to contribute additional money toward their retirement.

Due to the new law, an individual age 50 or older could put an additional $1,000 next year into a pension plan in addition to regular contributions allowed by law. The following year the extra contribution would be $2,000. It would increase each year until the extra contribution level was $5,000. Each year thereafter the investor could put in an additional $5,000 on top of the regular contribution in a pension plan.

However, employees are not automatically entitled to make catch-up contributions. Private employers must amend their plan documents to permit catch-up contributions. And, likewise, Congress must amend title 5 of the U.S. Code before Federal employees can make catch-up contributions. H.R. 3340 makes the necessary changes to title 5 to permit Federal employees to take advantage of this important opportunity to improve their retirement security. The catch-up provision is particularly justifiable for the Federal plan since the TSP was not created by law until 1986. The catch-up contributions will allow workers to make up for years when they were not employed, did not contribute to their plan, or otherwise were unable to save. It is also particularly beneficial for women who have returned to the workforce after taking time away to raise families.

It is essential that we in Congress do as much as we can to foster improved savings by enhancing private and public sector pension plans. America has one of the lowest national savings rates among industrialized countries. It has fallen steadily over the last 25 years, seriously jeopardizing Americans' security during what is supposed to be their golden years. And even though Americans realize that they should be saving more, half of all family heads in their late 50s possess less than $10,000 in net financial assets. With the retirement of America's baby boomers approaching, Congress must help to encourage Americans to save more.

So, Mr. Speaker, H.R. 3340 furthers our goal of helping Americans increase their savings so they can provide a better retirement for themselves and their families. In addition, H.R. 3340, as amended, reauthorizes the U.S. Merit Systems Protection Board and the Office of Special Counsel; and it would allow employees, retirees, and near retirees of the Overseas Private Investment Corporation to enroll in the Federal Employees Health Benefit Plan.

The Merit Systems Protection Board is an independent quasi-judicial agency in the executive branch that adjudicates Federal employees' appeals from certain serious disciplinary actions, including firing, and Office of Personnel Management retirement decisions. The Board also adjudicates cases brought by the Office of Special Counsel to enforce the Hatch Act and laws against prohibited personnel practices, including whistleblower cases. The amendment authorizes the Merit Systems Protection Board through 2007.

The amendment also reauthorizes the Office of Special Counsel through 2007. The OSC is an independent Federal investigator and prosecutorial agency. The OSC enforces the Hatch Act, and it litigates cases involving prohibited personnel practices, including reprisal for whistleblowing, before the Merit Systems Protection Board.

And, finally, Mr. Speaker, the amendment contains language that would allow certain retirees and near retirees who are currently covered by a health plan administered by OPIC to participate fully in the FEHBP. That is the Federal Employee Health Benefit Plan. OPIC established a separate health insurance plan outside the FEHBP in 1982. However, since 1995 OPIC discontinued offering its separate plan due to a number of problems in maintaining a separate health care plan. This language resolves technical problems involving eligibility of retirees and near retirees for coverage under FEHBP, and the administration supports this legislation. I urge my colleagues to do the same. It may sound complicated and not so exciting, but it is very critical for those employees who would be involved in it and would be administered under it.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, H.R. 3340, as amended, will enhance the retirement and health benefits of Federal employees and ensure the continued operation of two agencies that serve as guardians of the Federal merit systems.

The Economic Growth and Tax Relief Act, which became law last year, made it possible for enrollees 50 years of age or older to contribute an additional $1,000 a year to their private sector 401(k) plans. After 5 years with annual increases of $1,000, private sector employees will be able to contribute an additional $5,000 a year to their 401(k) plans. These changes did not apply to the Federal Government's equivalent plan, the Thrift Savings Plan, or the TSP. This simply is not fair.

H.R. 3340 would amend the Federal Employees Retirement System Act to allow Federal employees, like their private sector counterparts, to make additional contributions to their TSP. Federal employees who were previously unable to contribute to their TSP would be able to catch up by making additional contributions to their plan.

Another provision of the bill addresses the Overseas Private Investment Corporation, OPIC. In the 1980's a number of Federal banking agencies, including OPIC, established separate health insurance plans outside of the Federal Employees Health Benefits Program. As health care costs have increased, it has become too costly for OPIC to maintain a separate health insurance plan. Under H.R. 3340, as amended, the approximately 70 employees enrolled in OPIC's health insurance plan would be allowed to transfer to the FEHBP. OPIC will bear the costs associated with transfer.

Finally, this legislation would reauthorize the Merit Systems Protection Board, MSPB, and the Office of Special Counsel, OSC. Established in 1978 by the Civil Service Reform Act, MSPB's mission is to ensure that Federal employees are protected against abuses by Federal agency management, that executive branch agencies make employment decisions in accordance with merit systems principles, and that Federal merit systems are kept free of prohibited personnel practices such as discrimination and coercion.

OSC is an independent Federal investigative prosecutorial agency. It safeguards the merit system by protecting Federal employees and applicants from prohibited personnel practices, especially reprisal for whistleblowing. OSC also serves as a safe and secure channel for Federal workers who wish to disclose violations of laws, gross mismanagement or waste of funds, and abuse of authority. This legislation will provide a variety of benefits for Federal employees, and I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mrs. MORELLA. Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I am pleased to yield such time as she may consume to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding time to me.

At the time that we began work on this bill, the markets had not imploded. This bill has assumed far greater importance since, and I just want to spell out something of what it means. We are now living in a country where people over 50 years of age have lost their shirts. The catastrophic effects of the market on baby boomers and older people is pouring out now in stories, in the newspapers about people going back to work, about people selling their homes, and the rest of it. Do not think that this does not apply as well to Federal employees.

Allowing us, those of us who work in the Federal Government, to catch up, as it were, with what is already the case in the private sector could not come at a more opportune time. In the first place, one does not have to put their money into the traditional stock market. The TSP is very conservative. They could put all of their money into bonds. They could in fact decide that this might be an important way to make up for some of the losses almost all of us have incurred in the market over the past year, 18 months.

And what this means is very important. In the first year, in addition to what someone already contributes, they can put in an additional $1,000. The next year they can put in an additional $2,000, until of course they reach $5,000 and then they will be able to contribute, as private employees do, an additional $5,000 a year to the TSP.

The reason that this is important, it seems to me, for everybody but especially for the employees to whom this is directed, employees 50 or older, is that there is almost no way to even begin to make up for the kinds of losses people have had, and people have got to begin thinking through how do we do that. We do not want to say to what has become an investment public, stop investing in anything, they could have happen to them what has now happened to people in all ages and backgrounds. They could lose it all. There are safe investments. We are very fortunate that the TSP allows us to spread our investments, encourages us to do so, and I believe that for those who are very numerous, and I am sure are included among them are many government employees who want to begin to reinvest, this opportunity to reinvest in more conservative investments will be a very welcome opportunity. At the very least, it would be unconscionable to leave those in the public sector, the Federal sector behind what we ourselves have already granted to those in the private sector.

So I appreciate that the gentlewoman has brought this bill forward, a bill we worked very hard on and, fortuitously, a bill which I think will be appreciated more than when the bill was originally in committee.

□ 1530

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I said earlier, H.R. 3340 with the amendment accomplishes many goals, including catch-up contributions for the Thrift Savings Plan contributors, reauthorization of the OSC and the Marriage System Protections Board.

Finally, H.R. 3340 would allow employees, retirees and near-retirees of the Overseas Private Investment Corporation to enroll in the Federal Employees Health Benefit Plan.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. Speaker, I also want to say that I introduced the bill because it was very important. It took a lot of time, and we had the approval of the chairman of the committee, the gentleman from Indiana (Mr. BURTON); the ranking member, the gentleman from California (Mr. WAXMAN); the chairman of the subcommittee, the gentleman from Florida (Mr. WELDON); the ranking member of the Subcommittee on Civil Service, the gentleman from Illinois (Mr. DAVIS); some great sponsors and some great staff that helped to move this bill forward.

Mr. Speaker, I urge an affirmative vote.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to congratulate the gentlewoman from Maryland for the introduction and processing and passage of this legislation.

Mr. Speaker, I yield back the balance of my time.

Mrs. MORELLA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CANTOR). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 3340, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. MORELLA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 4 p.m.

Accordingly (at 3 o'clock and 33 minutes p.m.), the House stood in recess until approximately 4 p.m.

□ 1603

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PETRI) at 4 o'clock and 3 minutes p.m.

MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 2002

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5385) to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes, as amended.

The Clerk read as follows:]

H.R. 5385

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS

(a) SHORT TITLE.—This Act may be cited as the "Miscellaneous Trade and Technical Corrections Act of 2002".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents

TITLE I—TARIFF PROVISIONS

Sec. 1001. Reference; expired provisions.

Subtitle A—Temporary Duty Suspensions and Reductions

CHAPTER 1—NEW DUTY SUSPENSIONS AND REDUCTIONS

Sec. 1101. Bitolylene diisocyanate (TODI).
Sec. 1102. 2-methyl imidazole.
Sec. 1103. Hydroxylamine free base.
Sec. 1104. Prenol.
Sec. 1105. 1-methyl imadazole.
Sec. 1106. Formamide.
Sec. 1107. Michler's ethyl ketone.
Sec. 1108. Vinyl imidazole.
Sec. 1109. Disperse blue 27.
Sec. 1110. Acid black 244.
Sec. 1111. Reactive orange 132.
Sec. 1112. Mixture of 2-naphthalenesulfonic acid, 6-amino-5-[[2-[(cyclohexylmethylamino)sulfonyl] phenyl]azo]-4-hydroxy-, monosodium salt, 2-naphthalenesulfonic acid, 6-amino-5-[[4-chloro-2-(trifluoromethyl) phenyl]azo] -4-hydroxy-, monosodium salt, and 2-naphthalenesulfonic acid, 6 - amino -4 -hydroxy -5 - [[2-(trifluoromethyl) phenyl]azo] -, monosodium salt.
Sec. 1113. Vat red 13.
Sec. 1114. 5-methylpyridine-2,3-dicarboxylic acid.
Sec. 1115. 5-methylpyridine-2,3-dicarboxylic acid diethylester.
Sec. 1116. 5-ethylpyridine dicarboxylic acid.
Sec. 1117. (E)-o(2,5-dimethylphenoxy methyl)-2-methoxy- imino-n-methylphenylacetamide.
Sec. 1118. 2-chloro-N-(4′chlorobiphenyl-2-yl) nicotinamide.
Sec. 1119. Vinclozolin.
Sec. 1120. Dazomet.
Sec. 1121. Pyraclostrobin.
Sec. 1122. 1,3-benzenedicarboxylic acid, 5-sulfo-1,3-dimethyl ester sodium salt.
Sec. 1123. Saccharose.
Sec. 1124. Buctril.
Sec. 1125. (2-benzothiazolythio) . butanedioic acid.
Sec. 1126. 60–70 percent amine salt of 2-benzo-thiazolythio succinic acid in solvent.
Sec. 1127. 4-methyl-g-oxo-benzenebutanoic acid compounded with 4-ethylmorpholine (2:1).
Sec. 1128. Mixtures of N- [(4, 6-Dimethoxypyrimidin- 2- yl) aminocarbonyl]- 3-(ethylsulfonyl)- 2- pyridine- sulfonamide; 2- (((((4,6-dimethoxypyrimidin- 2- yl) aminocarbonyl)) aminosulfonyl))- n,n- dimethyl-3- pyridinecarboxamide; and application adjuvants.
Sec. 1129. Mixtures of methyl 3- [[[[(4-methoxy- 6- methyl- 1,3,5-triazin- 2- yl) amino] carbonyl] amino] sulfonyl]- 2-thiophenecarboxylate; methyl 2- [[[[(4- methoxy- 6- methyl-1,3,5- triazin- 2- yl) methylamino] carbonyl] amino] sulfonyl] benzoate; and application adjuvants.
Sec. 1130. Mixtures of methyl 3-[[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl) amino] carbonyl] amino] sulfonyl]-2-thiophenecarboxylate and application adjuvants.
Sec. 1131. Mixtures of methyl 2- [[[[(4-methoxy- 6- methyl- 1,3,5-triazin- 2- yl) methylamino] carbonyl] amino] sulfonyl] benzoate and application adjuvants.
Sec. 1132. Mixtures of N-[(4,6-Dimethoxypyrimidin- 2- yl) aminocarbonyl]- 3-(ethylsulfonyl)- 2- pyridine- sulfonamide; methyl 3-[[[[(4methoxy- 6- methyl- 1,3,5-triazin- 2- yl) amino] carbonyl] amino] sulfonyl]- 2-thiophenecarboxylate; and application adjuvants.
Sec. 1133. Vat Black 25.
Sec. 1134. Allyl 3-cyclohexylpropionate (cyclohexanepropanoic acid, 2-propenyl ester).
Sec. 1135. NeoHeliopan Hydro (2-phenylbenzimidazole-5-sulfonic acid).
Sec. 1136. Sodium Methylate Powder (Na Methylate Powder).
Sec. 1137. Globanone (cyclohexadec-8-en-1-one) (CHD).
Sec. 1138. Methyl acetophenone-para (Melilot).
Sec. 1139. Majantol (2,2-dimethyl-3-(3-methylphenyl)propanol).
Sec. 1140. Neoheliopan MA (menthyl anthranilate).
Sec. 1141. Allyl isosulfocyanate.
Sec. 1142. Frescolat (5-methyl-2-(1-methylethyl)cyclohexyl-2-hydroxypropanoate, lactic acid menthyl ester). .
Sec. 1143. Thymol (alpha-cymophenol).
Sec. 1144. Benzyl carbazate.
Sec. 1145. Esfenvalerate technical.
Sec. 1146. Avaunt and steward.
Sec. 1147. Helium.
Sec. 1148. Ethyl pyruvate.
Sec. 1149. Deltamethrin (1r,3r)-3(2,2-dibromovinyl)-2,2-dimethylcyclopropanecarboxlic acid (s)-α-cyano-3-pheonxybenzyl ester.
Sec. 1150. Asulam sodium salt.
Sec. 1151. Tralomethrin (1r,3s)3[(1′rs)(1′,2′,2′,2′,-tetrabromoethyl)]-2,2-dimethylcyclopropanecarboxylic acid,(s)-alpha-cyano-3-phenoxybenzyl ester.
Sec. 1152. N-phenyl-N′-(1,2,3-thiadiazol-5-yl)-urea.
Sec. 1153. Benzenepropanoic acid, alpha-2-dichloro-5-{4 (difluoromethyl)-4,5-dihydro-3-methyl-5-oxo-1h-1,2,4-triazol-1-yl}-4-fluoro-ethyl ester.
Sec. 1154. (Z)-(1RS, 3RS)-3-(2-chloro-3,3,3 triflouro-1-propenyl)-2,2-dimethyl-cyclopropane carboxylic acid.
Sec. 1155. Z-chlorobenzyl chloride.
Sec. 1156. (S)-Alpha-hydroxy-3-phenoxybenzeneacetonitrile.
Sec. 1157. 4-Pentenoic acid, 3,3-dimethyl-, methyl ester.
Sec. 1158. Terrazole.
Sec. 1159. 2-Mercaptoethanol.
Sec. 1160. Bifenazate.
Sec. 1161. A certain polymer.
Sec. 1162. Para ethylphenol.
Sec. 1163. Ezetimibe.
Sec. 1164. P-Cresidine sulfonic acid.
Sec. 1165. 2,4 disulfobenzaldehyde.
Sec. 1166. M-hydroxybenzaldehyde.
Sec. 1167. N-Ethyl-n-(3-sulfobenzyl)aniline, benzenesulfonic acid, 3[(ethylphenylamino)methyl].
Sec. 1168. Acrylic fiber tow.
Sec. 1169. Yttrium oxides and europium oxides.
Sec. 1170. Hexanedioic acid, polymer with 1,3-benzenedimethanamine.
Sec. 1171. N1-[(6-chloro-3-pyridyl)methyl]-N2-cyano-N1-methylacetamidine.
Sec. 1172. Aluminum tris (o-ethyl phosphonate).
Sec. 1173. Mixture of disperse blue 77 and disperse blue 56.
Sec. 1174. Acid black 194.
Sec. 1175. Mixture of 9,10-anthracenedione, 1,5-dihydroxy-4-nitro-8-(phenylamino)-and 9,10-anthracenedione, 1,8-dihydroxy-4-nitro-5-(phenylamino)-.
Sec. 1176. Cases for certain toys.
Sec. 1177. Bags for certain toys.

Sec. 1178. Certain children's products.
Sec. 1179. Certain optical instruments used in children's products.
Sec. 1180. Cases for certain children's products.
Sec. 1181. 2,4-dichloroaniline.
Sec. 1182. Ethoprop.
Sec. 1183. Foramsulfuron.
Sec. 1184. Certain epoxy molding compounds.
Sec. 1185. Dimethyldicyane.
Sec. 1186. Triacetone diamine.
Sec. 1187. Triethylene glycol bis[3-(3-tert-butyl-4-hydroxy-5-methylphenyl) propionate].
Sec. 1188. Certain power weaving textile machinery.
Sec. 1189. Certain filament yarns.
Sec. 1190. Certain other filament yarns.
Sec. 1191. Certain ink-jet textile printing machinery.
Sec. 1192. Certain other textile printing machinery.
Sec. 1193. D-mannose.
Sec. 1194. Benzamide, N-methyl-2-[[3-[(1e)-2-(2-pyridinyl—ethenyl]-1h-indazol-6- yl)thio]-.
Sec. 1195. 1(2h)-quinolinecarboxylic acid, 4-[[[3,5-bis(trifluoromethyl)phenyl]methyl](methoxycarbonyl)amino]-2-ethyl- 3,4-dihydro-6-(trifluoromethyl)-, ethyl ester, (2r,4s)-(9CI).
Sec. 1196. Disulfide,bis(3,5-dichlorophenyl)(9C1).
Sec. 1197. Pyridine,4-[[4-(1-methylethyl)-2-[(phenylmethoxy)methyl]-1h-midazol-1-yl] methyl]-ethanedioate (1:2).
Sec. 1198. Paclobutrazole technical.
Sec. 1199. Paclobutrazole 2SC.
Sec. 1200. Methidathion technical.
Sec. 1201. Vanguard 75 WDG.
Sec. 1202. Wakil XL.
Sec. 1203. Mucochloric acid.
Sec. 1204. Azoxystrobin technical.
Sec. 1205. Flumetralin technical.
Sec. 1206. Cyprodinil technical.
Sec. 1207. Mixtures of lambda-cyhalothrin.
Sec. 1208. Primisulfuron.
Sec. 1209. 1,2 cyclohexanedione.
Sec. 1210. Difenoconazole.
Sec. 1211. Certain refracting and reflecting telescopes.
Sec. 1212. Phenylisocyanate.
Sec. 1213. Bayowet FT-248.
Sec. 1214. P-phenylphenol.
Sec. 1215. Certain rubber riding boots.
Sec. 1216. Chemical RH water-based.
Sec. 1217. Chemical NR ethanol-based.
Sec. 1218. Tantalum capacitor ink.
Sec. 1219. Europium oxides.
Sec. 1219A. Certain sawing machines.
Sec. 1220. Certain sector mold press manufacturing equipment.
Sec. 1221. Certain manufacturing equipment used for molding.
Sec. 1222. Certain extruders.
Sec. 1223. Certain shearing machines.
Sec. 1224. Thermal release plastic film.
Sec. 1225. Certain silver paints and pastes.
Sec. 1226. Polymer masking material for aluminum capacitors (upicoat).
Sec. 1227. OBPA.
Sec. 1228. Macroporous ion-exchange resin.
Sec. 1229. Copper 8-quinolinolate.
Sec. 1230. Ion-exchange resin.
Sec. 1231. Ion-exchange resin.
Sec. 1232. Ion-exchange resin.
Sec. 1233. 3-[(4 amino-3-methoxyphenyl) azo]-benzene sulfonic acid.
Sec. 1234. 2-methyl-5-nitrobenzenesulfonic acid.
Sec. 1235. 2 amino 6 nitro phenol 4 sulfonic acid.
Sec. 1236. 2 amino 5 sulfobenzoic acid.
Sec. 1237. 2,5 bis [(1,3 dioxobutyl) amino] benzene sulfonic acid.
Sec. 1238. P-aminoazobenzene 4 sulfonic acid, monosodium salt.
Sec. 1239. P-aminoazobenzene 4 sulfonic acid.
Sec. 1240. 3-[(4 amino-3-methoxyphenyl) azo]-benzene sulfonic acid, monosodium salt.
Sec. 1241. Et-743 (ecteinascidin).
Sec. 1242. 2,7-naphthalenedisulfonic acid, 5-[[4-chloro-6-[[2-[[4-fluoro-6-[[5-hydroxy-6-[(4-methoxy-2-sulfophenyl)azo]-7-sulfo-2-naphthalenyl]amino]-1,3,5-triazin-2-yl] amino]-1-methylethyl]amino]-1,3,5-triazin-2-yl]amino]-3-[[4-(ethenylsulfonyl)phenyl]azo]-4-hydrox'-, sodium salt.
Sec. 1243. 1,5-naphthalenedisulfonic acid, 3-[[2-(acetylamino)-4-[[4-[[2-[2-(ethenylsulfonyl)ethoxy]ethyl] amino]-6-fluoro-1,3,5-triazin-2-yl]amino]phenyl]azo]-, disodium salt.
Sec. 1244. 7,7′-[1,3-propanediylbis[imino(6-fluoro-1,3,5-triazine-4,2-diyl)imino[2-[(aminocarbonyl)amino]-4,1-phenylene]azo]]bis-, sodium salt.
Sec. 1245. Cuprate(3-), [2-[[[[3-[[4-[[2-[2-(ethenylsulfonyl)ethoxy]ethyl]amino]-6-fluoro-1,3,5-triazin-2-yl]amino]-2-(hydroxy-.kappa.o)-5-sulfophenyl]azo-.kappa.n2]phenylmethyl]azo-.kappa.n1]-4-sulfobenzoato(5-)-.kappa.o], trisodium.
Sec. 1246. 1,5-naphthalenedisulfonic acid, 2-[[8-[[4-[[3-[[[2-(ethenylsulfonyl) ethyl]amino]carbonyl]phenyl] amino]-6-fluoro-1,3,5-triazin-2-yl]amino]-1-hydroxy-3,6-disulfo-2-naphthalenyl]azo]-, tetrasodium salt.
Sec. 1247. PTFMBA.
Sec. 1248. Benzoic acid, 2-amino-4-[[(2,5-dichlorophenyl) amino]carbonyl]-, methyl ester.
Sec. 1249. Imidacloprid pesticides.
Sec. 1250. Beta-cyfluthrin.
Sec. 1251. Imidacloprid technical.
Sec. 1252. Bayleton technical.
Sec. 1253. Propoxur technical.
Sec. 1254. MKH 6561 isocyanate.
Sec. 1255. Propoxy methyl triazolone.
Sec. 1256. Nemacur VL.
Sec. 1257. Methoxy methyl triazolone.
Sec. 1258. Levafix golden yellow E-G.
Sec. 1259. Levafix blue ca/remazol blue CA.
Sec. 1260. Remazol yellow RR gran.
Sec. 1261. Indanthren blue CLF.
Sec. 1262. Indanthren yellow f3gc.
Sec. 1263. Acetyl chloride.
Sec. 1264. 4-methoxy-phenacychloride.
Sec. 1265. 3-methoxy-thiophenol.
Sec. 1266. Levafix brilliant red E-6BA.
Sec. 1267. Remazol BR. blue BB 133%.
Sec. 1268. Fast navy salt RA.
Sec. 1269. Levafix royal blue E-FR.
Sec. 1270. P-chloro aniline.
Sec. 1271. Esters and sodium esters of parahydroxybenzoic acid.
Sec. 1272. Santolink EP 560.
Sec. 1273. Phenodur VPW 1942.
Sec. 1274. Phenodur PR 612.
Sec. 1275. Phenodur PR 263.
Sec. 1276. Macrynal SM 510 and 516.
Sec. 1277. Alftalat AN 725.
Sec. 1278. RWJ 241947.
Sec. 1279. RWJ 394718.
Sec. 1280. RWJ 394720.
Sec. 1281. 3,4-DCBN.
Sec. 1282. Cyhalofop.
Sec. 1283. Asulam.
Sec. 1284. Florasulam.
Sec. 1285. Propanil.
Sec. 1286. Halofenozide.
Sec. 1287. Ortho-phthalaldehyde.
Sec. 1288. Trans 1,3-dichloropropene
Sec. 1289. Methacrylamide.
Sec. 1290. Cation exchange resin.
Sec. 1291. Gallery.
Sec. 1292. Necks used in cathode ray tubes.
Sec. 1293. Polytetramethylene ether glycol.
Sec. 1294. Leaf alcohol.
Sec. 1295. Combed cashmere and camel hair yarn.
Sec. 1296. Certain carded cashmere yarn.
Sec. 1297. Sulfur black 1.
Sec. 1298. Reduced VAT Blue 43.
Sec. 1299. Fluorobenzene.
Sec. 1300. Certain rayon filament yarn.
Sec. 1301. Certain tire cord fabric.
Sec. 1302. Direct black 184.
Sec. 1303. Black 263 stage.
Sec. 1304. Magenta 364.
Sec. 1305. Thiamethoxam technical.
Sec. 1306. Cyan 485 stage.
Sec. 1307. Direct blue 307.
Sec. 1308. Direct violet 107.
Sec. 1309. Fast black 286 stage.
Sec. 1310. Mixtures of fluazinam.
Sec. 1311. Prodiamine technical.
Sec. 1312. Carbon dioxide cartridges.
Sec. 1313. 12-hydroxyoctadecanoic acid, reaction product with *n*,*n*-dimethyl, 1,3-propanediamine, dimethyl sulfate, quaternized.
Sec. 1314. 40 percent polymer acid salt/polymer amide, 60 percent butyl acetate.
Sec. 1315. 12-hydroxyoctadecanoic acid, reaction product with *n*,*n*-dimethyl-1,3-propanediamine, dimethyl sulfate, quaternized, 60 percent solution in toluene.
Sec. 1316. Polymer acid salt/polymer amide.
Sec. 1317. 50 percent amine neutralized phosphated polyester polymer, 50 percent solvesso 100.
Sec. 1318. 1-octadecanaminium, *n*,*n*-dimethyl-*n*-octadecyl-, (sp-4-2)-[29h,31h-phthalocyanine-2-sulfonato(3-)-.kappa.n29,.kappa.n30, . Kappa.n31, .kappa.n32]cuprate(1-).
Sec. 1319. Chromate(1-),bis¦1-¦(5-chloro-2-hydroxyphenyl)azo¦-2-napthalenolato(2-)¦-,hyrogen.
Sec. 1320. Bronate advanced.
Sec. 1321. N-cyclohexylthiophthalimide.
Sec. 1322. Certain high-performance loudspeakers.
Sec. 1323. et injection RCC.
Sec. 1324. Penta amino aceto nitrate cobalt III (coflake 2).
Sec. 1325. Oxasulfuron technical.
Sec. 1326. Certain manufacturing equipment.
Sec. 1327. P-amino benzamide.
Sec. 1328. Foe hydroxy.
Sec. 1329. Magenta 364 liquid feed.
Sec. 1330. Tetrakis.
Sec. 1331. Palmitic acid.
Sec. 1332. Phytol.
Sec. 1333. Chloridazon.
Sec. 1334. Disperse orange 30, disperse blue 79:1, disperse red 167:1, disperse yellow 64, disperse red 60, disperse blue 60, disperse blue 77, disperse yellow 42, disperse red 86, and disperse red 86:1.

Sec. 1335. Disperse blue 321.
Sec. 1336. Direct black 175.
Sec. 1337. Disperse red 73 and disperse blue 56.
Sec. 1338. Acid black 132 and acid black 172.
Sec. 1339. Acid black 107.
Sec. 1340. Acid yellow 219, acid orange 152, acid red 278, acid orange 116, acid orange 156, and acid blue 113.
Sec. 1341. Luganil brown NGT powder.
Sec. 1342. Thiophanate-methyl.
Sec. 1343. Hydrated hydroxypropyl methylcellulose.
Sec. 1344. Polymethylpentene (TPX).
Sec. 1345. Certain 12-volt batteries.
Sec. 1346. Certain textile machinery.
Sec. 1347. Certain prepared or preserved artichokes.
Sec. 1348. Certain other prepared or preserved artichokes.
Sec. 1349. Ethylene/tetrafluoroethylene copolymer (ETFE).
Sec. 1350. Acetamiprid.
Sec. 1351. Certain manufacturing equipment.
Sec. 1352. Triticonazole.
Sec. 1353. 3-sulfinobenzoic acid.
Sec. 1354. Polydimethylsiloxane.
Sec. 1355. Baysilone fluid.
Sec. 1356. Ethanediamide, N- (2-ethoxyphenyl)-N′- (4-isodecylphenyl)-.
Sec. 1357. 1-acetyl-4-(3-dodecyl-2, 5-dioxo-1-pyrrolidinyl)-2,2,6,6-tetramethyl-piperidine.
Sec. 1358. Aryl phosphonite.
Sec. 1359. Mono octyl malionate.
Sec. 1360. 3,6,9-trioxaundecanedioic acid.
Sec. 1361. Crotonic acid.
Sec. 1362. 1,3-benzenedicarboxamide, N, N′-bis (2,2,6,6-tetramethyl-4-piperidinyl)-.
Sec. 1363. 3-dodecyl-1-(2,2,6,6-tetramethyl-4-piperidinyl)-2,5-pyrrolidinedione.
Sec. 1364. Oxalic anilide.
Sec. 1365. N-methyl diisopropanolamine.
Sec. 1366. 50 percent homopolymer, 3-(dimethylamino) propyl amide, dimethyl sulfate-quaternized 50 percent polyricinoleic acid.
Sec. 1367. Black CPW stage, 2,7-naphthalene disulfonic acid, 4-amino-3-[[4-[[-4-[(2 or 4 –amino-4 or 2-hydroxyphenyl)azo] phenyl]amino]-3-sulfophenyl]azo]-5-hydroxy-6-(phenylazo)-trisodium salt.
Sec. 1368. Fast black 287 NA paste, 1,3-benzenedicarboxylic acid, 5-[[4-[(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl)azo]-1-naphthalenyl]azo]-, trisodium salt.
Sec. 1369. Fast black 287 NA liquid feed, 1,3-benzenedicarboxylic acid, 5-[[4-[(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl)azo]-1-naphthalenyl]azo]-, trisodium salt.
Sec. 1370. Fast yellow 2 stage, 1,3-benzenedicarboxylic acid, 5,5′-[[6-(4-morpholinyl)-1,3,5-triazine-2,4-diyl]bis(imino-4,1-phenyleneazo)]bis-, ammonium/sodium/hydrogen salt.
Sec. 1371. Cyan 1 stage, copper, [29h,31h-phthalocyaninato(2-)-n29,n30,n31,n32]-, aminosulfonyl sulfo derivatives. Tetra methyl ammonium salts.
Sec. 1372. Yellow 1 stage, 1,5-naphthalenedisulfonic acid, 3,3′-[[6-[(2-hydroxyethyl)amino]-1,3,5-triazine-2,4-diyl]bis[imino(2-methyl-4,1-phenylene)azo]]bis-, tetrasodium salt.
Sec. 1373. Yellow 746 stage, 1,3-bipyridirium, 3-carboxy-5′-[(2-carboxy-4-sulfophenyl)azo]-1′,2′, dihydro-6′-hydroxy-4′-methyl-2′-oxo-, inner salt, lithium/sodium salt.
Sec. 1374. Black SCR stage, 2,7-naphthalene disulfonic acid, 4-amino-3-[[4-[[-4-[(2 or 4-amino-4 or 2-hydroxyphenyl)azo]phenyl]amino]-3-sulfophenyl] azo]-5-hydroxy-6-(phenylazo)-trisodium salt.
Sec. 1375. Magenta 3B-OA stage, 2-[[4-chloro-6[[8-hydroxy-3,6-disulphonate-7-[(1-sulpho-2-naphthalenyl) azo]-1-naphthalenyl] amino]-1,3,5-triazin-2-yl]amino]-5-sulphobenzoic acid, sodium/lithium salts.
Sec. 1376. Yellow 577 stage, 5-{4-[4-[4-(4,8-disulfonaphthalen-2-ylazo)-phenylamino]-6-(2-sulfoethylamino)-[1,3,5]triazin-2-ylamino]phenylazo}isophthalic acid/sodium salt.
Sec. 1377. Cyan 485/4 stage, copper, [29H,31H-phthalocyaninato (2-)-xN29,xN30,xN31,xN32]-aminosylfonyl [(2-hydroxyethyl)amino] sulfonyl sulfo derivatives, sodium salt.
Sec. 1378. Low expansion laboratory glass.
Sec. 1379. Stoppers, lids, and other closures.
Sec. 1380. Triflusulfuron methyl formulated product.
Sec. 1381. Agrumex (o-t-Butyl cyclohexanol).
Sec. 1382. Trimethyl cyclo hexanol (1-Methyl-3,3-dimethylcyclohexanol-5).
Sec. 1383. Myclobutanil.
Sec. 1384. Methyl cinnamate (methyl-3-phenylpropenoate).
Sec. 1385. Acetanisole (anisyl methyl ketone).
Sec. 1386. Alkylketone.
Sec. 1387. Iprodione 3-(3-5, dicholorophenyl)-N-(1-methylethyl)-2,4-dioxo-1-imidazolidinecarboxamide.
Sec. 1388. Dichlorobenzidine dihydrochloride.
Sec. 1389. Kresoxim-methyl.
Sec. 1390. MKH 6562 isocyanate.
Sec. 1391. Certain rayon filament yarn.
Sec. 1392. Benzenepropanal, 4-(1,1-dimethylethyl)-alpha-methyl.
Sec. 1393. 3,7-dichloro-8-quinoline carboxylic acid.
Sec. 1394. 3-(1-methylethyl)-1h-2,1,3-benzothiadiazin-4(3h)-one 2,2 dioxide, sodium salt.
Sec. 1395. 3,3′,4-4′-biphenyltetracarboxylic dianhydride, oda, odpa, pmda, and 1,3-bis(4-aminophenoxy)benzene
Sec. 1396. Oryzalin.
Sec. 1397. Tebufenozide.
Sec. 1398. Endosulfan.
Sec. 1399. Ethofumesate.
Sec. 1400. 4,4′-o-phenylenebis(3-thioallophanic acid), dimethyl ester (thiophanate-methyl) formulated with application adjuvants.
Sec. 1401. Night vision monoculars.
Sec. 1402. Certain automotive sensor magnets.

Chapter 2—Existing Duty Suspensions and Reductions

Sec. 1451. Extension of certain existing duty suspensions.
Sec. 1452. Effective date.

Subtitle B—Other Tariff Provisions

Chapter 1—Liquidation Or Reliquidation of Certain Entries

Sec. 1501. Certain tramway cars.
Sec. 1502. Liberty bell replica.
Sec. 1503. Certain entries of cotton gloves.
Sec. 1504. Certain entries of posters.
Sec. 1505. Certain other entries of posters.
Sec. 1506. Certain entries of 13 inch televisions.
Sec. 1507. Entries of certain apparel articles pursuant to the Caribbean Basin Economic Recovery Act or the African Growth and Opportunity Act.
Sec. 1508. Certain entries prematurely liquidated in error.

Chapter 2—Miscellaneous Provisions

Sec. 1601. Hair clippers.
Sec. 1602. Tractor body parts.
Sec. 1603. Flexible magnets and composite goods containing flexible magnets.
Sec. 1604. Vessel repair duties.
Sec. 1605. Duty-free treatment for hand-knotted or hand-woven carpets.
Sec. 1606. Duty drawback for certain articles.
Sec. 1607. Unused merchandise drawback.
Sec. 1608. Treatment of certain footwear under Caribbean Basin Economic Recovery Act.
Sec. 1609. Designation of San Antonio International Airport for customs processing of certain private aircraft arriving in the United States.
Sec. 1610. Authority for the establishment of integrated border inspection areas at the United States-Canada border.
Sec. 1611. Designation of foreign law enforcement officers.
Sec. 1612. Amendments to United States insular possession program.
Sec. 1613. Modification of provisions relating to drawback claims.

Subtitle C—Effective Date

Sec. 1701. Effective date.

TITLE II—OTHER TRADE PROVISIONS

Sec. 2001. Extension of nondiscriminatory treatment to the Federal Republic of Yugoslavia.
Sec. 2002. Designation of Israeli-Turkish qualifying industrial zones.
Sec. 2003. Modification to cellar treatment of natural wine.
Sec. 2004. Articles eligible for preferential treatment under the Andean Trade Preference Act.
Sec. 2005. Technical amendments.
Sec. 2006. Technical amendments concerning the transmittal of certain information to the customs service.

TITLE I—TARIFF PROVISIONS

SEC. 1001. REFERENCE; EXPIRED PROVISIONS.

(a) Reference.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision, the reference shall be considered to be made to a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007).

(b) EXPIRED PROVISIONS.—

(1) IN GENERAL.—Subchapter II of chapter 99 is amended by striking the following headings:

9902.29.06
9902.29.09
9902.29.11
9902.29.12
9902.29.15
9902.29.18
9902.29.19
9902.29.20
9902.29.21
9902.29.23
9902.29.24
9902.29.28
9902.29.29
9902.29.32
9902.29.36
9902.29.43
9902.29.44
9902.30.65
9902.30.90
9902.30.91
9902.30.92
9902.31.12
9902.31.13
9902.31.14
9902.31.21
9902.32.01
9902.32.08
9902.32.11
9902.32.13
9902.32.14
9902.32.16
9902.32.29
9902.32.30
9902.32.31
9902.33.07
9902.33.08
9902.33.09
9902.33.10
9902.33.11
9902.33.12
9902.33.16
9902.33.19
9902.33.66
9902.33.90
9902.34.02
9902.38.08
9902.38.11
9902.38.12
9902.38.25
9902.38.26
9902.38.28
9902.29.45
9902.29.46
9902.29.50
9902.29.51
9902.29.52
9902.29.53
9902.29.54
9902.29.57
9902.29.60
9902.29.65
9902.29.66
9902.29.67
9902.29.72
9902.29.74
9902.29.95
9902.30.04
9902.30.16
9902.30.17
9902.30.18
9902.30.19
9902.30.31
9902.30.58
9902.30.63
9902.30.64
9902.32.33
9902.32.34
9902.32.35
9902.32.36
9902.32.37
9902.32.38
9902.32.39
9902.32.40
9902.32.41
9902.32.42
9902.32.43
9902.32.45
9902.32.51
9902.32.54
9902.32.56
9902.32.70
9902.32.94
9902.32.95
9902.33.01
9902.33.02
9902.33.03
9902.33.04
9902.33.05
9902.33.06
9902.39.04
9902.39.12
9902.61.00
9902.64.04
9902.64.05
9902.84.10
9902.84.12
9902.84.20
9902.84.43
9902.84.46
9902.84.77
9902.84.79
9902.84.81
9902.84.83
9902.84.85
9902.84.87
9902.84.89
9902.84.91
9902.85.20
9902.85.21
9902.98.03
9902.98.04
9902.98.05
9902.98.08

(2) ADDITIONAL PROVISIONS.—Subchapter II of chapter 99 is amended—

(A) by striking the second heading 9902.29.06 (relating to racemic di-menthol (intermediate (E) for use in producing menthol));

(B) by striking the first heading 9902.29.35 (relating to gamma acid);

(C) by striking the second heading 9902.32.44 (relating to carboxamide sulfate salt); and

(D) by striking heading 9902.70.01 (relating to monochrome glass envelopes).

Subtitle A—Temporary Duty Suspensions and Reductions

CHAPTER 1—NEW DUTY SUSPENSIONS AND REDUCTIONS

SEC. 1101. BITOLYLENE DIISOCYANATE (TODI).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.01	Bitolylene diisocyanate (TODI) (CAS No. 91-97-4) (provided for in subheading 2929.10.20).	Free	No change	No change	On or before 12/31/2005	".

SEC. 1102. 2-METHYL IMIDAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.02	2-methyl imidazole (CAS No. 693-98-1) (provided for in subheading 2933.29.90)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1103. HYDROXYLAMINE FREE BASE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.03	hydroxylamine free base (CAS No. 7803-49-8) (provided for in subheading 2825.10.00)	.6%	No change	No change	On or before 12/31/2005	".

SEC. 1104. PRENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.04	3-methyl-2 butene-1-ol (CAS No. 556-82-1) (provided for in subheading 2905.29.90)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1105. 1-METHYL IMADAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.05	1-methyl imidazole (CAS No. 616-47-7) (provided for in subheading 2933.29.90)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1106. FORMAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.06	formamide (CAS No. 75-12-7) (provided for in subheading 2924.19.10)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1107. MICHLER'S ETHYL KETONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.07	4.4-Bis (diethylamino) benzophenon (CAS No. 90-93-7) (provided for in subheading 2922.39.45)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1108. VINYL IMIDAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.08	1-ethenyl-1H-imidazole (CAS No. 1072-63-5) (provided for in subheading 2933.29.90)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1109. DISPERSE BLUE 27.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.09	Disperse Blue 27, 9,10-Anthracenedione,1,8-dihydroxy-4-[[4-(2-hydroxyethyl)phenyl]amino]-5-nitro-) (CAS No. 15791-78-3) (provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1110. ACID BLACK 244.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.10	Acid Black 244, Chromate(2-), [3-(hydroxy-.kappa.O)-4-[[2-(hydroxy-.kappa.O)-1-naphthalenyl]azo-.kappa.N2]-1-naphthalenesulfonato(3-)] [1-[[2-(hydroxy-.kappa.O)-5-[4-methoxyphenyl)azo]phenyl]azo-.kappa.N2]-2-naphthalenolato(2-)-.kappa.O]-, disodium (CAS No. 30785-74-1) (provided for in subheading 3204.12.45)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1111. REACTIVE ORANGE 132.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.11	Reactive Orange 132, Benzenesulfonic acid,2,2′-[(1-methyl-1,2-ethanediyl)bis[imino(6-fluoro-1,3,5-triazine-4,2-diyl)imino[2-[(aminocarbonyl)amino]-4,1-phenylene]azo]]bis[5-[(4-sulfophenyl)azo]-, sodium salt (CAS No. 149850-31-7) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1112. MIXTURE OF 2-NAPHTHALENESULFONIC ACID, 6-AMINO-5-[[2- [(CYCLOHEXYLMETHYL AMINO)SULFONYL] PHENYL]AZO]-4-HYDROXY-, MONOSODIUM SALT, 2-NAPHTHALENESULFONIC ACID, 6-AMINO-5-[[4-CHLORO-2-(TRIFLUOROMETHYL) PHENYL]AZO] -4-HYDROXY-, MONOSODIUM SALT, AND 2-NAPHTHALENESULFONIC ACID, 6 - AMINO -4 -HYDROXY -5 - [[2-(TRIFLUOROMETHYL) PHENYL]AZO] -, MONOSODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.12	A mixture of 2-Naphthalenesulfonic acid, 6-amino-5-[[2-[(cyclohexylmethylamino)sulfonyl]phenyl]azo]-4-hydroxy-, monosodium salt, 2-Naphthalenesulfonic acid, 6-amino-5-[[4-chloro-2-(trifluoromethy)phenyl]azo]-4-hydroxy-, monosodium salt, and 2-Naphthalenesulfonic acid, 6-amino-4-hydroxy-5-[[2-(trifluoromethyl)phenyl]azo]-, monosodium salt (provided for in subheading 3204.12.45)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1113. VAT RED 13.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.13	Vat Red 13, [3,3′-Bianthra[1,9-cd]ptrazole]-6,6′(1H,1′H)-dione,1,1′-diethyl-(CAS No. 4203-77-4) (provided for in subheading 3204.15.80)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1114. 5-METHYLPYRIDINE-2,3-DICARBOXYLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.14	5-methylpyridine-2,3-dicarboxylic acid (CAS No. 53636-65-0) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1115. 5-METHYLPYRIDINE-2,3-DICARBOXYLIC ACID DIETHYLESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.15	5-methylpyridine-2,3-dicarboxylic acid diethylester (CAS No. 112110-16-4) (provided for in subheading 2933.39.61)	1.8%	No change	No change	On or before 12/31/2005	".

SEC. 1116. 5-ETHYLPYRIDINE DICARBOXYLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.16	5-ethylpyridine dicarboxylic acid (CAS No. 102268-15-5) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1117. (E)-o(2,5-DIMETHYLPHENOXY METHYL)-2-METHOXY- IMINO-N-METHYLPHENYLACETAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.17	(E)-o(2,5-di- methylphenoxy methyl)-2- methoxyimino- N-methyl-phenylacetamide (Dimoxystrobin) (CAS No. 145451-07-6) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1118. 2-CHLORO-N-(4′CHLOROBIPHENYL-2-YL) NICOTINAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.18	2-chloro-N- (4′chloro- biphenyl-2-yl) nicotinamide (CAS No. 188425-85-6) (Nicobifen) (provided for in subheading 2933.39.21)	4.4%	No change	No change	On or before 12/31/2005	".

SEC. 1119. VINCLOZOLIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.19	3-(3,5-dichlorophenyl)-5-ethenyl-5-methyl-2,4-oxazolidine-dione (Vinclozolin) (CAS No. 50471-44-8) (provided for in subheading 2934.99.12)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1120. DAZOMET.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.20	Tetrahydro-3,5-dimethyl-2H-1,3,5-thiadiazine-2-thione (CAS No. 533-74-4) (Dazomet) (provided for in subheading 2934.99.90)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1121. PYRACLOSTROBIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.21	Methyl N-(2[[1-4-chlorophenyl)-1H-pyrazol-3-yl]oxymethyl]]-phenyl) N-methoxy carbamate (Pyraclostrobin) (CAS No. 175013-18-0) (provided for in subheading 2933.19.23)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1122. 1,3-BENZENEDICARBOXYLIC ACID, 5-SULFO-1,3-DIMETHYL ESTER SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.22	1,3-Benzenedicarboxylic acid, 5-sulfo-1,3-dimethyl ester sodium salt (CAS No. 3965-55-7) (provided for in subheading 2917.39.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1123. SACCHAROSE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.23	Saccharose to be used other than in food for human consumption and not for nutritional purposes (provided for in subheading 1701.99.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1124. BUCTRIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.24	Buctril bromoxynil octanoate (CAS No. 1689-99-2) plus application adjuvants (provided for in subheading 3808.30.15)	Free	Free	No change	On or before 12/31/2005	".

SEC. 1125. (2-BENZOTHIAZOLYTHIO) BUTANEDIOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.25	(2-benzothiazolythio) butanedioic acid (CAS No. 95154-01-1) (provided for in subheading 2934.20.40)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1126. 60–70 PERCENT AMINE SALT OF 2-BENZO-THIAZOLYTHIO SUCCINIC ACID IN SOLVENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.26	60–70% amine salt of 2-benzothiazolythio succinic acid in solvent (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1127. 4-METHYL-g-OXO-BENZENEBUTANOIC ACID COMPOUNDED WITH 4-ETHYLMORPHOLINE (2:1).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.27	4-Methyl-g-oxo-benzenebutanoic acid compounded with 4-ethylmorpholine (2:1) (CAS No. 171054-89-0) (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1128. MIXTURES OF N- [(4, 6- DIMETHOXYPYRIMIDIN- 2- YL) AMINOCARBONYL]- 3- (ETHYLSULFONYL)- 2- PYRIDINE- SULFONAMIDE; 2- (((((4,6-DIMETHOXYPYRIMIDIN- 2- YL) AMINOCARBONYL)) AMINOSULFONYL))- N,N- DIMETHYL- 3- PYRIDINECARBOXAMIDE; AND APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.28	Mixtures of N-[(4,6-Dimethoxypyrimidin-2-yl) aminocarbonyl]-3-(ethylsulfonyl)-2-pyridine-sulfonamide; 2-(((((4,6-Dimethoxypyrimidin-2-yl) aminocarbonyl)) aminosulfonyl)) -N,N-dimethyl-3-pyridinecarboxamide; and application adjuvants (CAS Nos. 122931-48-0 111991-09-4) (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1129. MIXTURES OF METHYL 3- [[[[(4- METHOXY- 6- METHYL- 1,3,5- TRIAZIN- 2- YL) AMINO] CARBONYL] AMINO] SULFONYL]- 2-THIOPHENECARBOXYLATE; METHYL 2- [[[[(4- METHOXY- 6- METHYL- 1,3,5- TRIAZIN- 2- YL) METHYLAMINO] CARBONYL] AMINO] SULFONYL] BENZOATE; AND APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.29	Mixtures of Methyl 3-[[[[(4-methoxy-6-methyl-1,3,5-triazin-2-ly)amino] carbonyl]amino] sulfonyl]-2-thiophenecarboxylate; Methyl 2-[[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl) methylamino]carbonyl] amino]sulfonyl] benzoate; and application adjuvants (CAS Nos. 79277-27-3 and 101200-48-0) (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1130. MIXTURES OF METHYL 3-[[[[(4-METHOXY-6-METHYL-1,3,5-TRIAZIN-2-YL) AMINO] CARBONYL] AMINO] SULFONYL]-2-THIOPHENECARBOXYLATE AND APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.30	Mixtures of Methyl 3-[[[[(4-methoxy- 6-methyl-1,3,5-triazin-2-yl) amino]carbonyl] amino]sulfonly]-2-thiophenecarboxylate and application adjuvants (CAS No. 79277-27-3) (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1131. MIXTURES OF METHYL 2- [[[[(4- METHOXY- 6- METHYL- 1,3,5- TRIAZIN- 2- YL) METHYLAMINO] CARBONYL] AMINO] SULFONYL] BENZOATE AND APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.31	Mixtures of Methyl 2-[[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl) methylamino] carbonyl]amino] sulfonyl] benzoate and application adjuvants (CAS No. 101200-48-0) (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1132. MIXTURES OF N-[(4,6-DIMETHOXYPYRIMIDIN- 2- YL) AMINOCARBONYL]- 3- (ETHYLSULFONYL)- 2- PYRIDINE- SULFONAMIDE; METHYL 3-[[[[(4METHOXY- 6- METHYL- 1,3,5- TRIAZIN- 2- YL) AMINO] CARBONYL] AMINO] SULFONYL]- 2- THIOPHENECARBOXYLATE; AND APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.32	Mixtures of N-[(4,6-Dimethoxypyrimidin-2-yl) aminocarbonyl]-3-(ethylsulfonyl)-2-pyridine-sulfonamide; Methyl 3-[[[[(4methoxy-6- methyl-1,3,5- triazin-2-yl) amino]carbonyl] amino] sulfonyl]-2-thiophenecarboxylate; and application adjuvants (CAS Nos. 122931-48-0 and 79277-27-3) (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1133. VAT BLACK 25.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.33	Anthra[2,1,9-mna]naphth[2,3-h]acridine-5,10,15(16H)-trione,3-[(9,10-dihydro-9,10-dioxo-1-anthracenyl) amino]- (Vat Black 25) (CAS No. 4395-53-3) (provided for in subheading 3204.15.80)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1134. ALLYL 3-CYCLOHEXYLPROPIONATE (CYCLOHEXANEPROPANOIC ACID, 2-PROPENYL ESTER).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.34	Allyl 3-cyclohexylpropionate (cyclohexanepropanoic acid, 2-propenyl ester) (CAS No. 2705-87-5) (provided for in subheading 2916.20.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1135. NEOHELIOPAN HYDRO (2-PHENYLBENZIMIDAZOLE-5-SULFONIC ACID).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.35	NeoHeliopan Hydro (2-Phenylbenzimidazole-5-sulfonic acid) (CAS No. 27503-81-7) (provided for in subheading 2933.99.79)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1136. SODIUM METHYLATE POWDER (NA METHYLATE POWDER).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.36	Sodium Methylate Powder (Na Methylate Powder) (CAS No. 124-41-4) (provided for in subheading 2905.19.00)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1137. GLOBANONE (CYCLOHEXADEC-8-EN-1-ONE) (CHD).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.37	Globanone (Cyclohexadec-8-en-1-one) (CHD) (CAS No. 3100-36-5) (provided for in subheading 2914.29.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1138. METHYL ACETOPHENONE-PARA (MELILOT).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.38	Methyl Acetophenone-para (Melilot) (CAS No. 122-00-9) (provided for in subheading 2914.39.90)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1139. MAJANTOL (2,2-DIMETHYL-3-(3-METHYLPHENYL)PROPANOL).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.39	Majantol (2,2-Dimethyl-3-(3-methylphenyl)- propanol) (CAS No. 103694-68-4) (provided for in subheading 2906.29.20)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1140. NEOHELIOPAN MA (MENTHYL ANTHRANILATE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.40	NeoHeliopan MA (Menthyl Anthranilate) (CAS No. 134-09-8) (provided for in subheading 2922.49.37)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1141. ALLYL ISOSULFOCYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.41	Allyl isosulfocyanate (CAS No. 57-06-7) (provided for in subheading 2930.90.90)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1142. FRESCOLAT (5-METHYL-2-(1-METHYLETHYL)CYCLOHEXYL-2-HYDROXYPROPANOATE, LACTIC ACID MENTHYL ESTER).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.42	Frescolat (5-methyl-2-(1-methylethyl)cyclohexyl-2-hydroxypropanoate, lactic acid menthyl ester) (CAS No. 59259-38-0) (provided for in subheading 2918.11.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1143. THYMOL (ALPHA-CYMOPHENOL).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.43	Thymol (alpha-Cymophenol) (CAS No. 89-83-8) (provided for in subheading 2907.19.40)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1144. BENZYL CARBAZATE.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.01.44	Phenylmethyl hydrazinecarboxylate (CAS No. 5331-43-1) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1145. ESFENVALERATE TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.01.45	(S)-Cyano (3-phenoxyphenyl)- methyl (S)-4-chloro-α-(1-methyethyl)-benzeneacetate (CAS No. 66230-04-4) (provided for in subheading 2926.90.30) ..	Free	No change	No change	On or before 12/31/2005	".

SEC. 1146. AVAUNT AND STEWARD.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.46	Mixtures of (S)-methyl 7-chloro-2,5-dihydro-2-[[(methoxycarbonyl) [4 (trifluoromethoxy) phenyl] amino]-carbonyl] indeno [1,2-e][1,3,4] oxadiazine-4a- (3H)-carboxylate (CAS Nos. 144171–61–9 and 173584–44–6) and application adjuvants (provided for in subheading 3808.10.25)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1147. HELIUM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.47	Helium (provided for in subheading 2804.29.00)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1148. ETHYL PYRUVATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.48	Ethyl pyruvate (CAS No. 617–35–6) (provided for in subheading 2918.30.90)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1149. DELTAMETHRIN (1R,3R)-3(2,2-DIBROMOVINYL)-2,2-DIMETHYLCYCLOPROPANECARBOXLIC ACID (S)-α-CYANO-3-PHEONXYBENZYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.49	Deltamethrin (1R,3R)-3(2,2-dibromovinyl) -2,2-dimethylcyclopropanecarboxlic acid (S)-α-cyano-3-phenoxybenzyl ester in bulk or in forms or packings for retail sale (CAS No. 52918–63–5) (provided for in subheading 2926.90.30 or 3808.10.25)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1150. ASULAM SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.50	Asulam sodium salt (CAS No. 2302–17–2) imported put up in forms or packings for retail sale or as preparations (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1151. TRALOMETHRIN (1R,3S)3[(1′RS)(1′,2′,2′,2′,-TETRABROMOETHYL)]-2,2-DIMETHYLCYCLOPROPANECARBOXYLIC ACID,(S)-ALPHA-CYANO-3-PHENOXYBENZYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.52	Tralomethrin (1R,3S)3[(1′RS) (1′,2′,2′,2′,-Tetrabromoethyl)]-2,2-dimethylcyclopropanecarboxylic acid,(S)-alpha-cyano-3-phenoxybenzyl ester in bulk or in forms or packages for retail sale (CAS No. 66841–25–6) (provided for in subheading 2926.90.30 or 3808.10.25 for imports in bulk form)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1152. N-PHENYL-N′-(1,2,3-THIADIAZOL-5-YL)-UREA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.53	N-phenyl-N′-(1,2,3-thiadiazol-5-yl)-urea (thidiazuron) in bulk or in forms or packages for retail sale (CAS No. 51707–55–2) (provided for in subheading 2934.99.15 or 3808.30.15)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1153. BENZENEPROPANOIC ACID, ALPHA-2- DICHLORO-5-[4 (DIFLUOROMETHYL)- 4,5-DIHYDRO-3-METHYL-5-OXO-1H-1,2,4-TRIAZOL-1-YL]-4-FLUORO-ETHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.54	Benzenepropanoic acid, alpha-2- dichloro-5-[4 (difluoromethyl)- 4,5-dihydro-3-methyl-5-oxo-1H-1,2,4-triazol-1-yl]-4-fluoro-ethyl ester (CAS No. 128639–02–1) (provided for in subheading 2933.99.22)	4.9%	No change	No change	On or before 12/31/2005	”.

SEC. 1154. (Z)-(1RS, 3RS)-3-(2-CHLORO-3,3,3 TRIFLOURO-1-PROPENYL)-2,2-DIMETHYL-CYCLOPROPANE CARBOXYLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.55	(Z)-(1RS, 3RS)-3-(2-chloro-3,3,3 triflouro-1-propenyl)-2,2-dimethyl-cyclopropane carboxylic acid (CAS No. 68127–59–3) (provided for in subheading 2916.20.50)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1155. Z-CHLOROBENZYL CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.56	Z-chlorobenzyl chloride (CAS No. 611–19–8) (provided for in subheading 2903.69.70)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1156. (S)-ALPHA-HYDROXY-3-PHENOXYBENZENEACETONITRILE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.57	(S)-Alpha-hydroxy-3-phenoxybenzeneacetonitrile (CAS No. 61826–76–4) (provided for in subheading 2926.90.43)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1157. 4-PENTENOIC ACID, 3,3-DIMETHYL-, METHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.58	4-Pentenoic acid, 3,3-dimethyl-, methyl ester (CAS No. 63721–05–1) (provided for in subheading 2916.19.50)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1158. TERRAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.59	Etridiazole [5-ethoxy-3 (trichloromethyl) -1,2,4-thiadiazole] (CAS No. 2593-15-9) (provided for in subheading 2934.99.90) and any mixtures (preparations) containing Etridiazole as the active (provided for in subheading 3808.20.50) ..	Free	Free	No change	On or before 12/31/2005	”.

SEC. 1159. 2-MERCAPTOETHANOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.60	2-Mercaptoethanol (CAS No. 60-24-2) (provided for in subheading 2930.90.90)	Free	Free	No change	On or before 12/31/2005	”.

SEC. 1160. BIFENAZATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.61	hydrazine carboxylic acid, 2-(4-methxyl[1.1′- biphenyl]-3-yl)-1-methylethyl ester (CA) (CAS No. 149877-41-8) (provided for in subheading 2928.00.25)	Free	Free	No change	On or before 12/31/2005	”.

SEC. 1161. A CERTAIN POLYMER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.62	Fluoropolymers containing 95 percent or more by weight of the 3 monomer units tetrafluoroethylene, hexafluoropropylene, and vinylidene fluoride (provided for in subheading 3904.69.50)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1162. PARA ETHYLPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.63	Para ethylphenol (CAS No. 123-07-9) (provided for in subheading 2907.19.20) ..	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1163. EZETIMIBE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.64	2-Azetidinone, 1-(4-fluorophenyl)-3-[(3S)-3-(4-fluorophenyl)-3-hydroxypropyl]-4-(4-hydroxyphenyl)-,(3R,4S)-(9CI) (CAS No. 163222-33-1) (provided for in subheading 2933.79.08)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1164. P-CRESIDINE SULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.65	P-Cresidine sulfonic acid (4-amino-5-methoxy-2-methylbenzenesulfonic acid) (CAS No. 6471-78-9) (provided for in subheading 2922.29.80)	Free	Free	No change	On or before 12/31/2005	”.

SEC. 1165. 2,4 DISULFOBENZALDEHYDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.66	2,4 disulfobenzaldehyde (CAS No. 88-39-1) (provided for in subheading 2913.00.40)	Free	Free	No change	On or before 12/31/2005	”.

SEC. 1166. M-HYDROXYBENZALDEHYDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.67	M-hydroxybenzaldehyde (CAS No. 100-83-4) (provided for in subheading 2912.49.25)	Free	Free	No change	On or before 12/31/2005	”.

SEC. 1167. N-ETHYL-N-(3-SULFOBENZYL)ANILINE, BENZENESULFONIC ACID, 3[(ETHYLPHENYLAMINO)METHYL].

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.68	N-Ethyl-n-(3-sulfobenzyl)aniline, Benzenesulfonic acid, 3[(ethylphenylamino)methyl] (CAS No. 101-11-1) (provided for in subheading 2921.42.90)	Free	Free	No change	On or before 12/31/2005	”.

SEC. 1168. ACRYLIC FIBER TOW.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.69	Acrylic fiber tow (polyacrylonitrile tow) consisting of 6 sub-bundles crimped together, each containing 45,000 filaments and 2-8 percent water, such acrylic fiber containing a minimum of 92 percent acrylonitrile, not more than 0.1 percent zinc and average filament denier of either 1.35 denier (plus or minus 0.08) or 1.2 denier (plus or minus .08) (provided for in subheading 5501.30.00)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1169. YTTRIUM OXIDES AND EUROPIUM OXIDES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.70	Yttrium oxides and europium oxides, both having a purity of at least .9999 (CAS Nos. 1314-36-9 and 1308-96-7) (provided for in subheading 2846.90.80)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1170. HEXANEDIOIC ACID, POLYMER WITH 1,3-BENZENEDIMETHANAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.71	Hexanedioic acid, polymer with 1,3-benzenedimethanamine (CAS No. 25718-70-1) (provided for in subheading 3908.10.00)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1171. N1-[(6-CHLORO-3-PYRIDYL)METHYL]-N2-CYANO-N1-METHYLACETAMIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.72	N1-[(6-chloro-3-pyridyl)methyl]-N2-cyano-N1-methylacetamidine (CAS No. 135410-20-7) (provided for in subheadings 2933.39.27 and 3808.10.25)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1172. ALUMINUM TRIS (O-ETHYL PHOSPHONATE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.73	Aluminum tris (O-ethyl phosphonate) (CAS No. 39148-24-8) (provided for in subheading 2920.90.50)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1173. MIXTURE OF DISPERSE BLUE 77 AND DISPERSE BLUE 56

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.74	A mixture of Disperse Blue 77 and Disperse Blue 56 (CAS Nos. 20241-76-3 and 12217-79-7) (provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1174. ACID BLACK 194.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.75	Acid Black 194 (CAS No. 57693-14-8) (provided for in subheading 3204.12.20)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1175. MIXTURE OF 9,10-ANTHRACENEDIONE, 1,5-DIHYDROXY-4-NITRO-8-(PHENYLAMINO)-AND 9,10-ANTHRACENEDIONE, 1,8-DIHYDROXY-4-NITRO-5-(PHENYLAMINO)-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.76	A mixture of 9,10-Anthracenedione, 1,5-dihydroxy-4-nitro-8-(phenylamino)-and 9,10-Anthracenedione, 1,8-dihydroxy-4-nitro-5-(phenylamino)- (CAS Nos. 3065-87-0 and 20241-76-3) (provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1176. CASES FOR CERTAIN TOYS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.77	Cases or containers (provided for in subheading 4202.92.90) specifically designed or fitted for goods of headings 9502-9504, inclusive	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1177. BAGS FOR CERTAIN TOYS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.78	Bags (provided for in subheading 4202.92.45) for transporting, storing, or protecting goods of headings 9502-9504, inclusive, imported and sold with such articles therein	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1178. CERTAIN CHILDREN'S PRODUCTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.79	Image projectors capable of projecting images from circular mounted sets of stereoscopic photographic transparencies, such mounts measuring approximately 8.99 cm in diameter (provided for in subheading 9008.30.00)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1179. CERTAIN OPTICAL INSTRUMENTS USED IN CHILDREN'S PRODUCTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.80	Optical instruments designed for the viewing of circular mounted sets of stereoscopic photographic transparencies, such mounts measuring approximately 8.99 cm in diameter (provided for in subheading 9013.80.90)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1180. CASES FOR CERTAIN CHILDREN'S PRODUCTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.81	Cases or containers (provided for in subheading 4202.92.90) specifically designed or fitted for circular mounts for sets of stereoscopic photographic transparencies, such mounts measuring approximately 8.99 cm in diameter imported and sold with such articles therein	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1181. 2,4-DICHLOROANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.82	2,4-dichloroaniline (CAS No. 554-00-7) (provided for in subheading 2921.42.18)	Free	Free	No change	On or before 12/31/2005	”.

SEC. 1182. ETHOPROP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.83	O-Ethyl S, S-Dipropyl Phosphorodithioate (CAS No. 13194-48-4) (provided for in subheading 2930.90.44)	Free	Free	No change	On or before 12/31/2005	”.

SEC. 1183. FORAMSULFURON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.84	N,N-dimethyl-2[3-(4,6-dimethoxypyrimidin-2-yl) ureidosulfonyl]-4-formylaminobenzamide (CAS No. 173159–57–4) (provided for in subheading 3808.30.15)	3%	No change	No change	On or before 12/31/2005	".

SEC. 1184. CERTAIN EPOXY MOLDING COMPOUNDS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.85	Epoxy molding compounds, of a kind used for encapsulating integrated circuits (provided for in subheading 3907.30.00)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1185. DIMETHYLDICYANE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.86	Dimethyldicyane (2,2′-Dimethyl-4,4′-methylenebis- (cyclohexylamine) (CAS No. 6864–37–5) (provided for in subheading 2921.30.30)	Free	Free	No change	On or before 12/31/2005	".

SEC. 1186. TRIACETONE DIAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.87	Triacetone diamine (CAS No. 36768–62–4) (provided for in subheading 2933.39.61)	Free	Free	No change	On or before 12/31/2005	".

SEC. 1187. TRIETHYLENE GLYCOL BIS[3-(3-TERT-BUTYL-4-HYDROXY-5-METHYLPHENYL) PROPIONATE].

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new subheading:

"	9902.01.88	Triethylene glycol bis[3-(3-tert-butyl-4-hydroxy-5-methylphenyl) propionate] propionate (CAS No. 36443–68–2) (provided for in subheading 2918.90.43)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1188. CERTAIN POWER WEAVING TEXTILE MACHINERY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.89	Power weaving machines (looms), shuttle type, for weaving fabrics of a width exceeding 30 cm but not exceeding 4.9 m, entered without off-loom or large loom take-ups, drop wires, heddles, reeds, harness frames, or beams (provided for in subheading 8446.21.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1189. CERTAIN FILAMENT YARNS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.90	Synthetic filament yarn (other than sewing thread) not put up for retail sale, single, of decitex sizes of 23 to 850, with between 4 and 68 filaments, with a twist of 100 to 300 turns/m, of nylon or other polyamides, containing 10 percent or more by weight of nylon 12 (provided for in subheading 5402.51.00)	Free	Free	No change	On or before 12/31/2005	".

SEC. 1190. CERTAIN OTHER FILAMENT YARNS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.91	Synthetic filament yarn (other than sewing thread) not put up for retail sale, single, of decitex sizes of 23 to 850, with between 4 and 68 filaments, untwisted, of nylon or other polyamides, containing 10 percent or more by weight of nylon 12 (provided for in subheading 5402.41.90)	Free	Free	No change	On or before 12/31/2005	".

SEC. 1191. CERTAIN INK-JET TEXTILE PRINTING MACHINERY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.92	Ink-jet textile printing machinery (provided for in subheading 8443.51.10)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1192. CERTAIN OTHER TEXTILE PRINTING MACHINERY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.93	Textile printing machinery (provided for in subheading 8443.59.10)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1193. D-MANNOSE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following heading:

"	9902.01.94	D-Mannose (CAS No. 3458–28–4) (provided for in subheading 2940.00.60)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1194. BENZAMIDE, N-METHYL-2-[[3-[(1E)-2-(2-PYRIDINYL ETHENYL]-1H-INDAZOL-6- YL)THIO]-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.95	Benzamide, N-methyl-2-[[3-[(1E)-2-(2-pyridinyl_ethenyl]-1H-indazol-6-yl)thio]- (CAS No. 319460–85–0) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1195. 1(2H)-QUINOLINECARBOXYLIC ACID, 4-[[[3,5- BIS(TRIFLUOROMETHYL) PHENYL] METHYL(METHOXY CARBONYL)AMINO]-2-ETHYL- 3,4-DIHYDRO-6- (TRIFLUOROMETHYL)-, ETHYL ESTER, (2R,4S)-(9CI).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.96	1(2H)-Quinolinecarboxylic acid, 4-[[[3,5- bis(trifluoro-methyl)phenyl] methyl] (methoxycarbonyl)amino]-2-ethyl- 3,4-dihydro-6-(trifluoromethyl)-, ethyl ester, (2R,4S)-(9Cl) (CAS No. 262352-17-0) (provided for in subheading 2933.49.26)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1196. DISULFIDE,BIS(3,5-DICHLOROPHENYL)(9C1).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.97	Disulfide,bis(3,5-dichlorophenyl)(9C1) (CAS No. 137897-99-5) (provided for in subheading 2930.90.29)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1197. PYRIDINE,4-[[4-(1-METHYLETHYL)-2-[(PHENYLMETHOXY)METHYL]-1H- MIDAZOL-1-YL] METHYL]- ETHANEDIOATE (1:2).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.98	Pyridine,4-[[4-(1-methylethyl)-2-[(phenylmethoxy)methyl]-1H-imidazol-1-yl] methyl]-ethanedioate (1:2) (CAS No. 280129-82-0) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1198. PACLOBUTRAZOLE TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.99	Paclobutrazole Technical - 1H-1,2,4-triazole-1-ethanol, beta-[(4-chlorophenyl)methyl]-alpha-(1,1-dimethylethyl)-, (R*,R*)-(+-)- (CAS No. 76738-62-0) (provided for in subheading 2933.99.22)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1199. PACLOBUTRAZOLE 2SC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.01	Paclobutrazole 2SC, a plant growth regulator end use formulated product containing paclobutrazole active ingredient - 1H-1,2,4-triazole-1-ethanol, beta-[(4-chlorophenyl)methyl]-alpha-(1,1-dimethylethyl)-, (R*,R*)-(+-)- (CAS No. 76738-62-0) (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1200. METHIDATHION TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.02	S- [(5-methoxy-2-oxo-1,3,4-thiadiazol-3(2H)-yl)-methyl] O,O-dimethyl phosphorodithioate (CAS No. 950-37-8) (provided for in subheading 2934.90.90)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1201. VANGUARD 75 WDG.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.03	Vanguard 75 WDG, a fungicide end use formulated product containing Cyprodinil active ingredient 2-pyrimidinamine, 4-cyclopropyl-6-methyl-N-phenyl (CAS No. 121552-61-2) (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1202. WAKIL XL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.04	Wakil XL, a seed treatment end use formulated product containing the following active ingredients: Metalaxyl-M -D-alanine, N-(2,6-dimethylphenyl)-N-methoxyacetyl)-, methyl ester (CAS No. 70630-17-0); Fludioxinil - 1H-pyrrole-3-carbonitrile, 4-(2,2-difluoro-1,3-benzodioxol-4-yl (CAS No. 131341-86-1); Cymoxanil - acetamide, 2-cyano-N-[(ethylamino)carbonyl]-2-(methoxyimino)- (CAS No. 57966-95-7) (provided in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1203. MUCOCHLORIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.05	2-Butenoic acid, 2,3-dichloro-4-oxo-, (2Z) (CAS No. 87-56-9) (provided for in subheading 2918.30.90)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1204. AZOXYSTROBIN TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.06	Benzeneacetic acid, 2[[6-(2-cyanophenoxy)-4-pyrimidinyl]oxy]-alpha-(methoxymethylene)-, methyl ester, (alpha E)- (CAS No. 131860-33-8) (provided for in subheading 2933.59.15)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1205. FLUMETRALIN TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.07	2-chloro-N-[2,6-dinitro-4-(trifluoromethyl)phenyl]-N-ethyl-6-fluorobenzenemethanamine (CAS No. 62924-70-3) (provided for in subheading 2921.49.45)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1206. CYPRODINIL TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.08	2- pyrimidinamine, 4-cyclopropyl-6-methyl-N-phenyl- (CAS No. 121552-61-2) (provided for in subheading 2933.59.15)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1207. MIXTURES OF LAMBDA-CYHALOTHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.09	Cyclopropanecarboxylic acid, 3-(2-chloro-3,3,3-trifluoro-1-propenyl)-2,2-dimethyl-,cyano(3-phenoxyphenyl)methyl ester, [1.alpha. (S*),3.alpha. (Z)]-(.+-.)- (CAS No. 91465-08-6) (provided for in subheading 3808.10.25)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1208. PRIMISULFURON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.10	Benzoic acid, 2[[[[[4,6-bis (difluoromethoxy)-2- pyrimidinyl] amino]carbonyl] amino]sulfonyl]-, methyl ester (CAS No. 86209-51-0) (provided for in subheading 2935.00.75)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1209. 1,2 CYCLOHEXANEDIONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.11	1,2 Cyclohexanedione (CAS No. 765-87-7) (provided for in subheading 2914.29.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1210. DIFENOCONAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.12	1H-1,2,4-triazole, 1-[[2--[2-chloro-4-(4-chlorophenoxy)phenyl]-4-methyl-1,3-dioxolan-2-yl]methyl]- (CAS No. 119446-68-3) (provided for in subheading 2934.99.12)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1211. CERTAIN REFRACTING AND REFLECTING TELESCOPES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.13	Refracting telescopes with 50 mm or smaller lenses and reflecting telescopes with 76 mm or smaller lenses (provided for in subheading 9005.80.40)	Free	Free	No change	On or before 12/31/2005	".

SEC. 1212. PHENYLISOCYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.14	Phenylisocyanate (CAS No. 103-71-9) (provided for in subheading 2929.10.80)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1213. BAYOWET FT-248.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.15	Tetraethylammonium perfluorooctanesulfonate (CAS No. 56773-42-3) (provided for in subheading 2923.90.00)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1214. P-PHENYLPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.16	Biphenyl--4-ol (CAS No. 92-69-3) (provided for in subheading 2907.19.80)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1215. CERTAIN RUBBER RIDING BOOTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.17	Horseback riding boots with soles and uppers of rubber that extend above the ankle and below the knee, and have a spur rest on the heel counter (provided for in subheading 6401.92)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1216. CHEMICAL RH WATER-BASED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.18	Chemical RH water-based (iron toluene sulfanate) (comprised of 75% water, 25% p-Toluenesulfonic acid (CAS No. 6192-52-5) and 5% feric oxide (CAS No. 1309-37-1)) (provided for in subheading 2904.10.10)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1217. CHEMICAL NR ETHANOL-BASED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.19	Chemical NR Ethanol-based (iron toluene sulfanate) (60% ethanol (CAS NO. 63-17-5), 33% p-Toluenesulfonic acid (CAS No. 6192-52-5), and 7% feric oxide (CAS No. 1309-37-1)) (provided for in subheading 2912.12.00) ...	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1218. TANTALUM CAPACITOR INK.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.20	Tantalum capacitor ink: Graphite Ink P7300 of 85% butyl acetate, 8% graphite, and the remaining balance of non-hazardous resins; and Graphite Paste P5900 of 92-96% water, 1-3% graphite (CAS No. 7782-42-5), 0.5%-2% ammonia (CAS No. 7664-41-7), and less than 1% acrylic resin (CAS No. 9003-32-1) (provided for in subheading 3207.30.00)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1219. EUROPIUM OXIDES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.22	Europium oxides having a purity of at least 99.99 percent (CAS No. 1308-96-7) (provided for in subheading 2846.90.80)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1219A. CERTAIN SAWING MACHINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.84.91	Sawing machines certified for use in production of radial tires, designed for off-the-highway use, and for use on a rim measuring 63.5 cm or more in diameter (provided for in subheading 4011.20.10, 4011.61.00, 4011.62.00, 4011.63.00, 4011.69.00, 4011.92.00, 4011.93.40, 4011.94.40, or 4011.99.45), numerically controlled, or parts thereof (provided for in subheading 8465.91.00 or 8466.92.50) –	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1220. CERTAIN SECTOR MOLD PRESS MANUFACTURING EQUIPMENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.84.89	Sector mold press machines to be used in production of radial tires designed for off-the highway use with a rim measuring 63.5 cm or more in diameter (provided for in subheading 4011.20.10, 4011.61.00, 4011.62.00, 4011.63.00, 4011.69.00, 4011.92.00, 4011.93.40, 4011.94.40, or 4011.99.45), numerically controlled, or parts thereof (provided for in subheading 8477.51.00 or 8477.90.85) —	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1221. CERTAIN MANUFACTURING EQUIPMENT USED FOR MOLDING.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.84.87	Machinery for molding retreading, or otherwise forming uncured, unvulcanized rubber to be used in production of radial tires designed for off-the-highway use with a rim measuring 63.5 cm or more in diameter (provided for in subheading 4011.20.10, 4011.61.00, 4011.62.00, 4011.63.00, 4011.69.00, 4011.92.00, 4011.93.40, 4011.94.40, or 4011.99.45), numerically controlled, or parts thereof (provided for in subheading 8477.51.00 or 8477.90.85)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1222. CERTAIN EXTRUDERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.84.85	Extruders to be used in production of radial tires designed for off-the-highway use with a rim measuring 63.5 cm or more in diameter (provided for in subheading 4011.20.10, 4011.61.00, 4011.62.00, 4011.63.00, 4011.69.00, 4011.92.00, 4011.93.40, 4011.94.40, or 4011.99.45), numerically controlled, or parts thereof (provided for in subheading 8477.20.00 or 8477.90.85) —	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1223. CERTAIN SHEARING MACHINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.84.81	Shearing machines used to cut metallic tissue certified for use in production of radial tires designed for off-the highway use with a rim measuring 63.5 cm or more in diameter (provided for in subheading 4011.20.10, 4011.61.00, 4011.62.00, 4011.63.00, 4011.69.00, 4011.92.00, 4011.93.40, 4011.94.40, or 4011.99.45), numerically controlled, or parts thereof (provided for in subheading 8462.31.00 or 8466.94.85)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1224. THERMAL RELEASE PLASTIC FILM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.26	Thermal release plastic film (provided for in subheading 3919.10.20)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1225. CERTAIN SILVER PAINTS AND PASTES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.27	P6100-52 percent silver Ag Paint; P7400-52.8 percent silver AG Paint; P7402-61.6 percent silver Ag Paste; and P7500-52.8 percent silver Ag Paint (provided for in subheading 2843.10.00)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1226. POLYMER MASKING MATERIAL FOR ALUMINUM CAPACITORS (UPICOAT).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.28	Polymer masking material for aluminum capacitors (UPICOAT of 40 percent solute denatured polymide and 60 percent solvent dicthylenglycol dimethylethers (CAS No. 111-96-6)) (provided for in subheading 2909.41.00)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1227. OBPA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.29	10′10′ Oxybisphenoxarsine (CAS No. 58-36-6) (provided for in subheading 2934.99.18)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1228. MACROPOROUS ION-EXCHANGE RESIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.30	Macroporous ion-exchange resin comprising a copolymer of styrene crosslinked with divinylbenzene, thiol functionalized (CAS No. 113834-91-6) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1229. COPPER 8-QUINOLINOLATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.31	Copper 8-Quinolinolate (CAS No. 10380-28-6) (provided for in subheading 2933.49.30)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1230. ION-EXCHANGE RESIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.32	Ion-exchange resin comprising a copolymer of styrene crosslinked with divinylbenzene, iminodiacetic acid, sodium form (CAS No. 244203-30-3) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1231. ION-EXCHANGE RESIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.33	Ion-exchange resin comprising a copolymer of styrene crosslinked with ethenylbenzene, aminophosphonic acid, sodium form (CAS No. 125935-42-4) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1232. ION-EXCHANGE RESIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.34	Ion-exchange resin comprising a copolymer of styrene crosslinked with divinylbenzene, sulphonic acid, sodium form (CAS No. 63182-08-1) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1233. 3-[(4 AMINO-3-METHOXYPHENYL) AZO]-BENZENE SULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.35	3-[(4 Amino-3-Methoxyphenyl) Azo]-benzene sulfonic acid (CAS No. 138-28-3) (provided for in subheading 2927.00.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1234. 2-METHYL-5-NITROBENZENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.36	2-Methyl-5-nitrobenzenesulfonic acid (CAS No. 121-03-9) (provided for in subheading 2904.90.20)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1235. 2 AMINO 6 NITRO PHENOL 4 SULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.37	2 Amino 6 Nitro Phenol 4 sulfonic acid (CAS No. 96-93-5) (provided for in subheading 2922.29.60)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1236. 2 AMINO 5 SULFOBENZOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.38	2 Amino 5 sulfobenzoic acid (CAS No. 3577-63-7) (provided for in subheading 2922.49.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1237. 2,5 BIS [(1,3 DIOXOBUTYL) AMINO] BENZENE SULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.39	2,5 bis [(1,3 Dioxobutyl) Amino] benzene sulfonic acid (CAS No. 70185-87-4) (provided for in subheading 2924.29.71)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1238. P-AMINOAZOBENZENE 4 SULFONIC ACID, MONOSODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.40	p-Aminoazobenzene 4 sulfonic acid, monosodium salt (CAS No. 2491-71-6) (provided for in subheading 2927.00.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1239. P-AMINOAZOBENZENE 4 SULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.41	p-Aminoazobenzene 4 sulfonic acid (CAS No. 104-23-4) (provided for in subheading 2927.00.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1240. 3-[(4 AMINO-3-METHOXYPHENYL) AZO]-BENZENE SULFONIC ACID, MONOSODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.42	3-[(4 Amino-3-Methoxyphenyl) Azo]-benzene sulfonic acid, monosodium salt (CAS No. 6300-07-8) (provided for in subheading 2927.00.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1241. ET-743 (ECTEINASCIDIN).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.43	[6R-(6a, 6ab, 7b, 13b, 14b, 16a, 20R*)]-5-acetyloxy)-3', 4', 6, 6a, 7, 13, 14, 16,-octahydro-6', 8, 14-trihydroxy-7', 9-dimethoxy-4, 10, 23-trimethyl-spiro[6, 16-b][3]benzazocine-20, 1'(2H)-isoquinolin]-19-one (CAS No. 114899-77-3) (provided for in subheading 2934.99.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1242. 2,7-NAPHTHALENEDISULFONIC ACID, 5-[[4-CHLORO-6-[[2-[[4-FLUORO-6-[[5-HYDROXY-6-[(4-METHOXY-2-SULFOPHENYL)AZO]-7-SULFO-2-NAPHTHALENYL]AMINO]-1,3,5-TRIAZIN-2-YL] AMINO]-1-METHYLETHYL]AMINO]-1,3,5-TRIAZIN-2-YL]AMINO]-3-[[4-(ETHENYLSULFONYL)PHENYL]AZO]-4-HYDROX'-, SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.44	2,7-Naphthalene- disulfonic acid, 5-[[4-chloro-6-[[2-[[4-fluoro-6-[[5-hydroxy-6-[(4-methoxy-2-sulfophenyl)azo]-7-sulfo-2-naphthalenyl]amino]-1,3,5-triazin-2-yl] amino]-1-methylethyl]amino]-1,3,5-triazin-2-yl]amino]-3-[[4-(ethenylsulfonyl)phenyl]azo]-4-hydrox'-, sodium salt (CAS No. 168113-78-8) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1243. 1,5-NAPHTHALENEDISULFONIC ACID, 3-[[2-(ACETYLAMINO)-4-[[4-[[2-[2- (ETHENYLSULFONYL) ETHOXY] ETHYL] AMINO]-6-FLUORO-1,3,5-TRIAZIN-2-YL]AMINO]PHENYL]AZO]-, DISODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.45	1,5-Naphthalenedisulfonic acid, 3-[[2-(acetylamino)-4-[[4-[[2-[2- (ethenylsulfonyl) ethoxy]ethyl]amino]-6-fluoro-1,3,5-triazin-2-yl] amino] phenyl]azo]-, disodium salt (CAS No. 98635-31-5) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1244. 7,7′-[1,3-PROPANEDIYLBIS[IMINO(6-FLUORO-1,3,5-TRIAZINE-4,2-DIYL)IMINO[2-[(AMINOCARBONYL)AMINO]-4,1-PHENYLENE]AZO]]BIS-, SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.46	7,7′-[1,3-propanediylbis [imino(6-fluoro-1,3,5-triazine-4,2-diyl)imino[2-[(aminocarbonyl)amino]-4,1-phenylene]azo]]bis-, sodium salt (CAS No. 143683-24-3) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1245. CUPRATE(3-), [2-[[[[3-[[4-[[2-[2- (ETHENYLSULFONYL) ETHOXY] ETHYL]AMINO]-6-FLUORO-1, 3, 5-TRIAZIN-2-YL]AMINO]-2- (HYDROXY-.KAPPA.O)-5-SULFOPHENYL]AZO-.KAPPA. N2]PHENYLMETHYL]AZO-.KAPPA.N1]-4-SULFOBENZOATO(5-)- .KAPPA.O], TRISODIUM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.47	Cuprate(3-), [2-[[[[3-[[4-[[2-[2-(ethenylsulfonyl) ethoxy]ethyl]amino]-6-fluoro-1,3,5-triazin-2-yl]amino]-2-(hydroxy-.kappa.O)-5-sulfophenyl]azo-.kappa.N2] phenylmethyl]azo-.kappa.N1]-4-sulfobenzoato(5-)-.kappa.O], trisodium (CAS No. 106404-06-2) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1246. 1,5-NAPHTHALENEDISULFONIC ACID, 2-[[8-[[4-[[3-[[[2-(ETHENYLSULFONYL) ETHYL]AMINO]CARBONYL] PHENYL]AMINO]-6-FLUORO-1,3, 5-TRIAZIN-2-YL]AMINO]-1- HYDROXY-3,6-DISULFO-2- NAPHTHALENYL]AZO]-, TETRASODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.48	1,5-Naphthalenedisulfonic acid, 2-[[8-[[4-[[3-[[[2- (ethenyl sulfonyl) ethyl] amino]carbonyl] pheny]amino]-6-fluoro-1,3,5-triazin-2-yl]amino]-1-hydrosy-3,6-disulfo-2-naphthalenyl]azo]-, tetrasodium salt (CAS No. 116912-36-8) (provided for in subheading 3204.16.30)	Free	No change	No change.	On or before 12/31/2005	”.

SEC. 1247. PTFMBA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.49	p-(Triflurormethyl) benzaldehyde (CAS No. 455-19-6) (provided for in subheading 2913.00.40)	Free	Free	No change	On or before 12/31/2005	”.

SEC. 1248. BENZOIC ACID, 2-AMINO-4-[[(2,5-DICHLOROPHENYL)AMINO] ARBONYL]-, METHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.51	Benzoic acid, 2-amino-4-[[(2,5-dichlorophenyl) amino]carbonyl]-, methyl ester (CAS No. 59673-82-4) (provided for in subheading 2924.29.71)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1249. IMIDACLOPRID PESTICIDES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.52	Pesticides based upon Imidacloprid 1-[(6-Chloro-3-pyridnyl)methyl]-*N*-nitro-2-imidazolidinimine (CAS No. 138261-41-3) with application adjuvants (provided for in subheading 3808.10.25)	5.7%	No change	No change	On or before 12/31/2005	”.

SEC. 1250. BETA-CYFLUTHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.54	Beta-cyfluthrin (CAS No. 68359-37-5) (provided for in subheading 2926.90.30)	4.3%	No change	No change	On or before 12/31/2005	”.

SEC. 1251. IMIDACLOPRID TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.55	Imidacloprid 1-[(6-Chloro-3-pyridinyl)methyl]-*N*-nitro-2-imidazolidinimine (CAS No. 138261-41-3) (provided for in subheading 2933.39.27)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1252. BAYLETON TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.56	Triadimefon 1-(4-Chlorophenoxy)-3,3-dimethyl-1-(1*H*-1,2,4-triazol-1-yl)-2-butanone (CAS No. 43121-43-3) (provided for in subheading 2933.99.22)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1253. PROPOXUR TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.57	Propoxur 2-(1-methylethoxy)phenol methylcarbamate (CAS No. 114-26-1) (provided for in subheading 2924.29.47)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1254. MKH 6561 ISOCYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.58	A mixture of 30% 2-(Carbomethoxy) benzenesulfonyl isocyanate (CAS No. 13330-20-7) and 70% Xylenes (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1255. PROPOXY METHYL TRIAZOLONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.59	A mixture of 20% Propoxy Methyl Triazolone (3H-1,2,4-Triazol-3-one, 2, 4-dihydro-4-methyl- 5propoxy) (CAS No. 1330-20-7) and Triazolone (3H-1,2,4-Triazol-3-one, 2,4 dihydro-4-meth-5propoxy) (CAS No. 1330-2-7) (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1256. NEMACUR VL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.60	Fenamiphos ethyl 4-(methylthio)-m-tolyl isospropylphosphoramidate (CAS No. 22224-92-6) (provided for in subheading 2930.90.10)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1257. METHOXY METHYL TRIAZOLONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.61	2,4-dihydro-5-methoxy-4-methyl-3*H*-1,2,4-Triazol-3-one (CAS No. 135302-13-5) (provided for in subheading 2933.99.97)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1258. LEVAFIX GOLDEN YELLOW E-G.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.62	1H-Pyrazole-3- carboxylic acid, 4-[[4- [[(2,3-dichloro-6-quinoxalinyl) carbonyl] amino]-2- sulfophenyl] azo]-4,5- dihydro-5-oxo-1- (4-sulfophenyl)-, trisodium salt (CAS No. 75199-00-7) (provided for in subheading 3204.16.20)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1259. LEVAFIX BLUE CA/REMAZOL BLUE CA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.63	Cuprate(4-), [2-[[3- [[substituted]- 1,3,5-triazin- 2-yl]amino]- 2-hydroxy-5-sulfophenyl] (substituted)azo], sodium salt (CAS No. 156830-72-7 (Accn 158282)) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1260. REMAZOL YELLOW RR GRAN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.64	Benzenesulfonic- acid, 2-amino-4-(cyanoamino)- 6-[(3-sulfo- phenyl)amino]-1,3,5-triazin- 2-yl]amino]-5- [[4-[[2-(sulfooxy) ethyl]sulfonyl] phenyl]azo]-, lithium/sodium salt (CAS No. 189574-45-6 (accn 167501)) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1261. INDANTHREN BLUE CLF.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.65	9,10-Anthra- cenedione, 1,1′-[(6-phenyl-1,3,5-triazine- 2,4-diyl)diimino] bis[3-acetyl-4-amino- (CAS No. 32220-82-9) (provided for in subheading 3204.15.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1262. INDANTHREN YELLOW F3GC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.66	[1,1′-Biphenyl]- 4-carboxamide, 4′,4‴-azobis[N- (9,10-dihydro- 9,10-dioxo-1-anthracenyl) (CAS No. 12227-50-8) (provided for in subheading 3204.15.80)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1263. ACETYL CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.67	Acetyl Chloride (CAS No. 75-36-5) (provided for in subheading 2915.90.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1264. 4-METHOXY-PHENACYCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.68	4-Methoxy-phenacychloride (CAS No. 2196-99-8) (provided for in subheading 2914.70.40)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1265. 3-METHOXY-THIOPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.69	3-Methoxy-thiophenol (CAS No. 15570-12-4) (provided for in subheading 2930.90.90)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1266. LEVAFIX BRILLIANT RED E-6BA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.70	Reactive Red 159, 2, 7-Naphthalenedisulfonic acid, 5-(benzoylamino)- 3-[[5-[[(5- chloro-2,6-difluoro-4-pyrimidinyl) amino]methyl]- 1-sulfo-2- naphthalenyl] azo]-4-hydroxy-, lithium sodium salt (CAS No. 83400-12-8) (provided for in subheading 3204.16.20)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1267. REMAZOL BR. BLUE BB 133%.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.71	Cuprate(4-), [4,5-dihydro- 4-[[8-hydroxy- 7-[[2-hydroxy- 5-methoxy- 4-[[2-(sulfooxy)ethyl] sulfonyl] phenyl]azo]-6- sulfo-2- naphtha- lenyl]azo]-5-oxo-1- (4-sulfophenyl)- 1H-pyrazole- 3-carboxylato(6-)]-, sodium (CAS No. 90341-71-2) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1268. FAST NAVY SALT RA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.72	Benzenediazonium, 4-[(2,6- dichloro-4-nitrophenyl)azo]- 2,5-dimethoxy-, (T-4)-tetrachloroz- incate(2-) (2:1) (CAS No. 63224-47-5) (provided for in subheading 2927.00.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1269. LEVAFIX ROYAL BLUE E-FR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.73	Ethanol,2,2′-[[6,13-dichloro-3, 10-bis[[2(sulfooxy) ethyl]amino] tripheno- dioxazinediyl] bis(sul- fonyl)]bis-, bis(hydrogen sulfate) (ester), potassium sodium salt (CAS No. 108692-09-7) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1270. P-CHLORO ANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.74	p-Chloro aniline (CAS No. 106-47-8) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1271. ESTERS AND SODIUM ESTERS OF PARAHYDROXYBENZOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.75	Esters and sodium esters of Parahydroxybenzoic Acid (CAS Nos. 99-76-3, 94-13-3, 120-47-8, 94-26-8, 94-18-8, 5026-62-0, 35285-69-9, 35285-68-8, 36457-20-2) (provided for in subheadings 2918.29.75 and 2918.29.65)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1272. SANTOLINK EP 560.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.76	Phenol-Formaldehyde Polymer Butylated (CAS No. 96446-41-2) (provided for in subheading 3909.40.00)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1273. PHENODUR VPW 1942.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.77	Polymer of phenol, 4,4'-(1-methylethylidene)bis-, polymer with (chloromethyl)oxiranel and phenol polymer with formaldehyde modified with chloro acetic acid (provided for in subheading 3909.40.00)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1274. PHENODUR PR 612.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.78	Formaldehyde, polymer with 2-methylphenol, butylated (CAS No. 118685-25-9) (provided for in subheading 3909.40.00)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1275. PHENODUR PR 263.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.79	Phenol, polymer with formaldehyde, Bu iso-Bu ether and urea, polymer with formaldehyde, isobutylated (CAS Nos. 126191-57-9 and 68002-18-6) (provided for in subheading 3909.40.00)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1276. MACRYNAL SM 510 AND 516.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.80	Neodecanoic acid, oxiranylmethyl ester, polymer with ethenylbenzene, 2-hydroxyethyl 2-methyl-2-propenoate, methyl 2-methyl-2-propenoate and 2-propenoic acid (CAS No. 98613-27-5) (provided for in subheading 3906.90.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1277. ALFTALAT AN 725.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.81	1,3-Benzenedicarboxylic acid, polymer with 1,4-benzenedicarboxylic acid and 2,2-dimethyl-1,3-propanediol (CAS No. 25214-38-4) (provided for in subheading,3907.99.00)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1278. RWJ 241947.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.82	(+)-5-[[6-[(2-fluorophenyl) methoxyl] -2 napthalenyl]methyl]-2,4-thiazolidinedione (CAS No. 161600-01-7) (provided for in subheading 2934.10.10)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1279. RWJ 394718.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.83	1-Propanone, 3-(5-benzofuranyl)-1-[2-hydroxy-6-[[6-O-(methoxycarbonyl) -b-D-glucopyranosyl] oxy] -4-methylphenyl - (9CI) (CAS No. 209746-59-8) (provided for in subheading 2932.99.61)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1280. RWJ 394720.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.84	3-(5-benzofuranyl)-1-[2-β-D-glucopyranosyloxy -6-hydroxy-4-methylphenyl]-1-Propanone[2] (CAS No. 209746-56-5) (provided for in subheading 2932.99.61)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1281. 3,4-DCBN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.85	3,4-Dichlorobenzonitrile (CAS No. 6574-99-8) (provided for in subheading 2926.90.12)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1282. CYHALOFOP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.86	Propanoic acid,2-[4-(cyano-2-fluorophenoxy)phenoxy]-butyl ester(2R) (CAS No.122008-85-9) (provided for in subheading 2926.90.25)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1283. ASULAM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.87	Asulox carbamic acid,[(4-aminophenyl)sulfonyl]-, methyl ester, monosodium salt (9CI) (CAS No. 2302-17-2) Asulam sodium salt imported in bulk form (provided for in subheading 2935.00.75), or imported in forms or packings for retail sale or mixed with application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1284. FLORASULAM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.88	[1,2,4] Triazolo[1,5-c] pyrimidine-2-sulfonamide, N-(2,6-difluorophenyl)-8-fluoro-5-methoxy (CAS No. 145701-23-1) (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1285. PROPANIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.89	Propanamide, N-(3,4-dichlorophenyl) (CAS No. 709-98-8) (provided for in subheading 2924.29.47)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1286. HALOFENOZIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.90	Benzoic acid, 4-chloro-2-benzoyl-2-(1,1-dimethylethyl) hydrazide (Halofenozide) (CAS No. 112226-61-6) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1287. ORTHO-PHTHALALDEHYDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.92	1,2-benzenedicarboxaldehyde (CAS No. 643-79-8) (provided for in subheading 2912.29.60)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1288. TRANS 1,3-DICHLOROPROPENE

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new subheading:

“	9902.02.93	Trans 1,3-dichloropropene (CAS No. 10061-02-6) (provided for in subheading 2903.29.00)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1289. METHACRYLAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.94	Methacrylamide (CAS No. 79-39-0) (provided for in subheading 2924.19.10)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1290. CATION EXCHANGE RESIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.95	Divinylbenzene, acrylic acid polymer (CAS No. 9052-45-3) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1291. GALLERY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.96	{N-[3-(1-ethyl-1-methylpropyl)-5isoxazolyl]-2,6-dimethoxybenzamide} (CAS No. 82558-50-7) (provided for in subheading 2934.99.15)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1292. NECKS USED IN CATHODE RAY TUBES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.97	Necks used in cathode ray tubes (provided for in subheading 7011.20.80)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1293. POLYTETRAMETHYLENE ETHER GLYCOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new subheading:

“	9902.02.98	Polytetramethylene ether glycol (CAS No. 38640-26-5) (provided for in subheading 3907.20.00)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1294. LEAF ALCOHOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new subheading:

“	9902.02.99	Cis-3-Hexen-1-ol (CAS No. 928-96-1) (provided for in subheading 2905.29.90)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1295. COMBED CASHMERE AND CAMEL HAIR YARN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.01	Yarn of combed cashmere or yarn of camel hair (provided for in subheading 5108.20.60)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1296. CERTAIN CARDED CASHMERE YARN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.02	Yarn of carded cashmere of 6 run or finer (equivalent to 19.35 metric yarn system) (provided for in subheading 5108.10.60)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1297. SULFUR BLACK 1.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.03	Sulfur Black 1 (CAS No. 1326-82-5) (provided for in subheading 3204.19.30)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1298. REDUCED VAT BLUE 43.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.04	Reduced Vat Blue 43 (CAS No. 85737-02-6) (provided for in subheading 3204.15.40)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1299. FLUOROBENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.05	Fluorobenzene (CAS No. 462-06-6) (provided for in subheading 2903.69.70)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1300. CERTAIN RAYON FILAMENT YARN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.06	High tenacity multiple (folded) or cabled yarn of viscose rayon (provided for in subheading 5403.10.60)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1301. CERTAIN TIRE CORD FABRIC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.07	Tire cord fabric of high tenacity yarn of viscose rayon (provided for in subheading 5902.90.00)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1302. DIRECT BLACK 184.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.08	Direct black 184 (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1303. BLACK 263 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.09	Black 263 Stage, 5-[4-(7-amino-1-hydroxy-3-sulfo-naphthalen-2-ylazo)-2,5-bis-(2-hydroxy-ethoxy)-phenylazo]-isophthalic acid, lithium salt (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1304. MAGENTA 364.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.10	Magenta 364, 5-[4-(4,5-dimethyl-2-sulfophenylamino)-6-hydroxy-[1,3,5-] triazin-2-yl amino]-4-hydroxy-3-(1-sulfo-naphthalen-2-ylazo)-naphthalene-2,7-disulphonic acid, sodium salt (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1305. THIAMETHOXAM TECHNICAL.

(a) CALENDAR YEAR 2003.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.11	Thiamethoxam (3-[(2-chloro-5-thiazolyl)-methyl) tetra-hydro-5-methyl-N-nitro-1,3,5-oxadiazin-4-imine) (CAS No. 153719-23-4) (provided for in subheading 2934.10.90)	2.6%	No change	No change	On or before 12/31/2003	".

(b) CALENDAR YEAR 2004.—

(1) IN GENERAL.—Heading 9902.03.11, as added by subsection (a), is amended—

(A) by striking "2.6%" and inserting "2.54%"; and

(B) by striking "On or before 12/31/2003" and inserting "On or before 12/31/2004".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2004.

(c) CALENDAR YEAR 2005.—

(1) IN GENERAL.—Heading 9902.03.11, as added by subsection (a) and amended by this section, is further amended—

(A) by striking "2.54%" and inserting "3.2%"; and

(B) by striking "On or before 12/31/2004" and inserting "On or before 12/31/2005".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2005.

SEC. 1306. CYAN 485 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.12	Cyan 485 Stage, [(Hydroxyethylsulfamoy) sulfophthalocyaninato] copper (II), mixed isomers (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1307. DIRECT BLUE 307.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.14	Direct blue 307 (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1308. DIRECT VIOLET 107.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.16	Direct violet 107 (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1309. FAST BLACK 286 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.17	1,3-benzenedicarboxylic acid, 5-[[4-[(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl)azo]-6-sulfo-1-naphthalenyl]azo]-, sodium salt (CAS No. 201932-24-3) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1310. MIXTURES OF FLUAZINAM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.18	Mixtures of fluazinam (3-chloro-N- (3-chloro-2,6- dimatro-4-(trifluoro- methyl)-phenyl-5- (trifluoro- methyl)-2-pyridinamine) (CAS No. 79622-59-6) and application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1311. PRODIAMINE TECHNICAL.

(a) CALENDAR YEAR 2003.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.19	Prodiamine (2,6-dimitro-N1,N1-dipropyl-4-(trifluoromethyl)-1,3-benzene-diamine (CAS No. 29091-21-2) (provided for in subheading 2921.59.80)	0.53%	No change	No change	On or before 12/31/2003	".

(b) CALENDAR YEARS 2004 AND 2005.—

(1) IN GENERAL.—Heading 9902.03.19, as added by subsection (a), is amended—

(A) by striking "0.53%" and inserting "Free"; and

(B) by striking "On or before 12/31/2003" and inserting "On or before 12/31/2005".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2004.

SEC. 1312. CARBON DIOXIDE CARTRIDGES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.20	Carbon dioxide in threaded 12, 16, and 25 gram non-refillable cartridges (provided for in subheading 2811.21.00)	Free	Free	No change	On or before 12/31/2005	”.

SEC. 1313. 12-HYDROXYOCTADECANOIC ACID, REACTION PRODUCT WITH N,N-DIMETHYL, 1,3-PROPANEDIAMINE, DIMETHYL SULFATE, QUATERNIZED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.21	12-Hydroxyoctadecanoic acid, reaction product with *N,N*-dimethyl, 1,3-propanediamine, dimethyl sulfate, quaternized (CAS No. 70879-66-2) (provided for in subheading 3824.90.40)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1314. 40 PERCENT POLYMER ACID SALT/POLYMER AMIDE, 60 PERCENT BUTYL ACETATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.22	40 percent Polymer acid salt/polymer amide, 60 percent Butyl acetate (provided for in subheading 3208.90.00)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1315. 12-HYDROXYOCTADECANOIC ACID, REACTION PRODUCT WITH N,N-DIMETHYL- 1,3-PROPANEDIAMINE, DIMETHYL SULFATE, QUATERNIZED, 60 PERCENT SOLUTION IN TOLUENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.23	12-Hydroxyoctadecanoic acid, reaction product with *N,N*-dimethyl- 1,3-propanediamine, dimethyl sulfate, quaternized, 60 percent solution in toluene (CAS No. 70879-66-2) (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1316. POLYMER ACID SALT/POLYMER AMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.24	Polymer acid salt/polymer amide (provided for in subheading 3824.90.91)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1317. 50 PERCENT AMINE NEUTRALIZED PHOSPHATED POLYESTER POLYMER, 50 PERCENT SOLVESSO 100.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.25	50 percent Amine neutralized phosphated polyester polymer, 50 percent Solvesso 100 (CAS Nos. P-99-1218, 64742-95-6, 95-63-6, 108-67-8, 98-82-8, and 1330-20-7) (provided for in subheading 3907.99.00)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1318. 1-OCTADECANAMINIUM, N,N-DI-METHYL-N-OCTADECYL-, (SP-4-2)-[29H,31H-PHTHA- LOCYANINE-2- SULFONATO(3-)-.KAPPA.N29,.KAPPA.N30,.KAPPA.N31,.KAPPA.N32]CUPRATE(1-).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.26	1-Octa- decanaminium, *N,N*-dimethyl-*N*-octadecyl-, (Sp-4-2)-[29H,31H- phthalocyanine -2-sulfonato(3-)-.kappa.N29, .kappa. N30, .kappa.N31, .kappa.N32] cuprate(1-) (CAS No. 70750-63-9) (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1319. CHROMATE(1-),BIS[1-[(5-CHLORO-2-HYDROXYPHENYL)AZO]-2-NAPTHAL ENOLATO(2-)]-,HYROGEN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.27	Chromate(1-),bis[1-[(5-chloro-2-hydroxyphenyl)azo]-2-napthalenolato (2-)]-,hyrogen (CAS No. 31714-55-3) (provided for in subheading 2942.00.10)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1320. BRONATE ADVANCED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.29	Bromoxynil octanoate (provided for in subheading 3808.30.15)	Free	Free	No change	On or before 12/31/2005	”.

SEC. 1321. N-CYCLOHEXYLTHIOPHTHALIMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.30	N-Cyclohexylthiophthalimide (CAS No. 17796-82-6) (provided for in subheading 2930.90.24)	3%	No change	No change	On or before 12/31/2005	”.

SEC. 1322. CERTAIN HIGH-PERFORMANCE LOUDSPEAKERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.85.20	Loudspeakers not mounted in their enclosures (provided for in subheading 8518.29.80), the foregoing which meet a performance standard of not more than 1.5 dB for the average level of 3 or more octave bands, when such loudspeakers are tested in a reverberant chamber	Free	No change	No change	On or before 12/31/2005	".

SEC. 1323. BIO-SET INJECTION RCC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following heading:

"	9902.03.33	Bio-Set Injection RCC (provided for in subheading 3923.50.00)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1324. PENTA AMINO ACETO NITRATE COBALT III (COFLAKE 2).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.34	Penta Amino Aceto Nitrate Cobalt III (provided for in subheading 3815.90.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1325. OXASULFURON TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.35	Benzoic acid, 2-[[[[(4,6-dimethyl-2-pyrimidinyl) amino]carbonyl] amino] sulfonyl]-3,-oxetanyl ester (CAS No. 144651–06–9) (provided for in subheading 2935.00.75)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1326. CERTAIN MANUFACTURING EQUIPMENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.84.83	Machine tools for working wire of iron or steel certified for use in production of radial tires, designed for off-the-highway use, and for use on a rim measuring 63.5 cm or more in diameter (provided for in subheading 4011.20.10, 4011.61.00, 4011.62.00, 4011.63.00, 4011.69.00, 4011.92.00, 4011.93.40, 4011.94.40, or 4011.99.45), numerically controlled, or parts thereof (provided for in subheading 8463.30.00 or 8466.94.85)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1327. P-AMINO BENZAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.37	P-amino benzamide (CAS No. 28345–68–9) (provided for in subheading 2924.29.76)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1328. FOE HYDROXY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.38	N-(4-fluorophenyl) -2-hydroxy-N-(1-methylethyl)-Acetamide (CAS No. 54041–17–7) (provided for in subheading 2924.29.71)	5.2%	No change	No change	On or before 12/31/2005	".

SEC. 1329. MAGENTA 364 LIQUID FEED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.39	Magenta 364 Liquid Feed, 5-[4-(4,5- dimethyl-2- sulfo- phenylamino)-6- hydroxy-[1,3,5-] triazin-2-yl amino]-4- hydroxy-3- (1-sulfo- naphthalen-2-ylazo)- naphthalene-2,7- disulphonic acid, sodium/ammonium salt (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1330. TETRAKIS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.40	Tetrakis ((2,4-di-tert-butylphenyl)4,4-biphenylenediphosphonite) (CAS No. 38613–77–3) (provided for in subheading 2835.29.50)	Free	Free	No change	On or before 12/31/2005	".

SEC. 1331. PALMITIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.41	Palmitic acid, 90% (CAS No. 57–10–3) (provided for in subheading 2915.70.00)	Free	Free	No change	On or before 12/31/2005	".

SEC. 1332. PHYTOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.42	3,7,11,15-Tetramethylhexadec-2-en-1-ol (CAS No. 7541-49-3) (provided for in subheading 2905.22.50)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1333. CHLORIDAZON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.43	5-amino-4 chloro-2 phenyl-3(2H)-pyridazinone (CAS No. 1698-60-8) (provided for in subheading 3808.30.15)	Free	Free	No change	On or before 12/31/2005	”.

SEC. 1334. DISPERSE ORANGE 30, DISPERSE BLUE 79:1, DISPERSE RED 167:1, DISPERSE YELLOW 64, DISPERSE RED 60, DISPERSE BLUE 60, DISPERSE BLUE 77, DISPERSE YELLOW 42, DISPERSE RED 86, AND DISPERSE RED 86:1.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.45	Propanenitrile, 3-[[2-(acetyloxy)- ethyl][4-[(2,6-dichloro -4-nitro- phenyl)azo]-phenyl]amino]- (Disperse Orange 30) (CAS No. 5261-31-4) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2005	
“	9902.03.46	Acetamide, N-[5-[bis[2-(acetyloxy)ethyl]amino]-2-[(2-bromo-4,6-dinitrophenyl)- azo]-4-methoxyphenyl]- (Disperse Blue 79:1) (CAS No. 3618-72-2) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2005	
“	9902.03.47	Acetamide, N-[5-[bis[2-(acetyloxy)-ethyl]amino]-2-[(2-chloro-4-nitrophenyl)azo]phenyl]- (Disperse Red 167:1) (CAS No. 1533-78-4) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2005	
“	9902.03.48	1H-Indene-1,3(2H)-dione, 2-(4-bromo-3-hydroxy-2-quinolinyl)- (Disperse Yellow 64) (CAS No. 10319-14-9) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2005	
“	9902.03.49	9,10-Anthra- cenedione, 1-amino-4-hydroxy-2-phenoxy- (Disperse Red 60) (CAS No. 17418-58-5) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2005	
“	9902.03.50	1H-Naphth[2,3-f]isoindole-1,3,5,10(2H)-tetrone, 4,11-diamino-2-(3-methoxypropyl)- (Disperse Blue 60) (CAS No. 12217-80-0) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2005	
“	9902.03.51	9,10-Anthracenedione, 1,8-dihydroxy- 4-nitro-5-(phenylamino)- (Disperse Blue 77) (CAS No. 20241-76-3) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2005	
“	9902.03.52	Benzenesulfonamide, 3-nitro-N-phenyl-4-(phenylamino)- (Disperse Yellow 42) (CAS No. 5124-25-4) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2005	
“	9902.03.53	Benzenesulfonamide, N-(4-amino-9,10-dihydro-3-methoxy-9,10-dioxo-1-anthracenyl)-4-methyl- (Disperse Red 86) (CAS No. 81-68-5) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2005	
“	9902.03.54	Benzenesulfonamide, N-(4-amino-9,10-dihydro-3-methoxy-9,10-dioxo-1-anthracenyl) (Disperse Red 86:1) (CAS No. 69563-51-5) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1335. DISPERSE BLUE 321.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.55	1-Naphthalenamine, 4-[(2- bromo-4,6-dinitrophenyl) azo]-N-(3-meth- oxypropyl)- (Disperse Blue 321) (CAS No. 70660-55-8) (provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1336. DIRECT BLACK 175.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.56	Cuprate(4-), [m-[5-[(4,5- dihydro-3- methyl-5-oxo- 1-phenyl- 1H-pyrazol- 4-yl)azo]- 3-[[4′-[[3,6- disulfo-2- (hydroxy-kO)-1-naphthal- enyl]azo- kN1]-3,3′-di(hydr- oxy-kO) [1,1′- biphenyl]- 4-yl]azo- kN1]-4-(hydroxy- kO)-2,7-naphtha- lenedisulfonato(8-)]]di-, tetrasodium (Direct Black 175) (CAS No. 66256-76-6) (provided for in subheading 3204.12.50)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1337. DISPERSE RED 73 AND DISPERSE BLUE 56.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

“	9902.03.57	Benzonitrile, 2-[[4-[(2-cyanoethyl)- ethylamino]-phenyl]azo]-5-nitro- (Disperse Red 73) (CAS No. 16889-10-4) (provided for in subheading 3204.11.10)	Free	No change	No change	On or before 12/31/2005	”.

“	9902.03.58	9,10-Anthra- cenedione, 1,5-diaminochloro-4,8-dihydroxy- (Disperse Blue 56) (CAS No. 12217-79-7) (provided for in subheading 3204.11.10)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1338. ACID BLACK 132 AND ACID BLACK 172.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

“	9902.03.59	[3-(hydroxy- kO)-4- [[2-(hydroxy- kO)-1- naphthal- enyl]azo-kN1]-1-naphthal- enesulf- onato(3-)][1-[[2- (hydroxy-kO)- 5-[(2-methoxy- phenyl)- azo]phenyl]- azo-kN1]-2-naphthal-enolato(2-)-kO]-, disodium (Acid Black 132) (CAS No. 27425-58-7) (provided for in subheading 3204.12.20)	Free	No change	No change	On or before 12/31/2005	”.
“	9902.03.60	Chromate(3-), bis[3-(hydroxy-k0)-4-[[2-(hydroxy-k0)-1-naphthal- enyl]azo- kN1]-7-nitro-1-naphthal- enesulf-onato(3-)]-,tri- sodium (Acid Black 172) (CAS No. 57693-14-8) (provided for in subheading 3204.12.20)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1339. ACID BLACK 107.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.61	Chromate(2-), [1-[[2- (hydroxy-kO)-3,5- dinitro- phenyl]azo-kN1]-2-naphthal- enolato(2-)- kO][3-(hydroxy- kO)-4-[[2-(hydroxy-kO)- 1-naphthal- enyl]azo- kN1]-7- nitro-1-naphthal- enesulf- onato(3-)]-, sodium hydrogen (Acid Black 107) (CAS No. 93606-20-3) (provided for in subheading 3204.12.45)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1340. ACID YELLOW 219, ACID ORANGE 152, ACID RED 278, ACID ORANGE 116, ACID ORANGE 156, AND ACID BLUE 113.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.62	Benzenesulfonic acid, 3-[[3-methoxy-4-[(4-methoxyphenyl) azo]phenyl]azo]-, sodium salt (Acid Yellow 219) (provided for in subheading 3204.12.50)	Free	No change	No change	On or before 12/31/2005	”.
“	9902.03.63	Benzenesulfonic acid, 3-[[4-[[4-(2-hydroxy- butoxy)phenyl] azo]-5-methoxy-2-methyl- phenyl]azo]-, monolithium salt (Acid Orange 152) (CAS No. 61290-31-1) (provided for in subheading 3204.12.50)	Free	No change	No change	On or before 12/31/2005	”.
“	9902.03.64	Chromate(1-), bis[3-[4-[[5-chloro-2-(hydroxy-kO)-phenyl]azo-kN1]-4,5-dihydro-3-methyl-5-(oxo-kO)-1H-pyrazol- 1-yl]benzenesul- fonamidato(2-)]-, sodium (Acid Red 278) (provided for in subheading 3204.12.50)	Free	No change	No change	On or before 12/31/2005	”.
“	9902.03.65	Benzenesulfonic acid, 3-[[4- [(2-ethoxy- 5-methylphenyl) azo]-1-naphthal- enyl]azo]-, sodium salt (Acid Orange 116) (provided for in subheading 3204.12.50)	Free	No change	No change	On or before 12/31/2005	”.
“	9902.03.66	Benzenesulfonic acid, 4-[[5-meth- oxy-4- [(4-methoxy-phenyl)azo]- 2-methyl- phenyl]azo]-, sodium salt (Acid Orange 156) (provided for in subheading 3204.12.50)	Free	No change	No change	On or before 12/31/2005	”.
“	9902.03.67	1-Naphthalene- sulfonic acid, 8-(phenylamino) -5-[[4-[(3-sulfophenyl)- azo]-1- naphthale- nyl]azo]-, disodium salt (Acid Blue 113) (provided for in subheading 3204.12.50)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1341. LUGANIL BROWN NGT POWDER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.76	Luganil Brown NGT Powder (provided for in subheading 3204.12.20)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1342. THIOPHANATE-METHYL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.77	4,4'-o-Phenylenebis (3-thioallophanic acid), dimethyl ester (Thiophanate-methyl) (CAS No. 23564-05-8), formulated with application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1343. HYDRATED HYDROXYPROPYL METHYLCELLULOSE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.80	Hydrated Hydroxypropyl Methylcellulose; Cellulose, 2-hydroxypropyl methyl ether; Cellulose; Hydroxypropyl methyl ether (CAS No. 9004-65-3)(provided for in subheading 3912.39.00)	0.4%	No change	No change	On or before 12/31/2005	”.

SEC. 1344. POLYMETHYLPENTENE (TPX).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.86	Polymethylpentene (TPX) (CAS No. 68413–03–6) (provided for in subheading 3902.90.00)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1345. CERTAIN 12-VOLT BATTERIES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.87	12V lead-acid storage batteries, of a kind used for the auxiliary source of power for burglar or fire alarms and similar apparatus of subheading 8531.10.00 (provided for in subheading 8507.20.80)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1346. CERTAIN TEXTILE MACHINERY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.88	Weaving machines (looms), shuttleless type, for weaving fabrics of a width exceeding 30 cm but not exceeding 4.9 m, entered without off-loom or large loom take-ups, drop wires, heddles, reeds, harness frames, or beams (provided for in subheading 8446.30.50)	2.7%	No change	No change	On or before 12/31/2005	”.

SEC. 1347. CERTAIN PREPARED OR PRESERVED ARTICHOKES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.89	Artichokes, prepared or preserved otherwise than by vinegar or acetic acid, not frozen (provided for in subheading 2005.90.80)	13.8%	No change	No change	On or before 12/31/2005	”.

SEC. 1348. CERTAIN OTHER PREPARED OR PRESERVED ARTICHOKES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.90	Artichokes, prepared or preserved by vinegar or acetic acid (provided for in subheading 2001.90.25)	7.3%	No change	No change	On or before 12/31/2005	”.

SEC. 1349. ETHYLENE/TETRAFLUOROETHYLENE COPOLYMER (ETFE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.91	Ethylene/tetra- fluoroethylene copolymer (ETFE) (provided for in subheading 3904.69.50)	4.9%	No change	No change	On or before 12/31/2005	”.

SEC. 1350. ACETAMIPRID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.92	N1-[(6-chloro-3-pyridyl) methyl]-N2-cyano-N1-methylacetamidine (CAS No. 135410–20–7) (provided for in subheading 2933.39.27)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1351. CERTAIN MANUFACTURING EQUIPMENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

“	9902.84.94	Extruders, screw type, suitable for processing polyester thermoplastics in a cast film production line (provided for in subheading 8477.20.00)	Free	No change	No change	On or before 12/31/2005	
	9902.84.95	Casting machinery suitable for processing polyester thermoplastics into a sheet in a cast film production line (provided for in subheading 8477.80.00)	Free	No change	No change	On or before 12/31/2005	
	9902.84.96	Transverse direction orientation tenter machinery, suitable for processing polyester film in a cast film production line (provided for in subheading 8477.80.00)	Free	No change	No change	On or before 12/31/2005	
	9902.84.97	Winder machinery suitable for processing polyester film in a cast film production line (provided for in subheading 8477.80.00)	Free	No change	No change	On or before 12/31/2005	
	9902.84.98	Slitting machinery suitable for processing polyester film in a cast film production line (provided for in subheading 8477.80.00)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1352. TRITICONAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.99	E-5-(4-chlorobenzylidene)-2,2-dimethyl-1-(1 H-1,2,4-triazol-1=1-ylmethyl)cyclopentanol. (CAS No.131983–72–7) (provided for in subheading 2934.99.18)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1353. 3-SULFINOBENZOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.01	3-Sulfinobenzoic acid (CAS No. 15451–00–0) (provided for in subheading 2916.31.1590)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1354. POLYDIMETHYLSILOXANE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.02	Polydimethylsiloxane (CAS No. 63148–62–9) (provided for in subheading 3910.00.00)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1355. BAYSILONE FLUID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.03	An alkyl modified polydimethylsiloxane (CAS No. 102782–93–4) (provided for in subheading 3910.00.00)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1356. ETHANEDIAMIDE, N- (2-ETHOXYPHENYL)-N′- (4-ISODECYLPHENYL)-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.05	Ethanediamide, N- (2-ethoxyphenyl)-N′- (4-isodecylphenyl)- (CAS No. 82493–14–9) (provided for in subheading 3812.30.60)	Free	Free	No change	On or before 12/31/2005	".

SEC. 1357. 1-ACETYL-4-(3-DODECYL-2, 5-DIOXO-1-PYRROLIDINYL)-2,2,6,6-TETRAMETHYL-PIPERIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.06	1-Acetyl-4-(3-dodecyl-2, 5-dioxo-1-pyrrolidinyl)-2,2,6,6-tetramethyl-piperidine (CAS No. 106917–31–1) (provided for in subheading 2933.39.61)	Free	Free	No change	On or before 12/31/2005	".

SEC. 1358. ARYL PHOSPHONITE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.07	Aryl phosphonite (CAS No. 119345–01–6) (provided for in subheading 2931.00.10)	Free	Free	No change	On or before 12/31/2005	".

SEC. 1359. MONO OCTYL MALIONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.08	Mono octyl malionate (CAS No. 7423–42–9) (provided for in subheading 2917.19.20)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1360. 3,6,9-TRIOXAUNDECANEDIOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.09	3,6,9-Trioxaundecanedioic acid (CAS No. 13887–98–4) (provided for in subheading 2918.90.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1361. CROTONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.10	Crotonic acid (CAS No. 107–93–7) (provided for in subheading 2916.19.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1362. 1,3-BENZENEDICARBOXAMIDE, N, N′-BIS (2,2,6,6-TETRAMETHYL-4-PIPERIDINYL)-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.11	1,3-Benzenedicarboxamide, N, N′-bis (2,2,6,6-tetramethyl-4-piperidinyl)- (CAS No. 42774–15–2) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1363. 3-DODECYL-1-(2,2,6,6-TETRAMETHYL-4-PIPERIDINYL)-2,5-PYRROLIDINEDIONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.12	3-Dodecyl-1-(2,2,6,6-tetramethyl-4-piperidinyl)-2,5-pyrrolidinedione (CAS No. 79720–19–7) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1364. OXALIC ANILIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.13	Ethanediamide, N-(2-ethoxyphenyl-N′-(2-ethoxyphenyl)-(CAS No. 23949-66-8) (provided for in subheading 2924.29.76)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1365. N-METHYL DIISOPROPANOLAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.14	1,1′-(Methylimino) dipropan-2-ol (CAS No. 4402-30-6) (provided for in subheading 2922.19.95)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1366. 50 PERCENT HOMOPOLYMER, 3-(DIMETHYLAMINO) PROPYL AMIDE, DIMETHYL SULFATE-QUATERNIZED 50 PERCENT POLYRICINOLEIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.15	50 Percent homopolymer, 3-(dimethylamino) propyl amide, dimethyl sulfate-quaternized 50 percent polyricinoleic acid (provided for in subheading 3824.90.40.90)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1367. BLACK CPW STAGE, 2,7-NAPHTHALENE DISULFONIC ACID, 4-AMINO-3-[[4-[[-4-[(2 OR 4 -AMINO-4 OR 2-HYDROXYPHENYL)AZO] PHENYL]AMINO]-3-SULFOPHENYL]AZO]-5-HYDROXY-6-(PHENYLAZO)-TRISODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.16	Black CPW stage, 2,7-naphthalene disulfonic acid, 4-amino-3-[[4-[[-4-[(2 or 4-amino-4 or 2-hydroxyphenyl)azo] phenyl]amino]-3- sulfophenyl]azo]-5-hydroxy-6-(phenylazo)-trisodium salt (CAS No. 85631-88-5) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1368. FAST BLACK 287 NA PASTE, 1,3-BENZENEDICARBOXYLIC ACID, 5-[[4-[(7-AMINO-1-HYDROXY-3-SULFO-2-NAPHTHALENYL)AZO]-1-NAPHTHALENYL]AZO]-, TRISODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.17	Fast black 287 NA paste, 1,3-benzenedicarboxylic acid, 5-[[4-[(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl)azo]-1-naphthalenyl]azo]-, trisodium salt (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1369. FAST BLACK 287 NA LIQUID FEED, 1,3-BENZENEDICARBOXYLIC ACID, 5-[[4-[(7-AMINO-1-HYDROXY-3-SULFO-2-NAPHTHALENYL)AZO]-1-NAPHTHALENYL]AZO]-, TRISODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.18	Fast black 287 NA liquid feed, 1,3-benzenedicarboxylic acid, 5-[[4-[(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl)azo]-1-naphthalenyl]azo]-, trisodium salt (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1370. FAST YELLOW 2 STAGE, 1,3-BENZENEDICARBOXYLIC ACID, 5,5′-[[6-(4-MORPHOLINYL)-1,3,5-TRIAZINE-2,4-DIYL]BIS(IMINO-4,1-PHENYLENEAZO)]BIS-, AMMONIUM/SODIUM/HYDROGEN SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.19	Fast yellow 2 stage, 1,3-benzenedicarboxylic acid, 5,5′-[[6-(4-morpholinyl)-1,3,5-triazine-2,4-diyl]bis(imino-4,1-phenyleneazo)]bis-, ammonium/sodium/hydrogen salt (provided for in subheading 3215.19.00.60)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1371. CYAN 1 STAGE, COPPER, [29H,31H- PHTHALOCYANINATO(2-)-N29,N30,N31,N32]-, AMINOSULFONYL SULFO DERIVATIVES. TETRA METHYL AMMONIUM SALTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.21	Cyan 1 stage, copper, [29H,31H- phthalocyaninato(2-)-N29,N30,N31,N32]-, aminosulfonyl sulfo derivatives. Tetra methyl ammonium salts (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1372. YELLOW 1 STAGE, 1,5-NAPHTHALENEDISULFONIC ACID, 3,3′-[[6-[(2-HYDROXYETHYL)AMINO]-1,3,5-TRIAZINE-2,4-DIYL]BIS[IMINO(2-METHYL-4,1-PHENYLENE)AZO]]BIS-, TETRASODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.24	Yellow 1 stage, 1,5-naphthalenedisulfonic acid, 3,3′-[[6-[(2-hydroxyethyl)amino]-1,3,5-triazine-2,4-diyl]bis[imino(2-methyl-4,1-phenylene)azo]]bis-, tetrasodium salt (CAS No. 50925–42–3 (confidential TSCA listing)) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1373. YELLOW 746 STAGE, 1,3-BIPYRIDIRIUM, 3-CARBOXY-5′-[(2-CARBOXY-4-SULFOPHENYL)AZO]-1′,2′, DIHYDRO-6′-HYDROXY-4′-METHYL-2′-OXO-, INNER SALT, LITHIUM/SODIUM SALT.

Subchapter II of chapter 99 of is amended by inserting in numerical sequence the following new heading:

“	9902.04.26	Yellow 746 stage. 1,3-bipyridirium, 3-carboxy-5′-[(2-carboxy-4-sulfophenyl)azo]-1′,2′, dihydro-6′-hydroxy-4′-methyl-2′-oxo-, inner salt, lithium/sodium salt (CAS No. not available) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1374. BLACK SCR STAGE, 2,7-NAPHTHALENE DISULFONIC ACID, 4-AMINO-3-[[4-[[-4-[(2 OR 4-AMINO-4 OR 2-HYDROXYPHENYL)AZO] PHENYL]AMINO]-3-SULFOPHENYL] AZO]-5-HYDROXY-6-(PHENYLAZO) - TRISODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.27	Black SCR stage, 2,7-naphthalene disulfonic acid, 4-amino-3-[[4-{[-4-[(2 or 4-amino-4 or 2-hydroxyphenyl)-azo] phenyl]amino]-3-sulfophenyl] azo]-5-hydroxy-6-(phenylazo)-trisodium salt (CAS No. 85631–88–5) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1375. MAGENTA 3B-OA STAGE, 2-[[4-CHLORO-6[[8-HYDROXY-3,6-DISULPHONATE-7-[(1-SULPHO-2-NAPHTHALENYL) AZO]-1-NAPHTHALENYL] AMINO]-1,3,5-TRIAZIN-2-YL]AMINO]-5-SULPHOBENZOIC ACID, SODIUM/LITHIUM SALTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.28	Magenta 3B-OA stage, 2-[[4-chloro-6[[8-hydroxy-3,6-disulphonate-7-[(1-sulpho-2-naphthalenyl) azo]-1-naphthalenyl] amino]-1,3,5-triazin-2-yl]amino]-5-sulphobenzoic acid, sodium/lithium salts (CAS No. 12237-00–2) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1376. YELLOW 577 STAGE, 5-[4-[4-[4-(4,8-DISULFONAPHTHALEN-2-YLAZO)-PHENYLAMINO]-6-(2-SULFOETHYLAMINO)-[1,3,5]TRIAZIN-2-YLAMINO]PHENYLAZO]ISOPHTHALIC ACID/SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.29	Yellow 577 stage, 5-{4-[4-[4-(4,8-disulfonaphthalen-2-ylazo)-phenylamino]-6-(2-sulfoethylamino)-[1,3,5]triazin-2-ylamino] phenylazo}- isophthalic acid/sodium salt (CAS No. not available) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1377. CYAN 485/4 STAGE, COPPER, [29H,31H-PHTHALOCYANINATO (2-)- xN29,xN30,xN31,xN32]-AMINOSYLFONYL [(2-HYDROXYETHYL)AMINO] SULFONYL SULFO DERIVATIVES, SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.30	Cyan 485/4 stage, copper, [29H,31H-phthalocyaninato (2-)-xN29,xN30, xN31,xN32] -aminosylfonyl [(2-hydroxyethyl)amino] sulfonyl sulfo derivatives, sodium salt (CAS No. not available) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1378. LOW EXPANSION LABORATORY GLASS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.32	Laboratory, hygienic, or pharmaceutical glassware, whether or not graduated or calibrated, having a low expansion borosilicate glass or alumino-borosilicate glass having a linear coefficient of expansion not exceeding 3.3 x 10^{-7} per Kelvin within a temperature range of 0 to 300°C (provided for in subheading 7017.20.00).	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1379. STOPPERS, LIDS, AND OTHER CLOSURES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.33	Stoppers, lids, and other closures that are made of a low expansion borosilicate glass or alumino-borosilicate glass having a linear coefficient of expansion not exceeding 3.3 x 10^{-7} per Kelvin within a temperature range of 0 to 300°C, produced by automatic machine (provided for in subheading 7010.20.20) or produced by hand (provided for in subheading 7010.20.30).	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1380. TRIFLUSULFURON METHYL FORMULATED PRODUCT.

(a) CALENDAR YEARS 2003 AND 2004.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.01	Mixtures of methyl 2-[[[[4-(dimethylamino) -6-(2.2,2-trifluoroethoxy) -1,3,5-triazin-2-yl] -amino]carbonyl] amino]sulfonyl]-3-methylbenzoate (CAS No. 126535-15-7) and application adjuvants (provided for in subheading 3808.10.15)	1%	No change	No change	On or before 12/31/2004	".

(b) CALENDAR YEAR 2005.—

(1) IN GENERAL.—Heading 9902.05.01, as added by subsection (a), is amended—

(A) by striking "1%" and inserting "Free"; and

(B) by striking "On or before 12/31/2004" and inserting "On or before 12/31/2005".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2005.

SEC. 1381. AGRUMEX (O-T-BUTYL CYCLOHEXANOL).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.02	Agrumex (o-t-Butyl cyclohexanol) (CAS Nos. 20298-69-5 and 88-41-5) (provided for in subheading 2915.39.45)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1382. TRIMETHYL CYCLO HEXANOL (1-METHYL-3,3-DIMETHYLCYCLOHEXANOL-5).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.03	Trimethyl Cyclo Hexanol (1-Methyl-3,3-dimethylcyclohexanol-5) (CAS No. 116-02-9) (provided for in subheading 2906.19.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1383. MYCLOBUTANIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.91	a-butyl-a-(4-chloropenyl)-1H-1,2,4-triazole-1-propanenitrile (CAS No. 88671-89-0) (provided for in subheading 2933.99.06)	1.9%	No change	No change	On or before 12/31/2005	".

SEC. 1384. METHYL CINNAMATE (METHYL-3-PHENYLPROPENOATE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.04	Methyl Cinnamate (methyl-3-phenylpropenoate) (CAS No. 103-26-4) (provided for in subheading 2916.39.20)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1385. ACETANISOLE (ANISYL METHYL KETONE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.05	Acetanisole (Anisyl Methyl Ketone) (CAS No. 100-06-1) (provided for in subheading 2914.50.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1386. ALKYLKETONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.53	1-(4-chlorophenyl)-4, 4-dimethyl-3-petanone (CAS No. 66346-01-8) (provided for in subheading 2914.70.40)	3.5%	No change	No change	On or before 12/31/2005	".

SEC. 1387. IPRODIONE 3-(3-5, DICHOLOROPHENYL)-N-(1-METHYLETHYL)-2,4-DIOXO-1-IMIDAZOLIDINECARBOXAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.51	Iprodione 3-(3-5, dicholorophenyl)-N-(1-methylethyl)-2,4-dioxo-1-imidazolidinecarboxamide (CAS No. 36734-19-7) (provided for in subheading 2933.21.00)	4.1%	No change	No change	On or before 12/31/2005	".

SEC. 1388. DICHLOROBENZIDINE DIHYDROCHLORIDE.

(a) CALENDAR YEAR 2003.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.28	3,3′-Dichlorobenzidine Dihydrochloride (CAS No. 612-83-9) (provided for in subheading 2921.59.80)	6.3% + 0.2 cents/kg	No change	No change	On or before 12/31/2003	".

(b) CALENDAR YEARS 2004 AND 2005.—

(1) IN GENERAL.—Heading 9902.03.28, as added by subsection (a), is amended—

(A) by striking "6.3% + 0.2 cents/kg" and inserting "5.1%"; and

(B) by striking "On or before 12/31/2003" and inserting "On or before 12/31/2005".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2004.

SEC. 1389. KRESOXIM-METHYL.

(a) CALENDAR YEAR 2003.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.78	methyl (E)- methoxyimino [alpha-(o- tolyloxy)- o-tolyl] acetate, Kresoxim methyl (CAS No. 143390–89–0) (provided for in subheading 2925.20.60)	3.3%	No change	Free	On or before 12/31/2003	".

(b) CALENDAR YEARS 2004 AND 2005.—

(1) IN GENERAL.—Heading 9902.03.78, as added by subsection (a), is amended—

(A) by striking "3.3%" and inserting "2.4%"; and

(B) by striking "On or before 12/31/2003" and inserting "On or before 12/31/2005".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2004.

SEC. 1390. MKH 6562 ISOCYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.06	2-(Trifluoromethoxy) benzenesulfonyl isocyanate (CAS No. 99722–81–3) (provided for in subheading 2930.90.29)	0.7%	No change	No change	On or before 12/31/2005	".

SEC. 1391. CERTAIN RAYON FILAMENT YARN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.07	High tenacity single yarn of viscose rayon (provided for in subheading 5403.10.30) with a decitex equal to or greater than 1,000	Free	No change	No change	On or before 12/31/2005	".

SEC. 1392. BENZENEPROPANAL, 4-(1,1-DIMETHYLETHYL)-ALPHA-METHYL.

(a) CALENDAR YEAR 2003.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.08	Benzenepropanal, 4-(1,1-Dimethylethyl)-Alpha-Methyl (CAS No. 80–54–6) (provided for in subheading 2912.29.60)	2.3%	No change	Free	On or before 12/31/2003	".

(b) CALENDAR YEARS 2004 AND 2005.—

(1) IN GENERAL.—Heading 9902.05.08, as added by subsection (a), is amended—

(A) by striking "2.3%" and inserting "1.7%"; and

(B) by striking "On or before 12/31/2003" and inserting "On or before 12/31/2005".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2004.

SEC. 1393. 3,7-DICHLORO-8-QUINOLINE CARBOXYLIC ACID.

(a) CALENDAR YEAR 2003.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.09	3,7-dichloro-8-quinoline carboxylic acid (CAS No. 84087–01–4) (provided for in subheading 2933.40.30)	3.9%	No change	Free	On or before 12/31/2003	".

(b) CALENDAR YEARS 2004 AND 2005.—

(1) IN GENERAL.—Heading 9902.05.09, as added by subsection (a), is amended—

(A) by striking "3.9%" and inserting "3.3%"; and

(B) by striking "On or before 12/31/2003" and inserting "On or before 12/31/2005".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2004.

SEC. 1394. 3-(1-METHYLETHYL)-1H-2,1,3-BENZOTHIADIAZIN-4(3H)-ONE 2,2 DIOXIDE, SODIUM SALT.

(a) CALENDAR YEAR 2003.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.10	3-(1-methylethyl)-1H-2,1,3-benzothiadiazin-4(3H)-one 2,2 dioxide (Bentezon, sodium salt) (CAS No. 50723–80–3) (provided for in subheading 2934.99.15)	1.8%	No change	Free	On or before 12/31/2003	".

(b) CALENDAR YEARS 2004 AND 2005.—

(1) IN GENERAL.—Heading 9902.05.10, as added by subsection (a), is amended—

(A) by striking "1.8%" and inserting "2.6%"; and

(B) by striking "On or before 12/31/2003" and inserting "On or before 12/31/2005".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2004.

SEC. 1395. 3,3′,4-4′-BIPHENYLTETRACARBOXYLIC DIANHYDRIDE, ODA, ODPA, PMDA, AND 1,3-BIS(4-AMINOPHENOXY)BENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"	9902.05.11	3,3′,4-4′-Biphenyltetracarboxylic Dianhydride (provided for in subheading 2917.39.30)	Free	No change	No change	On or before 12/31/2005
"	9902.05.12	4,4-Oxydianiline (ODA) (provided for in subheading 2922.29.80)	1.5%	No change	No change	On or before 12/31/2005
"	9902.05.13	4,4′-Oxydiphthalic Anhydride (ODPA) (provided for in subheading 2917.39.30)	Free	No change	No change	On or before 12/31/2005

"	9902.05.14	Pyromellitic Dianhydride (PMDA) (provided for in subheading 2917.39.30)	Free	No change	No change	On or before 12/31/2005	

"	9902.05.15	1,3-bis(4-Aminophenoxy)benzene (provided for in subheading 2922.29.29)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1396. ORYZALIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.16	Benzenesulfonamide, 4-(dipropylamino)-3,5-dinitro (CAS No. 19044-88-3) (provided for in subheading 2935.00.95)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1397. TEBUFENOZIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.17	N-tert-Butyl-N'-(4-ethylbenzoyl)-3,5-Dimethylbenzoylhydrazide (Tebufenozide) (CAS No. 112410-23-8) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1398. ENDOSULFAN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.18	Hexachlorohexahydromethano-2,4,3-benzodioxathlepin-3-oxide (CAS No. 115-29-7) (provided for in subheadings 2904.90.50 and 3808.30.15)	Free	Free	No change	On or before 12/31/2005	".

SEC. 1399. ETHOFUMESATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.19	2-Ethoxy-2, 3-dihydro-3, 3-di-methyl-5-benzofuranyl-methanesulfonate (ethofumesate) singularly or in mixture with application adjuvants (CAS No. 26225-79-6) (provided for in subheading 2932.99.08 or 3808.30.15)	Free	Free	No change	On or before 12/31/2005	".

SEC. 1400. 4,4'-O-PHENYLENEBIS(3-THIOALLOPHANIC ACID), DIMETHYL ESTER (THIOPHANATE-METHYL) FORMULATED WITH APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.20	4,4'-o-Phenylenebis(3-thioallophanic acid), dimethyl ester (Thiophanate-methyl) formulated with application adjuvants (CAS No. 23564-05-8), formulated with application adjuvants (provided for,in subheading 3808.20.15)	Free	Free	No change	On or before 12/31/2005	".

SEC. 1401. NIGHT VISION MONOCULARS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.21	Hand-held night vision monoculars, other than those containing a micro-channel plate to amplify electrons or having a photocathode containing gallium arsenide (provided for in subheading 9005.80.60)	Free	Free	No change	On or before 12/31/2005	".

SEC. 1402. CERTAIN AUTOMOTIVE SENSOR MAGNETS.

Subchapter II of chapter 99 is amended by inserting in –3–numerical sequence the following new heading:

"	9902.03.31	Sensor magnets of sintered neodymium or other metal, cylindrical or partially cylindrical in shape, not to exceed 15.25 mm in diameter and 25.4 mm in length, the foregoing with or without metal mounting lug; magnets of sintered aluminum-nickel-cobalt metal, either rectangular or cylindrical in shape, the foregoing not over 12.7 mm in diameter, height or width and not over 25.4 mm in length; rectangular magnets of sintered neodymium or of sintered samarium-cobalt metal, measuring not over 10.2 mm in any dimension (provided for in subheading 8505.11.00)	Free	No change	No change	On or before 12/31/2005	".

CHAPTER 2—EXISTING DUTY SUSPENSIONS AND REDUCTIONS

SEC. 1451. EXTENSION OF CERTAIN EXISTING DUTY SUSPENSIONS.

(a) EXISTING DUTY SUSPENSIONS.—Each of the following headings is amended by striking out the date in the effective period column and inserting "12/31/2005":

(1) Heading 9902.30.90 (relating to 3-amino-2'-(sulfato-ethyl sulfonyl) ethyl benzamide).

(2) Heading 9902.32.91 (relating to MUB 738 INT).

(3) Heading 9902.30.31 (relating to 5-amino-N-(2-hydroxyethyl)-2,3-xylenesulfonamide).

(4) Heading 9902.29.46 (relating to 2-amino-5-nitrothiazole).

(5) Heading 9902.32.14 (relating to 2Methyl-4,6-bis[(octylthio) methyl]phenol).

(6) Heading 9902.32.30 (relating to 4-[[4,6-bis(octylthio)-1,3,5-triazin-2-yl]amino]-2,6-bis(1,1-dimethylethyl)phenol).

(7) Heading 9902.32.16 (relating to calcium bis[monoethyl(3,5-di-tert-butyl-4-hydroxybenzyl) phosphonate]).

(8) Heading 9902.38.69 (relating to nicosulfuron formulated product ("Accent")).

(9) Heading 9902.33.63 (relating to DPX–E9260).

(10) Heading 9902.33.59 (relating to DPX–E6758).

(11) Heading 9902.33.61 (relating to carbamic acid (U-9069)).

(12) Heading 9902.29.35 (relating to 1N–N5297).

(13) Heading 9902.28.19 (relating to an ultraviolet dye).

(14) Heading 9902.32.07 (relating to certain organic pigments and dyes).

(15) Heading 9902.29.07 (relating to 4-hexylresorcinol).

(16) Heading 9902.29.37 (relating to certain sensitizing dyes).

(17) Heading 9902.85.42 (relating to certain cathode-ray tubes).

(18) Heading 9902.30.14 (relating to a fluorinated compound).

(19) Heading 9902.29.55 (relating to a certain light absorbing photo dye).

(20) Heading 9902.32.55 (relating to methyl thioglycolate).

(21) Heading 9902.29.62 (relating to chloro amino toluene).

(22) Headings 9902.28.08, 9902.28.09, and 9902.28.10 (relating to bromine-containing compounds).

(23) Heading 9902.32.62 (relating to filter blue green photo dye).

(24) Heading 9902.32.99 (relating to 5-[(3,5-dichlorophenyl)-thio]-4-(1-methylethyl-1)-(4-pyridin lmethyl)-1H-imidazole-2-methanol carbamate).

(25) Heading 9902.32.97 (relating to (2E,4S)-4-(((2R,5S)-2-((4-fluorophenyl)-methyl)-6-methyl-5-((5-methyl-3-isoxazolyl)-carbonyl y)amino)-1,4-dioxoheptyl)-amino)-5-((3S)-2-oxo-3-pyrrolidinyl)-2-pentenoic acid, ethyl ester).

(26) Heading 9902.29.87 (relating to Baytron M).

(27) Heading 9902.39.15 (relating to Baytron P).

(28) Heading 9902.39.30 (relating to certain ion-exchange resins).

(29) Heading 9902.28.01 (relating to thionyl chloride).

(30) Heading 9902.32.12 (relating to DEMT).

(31) Heading 9902.29.03 (relating to PHBA (p-hydroxybenzoic acid)).

(32) Headings 9902.29.83 and 9902.38.10 (relating to iminodisuccinate).

(33) Heading 9902.38.14 (relating to mesamoll).

(34) Heading 9902.38.15 (relating to Baytron C-R).

(35) Heading 9902.29.25 (relating to orthophenylphenol (OPP)).

(36) Heading 9902.38.31 (relating to Vulkalent E/C).

(37) Heading 9902.31.14 (relating to desmedipham).

(38) Heading 9902.31.13 (relating to phenmedipham).

(39) Heading 9902.30.16 (relating to diclofop methyl).

(40) Heading 9902.33.40 (relating to R115777).

(41) Heading 9902.29.10 (relating to imazalil).

(42) Heading 9902.29.22 (relating to Norbloc 7966).

(43) Heading 9902.38.09 (relating to Fungaflor 500 EC).

(44) Heading 9902.32.73 (relating to Solvent Blue 124).

(45) Heading 9902.29.73 (relating to 4-amino-2,5-dimethoxy-N-phenylbenzene sulfonamide).

(46) Heading 9902.32.72 (relating to Solvent Blue 104).

(47) Heading 9902.34.01 (relating to sodium petroleum sulfonate).

(48) Heading 9902.29.71 (relating to isobornyl acetate).

(49) Heading 9902.29.70 (relating to certain TAED chemicals).

(50) Heading 9902.29.58 (relating to diethyl phosphorochidothioate).

(51) Heading 9902.29.17 (relating to 2,6-dichloroaniline).

(52) Heading 9902.29.59 (relating to benfluralin).

(53) Heading 9902.29.26 (relating to 1,3-diethyl-2-imidazolidinone).

(54) Heading 9902.29.06 (relating to diphenyl sulfide).

(55) Heading 9902.32.93 (relating to methoxyfenozide).

(56) Heading 9902.32.89 (relating to triazamate).

(57) Heading 9902.29.80 (relating to propiconazole).

(58) Heading 9902.32.92 (relating to β-Bromo-β-nitrostyrene).

(59) Heading 9902.29.61 (relating to quinoline).

(60) Heading 9902.29.25 (relating to 2-phenylphenol).

(61) Heading 9902.29.08 (relating to 3-amino-5-mercapto-1,2,4-triazole).

(62) Heading 9902.29.16 (relating to 4,4-dimethoxy-2-butanone).

(63) Heading 9902.32.87 (relating to fenbuconazole).

(64) Heading 9902.32.90 (relating to diiodomethyl-*p*-tolylsulfone).

(65) Heading 9902.28.16 (relating to propiophenone).

(66) Heading 9902.28.17 (relating to meta-chlorobenzaldehyde).

(67) Heading 9902.28.15 (relating to 4-bromo-2-fluoroacetanilide).

(68) Heading 9902.32.82 (relating to 2,6, dichlorotoluene).

(69) Heading 9902.80.05 (relating to cobalt boron).

(70) Heading 9902.72.02 (relating to ferroboron).

(71) Heading 9902.32.85 (relating to 4,4′ difluorobenzophenone).

(72) Heading 9902.29.34 (relating to certain light absorbing photo dyes).

(73) Heading 9902.29.38 (relating to certain imaging chemicals).

(74) Heading 9902.38.18 (relating to 3,5-dibromo-4-hydoxybenzonitril).

(75) Heading 9902.29.64 (relating to cyclanilide technical).

(76) Heading 9902.29.98 (relating to fipronil technical).

(77) Heading 9902.38.04 (relating to 3,5-dibromo-4-hydoxybenzonitril ester and inerts).

(78) Heading 9902.29.23 (relating to P-nitro toluene-o-sulfonic acid).

(b) OTHER MODIFICATIONS.—

(1) CERTAIN CATHODE-RAY TUBES.—Heading 9902.85.41 is amended—

(A) by striking "1%" and inserting "Free"; and

(B) in the effective period column, by striking the date contained therein and inserting "12/31/2005".

(2) ETHALFLURALIN.—Heading 9902.30.49 is amended—

(A) by striking "3.5%" and inserting "Free"; and

(B) in the effective period column, by striking the date contained therein and inserting "12/31/2005".

(3) DMDS.—Heading 9902.33.92 is amended—

(A) by striking "2933.59.80" and inserting "2933.59.95"; and

(B) in the effective period column, by striking the date contained therein and inserting "12/31/2005".

(4) CERTAIN POLYAMIDES.—Heading 9902.39.08 is amended—

(A) by striking "forms of polyamide-6, polyamide-12, and polyamide-6,12 powders (CAS Nos. 25038–54–4, 25038–74–8, and 25191–04–1) (provided for in subheading 3908.10.00)" and inserting "ORGASOL® polyamide powders (provided for in subheading 3908.10.00 or 3908.90.70)"; and

(B) in the effective period column, by striking the date contained therein and inserting "12/31/2005".

(5) BUTRALIN.—Heading 9902.38.00 is amended by striking "3808.31.15" and inserting "3808.30.15".

(6) PRO-JET CYAN 1 RO FEED; PRO-JET FAST BLACK 287 NA PASTE/LIQUID FEED.—

(A) IN GENERAL.—Paragraph (2) in each of sections 1222(c) and 1223(c) of the Tariff Suspension and Trade Act of 2000 are amended by striking "January 1, 2001" and inserting "January 1, 2002".

(B) EFFECTIVE DATE.—The amendments made by subparagraph (A) shall take effect as if such amendments had been enacted immediately after the enactment of the Tariff Suspension and Trade Act of 2000.

(7) 2-METHYL-4-CHLOROPHENOXYACETIC ACID.—Heading 9902.29.81 is amended—

(A) in the general rate of duty column, by striking "2.6%" and inserting "1.8%"; and

(B) in the effective period column, by striking the date contained therein and inserting "12/31/2005".

(8) STARANE F.—Heading 9902.29.77 is amended—

(A) in the general rate of duty column, by striking "Free" and inserting "1.5%"; and

(B) in the effective period column, by striking the date contained therein and inserting "12/31/2005".

(9) TRIFLURALIN.—Heading 9902.29.02 is amended—

(A) by striking "3.3%" and inserting "Free"; and

(B) in the effective period column, by striking the date contained therein and inserting "12/31/2005".

(10) CERTAIN REDESIGNATIONS.—(A) The second heading 9902.29.02 (as added by section 1144 of the Tariff Suspension and Trade Act of 2000) is redesignated as heading 9902.05.30.

(B) The second heading 9902.39.07 (as added by section 1248 of the Tariff Suspension and Trade Act of 2000) is redesignated as heading 9902.05.31.

SEC. 1452. EFFECTIVE DATE.

Except as otherwise provided in this chapter, the amendments made by this chapter apply to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 2003.

Subtitle B—Other Tariff Provisions

CHAPTER 1— LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES

SEC. 1501. CERTAIN TRAMWAY CARS.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the United States Customs Service within 180 days after the date of the enactment of this Act, the Customs Service shall liquidate or reliquidate the entry described in subsection (c) as free of duty.

(b) REFUND OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to a request for a liquidation or reliquidation of the entry under subsection (a) shall be refunded with interest within 180 days after the date on which request is made.

(c) AFFECTED ENTRY.—The entry referred to in subsection (a) is the entry on July 5, 2002, of 2 tramway cars (provided for in subheading 8603.10.00) manufactured in Plzen, Czech Republic, for the use of the city of Portland, Oregon (Entry number 529-0032191-1).

SEC. 1502. LIBERTY BELL REPLICA.

The Secretary of the Treasury shall admit free of duty a replica of the Liberty Bell imported from the Whitechapel Bell Foundry of London, England, by the Liberty Memorial Association of Green Bay and Brown County, Wisconsin, for use by the city of Green Bay, Wisconsin and Brown County, Wisconsin.

SEC. 1503. CERTAIN ENTRIES OF COTTON GLOVES.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the United States Customs Service within 180 days after the date of the enactment of this Act, the Customs Service—

(1) shall reliquidate each entry described in subsection (c) containing any merchandise which, at the time of original liquidation, had been classified under subheading 6116.92.64 or subheading 6116.92.74; and

(2) shall reliquidate such merchandise under subheading 6116.92.88 at the rate of duty then applicable under such subheading.

(b) REFUND OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to a request for the reliquidation of an entry under subsection (a) shall be refunded with interest within 180 days after the date on which request is made.

(c) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry number	Date of entry
0397329-2	02/02/00
0395844-2	12/15/99
0394509-2	09/27/99
0393293-4	08/11/99
0391942-8	06/21/99
0389842-4	04/01/99
0387094-4	12/21/98
0386845-0	12/16/98
0385488-0	10/28/98
0384053-3	09/01/98
0382090-7	06/04/98
0381125-5	04/11/98
0289673-4	01/26/98
0288778-2	12/10/97
0288085-2	11/07/97
0386624-0	08/02/97
0284468-4	04/29/97
0283060-0	03/10/97
0281394-5	11/27/96
0274823-2	01/10/96
0274523-8	12/22/95
0274113-8	11/30/95
0273038-8	10/13/95
0272524-8	09/14/95
0272128-8	08/23/95
0271540-5	07/27/95
0270995-2	07/03/95
0270695-8	06/09/95
0269959-1	05/09/95
0269276-0	04/04/95
0265832-4	11/02/94
0264841-6	09/08/94

SEC. 1504. CERTAIN ENTRIES OF POSTERS.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 90 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 4911.91.20 at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 4911.91.40 on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (c) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry number	Date of entry
F1126496605	09/24/00
F1117735656	10/18/00
90100999235	02/14/01
90101010321	04/23/01
90101001700	02/28/01
28100674408	04/25/01
28100671081	04/09/01
28100670398	04/06/01
F1126187352	06/19/00
F1126530833	10/05/00
28100678433	05/18/01
90100999235	04/14/01
90101001700	02/28/01

SEC. 1505. CERTAIN OTHER ENTRIES OF POSTERS.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall—

(1) not later than 90 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (c) containing any merchandise which, at the time of the original liquidation, was classified under subheading 4911.91.20 at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 4911.91.40 on the date of entry; and

(2) within 90 days after such liquidation or reliquidation—

(A) refund any excess duties paid with respect to such entries, including interest from the date of entry; or

(B) relieve the importer of record of any excess duties, penalties, or fines associated with the excess duties.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to any entry described in subsection (c) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act.

(c) ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry number	Date of entry
582-0002495-7	September 2, 1999
582-0093847-9	November 19, 1999
582-8905213-4	March 8, 1999
582-2250697-3	February 21, 2000
582-0197509-0	February 18, 2000
582-1296965-2	February 20, 2000
582-0212609-9	March 1, 2000
582-0215607-0	March 3, 2000
582-0242091-4	March 24, 2000
582-0046610-9	October 12, 1999
582-0251198-5	March 31, 2000
582-0002495-7	September 2, 1999
528-0088559-7	November 16, 1999
582-0093847-9	November 19, 1999
582-0068164-0	October 29, 1999
582-0163876-8	January 20, 2000
582-0136646-4	December 22, 1999
582-0126598-9	December 15, 1999
582-0111417-9	December 3, 1999
445-2163068-9	November 14, 1999
445-2161190-3	September 6, 1999
445-2163176-0	November 18, 1999
445-2164563-8	January 13, 2000
445-2166869-7	April 12, 2000
445-2162118-3	October 10, 1999
U16-0101858-7	May 2, 2000
182-0167758-2	November 1, 2000

SEC. 1506. CERTAIN ENTRIES OF 13 INCH TELEVISIONS.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under the following subheadings with respect to which there would have been no duty or a lesser duty if the amendments made by section 1003 of the Miscellaneous Trade and Technical Corrections Act of 1999 had applied to such entry or withdrawal:

(1) Subheading 8528.12.12.
(2) Subheading 8528.12.20.
(3) Subheading 8528.12.62.
(4) Subheading 8528.12.68.
(5) Subheading 8528.12.76.
(6) Subheading 8528.12.84.
(7) Subheading 8528.21.16.
(8) Subheading 8528.21.24.
(9) Subheading 8528.21.55.
(10) Subheading 8528.21.65.
(11) Subheading 8528.21.75.
(12) Subheading 8528.21.85.
(13) Subheading 8528.30.62.
(14) Subheading 8528.30.66.
(15) Subheading 8540.11.24.
(16) Subheading 8540.11.44.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefore is filed with the Customs Service within 90 days after the date of the enactment of this Act, and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a), are as follows:

Entry number	Date of entry	Date of liquidation
110-17072538	11/03/98	09/17/99
110-17091314	11/23/98	10/08/99
110-17091322	11/23/98	10/08/99
110-17216804	12/31/98	11/12/99
110-20748215	04/20/99	03/03/00
110-20762802	01/28/99	03/10/00
110-20848544	05/12/99	03/31/00
110-20848569	05/18/99	03/31/00
110-20988456	06/22/99	05/04/00
110-20993563	06/22/99	05/15/00
110-20997705	06/22/99	05/05/00
110-63822017	06/09/97	05/05/00
110-63822041	06/09/97	
110-63822082	06/09/97	
110-68575370	07/11/97	05/22/98
110-68575610	07/11/97	05/22/98
110-15093163	10/05/98	08/20/99
110-15173551	11/02/98	09/17/99
110-17091132	11/07/98	09/24/99
110-17217265	12/05/98	10/15/99
110-20762364	04/12/99	02/18/00
110-63822025	06/09/97	

Entry number	Date of entry	Date of liquidation
110-75485118	02/12/98	12/28/98
110-75492643	02/12/98	12/28/98
110-75793447	07/07/98	05/21/99
110-20993704	06/20/99	05/05/00
110-66600972	06/07/97	04/17/98
110-66603414	06/14/97	
110-66603448	06/07/97	04/17/98
110-66617810	06/21/97	05/01/98
110-66618099	06/23/97	05/08/98
110-68156429	07/12/97	05/22/98
110-68165818	07/19/97	05/29/98
110-68165826	07/19/97	05/29/98
110-68171576	07/26/97	06/05/98
110-68175767	08/02/97	06/12/98
110-68177029	08/02/97	06/12/98
110-68217833	08/16/97	06/26/98
110-68220167	08/16/97	07/06/98
110-68220183	08/19/97	07/06/98
110-68233418	08/24/97	07/10/98
110-68234424	08/25/97	07/10/98
110-70008550	09/20/97	07/31/98
110-70014707	09/20/97	07/31/98
110-70014723	09/20/97	07/31/98
110-70014731	09/30/97	07/31/98
110-70014756	09/20/97	07/31/98
110-70014798	09/20/97	07/31/98
110-70100464	10/11/97	08/21/98
110-70106651	10/19/97	09/04/98
110-70106669	10/19/97	09/04/98
110-70112584	10/25/97	09/04/98
110-70113970	10/25/97	09/04/98
110-70113996	10/25/97	09/04/98
110-70115199	10/25/97	09/04/98
110-70190978	11/08/97	09/18/98
110-70192990	11/08/97	09/18/98
110-70198906	11/15/97	09/25/98
110-70198914	11/15/97	09/25/98
110-70204233	11/29/97	10/09/98
110-70204266	11/22/97	10/02/98
110-75399046	12/19/97	10/30/98
110-75399103	01/04/98	11/20/98
110-75481455	01/24/98	12/04/98
110-75485563	01/24/98	12/04/98
110-75494953	02/07/98	12/18/98
110-04901383	07/11/97	05/22/98
110-33326985	07/07/97	05/22/98
110-63019333	07/11/97	05/22/98
110-63821993	06/07/97	04/17/98
110-66600378	06/20/97	05/01/98
110-66601004	06/20/97	05/01/98
110-66603380	06/20/97	05/01/98
110-66625441	07/07/97	05/22/98
110-66626951	07/07/97	05/22/98
110-68175825	08/04/97	06/19/98
110-68182938	08/11/97	06/26/98
110-68184140	08/11/97	06/26/98
110-68184918	08/11/97	06/26/98
110-68184926	08/11/97	06/26/98
110-68184934	08/11/97	06/26/98
110-68184942	08/11/97	06/26/98
110-68229994	09/08/97	07/24/98
110-68230000	09/08/97	07/24/98
110-68230232	09/03/97	07/17/98
110-70009715	09/22/97	08/07/98
110-70024698	10/07/98	08/21/98
110-70028764	10/13/97	08/28/98
110-70028772	10/13/97	08/28/98
110-70103625	10/30/98	09/11/98
110-70186810	11/13/97	09/25/98
110-70190937	11/26/97	10/09/98
110-70192362	11/19/97	10/02/98
110-70199151	11/26/97	10/09/98
110-70204555	12/04/97	10/16/98
110-70204563	12/04/97	10/16/98
110-70206360	12/06/97	10/23/98
110-75399079	01/07/98	11/20/98
110-75492627	02/11/98	12/28/98
110-75492635	02/11/98	12/28/98
110-14975204	09/15/98	07/30/99
110-20848643	05/19/99	05/31/00
110-20988472	06/20/99	05/05/00
110-20993589	06/20/99	05/05/00
110-75485126	02/11/98	12/28/98
110-75793405	07/16/98	05/28/99
110-75793611	08/04/98	06/18/99
110-75931278	08/16/98	07/02/99
110-75938893	08/16/98	07/23/99

SEC. 1507. ENTRIES OF CERTAIN APPAREL ARTICLES PURSUANT TO THE CARIBBEAN BASIN ECONOMIC RECOVERY ACT OR THE AFRICAN GROWTH AND OPPORTUNITY ACT.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the Customs Service shall liquidate or reliquidate as free of duty and free of any quantitative restrictions, limitations, or consultation levels entries of articles described in subsection (d) made on or after October 1, 2000.

(b) REQUESTS.—Liquidation or reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of any entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) ENTRIES.—The entries referred to in subsection (a) are—

(1) entries of apparel articles (other than socks provided for in heading 6115 of the Harmonized Tariff Schedule of the United States) that meet the requirements of section 213(b)(2)(A) of the Caribbean Basin Economic Recovery Act (as amended by section 3107(a) of the Trade Act of 2002 and section 2005(c) of this Act); and

(2) entries of apparel articles that meet the requirements of section 112(b) of the African Growth and Opportunity Act (as amended by section 3108 of the Trade Act of 2002 and section 2005(b) of this Act).

SEC. 1508. CERTAIN ENTRIES PREMATURELY LIQUIDATED IN ERROR.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, reliquidate those entries described in subsection (c), in accordance with the final decision of the International Trade Administration of the Department of Commerce, and the final results of the administrative reviews, for entries made on or after December 1, 1993 and before April 1, 2001.

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a), are as follows:

Entry number	Date of entry	Date of liquidation
669-26046013	02/09/94	07/12/96
112-62707166	02/12/94	05/14/99
669-26046716	03/05/94	07/12/96
669-26046997	03/16/94	07/12/96
669-26047094	03/22/94	07/12/96
669-26047508	04/03/94	07/12/96
225-41000430	04/11/94	07/29/94
669-26047862	04/19/94	07/12/96
669-26048027	04/22/94	07/12/96
669-26048050	04/22/94	07/12/96
669-26048068	04/22/94	07/12/96
669-26049199	06/05/94	07/12/96
051-01380045	06/14/94	06/21/96
225-21019541	07/02/94	Unknown
669-26050742	07/20/94	07/12/96
669-26051294	08/16/94	07/19/96
669-26051377	08/17/94	07/12/96
669-26051401	08/23/94	07/19/96
051-01378452	09/01/94	08/16/96
669-26051906	09/06/94	07/19/96
669-26052714	10/05/94	07/19/96
669-26054629	01/02/95	07/12/96
669-26054918	01/21/95	07/12/96
669-00985582	02/17/95	09/17/99
225-41030148	05/01/95	01/20/95
112-85106669	06/07/95	02/25/00
112-80968196	08/03/95	11/17/95
669-26059347	09/02/95	07/12/96
112-79650961	09/27/95	12/29/95
669-28017335	10/06/95	06/14/96
112-05038720	05/01/96	08/02/96
112-17629326	01/06/97	04/18/97
112-17629326	03/12/97	04/18/97
669-01225053	06/12/97	10/15/99
669-01223637	06/25/97	10/08/99
669-01225418	06/25/97	10/08/99
669-01225913	06/27/97	10/08/99
669-01227380	07/03/97	10/08/99
669-01232166	07/07/97	10/08/99
669-01230533	07/09/97	10/08/99
669-01236357	07/30/97	10/08/99
100-47966294	08/08/97	08/26/99
669-01241811	08/13/97	10/08/99
669-01245838	08/27/97	10/08/99
669-01247933	09/04/97	10/15/99
669-01251448	09/21/97	10/08/99
669-01254020	09/24/97	10/08/99
669-01256801	10/01/97	10/08/99
669-01259466	10/15/97	10/08/99
669-01260753	10/15/97	10/08/99
669-01261363	10/16/97	10/08/99
669-01262650	10/22/97	10/08/99
669-01263856	10/24/97	10/08/99
669-01267337	11/06/97	10/08/99
669-01269200	11/12/97	10/08/99
669-01271784	11/20/97	10/08/99
669-01271800	11/23/97	10/08/99
669-01272907	11/30/97	10/08/99
669-01273673	11/30/97	10/08/99
669-01274119	11/30/97	10/08/99
669-01276585	12/04/97	10/08/99
669-01278763	12/14/97	10/15/99
669-01283441	12/30/97	10/08/99
669-01296948	01/09/98	10/08/99
669-01292186	01/22/98	10/08/99
669-04201964	01/23/98	10/08/99
112-14206987	01/23/98	02/22/99
669-01295130	02/01/98	10/08/99
669-01296955	02/05/98	10/08/99
669-01297649	02/12/98	10/08/99
669-01298530	02/12/98	10/08/99
669-01302126	02/21/98	10/08/99
669-01302134	02/21/98	10/08/99
669-01302530	02/21/98	10/08/99
669-01303546	02/21/98	10/08/99
669-01304569	02/27/98	10/08/99
669-01305947	03/05/98	10/08/99
669-01306978	03/07/98	10/08/99
669-01306986	03/07/98	10/08/99
669-01307554	03/12/98	10/08/99
669-01312711	03/14/98	10/08/99
669-28050047	03/20/98	04/02/99
669-01312703	03/21/98	10/08/99
669-01318072	04/07/98	10/08/99
669-01324781	04/24/98	10/08/99
669-01325218	04/25/98	10/08/99
669-01327586	04/30/98	10/08/99
669-01330283	May-98	10/08/99
669-01332081	May-98	10/08/99
112-35098876	05/08/98	04/02/99
669-01332081	05/16/98	10/08/99
669-01335357	05/26/98	10/08/99
700-07050910	05/30/98	03/24/00
110-54366892	06/03/98	04/16/99
112-38590861	09/09/98	07/23/99
112-01742119	04/20/99	08/09/96
110-64694523	10/07/99	10/01/99

CHAPTER 2—MISCELLANEOUS PROVISIONS

SEC. 1601. HAIR CLIPPERS.

(a) IN GENERAL.—Heading 8510 of chapter 85 is amended—

(1) by striking subheading 8510.20.00 and inserting the following, with the article description for subheading 8510.20 having the same degree of indentation as the article description for subheading 8510.10.00, and with the article descriptions for subheadings 8510.20.10 and 8510.20.90 having the same degree of indentation as the article description for subheading 8510.90.55:

"	8510.20	Hair clippers:				
	8510.20.10	Hair clippers to be used for agricultural or horticultural purposes	4%	Free (A, CA, E, IL, J, MX)	45%	
	8510.20.90	Other	4%	Free (A, CA, E, IL, J, MX)	45%	";

and

(2) by striking subheading 8510.90.30 and inserting the following subheadings and superior text thereto, with such superior text having the same degree of indentation as the article description for subheading 8510.90.55:

"		Parts of hair clippers:				
	8510.90.30	Parts of hair clippers to be used for agricultural or horticultural purposes	4%	Free (A,CA,E, IL,J,MX)	45%	
	8510.90.40	Other parts of hair clippers	4%	Free (A,CA,E, IL,J,MX)	45%	".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

SEC. 1602. TRACTOR BODY PARTS.

(a) CERTAIN TRACTOR PARTS.—Heading 8708 is amended by striking subheading 8708.29.20 and inserting the following new subheadings, with the superior heading for subheadings 8708.29.21 and 8708.29.25 having the same degree of indentation as the article description for subheading 8708.29.15:

"		Body stampings:				
	8708.29.21	For tractors suitable for agricultural use	Free		Free	
	8708.29.25	Other	2.5%	Free (A, B, CA, E, IL, J, JO, MX)	25%	";

(b) STAGED RATE REDUCTIONS.—Any staged reduction of a rate of duty proclaimed by the President before the date of the enactment of this Act, that—

(1) would take effect on or after such date of enactment; and

(2) would, but for the amendment made by subsection (a), apply to subheading 8708.29.20 of the Harmonized Tariff Schedule of the United States, applies to the corresponding rate of duty set forth in subheading 8708.29.25 of such Schedule (as added by subsection (a)).

SEC. 1603. FLEXIBLE MAGNETS AND COMPOSITE GOODS CONTAINING FLEXIBLE MAGNETS.

Heading 8505 of chapter 85 is amended—

(1) by striking subheading 8505.19.00 and inserting the following new subheadings, with the article description for subheadings 8505.19.10, 8505.19.20, and 8505.19.30 having the same degree of indentation as the article description for subheading 8505.11.00:

"	8505.19.10	Flexible magnet	4.9%	Free (A, CA, E, IL, J, MX)	45%	
	8505.19.20	Composite goods containing flexible magnet	4.9%	Free (A, CA, E, IL, J, MX)	45%	
	8505.19.30	Other	4.9%	Free (A, CA, E, IL, J, MX)	45%	".

SEC. 1604. VESSEL REPAIR DUTIES.

(a) EXEMPTION.—Section 466(h) of the Tariff Act of 1930 (19 U.S.C. 1466(h)) is amended—

(1) in paragraph (1), by striking the comma at the end and inserting a semicolon;

(2) in paragraph (2), by striking ", or" at the end and inserting a semicolon;

(3) in paragraph (3), by striking the period at the end and inserting "; or"; and

(4) by adding at the end the following:

"(4) the cost of equipment, repair parts, and materials that are installed on a vessel documented under the laws of the United States and engaged in the foreign or coasting trade, if the installation is done by members of the regular crew of such vessel while the vessel is on the high seas.

Declaration and entry shall not be required with respect to the installation, equipment, parts, and materials described in paragraph (4).".

(b) AMENDMENT TO HTS.—Subchapter XVIII of chapter 98 of the Harmonized Tariff Schedule of the United States is amended by striking "U.S. Note" and inserting "U.S. Notes" and by adding after U.S. note 1, the following new note:

"2. Notwithstanding the provisions of subheadings 9818.00.03 through 9818.00.07, no duty shall apply to the cost of equipment, repair parts, and materials that are installed in a vessel documented under the laws of the United States and engaged in the foreign or coasting trade, if the installation is done by members of the regular crew of such vessel while the vessel is on the high seas, and declaration and entry shall not be required with respect to such installation, equipment, parts, and materials.".

(c) EFFECTIVE DATE.—The amendments made by this section apply to vessel equipment, repair parts, and materials installed on or after April 25, 2001.

SEC. 1605. DUTY-FREE TREATMENT FOR HAND-KNOTTED OR HAND-WOVEN CARPETS.

(a) AMENDMENT OF THE TRADE ACT OF 1974.—Section 503(b) of the Trade Act of 1974 (19 U.S.C. 2463(b)) is amended by adding at the end the following new paragraph:

"(4) CERTAIN HAND-KNOTTED OR HAND-WOVEN CARPETS.—Notwithstanding paragraph (1)(A), the President may designate as an eligible article or articles under subsection (a) carpets or rugs which are hand-loomed, hand-woven, hand-hooked, hand-tufted, or hand-knotted, and classifiable under subheadings 5701.10.16, 5701.10.40, 5701.90.10, 5701.90.20, 5702.10.90, 5702.42.20, 5702.49.10, 5702.51.20, 5702.91.30, 5702.92.00, 5702.99.10, 5703.10.00, 5703.20.10, or 5703.30.00 of the Harmonized Tariff Schedule of the United States.".

(b) CONFORMING AMENDMENT.—Section 503(b)(1)(A) of the Trade Act of 1974 (19 U.S.C. 2463(b)(1)(A)) is amended by striking "Textile" and inserting "Except as provided in paragraph (4), textile".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to any article entered, or withdrawn from warehouse for consumption, on or after the date of enactment of this Act.

SEC. 1606. DUTY DRAWBACK FOR CERTAIN ARTICLES.

Section 313 of the Tariff Act of 1930 (19 U.S.C. 1313) is amended by adding at the end the following new subsection:

"(y) ARTICLES SHIPPED TO THE UNITED STATES INSULAR POSSESSIONS.—Articles described in subsection (j)(1) shall be eligible for drawback under this section if duty was paid on the merchandise upon importation into the United States and the person claiming the drawback demonstrates that the merchandise has entered the customs territory of the United States Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, Guam, Canton Island, Enderbury Island, Johnston Island, or Palmyra Island.".

SEC. 1607. UNUSED MERCHANDISE DRAWBACK.

(a) IN GENERAL.—Section 313(j) of the Tariff Act of 1930 (19 U.S.C. 1313(j)) is amended—

(1) in paragraph (1), by striking "because of its" and inserting "upon entry or"; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking "because of its" and inserting "upon entry or"; and

(B) in subparagraph (C)(ii)(II)—

(i) by striking "then upon" and inserting "then, notwithstanding any other provision of law, upon"; and

(ii) by striking "shall be refunded as drawback" and inserting "shall be refunded as drawback hereunder".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act, and shall apply to any drawback claim filed on or after that date and to any drawback entry filed before that date if the liquidation of the entry is not final on that date.

SEC. 1608. TREATMENT OF CERTAIN FOOTWEAR UNDER CARIBBEAN BASIN ECONOMIC RECOVERY ACT.

Section 213(b) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)) is amended as follows:

(1) In paragraph (1)(B), to read as follows:

"(B) footwear provided for in any subheadings 6401.10.00, 6401.91.00, 6401.92.90, 6401.99.30, 6401.99.60, 6401.99.90, 6402.30.50, 6402.30.70, 6402.30.80, 6402.91.50, 6402.91.80, 6402.91.90, 6402.99.20, 6402.99.80, 6402.99.90, 6403.59.60, 6403.91.30, 6403.99.60, 6403.99.90, 6404.11.90, and 6404.19.20 of the HTS of the United States that was not designated at the time of the effective date of this title as eligible articles for the purpose of the generalized system of preferences under title V of the Trade Act of 1974;".

(2) In paragraph (3)(A)—

(A) in clause (i), by striking "Subject to clause (ii)" and inserting "Subject to clauses (ii) and (iii)"; and

(B) by adding at the end the following:

"(iii) CERTAIN FOOTWEAR.—Notwithstanding paragraph (1)(B) and clause (i) of this subparagraph, footwear provided for in subheadings 6403.59.60, 6403.91.30, 6403.99.60, and 6403.99.90 of the HTS shall be eligible for the duty-free treatment provided for under this title if—

"(I) the article of footwear is the growth, product, or manufacture of a CBTPA beneficiary country; and

"(II) the article otherwise meets the requirements of subsection (a), except that in applying such subsection, 'CBTPA beneficiary country' shall be substituted for 'beneficiary country' each place it appears.".

SEC. 1609. DESIGNATION OF SAN ANTONIO INTERNATIONAL AIRPORT FOR CUSTOMS PROCESSING OF CERTAIN PRIVATE AIRCRAFT ARRIVING IN THE UNITED STATES.

(a) IN GENERAL.—Section 1453(a) of the Tariff Suspension and Trade Act of 2000 is amended by striking "2-year period" and inserting "4-year period".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on November 9, 2002.

SEC. 1610. AUTHORITY FOR THE ESTABLISHMENT OF INTEGRATED BORDER INSPECTION AREAS AT THE UNITED STATES-CANADA BORDER.

(a) FINDINGS.—Congress makes the following findings:

(1) The increased security and safety concerns that developed in the aftermath of the terrorist attacks in the United States on September 11, 2001, need to be addressed.

(2) One concern that has come to light is the vulnerability of the international bridges and tunnels along the United States borders.

(3) It is necessary to ensure that potentially dangerous vehicles are inspected prior to crossing these bridges and tunnels; however, currently these vehicles are not inspected until after they have crossed into the United States.

(4) Establishing Integrated Border Inspection Areas (IBIAs) would address these concerns by inspecting vehicles before they gained access to the infrastructure of international bridges and tunnels joining the United States and Canada.

(b) CREATION OF INTEGRATED BORDER INSPECTION AREAS.—

(1) IN GENERAL.—The Commissioner of the Customs Service, in consultation with the Canadian Customs and Revenue Agency (CCRA), shall seek to establish Integrated Border Inspection Areas (IBIAs), such as areas on either side of the United States-Canada border, in which United States Customs officers can inspect vehicles entering the United States from Canada before they enter the United States, or Canadian Customs officers can inspect vehicles entering Canada from the United States before they enter Canada. Such inspections may include, where appropriate, employment of reverse inspection techniques.

(2) ADDITIONAL REQUIREMENT.—The Commissioner of Customs, in consultation with the Administrator of the General Services Administration when appropriate, shall seek to carry out paragraph (1) in a manner that minimizes adverse impacts on the surrounding community.

(3) ELEMENTS OF THE PROGRAM.—Using the authority granted by this section and under section 629 of the Tariff Act of 1930, the Commissioner of Customs, in consultation with the Canadian Customs and Revenue Agency, shall seek to—

(A) locate Integrated Border Inspection Areas in areas with bridges or tunnels with high traffic volume, significant commercial activity, and that have experienced backups and delays since September 11, 2001;

(B) ensure that United States Customs officers stationed in any such IBIA on the Canadian side of the border are vested with the maximum authority to carry out their duties and enforce United States law;

(C) ensure that United States Customs officers stationed in any such IBIA on the Canadian side of the border shall possess the same immunity that they would possess if they were stationed in the United States; and

(D) encourage appropriate officials of the United States to enter into an agreement with Canada permitting Canadian Customs officers stationed in any such IBIA on the United States side of the border to enjoy such immunities as permitted in Canada.

SEC. 1611. DESIGNATION OF FOREIGN LAW ENFORCEMENT OFFICERS.

(a) MISCELLANEOUS PROVISIONS.—Section 401(i) of the Tariff Act of 1930 (19 U.S.C. 1401(i)) is amended by inserting ", including foreign law enforcement officers," after "or other person".

(b) INSPECTIONS AND PRECLEARANCE IN FOREIGN COUNTRIES.—Section 629 of the Tariff Act of 1930 (19 U.S.C. 1629) is amended—

(1) in subsection (a), by inserting ", or subsequent to their exit from," after "prior to their arrival in";

(2) in subsection (c)—

(A) by inserting "or exportation" after "relating to the importation"; and

(B) by inserting "or exit" after "port of entry";

(3) in subsection (e), to read as follows:

"(e) STATIONING OF FOREIGN CUSTOMS AND AGRICULTURE INSPECTION OFFICERS IN THE UNITED STATES.—The Secretary of State, in coordination with the Secretary and the Secretary of Agriculture, may enter into agreements with any foreign country authorizing the stationing in the United States of customs and agriculture inspection officials of that country (if similar privileges are extended by that country to United States officials) for the purpose of insuring that persons and merchandise going directly to that country from the United States, or that have gone directly from that country to the United States, comply with the customs and other laws of that country governing the importation or exportation of merchandise. Any foreign customs or agriculture inspection official stationed in the United States under this subsection may exercise such functions, perform such duties, and enjoy such privileges and immunities as United States officials may be authorized to perform or are afforded in that foreign country by treaty, agreement or law."; and

(4) by adding at the end the following:

"(g) PRIVILEGES AND IMMUNITIES.—Persons designated to perform the duties of an officer of the Customs Service pursuant to section 1401(i) of this title shall be entitled to the same privileges and immunities as an officer of the Customs Service with respect to any actions taken by the designated person in the performance of such duties.".

SEC. 1612. AMENDMENTS TO UNITED STATES INSULAR POSSESSION PROGRAM.

(a) PRODUCTION CERTIFICATES.—Additional U.S. Note 5(h) to chapter 91 is amended—

(1) by amending subparagraphs (i) and (ii) to read as follows:

"(i) In the case of each of calendar years 2003 through 2015, the Secretaries jointly, shall—

"(A) verify—

"(1) the wages paid by each producer to permanent residents of the insular possessions during the preceding calendar year (including the value of usual and customary health insurance, life insurance, and pension benefits); and

"(2) the total quantity and value of watches and watch movements produced in the insular possessions by that producer and imported free of duty into the customs territory of the United States; and

"(B) issue to each producer (not later than 60 days after the end of the preceding calendar year) a certificate for the applicable amount.

"(ii) For purposes of subparagraph (i), except as provided in subparagraphs (iii) and (iv), the term 'applicable amount' means an amount equal to the sum of—

"(A) 90 percent of the producer's creditable wages (including the value of usual and customary health insurance, life insurance, and pension benefits) on the assembly during the preceding calendar year of the first 300,000 units; plus

"(B) the applicable graduated declining percentage (determined each year by the Secretaries) of the producer's creditable wages (including the value of usual and customary health insurance, life insurance, and pension benefits) on the assembly during the preceding calendar year of units in excess of 300,000 but not in excess of 750,000; plus

"(C) the difference between the duties that would have been due on each producer's watches and watch movements (excluding digital watches and excluding units in excess of the 750,000 limitation of this subparagraph) imported into the customs territory of the United States free of duty during the preceding calendar year if the watches and watch movements had been subject to duty at the rates set forth in column 1 under this chapter that were in effect on January 1, 2001, and the duties that would have been due on the watches and watch movements if the watches and watch movements had been subject to duty at the rates set forth in column 1 under this chapter that were in effect for such preceding calendar year."; and

(2) by amending subparagraph (v) to read as follows:

"(v) Any certificate issued under subparagraph (i) shall entitle the certificate holder to secure a refund of duties equal to the face value of the certificate on any articles that are imported into the customs territory of the United States by the certificate holder. Such refunds shall be made under regulations issued by the Treasury Department.

Not more than 5 percent of such refunds may be retained as a reimbursement to the Customs Service for the administrative costs of making the refunds.".

(b) Jewelry.—Additional U.S. Note 3 to chapter 71 is amended—

(1) by redesignating paragraphs (b), (c), (d), and (e) as paragraphs (c), (d), (e), and (f), respectively;

(2) by inserting after paragraph (a) the following new paragraph:

"(b) Notwithstanding additional U.S. Note 5(h)(ii)(B) to chapter 91, articles of jewelry subject to this note shall be subject to a limitation of 10,000,000 units."; and

(3) by striking paragraph (f), as so redesignated, and inserting the following:

"(f) Notwithstanding any other provision of law, any article of jewelry provided for in heading 7113 that is assembled in the Virgin Islands, Guam, or American Samoa by a jewelry manufacturer or jewelry assembler that commenced jewelry manufacturing or jewelry assembly operations in the Virgin Islands, Guam, or American Samoa after August 9, 2001, shall be treated as a product of the Virgin Islands, Guam, or American Samoa for purposes of this note and General Note 3(a)(iv) of this Schedule if such article is entered no later than 18 months after such jewelry manufacturer or jewelry assembler commenced jewelry manufacturing or jewelry assembly operations in the Virgin Islands, Guam, or American Samoa.".

(c) Effective Date.—The amendments made by this section shall apply with respect to goods imported into the customs territory of the United States on or after January 1, 2003.

SEC. 1613. MODIFICATION OF PROVISIONS RELATING TO DRAWBACK CLAIMS.

(a) Merchandise Not Conforming to Sample or Specifications.—Section 313(c) of the Tariff Act of 1930 (19 U.S.C. 1313(c)), is amended to read as follows:

"(c) Merchandise Not Conforming to Sample or Specifications.—

"(1) Conditions for drawback.—Upon the exportation or destruction under the supervision of the Customs Service of, articles or merchandise—

"(A) upon which the duties have been paid,

"(B) which has been entered or withdrawn for consumption,

"(C) which is—

"(i) not conforming to sample or specifications, shipped without the consent of the consignee, or determined to be defective as of the time of importation, or

"(ii) ultimately sold at retail by the importer, or the person who received the merchandise from the importer under a certificate of delivery, and for any reason returned to and accepted by the importer, or the person who received the merchandise from the importer under a certificate of delivery, and

"(D) which, within 3 years after the date of importation or withdrawal, as applicable, has been exported or destroyed under the supervision of the Customs Service,

the full amount of the duties paid upon such merchandise, less 1 percent, shall be refunded as drawback.

"(2) Designation of import entries.—For purposes of paragraph (1)(C)(ii), drawback may be claimed by designating an entry of merchandise that was imported within 1 year before the date of exportation or destruction of the merchandise described in paragraph (1) (A) and (B) under the supervision of the Customs Service. The merchandise designated for drawback must be identified in the import documentation with the same eight-digit classification number and specific product identifier (such as part number, SKU, or product code) as the returned merchandise.

"(3) When drawback certificates not required.—For purposes of this subsection, drawback certificates are not required if the drawback claimant and the importer are the same party, or if the drawback claimant is a drawback successor to the importer as defined in subsection (s)(3).".

(b) Time Limitation on Exportation or Destruction.—Section 313(i) of the Tariff Act of 1930 (19 U.S.C. 1313(i)), is amended—

(1) by striking "No" and inserting "Unless otherwise provided for in this section, no"; and

(2) by inserting ", or destroyed under the supervision of the Customs Service," after "exported".

(c) Use of Domestic Merchandise Acquired in Exchange for Imported Merchandise of Same Kind and Quality.—Section 313(k) of the Tariff Act of 1930 (19 U.S.C. 1313(k)), is amended—

(1) by striking "(k)" and inserting "(k)(1)"; and

(2) by adding at the end the following new paragraph:

"(2) For purposes of subsections (a) and (b), the use of any domestic merchandise acquired in exchange for a drawback product of the same kind and quality shall be treated as the use of such drawback product if no certificate of delivery or certificate of manufacture and delivery pertaining to such drawback product is issued, other than that which documents the product's manufacture and delivery. As used in this paragraph, the term 'drawback product' means any domestically produced product, manufactured with imported merchandise or any other merchandise (whether imported or domestic) of the same kind and quality, that is subject to drawback.".

(d) Packaging Material.—Section 313(q) of the Tariff Act of 1930 (19 U.S.C. 1313(q)), is amended to read as follows:

"(q) Packaging Material.—

"(1) Packaging material under subsections (c) and (j).—Packaging material, whether imported and duty paid, and claimed for drawback under either subsection (c) or (j)(1), or imported and duty paid, or substituted, and claimed for drawback under subsection (j)(2), shall be eligible for drawback, upon exportation, of 99 percent of any duty, tax, or fee imposed under Federal law on such imported material.

"(2) Packaging material under subsections (a) and (b).—Packaging material that is manufactured or produced under subsection (a) or (b) shall be eligible for drawback, upon exportation, of 99 percent of any duty, tax, or fee imposed under Federal law on the imported or substituted merchandise used to manufacture or produce such material.

"(3) Contents.—Packaging material described in paragraphs (1) and (2) shall be eligible for drawback whether or not they contain articles or merchandise, and whether or not any articles or merchandise they contain are eligible for drawback.

"(4) Employing packaging material for its intended purpose prior to exportation.—The use of any packaging material for its intended purpose prior to exportation shall not be treated as a use of such material prior to exportation for purposes of applying subsection (a), (b), or (c), or paragraph (1)(B) or (2)(C)(i) of subsection (j).".

(e) Limitation on Liquidation.—Section 504 of the Tariff Act of 1930 (19 U.S.C. 1504) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

"(a) Liquidation.—

"(1) Entries for consumption.—Unless an entry of merchandise for consumption is extended under subsection (b) of this section or suspended as required by statute or court order, except as provided in section 751(a)(3), an entry of merchandise for consumption not liquidated within 1 year from—

"(A) the date of entry of such merchandise,

"(B) the date of the final withdrawal of all such merchandise covered by a warehouse entry,

"(C) the date of withdrawal from warehouse of such merchandise for consumption if, pursuant to regulations issued under section 505(a), duties may be deposited after the filing of any entry or withdrawal from warehouse, or

"(D) if a reconciliation is filed, or should have been filed, the date of the filing under section 484 or the date the reconciliation should have been filed, shall be deemed liquidated at the rate of duty, value, quantity, and amount of duties asserted at the time of entry by the importer of record.

Notwithstanding section 500(e), notice of liquidation need not be given of an entry deemed liquidated.

"(2) Entries or claims for drawback.—

"(A) In general.—Except as provided in subparagraph (B) or (C), unless an entry or claim for drawback is extended under subsection (b) or suspended as required by statute or court order, an entry or claim for drawback not liquidated within 1 year from the date of entry or claim shall be deemed liquidated at the drawback amount asserted by the claimant at the time of entry or claim. Notwithstanding section 500(e), notice of liquidation need not be given of an entry deemed liquidated.

"(B) Unliquidated imports.—An entry or claim for drawback whose designated or identified import entries have not been liquidated and become final within the 1-year period described in subparagraph (A), or within the 1-year period described in subparagraph (C), shall be deemed liquidated upon the deposit of estimated duties on the unliquidated imported merchandise, and upon the filing with the Customs Service of a written request for the liquidation of the drawback entry or claim. Such a request must include a waiver of any right to payment or refund under other provisions of law. The Secretary of the Treasury shall prescribe any necessary regulations for the purpose of administering this provision.

"(C) Exception.—An entry or claim for drawback filed before the date of the enactment of this paragraph, the liquidation of which is not final as of the date of the enactment of this paragraph, shall be deemed liquidated on the date that is 1 year after the date of the enactment of this paragraph at the drawback amount asserted by the claimant at the time of the entry or claim.

"(3) Payments or refunds.—Payment or refund of duties owed pursuant to paragraph (1) or (2) shall be made to the importer of record or drawback claimant, as the case may be, not later than 90 days after liquidation.

"(b) Extension.—The Secretary may extend the period in which to liquidate an entry if—

"(1) the information needed for the proper appraisement or classification of the imported or withdrawn merchandise, or for determining the correct drawback amount, or for ensuring compliance with applicable law, is not available to the Customs Service; or

"(2) the importer of record or drawback claimant, as the case may be, requests such extension and shows good cause therefor.

The Secretary shall give notice of an extension under this subsection to the importer of record or drawback claimant, as the case may be, and the surety of such importer of record or drawback claimant. Notice shall be in such form and manner (which may include electronic transmittal) as the Secretary shall by regulation prescribe. Any entry the liquidation of which is extended under this subsection shall be treated as having been liquidated at the rate of duty, value, quantity, and amount of duty asserted at the time of entry by the importer of record, or the drawback amount asserted at the time of entry by the drawback claimant, at the expiration of 4 years from the applicable date specified in subsection (a).";

(2) in subsection (c)—

(A) by inserting "or drawback claimant, as the case may be," after "to the importer of record"; and

(B) by inserting "or drawback claimant" after "of such importer of record"; and

(3) in subsection (d), by striking the period at the end and inserting "or (in the case of a drawback entry or claim) at the drawback amount asserted at the time of entry by the drawback claimant.".

(f) PENALTIES FOR FALSE DRAWBACK CLAIMS.—Section 593A(h) of the Tariff Act of 1930 (19 U.S.C. 1593a(h)) is amended by striking "subsection (g)" and inserting "subsections (c) and (g)".

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), (c), (d), and (f) shall take effect on the date of enactment of this Act, and shall apply to—

(A) any drawback entry filed on and after such date of enactment; and

(B) any drawback entry filed before such date of enactment if the liquidation of the entry is not final on such date of enactment.

(2) SUBSECTION (e).—The amendments made by subsection (e) shall take effect on the date of enactment of this Act, and shall apply to—

(A) any entry of merchandise for consumption or entry or claim for drawback filed on and after such date of enactment; and

(B) any entry or claim for drawback filed before such date of enactment if the liquidation of the entry or claim is not final on such date of enactment.

Subtitle C—Effective Date

SEC. 1701. EFFECTIVE DATE.

Except as otherwise provided in this title, the amendments made by this title shall apply with respect to goods entered, or withdrawn from warehouse, for consumption, on or after the 15th day after the date of the enactment of this Act.

TITLE II—OTHER TRADE PROVISIONS

SEC. 2001. EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE FEDERAL REPUBLIC OF YUGOSLAVIA.

Notwithstanding Public Law 102–420 (19 U.S.C. 2434 note), the President may proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of the Federal Republic of Yugoslavia.

SEC. 2002. DESIGNATION OF ISRAELI-TURKISH QUALIFYING INDUSTRIAL ZONES.

(a) DESIGNATION.—Section 9(e)(1) of the United States-Israel Free Trade Area Implementation Act of 1985 (19 U.S.C. 2112 note), is amended by striking "Israel and Jordan" and inserting "Israel and Turkey, Israel and Jordan,".

(b) EXCLUSION OF CERTAIN PRODUCTS OF QUALIFYING INDUSTRIAL ZONES FROM PROCLAMATION AUTHORITY.—Section 9 of the United States-Israel Free Trade Area Implementation Act of 1985 (19 U.S.C. 2112 note), is amended—

(1) in subsection (a), by striking "The" and inserting "Except as provided in subsection (f), the"; and

(2) by adding at the end the following new subsection:

"(f) ARTICLES THAT MAY NOT BE EXEMPTED FROM DUTY.—The President may not proclaim under subsection (a) elimination or modification of any existing duty with respect to any article that is wholly the growth, product, or manufacture of a qualifying industrial zone that encompasses portions of the territory of Israel and Turkey or is a new and different article of commerce that has been grown, produced, or manufactured in a qualifying industrial zone that encompasses portions of the territory of Israel and Turkey, if such article is within any of the following categories of import-sensitive articles:

"(1) Textile and apparel articles that were not eligible articles for purposes of title V of the Trade Act of 1974 on January 1, 1994, as such title was in effect on such date.

"(2) Footwear, handbags, luggage, flat goods, work gloves, and leather wearing apparel that were not eligible articles for purposes of title V of the Trade Act of 1974 on January 1, 1995, as such title was in effect on such date.

"(3) Any other article that the President determines to be import-sensitive.".

SEC. 2003. MODIFICATION TO CELLAR TREATMENT OF NATURAL WINE.

(a) IN GENERAL.—Subsection (a) of section 5382 of the Internal Revenue Code of 1986 (relating to cellar treatment of natural wine) is amended to read as follows:

"(a) PROPER CELLAR TREATMENT.—

"(1) IN GENERAL.—Proper cellar treatment of natural wine constitutes—

"(A) subject to paragraph (2), those practices and procedures in the United States, whether historical or newly developed, of using various methods and materials to stabilize the wine, or the fruit juice from which it is made, so as to produce a finished product acceptable in good commercial practice in accordance with regulations prescribed by the Secretary; and

"(B) subject to paragraph (3), in the case of wine produced and imported subject to an international agreement or treaty, those practices and procedures acceptable to the United States under such agreement or treaty.

"(2) RECOGNITION OF CONTINUING TREATMENT.—For purposes of paragraph (1)(A), where a particular treatment has been used in customary commercial practice in the United States, it shall continue to be recognized as a proper cellar treatment in the absence of regulations prescribed by the Secretary finding such treatment not to be proper cellar treatment within the meaning of this subsection.

"(3) CERTIFICATION OF PRACTICES AND PROCEDURES FOR IMPORTED WINE.—

"(A) IN GENERAL.—In the case of imported wine which is not subject to an international agreement or treaty under paragraph (1)(B), the Secretary shall accept the practices and procedures used to produce such wine, if, at the time of importation—

"(i) the importer provides the Secretary with a certification from the government of the producing country, accompanied by an affirmed laboratory analysis, that the practices and procedures used to produce the wine constitute proper cellar treatment under paragraph (1)(A), or

"(ii) in the case of an importer that owns or controls or that has an affiliate that owns or controls a winery operating under a basic permit issued by the Secretary, the importer certifies that the practices and procedures used to produce the wine constitute proper cellar treatment under paragraph (1)(A).

"(B) AFFILIATE DEFINED.—For purposes of this paragraph, the term 'affiliate' has the meaning given such term by section 117(a)(4) of the Federal Alcohol Administration Act (27 U.S.C. 211(a)(4)) and includes a winery's parent or subsidiary or any other entity in which the winery's parent or subsidiary has an ownership interest.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 2004.

SEC. 2004. ARTICLES ELIGIBLE FOR PREFERENTIAL TREATMENT UNDER THE ANDEAN TRADE PREFERENCE ACT.

The rate of duty applicable on the day before the date of the enactment of the Trade Act of 2002 to any article described in section 204(b)(1)(D) of the Andean Trade Preference Act (as amended by section 3103(a)(2) of the Trade Act of 2002) shall apply to such article on and after such date of enactment until such time as the President proclaims duty free treatment pursuant to section 204(b)(1) of such Act for such article.

SEC. 2005. TECHNICAL AMENDMENTS.

(a) TRADE ACT of 2002.—(1) Section 2(a)(4) of the Trade Act of 2002 is amended by striking "and Other Provisions".

(2) The table of contents of the Trade Act of 2002 is amended—

(A) in the item relating to section 342, by striking "customs service" and inserting "Customs Service"; and

(B) by amending the item relating to section 3107 to read as follows:

"3107. Trade benefits under the Caribbean Basin Economic Recovery Act.".

(3) The amendment made by section 111(b) of the Trade Act of 2002 shall be deemed never to have been enacted.

(4) Section 221(a)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2271(a)(2)(A)) is amended by striking "assistance, and appropriate" and inserting "assistance and appropriate".

(5) Section 222(b) of the Trade Act of 1974 (19 U.S.C. 2272(b)) is amended—

(A) by striking the subsection heading and inserting the following: "ADVERSELY AFFECTED SECONDARY WORKERS"; and

(B) in the matter preceding paragraph (1), by inserting "pursuant to a petition filed under section 221" after "under this chapter".

(6) Section 238(b)(1) of the Trade Act of 1974 is amended by striking "Secretary," and inserting "Secretary)".

(7) Section 246 of the Trade Act of 1974 is amended—

(A) in subsection (a)(3)(B)(iii), by striking "and" after the semicolon; and

(B) in subsection (b)(2), by striking "provided that" and inserting "if".

(8) Section 124(b) of the Trade Act of 2002 is amended by striking "by inserting after the item relating to section 245 the following new item" and inserting "by amending the item relating to section 246 to read as follows".

(9) Section 296 of the Trade Act of 1974 is amended—

(A) in subsection (a)(1)—

(i) in the matter preceding subparagraph (A)—

(I) by striking "trade adjustment allowance" and inserting "adjustment assistance under this chapter"; and

(II) by striking "such allowance" and inserting "such assistance"; and

(ii) in subparagraph (A), by striking "subsection (a)" and inserting "this subsection"; and

(B) in subsection (b)(2), by striking "paragraph (1) except" and inserting "paragraph (1), except".

(10) Section 142 of the Trade Act of 2002 is amended—

(A) in subsection (a)(1)—

(i) by striking "284(a)" and "2395(a)" and inserting "284" and "2395", respectively; and

(ii) in subparagraph (A), by inserting "in subsection (a)," after "(A)"; and

(B) in subsection (b), by striking ", as amended by subparagraph (A),".

(11) Section 583(c)(1) of the Tariff Act of 1930 (19 U.S.C. 1583(c)(1)) is amended by moving the matter preceding subparagraph (A) and subparagraphs (A) through (K) 2 ems to the right.

(12) Section 371(b) of the Trade Act of 2002 is amended by striking "1330(e)(2)" and inserting "1330(e)".

(13) Section 336 of the Trade Act of 2002 is amended to read as follows:

"SEC. 336. STUDY AND REPORT RELATING TO CUSTOMS USER FEES.

"(a) Study.—The Comptroller General shall conduct a study on the extent to which the amount of each customs user fee imposed under section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)) approximates the cost of services provided by the Customs Service relating to the fee so imposed.

"(b) Report.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing—

"(1) the results of the study conducted under subsection (a); and

"(2) recommendations for the appropriate amount of the customs user fees if such results indicate that the fees are not commensurate with the level of services provided by the Customs Service.

Notwithstanding any other provision of law, the report or its contents may only be disclosed by the Comptroller General to any committee or Member of Congress and the Customs Service and shall not be disclosed to the public.".

(14) Section 141(b)(2) of the Trade Act of 1974 (19 U.S.C. 2171(b)(2)) is amended by moving the paragraph 2 ems to the left.

(15) Section 2102(c) of the Trade Act of 2002 is amended—

(A) in paragraph (8), by striking "this Act" and inserting "this title"; and

(B) in paragraph (12), by striking "government engaged" and inserting "government is engaged".

(16) Section 2103 of the Trade Act of 2002 is amended—

(A) in subsection (a)(1)(A), by striking "June 1" each place it appears and inserting "July 1";

(B) in subsection (b)(1)(C), by striking "June 1" each place it appears and inserting "July 1" and

(C) in subsection (c)—

(i) in paragraph (1)(B)(ii), by striking "June 1" and inserting "July 1";

(ii) in paragraph (2), by striking "March 1" and inserting "April 1"; and

(iii) in paragraph (3), by striking "May 1" each place it appears and inserting "June 1".

(17) Section 2105(c) of the Trade Act of 2002 is amended by striking "aand" and inserting "and".

(18) Section 2113 of the Trade Act of 2002 is amended—

(A) in the first paragraph designated "(2)", by striking "101(d)(12)" and "3511(d)(12)" and inserting "101(d)(13)" and "3511(d)(13)", respectively; and

(B) in the second paragraph designated "(2)"—

(i) by redesignating such paragraph as paragraph (3); and

(ii) by striking "101(d)(13)" and "3511(d)(13)" and inserting "101(d)(12)" and "3511(d)(12)", respectively.

(19) Section 4101(b)(1) of the Trade Act of 2002 is amended—

(A) in the matter preceding subparagraph (A), by striking "entry—" and inserting "entry of any article—"; and

(B) in subparagraph (A), by striking "of any article".

(20) U.S. Note 15 to subchapter II of chapter 99 is amended by striking the comma after "9902.51.11".

(21) U.S. Note 16 to subchapter II of chapter 99 is amended by striking the comma after "9902.51.12".

(22) Section 343(a)(3)(L) of the Trade Act of 2002 is amended by striking "60" and inserting "15".

(23) Section 141(b) of the Trade Act of 2002 is amended by striking "title" and inserting "subtitle".

(24) Section 13031(b)(9) of the Consolidated Omnibus Budget Reconciliation Act (19 U.S.C. 58c(b)(9)) is amended—

(A) in subparagraph (A), by moving the margins for clause (ii) 4 ems to the left; and

(B) by moving the margins for subparagraph (B) 4 ems to the left.

(b) Apparel Articles Under African Growth and Opportunity Act.—(1) Section 112(b)(1) of the African Growth and Opportunity Act (19 U.S.C. 3721(b)(1)) is amended by striking "(including" and inserting "or both (including".

(2) Section 112(b)(3) of the African Growth and Opportunity Act (19 United States Code 3721(b)(3)) is amended in the matter preceding subparagraph (A), by striking "subject to the following:" and inserting "whether or not the apparel articles are also made from any of the fabrics, fabric components formed, or components knit-to-shape described in paragraph (1) or (2) (unless the apparel articles are made exclusively from any of the fabrics, fabric components formed, or components knit-to-shape described in paragraph (1) or (2)), subject to the following:"

(3) Section 112(b)(5)(A) of the African Growth and Opportunity Act (19 U.S.C. 3721(b)(5)(A)) is amended to read as follows:

"(A) In general.—Apparel articles that are both cut (or knit-to-shape) and sewn or otherwise assembled in one or more beneficiary sub-Saharan African countries, to the extent that apparel articles of such fabrics or yarns would be eligible for preferential treatment, without regard to the source of the fabrics or yarns, under Annex 401 to the NAFTA."

(c) Apparel Articles Under Caribbean Basin Economic Recovery Act.—(1) Section 213(b)(2)(A) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)(2)(A)) is amended—

(A) in clause (i), by striking "(including" and inserting "or both (including"; and

(B) in clause (v), by striking ", from fabrics or yarn that is not formed in the United States or in one or more CBTPA beneficiary countries".

(2) Section 3107(a)(1)(B) of the Trade Act of 2002 is amended by striking "(B) by adding at the end the following:" and inserting "(B) by amending the last two sentences to read as follows:".

(d) Tariff Act of 1930.—Section 505(a) of the Tariff Act of 1930 is amended—

(1) in the first sentence—

(A) by inserting "referred to in this subsection" after "periodic payment"; and

(B) by striking "10 working days" and inserting "12 working days"; and

(2) in the second sentence, by striking "a participating" and all that follows through the end of the sentence and inserting the following: "the Secretary shall promulgate regulations permitting a participating importer of record, or the importer's filer, to deposit estimated duties and fees for entries of merchandise, other than merchandise entered for warehouse, transportation, or under bond, no later than the 15th day of the month following the month in which the merchandise is entered or released.".

(e) Additional Technical Amendments.—(1) The second and third U.S. Notes 6 to subchapter XVII of chapter 98 (as added by sections 1433(b) and 1456(b) of the Tariff Suspension and Trade Act of 2000, respectively) are redesignated as U.S. Notes 7 and 8 to subchapter XVII of chapter 98, respectively.

(2) U.S. Notes 4 and 12 to subchapter II of chapter 99 are hereby repealed.

SEC. 2006. TECHNICAL AMENDMENTS CONCERNING THE TRANSMITTAL OF CERTAIN INFORMATION TO THE CUSTOMS SERVICE.

(a) Tariff Act of 1930.—Section 431A(d) of the Tariff Act of 1930, as added by section 343(b) of the Trade Act of 2002 (Public Law 107-210), is amended to read as follows:

"(d) Reporting of Undocumented Cargo.—

"(1) In general.—A vessel carrier shall notify the Customs Service of any cargo tendered to such carrier that is not properly documented pursuant to this section and that has remained in the marine terminal for more than 48 hours after being delivered to the marine terminal, and the location of the cargo in the marine terminal.

"(2) Sharing arrangements.—For vessel carriers that are members of vessel sharing agreements (or any other arrangement whereby a carrier moves cargo on another carrier's vessel), the vessel carrier accepting the booking shall be responsible for reporting undocumented cargo, without regard to whether it operates the vessel on which the transportation is to be made.

"(3) Reassignment to another vessel.—For purposes of this subsection and subsection (f), if merchandise has been tendered to a marine terminal operator and subsequently reassigned for carriage on another vessel, the merchandise shall be considered properly documented if the information provided reflects carriage on the previously assigned vessel and otherwise meets the requirements of subsection (b). Notwithstanding the preceding sentence, it shall be the responsibility of the vessel carrier to notify the Customs Service promptly of any reassignment of merchandise for carriage on a vessel other than the vessel on which the merchandise was originally assigned.

"(4) Multiple containers.—If a single shipment is comprised of multiple containers, the 48-hour period described in paragraph (1) shall begin to run from the time the last container of the shipment is delivered to the marine terminal operator. It shall be the responsibility of the person tendering the cargo to inform the carrier that the shipment consists of multiple containers that will be delivered to the marine terminal operator at different times as part of a single shipment.''.

(b) MANDATORY ADVANCED ELECTRONIC INFORMATION.—Section 343(a) of the Trade Act of 2002 (Public Law 107–210) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—

''(A) Subject to paragraphs (2) and (3), the Secretary is authorized to promulgate regulations providing for the transmission to the Customs Service, through an electronic data interchange system, of information pertaining to cargo to be brought into the United States or to be sent from the United States, prior to the arrival or departure of the cargo.

''(B) The Secretary shall endeavor to promulgate an initial set of regulations under subparagraph (A) not later than October 1, 2003.''.

(2) by striking paragraph (2) and inserting the following:

''(2) INFORMATION REQUIRED.—The cargo information required by the regulations promulgated pursuant to paragraph (1) under the parameters set forth in paragraph (3) shall be such information on cargo as the Secretary determines to be reasonably necessary to ensure cargo safety and security pursuant to those laws enforced and administered by the Customs Service. The Secretary shall provide to appropriate Federal departments and agencies cargo information obtained pursuant to paragraph (1).''; and

(3) in paragraph (3)—

(A) by striking ''aviation, maritime, and surface transportation safety and security'' in subparagraphs (F), (H), and (L)(ii) and inserting ''cargo safety and security'';

(B) in subparagraph (F)—

(i) by inserting ''merchandise'' after ''determining'';

(ii) by inserting ''and preventing smuggling'' after ''security''; and

(iii) by adding at the end the following: ''Notwithstanding the preceding sentence, nothing in this section shall be treated as amending, repealing, or otherwise modifying title IV of the Tariff Act of 1930 or regulations promulgated thereunder.'';

(C) in subparagraph (G)—

(i) in the first sentence—

(I) by inserting ''cargo'' after ''confidential''; and

(II) by inserting after ''Customs Service'', the following: ''pursuant to such regulations, except for the manifest information collected pursuant to section 431 of the Tariff Act of 1930 and required to be available for public disclosure pursuant to section 431(c) of such Act.''; and

(ii) by striking the second sentence; and

(D) in subparagraph (L)—

(i) in the matter preceding clause (i)—

(I) by striking ''60'' and inserting ''15''; and

(II) by striking ''promulgation of regulations'' and inserting ''publication of a final rule pursuant to this section'';

(ii) by striking ''and'' at the end of clause (iii);

(iii) by striking the period and inserting ''; and'' at the end of clause (iv); and

(iv) by inserting at the end the following:

''(v) if the Secretary determines to amend the proposed regulations after they have been transmitted to the Committees pursuant to this subparagraph, the Secretary shall transmit the amended regulations to such Committees no later than 5 days prior to the publication of the final rule.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. THOMAS) and the gentleman from Michigan (Mr. LEVIN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the so-called Miscellaneous Trade and Technical Corrections Act is something that is done virtually every Congress, frankly because there are a lot of technical corrections that need to be made in the area of tariffs and duties. Oftentimes, decisions that are made that in fact were in error need to be corrected, a misunderstanding has taken place, a company can more efficiently produce goods if there are decisions and changes made, and that normally is the function of the miscellaneous trade bill.

To that end, there tend to be requirements to be eligible to be placed on this bill, and that is certain dollar limits, so that significant and expensive items would not be moved under this heading and, probably most importantly, that any measure that is placed in this package is noncontroversial. Sometimes when we examine that, it is in the eye of the beholder; but most often there is an objective way to determine ''noncontroversial''.

The reason this bill is being amended is because principally the delay in moving this bill forward was to wait to determine what specific measures from the other body might be reasonably added to this bill, given the time remaining, the possibility of the other body taking this from the desk and voting on it without intervening action or committee decisions.

I do need to note, though, that there are two specific provisions on this measure that, had I not said that no measure can go on this bill if it is not noncontroversial, perhaps would have raised some eyebrows. One is a qualifying industrial zone provision for Turkey, and the other is providing a better instrument for the President to determine whether normal trade relations would be resumed with Yugoslavia.

I believe, and I believe the gentleman from Michigan (Mr. LEVIN) will confirm, that, notwithstanding the potential difficulties with these two provisions in the bill, that there has been extensive consultation and adjustment of language to present two very useful, in fact I might say needed, provisions to provide the administration with the ability to make decisions in these areas, and that they are in fact noncontroversial, and my assumption is that attestations to that effect will be made.

Mr. Speaker, I am pleased to call up H.R. 5385, The Miscellaneous Trade and Technical Corrections Act of 2002, which is a compendium of trade provisions drawn largely from legislation introduced by individual Members during this Congress. This bill has more than 350 such provisions and enjoys broad bipartisan support.

The bill contains provisions involving the temporary suspension of duties on narrowly defined products, miscellaneous trade-related items, and technical corrections to the Trade and Development Act of 2002.

There are several miscellaneous trade provisions in this bill that are noteworthy. The bill would provide trade benefits to Turkey and to exporters of rugs under the Generalized System of Preferences. On the Turkey provision, I am aware of concerns expressed by businesses and farm groups regarding potential competition from Turkey as a result of extending the Qualifying Industrial Zone (QIZ) law to cover zones in Turkey and Israel. I believe that there are sufficient protections within the legislation and the QIZ process to allay these concerns. First, the bill does not automatically grant duty-free status to any product. The bill does not list any farm or other goods on which US duties will be removed by law. Second, qualifying for duty-free treatment under the bill would require at least 35 percent of the product's value to be derived from a combination of operations performed in both Turkey and Israel. Mere repackaging or similar de minimis operations in one of the countries will not automatically qualify a product of the other nation to enter the US duty-free. Third, the law clearly states that the President may not extend duty-free treatment to products he determines to be import-sensitive. I anticipate that the President will solicit comments and exercise the same care in awarding duty free treatment in the Turkey QIZ program as he has done in the Generalized System of Preferences (GSP) program, which contains a similar criterion. Finally, the QIZ program is not intended or designed to override US health and safety statutes, including sanitary and phytosanitary laws and regulations.

In addition, the bill would make technical and clarifying corrections to provide benefits for Caribbean and sub-Saharan African countries. The preferential trade benefits for these countries would support U.S. trade policy to improve trade networks and opportunities for American firms while helping key American allies in the fight against terrorism and illegal drug traffic. Finally, the bill would provide Normal Trade Relations status to Yugoslavia, which was revoked in 1992.

The provisions included in this bill are noncontroversial but that does not mean they are unimportant. Most of the products in the duty suspension provisions are those that American firms uses as supplies or components of the products they manufacture. The purpose of this bill is to eliminate the burden that American firms have when buying these products, so they can in turn lower their cost of production and thereby the cost to the consumer. In many instances, these provisions will give our companies and their employees a fighting chance to compete.

This bill traditionally follows the same rules in every Congress. The provisions have been thoroughly vetted and have no opposition. Both the Department of Commerce and International Trade Commission investigated the bills and contacted domestic industries. With the exception of a few of the miscellaneous provisions that have wide applicability, each provision has a de minimis cost under $500,000. Lastly, the Administration confirms that all of the bills can be administered.

I strongly urge my colleagues to support this bill and to provide this assistance to American companies.

Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this bill. As the chairman has indicated, it has received some considerable attention. There are many provisions in here that clearly would meet under any circumstances the criterion of "technical" or the criterion of "miscellaneous" or the criterion of having small impact in terms of dollars. So I will not go into length about the various provisions of this nature, except to mention the reverse Customs program at the northern border.

The gentleman from Michigan (Mr. CAMP), Senator LEVIN, myself, and others in the Michigan delegation have worked very hard on this, and it is clearly noncontroversial. I do not think that means it is nonsubstantial, because it potentially could have a major impact.

In terms of technical corrections, I understand the Senate is considering some potential truly technical corrections to the health care credits in the TAA that was passed, and we will have to see what happens. Clearly, the miscellaneous provisions regarding import duties have the potential of helping to improve the competitiveness of domestic manufacturers and also to assist consumers. These provisions apply to duties where there are no competitors to American producers, so I think it clearly would meet the standard or the criterion of being technical and noncontroversial.

The chairman mentioned some other items; one, the Turkey QIZ. I want to spend just a couple of minutes on this, because in a sense its impact would be, I think, de minimis, but it does raise some broader issues that we need to pay attention to, or which will be needed to be addressed in the future.

One was, I think, referred to or inferred about by the chairman. That relates to Turkey's relationship or its inappropriate relationship with Armenia. We had long discussions about that. I believe we have addressed it as effectively as we can under these circumstances.

As we know, there is presently an economic blockade of Armenia by Turkey. That has had some major impacts on Armenia, and we were very concerned about this. The administration has now made clear its efforts to take steps to end the blockade of Armenia by Turkey, to strengthen the Armenian economy, and to otherwise improve the relationship between our two countries.

Mr. THOMAS. Mr. Speaker, will the gentleman yield?

Mr. LEVIN. I yield to the gentleman from California.

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding.

The gentleman is correct, and I did not mention that because there is no measure in the bill that addresses that. But, clearly, part of the discussion was the production of a letter from the administration specifically containing the substance the gentleman mentioned.

I thank the gentleman for allowing me to intervene. I just wanted to indicate that I support wholly the content of the letter, and the fact that we are moving forward on this should in no way signify that the problems that are presently there are not being looked at and hopefully addressed in a comprehensive and bipartisan way.

Mr. LEVIN. I thank the gentleman.

I think, therefore, Mr. Speaker, both of us are making it clear that we expect the administration to follow through on the commitments and on the indications that are in this letter. It is a very serious matter, indeed.

Also, I wanted to mention, regarding the QIZ program, another aspect. That is, the lack of conditions within it. The QIZ is unlikely to have a major economic impact. It does also, though, involve relations between Israel and Turkey. Those are important ones.

So we are not talking, and I hope everyone understands this, about a likely major instrumentality in terms of trade in the near future. Because of our important strategic relationship with Turkey, on balance it made sense to let this proceed and allow the implementation of a QIZ program. However, I am very hopeful if that occurs and as it occurs that our government will pay attention to the issue of criteria.

In the GSP statute, we have criteria. Here we do not, for example, as to protection of U.S. investors, as to protection of intellectual property, as to core labor standards, as to environmental issues. If the QIZ were going to become a significant factor in our relationship economically, it would be important for our government to work on this and to make sure that criteria, and appropriate ones, were incorporated in any further understanding with the Turkish government.

The same applies potentially to steel. It is unlikely that the QIZ, this qualified industrial zone provision, would apply to steel, but I think there is a concern that it might, and our government needs to be sensitive to it. So, on balance, I think it is wise for this to proceed with the caveats that I have outlined.

Secondly, let me just make a brief reference to Yugoslavia that the chairman has discussed.

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The gentleman from Maryland (Mr. CARDIN) had an amendment, and there now has been, I think, fruitful further discussion with the administration; and it has been withdrawn from this bill because of the assurances that have come from the administration to the proponents. I think these are important assurances. We need to make sure as Yugoslavia proceeds economically, as Yugoslavia obtains again normal trade relations, that it follows through on what has become so essential in our relationship, and that is the pursuit of the war crimes tribunal proceedings.

So with that I will conclude my remarks. I hope that we will pass this with the understandings that I have outlined.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. CRANE), the chairman of the Subcommittee on Trade.

Mr. CRANE. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, I rise in strong support of H.R. 5385, the Miscellaneous Trade and Technical Corrections Act of 2002. Every 2 years, Congress takes up this legislation that includes hundreds of trade provisions. Needless to say, this is an enormous task. However, this undertaking results in a set of consistent guidelines for addressing miscellaneous trade proposals. The duty suspensions have been publicly vetted, cost less than $500,000 a piece, and are administrable. This legislation does three very important things: one, it enables U.S. companies to more efficiently produce goods which allows them to be more competitive and function more cost efficiently. Two, it helps create jobs for American workers; and, three, it reduces costs for U.S. consumers.

For example, one bill in our package would benefit businesses such as one in Evanston, Wyoming, called Carbon Fiber Technology that employs 46 people and manufactures acrylic fiber used in the production of carbon fiber. Carbon fiber is used in many graphite products including the shafts of golf clubs. Since 1999, finished carbon fiber has entered the U.S. duty-free while Carbon Fiber Technology has been paying a duty rate of 8 percent on the acrylic precursor used to make its carbon fiber.

It makes no sense for an American company to pay duty on foreign inputs that go into products that compete with foreign products that enter duty-free. The current structure penalizes that American company for no reason. Suspending this duty will allow Carbon Fiber Technology to remain competitive and win back business from overseas competitors.

There is another provision dealing with GSP benefits for certain handmade rugs. The bill extends GSP benefits for certain handmade rugs from GSP beneficiary countries. The primary beneficiary is Pakistan. Other countries that would benefit from the bill include Turkey, Nepal, Egypt, and Morocco. The bill would significantly increase Pakistan's benefits under GSP and provide a much-needed benefit to an important ally in the war on terrorism.

In addition to the various duty suspensions, the bill contains a key provision to create a qualified industrial zone for certain products coming from Turkey. Turkey has been a key ally to the United States in the war on terrorism. These provisions will stimulate economic development in Turkey and continue to show the rest of the world that those who stand with us in this struggle will be rewarded.

Finally, Mr. Speaker, I want to thank my staff who worked tirelessly for several months in producing this bill. They are Angela Ellard, Meredith Broadbent, David Kavanaugh, Stephanie Lester, and our Fellow, Michael Walsh.

Mr. Speaker, I strongly urge my colleagues to vote "aye" on this bill.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my colleague. And the case study he cited is a perfect example of why we have a miscellaneous trade and tariff bill dealing with these peculiarities in multiple products we have.

Mr. Speaker, I would place in the RECORD the letter that has been discussed viz a viz the administration's understanding on the Turkey-Armenia border issue.

THE DEPUTY SECRETARY OF STATE,
Wasington, DC.

HON. WILLIAM M. THOMAS,
Chairman, Committee on Ways and Means, House of Representatives.

DEAR MR. CHAIRMAN: Our staffs recently discussed the Turkey-Armenia border issue. To follow-up on the questions raised in those discussions, I want to let you know our views.

The Administration is pressing Turkey to restore economic, political and cultural links with Armenia, and is encouraging Turkey to open its border with Armenia. We believe that such action would promote the economic development of both Turkey and Armenia. We are aware of the economic impact that this border closure has on Armenia. The Department of State, in coordination with the U.S. Trade Représentative, will provide to Congress by March 31, 2003, a report on the economic impact of the border closure on Armenia and Turkey, and on diplomatic contacts with both parties on this issue.

In addition, as you know, the United States has largely completed its negotiations with Armenia with respect to accession talks with the World Trade Organization (WTO) and is now prepared to make Armenia's accession to the WTO an Administration priority. To that end, we are working with other WTO members to complete, by the end of this year, negotiations with Armenia for its accession to the WTO.

We look forward to working with you on these important issues.

Sincerely,

RICHARD L. ARMITAGE.

Mr. LINDER. Mr. Speaker, I rise today in support of this bill, which makes a number of desirable changes to the duty rates on certain imported goods and makes technical corrections to the Trade and Development Act of 2002. I appreciate the diligent efforts of Subcommittee Chairman CRANE and other members of the Trade Subcommittee in bringing this important bill to the floor.

H.R. 5385, the "Miscellaneous Trade and Technical Corrections Act of 2002," includes some important measures that I introduced as freestanding bills to help manufacturing businesses in Georgia's 11th District remain competitive and save jobs. Passage of this bill will protect jobs in Georgia and across the nation, in addition to promoting the U.S. economy.

In particular, certain provisions of H.R. 5385 will eliminate the tariffs on high tenacity rayon filament yarn, which is imported for use in tires and industrial hoses. Although this industrial yarn is not produced domestically, it currently faces high tariffs. The elimination of this unnecessary tariff will promote lower-cost goods and protect jobs across the United States.

Another noteworthy provision of H.R. 5285 will correct a premature liquidation by the U.S. Customs Service on the importation of aramid fibers. This error resulted in the assessment of costly antidumping duties on aramid fibers imported for use in ballistics, tires, friction, mechanical rubber goods, and optical fiber cables. I am pleased that this fair measure has also been included in H.R. 5385.

In closing, this comprehensive bill will help American businesses to stay competitive with foreign companies, thereby providing lower-cost goods to American consumers, protecting jobs for American workers, and, ultimately, making the American economy more prosperous. I urge all of my colleagues on both sides of the aisle to join me in supporting this bill.

Mr. BLUMENAUER. Mr. Speaker, H.R. 5383, debated and passed today, includes language that allows two streetcars manufactured in the Czech Republic to enter the United States duty free. These streetcars are additions to the recently opened and highly successful Portland, Oregon streetcar line. I would to take this opportunity to thank the Ways and Means Committee Members and staff for working with me to solve a problem that would have led to unnecessary tariffs on these two streetcars. The work that they have done is important not only for Portland as it addresses its transportation needs, but hopefully can be developed as a model that can help other cities as they attempt to offer their regions greater transportation choices.

This past weekend, as a participant in the 2002 Rail-Volution conference held in Washington, D.C., I heard from local officials, land-use planners, transit employees, citizen advocates, and developers from more than 200 communities nationwide that are working to address transportation needs and options. Creating a trade import model that helps communities explore transportation alternatives that improve the livability of our cities is a worth endeavor of Congress.

Mr. MANZULLO. Mr. Speaker, I rise in support of H.R. 5385, the Miscellaneous Trade and Technical Corrections Act of 2002. I am pleased that two of the provisions in this legislation will help enhance the competitiveness of a constituent company in the northern Illinois district I am proud to represent.

Of these two provisions, one would suspend the duty on certain types of magnets used in automotive sensor applications. Although no one in the United States presently manufactures the same magnets, this provision had been objected to in its earlier form when H.R. 5385 was considered in the Committee on Ways and Means in September.

The objection was based on the concerns of a handful of constituent firms located in the districts of my colleagues, Representatives TED STRICKLAND and BOB NEY. Specifically, these firms, who manufacture other types of magnets domestically, were concerned that the earlier language did not clearly enough specify the types of magnets to which the suspension of duty would apply. Understandably, these companies just wanted to be sure that my legislation was going to extend benefits only to those magnets intended to be covered and not to imported versions of the types of magnets that these firms produce in the United States.

Because my objective in introducing duty suspension legislation was to help, not inadvertently hurt, U.S. industry, I instructed my staff to work closely with staff from the offices of Representatives STRICKLAND and NEY to try to find a mutually acceptable compromise. Based on these efforts between our respective offices and our constituents, and with strong and critical support from Ways and Means Committee Staff Dave Kavanaugh, Michael Walsh and Viji Rangaswami, as well as representatives of the Bush Administration, we were able to find just such a compromise. This mutally acceptable language is now included in H.R. 5383 as it appears before the full House today.

I thank all those associated with tirelessly working out the compromise provision. I also thank Chairman THOMAS and Representatives RANGEL, CRANE and LEVIN for their leadership in moving legislation that has so measurable an impact back in our home districts, especially during such uncertain economic times.

THE DEPUTY SECRETARY OF STATE,
Washington, DC.

HON. JOE KNOLLENBERG,
House of Representatives.

DEAR MR. KNOLLENBERG: Our staffs have recently discussed the Turkey-Armenia border issue. To follow-up on the questions raised in those discussions, I want to let you know our views.

The Administration is pressing Turkey to restore economic, political and cultural links with Armenia, and is encouraging Turkey to open its border with Armenia. We believe that such action would promote the economic development of both Turkey and Armenia. We are aware of the economic impact that this border closure has on Armenia. The Department of State, in coordination with the U.S. Trade Representative, will provide to Congress by March 31, 2003, a report on the economic impact of the border closure on Armenia and Turkey, and on diplomatic contacts with both parties on this issue.

In addition, as you know, the United States has largely completed its negotiations with Armenia with respect to accession talks with the World Trade Organization (WTO) and is now prepared to make Armenia's accession to the WTO an Administration priority. To that end, we are working with other WTO members to complete, by the end of this year, negotiations with Armenia for its accession to the WTO.

We look forward to working with you on these important issues.

Sincerely,

RICHARD L. ARMITAGE.

Mr. KNOLLENBERG. Mr. Speaker, I rise in support of this legislation, but I want to use my time to address one item in the bill, the Turkey Qualifying Industrial Zone provision.

I, along with the gentleman from New Jersey, Mr. PALLONE, serve as Co-Chairs of the Congressional Caucus on Armenian Issues. We had grave concerns about adding this provision to the bill given Turkey's continuing illegal blockade of Armenia in solidarity with Azerbaijan.

In order to achieve the stated U.S. policy goals of regional cooperation and economic integration in the Caucasus region, Turkey must restore economic, political and cultural links with Armenia as President Bush called for in his April 24, 2002 statement. It is in the national interest of the United States for Turkey to normalize relations with Armenia and open its border.

I have discussed this issue at great length with the White House, State Department and USTR. I feel that many of our concerns on this point have been addressed and that there appears to be a willingness on the part of the Administration to devote increased energy to lifting the blockade and helping to offset its impact on Armenia.

I am going to submit for the record a letter sent to me by Deputy Secretary of State Richard Armitage explaining these commitments. An identical letter was sent to Congressman PALLONE.

I feel that this is an important step forward and I await with interest the report on the economic impact of the blockade. I will, of course, carefully monitor the commitments in this letter and will continue working through every legislative means at our disposal to make progress toward bringing an end to Turkey's blockade of Armenia.

While we have many outstanding issues to resolve, I feel that the Turkey trade provision included in H.R. 5385 is not, in and of itself, sufficient reason to vote against this legislation. I urge Members not to oppose this bill because of this issue.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of H.R. 5385, the Miscellaneous Trade and Technical Corrections Act and urge my colleagues to support its adoption.

H.R. 5385 includes two bills I introduced earlier this year, H.R. 3395 and H.R. 4179, to bolster the economy of my district, the U.S. Virgin Islands, especially the island of St. Croix.

Mr. Speaker, I introduced H.R. 3395 to fix an anomaly in existing law which permits duty rebates on products imported into the United States and then shipped to foreign countries, but which does not allow for such drawback for products imported into the United States and then shipped to our insular areas. This form of "Catch-22" exists because under the current legal interpretation, U.S. insular areas are outside the Customs territory of the United States, but at the same time are not deemed to be foreign countries. This means that companies that want to import goods to the United States for subsequent distribution in the Virgin Islands for example, are unable to receive a rebate of the duty paid, even though the goods ultimately are not sold within the United States customs territory. This actually hurts employment in the United States and has a negative impact on the ability of merchandise to move in and out of our insular areas.

My second bill. H.R. 4179, make a series of technical and/or non-controversial adjustments to the Production Incentive Certificate ("PIC") program for watch and jewelry produced in the U.S. insular areas. In the near term, this legislation improves the operation of the PIC program for both watch and jewelry manufactures in the U.S. Virgin Islands—producers that provide a critical source of employment for the Territory. Over the longer term, this legislation would protect the PIC program and related duty incentives from the effects of any future reduction or elimination of watch tariffs.

Mr. Speaker, even though a company recently announced the closure of its facility on St. Croix and consolidate their operations in Switzerland where they are headquartered, the watch industry remains the largest light manufacturing industry in the U.S. Virgin Islands and remains one of the most important direct and indirect sources of private sector employment in the Territory.

The insular watch production industry is also highly import-sensitive and faces continued threats from multinational watch producers, who have continued to move their watch production to lower wage countries.

The various technical adjustments set forth in this legislation would enhance the ability of insular watch and jewelry producers to utilize the PIC program while, at the same time, retaining overall PIC program unit and dollar value limits. Additionally, the legislation would establish a standby mechanism to mitigate the impact of any possible future reduction or elimination of watch duties on a worldwide basis through trade negotiations and congressional action. This mechanism—which has broad support among the insular and domestic watch manufacturing and distribution sectors—would ensure that any future reduction in watch duties does not disturb the relative value of current duty incentives and PIC program benefits for the insular watch industry. Importantly, this standby mechanism would have no effect on current watch duties or PIC program limits.

In conclusion, I want to thank my cosponsors of H.R. 5179, the gentlelady from Connecticut, Representative NANCY JOHNSON and the gentleman from New York, Representative MIKE MCNULTY for their strong support. I also want to express my gratitude to the Chairman of the Ways and Means Committee, BILL THOMAS and the Ranking Democrat CHARLES RANGEL for their decision to include both of my bills in the Miscellaneous Trade bill today.

Mr. LEVIN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. THOMAS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the bill, H.R. 5385, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5385.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

SUDAN PEACE ACT

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5531) to facilitate famine relief efforts and a comprehensive solution to the war in Sudan, as amended.

The Clerk read as follows:

H.R. 5531

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sudan Peace Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The Government of Sudan has intensified its prosecution of the war against areas outside of its control, which has already cost more than 2,000,000 lives and has displaced more than 4,000,000 people.

(2) A viable, comprehensive, and internationally sponsored peace process, protected from manipulation, presents the best chance for a permanent resolution of the war, protection of human rights, and a self-sustaining Sudan.

(3) Continued strengthening and reform of humanitarian relief operations in Sudan is an essential element in the effort to bring an end to the war.

(4) Continued leadership by the United States is critical.

(5) Regardless of the future political status of the areas of Sudan outside of the control of the Government of Sudan, the absence of credible civil authority and institutions is a major impediment to achieving self-sustenance by the Sudanese people and to meaningful progress toward a viable peace process. It is critical that credible civil authority and institutions play an important role in the reconstruction of post-war Sudan.

(6) Through the manipulation of traditional rivalries among peoples in areas outside of its full control, the Government of Sudan has used divide-and-conquer techniques effectively to subjugate its population. However, internationally sponsored reconciliation efforts have played a critical role in reducing human suffering and the effectiveness of this tactic.

(7) The Government of Sudan utilizes and organizes militias, Popular Defense Forces, and other irregular units for raiding and enslaving parties in areas outside of the control of the Government of Sudan in an effort

to disrupt severely the ability of the populations in those areas to sustain themselves. The tactic helps minimize the Government of Sudan's accountability internationally.

(8) The Government of Sudan has repeatedly stated that it intends to use the expected proceeds from future oil sales to increase the tempo and lethality of the war against the areas outside of its control.

(9) By regularly banning air transport relief flights by the United Nations relief operation OLS, the Government of Sudan has been able to manipulate the receipt of food aid by the Sudanese people from the United States and other donor countries as a devastating weapon of war in the ongoing effort by the Government of Sudan to starve targeted groups and subdue areas of Sudan outside of the Government's control.

(10) The acts of the Government of Sudan, including the acts described in this section, constitute genocide as defined by the Convention on the Prevention and Punishment of the Crime of Genocide (78 U.N.T.S. 277).

(11) The efforts of the United States and other donors in delivering relief and assistance through means outside of OLS have played a critical role in addressing the deficiencies in OLS and offset the Government of Sudan's manipulation of food donations to advantage in the civil war in Sudan.

(12) While the immediate needs of selected areas in Sudan facing starvation have been addressed in the near term, the population in areas of Sudan outside of the control of the Government of Sudan are still in danger of extreme disruption of their ability to sustain themselves.

(13) The Nuba Mountains and many areas in Bahr al Ghazal and the Upper Nile and the Blue Nile regions have been excluded completely from relief distribution by OLS, consequently placing their populations at increased risk of famine.

(14) At a cost which has sometimes exceeded $1,000,000 per day, and with a primary focus on providing only for the immediate food needs of the recipients, the current international relief operations are neither sustainable nor desirable in the long term.

(15) The ability of populations to defend themselves against attack in areas outside of the control of the Government of Sudan has been severely compromised by the disengagement of the front-line states of Ethiopia, Eritrea, and Uganda, fostering the belief among officials of the Government of Sudan that success on the battlefield can be achieved.

(16) The United States should use all means of pressure available to facilitate a comprehensive solution to the war in Sudan, including—

(A) the multilateralization of economic and diplomatic tools to compel the Government of Sudan to enter into a good faith peace process;

(B) the support or creation of viable democratic civil authority and institutions in areas of Sudan outside of government control;

(C) continued active support of people-to-people reconciliation mechanisms and efforts in areas outside of government control;

(D) the strengthening of the mechanisms to provide humanitarian relief to those areas; and

(E) cooperation among the trading partners of the United States and within multilateral institutions toward those ends.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) GOVERNMENT OF SUDAN.—The term "Government of Sudan" means the National Islamic Front government in Khartoum, Sudan.

(3) OLS.—The term "OLS" means the United Nations relief operation carried out by UNICEF, the World Food Program, and participating relief organizations known as "Operation Lifeline Sudan".

SEC. 4. CONDEMNATION OF SLAVERY, OTHER HUMAN RIGHTS ABUSES, AND TACTICS OF THE GOVERNMENT OF SUDAN.

The Congress hereby—

(1) condemns—

(A) violations of human rights on all sides of the conflict in Sudan;

(B) the Government of Sudan's overall human rights record, with regard to both the prosecution of the war and the denial of basic human and political rights to all Sudanese;

(C) the ongoing slave trade in Sudan and the role of the Government of Sudan in abetting and tolerating the practice;

(D) the Government of Sudan's use and organization of "murahalliin" or "mujahadeen", Popular Defense Forces, and regular Sudanese Army units into organized and coordinated raiding and slaving parties in Bahr al Ghazal, the Nuba Mountains, and the Upper Nile and the Blue Nile regions; and

(E) aerial bombardment of civilian targets that is sponsored by the Government of Sudan; and

(2) recognizes that, along with selective bans on air transport relief flights by the Government of Sudan, the use of raiding and slaving parties is a tool for creating food shortages and is used as a systematic means to destroy the societies, culture, and economies of the Dinka, Nuer, and Nuba peoples in a policy of low-intensity ethnic cleansing.

SEC. 5. ASSISTANCE FOR PEACE AND DEMOCRATIC GOVERNANCE.

(a) ASSISTANCE TO SUDAN.—The President is authorized to provide increased assistance to the areas of Sudan that are not controlled by the Government of Sudan to prepare the population for peace and democratic governance, including support for civil administration, communications infrastructure, education, health, and agriculture.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the President to carry out the activities described in subsection (a) of this section $100,000,000 for each of the fiscal years 2003, 2004, and 2005.

(2) AVAILABILITY.— Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) of this subsection are authorized to remain available until expended.

SEC. 6. SUPPORT FOR AN INTERNATIONALLY SANCTIONED PEACE PROCESS.

(a) FINDINGS.—Congress hereby—

(1) recognizes that—

(A) a single, viable internationally and regionally sanctioned peace process holds the greatest opportunity to promote a negotiated, peaceful settlement to the war in Sudan; and

(B) resolution to the conflict in Sudan is best made through a peace process based on the Declaration of Principles reached in Nairobi, Kenya, on July 20, 1994, and on the Machakos Protocol in July 2002; and

(2) commends the efforts of Special Presidential Envoy, Senator Danforth and his team in working to assist the parties to the conflict in Sudan in finding a just, permanent peace to the conflict in Sudan.

(b) MEASURES OF CERTAIN CONDITIONS NOT MET.—

(1) PRESIDENTIAL DETERMINATION.—

(A) The President shall make a determination and certify in writing to the appropriate congressional committees within 6 months after the date of enactment of this Act, and each 6 months thereafter, that the Government of Sudan and the Sudan People's Liberation Movement are negotiating in good faith and that negotiations should continue.

(B) If, under subparagraph (A) the President determines and certifies in writing to the appropriate congressional committees that the Government of Sudan has not engaged in good faith negotiations to achieve a permanent, just, and equitable peace agreement, or has unreasonably interfered with humanitarian efforts, then the President, after consultation with the Congress, shall implement the measures set forth in paragraph (2).

(C) If, under paragraph (A) the President determines and certifies in writing to the appropriate congressional committees that the Sudan People's Liberation Movement has not engaged in good faith negotiations to achieve a permanent, just, and equitable peace agreement, then paragraph (2) shall not apply to the Government of Sudan.

(D) If the President certifies to the appropriate congressional committees that the Government of Sudan is not in compliance with the terms of a permanent peace agreement between the Government of Sudan and the Sudan People's Liberation Movement, then the President, after consultation with the Congress, shall implement the measures set forth in paragraph (2).

(E) If, at any time after the President has made a certification under subparagraph (B), the President makes a determination and certifies in writing to the appropriate congressional committees that the Government of Sudan has resumed good faith negotiations, or makes a determination and certifies in writing to the appropriate congressional committees that the Government of Sudan is in compliance with a peace agreement, then paragraph (2) shall not apply to the Government of Sudan.

(2) MEASURES IN SUPPORT OF THE PEACE PROCESS.—Subject to the provisions of paragraph (1), the President—

(A) shall, through the Secretary of the Treasury, instruct the United States executive directors to each international financial institution to continue to vote against and actively oppose any extension by the respective institution of any loan, credit, or guarantee to the Government of Sudan;

(B) should consider downgrading or suspending diplomatic relations between the United States and the Government of Sudan;

(C) shall take all necessary and appropriate steps, including through multilateral efforts, to deny the Government of Sudan access to oil revenues to ensure that the Government of Sudan neither directly nor indirectly utilizes any oil revenues to purchase or acquire military equipment or to finance any military activities; and

(D) shall seek a United Nations Security Council Resolution to impose an arms embargo on the Government of Sudan.

(c) REPORT ON THE STATUS OF NEGOTIATIONS.—If, at any time after the President has made a certification under subsection (b)(1)(A), the Government of Sudan discontinues negotiations with the Sudan People's Liberation Movement for a 14-day period, then the President shall submit a quarterly report to the appropriate congressional committees on the status of the peace process until negotiations resume.

(d) REPORT ON UNITED STATES OPPOSITION TO FINANCING BY INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall submit a semiannual report to the appropriate congressional committees describing the steps taken by the United States to oppose the extension of a loan, credit, or guarantee if, after the Secretary of the Treasury gives the instructions described in subsection (b)(2)(A), such financing is extended.

(e) REPORT ON EFFORTS TO DENY OIL REVENUES.—Not later than 45 days after the President takes an action under subsection (b)(2)(C), the President shall submit to the appropriate congressional committees a comprehensive plan for implementing the actions described in such subsection.

(f) DEFINITION.—In this section, the term "international financial institution" means the International Bank for Reconstruction and Development, the International Development Association, the International Monetary Fund, the African Development Bank, and the African Development Fund.

SEC. 7. MULTILATERAL PRESSURE ON COMBATANTS.

It is the sense of Congress that—

(1) the United Nations should help facilitate peace and recovery in Sudan;

(2) the President, acting through the United States Permanent Representative to the United Nations, should seek to end the veto power of the Government of Sudan over the plans by OLS for air transport relief flights and, by doing so, to end the manipulation of the delivery of relief supplies to the advantage of the Government of Sudan on the battlefield; and

(3) the President should take appropriate measures, including the implementation of recommendations of the International Eminent Persons Commission contained in the report issued on May 22, 2002, to end slavery and aerial bombardment of civilians by the Government of Sudan.

SEC. 8. REPORTING REQUIREMENT.

Not later than 6 months after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall prepare and submit to the appropriate congressional committees a report regarding the conflict in Sudan. Such report shall include—

(1) a description of the sources and current status of Sudan's financing and construction of infrastructure and pipelines for oil exploitation, the effects of such financing and construction on the inhabitants of the regions in which the oil fields are located, and the ability of the Government of Sudan to finance the war in Sudan with the proceeds of the oil exploitation;

(2) a description of the extent to which that financing was secured in the United States or with involvement of United States citizens;

(3) the best estimates of the extent of aerial bombardment by the Government of Sudan, including targets, frequency, and best estimates of damage; and

(4) a description of the extent to which humanitarian relief has been obstructed or manipulated by the Government of Sudan or other forces.

SEC. 9. CONTINUED USE OF NON-OLS ORGANIZATIONS FOR RELIEF EFFORTS.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that the President should continue to increase the use of non-OLS agencies in the distribution of relief supplies in southern Sudan.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the President shall submit to the appropriate congressional committees a detailed report describing the progress made toward carrying out subsection (a).

SEC. 10. CONTINGENCY PLAN FOR ANY BAN ON AIR TRANSPORT RELIEF FLIGHTS.

(a) PLAN.—The President shall develop a contingency plan to provide, outside the auspices of the United Nations if necessary, the greatest possible amount of United States Government and privately donated relief to all affected areas in Sudan, including the Nuba Mountains and the Upper Nile and the Blue Nile regions, in the event that the Government of Sudan imposes a total, partial, or incremental ban on OLS air transport relief flights.

(b) REPROGRAMMING AUTHORITY.—Notwithstanding any other provision of law, in carrying out the plan developed under subsection (a), the President may reprogram up to 100 percent of the funds available for support of OLS operations for the purposes of the plan.

SEC. 11. INVESTIGATION OF WAR CRIMES.

(a) IN GENERAL.—The Secretary of State shall collect information about incidents which may constitute crimes against humanity, genocide, war crimes, and other violations of international humanitarian law by all parties to the conflict in Sudan, including slavery, rape, and aerial bombardment of civilian targets.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act and annually thereafter, the Secretary of State shall prepare and submit to the appropriate congressional committees a detailed report on the information that the Secretary of State has collected under subsection (a) and any findings or determinations made by the Secretary on the basis of that information. The report under this subsection may be submitted as part of the report required under section 8.

(c) CONSULTATIONS WITH OTHER DEPARTMENTS.—In preparing the report required by this section, the Secretary of State shall consult and coordinate with all other Government officials who have information necessary to complete the report. Nothing contained in this section shall require the disclosure, on a classified or unclassified basis, of information that would jeopardize sensitive sources and methods or other vital national security interests.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentlewoman from California (Ms. WATSON) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5531.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in very strong support of the Sudan Peace Act, and I want to especially thank the gentleman from Colorado (Mr. TANCREDO) for introducing this very worthwhile legislation.

This bill represents an important cause with strong bipartisan backing. I am particularly grateful to the original cosponsors that include the gentleman from Illinois (Mr. HYDE), the gentleman from California (Mr. ROYCE), the gentleman from New Jersey (Mr. PAYNE), the gentleman from Alabama (Mr. BACHUS), the gentleman from California (Mr. LANTOS), the gentleman from Illinois (Mr. PENCE), the gentlewoman from Florida (Ms. ROS-LEHTINEN), who chairs the Subcommittee on International Operations and Human Rights, the gentlewoman from California (Ms. LEE), the gentleman from Pennsylvania (Mr. FATTAH), the gentleman from Texas (Mr. ARMEY), and I myself am one of co-sponsors as well.

Mr. Speaker, the nation of Sudan is located in the far eastern corner of Africa. The National Islamic Front is the governing power, albeit a brutal dictatorship, in Sudan's capital city of Khartoum.

In November of 2001, President Bush renewed U.S. bilateral sanctions on the government of Sudan. According to the State Department, the Government of Sudan remains a designated state-sponsor of terrorist organizations around the world today. This government is an Islamic extremist government that has dedicated itself and its regime to manifesting a jihad, or holy war, even against its own citizens.

The war struggles in the southern part of that country have touched the hearts of many Americans in a nationwide grassroots effort to raise awareness about the suffering in Sudan. The Human Rights Caucus, the Congressional Black Caucus, the Church Alliance of a New Sudan, the Holocaust Museum's Committee on Conscience, the Commission on International Religious Freedom, and the NAACP are among the countless individuals and organizations across this country who give this cause the profile and attention that it deserves.

Sudan civil war, Mr. Speaker, has been waged in the south for more than 4 decades. More than 2 million people have been killed, men, women, and children, to war-related causes and to famine. Four million people have been forced from their homes into temporary shelters. The conflict is Africa's oldest war, born from such complex causes as religion, ethnicity, national identity, and economic disparity.

Religion is a major factor because of the Islamic fundamentalist regimes and agenda of the current government, dominated by mostly Muslims from the Arab north. The National Islamic Fronts Government's practice of holy war is reflected in attacks on civilians in the south. Southerners who are Christian and animist reject the Islamization of their country and favor a secular government that respects fundamental religious freedoms.

Widespread institutionalization of the holy war has resulted in the practice of slavery and the mass dislocation of people in the south. I would just note parenthetically back in 1995, I chaired the first hearing ever on slavery in the Sudan, and at the time we were met with a number of skeptics and disbelievers who did not believe that shadow slavery continued to this day.

Captured slaves are reportedly forced to attended Koranic schools, and we heard that at that hearing then and it continues to this day. They need to change their names as part of this dehumanizing process. They are indoctrinated at times to fight against their own people. Harsh beatings and torture are a reality.

Some of the witnesses we heard of including mothers who saw their sons literally stolen from them, kidnapped and forced into slavery, their daughters as well. It was a horrifying hearing, and we heard about these cases year in and year out as we tried to bring attention to this horrible practice of slavery.

Mr. Speaker, the Government of Sudan has one of the worst human rights records in the world. The United States has repeatedly condemned the government of Khartoum for its abhorrent violations of human rights. According to the 2001 State Department Human Rights Report, there were accounts that during raids on civilian settlements, government allied militias abducted persons, particularly women and children. According to the 2002 "Country Reports on Human Rights Practices," children from Christian and other non-Muslim families have been captured, enslaved, and forced to convert to Islam.

Some people in government-controlled peace camps for the internally displaced persons, IDD, were reportedly subjected to forced labor and at times pressured to convert to Islam.

The Sudanese Government has increased oil mining in areas inhabited by the southern Sudanese, thereby forcibly displacing the people to finance a more lethal and offensive war. I would point out to my colleagues that oil has been facilitating this war, and we have got to be very clear that any way that we help or enable the production of oil in the Sudan means that more innocent people will lose their lives.

Mr. Speaker, I would point out to my colleagues, as well, that Talisman Oil, and there has been a nationwide campaign, I am happy to say, about this, to divest State pensions and other pensions from the holdings of this company, a Canadian company which again has helped to facilitate this horrific war in Sudan.

My own State of New Jersey, to its credit, divested itself from many, many shares of Talisman Oil that it owned; and thankfully other States and municipalities and governments have followed suit.

Mr. Speaker, the Government of Sudan has continued to manipulate to its everlasting shame humanitarian relief efforts of the United Nations-led Operation Lifeline Sudan. In the past 14 years and as recently as September 27 of this year, the regime of the National Islamic Front has imposed flight bans on emergency humanitarian aid to starving civilians. In other words, by having that veto power, they have ensured that more innocent people have died a cruel death from starvation or from lack of medicines.

Many nations, Mr. Speaker, have tried and failed to end this civil war in Sudan. In 1994 heads of state from the frontline states of Ethiopia, Kenya, Eritrea, and Uganda formed a mediation committee under the auspices of the Inter-Governmental Authority for Development. This committee established the Declaration of Principles governing the peace process since 1994. The continuing contrast between word and deed underlines the importance of today's consideration of the Sudan Peace Act. The aerial bombing of civilian targets continues to this day.

The Government of Sudan continues to abandon the peace process at critical stages. As recently as July 2002, the Government of Sudan reached a peace agreement with the opposition forces, known as the Sudan People's Liberation Movement, in Kenya. The United States and its European allies worked with IDAG countries to mediate the agreement. On September 1 of this year, the Government of Sudan abandoned the agreement.

Mr. Speaker, I strongly urge my colleagues of both parties to support this important measure.

□ 1630

The Sudan Peace Act condemns the violation of human rights on both sides and denounces the government of Sudan for using food as a weapon of war. It recognizes the important interests of the United States in remaining a key player in the peace settlement among the warring parties. Secretary Powell has described Sudan as the tragedy that would command his full attention, and he has tried his best in this effort.

The bill establishes clear policy guidelines in support of the peace process by directing the U.S. to use all means to pressure and to force the government of Sudan to negotiate in good faith and to use all diplomatic and economic sanctions to further this goal.

The measure directs the President to develop a contingency plan for relief delivery if the government of Sudan imposes further bans on Operation Lifeline Sudan and to their relief transports. It provides the President with authority to reprogram all of the OLS designated funds, if necessary.

The bill authorizes $100 million in humanitarian assistance for each fiscal year of 2003, 2004 and 2005 to prepare the populations in opposition-controlled areas of Sudan for peace and democratic governance.

In sum, the Sudan Peace Act will give the administration some guidance in the peace efforts while leaving enough flexibility to lead the foreign affairs of the nation.

Mr. Speaker, the manager's amendment contains a few modifications, including an emphasis in the findings that credible civil authority institutions play an important role in the reconstruction of postwar Sudan and then a few other minor changes in the text of the bill.

Mr. Speaker, I reserve the balance of my time.

Ms. WATSON of California. Mr. Speaker, I yield myself as much time as I may consume, and I rise in strong support of this bill.

Mr. Speaker, I would first like to thank the Chairman and the ranking Democratic Member of the Committee on International Relations for this important piece of legislation. This bill will increase pressure on the government of Sudan to end its egregious 19-year war against civilians in the south and west of that country.

The road to peace in Sudan is a very troubled one. Just a month ago, the Sudanese government walked away from the Machakos peace negotiations in Kenya. It also resumed bombings of civilian targets and imposed a ban on all flights carrying humanitarian assistance to southern Sudan and its estimated 5 million people.

We are relieved to learn that, as a result of vigorous international pressure, over the past few weeks the Sudanese government has lifted bans on humanitarian flights and is now rejoining the Sudanese people's liberation movement at the Machakos peace negotiations.

Mr. Speaker, this bill supports the Machakos peace process and authorizes $3 million per year for 3 years to help create institutions of peace and democratic governance in the areas not controlled by the government. This includes support for civil administration, communications infrastructure, education, health and agriculture.

The bill also requires that the President certify within 6 months of the passage of this bill and every 6 months afterwards that the parties are negotiating in good faith towards a durable and lasting peace.

If the President certifies that the government is the obstacle to peace, he is instructed to seek a U.N. Security Council resolution to impose an arms embargo on the Sudanese government. He must also instruct the U.S. executive directors to each internal financial institution to continue to vote against any loans, credits or guarantees to the government. If the Sudanese people's liberation movement is found acting in good faith, the President will pursue no actions against the government.

Mr. Speaker, this bill sends a clear message to the world and Sudan that the United States stands on the side of peace in Sudan. It also underscores our commitment to ending the human suffering that is there by securing a just and peaceful resolution to the ongoing conflict. I strongly urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California (Mr. ROYCE), who chairs the Subcommittee on Africa of the Committee on International Relations.

Mr. ROYCE. Mr. Speaker, I thank the vice chairman for yielding me some time; and I rise also in support of this legislation. As has been mentioned, this bill differs from the one that the House of Representatives acted upon last year; and while this Sudan Peace Act is maybe not as muscular as the version that the House sent to the other body, it should still manage to encourage the end of a horrific war that has taken close to two million lives and has ruined countless others for 20 years.

The Sudan Peace Act most certainly deserves our support, and I would just like to mention that many of the Members here have seen firsthand, I think the gentleman from New Jersey (Mr. PAYNE) will be joining us; I know the gentleman from Virginia (Mr. WOLF); I know that our vice chairman, the gentleman from New Jersey (Mr. SMITH) of this committee have seen the consequences firsthand of this war.

In my constituency is a pastor who has adopted two young girls whose mother was shot in their presence. One of those girls has a bullet wound in her leg as a consequence of the terror that has been perpetuated on the people of southern Sudan, and I think this legislation rightly targets the Sudanese government's horrendous acts.

The regime in Khartoum has continued its practice of using food as a weapon. It has sustained a bombing campaign against civilian targets, even international aid sites in southern Sudan; and many of us have seen the photographs from constituents of ours who have gone over to try to help and have taken pictures of the sites of international aid camps, of towns, of villages that have been hit by helicopter gunships, that have been shelled, that have been burned.

This is a government in the past that has supported slavery, and I think the Sudan Peace Act rightly condemns the government of Sudan for its abysmal human rights record, while recognizing that human rights violations occur on all sides of this conflict.

It threatens punitive measures against the Sudanese government unless that government is constructively engaged in the ongoing peace process, and this legislation also takes the step of calling on the Secretary of State to collect information about incidences that may constitute crimes against humanity, genocide, war crimes, and other such violations of international law.

I would like to note that in the previous session of Congress the House had passed a resolution labeling the Khartoum's government's acts as genocide. It is important to build the record.

This Act commends the efforts also of Senator John Danforth, the special presidential envoy to Sudan, to end this long-running conflict. It recognizes that the U.S. must play a critical role in promoting peace in Sudan, a reality I believe that this administration understands.

This legislation makes a resource commitment to build civil institutions and assist suffering people in the south of Sudan; and, in these ways, the Sudan Peace Act is Congress' way of bolstering the administration's peace push in Sudan. That is why I urge passage.

Ms. WATSON of California. Mr. Speaker, I yield 7 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentlewoman from California for yielding me the time and for working on this bill and certainly the gentleman from New Jersey for his continuous work on this bill.

I come to the floor to support the bill but with the deepest of reservations. My reservations, of course, flow from the fact that the engine that drove the bill that passed overwhelmingly in this House has simply been removed, and that, of course, was denial of access to capital markets in order to get at the very oil that drives the economy of Sudan.

I regret that the gentleman from New Jersey (Mr. PAYNE) could not be here. It is a Monday when he usually would not be in town. He and I in April, 2000, came to the floor in a special order at a time when the only record of concern in the House was a joint resolution, passed overwhelmingly in the House and Senate, condemning the various atrocities in Sudan, and I am very pleased to see how this House has embraced the notion that resolutions are not enough. Action is all that counts when people live under the kind of oppression that is pervasive in Sudan, and the kind of oppression we are talking about is almost unspeakable.

It is a litany, a compendium of violations of human rights that is unknown in most parts of the world today, slavery, genocidal war, bombings of humanitarian workers, forced conversion of Christians and animists to Islam. It would be pretty difficult to find a compendium of worse violations in any single country.

In this House, a new caucus has been formed under chairmanship of the gentleman from New Jersey (Mr. PAYNE) and the gentleman from Virginia (Mr. WOLF). All I can say for this bill is that it is better than nothing. That is just how disappointed I am. It at least puts the United States Congress in the picture for the first time.

The original Act, of course, tried to do something that had not been done before. If ever it was to be, then surely it was to be now when, in fact, already our corporations cannot do business in Sudan, and yet they can come here and get the capital to do business in Sudan, and to the credit of this House, this House had the strong bill. It is in the Senate where this bill was so injured, and the bill does have provisions worth noting.

Our government is strongly on record that if these efforts now finally under way toward negotiations for peace do not succeed that the United States Government would break our diplomatic ties, and we would attempt to cut off IMF, World Bank money. There is a little bit of irony in that. We cannot cut off the capital markets, but we can cut off the money that goes presumably to the people at the bottom. They do not get any of that money I do not think, but, obviously, the bill is trying to do something to indicate just how displeased the United States Government is with all of this, $100 million over 3 years, the State Department investigation of war crimes in Sudan. The more we are on the record, the more this Congress and the administration is clear where we stand, the closer we will get to some meaningful action.

I am very concerned about all I hear about the continuing suffering of people in Sudan, the notion that so many of these southern Sudanese have now come to the north just because they cannot live in the south anymore. I want to quote from one southerner, "We either live in the south where there is fighting or starvation or we live in the north where there is discrimination and displacement camps. There is no good choice."

That is no choice at all, of course, and yet 40 percent of Khartoum consists now of southerners, southern Sudanese who, of course, work in the jobs that are at the bottom. That is not the worst of it, by any means. Working in a job at all, I am sure, given what these people have gone through, is all to the good.

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The relief camps to which the southern Sudanese have been forced do not get any services from the government. I do not know what we would do without the nongovernmental organizations. I am very pleased that the President did send an envoy, former Senator Danforth, a good friend of mine, a former law school classmate, an Episcopal priest, a man who means it.

Of course, these talks are under way. They get under way and they get ununder way. We have had 19 years of civil war. I think Senator Danforth's efforts should be credited with having had something to do with these new talks that are under way. We have a so-called cessation of hostilities that comes on and then goes off. That is because it is not a cease-fire. A permanent cease-fire is what is on the agenda now. A permanent cease-fire is when you have some verification when one side or the other breaks the cease-fire.

This bill is not what those of us, including those who voted for this bill, the great majority of the Members, wished. It is all we can get. I can with great disappointment support this bill only if with all of the partners, with the new Sudanese Caucus, we pledge to keep pressing to find a real way to have a real effect in Sudan. I thank the gentleman from New Jersey, and I thank all of those on my side who have worked so hard on this bill for keeping it alive and for continuing to press forward.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Virginia (Mr. WOLF), chairman of the appropriations Subcommittee on Commerce, Justice, State and Judiciary, a leader on Sudanese human rights issues, has been to Sudan four times, and a great believer and champion in the causes of freedom and democracy.

Mr. WOLF. Mr. Speaker, also keep in mind that Osama bin Laden, the source of terrorism, lived in Sudan from 1991 to 1996.

I rise in strong support of H.R. 5531, the Sudan Peace Act, that will be helpful in promoting a just peace in war-ravaged Sudan. The war in Sudan has been monumental. Over 2 million people, mainly Christians, but some Muslims, have been killed during the last 20 years. The people of southern Sudan have borne the brunt of the pain, death and destruction of the war while frankly the rest of the world stood by and watched. The southerners have been the victims of the Government of Sudan's intentional and indiscriminate aerial bombing attacks. Government planes have repeatedly dropped bombs on southern civilian population centers, hospitals and international humanitarian offices. Innocent men, women and children have been blown apart for no reason except that they live in southern Sudan.

The Khartoum regime, which welcomed Osama bin Laden, has routinely used food aid as a weapon in its war with the southern-led opposition, repeatedly denying much-needed humanitarian and medical assistance to millions of its own countrymen. The Khartoum regime has recently yet again, just a couple of days ago, shut down the primary and largest international humanitarian effort in Sudan, Operation Lifeline Sudan, cutting off Sudan's airspace of virtually all flights into southern Sudan. This shutdown has resulted in the denial of much-needed food and medical assistance to millions of the suffering and needy.

Oil, as the gentleman from New Jersey said, in southern Sudan is being exploited by the Sudanese Government resulting in a scorched Earth, death and destruction. Attacks occur on sleeping villages by Russian-built, government-flown attack helicopter gunships that ride along the route of the pipeline and literally just gun down the women and the children. Posses come in and raid and kill the men, rape the women, and take the children away.

The government has also used army soldiers on foot to attack sleeping villages early, early in the morning. A humanitarian-aid worker interviewed several survivors of these attacks reporting on one attack on three villages where more than 6,000 Christian farmers live, located on the border between the Southern Blue Nile and Eastern Upper Nile in Sudan:

"The government set up the attack overnight so that the inhabitants were killed at dawn as the village awakened. The solders reportedly used .50 caliber machine guns, assault rifles and other heavy caliber automatic weapons. Children were gunned down as they ran away, and many wives last saw their husbands attacking the machine gun emplacements with axes, machetes and hoes in order to buy time for their wives to escape. Those women who made it to freedom then walked more than 10 days through the bush, with only trees to eat, in order to reach the safety of a friendly village compound in the Eastern Upper Nile. They were severely malnourished, so much so that they could not provide their infants with any breast milk. There were no SPLA soldiers stationed in the three villages." So they were bombing and killing civilians.

This legislation rightly condemns the Government of Sudan for condoning slavery. There is slavery in Sudan; and the world, other than the United States and a few others, has just sat by and done absolutely positively nothing.

In closing, in summary, I want to thank a number of the Members that have really been involved: the gentleman from Colorado (Mr. TANCREDO); the gentleman from New Jersey (Mr. PAYNE); the gentleman from Illinois (Mr. HYDE); the gentleman from California (Mr. LANTOS); the gentleman from New Jersey (Mr. SMITH), a champion of this bill working on human rights; the gentleman from Alabama (Mr. BACHUS), who took this issue on, who had a better bill than this bill but has pursued and pushed this; Senator BROWNBACK; the gentleman from California (Mr. ROYCE), chairman of the Subcommittee on Africa; Senator FRIST; the gentlewoman from the District of Columbia (Ms. NORTON); and others who have been so active. I also want to thank, if it is not a violation of the rules, President Bush for taking a personal interest in this and as appointing the envoy, former Senator Danforth. I want to thank Secretary Powell and the people in the State Department that are working on this.

Ms. WATSON of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that this debate be extended by 6 minutes, equally divided between myself and the gentlewoman from California (Ms. WATSON).

The SPEAKER pro tempore (Mr. PETRI). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I yield the balance of my time to the gentleman from Alabama (Mr. BACHUS), the chairman of the Subcommittee on Financial Institutions and Consumer Credit, who likewise has been indefatigable in promoting human rights and democracy in Sudan.

Mr. BACHUS. Mr. Speaker, today in Sudan people are given a simple choice. They are either told to embrace the state-sponsored faith or die. That is the choice. Many of them are dying. You have heard the numbers. Several of our Members have gone over there. They can identify with what is going on. They have seen it firsthand.

Can the American people identify with the tragedy that we know as Sudan? Yes, they can, because the same kind of hatred was directed at them on September 11 when 3,000 of our fellow Americans were killed by this same radical Islamic movement that basically said, If you don't agree with us, you're an infidel; and if you're an infidel, we'll kill you. That is what happened here on September 11. That is what is happening every day in Sudan.

I think Chuck Colson probably summarized it better on how Americans can imagine what is going on in Sudan:

> Now, imagine September 11 happening 666 times. Imagine 2 million Americans being killed by radical Islam. Then you will have an idea of what the citizens of southern Sudan have endured at the hands of the government in Khartoum.

That is right, 666 times. If September 11 happened another 666 times, we would have the number of innocent people that have been killed in Sudan;

4.5 million raped, brutalized, bombed, put in slavery. Yet it goes on and on.

Mr. Speaker, I commend the House. We offered a very strong bill which would have helped put an end to this slaughter in Sudan. But I commend this bill; and I urge Members to vote for this bill, because we have to be practical. We cannot let the perfect be the enemy of the practical. This bill has a wonderful chance of passing today; it will go over to the Senate, I believe it will be passed in the Senate, and the President will sign it. And for the first time, there will be a link made officially between the genocide and the slaughter in Sudan and oil money. And what this legislation says, it gives President Bush if in 6 months peace negotiations are not proceeding, there is not a moving towards resolution, he can intervene to cut off the flow of money. The Sudanese Government has gone to Ukraine, they have bought helicopters, they have bought all sorts of weapons from Iran. We will cut off that oil money.

The tie between the genocide and oil is well established. The Washington Post, The New York Times, the Weekly Standard, the Birmingham News in my own home State, the Financial Times of London, they all say cut off the oil and you help cut off the slaughter. This bill is the first step in doing that.

I would like to commend the gentleman from New Jersey (Mr. SMITH). I would like to commend the gentlewoman from California (Ms. WATSON); ranking member, the gentleman from New Jersey (Mr. PAYNE). I would like to commend the gentleman from Colorado (Mr. TANCREDO), who is not here with us today. I would like to commend Senator BROWNBACK and Senator FRIST in the Senate for working on this. I too would like to commend President Bush. He recognized soon after he became President that we needed to end this slaughter in Sudan. He appointed Senator Danforth, and we are working our way towards that.

I will close simply by saying that the U.S. Holocaust Museum here in Washington, they for the first time in 60 years recognized Sudan and what is going on there as genocide and named Sudan as a country of conscience and said it must be ended. And it must. No wonder that Osama bin Laden found refuge in Sudan. It is because he and the government in Khartoum share the same twisted logic. With a vote for this bill today, we will begin to do what we can here today to end that slaughter.

Mr. LANTOS. Mr. Speaker, I rise in support of H.R. 5531—the Sudan Peace Act. I do so with some disappointment. The bill we consider today transmitted from the other body was stripped of its most potent provisions—full disclosure requirement and potential capital market sanctions for corporations doing business in Sudan and thereby contributing to the suffering of the people of southern Sudan.

The United States delegation in Khartoum, ably led by former Senator John Danforth, has made tremendous strides in settling this conflict in recent months, even bringing the warring parties to the negotiating table in Machakos, Kenya. But as diplomats talk, the assaults on civilians in the rich oil-producing areas continue. This is appalling. The National Islamic Front leaders in Khartoum have mastered the art of putting a good face on bad faith negotiations—and the removal of capital market sanctions provisions from this bill allows them to continue this deadly ruse with impunity. Had the other body approved the House version of the Sudan Peace Act and preserved these punitive provisions, I believe this could have dealt a major blow to Khartoum's ambitions to dominate and impose sharia religious law on the people of the South.

Sudan is suffering through the longest running civil war in the world, contributing to the displacement, depravation and death of millions of Sudanese. It is estimated that more than two million Sudanese have died from war-related causes since 1983. An estimated four million Sudanese are internally displaced, with two million living in squatter areas of Khartoum. More than three million Sudanese will require emergency food aid this year, according to the World Food Program. Famine is a constant.

Despite recent peace efforts, the devastating attacks on southern civilians have continued. Aid agencies in southern Sudan reported that, in September 2002 alone, government bombing in several key regions killed over 32 people including a 13-year-old boy, four small children, and a family of six. These killings do not even include all bombing incidents during the September war.

Khartoum has been helpful to the U.S. government in tracking down Al Qaeda operatives and its financial assets, and through its cooperation to combat terrorism, has gained greater prominence with the U.S. Nevertheless, Khartoum's cooperation has been accompanied by continued bombardment of the southern Sudanese people who simply yearn to live freely.

Khartoum's actions raise doubts about it's honest commitment to peace. Last month, the Sudanese government walked away from the Intergovernmental Authority for Development (IGAD)-sponsored Machakos negotiations in Kenya after accusing the Sudanese People's Liberation Army (SPLA) of engaging in offensive military activity. Indeed, in retaliation to government bombings and ground offensives in Western Upper Nile, the SPLA captured Torit, the capital of Eastern Equatoria.

Despite its shortcomings, the Sudan Peace Act does contain a number of helpful provisions. This new bill authorizes $3 million per year over three years to help build civil institutions in non-government controlled areas and community services in health and education. It also includes a certification program whereby the President is obliged to certify in six-month intervals whether the Sudanese government and Sudanese People's Liberation Movement are negotiating peace in good faith.

It is necessary that we live up to the terms of the Danforth Report and in particular reinforce all efforts to protect civilians from harm. In addition to the provisions of this legislation, I strongly urge the President to add immediately a human rights monitoring component to the U.S. Civilian Protection Monitoring Team based in Khartoum and human rights monitors in the Nuba Mountains to monitor the ceasefire and access of humanitarian organizations to the Nuba people. We are at a critical stage in Sudan's terrible civil war.

Mr. Speaker, I would like to express my appreciation for the fine work of my staffer, Dr. Pearl Alice Marsh, who through her exceptional knowledge of African affairs made a substantial and important contribution to this bill.

If the peace talks are allowed to fail, then millions more Sudanese will face destruction. We may witness the prospect of yet another decade of civil war. We cannot let this happen. I hope the initiatives that will come out of H.R. 5531 will move Sudan toward true peace. If this fails, the U.S. government will be required to consider taking more serious actions toward Khartoum.

Mr. PAYNE. Mr. Speaker, I rise in strong support of the Sudan Peace Act. In June 2001, the House passed H.R. 2052, the Sudan Peace Act, 422–2 with a capital market sanctions provision. If passed by the Senate, the legislation would have denied foreign oil companies currently in Sudan access to our capital markets. Unfortunately, the same Senators opposed to this provision stalled the process, effectively preventing action on the bill.

We had to act to salvage this important legislation. Left with no choice, we decided to drop the capital market sanction provision in exchange for other punitive measures and increased funding for the needy in Sudan. This was not an easy decision for many of us and for those in the Sudan coalition, who fought hard for several years to pass this legislation. We concluded that it was important to have something that is meaningful and constructive than nothing at all.

H.R. 5531 is a compromise legislation accepted by all those concerned. H.R. 5531: Condemns the Government of Sudan for its wanton disregard for human rights, including the enslaving of its people and use of food as a weapon; Authorizes $100 million for each fiscal year 2003, 2004, and 2005. These funds will help prepare the people of Sudan for peace, provide much needed support in education, health care, and communication infrastructure; Calls for immediate and sweeping reform of Operation Lifeline Sudan, the United Nations-led humanitarian operation. The OLS has been consistently manipulated and undermined by the NIF regime; and Directs the President to certify in six months, after the enactment of this Act, whether the NIF government is negotiating in good faith. If the President certifies that the Government is NOT negotiating in good faith, then the President shall impose a series of sanctions, including: Downgrading of diplomatic relations, An arms embargo resolution at the United Nations Security Council, and Measures to deny use of oil revenues.

Mr. Speaker, let me be very clear. The intent of Congress and this legislation is to put pressure on the government of Sudan to negotiate in good faith and conclude a just peace within six months. The Congress expects that if there is no peace agreement within six months of this Act and that the SPLM is not negotiating in bad faith, we expect the President to impose the sanctions outlined in this legislation. It is not our intent to simply become recipients of incomplete, inconsistent, and vague certification by the President.

Mr. Speaker, for almost four decades, Sudan has been the scene of intermittent conflict. Of course, many have heard by now the number of people killed in the Sudan conflict. But how many people have really paid careful attention to these numbers. An estimated two million people have died from war-related causes and famine in southern Sudan, and four million have been displaced.

Why these many people have to die? Could we have done something to prevent the massive loss of life in Sudan. Indeed, the answer is a resounding yes. But we chose to ignore it or engage marginally. We are the largest provider of humanitarian assistance in Sudan, yet many continue to die. In 1998 alone, an estimated 100,000 people died due to government refusal to allow United Nations relief aid from going into the country.

Indeed, Mr. Speaker, some have written and others have talked about this tragedy as either a religious conflict or tribal conflict. The Sudanese conflict, Africa's longest-running civil war, is deeper and more complicated than the claims of political leaders and some observers. Religion, indeed, is a major factor because of the Islamic fundamentalist agenda of the current government, dominated by the northern-based National Islamic Front (NIF) government. Southerners, who are Christian and animist, reject the Islamization of the country and favor a secular arrangement. Social and economic disparities are also major contributing factors to the Sudanese conflict.

But this regime is not merely opposed by Christians or southerners. The NIF regime is a minority government led by extremist clique in Khartoum. Muslim leaders have also been victims of the NIF over the years and are clearly opposed by the majority of northerners inside and outside the country. The National Democratic Alliance, a coalition of northern and southern opposition groups, has been actively challenging NIF's hold to power since it ousted the democratically elected civilian government in June 1989. In fact, the NIF came to power precisely to abort a peace agreement between the Sudan People's Liberation Movement (SPLM) and the major northern parties in 1989.

Mr. Speaker, it is unfortunate, but a sad reality that Slavery has reemerged with a vengeance in Sudan, and this inhuman practice is directly tied to the civil war in Southern Sudan that has raged intermittently for over forty years. The enslavement of innocent Southern Sudanese civilians has intensified since the National Islamic Front usurped power in 1989. It is now being condoned, if not orchestrated, by the NIF government and perpetrated by its Arab militia allies. The international community has done little, if anything, to prevent this abhorrent practice.

Mr. Speaker, the war in Sudan is certainly a major factor contributing to the increase in slavery in Sudan. The war is essentially one of Southern resistance against domination and assimilation by the National Islamic Front government. With religion as an aggravating factor, the war has become a genocidal zero-sum conflict. At the core of this problem is a conflict of identities in which the assimilation or elimination of the non-Arab and non-Muslim population has increasingly become the objective of the Government.

The prevalence of slavery in Sudan constitutes a serious challenge not only to the Sudanese themselves, but also to the international community.

LET US REMEMBER THE VICTIMS

The innocent civilians are the victims in this war. Just the other day, the NIF government declared a jihad, intensifying its aerial bombardment of the south. Who are those being bombed, of course, the children and the helpless. According to the report by U.S. Committee for Refugees, the government bombed civilian targets 167 times in 2000 alone.

Mr. Speaker, we are well aware of the number of people killed, maimed, displaced, and enslaved. Yet, we, as members of the international community have failed to do the right thing: End the suffering.

Over the years, I have visited Sudan a number of times. In all these visits, I, like many others, promised to do all I can to end their suffering. I must say with all sincerity that I can no longer see these innocent civilians and promise to end their suffering. I must admit, despite all our efforts, we failed the people of Sudan as we did when a million people got massacred in Rwanda in 1994.

We cannot say we did not know. As I speak here before you, more people will die, dozens will be forcefully displaced, and many others will be enslaved. Just imagine, waking up one morning and you lose everything you have—your property, dignity, family, and most important—your freedom.

Mr. Speaker, we cannot afford to wait any longer. The people of south Sudan have become an endangered species—a few years from now, there will be one left except the barren land. In the past several weeks, government forces burned, looted, and destroyed a number of villages, displacing tens of thousands of civilians.

Those who beat the drum of reconciliation must remember the sacrifices paid by the millions of Sudanese. There can be no peace if it is not a just and lasting peace. Indeed, ending the war must be a priority. But we must address the root causes of the war if we are to achieve a lasting peace. H.R. 5531 is a token measure to address these problems. I urge my colleagues to vote for this measure.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of H.R. 5531, the Sudan Peace Act. I would like to acknowledge the vital role that Representative PAYNE and other Members of the Congressional Black Caucus played in the development of this legislation.

H.R. 5331, while not perfect, represents an important step forward on the road to peace for Africa's longest civil war that has already killed more than 2 million people and displaced more than 4 million. I am disappointed that the capital market sanctions of the original Sudan Peace Act were stripped from this legislation. However, the bill before us today makes the express link between oil and the Government of Sudan's intention to use future revenues to expand the war into areas beyond its control. The legislation replaces the capital market sanctions with a certification process that instructs the President to certify whether the Government of Sudan is making progress towards peace. If the Government of Sudan is at fault for obstructing peace negotiations, the President is instructed to pursue multilateral sanctions through the United Nations. While I would have preferred to see the sanctions in the original bill remain in place, an important compromise has been reached that enables this legislation to move forward.

Most importantly, the Sudan Peace Act authorizes $300 million over three years for assistance to the people of southern Sudan. These funds, if appropriated, will lay the groundwork for peace and democratic governance, by including support for civil administration, communication infrastructure, education, health, and agriculture.

H.R. 5531 maintains the pressure on warring parties to resolve their conflict, demonstrates the continued interest of the United States in finding a lasting peace in this troubled nation, and provides desperately needed assistance for the people of southern Sudan. I urge my colleagues to support this legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 5531, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RUSSIAN DEMOCRACY ACT OF 2002

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 2121) to make available funds under the Foreign Assistance Act of 1961 to expand democracy, good governance, and anti-corruption programs in the Russian Federation in order to promote and strengthen democratic government and civil society in that country and to support independent media.

The Clerk read as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Russian Democracy Act of 2002".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Since the dissolution of the Soviet Union, the leadership of the Russian Federation has publicly committed itself to building—

(A) a society with democratic political institutions and practices, the observance of universally recognized standards of human rights, and religious and press freedom; and

(B) a market economy based on internationally accepted principles of transparency, accountability, and the rule of law.

(2) In order to facilitate this transition, the international community has provided multilateral and bilateral technical assistance, and the United States' contribution to these efforts has played an important role in developing new institutions built on democratic and liberal economic foundations and the rule of law.

(3)(A) Since 1992, United States Government democratic reform programs and public diplomacy programs, including training, and small grants have provided access to and training in the use of the Internet, brought nearly 40,000 Russian citizens to the United States, and have led to the establishment of more than 65,000 nongovernmental organizations, thousands of independent local media outlets, despite governmental opposition, and numerous political parties.

(B) These efforts contributed to the substantially free and fair Russian parliamentary elections in 1995 and 1999.

(4) The United States has assisted Russian efforts to replace its centrally planned, state-controlled economy with a market economy and helped create institutions and infrastructure for a market economy. Approximately two-thirds of the Russian Federation's gross domestic product is now generated by the private sector, and the United States recognized Russia as a market economy on June 7, 2002.

(5)(A) The United States has fostered grassroots entrepreneurship in the Russian Federation by focusing United States economic assistance on small- and medium-sized businesses and by providing training, consulting services, and small loans to more than 250,000 Russian entrepreneurs.

(B) There are now more than 900,000 small businesses in the Russian Federation, producing 12 to 15 percent, depending on the estimate, of the gross domestic product of the Russian Federation.

(C) United States-funded programs have contributed to fighting corruption and financial crime, such as money laundering, by helping to—

(i) establish a commercial legal infrastructure;

(ii) develop an independent judiciary;

(iii) support the drafting of a new criminal code, civil code, and bankruptcy law;

(iv) develop a legal and regulatory framework for the Russian Federation's equivalent of the United States Securities and Exchange Commission;

(v) support Russian law schools;

(vi) create legal aid clinics; and

(vii) bolster law-related activities of nongovernmental organizations.

(6) Because the capability of Russian democratic forces and the civil society to organize and defend democratic gains without international support is uncertain, and because the gradual integration of the Russian Federation into the global order of free-market, democratic nations would enhance Russian cooperation with the United States on a wide range of political, economic, and security issues, the success of democracy in Russia is in the national security interest of the United States, and the United States Government should develop a far-reaching and flexible strategy aimed at strengthening Russian society's support for democracy and a market economy, particularly by enhancing Russian democratic institutions and education, promoting the rule of law, and supporting Russia's independent media.

(7) Since the tragic events of September 11, 2001, the Russian Federation has stood with the United States and the rest of the civilized world in the struggle against terrorism and has cooperated in the war in Afghanistan by sharing intelligence and through other means.

(8) United States-Russia relations have improved, leading to a successful summit between President Bush and President Putin in May 2002, resulting in a "Foundation for Cooperation".

(b) PURPOSES.—The purposes of this Act are—

(1) to strengthen and advance institutions of democratic government and of free and independent media, and to sustain the development of an independent civil society in the Russian Federation based on religious and ethnic tolerance, internationally recognized human rights, and an internationally recognized rule of law; and

(2) to focus United States foreign assistance programs on using local expertise and to give local organizations a greater role in designing and implementing such programs, while maintaining appropriate oversight and monitoring.

SEC. 3. UNITED STATES POLICY TOWARD THE RUSSIAN FEDERATION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should—

(1) recognize that a democratic and economically stable Russian Federation is inherently less confrontational and destabilizing in its foreign policy and therefore that the promotion of democracy in Russia is in the national security interests of the United States; and

(2) continue and increase assistance to the democratic forces in the Russian Federation, including the independent media, regional administrations, democratic political parties, and nongovernmental organizations.

(b) STATEMENT OF POLICY.—It shall be the policy of the United States—

(1) to facilitate Russia's integration into the Western community of nations, including supporting the establishment of a stable democracy and a market economy within the framework of the rule of law and respect for individual rights, including Russia's membership in the appropriate international institutions;

(2) to engage the Government of the Russian Federation and Russian society in order to strengthen democratic reform and institutions, and to promote transparency and good governance in all aspects of society, including fair and honest business practices, accessible and open legal systems, freedom of religion, and respect for human rights;

(3) to advance a dialogue among United States Government officials, private sector individuals, and representatives of the Government of the Russian Federation regarding Russia's integration into the Western community of nations;

(4) to encourage United States Government officials and private sector individuals to meet regularly with democratic activists, human rights activists, representatives of the independent media, representatives of nongovernmental organizations, civic organizers, church officials, and reform-minded politicians from Moscow and all other regions of the Russian Federation;

(5) to incorporate democratic reforms, the promotion of independent media, and economic reforms in a broader United States dialogue with the Government of the Russian Federation;

(6) to encourage the Government of the Russian Federation to address, in a cooperative and transparent manner consistent with internationally recognized and accepted principles, cross-border issues, including the nonproliferation of weapons of mass destruction, environmental degradation, crime, trafficking, and corruption;

(7) to consult with the Government of the Russian Federation and the Russian Parliament on the adoption of economic and social reforms necessary to sustain Russian economic growth and to ensure Russia's transition to a fully functioning market economy and membership in the World Trade Organization;

(8) to persuade the Government of the Russian Federation to honor its commitments made to the Organization for Security and Cooperation in Europe (OSCE) at the November 1999 Istanbul Conference, and to conduct a genuine good neighbor policy toward the other independent states of the former Soviet Union in the spirit of internationally accepted principles of regional cooperation; and

(9) to encourage the G–8 partners and international financial institutions, including the World Bank, the International Monetary Fund, and the European Bank for Reconstruction and Development, to develop financial safeguards and transparency practices in lending to the Russian Federation.

SEC. 4. AMENDMENTS TO THE FOREIGN ASSISTANCE ACT OF 1961.

(a) IN GENERAL.—

(1) DEMOCRACY AND RULE OF LAW.—Section 498(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2295(2)) is amended—

(A) in the paragraph heading, by striking "DEMOCRACY" and inserting "DEMOCRACY AND RULE OF LAW";

(B) by striking subparagraphs (E) and (G);

(C) by redesignating subparagraph (F) as subparagraph (I);

(D) by inserting after subparagraph (D) the following:

"(E) development and support of grass-roots and nongovernmental organizations promoting democracy, the rule of law, transparency, and accountability in the political process, including grants in small amounts to such organizations;

"(F) international exchanges and other forms of public diplomacy to promote greater understanding on how democracy, the public policy process, market institutions, and an independent judiciary function in Western societies;

"(G) political parties and coalitions committed to promoting democracy, human rights, and economic reforms;

"(H) support for civic organizations committed to promoting human rights;"; and

(E) by adding at the end the following:

"(J) strengthened administration of justice through programs and activities carried out in accordance with section 498B(e), including—

"(i) support for nongovernmental organizations, civic organizations, and political parties that favor a strong and independent judiciary;

"(ii) support for local organizations that work with judges and law enforcement officials in efforts to achieve a reduction in the number of pretrial detainees; and

"(iii) support for the creation of legal associations or groups that provide training in human rights and advocacy, public education with respect to human rights-related laws and proposed legislation, and legal assistance to persons subject to improper government interference.".

(2) INDEPENDENT MEDIA.—Section 498 of the Foreign Assistance Act of 1961 (22 U.S.C. 2295) is amended—

(A) by redesignating paragraphs (3) through (13) as paragraphs (4) through (14), respectively; and

(B) by inserting after paragraph (2) the following:

"(3) INDEPENDENT MEDIA.—Developing free and independent media, including—

"(A) supporting all forms of independent media reporting, including print, radio, and television;

"(B) providing special support for, and unrestricted public access to, nongovernmental Internet-based sources of information, dissemination and reporting, including providing technical and other support for web radio services, providing computers and other necessary resources *for Internet connectivity and training new Internet users in nongovernmental civic organizations on methods and uses of Internet-based media; and*

"(C) training in journalism, including investigative journalism techniques that educate the public on the costs of corruption and act as a deterrent against corrupt officials.".

(b) CONFORMING AMENDMENT.—Section 498B(e) of such Act is amended by striking "paragraph (2)(G)" and inserting "paragraph (2)(J)".

SEC. 5. ACTIVITIES TO SUPPORT THE RUSSIAN FEDERATION.

(a) ASSISTANCE PROGRAMS.—In providing assistance to the Russian Federation under chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.), the President is authorized to—

(1) work with the Government of the Russian Federation, the Duma, and representatives of the Russian Federation judiciary to help implement a revised and improved code of criminal procedure and other laws;

(2) establish civic education programs relating to democracy, public policy, the rule of law, and the importance of independent media, including the establishment of "American Centers" and public policy schools at Russian universities and encourage cooperative programs with universities in the United States to offer courses through Internet-based off-site learning centers at Russian universities; and

(3) support the Regional Initiatives (RI) program, which provides targeted assistance in those regions of the Russian Federation that have demonstrated a commitment to reform, democracy, and the rule of law, and which promotes the concept of such programs as a model for all regions of the Russian Federation.

(b) RADIO FREE EUROPE/RADIO LIBERTY AND VOICE OF AMERICA.—RFE/RL, Incorporated, and the Voice of America should use new and innovative techniques, in cooperation with local independent media sources and using local languages as appropriate and as possible, to disseminate throughout the Russian Federation information relating to democracy, free-market economics, the rule of law, and human rights.

SEC. 6. AUTHORIZATION OF ASSISTANCE FOR DEMOCRACY, INDEPENDENT MEDIA, AND THE RULE OF LAW.

Of the amounts made available to carry out the provision of chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.) and the FREEDOM Support Act for fiscal year 2003, $50,000,000 is authorized to be available for the activities authorized by paragraphs (2) and (3) of section 498 of the Foreign Assistance Act of 1961, as amended by section 4(a) of this Act.

SEC. 7. PRESERVING THE ARCHIVES OF HUMAN RIGHTS ACTIVIST AND NOBEL PEACE PRIZE WINNER ANDREI SAKHAROV.

(a) AUTHORIZATION.—The President is authorized, on such terms and conditions as the President determines to be appropriate, to make a grant to Brandeis University for an endowment for the Andrei Sakharov Archives and Human Rights Center for the purpose of collecting and preserving documents related to the life of Andrei Sakharov and the administration of such Center.

(b) FUNDING.—There is authorized to be appropriated to the President to carry out subsection (a) not more than $1,500,000.

SEC. 8. EXTENSION OF LAW.

The provisions of section 108(c) of H.R. 3427, as enacted by section 1000(a)(7) of Public Law 106–113, shall apply to United States contributions for fiscal year 2003 to the organization described in section 108(c) of H.R. 3427.

Amend the title so as to read: "An Act to make available funds under the Foreign Assistance Act of 1961 to expand democracy, good governance, and anti-corruption programs in the Russian Federation in order to promote and strengthen democratic government and civil society and independent media in that country.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentlewoman from California (Ms. WATSON) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

This bill, the Russian Democracy Act, ensures that American assistance will continue to be available to help strengthen and consolidate democracy in the Russian Federation. While this seems to be a routine measure, we should take a few minutes to note what this bill represents. The mere fact that we can talk of democracy in Russia as a reality in the present and not some dim prospect in the hazy future is one of the many wonders of the past decade that have grown familiar and now is largely taken for granted. Its existence, however, is a testament to the deep commitment to fundamental values shared by peoples all over the world.

Mr. Speaker, this bill before us represents an important part of the effort to continue that democratization. It focuses our attention and assistance on many of the prerequisites of a free and a prosperous society, including the creation of a resilient civil society, the strengthening of an independent press, and the establishment of the rule of law.

□ 1700

Mr. Speaker, I reserve the balance of my time.

Ms. WATSON of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this legislation. I would like to acknowledge the fine work of the ranking member, the gentleman from California (Mr. LANTOS), the author of the legislation, who unfortunately cannot be on the House floor today for this debate. Appreciation also goes to our colleagues in the other body for moving this legislation through the committee and onto the floor. I would also like to thank the gentleman from Illinois (Chairman HYDE) of the Committee on International Relations for his consistent support of this legislation.

Ten years ago the U.S. Congress passed a historic act, the Freedom Support Act, which paved the way for the task of promoting democracy and market economy in the countries of the former Soviet Union. Today, in the post-September 11 world, we are still concerned about the Russian nuclear arsenal, but we do not fear that the government of Russia will use it against us because Russia has become more democratic and our foreign policy interests are more congruent.

However, it has become clear to me and many of my colleagues that the process of democratization in Russia is not complete. For example, President Putin last week revoked a decree that has permitted the RFE/RL to maintain a bureau in Moscow. This decision was shortsighted and counterproductive. For these reasons, we must craft a creative and responsible policy towards Russia that strengthens a democratic society and a market economy.

I strongly believe that the existence of a vibrant, self-sustaining, non-State-owned media in Russia is the key to Russia's continuous integration with the West. This bill will support such media activities, including access to the Internet and the use of modern technologies to improve media outreach throughout Russia.

The Russian NGO sector also needs our support. Russia does not yet have a culture of corporate philanthropy and private donations to make these NGOs self-sustaining. On the other hand, the abundance of NGOs that have sprung up in Russia since 1991 provides an important democratic component to that society.

So the bill before the House today, H.R. 2121, can promote this process and enhance the U.S.-Russia bilateral relationship by focusing U.S. assistance on the development of a civil society in Russia and a free and independent media.

I am also pleased that the bill includes an important provision to provide for an endowment to preserve the Andrew Sakharov archives. Without Mr. Sakharov's contributions to peace, human rights and democracy, the unprecedented change that took place in Russia in the last decade of the previous century would never have happened.

Given the importance of these documents to the study of the transition from tyranny to democracy in Russia and, by extension, to other countries around the world, the gentleman from California (Mr. LANTOS) and I believe it would be inappropriate for funds from the Foreign Assistance Act to be used for this noble undertaking.

The bill also contains an important provision on Burma human rights to make sure that the UNDP assistance to Burma is properly utilized. By funding the development of civil society in Russia and a free and independent media, H.R. 2121 can play an effective role in developing the U.S.-Russia bilateral relationship. Let us not squander this unprecedented opportunity to bring Russia closer to the West. I urge Members to support H.R. 2121.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, I thank the gentlewoman for her fine remarks and leadership on this issue and the efforts of the gentleman from Illinois (Mr. HYDE) and especially to the gentleman from California (Mr. LANTOS), the ranking member, for crafting this important bipartisan legislation.

The creation of democracy in Russia must be counted as one of the great achievements of the past century. Yet for all of its accomplishments, that democracy is not yet firmly established. The civil society on which all democracies ultimately rest remains precariously weak. Much of the legacy inherited from Russia's authoritarian past is still to be overcome. The institutions of democracy remain fragile in many areas. The habits of freedom have not yet become universal.

Given these and other concerns, the government's stated goal of creating a guided democracy where the parameters of permitted dissent are significantly narrowed is very troubling indeed, as are the patterns of clear, gross and uncorrected human rights violations associated with the continuing conflict in Chechnya.

Mr. Speaker, you juxtapose these problems along with the trafficking problem, which remains a very significant problem where young Russian women are trafficked into forced prostitution and are abused in the United States and countries of the West as well as in Russia itself, we need to do more. This bill advances the ball and will be an aid to the democratic forces in Russia. It is a good bill and deserves the support of our colleagues.

Mr. LANTOS. Mr. Speaker, I rise today in strong support of H.R. 2121, the Russia Democracy Act, and thank the co-sponsors of this bill for their support. In drafting this legislation, I sought to enhance United States democracy, good governance and anti-corruption efforts in order to strengthen civil society and independent media in Russia. Cultivating civil society in Russia and knitting together its patch-work democracy is not only a goal of U.S. policy—it is an imperative. Unless we redouble our efforts to strengthen democratic reform in Russia—as this bill seeks to do—our former adversary may yet return to authoritarian rule and challenge our national security.

The Russia Democracy Act expands upon U.S. initiatives that have proven successful in Russia. Among other things, it provides further support for local democratic governments through the Regional Initiative; expands training for Russian journalists in investigative techniques designed to ferret our corruption; and it broadens successful U.S.-Russia cultural exchanges, such as those sponsored by the Library of Congress.

As Russia becomes more democratic and our foreign policies become more closely aligned in the war against international terrorism, it is important that the U.S. seize upon the opportunity to facilitate Russia's integration into the West. The Russia Democracy Act is designed to achieve this goal. This bill launches a number of initiatives to take advantage of new developments in Russian society over the past decade, and harnesses new information technologies to provide Internet access to Russian citizens, independent media and NGOs. And it engages the growing network of local, independent media outlets to spread democratic principles working in partnership with such stalwarts of democracy as Radio Liberty and Voice of America.

Deepening our engagement with Russia's civil society is critical to its survival. At the same time we must stand ready to defend against Moscow's attempts to undermine it. Following September 11th, President Putin made a courageous decision to make common cause with the Western democracies in defeating terrorism. But recent decisions by Putin to embrace Iraq, Iran and North Korea, and his continued attempt to intimidate free media in Russia, threatens to jeopardize our new partnership.

Just last week, President Putin revoked a decree issued by his predecessor that allowed Radio Liberty to establish a bureau in Russia and provided the broadcaster with certain privileges. Radio Liberty, which is supported in part by the U.S. government, may now be subject to Russia's restrictive media laws. The right of Radio Liberty to broadcast in Russia is no longer guaranteed. Although some in Russia argue that this was done to level the playing field for all broadcasters, the Putin Administration has been known to apply the law selectively, as the cases of NTV and Ekho Moskvy make clear. I condemn this decision, and urge my colleagues to join me in ensuring Radio Liberty does not suffer the fate of Russia's other independent news organizations.

Having lived under both fascist and communist rule, I am painfully aware of the importance of this legislation. As a teenager living in Hungary during the Second World War, I recall fondly the inspirational and liberating broadcasts of the Voice of America, and can testify personally to the dramatic effect these radio programs had in providing hope to a captive people. To keep Russia on track toward westward integration, surrogate broadcasting such as Radio Liberty is critical.

I am also pleased that the bill includes an important provision to provide for an endowment to preserve the Andrei Sakharov archives. Without Mr. Sakharov's contribution to peace, human rights, and democracy, the unprecedented change that took place in Russia in the last decade of the previous century would never have happened. These documents are important not only to study the transition from tyranny to democracy in Russia, but will also help activists and scholars from countries around the world understand how a society moves from bondage to freedom. Therefore, I welcome this provision, which authorizes a grant to Brandeis University for an endowment to support the archives and the related human rights center. I realize it is extraordinary for U.S. appropriated funds to be used to fund an endowment, where such funds can use interest earned from U.S. funds to support the program. However, because of the importance of these archives and this center, I believe it is appropriate in this case. Finally, because of the wide-ranging importance of these documents, I believe it would be appropriate for funds from the Foreign Assistance Act to be used for this noble undertaking.

I also note that the bill also contains a very important provision on Burma human rights that ensures that UNDP assistance to Burma is properly utilized, fully coordinated with the Burmese opposition and carried out only with NGO's.

I would also like to acknowledge the exceptional work of my staffer, Tanya Mazin, on this important legislation. Tanya's deep and personal knowledge of Russia and its people was critical to the success of Congressional consideration of the Russia Democracy Act.

Mr. Speaker, as a member of the U.S. Congress, I believe our interests and values demand that we cultivate civil society in Russia. It will not happen over night, but over time—with strong support form the United States and our democratic allies—I am confident it will. Passage of the Russia Democracy Act is a step in this direction, and a step I urge my colleagues to take.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 2121.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

TRANSATLANTIC SECURITY AND NATO ENHANCEMENT RESOLUTION OF 2002

Mr. GALLEGLY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 468) affirming the importance of the North Atlantic Treaty Organization (NATO), supporting continued United States participation in NATO, ensuring that the enlargement of NATO proceeds in a manner consistent with United States interests, and for other purposes, as amended.

The Clerk read as follows:

H. RES. 468

Resolved,

SECTION 1. SHORT TITLE.

This resolution may be cited as the "Transatlantic Security and NATO Enhancement Resolution of 2002".

SEC. 2. FINDINGS.

The House of Representatives makes the following findings:

(1) Since 1949 the North Atlantic Treaty Organization (NATO) has played an essential role in guaranteeing the security, freedom, and prosperity of the United States and its partners in the Alliance.

(2) NATO, founded on the principles of democracy, individual liberty, and the rule of law, has proved to be an indispensable instrument for forging a trans-Atlantic community of nations working together to safeguard the freedom and common heritage of its peoples and promoting stability in the North Atlantic area.

(3) NATO is the only institution that promotes a uniquely transatlantic perspective and approach to issues concerning the security of North America and Europe and remains the only multilateral security organization demonstrably capable of conducting effective military operations and preserving security and stability of the Euro-Atlantic region.

(4) The security, freedom, and prosperity of the United States remain linked to the security of the countries of Europe.

(5) NATO remains the most visible and significant embodiment of United States engagement in Europe and therefore membership in NATO remains a vital national security interest of the United States.

(6) NATO enhances the security of the United States by providing an integrated military structure and a framework for consultations on political and security concerns of members which could impact the Alliance.

(7) The security of NATO member countries is inseparably linked to that of the whole of Europe, and the consolidation and strengthening of democratic and free societies on the entire continent is of direct and material importance to the NATO Alliance and its partners.

(8) The sustained commitment of the member countries of NATO to a mutual defense has been a major contributing factor in the democratic transformation of Central and Eastern Europe.

(9) Members of the Alliance can and should play a critical role in addressing the security challenges of the post-Cold War era and in creating the stable environment needed for Central and Eastern Europe to successfully complete political and economic transformation.

(10) NATO should remain the core security organization of the evolving Euro-Atlantic architecture in which all countries enjoy the same freedom, cooperation, and security.

(11) NATO's military force structure, defense planning, command structures, and force goals must be sufficient for the collective self-defense of its members, and should be capable of projecting power when the security of a NATO member is threatened, and provide a basis for ad hoc coalitions of willing partners among NATO members to defend common values and interests.

(12) NATO must act to address new post-Cold War risks emerging from outside the treaty area in the interests of preserving peace and security in the Euro-Atlantic area, including—

(A) risks from rogue states and non-state actors possessing nuclear, biological, or chemical weapons and their means of delivery;

(B) transnational terrorism and disruption of the flow of vital resources; and

(C) conflicts outside the treaty area stemming from unresolved historical disputes and the actions of undemocratic governments and sub-state actors who reject the peaceful settlement of disputes.

(13) All NATO members should commit to improving their respective defense capabilities so that NATO can project power decisively and sustain operations over distance and time.

(14) The requirements to provide collective defense, to project power, and to sustain operations dictate that European NATO members possess military capabilities to rapidly deploy forces over long distances, sustain operations for extended periods of time, and operate jointly with the United States in high-intensity conflicts.

(15) NATO's Defense Capabilities Initiative, which is intended to improve the defense capabilities of the European Allies, particularly the deployability, mobility, sustainability, and interoperability of Alliance forces, must continue to be pursued by all members of the Alliance in order to develop balanced capabilities.

(16) With a few exceptions, European members of NATO have been deficient in maintaining required military capabilities and providing defense spending at levels adequate to meet these capability shortfalls. Failure of the European NATO members to achieve the goals established through the Defense Capabilities Initiative could weaken support for the Alliance in the United States over the long term.

(17) Members of the Alliance must also recognize that the campaign against new and emerging threats to the security of the Alliance requires other non-military capabilities and efforts to be effective. Thus, the need to enhance intelligence-sharing and cooperation, both bilaterally between Alliance members and partners and within the Alliance collectively, the facilitation of enhanced coordination among Alliance member's law enforcement agencies, and improved police and judicial cooperation and information exchanges are critical to the overall effort.

(18) NATO has embarked upon an historic mission to share its benefits and patterns of consultation and cooperation with other nations in the Euro-Atlantic area through both enlargement and active partnership.

(19) NATO has enlarged its membership on four different occasions since 1949.

(20) The NATO summit meeting to be held in the fall of 2002 in Prague will provide an historic opportunity to chart a course for NATO in the new millennium by reaffirming the importance of NATO to the collective security of the Euro-Atlantic region, by addressing new threats, developing new capabilities, and by extending invitations to additional countries of Europe to become members of the Alliance.

(21) The governments of NATO member countries have stated that enlargement of the Alliance is a further step toward the Alliance's basic goal of enhancing security and extending stability throughout the Euro-Atlantic region.

(22) The enlargement process of NATO helps to avert conflict, because the very prospect of membership serves as an incentive for aspiring members to resolve disputes with their neighbors and to push ahead with reform and democratization.

(23) The Partnership for Peace, created in 1994 under United States leadership, has fostered cooperation between NATO and the countries of Central and Eastern Europe, and offers a path to future membership in the Alliance.

(24) At the Washington Summit of the NATO Alliance in April 1999, the NATO heads of state and government issued a communique declaring that "[we] pledge that NATO will continue to welcome new members in a position to further the principles of the [North Atlantic] Treaty and contribute to peace and security in the Euro-Atlantic area".

(25) In 1999 NATO launched a Membership Action Plan designed to help interested Partnership for Peace countries prepare for membership by offering advice and assistance on programs and membership-related issues.

(26) The Membership Action Plan establishes certain political, economic, social, and military-related goals that aspiring candidate nations are expected to meet, including the peaceful resolution of territorial disputes, respect for democratic procedures and the rule of law, human rights, democratic control of the military and other military reforms, and a commitment to stability and well-being through economic liberty and social justice.

(27) In May 2000 in Vilnius, Lithuania, nine nations of Europe issued a statement (later joined by a tenth) declaring that their countries will cooperate in jointly seeking NATO membership in the next round of NATO enlargement and since then have taken concrete steps to demonstrate this commitment, including their participation in Partnership for Peace activities and their commitment to the concept of the Membership Action Plan.

(28) On June 15, 2001, in a speech in Warsaw, Poland, President George W. Bush stated "[all] of Europe's new democracies, from the Baltic to the Black Sea and all that lie between, should have the same chance for security and freedom—and the same chance to join the institutions of Europe".

(29) The enlargement of the NATO Alliance to include as full and equal members additional democracies in Europe will serve to reinforce stability and security in Europe by fostering their integration into the structures which have created and sustained peace in Europe since 1945.

(30) As new members of NATO assume the responsibilities of Alliance membership, the costs of maintaining stability in Europe will be shared more widely. The concurrent assumption of greater responsibility and development of greater capabilities by new members of NATO will further reinforce burdensharing.

(31) The membership of the Czech Republic, Hungary, and Poland has strengthened NATO's ability to perform the full range of NATO missions by providing bases, airfields, and transit rights for NATO forces during Operation Allied Force in the Balkans, by their contributions of military forces to NATO missions in Bosnia and Kosovo, and by their support for Operation Enduring Freedom.

(32) The Czech Republic, Hungary, and Poland, due to their similar recent history, have bolstered NATO's capability to integrate former communist nations into a community of democracies and have served as mentors to other countries that aspire to join NATO.

(33) In supporting NATO enlargement all candidate countries must be fully aware of the costs and responsibilities of NATO membership, including the obligation set forth in Article X of the North Atlantic Treaty that new members be able to contribute to the security of the North Atlantic area, and further to ensure that all countries admitted to NATO are capable of assuming those costs and responsibilities.

(34) For those candidate countries that receive an invitation to join NATO at the

Prague Summit, the process of joining NATO does not end with the invitation but rather with meeting the full responsibilities of a NATO member, including the completion of issues identified by the Membership Action Plan, which will continue beyond Prague.

(35) In considering the enlargement of NATO at Prague and in issuing invitations to the candidate countries who have made significant progress toward achieving their objectives in the Membership Action Plan established by NATO, there is a recognition that each country invited to join NATO should accede on a common date but before the date on which the next announced NATO summit is to take place.

(36) The countries that will be invited to begin accession negotiations with NATO at the NATO summit in Prague should not be the last such countries invited to join NATO and there should be a continuing process and progress toward the admission of additional democracies in Europe beyond 2002 depending on the degree to which those countries meet the criteria set forth in NATO's Membership Action Plan.

(37) The process of NATO enlargement entails the consensus agreement of the governments of all 19 NATO member countries and ratification in accordance with their constitutional procedures.

SEC. 3. COOPERATION BETWEEN NATO AND THE RUSSIAN FEDERATION.

The House of Representatives makes the following findings:

(1) The admission into the North Atlantic Treaty Organization (NATO) of new members from countries in Eastern and Central Europe, such as the Czech Republic, Hungary, and Poland, will not threaten any other country.

(2) Since the end of the Cold War, NATO has attached particular importance to the development of constructive and cooperative relations with the Russian Federation in order to overcome remaining vestiges of confrontation and competition in order to strengthen mutual trust and cooperation between NATO and the Russian Federation.

(3) In 1994, building on previous efforts at cooperation, Russia joined the Partnership for Peace Program, further enhancing the emerging NATO-Russian Federation dialogue.

(4) On May 27, 1997, in an expression of strong commitment to work together to build a lasting and inclusive peace in the Euro-Atlantic area, the heads of state and government of NATO and the Russian Federation signed the ground-breaking "Founding Act on Mutual Relations, Cooperation and Security Between NATO and the Russian Federation".

(5) On March 18, 1998, the Russian Federation formally established its mission to NATO and appointed a senior military representative to facilitate military and defense-related cooperation between NATO and the Russian Federation.

(6) Since 1998, NATO and the Russian Federation have worked cooperatively with each other in the Balkans and elsewhere setting the stage for the ability of an enlarged NATO to continue the cooperative spirit embodied in the Founding Act.

(7) On May 28, 2002, in an historic step toward the Alliance's long-standing goal of building a secure, cooperative, and democratic Euro-Atlantic area, NATO took the decisive and substantial step of deepening the NATO-Russian Federation relationship by establishing the new NATO-Russia Council.

SEC. 4. UNITED STATES POLICY TOWARD NATO.

The House of Representatives declares the following to be the policy of the United States:

(1) The North Atlantic Treaty Organization (NATO) should remain the primary institution through which European and North American allies address security issues of transatlantic concern.

(2) The member states of NATO should reaffirm, at the Prague Summit in the fall of 2002, the continued importance of NATO, renew their commitment to strengthen the transatlantic partnership, reinforce unity within NATO, maintain a vigorous capability to carry out collective defense, and harmonize security policies and strategies for transatlantic affairs.

(3) At the Prague Summit, the Alliance, while maintaining collective defense as its core function, should as a fundamental Alliance task, continue to strengthen national and collective capacities to respond to new threats wherever such threats occur, including from abroad.

(4) The Alliance, in addition to the strategic concept adopted by the Allies at the summit meeting held in Washington in 1999, must recognize the need to develop new capabilities, and agree to consider acting upon the threats posed by the proliferation of weapons of mass destruction and terrorism by intensifying consultations among political and military leaders, and by developing comprehensive capabilities to counter these threats to the international community.

(5) The Alliance should make clear commitments to remedy shortfalls in areas such as logistics, strategic airlift, command and control, modern strike capabilities, adequate shared intelligence, and the other requirements identified by NATO's Defense Capabilities Initiative necessary to provide the ability to carry out the full range of NATO's missions.

(6) The Alliance must ensure a more equitable sharing of contributions to the NATO common budgets and to overall national defense expenditures and capability-building.

(7) The President, the Secretary of State, and the Secretary of Defense should fully use their offices to encourage the NATO allies to commit the resources necessary to upgrade their capabilities to rapidly deploy forces over long distances, sustain operations for extended periods of time, and operate jointly with the United States in high intensity conflicts, thus making such NATO allies more effective partners.

(8) The member states of NATO should commit to enhanced intelligence-sharing, law enforcement, police, and judicial cooperation, and expanded information exchanges within and among Alliance members in order to meet the challenges of new and emerging threats.

SEC. 5. POLICY WITH RESPECT TO THE RUSSIAN FEDERATION.

It is the sense of the House of Representatives that—

(1) while maintaining its essential and inherent right to make its own decisions, the North Atlantic Treaty Organization (NATO) should seek to strengthen its relations with the Russian Federation as an essential partner in building long-term peace in Europe, and to that end, the new NATO-Russia Council, in which member states and the Russian Federation will work as equal partners on mutually-agreed matters, should be welcomed and supported;

(2) while retaining its primary commitment to collective defense, NATO enlargement should be carried out in such a manner as to underscore to the Russian Federation that NATO enlargement will enhance the security of all countries in Europe, including the Russian Federation; and

(3) in seeking to demonstrate NATO's defensive and security-enhancing intentions to the Russian Federation, it is essential that neither fundamental United States security interests in Europe nor the effectiveness and flexibility of NATO as a defensive alliance be jeopardized.

SEC. 6. POLICY WITH RESPECT TO NATO ENLARGEMENT AND DESIGNATION OF COUNTRIES ELIGIBLE FOR NATO.

It is the sense of the House of Representatives that—

(1) at the Summit to be held in Prague in the fall of 2002, the North Atlantic Treaty Organization (NATO) should extend invitations for accession negotiations to any appropriate candidate country that meets the objectives and targets for NATO membership as outlined in the Membership Action Plan process established by NATO in 1999, including—

(A) a commitment to the basic principles and values set out in the Washington Treaty;

(B) the capability to contribute to collective defense and the Alliance's full range of missions; and

(C) a firm commitment to contribute to stability and security, especially in regions of crisis and conflict, and to be willing and able to assume the responsibilities of NATO membership;

(2) the candidate countries of Albania, Bulgaria, Croatia, Estonia, Latvia, Lithuania, the Former Yugoslav Republic of Macedonia, Romania, Slovakia, and Slovenia should be commended on the significant progress such countries have made thus far in political and economic liberty and military reform necessary for meeting the objectives for prospective members of NATO as set out in their own Membership Action Plans;

(3) each candidate country, despite recognized Membership Action Plan deficiencies requiring further refinement, could in its own way contribute to stability, freedom, and peace in Europe as a whole, as many of such countries have done thus far in the Balkans and in Afghanistan, and would make a positive contribution toward furthering the goals of NATO should it become a NATO member country;

(4) having made significant progress in reforming their societies and their military forces, and having developed reasonable, affordable, and sustainable plans to be able to work within the Alliance structure and to contribute positively to the collective defense of the Alliance and other NATO missions, the candidate countries of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia have met in a satisfactory manner, the criteria established by NATO in the Membership Action Plan process, would likely make a positive contribution to NATO, and should be invited to begin the accession process to join the Alliance at the Prague summit;

(5) with respect to candidate countries invited to join NATO, such countries should accede on a common date before the next announced NATO summit is to take place;

(6) after the Prague summit those candidate countries invited to join the Alliance should continue to participate in the Membership Action Plan until accession, and the accession process should take into account work conducted under the Membership Action Plan; and

(7) the process of NATO enlargement should continue beyond the inclusion of such

candidate countries invited to join NATO at Prague, to include those candidate countries not so invited at Prague as well as other democratic European countries which may express interest in joining the Alliance, and which agree to utilize the Membership Action Plan to facilitate such NATO enlargement.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GALLEGLY) and the gentlewoman from California (Ms. WATSON) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. GALLEGLY).

GENERAL LEAVE

Mr. GALLEGLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GALLEGLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on November 21 and 22, the heads of state and government of the 19 members of the NATO alliance will gather in Prague in what will arguably be the most important meeting of the alliance in a decade.

At Prague, the future of the alliance will thoroughly be debated. That debate will include the critical issue of whether the alliance can agree on what threats the alliance is likely to face in the future and whether the alliance members will make a serious and credible commitment to the development of the military capabilities necessary to meet those threats.

In addition, the summit will affirm the new relationship with Russia and will make history by likely issuing invitations to the largest number of new members ever in the history of the alliance.

Last November, when the House voted on the Solomon Freedom Consolidation Act, we were entering the beginning of a debate within the Congress, the Bush administration, the media, and among our NATO partners over the future of the alliance and what kind of alliance we would be inviting new members to join.

As chairman of the Subcommittee on Europe of the Committee on International Relations, I felt it would take some time to address several of the questions being asked regarding the alliance. Some of those questions included: Was NATO still relevant to Euro-Atlantic security? Were the alliance's roles and missions in need of new definition? What was the ability of the alliance to carry out those missions? What was the rationale for adding new members, and what could those new members provide the alliance? Finally, what would the impact of an enlarged NATO on a West-leaning but still somewhat skeptical Russia be?

To attempt to find those answers, I laid out a comprehensive plan to gather the necessary information to make an informed judgment to present to the House. The subcommittee held several hearings on the future of NATO and enlargement. I met with numerous foreign visitors, both alliance members and candidates alike. I traveled to three of the candidate states to review the commitments they are making to becoming responsible members of the alliance.

Subcommittee staff attended countless meetings, analyzed much of the information available on the alliance and the candidate countries, and twice traveled to NATO headquarters in Brussels. All this was designed to ensure that the subcommittee, and subsequently the whole House, would feel comfortable supporting the NATO alliance and endorsing new countries wishing to join the alliance.

H. Res. 468 is the work product of the Subcommittee on Europe's efforts to address the importance of the events which will take place in Prague. H. Res. 468 reaffirms the need for our commitment to the NATO alliance. This is also the view held by President Bush and Secretary Powell.

H. Res. 468 addresses the urgent need for upgrading NATO's military capabilities in order to meet today's changing threat environment. It agrees with the need for a strong NATO-Russia cooperative partnership. Finally, it affirms that the further enlargement of the alliance will further the stability of Europe, add to the security of the alliance, and is appropriate and welcomed.

During consideration of H. Res. 468 in the subcommittee, I offered an amendment regarding enlargement which was unanimously adopted. That amendment endorsed the candidates of seven countries, including Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia. This endorsement was determined after reviewing an extensive report prepared by our staff. The report addressed the progress the candidates had made in accordance with NATO's member action plan or MAP. The analysis focused on political, economic, and social development with each candidate. It looked at their ability to develop a military structure capable of providing for the overall security of the alliance, and it reviewed the commitment to provide the resources necessary to ensure that the reforms continued and that required military capability would be achieved.

The analysis was by no means exhaustive, but it was intended to provide the Members an overview of what issues are important to NATO in making an informed assessment of each candidate. Overall, all 10 candidates should be congratulated for the efforts they have made thus far to meet the criteria for becoming a member of NATO.

Progress in the candidate countries, ranging from political and military reform, resources commitment, to ensuring the support of the population, has been very impressive. Each has displayed a level of enthusiasm and commitment to the alliance as we saw demonstrated when the ambassadors of all 10 of the candidate countries testified before our subcommittee. Each has already displayed their willingness to be a fully participating member of the alliance through their actions and contributions in the Balkans and with respect to the campaign against terrorism. Each candidate brings with it its own individual strengths. Each is a viable democracy which shares a pro Euro-Atlantic view. Each is committed to market economies, all have embraced military reform, and each provides a unique geopolitical perspective or geostrategic location. These attributes make them all desirable members, either now or in the near future.

On the other hand, each candidate has its weaknesses. Not all have mature political systems or strong institutions. Some have weak economies with structural deficiencies needing attention. Not all have sufficiently addressed corruption. Some need further reform of their militaries and more modern equipment. Of course, all need to spend more money.

Nevertheless, it is our judgment that each of the seven countries listed in the amendment thus far meet the MAP criteria in a satisfactory way.

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And each has been judged to be a potential net contributor to the alliance security. Does this mean they have nothing left to do? Far from it, Mr. Speaker. Each has plenty more to be done, and that work must continue until Prague and beyond Prague, whether they receive an invitation to join or they do not.

To conclude, Mr. Speaker, given the continued importance of NATO to the United States and the importance of the upcoming Prague summit, I believe the House of Representatives should play an active role in expressing our views on NATO and its future. I believe we should also provide our input on which countries should be admitted to the alliance as guidance for the administration, which will play a key role in determining who ultimately will be invited; and we offer our advice to our colleagues in the other body who, as stipulated in the Constitution, will be called on to ratify those selections.

I believe H. Res. 468 provides a mechanism for such expression of the will of the House, and I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Ms. WATSON of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I stand in strong support of this resolution. I would first like to commend my colleague from California (Mr. GALLEGLY) for introducing this important resolution and the gentleman from Illinois (Mr. HYDE) for allowing it to move quickly to the House floor.

The resolution before the House today endorses the expansion of NATO and specifically supports the NATO candidacy of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovenia, and Slovakia. The resolution also reaffirms that NATO is the primary institution through which Europe and North American allies address security issues and calls on NATO to strengthen national and collective capacities to respond to new threats.

Mr. Speaker, the U.S. Congress has consistently led the way in supporting NATO enlargement and a strong and robust role for NATO in Europe. NATO is the longest surviving alliance of our time, and it has endured because it is an alliance of free democratic nations.

There can be no better endorsement of NATO's success and continuing importance than the desire of the newly emerging Central and East European democracies to join this alliance. Whether all seven of these aspiring NATO members are invited to join the alliance at the Prague summit next month or not, there must be opportunities in the future for all European states who accept the conditions of membership to join NATO.

Mr. Speaker, the post-September 11 era has brought us new realities, and one of them is the crucial role that NATO can play in the fight against terrorism. The countries which have applied to NATO have already joined the United States by participating directly in the war on terrorism and by other means such as sharing intelligence and cutting off terrorist financing. While the record of accomplishments and contributions by the aspirant countries, working with their membership action plans, is impressive, none can afford to become complacent now. The process of reforming the NATO aspirant nations will not and cannot end with Prague.

The process of reform must continue after membership, including dealing with the problem of corruption, the treatment of minorities, relations between the governments and opposition, and Holocaust-era issues.

I would also like to emphasize the need for continued strong cooperation with the Russian Federation under the new NATO-Russia Council. I welcome President Putin's new attitude towards NATO enlargement. This represents an important change in the Russian perceptions of the NATO alliance and is a sentiment that we should continue to strongly encourage. I strongly urge my colleagues to support this legislation.

Mr. LANTOS. Mr. Speaker, I join my colleagues in urging adoption of House Resolution 468, which expresses the support of the House for the enlargement of NATO that is planned for the Prague Summit later this fall. Millions of Americans of Central and East European descent share that view, as they demonstrated since the NATO expansion of 1999, when Poland, Hungary and the Czech Republic were invited to become members of the North Atlantic Alliance. They—and most other Americans—recognize that a vital U.S. foreign policy interest will be served by continuing to expand the zone of democracy and stability in Europe.

I have been and remain a strong proponent of NATO enlargement to include those countries that have demonstrated their commitment to democratic reforms, including full protection of minority rights of the diverse ethnic communities that live in these countries of Central and Eastern Europe.

Mr. Speaker, I want to mention a particular interest and concern regarding minority rights of two large historic Hungarian communities—the 1.5 million Hungarians in Romania and the 520,000 in Slovakia. The major unresolved issue affecting the minority communities of both countries is the continued postponement of the implementation of laws for restitution and/or compensation for communal property confiscated from Hungarian religious and educational institutions. Although both Romania and Slovakia have taken important steps to address this critical question of property restitution, progress has been both slow and disappointingly limited.

Mr. Speaker, I urge both countries to pursue restitution more vigorously in the coming months, until fair and complete restitution is implemented according to the rule of law. Only by the safeguarding of religious and minority rights and freedoms will the NATO zone of stability be extended to nations that share a demonstrated commitment to democracy and a true community of values. I urge the governments of Romania and Slovakia to work to resolve these important issues, and I urge all of the countries who seek admission to the North Atlantic Alliance to remember that we in the United States consider treatment of ethnic minorities as an important measure of a democratic society.

Mr. BEREUTER. Mr. Speaker, this Member would like to express his very strong support for H. Res. 468, the Transatlantic Security and NATO Enhancement Resolution, which is an important and historic resolution before the House today. Additionally, this Member would like to express his appreciation to the Chairman of the International Relations Subcommittee on Europe, the distinguished gentleman from California (Mr. GALLEGLY) for his efforts as we worked together to draft this resolution, consider this resolution in the Europe Subcommittee, and bring this resolution to the Floor. Furthermore, this Member would like to thank the Chairman of the International Relations Committee, the distinguished gentleman from Illinois (Mr. HYDE); and the Ranking Member of the International Relations Committee, the distinguished gentleman from California (Mr. LANTOS) for agreeing to waive the full Committee's jurisdiction over H. Res. 468 so that the House can debate and vote on this measure before Congress adjourns.

Indeed, as an original co-sponsor of this resolution and as a strong supporter of NATO and NATO enlargement, this Member is pleased that H. Res. 468 enjoys bipartisan cosponsorship, including support from the House Leadership and from the full International Relations Committee.

The disintegration of the Soviet Union and the end of the Cold War, with dramatic changes in Russia, have necessitated the evolution of NATO as an organization—a process of change that is accelerating. Among three of the most notable changes are—Alliance enlargement, a new focus on terrorism and the proliferation of weapons of mass destruction, and the creation of the NATO-Russia Council.

The first post-Cold War legislation endorsing NATO enlargement was the NATO Participation Act of 1994, which the House of Representatives approved on October 7, 1994. The Senate, which has responsibility for ratifying the necessary changes to the NATO Treaty, shortly followed suit. At the NATO Madrid Summit of 1997, the Alliance began the process of expanding its membership from the lineup of eager former Warsaw Pact nations. The Czech Republic, Hungary, and Poland became full members in March of 1999. Overall this expansion has been very positive for NATO and for these three countries.

The Alliance is headed for a second enlargement round, with accession decisions expected at the Prague Summit in November. There are formally ten aspirant countries: all of the remaining Warsaw Pact satellite partners of the Soviet Union, the Baltic States, the Former Yugoslav Republic of Macedonia and Croatia. (Because it did not begin the formal accession process until May 2002, Croatia will not be eligible to receive an invitation to join NATO this year.) America's European and Canadian allies acknowledge that in the upcoming Summit the U.S. assessments of the readiness of the aspirant countries will be crucial. The consensus emerging in the Alliance is that seven new members will be invited to formally begin the accession process in Prague.

On November 7, 2001, the House passed the Gerald B.J. Solomon Freedom Consolidation Act, which this Member introduced and was named for our esteemed, departed colleague, a committed and active supporter of NATO. The Act, which had strong bipartisan support from House leadership, expressed congressional support for a robust second expansion round at Prague. It also authorized U.S. foreign military financing for seven aspirant countries: Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia. After an appeal from President Bush, the other body's limited but influential opposition to a second expansion round relented, and the other body approved the House bill by a vote of 85–6 on May 17, 2002.

On June 27, 2002, Chairman GALLEGLY and this Member introduced H. Res. 468, with the initial original co-sponsorship of the Ranking Member of the International Relations Committee, the distinguished gentleman from California (Mr. LANTOS); and the Chairman of the House Republican Policy Committee, the distinguished gentleman from California (Mr. COX). As introduced, the resolution was intentionally silent on which countries the House would recommend for accession invitations at the Prague Summit. Like leaders in our Executive Branch, the Subcommittee wanted to keep the pressure on the leading aspirant countries to address remaining deficiencies in their individual Membership Action Plans (MAPs) and in meeting the commitments that are important for NATO membership.

On September 25, 2002, during the Subcommittee mark-up, and with this Member's full support and consultation, the Chairman of the Europe Subcommittee offered an amendment which expresses the sense of the House of Representatives that the seven most qualified countries be offered invitations to join NATO. The Subcommittee approved the amendment by voice vote and favorably reported the resolution, as amended. The resolution's passage will signal to the world U.S. House support and membership recommendations for the enlargement decisions at the Prague Summit. It also will demonstrate to the American electorate House support for members of the other body as they assume their treaty ratification responsibilities to implement the Prague enlargement decisions during the next Congress.

Why the interest in enlarging NATO membership? Why does NATO remain relevant and even crucial? What are the benefits of and concerns about enlargement? Why should Congress, the American people, and the NATO member nations support a robust NATO expansion round countries at the Prague Summit?

Despite the demise of the Soviet Union and positive changes in Russia, a resilient and vital NATO is needed (1) to perform its core function as a mutual defense pact against the possibility of direct aggression against NATO or a member state, (2) to provide a forum to facilitate a greater degree of consultation, cohesion and cooperation among NATO members, and (3) to serve as a source of integrated military strength to address conventional or unconventional threats or demands for out-of-area peacekeeping activities vital to NATO's interests.

NATO is the only multilateral security organization in place, potentially to be augmented by non-NATO participants in NATO's Partnership for Peace (PfP), which is capable of conducting effective military operations and preserving the security and stability of the Euro-Atlantic region.

An expanded NATO provides the stable environment needed by its new member nations and aspirant countries in Central and Eastern Europe to successfully complete the political and economic transformation for integration into Europe and the community of Western democracies. Already, NATO membership requirements have been absolutely crucial in moving aspirant nations to civilian control of their militaries, transparency in military budgeting, interoperability of their military forces with NATO, resolution of internal ethics conflicts and territorial disputes, greater respect for human rights, reduced governmental and business corruption, judicial reform, market-oriented economies, and functioning parliamentary democracies.

The Alliance's military force structure, with its enhanced levels of interoperability, joint defense planning, command/control/communication/intelligence systems, and common force goals and doctrine, provides the crucial basis for forming ad hoc coalitions of willing NATO countries to take on combat, peacekeeping, or humanitarian relief missions—supplemented by PfP participants, as in Bosnia and in Kosovo.

NATO membership motivates member states generally to sustain their commitment to collective defense and, in particular, to meet the goals of NATO's Defense Capabilities Initiative (DCI). Thus, our allies improve their militarily capabilities and are less dependent on American forces.

The Alliance has accepted a new role in the war against terrorism and the proliferation of weapons of mass destruction and their delivery systems among rogue states and non-state actors. Success will require more than the capability for a rapid and effective military response. It also will require: an enhanced level of intelligence-sharing; coordination among NATO members' law enforcement agencies; improved police, judicial and financial agency cooperation; and information exchanges.

Russian civilian leadership is gradually recognizing that NATO is not a threat but rather a forum where Russia can most effectively communicate with her western neighbors. Additionally, Russian civilian leadership in the NATO-Russia Council and the confidence-building and cooperative steps that follow from the new council can lead to the economic prosperity and security of the community of Euro-Atlantic democracies.

At a time when overt threats from Russia to its neighbors immediately to the west have declined or disappear, and when intense opposition to NATO expansion by the civilian Russian leadership has noticeably declined, there should be less reticence among NATO members to accept Baltic nation members and to willingly bear the mutual defense costs and concerns related to these prospective NATO members.

With the careful redirection of some of NATO's focus away from meeting a massive Soviet/Russia strike against NATO Europe, and toward new tasks of peacekeeping, responding rapidly to out-of-area military or terrorist actions, and fighting the war on terrorism in NATO countries, the aspirant countries, with fewer resources and generally, smaller populations than most NATO members, can bring specialized military capabilities to the table for use in these new NATO missions.

Mr. Speaker, Congress must recognize that NATO is adapting to meet the threats to its member nations and to its collective interest. With the implementation of the Combined Joint Task Force (CJTF) concept for the assemblage of effective coalitions of the willing, NATO now has far more flexibility to address a range of new and very different threats. When the United States must defend its interests out of area, it is more likely to have some friends from NATO at its side who can effectively operate with it, despite a very troubling U.S.-Europe military capabilities gap.

Finally, and in conclusion, bringing in new qualified nations to NATO is not, on balance, a burden. Aspirant countries' vigorous interest in membership and their commitments to democracy, peace and stability will make NATO a more vital organization in an eastern European neighborhood. These countries have been striving to meet NATO membership qualifications and to finally join the ranks of the prosperous, peaceful, democratic nations of the Euro-Atlantic region. How, morally, can we deny them this tremendous step toward these worthy goals—some 57 years after the end of World War II?

Mr. Speaker, this Member urges his colleagues to vote "aye" on this resolution.

Ms. WATSON of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GALLEGLY. Mr. Speaker, I have no other speakers, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from California (Mr. GALLEGLY) that the House suspend the rules and agree to the resolution, H. Res. 468, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. GALLEGLY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOMMENDING INTEGRATION OF LITHUANIA, LATVIA, AND ESTONIA INTO NORTH ATLANTIC TREATY ORGANIZATION (NATO)

Mr. GALLEGLY. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 116) recommending the integration of Lithuania, Latvia, and Estonia into the North Atlantic Treaty Organization (NATO).

The Clerk read as follows:

H. CON. RES. 116

Whereas the Baltic countries of Lithuania, Latvia, and Estonia are undergoing a historic process of democratic and free market transformation after emerging from decades of brutal Soviet occupation;

Whereas each of these Baltic countries has conducted peaceful transfers of political power—in Lithuania since 1990 and in Latvia and Estonia since 1991;

Whereas each of these Baltic countries has been exemplary and consistent in its respect for human rights and civil liberties;

Whereas the governments of these Baltic countries have made consistent progress toward establishing civilian control of their militaries through active participation in the Partnership for Peace program and North Atlantic Treaty Organization (NATO) peace support operations;

Whereas Lithuania, Latvia, and Estonia are participating in the NATO-led multinational military force in the Republic of Bosnia and Herzegovina and Kosovo;

Whereas Lithuania, Estonia, and Latvia are consistently increasing their defense budget allocations and have adopted laws providing that such allocations for defense will be at least 2 percent of their gross domestic product (GDP) by 2002 for Lithuania and Estonia and by 2003 for Latvia;

Whereas each of these Baltic countries has clearly demonstrated its ability to operate with the military forces of NATO nations and under NATO standards;

Whereas former Secretary of Defense Perry stipulated five generalized standards for entrance into NATO: support for democracy, including toleration of ethnic diversity and respect for human rights; building a free market economy; civilian control of the military; promotion of good neighborly relations; and development of military interoperability with NATO;

Whereas each of these Baltic countries has satisfied these standards for entrance into NATO; and

Whereas NATO will consider at its 2002 summit meeting in Prague the further enlargement of its alliance: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) Lithuania, Latvia, and Estonia are to be commended for their progress toward political and economic liberty and meeting the guidelines for prospective members of the North Atlantic Treaty Organization (NATO) set out in chapter 5 of the September 1995 Study on NATO Enlargement;

(2) Lithuania, Latvia, and Estonia would make an outstanding contribution toward furthering the goals of NATO should they become members;

(3) extension of full NATO membership to these Baltic countries would contribute to stability, freedom, and peace in the Baltic region and Europe as a whole; and

(4) with complete satisfaction of NATO guidelines and criteria for membership, Lithuania, Latvia, and Estonia should be invited in 2002 to become full members of NATO.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GALLEGLY) and the gentlewoman from California (Ms. WATSON) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. GALLEGLY).

GENERAL LEAVE

Mr. GALLEGLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GALLEGLY. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I thank the distinguished chairman for yielding me this time.

Mr. Speaker, I urge my colleagues to vote in support of H. Con. Res. 116, recommending the integration of Lithuania, Latvia, and Estonia into the North Atlantic Treaty Organization. I believe that these three nations have demonstrated the commitment necessary to become full-fledged members of that organization and will prove to be valuable allies in the war against international terrorism and the effort to promote democracy, human rights, and the rule of law around the world. These are the foundations, of course, for peace and prosperity; and they will be and are even now major players.

Mr. Speaker, 11 years ago with the collapse of the Soviet Union, Estonia, Latvia and Lithuania threw off the yoke of Soviet domination and regained their independence. Between World War I and World War II, they had been sovereign nations and respected members of the international community. In 1939, however, they were illegally partitioned between Hitler and Stalin as part of the infamous Molotov-Ribbentrop agreement. Based on this agreement, Hitler gave Stalin the green light to seize the Baltic states.

I am proud to state and to note that the illegal incorporation of Estonia, Latvia, and Lithuania into the Soviet Union was never recognized by the United States Government. Now Estonia, Latvia, and Lithuania are again sovereign nations, respected members of the international community, desirous of joining and contributing to the most successful defensive alliance Europe has ever known. They are working individually and among themselves to improve their defense posture and coordination. All three Baltic states are major contributing forces to the stabilization force in Bosnia. In Afghanistan, an Estonia mine-detecting team is working with our forces near the Bagram air base. They are working assiduously towards membership in the European Union and play a significant role in the deliberations of the Organization for Security and Cooperation in Europe, which I chair.

In the early 1990s, there were OSCE missions to Estonia and Latvia to assist in the resolution of the problem of integrating the non-native populations. These missions, I am very happy to say, have now been withdrawn as the challenges of integration recede further and further into history.

I would be remiss, however, if I did not mention a rule of law concern that is relevant to this discussion. During and after World War II, millions of people fled Eastern and central Europe to escape Nazi and Communist persecution. Most of them lost everything they and their families had earned and built up over generations including homes, businesses, and artwork. Since the early 1990's these people or their descendants have tried to regain through legal means the properties that were confiscated. The Helsinki Commission, again a commission that seeks to implement the Helsinki Final Act, has monitored the property restitution and compensation efforts being made by post-Communist governments, and this past July we held our third hearing on that subject. Among the NATO candidate countries where the issue of property restitution has been particularly problematic are Lithuania, Croatia, and Romania.

Central and East European governments have done much regarding property restitution; and indeed they have done some very good things, many of these countries. However, there needs to be done more in this area, and we would call upon them again as we encourage them to join NATO and are looking forward to this partnership which strengthens and deters against aggression that this issue needs to be resolved, and it needs to be resolved as quickly as humanly possible.

Ms. WATSON of California. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of this resolution, and I commend the gentleman from Illinois (Mr. SHIMKUS) for introducing this important resolution. Mr. Speaker, throughout the grim decades of the Cold War, the U.S. Congress consistently fought to ensure that the international community never acknowledged the incorporation of the Baltic states, Estonia, Latvia, and Lithuania, into the Soviet Union. Since these countries earned their independence in 1991, Congress has consistently supported their historic transformation into democratic and free market societies. From the first day of independence, all three Baltic countries made NATO membership a cornerstone of their foreign policy regardless of which political party controlled the government.

Mr. Speaker, Lithuania, Latvia, and Estonia have made Herculean efforts to prepare themselves for NATO membership. They have built armed forces modeled on Western armies. They have consistently maintained their defense budget at or around 2 percent of their GDP during these difficult economic times. Their people have consistently supported NATO membership with all its opportunities and commitments.

Lithuania, Latvia, and Estonia have all sent troops to assist the European peace-making efforts under NATO. The Baltic states have also joined the United States in the war on terrorism by offering to deploy forces to Afghanistan as part of the Danish contingent. These countries had some difficult legacies to overcome including Holocaust-era issues and dealing with Russian ethnic minorities. Latvia and Estonia have made considerable progress on minority rights issues and Lithuania has worked with the Jewish community to address property restitution and other Holocaust issues. These countries are now on the right track. Mr. Speaker, I strongly urge my colleagues to support this legislation.

Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, the nations of Latvia, Estonia, and Lithuania have long awaited accession to NATO; and throughout this country, people representing various communities supporting Latvia, Estonia, and Lithuania have been seeking for recognition not only for NATO but also recognition so that there can be a full involvement with the European community. It is so important that this Congress recognizes the importance of Latvia, Estonia, and Lithuania to the world community and encourage not only excision but also encourage the full integration into the European community and the world community of these nations.

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These nations have much to offer in terms of their commitment to democratic values, in terms of their commitment to development of their economies, in terms their commitment to technological development and in terms of their friendship with the United States.

I think that this resolution, which seeks to support Lithuania, Latvia and Estonia, is a step along the way towards rewarding those nations that not only have pursued democratic traditions but also are attempting to be integrated with the economies of Europe and of the United States.

NATO accession is seen as not simply being participation in the defense of the North Atlantic Treaty Organization member states, but also it is seen as an opportunity towards a more full participation in the world community on all the economic issues.

So I am pleased to work with my good friend, the gentleman from Illinois (Mr. SHIMKUS), and others who are concerned that this resolution receive this attention and support, and to stand here on behalf of those citizens in the Baltics, Latvia, Lithuania and Estonia, who have long awaited this moment when their nations would be recognized, and all of their friends in this country who have long awaited the moment for the United States to show support for the integration of these nations and for accession of these nations.

This is an important moment, and I am proud to be here on the floor to join with my colleague from California and to state to the world community that Latvia, Estonia and Lithuania are ready, they have been willing, they are able, and they deserve the support of the Congress of the United States.

Ms. WATSON of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GALLEGLY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I rise in support of H. Con. Res. 116, which was introduced by our colleague, the gentleman from Illinois (Mr. SHIMKUS).

In light of the action taken by the Subcommittee on Europe and just now by the House, which endorsed the Baltic States for membership in NATO, I believe this resolution is complimentary to H. Res. 468 and should be adopted.

The resolution endorses the candidacies of Estonia, Latvia and Lithuania for NATO membership and discusses in detail why the three Baltic nations deserve to be invited into the alliance.

Mr. Speaker, last year, the Baltic nations celebrated the 10th anniversary of the resumption of their independence after a long period of Soviet dominance. The changes which have taken place in those countries has been amazing in every aspect. The total political, economic and social transformation they have gone through in preparation for NATO and EU membership has been impressive, and they deserve to be recognized or their accomplishments by being invited to join the alliance.

The author of this legislation, the gentleman from Illinois (Mr. SHIMKUS), has long been a supporter and spokesman for the Baltics, serving as the chairman of the Baltic Caucus in the House. He has given tireless devotion to promoting these countries and their accomplishments. Passage of this resolution is as much about his dedication as it is about theirs.

Mr. Speaker, I do not believe there could be any better additions to the NATO alliance than these three nations, and I urge the adoption of the resolution.

Mr. TERRY. Mr. Speaker, I rise today in strong support of H. Con. Res. 116 to recommend the integration of Lithuania, Latvia, and Estonia into the North Atlantic Treaty Organization (NATO).

Since its inception in 1949, NATO has served as a vehicle for peace and stability throughout Europe. While the imminent threat of the Warsaw Pact has passed, one need not look far to see the continued utility of NATO. Far from becoming a defunct organization when the Berlin wall fell 13 years ago, NATO has adapted to the changing security dynamics of the post-cold war era and has continued to be a means through which we can achieve peace in Europe.

One of the most measurable successes of NATO is the eagerness of former Warsaw Pact countries and former Republics of the Soviet Union to join the western alliance. Three years ago, we officially welcomed Poland, Hungary, and the Czech Republic. At the Prague Summit in November the alliance will once again consider expanding its membership. We should recognize the tremendous gains the states of Lithuania, Latvia, and Estonia have made by accepting them into the NATO fold.

Lithuania, Latvia, and Estonia have all individually made extraordinary advances toward democracy and free market principles. Each has successfully thrown off the yoke of Soviet oppression and has instituted government structures that assure freedom and rule of law for their citizens. Each has demonstrated a respect for human rights and a desire to be oriented toward the freedom-loving states of the West. Each has actively worked to achieve the standards necessary for accession into NATO, and each has succeeded in this endeavor.

Membership in NATO will help cement the progress the Baltic states have made since achieving independence in 1991. More importantly, NATO expansion to incorporate the Baltic states, as former republics of the Soviet Union, will serve to strengthen the alliance in its mission to secure peace and security in the Euro-Atlantic region.

As a member of the House Baltic Caucus, I applaud the strides that Lithuania, Latvia, and Estonia have made and urge my colleagues to join me in supporting this resolution.

Mr. SHIMKUS. Mr. Speaker, as an American of Lithuanian decent, and cochairman of the House Baltic Caucus, it is with great pride that I rise today in support of H. Con. Res. 116. This resolution supports the integration of Lithuania, Latvia and Estonia into NATO.

In the aftermath of September 11, 2001, I believe it is even more important than ever to secure Europe through NATO enlargement. This past year there has been a fundamental shift in the argument over NATO membership. We are no longer questioning "if" NATO will expand, we are asking "who" will be invited to join in 2002. In a major foreign policy address at Warsaw University on June 15, 2001, President George W. Bush spoke decisively for enlarging NATO to include the Baltic nations when he said, "All the new democracies, from the Baltic to the Black Sea, should have the same chance for security and freedom to join the institutions of Europe." Now, even the NATO defense ministers are telling the press that the decision has already been made to invite the Baltic countries to join at the Prague Summit next month.

When considering H. Con. Res. 116, it is important to remember the Baltic's history. Lithuania, Latvia and Estonia lost their independence in 1940 after the signing of the Molotov-Ribbentropo Pact that placed the Baltic States in the Soviet sphere of influence. The United States never recognized the legitimacy of the Soviet occupation. For over 50 years, the Baltic people endured unspeakable horrors under Stalin's totalitarian regime. With incredible tenacity and bravery, they resisted occupation. In 1991 they reasserted their independence, causing the domino effect that led the collapse of the Soviet Union.

Lithuania, Latvia, and Estonia are among the greatest success stories of post-communist Europe. Against all odds, in the decade since they regained independence, the Baltic countries have established stable democratic governments, free market economic systems, and exemplary respect for human rights and civil liberties. With reoccupation a possible long-term threat, they have turned their efforts toward security which can only be achieved by joining NATO.

Submitting their applications for NATO membership in 1994, the Baltics have already been contributing as if they were members of the alliance. Lithuania, Latvia and Estonia have all sent troops to assist the European peacekeeping efforts under NATO, the United Nations, the Organization for Security and Cooperation in Europe, as well as essential linguistic support for the current campaign against terrorism. Despite their modest budgets and tremendous social needs, each country has committed itself to spending 2 percent of its GDP on military preparations in compliance with the membership action plan (MAP). This is remarkable because in comparison, many NATO members, including Germany, do not currently spend 2 percent of their GDP on defense. H. Con. Res. 116 backs Baltic membership contingent on the completion of the membership action plan (MAP) requirements, which they have been vigorously pursuing.

There are some who argue that Baltic membership in NATO will cause a dangerous tension with Russia. I respectfully disagree. Expanding the umbrella of protection to the Baltics will never pose a threat to Russia. Instead it will enhance stability to Moscow's west, which is to Russia's advantage. In the recent past, Russia raised the same complaints about Poland's candidacy, and now that Poland has joined the alliance, the two countries have a better relationship than ever before. Baltic inclusion into NATO will have the same effect. Baltic membership might temporarily wound Russian pride, but it will be beneficial in the long term, forcing Russia to focus on its ailing economy, not its geopolitical situation.

Moreover, in light of the terrorist attacks, Russia seems to be accepting Baltic membership. On October 3, 2001 Russian President Vladimir Putin stated in Brussels that he is prepared to reconsider Russia's opposition to NATO enlargement. Putin stated that September 11th has brought relations between Russian and the West to a "new level."

While relations between the United States and the Baltic countries are very strong, the Baltics feel like the west abandoned them in exchange for peace with Moscow after World War II. If we fail to extend NATO membership to the Baltics in this round of enlargement, they will believe that we have scarified them once again. It would stall the reform movements underway which are fueled by hope for NATO membership and could cause instability in the region.

I introduced H. Con. Res. 116 because it is very important for the House of Representatives to send a message to NATO leaders before the 2002 summit that the United States stands firmly behind the Baltics' candidacy. Only NATO membership will enhance security in Europe. Until they are invited to join, the Baltic region will remain ripe for crises that could contaminate the United States-Russian relationship and threaten European security. For these reasons, I ask you to vote for H. Con. Res. 116.

Mr. GALLEGLY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from California (Mr. GALLEGLY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 116.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

RECOMMENDING THE INTEGRATION OF THE REPUBLIC OF SLOVAKIA INTO THE NORTH ATLANTIC TREATY ORGANIZATION (NATO)

Mr. GALLEGLY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 253) recommending the integration of the Republic of Slovakia into the North Atlantic Treaty Organization (NATO), as amended.

The Clerk read as follows:

H. RES. 253

Whereas the Slovak Republic came into existence in 1993 after a peaceful division of Czechoslovakia;

Whereas Slovakia has consistently conducted peaceful transfers of political power;

Whereas Slovakia has demonstrated the maturity of its democracy in democratic, free and fair elections of September 2002 with high voter turnout;

Whereas Slovakia has shown a consistent record of progress in the areas of human rights, civil society, and a free market economy;

Whereas Slovakia's past government (1998-2002), which included three ethnic Hungarians, including a Deputy Prime Minister, demonstrated its commitment to improved relations with national minorities;

Whereas Slovakia reconfirmed its ability to address issues of the past, including the recent decision of its Government to compensate the Holocaust victims;

Whereas Slovakia has continually worked to retain civilian control of its military through active participation with North Atlantic Treaty Organization (NATO) forces, and the members of the North Atlantic community have cooperated closely with the military of Slovakia in its reform;

Whereas Slovakia has demonstrated its ability to operate with the military forces of NATO members within activities of the Partnership for Peace program and participated in missions in Bosnia and Herzegovina and Kosovo;

Whereas Slovakia sent its troops to Afghanistan in support of the war against terrorism and Operation Enduring Freedom;

Whereas Slovakia, geographically located in a strategically significant position, contributed within the framework of Visegrad Four together with its neighbors, the Czech Republic, Hungary, and Poland—all members of NATO since 1999—to regional security and stability; and

Whereas NATO will consider at its 2002 summit meeting in Prague extension of invitations to new democracies of Central and Eastern Europe to join the Alliance: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the Slovak Republic should be commended for progressing toward political and economic liberty and for its efforts to meet the guidelines for prospective North Atlantic Treaty Organization (NATO) members set out in Chapter 5 of the September 1995 Study on NATO Enlargement;

(2) Slovakia would make significant contributions to furthering the goals of the North Atlantic Treaty Organization;

(3) extension of the North Atlantic Treaty Organization to include Slovakia would significantly contribute to security and peace of Europe and the region as a whole; and

(4) Slovakia should be invited to be a full member of the North Atlantic Treaty Organization alliance at the NATO 2002 summit in Prague.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GALLEGLY) and the gentlewoman from California (Ms. WATSON) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. GALLEGLY).

GENERAL LEAVE

Mr. GALLEGLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 253.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GALLEGLY. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend, the gentleman from California (Chairman GALLEGLY), for yielding me time.

Mr. Speaker, I rise in support of H. Res. 253, recommending the integration of Slovakia into the North Atlantic Treaty Organization.

In my years of service with the Commission on Security and Cooperation in Europe, I have observed the sometimes difficult transition to democracy of this Central European country. It has been very difficult for them. It was because of Slovakia's own authoritarian leaders, most notably Vladimir Meciar, that Slovakia was rightly excluded from the accession process in 1997. Today, it is thanks to a new generation of bright and enlightened Slovak leaders that that situation has dramatically been reversed.

To the credit of the Dzurinda government, many important changes have already been undertaken. The support of the U.S. Congress for Slovakia's admission to NATO reflects the deep respect my colleagues and all of us have for these remarkable achievements.

Let me just say to my colleagues that the reform process in Slovakia should not end with the Prague-NATO summit. On the contrary, the long-term well-being of Slovakia requires that this process continue and indeed intensify after November.

In this regard, there are three areas that I believe deserve particular attention.

First, the most recent elections clearly demonstrate Slovakia's ability to elect pro-democracy, pro-western governments that respect the sacredness and sanctity of human life. The results of the 1998 elections were not a fluke but an illustration of real and meaningful democratic transition that first found its voice in civil society and then in the government itself. The question now is whether that maturity will also be found in a loyal opposition in the parliament, one that by definition has policy differences from time to time from the ruling coalition, but whose ultimate interest is in serving the Slovak people.

Second, the Slovakia government must make headway in fighting corruption. Unless and until that happens, the rule of law will remain weak, economic development will go to other countries, and justice will be elusive.

Finally, Slovak leaders must address in earnest the scourge of racism against the Roma. This problem, as we all know, is not unique to Slovakia. While other countries in the region have moved to counter the most alarming manifestations of hatred and intolerance, violent attacks, Slovakia has failed to bring these attacks under control. The NATO Participation Act of 1994, I would remind my colleagues, which all of us supported, made clear that "participants in the Partnership for Peace should be invited to become full NATO Members if they remain committed to protecting the rights of all of their citizens." So we make a strong appeal to the Slovak leadership, please, undertake aggressive efforts to protect the Roma.

Mr. Speaker, I want to thank again my good friend for his leadership on this issue.

Ms. WATSON of California. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of this resolution.

Mr. Speaker, I first would like to commend my good friend and colleague, the gentleman from Michigan (Mr. STUPAK), for introducing this important resolution.

Mr. Speaker, just a few minutes ago we considered H. Res. 468, which endorses membership in NATO for the Slovak Republic, along with six other applicants. This resolution before us highlights the political, economic and foreign policy accomplishments of the Slovak Republic since its "velvet" divorce from the Czech Republic in 1993 and specifically endorses its NATO membership.

Slovakia did not have an easy beginning as an independent country. Its first post-independence government stalled on political and economic reforms, in stark contrast to its neighbors to the north, west and south. But the people of Slovakia elected a reform-minded government in 1998, which quickly moved to anchor Slovakia in the West, made NATO membership a cornerstone of its form foreign policy and joined the Czech Republic, Hungary and Poland in a regional, political and economic grouping.

The Slovak Republic has not only shown progress in the area of free market economy, but it also began to address different issues of the past, such as Jewish property restitution and compensation to the victims of the Holocaust. Relations with the ethnic Hungarian minority have also improved, and the previous government included three ethnic Hungarians as ministers. Although much more remains to be done in this area, I believe that membership in NATO will reinforce the message that the just treatment of national minorities is a key aspect of membership.

The Slovak government has already demonstrated that it is interested in the ability to join NATO, first by participating in the SFOR and the KFOR operations, and by sending its troops to Afghanistan.

Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. STUPAK), the sponsor of this resolution.

Mr. STUPAK. Mr. Speaker, I thank the gentlewoman for yielding me time for this opportunity to speak in support of expansion of the North Atlantic Treaty Organization.

Mr. Speaker, I introduced H. Res. 253 to commend the Slovak Republic for its progress towards political and economic liberty and efforts to meet the guidelines of prospective NATO membership. Slovakia, once an authoritative regime, embraced a pro-western government in 1998 and freed its citizens from international isolation.

On September 21, 2002, the Slovak government successfully held the third free and fair elections since its independence. Over 70 percent of the eligible voters turned out to express their new-found democratic right.

The Slovak Republic now stands ready to play an integral part in defense of the free world. As a member of NATO, Slovakia would contribute to protection of member states and significantly benefit the security and peace of Europe and the region as a whole. Slovakia's leaders value the prospect of serving in our military alliance, while its citizens align themselves with NATO's common values and democratic mission.

The NATO summit to discuss enlargement is scheduled for November 23, 2002, in Prague. That is why this resolution is so timely.

I thank the chairman, the gentleman from Illinois (Mr. HYDE); the ranking member, the gentleman from California (Mr. LANTOS); the subcommittee chairman, the gentleman from California (Mr. GALLEGLY); and the ranking member, the gentleman from Alabama (Mr. HILLIARD) for moving this resolution forward, because this resolution demonstrates that, among the other European countries vying for membership, Slovakia boasts the highest gross domestic product and a key geographical advantage, surrounded by other NATO member states.

Let us send a clear message that Slovakia would make an excellent partner and deserves to be counted among the newest members of NATO.

On a personal note, my ancestors are from Slovakia, so I am proud to present this resolution to the House for its consideration today.

So I ask all Members to support H. Res. 253 and urge our international community to give Slovakia's bid for NATO membership new consideration.

Mr. GALLEGLY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, H. Res. 253 was introduced by our previous speaker, the gentleman from Michigan (Mr. STUPAK), and endorses the candidacy of Slovakia for NATO membership. In light of the action about to be taken by the House, I believe this resolution is complimentary to H. Res. 468 and elaborates the reasons why Slovakia should be included in NATO.

☐ 1745

Five years ago, Slovakia was seriously under consideration for NATO membership, but was denied due to the government in power at the time. That government was subsequently replaced, but it threatened to return to power this year, again calling into question Slovakia's candidacy. However, Slovakia just recently held a very important national election and the current government has been returned to office. The outcome of the elections were one of the keys to the status of Slovakia's application to NATO. The election results did come out to everyone's satisfaction, and that has lessened the apprehensions about Slovakia's commitment to NATO.

Mr. Speaker, I want to congratulate the people of Slovakia for their strong showing in the election. Over 70 percent of the voting population actually voted. I also want to commend the work of our ambassador, Ron Weiser, and his entire embassy staff for their efforts to encourage a strong voter turnout..

Mr. Speaker, I urge the adoption of this resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. WATSON of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GALLEGLY. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. GILMAN), the chairman emeritus of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I would like to thank our distinguished Committee on International Relations subcommittee chairman, the gentleman from California (Mr. GALLEGLY), for his diligent work in bringing H. Res. 486, the Transatlantic Security and NATO Enlargement Act, before us for consideration today. As a cosponsor of that resolution, it is my firm belief that NATO enlargement will not only affirm the importance of the North Atlantic Treaty Organization Act, but it will contribute to the stability and security of

Europe and preserve and enhance its ability to effectively combat the scourge of terrorism.

Today, the case for NATO enlargement is stronger than ever before. The September 11 attacks have reminded us of the common interests we share with our European allies. Thus, not only will NATO enlargement contribute to the process of integration that has helped us stabilize Europe over the past 50 years, but it will also help promote the development of strong new allies in our war on terrorism.

Far from backing away from NATO enlargement, we should welcome all of those European democracies whose political stability, military contributions, and commitment to NATO's solidarity would be assets to the alliance. Each of the candidate countries have made remarkable progress in transitioning to Western-style democracies and free market economies. While each nation's challenge is different, they share a common thread: the desire to adopt a pluralistic form of democracy that respects human and civil rights, practices tolerance for ethnic and religious diversity, and demonstrates a healthy respect for the rule of law. They should be commended for both their accomplishments and their continued pursuit of these goals.

Accordingly, I wish to strongly urge my colleagues to support this important resolution. Now, more than ever, we must pursue a wider, integrated NATO.

Mr. GALLEGLY. Mr. Speaker, we have no further requests for time. At this point I would urge my colleagues to support the adoption of this resolution.

Mr. MICA. Mr. Speaker, I am pleased to join my colleagues in support of H. Res. 253 recommending the integration of the Republic of Slovakia into NATO.

The people of the Slovak Republic understand the importance of national security and having the ability to maintain their national identity and sovereignty. Time and time again over the past centuries the Slovak people have been denied their independence. That is why they value the protection and security offered by membership in NATO.

The Slovak Republic has made great strides and significant progress since its peaceful separation from the Czech Republic in 1993. While the transition to a newly independent nation has been at times difficult, the Slovak people are heroes who have survived imposed monarchy, fascism, communism and forced integration. The Slovak people are heroes again even in the face of economic challenges and all the problems of transforming a state economy into a free market and free enterprise society—they again displayed their courage to align with the West, free institutions and democracy. Therefore, it is fitting today that the United States Congress express its support for the people of Slovakia and their newly independent nation to join in the security afforded by the NATO organization.

My hope is that Slovakians independence will be protected and preserved for future generations by its integration into NATO.

I am pleased to join as a cosponsor of this legislative resolution. I am pleased to be the grandson of Slovak immigrants to the United States. May God Bless the Slovak people and May God Bless the United States in these difficult times of national security.

Mr. GALLEGLY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from California (Mr. GALLEGLY) that the House suspend the rules and agree to the resolution, H. Res. 253, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The title of the resolution was amended so as to read: "Resolution recommending the integration of the Slovak Republic into the North Atlantic Treaty Organization (NATO).".

A motion to reconsider was laid on the table.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2002

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 4085) to amend title 38, United States Code, to provide a cost-of-living increase in the rates of compensation for veterans with service-connected disability and dependency and indemnity compensation for surviving spouses of such veterans, to expand certain benefits for veterans and their survivors, and for other purposes.

The Clerk read as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Compensation Cost-of-Living Adjustment Act of 2002".

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 2002, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under section 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of such title.

(4) NEW DIC RATES.—The dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title.

(5) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of such title.

(6) ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.—The dollar amount in effect under section 1311(b) of such title.

(7) ADDITIONAL DIC FOR DISABILITY.—The dollar amounts in effect under sections 1311(c) and 1311(d) of such title.

(8) DIC FOR DEPENDENT CHILDREN.—The dollar amounts in effect under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—(1) The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 2002.

(2) Except as provided in paragraph (3), each such amount shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2002, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(3) Each dollar amount increased pursuant to paragraph (2) shall, if not a whole dollar amount, be rounded down to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 3. PUBLICATION OF ADJUSTED RATES.

At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2003, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b) of section 2, as increased pursuant to that section.

Amend the title so as to read: "An Act to increase, effective as of December 1, 2002, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4085, the Veterans' Compensation Cost of Living Adjustment Act of 2002, will provide a cost of living adjustment to disabled veterans and surviving spouses. The amount of the increase will be calculated using the same percentage applicable to Social Security benefits. The percentage amount should be announced later on this week and will be around 1.5 to 2 percent. Upon enactment of this vital legislation, all veterans or qualified survivors of veterans who receive disability compensation payments will receive the COLA effective December 1 of this year.

Mr. Speaker, the House originally passed this COLA legislation back in May with a number of other very important provisions. On September 26, however, the Senate struck out those other provisions and sent us back the bill that is before us today. While I am urging my colleagues to support H.R. 4085, as amended, I want to assure them that we are continuing to work with our colleagues in the other body to reach agreement on these other vital provisions.

Specifically, those provisions would:

Authorize dependency and indemnity compensation benefits for the surviving spouse of a veteran who remarries after attaining the age of 65. These surviving spouses would also be eligible for supplemental VA-sponsored health coverage, education, and housing loan benefits to the same extent as if they had not remarried.

We also saw a provision stripped out that we again will seek to find another home that reduced the home loan fee charges qualifying members of the Selected Reserve to the same level charged active-duty veterans.

We also had a provision dealing with increased veterans' mortgage life insurance coverage from $90,000 to $150,000; and authorized veterans over the age of 70 to continue coverage under the veterans' mortgage life insurance.

The House bill, Mr. Speaker, also contained a provision to authorize funding for State-approving agencies, the entities that are responsible for certifying schools' eligibility for participation in the Montgomery GI Bill for the next 3 years. Because of the urgency of continuing their funding, following consideration of H.R. 4085, we will shortly take up legislation that provides a 1-year authorization.

Mr. Speaker, as this session draws to a close, I am hopeful that we will see action completed on these and a number of important veterans measures that the House has passed, but that have not been acted on by the other body. Among the House bills still pending in the other body are:

Number one, H.R. 3253, the Department of Veterans Affairs Emergency Preparedness Act of 2002, which would expand the Department of VA's role in homeland security, creating new research centers to counter biological, chemical, and radiological terrorism. H.R. 3253 originally passed the House on May 20 and was subsequently amended and approved by the Senate on August 1. After intensive negotiations with our colleagues in the Senate, a compromise agreement was reached by both sides, and the House agreed to the compromise version on September 17. We are now awaiting action by the Senate on this legislation.

Number two, H.R. 3645, the Veterans Health Care and Procurement Improvement Act of 2002 passed the House on July 22, which would reform VA health care procurement practices, expand access to VA health care services to Filipino veterans, World War II veterans, and provide additional dental services to former POWs.

Number three, H.R. 4015, the Jobs for Veterans Act, passed the House on May 21 and would reform veterans job training and placement programs in the Department of Labor through a new system of incentives and accountability.

Number four, H.R. 3423 would reform eligibility for burial at Arlington National Cemetery and was passed by the House on December 20 of last year. This legislation makes a couple of commonsense changes to recognize that reservists who die in the line of duty or who would qualify for burial but for their age at death, deserve the honor of an Arlington burial should they and their families so choose.

Number five, H.R. 4940, the Arlington National Cemetery Burial Eligibility Act, passed the House on July 22nd. This is the third time that the House has approved a comprehensive review and overhaul of Arlington's rules, and we will continue to work with our colleagues in the other body on this major legislation.

Number six, H.R. 5055, legislation to authorize a memorial marker in Arlington National Cemetery honoring veterans who fought in the Battle of the Bulge. That passed on July 22 as well. We have a preliminary agreement with our Senate colleagues on this and look forward to working with them and taking final action on that before this session closes sine die.

Number seven, H.R. 811, the Veterans Hospital Emergency Repair Act, which passed the House on March 27, 2001, and H.R. 4514, the Veterans Major Medical Facilities Construction Act of 2002, which passed the House on May 21, are both extremely important pieces of legislation designed to protect and preserve the invaluable infrastructure of the Veterans Health Administration. For the past several years, VA's construction programs have been seriously underfunded. It is imperative that we take action, prompt action, to ensure that hospitals, clinics, research centers, and other VA medical centers are properly maintained and modernized when necessary.

Mr. Speaker, there is still much more important work that we hope to accomplish in the waning days of the 107th Congress. There is already much that has been accomplished. Major new laws were enacted to substantially improve the GI Bill, reinvigorate our Nation's efforts to end homelessness among veterans, to better compensate service-connected veterans and their survivors, as well as dramatically increase funding for veterans health care services. This has indeed been a highly-productive year for veterans legislation in the House, and I salute all of my colleagues on both sides of the aisle for their assistance and their cooperation and for working as a team on behalf of our Nation's veterans.

Mr. Speaker, I reserve the balance of my time.

Mr. EVANS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4085. This measure provides a cost-of-living increase for our Nation's veterans. It will assure our Nation's veterans that the value of their benefits will not be reduced due to cost-of-living increases. I want to start out by thanking the gentleman from New Jersey (Mr. SMITH) for his leadership on this bill, as well as many other bills during the session that he alluded to.

I also want to thank the gentleman from Idaho (Mr. SIMPSON), the chairman of the Subcommittee on Benefits, and the gentleman from Texas (Mr. REYES), the ranking democratic member of the subcommittee, for their support of this legislation. This bill deserves the support of every Member of this body, and I urge my colleagues to vote for this legislation.

Mr. Speaker, I also rise today to publicly thank a member of the committee's Democratic staff for her exceptional service to our Nation's veterans. Beth Kilker, executive assistant to the Subcommittee on Benefits, will be retiring this December after almost 25 years of outstanding service to the House Committee on Veterans' Affairs and our Nation's veterans.

Beth began her career working for the FBI. After working for the FBI and the House Select Committee on Assassinations, Beth joined the committee staff in March of 1978 as a staff assistant. She has been a dedicated and effective advocate for our veterans and their families. She is highly respected by veterans' service organizations as well as employees of the Departments of Veterans Affairs, Labor and Defense. Everybody Beth has worked for has become her friend. Committee members will miss Beth's helpfulness, her smile, and her sense of humor as well. Our Nation's veterans will be hurt by losing her presence and the diligent efforts she has made to resolve problems and to bring problems to the attention of VA officials. I want to thank her for her years of great service and her many acts of kindness. Beth, we will miss you deeply and sorrowfully, and we thank you for the years of service you have given to this country.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN).

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Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I want to commend our chairman of the Committee on Veterans' Affairs, the gentleman from New Jersey (Mr. SMITH), for his wonderful, diligent work on behalf of our veterans throughout our Nation. They have had a great deal of reduction of benefits, of health care, and our chairman has been continually keeping a lookout for whatever he can do to be of assistance to our veterans. He deserves the adulation of all of us for what he is doing.

Mr. Speaker, I am pleased to rise in support of H.R. 4085. It provides effective cost-of-living adjustments for the rates of our disability compensation for veterans with service-connected disabilities and to the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans. That percentage amount is going to be equal to the increase for benefits provided under the Social Security Act, something that is long overdue. It certainly will provide the kind of assistance that is sorely needed by veterans throughout our Nation.

I want to thank our chairman once again for watching over our veterans in his committee and for doing whatever is needed.

Mr. EVANS. Mr. Speaker, I yield 3½ minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I see the gentleman from New York (Mr. GILMAN) leaving. He has thanked all the members of the Committee on Veterans' Affairs.

The gentleman from New York has been basically a de facto member of this committee for so long. He has been here for every piece of legislation and has supported our veterans. Not only is the Committee on International Relations going to miss him, but we are going to miss him very much when he retires.

I thank the gentleman very so much on behalf of the Nation's veterans.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. FILNER. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for his kind remarks.

Mr. FILNER. Mr. Speaker, I thank the chairman also for his leadership of the committee and thank the ranking member, the gentleman from Illinois, Mr. EVANS.

As we have listed all the bills we have passed and the Senate has not, it is very disheartening. Maybe we all need to march over there as a group. Anyway, whatever support the chairman needs for getting some action, I am sure all of us on both sides of the aisle would be willing to join him, because he has led us through this whole year in a very incredibly effective way. We need to finish this year with some positive legislation, so please call on us if we can help in any way.

Mr. Speaker, clearly the Veterans' Compensation Cost-of-Living Adjustment Act is a very important piece of legislation. It is to make sure that our veterans who are receiving service-connected compensation benefits and their survivors who are receiving dependency and indemnity compensation do not fall further behind in their compensation. It will have the same percentage as the increase in benefits paid to Social Security beneficiaries.

Mr. Speaker, we know that ever since September 11 we have been especially grateful to our veterans and our public safety officers for their contributions to this Nation, contributions that make it possible for us to live and work in our democracy; but certainly this is something that we have to follow through on, not only just as we recall September 11. When they have become disabled in their service to our Nation, it is our obligation to provide for these men and women when they have fulfilled their military duty.

It is important and vital that we continue to provide incentives for new recruits to our Armed Forces. We must let young men and women know that they, too, will be noticed, their dedication will be provided for, and a grateful Nation will not forget them.

The cost of housing, food, health care, all the basics of living are increasing, so an annual cost-of-living increase for our veterans is critically needed and one important way we can demonstrate our support and our thanks. Let us all vote for H.R. 4085.

Mr. Speaker, I would like to add my thanks to the thanks of the gentleman from Illinois (Mr. EVANS) to Beth, Beth Kilker, who is retiring. She has served, of course, as the executive assistant for our Subcommittee on Benefits, has kept us all in line and has kept us all moving and kept us all in good humor. She knew when to make sure we got all our work done, and she rewarded us with chocolates, sometimes, or other benefits.

Mr. Speaker, I would like to again thank Ms. Kilker for her service. I have heard the words "dedicated" and "effective," and I think that summarizes it. She has worked for veterans in the years that she has been with our committee. All the veterans of our Nation can join in thanking her for her effective service. I thank Beth Kilker.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to join my colleagues, the gentleman from Illinois (Mr. EVANS) and the gentleman from California (Mr. FILNER), and really the entire committee on both sides of the aisle, in praising the long and distinguished service of Beth Kilker, Elizabeth Kilker.

Elizabeth Kilker has served with the committee for almost 25 years. I have been on the committee for 22 years, Mr. Speaker. I have known her. I have admired her. She is always a positive force. She has worked with chairmen and ranking members from Texas, Mississippi, Arizona, Arkansas, Illinois, and now New Jersey.

Throughout these years she has been extraordinarily helpful, effective, and always positive, perhaps something she learned at Immaculate Heart Academy in Girardville, Pennsylvania. But she certainly has brought a real sense of class, distinction and is, as I said, a very, very effective person.

The committee has not just been blessed, but the veterans themselves have been blessed. They have been enriched by her service, they will miss her, and may God bless everything that she does going forward.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in support of the passage of H.R. 4085, the Veterans' Compensation Cost-of-Living Adjustment Act of 2002. I am proud to be a co-sponsor of this very important legislation.

Throughout the history of our great nation, the members of the U.S. Armed Forces have risen to the challenge of defending our democracy and freedom. However, in retirement and in periods of disability, these brave men, women, or their surviving spouses, frequently face a new challenge—the monthly struggle to make ends meet.

H.R. 4085 will help alleviate these monetary concerns through a cost of living increase in all veterans' benefits, and will provide a greater sense of financial security to spouses that survive the veteran into their older years.

I believe that we must continue to show our well-deserved respect and gratitude to the retired and disabled members of our military forces, and appropriately compensate them and their loved ones for their sacrifices. Accordingly, I would like to reiterate my support for the passage of this important bill.

Mr. REYES. Mr. Speaker, I rise today in support of H.R. 4085, the Veterans' and Survivors' Benefits Expansion Act of 2002, of which I am an original cosponsor. This bill increases the rates, through a cost-of-living adjustment (COLA), of veterans' disability compensation for dependants, the clothing allowance for certain disabled adult children, and dependency and indemnity compensation (DIC) for surviving spouses and children. This bill would rightly allow veterans and survivors to receive the same percentage increase in benefits as are paid to Social Security beneficiaries.

I would like to thank the distinguished Chairman of our Committee, Mr. CHRISTOPHER SMITH, as well as the distinguished Ranking Member, Mr. LANE EVANS, for their hard work in bringing this bill to the floor.

Mr. Speaker, I would also like to take this opportunity to recognize the service of Ms. Beth Kilker. Beth has been a hardworking member of the House Veterans' Affairs Committee staff for over 20 years. I would like to wish her the best on her retirement and congratulate her for all of her outstanding contributions to the Committee.

Mr. GILMAN. Mr. Speaker, I would like to congratulate our colleague the distinguished chairman of our Veterans Committee, the gentleman from New Jersey Representative SMITH on H.R. 4085 and the outstanding work he has done in our Veterans Committee. This bill provides a cost-of-living adjustment to the rates of disability compensation for veterans with service-connected disabilities and to the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans. The percentage amount will be equal to the increase for benefits provided under the Social Security Act, which is calculated based upon changes in the Consumer Price Index.

The Secretary of Veterans Affairs shall increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary.

This bill allows additional compensation for dependents, clothing allowance, new Disability Indemnity and Compensation (DIC) rates for surviving spouses with minor children, additional DIC for disability and for dependent children.

The Secretary is required to adjust administratively, consistent with the increases made, the rates of disability compensation payable to persons who are not in receipt of compensation payable pursuant to chapter 11.

Our Veterans Committee is commended for recognizing this need for benefits for our veterans and I urge its adoption.

Mr. EVANS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CALVERT). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 4085.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

AMENDING TITLE 38, UNITED STATES CODE, TO INCREASE AMOUNTS AVAILABLE TO STATE APPROVING AGENCIES TO ASCERTAIN QUALIFICATIONS OF EDUCATIONAL INSTITUTIONS

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3731) to amend title 38, United States Code, to increase amounts available to State approving agencies to ascertain the qualifications of educational institutions for furnishing courses of education to veterans and eligible persons under the Montgomery GI Bill and under other programs of education administered by the Department of Veterans Affairs, as amended.

The Clerk read as follows:

H.R. 3731

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE IN AGGREGATE ANNUAL AMOUNT AVAILABLE FOR STATE APPROVING AGENCIES FOR ADMINISTRATIVE EXPENSES FOR FISCAL YEAR 2003.

(a) IN GENERAL.—Section 3674(a)(4) of title 38, United States Code, is amended by inserting before the period at the end of the first sentence the following: ", and for fiscal year 2003, $14,000,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2002.

SEC. 2. FEE FOR LOAN ASSUMPTION.

(a) IN GENERAL.—(1) For the period described in paragraph (2), the Secretary of Veterans Affairs shall apply section 3729(b)(2)(I) of title 38, United States Code, by substituting "1.00" for "0.50" each place it appears.

(2) The period referred to in paragraph (1) is the period that begins on the date of the enactment of this Act and ends on September 30, 2003.

(b) TECHNICAL AMENDMENT.—(1) Section 3703(e)(2)(A) of such title is amended by striking "3729(b)" and inserting "3729(b)(2)(I)".

(2) The amendment made by paragraph (1) shall take effect as if included in the enactment of section 402 of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419, 114 Stat. 1861).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as chairman of the committee, I rise in strong support of H.R. 3731, as amended, which would increase funding for State approving agencies from $13 million to $14 million for fiscal year 2003.

Since World War II, Mr. Speaker, Congress has relied on the SAAs to ensure the quality of education and training offered to our Nation's veterans and to protect the integrity of VA education programs. These are the agencies that determine which schools, courses, and training programs qualify as eligible for veterans seeking to use their GI Bill benefits.

SAAs also provide a vital role in occupational licensing and credentialing for veterans and in employer outreach.

On May 21 of this year, Mr. Speaker, the House passed H.R. 4085, as amended, a bill that included an increase from $14 million available to State approving agencies in fiscal year 2002 to $18 million for fiscal years 2003, 2004, and 2005. The Senate passed a similar measure as part of S. 2237 on September 26, but the bodies have not yet reached final agreement to a compromise on the larger bill containing this provision.

Without this legislation, Mr. Speaker, the SAA funding would decrease from the current funding level of $14 million to the $13 million levels on October 1 of this year. This is a stopgap measure for fiscal year 2003 only. My proposal simply puts SAA annual funding back at last year's level of $14 million for fiscal year 2003 in order to provide the SAAs with the resources necessary to fulfill their responsibilities.

Mr. Speaker, I join the ranking member, the gentleman from Illinois (Mr. EVANS), in urging every Member of the House to support this stopgap bill while we work on the other legislation.

I thank my good friend, the gentleman from Illinois (Mr. EVANS), for his cooperation on this legislation. We have throughout this session worked together on so many bills, and this is another one, while we work out some details with the Senate, hopefully to significantly boost the amount of money for the State-approving agencies.

Mr. Speaker, I reserve the balance of my time.

Mr. EVANS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 3731. I again want to thank the gentleman from New Jersey (Chairman Smith) and the leaders of our subcommittee, the gentleman from Idaho (Mr. SIMPSON) and the gentleman from Texas (Mr. REYES), for their effective leadership on this important issue.

As an original cosponsor, I urge all Members to support this bill. The purpose of this legislation is straightforward. It provides that the funding authorized for the State approving agencies for fiscal year 2003 is not less than the amount provided in fiscal year 2002.

Mr. Speaker, the State approving agencies play a vitally important role in the administering of educational benefits under the GI Bill. These are benefits our veterans and service members have earned. We must respect that. If Congress fails to move this legislation, SAA funding will be reduced. This would be harmful to veterans' educations.

Congress has recently added responsibilities and duties to the State approving agencies at a time when State budgets are being drastically cut. Congress must make sure that these agencies have adequate resources to do their job.

Mr. Speaker, I support the passage of this legislation, and I urge Members to do the same.

Mr. REYES. Mr. Speaker, I rise today in support of H.R. 3731, a bill of which I am an original consponsor, to maintain funding levels for State Approving Agencies who approve the Department of Veterans Affairs' educational programs as well as conduct outreach concerning education benefits. The passage of this bill will prevent a $1 million decrease in funding for this program in Fiscal Year 2003. This decrease would likely result in the loss of State jobs and the degradation of this important program. We have a responsibility to our veterans to provide the services promised to them when they committed to serve our country.

Mr. Speaker, as you know, I have dedicated my service in Congress to improving the quality of life of our Nation's veterans. I remain committed to the responsibilities I have to our veterans.

I would like to thank the distinguished Chairman of our Committee, Mr. SMITH, as well as the distinguished Ranking Member and friend, Mr. LANE EVANS, for their hard work in bringing this bill to the floor.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in strong support of H.R. 3731, to increase funding for State Approving Agencies (SAA's). I am a cosponsor of this important legislation and I urge my colleagues to support its passage.

SAA's promote and safeguard quality education and training programs for all veterans and for other eligible persons. They protect the GI Bill resources available for those programs, programs proving beneficial to veterans in a wide variety of ways. They assure greater educational opportunities and more opportunities to meet the changing needs of our veterans.

The need to increase funding for SAA's primarily reflects the new SAA duties in occupational licensing and credentialing and veteran, servicemember and employer outreach in each State. In recent years, Congress has increased SAA responsibilities, most recently through enactment of P.L. 107–103, the Veterans Education and Benefits Expansion Act of 2001. This landmark legislation increased the basic GI Bill benefit by 19 percent in January 2002 and will further increase the benefit by 30 percent in October 2003 and 39 percent in October 2004.

However, SAA funding was capped at $13 million without an annual increase from FY95 to FY2000. Congress did increase SAA funding to $14 million, but only for FY01 and 02. If Congress does not act to increase funding for FY03, the SAA budget reverts back to the $13 million level, which, when combined with the growth in workload for SAA's under new laws, leaves the SAA's lacking the necessary resources to fulfill their responsibilities. H.R. 3731 increases SAA annual funding from $14 million to $18 million, with a three percent increase the following two years. Furthermore, under H.R. 3731, New Mexico's funding levels for SAA's is estimated to rise to a level of $147,612, an increase of $5,677.

If action is not taken on this bill, funding for this program will decrease by one million dollars nationwide, which will result in a loss of jobs nationwide. If we do not act, veterans will lose important services. Therefore I urge my colleagues to vote yes on H.R. 3731. You will be supporting veterans' educational rights; service members who will be returning to civilian life ready to contribute to this great nation.

Mr. EVANS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 3731, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "To amend title 38, United States Code, to increase amounts available to State approving agencies to ascertain the qualifications of educational institutions for furnishing courses of education to veterans and eligible persons under the Montgomery GI Bill and under other programs of education administered by the Department of Veterans Affairs, and for other purposes.".

A motion to reconsider was laid on the table.

RECOGNIZING EXPLOITS OF OFFICERS AND CREW OF THE S.S. "HENRY BACON" SUNK ON FEBRUARY 23, 1945

Mr. McHUGH. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 411) recognizing the exploits of the officers and crew of the S.S. *Henry Bacon*, a United States Liberty Ship that was sunk on February 23, 1945, in the waning days of World War II, as amended.

The Clerk read as follows:

H. CON. RES. 411

Whereas during World War II the United States Liberty ship S.S. *Henry Bacon* was assigned the task of conveying war materials and supplies to the beleaguered Russian nation via the dangerous Arctic Ocean passage (referred to as the Murmansk Run) from Iceland or Scotland to Murmansk in northern Russia, and faithfully fulfilled her mission;

Whereas in early 1945 the British navy, having rescued a number of Norwegian civilians from occupied Norway and transported them to Murmansk, distributed them among the *Henry Bacon* and certain other merchant ships for transportation to England, with 19 of such refugees being assigned to the *Henry Bacon*;

Whereas a convoy carrying those refugees, designated as Convoy RA 64 and consisting of 35 ships and naval escorts, departed Murmansk on February 17, 1945, amid one of the worst storms ever registered in the Arctic Ocean;

Whereas the *Henry Bacon*, with a full crew and refugees on board, sailing as part of that convoy, suffered damage from the force of the storms and from internal mechanical problems;

Whereas the *Henry Bacon*, while suffering from a loss of steering capacity, lost her place in the convoy and became a stray, unable to communicate with the convoy and required to maintain radio silence;

Whereas the *Henry Bacon* was left to her own devices and was in such dire straits that engine room workers used a sledgehammer and wedge to physically turn the ship;

Whereas on February 23, 1945, the *Henry Bacon*, alone in the freezing sea some 50 miles from the convoy, came under attack by 23 Junker JU-88 torpedo bombers of the German Luftwaffe;

Whereas armed with only the small but formidable antiaircraft battery with which such merchantmen were equipped, the United States Navy Armed Guard on board the ship and the ship's merchant sailors fought gallantly against the oncoming torpedo bombers;

Whereas although mortally wounded after a German pilot succeeded in scoring a hit with a torpedo to the ship, the *Henry Bacon* fought back, shooting down a confirmed three enemy planes and crippling at least two more;

Whereas when the *Henry Bacon* began to sink, her captain ensured that all 19 Norwegian refugees on board received a place in one of the undamaged lifeboats;

Whereas when the lifeboat supply was exhausted, crewmen made rough rafts from the railroad ties that had been used to secure locomotives delivered to Russia;

Whereas the *Henry Bacon* went down with 28 members of her crew, including Captain Alfred Carini, Chief Engineer Donald Haviland, Bosun Holcomb Lammon Jr., and the commanding officer of the United States Navy Armed Guard unit aboard, Lieutenant (junior grade) John Sippola, but in its sinking kept the German planes from looking further and locating the main body of the convoy;

Whereas the 19 Norwegian refugees, as well as the other survivors, were rescued by British destroyers and those refugees were ultimately returned to Norway; and

Whereas the actions of the officers and crew of the *Henry Bacon* were in the finest tradition of the United States Merchant Marine and the United States Navy and have been recognized by the people of Norway and Russia but, until now, have not been acknowledged by their own Nation: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress recognizes the valiant deeds of the officers and crew of the S.S. *Henry Bacon*, a World War II United States Liberty ship that was sunk by German aircraft on February 23, 1945.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. McHUGH) and the gentleman from Missouri (Mr. SKELTON) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. McHUGH).

Mr. McHUGH. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. GOODLATTE), the author of this legislation and a gentleman who worked very hard to ensure that we have this moment on the floor for this very, very worthy proposal.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman from New York (Mr. McHUGH), the chairman, for yielding time to me, and also for his work to move this legislation through the Committee on Armed Services.

Likewise, I thank the gentleman from Missouri (Mr. SKELTON), the ranking member of the full committee, for his assistance, as well.

Mr. Speaker, I rise today to recognize the exploits of the officers and crew of the S.S. *Henry Bacon*, a United States Liberty Ship that was sunk on February 23, 1945, in the waning days of World War II.

During World War II, the S.S. *Henry Bacon* was assigned the task of conveying war materials and supplies to the beleaguered Russian nation via the dangerous Arctic ocean passage known as the Murmansk run.

In early 1945, the British Navy, having rescued a number of Norwegian civilians from Norway and transported them to Murmansk, distributed them among the *Henry Bacon* and certain other merchant ships for transportation to England, with 19 of such refugees being assigned to the *Henry Bacon*.

On February 17, 1945, a convoy carrying these refugees and consisting of 35 ships and naval escorts departed Murmansk amid one of the worst storms ever registered in the Arctic ocean. The *Henry Bacon*, with a full crew and refugees on board, sailing as part of that convoy, suffered damage from the force of the storms and from internal mechanical problems. Suffering from a loss of steering capacity, the *Henry Bacon* lost her place in the convoy and became a stray, unable to communicate with the convoy, and required to maintain radio silence.

□ 1815

The *Henry Bacon* was in such dire straits that engine room workers used a sledge hammer and wedge to physically turn the ship.

On February 23, the *Henry Bacon* alone in the freezing sea some 50 miles from the convoy came under attack by 23 junker JU–88 torpedo bombers of the German Luftwaffe. The United States Navy Armed Guard on board and the ship's merchant sailors fought gallantly against the oncoming torpedo bombers.

Although sinking, after a German pilot succeeded in scoring a hit with a torpedo to the ship, the crew of the *Henry Bacon* fought back, shooting down a confirmed three enemy planes and crippling at least two more. As the *Henry Bacon* began to sink, her captain ensured that all 19 Norwegian refugees on board received a place in one of the undamaged life boats. When the life boat supply was exhausted, crewmen made rough rafts from the railroad ties that had been used to secure locomotives delivered to Russia.

The *Henry Bacon* went down with 28 members of her crew including Captain Alfred Carini, Chief Engineer Donald Haviland, Bosun Holcomb Lammon, Jr., and the commanding officer of the United States Navy Armed Guard Unit aboard, Lieutenant John Sippola, but in its sinking kept the German planes from looking further and locating the main body of the convoy.

British destroyers rescued the 19 Norwegian refugees as well as the other survivors. Those refugees were ultimately returned to Norway. I am pleased one of my constituents, Dr. Robert Alotta, authored a book, "The Last Voyage of the S.S. *Henry Bacon*," along with Donald Foxvog, documenting this heroic event. The actions of the officers and crew of the *Henry Bacon* were in the finest tradition of the United States Merchant Marine and the United States Navy and have been recognized by the people of Norway and Russia, but until now have not been acknowledged by their own Nation.

The fabric of American history is interwoven with countless threads of valor on the field of battle, without which we would likely not enjoy the freedoms we have today. In recognizing these deeds, we preserve the memory of those who came before us for generations of Americans to come.

Mr. Speaker, this resolution is a small way to convey the thanks of a grateful Nation.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 411, introduced by my colleague, the gentleman from Virginia (Mr. GOODLATTE). House Concurrent Resolution 411 recognizes the exploits of the officers and crew of the S.S. *Henry Bacon*, a United States liberty ship that was sunk on February 23, 1945, in the waning days of the Second World War.

The S.S. *Henry Bacon* was one of over 2,700 liberty ships mass produced in our country. Assembled from large prefabricated sections, this pioneering method of production allowed the *Henry Bacon* to be built in 6 weeks and commissioned on November 11, 1942. During the war, liberty ships were called ugly ducklings. However, these ships were the work horses of the Second World War, the largest class of civilian made war ships ever built. The crews consisted of over 44 Merchant Marines and 12 to 25 Naval Armed Guards.

Convoys of liberty ships filled the horizon as they carried cargos of grain and mail, ore and ammunition, trucks and troops across the Atlantic. A liberty ship can hold over 9,000 tons of cargo, in addition to trains, planes and tanks that were lashed to the decks.

The *Henry Bacon* was part of a convoy of 35 ships and Naval escorts that departed Murmansk, Russia, on February 17, 1945, on a rescue operation to save 502 Norwegian children and adults who were left behind to starve when Nazi troops began to fall back.

Nineteen Norwegian refugees were aboard the *Henry Bacon* when a severe 2-day gale separated the ship from the convoy.

Damaged from this storm and 60 miles away from the support and protection of the convoy, the *Henry Bacon* was attacked by German torpedo planes. The ship's crew valiantly fought the attacking planes, downing several and exploding a number of torpedoes, but a torpedo slipped through and struck the ship on the starboard side. As the ship began to sink, only two undamaged lifeboats were safely launched. The crew ensured that all the Norwegians were on board the lifeboats. Some crew even gave up their places to the Norwegians. According to one crew member, "The men just waited until all 19 refugees found seats. None had to be asked or ordered to give up his seat in the lifeboat."

British destroyers rescued the survivors several hours later. Sadly, Captain Alfred Carini and Chief Engineer Donald Haviland and 27 crew members went down with the ship.

House Concurrent Resolution 411 recognizes the heroic and valiant deeds of the officers and crew of the S.S. *Henry Bacon*. I urge my colleagues to join me in recognizing the deeds and sacrifices of that crew.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

Let me say a few words, if I might. First of all, my thanks, as I mentioned earlier, to the gentleman from Virginia (Mr. GOODLATTE). The saga of liberty ships in World War II is particularly a remarkable one. Indeed, I was at a function this past weekend in my district in Oswego, New York, where they were commemorating an opening of a safe haven museum, a museum that commemorated a place, a shelter in that community, the only place provided in World War II for Jewish refugees, something that that community understandably is very, very proud of.

We had a number of refugees from that period speak during the ceremony, and they mentioned their experience on a liberty ship, a ship called the *Henry Gibbons*, a ship that brought them and nearly a thousand souls from Italy. So on that basis alone, this is a very, very worthy resolution.

As my two colleagues who have spoken previously so eloquently underscored, the exploits and heroism of those displayed on the *Henry Bacon* were particularly extraordinary, that stood them apart from the accomplishments of other extraordinary American and women and liberty ships. As is the case with most stories with heroism, the crew members of the *Henry Bacon* were from all walks of life, were ordinary men who met extraordinary challenges with incredible courage. And it is I think, Mr. Speaker, particularly important to remember the heroes of past conflicts because in their stories we find examples of courage and sacrifice that perhaps few times in our Nation's history are more needed than they are now to sustain us as we go forward in the war against terrorism around the globe.

Perhaps one of the more eloquent and simple statements about the brave men aboard the *Henry Bacon* was spoken by a historian of that era whose writing shortly after that event wrote, "There is no finer instance of a merchant ship defense in the history of the North Russian convoys."

Mr. Speaker, I thank the gentleman from Virginia (Mr. GOODLATTE). Most of all, my thanks to the brave men of the *Henry Bacon* and all that they did at that time. Mr. Speaker, I ask our colleagues to support this very, very worthy enactment.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CALVERT). The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 411, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The title of the concurrent resolution was amended so as to read: "Concurrent Resolution recognizing the exploits of the officers and crew of the S.S. *Henry Bacon*, a United States Liberty ship that was sunk on February 23, 1945.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 411.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

RECOGNIZING COMMODORE JOHN BARRY AS THE FIRST FLAG OFFICER OF THE UNITED STATES NAVY

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 6) recognizing Commodore John Barry as the first flag officer of the United States Navy, as amended.

The Clerk read as follows:

H.J. RES. 6

Whereas John Barry, American merchant marine captain and native of County Wexford, Ireland, volunteered his services to the Continental Navy during the American War for Independence and was assigned by the Continental Congress as captain of the *Lexington*, taking command of that vessel on March 14, 1776, and later participating in the victorious Trenton campaign;

Whereas the quality and effectiveness of Captain John Barry's service to the American war effort was recognized not only by George Washington but also by the enemies of the new Nation;

Whereas Captain John Barry rejected British General Lord Howe's flattering offer to desert Washington and the patriot cause, stating: "Not the value and command of the whole British fleet can lure me from the cause of my country.";

Whereas Captain John Barry, while in command of the frigate *Alliance*, successfully transported French gold to America to help finance the American War for Independence and also won numerous victories at sea;

Whereas when the First Congress, acting under the new Constitution of the United States, authorized the raising and construction of the United States Navy, it was to Captain John Barry that President George Washington turned to build and lead the new Nation's infant Navy, the successor to the Continental Navy of the War for Independence;

Whereas Captain John Barry supervised the building of his flagship, the U.S.S. *United States*;

Whereas on February 22, 1797, President Washington personally conferred upon Captain John Barry, by and with the advice and consent of the Senate, the rank of Captain, with "Commission No. 1", United States Navy, dated June 7, 1794;

Whereas John Barry served as the senior officer of the United States Navy, with the title of "Commodore" (in official correspondence), under Presidents Washington, John Adams, and Jefferson;

Whereas as commander of the first United States naval squadron under the Constitution of the United States, which included the U.S.S. *Constitution* ("Old Ironsides"), John Barry was a Commodore, with the right to fly a broad pendant, which made him a flag officer; and

Whereas in this sense it can be said that Commodore John Barry was the first flag officer of the United States Navy: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Commodore John Barry is recognized, and is hereby honored, as the first flag officer of the United States Navy.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentleman from Missouri (Mr. SKELTON) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J. Res. 6.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MCHUGH. Mr. Speaker I yield myself such time as I may consume.

Mr. SPEAKER. I rise in support of H.J. Res. 6, a resolution recognizing Commodore John Barry as the first flag officer of the United States Navy. Born in 1745, John Barry came to America as a young seaman and was a great American patriot and warrior during the Revolutionary War.

After the war, he was appointed the head of the United States Navy by President Washington. John Barry's contributions during the Revolutionary War were unparalleled. He was the first captain to capture a British vessel on the high seas. And while in command of his favorite ship, the frigate *Alliance*, he captured two British ships after being severely wounded during a ferocious sea battle. He captured over 20 ships and fought the last sea battle of the war at the helm of the frigate *Alliance* in 1783.

Earlier in the war while waiting for a war ship to be built, he also fought on the land at the Battles of Trenton and Princeton. Later as the head of the Navy, he was so highly regarded as a teacher and visionary that his contemporaries labeled him "the Father of the American Navy." His legacy was soon confirmed when many officers that he had mentored became the heroes of the war of 1812.

Mr. Speaker, commenting as both an Irish-American and as someone whose mother's maiden name was Barry, I cannot think of an American hero past or present that is a better example of a man that embodies the spirit of this great country, an immigrant who was totally committed to his adopted Nation.

Today, with this resolution, we honor Commodore John Barry as the first Navy officer authorized to fly his own pennant. But the story of John Barry is an Irish-American hero and patriot is a lesson of far greater importance to the Members of this House and all the Americans who treasure freedom and liberty.

Mr. Speaker, I particularly want to thank my friend, my House colleague and my State delegation colleague, the gentleman from New York (Mr. KING), who is, as I am sure most Members of this House recognize, a long supporter of Irish causes in the House of Representatives, for working so diligently on this particular resolution, and laboring very, very arduously to ensure that it was brought before this House today.

Mr. Speaker, I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Joint Resolution 6, introduced by my colleague from New York (Mr. KING). House Joint Resolution 6 recognizes Commodore John Barry as the first flag officer of the United States Navy.

Born in Wexford, Ireland, in 1745, the son of a poor Irish farmer rose to become the father of the American Navy. In 1775 as the War for Independence began, Captain John Barry was given command of a new 14-gun ship named the Lexington. As the commander of the Lexington, Captain Barry captured the British ship Edward, the first American war prize.

Throughout the war, Captain Barry was successful in capturing numerous enemy ships and their vitally important cargo of food and ammunition that were desperately needed by the Continental troops.

Captain John Barry also aided in President George Washington's crossing of the Delaware and participated in the victorious Trenton Campaign.

Enemies also recognized Captain Barry's extraordinary skill and leadership. British General Lord Howe offered to desert Washington, and the patriot cause was rejected by Captain Barry who stated, "Not the value and command of the whole British fleet can lure me from the cause of my country."

□ 1830

After the first Congress authorized the establishment of the United States Navy, President George Washington tasked Captain John Barry to build and lead the Nation's young navy.

On February 22, 1797, President Washington conferred upon Captain John Barry the rank of captain, with the first commission of the United States Navy, Commission No. 1.

As commander of the first naval squadron, Commodore Barry was entitled to fly a broad pendant, which made him, in essence, the Nation's first flag officer of the United States Navy. Captain Barry served as commodore of the United States Navy under three Presidents, Washington, Adams and Jefferson.

Commodore Barry led the navy until his death in September, 1803, in Philadelphia. He played a vital role in establishing the earliest traditions of the navy: faithful devotion to duty, honoring the flag and vigilant protection of the rights of the sovereign United States.

House Joint Resolution 6 recognizes Commodore John Barry for his outstanding contributions to the Continental Navy through the American War for Independence and his extraordinary accomplishments as the Nation's first flag officer of the United States Navy. I urge my colleagues to adopt this resolution.

Mr. KING. Mr. Speaker, I rise today to urge the House of Representatives to pass H.J. Res. 6, a resolution which honors and recognizes Commodore John Barry as the first flag officer of the U.S. Navy.

In recognition of his historic role and his achievements, it is fitting that Commodore Barry be properly honored as the first flag officer. An American merchant marine captain and native of County Wexford, Ireland, Barry volunteered his services to the Continental Navy. Throughout his career, from taking command as captain of the *Lexington* to participating in the victorious Trenton campaign, Barry's efforts to the American war effort were monumental.

As a result, when the First Congress authorized the raising and construction of the U.S. Navy, President George Washington turned to Barry to build and lead the Nation's Navy. From supervising the building of the flagship USS *United States* to commanding the first U.S. naval squadron which included the USS *Constitution* ("Old Ironsides"), Barry was a commodore, with the right to fly a broad pennant, which made him a flag officer.

I urge the House of Representatives to pass H.J. Res. 6 and honor Commodore John Barry as the first flag officer of the U.S. Navy.

Mr. SHELTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. McHUGH. Mr. Speaker, I have no further requests for time, with a final urging to all our colleagues to support this very, very worthy resolution; and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CALVERT). The question is on the motion offered by the gentleman from New York (Mr. McHUGH) that the House suspend the rules and pass the joint resolution, H.J. Res. 6, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

A motion to reconsider was laid on the table.

RECOGNIZING, APPLAUDING AND SUPPORTING THE EFFORTS OF THE ARMY AVIATION HERITAGE FOUNDATION

Mr. McHUGH. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 465) recognizing, applauding, and supporting the efforts of the Army Aviation Heritage Foundation, a nonprofit organization incorporated in the State of Georgia, to utilize veteran aviators of the Armed Forces and former Army Aviation aircraft to inspire Americans and to ensure that our Nation's military legacy and heritage of service are never forgotten, as amended.

The Clerk read as follows:

H. CON. RES. 465

Whereas the Army Aviation Heritage Foundation, a nonprofit organization incorporated in the State of Georgia in 1997, is an all volunteer organization composed of veterans, their families, and civilian supporters acting in concert to connect the American soldier to the American public through the use of the story of Army Aviation;

Whereas the Army Aviation Heritage Foundation is not a part of the United States Army and receives no Federal funding;

Whereas funds for the activities of the Army Aviation Heritage Foundation come entirely from donations made by private individuals and corporations;

Whereas Army Aviation Heritage Foundation volunteers devote a significant amount of their personal time and resources to present the story of our Nation's Armed Forces and the legacy of its veterans to the American people through extensive and elaborate living history programs presented at major public venues, such as air show events, and at numerous other smaller community outreach initiatives;

Whereas these living history programs are designed and presented to honor the Armed Forces and its veterans while inspiring the public that ultimately supports the Armed Forces and giving the public a glimpse of military life, service, and devotion;

Whereas the Army Aviation Heritage Foundation has devoted over 150,000 volunteer hours and over $5,300,000 in donated funds, aircraft, and equipment in organizing, developing, and conducting 35 public presentations that have helped to foster patriotism and present our Nation's military stories to an audience of more than 5,500,000 people; and

Whereas the Army Aviation Heritage Foundation is acting to provide America's veterans a voice with which to tell their story and the tools with which to share with the American public their legacy of service and devotion: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress recognizes, applauds, and supports the efforts of the Army Aviation Heritage Foundation, a nonprofit organization incorporated in the State of Georgia, to pursue the following four primary purposes:

(1) To educate the American public regarding the military heritage of the United States through the story of United States Army Aviation's soldiers and machines.

(2) To connect the American serviceman and servicewoman to the American public as an active and admired member of the American family.

(3) To inspire patriotism and motivate Americans everywhere toward service to their community and country by involving them in our Nation's larger military legacy.

(4) To preserve authentic examples of Army aviation aircraft and utilize them in educational living history demonstrations and presentations so that the symbols of America's military legacy may always remain in our skies for future generations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. McHUGH) and the gentleman from Missouri (Mr. SKELTON) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. McHUGH).

GENERAL LEAVE

Mr. McHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 465.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. McHUGH. Mr. Speaker, I yield myself such time as I may consume.

The United States military that fought with such skill and courage during the Persian Gulf War, the Balkan War and now in our deadly conflict with terrorism was and is an all-volunteer force. Our Nation can be immensely proud that we have created a military that is second to none in the world and that we have done it by attracting the best and the brightest to serve voluntarily.

While we are rightfully proud of the success of the all-volunteer force, there is, unfortunately, a downside. Since far fewer people are recruited to serve in a voluntary military, the connection between America and its military is increasingly tenuous and less personal. If the gulf in understanding between the military and the American people should become too pronounced, our national security decision process could be affected and made prone to miscalculations.

House Concurrent Resolution 465 offers a solution for this problem. By recognizing, applauding and supporting the Army Aviation Heritage Foundation, the Congress can take action to close the gulf between the American people and the military.

Mr. Speaker, this organization brings to life for people across the country a view of the military that so many have not experienced personally. In short, the Army Aviation Heritage Foundation educates the public on the history of military aviation and connects servicemen and servicewomen to the American family.

This type of education promotes understanding of and confidence in the military and yields a level of patriotism that is essential in our effort to battle terrorism around the globe.

Mr. Speaker, I certainly want to commend the gentleman from Georgia (Mr. COLLINS) for sponsoring this resolution and for working with all of us to ensure that this moment on the floor to make these worthy remarks and very, very important offering to our colleagues actually occurred.

Mr. Speaker, I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of House Concurrent Resolution 465 introduced by my colleague, the gentleman from Georgia (Mr. COLLINS).

It has already been noted that the Army Aviation Heritage Foundation performs a valuable role in educating the American public on military affairs and making the vital connection between the men and women who serve our Nation in uniform and the people they defend. That alone is a noble endeavor. We all understand that a Nation can only take pride in the past when the citizenry understands the challenges and sacrifices of those who passed this way before. To that end, the Army Aviation Heritage Foundation brings history to life for the citizenry.

Mr. Speaker, I want to highlight another aspect of the significant contributions of the Army Aviation Heritage Foundation, their contribution to the service members and their families. Earlier this year, the Army Aviation Heritage Foundation was selected as the Army's nominee to the Department of Defense Multi-department Selection Panel for the 2001 Zachary and Elizabeth Fisher Distinguished Citizen Humanitarian Award. This distinguished award recognizes efforts to improve the quality of life for members of the Armed Forces and their families.

In a letter of appreciation to the Foundation, Secretary of the Army, the Honorable Thomas E. White, offered the following commentary: "The Foundation's dedication, patriotism, and numerous contributions have left a lasting imprint on the quality of life for the service members and their families."

I urge my colleagues to join in passing this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. MCHUGH. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. COLLINS).

Mr. COLLINS. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in support of this resolution recognizing the Army Aviation Heritage Foundation.

Based in Hampton, Georgia, it is a nonprofit organization to display military aircraft from World War II, the Korean conflict, as well as Vietnam. There are no U.S. taxpayer dollars that go into this program. It is all, as I say, volunteer and civilians and veterans who have pooled their funds and support this organization just to have a living history of an Army aviation to display in different air shows around the country.

They were founded in 1997. Since then, they have devoted over 150,000 volunteer hours and $5.3 million in donated funds and aircraft and equipment, and they actually participated in 35 air shows, viewed by some 5½ million people.

They have four primary purposes, Mr. Speaker. One is to educate the American public to their military heritage through the story of the U.S. Army Aviation's soldiers and machines; two, to connect the American soldier to the American people as an active, accepted and admired member of the American family; to inspire patriotism and motivate Americans everywhere towards service to the community and country by involving them in our Nation's larger military legacy; and to preserve the authentic examples of Army aircraft and utilize them in educational living history demonstrations and presentations so that the symbols of America's military legacy may always remain in the skies for future generations.

I appreciate the gentleman from the Committee on Armed Services working with me on this and also the gentleman from Missouri (Mr. SKELTON) for his participation and urge that it be adopted.

Mr. MCHUGH. Mr. Speaker, with a final word of praise and appreciation to the gentleman from Georgia (Mr. COLLINS) and an urging of all of our colleagues to join us in supporting this resolution, I yield back my time.

The SPEAKER pro tempore (Mr. OTTER). The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 465, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

REPORT ON H.R. 5559, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2003

Mr. ROGERS of Kentucky, from the Committee on Appropriations, submitted a privileged report (Rept. No. 107–722) on the bill (H.R. 5559) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2003, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on the motions to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

H.R. 3340, by the yeas and nays;

H.R. 5531, by the yeas and nays;

H. Res. 468, by the yeas and nays.

Votes on S. 2690 and H.R. 5422 will be taken tomorrow.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

ALLOWING CERTAIN CATCH-UP CONTRIBUTIONS TO THRIFT SAVINGS PLAN

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3340, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 3340, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 372, nays 0, not voting 59, as follows:

[Roll No. 442]

YEAS—372

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bishop
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (OK)
Castle
Chambliss
Clayton
Clyburn
Coble
Collins
Combest
Condit
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch

Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Ferguson
Filner
Flake
Fletcher
Forbes
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiberi
Tierney
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—59

Barr
Bilirakis
Blagojevich
Boehner
Borski
Bryant
Callahan
Carson (IN)
Chabot
Clay
Clement
Conyers
Cooksey
Costello
Cubin
Ehrlich
Everett
Fattah
Foley
Ford
Gutierrez
Hastings (FL)
Hilleary
Hoekstra
Istook
Kanjorski
Kilpatrick
Knollenberg
Lantos
Larsen (WA)
Lewis (CA)
Lipinski
Mascara
McKinney
Meek (FL)
Meeks (NY)
Miller, George
Neal
Owens
Pascrell
Pence
Portman
Riley
Rothman
Roukema
Rush
Schaffer
Solis
Spratt
Stump
Sununu
Sweeney
Tauzin
Taylor (MS)
Taylor (NC)
Tiahrt
Towns
Weldon (PA)
Young (FL)

□ 1902

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BILIRAKIS. Mr. Speaker, due to the death of a close family friend, I was in Florida on October 7, 2002, and unable to vote on H.R. 3340. Had I been present, I would have voted "yea" on rollcall vote No. 442.

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 442 on H.R. 3340, I was unavoidably detained. Had I been present, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OTTER). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

SUDAN PEACE ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5531, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 5531, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 359, nays 8, not voting 64, as follows:

[Roll No. 443]

YEAS—359

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bishop
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (OK)
Castle
Chambliss
Clayton
Clyburn
Collins
Combest
Condit
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Ferguson
Fletcher
Forbes
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Larson (CT)
Latham
LaTourette
Leach
Lee
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster

Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tauscher
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiberi
Tierney
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—8

Berry
Coble
Duncan
Flake
Hostettler
Miller, Jeff
Paul
Tanner

NOT VOTING—64

Barr
Bilirakis
Blagojevich
Boehner
Borski
Bryant
Callahan
Carson (IN)
Chabot
Clay
Clement
Conyers
Cooksey
Costello
Cubin
Ehrlich
Everett
Fattah
Filner
Foley
Ford
Gutierrez
Hastings (FL)
Hilleary
Hoekstra
Istook
Johnson, Sam
Kanjorski
Kilpatrick
Knollenberg
Lantos
Larsen (WA)
Levin
Lewis (CA)
Lipinski
Mascara
McKinney
Meeks (NY)
Miller, George
Murtha
Neal
Owens
Pascrell
Pence
Portman
Rangel
Riley
Rothman
Roukema
Rush
Schaffer
Serrano
Solis
Spratt
Stump
Sununu
Sweeney
Tauzin
Taylor (MS)
Taylor (NC)
Tiahrt
Towns
Weldon (PA)
Young (FL)

☐ 1912

Mr. DUNCAN changed his vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to amend title 5, United States Code, to allow certain catch-up contributions to the Thrift Savings Plan to be made by participants age 50 or over; to reauthorize the Merit Systems Protection Board and the Office of Special Counsel; and for other purposes.".

A motion to reconsider was laid on the table.

Stated for:

Mr. BILIRAKIS. Mr. Speaker, due to the death of a close family friend, I was in Florida on October 7, 2002, and unable to vote on H.R. 5531, the Sudan Peace Act. Had I been present, I would have voted "yea" on rollcall vote No. 443.

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 443 on H.R. 5531 I was unavoidably detained. Had I been present, I would have voted "yea."

TRANSATLANTIC SECURITY AND NATO ENFORCEMENT RESOLUTION OF 2002

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 468, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GALLEGLY) that the House suspend the rules and agree to the resolution, H. Res. 468, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 358, nays 9, answered "present" 1, not voting 63, as follows:

[Roll No. 444]

YEAS—358

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bishop
Blunt
Boehlert
Bonilla
Bonior
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (OK)
Castle
Chambliss
Clayton
Clyburn
Coble
Collins
Combest
Condit
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Ferguson
Flake
Fletcher
Forbes
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiberi
Tierney
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—9

Blumenauer
DeFazio
Duncan
Gutknecht
Obey
Paul
Rohrabacher
Sabo
Waxman

ANSWERED "PRESENT"—1

Sherman

NOT VOTING—63

Barr
Bilirakis
Blagojevich
Boehner
Borski
Bryant
Callahan
Carson (IN)
Chabot
Clay
Clement
Conyers
Cooksey
Costello
Cubin
Ehrlich
Everett
Fattah
Filner
Foley
Ford
Gutierrez
Hastings (FL)
Hilleary
Hoekstra
Hunter
Istook
Kanjorski
Kilpatrick
Knollenberg
Lantos
Larsen (WA)
Lewis (CA)
Lipinski
Mascara
McKinney
Meeks (NY)
Miller, George
Murtha
Neal
Owens
Pascrell
Pence
Portman
Rangel
Riley
Rothman
Roukema
Rush
Schaffer
Solis
Spratt
Stump
Sununu
Sweeney
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Tiahrt
Towns
Weldon (PA)
Young (FL)

☐ 1922

Mr. BLUMENAUER changed his vote from "yea" to "nay."

Ms. SLAUGHTER changed her vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BILIRAKIS. Mr. Speaker, due to the death of a close family friend, I was in Florida on October 7, 2002, and unable to vote on H. Res. 468. Had I been present, I would have voted "yea" on rollcall vote No. 444.

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 444 on H. Res. 468 I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, a flight delay prevented me from being present for legislative business scheduled for today, Monday, October 7, 2002. Had I been present, I would have voted "yea" on the following rollcall votes: H.R. 3340, to allow certain catch-up contributions to the Thrift Savings Plan to be made by participants age 50 or over (rollcall No. 442); H.R. 5531, The Sudan Peace Act (rollcall No. 443); and H. Res. 468, The Transatlantic Security and NATO Enhancement Resolution of 2002 (rollcall No. 444).

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 114, AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 107–724) on the resolution (H. Res. 574) providing for consideration of the joint resolution (H.J. Res. 114) to authorize the use of United States Armed Forces against Iraq, which was referred to the House Calendar and ordered to be printed.

PERMISSION FOR COMMITTEE ON FINANCIAL SERVICES TO FILE SUPPLEMENTAL REPORT ON H.R. 5400, AGREEMENT BETWEEN UNITED STATES AND MEXICO CONCERNING ESTABLISHMENT OF BORDER ENVIRONMENT COOPERATION COMMISSION AND NORTH AMERICAN DEVELOPMENT BANK

Mr. ROGERS of Michigan. Mr. Speaker, I ask unanimous consent that the Committee on Financial Services be permitted to file a supplemental report on the bill, H.R. 5400, agreement between United States and Mexico concerning establishment of a Border Environment Cooperation Commission and a North American Development Bank, and for other purposes.

The SPEAKER pro tempore (Mr. OTTER). Is there objection to the request of the gentleman from Michigan?

There was no objection.

AMENDING INTERNAL REVENUE CODE OF 1986 BASED ON 2000 CENSUS DATA

Mr. HOUGHTON. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means be discharged from further consideration of the bill (H.R. 3100) to amend the Internal Revenue Code of 1986 to allow for the expansion of areas designated as renewal communities based on 2000 census data, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. LAFALCE. Mr. Speaker, reserving the right to object, and I will not object, especially since, along with the gentleman from New York (Mr. HOUGHTON), the gentleman from New York (Mr. QUINN) and the gentleman from New York (Mr. REYNOLDS) and others, I introduced this bill. It is extremely important to enhance the effectiveness of the Renewal Community Economic Revitalization Program.

I thank the gentlemen who are here, and the gentleman from New York (Mr. REYNOLDS) also, for joining with me in it.

Mr. Speaker, in the last Congress we enacted bipartisan legislation authorizing the designation of 40 Renewal Communities nationwide. The purpose of that program is to offer substantial economic development tax incentives for areas which are characterized by pervasive poverty, unemployment and general distress. The program works solely through tax incentives designed to revitalize these areas through tax benefits for investments and hiring of employees within these areas.

Early this year, HUD designated the 40 Renewal Communities under a national competition. Each Renewal Community was required to meet a number of objective eligibility criteria related to poverty, income and unemployment.

However, since the designations were made before all the 2000 census data was available, eligibility requirements relating to poverty and population were made using outdated 1990 census data. Use of such outdated economic data was required under the authorizing legislation and was probably necessary, given that the designation process was undertaken before this 2000 census data became available.

This bill significantly expands the areas of the 40 Renewal Communities that have already been designated and establishes criteria for going forward also by using Year 2000 census data. The general program limitations would be retained. Any Renewal Community seeking to add census tracts would still be subject to the area requirements of the program that the boundary of the community be contiguous, that its total population not exceed 200,000 and that the community be within the jurisdiction of one or more local governments.

The effective date treatment in the bill would permit investment and other tax credit provisions to apply in expanded census tracts as if they were part of the original application. That is extremely important, too.

Mr. HOUGHTON. Mr. Speaker, will the gentleman yield?

Mr. LAFALCE. I yield to the gentleman from New York.

Mr. HOUGHTON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this is a very simple bill which is designed to correct the Renewal Community legislation previously passed by this Congress. It is going to allow the use of 2000 census data for designation of new areas in the Renewal Communities.

Mr. QUINN. Mr. Speaker, will the gentleman yield?

Mr. LAFALCE. I yield to the gentleman from New York.

Mr. QUINN. Mr. Speaker, I thank my neighbor, colleague and friend for yielding.

Mr. Speaker, let me just say for the record, to be quick here, I want to associate myself with the remarks of the gentleman from New York (Mr. LAFALCE), the gentleman from New York (Mr. REYNOLDS) and the gentleman from New York (Mr. HOUGHTON). The four of us worked on this.

This is a question today about fairness, about using current information. We know that Renewal Communities work. This legislation this evening makes it fair for everybody to become involved. I am pleased to associate myself with the hard work that has been done by the committee staff, as well as both the gentlemen from New York and our friend and colleague, the gentleman from New York (Mr. REYNOLDS).

Mr. REYNOLDS. Mr. Speaker, will the gentleman yield?

Mr. LAFALCE. I yield to the gentleman from New York.

Mr. REYNOLDS. Mr. Speaker, I thank the gentleman.

I want to salute my two colleagues from Erie County and representing the Niagara frontier, as well as the distinguished gentleman managing the rule from the Southern Tier.

□ 1930

This piece of legislation does a great deal to help the western New York area. I just want to salute the leadership of the gentleman from New York (Mr. LAFALCE) and the gentleman from New York (Mr. QUINN) for their efforts of making this a reality today as it comes through the House; and, hopefully, we will see that support in the Senate. It will greatly help our area recover.

Mr. LAFALCE. Mr. Speaker, I thank the gentleman from New York (Mr. REYNOLDS) for his assistance with the Republican leadership.

Mr. QUINN. Mr. Speaker, I rise today in support of H.R. 3100.

H.R. 3100 will allow Renewal Communities to amend their boundaries by adding census tracts meeting the program's criteria based on 2000 census data. The 40 Renewal Communities designated by HUD were required to use 1990 census data.

The objective of the Community Renewal Tax Reform Act of 2000, CRTRA, is to stabilize and invigorate distressed communities by providing special targeted incentives directly to businesses. These incentives are designed to expand jobs and business investment by making it more beneficial to stay or relocate in areas that have been experiencing job/population loss.

It would seem logical that those areas that have continued to deteriorate should be eligible to use the most current data available—2000 census—to expand their boundaries.

It is important to note that no existing Renewal Community will be adversely affected. Only those communities that have increased poverty levels and continued to lose businesses and jobs would apply to HUD to amend their boundaries. The same qualifying criteria will apply to adding new census tracts. No Renewal Communities will be able to include more than 200,000 in population. All tracts must be contiguous.

The economic expansion for most of the United States during the decade of the '90s was not experienced in Upstate New York. If NYC is taken out of the equation, New York ranks 49th out of the 50 States in job creation and business expansion during the '90s. The Buffalo/Niagara Falls SMA lost more jobs and population than any city in the country during that time. The August median sales prices for homes sold in the Buffalo area last month was only $85,000, an indicator of the economic conditions.

Finally, there should be no budget impact, as the parameters of the program will remain unchanged. Thank you Mr. Speaker for scheduling H.R. 3100 on the floor of the House of Representatives today. I urge all of my colleagues on both sides of the aisle to support this bipartisan, commonsense legislation.

Mr. LAFALCE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. FLAKE). Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3100

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXPANSION OF DESIGNATED RENEWAL COMMUNITY AREA BASED ON 2000 CENSUS DATA.

(a) IN GENERAL.—Section 1400E of the Internal Revenue Code of 1986 (relating to designation of renewal communities) is amended by adding at the end the following new subsection:

"(g) EXPANSION OF DESIGNATED AREA BASED ON 2000 CENSUS.—At the request of the nominating entity with respect to a renewal community, the Secretary of Housing and Urban Development may expand the area of such community to include any census tract—

"(1) which, at the time such community was nominated, met the requirements of this section for inclusion in such community but for the failure of such tract to meet 1 or more of the population and poverty rate requirements of this section using 1990 census data, and

"(2) which meets all failed population and poverty rate requirements of this section using 2000 census data.

Any such expansion shall take effect as provided in subsection (b)."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the amendments made by section 101 of the Community Renewal Tax Relief Act of 2000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HOUGHTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3100, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

RECOGNIZING THE IMPORTANCE OF SURFACE TRANSPORTATION INFRASTRUCTURE TO INTERSTATE AND INTERNATIONAL COMMERCE AND THE TRAVELING PUBLIC AND THE CONTRIBUTIONS OF THE TRUCKING, RAIL, AND PASSENGER TRANSIT INDUSTRIES TO THE ECONOMIC WELL BEING OF THE UNITED STATES

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 567) recognizing the importance of surface transportation infrastructure to interstate and international commerce and the traveling public and the contributions of the trucking, rail, and passenger transit industries to the economic well being of the United States, as amended.

The Clerk read as follows:

H. RES. 567

Whereas prior to 1890, the United States lacked a holistic, intermodal surface transportation system that linked rural towns and farmland to urban areas and cities for the purposes of travel and interstate commerce;

Whereas the emergence of the automobile and truck after 1900 created a public demand and economic need for improved roads, highways, and byways;

Whereas the United States transportation construction industry has built 3,900,000 miles of roadways, 200,000 miles of freight and passenger railroad track, and 5,800 miles of mass transit track with more than 2,300 stations;

Whereas the construction of roads and highways requires the skills of numerous occupations, including those in the contracting, engineering, planning and design, materials supply, manufacturing, distribution, and safety industries;

Whereas by 2020 the number of registered vehicles in the United States is expected to grow from 225,000,000 to about 275,000,000, requiring improvements to roads and highways;

Whereas the industries which design, construct, and maintain roads and highways generate $200,000,000,000 for the economy annually and sustain about 2,200,000 jobs;

Whereas the advent of the truck, and technological advances expanding its cargo capacity, dramatically increased the ability of the United States to transport goods more quickly and efficiently;

Whereas the trucking industry had $606,000,000,000 in gross freight revenues, representing 87.5 percent of the Nation's freight bill in 2000;

Whereas intercity trucks logged 1,093,000,000 ton-miles in 1999, representing almost 30 percent of the total domestic intercity ton-miles logged by all modes;

Whereas commercial trucks consumed more than 44,000,000,000 gallons of fuel and paid $30,500,000,000 in Federal and State highway-user taxes in 1999;

Whereas by 2013 the total number of commercial trucks will increase by a third, from 6,000,000 to 8,000,000;

Whereas there were 3,090,000 truck drivers in 2000 and 9,900,000 employed throughout the United States economy in jobs that relate to the trucking industry in 1999;

Whereas trucks transported more than 83 percent of the value of trade between the United States and Mexico and more than 73 percent between the United States and Canada in 1999;

Whereas prior to the development of a national system of roads and highways for automobiles and trucks, the railway system served as the primary mode of interstate travel for the American public and facilitated goods movement throughout the United States;

Whereas America's freight railroads carry more than 40 percent of the Nation's intercity freight, including approximately 70 percent of vehicles from domestic manufacturers and more than 65 percent of the Nation's coal to coal-fired plants;

Whereas railroads in the United States originated nearly 33,000,000 carloads of freight, including more than 9,000,000 intermodal trailers and containers, and had a freight volume of 1,530,000,000,000 ton-miles in 2000;

Whereas on average it costs 29 percent less to move freight by rail in 2000 than it did in 1981 and 59 percent less in inflation-adjusted dollars;

Whereas from 1980 to 2001 Class I freight railroads invested more than $290,000,000,000 to maintain and improve infrastructure and equipment and reduced the number of train accidents per million train-miles by 64 percent;

Whereas the railroad industry employed more than 230,000 workers in 2001, including engineers, conductors, clerks, executives, and maintenance workers;

Whereas railways and railroads move people and commodities in an efficient way and contribute more than $30,000,000,000 to the economy through wages, fringe benefits, purchases, and taxes;

Whereas intercity buses provided passenger and package express service to over 4,000 communities nationwide, most of which have no other form of public intercity transportation;

Whereas intercity buses carry over 770,000,000 passengers annually and provide a variety of services, including fixed-route, charter and tour, airport express, and long-haul commutes;

Whereas intercity buses provide an integral link in the intermodal network serving airports, train stations, and transit hubs throughout the Nation;

Whereas the public transportation system in the United States includes buses, trolleybuses, vanpools, jitneys, heavy railways, light railways, commuter railways, cable cars, monorails, aerial tramways, and ferryboats;

Whereas Americans used public transportation a record 9,500,000,000 times in 2001 and transit ridership has grown 23 percent since 1995;

Whereas public expenditures to operate, maintain, and invest in public transportation systems in America amount to about $23,500,000,000 each year;

Whereas there are more than 360,000 transit employees who work to operate, maintain, and manage America's public transportation system;

Whereas public transit helps to reduce vehicular traffic congestion on roads and highways and leads to cleaner air;

Whereas public transit continues to be one of the safest modes of travel and helps conserve energy and reduce America's dependency on foreign oil; and

Whereas public transit has provided the elderly and millions of Americans with disabilities expanded mobility and freedom to travel United States: Now, therefore, be it

Resolved, That the House of Representatives recognizes the transportation construction, trucking, railroad, intercity bus, and passenger transit industries, and those professionals who design, operate, build, and maintain the rights of way along which trucks, freight trains, buses, and commuter trains travel—

(1) for the immense contribution they make to the economy by facilitating international and interstate commerce;

(2) for their contribution to the freedom of the traveling public which uses roads, highways, and railways for the purposes of business and leisure; and

(3) for their conscientious effort to improve safety, increase efficiency, and better the environment in communities throughout the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 567, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all time allotted to me be allotted to the gentleman from California (Mr. GARY G. MILLER), and I further ask unanimous consent that he be permitted to yield time from that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. GARY G. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Res. 567, "Recognizing the importance of surface transportation infrastructure to interstate and international commerce and the traveling public and the contributions of the transportation construction, trucking, rail, intercity bus and passenger industries to the economic well being of the United States."

On October 1, I introduced this bill, along with 11 of my colleagues, to show the Congress's gratitude to the men and women who continue to provide America with an efficient and reliable transportation system.

Mr. Speaker, this bill recognizes the vital role the transportation construction, trucking, rail, intercity bus and passenger transit industries play in the United States' economic well-being.

The trucking industry alone has transported more than 83 percent of the volume traded between the U.S. and Mexico, and more than 73 percent between the U.S. and Canada in 1999. There are now 6 million commercial trucks, and that number will increase to 8 million by 2013. Between the growing number of trucks and the fact that the registered vehicles are expected to increase from 225 million to 275 million by 2020, we are fortunate to have such an efficient and reliable transportation construction industry.

The transportation construction industry sustains 2.2 million jobs and has provided us with 3.9 million miles of roadway. America's freight railroads are responsible for carrying 70 percent of the vehicles from domestic manufacturers. America's freight railroads also carry more than 40 percent of the Nation's intercity freight. While the rail industry has met the growing economic demand, it has also lowered the cost of moving freight by 29 percent since 1981. Public train ridership has also grown by 23 percent since 1995.

Public transit also plays a significant role in providing added convenience to Americans' lives. Public transit as a whole helps to reduce vehicular traffic congestion on roads and highways and leads to cleaner air. Intercity buses alone carry over 770 million passengers a year. In 2000, the total public expenditures to operate, maintain, and invest in public transportation systems reached $23.5 billion.

Mr. Speaker, I would like to commend the surface transportation infrastructure community for the immense contributions they have made at both an economic and societal level. The surface transportation community has continually bettered the transport of goods and services and facilitated transit for the traveling public.

I would like to thank the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) and their staffs for the hard work they have given on this measure. I know I speak on behalf of Congress when I commend the hard-working men and women in the surface transportation industry who are continually giving their services to provide America with a reliable transportation network.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H. Res. 567, as amended, that recognizes the significance of the surface transportation infrastructure to interstate and international commerce and the traveling public and recognizes the contributions of the trucking, rail, intercity bus and passenger transit industries to the economic well-being of the United States. As the Nation moves toward a more competitive global economy, the state of our surface transportation infrastructure increases in importance. The investments made in the Nation's transportation infrastructure also provide good family wage-paying jobs and contributes significantly to the Nation's health.

Throughout the 107th Congress, the Committee on Transportation and Infrastructure has worked diligently to advocate adequate funding for transportation programs.

Mr. Speaker, I cannot stand here in praise of surface transportation without drawing to the attention of the House a genuine surface transportation emergency. As we praise surface transportation, we are aiding and abetting the decline and worsening of a major indispensable component of that system. We saw this emergency arise just weeks ago, and we abetted it then. It was clear that Amtrak could not continue to go forward without first emergency funding and then an appropriation that would guarantee the rail service in the United States of America would continue. In fact, the administration came forward with $100 million in loan-guarantee funding, pending congressional consideration of the Amtrak appropriation.

Mr. Speaker, the emergency is now upon us, and it is upon us hot and heavy. The Committee on Appropriations has just denied Amtrak's request for $1.2 billion that is necessary to keep the full system running. Instead, they appropriated $762 million. Now, this amount, and here I am bringing to the floor what the Department of Transportation Inspector General says, is not enough to continue current operations, which he sets at $1.2 billion. This appropriation went down on a straight party line vote.

Now, understand what we have done. These folks say they must have $1.2 billion to continue the intercity railway transportation of the United States, which criss-crosses this country. We have cut it by one-third. I am going to take my time to indicate what that one-third means and what districts in this House are going to wake up without railway transportation if we leave it that way.

This amount is less than one-half of the funding for the entire national network of passenger rail transportation that is now in place. What it means, I say to my colleagues, is this: that in order to get down to this $150 million, which is all that would be allowed to be spent in 2003, 13 of the 18 long-distance train routes would have to go. That is 2.3 million riders. Let me be more specific, because I want to find out, well, how does that break out when we get down to brass tacks. How it breaks out is this, listen for our cities, because these are the cities that are going to be without national intercity passenger rail travel: Dallas, Denver, New Orleans, San Antonio, Salt Lake City, Tucson, Atlanta, Little Rock, Pittsburgh, and Houston. They would lose all passenger service. I am here to sound the alarm. I have not named Washington, D.C., but I believe I must bring to the attention of my colleagues the rollcall I just went through who is in fact in danger.

The administration, despite its study after study, has come forward with absolutely no Federal plan. Instead, it sends the railroad to two sources, one is the private sector. Are we kidding? Do we know why there is an Amtrak? Because the private sector went broke and said to the Federal Government, if you do not take over passenger service, there is not going to be any. There would not be any Amtrak if the private sector could do it unsubsidized. Okay, said the administration, then go to the States. That is even more outrageous, more distressing. Every State in the Union is facing a horrific deficit, every State in the Union. They are running the worst deficits in a generation, and that is because of the sad state of the national economy, not because of anything the States have done. So we are sending them to the States?

The Dow Jones was at a 5-year low today, I say to my colleagues. Check it out. Today it was at a 5-year low. What does that tell us about the national economy? What does that tell us about going to the States to save Amtrak? The States will tell us, at the very least, I gave at the office, because the States have already contributed $1 billion. Where is our contribution of $1 billion?

The administration came forward with something called the Amtrak Reform Council. Oh, how misnamed can an entity be. They have indeed studied the issue, and then they studied it again and they are still studying it. No plan, still. That is a bankrupt strategy; and, I say to my colleagues, if we go home with a third of the amount Amtrak needs cut, we will have a bankrupt railroad system when we return. I do not even want to get into what this means to the economies of certain sections of the country, like the Mid-Atlantic States, the Northeast, and certainly the Midwest States that are going to lose all service.

We subsidize every major form of transportation. I sit on the Subcommittee on Aviation. We just came forward with another subcommittee bill to help aviation out just last week. Thank goodness we give millions to buses and Metro, to roads. That is in our tradition, and I am glad of it. Do we really expect to provide passenger service in the 21st century in our country completely unsubsidized? If so, we would be the only self-supporting rail system in the world. We are not nearly that good, nor is any other society.

Mr. Speaker, we may be the only world economic power in the world today, but if we do not take action before the 107th Congress closes, we will be a second-class transportation power without a fully operating rail system. It would do irreparable harm to our transportation system and to our country to let Amtrak sink. We must do more than pass cosmetic resolutions such as the one we pass today. I ask my colleagues to help me and to help ourselves to save the Nation's passenger railroad system.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H. Res. 567, which recognizes the importance of surface transportation infrastructure to interstate and international commerce and the traveling public, and recognizes the contributions of the trucking, rail, and passenger transit industries to the economic well being of the United States.

The Nation's surface transportation industries, and the workers they employ, have made immense contributions to the quality of life in our communities, the nation's economy, and our competitiveness in the world marketplace. Each day, the American people and American businesses benefit from reduced travel times, increased productivity, and improved safety as a result of their efforts.

Throughout our Nation's history, economic growth, prosperity, and opportunity have followed from the development and operation of the Nation's infrastructure. From the "internal improvements" of the early 1800s—such as canals, locks, and roads—to the Interstate Highway System of today, infrastructure improvements have been the foundation of our economic growth. To take just one example, between 1980 and 1991, almost one-fifth of the increase in productivity in the U.S. economy was attributable to investment in highways.

Our Nation's highways, transit and rail systems not only provide the backbone of our economy by moving people and goods, they also employ millions of workers and generate a significant share of total economic output. In 1999, transportation-related goods and services generated 11 percent of our total Gross Domestic Product.

In addition to facilitating economic growth, our transportation system has a significant impact on the daily lives of nearly all Americans. Americans rely on safe and efficient modes of transportation in their day-to-day activities. The average household spends about 18 percent of it income on transportation, more than any other expense except housing.

Surface transportation industries, and the workers they employ, have accomplished a great deal. But their work is not finished. We hope their achievements will inspire a renewed dedication to keeping America's transportation system the finest in the world.

Ms. NORTON. Mr. Speaker, I yield back the balance of my time.

Mr. GARY G. MILLER of California. Mr. Speaker, I yield back the balance of my time.

□ 1945

The SPEAKER pro tempore (Mr. FLAKE). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the resolution, House Resolution 567, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The title was amended so as to read: "Resolution recognizing the importance of surface transportation infrastructure to interstate and international commerce and the traveling public and the contributions of the trucking, rail, intercity bus, and passenger transit industries to the economic well-being of the United States.".

A motion to reconsider was laid on the table.

EXPRESSING APPRECIATION FOR PRIME MINISTER OF GREAT BRITAIN FOR HIS LOYAL SUPPORT AND LEADERSHIP IN WAR ON TERRORISM AND REAFFIRMING STRONG RELATIONSHIP BETWEEN PEOPLE OF UNITED STATES AND GREAT BRITAIN

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 549) expressing appreciation for the Prime Minister of Great Britain for his loyal support and leadership in the war on terrorism and reaffirming the strong relationship between the people of the United States and Great Britain.

The Clerk read as follows:

H. RES. 549

Whereas the people of the United States and Great Britain have a history of shared values and mutual respect for one another;

Whereas the Governments of the United States and Great Britain are close allies and share a deep and abiding friendship based on a shared commitment to democratic values;

Whereas the United States and Great Britain understand the commitment to defend freedom and democracy regardless of the costs involved:

Whereas British Prime Minister Tony Blair has displayed exceptional leadership in the war on terrorism: and

Whereas the United States and Great Britain have been provoked into a war on terrorism that threatens the security of both nations: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses sincere appreciation for Prime Minister Tony Blair for his leadership in the war on terrorism;

(2) expresses its deepest sympathy to British victims of terrorism and their families, including the 67 British citizens who were victims of the terrorist attack on September 11, 2001;

(3) commends the efforts of British intelligence and defense agencies for their continued efforts in the war on terrorism; and

(4) reaffirms the strong and special relationship between the people of the United States and Great Britain.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from New York (Mr. ENGEL) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include therein extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Missouri (Mr. GRAVES) for introducing House Resolution 549 expressing appreciation to the Prime Minister of Great Britain, Tony Blair, for his loyal support and leadership in the war on terrorism and reaffirming our strong relationship between the people of the United States and Great Britain. We know who our friends are in times of need. By this measure, some of our closest friends can be found in the United Kingdom.

Following September 11, our British partners offered critical assistance in military deployments in Afghanistan. They cracked down on terrorist activities in their territory and are working side by side with our forces in Afghanistan. Our Nation is also working closely with the British with regard to intelligence-sharing, asset freezes, and taking joint action to uproot terrorist organizations.

Prime Minister Tony Blair personally has shown an exemplary level of courage and leadership, not only through his support for our campaign against terror in Afghanistan but our campaign to rid the region of weapons of mass destruction and to end the tyrannical rule of Saddam Hussein.

Accordingly, it is fitting that we commend Prime Minister Blair and the British people for their support and steadfastness during these most difficult days.

Mr. Speaker, I urge adoption of this measure.

Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Missouri (Mr. GRAVES).

Mr. GRAVES. Mr. Speaker, I thank the gentleman from New York for yielding time to me.

Mr. Speaker, I rise today as a proud sponsor of House Resolution 549, a resolution thanking Prime Minister Tony Blair and the British people for their support in this war on terrorism.

Throughout the 20th century, the United States and Great Britain have worked to ensure greater freedom throughout the world. From the victories of World War I and World War II to the collapse of the Soviet Union and the Berlin wall, the United States and Great Britain have stood shoulder-to-shoulder against evil and oppression. In times of war and in times of peace, the British and the American people have a special bond that is unique among modern nations.

Now the world is engulfed in yet another battle against those who seek to terrorize free people. While the face of evil has changed over the past 100 years, our alliance with the British has grown stronger. Through a military alliance that has spanned both a great ocean and decades of war and peace, we have worked together to fight for freedom and restore peace to a world always threatened by tyranny. The strength of our alliance has been enhanced by the strength of the leadership of both nations.

Winston Churchill proclaimed to Nazi Germany and the world that Britain would never fall to totalitarianism. Shortly before the United States was attacked in Pearl Harbor, Churchill proclaimed to Britain and the world: "Never yield to force; never yield to the apparently overwhelming might of the enemy."

On September 11, we all witnessed the terrible capabilities of our enemy. But with the help of Great Britain and many other devoted allies, the United States refused to stand down in the face of this deadly enemy. Prime Minister Tony Blair rallied his people and worked tirelessly with countries around the world to assemble support for the cause of freedom. His leadership in this war has been exemplary.

The Prime Minister understands that this war is not about ideology or religion. He understands that the threat posed to America is the same threat posed to his own people. Like America, there is always a voice of opposition, but, again, he understands that this war is about protecting that voice. Because the voice of dissent is one part of the voice of freedom.

From the initial horrors of September 11 to the new phase of the war on terrorism, Prime Minister Tony Blair has stood with America and the cause of freedom. I am personally grateful for his leadership, and I am proud to sponsor this resolution thanking him and the British people for their sacrifices of yesterday and their sacrifices to come.

With the leadership of President Bush and Prime Minister Blair, I look forward to a future where the American and British people live in peace and in a world free from tyranny.

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the remainder of time on our side be controlled by the gentleman from New York (Mr. REYNOLDS).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ENGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution. I would like to commend my colleague, the gentleman from Missouri (Mr. GRAVES), for introducing such a timely resolution.

Mr. Speaker, a nation discovers its true friends in times of crisis. Since the tragedy of September 11, America has found that it has many friends around the globe. Mr. Speaker, we have seen that the United States has a tremendous friend and ally in the war on terrorism in Great Britain. No head of state has been more supportive of the United States in this battle than British Prime Minister Tony Blair.

Since September 11, British troops fought alongside U.S. forces to liberate Afghanistan and to root out terrorists. Britain acted as the lead nation for the international security assistance force in Afghanistan until the mission was turned over to Turkey. Humanitarian aid has flowed from Britain to Afghanistan, and the British government has enacted new counterterrorism legislation.

In short, Mr. Speaker, the United Kingdom has stood shoulder-to-shoulder with the United States in the war on terrorism. In the horrendous terrorist attacks of September 11, Britain lost 67 of its citizens. The U.S. has expressed its sympathies to the families of these British victims.

Mr. Speaker, British Prime Minister Tony Blair has shown extraordinary leadership in the war on terrorism. This resolution recognizes his leadership and expresses the appreciation of the Congress and the American people. I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, ever since a young Staff Sergeant first climbed into an Army Air Force bomber for the first of 35 missions that would win him the Distinguished Flying Cross during World War II, the gentleman from New York (Mr. GILMAN) has been serving his country with honor and distinction. Through a congressional career that spans three decades and, before that, service in the New York State Assembly, the gentleman from New York (Mr. GILMAN) has earned a national and international reputation for leadership, fairness, and compassion.

Whether combatting world hunger or fighting for freedom for those unjustly imprisoned, the gentleman from New York (Mr. GILMAN) has been a recognized leader in human rights and foreign affairs, earning praise for his work from every cosponsor of the globe. But despite his great presence on the world stage, it is evident through his tireless advocacy for those he represents that his feet remain firmly on the ground in his home community of New York's Hudson Valley.

Listing the awards and honors that the gentleman from New York (Mr. GILMAN) has earned throughout his career would take far more time than allotted, but they are tremendous evidence of the fondness and the respect that the gentleman earned throughout his career from those he has so passionately and ably represented.

As the dean of our New York delegation, the gentleman from New York (Mr. GILMAN) has been looked to for his leadership and counsel. On so many issues that affect not only his district but our entire State, our Nation, and the globe, the gentleman was there fighting just as hard, just as passionately for every resident of our State.

Mr. Speaker, on behalf of my community, my State, I want to extend my thanks to the gentleman from New York (Mr. GILMAN) for all he has done to make New York a better place. His wisdom, commitment, and leadership will be sorely missed.

Mr. Speaker, I reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to take this opportunity to honor one of my closest friends and colleagues who has announced his retirement, a great friend of us all, the gentleman from New York (Mr. GILMAN), and I do mean gentleman.

The gentleman from New York (Mr. GILMAN) has provided 30 years of service in the House, representing Orange, Rockland, Sullivan, and Westchester Counties. The gentleman from New York (Mr. GILMAN) has a distinguished record in the U.S. Air Force: from 1942 to 1945 as a Staff Sergeant in the 19th Bomb Group of the 20th Army Air Force flying 35 missions over Japan and earning the Distinguished Flying Cross and the Air Medal with Oak Leaf Clusters.

Here in the House, he served as ranking minority member on the Committee on Post Office and Civil Service from 1989 to 1993, earning the reputation as a key spokesman for a safe, equitable workplace for civil service and postal service employees.

Of course, probably the most distinguished thing that the gentleman from New York (Mr. GILMAN) has done in the House has been the 6 years he served as chair of the Committee on International Relations. What a sterling chair he was. He and his wife Georgia and myself and my wife have been friends. We have taken trips, and we have done so many things together. I really treasure our friendship.

In reapportionment, districts change. My district takes over some of the area that the gentleman from New York (Mr. GILMAN) has represented so ably for 30 years in Rockland County.

I just want to make my colleagues aware of what happened about a month ago in Rockland County. There was a tribute to the gentleman from New York (Mr. GILMAN) which was on local cable. I went there to offer my words of tribute, and the place was packed. You could not even get in the room, there were so many people in so many walks of life, from both political parties, all kinds of community people going and singing their praises about the gentleman from New York (Mr. GILMAN).

Everybody was saying the same thing: There was no better person who was more dedicated, who was just an all-around wonderful individual, who loves his job. People say in Rockland County, if there are two people in the room, the gentleman from New York (Mr. GILMAN) would be there, because he realizes that it is his responsibility and his honor to be there.

When I think of the kind of representative that we all try to be, I can think of no better role model than my good friend, the gentleman from New York (Mr. GILMAN). I want to say that New York's loss is certainly going to be the United States' gain, because we know that the gentleman is going to continue with public service and have a position of even higher importance.

As the dean of our delegation, as somebody who has worked so hard on the Republican side, the dean of the Republican side, there has been no truer friend to all of us in New York than the gentleman from New York (Mr. GILMAN). So I want to say to the gentleman that it has been a pleasure and an honor to be his friend, to be his colleague. We will always be friends.

Again, in Rockland County, it is very big shoes to fill. While no one can really fill the gentleman's shoes, I am going to try just a little bit. So I thank the gentleman, and I know that he is going to move on to bigger and better things, but we are going to remain close and remain friends, because that is the kind of person that the gentleman is.

Mr. Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. COX).

Mr. COX. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, we are here in form, importantly, to discuss a resolution about the Prime Minister of England, about Tony Blair. It is fitting that we are here paying tribute to someone who is standing with America in tough times, because the gentleman from New York (Mr. GILMAN) has always stood for America in tough times.

It has been my privilege to serve with the gentleman from New York (Mr. GILMAN) for 14 years here in Congress, but the gentleman's career goes back many more years before that. His whole life has been devoted to service to his country.

We can see in this unique combination of good manners and high honor on the one hand and toughness and courage on matters of substance on the other hand that in the annealing fire of combat in World War II the gentleman from New York (Mr. GILMAN) was tested and found completely capable of taking on the challenges of our country. He was a Staff Sergeant in World War II in the 19th Bomb Group of the 20th Air Force. He flew 35 missions over Japan, and it is during that time that he earned the Distinguished Flying Cross, as my colleague, the gentleman from New York (Mr. ENGEL), mentioned, in addition the Air Medal with oak leaf clusters.

He came home from defending America overseas to defend America at home, working as the Assistant Attorney General of the State of New York. He also served as counsel to the State legislature, and then went on to become a member himself for 3 terms.

He then went on to serve 15 terms in this body, and he has attained every honor that this House can bestow. He has been chairman of the Committee on International Relations, chairman of the Subcommittee on the Middle East and South Asia, vice-chairman of the Subcommittee on Criminal Justice, Drug Policy, and Human Resources of the Committee on Government Reform, and the list goes on.

When I first brought a bill to the floor of this House in 1989, it was a human rights measure to grant refugee status to Ukrainian Orthodox and Ukrainian Catholics who were being persecuted in the Soviet Union.

□ 2000

And BEN GILMAN was here on the floor arguing in support of my bill. During my entire time here, BEN and I have worked together on issues that we both care about, including the Congressional Human Rights Caucus. We have served together on the Committee on Government Reform.

Since 1994, BEN has been a leading member of the Republican Policy Committee, which I chair. He chaired the Speaker's Working Group on North Korea, on which I was privileged to serve, and brought so many of the issues of human rights abuses and the threats of weapons of mass destruction to the world's attention there. We worked together on the Speaker's Advisory Group on Russia, and BEN'S experience and knowledge of U.S.-Russia relations has proved to be a tremendous asset in helping to shape that report on a decade of U.S.-Russia relations.

Together we have co-sponsored countless bills, including the Eastern European Democracy Act, the Taiwan Security Enhancement Act, and the Iraqi Liberation Act. BEN and I worked closely on the Iraq bill frequently mentioned in newspapers these days and around the world; it is now getting comments because of its emphasis on regime change. I was honored to be the sole co-sponsor of that bill, which passed this House on a vote of 360 to 38 4 years ago on October 5, 1998.

As evidenced by the current debate in Washington, BEN'S legislation calling for support for the Iraqi opposition groups that would foster regime change in Iraq was farsighted, necessary and important and will be the follow-on policy after this current conflict.

Mr. Speaker, I have the utmost respect for the gentleman. He is one of the best friends that I will have in my career. He has a knack for moving beyond partisan lines because he always stands for what is right and that always attracts followers. I hope that the gentleman and Georgia and his family will now have a little bit of quiet time now that he is moving on from the House. But I know that he will not have a whole lot more time because I know he will remain as a leader for the United States, and in all the things that I expect he will be doing, the gentleman can count on my support and his colleagues' support; and I wish the gentleman Godspeed.

Mr. ENGEL. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means and the dean of the New York delegation.

Mr. RANGEL. Mr. Speaker, so many times we see Republicans coming on over to the Democratic side and Democrats going on the other side and some of the newer Members wonder, What is that all about? Well, it is about what they call the good old days. The days where people were elected to represent their districts and at the same time thought that we could disagree without being disagreeable. And if they had any problems in trying to figure out what type of legislator that I am talking about, I refer them to my friend, my brother, my colleague, BEN GILMAN. And I say "brother" because we can have a lot of problems with our brothers, especially on some of the votes that he is being lauded for on the other side.

But one thing is abundantly clear, that he believed in everything that he was doing, and that he would put himself out of the way to try to listen to the problems of different people in different parts of our country or in different parts of the world.

BEN and I traveled all over fighting the scourge of drugs. It was one task force that no one really volunteered to go on. We went into the mountains, the valleys. We stood in Colombia and saw what the rebels have done. We have known the list of people that have died in these countries fighting the drug traffickers. We went into Mexico and saw just how corrupt they were and stood up against them. And I do not think in any of these countries whether anyone knew who the Democrat was and who the Republican was because we went there together as Americans. We went to the United Nations as Americans, and we worked and fought on so many issues that both of us are proud of. We have so many friends outside of the Congress; and, indeed, I was so privileged to be a part of his wedding to his beautiful Georgia.

I do not know basically what he wants for the future. And I do not even know how his political career was cut so short so fast. But I know one thing, whatever he decides to do with the rest of his beautiful life, that I am not going to allow what happens in this floor or what happens in Albany to stop the wonderful friendship that my family has enjoyed with Ben and his family over the years.

And for the new Members, if they do not know what I am talking about, ask people about BEN GILMAN. Members can do their job and be faithful to their party. Members can fulfill their commitment to their constituents and their country, but they just do not have to be mean-spirited about it.

We love BEN and we are going to miss him.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. MCHUGH) of the north country.

Mr. MCHUGH. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I had another appointment, and I was disappointed because I thought I would not have the chance to be here; but I did not want to let this opportunity go by without joining in at least for a few moments in adding my words of great admiration and best wishes to a very, very dear friend and a remarkable colleague, BEN GILMAN.

Mr. Speaker, as we have heard and we will continue to hear, BEN has accrued a litany of achievements, any fraction of which would make each and every one of the 435 Members of this House very, very proud. During his 3 decades of service to his constituents and the American people, BEN has done so much for so many, not just here at home, but BEN, as we have heard, through his leadership on international, particularly, humanitarian and veterans issues.

It is indeed, as the gentleman from New York (Mr. RANGEL) suggested, disappointing that politics beyond the control of an individual politician takes away from our ranks such an illustrious Member. And, frankly, Mr. Speaker, that is the only way that BEN GILMAN could have been removed. Because as former House Speaker Tip O'Neill said, "All politics is local." And the local people of New York State understood the compassion and great devotion that BEN brought to this job and has brought each and every day.

Former President Truman said, "If you need a friend in Washington get a dog." Well, if President Truman was with us today, I think he would amend that to saying "or BEN GILMAN." A leader, a compassionate man, a dedicated legislator to those principles which have guided him his whole life, but to those of who have known him perhaps best, always a friend. Something that is unfortunately very, very hard to find in Washington.

I had the honor of serving with BEN not just on the Committee on International Relations, admiring and looking in amazement at his leadership as he guided that somewhat difficult committee at times to do even better things as each individual Member would have envisioned unto him and herself; but also on the Committee on Government Reform where I had the chance to serve as chairman of the Subcommittee on Postal Service, BEN was there every minute providing guidance and instructions and leadership.

So to BEN and Georgia, we certainly wish them every continued success and Godspeed, and on behalf of not just the New York State delegation and his colleagues but all Americans. We thank him so much for his service.

Mr. ENGEL. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I join the other Members of this House in paying tribute to a great veteran in service of his country, BENJAMIN A. GILMAN.

It has already been mentioned how he served this country as a member of the United States Army Air Corps in the Second World War, rising to the office of Staff Sergeant and serving in 35 missions, and how he earned the Distinguished Service Cross in service to his country.

BEN GILMAN also went on to serve his country in the State legislature of the State of New York, serving for 3 consecutive terms before he was elected to the United States House of Representatives in 1972 where he has served for 3 decades in elegant and effective service to his constituents in New York and the people of this country.

I can remember the day in 1972 when BEN was elected. In fact, the day after he was elected, because on that day he did something which is unusual for a successful candidate for public office. The day after he was first elected to the House of Representatives, that next morning, that morning he was on the street of Middletown, greeting people and thanking them for their support in electing him to this distinguished office. In the 3 decades that he has served here, he has provided great service to the people of our State and this Nation. But mostly he will be recognized for his service on the Committee on International Relations and its predecessor and his tenure as chairman of that committee for three successive terms. He will be recognized as a staunch and just defender of the State of Israel. And in addition to that, he will also be recognized as one who stood for the oppressed minority everywhere in the world.

BEN GILMAN is a great defender of human rights. And he has not cared what the human in that sentence looked like or how they prayed or how they behaved. No matter what their individuals circumstances, all he had to know was that they were suffering in some way and that way was unjust, and he was there rushing to their side in all corners of this globe.

It is a pleasure to have served with him now for this past decade, to have known him personally as a friend and as a colleague, and to stand here this morning with the rest of the Members of this House to pay tribute to his great service as an outstanding veteran in service to this country.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Speaker, I come to the floor today to honor my friend and colleague from New York. In our military, for New York State government, and for the last 30 years here in the House, Ben Gilman has always been there for his country and for his fellow citizens. And I am honored to have had the opportunity to work with an individual like Ben, who has dedicated so much of his life to public service.

As we all know, as we have all heard, he has had a very distinguished career in this body and has been a great leader for us on many fronts as chairman of the Committee on International Relations. But I also want to say something about Ben's dedication to the interest of his constituents in the Hudson Valley. Those of us in the Hudson Valley have been particularly fortunate to have Ben here in Congress. He has been a tireless advocate for focusing Federal resources on the area's needs; and he has been a tremendous partner, and he has been a teacher for me in working to improve the region and to bring forth the work on the important issues of our area. The Hudson Valley has benefited greatly because of Ben Gilman's service in this body.

Mr. Speaker, I want to thank the gentleman today for his service to the Hudson Valley, to the State of New York, and to this Nation. I thank the gentleman so much for being the person that we all so admire for what he has done for all of us.

Mr. ENGEL. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. ACKERMAN).

Mr. ACKERMAN. Mr. Speaker, I would just like to point out to our colleagues and the American people who might be listening that we are talking about somebody who is alive and well. These kinds of speeches are usually made about somebody who has passed from the scene. But Ben Gilman is an actual living legend here in the Congress and in this great land of ours.

Mr. Speaker, I have been privileged the years that I have been serving here in the Congress to have served just about my entire congressional career on the Committee on International Relations with the gentleman from New York (Mr. GILMAN). We sit on opposite sides of the aisle, and we have done that throughout our careers; and I have to state that there is nobody that has more respect than does Ben Gilman for both sides of the aisle and within the ranks of our committee.

We do not always agree on every single issue, but we have to respect Ben for the positions he takes and the things that he fights for, many of which, if not 99 percent of them, I associate myself with.

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I want to point out to some of the Members, especially some of the younger Members of the House, that some of the most important things that they can do here, because especially with the dimension that our world is taking today, is to travel. I have had the pleasure of going on quite a number of trips together with Mr. GILMAN, both when our party was in the majority and when his party was in the majority and he was the Chairman; and we learned so much on those trips, not just about each other, which is very, very important, but about the rest of the world.

BEN did not travel to those parts of the world where people think a person goes to because they are luxurious and they are vacation spots. I remember once we went to India together and we flew over there courtesy of the Air Force, and when we got there, one of the things we were going to do besides visiting people of all kinds was to meet with His Excellency, the Dalai Lama. There had been a tremendous typhoon that had come through the night before. The Air Force thought it might be dangerous and then figured out that indeed our Air Force plane could not go up to the mountain where the Dalai Lama was.

BEN was able to talk to the people within the government of India. They provided us with a flying boxcar that could actually get up there and land, and we did that. It must have been close to 120 degrees in that plane without windows. Our lunch melted. And yet BEN was so determined that we meet with His Excellency, the Dalai Lama, that we made that trip, a very, very difficult trip.

BEN and I have gone up mountains together. We have done that in Colombia where, in meeting to fight the scourge of drugs, something in which you have been a leader in for three decades now, recognizing that problem way before almost anybody else in this House of Representatives, it took close to 1,500 of the national police of that country to protect us when we stood overnight there against the drug lords in Cartagena.

So many trips, so memorable, some with our wives when they were not as dangerous as others.

Just on a personal vote, to give my colleagues the dynamics of this man's career, I have been serving in the House for 20 years. I was not born when BEN GILMAN was flying those missions in World War II, in the Army Air Corps, serving with my dad. That is how long BEN has been serving this country.

When I grew up as a little boy, sharing a religion and a tradition that BEN GILMAN does, one that is really a very small percentage, a small minority in this country, there were very few people of my faith to look up to as role models in the business of politics, elected office in America in those days. My mom told me that there was this guy in our State in New York named BEN GILMAN, who was a great American, who stood for great principles and great values; and he was somebody that we could all look up to. And, indeed, I did; and it was a blessed day that I was elected to be able to serve side by side with BEN GILMAN and to fight with him for so many of the causes that all of us believe in. For that, I have to tell BEN, for that, all of us are very, very grateful; and we thank him for his great service.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. HOUGHTON), the senior Member from the western part of the State.

Mr. HOUGHTON. BEN, how do you feel about all these nice words being said about you? Just do not inhale them.

Mr. Speaker, I would like to do a little more personal approach. BEN has had a distinguished career. He has been here for 30 years, been chairman of the Committee on International Relations, been on many CODELs, co-chairman of the New York State delegation, been absolutely wonderful, but, more importantly than that, I would like to say something to BEN. He has been a mentor.

The two best friends I have had in this Chamber have been Hamilton Fish and BEN GILMAN. Hamilton is no longer with us; and, along with his lovely wife, Georgia, they have been wonderful friends of Priscilla's and mine. But, more important, when a Member comes here, and I did not know anything about politics, I had never been in politics before, BEN took me under his wing and was always there for me.

They say a friend in need is a pest. Never would BEN. He was always there, always honest, always leading, always inclusive. I cannot tell BEN how much I appreciate that friendship, and I trust and hope it will continue. So, Mr. Chairman, Charlie, my great friend, sergeant, we are going to miss you.

Mr. ENGEL. Mr. Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Hamburg, New York (Mr. QUINN).

Mr. QUINN. Mr. Speaker, I appreciate the gentleman from western New York yielding me the time, and for a minute, I am going to read off the script, because what I want to say comes from here, not from the paper.

I am a former educator before I came to Congress, without any political experience, much like the gentleman from New York (Mr. HOUGHTON); and a lot of people teach things in a lot of different ways. A person teaches in the classroom, they teach through books, they teach through lecture, but they also teach through example. I have only been here for five terms, but I want BEN to know that, from a perspective of a newer Member, he was teaching, he was helping, he was advising, and he probably did not even know it, for people like me, for some of the younger men and women who were here.

We look around and our staff will say, they will us to get some dear colleagues signed. Our staff will tell us to go out and call some people to get some support of a bill on either side of the aisle. We are next-door neighbors in the Rayburn building, and the example my staff always tell me is go do it the way BEN GILMAN does it. For someone to have served that length of time here and to still approach the job that way, with the vim and the vigor and the vitality of a freshman, says a lot for you and the way you approach your work in this Chamber, and it does not go unnoticed. It has not gone unnoticed.

I speak for many not only in our delegation but in the House on both sides of the aisle. That is a real teacher. That is a real friend for all of us here. All I want to say is that, on behalf of the people in western New York, as you have touched people all across your district and the State, the country, the world, for that matter, on behalf of the New Yorkers in western New York State, I want to say thanks to you and to your wife for the job you have done for all of us, not only as constituents but the way we have learned as Members to do the job the right way.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from Syracuse, New York (Mr. WALSH).

Mr. WALSH. Mr. Speaker, I thank the gentleman from New York for allowing me the time to speak.

Everyone who has spoken so far from our delegation in New York about BEN GILMAN mentioned that BEN was here when we came. One of the remarkable traditions of any great society is the oral tradition. The intelligence and the traditions and the history of the Congress have been handed down from BEN GILMAN'S generation to our generation.

When I came, BEN took me under his wing immediately because he served with my father, and he still asks about my dad to this day. That is the kind of man that BEN GILMAN is. But he took time for everyone, not just his colleagues here in the Congress but for his constituents, for people who came to him from around the world looking for help to support their nascent democratic movement. They always had a listener in BEN GILMAN.

He has been a legislator, chairing one of the most important committees in the Congress, but he stopped to deal with other Members on issues that were germane and important to his own constituency. When there was a disaster in his district for onion farmers because of bad weather, every single day I saw him on the floor he reminded me not to forget the onion farmers.

He always had a letter under his arm looking for dear colleagues to support constituencies throughout the world, in Ireland where he has been such a great leader, such a remarkable leader; and I hope he stays engaged because their troubles are not behind them yet. And Israel, another country that has seen more trouble than its share, BEN has always been a friend. I guess that is the way I could find to describe him, a friend.

When we look BEN GILMAN in the eye, we see a lot of things. We see sincerity. We see a man who has lived a joyous life, but most of what we see is kindness, kindness for anyone who reaches out to him. He returns it a hundredfold, and I thank him for his friendship and his kindness and for his service to the country.

Mr. ENGEL. Mr. Speaker, I yield myself 30 seconds.

I just want to say, because it has been said so many times before, if you have gone on trips with BEN GILMAN there has been no one who worked harder than BEN on these trips.

I just want to say, after Ground Zero, all of us as New Yorkers after September 11, a few days later we all went to Ground Zero when President Bush went there. I think it was 3 days after the tragedy, and BEN was just going around to the firemen and the policemen and all the people there, consoling them, speaking with them, people from his district who will now be in my district. That is just the kind of person he is.

Finally, I want to say, BEN has fought long and hard, and there is no better friend of the State of Israel than BEN GILMAN. I think BEN has heard all his colleagues saying all the things about him that we all feel from the bottom of our hearts. We love you.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I thank the gentleman from New York for yielding me the time; and I wish to join my colleagues this evening in paying special tribute to our dear and able and incredibly hardworking Member of this House, Congressman BEN GILMAN of New York, an ambassador for our country at home and abroad, someone whose knowledge is unparalleled.

As I said recently to the Governor of New York, when the day comes for BEN GILMAN to cast his last vote here, I would hope that there would be a way for him to become an ambassador at large. I would give him without portfolio, and I would give him the toughest problems in the world, and we have sure got a couple of those right now because I know that I would have a completely honest, extraordinarily knowledgeable, very experienced diplomat, someone who understands the Congress and who has dedicated his life to building peace, to building understanding, to building alliances and maintaining those alliances, understanding the importance of those alliances and knows world leaders on a first-name basis.

There is not a corner of the world where he cannot go and be received. So I think it is important for the American people to know that the institutional memory that exists with this man is unparalleled in the executive branch. I cannot find one person over there, regardless of administration, that can compare to what this man has done.

So I wanted to add my words of commendation this evening to urge the Bush administration to give BEN a very brief sabbatical and then give him a really hard job and he would have entree here in the Congress whenever he would choose to come back.

I want to thank him for his deep friendship on both sides of the aisle, to his wife, Georgia, who is his constant companion, to his family. Thanks to the citizens of New York for sending this incredibly gifted man to serve in this House.

Mr. ENGEL. Mr. Speaker, I agree that we ought to give BEN the hardest job and he will handle it very easily.

I have no further requests for time, and I yield the balance of my time to the gentleman from New York (Mr. GILMAN).

Mr. REYNOLDS. Mr. Speaker, we have heard from the speakers tonight and many members of the New York delegation, on both sides of the aisle. The ranking member has yielded his time. I yield the balance of my time to the gentleman from New York (Mr. GILMAN), in salute to him, the dean of our delegation, and his wife, Georgia, who is in the balcony, for his closing remarks.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FLAKE). The Chair reminds all Members that it is not appropriate to refer to guests in the gallery.

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Mr. GILMAN. Mr. Speaker, I want to thank the gentleman from New York (Mr. REYNOLDS) for yielding me this time, and the gentleman from New York (Mr. ENGEL) for his kind remarks, and for all of my colleagues who were so kind in their expressions of support.

As the House finishes its work for this year and the 107th Congress draws to a close, it is with deep regret that due to my involuntary retirement as a result of redistricting I will not be returning to Washington in January for the opening of the next Congress.

I came to Washington 30 years ago, and I had the honor and privilege to represent our Hudson Valley region of New York, our State, and our Nation during that period of time. That has afforded me the opportunity to witness and to participate in a great number of significant events in our history: from Watergate, the Vietnam war, to the fall of the Berlin Wall, the end of the Cold War during the 1980s and 1990s, two Presidential impeachments, the Gulf War, and most recently the World Trade Center attacks and our war on terrorism.

I am particularly proud to have been part of reorganizing our State Department, helping to free some political prisoners in Mozambique, Cuba, the Soviet Union, and other nations, fighting our war against drugs, accounting for other MIAs and POWs, working to eliminate world hunger, extraditing criminals from foreign lands, and establishing our international scholarships program.

In looking back, it has been especially gratifying to see how much, along with many of my colleagues and staffs, how much we have accomplished in promoting peace in Northern Ireland, in Afghanistan, in India and Pakistan, in Sri Lanka, and the Middle East, and knowing that after I leave here that my colleagues' good work is going to continue in those directions. And knowing that our work is not done, I look ahead with optimism for opportunities which may arise for me to be able to contribute to make a difference.

I thank my staff, many of whom have been with me for more than a decade, for their dedication and their hard work. They have been invaluable to Georgia and to me through our years of service, and I wish them all success in their future endeavors. And I hope that my colleagues will look out for them when they are seeking new positions.

It is hoped that somehow we have motivated our young people to recognize that an average young person from any small town with enough determination and perseverance can become a leader, a Congressman, and have the opportunity to make a difference in our world. I have always held the position of Congressman in the highest regard and tried to do my best to serve our constituents and our neighbors with the dignity that is befitting this office.

When I announced my candidacy for the House of Representatives back in 1972, it was beyond my wildest imagination that I would still be here after these many years working on behalf of our constituents. I thank my colleagues on both sides of the aisle for your warm friendship and your brotherhood. It has been a privilege to serve alongside all of you, and it is with heavy hearts that Georgia and I have to say good-bye to this great body at the end of this session.

God bless you all, and I thank you for your kind words.

The SPEAKER pro tempore (Mr. FLAKE). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, House Resolution 549.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LATOURETTE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

TONY HALL FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5335) to designate the Federal building and United States courthouse located at 200 West 2nd Street in Dayton, Ohio, as the "Tony Hall Federal Building and United States Courthouse".

The Clerk read as follows:

H.R. 5335

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building and United States courthouse located at 200 West 2nd Street in Dayton, Ohio, shall be known and designated as the "Tony Hall Federal Building and United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the "Tony Hall Federal Building and United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Oregon (Mr. DEFAZIO) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Springfield, Ohio (Mr. HOBSON), the author of the legislation

Mr. HOBSON. Mr. Speaker, the legislation I introduced has been cosponsored by every member of the Ohio congressional delegation. It would permanently name the Dayton, Ohio, Federal building in honor of our good friend and just recently our former colleague, Tony Hall.

Tony Hall is a gentleman. He has made Ohio and this country better by his service here, and he has moved on to make the world a better place as the United Nations Ambassador for Hunger. I would urge every Member of Congress to support this piece of legislation.

For years, Tony Hall and I worked together for the benefit of the citizens of the Miami Valley on numerous projects and initiatives. I am very happy that he can now work directly on hunger issues at the United Nations, but it was still very sad to see him leave the House.

Tony has been a football star, a Peace Corps volunteer, a noted world traveler, a devoted husband and father, and a dedicated public servant. Tony has become the area's longest-serving Congressman and a three-time Nobel Peace Prize nominee known worldwide for his humanitarian work.

In Congress, Tony always was guided by faith and family. He spent 21 years on the House Rules Committee, was chairman of the House Democratic Caucus Task Force on Hunger and was founder and chairman of the Congressional Hunger Center.

We are all better people because Tony Hall was in Congress, and now the world will be a little better off now that Tony will be working with the United Nations.

This legislation is a lasting way to pay tribute to Tony's efforts over the years, and I urge all of my colleagues to support this bill.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume and first wish to thank the gentleman from Springfield for his remarks.

It is a personal honor that I rise today to bring this legislation forward honoring our former colleague and distinguished Ohioan, Tony Hall, to the floor. H.R. 5335 designates the Federal building and United States courthouse located at 200 West 2nd Street in Dayton, Ohio, as the Tony Hall Federal Building and United States Courthouse.

For over 40 years, Tony Hall has dedicated his life to helping others and serving this Nation. When Tony graduated from Denison University in 1965 as a Little All American running back, he began his public service by joining the Peace Corps, where he spent 1966 and 1967 teaching English in Thailand. And I noted at the markup we had in our full committee that the gentleman from Minnesota (Mr. OBERSTAR), our ranking member of the full committee, also engaged in such public service.

Upon his return to his native Dayton, Tony was drawn to a career in public service, and at the age of 26 put himself up as a candidate for the Ohio House of Representatives, an election he won despite facing an experienced opponent. Tony ably served in the Ohio House from 1968 to 1972 before being elected to and serving in the Ohio Senate from 1972 to 1978.

In 1978, Tony was elected for his first of 12 terms in this body. During his tenure here, Tony was a tireless and outspoken advocate for combating world hunger, protecting human rights, and promoting humanitarian causes, including basic education, adult literacy, immunization, and other child survival programs and sustainable agriculture in other countries.

He served as the distinguished chairman of the House Select Committee on Hunger from 1989 until it was abolished in 1993. In protest of this decision, Tony engaged in a hunger strike that lasted 22 days, only ending after the creation of the Congressional Hunger Center, which he chaired from its inception until he left the Congress.

Tony also served with distinction on the Committee on Rules, in addition to numerous other committees and caucus assignments. In 2002, Tony resigned his seat to accept a Presidential appointment as United States Ambassador to the United Nations Food and Agriculture Agencies. This is an appropriate honor to a dedicated public assistant.

Mr. Speaker, I would like to congratulate my fellow Ohioan on a distinguished career thus far, and I am sure we all wish him great success as he moves on to a new position from which he can continue his work to help others.

As the gentleman from Ohio (Mr. HOBSON) indicated, it is indeed, I think, a fitting tribute, in a sometimes fractious and partisan body, that every member of the Ohio delegation, whether Republican or Democrat, is a cosponsor of this legislation. It is my honor to be a cosponsor. I urge my colleagues to adopt this matter.

Mr. Speaker, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of this legislation.

Mr. Speaker, H.R. 5335 is a bill to designate the federal building and courthouse in Dayton, OH, as the Tony Hall Federal Building and United States Courthouse, in honor of our former colleague from Ohio, Tony Hall. The bill has strong bipartisan support.

Tony Hall is a true son of Ohio. He was born in Dayton in 1942. After attending local schools he graduated from Denison University in 1964. He was accepted into the Peace Corps and served as a volunteer in Thailand from 1966 until 1968. Upon his return he was elected to the Ohio House of Representatives, and in 1972 he was elected to the Ohio Senate. In 1978 he was elected to the House of Representatives where he served for 11 terms. Tony Hall currently serves as the United States Ambassador to the United Nations Agencies for Food and Agriculture.

Tony Hall was founder and cochair of the Congressional Hunger Center, a nonprofit organization created to bring awareness to the growing and persistent problems of world hunger. He also served as chairman for the House Select Committee on Hunger from 1989 until 1993. Congressman Hall sponsored legislation to help immunize the world's children against major diseases, and to increase U.S. funding for Vitamin A and C.

His passion for protecting and ensuring human rights and combating hunger brought Congressman Hall to such places as North Korea, Peru, Sudan, Bosnia, Rwanda, Somalia, Bangladesh, and Haiti. In 1994 he helped nominate Bishop Carlos Belo for the Nobel Peace Prize for the Bishop's role in protecting civilians during armed conflict.

Congressman Tony Hall was an exemplar for his unswerving commitment and sustaining contributions to promoting humanity and peace in a world stricken with poverty and worn by war. This designation is a fitting tribute to his exceptional public service.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I thank the distinguished gentleman from Oregon for yielding me this time, and I offer my strong support of this wonderful, wonderful resolution that was entered initially by Ambassador Tony Hall's neighbor, the gentleman from Ohio (Mr. HOBSON), with the strong support of the Ohio delegation and the full cooperation of the gentleman from Ohio (Mr. LATOURETTE). How fitting it is that 200 West 2nd Street, the Federal building and courthouse in Dayton, will now permanently be named in honor of this really incredible Ohioan, who has traveled the world on behalf of the most downtrodden people, those who are starving, those who live in undemocratic places, those whose futures are truly bleak, and who has tried to be a voice for them in the world community, in the United States at the United Nations, and now as U.N. ambassador to the food and agriculture organization.

I think it is so magnificent that Congressman Hall comes from a part of Ohio that understands agriculture well and yet he was a city boy. I walked with him many times through the food banks across this city, across the city of Dayton and across this country. I can remember when he and Bill Emerson and Mickey Leland traveled together across the world and began the germ of the idea of a hunger caucus here inside the Congress of the United States, and bringing young people here to learn about not just America's needs and the food pantries needs of our country, but indeed the starving people of the world.

I know the people of Dayton are justly proud that they have sent their favorite son in service to the Nation not just in the Peace Corps in one country but in the cause of peace globally. So I wish to thank the gentleman from Ohio (Mr. HOBSON), the gentleman from Oregon (Mr. DEFAZIO), and the gentleman from Ohio (Mr. LATOURETTE) on behalf of the entire Buckeye delegation here for so properly recognizing the historic work of former Congressman and Ambassador Tony Hall.

Mr. DEFAZIO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield myself the balance of my time only to thank not only my colleague, the gentleman from Ohio (Mr. HOBSON), but also my colleague, the gentlewoman from Toledo, Ohio (Ms. KAPTUR), for being here this evening.

Mr. Speaker, I think all Members would recognize that the mark of a Member is that it is easy to be elected if you are a Republican from a safe Republican seat; it is easy to be elected as a Democrat if you come from a safe Democratic seat. But Tony Hall's seat was marginally Republican, and the people continued to elect him and reelect him because of his outstanding work not only for his community but the Nation and the world.

Mr. OBERSTAR. Mr. Speaker, I am pleased to support H.R. 5335, a bill to designate the federal building in Dayton, OH, in honor of our former colleague Tony Hall.

Tony Hall was elected to his first term in the U.S. Congress in 1978. He went on to serve 11 consecutive terms. Congressman Hall's long career in public service is distinguished by his unwavering commitment to humanitarian causes, in particular to combating hunger in this country and around the world.

I witnessed the commitment first hand in 1983 when I traveled with Congressman Hall and two other colleagues to Kansas City. At a time of high unemployment in our country, the Federal Government was storing surplus milk, butter and cheese in Kansas City. Congressman Hall was determined to focus national attention on this issue and press for the release of this surplus food into general distribution. He even went on a hunger strike to compel the government to release the stored food. As a result of these efforts, the stored food was eventually distributed to homeless shelters and the general public.

Throughout his career, Congressman Hall focused on helping those in need. He promoted economic development that created jobs, championed efforts to ease food-stamp reductions, and in 1997, he spearheaded the "Hunger Has A Cure" campaign.

In the international arena, Congressman Hall visited numerous countries around the world in an effort to focus attention on the problems of world hunger and to promote international aid. He was part of the first congressional delegation to Ethiopia in the 99th Congress, and he traveled to Bangladesh to observe disaster relief programs in the 100th Congress. Congressman Hall also helped create the Select Committee on Hunger, which focused on the problem of hunger both domestically and internationally. He served as chairman of that Select Committee from 1988 until its elimination in 1993.

Congressman Hall continues to work to banish world hunger and promote developmental assistance. In 2002, President Bush appointed him Ambassador to the United Nations Agencies for Food and Agriculture.

This bill to designate the "Tony Hall Federal Building and U.S Courthouse." is a fitting tribute to the compassion and humanity with which Ambassador Hall conducts his public service.

I urge my colleagues to support H.R. 5335.

Mr. WOLF. Mr. Speaker, I rise in support of H.R. 5335, to designate the Federal Building and United States courthouse at 200 West 2nd Street in Dayton, OH, as the "Tony Hall Federal Building and United States Courthouse."

As you know, Mr. Speaker, our former colleague Tony Hall was nominated by President Bush to be the United States Ambassador to the United Nations food and agriculture agencies located in Rome, Italy, and resigned his seat as the representative of the 3rd District of Ohio last month to take his post in Rome, where he will be able to continue his passionate work as a leading advocate for ending hunger and promoting food security around the world.

I want to thank Congressman DAVID HOBSON of Ohio for introducing H.R. 5335 to honor Tony in his hometown of Dayton by attaching his name to the federal building and courthouse there. It is an appropriate recognition for the nearly 24 years of service in the House and the 10 years of service in the Ohio General Assembly that Tony Hall provided to the people of Dayton and surrounding areas.

We already miss Tony in the House, but I know that he is absolutely the right person to serve as the United States representative to the World Food Program, the Food and Agriculture Organization, and International Fund for Agricultural Development, all agencies of the United Nations which assist international hunger-relief efforts.

Tony Hall's name is synonymous with the cause of alleviating hunger both domestically and worldwide. He believes that food is the most basic of human needs, the most basic of human rights, and he passionately worked to convince others that the cause of hunger, which often gets lost in the legislative shuffle and pushed aside by more visible issues, deserved a prominent share of attention and resources to assist people who are the most at risk and too often the least defended.

He also worked as a tireless advocate for the cause of human rights around the world and focused his attention on the illicit diamond trade in Sierra Leone. He convinced me to travel with him to Sierra Leone in later 1999 to see how the machete-wielding rebels there have intimidated men, women, and children by hacking off arms, legs, and ears. He led the effort in bringing to the attention of Congress the conflict diamond trade and authoring legislation to certify that the diamonds Americans buy are not tainted with the blood of the people of Sierra Leone and other African nations.

We also traveled together in January to Afghanistan with Congressman JOE PITTS as the first congressional delegation to that country since the war on terrorism. We visited hospitals, an orphanage, schools, and refugee camps. We met with U.S. diplomats and soldiers; with local leaders and officials with direct responsibility for humanitarian problems and refugees; with representatives of United Nations and private relief organizations; and in Pakistan with refugees and members of religious minority groups.

Tony is never deterred in his effort to help make a positive difference in the lives of suffering people. In his years in Congress, he traveled to wherever the need arose and met with whomever he could to effect change, taking risks few would take, with his own comfort and safety never entering his mind.

I believe Tony's life destiny is to be a servant. During 1966 and 1967, he taught English in Thailand as a Peace Corps volunteer. He returned to Dayton to work as a realtor and small businessman for several years, but before long, he was elected to the Ohio House of Representatives where he served from 1969 to 1972, and then to the Ohio Senate, serving from 1973 to 1978. On November 7, 1978, Tony was elected to the House of Representatives from the 3rd District of Ohio and served with distinction for over two decades.

Tony Hall is an inspiration to everyone fortunate enough to know him. He has a wonderful combination of compassion and passion filled with spiritual purpose—compassion to see the suffering in the less fortunate in the world and the passion to work to do something about it.

I urge a unanimous vote in support of H.R. 5335, to recognize the dedicated public service of Tony Hall by naming the federal building and courthouse in Dayton, OH, in his honor.

Mr. LATOURETTE. Mr. Speaker, I urge support of the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BROWN of South Carolina). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 5335.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

AMENDING THE GENERAL EDUCATION PROVISIONS ACT REGARDING FAMILY EDUCATIONAL AND PRIVACY RIGHTS

Mr. TIBERI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5331) to amend the General Education Provisions Act to clarify the definition of a student regarding family educational and privacy rights.

The Clerk read as follows:

H.R. 5331

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO GENERAL EDUCATION PROVISIONS ACT.

Paragraph (6) of subsection (a) of section 444 of the General Education Provisions Act (20 U.S.C. 1232g; also known as the Family Educational Rights and Privacy Act of 1974) is amended by inserting "(other than a person educated at a home school, whether or not a home school is treated as a home school or a private school under State law)" after "does not include a person".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. TIBERI) and the gentlewoman from California (Ms. WOOLSEY) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. TIBERI).

GENERAL LEAVE

Mr. TIBERI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 5331.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TIBERI. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. KENNEDY), an author of this legislation.

Mr. KENNEDY of Minnesota. Mr. Speaker, I thank my colleague from Ohio for yielding me this time, and I speak today on behalf of this very important bill. I want to begin by thanking the gentleman from Ohio (Mr. BOEHNER), the chairman of the committee, and his staff for their cooperation and their leadership on gaining a hearing for this very important legislation that we are scheduling here today.

This is a very simple but very important piece of legislation.

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Mr. Speaker, it further enshrines in the law that we will treat all students equally and that we will protect family privacy. The problem stems from uncertainty in the Family and Educational Rights and Protection Act. Confusion about who is covered under the act has led to the private information of many nonpublic students being treated as public information. This has caused confusion in Minnesota and other States across the Nation. While the law is being applied appropriately for most students, many home-schooled and private school students have faced problems with their personal information being released to the public.

I do not believe that was the intent of the law. We should fix it and make sure that all students have the same protections of privacy under the law. This common-sense solution simply clarifies the definition of a student and ensures that all students' private information is protected. I urge Members to vote for this bill.

Ms. WOOLSEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5331 would ensure that the educational records of home-schooled students are provided the same protections as the education records of non-home-schooled students. This legislation evens the playing field, and we have no objection to its passage.

However, I am concerned that this House has the time to debate this legislation, yet has been unable to pass a Labor-HHS-Education appropriations bill. H.R. 5331 focuses on protecting the educational records of home-schooled students. Unfortunately, by our inaction on the education budget, we have failed to provide vital funding that benefits the remaining 99 percent of our children, those who attend public schools.

President Bush's fiscal year 2003 budget provides for the smallest increase in education funding in the past 7 years. His budget provides only a 2.8 percent increase.

Mr. Speaker, Congress has increased the education budget by 15 percent annually over the past 7 years. President Bush's proposal is absolutely unacceptable, and our time today could be much better spent if we address that issue instead of an issue we all agree on. I support passage of this legislation, but believe that the American people would be better served by the passage of an education budget.

Mr. Speaker, I reserve the balance of my time.

Mr. TIBERI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again I want to reiterate what the sponsor of this legislation, the gentleman from Minnesota (Mr. KENNEDY), has already said, and that is H.R. 5331 makes a technical correction to FERPA to ensure that the records of home-schooled students are treated in the same manner as all other public school students today. H.R. 5331 requires local school districts to treat the records of all students in the same manner and protect the privacy rights of all students. I urge Members to pass the Kennedy-sponsored bill, H.R. 5331.

Mr. Speaker, I yield back the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, I would like to remind Members that the President had a bipartisan vote on a bill called Leave No Child Behind. It was a good bill, but what the President forgot is we have to fund good bills. He is leaving 99 percent of our children behind by not including full funding for his bill in this budget.

Mr. BOEHNER. Mr. Speaker, I rise in support of H.R. 5331, which would extend educational and privacy rights currently available to families of public school students to home schooled children. I want to applaud my colleague from Minnesota, Representative MARK KENNEDY, for sponsoring this legislation and his continued commitment to the education of our nation's children. This bill provides an important opportunity for Congress to correct an oversight in the federal Family Educational Rights and Privacy Act of 1974 (FERPA) that has resulted in some school districts and states being unable to maintain the privacy of information collected from families who home school their children.

Under current law, FERPA protects the privacy of students who attend public school. However, many school districts and numerous States hold the private records of home-schooled students because these students are required by State law to register either with their State or local school district. A privacy problem arises from FERPA's definition of a student, which "does not include a person who has not been in attendance at such agency or institution." Therefore, under current law, the information of a home-schooled student who has never attend a public school is not protected under FERPA. Unless States or local school boards create their own rules restricting the release of home-schooled student information, public schools can freely disseminate a home-schooled student's private information.

By closing this loophole in the law, home-school student's records nationwide would be protected, including in Representative KENNEDY's home state of Minnesota, which classifies such information as public. FERPA should treat all students the same and not permit districts to disseminate publicly the records of some children, while protecting the records of others.

H.R. 5331 exemplifies the commitment that this Congress has shown to parents who choose to home school their children. I am proud to be a co-sponsor and urge my colleagues to vote yes on this legislation extending privacy protections to families of home-schooled students.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BROWN of South Carolina). The question is on the motion offered by the gentleman from Ohio (Mr. TIBERI) that the House suspend the rules and pass the bill, H.R. 5331.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

BLACK LUNG CONSOLIDATION OF ADMINISTRATIVE RESPONSIBILITY ACT

Mrs. BIGGERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5542) to consolidate all black lung benefit responsibility under a single official, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5542

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Black Lung Consolidation of Administrative Responsibility Act".

SEC. 2. TRANSFER OF PART B BLACK LUNG BENEFIT RESPONSIBILITIES FROM COMMISSIONER OF SOCIAL SECURITY TO SECRETARY OF LABOR.

(a) IN GENERAL.—Part B of the Black Lung Benefits Act (30 U.S.C. 921 et seq.) other than section 415(b) (30 U.S.C. 925(b)) is amended by striking "Commissioner of Social Security" each place such term appears and inserting "Secretary".

(b) CONFORMING AMENDMENTS.—

(1) Section 402 of such Act (30 U.S.C. 902) is amended—

(A) in subsection (c), by striking "where used in part C" and inserting ", except where expressly otherwise provided,";

(B) in subsection (f)(1), by inserting after "Secretary of Health, Education, and Welfare" the following: ", which were in effect on the date of enactment of the Black Lung Consolidation of Administrative Responsibilities Act,";

(C) in subsection (f)(2)—

(i) by striking "which is subject to review by the Secretary of Health, Education, and Welfare," and inserting "arising under part B"; and

(ii) by striking the comma after "Secretary of Labor"; and

(D) in subsection (i), by amending paragraph (1) to read as follows:

"(1) for benefits under part B that was denied by the official responsible for administration of such part; or".

(2) Section 413(b) of such Act (30 U.S.C. 923(b)) is amended by striking "In carrying out the provisions of this part" and all that follows through "Social Security Act, but no" and inserting "No".

(3) Section 415 of such Act (30 U.S.C. 925) is amended—

(A) in subsection (a)—

(i) by striking paragraph (2):

(ii) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively; and

(iii) in paragraph (4) (as so redesignated), by striking "paragraph 4" and inserting "paragraph (2)"; and

(B) in subsection (b), by striking ", after consultation with the Commissioner of Social Security,".

(4) Section 426 of such Act (30 U.S.C. 936) is amended—

(A) in subsection (a), by striking ", the Commissioner of Social Security,"; and

(B) in subsection (b), by amending the first sentence to read as follows: "At the end of fiscal year 2003 and each succeeding fiscal year, the Secretary of Labor shall submit to the Congress an annual report on the subject matter of parts B and C of this title.".

(5) Public Law 94–504 (30 U.S.C. 932a) is amended by striking "under part C" and inserting "under part B or part C".

(c) REPEAL OF OBSOLETE PROVISIONS.—The following provisions of law are repealed:

(1) Section 435 of the Black Lung Benefits Act (30 U.S.C. 945).

(2) Sections 11 and 19 of the Black Lung Benefits Reform Act of 1977 (30 U.S.C. 924a, 904).

SEC. 3. TRANSITIONAL PROVISIONS.

(a) APPLICABILITY.—This section shall apply to the transfer of all functions relating to the administration of part B of subchapter IV (30 U.S.C. 901 et seq.) from the Commissioner of Social Security (hereinafter in this section referred to as the "Commissioner") to the Secretary of Labor, as provided by this Act.

(b) TRANSFER OF ASSETS, LIABILITIES, ETC.—

(1) The Commissioner shall transfer to the Secretary of Labor all property and records that the Director of the Office of Management and Budget determines relate to the functions transferred to the Secretary of Labor by this Act or amendments made by this Act.

(2) Section 1531 of title 31, United States Code, shall apply in carrying out this Act and amendments made by this Act, except that, for purposes of carrying out this Act and amendments made by this Act, the functions of the President under section 1531(b) shall be performed by the Director of the Office of Management and Budget unless otherwise directed by the President.

(c) CONTINUATION OF ORDERS, DETERMINATIONS, ETC.—

(1) This Act shall not affect the validity of any order, determination, rule, regulation, operating procedure (to the extent applicable to the Secretary of Labor), or contract that—

(A) relates to a function transferred by this Act; and

(B) is in effect on the date this Act takes effect.

(2) Any order, determination, rule, regulation, operating procedure, or contract described in paragraph (1) shall—

(A) apply on and after the effective date of this Act to the Secretary of Labor; and

(B) continue in effect, according to its terms, until it is modified, superseded, terminated, or otherwise deprived of legal effect by the Secretary of Labor, a court of competent jurisdiction, or operation of law.

(d) CONTINUATION OF ADMINISTRATIVE PROCEEDINGS.—

(1) Any proceeding before the Commissioner involving the functions transferred by this Act that is pending on the date this Act takes effect shall continue before the Secretary of Labor, except as provided in paragraph (2).

(2) Any proceeding pending before an Administrative Law Judge or the Appeals Council pursuant to part B and the applicable regulations of the Secretary of Health and Human Services shall continue before the Commissioner consistent with the following provisions:

(A) Any proceeding described in this paragraph shall continue as if this Act had not been enacted, and shall include all rights to hearing, administrative review, and judicial review available under part B and the applicable regulations of the Secretary of Health and Human Services.

(B) Any decision, order, or other determination issued in any proceeding described in this subsection shall apply to the Secretary of Labor and continue in effect, according to its terms, until it is modified, superseded, terminated, or otherwise deprived of legal effect by the Secretary of Labor, a court of competent jurisdiction, or operation of law.

(C) Nothing in this paragraph shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(3) Any proceeding before the Secretary of Labor involving the functions transferred by this Act shall be subject to the statutory requirements for notice, hearing, action upon the record, administrative review, and judicial review that apply to similar proceedings before the Commissioner conducted prior to the enactment of this Act.

(e) CONTINUATION OF ACTIONS AND CAUSES OF ACTION.—

(1) Except as provided in paragraphs (2) and (3), this Act shall not abrogate, terminate, or otherwise affect any action or cause of action, that—

(A) relates to a function transferred by this Act; and

(B) is pending or otherwise in existence on the date this Act takes effect.

(2) Any action pending before the Commissioner or any court on the date this Act takes effect that involves a function transferred by this Act shall continue before the Commissioner or court consistent with the following provisions:

(A) Any proceeding described in this paragraph shall continue as if this Act had not been enacted.

(B) Any decision, order, or other determination issued in any proceeding subject to this paragraph shall apply to the Secretary of Labor and continue in effect, according to its terms, until it is modified, superseded, terminated, or otherwise deprived of legal effect by the Secretary of Labor, a court of competent jurisdiction, or operation of law.

(3) Any cause of action by or against the Commissioner that exists on the date this Act takes effect and involves any function transferred by this Act may be asserted by or against the Secretary of Labor or the United States.

(f) CONTINUATION OF ACTIONS AGAINST OFFICERS.—No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of the Social Security Administration, and relating to a function transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against the Social Security Administration, or by or against any officer thereof in his official capacity, relating to a function transferred by this Act, shall abate by reason of enactment of this Act.

(g) PRESERVATION OF PENALTIES, ETC.—The transfer of functions under this Act shall not release or extinguish any penalty, forfeiture, liability, prosecution, investigation, or right to initiate a future investigation or prosecution involving any function transferred by this Act.

SEC. 4. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall take effect 90 days after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois (Mrs. BIGGERT) and the gentlewoman from California (Ms. WOOLSEY) each will control 20 minutes.

The Chair recognizes the gentlewoman from Illinois (Mrs. BIGGERT).

GENERAL LEAVE

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous information on H.R. 5542.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 5542, a bill to consolidate all of the administrative responsibilities related to the black lung benefits program within the Department of Labor. By eliminating overlapping and duplicative responsibilities between agencies, the bill will improve efficiency and ensure a continued high level of customer service for all beneficiaries.

Currently, the black lung benefits program is administered by the Division of Coal Mine Workers' Compensation in the United States Department of Labor. The bill provides monetary and medical benefits to former coal mine workers who are completely disabled by pneumoconiosis, a crippling respiratory condition.

When the program was enacted in 1969, the Social Security Administration, SSA, was given the initial responsibility for processing and paying claims. In 1972, however, amendments to the Act transferred responsibility for all new claims to the Department of Labor. Then, under a 1997 memorandum of understanding between DOL and SSA, all claims, including those filed with SSA prior to July 1, 1973, became the responsibility of the Department of Labor. The bill we consider today will formalize what has been the current practice and procedure since 1997.

I want to point out this program enjoys a high level of customer satisfaction. In fact, recent survey results and joint audits by the Offices of the Inspector General at SSA and DOL confirmed the quality of service provided to program beneficiaries.

While eliminating the confusion that can result when administrative responsibilities are divided between two agencies, this legislation will ensure that the beneficiaries continue to receive the highest quality of service. The legislation also implements a long-standing recommendation by the Inspectors General of SSA and DOL that the administrative responsibility for the program should be consolidated with DOL.

It is important to note, Mr. Speaker, that the legislation would retain all the regulations currently applicable to the beneficiaries' entitlement. In addition to the specific provisions regarding the transfer, the legislation provides that the Director of the Office of Management and Budget, in consultation with the heads of SSA and DOL, is authorized to make such determinations as may be necessary to accomplish the purposes of the bill.

Mr. Speaker, I would like to commend my colleague and sponsor of this bill, the gentlewoman from Pennsylvania (Ms. HART), for her work on this legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5542, the sole purpose of which is to consolidate the responsibility for the administration of the black lung benefits program in the Department of Labor.

Historically, the Social Security Administration has handled claims filed prior to 1973, while the DOL has handled claims filed since 1973. As the population served by the Social Security Administration has decreased because of age, the Department of Labor has, pursuant to memorandum of understanding, undertaken increased responsibility for the program. At this point it make sense to consolidate responsibility for the program in the Department of Labor.

Mr. Speaker, while I support this bill, I am disappointed that we are failing to deal with other issues, issues that would be more meaningful and benefit American workers. We have failed to increase an inadequate minimum wage. We have failed to protect workers from abuses by managed care companies. We are impoverishing families who have exhausted their unemployment benefits by failing to provide extended benefits. In short, Mr. Speaker, we are not taking the steps we need to in order to protect working Americans.

While we should be doing much more, I have no objections to this very modest bill. I urge the adoption of H.R. 5542.

Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Pennsylvania (Ms. HART), the sponsor of this bill.

Ms. HART. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I am pleased to be the sponsor of H.R. 5542, the Black Lung Consolidation of Administrative Responsibilities Act, on behalf of the administration and on behalf of the Department of Labor. Initially outlined in the President's 2003 budget for the Department of Labor, this legislation will consolidate, as was said earlier, all of the responsibility for the administration of black lung benefits under one agency.

The black lung benefits program was enacted as part of the Coal Mine Health and Safety Act of 1969, the first comprehensive Federal legislation to regulate health and safety in the coal industry. The law created a temporary system to compensate victims of dust exposure in the mines with public funds administered by the Social Security Administration.

In 1972, the Coal Mine Health and Safety Act was amended to require the use of simplified interim eligibility for all claims filed with the Social Security Administration and to transfer new claims to the Department of Labor in 1973. The Office of Workers' Compensation Programs in the Department of Labor assumed responsibility for the processing and the paying of these new claims on July 1, 1973. Most of the claims filed prior to that date remained in the jurisdiction of the Social Security Administration until 1997.

On September 26, 1997, officials from the Social Security Administration and the Department of Labor signed a memorandum of understanding transferring the responsibility for managing all active Social Security Administration black lung claims to the Department of Labor. This change was aimed at eliminating any confusion about which Federal agency should handle the claims and also enhancing customer service to all black lung beneficiaries.

At present, the Department of Labor manages all Federal black lung claims, while formal appeals on Part B claims are referred to the Social Security Administration.

Mr. Speaker, there are a number of people who are beneficiaries of this program, a number in Pennsylvania, West Virginia and States surrounding mine. In fact, I am a descendant of coal miners, as are many of my constituents in Western Pennsylvania. The goal for us is to make sure that this program continues to be administered in a very efficient way.

The Black Lung Consolidation of Administrative Responsibilities Act would simply transfer all of the responsibilities for the administration of claims under Part B of the Act to the Department of Labor, while retaining all regulations currently applicable to the beneficiaries' entitlements.

Besides improving administrative efficiency, this transfer of responsibilities will ensure the continuation of a high level of customer service to beneficiaries. Joint audits by the Office of the Inspector General of the Social Security Administration and the Department of Labor, as the gentlewoman from Illinois (Mrs. BIGGERT) stated, have confirmed the high quality of claims-related services provided by the Department of Labor. It only makes sense to consolidate these services under the Department of Labor.

Last year, in fact, the University of Michigan released the results of a customer satisfaction survey of beneficiaries receiving the services under the DOL and found the highest level of customer satisfaction of any Federal benefits program surveyed.

Finally, the legislation implements a long-standing recommendation by the Inspectors General of the Department of Labor and the Social Security Administration that the administrative responsibility for the Black Lung Benefits Act should be consolidated within the Department of Labor. This change would ensure the continuation of this high level of service to program beneficiaries, many of whom are elderly and unwell.

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While eliminating confusion and duplication of administration functions, it will also make sure that these beneficiaries continue to receive a high level of service. The Black Lung Consolidation of Administrative Responsibility Act is simply common sense and good government. In times like these when we find our budget is tight and we need to be very careful about our spending, this measure will continue to help us achieve that. I urge my colleagues to support this legislation.

Ms. WOOLSEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to remind my colleagues that although this is a good thing we are doing for Pennsylvania and co-workers that there are steps we are not taking to protect American workers. First of all, we have an inadequate minimum wage. We also have failed to reform managed care, and we have exhausted unemployment benefits for many, many of our workers who are part of this horrific economy that we are faced with. We must deal with the big picture also.

Mr. Speaker, I yield back the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

In closing, I would like again to commend my colleague and sponsor of this bill, the gentlewoman from Pennsylvania (Ms. HART), for her work on the legislation and to thank the chairman of the Committee on Education and the Workforce. And I urge my colleagues to support this commonsense bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BROWN of South Carolina). The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and pass the bill, H.R. 5542, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. BIGGERT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING THE CONTRIBUTIONS OF PATSY T. MINK

Mr. ISAKSON. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 113) recognizing the contributions of Patsy T. Mink, as amended.

The Clerk read as follows:

H.J. RES. 113

Whereas Patsy Takemoto Mink was one of the country's leading voices for women's rights, civil rights, and working families and was devoted to raising living standards and providing economic and educational opportunity to all Americans;

Whereas Patsy Takemoto Mink was a passionate and persistent fighter against economic and social injustices in Hawaii and across America;

Whereas Patsy Takemoto Mink was one of the first women of color to win national office in 1964 and opened doors of opportunity to millions of women and people of color across America;

Whereas Patsy Takemoto Mink won unprecedented legislative accomplishments on issues affecting women's health, children, students, and working families; and

Whereas Patsy Takemoto Mink's heroic, visionary, and tireless leadership to win the landmark passage of title IX of the Education Amendments of 1972 opened doors to women's academic and athletic achievements and redefined what is possible for a generation of women and for future generations our Nation's daughters: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.; P.L. 92-318) may be cited as the "Patsy Takemoto Mink Equal Opportunity in Education Act".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. ISAKSON) and the gentlewoman from California (Ms. WOOLSEY) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. ISAKSON).

GENERAL LEAVE

Mr. ISAKSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Joint Resolution 113.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. ISAKSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Joint Resolution 113 to recognize the many contributions of Patsy Mink. Patsy Mink provided a great service to Congress and the Nation as a whole; and she always represented her constituents with grace, commitment, and absolutely with determination. Patsy Mink was a trailblazer as the first woman of color to win national office. She was truly a person of honor. Patsy Mink stood by her word and did not step away from controversial or difficult issues. She never made decisions based on what was politically easy; she made decisions based on what was right. I am honored to have worked with her and to have had the opportunity to know the drive, dedication, and devotion to her home State and to her constituents. A tribute to our former colleague and the legacy she leaves behind is most appropriate. Patsy Mink's passing is a significant loss to all of us, and I offer my heartfelt condolences to her family and to her constituents.

On a personal note, Mr. Speaker, I first met Patsy Mink 4 years ago when I was elected to the Congress of the United States. She had served many years before I came and her career before my election was far more important than any election of me. She had broken the glass ceiling for women in Hawaii. She had been an outspoken leader. Patsy and I were of a different sex, a different ethnicity, a different generation, and a different political party. But as goes so often unreported in this body but is so often reality, those of us regardless of our differences come together for what is right and what is best for the American people. It should not go unnoted on this evening that it was Patsy Mink as a member of the working group of H.R. 1, No Child Left Behind, who articulated and fought for her beliefs, found common ground, and allowed this Congress and this country to address the needs of America's most needy and deserving students.

While it is easy for all of us to find fault from time to time about what we in this House have not done, we must always recognize that which on countless, thankless hours has been accomplished by dedicated leaders of commitment and perseverance. Patsy Mink was a lady. She was a friend, she was a Member of this Congress, and she will be missed.

Mr. Speaker, I reserve the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I yield myself such time as I may consume.

I am proud to be an original cosponsor of H.J. Res. 113, which recognizes the many contributions that Congresswoman Patsy Takemoto Mink from Hawaii made to the people of this country, particularly to girls and women. That is why it is fitting that this resolution renames title IX of the Higher Education Act amendments of 1972 the Patsy Takemoto Mink Equal Opportunity in Education Act.

In the early 1970's, Patsy played the key role in the enactment of title IX, which prohibits gender discrimination by federally funded institutions. When most people think of title IX, they think of women's sports, and the impact of title IX on women's sports can clearly be seen. In fact in 1972 scholarships for women's sports nationally added up to $100,000 and in 1987 the scholarships equaled over $200 million. Did she make a difference? Yes, she did. We can see the impact of title IX in the impressive accomplishments of American female athletes at the Olympics and when we turn on the TV to watch professional women's basketball or soccer, but we should not forget that title IX has also been a major tool for increasing women's participation in other aspects of education as well.

As we stand here on the floor today, title IX ensures that girls have equal access to classes that lead to high-wage jobs so that women can support themselves and their families as well as their male counterparts. But title IX was only one of Patsy's contributions to girls and women of America. She also authored the Women's Educational Equity Act, known as WEEA, in 1974. WEEA remains the primary resource for teachers and parents seeking information on proven methods to ensure gender equity in schools and communities. WEEA represents the Federal commitment to ensuring that girls' future choices and successes are determined not by their gender but by their own interests, aspirations, and abilities.

Mr. Speaker, there has been no stronger voice in Congress for girls and women and minorities than Patsy Takemoto Mink, and it will do Congress proud to remember her and honor her by passing H.J. Res. 113 and renaming title IX The Patsy Takemoto Mink Act.

Mr. Speaker, I yield back the balance of my time.

Mr. ISAKSON. Mr. Speaker, I would just close by acknowledging all of the accomplishments as were cited by the gentlewoman from California (Ms. WOOLSEY), and on behalf of all the colleagues in the Congress of the United States, our deep sympathy to the family of Patsy Mink and to the people of Hawaii, but the great joy all of us should have in recognizing her accomplishments on behalf of her State, on behalf of all women in America, and on behalf of this Congress. I urge all my colleagues to vote unanimously for this resolution commending a great woman and a great Member of Congress.

Mr. MCKEON. Mr. Speaker, I rise in support of House Joint Resolution 113 to recognize the many contributions of Congresswoman Patsy Mink.

As the Ranking Member of the House Education and the Workforce Subcommittee on 21st Century Competitiveness, Patsy Mink provided a great service to not only our subcommittee, but the Nation as a whole. Her commitment to our Nation's students and to her constituents never wavered and she always represented them with grace and determination.

While I could talk about a great number of instances where my friend, Patsy Mink, and I worked hand and hand to improve academic achievement for our students, I want to take this moment to highlight an issue that we recently worked on that we both believed in—making postsecondary education better and more accessible for students and families. Last year, Patsy and I began the Fed Up initiative in an effort to streamline a number of burdensome regulations within the Higher Education Act. She worked with me from its earliest stages, stood firm in her commitment to me about how the process would move forward, and during a difficult vote, she kept her word and voted in a way that forced her to step away from her own party's politics. She did this because she was a person of honor and did what was right, even when it was not easy.

Patsy was a trailblazer as the first woman of color to win national office, taking on one of many challenges she would face. She never stepped away from controversial issues if she believed what she was doing was right.

I am honored to have worked with Patsy on our subcommittee and to have had the opportunity to know her drive, dedication and devotion to her home State and her constituency.

This tribute to our former colleague and the legacy she leaves behind is more than appropriate. Patsy's passing is a significant loss for all of us and I offer my heartfelt condolences to her family and her constituents.

Mr. Speaker, I stand with my colleagues in support of this resolution and appreciate the opportunity to express my thoughts and gratitude for Patsy Mink.

Mr. BOEHNER. Mr. Speaker, I rise in support of House Joint Resolution 113 to honor and recognize the many contributions of Patsy Mink. I want to thank my friend and colleague from California, GEORGE MILLER, for introducing this most appropriate resolution.

We were all stunned and sadden by the news last week of the passing of our friend and colleague, Patsy Mink. As I have stated before, not only did we lose a passionate and committed member of this body; the State of Hawaii and the country as a whole lost a compelling and persuasive representative voice.

Patsy Mink placed a great emphasis on service to her constituents and always stood firm in her beliefs. Patsy did this even when it wasn't the easy or politically popular thing to do. She had strong convictions by which she lived and worked. While we did not always agree, I know I, and the rest of us, are all better for having had the experience of working with her during her tenure in this House.

In her role as ranking member on the subcommittee on 21st Century Competitiveness, Patsy Mink played an important role in passing the No Child Left Behind Act, and worked closely with Chairman MCKEON on legislation reducing red tape and burdensome regulations in postsecondary education. With her passing, we will miss the opportunity to continue that partnership in working on these and other critical issues facing our nation.

I will miss Patsy and her commitment to her State, her constituents and to the ideals of this body. I am grateful to have had the opportunity to work with her over these many years.

This resolution is an appropriate tribute to our former colleague and the legacy she leaves behind. Patsy Mink's passing is a significant loss for all of us and I offer my sincere condolences to her family and her constituents.

I know my colleagues will join me in support of this resolution, Mr. Speaker, as a means of collectively saying thank you and good-bye to a distinguished colleague and friend.

Mr. TOWNS. Mr. Speaker, I rise today in support of H.J. Res. 113 in honor of our late colleague, Patsy Mink.

I had the honor to serve with her on the House Government Reform Committee after she returned to Congress in 1990. I was particularly struck by her passionate defense of progressive democratic policies. For example, Patsy's commitment to such policies led her to actively oppose the '95 Welfare Reform Act because of its implications for many poor women and their children. Her opposition helped to limit some of the more draconian provisions in the final version of the bill that was enacted into law. Patsy could always be counted on to defend the interests of all poor and disadvantaged Americans. But she will always be remembered for her leadership in guaranteeing equal opportunities for women in education and athletics. One of the first women of color elected to the House of Representatives, Patsy was a trailblazer who will be sorely missed not only here in Congress but also in her home State of Hawaii. I am proud to have known and served with her.

Mr. ABERCROMBIE. Mr. Speaker, I rise today to express my strong support for this resolution and to thank the leadership of the House for moving so expeditiously to bring it to the floor.

I have had the honor to share the responsibility of representing Hawaii in the U.S. House of Representatives with Patsy Mink for the last 12 years. However, my first memories of her go back 40 years when I was a student at the University of Hawaii involved in one of her early campaigns. I admired her then and I hope through this resolution to secure for her an honored place in the history of this institution and this country.

Throughout nearly 50 years of public service, Patsy Mink championed America's most deeply held values: equality, fairness, and above all honesty. Her courage, her willingness to speak out and champion causes that others might shun resulted in tremendous contributions in the fields of civil rights and education. Every single woman in this Nation who today has been given an equal opportunity in education, and by extension in virtually every other field of endeavor, owes the impetus to that in modern times to Patsy Mink. She was one of the pioneers who transformed Hawaii and transformed this Nation. Her legacy will live on in every campus in America and in the heart of every American woman who aspires to greatness. Most profoundly, it lives on in my estimation in hope; hope for the millions of lives that she touched.

Someone will take Patsy Mink's place here in the House, that is the way of it in our democracy, but no one will replace her in the hearts of the people of Hawaii. No one will replace her in the role that she played in this House of Representatives. With the renaming of title IX as the Patsy T. Mink Equal Opportunity in Education Act, Congress secures her memory as a heroic, visionary, and tireless leader of this great Nation.

Mrs. MCCARTHY of New York. Mr. Speaker, we have seen many Members of Congress pass through these halls. Many have done some great things but, in my opinion, very few have left this place being defined as one of the "great ones." We have just lost one of the "great ones" with the passing of Patsy Mink.

Legislating and getting things done here can be very frustrating. But I would advise that whenever we think frustration is getting the best of us, we need only remember what, in spite of adversity, Congresswoman Mink accomplished during her tenure because of her dedication, perseverance, and never ending fight for what she believed in.

From her earliest days, she advocated for noble causes. When she was segregated into International Housing at the University of Nebraska, she sought to change discriminatory policies and succeeded.

After receiving her law degree from the University of Chicago, she was in disbelief over the simple fact that her gender disqualified her from positions she applied for. Instead of accepting defeat, she opened her own practice and became the first Asian-American woman lawyer in Hawaii.

In her first run for the U.S. Congress in 1959, her defeat to DANIEL INOUYE didn't deter her from running again. In 1964 she ran for U.S. Congress again and won, making her the first woman of color to be elected to Congress.

Most significantly over 2.7 million young women participate in high school athletics compared to just under 300,000 in 1971. This is because of the key role Congresswoman Mink played in the enactment of title IX. Title IX bans gender discrimination in schools that receive federal funding. Young women can now look to the memory of Patsy Mink to thank for the chance to participate in school athletics.

The passing of one of the "greats" leaves a major void in not only Congress itself but also in each one of us. We need move on from this day forward with as much heart and devotion as Congresswoman Mink did every day of her life.

Mr. ISAKSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. ISAKSON) that the House suspend the rules and pass the joint resolution, H.J. Res. 113, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. WOOLSEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

JOE SKEEN FEDERAL BUILDING

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5427) to designate the Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, as the "Joe Skeen Federal Building".

The Clerk read as follows:

H.R. 5427

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, shall be known and designated as the "Joe Skeen Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Joe Skeen Federal Building".

SEC. 3. EFFECTIVE DATE.

This Act shall take effect on January 1, 2003.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LaTOURETTE) and the gentleman from Oregon (Mr. DeFAZIO) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LaTOURETTE).

Mr. LaTOURETTE. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, H.R. 5427 designates the Federal building in Roswell, New Mexico, as the Joe Skeen Federal Building. After 22 years of distinguished service in this body, our colleague from New Mexico, JOE SKEEN, is retiring.

I want to recognize the hard work of the bill's sponsor, the gentlewoman from New Mexico's first district (Mrs. WILSON), in bringing this measure to the floor with the support of over 200 co-sponsors.

Congressman SKEEN was born in Roswell, New Mexico. We will spare him from saying the year of his birth since he is still with us in this body. He served in the United States Navy for a 1-year enlistment and later in the United States Air Force Reserves from 1949 until 1952. Congressman SKEEN graduated with a Bachelor's of Science degree in agricultural engineering. After graduation, he worked as a soil and water engineer for the Zuni and Ramah Navajo Indians. He later purchased the family sheep ranch.

Congressman SKEEN was first elected to public office in 1960 when he served in the New Mexico State Senate until 1970. For the last 6 years of his time in the State Senate he served as a minority leader. In 1980 Congressman SKEEN was elected to serve New Mexico's second district in the United States House of Representatives. He was first elected as a write-in candidate and served for 11 succeeding Congresses.

While serving in the House, JOE was known and is known for his commitment to property rights, balancing the Federal budget, and increased tax relief. He may have been the most influential as chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies of the Committee on Appropriations, enhancing the agriculture viability in New Mexico and as chairman of the Subcommittee on Interior dealing with natural resources and public land use.

This is an appropriate building designation to a dedicated public servant, and I want to congratulate Congressman SKEEN on such an admirable and distinguished career and wish him all the best and great happiness as he returns to his family and the family ranch.

I support this bill, and I urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. DeFAZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation.

H.R. 5427 is a bill to designate the federal building in Roswell New Mexico as the Joe Skeen Federal Building.

JOE SKEEN was born in Roswell, New Mexico in 1927. As a young man he served a one-year enlistment in the Navy and served in the Air Force Reserve between 1949 and 1952. In 1950 he graduated from Texas A&M University.

JOE SKEEN was elected to Congress in 1980 as a write in candidate in the general election. He was only the third person in the Nation's history to win a U.S. House set through this type of effort. Over the past two decades he has served the people of the 2nd district in New Mexico with distinction and devotion.

As Congressman he focused his energy and interests on agriculture, national defense, and public land management. In 1985 he became a member of the House Appropriations Committee, and in 1995 he became chair of the Appropriations subcommittee on Agriculture. At the beginning of the 107th Congress he was named a chair of the Interior subcommittee.

One of Congressman SKEEN's major legislative accomplishments was to ensure the opening of the Waste Isolation Pilot Plant—the Nations' first repository for defense related waste. Concerned about the public's health and safety, and the environment JOE SKEEN working tirelessly to address storage of federal waste.

JOE SKEEN has supported legislation to maintain the viability of the agriculture industry. He also has been a leader in supporting legislative initiatives on the balanced budget, crime, education; and military spending. He is an unapologetic advocate of local control, insisting that citizens make their own determination, and not let legislative systems do it.

Congressman SKEEN is well respected on both sides of the aisle. He is an earnest and capable legislator, a worthy advisory, and a true gentleman, devoted to his family, and dedicated to his constituents. His good will and humor will be missed by all his colleagues.

It is fitting and proper to honor JOE SKEEN's life in public service with the designation of the federal building in Roswell New Mexico as the Joe Skeen Federal Building.

Mr. Speaker, I yield such time as he might consume to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Speaker, it is a great honor and privilege to have the opportunity to speak today in support of H.R. 5427, the Joe Skeen Federal Building Designation Act. The honor of speaking in support of this bill, however, pales in comparison to the honor of having the opportunity to serve as a Member of Congress with JOE.

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It is difficult to capture with words the impact and significance that JOE has meant, not only to New Mexicans, but to the citizens of the United States and the institution of the U.S. Congress as well. It is no secret that he has been an incredibly effective legislator on behalf of his constituents and that he has been an incredible asset to his party and the entire Congress.

No doubt my colleagues will list many of his legislative accomplishments and accolades he has earned during his remarkable life. The list is impressive. But these are but a small part of the fabric of JOE's character.

Throughout his years of service, he has been a model of integrity and truth. He always done what he believed in his heart to be true, and he has always worked in a bipartisan way to accomplish important work.

During a time of increasing cynicism towards politics and politicians by the media and the electorate, JOE SKEEN is a man who exemplifies what is good and what is right in our political system.

JOE, thank you for your service to New Mexico and to our country, but, most of all, thank you for your friendship. You will be sorely missed by all.

Mr. LaTOURETTE. Mr. Speaker, it is my pleasure to yield such time as she may consume to the gentlewoman from New Mexico (Mrs. WILSON), the bill's author.

Mrs. WILSON of New Mexico. Mr. Speaker, it is really an honor to be here this evening to share some time with the House and to explain why we are naming a building in Roswell, New Mexico, after a guy named JOE SKEEN.

JOE SKEEN was born in Roswell, New Mexico, and he is a rancher. Most of us around here know that, because when he was the chair of the Committee on Appropriations Subcommittee on Agriculture, he never let us forget it. It was not just a ranch, it was a sheep ranch, and JOE managed to put up photographs of New Mexico around the appropriations subcommittee room of sheep everywhere so no one would forget this was an appropriations subcommittee that was chaired by a sheep rancher.

He purchased his family ranching operation from his grandmother, and it is currently being run by JOE and his wife, Mary, and his son, Mike. He also has a daughter, Lisa, and three grandsons.

You really cannot think of JOE without also thinking of Mary. She is an absolute stalwart; a wonderful woman, one of those western women of strength who radiates warmth and friendship; the kind of woman who walks into a room and just lights up the place and lights up JOE's eyes too. You can see that still in their relationship, having been married these many years.

JOE is also known quite a bit for his sense of humor around here. In fact, TOM, I think probably only Mo Udall exceeds him in his appreciation for the importance of humor in public life. It is kind of a dry, western sense of humor.

He talks about being the minority leader of the State Senate in New Mexico. People introduce him that way as a proud accomplishment, and he always points out to them that at the time he was the minority leader they had their caucus meetings in the phone booth because there were so few Republicans in the State Senate. Then he began to build the Republican Party, and the representation of Republicans in the State Senate followed him.

He was first elected to the House of Representatives as a write-in candidate in 1980. It was very unusual. In fact, he was only the third person in American history to ever be elected to this body as a write-in candidate. It was an extraordinary effort and an unusual time. I remember Mary telling me on that night, election night in 1980, when they got the reports in from the precincts, that it was 11 o'clock at night. The polls had already been closed since 7, but people were still waiting in line. They knew then that they were going to win. It was an unusual moment in American history, participated in by a very unusual and wonderful man.

JOE has been an effective leader in and an outstanding Representative for New Mexico's Second District for over 20 years. During his time, JOE has shown his commitment to public service and to his constituents.

His staff, many of whom have been with him for 22 years, talk about when he used to work in that Federal Building down in Roswell, and he would go out to take a little break and he would not be back for half an hour, an hour or more. He had found some constituent to chat with, some constituent that needed help with a Social Security check or veterans benefits. That was the kind of guy that JOE was as a public servant.

During his tenure here, he has had a powerful influence in this Congress. He has served 17 years on the Committee on Appropriations. He has been a champion of States' rights and the idea that decisions made closest to the people are those that are best.

He is also known around here for his sense of humor. Whenever anyone walks into his office from New Mexico, he asks about the weather. He asks whether it has rained yet. Usually, of course, the answer is no, since we do not get much rain, and JOE always says, with that perfect timing that I cannot even begin to imitate, "You know, there are 12-year-olds in New Mexico that have never even seen rain." His staff is very familiar with that story, but every constituent gets a big laugh out of JOE SKEEN and his appreciation for the western sense of humor.

After 11 terms in the United States Congress, JOE has decided to return to his ranch, a place that he describes as being "at the center of my upbringing and which shaped my character and its principles." He leaves behind a proud tradition of public service, in which he has been a positive influence on many people's lives, including mine.

One of JOE's actions when he first took office in 1981 was to introduce legislation to name the Federal Building in Las Cruces after the man he replaced, Congressman Harold Runnels. I believe it is appropriate 22 years later to return the favor.

Mr. DEFAZIO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield myself the balance of my time to indicate that I want to congratulate the gentlewoman from New Mexico (Mrs. WILSON) for not only introducing this legislation, but also for that moving testimony to a fine individual who served this institution well. I want to thank the gentleman from New Mexico (Mr. UDALL) for his kind words, and urge passage of the bill.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H.R. 5427, a bill to designate the federal building in Roswell, New Mexico as the "Joe Skeen Federal Building". Congressman SKEEN has ably represented the citizens of the 2nd district of New Mexico for 22 years. He was first elected to Congress in 1980 as a write-in candidate, becoming only the 3rd person to be elected to Congress in this manner. With his most recent reelection in 2000, he became New Mexico's longest serving member of the United States Congress.

Throughout his career, JOE SKEEN has fought consistently for local land management, for the rights of miners and farmers, and the ranching industry. He has also been a champion of popular federal nutrition programs such as food stamps and school lunches, and he has labored tirelessly to obtain defense funds for New Mexico's defense industry.

Congressman SKEEN's long career in this Body is perhaps most distinguished by his service on the Appropriations Committee. In 1995, he was appointed as Chairman of the Appropriations Subcommittee on Agriculture, a position he held until the end of the 106th Congress. At the beginning of this Congress, Congressman SKEEN was appointed as Chairman of the Appropriations Subcommittee on Interior.

JOE SKEEN's voting record is truly impressive. In 2001, as he has done in years past, Congressman SKEEN voted in 100 percent of the votes called on the House floor. But JOE SKEEN will be remembered not only for his notable voting record, but also his good humor, loyalty, and his sense of decency. Both sides of the aisle will miss the gentleman from New Mexico when he retires at the end of this Congress.

H.R. 5427 designates the federal building in Roswell, New Mexico, in honor of Congressman JOE SKEEN. It is a fitting tribute to a long and distinguished career, and I urge my colleagues to support it.

Mr. LATOURETTE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BROWN of South Carolina). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 5427.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SANTIAGO E. CAMPOS UNITED STATES COURTHOUSE

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5083) to designate the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the "Santiago E. Campos United States Courthouse".

The Clerk read as follows:

H.R. 5083

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States courthouse at South Federal Place in Santa Fe, New Mexico, shall be known and designated as the "Santiago E. Campos United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Santiago E. Campos United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Oregon (Mr. DEFAZIO) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5083, as the Clerk has indicated, designates the United States Courthouse at South Federal Place in Santa Fe, New Mexico, as the Santiago E. Campos United States Courthouse.

A native of New Mexico, Judge Campos served in the United States Navy from 1944 to 1946. Upon his honorable discharge from the Navy, Judge Campos earned his undergraduate degree from the Central College in Fayette, Missouri, and his law degree from the University of New Mexico in 1953, where he graduated first in his class.

From 1954 to 1957, Judge Campos served as an Assistant State Attorney General and then as the First Assistant State Attorney General.

After a period of time in private practice, Judge Campos was elected as a District Judge for the First Judicial District of the State of New Mexico until his appointment to the Federal bench.

Judge Campos served on the Federal bench with distinction for over 22 years, from his appointment in 1978 by President Carter until December of 2001, just one month before his death in January of this year.

Judge Campos was the first Hispanic to serve as a Federal Judge in New Mexico and the first to serve as Chief Judge of the District Court in New Mexico. This bill has the support of the New Mexico State Legislature, which passed a joint memorial requesting the name of this courthouse, as well as the unanimous support of the judges making up the Tenth Circuit Court of Appeals and the District Court of New Mexico.

This is a fitting tribute to a dedicated public servant. I support the bill and urge my colleagues to do the same, and congratulate the gentleman from New Mexico (Mr. UDALL) for bringing this fine piece of legislation before us.

Mr. Speaker, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this legislation, and congratulate the gentleman from New Mexico (Mr. UDALL) for his work to bring this bill quickly through committee to the floor of the House.

Congressman TOM UDALL has introduced H.R. 5083, a bill to designate the federal courthouse in Santa Fe, New Mexico as the Santiago E. Campos United States Courthouse.

Judge Campos was the first Hispanic appointed to the Federal bench in New Mexico. He served as the Chief Judge from 1987 until 1989. President Jimmy Carter appointed him to the Federal bench in 1978. Prior to this appointment Judge Campos was elected to serve as the District Judge for the 1st Judicial District in 1971 and served in that capacity until 1978.

Judge Campos was a life long resident of New Mexico and graduated first in his law class from the University of New Mexico. He served the people of New Mexico with honor and great distinction.

Known for his compassion, quick wit, and inquisitive mind Judge Campos was a role model for students, fellow jurists, and professional colleagues.

I support Congressman UDALL and his efforts in behalf of this bill and urge my colleagues to join me in support of this bill.

Mr. Speaker, I yield such time as he might consume to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Speaker, I very much thank the distinguished gentleman from Oregon.

Mr. Speaker, I rise today to express my support for H.R. 5083, a bill which I introduced which will name the United States Courthouse in Santa Fe, New Mexico, as the Santiago E. Campos United States Courthouse. I would like to thank the gentleman from Alaska (Chairman YOUNG); the ranking member, the gentleman from Minnesota (Mr. OBERSTAR); and the committee for favorably reporting this bill to the floor. I would also like to thank the eight members of the Hispanic Caucus who lent their names as original cosponsors of this bill.

Born on Christmas of 1926 in Santa Rosa, New Mexico, Santiago Campos served in the United States Navy and eventually received his law degree from the University of New Mexico in 1953, graduating first in his class.

From 1954 to 1957, Santiago worked as the Assistant and First Assistant Attorney General for the State of New Mexico. In 1978, Santiago Campos was appointed to the Federal Bench by President Jimmy Carter. He held the title of Chief U.S. District Judge from February 5, 1987, to December 31, 1989, and took senior status December 26, 1992.

Judge Campos stood as a pillar, both in the community and on the bench, and was the moving force in reviving the Federal Courthouse in Santa Fe. Judge Campos worked closely with the General Services Administration in Fort Worth, Texas, and with the Santa Fe Historical Preservation Office to transform the Santa Fe U.S. Courthouse into the beautiful, active place it is today.

Judge Campos' dedication and fairness were widely recognized throughout the State of New Mexico. As the first Hispanic in New Mexico to be appointed to the Federal bench, Judge Campos broke barriers and became a role model to aspiring lawyers, especially Hispanic lawyers, throughout the State. His colleagues remember him as a supportive friend, a cheerful mentor and a first class judge.

As a Federal prosecutor I argued cases before Judge Campos on a number of occasions. He was very active in his courtroom and often became more involved in his cases than other judges, while still allowing a lawyer to try his own case. Just as he balanced the scales of justice, he balanced the scales of life, never void of humor, courage, humility and respect.

Even when Judge Campos was diagnosed with cancer, he continued to fight. He fought with reason and he fought with laughter. He remained resolute until his death in January 2001.

To Judge Campos' daughters, Teresa, Tina, Miquela and Rebecca, I would like to say that your father's name will never be forgotten. To his wife, Patsy, your husband's legacy will live on through this courthouse bearing his name. To his grandchildren and great-grandchildren, it is my hope that your generation will continue to uphold the ideals, standards and compassion of Judge Campos.

Mr. Speaker, it was a great privilege and honor for me to introduce this legislation which received the unanimous endorsement of the Judges of the Tenth Circuit Court, District Judges of the District Court of New Mexico, and a bipartisan group of New Mexico State legislators.

Like the clerks who served with him, the lawyers who argued cases in front of him, and his friends and family, I look forward to seeing the name of Judge Santiago E. Campos inscribed in the stone of the U.S. Courthouse in Santa Fe.

I urge my friends and colleagues to support this bill.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 5083. H.R. 5083 honors Judge Santiago Campos by designating the United States Courthouse at South Federal Place in Santa Fe, New Mexico, the courthouse where Judge Campos served for more than 22 years, as the "Santiago E. Campos United States Courthouse."

Judge Campos was born on Christmas Day in 1926 in Santa Rosa, New Mexico. A lifelong resident of New Mexico, he received his law degree from the University of New Mexico, graduating first in his class. His distinguished career in public service began in 1944, when he served in the U.S. Navy as a seaman first class. In 1954, he joined the New Mexico State Attorney General's Office as an Assistant Attorney General and, in 1971, became a state district court judge in New Mexico's First District. President Carter appointed him to the Federal bench in 1978. Upon his appointment, he became the first Hispanic to sit on the Federal district court in New Mexico.

Judge Campos served as a U.S. District Court Judge from his appointment in 1978 until his death in 2001. He served as Chief Judge of the Court from 1987 through 1989.

Throughout his career, Judge Campos was an outstanding role model and mentor of other jurists and lawyers. Well liked and admired for his sense of humor and outgoing manner, Judge Campo's dedication to public service served as an inspiration to his colleagues. Indeed, the naming of this courthouse after Judge Campos has received wide support from those who knew him. The New Mexico State Legislature passed a joint memorial declaration requesting that Congress name this Federal courthouse in Judge Campos's honor. In addition, the United States district and appellate judges who reside in New Mexico have expressed their unanimous support for this designation.

This bill is a fitting tribute to Judge Campos. I urge my colleagues to support H.R. 5083.

Mr. DEFAZIO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I urge support of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr.

LATOURETTE) that the House suspend the rules and pass the bill, H.R. 5083.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 2130

WAYNE LYMAN MORSE UNITED STATES COURTHOUSE

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2672) to designate the United States courthouse to be constructed at 8th Avenue and Mill Street in Eugene, Oregon, as the "Wayne Lyman Morse United States Courthouse".

The Clerk read as follows:

H.R. 2672

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF WAYNE LYMAN MORSE UNITED STATES COURTHOUSE.

The United States courthouse to be constructed at 8th Avenue and Mill Street in Eugene, Oregon, shall be known and designated as the "Wayne Lyman Morse United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the Wayne Lyman Morse United States Courthouse.

The SPEAKER pro tempore (Mr. BROWN of South Carolina). Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Oregon (Mr. DEFAZIO) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2672 designates the United States courthouse to be constructed at 8th Avenue and Mill Street in Eugene, Oregon, as the "Wayne Lyman Morse United States Courthouse."

Born in 1900 in Dane County, Wisconsin, Senator Morse graduated from the University of Wisconsin in 1924, from the law department at the University of Minnesota in 1928, and from Columbia University Law School in 1932. Senator Morse was a professor of law and later dean at the University of Oregon Law School until his election to the United States Senate in 1944.

Early in his career, Senator Morse witnessed America's rapid urban and industrial development; specifically, its effects on the rural lives of the farmers in his home State of Wisconsin. Influenced by such progressive change, Senator Morse worked to maintain a balanced connection between political democracy and the citizens of that democracy, upholding the belief that this country's true wealth, its people, would flourish in such an environment. Throughout his career, Senator Morse held the conviction of "principle over politics," made evident by his serving as a Republican, an Independent, and as a Democrat prior to his defeat in the election of 1968.

Senator Morse died while campaigning for a return to the Senate in 1974. The designation of this courthouse is a fitting tribute to a dedicated public servant.

Mr. Speaker, I want to congratulate the sponsor of the bill, the gentleman from Oregon (Mr. DEFAZIO), of our committee. The gentleman from Oregon (Mr. DEFAZIO) is not known as one of the more retiring members of our body, and it does not matter whether it is disparate user fees in the national Forest Service on behalf of his constituents or this particular piece of legislation. I had the pleasure of being in the full committee markup on other matters this week, and this bill was not only a matter of interest to the gentleman, but he fought hard with the leadership of our committee and received the acclamation of the leadership of our committee in convincing the leadership of this Congress to put this piece of legislation on the floor tonight, and it is his tenacity which I am sure his constituents not only appreciate, but for which they reward him with consistent reelection.

Mr. Speaker, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of the legislation.

Mr. Speaker, I thank the gentleman for his generous remarks. I would say that my tenacity and outspoken nature are but a mere shadow of that of Wayne L. Morse. Actually, the highest compliment that any of my older constituents who remember Wayne Morse can pay me is to say, "That reminds me of Wayne Morse. You seem a lot like him."

There could be virtually no more appropriate time to bring this bill forward, not only because this month will mark the 100 anniversary of Wayne Morse's birth; born in Wisconsin in 1900, raised as a populace progressive and in a tradition that focused on the democratic rights of the working class and disenfranchised. He first moved to Oregon in 1931 and became a law professor within 9 months. He was dean, and he served until 1943 and was elected to the United States Senate in 1944. He served there until 1968. He was often known for lonely stands he took on a number of issues. He changed from Republican to Independent in 1952 and to a Democrat in 1955.

Now, why I feel this is a particularly important time to do this is because one of Wayne Morse's most famous moments was his lengthy speech in opposition and adamant opposition to the Gulf of Tonkin resolution, one of only two votes in the United States Senate, and one of only two to oppose that war as unwise, as this House is rushing, and the Senate is rushing, to rubber stamp an extraordinarily broad grant of power to the President that eerily echoes the Gulf of Tonkin resolution with even fewer underpinnings and, in fact, this time, marking a preemptive war, perhaps unilateral preemptive war by the United States, the first in our history. I think if Wayne Morse were still with us, even if he were with us at the age of 100, his voice would be heard loud and clear expressing concern about that resolution and this new rush to war by the Congress.

He also was known as one who exercised an extraordinary independence of judgment on many issues. In fact, there is the Wayne Morse Pledge, which I have posted in my office. I hope that it will be incorporated at some appropriate place into the new courthouse. The pledge was: "I will exercise an independence of judgment on the basis of facts and evidence as I find them on each issue. I will weigh the views of my constituents and my party. But I will cast my vote free of political pressure and unmoved by threats of loss of political support if I do not do the bidding of some pressure group." If only, if only we had more Members of Congress like that today, this would be a much different place and the policies of this country would be very different.

President Truman, who once actually offered to make Wayne Morse Attorney General said, "Wayne Morse is one of the great dissenters, and we need dissenters, not only in the Senate, we ought to have them in the House. We should have them in the legislatures of various States. Many of the great things we have were voted down by the majority and finally had to be adopted for the benefit and welfare of the people. You may not agree with Senator Morse, you do not have to agree with him when he is right, but what he advocates usually becomes what the people want."

And then finally, when Senator Morse left the Republican Party, he told a reporter from the Detroit Free Press, "I sometimes wonder if I am going at all this too hard, but then I think of all of the men and women who wish there was just one politician in Washington who would speak his mind and cast his vote honestly and freely, with only his conscience to guide him. Maybe it's a bit brash to assume that I am that man, but believe me, I am trying to be."

That was Wayne Morse, and that is something I try to be every day in representing the district from which he was elected to the United States Senate.

So with that, Mr. Speaker, I would hope that the House would unanimously endorse the naming of the new Federal courthouse in Eugene, Oregon. I believe there could be no more appropriate honor in the memory of Wayne Morse on the 100 anniversary of his birth.

Mr. Speaker, I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield myself the balance of our time and again congratulate the gentleman from Oregon for not only his legislation, but for his floor statement. I urge passage of the bill.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H.R. 2672, a bill to honor the former Senator from Oregon, Wayne L. Morse by designating the new courthouse in Eugene Oregon in his honor.

From 1931 until 1944, Senator Morse served as the dean and professor of law at the University of Oregon at Eugene. In 1944, he was elected to his first term in the United States Senate as a Republican Senator. He was reelected in 1950. In 1956, Senator Morse ran for election to the Senate as a Democrat. He won that election and was again reelected in 1962.

Senator Morse lost his bid for a fifth term when he was defeated in 1968. However, by 1974 he had won the Democratic Senate nomination and was actively engaged in campaigning when he died in Portland, Oregon, in July of that year.

Senator Morse was known as a gifted and principled lawmaker and a dedicated public servant. His tireless advocacy of the rights of organized labor and the collective bargaining process, and his unshakeable belief in the rule of law contributed to Senator Morse being called the "conscience of the Senate". He championed equal access to education and was an outspoken defender of the Constitution's system of checks and balances.

Senator Morse's political philosophy was simply to promote the welfare of the American people. To use his own words: "If you want to understand my political philosophy, here's the basic tenet—I think the job of a U.S. Senator is to seek to translate into legislation values that promote the welfare of people Because the keystone of the Constitution is the general welfare clause and the wealth of America is its people, not in materialism".

Senator Morse broke with the Republican Party in the 1950's when he led the filibuster against the Taft-Hartley bill, which threatened to erase nearly every fundamental employment right he had secured while on the War Labor Board. In the years preceding the Vietnam War, Senator Morse fiercely opposed the Gulf of Tonkin resolution. He declared that Article I of the Constitution would be violated if Congress surrendered to the President its Constitutional authority to declare war. Throughout the War he took great issue when the Johnson Administration and its handling of the war.

Senator Morse had the courage to speak and vote his convictions during one of the most tumultuous times in our Nation's history. He knew his opinions would be controversial and that they could, and ultimately did, cost him his seat in the U.S. Senate. But Wayne Morse had the strength to look beyond politics and do what he believed to be in the best interest of the American people.

Mr. Speaker, the consideration of H.R. 2672 is particularly timely. As we begin debate tomorrow on a resolution that would authorize the President of the United States to use military force against Iraq, I hope that we could all follow the example of Wayne Morse and have the courage to speak our minds—whatever our particular beliefs—and that this Body will engage in a open and honest debate that will ultimately determine the best course for the American people.

H.R. 2672 is a fitting tribute to a true public servant. I thank the Gentleman from Oregon, Mr. DEFAZIO, for introducing this legislation, and I urge all Members to support it.

Mr. TOURETTE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 2672.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 5427, H.R. 5335, H.R. 5083, and H.R. 2672, the matters just considered by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PERMISSION FOR COMMITTEE ON ENERGY AND COMMERCE TO FILE SUPPLEMENTAL REPORT ON H.R. 3580

Mr. BURR of North Carolina. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be allowed to file a supplemental report on H.R. 3580.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

MEDICAL DEVICE USER FEE AND MODERNIZATION ACT OF 2002

Mr. BURR of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3580) to amend the Federal Food, Drug, and Cosmetic Act to make improvements in the regulation of medical devices, and for other purposes.

The Clerk read as follows:

H.R. 3580

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Medical Device User Fee and Modernization Act of 2002".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—FEES RELATED TO MEDICAL DEVICES

Sec. 101. Findings.
Sec. 102. Establishment of program.
Sec. 103. Annual reports.
Sec. 104. Postmarket surveillance.
Sec. 105. Consultation.
Sec. 106. Effective date.
Sec. 107. Sunset clause.

TITLE II—AMENDMENTS REGARDING REGULATION OF MEDICAL DEVICES

Sec. 201. Inspections by accredited persons.
Sec. 202. Third party review of premarket notification.
Sec. 203. Designation and regulation of combination products.
Sec. 204. Report on certain devices.
Sec. 205. Electronic labeling.
Sec. 206. Electronic registration.
Sec. 207. Intended use.
Sec. 208. Modular review.
Sec. 209. Pediatric expertise regarding classification-panel review of premarket applications.
Sec. 210. Internet list of class II devices exempted from requirement of premarket notification.
Sec. 211. Study by Institute of Medicine of postmarket surveillance regarding pediatric populations.
Sec. 212. Guidance regarding pediatric devices.
Sec. 213. Breast implants; study by Comptroller General.
Sec. 214. Breast implants; research through National Institutes of Health.

TITLE III—ADDITIONAL AMENDMENTS

Sec. 301. Identification of manufacturer of medical devices.
Sec. 302. Single-use medical devices.

TITLE I—FEES RELATED TO MEDICAL DEVICES

SEC. 101. FINDINGS.

The Congress finds that—

(1) prompt approval and clearance of safe and effective devices is critical to the improvement of the public health so that patients may enjoy the benefits of devices to diagnose, treat, and prevent disease;

(2) the public health will be served by furnishing additional funds for the review of devices so that statutorily mandated deadlines may be met; and

(3) the fees authorized by the amendment made by section 102 will be dedicated to meeting the goals identified in the letters from the Secretary of Health and Human Services to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

SEC. 102. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—Subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379F et seq.) is amended by adding at the end the following part:

"PART 3—FEES RELATING TO DEVICES

"SEC. 737. DEFINITIONS.

"For purposes of this subchapter:

"(1) The term 'premarket application' means—

"(A) an application for approval of a device submitted under section 515(c) or section 351 of the Public Health Service Act; or

"(B) a product development protocol described in section 515(f).

Such term does not include a supplement, a premarket report, or a premarket notification submission.

"(2) The term 'premarket report' means a report submitted under section 510(o)(3).

"(3) The term 'premarket notification submission' means a report submitted under section 510(k).

"(4)(A) The term 'supplement', with respect to a panel-track supplement, a 180-day supplement, a real-time supplement, or an efficacy supplement, means a request to the Secretary to approve a change in a device for which—

"(i) an application has been approved under section 515(d) or under section 351 of the Public Health Service Act; or

"(ii) a notice of completion has become effective under section 515(f).

"(B) The term 'panel-track supplement' means a supplement to an approved premarket application under section 515 that requests a significant change in design or performance of the device, or a new indication for use of the device, and for which clinical data are generally necessary to provide a reasonable assurance of safety and effectiveness.

"(C) The term '180-day supplement' means a supplement to an approved premarket application under section 515 that is not a panel-track supplement and requests a significant change in components, materials, design, specification, software, color additives, or labeling.

"(D) The term 'real-time supplement' means a supplement to an approved premarket application under section 515 that requests a minor change to the device, such as a minor change to the design of the device, software, manufacturing, sterilization, or labeling, and for which the applicant has requested and the agency has granted a meeting or similar forum to jointly review and determine the status of the supplement.

"(E) The term 'efficacy supplement' means a supplement to an approved premarket application under section 351 of the Public Health Service Act that requires substantive clinical data.

"(5) The term 'process for the review of device applications' means the following activities of the Secretary with respect to the review of premarket applications, premarket reports, supplements, and premarket notification submissions:

"(A) The activities necessary for the review of premarket applications, premarket reports, supplements, and premarket notification submissions.

"(B) The issuance of action letters that allow the marketing of devices or which set forth in detail the specific deficiencies in such applications, reports, supplements, or submissions and, where appropriate, the actions necessary to place them in condition for approval.

"(C) The inspection of manufacturing establishments and other facilities undertaken as part of the Secretary's review of pending premarket applications, premarket reports, and supplements.

"(D) Monitoring of research conducted in connection with the review of such applications, reports, supplements, and submissions.

"(E) Review of device applications subject to section 351 of the Public Health Service Act for an investigational new drug application under section 505(i) or for an investigational device exemption under section 520(g) and activities conducted in anticipation of the submission of such applications under section 505(i) or 520(g).

"(F) The development of guidance, policy documents, or regulations to improve the process for the review of premarket applications, premarket reports, supplements, and premarket notification submissions.

"(G) The development of voluntary test methods, consensus standards, or mandatory performance standards under section 514 in connection with the review of such applications, reports, supplements, or submissions and related activities.

"(H) The provision of technical assistance to device manufacturers in connection with the submission of such applications, reports, supplements, or submissions.

"(I) Any activity undertaken under section 513 or 515(i) in connection with the initial classification or reclassification of a device or under section 515(b) in connection with any requirement for approval of a device.

"(J) Evaluation of postmarket studies required as a condition of an approval of a premarket application under section 515 or section 351 of the Public Health Service Act.

"(K) Compiling, developing, and reviewing information on relevant devices to identify safety and effectiveness issues for devices subject to premarket applications, premarket reports, supplements, or premarket notification submissions.

"(6) The term 'costs of resources allocated for the process for the review of device applications' means the expenses incurred in connection with the process for the review of device applications for—

"(A) officers and employees of the Food and Drug Administration, contractors of the Food and Drug Administration, advisory committees, and costs related to such officers, employees, and committees and to contracts with such contractors;

"(B) management of information, and the acquisition, maintenance, and repair of computer resources;

"(C) leasing, maintenance, renovation, and repair of facilities and acquisition, maintenance, and repair of fixtures, furniture, scientific equipment, and other necessary materials and supplies; and

"(D) collecting fees and accounting for resources allocated for the review of premarket applications, premarket reports, supplements, and submissions.

"(7) The term 'adjustment factor' applicable to a fiscal year is the Consumer Price Index for all urban consumers (all items; United States city average) for April of the preceding fiscal year divided by such Index for April 2002.

"(8) The term 'affiliate' means a business entity that has a relationship with a second business entity if, directly or indirectly—

"(A) one business entity controls, or has the power to control, the other business entity; or

"(B) a third party controls, or has power to control, both of the business entities.

"SEC. 738. AUTHORITY TO ASSESS AND USE DEVICE FEES.

"(a) TYPES OF FEES.—Beginning on the date of the enactment of the Medical Device User Fee and Modernization Act of 2002, the Secretary shall assess and collect fees in accordance with this section as follows:

"(1) PREMARKET APPLICATION, PREMARKET REPORT, SUPPLEMENT, AND SUBMISSION FEE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B) and subsection (d), each person who submits any of the following, on or after October 1, 2002, shall be subject to a fee established under subsection (c)(5) for the fiscal year involved in accordance with the following:

"(i) A premarket application.

"(ii) For a premarket report, a fee equal to the fee that applies under clause (i).

"(iii) For a panel track supplement, a fee equal to the fee that applies under clause (i).

"(iv) For a 180-day supplement, a fee equal to 21.5 percent of the fee that applies under clause (i), subject to any adjustment under subsection (c)(3).

"(v) For a real-time supplement, a fee equal to 7.2 percent of the fee that applies under clause (i).

"(vi) For an efficacy supplement, a fee equal to the fee that applies under clause (i).

"(vii) For a premarket notification submission, a fee equal to 1.75 percent of the fee that applies under clause (i), subject to any adjustment under subsection (c)(3).

"(B) EXCEPTIONS.—

"(i) HUMANITARIAN DEVICE EXEMPTION.—A device for which a humanitarian device exemption has been granted is not subject to the fees established in subparagraph (A).

"(ii) FURTHER MANUFACTURING USE.—No fee shall be required under subparagraph (A) for the submission of a premarket application under section 351 of the Public Health Service Act for a product licensed for further manufacturing use only.

"(iii) STATE OR FEDERAL GOVERNMENT SPONSORS.—No fee shall be required under subparagraph (A) for a premarket application, premarket report, supplement, or premarket notification submission submitted by a State or Federal Government entity unless the device involved is to be distributed commercially.

"(iv) PREMARKET NOTIFICATIONS BY THIRD PARTIES.—No fee shall be required under subparagraph (A) for a premarket notification submission reviewed by an accredited person pursuant to section 523.

"(v) PEDIATRIC CONDITIONS OF USE.—

"(I) IN GENERAL.—No fee shall be required under subparagraph (A) for a premarket application or premarket notification submission if the proposed conditions of use for the device involved are solely for a pediatric population. No fee shall be required under such subparagraph for a supplement if the sole purpose of the supplement is to propose conditions of use for a pediatric population.

"(II) SUBSEQUENT PROPOSAL OF ADULT CONDITIONS OF USE.—In the case of a person who submits a premarket application for which, under subclause (I), a fee under subparagraph (A) is not required, any supplement to such application that proposes conditions of use for any adult population is subject to the fee that applies under such subparagraph for a premarket application.

"(C) PAYMENT.—The fee required by subparagraph (A) shall be due upon submission of the premarket application, premarket report, supplement, or premarket notification submission except that invoices for applications submitted between October 1, 2002, and the date of the enactment of the Medical Device User Fee and Modernization Act of 2002 shall be payable on October 30, 2002. Applicants submitting portions of applications pursuant to section 515(c)(3) shall pay such fees upon submission of the first portion of such applications. The fees credited to fiscal year 2003 under this section shall include all fees payable from October 1, 2002, through September 30, 2003.

"(D) REFUNDS.—

"(i) APPLICATION REFUSED FOR FILING.—The Secretary shall refund 75 percent of the fee paid under subparagraph (A) for any application or supplement that is refused for filing.

"(ii) APPLICATION WITHDRAWN BEFORE FILING.—The Secretary shall refund 75 percent of the fee paid under subparagraph (A) for any application or supplement that is withdrawn prior to the filing decision of the Secretary.

"(iii) APPLICATION WITHDRAWN BEFORE FIRST ACTION.—After receipt of a request for a refund of the fee paid under subparagraph (A) for a premarket application, premarket report, or supplement that is withdrawn after filing but before a first action, the Secretary may return some or all of the fee. The amount of refund, if any, shall be based on the level of effort already expended on the review of such application, report, or supplement. The Secretary shall have sole discretion to refund a fee or portion of the

fee under this subparagraph. A determination by the Secretary concerning a refund under this paragraph shall not be reviewable.

"(b) FEE REVENUE AMOUNTS.—Except as provided in subsections (c), (d), (f), and (g), the fees under subsection (a) shall be established to generate the following revenue amounts: $25,125,000 in fiscal year 2003; $27,255,000 in fiscal year 2004; $29,785,000 in fiscal year 2005; $32,615,000 in fiscal year 2006, and $35,000,000 in fiscal year 2007. If legislation is enacted after the date of the enactment of this Act requiring the Secretary to fund additional costs of the retirement of Federal personnel, fee revenue amounts under this subsection shall be increased in each year by the amount necessary to fully fund the portion of such additional costs that are attributable to the process for the review of device applications.

"(c) ADJUSTMENTS.—

"(1) INFLATION ADJUSTMENT.—The revenues established in subsection (b) shall be adjusted by the Secretary by notice, published in the Federal Register, for a fiscal year to reflect the greater of—

"(A) the total percentage change that occurred in the Consumer Price Index for all urban consumers (all items; U.S. city average) for the 12 month period ending June 30 preceding the fiscal year for which fees are being established, or

"(B) the total percentage change for the previous fiscal year in basic pay under the General Schedule in accordance with section 5332 of title 5, United States Code, as adjusted by any locality-based comparability payment pursuant to section 5304 of such title for Federal employees stationed in the District of Columbia.

The adjustment made each fiscal year by this subsection shall be added on a compounded basis to the sum of all adjustments made each fiscal year after fiscal year 2003 under this subsection.

"(2) WORKLOAD ADJUSTMENT.—After the fee revenues established in subsection (b) are adjusted for a fiscal year for inflation in accordance with paragraph (1), the fee revenues shall, beginning with fiscal year 2004, be adjusted further each fiscal year to reflect changes in the workload of the Secretary for the process for the review of device applications. With ,respect to such adjustment:

"(A) The adjustment shall be determined by the Secretary based on a weighted average of the change in the total number of premarket applications, investigational new device applications, premarket reports, supplements, and premarket notification submissions submitted to the Secretary. The Secretary shall publish in the Federal Register the fee revenues and fees resulting from the adjustment and the supporting methodologies.

"(B) Under no circumstances shall the adjustment result in fee revenues for a fiscal year that are less than the fee revenues for the fiscal year established in subsection (b), as adjusted for inflation under paragraph (1).

"(3) COMPENSATING ADJUSTMENT.—After the fee revenues established in subsection (b) are adjusted for a fiscal year for inflation in accordance with paragraph (1), and for workload in accordance with paragraph (2), the fee revenues shall, beginning with fiscal year 2004, be adjusted further each fiscal year, if necessary, to reflect the cumulative amount by which collections for previous fiscal years, beginning with fiscal year 2003, fell below the cumulative revenue amounts for such fiscal years specified in subsection (b), adjusted for such fiscal years for inflation in accordance with paragraph (1), and for workload in accordance with paragraph (2). Only fees for 180 day supplements and premarket notification submissions shall be increased to generate compensating adjustment revenues.

"(4) FINAL YEAR ADJUSTMENT.—For fiscal year 2007, the Secretary may, in addition to adjustments under paragraphs (1) and (2), further increase the fees and fee revenues established in subsection (b) if such adjustment is necessary to provide for not more than three months of operating reserves of carryover user fees for the process for the review of device applications for the first three months of fiscal year 2008. If such an adjustment is necessary, the rationale for the amount of the increase shall be contained in the annual notice establishing fee revenues and fees for fiscal year 2007. If the Secretary has carryover user fee balances for such process in excess of three months of such operating reserves, the adjustment under this paragraph shall not be made.

"(5) ANNUAL FEE SETTING.—The Secretary shall, 60 days before the start of each fiscal year after September 30, 2002, establish, for the next fiscal year, and publish in the Federal Register, fees under subsection (a), based on the revenue amounts established under subsection (b) and the adjustment provided under this subsection, except that the fees established for fiscal year 2003 shall be based on a premarket application fee of $139,000.

"(6) LIMIT.—The total amount of fees charged, as adjusted under this subsection, for a fiscal year may not exceed the total costs for such fiscal year for the resources allocated for the process for the review of device applications.

"(d) SMALL BUSINESS FEE WAIVER AND FEE REDUCTION.—

"(1) IN GENERAL.—The Secretary shall grant a waiver of the fee required under subsection (a) for one premarket application, or one premarket report, where the Secretary finds that the applicant involved is a small business submitting its first premarket application to the Secretary, or its first premarket report, respectively, for review. In addition, for subsequent premarket applications, premarket reports, and supplements where the Secretary finds that the applicant involved is a small business, the fees specified in clauses (i) through (vi) of subsection (a)(1)(A) may be paid at a reduced rate in accordance with paragraph (2)(C).

"(2) RULES RELATING TO SMALL BUSINESSES.—

"(A) DEFINITION.—

"(i) For purposes of this subsection, the term 'small business' means an entity that reported $10,000,000 or less of gross receipts or sales in its most recent Federal income tax return for a taxable year, including such returns of all of its affiliates, partners, or parent firms.

"(ii) The Secretary may adjust the $10,000,000 threshold established in clause (i) if the Secretary has evidence from actual experience that this threshold results in a reduction in revenues from premarket applications, premarket reports, and supplements that is 13 percent or more than would occur without small business exemptions and lower fee rates. To adjust this threshold, the Secretary shall publish a notice in the Federal Register setting out the rationale for the adjustment, and the new threshold.

"(B) EVIDENCE OF QUALIFICATION.—An applicant shall pay the higher fees established by the Secretary each year unless the applicant submits evidence that it qualifies for a waiver of the fee or the lower fee rate. The applicant shall support its claim that it meets the definition under subparagraph (A) by submission of a copy of its most recent Federal income tax return for a taxable year, which shows an amount of gross sales or receipts that is less than the maximum established in subparagraph (A). The applicant shall certify that the information provided is a true and accurate copy of the applicant's actual tax forms as submitted to the Internal Revenue Service.

"(C) REDUCED FEES.—Where the Secretary finds that the applicant involved meets the definition under subparagraph (A), the fees established under subsection (c)(5) may be paid at reduced rates as follows:

"(i) 38 percent of the fee established under subsection (c)(5) for a premarket application, a premarket report, a panel-track supplement, or an efficacy supplement.

"(ii) 44 percent of the fee established under subsection (c)(5) for a 180-day supplement to a medical device application.

"(iii) 25 percent of the fee established under subsection (c)(5) for a real-time supplement to a premarket application.

This subsection may not be construed as authorizing any reduction in the fee established under subsection (c)(5) for a premarket notification submission.

"(D) REQUEST FOR FEE WAIVER OR REDUCTION.—An applicant seeking a fee waiver or reduction under this subsection shall submit supporting information to the Secretary at least 60 days before the fee is required pursuant to subsection (a).

"(e) EFFECT OF FAILURE TO PAY FEES.—A premarket application, premarket report, supplement, or premarket notification submission submitted by a person subject to fees under subsection (a) shall be considered incomplete and shall not be accepted for filing by the Secretary until all fees owed by such person have been paid.

"(f) CONDITIONS.—

"(1) PERFORMANCE GOALS THROUGH FISCAL YEAR 2005; TERMINATION OF PROGRAM AFTER FISCAL YEAR 2005.—With respect to the amount that, under the salaries and expenses account of the Food and Drug Administration, is appropriated for a fiscal year for devices and radiological products:

"(A)(i) For each of the fiscal years 2003 and 2004, the Secretary is expected to meet all of the goals identified for the fiscal year involved in any letter referred to in section 101(3) of the Medical Device User Fee and Modernization Act of 2002 (referred to in this paragraph as 'performance goals') if the amount so appropriated for such fiscal year, excluding the amount of fees appropriated for such fiscal year, is equal to or greater than $205,720,000 multiplied by the adjustment factor applicable to the fiscal year.

"(ii) For each of the fiscal years 2003 and 2004, if the amount so appropriated for the fiscal year involved, excluding the amount of fees appropriated for such fiscal year, is less than the amount that applies under clause (i) for such fiscal year, the following applies:

"(I) The Secretary is expected to meet such goals to the extent practicable, taking into account the amounts that are available to the Secretary for such purpose, whether from fees under subsection (a) or otherwise.

"(II) The Comptroller General of the United States shall submit to the Congress a report describing whether and to what extent the Secretary is meeting the performance goals identified for such fiscal year, and whether the Secretary will be able to meet all performance goals identified for fiscal year 2005. A report under the preceding sentence shall be submitted to the Congress not later than July 1 of the fiscal year with which the report is concerned.

"(B)(i) For fiscal year 2005, the Secretary is expected to meet all of the goals identified for the fiscal year if the total of the amounts so appropriated for fiscal years 2003 through 2005, excluding the amount of fees appropriated for such fiscal years, is equal to or greater than the sum of—

"(I) $205,720,000 multiplied by the adjustment factor applicable to fiscal year 2003;

"(II) $205,720,000 multiplied by the adjustment factor applicable to fiscal year 2004; and

"(III) $205,720,000 multiplied by the adjustment factor applicable to fiscal year 2005.

"(ii) For fiscal year 2005, if the total of the amounts so appropriated for fiscal years 2003 through 2005, excluding the amount of fees appropriated for such fiscal years, is less than the sum that applies under clause (i) for fiscal year 2005, the following applies:

"(I) The Secretary is expected to meet such goals to the extent practicable, taking into account the amounts that are available to the Secretary for such purpose, whether from fees under subsection (a) or otherwise.

"(II) The Comptroller General of the United States shall submit to the Congress a report describing whether and to what extent the Secretary is meeting the performance goals identified for such fiscal year, and whether the Secretary will be able to meet all performance goals identified for fiscal year 2006. The report under the preceding sentence shall be submitted to the Congress not later than July 1, 2005.

"(C) For fiscal year 2006, fees may not be assessed under subsection (a) for the fiscal year, and the Secretary is not expected to meet any performance goals identified for the fiscal year, if the total of the amounts so appropriated for fiscal years 2003 through 2006, excluding the amount of fees appropriated for such fiscal years, is less than the sum of—

"(i) $205,720,000 multiplied by the adjustment factor applicable to fiscal year 2006; and

"(ii) an amount equal to the sum that applies for purposes of subparagraph (B)(i).

"(D) For fiscal year 2007, fees may not be assessed under subsection (a) for the fiscal year, and the Secretary is not expected to meet any performance goals identified for the fiscal year, if—

"(i) the amount so appropriated for the fiscal year, excluding the amount of fees appropriated for the fiscal year, is less than $205,720,000 multiplied by the adjustment factor applicable to fiscal year 2007; or

"(ii) pursuant to subparagraph (C), fees were not assessed under subsection (a) for fiscal year 2006.

"(2) AUTHORITY.—If the Secretary does not assess fees under subsection (a) during any portion of a fiscal year because of subparagraph (C) or (D) of paragraph (1) and if at a later date in such fiscal year the Secretary may assess such fees, the Secretary may assess and collect such fees, without any modification in the rate for premarket applications, supplements, premarket reports, and premarket notification submissions, and at any time in such fiscal year, notwithstanding the provisions of subsection (a) relating to the date fees are to be paid.

"(g) CREDITING AND AVAILABILITY OF FEES.—

"(1) IN GENERAL.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriation Acts. Such fees are authorized to be appropriated to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation. The sums transferred shall be available solely for the process for the review of device applications.

"(2) COLLECTIONS AND APPROPRIATION ACTS.—

"(A) IN GENERAL.—The fees authorized by this section—

"(i) shall be retained in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation, for such fiscal year, and

"(ii) shall only be collected and available to defray increases in the costs of the resources allocated for the process for the review of device applications (including increases in such costs for an additional number of full-time equivalent positions in the Department of Health and Human Services to be engaged in such process) over such costs, excluding costs paid from fees collected under this section, for fiscal year 2002 multiplied by the adjustment factor.

"(B) COMPLIANCE.—The Secretary shall be considered to have met the requirements of subparagraph (A)(ii) in any fiscal year if the costs funded by appropriations and allocated for the process for the review of device applications—

"(i) are not more than 3 percent below the level specified in subparagraph (A)(ii); or

"(ii)(I) are more than 3 percent below the level specified in subparagraph (A)(ii), and fees assessed for a subsequent fiscal year are decreased by the amount in excess of 3 percent by which such costs fell below the level specified in such subparagraph; and

"(II) such costs are not more than 5 percent below the level specified in such subparagraph.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fees under this section—

"(A) $25,125,000 for fiscal year 2003;

"(B) $27,255,000 for fiscal year 2004;

"(C) $29,785,000 for fiscal year 2005;

"(D) $32,615,000 for fiscal year 2006; and

"(E) $35,000,000 for fiscal year 2007,

as adjusted to reflect adjustments in the total fee revenues made under this section and changes in the total amounts collected by application fees.

"(4) OFFSET.—Any amount of fees collected for a fiscal year under this section that exceeds the amount of fees specified in appropriation Acts for such fiscal year shall be credited to the appropriation account of the Food and Drug Administration as provided in paragraph (1), and shall be subtracted from the amount of fees that would otherwise be authorized to be collected under this section pursuant to appropriation Acts for a subsequent fiscal year.

"(h) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under subsection (a) within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

"(i) WRITTEN REQUESTS FOR REFUNDS.—To qualify for consideration for a refund under subsection (a)(1)(D), a person shall submit to the Secretary a written request for such refund not later than 180 days after such fee is due.

"(j) CONSTRUCTION.—This section may not be construed to require that the number of full-time equivalent positions in the Department of Health and Human Services, for officers, employees, and advisory committees not engaged in the process of the review of device applications, be reduced to offset the number of officers, employees, and advisory committees so engaged.".

(b) FEE EXEMPTION FOR CERTAIN ENTITIES SUBMITTING PREMARKET REPORTS.—

(1) IN GENERAL.—A person submitting a premarket report to the Secretary of Health and Human Services is exempt from the fee under section 738(a)(1)(A)(ii) of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a) of this section) if—

(A) the premarket report is the first such report submitted to the Secretary by the person; and

(B) before October 1, 2002, the person submitted a premarket application to the Secretary for the same device as the device for which the person is submitting the premarket report.

(2) DEFINITIONS.—For purposes of paragraph (1), the terms "device", "premarket application", and "premarket report" have the same meanings as apply to such terms for purposes of section 738 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a) of this section).

SEC. 103. ANNUAL REPORTS.

Beginning with fiscal year 2003, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate a report concerning—

(1) the progress of the Food and Drug Administration in achieving the goals identified in the letters described in section 101(3) during such fiscal year and the future plans of the Food and Drug Administration for meeting the goals, not later than 60 days after the end of each fiscal year during which fees are collected under this part; and

(2) the implementation of the authority for such fees during such fiscal year, and the use, by the Food and Drug Administration, of the fees collected during such fiscal year, not later than 120 days after the end of each fiscal year during which fees are collected under the medical device user-fee program established under the amendment made by section 102.

SEC. 104. POSTMARKET SURVEILLANCE.

(a) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out postmarket surveillance of medical devices, there are authorized to be appropriated to the Food and Drug Administration the following amounts, stated as increases above the amount obligated for such purpose by such Administration for fiscal year 2002:

(1) For fiscal year 2003, an increase of $3,000,000.

(2) For fiscal year 2004, an increase of $6,000,000.

(3) For fiscal year 2005 and each subsequent fiscal year, an increase of such sums as may be necessary.

(b) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall conduct a study for the purpose of determining the following with respect to the medical device user-fee program established under the amendment made by section 102:

(A) The impact of such program on the ability of the Food and Drug Administration to conduct postmarket surveillance on medical devices.

(B) The programmatic improvements, if any, needed for adequate postmarket surveillance of medical devices.

(C) The amount of funds needed to conduct adequate postmarket surveillance of medical devices.

(D) The extent to which device companies comply with the postmarket surveillance requirements, including postmarket study commitments.

(E) The recommendations of the Secretary as to whether, and in what amounts, user fees collected under such user-fee program should be dedicated to postmarket surveillance if the program is extended beyond fiscal year 2007.

(2) REPORT.—Not later than January 10, 2007, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate, a report that describes the findings of the study under paragraph (1).

SEC. 105. CONSULTATION.

(a) IN GENERAL.—In developing recommendations to the Congress for the goals and plans for meeting the goals for the process for the review of medical device applications for fiscal years after fiscal year 2007, and for the reauthorization of sections 737 and 738 of the Federal Food, Drug, and Cosmetic Act, the Secretary of Health and Human Services (referred to in this section as the "Secretary") shall consult with the Committee on Energy and Commerce of the House of Representatives, the Committee on Health, Education, Labor, and Pensions of the Senate, appropriate scientific and academic experts, health

care professionals, representatives of patient and consumer advocacy groups, and the regulated industry.

(b) RECOMMENDATIONS.—The Secretary shall publish in the Federal Register recommendations under subsection (a), after negotiations with the regulated industry; shall present such recommendations to the congressional committees specified in such paragraph; shall hold a meeting at which the public may present its views on such recommendations; and shall provide for a period of 30 days for the public to provide written comments on such recommendations.

SEC. 106. EFFECTIVE DATE.

The amendments made by this title shall take effect on the date of the enactment of this Act, except that fees shall be assessed for all premarket applications, premarket reports, supplements, and premarket notification submissions received on or after October 1, 2002, regardless of the date of enactment.

SEC. 107. SUNSET CLAUSE.

The amendments made by this title cease to be effective October 1, 2007, except that section 103 with respect to annual reports ceases to be effective January 31, 2008.

TITLE II—AMENDMENTS REGARDING REGULATION OF MEDICAL DEVICES

SEC. 201. INSPECTIONS BY ACCREDITED PERSONS.

(a) IN GENERAL.—Section 704 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374) is amended by adding at the end the following subsection:

"(g)(1) Not later than one year after the date of the enactment of this subsection, the Secretary shall, subject to the provisions of this subsection, accredit persons who are not Federal employees for the purpose of conducting the inspections required in section 510(h), or pursuant to section 510(i), for establishments that manufacture, prepare, propagate, compound, or process class II or class III devices. The owner or operator of such an establishment that is eligible under paragraph (6) may, from the list published under paragraph (4), select an accredited person to conduct such inspections

"(2) Not later than 180 days after the date of enactment of this subsection, the Secretary shall publish in the Federal Register criteria to accredit or deny accreditation to persons who request to perform the duties specified in paragraph (1). Thereafter, the Secretary shall inform those requesting accreditation, within 60 days after the receipt of such request, whether the request for accreditation is adequate for review, and the Secretary shall promptly act on the request for accreditation. Any resulting accreditation shall state that such person is accredited to conduct inspections at establishments identified in paragraph (1). The accreditation of such person shall specify the particular activities under this subsection for which such person is accredited. In the first year following the publication in the Federal Register of criteria to accredit or deny accreditation to persons who request to perform the duties specified in paragraph (1), the Secretary shall accredit no more than 15 persons who request to perform duties specified in paragraph (1).

"(3) An accredited person shall, at a minimum, meet the following requirements:

"(A) Such person shall be an independent organization which is not owned or controlled by a manufacturer, supplier, or vendor of articles regulated under this Act and which has no organizational, material, or financial affiliation (including a consultative affiliation) with such a manufacturer, supplier, or vendor.

"(B) Such person shall be a legally constituted entity permitted to conduct the activities for which it seeks accreditation.

"(C) Such person shall not engage in the design, manufacture, promotion, or sale of articles regulated under this Act.

"(D) The operations of such person shall be in accordance with generally accepted professional and ethical business practices, and such person shall agree in writing that at a minimum the person will—

"(i) certify that reported information accurately reflects data reviewed;

"(ii) limit work to that for which competence and capacity are available;

"(iii) treat information received, records, reports, and recommendations as confidential commercial or financial information or trade secret information;

"(iv) promptly respond and attempt to resolve complaints regarding its activities for which it is accredited; and

"(v) protect against the use, in carrying out paragraph (1), of any officer or employee of the accredited person who has a financial conflict of interest regarding any product regulated under this Act, and annually make available to the public disclosures of the extent to which the accredited person, and the officers and employees of the person, have maintained compliance with requirements under this clause relating to financial conflicts of interest.

"(4) The Secretary shall publish on the Internet site of the Food and Drug Administration a list of accredited persons to conduct inspections under paragraph (1). Such list shall be periodically updated to ensure that the identity of each accredited person is known to the public. The updating of such list shall be no later than one month after the accreditation of a person under this subsection or the withdrawal of accreditation.

"(5)(A) To ensure that persons accredited under this subsection continue to meet the standards of accreditation, the Secretary shall audit the performance of such persons on a periodic basis through the review of inspection reports and inspections by persons designated by the Secretary to evaluate the compliance status of an establishment and the performance of accredited persons.

"(B) The Secretary may withdraw accreditation of any person accredited under paragraph (2), after providing notice and an opportunity for an informal hearing, when such person is substantially not in compliance with the standards of accreditation or poses a threat to public health or fails to act in a manner that is consistent with the purposes of this subsection. The Secretary may suspend the accreditation of such person during the pendency of the process under the preceding sentence.

"(6)(A) Subject to subparagraphs (B) through (C), a device establishment is eligible for inspections by persons accredited under paragraph (2) if—

"(i) the Secretary classified the results of the most recent inspection of the establishment pursuant to subsection (h) or (i) of section 510 as 'no action indicated' or 'voluntary action indicated'; and

"(ii) with respect to each inspection to be conducted by an accredited person—

"(I) the owner or operator of the establishment submits to the Secretary a notice requesting clearance to use such a person to conduct the inspection, and the Secretary provides such clearance; and

"(II) such notice identifies the accredited person whom the establishment has selected to conduct the inspection, and the Secretary agrees to the selected accredited person.

"(B)(i) The Secretary shall respond to a notice under subparagraph (A) from an establishment not later than 30 days after the Secretary receives the notice. Through such response, the Secretary shall (I) provide clearance under such subparagraph, and agree to the selection of an accredited person, or (II) make a request under clause (ii). If the Secretary fails to respond to the notice within such 30-day period, the establishment is deemed to have such clearance, and to have the agreement of the Secretary for such selection.

"(ii) The request referred to in clause (i)(II) is—

"(I) a request to the establishment involved to submit to the Secretary compliance data in accordance with clause (iii); or

"(II) a request to the establishment, or to the accredited person identified in the notice under subparagraph (A), for information concerning the relationship between the establishment and such accredited person.

The Secretary may make both such requests.

"(iii) The compliance data to be submitted by an establishment under clause (ii) are data describing whether the quality controls of the establishment have been sufficient for ensuring consistent compliance with current good manufacturing practice within the meaning of section 501(h), and data otherwise describing whether the establishment has consistently been in compliance with sections 501 and 502 and other applicable provisions of this Act. Such data shall include complete reports of inspections regarding good manufacturing practice or other quality control audits that, during the preceding two-year period, were conducted at the establishment by persons other than the owner or operator of the establishment, together with all other data the Secretary deems necessary. Data under the preceding sentence shall demonstrate to the Secretary whether the establishment has facilitated consistent compliance by promptly correcting any compliance problems identified in such inspections.

"(iv) Not later than 60 days after receiving compliance data under clause (iii) from an establishment, the Secretary shall provide or deny clearance under subparagraph (A). The Secretary may not deny clearance unless the Secretary provides to the establishment detailed findings that the establishment has failed to demonstrate consistent compliance for purposes of clause (iii). If the Secretary fails to provide such findings to the establishment within such 60-day period, the establishment is deemed to have such clearance.

"(v)(I) A request to an accredited person under clause (ii)(II) may not seek any information that is not required to be maintained by such person in records under subsection (f)(1). Not later than 60 days after receiving the information sought by the request, the Secretary shall agree to, or reject, the selection of such person by the establishment involved. The Secretary may not reject the selection unless the Secretary provides to the establishment the reasons for such rejection. Reasons for the rejection may include that the establishment or the accredited person, as the case may be, has failed to fully respond to the request. If within such 60-day period the Secretary fails to agree to or reject the selection in accordance with this subclause, the Secretary is deemed to have agreed to the selection.

"(II) If the Secretary rejects the selection of an accredited person by an establishment, the establishment may make an additional selection of an accredited person by submitting to the Secretary a notice that identifies the additional selection. Clauses (i) and (ii), and subclause (I) of this clause, apply to the selection of an accredited person through a notice under the preceding sentence in the same manner and to the same extent as such provisions apply to a selection of an accredited person through a notice under subparagraph (A).

"(vi) In the case of an establishment that under clause (iv) is denied clearance under subparagraph (A), or whose selection of an accredited person is rejected under clause (v), the Secretary shall designate a person to review the findings of the Secretary under such clause if, during the 30-day period beginning on the date on which the establishment receives the findings, the establishment requests the review. The review shall commence not later than 30 days after the establishment requests the review, unless the Secretary and the establishment otherwise agree.

"(C)(i) In the case of a device establishment for which the Secretary classified the results of the most recent inspection of the establishment by a person accredited under paragraph (2) as 'official action indicated', the establishment is eligible for further inspections by persons accredited under such paragraph if (I) the Secretary issues a written statement to the owner or operator of the establishment that the violations leading to such classification have been resolved, and (II) the Secretary, either upon the Secretary's own initiative or a petition of the owner or operator of the establishment, notifies the establishment that it has clearance to use an accredited person for the inspections. The Secretary shall respond to such petition within 30 days after the receipt of the petition.

"(ii) If the Secretary denies a petition under clause (i), the establishment involved may, after the expiration of one year after such denial, again petition the Secretary for a determination of eligibility for inspection by persons accredited by the Secretary under paragraph (2). If the Secretary denies such petition, the Secretary shall provide the establishment with a detailed reason for such denial within 60 days after the denial. If, as of the expiration of 48 months after the receipt of the first petition, the establishment has not been inspected by the Secretary in accordance with section 510(h), or has not during such period been inspected pursuant to section 510(i), as applicable, the establishment is eligible for further inspections by accredited persons.

"(7)(A) Persons accredited under paragraph (2) to conduct inspections shall record in writing their inspection observations and shall present the observations to the device establishment's designated representative and discuss each observation. Additionally, such accredited person shall prepare an inspection report (including for inspections classified as 'no action indicated') in a form and manner consistent with such reports prepared by employees and officials designated by the Secretary to conduct inspections.

"(B) At a minimum, an inspection report under subparagraph (A) shall identify the persons responsible for good manufacturing practice compliance at the inspected establishment involved, the dates of the inspection, the scope of the inspection, and shall discuss in detail each observation identified by the accredited person, identify other matters that relate to or may influence compliance with this Act, and discuss any recommendations during the inspection or at the inspection's closing meeting.

"(C) An inspection report under subparagraph (A) shall be sent to the Secretary and the designated representative of the inspected establishment involved at the same time, but under no circumstances later than three weeks after the last day of the inspection. The report to the Secretary shall be accompanied by all written inspection observations previously provided to the representative of the establishment.

"(D) Any statements or representations made by employees or agents of a device establishment to persons accredited under paragraph (2) to conduct inspections shall be subject to section 1001 of title 18, United States Code.

"(E) If at any time during an inspection by an accredited person the accredited person discovers a condition that could cause or contribute to an unreasonable risk to the public health, the accredited person shall immediately notify the Secretary of the identification of the facility subject to inspection and the conditions of concern.

"(8) Compensation for an accredited person shall be determined by agreement between the accredited person and the person who engages the services of the accredited person, and shall be paid by the person who engages such services.

"(9) Nothing in this subsection affects the authority of the Secretary to inspect establishments pursuant to this Act.

"(10)(A) For fiscal year 2005 and subsequent fiscal years, no device establishment may be inspected during the fiscal year involved by a person accredited under paragraph (2) if—

"(i) of the amounts appropriated for salaries and expenses of the Food and Drug Administration for the preceding fiscal year (referred to in this subparagraph as the 'first prior fiscal year'), the amount obligated by the Secretary for inspections of device establishments by the Secretary was less than the adjusted base amount applicable to such first prior fiscal year; and

"(ii) of the amounts appropriated for salaries and expenses of the Food and Drug Administration for the fiscal year preceding the first prior fiscal year (referred to in this subparagraph as the 'second prior fiscal year'), the amount obligated by the Secretary for inspections of device establishments by the Secretary was less than the adjusted base amount applicable to such second prior fiscal year.

"(B)(i) Subject to clause (ii), the Comptroller General of the United States shall determine the amount that was obligated by the Secretary for fiscal year 2002 for compliance activities of the Food and Drug Administration with respect to devices (referred to in this subparagraph as the 'compliance budget'), and of such amount, the amount that was obligated for inspections by the Secretary of device establishments (referred to in this subparagraph as the 'inspection budget').

"(ii) For purposes of determinations under clause (i), the Comptroller General shall not include in the compliance budget or the inspection budget any amounts obligated for inspections of device establishments conducted as part of the process of reviewing applications under section 515.

"(iii) Not later than March 31, 2003, the Comptroller General shall complete the determinations required in this subparagraph and submit to the Secretary and the Congress a reporting describing the findings made through such determinations.

"(C) For purposes of this paragraph:

"(i) The term 'base amount' means the inspection budget determined under subparagraph (B) for fiscal year 2002.

"(ii) The term 'adjusted base amount', in the case of applicability to fiscal year 2003, means an amount equal to the base amount increased by 5 percent.

"(iii) The term 'adjusted base amount', with respect to applicability to fiscal year 2004 or any subsequent fiscal year, means the adjusted based amount applicable to the preceding year increased by 5 percent.

"(11) The authority provided by this subsection terminates on October 1, 2012.

"(12) No later than four years after the enactment of this subsection the Comptroller General shall report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate—

"(A) the number of inspections conducted by accredited persons and the number of inspections pursuant to subsections (h) and (i) of section 510 conducted by Federal employees;

"(B) the number of persons who sought accreditation under this subsection, as well as the number of persons who were accredited under this subsection;

"(C) the reasons why persons who sought accreditation, but were denied accreditation, were denied;

"(D) the number of audits conducted by the Secretary of accredited persons, the quality of inspections conducted by accredited persons, whether accredited persons are meeting their obligations under this Act, and whether the number of audits conducted is sufficient to permit these assessments;

"(E) whether this subsection is achieving the goal of ensuring more information about establishment compliance is being presented to the Secretary, and whether that information is of a quality consistent with information obtained by the Secretary pursuant to subsection (h) or (i) of section 510;

"(F) whether this subsection is advancing efforts to allow device establishments to rely upon third-party inspections for purposes of compliance with the laws of foreign governments; and

"(G) whether the Congress should continue, modify, or terminate the program under this subsection.

"(13) The Secretary shall include in the annual report required under section 903(g) the names of all accredited persons and the particular activities under this subsection for which each such person is accredited and the name of each accredited person whose accreditation has been withdrawn during the year.".

(b) MAINTENANCE OF RECORDS.—Section 704(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(f)) is amended—

(1) in paragraph (1), in the first sentence, by striking "A person accredited" and all that follows through "shall maintain records" and inserting the following: "An accredited person described in paragraph (3) shall maintain records";

(2) in paragraph (2), by striking "a person accredited under section 523" and inserting "an accredited person described in paragraph (3)"; and

(3) by adding at the end the following paragraph:

"(3) For purposes of paragraphs (1) and (2), an accredited person described in this paragraph is a person who—

"(A) is accredited under subsection (g); or

"(B) is accredited under section 523.".

(c) CONFORMING AMENDMENT.—Section 510(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(h)) is amended by inserting after "duly designated by the Secretary" the following: ", or by persons accredited to conduct inspections under section 704(g),".

SEC. 202. THIRD PARTY REVIEW OF PREMARKET NOTIFICATION.

Section 523 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360m) is amended—

(1) in subsection (c), by striking "The authority" and all that follows and inserting the following: "The authority provided by this section terminates October 1, 2007."; and

(2) by adding at the end the following subsection:

"(d) REPORT.—Not later than January 10, 2007, the Secretary shall conduct a study based on the experience under the program under this section and submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate, a report describing the findings of the study. The objectives of the study shall include determining—

"(1) the number of devices reviewed under this section;

"(2) the number of devices reviewed under this section that were ultimately cleared by the Secretary;

"(3) the number of devices reviewed under this section that were ultimately not cleared by the Secretary;

"(4) the average time period for a review under this section (including the time it takes for the Secretary to review a recommendation of an accredited person under subsection (a) and determine the initial device classification);

"(5) the average time period identified in paragraph (4) compared to the average time period for review of devices solely by the Secretary pursuant to section 510(k);

"(6) if there is a difference in the average time period under paragraph (4) and the average time period under paragraph (5), the reasons for such difference;

"(7) whether the quality of reviews under this section for devices for which no guidance has been issued is qualitatively inferior to reviews by the Secretary for devices for which no guidance has been issued;

"(8) whether the quality of reviews under this section of devices for which no guidance has been issued is qualitatively inferior to reviews under this section of devices for which guidance has been issued;

"(9) whether this section has in any way jeopardized or improved the public health;

"(10) any impact of this section on resources available to the Secretary to review reports under section 510(k); and

"(11) any suggestions for continuation, modification (including expansion of device eligibility), or termination of this section that the Secretary determines to be appropriate.".

SEC. 203. DESIGNATION AND REGULATION OF COMBINATION PRODUCTS.

Section 503(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(g)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking "shall designate a component of the Food and Drug Administration" and inserting "shall in accordance with this subsection assign an agency center"; and

(B) in each of subparagraphs (A) through (C), by striking "the persons charged" and inserting "the agency center charged";

(2) by redesignating paragraph (4) as paragraph (5);

(3) by inserting after paragraph (3) the following paragraph:

"(4)(A) Not later than 60 days after the date of the enactment of this paragraph, the Secretary shall establish within the Office of the Commissioner of Food and Drugs an office to ensure the prompt assignment of combination products to agency centers, the timely premarket review of such products, and consistent and appropriate postmarket regulation of like products subject to the same statutory requirements to the extent permitted by law. Additionally, the office shall, in determining whether a product is to be designated a combination product, consult with the component within the Office of the Commissioner of Food and Drugs that is responsible for such determinations. Such office (referred to in this paragraph as the 'Office') shall have appropriate scientific and medical expertise, and shall be headed by a director.

"(B) In carrying out this subsection, the Office shall, for each combination product, promptly assign an agency center with primary jurisdiction in accordance with paragraph (1) for the premarket review of such product.

"(C) In carrying out this subsection, the Office shall ensure timely and effective premarket reviews by overseeing and coordinating reviews involving more than one agency center.

"(D) In carrying out this subsection, the Office shall ensure the consistency and appropriateness of postmarket regulation of like products subject to the same statutory requirements to the extent permitted by law. Nothing in this paragraph shall be construed to limit the postmarket regulatory authority of any agency center.

"(E) In order to ensure the timeliness of the premarket review of a combination product, the agency center with primary jurisdiction for the product, and the consulting agency center, shall be responsible to the Office with respect to the timeliness of the premarket review.

"(F)(i) Any dispute regarding the timeliness of the premarket review of a combination product may be presented to the Office for resolution, unless the timeliness of the dispute is clearly premature.

"(ii) During the review process, any dispute regarding the substance of the premarket review may be presented to the Commissioner of Food and Drugs after first being considered by the agency center with primary jurisdiction of the premarket review, under the scientific dispute resolution procedures for such center. The Commissioner of Food and Drugs shall consult with the Director of the Office in resolving the substantive dispute.

"(G) The Secretary, acting through the Office, shall review each agreement, guidance, or practice of the Secretary that is specific to the assignment of combination products to agency centers and shall determine whether the agreement, guidance, or practice is consistent with the requirements of this subsection. In carrying out such review, the Secretary shall consult with stakeholders and the directors of the agency centers. After such consultation, the Secretary shall determine whether to continue in effect, modify, revise, or eliminate such agreement, guidance, or practice, and shall publish in the Federal Register a notice of the availability of such modified or revised agreement, guidance or practice. Nothing in this paragraph shall be construed as preventing the Secretary from following each agreement, guidance, or practice until continued, modified, revised, or eliminated.

"(H) Not later than one year after the date of the enactment of this paragraph and annually thereafter, the Secretary shall report to the appropriate committees of Congress on the activities and impact of the Office. The report shall include provisions—

"(i) describing the numbers and types of combination products under review and the timeliness in days of such assignments, reviews, and dispute resolutions;

"(ii) identifying the number of premarket reviews of such products that involved a consulting agency center; and

"(iii) describing improvements in the consistency of postmarket regulation of combination products."; and

(4) in paragraph (5) (as redesignated by paragraph (2) of this section)—

(A) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(B) by inserting before subparagraph (B) the following subparagraph:

"(A) The term 'agency center' means a center or alternative organizational component of the Food and Drug Administration.".

SEC. 204. REPORT ON CERTAIN DEVICES.

Not later than one year after the date of enactment of this Act, the Secretary of Health and Human Services shall report to the appropriate committees of Congress on the timeliness and effectiveness of device premarket reviews by centers other than the Center for Devices and Radiological Health. Such report shall include information on the times required to log in and review original submissions and supplements, times required to review manufacturers' replies to submissions, and times to approve or clear such devices. Such report shall contain the Secretary's recommendations on any measures needed to improve performance including, but not limited to, the allocation of additional resources. Such report also shall include the Secretary's specific recommendation on whether responsibility for regulating such devices should be reassigned to those persons within the Food and Drug Administration who are primarily charged with regulating other types of devices, and whether such a transfer could have a deleterious impact on the public health and on the safety of such devices.

SEC. 205. ELECTRONIC LABELING.

Section 502(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352(f)) is amended by adding at the end the following: "Required labeling for prescription devices intended for use in health care facilities may be made available solely by electronic means provided that the labeling complies with all applicable requirements of law and, that the manufacturer affords health care facilities the opportunity to request the labeling in paper form, and after such request, promptly provides the health care facility the requested information without additional cost.".

SEC. 206. ELECTRONIC REGISTRATION.

Section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360) is amended by adding at the end the following:

"(p) Registrations under subsections (b), (c), (d), and (i) (including the submission of updated information) shall be submitted to the Secretary by electronic means, upon a finding by the Secretary that the electronic receipt of such registrations is feasible, unless the Secretary grants a request for waiver of such requirement because use of electronic means is not reasonable for the person requesting such waiver.".

SEC. 207. INTENDED USE.

Section 513(i)(1)(E) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c(i)(1)(E)) is amended by striking clause (iv).

SEC. 208. MODULAR REVIEW.

Section 515(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(c)) is amended by adding at the end the following:

'(3)(A) Prior to the submission of an application under this subsection, the Secretary shall accept and review portions of such applications that applicants and the Secretary agree are complete, ready, and appropriate for review.

"(B) Each portion of a submission reviewed under subparagraph (A) and found acceptable by the Secretary shall not be further reviewed after receipt of an application that satisfies the requirements of paragraph (1), unless issues of safety or effectiveness provide the Secretary cause to review such accepted portion.

"(C) Whenever the Secretary determines that a portion of a submission under subparagraph (A) is unacceptable, the Secretary shall specifically identify, in writing, the deficiency of such portion and describe in detail the means by which it may be made acceptable, unless the sponsor is no longer pursuing the application.".

SEC. 209. PEDIATRIC EXPERTISE REGARDING CLASSIFICATION-PANEL REVIEW OF PREMARKET APPLICATIONS.

Section 515(c)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(c)(2)) is amended by adding at the end the following: "If the Secretary determines that there is a reasonable likelihood that the device involved will be used in a pediatric population, the Secretary shall ensure that such panel includes, or consults with, one or more pediatric experts.".

SEC. 210. INTERNET LIST OF CLASS II DEVICES EXEMPTED FROM REQUIREMENT OF PREMARKET NOTIFICATION.

Section 510(m)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(m)(1)) is amended by adding at the end the following: "The

Secretary shall publish such list on the Internet site of the Food and Drug Administration. The list so published shall be updated not later than 30 days after each revision of the list by the Secretary.".

SEC. 211. STUDY BY INSTITUTE OF MEDICINE OF POSTMARKET SURVEILLANCE REGARDING PEDIATRIC POPULATIONS.

(a) In General.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall request the Institute of Medicine to enter into an agreement with the Secretary under which such Institute conducts a study for the purpose of determining whether the system under the Federal Food, Drug, and Cosmetic Act for the postmarket surveillance of medical devices provides adequate safeguards regarding the use of devices in pediatric populations.

(b) Certain Matters.—The Secretary shall ensure that determinations made in the study under subsection (a) include determinations of—

(1) whether postmarket surveillance studies of implanted medical devices are of long enough duration to evaluate the impact of growth and development for the number of years that the child will have the implant, and whether the studies are adequate to evaluate how children's active lifestyles may affect the failure rate and longevity of the implant; and

(2) whether the amount of funds allocated for postmarket surveillance by the Food and Drug Administration of medical devices used in pediatric populations is sufficient to provide adequate safeguards for such populations, taking into account the Secretary's monitoring of commitments made at the time of approval of medical devices, such as phase IV trials, and the Secretary's monitoring and use of adverse reaction reports, registries, and other postmarket surveillance activities.

(c) Report to Congress.—The Secretary shall ensure that, not later than four years after the date of the enactment of this Act, a report describing the findings of the study under subsection (a) is submitted to the Congress. The report shall include any recommendations of the Secretary for administrative or legislative changes to the system of postmarket surveillance referred to in such subsection.

SEC. 212. GUIDANCE REGARDING PEDIATRIC DEVICES.

Section 520 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j) is amended by adding at the end the following subsection:

"Guidance Regarding Pediatric Devices

"(n) Not later than 270 days after the date of the enactment of the Medical Device User Fee and Modernization Act of 2002, the Secretary shall issue guidance on the following:

"(1) The type of information necessary to provide reasonable assurance of the safety and effectiveness of devices intended for use in pediatric populations.

"(2) Protections for pediatric subjects in clinical investigations of the safety or effectiveness of such devices.".

SEC. 213. BREAST IMPLANTS; STUDY BY COMPTROLLER GENERAL.

(a) In General.—The Comptroller General of the United States shall conduct a study to determine the following with respect to breast implants:

(1) The content of information typically provided by health professionals to women who consult with such professionals on the issue of whether to undergo breast implant surgery.

(2) Whether such information is provided by physicians or other health professionals, and whether the information is provided verbally or in writing.

(3) Whether the information provided presents a fair and balanced statement of the risks and benefits of receiving the implants (taking into account the frequency of updates to the information), and if so, at what point in the process of determining whether to undergo surgery is such information provided.

(4) Whether women understand the information that is provided (including full appreciation of the risks), and whether and to what extent the information influences the decision to receive the implants.

(5) The number of adverse events that have been reported, and whether such events have been adequately investigated.

(6) With respect to women who participate as subjects in research being carried out regarding the safety and effectiveness of breast implants:

(A) The content of information provided to the women during the process of obtaining the informed consent of the women to be subjects, and whether such information is appropriately updated.

(B) Whether such process provides written explanations of the criteria for being subjects in the research.

(C) The point at which, in the planning or conduct of the research, the women are provided information regarding the provision of informed consent to be subjects.

(D) Whether, before providing informed consent, the women fully appreciate the risks of being subjects in the research.

(b) Report.—The Comptroller General shall submit to the Congress a report describing the findings of the study.

(c) Definition.—For purposes of this section, the term "breast implant" means a breast prosthesis that is implanted to augment or reconstruct the female breast.

SEC. 214. BREAST IMPLANTS; RESEARCH THROUGH NATIONAL INSTITUTES OF HEALTH.

(a) Report on Status of Current Research.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Institutes of Health shall submit to the Congress a report describing the status of research on breast implants (as defined in section 213(c)) being conducted or supported by such Institutes.

(b) Research on Long-Term Implications.—Part H of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended by adding at the end of the following section:

"SEC. 498C. BREAST IMPLANT RESEARCH.

"(a) In General.—The Director of NIH shall conduct or support prospective or retrospective research to examine the long-term health implications of both saline and silicone breast implants. If scientifically appropriate, such research studies may include the following:

"(1) A multidisciplinary study of women who have received silicone and saline implants and have had an implant for a sufficient amount of time to allow for appropriate comparison as to the long-term health consequences.

"(2) A comparison of women receiving implants for reconstruction after mastectomy to breast cancer patients who have not had reconstruction, including subsets of women with saline implants and women with silicone implants.

"(b) Definition.—For purposes of this section, the term 'breast implant' means a breast prosthesis that is implanted to augment or reconstruct the female breast.".

TITLE III—ADDITIONAL AMENDMENTS

SEC. 301. IDENTIFICATION OF MANUFACTURER OF MEDICAL DEVICES.

(a) In General.—Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) is amended by adding at the end the following:

"(u) If it is a device, unless it, or an attachment thereto, prominently and conspicuously bears the name of the manufacturer of the device, a generally recognized abbreviation of such name, or a unique and generally recognized symbol identifying such manufacturer, except that the Secretary may waive any requirement under this paragraph for the device if the Secretary determines that compliance with the requirement is not feasible for the device or would compromise the provision of reasonable assurance of the safety or effectiveness of the device.".

(b) Effective Date.—The amendment made by subsection (a) takes effect 18 months after the date of the enactment of this Act, and only applies to devices introduced or delivered for introduction into interstate commerce after such effective date.

SEC. 302. SINGLE-USE MEDICAL DEVICES.

(a) Required Statements on Labeling.—

(1) In general.—Section 502 of the Federal Food, Drug, and Cosmetic Act, as amended by section 301 of this Act, is amended by adding at the end the following:

"(v) If it is a reprocessed single-use device, unless all labeling of the device prominently and conspicuously bears the statement 'Reprocessed device for single use. Reprocessed by .' The name of the manufacturer of the reprocessed device shall be placed in the space identifying the person responsible for reprocessing.".

(2) Effective date.—The amendment made by paragraph (1) takes effect 15 months after the date of the enactment of this Act, and only applies to devices introduced or delivered for introduction into interstate commerce after such effective date.

(b) Premarket Notification.—Section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360) is amended by inserting after subsection (n) the following:

"(o)(1) With respect to reprocessed single-use devices for which reports are required under subsection (k):

"(A) The Secretary shall identify such devices or types of devices for which reports under such subsection must, in order to ensure that the device is substantially equivalent to a predicate device, include validation data, the types of which shall be specified by the Secretary, regarding cleaning and sterilization, and functional performance demonstrating that the single-use device will remain substantially equivalent to its predicate device after the maximum number of times the device is reprocessed as intended by the person submitting the premarket notification. Within one year after enactment of this subsection, the Secretary shall publish in the Federal Register a list of the types so identified, and shall revise the list as appropriate. Reports under subsection (k) for devices or types of devices within a type included on the list are, upon publication of the list, required to include such validation data.

"(B) In the case of each report under subsection (k) that was submitted to the Secretary before the publication of the initial list under subparagraph (A), or any revision thereof, and was for a device or type of device included on such list, the person who submitted the report under subsection (k) shall submit validation data as described in subparagraph (A) to the Secretary not later than nine months after the publication of the list. During such nine-month period, the Secretary may not take any action under this Act against such device solely on the basis that the validation data for the device have not been submitted to the Secretary. After the submission of the validation data to the Secretary, the Secretary may not determine that the device is misbranded under section 502(o), adulterated under section 501(f)(1)(B), or take action against the device under section 301(p) for failure to provide any information required by subsection (k) until (i) the review is terminated by withdrawal of the submission of the report under subsection (k); (ii) the Secretary finds the data to be acceptable and issues a letter; or (iii)

the Secretary determines that the device is not substantially equivalent to a predicate device. Upon a determination that a device is not substantially equivalent to a predicate device, or if such submission is withdrawn, the device can no longer be legally marketed.

"(C) In the case of a report under subsection (k) for a device identified under subparagraph (A) that is of a type for which the Secretary has not previously received a report under such subsection, the Secretary may, in advance of revising the list under subparagraph (A) to include such type, require that the report include the validation data specified in subparagraph (A).

"(D) Section 502(o) applies with respect to the failure of a report under subsection (k) to include validation data required under subparagraph (A).

"(2) With respect to critical or semicritical reprocessed single-use devices that, under subsection (l) or (m), are exempt from the requirement of submitting reports under subsection (k):

"(A) The Secretary shall identify such devices or types of devices for which such exemptions should be terminated in order to provide a reasonable assurance of the safety and effectiveness of the devices. The Secretary shall publish in the Federal Register a list of the devices or types of devices so identified, and shall revise the list as appropriate. The exemption for each device or type included on the list is terminated upon the publication of the list. For each report under subsection (k) submitted pursuant to this subparagraph the Secretary shall require the validation data described in paragraph (1)(A).

"(B) For each device or type of device included on the list under subparagraph (A), a report under subsection (k) shall be submitted to the Secretary not later than 15 months after the publication of the initial list, or a revision of the list, whichever terminates the exemption for the device. During such 15-month period, the Secretary may not take any action under this Act against such device solely on the basis that such report has not been submitted to the Secretary. After the submission of the report to the Secretary the Secretary may not determine that the device is misbranded under section 502(o), adulterated under section 501(f)(1)(B), or take action against the device under section 301(p) for failure to provide any information required by subsection (k) until (i) the review is terminated by withdrawal of the submission; (ii) the Secretary determines by order that the device is substantially equivalent to a predicate device; or (iii) the Secretary determines by order that the device is not substantially equivalent to a predicate device. Upon a determination that a device is not substantially equivalent to a predicate device, the device can no longer be legally marketed.

"(C) The initial list under subparagraph (A) shall be published not later than 18 months after the effective date of this subsection.

"(D) Section 502(o) applies with respect to the failure to submit a report under subsection (k) that is required pursuant to subparagraph (A), including a failure of the report to include validation data required in such subparagraph.

"(E) The termination under subparagraph (A) of an exemption under subsection (l) or (m) for a critical or semicritical reprocessed single-use device does not terminate the exemption under subsection (l) or (m) for the original device.

"(3) In the case of a reprocessed single-use device that is classified in class III and for which a premarket application is required, the following provisions apply with respect to such reprocessed device in lieu of an application for premarket approval under section 515:

"(A) The device shall not be introduced into interstate commerce or delivered for introduction into interstate commerce unless the person involved has submitted to the Secretary a report in accordance with this paragraph and the Secretary, after reviewing the report, issues an order determining there is a reasonable assurance of the safety and effectiveness for the device.

"(B) The report under subparagraph (A) shall contain the following:

"(i) The device name, including both the trade or proprietary name and the common or usual name.

"(ii) The establishment registration number of the owner or operator submitting the report.

"(iii) Actions taken to comply with performance standards under section 514.

"(iv) Proposed labels, labeling, and advertising sufficient to describe the device, its intended use, and directions for use.

"(v) Full reports of all information, published or known to or which should be reasonably known to the applicant, concerning investigations which have been made to show whether or not a device is safe or effective.

"(vi) A description of the device's components, ingredients, and properties.

"(vii) A full description of the methods used in, and the facilities and controls used for, the reprocessing and packing of the device.

"(viii) Such samples of the device that the Secretary may reasonably require.

"(ix) A financial certification or disclosure statement or both, as required by part 54 of title 21, Code of Federal Regulations.

"(x) A statement that the applicant believes to the best of the applicant's knowledge that all data and information submitted to the Secretary are truthful and accurate and that no material fact has been omitted in the report.

"(xi) Any additional data and information that the Secretary determines is necessary to determine whether there is reasonable assurance of safety and effectiveness for the reprocessed device.

"(C) In addition to the information or data required in subparagraph (B), the report under subparagraph (A) shall include the validation data described in paragraph (1)(A) that demonstrates that the reasonable assurance of the safety or effectiveness of the device will remain after the maximum number of times the device is reprocessed as intended by the person submitting the report under this paragraph.".

(c) DEFINITIONS.—Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

"(ll)(1) The term 'single-use device' means a device that is intended for one use, or on a single patient during a single procedure.

"(2)(A) The term 'reprocessed', with respect to a single-use device, means an original device that has previously been used on a patient and has been subjected to additional processing and manufacturing for the purpose of an additional single use on a patient. The subsequent processing and manufacture of a reprocessed single-use device shall result in a device that is reprocessed within the meaning of this definition.

"(B) A single-use device that meets the definition under subparagraph (A) shall be considered a reprocessed device without regard to any description of the device used by the manufacturer of the device or other persons, including a description that uses the term 'recycled' rather than the term 'reprocessed'.

"(3) The term 'original device' means a new, unused single-use device.

"(mm)(1) The term 'critical reprocessed single-use device' means a reprocessed single-use device that is intended to contact normally sterile tissue or body spaces during use.

"(2) The term 'semi-critical reprocessed single-use device' means a reprocessed single-use device that is intended to contact intact mucous membranes and not penetrate normally sterile areas of the body.".

(d) PROHIBITED ACTS.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331), as amended by section 321(b)(2) of Public Law 107–188, is amended by adding at the end the following:

"(gg) The introduction or delivery for introduction into interstate commerce of any device in violation of section 510(o)(3).".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. BURR) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. BURR).

GENERAL LEAVE

Mr. BURR of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on this legislation, H.R. 3580.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BURR of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 3580, the Medical Device User Fee and Modernization Act. This bill represents a bipartisan agreement reached after months of negotiation. I commend the sponsors of this legislation, the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentlewoman from California (Ms. ESHOO), as well as the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Florida (Mr. BILIRAKIS), the gentleman from Michigan (Mr. DINGELL), the gentleman from Ohio (Mr. BROWN), and the gentleman from California (Mr. WAXMAN) for their efforts in reaching an agreement on this very important legislation.

Further, I would like to thank our highly skilled legislative counsel, Pete Goodloe, for his tireless work in drafting this bill.

The medical device industry is one of the most innovative industries regulated by the Food and Drug Administration. Whereas other regulated industries have products with life cycles measured in decades, the life cycles for medical devices are measured, in many cases, in months. In this industry, the rule is simply innovate or die.

When an industry is innovative, we need to ensure that their devices receive an efficient review by the Food and Drug Administration. The best ways we can help is to provide the agency with more resources. This bill will do just that, by providing the FDA with more than $200 million over the next 5 years. With this new money, the agency will be able to hire more reviewers and update information on technology.

The user fee approach used in this bill is similar to the initial version of the very successful Prescription Drug User Fee Act. Under this proposal, the industry will pay application fees to the FDA in exchange for the FDA's promise to meet performance goals. We have also built in protections for smaller businesses, exempting many from fees for their first pre-market application.

Also included in the bill are needed regulatory reforms, the most important of which is the creation of a third-party inspection. Under third-party inspection, companies with good inspection records will be able to select an independent FDA-accredited third party to perform their FDA inspection. This will provide FDA with more inspectional information. Further, by adopting this approach, we empower companies to schedule their various international inspections along with their FDA inspections. By allowing third-party inspections, we are sending a signal to the rest of the world that they are an acceptable alternative, hopefully leading to a more mutual recognition. Importantly, this provision also requires FDA to maintain their current level of effort for FDA inspections.

Finally, this bill includes medical device processing reforms which ensure that device end-users always know if the devices they use have been reprocessed. Let me be perfectly clear. There is absolutely no hard evidence that reprocessing devices are unsafe or ineffective. Nonetheless, because these devices can be different than original devices, we empower the FDA to collect better data. It is good policy, good public policy; and it deserves the support of this House, just as it has the support of the affected manufacturers and the hospitals.

Again, I would urge my colleagues to offer a strong "yea" vote in favor of this bipartisan legislation. The spirit of this bill reflects the House at its finest.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the medical device legislation we are considering today is the product of lengthy, bipartisan negotiations. It is a good compromise bill. I appreciate the majority's willingness to work with us to ensure the legislation promotes timely access to medical devices without compromising FDA's ability to do its job, that is, to ensure medical products, both drugs and devices, are safe and effective for their intended uses and to make sure these products are promoted to the medical community and to the public in an accurate manner, and for the benefit of the FDA's general counsel, who has repeatedly questioned FDA's authority to regulate the advertising associated with drugs and devices. When I say promoted in an accurate manner, I mean accurate labeling and accurate balanced advertising. After all, a product is no longer safe and effective if it is being marketed as something it is not.

I mentioned Dan Troy, who is not unlike other Bush appointees to FDA, HHS, OMB, former drug company employees, people like Ann Marie Lynch, who was with PhRMA and now is a deputy assistant of HHS; Mitch Daniels, in the cabinet, OMB, a former executive with Eli Lilly; Linda Skladany, a deputy commissioner for the Food and Drug Administration; all people from PhRMA, all people from the big drug industry who are positioned throughout this administration, unfortunately making drug policy and, frankly, turning the FDA into a little bit too cozy an agency in its relationship with drug companies when it is supposed to be protecting the public interests.

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But that is a story and a battle for another day.

I want to thank the gentleman from Louisiana (Chairman TAUZIN); the gentleman from Florida (Chairman BILIRAKIS); the ranking member, the gentleman from Michigan (Mr. DINGELL); the gentleman from Pennsylvania (Mr. GREENWOOD); and my friend, the gentlewoman from California (Ms. ESHOO); for their work on this bill and extend a special thanks to Brent Delmonte and Steve Tilton with the majority and John Ford and David Nelson on our staff.

It is clearly in the public's interest for Congress to promote timely access to safe and effective medical devices. This bill advances that goal. This legislation establishes a user fee to provide FDA added funds for the review of medical devices.

It is no secret that resource shortfalls have hindered the review process in the past, and additional resources are crucial to ensure the timeliness and quality of device reviews. However, as we learned in the Prescription Drug User Fee Act, it is crucial to couple expedited review of new medical products with effective postmarket surveillance of these products.

When we speed up approval of medical products, be they prescription drugs or medical devices, we owe it to the people of the country, the users of these products, the medical devices and the prescription drugs, to make sure these products are watched for safety and effectiveness problems after approval.

Again, under the Bush administration, under Republican control of FDA, we have seen an agency that has gotten cozier with the industry, from its statements to our committee, from its public statements and, most importantly, from the appointees to that agency from the industry. It is particularly important we have this postmarket surveillance so we can see how these drugs and medical devices operate once in the general population.

While I believe a portion of the device user fees should be used to support postmarket surveillance activities, I appreciate the majority's willingness to try to accommodate the underlying concern by establishing an increased authorization specifically for postmarket surveillance activities.

This legislation initiates third-party inspection of medical device facilities. Allowing device manufacturers to pay private parties to carry out required inspections of their plants, rather than be inspected by the FDA, is controversial. Like the user fee program, it raises, again, with an FDA that is a little bit too cozy with industry, it raises significant conflict of interest issues.

Ideally, FDA would be given sufficient resources to carry out its review and inspection responsibilities without needing to rely on either user fees or delegation of its responsibilities to private parties.

I recognize, however, that FDA has not received sufficient resources to carry out all their responsibilities that we have given it. In the absence of adequate appropriations, the agency is not conducting required inspections in a timely manner, nor meeting statutory deadline lines for some device reviews.

Given this reality, it is appropriate to explore alternatives. While Congress and FDA will need to carefully monitor the user fee and third-party inspection programs to ensure that the public is being well served by them, it makes sense to give these programs a chance.

I urge my colleagues' support for the bill.

Madam Speaker, I reserve the balance of my time.

Mr. BURR of North Carolina. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I appreciate the remarks from the gentleman from Ohio (Mr. BROWN). I think that, clearly, there will be a continuing debate in Washington around whether we fund agencies at an adequate level. The reality is that agencies have the determination to decide where they put their funding, and in many cases it is our responsibility to make sure that we bring them back focused on their core mission. In the case of the FDA, it is on food safety, it is on the approval of pharmaceutical applications, and it is on the approval of medical devices. I think we enhance that likelihood with the passage of this bill.

Madam Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Madam Speaker, I yield 5 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Madam Speaker, I thank our ranking member of the Subcommittee on Health for yielding time to me.

Madam Speaker, I am so pleased, I am really very excited, that the House is considering this evening H.R. 3580, legislation which I introduced with my wonderful colleague, the gentleman from Pennsylvania (Mr. GREENWOOD), and worked with so many others on.

It has been over a long period of time, not a short period of time, so I think that is why we are very excited that we have finally made it to the floor in the culmination of our work. It is a bipartisan bill, and it really is ultimately about patients, patients in our country, about making sure that patients are able to safely benefit from the wonders of medical technology in a very timely manner.

As medical technologies have become more advanced, it takes more government resources to ensure that these products are safe and effective. That falls to a Federal agency, and that is the Food and Drug Administration. They regulate medical devices, and they have been overwhelmed by the volume of new products that they must review.

So, number one, under this bill, and for the very first time in the history of our country, the medical device industry has agreed and will pay fees to the FDA for every product they propose to market. It is a very important change, something that was fought several years ago, but the industry has now moved to this position, and I think that it is a wise one. The fees will help the FDA hire additional staff and purchase needed equipment so that they can review the products on a timely basis.

Number two, the bill also increases resources for additional inspections of manufacturing plants and facilities.

I would just like to take a moment to say to my distinguished colleague, the gentleman from Ohio, that in terms of third-party inspections, these are not private sector people that companies just go out and choose; in other words, put the fox in charge of the chicken coop. Not so. The FDA will create a pool of inspectors who then will be available to companies, and that is what we call third-party inspection in the bill. I think there is a huge difference between the two.

The bill also creates an Office of Combination Products to shepherd advanced products such as devices with drug coding through the approval process, so this new administrative flexibility allows the FDA to devote its resources to the devices that patients need most.

Number three, and finally, the bill creates a way to regulate reprocessed devices. I have felt pretty strongly about this. I offered a bill in the Congress some time ago on it. These are products such as needles and catheters, and I think most people do not realize that this is done, which are often used a second, third, or fourth time in patients after they have been reprocessed. That does raise safety concerns, so the bill requires that reprocessed products undergo additional scrutiny by the FDA and that they be held to the highest standards the FDA can apply.

I think that this is a real achievement. I have been after the FDA to do this for some time, and the bill accomplishes that. I think it is a win for the American people.

It also requires that doctors, who are often unaware that they are using reprocessed devices, be informed about the reused device so they, in turn, can advise their patients.

Now I want to close by saying my thanks to the gentleman from Pennsylvania (Mr. GREENWOOD); to the gentleman from Louisiana (Chairman TAUZIN); to the gentleman from Florida (Chairman Bilirakis); to the gentleman from Michigan (Mr. DINGELL), the ranking member of the Committee on Commerce; to the gentleman from California (Mr. WAXMAN); and certainly to the gentleman from Ohio (Mr. BROWN), the ranking member of our subcommittee; for their highly cooperative work over the last 6 months.

I also want to single out my own legislative director, Anne Wilson. Anne Wilson has literally spent hundreds of hours on this issue. She has negotiated on weekends, she has gone to meetings at night, gotten home in the morning, and then come into the office. I think that it is fair to say that we would not be here this evening were it not for the extraordinary work that Anne has done, and we are all grateful to her.

I also would like to thank Pat Morrissey, Brent Delmonte, and Steve Tilton of the staff of the gentleman from Louisiana (Chairman Tauzin); Jenny Hansen of the office of the gentleman from North Carolina (Mr. BURR), my friend, Mr. BURR; Allen Eisenberg of the office of the gentleman from Pennsylvania (Mr. GREENWOOD); John Ford of the office of the gentleman from Michigan (Mr. DINGELL); Anne Witt of the office of the gentleman from California (Mr. WAXMAN); and Jeremy Sharp of the office of the gentlewoman from California (Mrs. CAPPS).

This is an important bill, and it would not have been completed without the kind of work that we have all underscored this evening.

I think we have come a long way, Madam Speaker; and I think we have created something that will serve the American people well. I urge the entire House to support this important legislation.

Mr. BROWN of Ohio. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BURR of North Carolina. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, let me add, before I yield back my time, the fabulous commitment that the gentlewoman from California (Ms. ESHOO) has made to this bill, as well as the gentleman from Pennsylvania (Mr. GREENWOOD) on our side.

I think the gentlewoman from California stated it very well: It was the ability of those who worked, staff and Members of the Committee on Commerce, to stay focused on patients and, ultimately, the advantages to those patients that a successful end to this legislation might bring to the approval process on medical devices. That means that tonight this bill will pass the House of Representatives. For that, I am grateful to the gentlewoman from California.

Mr. GREENWOOD. Madam Speaker, today, we consider in the House under suspension H.R. 3580, a bill that I originally introduced with congresswoman ANNA ESHOO, but has become so much more. Thanks to a cooperative and bi-partisan approach, this bill has now become a vehicle for an array of reforms that are perhaps the most sweeping for medical device reviews since the medical device amendments of 1976.

First, let me thank chairman TAUZIN, chairman BILIRAKIS, and ranking members DINGELL and BROWN, as well as Mr. WAXMAN and each of your staffs. This has been an outstanding example of teamwork and bipartisanship.

In particular, I want to recognize the following staff for their outstanding work on this bill: Brent Delmonte; Patrick Morrisey; David Nelson; Anne Wilson; Karen Nelson; John Ford; Ann Witt; Steven Tilton; Jenny Hansen; Ellie DeHoney; and Alan Eisenberg. Also I want to thank the legislative counsel, Pete Goodloe.

Madam Speaker, last year many of us became much better versed in some of the extraordinary new technologies developed by medical device companies as we learned about the pacemaker and defibrilator that Vice President CHENEY had implanted. Smaller than a deck of cards, implantable under the collarbone, and able to be implanted in a one-day outpatient procedure, this is a truly remarkable device.

This is the type of technology that Congress needs to make sure is being reviewed quickly and thoroughly by FDA—because these devices hold out the promise of making a difference in people's lives.

Nearly five years ago, we made changes to the FDA when we passed FDAMA, to improve the speed and responsiveness of the agency. The response to those reforms by the FDA has been, for the most part, positive.

But that is not to say we can't do better. The needs of patients demand nothing less. Given that clinical practices are moving more and more toward minimally invasive and increasingly complex devices, performances improvement by the FDA is vital to our public health.

H.R. 3580 accomplishes this. It is comprehensive. It will permanently alter the landscape for device reviews while maintaining and I believe increasing the safeguards of devices as "Safe and Effective."

Let me just briefly mention a few of these provisions.

User Fee Program. The user fee program on which this committee has labored so thoroughly, will provide $40 million to the FDA in

2003, ramping up to $50 million in 2007 in new resources for speeding up the approval of the medical devices. The user fee program at FDA has worked wonders for the approval of drugs and biolgics—we just reauthorized a third round of PDUFA earlier this year. This will finally give the center for devices and radiological health (CDRH) access to similar resources so that they can provide thorough, effective reviews, in less time. And it will give CDRH the ability to make a commitment to meet a complete set of performance goals.

This bill also incorporates many of the provisions that I introduced earlier this year along with Congresswoman ESHOO:

Streamlined Approval of Combination Products: Combination products, such as drug-coated stents, are one of the most exciting areas for this industry and present challenges to the FDA's standard review mechanisms, resulting in inefficiency and delay. To alleviate these problems, this legislation creates a new office of combination products and product jurisdiction. This new office will help avoid regulatory logjams and ensure that combination products are promptly and correctly assigned to centers with the FDA.

Third Party Inspection. H.R. 3580 also expands the role of third parties and outside experts to augment the FDS resources to help FDA meet its Bienniel Manufacturing Inspection Requirements. This will be done in a carefully prescribed manner, to ensure the FDA's standards for inspection are met and that the FDA receives sound information from these outside experts.

Third Party Review. This legislation also extends the use of third party review program for one year so that it expires in conjunction with other device provisions.

Reuse Provisions. This bill responds to concerns that many "Single-Use" devices are reprocessed and resold to hospitals, while regulated as single-use devices, rather than as multiple-use devices. Concerns have also been raised that there are not adequate safeguards to ensure the safety and effectiveness of these devices. This legislation responds to these concerns with several new provisions that will require the FDA to examine reprocessed devices that are presently exempt from review and requires labeling of reprocessed devices by the reprocessors. Furthermore, under this language a new category of devices is created, as well as a new type of application, to ensure that complex reprocessed devices are safe and effective for use.

Medical devices are some of our health care systems' most remarkable innovations. The provisions in this bill will allow the FDA to reduce review times, increase efficiency of operations and allow these technologies to be delivered to patients more quickly. I urge a "yes" vote on this bill

Mr. BILIRAKIS. Madam Speaker, Unfortunately due to an unexpected passing of a close family friend I was unable to speak in person for my strong support of H.R. 3580. However, I am very pleased that you brought this legislation forward today and would ask all my colleagues to strongly support, H.R. 3580, the Medical Device User Fee and Modernization Act of 2002. I believe that this important legislation will increase access to breakthrough medical technologies, and improve efficiencies at the Food and Drug Administration (FDA).

This legislation, which enjoys broad bi-partisan support, contains three main provisions. First, the legislation authorizes, for the first time, a medical device user fee system. This user fee agreement was negotiated between the Food and Drug Administration (FDA) and industry, and it will provide FDA with the additional resources it needs to speed the review of medical devices. I would note that the user fee structure is two-tiered, and effectively recognizes the needs of small device manufacturers.

The second part of the bill contains several important regulatory reform provisions. Most importantly, the bill authorizes the creation of a new 3rd party inspection system for device manufacturing facilities. Although required under law to inspect facilities every two years, FDA currently only inspects facilities every five to seven years. The new 3rd party inspection system will in no way supplant resources FDA currently commits to inspect manufacturers—in fact, the program will cease to exist if FDA dedicates less resources to inspections than it currently does. What this new program will do is ensure that more facilities get inspected more often, which is beneficial for the public health. This program will also help to harmonize international inspections.

Finally, the legislation contains modifications to FDA's current regulatory scheme governing reprocessed single-use devices. I feel that the changes represented in this bill strike the right balance between respecting the rights of original equipment manufacturers while also recognizing the important role for device reprocessors.

I want to emphasize that this bill is bipartisan, and is the result of months of negotiations. Staffs on both sides of the aisle should be commended for the good work they put into this product, and I urge all Members to strongly support this legislation.

Ms. DEGETTE. Madam Speaker, I commend Chairman TAUZIN and the Ranking member of the full Energy and Commerce Committee, Mr. DINGELL, as well as Mr. GREENWOOD and Ms. ESHOO for their hard work on this bill. H.R. 3580 will go a long way toward ensuring that the Food and Drug Administration has the necessary resources to quickly, yet efficiently and carefully review medical device manufacturer applications.

Much like the Prescription Drug User Fee Act, reauthorized earlier this year in the bioterrorism bill, the House's action today will provide our constituents with the best of modern medicine in a more timely fashion.

Passage of this bill will assist all Americans, including the youngest Americans—our children. While I am very interested in speeding the approval process for devices that treat and cure a range of medical conditions in adults and children, I am equally as interested in ensuring that these devices are safe and effective for use by children.

That is why I want to thank Chairman TAUZIN and Mr. DINGELL for including my provisions in this bill. My provisions will aid in strengthening the bill by ensuring that medical devices are safe and effective for use by children.

To achieve this goal, the bill—in Section 209—now requires the Medical Devices Advisory Committee of the Center for Devices and Radiological Health to include or consult with pediatric experts when reviewing applications for devices that may be used by children.

The bill also requires, in Section 211, the Secretary of Health and Human Services to commission an Institute of Medicine study to examine whether the system under the Federal Food, Drug and Cosmetic Act for the postmarket surveillance of medical devices provides adequate safeguards regarding the use of devices in children. The IOM is requested to pay particular attention to the study length and adequacy of FDA resources to monitor longterm studies, in a variety of areas including shunts and other implanted devices used for infants and children.

Lastly, the bill's report language will include language recommending that a portion of new funds for post-marketing surveillance be used to assess long-term use, safety and effectiveness of medical devices in children. This language is key as children rapidly grow and a device implanted at age eight, for example an implantable insulin pump for diabetics, may not work as effectively or safely at age 12.

These additions to the bill will ensure that like adults, children will receive the best health care possible. Again, I thank Chairman TAUZIN and Ranking Member DINGELL for working with me to address these issues.

Mr. DINGELL. Madam Speaker, I support H.R. 3580, the "Medical Device User Fee and Modernization Act of 2002." This bill, for the first time, creates a user fee program for the pre-market review of medical devices. This is an important step toward providing the Food and Drug Administration (FDA) with adequate resources to do the job of ensuring that the vast and often complex array of medical device applications the Agency receives each year are reviewed in a timely and competent manner.

Important safeguards in this legislation ensure that timeliness of product application review does not come at the cost of the Federal Food, Drug, and Cosmetic Act's gold standard for ensuring that those devices are safe and effective for their intended use. It also provides a down payment on an increased level of post-market surveillance and provides a process to increase this critical compliance activity when we next authorize user fees.

This Act also addresses standards for reuse of devices that have been approved for a single use. This practice, while widespread, was largely unregulated until recently. Unfortunately, the FDA's attempt to correct the matter was, to put it charitably, controversial and, from the perspective of protecting the consuming public, lacking. The bill before us strikes a balance among competing interests, while strengthening FDA's role with respect to assuring the safety of these products.

This bill also establishes a program that for the first time will allow third parties to inspect medical device facilities. The guiding principle for me in going down this road is that the program must supplement—and not supplant—FDA's legal authority, responsibility, and resources for conducting inspections and otherwise ensuring the safety of device facilities. I remain concerned about the proper implementation of this third-party inspection program and will closely watch its development.

Finally, the bill contains a number of regulatory reforms. These include electronic labeling, establishment of an office of combination products, provision for modular review of product applications, and important incentives for the industry to study the application of their devices to children.

The Medical Device User Fee and Modernization Act deserves our support. It is a bipartisan product in the best tradition of the Committee on Energy and Commerce. Members on both sides of the aisle have worked hard on this bill. In addition to my colleagues Representatives BROWN and WAXMAN, particular credit should go to Representatives CAPPS, ESHOO, LUTHER, and TOWNS who have long sought these reforms. And, of course, Chairman TAUZIN and Chairman BILIRAKIS are to be commended for their efforts and their commitment to a bipartisan product. This bill is good for both consumers and industry, and I urge its support.

Mr. BURR of North Carolina. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Ms. HART). The question is on the motion offered by the gentleman from North Carolina (Mr. BURR) that the House suspend the rules and pass the bill, H.R. 3580, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. BURR of North Carolina. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ARMED FORCES TAX FAIRNESS ACT OF 2002

Mr. WELLER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5557) to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services and Foreign Service in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes.

The Clerk read as follows:

H.R. 5557

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Armed Forces Tax Fairness Act of 2002".

SEC. 2. SPECIAL RULE FOR MEMBERS OF UNIFORMED SERVICES AND FOREIGN SERVICE IN DETERMINING EXCLUSION OF GAIN FROM SALE OF PRINCIPAL RESIDENCE.

(a) IN GENERAL.—Subsection (d) of section 121 of the Internal Revenue Code of 1986 (relating to exclusion of gain from sale of principal residence) is amended by adding at the end the following new paragraph:

"(10) MEMBERS OF UNIFORMED SERVICES AND FOREIGN SERVICE.—

"(A) IN GENERAL.—At the election of an individual with respect to a property, the running of the 5-year period described in subsection (a) with respect to such property shall be suspended during any period that such individual or such individual's spouse is serving on qualified official extended duty as a member of the uniformed services or of the Foreign Service.

"(B) MAXIMUM PERIOD OF SUSPENSION.—The 5-year period described in subsection (a) shall not be extended more than 5 years by reason of subparagraph (A).

"(C) QUALIFIED OFFICIAL EXTENDED DUTY.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'qualified official extended duty' means any extended duty while serving at a duty station which is at least 150 miles from such property or while residing under Government orders in Government quarters.

"(ii) UNIFORMED SERVICES.—The term 'uniformed services' has the meaning given such term by section 101(a)(5) of title 10, United States Code, as in effect on the date of the enactment of this paragraph.

"(iii) FOREIGN SERVICE.—The term 'member of the Foreign Service' has the meaning given the term 'member of the Service' by paragraph (1), (2), (3), (4), or (5) of section 103 of the Foreign Service Act of 1980, as in effect on the date of the enactment of this paragraph.

"(iv) EXTENDED DUTY.—The term 'extended duty' means any period of active duty pursuant to a call or order to such duty for a period in excess of 180 days or for an indefinite period.

"(D) SPECIAL RULES RELATING TO ELECTION.—

"(i) ELECTION LIMITED TO 1 PROPERTY AT A TIME.—An election under subparagraph (A) with respect to any property may not be made if such an election is in effect with respect to any other property.

"(ii) REVOCATION OF ELECTION.—An election under subparagraph (A) may be revoked at any time.".

(b) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendments made by section 312 of the Taxpayer Relief Act of 1997.

(2) WAIVER OF LIMITATIONS.—If refund or credit of any overpayment of tax resulting from the amendment made by this section is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

SEC. 3. RESTORATION OF FULL EXCLUSION FROM GROSS INCOME OF DEATH GRATUITY PAYMENT.

(a) IN GENERAL.—Subsection (b)(3) of section 134 of the Internal Revenue Code of 1986 (relating to certain military benefits) is amended by adding at the end the following new subparagraph:

"(C) EXCEPTION FOR DEATH GRATUITY ADJUSTMENTS MADE BY LAW.—Subparagraph (A) shall not apply to any adjustment to the amount of death gratuity payable under chapter 75 of title 10, United States Code, which is pursuant to a provision of law enacted before December 31, 1991.".

(b) CONFORMING AMENDMENT.—Subparagraph (A) of section 134(b)(3) of such Code is amended by striking "subparagraph (B)" and inserting "subparagraphs (B) and (C)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to deaths occurring after September 10, 2001.

SEC. 4. EXCLUSION FOR AMOUNTS RECEIVED UNDER DEPARTMENT OF DEFENSE HOMEOWNERS ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 132(a) of the Internal Revenue Code of 1986 (relating to the exclusion from gross income of certain fringe benefits) is amended by striking "or" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ", or" and by adding at the end the following new paragraph:

"(8) qualified military base realignment and closure fringe.".

(b) QUALIFIED MILITARY BASE REALIGNMENT AND CLOSURE FRINGE.—Section 132 of such Code is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

"(n) QUALIFIED MILITARY BASE REALIGNMENT AND CLOSURE FRINGE.—For purposes of this section, the term 'qualified military base realignment and closure fringe' means 1 or more payments under the authority of section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to offset the adverse effects on housing values as a result of a military base realignment or closure.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made after the date of the enactment of this Act.

SEC. 5. EXPANSION OF COMBAT ZONE FILING RULES TO CONTINGENCY OPERATIONS.

(a) IN GENERAL.—Section 7508(a) of the Internal Revenue Code of 1986 (relating to time for performing certain acts postponed by reason of service in combat zone) is amended—

(1) by inserting "or when deployed outside the United States away from the individual's permanent duty station while participating in an operation designated by the Secretary of Defense as a contingency operation (as defined in section 101(a)(13) of title 10, United States Code) or which became such a contingency operation by operation of law" after "section 112",

(2) by inserting in the first sentence "or at any time during the period of such contingency operation" after "for purposes of such section",

(3) by inserting "or operation" after "such an area", and

(4) by inserting "or operation" after "such area".

(b) CONFORMING AMENDMENTS.—

(1) Section 7508(d) of such Code is amended by inserting "or contingency operation" after "area".

(2) The heading for section 7508 of such Code is amended by inserting "**OR CONTINGENCY OPERATION**" after "**COMBAT ZONE**".

(3) The item relating to section 7508 of such Code in the table of sections for chapter 77 is amended by inserting "or contingency operation" after "combat zone".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any period for performing an act which has not expired before the date of the enactment of this Act.

SEC. 6. MODIFICATION OF MEMBERSHIP REQUIREMENT FOR EXEMPTION FROM TAX FOR CERTAIN VETERANS' ORGANIZATIONS.

(a) IN GENERAL.—Subparagraph (B) of section 501(c)(19) of the Internal Revenue Code of 1986 (relating to list of exempt organizations) is amended by striking "or widowers" and inserting ", widowers, or ancestors or lineal descendants".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 7. CLARIFICATION OF THE TREATMENT OF CERTAIN DEPENDENT CARE ASSISTANCE PROGRAMS.

(a) IN GENERAL.—Section 134(b) of the Internal Revenue Code of 1986 (defining qualified military benefit) is amended by adding at the end the following new paragraph:

"(4) CLARIFICATION OF CERTAIN BENEFITS.—For purposes of paragraph (1), such term includes any dependent care assistance program (as in effect on the date of the enactment of this paragraph) for any individual described in paragraph (1)(A).".

(b) CONFORMING AMENDMENTS.—

(1) Section 134(b)(3)(A) of such Code (as amended by section 3) is further amended by inserting "and paragraph (4)" after "subparagraphs (B) and (C)".

(2) Section 3121(a)(18) of such Code is amended by striking "or 129" and inserting ", 129, or 134(b)(4)".

(3) Section 3306(b)(13) of such Code is amended by striking "or 129" and inserting ", 129, or 134(b)(4)".

(4) Section 3401(a)(18) of such Code is amended by striking "or 129" and inserting ", 129, or 134(b)(4)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

(d) NO INFERENCE.—No inference may be drawn from the amendments made by this section with respect to the tax treatment of any amounts under the program described in section 134(b)(4) of the Internal Revenue Code of 1986 (as added by this section) for any taxable year beginning before January 1, 2002.

SEC. 8. PROTECTION OF SOCIAL SECURITY.

The amounts transferred to any trust fund under title II of the Social Security Act shall be determined as if this Act had not been enacted.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. WELLER) and the gentleman from California (Mr. BECERRA) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, on July 9, 2002, the House of Representatives passed H.R. 5063, the Armed Forces Tax Fairness Act of 2002, by a unanimous bipartisan vote of 413 to 0. That legislation contained two important provisions that would restore equity to the Tax Code for Members of the Armed Forces.

The Senate expanded the bill by adding other provisions and passed H.R. 5063 by unanimous consent on October 3. The bill before us today, H.R. 5557, combines the House- and Senate-passed bills to provide several important tax benefits to members of our Nation's military.

First, H.R. 5557 fixes an inequity in the law relating to the capital gains exclusion on home sales. Under the present law, the first $250,000 of gain from the sale of a home is not subject to capital gains tax if the individual lived in the home for 2 of the past 5 years. The exclusion is $500,000 for married couples.

Members of the military and Foreign Service often cannot meet this residency requirement if they are transferred on extended duty. As a result, military personnel, through no fault of their own, cannot take advantage of the tax relief when they sell their homes.

The Armed Forces Tax Fairness Act of 2002 fixes this inequity by suspending the 5-year ownership test when a member of the military or Foreign Service is transferred on extended duty more than 150 miles from home.

The second provision of the bill provides tax-free treatment for gratuity death payments paid to survivors of military personnel. Under present law, survivors of the members of the Armed Forces receive a $6,000 death gratuity payment, but only half of this payment is tax-free.

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H.R. 5063 updates the tax codes by providing tax-free treatment for the entire and full $6,000 amount.

Third, it provides that payments made under the Homeowners' Assistance Program are tax free. These payments are made to compensate members of the Armed Forces if they suffer a decline in home value because of a military base closure or realignment.

Fourth, the bill clarifies that dependent care benefits provided under a military dependent care assistance program are excludable from income. As a result, the value of employer-provided dependent care is not taxed.

Fifth, the definition of a qualified veterans organization is expanded so that more organizations qualify under the law. And, finally, the bill extends several tax filing extensions to individuals serving in a contingency operation. These benefits are already provided to individuals serving in a combat zone.

Madam Speaker, these provisions are noncontroversial and they are fair. I hope the House will join me in supporting this legislation today; and I hope that the other body, the Senate, will quickly take up the bill and send it to the President's desk for his signature before we adjourn in this Congress.

Madam Speaker, I reserve the balance of my time.

Mr. BECERRA. Madam Speaker, I yield myself such time as I might consume.

Madam Speaker, the House passed H.R. 5063, the Armed Forces Tax Fairness Act of 2002 back on July 9, 2002, by a vote of 413 to zero. Last Thursday, October 3, the Senate approved H.R. 5063 with an amendment by unanimous consent and returned the same bill to the House. The bill before us is nearly identical to the Senate-passed version of H.R. 5063 with two key differences, as my friends and colleague from Illinois (Mr. WELLER) has mentioned.

Even with these differences, even with some differences in the bill that the Senate passed which I will explore in just a few moments in more detail in my remarks, I feel it is again important for us to support our military and pass H.R. 5557. During these times when we depend on our men and women in uniform to perform the highest levels of service, and we place them in harm's way, and I need not remind people today that we have troops remaining in Afghanistan, we have National Guard troops who are patrolling our borders, and in the days ahead we will be debating the merits of the President's call for the use of force against Iraq. But given all of that, these benefits that we are trying to provide under this legislation should go to our men and women in uniform without delay.

The talk of war quickly reminds us of the willingness of our military men and women to place their lives at risk for each of us and for our country. The families deserve all the support and help we can provide.

First, this bill provides much-needed relief for favorable tax treatment to death benefits that are paid on behalf of military personnel who die in the line of duty. While the deaths gratuity received by spouses is $6,000, only half of that amount, $3,000, is currently excluded for income for tax purposes. The other $3,000 in deaths benefits incongruously gets taxed.

Under this bill, the full $6,000 that the surviving spouse of that man or woman who served our country who receive death benefits would be excluded from income for tax purposes.

Secondly, the bill would ensure that military families do not lose the current law principle residence tax gains exclusion because of extended military assignments away from home. Under current law, any American who is a taxpayer receives exclusion from taxes of up to $250,000 as an individual or if you are married and you file jointly, up to $500,000 of any gain that is realized on the sale of your principal residence. So if Jane Smith were to purchase a home today for $100,000 and in something more than 2 years have the good fortune to sell it for $350,000, Jane Smith under our current tax law would not have to pay any taxes on the $250,000 profit on the sale of her principal residence.

Many of our military personnel cannot receive this same military tax benefit because they are stationed away from home for an extended tour of duty. By being away from their home they fail to meet one of the criteria for qualifying for this tax exclusion. One of the requirements of our tax law is that the taxpayer must have lived, owned or used his residence as the principal residence for at least 2 of the previous 5 years prior to the sale or exchange of the property.

H.R. 5557 addresses this inequity and extends appropriate consideration in tax treatment to our men and women in uniform.

Madam Speaker, as I have said, this bill includes several positive changes from the original House-passed bill that were added by the Senate. Unfortunately, two important Senate-passed provisions are not included in this bill that I would like to mention because they also affect the livelihood of our men and women in uniform.

First, the Senate had included an above the line deduction for overnight travel expenses of National Guard and Reserve members in their version of the bill. This provision would have benefited men and women who do not itemize in their tax filing, whether it is a 1040, a 1040EZ form; but for those men and women in uniform in the National Guard who do not take the time or do not have enough deductions to fill out and itemize those deductions, those individuals would not be able to benefit as a result of this legislation because the provision which had been included by the Senate to allow for an above the line deduction for these overnight travel expenses of National Guards and Reserve members has been excluded from this final version of the bill.

Many of these men and women who would have benefited happen to be modest-income soldiers often with family and they would have benefited most from the extra money in their pocket. The Senate by the way passed this provision by unanimous consent; and unfortunately, as I said, it was not included in this version of the House bill.

The second provision I would like to mention would have been the provision that would have paid for the cost of this legislation. We know from the Congressional Budget Office that we are projected to have somewhere on the order of a $300 billion deficit, not just for this year, but for several years to come. If you look at what we are doing these days to Social Security and Medicare and how we are beginning to use these monies from the trust fund because of the fact that we now are in deficit, it makes you wonder why we would want to put forward bills that were not paid for. Because every time we do that we take the chance of having to take out money from Social Security and from the Medicare trust funds. And that is not fair for those who are retired or preparing to retire.

We should be responsible and pay for these bills that we have before us, especially this one because I believe every Member of this House would agree that we should do this for our men and women in uniform. A significant provision to pay for the cost of this legislation, which was included by the Senate but dropped by this House, would have really been something that I think most Americans would have agreed with almost immediately. And that would have been a provision that would have taken what we have in current law that says that an individual who relinquishes his or her U.S. citizenship or terminates his or her U.S. residency for the purpose of avoiding U.S. income tax estate or gift taxes right now is allowed to do that. But under the Senate provision we would have said to anyone who wished to become an expatriate for the purposes of avoiding taxes that he or she would not be able to escape his or her responsibilities.

While we have men and women today, whether in Afghanistan or on our borders trying to protect us who are willing to put their lives in harm's way, we should not have individuals who are trying to relinquish their U.S. citizenship simply to avoid paying U.S. taxes to help us pay for the costs of providing our men and women the best equipment, the best training that they need in order to protect us.

The provision that the Senate had included would have raised over $650 million over the next 10 years from these expatriates who are trying to evade U.S. taxation by giving up, relinquishing their U.S. citizenship. That would have been more than two times the amount of money necessary to pay for the cost of providing these benefits to our men and women in uniform, which we would all agree are good to provide.

At the very time that we are asking our military to be prepared to defend America, it seems wholly inconsistent to allow those people who should help us pay for the cost of supporting our men and women to escape any taxation and to go abroad by relinquishing their U.S. citizenship and avoid that tax.

Madam Speaker, it is important that we again look at this legislation and pass it as quickly as possible. The Armed Forces Tax Fairness Act is something that we must do now. We will send this bill to the Senate and we hope we get a quick signature from the President.

I join my colleague from Illinois (Mr. WELLER), and I believe every Member who would have an opportunity to speak on this legislation would say that it is time that we do this. I join some of my colleagues in also expressing some dismay that we are not paying for this legislation. As much as we need it, we should be responsible and pay for it. But what we should do is pass it now. For those reasons, Madam Speaker, I too stand in support of this legislation and urge my colleagues to also vote for it.

Madam Speaker, I yield back the balance of my time.

Mr. WELLER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this is important legislation. Our Nation is making very tough decisions and this Congress is making very tough decisions, and we have military men and women who are currently in combat in Afghanistan.

This is important legislation that protects their personal interest while we ask them to go overseas and put their lives at risk for our freedom as well as in our efforts to win the war on terrorism. And as we all know, the war on terrorism will neither begin or end in Afghanistan, nor will it end in a few short months, but it is expected to last years.

This legislation deserves bipartisan support. And in quick reaction to my friend and colleague's comment, I would note that there are no funds at all, none, no funds taken from Social Security or Medicare to provide for this legislation to help our military men and women. And we are not touching Social Security or Medicare. But I do want to ask for strong bipartisan support for this legislation. It is important for our military men and women that we stand in strong bipartisan support of what they do when we ask them to take the risks that they do.

As I noted earlier, this legislation has six provisions that benefit working men and women who serve in the military and I ask for an "aye" vote.

Mr. BUYER. Madam Speaker, the Medical Device User Fee and Modernization Act addresses three crucial interests of the medical device community and the patients and providers it serves.

First, it has been recognized for some time that the Food and Drug Administration is not reviewing medical device applications in a timely fashion. For this to happen, FDA needs adequate resources to have personnel who have the necessary expertise to conduct reviews. This bill would address this matter by imposing user fees on the medical device community for the first time, to provide FDA additional funding for hiring and maintaining a highly skilled workforce and to implement infrastructure improvements. The FDA will also pledge to enhance its performance in reviewing and evaluating device applications.

Second, the device community would like to see more utilization of expert third parties in quality assurance of facilities and manufacturing processes and review of applications. This measure will provide flexibility in regard to inspection while retaining FDA's authority in device manufacturing.

Finally, the bill addresses concerns over the labeling and reuse of medical devices.

On the whole I think this is a balanced bill. The agreement on these provisions was reached after much hard work and it is my view that all parties negotiated in good faith to achieve the best agreement.

I am very appreciative of the adoption of several suggestions I have made to ensure that children are well served by this bill. I am pleased that the bill excludes from user fees those devices, both PMAs and 510(k)s, that are intended solely for a pediatric population. Hopefully this will provide some incentive for manufacturers to address needs in the pediatric population that cannot be met by devices used in adults.

I must also express my concerns over the user fee provisions. While I will support the bill, I am troubled by the level at which the bill defines a "small" company. The bill recognizes that there are differences in large and small companies and their ability to pay user fees. The "two-tiered" approach to take in the application of user fees is the correct approach to take. However, the bill defines a "small" manufacturer as one with revenues of $10 million annually or less. This will capture only around 8 percent of medical device companies. In my opinion, this is too low and not adequate to meet the needs of small manufacturers. A more appropriate level for a "small" manufacturer would be around $25 to $30 million in annual revenue, companies that have 50–70 employees. The resources that must be invested in research and the testing necessary before a company even goes to FDA with an application is significant. There are individual innovators who have started companies based upon their own hard work and research. . . . modern day Thomas Edisons. While I would not say that they work out of their garages, it is true that many ideas and advances in technology have come from hard working individuals, who take the risk of starting their own medical device company. I do not want to have the federal government enact legislation that will stifle this innovation or make it impossible for the small companies to become big companies.

This past summer, I met with the representatives of many small medical device manufacturers based in Indiana. All these companies wanted is a chance to develop their products and to compete. They are very willing to play by the rules of safety and effectiveness that we impose on all manufacturers as good public policy. But because of their more limited resources, they do not want to be disadvantaged from the big companies. I agree with their concerns and, therefore, I am troubled by the level set in this bill.

Nonetheless, I intend to support the bill and I urge its adoption.

Mr. WELLER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Ms. HART). The question is on the motion offered by the gentleman from Illinois (Mr. WELLER) that the House suspend the rules and pass the bill, H.R. 5557.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. WELLER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. WELLER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5557.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

□ 2215

SPECIAL ORDERS

The SPEAKER pro tempore (Ms. HART). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

WAR WITH IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, this evening I would like to insert several articles into the RECORD dealing with the issue of war against Iraq and the gulf, and I wanted to remind those who are listening that, indeed, if we look at the foreign policy of the United States over the last 30 years or so, we have had more Americans killed at home and abroad as a result of rising terrorism than in the first 187 years of our country.

So we have to begin to ask the question, why are we losing so many Americans in this way? Why is Washington becoming more barricaded? Why can we not go and ride in front of the White House anymore in our cars? Why are there bomb searches all over this city? Why are American embassies being built like bunkers all around the world? I would like to submit the following.

If we think back to the time when President George Bush, Senior, prior to his election as President was director of the CIA, that was about 1977, the mid-1970s, before President Jimmy Carter became President of the United States, and at the time my colleagues might recall that the Shah of Iran was deposed in the late seventies. I think it was late 1979, and many American hostages were taken, including Terry Anderson.

At the moment that Jimmy Carter's presidency reverted to Ronald Reagan after the election of 1980, the hostages were returned home. President Carter worked very, very hard, as history will record.

Then when the Reagan-Bush administration, the new administration, took over, they essentially made a deal between our country and the Gulf states to go after Ayatollah Khomeini, the new leader in those days of Iran, who had taken our hostages. And who did they hire to do the dirty work for them? They hired none other than Saddam Hussein.

They gave him weapons through the government of the United States, and, indeed, if we look back, and I am trying to find the exact set of hearings right now. In the Committee on Banking of the House of Representatives, a hearing was held regarding the extension of Treasury tax credits, agricultural tax credits to Saddam Hussein in order to buy fertilizers, in quotes, with chemicals from our country at the same time in our country's history when we would not even make those same extensions of credit to our farmers. Companies in Salem, Ohio, and Bedford, Ohio, were being asked by our Treasury to sell those same chemicals to Iraq; and, indeed, it was done.

The Gulf states and the United States were afraid perhaps that the Ayatollah Khomeini at that time might bomb Mecca or try to spread his revolution throughout the Middle East and get control of the oil fields. So Saddam Hussein was promised access, better access from Iraq, which is landlocked, to a waterborne commerce through Kuwait, a slip of land, which in the end he never did get and, ultimately, he invaded in order to get that access.

Then, of course, if we look back to the early 1990s, the United States went to war to defend the Iraqi-Kuwaiti border, but, in fact, the very monster that we helped to create at that point was trying to fulfill what he had been promised as a result of U.S. assistance all through that period, especially when the Reagan and Bush administration took office and then President Bush himself elected in 1988 and taking us into the Gulf War.

It is really important to remember and to ask ourselves the question, who encouraged Saddam Hussein? Who encouraged him to take on Iran? Who encouraged him to try to depose the Ayatollah, and who gave him the weapons and the credits to our Treasury Department to finance those initial actions inside of Iraq that created the monster that the President of the United States, the son of the first George Bush, talked about on the television tonight?

My colleagues might also think about the fact, who armed Osama bin Laden to fight inside Afghanistan against the then Soviet Army? Who did that? Who was President of the United States when that happened? George Bush, Senior, was President of the United States when that happened; and, of course, the Russians went to certain defeat in Afghanistan after a long period of time. Where did al Qaeda learn some of those fighting techniques? Who helped them do that? Where did they get those rifles?

So I just wanted to put that on the RECORD. I know there are other historians who will add to this, but I also wanted to read from a veteran who wrote an editorial to the New York Times last week Wednesday entitled, Fighting the First Gulf War. The last sentence, and I will end with this, reads, "I watched the fallout from the burning oil wells coat my uniform and I knew that I was breathing into my lungs the crude oil I was fighting for." I ask America to think about it.

I will insert in the RECORD at this point the articles that I referred to earlier.

[From the New York Times, Oct. 2, 2002]

Fighting the First Gulf War

(By Anthony Swofford)

PORTLAND, ORE.—In August 1990 my Marine infantry Battalion, deployed to Saudi Arabia to defend the country from invasion by the Iraqi army. Iraqi soldiers had invaded Kuwait during the early morning of Aug. 2. For more than a week afterward we sat atop our rucksacks on the parade field at the Marine base at Twenty Nine Palms, Calif., waiting for transportation to Riyadh. From where we sat, the world looked amazingly black and white, with little room or need for diplomacy or cowardice. We were excited to retaliate against Saddam Hussein, to enter combat.

When we finally arrived on the tarmac at Riyadh, everything looked and felt extremely hot, a mirage on high boil, the heat warping the terrain into a violent storm of sand and weaponry and thirst. We spent the next six months living and training in the Arabian Desert, in constant fear of the nerve gas our commanders had warned us Saddam Hussein would use. Even when I slept, the gas mask was there, a reminder of the horrors of sarin gas. To negate the effects of the sarin, we were ordered to take pyridostigmine bromide pills, now considered a possible cause of the mysterious gulf war syndrome. But worse than the pills was the constant ringing in our ears—"Gas! Gas! Gas!"—the warning call we practiced at all hours to don and clear our gas masks in less than 10 seconds. Under a gas attack we'd also have to wear Mopp suits, 10-pound charcoal-lined garments that were unwieldy and hot—and were only available in a jungle-camouflage pattern (not much help hiding in the desert).

On Jan. 16, 1991, the American-led coalition against Iraq started the bombing campaign that would, over about six weeks, devastate Iraq's military. Our colonel informed us that Operation Desert Shield had changed to Storm, that we were now at war. Two days later the Iraqis launched a few Scud missiles into Israel and Saudi Arabia. Despite the fact that my unit operated in the middle of the desert and that Iraq's air force had been destroyed, and with it most of Saddam Hussein's intelligence apparatus, we spent our evenings jumping in and out of fighting holes for Scud alerts that turned out to be false. During the air campaign we traveled around the desert in our Humvees much the way we had prior to the bombing—bored, tired, dehydrated, anxious and afraid of what the future might bring.

We wanted to live, even though the way we'd been living was unpleasant. We hadn't had proper showers in 10 or more weeks. My friend Troy insisted one morning that I pour a five-gallon water jug over his head while he scoured his body with Red Cross soap. The water and soap and filth poured off Troy and soaked the ground in a large damp circle, and for a moment, while standing in this circle, I thought that I'd somehow been made safe. I thought that with our little ring of water and Troy's simple desire to be clean, we'd created a gap between ourselves and the rest of the desert and the enemy lurking there, and that we could sink into the earth, into our small safe space. But in the distance I saw a Marine tank battalion roaring across the desert, and I knew again that safety had ended months before.

On Feb. 18, when my unit moved to the Saudi-Kuwaiti border, the ground war was imminent. Combat engineers had built a 15-foot-high earth berm between the two countries. On the other side of the berm, we were told, were Iraqi antipersonnel mines. My platoon dug fighting holes in a perimeter around the command post. Before we completed our task, the Iraqis attacked with artillery.

The incoming rounds were confusing, frightening and ineffective. Someone incorrectly called out, "gas." Had the enemy's forward observer walked his rounds 100 yards north he would've scored a direct artillery hit on our command post. But he hadn't. At the border, while we awaited our orders to fight, helicopters outfitted with tape players and powerful speakers flew overhead and played 1960's rock music—Jimi Hendrix, The Doors, the Rolling Stones—all day, to harass the nearby enemy. As the music blasted, coalition propaganda pamphlets blew across our side of the border like useless, retired currency.

A few days later, we entered Kuwait and fought the Iraqi Army. The tankers experienced the most combat. At one point, another Marine task force mistook my task force for the enemy. Those devastating tank round passed over my head and I watched them explode. For a split second I imagined myself the victim of my own country's firepower. My team leader screamed into his radio handset to stop the friendly attack. One of my platoon mates, a burly Texan, folded himself into a ball and wept and cursed quietly. I knelt, stung by shock, a statue of fear. At least 35 of the 148 United States service members killed during the Persian Gulf war died at the hands of allied forces.

My six-man night patrol passed near enough to an Iraqi troop carrier to hear the troops speaking. We were outgunned, so we listened and didn't shoot. I urinated down my legs and into my boots. The next morning, in my wet boots and useless Mopp suit, I marched 20 miles north from the Saudi border. I put on and took off my gas mask dozens of times for false gas alerts. We marched past Marine artillery battalions busy sending their fierce rounds 10,000 yards north. The men screamed and clapped as each round left their powerful weapons.

From the ground, I witnessed the savage results of American air superiority: tanks and troop carriers turned upside down and ripped inside out; rotten, burned, half-buried bodies littering the desert like the detritus of years—not weeks—of combat. The tails of unexploded bombs, buried halfway or deeper in the earth, served as makeshift headstones and chilling reminders that at any moment, the whole place could blow.

On the last day of the war, from a sniper hid I observed a confused Marine infantry battalion attempt to overtake an airfield while smoke from burning oil wells hampered command and control. Across the radio frequency I heard medevac calls, after two Marines shot each other with rifles; on the other side of the airfield hundreds of Iraqi soldiers surrendered, their boots hanging around their necks, white towels and propaganda surrender pamphlets clutched in their hands like jewels. I watched the fallout from the burning oil wells coat my uniform, and I knew that I was breathing into my lungs the crude oil I was fighting for.

[From the New York Times, Oct. 7, 2002]

Sharon Tells Cabinet To Keep Quiet on U.S. Plans

(By James Bennet)

JERUSALEM, Oct. 6.—Israel's prime minister, Ariel Sharon, warned his cabinet ministers today not to talk about American plans for Iraq, urging them to overcome for the good of the possible war effort what often seems a national compulsion to share one's insights as widely as possible.

Prodded by the Bush administration, Mr. Sharon concluded that it was time to address what one senior Israeli official today called "the blabbering thing that occurs here."

Given the rollicking tumult of Israeli politics, it is not uncommon to see leaks in the news media about official anger over leaks, or to read an inside account of one high official dressing down another for talking too much to reporters. The Israeli media have been awash recently with officials' views on Iraq.

The Israeli media have also been reporting that the Bush administration is furious about the chatter.

"Everybody wants to voice his opinion on any lively subject," the senior Israeli official said. "This is healthy. But there are times when you need to be responsible, to take responsibility, and to shut up."

Late last week, Defense Minister Benjamin Ben-Eliezer, who in the past has shared too much for the Bush administration's taste, ventured that the Americans would attack Iraq at the end of November. His comment captured banner head-lines, even though his hasty clarification said that he was merely voicing a "personal assessment" and that he meant the attack would begin at the end of November or later.

Mr. Sharon is planning to go to Washington this month, at President Bush's invitation, to discuss Iraq and the Israeli-Palestinian conflict.

After today's cabinet meeting, the official public summary reported tersely, "Prime Minister Sharon requested that ministers cease making remarks about Iraq."

Even as Mr. Bush has sought in recent days to play up the imminence and potency of the Iraqi threat, some of Israel's top security officials have played both down.

Lt. Gen. Moshe Yaalon, Israel's chief of staff, was quoted in the newspaper Maariv today as telling a trade group in a speech over the weekend, "I'm not losing any sleep over the Iraqi threat." The reason, he said, was that the military strength of Israel and Iraq had diverged to so sharply in the last decade.

Israel's chief of military intelligence, Maj. Gen. Aharon Farkash, disputed contentions that Iraq was 18 months away from nuclear capability. In an interview on Saturday with Israeli television, he said army intelligence had concluded that Iraq's time frame was more like four years, and he said Iran's nuclear threat was as great as Iraq's.

General Farkash also said Iraq had grown militarily weaker since the Persian Gulf war in 1991 and had not deployed any missiles that could strike Israel.

The torrent of newspaper articles continued today with Yediot Ahronot elaborating on reports in the United States about the details of American-Israeli plans for coordination in the event of war. It said that Mr.

Bush would give Mr. Sharon 72 hours notice and that the two nations had agreed on targets in Iraq. It also mentioned previously published reports that the Americans would offer Israel a satellite to provide early warning of Iraqi missile strikes and that spare parts and other American equipment would be stored in Israel.

The Bush administration wants to dissuade Israel from responding should Iraq attack it after an American invasion, fearing that Israeli action would rally Arab support for the Iraqi leader, Saddam Hussein.

[From the New York Times, Oct. 7, 2002]

A HIDDEN COST OF WAR ON IRAQ

(By Shibley Telhami)

WASHINGTON.—One of the most appealing thoughts about a possible war with Iraq is that it could help spread democracy, transforming a rotten political order in the Middle East. But more likely, such a war would render the Middle East more repressive and unstable than it is today. Democracy cannot be imposed through military force, even if force is used successfully to oust antidemocratic dictators. And our vital aims in fighting terrorism, securing oil supplies and protecting the lives of American soldiers will, in the context of the Middle East, almost certainly ensure that the spread of democracy will again take a back seat to our national priorities.

Aside from the significant challenges in Iraq itself, the picture in the rest of the region will be troubling. Regardless of our real objectives, most Arabs and Muslims will see in the war American imperialism. Governments in the region may support the war for fear of being on the losing side, or may simply stay neutral. Because support goes against the over-whelming sentiment of their citizenry, they will likely endorse our course through political repression. If King Abdullah of Jordan, like other rulers in the Middle East, has to face a choice between supporting the war while repressing his people and yielding to Jordanian public opinion by opposing our effort, it's clear what our preference will be. For that we need not dig deep into history; our commitment to fighting al Qaeda has understandably defined our current relationship with Pakistan in a way that has caused us to put aside democratic values in order to achieve a more vital goal. These values will likely be sacrificed in our relationship with other nations in the Middle East, even with the best of intentions.

At the same time, we would not be comfortable if democratic change in the region results in the victory of radical Islamist groups, as happened in Algeria a decade ago. Nor is it likely that we would be willing to accept democratically elected militant Islamist groups to run the Saudi government and control the world's largest oil reserves as well as the pulpit of Mecca.

The political order in the Middle East is bankrupt today, and if stability means the continuation of the status quo, that would not be appealing. Change is necessary for the good of the people of the Middle East and for the good of the world. But not any change, and not through any means. The use of military force may be necessary for other reasons, but it is more likely to stifle than to nurture democracy movements in authoritarian Arab states.

America's political success has undoubtedly been bolstered by its superior military power. But our military power itself is a product of a successful economic and political system. Those around the world who sought change of their political and economic systems did so in large part on their own—and in many cases with America's political and economic success as a model. Those who want to achieve that success will have to emulate the model. And those who don't will likely fail.

Powerful ideas are willingly accepted because they inspire, not threaten. Even those who are reluctant to embrace democracy, like the leaders in Beijing, have understood the need to emulate much of America's economic approach lest they be left further behind. And in embracing a new economic approach, they have also unleashed a political process they will not be able fully to control.

Ultimately, America's role is to assist in the spread of democracy and, above all, to inspire. Wars may simultaneously open up new opportunities for change, as in Afghanistan, and close others, as in Pakistan. But democracy cannot be dictated through war, especially when war is opposed by people of the region. The thought that, because America has unequaled power, we know what is best for others—even better than they do themselves—would not be comforting to most Americans. Certainly, such a notion is not compatible with the very ideal of democracy we seek to spread.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON of Indiana (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. KANJORSKI (at the request of Mr. GEPHARDT) for today on account of official business in the district.

Ms. SOLIS (at the request of Mr. GEPHARDT) for today on account of personal business.

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today and the balance of the week on account of activities in the district office.

Mr. BILIRAKIS (at the request of Mr. ARMEY) for today and October 8 until 7:00 p.m. on account of attending a funeral.

Mr. FOLEY (at the request of Mr. ARMEY) for today on account of official business.

Mr. LEWIS of California (at the request of Mr. ARMEY) for today and October 8 on account of a death in his family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. KAPTUR) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. MCNULTY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. WELLER) to revise and extend their remarks and include extraneous material:)

Ms. ROS-LEHTINEN, for 5 minutes, October 8, 9, 10, and 11.

Mr. OSBORNE, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1210. An act to reauthorize the Native American Housing Assistance and Self-Determination Act of 1996; to the Committee on Financial Services.

S. 1806. An act to amend the Public Health Service Act with respect to health professions programs regarding the practice of pharmacy, to the Committee on Energy and Commerce.

S. 2064. An act to reauthorize the United States Institute for Environmental Conflict Resolution, and for other purposes; to the Committee on Education and the Workforce; in addition to the Committee on Resources for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker.

H.R. 3214. An act to amend the charter of the AMVETS organization.

H.R. 3838. An act to amend the charter of the Veterans of Foreign Wars of the United States organization to make members of the armed forces who receive special pay for duty subject to hostile fire or imminent danger eligible for membership in the organization, and for other purposes.

H.J. Res. 112. Joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on October 7, 2002 he presented to the President of the United States, for his approval, the following bills.

H.R. 3214. To amend the charter of the AMVETS organizations.

H.R. 3838. To amend the charter of the Veterans of Foreign Wars of the United States organization to make members of the armed forces who receive special pay for duty subject to hostile fire or imminent danger eligible for membership in the organization, etc.

Jeff Trandahl, Clerk of the House reports that on October 3, 2002 he presented to the President of the United States, for his approval, the following bill.

H.J. Res. 112. Making further continuing appropriations for the fiscal year 2003, and for other purposes.

ADJOURNMENT

Ms. KAPTUR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 23 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, October 8, 2002, at 9 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9510. A letter from the Chairman, Board of Governors Federal Reserve System, transmitting the Board's report on the Availability of Credit to Small Businesses, pursuant to 12 U.S.C. 252; to the Committee on Financial Services.

9511. A letter from the Trial Attorney, NHTSA, Department of Transportation, transmitting the Department's final rule—Schedule of Fees Authorized by 49 U.S.C. 30141 [Docket No. NHTSA 2002–12939; Notice 2] (RIN: 2127–AI77) received October 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9512. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Table of Allotments, Digital Television Broadcast Stations (Amarillo, Texas) [MB Docket No. 02–96; RM–10410] received October 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9513. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Table of Allotments; Digital Television Broadcast Stations (Sacramento, California) [MB Docket No. 02–93; RM–10414] received October 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9514. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Table of Allotments, Digital Television Broadcast Stations (Victoria, Texas) [MM Docket No. 01–161; RM–10181] received October 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9515. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Table of Allotments, Digital Television Broadcast Stations (Wrens, Savannah, Waycross, Dawson, and Pelham, Georgia) [MB Docket No. 02–104; RM–10390] received October 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9516. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Table of Allotments, Digital Television Broadcast Stations (Lynchburg, Virginia) [MB Docket No. 02–75; RM–10151] received October 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9517. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Table of Allotments, FM Broadcast Stations (Camp Wood, Texas) [MM Docket No. 01–307; RM–10307] received October 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9518. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—FM Table of Allotments, FM Broadcast Stations (Beverly Hills and Spring Hill, Florida) [MM Docket No. 02–25; RM-10361] received October 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9519. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Table of Allotments, FM Broadcast Stations (Alva, Mooreland, Tishomingo, Tuttle and Woodward, Oklahoma) [MM Docket No. 98–155; RM–9082 and RM–9133] received October 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9520. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Table of Allotments, FM Broadcast Stations (Winslow, Camp Verde, Mayer and Sun City West, Arizona) [MM Docket No. 99–246; RM–9593 and RM–9770) received October 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9521. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Table of allotments, Digital Television Broadcast Stations (Ontario, California) [MM Docket No. 01–23; RM–9960] received October 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9522. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Table of Allotments, FM Broadcast Stations (Bethel Springs, Martin, Tiptonville, Trenton, and South Fulton, Tennessee) [MM Docket No. 99–196; RM–9619 and RM–9874] received October 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9523. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Table of Allotments, FM Broadcast Stations (Paragould, Arkansas) [MM Docket No. 01–297; RM–10297] received October 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9524. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Table of Allotments, FM Broadcast Stations (Rocksprings, Texas) [MM Docket No. 01–279; RM–10290] received October 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9525. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Table of Allotments, FM Broadcast Stations (Benjamin, Texas) [MM Docket No. 01-280; RM–10291] received October 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9526. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 29-02 which informs of an intent to sign Amendment One to the Memorandum of Understanding between the United States, Germany and Italy concerning the AGM-88 High Speed Anti-Radiation Missile (HARM), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

9527. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 30-02 which informs of an intent to sign a Memorandum of Understanding between the United States, Italy and the United Kingdom concerning Cooperative Projects for the C–130J, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

9528. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 29–02 which informs of an intent to sign a Project Arrangement between the United States and the United Kingdom concerning the Radar Frequency Interferometer (RFI) User Data Module (UDM) for the Apache Longbow helicopter, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

9529. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

9530. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Determination of Critical Habitat for Thlaspi californicum (Kneeland Prairie Penny-cress) (RIN: 1018–AG92) received October 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9531. A letter from the Assistant Secretary for Fish and Wildlife & Parks, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Appalachian Elktoe (RIN: 1018–AH33) received October 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9532. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for Holocarpha macradenia (Santa Cruz Tarplant) (RIN: 1018–AG73) received October 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9533. A letter from the Attorney, RSPA, Department of Transportation, transmitting the Department's final rule—Hazardous Materials; Requirements for Maintenance, Requalification, Repair and Use of DOT Specification Cylinders; Extension of Compliance Dates and Corrections [Docket No. RSPA–01–10373 (HM–220D)] (RIN: 2137–AD58) received October 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9534. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule—Revision of Delegation of Authority Regulations [STB Ex Parte No. 588] received October 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9535. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule—Removal of Joint Rate Cancellation Regulations [STB Ex Parte No. 639] received October 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9536. A letter from the National Taxpayer Advocate, Internal Revenue Service, transmitting a report entitled, "National Taxpayer Advocate's 2003 Objectives," pursuant to 26 U.S.C. 6103 nt. Public Law 105—206 section 3802; to the Committee on Ways and Means.

9537. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's two reports entitled, "Lessons Learned in the Aftermath of September 11, 2001" and "Challenges Faced During the Environmental Protection Agency's Response to Anthrax and Recommendations for Enhancing Response Capabilities: A Lessons Learned Report"; jointly to the Committees on Energy and Commerce and Transportation and Infrastructure.

9538. A letter from the Secretary, Department of Transportation, transmitting the Department's report entitled, "Research, Development, and Technology Plan"; jointly to the Committees on Transportation and Infrastructure and Science.

9539. A letter from the Secretary, Department of Energy, transmitting the Department's report entitled, "Clean Coal Technology Demonstration Program: Program Update 2001"; jointly to the Committees on Appropriations, Science, and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OXLEY: Committee on Financial Services. Supplemental report on H.R. 5400. A bill to authorize the President of the United States to agree to certain amendments to the Agreement between the Government of the United States of America and the Government of the United Mexican States concerning the establishment of a Border Environment Cooperation Commission and a North American Development Bank, and for other purposes (Rept. 107–720 Pt. 2).

Mr. HYDE: Committee on International Relations. H.J. Res. 114. A resolution to authorize the use of United States Armed Forces against Iraq; with amendments (Rept. 107–721). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROGERS of Kentucky. Committee on Appropriations. H.R. 5559. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2003, and for other purposes (Rept. 107–722). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 5422. A bill to prevent child abduction, and for other purposes; (Rept. 107–723 Pt. 1). Ordered to be printed.

Mr. DREIER: Committee on Rules. H. Res. 574. Resolution providing for the consideration of the joint resolution (H.J. Res. 114) to authorize the use of United States Armed Forces against Iraq (Rept. 107–724). Referred to the House Calendar.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 4701. A bill to designate certain conduct by sports agents relating to the signing of contracts with student athletes as unfair and deceptive acts or practices to be regulated by the Federal Trade Commission; with an amendment (Rept. 107–725). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 5504. A bill to provide for the improvement of the safety of child restraints in passenger motor vehicles, and for other purposes; with an amendment (Rept. 107–726). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 2037. A bill to amend the Act establishing the Department of Commerce to protect manufacturers and sellers in the firearms and ammunition industry from restrictions on interstate or foreign commerce; with an amendment (Rept. 107–727 Pt. 1). Ordered to be printed.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 3580. A bill to amend the Federal Food, Drug, and Cosmetic Act to make improvements in the regulation of medical devices, and for other purposes; with an amendment (Rept. 107–728). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

[The following action occurred on October 4, 2002]

Pursuant to clause 2 of rule XII the Committee on Transportation and Infrastructure discharged from further consideration. H.R. 2301 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committee on Transportation and Infrastructure discharged from further consideration of H.R. 3929.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[The following action occurred on October 4, 2002]

H.R. 3929. Referral to the Committee on Energy and Commerce extended for a period ending not later than October 11, 2002.

H.R. 4889. Referral to the Committee on Energy and Commerce extended for a period ending not later than October 11, 2002.

[Submitted October 7, 2002]

H.R. 2037. Referral to the Committee on the Judiciary extended for a period ending not later than October 8, 2002.

H.R. 5422. Referral to the Committees on Transportation and Infrastructure, Armed Services, and Education and the Workforce extended for a period ending not later than October 8, 2002.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. FOLEY (for himself, Mr. LAMPSON, Mr. CALVERT, and Mr. CRAMER):

H.R. 5556. A bill to amend the National Child Protection Act of 1993, and for other purposes; to the Committee on the Judiciary.

By Mr. THOMAS:

H.R. 5557. A bill to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services and Foreign Service in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes; to the Committee on Ways and Means.

By Mr. THOMAS:

H.R. 5558. A bill to amend the Internal Revenue Code of 1986 to accelerate the increases in contribution limits to retirement plans and to increase the required beginning date for distributions from qualified plans; to the Committee on Ways and Means.

By Mr. ROGERS of Kentucky:

H.R. 5559. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

By Mr. MCHUGH (for himself, Mr. DAVIS of Illinois, and Mr. BURTON of Indiana):

H.R. 5560. A bill to amend certain provisions of title 39, United States Code, relating to transportation of mail; to the Committee on Government Reform.

By Mr. MOORE (for himself and Mr. YOUNG of Alaska):

H.R. 5561. A bill to provide for and approve settlement of certain land claims of the Wyandotte Nation, and for other purposes; to the Committee on Resources.

By Mr. STUPAK (for himself and Mr. CAMP):

H.R. 5562. A bill to provide for expansion of Sleeping Bear Dunes National Lakeshore; to the Committee on Resources.

By Mr. SWEENEY:

H.R. 5563. A bill to reinstate and transfer a hydroelectric license under the Federal Power Act to permit the immediate redevelopment of a hydroelectric project located in the State of New York, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SWEENEY (for himself and Mr. OSBORNE):

H.R. 5564. A bill to amend the Controlled Substances Act with respect to the placing of certain substances on the schedules of controlled substances, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of California (for himself, Mr. RADANOVICH, and Mr. OWENS):

H.R. 5565. A bill to amend the Social Security Act with respect to the employment of persons with criminal backgrounds by long-term care providers; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WATTS of Oklahoma (for himself, Mr. HAYES, and Mr. GOODE):

H.R. 5566. A bill to amend the Internal Revenue Code of 1986 to provide for additional designations of renewal communities and to allow nonrecognition of gain on sales of real property if the proceeds are invested in renewal and similar community businesses; to the Committee on Ways and Means.

By Mr. WATTS of Oklahoma (for himself, Mr. ISTOOK, Mr. ENGEL, Mrs. LOWEY, and Mr. SNYDER):

H.R. 5567. A bill to amend the Internal Revenue Code to modify eligibility criteria for certain empowerment zone designations; to the Committee on Ways and Means.

By Mr. WELDON of Florida:

H.R. 5568. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits and to increase the age at which distributions must commence from certain retirement plans from 70 1/2 to 80; to the Committee on Ways and Means.

By Mr. COX:

H.J. Res. 116. A joint resolution to recognize the rights of consumers to use copyright protected works, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROEMER (for himself and Mr. Delahunt):

H.J. Res. 117. A joint resolution approving the location of the commemorative work in the District of Columbia honoring former President John Adams; to the Committee on Resources.

By Mr. UDALL of Colorado:

H.J. Res. 118. A joint resolution to provide preliminary authorization for the use of force against Iraq; to the Committee on International Relations.

By Mr. GRAVES:

H. Con. Res. 500. Concurrent resolution expressing the sense of Congress that the Pacific Maritime Association and the International Longshore and Warehouse Union should enter into mediation to resolve the ongoing west coast port shutdown and that other options should be taken if these negotiations fail; to the Committee on Education and the Workforce.

By Mrs. BIGGERT (for herself, Ms. Millender-McDonald, Mr. Vitter, and Ms. Roybal-Allard):

H. Con. Res. 501. Concurrent resolution expressing the sense of Congress that Congress should raise awareness of domestic violence in the Nation by supporting the goals and ideals of National Domestic Violence Awareness Month; to the Committee on Government Reform.

By Mr. VITTER:

H. Con. Res. 502. Concurrent resolution expressing the sense of the Congress in support of Breast Cancer Awareness Month, and for other purposes; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 244: Mr. Holden.

H.R. 267: Mr. Hansen and Mr. Maloney of Connecticut.

H.R. 488: Mr. Jefferson, Mr. Clement, and Mrs. Clayton.

H.R. 1036: Mr. Boswell.

H.R. 1294: Mr. Kennedy of Rhode Island

H.R. 1509: Ms. Millender-McDonald.

H.R. 1703: Mr. Boswell.

H.R. 1786: Mr. Souder and Mr. LoBiondo.

H.R. 2063: Mr. Rothman, Ms. Ros-Lehtinen, and Mr. Udall of Colorado.

H.R. 2118: Mr. English.

H.R. 2290: Mr. Greenwood.

H.R. 2322: Mr. Simpson,

H.R. 2363: Mrs. Morella.

H.R. 2573: Mr. Levin and Mr. Clement.

H.R. 2578: Ms. Norton.

H.R. 2638: Mr. Stenholm, Mr. Blumenauer, Mr. LoBiondo, and Mr. Weldon of Pennsylvania.

H.R. 3105: Mr. Paul.

H.R. 3193: Mr. Bereuter.

H.R. 3388: Mr. Israel and Mr. Sandlin.

H.R. 3612: Mr. Foley.

H.R. 3710: Mr. Isakson.

H.R. 3781: Mr. Borski, Mr. Deal of Georgia, Mr. Lipinski, and Ms. Norton.

H.R. 3794: Mrs. Capito, Mr. Wilson of South Carolina, and Mr. Souder.

H.R. 3807: Mr. Gutierrez.

H.R. 3834: Mr. Bentsen.

H.R. 3884: Ms. McCollum and Mr. McNulty.

H.R. 4032: Mrs. Maloney of New York and Mr. Baird.

H.R. 4033: Ms. Woolsey.

H.R. 4113: Mr. Moran of Virginia and Mrs. Davis of California.

H.R. 4152: Mr. Watts of Oklahoma, Ms. Norton, and Ms. Watson.

H.R. 4646: Mr. Ehrlich and Mr. Regula.

H.R. 4667: Mr. Souder.

H.R. 4720: Mrs. Jo Ann Davis of Virginia.

H.R. 4799: Ms. Baldwin, Ms. Roybal-Allard, and Mrs. Napolitano.

H.R. 4837: Mr. Cunningham.

H.R. 4916: Mrs. Maloney of New York, Mr. Gonzalez, and Mr. Rangel.

H.R. 4963: Mr. Gillmor.

H.R. 4974: Ms. Eddie Bernice Johnson of Texas, Ms. Hooley of Oregon, Mr. Horn, and Mr. Isakson.

H.R. 5037: Ms. DeLauro.

H.R. 5040: Mr. Olver, Mr. McGovern, Mr. Luther, and Mr. Levin.

H.R. 5060: Ms. Eshoo and Mr. Tiahrt.

H.R. 5146: Mr. Smith of New Jersey and Mr. LoBiondo.

H.R. 5166: Mr. McCrery.

H.R. 5174: Mr. Hefley.

H.R. 5250: Mr. Grucci, Mr. Bonior, Mr. Gekas, Mr. Burton of Indiana, Mr. Payne, Mr. Gillmor, Mr. Wilson of South Carolina, Ms. Ros-Lehtinen, Mr. Oberstar, Mr. Tom Davis of Virginia, Mr. Quinn, Mr. Clyburn, Mr. Souder, Mr. Israel, Mr. Schrock, and Mr. Ney.

H.R. 5270: Mr. Davis of Florida, Mr. Inslee, Mr. Borski, Ms. Pelosi, Mr. Schiff, Mr. Neal of Massachusetts, Mr. Coyne, Mr. Meehan, Mr. Nadler, Ms. Roybal-Allard, Mr. Rogers of Michigan, Mr. Udall of Colorado, Mr. Latham, Mr. Kennedy of Rhode Island, Ms. Pryce of Ohio, Mr. Bentsen, and Mr. Pallone.

H.R. 5309: Mr. Brown of South Carolina.

H.R. 5316: Mr. Skeen.

H.R. 5326: Mr. Kleczka and Ms. Millender-McDonald.

H.R. 5331: Mr. Schaffer, Mr. Hoekstra, Mr. Souder, Mr. DeMint, Mr. Tancredo, Mr. Sam Johnson of Texas, Mr. Green of Wisconsin, Mr. Ramstad, Mr. Pickering, Mr. Hilleary, Mr. Shimkus, and Mr. Barr of Georgia.

H.R. 5334: Ms. Kilpatrick, Ms. Eddie Bernice Johnson of Texas, and Mr. Sandlin.

H.R. 5376: Mr. Putnam and Mr. Shadegg.

H.R. 5402: Ms. Kaptur.

H.R. 5409: Mr. Baca.

H.R. 5414: Mr. Cunningham and Mr. Bachus.

H.R. 5437: Ms. Norton and Mr. Lipinski.

H.R. 5441: Mr. Wynn and Mr. Deutsch.

H.R. 5445: Ms. Hooley of Oregon.

H.R. 5449: Mr. Filner.

H.R. 5457: Mrs. Wilson of New Mexico.

H.R. 5466: Mr. English.

H.R. 5491: Mr. Weiner, Mr. Lynch, Mr. Israel, Mr. Pallone, Mr. Bishop, Mr. Berman, and Mr. DeFazio.

H.R. 5492: Ms. Roybal-Allard, Ms. Norton, Mr. Crowley, Ms. Millender-McDonald, Mr. Lipinski, and Mr. Rush.

H.R. 5493: Mr. McGovern.

H.R. 5497: Mr. Moran of Virginia.

H.R. 5528: Mr. Hyde, Mr. Lantos, Mr. Smith of New Jersey, Mr. Wolf, Mr. Houghton, Mr. King, Mr. Ackerman, Ms. Ros-Lehtinen, Mr. Burton of Indiana, Mr. Berman, Mr. Delahunt, Mr. Menedez, Mrs. Jo Ann Davis of Virginia, Mr. Bereuter, Mrs. Napolitano, Mr. Wexler, Mr. Issa, Mr. Cantor, Mr. Ballenger, Mr. Schiff, Mr. Tancredo, Mr. Green of Wisconsin, Mr. Kerns, and Mr. Chabot.

H.R. 5531: Mr. Armey, Mr. Lantos, Mr. Smith of New Jersey, Mr. Pence, Mr. Wolf, Ms. Ros-Lehtinen, Ms. Lee, Mr. Fattah, and Mr. Camp.

H.R. 5533: Mr. Souder.

H.R. 5553: Mr. Ramstad and Mr. Shaw.

H.J. Res. 113: Mrs. Roukema, Mrs. Meek of Florida, Mr. Serrano, Mr. Markey, Ms. Millender-McDonald, Mr. Watt of North Carolina, and Mr. Hastings of Florida.

H. Con. Res. 197: Mr. Jenkins and Mr. Forbes.

H. Con. Res. 351: Ms. McKinney, Ms. Pelosi, Mr. Rahall, Mr. LaTourette, Mr. Conyers, Mr. Hinchey, Mr. Weldon of Pennsylvania, Mr. Cardin, Mr. Platts, Mr. Pence, Mr. Luther, and Mr. Engel.

H. Con. Res. 367: Mr. Tiberi, Mr. Barcia, and Mr. Wamp.

H. Con. Res. 406: Mr. Souder.

H. Con. Res. 447: Mr. Lynch, Mr. Hinchey, Mr. Coyne, Mr. Smith of Washington, Mr. Engel, Mr. Wolf, Mr. McNulty, Mr. Wynn, Mr. Lipinski, Mr. Neal of Massachusetts, Mr. Olver, Mr. Johnson of Illinois, Mr. Barr of Georgia, Mr. Pallone, Mrs. Maloney of New York, Mr. McGovern, and Mr. Abercrombie.

H. Con. Res. 459: Mr. Waxman.

H. Con. Res. 473: Mr. Delahunt.

H. Con. Res. 486: Mr. Pomeroy, Mr. Norwood, Mr. Smith of Washington, and Mr. Inslee.

H. Res. 106: Ms. Watson, Mr. Barrett, Mr. Mascara, and Ms. Berkley.

H. Res. 253: Mr. Cox, Mr. Waxman, and Mr. Cramer.

H. Res. 560: Mr. Rogers of Michigan.

H. Res. 564: Mr. Gutierrez, and Mr. Kleczka.

EXTENSIONS OF REMARKS

A PROCLAMATION HONORING CONGRESSMAN RALPH REGULA

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. NEY. Mr. Speaker, Whereas, Congressman REGULA has exemplified leadership in Holmes County Ohio for 20 years; and

Whereas, Congressman REGULA demonstrated a steadfast commitment to meet challenges with passion, diligence, and confidence; and

Whereas, Congressman REGULA is to be commended for his faithful representation of Holmes County interests in Washington, DC; and

Whereas, Congressman REGULA has been a dedicated and loyal Representative for Ohio's 16th District;

Therefore, I join with the residents of the entire 18th Congressional District in commending Congressman RALPH REGULA for his 20 years of outstanding service to Holmes County.

IN HONOR OF MR. PANAYIOTIS PAPANICOLAOU

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Mr. Panayiotis Papanicolaou for his selfless commitment to the cause of justice and peace in Cyprus, as well as for his tremendous contributions to New Jersey's business community. For his devotion, Mr. Papanicolaou was awarded the Justice for Cyprus award at the Cyprus Federation of America's annual awards Gala on Saturday, October 5.

As a result of his great talent, hard work and dedication, Mr. Papanicolaou is now principal of J.F. Contracting Corporation, a Brooklyn-based construction and engineering firm. He is also affiliated with the following organizations: The American Society of Engineers; the National Society of professional Engineers; the Civil Engineering Honor Society; the Greek Orthodox Archdiocean Council; and the Advisory Board of Queens College and Saint Basil's Academy.

Mr. Papanicolaou has worked tirelessly and has achieved great distinction for his work towards peace in his native land. He is currently serving as vice president of the Cyprus Children's Fund, and, from 1995 through 1999, he served as supreme president of the Cyprus Federation of America.

Born in Nicosia, Cyprus, Mr. Papanicolaou served in the National Guard of Cyprus, and attended the New Jersey Institute of Technology, NJIT, where he earned a bachelor's degree in civil engineering and a master's degree in construction engineering and construction management.

The Justice for Cyprus awarded has been presented to individuals, who have demonstrated steadfast dedication and unparalleled commitment to the causes of freedom and justice. Mr. Papanicolaou most unequivocally fits this profile and is most deserving of this award.

Mr. Papanicolaou and his wife, Nasia, have two daughters, Elizabeth and Elena.

Today, I ask my colleagues to join me in honoring Mr. Panayiotis Papanicolaou for his commitment to the people and the freedom of Cyprus, and to his unremitting devotion to a just and peaceful world.

PERSONAL EXPLANATION

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. BARRETT of Wisconsin. Mr, Speaker, because of commitments in my home State of Wisconsin, I was unable to vote on rollcall Nos. 400 through 403. Had I been present, I would have voted: "No" on rollcall No. 400; "no" on rollcall No. 401; "aye" on rollcall No. 402; and "aye" on rollcall No. 403

SALUTE TO BRIGADIER GENERAL JOSEPH FOSS

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. DREIER. Mr. Speaker, in recent months we have been continually reminded of America's heroes both here at home and abroad. The sacrifices of these men and women have been recognized by a very grateful country and will never be forgotten. These newly discovered American heroes hail from a long tradition of men and women who have selflessly given themselves to this great Nation.

Brigadier General Joseph Foss exemplifies this American tradition and is a model of unselfish service and sacrifice. As an 11-year-old farm boy from South Dakota, Joe was inspired to fly by an encounter with Charles Lindbergh at a rural airport near Sioux Falls. This desire fueled the fire of a man who, during World War II, became one of America's leading Marine Aces with 26 confirmed and 16 probable kills in the fight for Guadalcanal. In May 1943, General Foss received America's highest honor, the Congressional Medal of Honor, for outstanding heroism above and beyond the call of duty.

Upon his return home from the war, General Foss served in public office as a member of the South Dakota State House and was overwhelmingly elected to two terms as Governor. We have also been blessed by his contributions as President of the National Society of Crippled Children and Adults and the National Rifle Association. Joe Foss also served as the first Commissioner of the American Football League, where his work led to the birth of one of America's favorite sporting events—the Super Bowl.

Such a lifetime of selfless action speaks for itself. However, General Foss is not yet finished. Along with the Foss Institute, he has taken on a new task, leading senior veterans in a campaign to educate our country's youth in military history and the true meaning of patriotism. At 87 years young, this great American is continuing to serve his country in very valuable ways. I ask that the Congress join me in honoring one of America's most appreciated and loved heroes, Brigadier General Joseph Jacob Foss.

A PROCLAMATION HONORING WILLIAM JAKE OLSAVSKY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. NEY. Mr. Speaker, Whereas, William J. Olsavsky, known simply as Coach "O", was an accomplished football player and played as a Wheeling Ironman from 1962–1969; and

Whereas, Coach "O" is an example to all who know him, especially his students, of steadfast character and loyal friendship; and

Whereas Coach "O" is to be commended for his hard work and dedication to the Students of Wheeling Central High, Brilliant High, Bellaire High, and Union Local High School where he served as Head Football Coach from 1963–2002; and

Whereas Coach "O" has received numerous awards and accolades testifying to his character, passion, dedication, and talent; and

Therefore, I join with the residents of the entire 18th Congressional District in congratulating William J. Olsavsky on his retirement after 40 years of brilliant service in education and coaching.

TRIBUTE TO DR. CHARLES KRAUTHAMMER

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. COX. Mr. Speaker, I rise today to honor Dr. Charles Krauthammer, a journalist who is very well known to the Members of this body. On September 5, 2002, Charles Krauthammer

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

was honored with the "Mightier Pen" award from the Center for Security Policy.

The Center for Security Policy launched the "Mightier Pen" Award in 2001 to recognize individuals who have, through their published writings, contributed to the public's appreciation of the need for robust U.S. national security policies and military strength as an indispensable ingredient in promoting international peace.

This is not the first, or the most widely known honor for Dr. Krauthammer. He has received many such honors before, among the most significant being the 1987 Pulitzer Prize for distinguished commentary and the 1984 National Magazine Award for essays.

Today, I bring to the attention of my colleagues the "Mightier Pen" Award not only because it has meaning with respect to Dr. Krauthammer's talent and intellect, but because it has particular meaning for our nation, even more so as we consider the next steps in the War on Terrorism.

Dr. Krauthammer initiated his weekly column for The Washington Post in January 1985. It now appears in more than 100 newspapers. Most of us have had the chance to read him weekly. We could do no better than to consider his cogent analysis as we make critical decisions in the coming weeks and months that will doubtlessly influence the future of our national security for many years to come.

IN HONOR OF ANDREW A. ATHENS

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Andrew A. Athens for his outstanding leadership and contributions to the cause of justice and peace in Cyprus. For his commitment, he was awarded with the Justice for Cyprus award at the Cyprus Federation of America's annual Awards Gala on Saturday, October 5, 2002.

In December 1995, Mr. Athens became the first elected World President of the World Council of Hellenes (SAE) in Thessaloniki, Greece. SAE is an historic, international movement that unites seven million Hellenes around the world and ten million Hellenes in Greece under one non-profit, non-governmental organization. Under the successful direction of Mr. Athens, SAE developed programs aimed at improving the basic health care services available to Hellenic and general populations in Albania, Armenia, Georgia, Kazakhstan, Southern Russia, Ukraine and Uzbekistan, and created the World Youth Organization with regional youth organizations.

Mr. Athens' focus of peace and justice in Cyprus has dominated his life. He founded the United Hellenic American Congress (UHAC) in Chicago twenty-six years ago, is Chairman and co-founder of the board of the Hellenic American Chamber of Commerce, and is an Honorary Member of the Board of Directors of the American Foundation of Greek Language and Culture (AFGLC), dedicated to preserving and propagating the Greek language and tradition in the United States.

Mr. Athens enjoyed a successful business career serving as founding President and Chief Executive Officer of Metron Steel Corporation.

In recognition of his extensive civic and humanitarian services, Mr. Athens has been presented with a multitude of awards, including: the Gold Cross of the Order of the Phoenix by the Greek Government; a Limited Issue Gold Commemorative Medallion honoring Archbishop Makarios, presented by the former president of Cyprus, the late Spyros Kyprianou; the Gold Medal of St. Barnabas; the John F. Kennedy Public Servant Award; Belgium's Commander in the Order of Leopold II; Ellis Island Congressional Medal of Honor; Grand Cross of the Order of Merit; and Medal of the Municipality of Athens.

A true hero of America, Mr. Athens served in the United States Army for five years. He held the position of U.S. Captain in the Middle East and European Theaters in World War II, and was awarded the Bronze Star for the Egypt-Libya Campaign and the Army Commendation Ribbon.

Mr. Athens and his wife, Louise, have two children, Paul and Jacqueline.

Today I ask my colleagues to join me in honoring Andrew Athens for his exceptional leadership and many accomplishments in the cause of justice and peace in Cyprus.

HUGH CLARK: CARVING OUT A MODEL FOR HARBOR BEACH

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to Hugh Clark of Harbor Beach, Michigan, upon the occasion of his being honored by the Harbor Beach Historical Society and Friends of the Frank Murphy Museum for his significant and inspiring contributions to his community. Hugh Clark has spent a lifetime volunteering his time and talents to benefit others and his exemplary efforts stand as a model for others to follow.

In 1957, Hugh moved to Harbor Beach with his wife, Joleen, to teach science at Harbor Beach Community School. It wasn't long before both Hugh and Joleen joined the Jaycees, beginning a pattern of volunteerism and community service that would last to this day. A naturalist by training, Hugh also writes an informative column for the Harbor Beach Times.

A popular science teacher for many years, Hugh devoted his life to educating young people in and out of the classroom. He spent 30 years in various roles with the Boy Scouts of America, serving as cub master, scout master and Round Table Commissioner for the Thumb District until retiring from scouting in 1995. Today, many adults in Harbor Beach and beyond still have found boyhood memories of scouting trips and nature excursions led by Hugh Clark.

More than 20 years ago, Hugh had a little down-time while on a canoe trip. He took out a carving knife and began sculpting a block of wood. Hugh's chiseling soon led to a new hobby, wood carving. He started out making wooden neckerchiefs for Boy Scouts, which he donated for sale. The Boy Scouts raised more than $10,000 from the sale of Hugh's wood carvings. He also crafts pieces for the Wooden Canoe Heritage Association and items to be sold to benefit the Harbor Beach Lighthouse and Breakwall Preservation Society and for the Friends of the Frank Murphy Museum.

Naturally, Hugh acknowledges that he could not possibly have given so freely and generously of his time and talents without the enthusiastic support of his loving wife, Joleen, and his three children, Don, Kathy and Valerie. They deserve our commendation and gratitude as well.

Mr. Speaker, I ask my colleagues to join me in commending Hugh Clark for giving so much back to his community and for his praiseworthy devotion to our young people. Hugh Clark has touched an untold number of lives and I am confident he will continue to reach out to his community for many years to come.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE PATSY T. MINK, MEMBER OF CONGRESS FROM THE STATE OF HAWAII

SPEECH OF

HON. CYNTHIA A. McKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Ms. McKINNEY. Mr. Speaker, I rise to remember our colleague, Representative PATSY MINK.

It was with great sadness that I learned of the death of my friend and colleague, Congresswoman PATSY MINK this weekend.

I offer my deepest condolences to PATSY's family, her constituents, and the State of Hawaii. Her passing is a loss to us all.

PATSY was a leader on many issues during her 23-year tenure in Congress, and I believe that she truly did do what many, if not all Representatives seek to accomplish here in Washington, DC—she made a difference.

PATSY was the co-author for Title IX of the Education Amendments Act of 1972, which mandated gender equality in education. Thanks to her work, millions of women were afforded greater access to education, school grants and scholarships, and athletic opportunities.

PATSY was also a leader on an issue that is close to my heart, the Freedom of Information Act. In 1971, PATSY filed suit along with 32 other Members of Congress to force disclosure of reports on underground nuclear attacks in the Aleutian Islands of Alaska. This case was later cited as precedent by the U.S. Supreme Court in its ruling for the release of the Watergate tapes.

PATSY MINK was also an advocate for the protection and conservation of the natural resources of our Nation, and of Hawaii. A former assistant secretary of state for Oceans and International, Environmental and Scientific Affairs, where she helped strengthen protection of whales and regulations of toxic dumping and ocean mining, PATSY brought her advocacy back to Congress with her. In the 107th

Congress, she introduced legislation to create the East Maui National Heritage Area, to expand the Pu'uhonua Honaunau National Historic Park, and to establish the Kalaupapa National Historic Park. Further, PATSY was involved in the successful effort to reform laws permitting strip mining. It is fitting then that PATSY was a recipient of the Friends of the National Parks Award from the National Parks Conservation Association.

On these, and many other fronts, PATSY was a dedicated and devoted leader and champion. I consider it a privilege to have served with PATSY, and I believe that Congress has lost an important and respected Member.

PERSONAL EXPLANATION

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mrs. JONES of Ohio. Mr. Speaker, please be advised that I missed votes on Tuesday, October 1, 2002 due to a funeral of an employee. Had I been present, the record would reflect that I would have voted: on rollcall No. 424, S. 434 Motion To Suspend the Rules and Pass Yankton Sioux Tribe of South Dakota and Santee Sioux Tribe of Nebraska, "yea," on rollcall No. 425, H.R. 4125 Motion To Suspend The Rules and Pass Federal Courts Improvement Act of 2002, "yea," and on rollcall No. 426 H. Res. 538 Motion To Suspend the Rules and Agree Honoring Johnny Unitas and extending condolences to his family on his passing, "yea."

AMERICAN LEGION'S DISTRICT OF COLUMBIA 2002 HIGH SCHOOL ORATORICAL CONTEST

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. BARRETT of Wisconsin. Mr. Speaker, I would like to share with my colleagues a speech written and delivered by Nicholas "Nick" Barbash, a senior at School Without Walls, a District of Columbia Public Senior High School. Nick's family hails from my Congressional District in Wisconsin and both of his parents have been employed as professional staff in the House of Representatives. Nick's speech, entitled "Taxation Without Representation in the District of Columbia" recently won First Place in the American Legion's District of Columbia 2002 High School Oratorical Contest. I hope that you will enjoy Nick's speech which makes the case for DC voting rights from both a historical and moral perspective.

In a time when young people are so often dismissed as passive and uninterested in relevant social issues, Nick's winning speech shows how a young person can make a difference in promoting a message to his fellow students and the general public. After placing first in the DC contest, Nick had the opportunity to deliver this speech to the National Finals of the American Legion's contest in Indianapolis, Indiana. According to Nick, other participants in the competition as well as their parents were unaware that DC residents had no full voting rights.

Nick's argument will help enlighten those who are still unaware of the injustice residents of the District feel in grappling with their lack of representation.

TAXATION WITHOUT REPRESENTATION IN THE NATION'S CAPITAL

(Written and delivered by Nicholas M. Barbash)

Ladies and gentleman, imagine for a moment that you are touring Washington, D.C. Where would you go? You would probably visit the Washington Monument, the Lincoln Memorial, the U.S. Capitol, the White House, and I am sure you would also visit the National Archives. You would go into the main chamber, you would peer through the thick glass, and you would see the actual documents on which our country was founded: the Declaration of Independence and the Constitution. And in the midst of your awe and reverence stand the guards, who are hurrying you along in line and making sure no harm comes to these documents.

I bet you did not know that many of those guards, who protect the Constitution, are not protected by the Constitution. They are just a few of 500,000 residents of Washington, D.C. who are lawful American citizens, with all duties and obligations thereof, but are not represented in the federal government. Congress has total control over Washington, D.C.; it approves and can veto any actions by the local government. However, D.C. has no representation in Congress, no senators, no congressmen, and up until 1961, we could not even vote for president.

This situation has been going on in our nation's capital for more than two hundred years now because of Article I, Section 8, Clause 17 of the Constitution. This states that Congress shall have power "to exercise exclusive legislation in all cases whatsoever over such district . . . as may . . . become the seat of government of the United States." In 1787, when the Constitution was written, there was a good reason for this clause. There were serious tensions between Northern and Southern states, and the capital needed to be independent so it would not be controlled by any of the states.

But times have changed, and this issue is now obsolete. And the Founding Fathers, in their infinite wisdom and foresight, knew that times would change, and that additions or corrections to the Constitution would have to be made, as the great Supreme Court Justice John Marshall said, "to be adapted to the various crises of human affairs." Well in America, taxation without representation in the nation's capital is a crisis of human affairs.

After America gained independence but before our modern Constitution was ratified, this country wasn't really the United States. It was two groups of separate states, northern and southern, with interests so different that they could almost be considered separate nations. Now if these states were to permanently remain one nation, the capital would have to be on neutral ground, controlled by no state. So the Framers wrote in the Constitution that the governing district would be controlled by Congress. They did not imagine that anyone besides members of Congress would ever actually be living there, but ordinary people did begin to move in starting in 1800. Sixty-five years later, Reconstruction after the Civil War seemed like the perfect time to renew the vows of democracy and to finally grant representation to D.C., as the issue of northern or southern domination of the capital had been put to rest with the end of the Civil War.

However, Congress did almost the exact opposite in 1876, when it arbitrarily abolished the local government and put the city under the control of three presidentially appointed commissioners. It took almost a century after that until the offices of mayor, city council, and school board were finally restored. However, in 1995, Congress stripped the local government of all appreciable power and gave it to another presidentially appointed body. Then in 1999, as soon as a mayor they liked was elected, they gave it back.

Ladies and gentlemen, not only are these actions contrary to everything the Constitution stands for, but they are very similar to the actions King George III committed that caused America to declare independence in 1776. There are several paragraphs in the Declaration of Independence in which Thomas Jefferson lists these actions. Among them: "For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever," "For imposing taxes on us without our consent," "For dissolving representative houses repeatedly." The parallel is unmistakable. America declared independence from England because England was doing to them in 1776 what America is doing to Washington, D.C. in 2002.

Washington, D.C. did file a citizens lawsuit in 1998, which made it all the way to the Supreme Court. The suit made the claim that the Constitution guarantees states a republican form of government but not D.C., thereby denying the fourteenth amendment right of equal protection under the law. The city is a federal enclave, and the argument was made that some federal enclaves eventually became states, such as Wyoming and Alaska, and others, such as military bases abroad, allowed their residents to vote in other states. D.C. was allowed neither of these, even though it is almost as populous as Alaska, more populous than Wyoming, and more prosperous than both of them. The Court rebutted this argument on the grounds that the specific wording of the fourteenth amendment is that "no state shall deny . . . equal protection of the laws," and of course D.C. is not a state. It also recognized that though Article I, Section 8 obviously does not apply anymore, it is not the role of the Court to update the Constitution for our times; that is the role of Congress and of the state legislatures.

That's the legal perspective on this issue. Here's the moral perspective:

D.C. residents have all the duties and obligations to the government that go with being a U.S. citizen. We pay taxes to the federal government, we serve in the military, we appear for jury duty,—we have all the obligations. What we do not have are the rights that go with those obligations: representation in the federal government and unabridged self government. These rights are guaranteed in the body of the Constitution, and they are also guaranteed in the Preamble of the Constitution: "To secure the blessings of liberty."

Like everyone else across the country, we pay federal taxes. As a matter of fact, we pay higher taxes than 49 states. But unlike everyone else across the country, we can't elect the people who decide how those tax dollars are spent. In 1767, the Massachusetts lawyer James Otis declared that "taxation without representation is tyranny." Now a lot has changed in this country since Otis' time. But two important things are constant for all Americans: voting and taxes.

In 1767, America had the taxes but not the vote. As the country became independent and progressed through time, the poor paid taxes and eventually got the vote; women paid taxes and eventually got the vote; minorities paid taxes and eventually got the vote; D.C. paid taxes but did not get the vote. Our America may be very different from James Otis' America, but taxation without representation is still tyranny!

D.C. lost more soldiers in the Vietnam War than 10 states did. A D.C. marine regiment was recently sent to fight in Afghanistan. They're fighting the war, but they are without a say in whether or not they should be fighting the war. Even thirty years ago, the Washington Star newspaper said about this issue, "What right have we to hurl epithets and denunciations at dictatorships and totalitarian states in other parts when an almost perfect example of irresponsible forms of government is maintained by our own national government in our own national capital?"

Congress took power from the D.C. government in 1995 because it essentially felt that the mayor was corrupt. Well, mayors of other cities have been corrupt. They were impeached, removed from office, and in some cases, legal action was taken. But the power of their office itself was not removed. Voters in their cities were not denied their right to elect their leaders because an outside body judged one of them to be corrupt. Things like this do not happen anywhere in America except in D.C.

Injustices in Washington, D.C. have gone on long enough. The Founding Fathers had good reasons for denying D.C. representation, but their reasons have outlived their time, and it is time to do something about it. It is time to rise above partisan differences and recognize that everyone living in the capital city, Democrats, Republicans, and all others are denied rights which are granted to all other Americans under the Constitution. It is time to exercise Article V of the Constitution and pass an amendment giving residents of Washington, D.C. their lawful rights as American citizens.

We do not dishonor the Founding Fathers when we say that one of their ideas has outlived its time. On the contrary, we honor their democratic ideals by extending liberty and justice to all. And we paraphrase the words of a man whose memorial you visited in Washington, D.C. that a government of the people, by the people, and for the people must and shall be restored to our capital city.

Thank you very much, ladies and gentlemen.

A PROCLAMATION RECOGNIZING THE RETIREMENT OF CHARLES MILLER

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. NEY. Mr. Speaker, Whereas, Charles Miller has served as mayor of the village of Gnadenhutten for 30 years; and

Whereas, Charles Miller also served Gnadenhutten as a member of the Village Council; and

Whereas, Charles Miller has been a steadfast and hard-working leader and will continue to be an admired citizen of the State of Ohio; and

Whereas, Charles Miller has used his position as mayor of Gnadenhutten to help better the lives of hundreds of people; and

Whereas, Charles Miller must be commended for his professionalism and his ability to motivate those around him by establishing a superb example; and

Whereas, Charles Miller's dedication and service as mayor will be missed by the entire Gnadenhutten community.

Therefore, I join with the residents of the village of Gnadenhutten and the entire 18th Congressional District of Ohio in celebrating Charles Miller's years of service and retirement.

MEMORIAL RESOLUTION—MILA WILLIAMS BROOKS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. FARR of California. Mr. Speaker, I rise today to honor a public servant of the highest degree. Ms. Mila Williams Brooks, a former Peace Corps Country Director and economic development consultant for USAID, died in Washington, D.C., on September 4 after a long but spirited battle with cancer. She was 75. As a returned Peace Corps Volunteer, I wish to take this moment to express my sympathy to her family, and to pay tribute to her extraordinary life.

An independent woman of unsurpassed energy with a remarkable sense of adventure and fun, Mila was born in Topeka, Kansas. She graduated from the University of Kansas with degrees in Political Science and French. After college, she married and had five children. In the mid-sixties Mila drove to Mexico with four young children in tow to establish a new life and offer her children cross-cultural opportunities. In Mexico, she learned fluent Spanish, attended graduate school, and hosted a radio show. In 1969, she returned to the United States and began work with the Peace Corps. In 1973, she was appointed Deputy Peace Corps Country Director in Santiago, Chile. Before returning to the U.S. in 1977, she served as an economic development consultant for the U.S. Agency for International Development (USAID) and as the Southern Cone regional representative of the Young Men's Christian Association.

In 1985, she was appointed Country Director of the Peace Corps in the Dominican Republic, a post she held until 1988. In 1989, she was selected as one of two Americans to work in pre-election activities in Nicaragua. Following the 1990 elections, she was selected to run USAID's democratic initiatives program in Nicaragua, a post she held until 1993. That year, again stateside, she settled in Napa, California, and continued to consult internationally.

Mila was a fiercely devoted and loving mother. Throughout her life, she had the gift of loyal and loving friends who received the great gift of her love and friendship in return. She will be deeply missed and mourned by all who knew her, especially her four children Trent, Mia, Brad and Holly and her three grandchildren Tiffany, Maxwell, and Sophie.

CENTRAL NEW JERSEY CELEBRATES THE DEDICATED COMMUNITY SERVICE OF CATHERINE S. GRAHAM

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. HOLT. Mr. Speaker, I rise today to recognize and honor the commitment of Catherine S. Graham to the betterment of central New Jersey.

From her first call to public service in 1957 in the clerk's office of the Mercer County Court House, Catherine Graham began a pattern of commitment to her community that continues today as a general consultant in education and human services.

Her dedication to the people of central New Jersey can be seen in her battles for quality education in our public schools, which culminated in the position of Executive Director of the Trenton Educational Development Corporation, a nonprofit agency dedicated to the advocacy of quality education and continues to this day in her chairpersonship of the Trenton Parent Involvement Committee.

Her dedication to the people of central New Jersey can be felt in her passion for delivering quality services in welfare, public health, and social services when she was the Director of Health and Human Services for the City of Trenton.

Her dedication to the people of central New Jersey can be witnessed by her efforts in the African American community on the Board of Directors of the Trenton Branch of the NAACP, on the Board of Directors of the New Jersey State Conference of NAACP Branches and in the National Caucus of Black Women.

The service to Central New Jersey performed by Catherine S. Graham is impressive and commendable and I am proud to rise here today in her honor.

HONORING JOHNNY UNITAS AND EXTENDING CONDOLENCES TO HIS FAMILY ON HIS PASSING

SPEECH OF

HON. ROBERT L. EHRLICH, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. EHRLICH. Mr. Speaker, I rise today in support of House Resolution 538, honoring Johnny Unitas on his passing.

Like a lot of kids growing up in Baltimore in the 1960s, I always imagined myself playing alongside Johnny Unitas on Sunday afternoon at Memorial Stadium. Never did I imagine that, later in life, I would count the greatest quarterback of all time as a dear friend.

I first met Johnny Unitas when I served in the Maryland State Legislature. He was larger than life; an institution in Baltimore. But he never lost his unique sense of humility and kindness. He always took the time to sign a few autographs or help a young quarterback tighten his spiral.

I played linebacker at the Gilman School in Baltimore and later at Princeton University. The Chicago Bears' Dick Butkus set the standard for how to play linebacker, but Johnny Unitas set the standard for how to play the game.

He defined leadership and sportsmanship for my generation. He made the game of football what it is today. It is no surprise that the career of Johnny Unitas coincides with the popular ascendency of professional football.

The list of his on-the-field accolades is incomparable. He won three league championships, three MVP awards, and made ten Pro Bowl appearances. He retired from the NFL in 1974 as the owner of 22 NFL records, most notably throwing at least one touchdown pass in 47 consecutive games. No player since has even come close to surpassing that feat.

Johnny Unitas is best known for his golden arm, but his greatest gift was a golden heart. He never stopped giving back to his community and his country. He established the Johnny Unitas Golden Arm Educational Foundation to help low-income kids get a college education. He was a tireless supporter of cystic fibrosis research. He and his wife Sandra fought admirably to help victims of sexual assault and domestic violence. Through charitable efforts that are bound to thrive even after his passing, his spirit of compassion lives on in the City of Baltimore and the nation.

Mr. Speaker, it is my pleasure to introduce House Resolution 538 in honor of my friend Johnny Unitas. The indelible impression he left on the City of Baltimore, my home state of Maryland, and the nation is deserving of today's recognition. He will be missed, but not forgotten. I ask my colleagues to join me in support of this important resolution.

IN HONOR OF REPRESENTATIVE FRANK PALLONE, JR.

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. MENENDEZ. Mr. Speaker, I rise today, as a colleague and friend, to honor Representative FRANK PALLONE, JR. for his tremendous career and his accomplishments for the People of New Jersey. He has always fought the principled battles for the progress of American society. For his efforts, Mr. PALLONE was awarded the Justice for Cyprus award at the Cyprus Federation of America's annual Awards Gala on Saturday, October 5th.

The Honorable FRANK PALLONE was officially sworn in for his seventh term in the US House of Representatives on January 3rd, 2002, winning his reelection with 68 percent of the vote. He has been a very active and dedicated Member of the House throughout his tenure. He is Vice-Chairman for the Communications of the Democratic Policy Committee, a Member of the Democratic Steering Committee, Co-Chairman of the Democratic Task Force on Health Care Reform and the House Democratic Environmental Task Force.

FRANK PALLONE has been recognized time and again for his commitment to the advancement of many issues, including expanding health care access and affordability, protecting the integrity of Medicare and Medicaid, ensuring food safety, protecting the environment and strengthening environmental laws. For his efforts, he was recognized as Legislator of the Year in 2001 by the New Jersey Association of Broadcasters, and Outstanding Legislator of the Year in 1999 by the Veterans of Foreign Wars.

A native of Long Branch, New Jersey, Mr. PALLONE earned an academic scholarship to Middlebury College. After he graduated cum laude, PALLONE received his master's degree in international relations at the Fletcher School of Law and Diplomacy.

FRANK PALLONE and his wife, Sarah, have three children, daughters, Rose Marie and Celeste Teresa, and son, Frank Andrew.

Today, I ask my colleagues to join me in honoring Congressman FRANK PALLONE, JR. for his remarkable leadership in promoting peace and justice in Cyprus.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mrs. MYRICK. Mr. Speaker, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

October 3, 2002, rollcall vote 437, on approving the journal, I would have voted "yea".

RECOGNITION FOR CHIEF DENNIS COMPTON OF MESA, ARIZONA

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. WELDON of Pennsylvania. Mr. Speaker, I would like to recognize Chief Dennis Compton of the Meza, Arizona Fire Department who is retiring after 30 years of dedication and commitment to the fire and emergency services.

Among Congressional Fire Services Caucus leaders, Chief Compton is highly regarded for his character and integrity. He is an individual who has lent an enormous amount of time to the Congressional Fire Services Institute, serving as Chairperson of its National Advisory Committee. Many of the recent successes enjoyed by the fire service bear his imprint.

Chief Compton possesses many outstanding attributes, perhaps none more important than his skills as a coalition builder. We tend to think of the fire service as a unified service. As a former fire chief, myself, I can tell you from personal experiences that it is not. The fire and emergency services must often address internal conflicts that can disrupt progress at both the local and national levels. In either case, I cannot think of anyone more qualified and effective in resolving differences and building coalitions than Chief Compton.

Fortunately, he has reassured the fire service that he will remain an active advocate for public safety causes upon retirement as chief. I will hold him to that promise. At this critical juncture as we discuss proposals for defending our nation against potential acts of terrorism, we need to heed the advise of knowledgeable individuals who can offer sound judgment and guidance on such a critical issue. Chief Compton is such an individual.

However, I have it on good authority, Mr. Speaker, that the reason for Chief Compton's retirement has to do with two passions: his grandson and his Diamondbacks. Apparently he would like to spend more time with both.

In closing, I extend to Chief Compton my congratulations on his retirement and thanks for his immeasurable contributions to our nation's fire and emergency services.

HONORING DONALD BOTT

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. DOOLITTLE. Mr. Speaker, today I wish to honor a dedicated and accomplished educator in Northern California, Mr. Donald Bott. Don was recently named the 2002 National High School Journalism Teacher of the Year by the Dow Jones Newspaper Fund.

When the Newspaper Fund began in 1958, it focused on helping high school journalism teachers achieve their potential in teaching the skills to make their students first-rate journalists. The tradition continues to this day with the Fund's recognition program for outstanding teachers. This year, the Newspaper Fund concluded that Don Bott, who teaches at Amos Alonzo Stagg High School in Stockton, California, represents the nation's best in scholastic media advisers.

Don, who was previously named as one of only five Distinguished Advisors by the Newspaper Fund in 2000, will now have the opportunity to travel to conferences throughout the year, speaking about the importance of offering journalism as a core part of school curriculum.

Don's academic background is exceptional. Over the years, he has earned various degrees and certificates, including a Journalism Educator certificate, a Language Development Specialist certificate, a Single-Subject Secondary Teaching Credential, a Master of Arts decree in English from California State University, Sacramento, and a Bachelor of Arts degree in Literature, with honors, from my alma mater, the University of California, Santa Cruz.

Furthermore, Don has excelled professionally as an educator. Aside from teaching at both the high school and college levels, he has worked to develop standards and curricula in the field of secondary school journalism studies. His peers have recognized his excellence by naming him as a Special Recognition Adviser, San Joaquin A+ Educator, and 1994–95 San Joaquin County Teacher of the Year.

Despite the accolades he has received personally, Don Bott views his work with a measure of modesty. He is quick to point out that the success of Stagg High School's newspaper, The Stagg Line, is a reflection of the talent and commitment of the students who produce it. Not surprisingly, one of his recent students has also received national acclaim. Together, Don and his students have created an award-winning newspaper. Among the honors it has garnered are: eight consecutive NSPA All-Americans, three National Pacemakers, two CSPA Gold Medalists, a Quill and Scroll International First Place, a first-pace state JEANC Best of the West, three first-place NSPA National Best of Show awards, a Journalist Impact Award, and numerous regional awards.

While he is humble about his own role in the newspaper's success, Don is very proud of what his students have achieved in light of their school district's circumstances. Whereas many of the acclaimed student newspapers in the country are produced in affluent schools, The Stagg Line has been a bright spot in a high school that underperforms on standardized tests. This, indeed, is a tribute to a great teacher, inspired students, and hard work.

I congratulate Don Bott for the outstanding work he has done to touch young lives and advance the quality of news journalism. May he and his colleagues continue their great success.

MULEGÉ AND THE FIGHT OF PINEDA

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. HONDA. Mr. Speaker, the relationship between Mexico and the United States of America is stronger than ever before. This relationship has been tested and strengthened throughout their shared history, a history typical of two close neighbors. There have been disputes and agreements, conflicts and truces, all of which have led the two countries to where they stand today: united, both in their diplomatic relations, and in their efforts to improve the lives of all their citizens.

Fortunately, recent history between our two countries has been resoundingly positive. But in the decades following our countries' declarations of independence, disagreements and conflict were far more commonplace than the diplomacy and cooperation we are accustomed to today. One of these disagreements led to full-scale war, the effects of which have influenced the geography and culture of North America to this day. This war, the Mexican-American War of 1846–48, was characterized by fierce battles, tense stand-offs, and from both countries, overwhelming national pride.

In 1847, in Mulegé, there was one such conflict that today is honored as the embodiment of Mexican national pride. Shortly after the beginning of the war, United States forces set out to isolate Baja Mexico from the mainland and to make the pueblos neutral in order to pacify the populace and prepare them for eventual U.S. rule. Mulegé was one such targeted pueblo. When hearing of the U.S. encroachment into the Baja, government officials in Mexico City dispatched a group of officers led by Captain Manuel Pineda to establish a military presence in the region. Captain Pineda arrived in Mulegé by September of 1847, and set to work assembling a group of Baja locals to help him resist the advancing U.S. forces. In response to Pineda's mobilization, the U.S. military officials sent the sloop *Dale* to Mulegé, under the command of Thomas Selfridge. Once arrived, Selfridge sent ashore a letter to Pineda and his men warning against any agitation. Pineda, undeterred, responded that he would defend his country to the end.

On October 2nd, 1847, Commander Selfridge sent some 75 sailors and marines ashore to attack the defenders of Mulegé. Outnumbered and outgunned, Pineda and his men exchanged fire with the advancing Americans from opposite banks of the creek leading up to the pueblo. Although neither side suffered casualties, the intensity of the firefight was enough to repel Selfridge's men, marking the first military success for the Mexican Army in the war. Pineda's success began a swelling of public support, and he and his men would go on to fight many more battles until his capture in March of 1848, at the very end of the war. Pineda had many successes during his military career, but none were as courageous and inspiring as his stand at Mulegé.

Mr. Speaker, I rise today to acknowledge not only this historical event, but also the shared history of the United States of America and Mexico. Many good men from both countries have fought and died in the name of patriotism, and today, both countries are stronger for it. Through times of peace and war, our countries now find themselves more closely allied than ever before. I am sure the future will serve to strengthen that bond.

HONORING AIR FORCE MAJOR JAMES G. CUSIC III

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing Air Force Major James G. Cusic III, a constituent of mine from Fairview Heights, Illinois.

Major Cusic is receiving a Certificate of Merit from the American Red Cross for his actions on September 11, 2001. This is the highest award the organization gives for someone who saves or sustains a life with skills that were learned in an American Red Cross safety course.

The attacks on the World Trade Center and the Pentagon on September 11, 2001 made this perhaps the most tragic day in our nation's history. However, the day could have been even more catastrophic if it were not for the efforts of men and women such as Major Cusic.

On the morning of September 11, Major Cusic saw the news of the attacks on the World Trade Center from his Pentagon office. As he watched, he began to feel the floor shake below him, and the television reported that a third plane had been used as a weapon. This time, the target was the Pentagon. A voice came on the Pentagon intercom with a message to evacuate the building.

As the news came that a second hijacked plane might be headed toward Washington, Major Cusic cleared all the rooms in his area of the building to make sure everyone had exited. Next, he assisted five of the approximately 65 patients that were being treated at the Air Force Pararescue triage site.

Major Cusic volunteered to reenter the building as one of five leaders of a 20-person team to provide medical treatment for survivors in the building. He was responsible for providing treatment for life threatening injuries. Major Cusic aided one man who had a severe scalp laceration and a spinal injury. He assisted another man who suffered from severe burns on his face and neck and was experiencing difficulty breathing.

Later in the evening, Major Cusic's heroic actions were needed once again. A firefighter that had entered the building as part of the rescue effort collapsed from heat exhaustion and an erratic pulse. Once again, Major Cusic provided the treatment necessary under extreme circumstances.

Major Cusic maintained clarity of mind throughout the day on September 11 and should be commended for his actions in the face of adversity. At the end of the day, he was directly involved in saving three lives and in caring for two more people with severe injuries. In addition, he provided invaluable encouragement to other survivors and those involved with the rescue effort.

Mr. Speaker, I ask my colleagues to join me in honoring Major Cusic and to wish him all the best in the future for him and his family.

A PROCLAMATION RECOGNIZING TAMI LONGABERGER

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. NEY. Mr. Speaker, whereas, Tami Longaberger, president and chief executive officer of The Longaberger Company, has been selected to attend the Helsinki Women Business Leaders Summit in Helsinki, Finland; and

Whereas, Tami Longaberger has also been chosen to serve as chairwoman of the U.S. executive committee during the Helsinki Summit; and

Whereas, Tami Longaberger time and again has proven herself to be a remarkable business leader and role model; and

Whereas, Tami Longaberger is to be commended for her tireless efforts, dedication and devotion to the cause of bridging cultural differences and building business cooperation across the globe.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in recognizing Tami Longaberger for her leadership role at the Helsinki Women Business Leaders Summit.

COMMEMORATING THE 42D ANNIVERSARY OF THE INDEPENDENCE OF THE REPUBLIC OF CYPRUS

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. SHERMAN. Mr. Speaker, last week, we commemorated the 42d anniversary of the Independence of the Republic of Cyprus. In 1960, Cyrus claimed sovereignty over its territory following 80 years of British colonial rule, and since that time, it has been a close friend of the United States.

Cyprus now stands as the leading candidate country for membership in the European Union (EU). On September 30th 2002, the EU's Enlargement Commissioner stated that Cyprus complies with all political and economic conditions required for membership. The Government-controlled areas of Cyprus enjoy an atmosphere of economic prosperity and political freedom, allowing its people to enjoy one of the highest standards of living in the world.

Unfortunately, the northern portions of the island have been occupied by Turkish troops for more than 28 years, and an illegitimate government was set up there to rule an illegitimate state that only Turkey has recognized. As many as 35,000 Turkish troops remain to keep this government viable.

The United States must maintain pressure on the Turkish side to end its illegal occupation of Cyprus and allow the people of that island to resolve the problem without outside interference. Too often, Turkey seeks to use its occupation as a veto over the legitimate aspirations of the Cyprus government, including its bid to join the EU.

EU accession will have immeasurable benefits for the people of Cyprus, both Greek and Turkish, and will serve as a catalyst for peaceful resolution of the conflict. Unfortunately, not everyone believes that the accession of Cyprus to the EU is a good idea. In fact, Turkey and its illegitimate child, the Turkish Republic of Northern Cyprus, have opposed Cyprus' membership in the EU on the grounds that this would allow Cyprus in turn to veto Turkey's EU membership bid. It is my belief that the reunification of Cyprus would serve the interests of all parties. The EU has rightfully stated that a resolution to the division of Cyprus is by no means a precondition to its accession to the EU, and I am proud that the United States has taken the same position.

Mr. Speaker, I urge my colleagues to commemorate the 42d anniversary of the Independence of Cyprus and to work for the peaceful resolution of the division of the island and its successful accession to the EU.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Monday, October 7, 2002 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 8

9 a.m.

Governmental Affairs

To hold hearings to examine the nominations of Ruth Y. Goldway, of California, to be a Commissioner of the Postal Rate Commission; and Tony Hammond, of Virginia, to be a Commissioner of the Postal Rate Commission for the remainder of the term expiring October 14, 2004.

SD–342

9:30 a.m.

Environment and Public Works

To hold oversight hearings to examine the current implementation of the Clean Water Act.

SD–406

10 a.m.

Judiciary

Business meeting to consider pending calendar business.

SD–226

Intelligence

To resume joint hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001.

SH–216

Governmental Affairs

Oversight of Government Management, Restructuring and the District of Columbia Subcommittee

To hold hearings to examine the current system of regulation of the herb ephedra and oversight of dietary supplements.

SD–342

Banking, Housing, and Urban Affairs

To hold oversight hearings to examine perspectives on America's transit needs.

SD–538

2 p.m.

Judiciary

To hold hearings to examine the Feres Doctrine focusing on the examination of military exception to the Federal Torts Claims Act.

SD–226

Banking, Housing, and Urban Affairs

Business meeting to consider the nominations of Armando J. Bucelo, Jr., of Florida, to be a Director of the Securities Investor Protection Corporation; Alberto Faustino Trevino, of California, to be an Assistant Secretary of Housing and Urban Development; Philip Merrill, of Maryland, to be President of the Export-Import Bank of the United States; Carolyn Y. Peoples, of Maryland, to be an Assistant Secretary of Housing and Urban Development; Deborah Doyle McWhinney, of California, to be a Director of the Securities Investor Protection Corporation; John M. Reich, of Virginia, to be Vice Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation; and Rafael Cuellar, of New Jersey, and Michael Scott, of North Carolina, both to be a Member of the Board of Directors of the National Consumer Cooperative Bank.

S–216 Capitol

2:15 p.m.

Foreign Relations

Business meeting to consider S. 2667, to amend the Peace Corps Act to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government; H.R. 3656, to amend the International Organizations Immunities Act to provide for the applicability of that Act to the European Central Bank; H.R. 4073, to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance programs under those Acts, and pending nominations and treaties.

S–116, Capitol

OCTOBER 9

Time to be announced

Health, Education, Labor, and Pensions

Business meeting to consider the nomination of Mark B. McClellan, of the District of Columbia, to be Commissioner of Food and Drugs, Department of Health and Human Services.

Room to be announced

9 a.m.

Foreign Relations

To hold hearings to examine the nominations of John Randle Hamilton, of North Carolina, to be Ambassador to the Republic of Guatemala; John F. Keane, of Virginia, to be Ambassador to the Republic of Paraguay; and David N. Greenlee, of Maryland, to be Ambassador to the Republic of Bolivia.

S–116, Capitol

9:30 a.m.

Armed Services

Closed business meeting to consider pending military nominations.

SR–222

10 a.m.

Judiciary

Technology, Terrorism, and Government Information Subcommittee

To hold hearings to examine new laws implemented by the Administration in the fight against terrorism.

SD–226

Finance

To hold hearings to examine the financial war on terrorism focusing on new money trails.

SD–215

10:15 a.m.

Foreign Relations

To hold hearings to examine the G8 global partnership against the spread of weapons and materials of mass destruction (10 + 10 Over 10).

SD–419

10:30 a.m.
Conferees
Closed meeting of conferees on H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003.
HC–5 Capitol

2:30 p.m.
Banking, Housing, and Urban Affairs
Housing and Transportation Subcommittee
To hold oversight hearings to examine affordable housing preservation.
SD–538

OCTOBER 10

9:30 a.m.
Armed Services
Personnel Subcommittee
To hold hearings to examine the Department of Defense's inquiry into Project 112/ShipboardHazard and Defense (SHAD) tests.
SR–232A

10 a.m.
Commission on Security and Cooperation in Europe
To hold hearings to examine U.S. policy toward the Organization for Security and Cooperation in Europe.
334, Cannon Building

2:15 p.m.
Judiciary
Crime and Drugs Subcommittee
To hold hearings to examine protecting seniors from fraud.
SD–226

POSTPONEMENTS

OCTOBER 8

10 a.m.
Judiciary
Constitution Subcommittee
To hold hearings to examine the detention of U.S. citizens.
SD–226

2:30 p.m.
Banking, Housing, and Urban Affairs
International Trade and Finance Subcommittee
To hold oversight hearings to examine instability in Latin America focusing on U.S. policy and the role of the international community.
SD–538

SENATE—*Tuesday, October 8, 2002*

The Senate met at 9 a.m. and was called to order by the Honorable ZELL MILLER, a Senator from the State of Georgia.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

O God, our refuge and strength, a very present help in trouble, we will not fear! In the midst of these perilous times, we hear Your voice saying, "Be still and know that I am God, I will be exalted among the Nations, I will be exalted in the earth." In response we affirm, "The Lord of hosts is with us; You are our help and hope."

Almighty God, as You have intervened to help our Nation in just wars against despots and dictators of history, we ask for Your continuing intervention in the battle against terrorism. Guide the Senators as they further debate the resolution to authorize the use of United States Armed Forces against Iraq. Thank You for the integrity and intentionality the Senators have shown in the debate of this crucial issue. Guide their thinking, bind them together in unity and inspire their vision. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ZELL MILLER led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, October 8, 2002.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ZELL MILLER, a Senator from the State of Georgia, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. MILLER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the minority and majority have full half hours in morning business, so we will not be on the bill until about 5 after 10.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Mr. President, you will be announcing morning business for an hour. After that, we are going to the resolution. It is open to amendment. We have had five Senators contact our cloakroom—and I will check to see if there have been some who have contacted the Republican cloakroom—wishing specific times to speak. We are going to do our best to accommodate the times. I know committee hearings are taking place, and it is difficult for people to come over this morning. This debate is not going to go on forever, and Senators are going to have to speak when it may not be as convenient for them as some other time. If they wait until after Thursday, there may be no time to speak on this resolution.

I ask Senators to try to find time in their schedules and, as I indicated last night, we will try to work with both staffs to come up with specific times so people are not waiting around. This debate should be in full sway at 10 o'clock. I hope if anyone has amendments to offer, they will do it also at that time or shortly thereafter.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the first half of the time shall be under the control of the Republican leader or his designee.

The Chair recognizes the Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield myself the requisite amount of time to speak in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FBI REFORM

Mr. GRASSLEY. Mr. President, I have addressed the Senate many times on my oversight efforts of the FBI. As my colleagues know, I have been trying to improve the FBI for years. Sometimes that means investigating problems that some people would otherwise rather cover up. But there is nothing like sunshine that fixes what is wrong, particularly in Government.

I do this not because I am against the FBI but because I think the FBI is meant to work well and work right so our country is protected. In fact, since September 11, the FBI is on the front line on the domestic war on terrorism. Obviously, the FBI must change to meet that demand. If it does not, we lose the domestic war on terrorism when the people on the front line are not ready to do what needs to be done.

In February, I was addressing the Senate about the FBI reform bill introduced by Chairman LEAHY and myself to help bring more security and accountability to the FBI. I want to highlight that bill.

The bill strengthens the FBI uniformed police, creates an effective polygraph program to detect moles, and establishes an attractive career path for internal security officers. This is important. It has not been that long since probably the worst spy case in FBI history, Robert Hanssen, was uncovered.

For accountability, it ends the double standard in discipline that allows top bureaucrats to escape punishment. This bill gives real whistleblower protections to FBI agents so others, such as Coleen Rowley of Minneapolis, can come forward with the truth, as Director Mueller complimented her as a whistleblower for bringing valuable information to the surface.

I happen to think the Attorney General and the FBI Director are working hard to reform and improve the FBI, but the Leahy-Grassley bill will help ensure that reform really happens. In fact, the Justice Department has even asked us for several provisions that we agreed to put in the bill.

The Judiciary Committee approved this bill unanimously back in April. Since then, this bill has been in limbo. There is now a hold on this bill—one of these secret holds. I do not do secret holds. When I put a hold on a nominee or a bill, I always put a statement in the CONGRESSIONAL RECORD so Senators know it is CHUCK GRASSLEY and why CHUCK GRASSLEY is putting a hold on a bill. It seems we need to put a stop to the backroom squabbles that have brought this hold about and put national security first and help reform the FBI.

A few parts of the bill were luckily included in the Department of Justice reauthorization bill last week. I appreciate that the inspector general's authority to investigate the FBI is now codified, and I am sure the FBI appreciated the help we gave them by including provisions for the uniformed police force.

That is all nice, but the heart of the FBI reform bill was left out, and that heart is more whistleblower protections and ending the double standard in discipline.

I have outlined why this bill is important. Now I think an example I have will help people understand why we need to enact this bill very shortly.

Quite recently, my staff was shown a Tiffany crystal paperweight globe. This globe sells for $100 to $200 but has been valued by experts at more than $5,000. This globe was wrapped in an evidence bag.

What does this have to do with the FBI?

Well, the answer is this globe was stolen from Ground Zero New York City, as you know. I don't think I have to explain how disgraceful that act is.

It is not only illegally taking evidence from a crime scene, but it is stealing from hallowed ground where thousands of people died on September 11. There have already been numbers of prosecutions for removing items from Ground Zero. There is not question then that this act was wrong.

But in this case, I am told that the globe was taken by one or more FBI agents. That is right. I am sorry to say it was taken by FBI agents.

Agents from the Minneapolis Division apparently took it back with them after being on official business at Ground Zero. When they returned, I guess they gave it to a secretary in the office, as if it was some memento from the trip.

This is how I know that: because an FBI agent decided to blow the whistle after her superiors would not do anything about the theft.

The FBI and the Federal Emergency Management Administration Inspectors General have been investigating a Minnesota company for stealing items from Ground Zero and other matters.

Coincidentally, Agent Jane Turner of the Minneapolis office discovered that other FBI agents did the very same thing.

In fact, it was one or more agents from the Evidence Response Team that took the globe. The ERT is supposed to secure and collect evidence at a crime scene. Their job is to preserve the integrity of a crime scene, not take from it and disrupt it.

When Agent Turner told her supervisor about this, he said he already knew about it. It evidently was not that big a deal because he did not do anything about it.

Well, I do think it is a big deal. I think it is outrageous. And I suspect that the loved ones of the 9/11 victims would think this is an outrage.

In New York, the fact is people are working overtime to try and return items like this to the families that once owned them. Maybe some people who work at these scenes think that taking something is OK, like it is a trophy for their hard work, but I do not think so. Most important, it is against the law.

This makes me wonder what else these agents stole, if they were generous enough to give a pricey crystal globe to a secretary.

This is the kind of behavior from a law enforcement agency that could backfire and hurt the case against criminals.

For example, if a company were to do the same thing, steal something from Ground Zero, they might argue in court that the FBI did it, so it must be OK and why can't they get away with it? So taking this from Ground Zero was not only wrong, but it could really hurt prosecutions.

Because Agent Turner could not get an investigation into this matter by the FBI, she had to bring this to my staff and Chairman LEAHY's staff. Because of the severity of the situation, it was decided that she report the situation to the Justice Department Inspector General for a criminal investigation.

Fortunately, Agent Turner was able to recover the globe from the Minnesota office and bring it to the Inspectors General in a sealed evidence bag. The bag was sealed and signed both by Agent Turner and an agent from the FEMA Inspector General office, which is also working the case.

I have also learned of other problems with the FBI Minneapolis office. Apparently, a former FBI agent from that office is using his influence and access to undermine an FBI investigation. This former agent is now a consultant to the subject of an investigation. So he is working against the FBI on a case, but at the same time trying to influence and get information from the FBI with such perks as sideline-access Vikings tickets.

This appears to be a violation of Government ethics rules, a big security problem and conflict of interest. I hope the FBI looks into this problem as well.

What does this have to do with the FBI reform bill? Agent Turner's disclosures to the committee are not protected. The FBI knows they could retaliate.

It is the same thing that happened with Agent Coleen Rowley from Minneapolis. She was involved with the Moussaoui case, and she was not retaliated against because of media attention and Director Mueller's promise.

But that is not going to happen every time. FBI agents cannot always take the risk that comes with blowing the whistle. There has to be protection in the law, and that's what the FBI reform bill does. In the Turner case, Chairman LEAHY and I wrote to the Director asking for his assurance that Agent Turner not get hit with retaliation, but we have not gotten an answer back yet.

This bill also will put an end to the double standard in discipline, where senior officials get away with misconduct and coverups, while rank-and-file agents get punished for the same thing. This hurts the morale of the FBI.

And how do we know about these discipline problems? We know about them because of whistleblowers, patriotic American citizens wanting the law to be abided by.

Agents John Roberts, Frank Perry, Patrick Kiernan, and former agent John Werner all testified about this discipline scandal last summer. This bill is only the first step to fix it, but the bill has not gone anywhere. These agents stuck their necks out to explain what is wrong with the FBI to Congress and the public. So far the Senate has ignored them, and their careers continue to be at risk.

I know all this might be embarrassing for the FBI, but stealing is wrong, especially from Ground Zero, and there has to be consequences. Heads have to roll. I think the FBI agents in the field around the country do a great job. I have found that the big FBI mistakes over the years usually come from headquarters, not from the grassroots.

In this case, it looks as if there are a few bad apples who did something wrong. And no one wanted to deal with it, so Agent Turner was obligated to blow the whistle. It was her sworn duty as a Federal law enforcement officer.

If we do not have the FBI reform bill, we will not have whistleblowers like Jane Turner and Coleen Rowley who expose these hidden problems that need to be fixed.

Without the bill, agents in the field will still think senior bureaucrats are held to a different standard, so morale suffers.

Without the bill, FBI internal security will not be the best it can be. That means the FBI will be more vulnerable and less effective, and that hurts national security.

This is not about politics. It is about improving the FBI and national security, and about making sure truth, fairness and justice prevail.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

IRAQ

Mr. THOMAS. Mr. President, this morning I will make a few comments with regard to the issue that is generally before us and before the country, and that is, of course, where we go with regard to Iraq and Saddam Hussein.

The President did a great job last night. He made very appropriate comments at a very appropriate time. He has discussed in detail the threats we see in Iraq, the threats we see in terrorism, and he has talked about his solution.

There have been questions raised, and properly so, and the President last evening sought to answer those questions, as indeed I think he should.

Why do we need to contain this dictator? I think surely most people understand that. Why do we need to do it now? I suppose that may be one of the most difficult questions for some. Why are we waiting to have allies in the U.N.? Certainly most agree that is something we want. The President covered that very thoroughly, and indicated that is his goal.

Our loss of 3,000 innocent Americans on September 11 makes us aware of why we need to make some changes; that activity in the world has changed. A number of years ago the threats were of landing on barges, flying huge formations of airplanes, with divisions of armed men and women. Now it is not entirely safe, as we found out September 11. We suffer huge damages from one incident. That is difficult to control. Clearly we have a problem.

We must complete our discussion, move forward and make decisions. It is an issue important to everyone, as a Nation, and important to the world. We will be voting on a resolution soon. I suppose there will be amendments to the resolution. The House may or may not come up with the same resolution. Nevertheless, that is the role of the Senate. I hope we deal with it as quickly as we can.

It grants the authority of the President to do what he feels has to be done to deal with this issue. Today we understand the clear and present threat of terrorism being different than in the past. September 11 changed that. We see evidence of these threats around the world.

Our personal safety has changed, as well as our national security. We recognize that. I understand there is reason to debate this issue. People have different views. We need to discuss the commitment of the military in this world. The question of acting unilaterally is a difficult question. That is one alternative.

We need to offer leadership in the world to reduce the risk that exists. The administration has done an excellent job of getting the support of our allies. Not all have signed up. Not all have stood up and raised their hands. Many support what we do now, as in Afghanistan.

Obviously, people have different views. Some are politicized. Some are different, legitimate views. We have to identify what our role should be as a leader in the world. More importantly, we need to protect this country's freedom and protect the freedom of all citizens.

In England, Prime Minister Blair has stepped up. I am sure others will, as well. We need to continue to discuss it. Much of the discussion has already taken place and the decision is ready to be made. Is this a sufficient threat to cause us to commit ourselves? I think so. Should we work through the U.N. with our allies? Of course. That is what the President suggested last night. I heard a fellow Senator this morning saying we should not do anything until the U.N. authorizes it. I hope the U.N. does, and I hope the U.N. is there. They should be. On the other hand, I don't think we ought to be controlled by the U.N. If we find this has to be something we do, we must go ahead.

Our role is to disarm Saddam. Inspectors are an excellent way to do that. But we have to review policy to see they are unrestricted. However, getting inspectors in is not the goal. Disarmament is the goal. Inspectors may be a way to do that. We hope they are. There will be movement in the U.N. The President's talk last night will do a great deal to assist in that regard.

The resolution before the Senate provides for the necessary authority. It pertains to support of diplomatic efforts of the President to strictly enforce the United Nations Security Council resolutions that have been in place for 10 years. That is all we are asking.

We support, in this resolution, action by the Security Council to ensure Iraq abandons its strategy for delay and invasion. The authorization is included. The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to defend the national security of the United States against the continuing threat posed by Iraq, and, number 2, enforce all relevant United Nations Security Council resolutions regarding Iraq. The President makes those determinations and reports to the Congress. He makes available to the Speaker of the House and the President pro tempore his determination that, number one, reliance by the United States on further diplomatic or peaceful means alone either will not adequately protect the national security or will not likely lead to the enforcement of those Security Council resolutions. It makes that determination, and, number 2, determines that acting pursuant to this resolution is consistent with the United States and other countries continuing to take necessary actions against international terrorists, terrorist organizations, including the nations, organizations, and persons planning and authorized to commit or aiding terrorists in the attacks that occurred on September 11.

It is pretty clear what needs to be done. It is appropriate to discuss this. We have discussed it sufficiently. I hope in the next day or two we can complete action. We need a little less talk and more action. The time has come to do that. It is our challenge. It is our responsibility. I hope we can do it in the next several days.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

UNANIMOUS CONSENT REQUEST—S. 724

Mr. BINGAMAN. Mr. President, today, once again, I will rise for the purpose of asking unanimous consent to take up and pass S. 724. I will withhold doing that until Senator NICKLES is able to come to the floor. I understand he wishes to address the issue.

This is a subject I raised last week here in the Senate. S. 724 is the Mothers and Newborns Health Insurance Act of 2001. It was reported by the Senate Finance Committee unanimously in July. It is legislation which was introduced by Senators BOND and BREAUX and would simply give States the option of covering pregnant women in the State Children's Health Insurance Program, or the CHIP program, for the full range of pre- and postpartum care.

This legislation did pass out of the Senate Finance Committee by unanimous vote. It includes language we incorporated in an earlier bill, S. 1016, which was the Start Healthy, Stay Healthy Act of 2001 introduced by me and supported by Senators LUGAR, MCCAIN, CORZINE, LINCOLN, CHAFEE, MILLER, and LANDRIEU, and it provides children with continuous health care coverage throughout the first and most fragile year of life.

According to the Centers for Disease Control, the United States ranks 21st in the world in infant mortality and 26th in the world in maternal mortality. For a nation as wealthy as ours, these statistics are simply unacceptable.

Unfortunately, the regulation the administration issued last week to allow unborn children to be covered by the State Children's Health Insurance Program, or CHIP, leaves pregnant women out of that equation. That is contrary to the clinical guidelines of the American College of Obstetricians and Gynecologists. It is contrary to the guidelines of the American Academy of Pediatrics. Both organizations indicate that the woman and the unborn child need to be treated together.

If you are covering only the fetus, as this regulation that came out last week purports to do, this eliminates important aspects of coverage for women during all the stages of birth, pregnancy, delivery, and postpartum care. The various health services that pregnant women could be denied, without passage of this legislation, were elaborated on the Senate floor earlier. We need to do better by our Nation's mothers than we have done so far. This legislation will do that.

Let me also make it clear, though, that this bill is about children's health. Senator BOND's bill appropriately is called the Mothers and Newborns Health Insurance Act. It is given that title for a very good reason. We all know the importance of an infant's first year of life. Senator BOND's legislation, as amended in our committee, the Finance Committee, provides 12 months of continuous coverage for children after they are born.

Again, the United States ranks 21st in the world in infant mortality. We need to do a better job by our Nation's newborn infants just as we need to do a better job by our Nation's mothers. The rule that was passed last week does provide an option for 12 months continuous enrollment to States, but it makes the time for that 12 months retroactive to the period that the child was in the womb. Therefore, if 9 months of pregnancy were covered, the child would lose coverage in the third month after birth. Potentially lost would be a number of well-baby visits, immunizations, and access to pediatric caregivers.

This legislation, S. 724, which was introduced by Senator BOND, has a large number of bipartisan cosponsors. Senator DASCHLE is a cosponsor. Senator LOTT is a cosponsor. Many others of my colleagues are cosponsors.

Last Wednesday, we tried to pass S. 724 and objections were raised. Senator NICKLES asked a number of questions, and Senator LINCOLN and I prepared some detailed responses. We made several points in those responses. Let me just summarize those.

First, with regard to the cost of this legislation, the bill is almost entirely offset over the first 5 years it would be in existence, and it actually saves money over the 10-year period.

With regard to whether the administration supports the bill, Secretary Thompson has repeatedly expressed support for passage of legislation, including specifically mentioning support for S. 724 and companion legislation in the House. He has done that on two occasions.

With regard to whether the regulation eliminates the need for legislation, the regulation itself notes that it leaves many gaps in coverage that the rule creates, including denials of care for pregnant women through pregnancy, through delivery, and through postpartum care.

With regard to the burden this bill could place on States, the legislation would simply allow States the option to expand coverage to pregnant women through the CHIP program, or not to expand that coverage, as they choose. States that do not wish to expand coverage would not be compelled to do so. The National Governors Association believes all States should have that option. Therefore, the NGA has specific policy in support of expanding options to cover pregnant women through this CHIP program.

I ask unanimous consent to have printed in the RECORD the more detailed response Senator LINCOLN and I sent to Senator NICKLES with respect to the objections and questions he raised on the floor last Wednesday.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, October 4, 2002.

Hon. DON NICKLES,
Assistant Minority Leader,
Capitol, Washington, DC.

DEAR SENATOR NICKLES: On Wednesday, October 2, 2002, we tried to pass by unanimous consent bipartisan legislation by Senators Bond and Breaux, the "Mothers and Newborns Health Insurance Act" (S. 724), which passed the Senate Finance Committee in July by unanimous consent. The legislation has a number of bipartisan cosponsors, including Senators Daschle and Lott.

We were unable to proceed with passage of this important legislation to cover pregnant women due to the objection you raised, which, you stated, were based on questions you wanted answered prior to passage. Through this letter and attachment, we have addressed all the issues that you raised. Therefore, we will once again ask for unanimous consent to proceed to passage next week, and we hope we can count on your support.

Thank you for your immediate consideration. The health of many of our nation's mothers and children await this important action by the Senate.

Sincerely,

JEFF BINGAMAN.
BLANCHE L. LINCOLN.

Attachment.

QUESTIONS AND ANSWERS ABOUT S. 724

Question. How much does the bill cost and what is the offset?

The CBO estimate of the pregnant women bill was $611 million over five years and $1.08 billion over 10 years prior to the issuance of the rule. The legislation also uses SSI pre-effectuation reviews as the offset, with a savings of $279 million over 5 years and $1.34 billion over 10 years. Over ten years, there is a net savings to the passage of this legislation.

However, according to the Administration, the cost of their rule is $330 million between fiscal years 2003 and 2007. With that taken into account, the cost of passage of pregnant women coverage would drop to $281 million over five years. As a result, the overall net cost of the bill would be almost nothing over five years and would save money over the 10-year period.

Question. . . . It's just my understanding that Secretary Thompson has promulgated a reg[ulation] which I believe he thinks satisfies a lot of the unmet health care needs of children, including unborn children, and . . . so he supports the reg[ulation] that he's promulgated and is now effective and does not support the legislation which goes far beyond the reg[ulation] that he's just promulgated . . . Maybe he did make a statement that was supportive in March but he may well feel like that was accomplished in the reg[ulation].

Department of Health and Human Services (HHS) Secretary Tommy Thompson has stated repeatedly his support for the passage of legislation to allow states the option to cover the full range of health services to pregnant women through the State Children's Health Insurance Program (SCHIP), and specifically mentioned S. 724 on at least one occasion.

In a statement issued on January 31, 2002, Secretary Thompson praised Senators Bond, Breaux and Collins for "bipartisan leadership in supporting S. 724, a bill that would allow states to provide prenatal coverage for low-income women through the SCHIP program. We support this legislative effort in this Congress."

In testimony before the Senate Finance Committee on February 14, 2002, Secretary Thompson expressed support for legislation expanding coverage to pregnant women rather than states having to seek waivers.

In testimony before the House Labor-HHS Appropriations Subcommittee on March 6, 2002, Secretary Thompson said, "And so, if you can pass the bill [the House companion bill to S. 724 introduced by Representatives Hyde and Lowey], we don't need the rule." He added, "Let's pass the legislation."

In a letter to Senator Bingaman dated April 12, 2002, Secretary Thompson wrote:

"Prenatal care for women and their babies is a crucial part of medical care. These services can be a vital, life-long determinant of health, and we should do everything we can to make this care available for all pregnant women. It is one of the most important investments we can make for the long-term good health of our nation.

"As I testified recently at a hearing held by the Health Subcommittee of the House Energy and Commerce Committee, I also support legislation to expand SCHIP to cover pregnant women. However, because legislation has not moved and because of the importance of prenatal care, I felt it was important to take this action [of issuing regulations]."

Repeatedly, Secretary Thompson has expressed support for legislation over the past year. As to whether he now thinks the rule eliminates the need for legislation, it is important to note that HHS issued a waiver on September 27, 2002, to Colorado requested by Republican Governor Bill Owens to cover pregnant women through SCHIP. The Colorado waiver was issued on the same day the Secretary issued a press release on the rule to allow coverage to "unborn children" through SCHIP. As Secretary Thompson is quoted, "Approved this waiver means that thousands of uninsured women and their babies will be able to get health care coverage." This is the third wavier granted by Secretary Thompson to cover not just "unborn children" but pregnant women, as previous waivers were given to Rhode Island and

New Jersey. Clearly, the Republic Governor of Colorado did not think the rule fully covered their desire to provide coverage to pregnant women.

HHS acknowledges in the regulation that the rule covering "unborn children" does not fully cover pregnant women and is in lieu of legislation being passed by Congress to provide care to pregnant women. The regulation also acknowledges that despite the rule that "there are still gaps" and that waivers are not a fully acceptable way to address them. As the rule reads:

"This regulation bridges a gap in eligibility between the Medicaid and the SCHIP programs that has now existed for five years. Members of the Congress have also recognized this gap and have introduced various pieces of legislation over the years to address this gap. The opportunity to expand vital health insurance coverage during a critical time is at hand.

"We welcome all of these suggestions for expanding health insurance coverage and indeed States and the Secretary have already used the flexibility in current regulations. However, there are still gaps. We also welcome support for the actions of the Secretary in granting waivers to States . . . But the Secretary's ability to intervene through one mechanism (a wavier) should not be the sole option for States and may in fact be an inferior option. Waivers are discretionary on the part of the Secretary and time limited while State plan amendments are permanent, and are subject to allotment neutrality."

The rule explains what gaps still exist. For example, the rule highlights what cannot be covered for women via care to "unborn children." If you only are covering the fetus, this eliminates important aspects of coverage for pregnant women during all the stages of a birth—pregnancy, delivery, and postpartum care. Among other things, pregnant women would not be covered during their pregnancy for cancer, medical emergencies, accidents, broken bones, or mental illness. Even life-saving surgery for a mother would appear to be denied coverage.

Further, during delivery, coverage for epidurals is a state option and is justified only if the health of the child is affected. On the other hand, anesthesia is covered for Caesarean sections. The rule would wrongly push women and providers toward performing C-sections to ensure coverage.

And finally, during the postpartum period, women would be denied all health coverage from the moment the child is born. Important care and treatment, including but not limited to the treatment of hemorrhage, infection, episiotomy repair, C-section repair, family planning counseling, treatment of complications after delivery (including, once again, life-saving surgery), and postpartum depression would not be covered.

Question. I'm also going to check with the states, because I also believe this is an expansion of Medicaid, which I know my state is struggling to pay. As a matter of fact, actually reducing payments in some cases in Medicaid because they just don't have the budget. And, our state health director . . . has told us don't increase any new expansions on Medicaid because we can't afford it . . . Pregnant women [are eligible for Medicaid] with incomes less than 185% of poverty . . . and I believe this legislation would take that up to 300%. So, it would make many more people eligible for Medicaid which would also increase the costs to the states, which some states can't afford it.

The legislation provides for an expansion of coverage for pregnant women, at a state option, through the State Children's Health Insurance Program (SCHIP).

As the Committee report (Senate Report 107–233) reads:

"The Committee bill allows states to cover additional pregnant women under SCHIP. The SCHIP expansion group includes pregnant women with family income above the state's Medicaid financial eligibility standard for pregnant women in effect on January 1, 2002, up to the income eligibility for SCHIP children in effect as of January 1, 2002 . . .

"Current federal law enables low-income pregnant women to receive coverage under SCHIP through age 18, but it does not provide such coverage to women ages 19 and above. While states have the ability to add SCHIP coverage for pregnant women over age 18 through Section 1115 waivers, states find this process to be both time-consuming and administratively burdensome. The Committee bill allows states to cover pregnant women through the simpler state plan amendment process. The committee bill also eliminates the disparity in coverage levels between pregnant women and infants that has been created through SCHIP, enabling both mothers and their newborn children to immediately receive health coverage under the program."

According to the Congressional Research Service (CRS), 38 states and the District of Columbia provide coverage up to 200% of poverty or less. States cannot exceed those levels of coverage through SCHIP beyond the levels of poverty covered for children.

Also, if a state cannot afford an expansion of coverage to additional pregnant women, they do not have to. It is a state option. However, it allows those states that choose to expand coverage to pregnant women to do so without having to seek a waiver, just as the regulation has done for "unborn children."

As a result, there is strong support for this legislation from the National Governors' Association. Their policy position (H.R.–15. "The State Children's Health Insurance Program (S–CHIP) Policy") expresses strong support for passage of such legislation. As it reads:

"The Governors have a long tradition of expanding coverage options for pregnant women through the Medicaid program. However, pregnant women in working families are not eligible for SCHIP coverage. The Governors call on Congress to create a state option that would allow states to provide health coverage to income-eligible pregnant women under SCHIP. This small shift in federal policy would allow states to provide critical prenatal care and would increase the likelihood that children born to SCHIP mothers would have a healthy start."

States are partners with the federal government in Medicaid and SCHIP. They are asking for additional state flexibility in coverage options here that should be granted by the passage of S. 724. The "Mothers and Newborns Health Insurance Act of 2002."

Mr. BINGAMAN. Mr. President, again, at the appropriate time, once Senator NICKLES has arrived in the Chamber, I will rise once again to seek unanimous consent that we be allowed to bring up and pass S. 724, as passed out of the Finance Committee.

Mr. President, I am informed Senator NICKLES will not be able to come to the floor in the near future. Therefore, I will go ahead and make the unanimous consent request at this time.

I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 541, S. 724; that the committee substitute be agreed to, the bill be read a third time and passed, the title amendment be agreed to, the motions to reconsider be laid on the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. THOMAS. Mr. President, on behalf of several of our Members who want to talk, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. BINGAMAN. Mr. President, I see my colleague from New Jersey is here to speak. He has been a strong supporter of this legislation from the time it was first introduced. I will yield the floor at this time so he may speak.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

Mr. CORZINE. Mr. President, I, too, rise in support of the efforts about which Senator BINGAMAN was speaking. Senator BOND, Senator LINCOLN, and the Presiding Officer have also been supportive of working to expand the access to prenatal care for pregnant women. I thank all those involved for efforts to pass this legislation.

I have to say I am disappointed we are not able to get this unanimous consent, given the overwhelming support in the Finance Committee. There was unanimous passage there of all the elements Senator BINGAMAN just spoke about with regard to funding. I will speak to it a bit myself.

But this is something that, given our record as a nation, being 21st in the world with regard to deaths of children at birth, just is hard to understand—why we are not taking the steps to address this fact and give those States the flexibility to deal with it.

As I said, I am pleased the Finance Committee unanimously passed the legislation, S. 724, which includes, as the Senator from New Mexico mentioned, the major provisions of legislation we introduced about 18 months ago called Start Healthy, Stay Healthy. Many of us have been supportive of that legislation.

The bipartisan bill, as it now stands, seeks to expand pregnancy-related care to low-income women who fall above Medicaid eligibility levels. Under this bill, pregnant women would be eligible for the full spectrum of prenatal and postpartum care, as recommended by the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists.

Unfortunately, what many of us believe is noncontroversial legislation is being held up for reasons of which I am not completely certain. There were a number of questions raised last week by the Senator from Oklahoma which have been answered in detail in a letter about which the Senator from New Mexico spoke. But the main objection is that it somehow contradicts a rule published by the Bush administration to expand health insurance to unborn children but not to pregnant women.

Actually, many of us believe this legislation complements the administration's rule and will result in pregnant women receiving more comprehensive pre- and postnatal care, which will clearly result in healthier births and give newborns a better start in life.

Furthermore, S. 724, as amended, guarantees health coverage to children born to eligible women until age 1 regardless of income eligibility. The administration's rule would only guarantee that health care for 3 months of their lives. So we think it does an outstanding job of broadening the coverage to make sure that kids really do start healthy and that they will stay healthy as they go forward in their lives.

The administration has stated that the goal of its new rule is to increase a woman's access to prenatal care. I think all of us applaud that. I certainly do. Why, then, is the woman explicitly left out of that rule? For example, under the administration's rule, it is uncertain whether pregnant women will be offered treatment for ailments that may not be directly related to pregnancy.

For instance, under the administration's rule, a pregnant woman would not be eligible to receive care for cancer, diabetes, medical emergencies, accidents, broken bones, or mental illness. It is also unclear whether or not a woman would be provided certain types of care during delivery. In order to have an epidural covered, for instance, a doctor would have to certify that it was in the best interest of the fetus.

Finally, the rule provides for absolutely no postpregnancy care. Treatment of postpartum complications, including hemorrhaging, infection, and postpartum depression, would be inaccessible to the mother.

These things are hard to put in the context of what is the desire of, I think, most of us to see that there is a good continuum, a good start for our children. I think there are some conflicts that are put in place by the regulations that would be very hard to enforce and could be endangering to both the child and certainly to the mother's health. I think they do not meet the commonsense test.

It contradicts also ACOG's standard of care, which views pregnancy-related care as including prenatal, labor and delivery, and postpartum care. Second, surely we can agree that neglecting the mother's health is not the best way to give a newborn a healthy start in life.

If the administration and Members of Congress are serious about providing meaningful health care to pregnant women and their children, I believe we should support passage of the bipartisan initiative, S. 724. This legislation gives the States the option to enroll low-income pregnant women into their CHIP programs, a proposal that HHS Secretary Thompson has endorsed verbally and in writing many times, which is indicated in the letter Senator BINGAMAN has forwarded to Senator Nickles.

This legislation will provide for all of the care related to the fetus outlined under the administration's rule, but it will also provide full access to prenatal and postpartum health care, other essential health care for pregnant women, and 1 year of continuous coverage for newborns.

Let me be clear, States will still have the option of expanding care to fetuses under the administration's rule. But by passing this legislation, we would also give the States the option of expanding care to pregnant women along the lines of what I talked about earlier.

My own State of New Jersey has already received a waiver from HHS, and a number of other States have; a number are applying. It is actually a very complicated and onerous process to get these waiver procedures in place. I think we ought to make it legislatively appropriate, statutorily appropriate, for all States, so they have the choice of moving in this direction if they so choose.

Every week in our country 8,500 children are born to mothers who lack access to prenatal care. This is one of those areas where insurance coverage can actually be provided and make a big difference, so we do not end up paying more for health care for children who are brought into the world in poor health conditions, who then end up costing society even more because they have had poor prenatal care. Every day we wait to pass this legislation, more children will be born with serious health problems because their mothers cannot afford health care.

I hope we can address this issue. There is strong bipartisan support. I think it is time to move. I very strongly support the efforts of all my colleagues who are pushing for S. 724 and hope we can put the politics aside and vote today to pass this important legislation.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. LINCOLN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. LINCOLN. Mr. President, I rise today to speak again on the importance of passing S. 724, the Mothers and Newborns Health Insurance Act, as soon as possible. It is beyond me why in the world we cannot move forward on such a practical piece of legislation. This bill will make a real difference in the health of thousands of low-income women and their babies across our great Nation, not to mention the money it is going to save this Nation, because we all know that for every $1 we invest in prenatal care, we save anywhere from $5 to $6 down the road. It is not only compassionate and good policy, it is also good economics.

Last Wednesday, Senator BINGAMAN asked for unanimous consent to pass this bipartisan bill, but Senator NICKLES from Oklahoma objected. Since then, Senator BINGAMAN and I have sent Senator NICKLES a letter answering the questions he had about this particular legislation.

It is so important Members understand how critically important this piece of legislation is, and that these questions can be answered. With those questions answered, it is my hope that we can pass S. 724 today.

This bill, which we unanimously approved in the Finance Committee, gives States the option. They can simply take the option, if they choose, of covering pregnant women under the State's Children's Health Insurance program. Most importantly, the bill allows coverage for prenatal care, delivery, and postpartum care. These are all complete parts of delivering healthy children. It is not just one opportunity to care for a fetus that is being carried by a woman; it is, more importantly, the opportunity to bring that child into the world healthy. We all know to do that, we must look at the health of the mother in a prenatal situation. We have to look at the delivery, and we also have to look at the postpartum care, which is essential for women to care for and maintain healthy children.

I am so pleased we are joined on the floor by some of our colleagues who work so hard to improve the health of women and children: Senator CORZINE, Senators LANDRIEU and CLINTON are leaders in this area. I am glad they have all been here or will be here to speak. I understand Senator MIKULSKI, Senator FEINSTEIN, and Senator LUGAR have submitted statements for their support of S. 724.

Some of us talk a lot about the importance of process in the Senate. Sometimes it does not translate to our colleagues or friends and constituents out there in the greater part of our Nation. Some of us complain when bills do not go through the regular process of committee markups and on to the Senate floor. When we are talking about such an important issue, people do understand, when the Senate does not act on something that is this critical to the well-being of their life, particularly to the health of their children.

This bill went through the classic Senate process, as is described in Government textbooks. As Senators BINGAMAN, BOND, and I discussed last week, S. 724 unanimously passed the Finance Committee and is now on the legislative calendar under general orders. Even better, it has strong bipartisan support. Both the majority leader and minority leader have cosponsored it. That is because the idea of ensuring a healthy start in life is a sound policy, it is good fiscal policy, and it is not a partisan issue. I have no earthly idea why we are trying to make it one. If we really care about life, the Senate needs to pass this commonsense bill.

I want to make an important point about the necessity of S. 724 in light of the administration's regulation that provides CHIP coverage to unborn fetuses. This regulation fails to cover the full range of medical services needed by a woman during and after pregnancy. Simply put, it flies in the face of the Guidelines for Prenatal Care Fourth Edition, established by the American College of Obstetricians and Gynecologists and the American Academy of Pediatrics, guidelines that are used by doctors all across our country.

Under the regulation, doctors will not be reimbursed for providing care they are ethically obligated to provide. In the modern practice of obstetrics, postpartum care is absolutely a critical part of the overall care and the treatment the women receive prenatally and during labor and delivery. Postpartum care is essential for any of us who have gone through pregnancies and who have been so blessed to have had good prenatal care, who have seen what it can do in the delivery room, by providing the ability to go through a healthy delivery, and then, when you come out of that delivery, to be blessed and fortunate enough to go home within 2 days with your children because you have had good care. It is so common sense.

It is so positive for everybody concerned: The taxpayers who may be paying the tax bill or the medical bills, for the individual who wants to get off to the right start, the mother who wants to get off to the right start, the child who needs to get off to a healthy start.

We have learned so much about early development in children and what it means later on in life in their ability to succeed and learn, how critical it is they not be in that neonatal unit, but that they can be born healthy, and they can all go home together to start that life off correctly.

We have an opportunity to make a difference in each and every newborn life. There is no excuse that we should not move quickly. With rising medical malpractice rates, particularly for obstetricians and gynecologists, these doctors may simply decide to stop serving CHIP patients. This regulation may become another disincentive for doctors to participate in programs serving our low-income population.

Failing to pass S. 724 leaves doctors choosing between following clinical guidelines which we know, through research, is the most proper care women need; they have to choose between following these clinical guidelines they know and trust or getting paid. These decisions will be especially hard for doctors who serve high-risk women, given the fact postpartum care is even more critical for women who have preexisting medical conditions such as diabetes or hypertension—any of these.

Under the President's order, these women wouldn't get care. They could only care for the unborn fetus they are carrying. It makes no sense whatsoever that the pregnant woman could not even get the care she needed, and the doctor, if giving it ethically, cannot even be reimbursed.

This bill does not overturn the administration's regulation. It simply complements it. It makes the regulation better. It clarifies that doctors will get reimbursed for the clinical care they provide, and it will ensure pregnant women get the full scope of medical care they need.

S. 724 is supported by 25 national organizations, including the American Academy of Pediatrics, the American College of Obstetricians and Gynecologists, and the March of Dimes. Each of these organizations has expressed serious concern with the administration's regulation, and believes this bill is better.

I ask unanimous consent that a complete list of the organizations be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Organizations supporting S. 24:

American Association of University Affiliated Programs;

American Academy of Pediatrics;

American College of Nurse Midwives;

American College of Obstetricians & Gynecologists;

American College of Osteopathic Pediatricians;

American Hospital Association;

American Medical Association;

American Osteopathic Association;

American Public Health Association;

Association of Women's Health, Obstetric and Neonatal Nurses;

Association of Maternal and Child Health Programs;

Catholic Health Association;

Council of Women's & Infants' Specialty Hospitals;

Easter Seals;

Family Voices;

Greater New York Hospital Association;

March of Dimes;

National Association of Children's Hospitals;

National Association of Public Hospitals & Health Systems;

National Women's Health Network;

National Association of County & City Health Officials;

Society for Maternal-Fetal Medicine;

Spina Bifida Association of America;

The Alan Guttmacher Institute;

United Cerebral Palsy Associations.

Ms. LINCOLN. Mr. President, I thank my colleagues who have joined me. In the last few days of the session, let us prove to the American people we in the Senate do understand what goes on in their everyday lives, we do care, and we can act in ways that will actually make a difference in their lives; that we won't sit here and talk about process.

This bill has been through every piece of process there is. Let us come together in a partisan way and move forward at least this piece of legislation that will make a difference in not only a child's life, a woman's life, an entire family's life, a community's life, but in this Nation's success.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I understand several of my colleagues have come to the floor to speak in favor of this piece of legislation Senator LINCOLN is championing so well and appropriately. I rise to take a moment to add my words of support for this very important measure.

I understand the Senator from Missouri will be following me, if possible.

Last year in Louisiana, there were about 67,000 children born. If you think about a medium-sized town, that is like a medium-sized town born every year.

The ACTING PRESIDENT pro tempore. The time of the majority has expired.

Ms. LANDRIEU. Mr. President, I ask unanimous consent for 2 minutes.

Mr. REID. Mr. President, that is fine, as long as the minority gets an extra 2 minutes.

Mr. BOND. Reserving the right to object, I did not hear that.

Mr. REID. I said as long as the minority gets an extra 2 minutes.

Mr. BOND. I appreciate that.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, 67,000 babies were born in Louisiana last year. It would be most certainly in the interest not only of those particular children and those particular families but the community that reaches out, in the broader sense, to the people of our Nation to make sure those new babies, and their moms who are delivering them, are coming into the world in the healthiest way possible. Not only does that help us across the board in health issues, it helps us because then we are better able to educate those children because they have been born in a healthy manner, we are more able to reach out and prevent all sorts of illnesses and diseases and mental health problems, and save the taxpayers of this country billions of dollars.

So the Senator from Arkansas is so right. The rule proposed in the House falls short. Let us pass this bill that encompasses the health of children and their mothers and give them the prenatal care they need to get these children born healthy for their own benefit and for the benefit of the taxpayers in our Nation.

I thank the Senator from Missouri for his strong leadership on this issue as well.

I yield the floor.

The PRESIDING OFFICER (Ms. LANDRIEU). The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I thank my colleagues for giving me the opportunity to rise today in support of the unanimous consent request to consider and pass S. 724, the Mothers and Newborns Health Insurance Act of 2001. I believe the bill is essential to the health care of children and pregnant women in America. Thus, I am proud to be an original sponsor of the legislation with Senator BREAUX and Senator COLLINS.

The goal of the legislation is quite simple: To make sure more pregnant women and more children are covered by health insurance so they have access to the health care services they need to be healthy.

This legislation would simply give the States the option and flexibility to cover low-income pregnant women in the State Children's Health Insurance program, which we call SCHIP, for the full range of necessary prenatal, delivery, and postpartum care.

Let me reiterate, this is a choice for the States, should they choose to exercise it. No State, under this bill, is required, or forced, to expand coverage to additional pregnant women. This bill merely provides States the option.

This bill will complement the administration's final rule that allows States to expand SCHIP coverage to an "unborn child" by covering additional vital health care services for the pregnant mother that the rule, unfortunately, does not cover.

The rule attempts to treat the unborn child without treating the mother. This approach is in direct conflict with the clinical guidelines set forth by the American College of Obstetricians and Gynecologists and the American Academy of Pediatrics, which state a pregnant woman and the "unborn child" must be treated together. It certainly makes common sense to a layperson, but there is a professional opinion that the two cannot be treated separately.

It is simply counterintuitive to deny coverage for disease management, medical emergencies, accidents, broken bones, mental illness, or surgeries for the mother during pregnancy. Failure to treat the mother in such circumstances will have a direct and profound effect on the health and development of her unborn child.

In addition, under the rule, during delivery, coverage for epidurals is a State option and is justified only if the health of the child is affected. On the other hand, anaesthesia is covered for Caesarean sections. The rule would wrongly push women and providers toward performing more C-sections to ensure coverage for epidurals—a choice which is more expensive and, in most cases, a much harder road to recovery for the mother.

Finally, after delivery, women would be denied all health coverage from the moment the child is born. Important care and treatment, including the treatment of hemorrhage, infection, episiotomy repair, C-section repair, and the treatment of complications after delivery would not be covered.

This bill will work hand in hand with the administration's rule by giving States the flexibility and option to treat the mother and child together and provide the full range of necessary prenatal, delivery, and postpartum care—care which is essential to the health and well-being of both the mother and the baby.

No health care program that ignores this fact can fully address the issue of children's health care. This bill will eliminate the illogical disconnect between pregnant women and babies.

This bill has strong bipartisan support in both the Senate and the House, as well as the endorsement of the National Governors Association and 25 other national organizations, including the March of Dimes, American Academy of Pediatrics, American Public Health Association, National Association of Children's Hospitals, American College of Obstetricians and Gynecologists, and the Catholic Health Association.

In addition, Secretary Thompson, in the past, has voiced his strong support for this legislation.

In fact, in a January 31, 2002, press release on the administration's rule, Secretary Thompson congratulated Senators for "bipartisan leadership in supporting S. 724, a bill that would allow States to provide prenatal coverage for low-income women through the SCHIP program." He went on to say, "We support this legislative effort in Congress."

All women need prenatal care. Young or old, first baby or fifth, all mothers-to-be benefit from regular care during pregnancy.

Studies have shown that an uninsured pregnant woman is much less likely to get critical prenatal care that reduces the risk of health problems for both the woman and the child. Babies whose mothers receive no prenatal care or late prenatal care are at-risk for many health problems, including birth defects, premature births, and low birth-weight.

We know prenatal care improves birth outcomes and can save money. According to the National Center for Health Statistics, infants born to mothers who receive no prenatal care or late prenatal care are nearly twice as likely to be low birth weight.

Moreover, low birth weight and preterm births are one of the most expensive reasons for a hospital stay in the United States with hospital charges averaging $50,000—an especially serious financial issue for families without health insurance.

A report by the IOM entitled Health is a Family Matter notes, "Infants of uninsured women are more likely to die than are those of insured women. In one region of West Virginia, the fetal death rate dropped from 35.4 to 7.0 per 1,000 live births after introduction of a prenatal care program for the uninsured."

In addition to ensuring better health outcomes, research and state experience suggests that covering pregnant women is a highly successful outreach mechanism for enrolling children.

I thank Senator BINGAMAN for his leadership in the Finance Committee on this issue. With his help, this bill passed the Finance Committee in the beginning of August by unanimous consent.

Madam President, studies have shown time and time again that babies born to mothers receiving late or no prenatal care are more likely to face complications—which results in hospitalization, expensive medical treatments and ultimately increased costs to public programs. We must close the gap in coverage between pregnant mothers and their children to improve the health of both and to address more fully the issue of children's healthcare.

This is crucial legislation, and urge my colleagues to join me in support of it so that we can pass this bill.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise today to voice my support for immediate passage of the Mothers and Newborns Health Insurance Act of 2001, as reported by the Senate Finance Committee in July.

This important legislation would simply give States the option to provide health insurance coverage to pregnant women under the State Children's Health Insurance Program. Such coverage would include the full range of care, both during pregnancy and postpartum.

This means that a pregnant women would have access to epidurals during the birthing process and any health-related services necessary postpartum. It also means that a pregnant women who has other health conditions, such as diabetes or high blood pressure, would be able to receive treatment for such disorders. Even life saving surgery for a pregnant woman appears to be not covered under the propose rule.

Keeping the mother healthy is not only in her best interest, but clearly in the best interest of the child. Providing a mother with access to health care services could help ensure that her child will have the opportunity to be raised by a healthy mother who will hopefully live a long life.

Additionally, providing the mother with access to health care services during pregnancy could also help eliminate complications during childbirth and postpartum. This could potentially cut down on health care costs.

Passage of this legislation is particularly important since last week the administration issued a final proposed rule that would give States the option to provide health insurance through SCHIP to a fetus. No mention is made of providing the same coverage to the woman carrying the fetus. Woman are completely left out of the equation. It simply makes no sense to issue a regulation that provides for health insurance for a fetus but not the woman preparing to give birth. In my mind, it makes more sense to simply expand access to prenatal and postpartum care.

In a country as prosperous as the United States, it is disturbing that we still rank 26th in the world in maternal mortality. This could all be avoided if we only did a better job of ensuring that all pregnant women, regardless of their income or status, had access to the full-range of health care services throughout the continuum of their pregnancy.

Currently under SCHIP, only women under the age of 19 are covered for pregnancy-related services. However, what happens to a woman who turns 20 halfway through her pregnancy? A 20-year old woman would not be able to access the same services under current law but would certainly need access to prenatal and postpartum care to ensure a safe pregnancy and maximize the chances of giving birth to a healthy child. This legislation would eliminate this discrepancy.

States can currently apply for a waiver to provide coverage to pregnant women. Many States have applied for such a waiver. The waiver process is often burdensome and timely. Why not just give all States the option to provide such coverage?

HHS Secretary Thompson himself said on March 6, 2002, before the House Labor-HHS Appropriations Subcommittee: "And so, if you can pass the bill, we don't need the rule. Let's pass the legislation."

I echo Secretary Thompson's sentiment. In the remaining days of Congress, let's pass this commonsense legislation. It is a good investment. It will help protect our Nation's pregnant women by providing them with access to vital health care services, and will help ensure that our Nation's children are born to healthy mothers who have been given the foundation necessary to lead a long and healthy life.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is now closed.

AUTHORIZATION OF THE USE OF UNITED STATES ARMED FORCES AGAINST IRAQ

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S.J. Res. 45, which the clerk will report.

The assistant legislative clerk read as follows:

A Joint Resolution (S.J. Res. 45) to authorize the use of United States Armed Forces against Iraq.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. I thank the Chair.

Madam President, in a short while, on behalf of a number of colleagues, particularly Senators WARNER, BAYH, MCCAIN, and myself—and I am happy to note the occupant of the Chair, the junior Senator from Louisiana is also a cosponsor with us—we are going to be offering a substitute to the pending business to authorize the use of United States Armed Forces against Iraq.

This is, obviously, a momentous decision. The debate has begun in this Chamber over the last few days. I have watched a lot of it with great interest. It has been carried on with the tone of seriousness and purpose the matter requires. This debate will continue in earnest over the next few days as we, each in our own way, facing our own conscience, considering our values, our sense of history, our understanding of the threat posed by Iraq under Saddam Hussein, will reach a conclusion.

Senators WARNER, BAYH, MCCAIN, and I have reached a conclusion in submitting the resolution. I say for the record this resolution is the result of an open and spirited process of discussion and negotiation between the President of the United States and Members of both parties in both Houses.

The result is a resolution that, in its preamble, states the case against Saddam, the case of the ambitions this brutal dictator has to gain hegemonic control over the Arab world and the oil there; the extraordinary acts of brutality he has committed himself and directed others to commit against his own Iraqi people; his invasions of his neighbors, Iran and Kuwait, which is evidence, prior to the gulf war, of the long-held belief that he has had which is fundamental to the Baath party, which he heads, of rising to dominate the region as a modern-day Saladin and all that it contains.

The resolution records the allied efforts in the gulf war which were triumphant, and the resolutions of the United Nations that followed thereafter as part of the promises Saddam Hussein made to end the gulf war, the most significant of which was to disarm and to allow United Nations inspectors in to guarantee the world that disarmament would occur.

I talked to someone who was in our Government at that time, and they said the presumption was disarmament would occur rapidly and that inspectors might be necessary just to make sure there was not, over time, an attempt to rearm. Of course, it is 11 years after the gulf war ended, and disarmament has never occurred. The United Nations resolutions have been violated repeatedly, and ultimately the inspectors were thrown out in 1998. All of this, and more, is recorded in the preamble section of the resolution we will offer.

Also recorded is the effort the Bush administration is making now to finally convince the United Nations to act, to prove its resolutions are worth more than the paper on which they are printed; that the United Nations Security Council will act to enforce its resolutions, to protect the world from the unique threat represented by Saddam Hussein, an ideology which calls on him to spread out and dominate his region, weapons of mass destruction he has used not once but repeatedly against the Kurdish people who are Iraqi citizens, and against the Iranians in war and his support of terrorism.

There are only seven nations in the world our own State Department lists as state sponsors of terrorism.

Iraq is one of those, and it has supported terrorist groups that have killed Americans. This is a unique circumstance. At different times I know our colleagues have asked: What about the other countries that are on the list of state sponsors of terrorism? What about other nations that have weapons of mass destruction? What about other nations that have aggressive ambitions? Well, there are such nations, but there is no one other nation that brings as much poison and evil intent together and, in that sense, so threatens the United States of America as Iraq.

This resolution, which again is the process of bipartisan and bicameral negotiation with the White House, is explicit. It has taken some clauses out of the original White House proposal and has added some others, but in its most operative sections it says this Congress of the United States authorizes the President to use the Armed Forces of the United States to defend the national security of the United States against the continuing threat posed by Iraq and enforce all relevant United Nations Security Council resolutions regarding Iraq.

There are those who ask: Why now? What is the urgency? My own response, as the President of the United States declared most recently, last night, is: Why not earlier? Why not over the course of the last decade, when Saddam Hussein, to our knowledge, continued to build up his weapons of mass destruction and the most dangerous and threatening means to deliver them on targets near and far, constantly ignoring and violating resolutions of the United Nations, growing more ominous a threat to his neighbors and to the world?

My answer, again, to, why now? is, why not earlier?

Others have said: There has been no provocation. Why are we not waiting for an attack to occur? Well, why, after the devastation of September 11, 2001, would we want to wait until an attack occurs by someone who is clearly arming and threatening us?

This is not, in the classic sense, an act of preemption to authorize the President to take military action against Iraq as a last resort if all else fails. In fact, the United States of America—and the United Nations, for that matter—have been in a continuing military conflict with Iraq since the gulf war began.

We have 7,500 American military personnel dispatched to the region, working alongside their British colleagues to enforce the no-fly zones, costing American taxpayers more than $1 billion a year. This is not safe duty. This is not casual duty. These American Air Force personnel are being fired on repeatedly. More than 400 times this year alone, American and British aircraft have been fired on by Iraqi forces. So this is not an act of preemption. This is an act of response and prevention.

Others have said on this floor that the authorization we are giving the President of the United States is an abrogation of our constitutional responsibilities and is much too broad. I respectfully disagree. It seems to me the Constitution and the Framers have set up attention, attention that they must have understood, to give us, the Members of Congress, the authority to declare war, to essentially authorize war, but they gave one person, the President of the United States, the power to be Commander in Chief to carry out war. Five hundred and thirty-five Members of Congress cannot conduct a war. It is our responsibility to determine when and under what circumstances we will authorize the Commander in Chief to do that, but only the President, as Commander in Chief, can do that.

This resolution we will submit in a few moments strikes exactly the right balance. It gives the President a clear and a strong mandate, but it limits it. It limits it to a defense of the national security of the United States against the continuing threat posed by Iraq, and it authorizes the President to use military force, if necessary, to enforce all relevant United Nations Security Council resolutions regarding Iraq.

For those of us who are sponsoring this resolution, it is based on our conclusion that Iraq is a threat to the security of the American people, a clear and present danger that, if we do not stop Saddam now, we will look back on some terrible day, with a profound sense of remorse and guilt, and say why didn't we do it?

Based on those conclusions, all the evidence I have recited, and so much more that has been recited on this floor and will again be recited, this resolution says: Mr. President, we have decided Iraq is a danger to the United States, we have decided that United Nations Security Council resolutions can no longer be ignored, and we give you the authority, as Commander in Chief, to take it from there.

In closing, with that authority we are giving the President come accountability and responsibility. There are some who have said this is a blank check. Of course if somebody forges a check, they are held accountable, but it is not as if this is a blank check, without accountability, on a bank account that has no limit.

With this resolution—if and when, as I hope, it passes overwhelmingly—we not only give the President the authority to act within the parameters of the resolution, we give him a tremendous and awesome responsibility. It is not a blank check. It is the most serious responsibility the Congress can give the President. As the President himself has made clear over the last several weeks on several occasions, he understands the weight of that responsibility. But he and we, the sponsors of this resolution, understand if we do not authorize him to take this action, the American people may suffer a far worse fate.

It is our intention to lay this resolution down soon. I look forward to the debate. My colleagues and I intend to be in the Chamber to answer questions of our colleagues about these issues.

Mr. McCAIN. Will the Senator yield for a question?

Mr. LIEBERMAN. I am happy to yield for a question.

Mr. McCAIN. I appreciate the remarks of my friend, their tone, and particularly the content that really lays out the parameters of this debate. I ask my friend from Connecticut: Did the Senator have a chance to hear the President's address to the Nation last night?

Mr. LIEBERMAN. I did.

Mr. McCAIN. Was it clear to the Senator that the President showed the American people that every option is being explored before a military option is exercised? I ask this question because I hear time and again from many Americans, who either are opposed to any military intervention or have not made up their minds, that they seem not to have confidence that the President is exercising every option. He is coming to Congress to get approval from both Houses of Congress. We have had significant debate, and we will have significant debate.

We are working at the Security Council level. We are making it absolutely clear that tomorrow Saddam Hussein, if he did away with his weapons of mass destruction, destroyed the laboratory and allowed complete and comprehensive inspections, would probably remove the threat he now faces. It is Saddam Hussein who has continued for the last 11 years.

My question to the Senator is, Do you think the President's speech last night went some distance in convincing the American people that neither the President nor the Senator from Connecticut, nor I, nor the Senator from Virginia, nor the Senator from Indiana, choose the military option? We are sending young Americans into harm's way. As successful as this operation may be, we will still lose some brave young Americans' lives. That is the reality. That is why we avoid it at all costs.

As we conduct this debate, we need to talk about the fact that this is not the preferred option for the President of the United States or any Member of this body. This is the last option. We can make the case that it is obvious that Saddam Hussein continues this buildup of weapons of mass destruction, including nuclear weapons. But we are not the ones who are forcing this issue. The President of the United States in this resolution is not forcing the issue. It is Saddam Hussein who is forcing this issue.

We will, as we go through this debate and the conversations at the United Nations Security Council, make sure we have exhausted every possible option. This is a critical factor in getting the American people behind this resolution and behind the President of the United States and behind the men and women in the military.

Mr. LIEBERMAN. I thank the Senator from Arizona for his question. Of course, I agree with the Senator that the President of the United States has made it quite clear that he is asking us for this authority to dispatch our responsibility under the Constitution to give him the power to make war if necessary, but he hopes—and clearly, we hope—that will not be necessary.

I hope this is one of those cases where, as someone once said, the best way to achieve peace is to prepare for war. The best way to achieve compliance by Saddam Hussein with the promises he made at the end of the gulf war is to show that finally we are prepared to go to war once again to enforce those promises he made.

This Nation has been remarkably patient. The fact is, over the last decade or more we and the United Nations have tried just about every other conceivable way, short of war, to get the Iraqis under Saddam Hussein to keep the promises they made and to disarm. We have tried sanctions which have been so difficult because of the way Saddam Hussein has carried them out on the Iraqi people. We have tried inspections. We have tried the Oil for Food Program. We have tried limited military action. None of it has worked to convince this brutal dictator to observe the rule of law and to keep the policies he made.

In one sense, we might say this is the moment of truth for him, the challenge the President has given Saddam Hussein, and that this bipartisan resolution, which I hope and believe will achieve an overwhelming vote of bipartisan support by our colleagues, this resolution finally says to Saddam Hussein: Disarm. We do not want to go to war against you. Disarm or face war. The danger you represent is so great. We can only hope and pray that message will be heard in Baghdad.

I thank my colleague for the question. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I reiterate what our distinguished colleague from Connecticut has said, what my longtime friend of over 30 years, Senator McCAIN, just said.

This is the last option. What we are doing in the Senate today, tomorrow, and when that vote comes is to vote our conscience, 100 individuals, to do our very best to deter the use of force but to make it clear that our Constitution has given this President and every President who has preceded him, and every President who will come after, the authority to utilize all the assets of our Nation, principally the men and women of the Armed Forces, to secure our interests and protect our people.

I have been privileged to be a Member of this body nearly a quarter of a century now, and if the good Lord returns me in January, it will mark the 25th year. I cannot recall any moment when I have stood on the floor with a greater sense of humility and pride to be associated with three more courageous individuals than Senator LIEBERMAN, Senator McCAIN, and Senator BAYH, as we, the four horsemen, work to direct and guide a resolution which the four of us put together with the assistance of the President, through his surrogates, and the leadership of the Senate on both sides of the aisle. It is our best effort to provide leadership to this body which we do so, the four of us, with a great sense of humility.

There is not a day in the life of those who serve in the Senate when politics is not raised. It has been raised with regard to this issue. When Senator McCAIN and I approached Senator LIEBERMAN in the past few weeks about his interest, Senator LIEBERMAN stood up and said, I want to be counted from the very first.

I remember so well in 1990 and 1991 when I was privileged to work with Senator Dole, Senator McCAIN, and many others, Senator Dole said: Let us find a partner for the 1991 resolution. This great Senator from Connecticut had just joined the Armed Services Committee. He was, if I may say, a freshman Senator. I said to our leadership on this side: I think there is our man. And the Senator proved to be just that man.

The resolution that the Senator and I and others drew up in 1991 provided the basis for one of the great debates in contemporary times in the Senate, 3 days and 3 nights, culminating in a historic bipartisan vote. By a mere margin of only five votes did the Senate pass and adopt that resolution which gave the President the support of the Senate to follow through with his constitutional responsibilities. That was George Bush, we call him "old 41," President at that time, the father of our President today.

I say to you, Senator, as the history of this institution is written, you will properly take your place in history. You showed courage then, courage now, and not politics.

Last night, we listened carefully to our President as he addressed the Nation to provide the leadership necessary with regard to this very serious issue of Saddam Hussein and eliminating his weapons of mass destruction. Speaking just for myself, but I think it is shared by other Senators, this President has shown remarkable courage. We would not be here today in this debate, we would not be watching the debate in the United Nations on a possible 17th resolution, we would not be seeing our country focusing on this issue, had it not been for George Bush, our President, having the foresight to see the essential need for the United States to lead at this time. Not tomorrow, not the next day, not the next month, not the next year, but now in the effort of the free world to rid Saddam Hussein of the weapons of mass destruction.

We owe a debt of gratitude to that President, who, in clear, forthright, and often soft tones of voice, last night addressed the Nation with the need for action now.

I thank our President. It is important, in my judgment, and, I think, that of the three of my cosponsors, that the Congress and the President speak with one voice on behalf of this Nation—one voice. It is my fervent hope this body will adopt this resolution, the House of Representatives will adopt the identical language which is before the House at this moment, and there be no air, no daylight, no distance perceived by anyone between the Congress and the President—arm in arm, leading the world towards a solution to this problem.

The President, time and time again, made tireless efforts, engaging heads of state and governments throughout the world to join. Now is the time.

We will be visited today by the Secretary of State, who has courageously worked on behalf of the President, with the nations at the United Nations, in framing a resolution which leaves no doubt in the mind of anyone that this Nation and other nations are together for an inspection regime. It will not be like the previous regimes but will have clear directions clearly showing Saddam Hussein now is the time for cooperation, not for thwarting the efforts of the team. Should this resolution be adopted and should they go in, and that is yet to be determined, clearly, the enforceability of their task is with the commitment of the member nations of the union.

More will be said following the four of us as we speak about that resolution. Right now it is being debated largely behind closed doors. But we know enough that our President and our Secretary of State have made it eminently clear past efforts have failed, and if we are to undertake a 17th resolution, it must leave no doubt as to the outcome in terms of enforceability of carrying out that inspection.

The question is raised: Why now? Let's wait and see.

I say with no disrespect to those who raise it, but I say it for my own views, that is sort of: Give Saddam Hussein the benefit of the doubt. I do not find anywhere in the history of that dictator, those facts, that justify—whether it is the Senate, whether it is the House, whether it is the Congress, whether it is the President, whether it is any nation in the world—that this man is entitled to the benefit of the doubt that he will do the right thing now, tomorrow, or in the future. It is now we must act. For those who say take time and wait, then point out what is the cost of waiting; what is the cost of waiting if he were to finish his program. We do not know exactly what is established with this nuclear program.

We know the courage of the Israeli government, I believe it was in 1981, to go in and bomb that plant that was then clearly manufacturing components for nuclear weapons. We have other bits of information from the inspections that took place following the 1991 conflict that he clearly was endeavoring to build a nuclear weapon. More evidence is coming in he is continuing to acquire the raw material, the parts, and the other pieces that are essential to build a nuclear weapon. So there is no doubt he is propelling his nation forward to acquire it. What would be the status of the states in the Middle East, indeed our own Nation, or other parts of the world, if this man, given his past and his proclivity to use poison gas against his own people, to behead those in his own nation who have the courage to disagree with him—what is the cost of waiting?

I say most respectfully to those who want to wait and see and give him the benefit of the doubt, do explain what is the cost if we wait until he acquires not only a nuclear capability but further builds upon the stockpile of weapons of mass destruction in terms of biological and chemical weapons.

This is what the President said last night, very clearly. I would like to read it:

> Approving this resolution does not mean that military action is imminent or unavoidable. The resolution will tell the United Nations, and all nations, that America speaks with one voice and it is determined to make the demands of the civilized world mean something.
>
> Congress will also be sending a message to the dictator in Iraq that his only . . . choice is full compliance, and the time remaining for that choice is limited.

I think that is the persuasive case of why not and not wait for the future.

The President went on to say:

> Some have argued we should wait, and that's an option.

He acknowledged that is a option.

> In my view, it's the riskiest of all options, because the longer we wait, the stronger and bolder Saddam Hussein will become. . . .
>
> As Americans, we want peace. We work and sacrifice for peace. But there can be no peace if our security depends on the will and whims of a ruthless and aggressive dictator. I'm not willing to stake one American life on trusting Saddam Hussein.

The American people understand that. They understand that, and I think they will receive with gratitude the action of this body, as we will pass this resolution most assuredly in the days to come.

Last, I will talk about one aspect of the weapons of mass destruction program in response to those who say, What's new? The four of us follow intelligence very carefully because of our respective assignments. But I did not realize until it is now in open literature Saddam Hussein had progressed in his biological infrastructure to the point where he now has his plants on truck beds: One, two, three, four trucks—just like the ones you see every day on the highways of the United States—that can be brought together at, I suppose, any number of places to manufacture biological material. It can be containerized in small vials. Obviously it can be transported, given it is manufactured as trucks move about.

As our President said very carefully last night, that can be placed in the hands of terrorists, the international organizations of terror, and transported to the United States through our open borders of freedom. Those small vials can be released upon communities large and small, and wreak havoc and devastation.

We have seen that on 9/11, a year ago, we are no longer protected by these great oceans, by the friendly nations—to the north, Canada, and our friends to the south. We are a vulnerable Nation. Saddam Hussein has the capability either directly or indirectly to strike us.

Mr. LIEBERMAN. Will the Senator yield for a question?

Mr. WARNER. Last sentence, and then I will yield.

As the President said, that strike could come and we cannot trace the fingerprints.

We are still trying to study who brought the anthrax against the U.S. Senate, the post offices—I reiterate, without fingerprints.

I yield to my friend.

Mr. LIEBERMAN. I thank the Senator from Virginia. May I say first how grateful I am for his kind words towards this Senator. I return them in the fullness of sincerity. One of the great honors and pleasures of the last 14 years has been serving with you, but also getting to know you and considering you a friend. There is not a better person or gentleman or anyone more committed as a patriot to our country than the Senator from Virginia. I am honored once again to be working with him in this cause.

I appreciate what he has just said about the programs of weapons of mass destruction Saddam Hussein has, and particularly these programs of chemical and biological weapons.

I know the Senator has spent some time considering, and I wonder if you might, to the extent you are able to, discuss matters in an open session as to some of the concerns that I know you and I share about the programs that Saddam Hussein's Iraq has now to develop not just ballistic missiles to carry biological and chemical weapons but unmanned aerial vehicles, some of which are quite small and potentially could threaten not only Saddam's neighbors there in the region but potentially could threaten us, the American people, here in the continental United States.

The PRESIDING OFFICER. The time of the Senator from Virginia has expired. Under the order, it was 15 minutes.

Mr. WARNER. Madam President, I ask unanimous consent to extend my remarks for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I say to the Senator, you and I, on the Armed Services Committee—as a matter of fact, several years ago, when I was privileged to be chairman of that committee—initiated a program among all our U.S. services to move more in the direction of unmanned vehicles—aircraft, vehicles on the ground, and in every other way—recognizing the tremendous advantages to that.

The Chairman of the Joint Chiefs of Staff, General Myers, as well as others, recently has said that he is pursuing that program unrelentingly to encapsule in small, sometimes large, unmanned aircraft—just point them in a direction and away they go.

Now, just speaking from my own knowledge, not intelligence, I say to my good friend, there are 1,000 hobby shops in America where anyone—or you can go into catalogs—and you can buy model planes with a 6-foot wing span, and maybe it can carry only a small amount. But sometimes only a small amount of a weapon of mass destruction, if released over a community or otherwise disbursed, depending on the winds, can bring about incredible devastation.

I say to the Senator, you are so right about that particular set of facts. I tell you, America should be on alert. And we should show the support of this Congress behind our President at this time so that we can send that message to the United Nations that this 17th resolution, if in fact it comes into being, has to be the last, the final. Hopefully it will deter any use of force over and above what is necessary to enforce the Resolution No. 17, I will call it.

But again, if Saddam Hussein does not cooperate on No. 17, then it has to be made imminently clear to him that the member nations then have no other recourse but to resort to the use of force, hopefully collectively.

Mr. LIEBERMAN. I thank the Senator. Our colleague from Indiana is waiting to speak, but I want to just very briefly say to you again what you know—and I hope to put some testimony into the RECORD—about the devastating biological weapons that Saddam possesses, some for which we do not have an effective cure or have an effective response.

I hesitate to even say this, but I think to show the seriousness of what we are about, I know there has been a lot of discussion: Does Saddam have nuclear weapons? How soon will he have them? Will it be 10 years or 1 year or 5 years?

But does the Senator agree with me that the biological weapons capacity Saddam has now, if delivered by an unmanned aerial vehicle, could do far more damage—I am talking about death to people—than the kind of primitive nuclear weapon he might have in a year at best, 5 years, 10 years?

In other words, the danger is here. It is clear and present, and it is now.

Mr. WARNER. Madam President, the Senator is so correct in his views. We know not what he might be able to build. Frankly, we do not know a great deal about what he has today by way of nuclear capacity. The best knowledge that is in the open is that he does not have a finished weapon, but we do not know whether it is 6 months, 6 years, or what time it may be.

But that might be a single weapon or maybe two, whereas the biological, in small containers, can be multiplied 100 times over in 100 different locations. Therefore, the tragic death and injury to Americans or others—as a matter of fact, we keep focusing on this Nation. There are other nations that stand at peril to this dictator.

I must conclude to stay within the allocation of time. I say to my friend, I look forward to our further debates on the floor. But I close by saying this vote which we will cast here has to be a vote of conscience, not influenced in any way by political considerations. And above all in our hearts and minds will be the men and women of the Armed Forces who will undoubtedly bear the burden if it is necessary to use force. May God bless them.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 4856

Mr. LIEBERMAN. Madam President, if I may seek the indulgence of my colleague from Indiana for just a moment, I am now prepared to send, on his behalf, on behalf of Senator WARNER and Senator McCAIN, the occupant of the Chair, Senator LANDRIEU, and others, a resolution, an amendment in the nature of a substitute for S.J. Res. 45, which I ask the clerk to call up at this time, and ask that the clerk, for the RECORD, read the names of the initial cosponsors of the resolution.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN] for himself, Mr. WARNER, Mr. BAYH, Mr. McCAIN, Ms. LANDRIEU, Mr. McCONNELL, Mr. MILLER, Mr. DOMENICI, Mr. EDWARDS, Mr. HUTCHINSON, Mr. JOHNSON, Mr. ALLARD, Mr. BAUCUS, Mr. HELMS, Mr. BUNNING, and Mr. LOTT, proposes an amendment numbered 4856.

Mr. LIEBERMAN. Madam President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: In the nature of a substitute)

Strike all after the resolving clause and insert the following:

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Authorization for the Use of Military Force Against Iraq".

SEC. 2. SUPPORT FOR UNITED STATES DIPLOMATIC EFFORTS.

The Congress of the United States supports the efforts by the President to—

(1) strictly enforce through the United Nations Security Council all relevant Security Council resolutions applicable to Iraq and encourages him in those efforts; and

(2) obtain prompt and decisive action by the Security Council to ensure that Iraq abandons its strategy of delay, evasion and noncompliance and promptly and strictly complies with all relevant Security Council resolutions.

SEC. 3. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION.—The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to—

(1) defend the national security of the United States against the continuing threat posed by Iraq; and

(2) enforce all relevant United Nations Security Council Resolutions regarding Iraq.

(b) PRESIDENTIAL DETERMINATION.—In connection with the exercise of the authority granted in subsection (a) to use force the President shall, prior to such exercise or as soon there after as may be feasible, but not later than 48 hours after exercising such authority, make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) reliance by the United States on further diplomatic or other peaceful means alone either (A) will not adequately protect the national security of the United States against the continuing threat posed by Iraq or (B) is not likely to lead to enforcement of all relevant United Nations Security Council resolutions regarding Iraq; and

(2) acting pursuant to this resolution is consistent with the United States and other countries continuing to take the necessary actions against international terrorists and terrorist organizations, including those nations, organizations or persons who planned, authorized, committed or aided the terrorists attacks that occurred on September 11, 2001.

(c) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supersedes any requirement of the War Powers Resolution.

SEC. 4. REPORTS TO CONGRESS.

(a) The President shall, at least once every 60 days, submit to the Congress a report on matters relevant to this joint resolution, including actions taken pursuant to the exercise of authority granted in section 3 and the status of planning for efforts that are expected to be required after such actions are completed, including those actions described in section 7 of Public Law 105–338 (the Iraq Liberation Act of 1998).

(b) To the extent that the submission of any report described in subsection (a) coincides with the submission of any other report on matters relevant to this joint resolution otherwise required to be submitted to Congress pursuant to the reporting requirements of Public Law 93–148 (the War Powers Resolution), all such reports may be submitted as a single consolidated report to the Congress.

(c) To the extent that this information required by section 3 of Public Law 102–1 is included in the report required by this section, such report shall be considered as meeting the requirements of section 3 of Public Law 102–1.

Mr. LIEBERMAN. I thank the Chair and yield the floor.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Indiana.

Mr. BAYH. Thank you, Madam President. It is good to be with you today. I am reassured by your presence. And I am grateful for the support of the Senator from Louisiana for our resolution.

It is an honor and privilege for me to join today with my distinguished colleagues, Senator WARNER, Senator McCAIN, and my good friend, Senator LIEBERMAN, in support of this resolution granting the President of the United States the authority to defend our country.

Madam President, I support this resolution not because I favor a resort to war but because I believe this resolution gives our country the best chance to maintain peace.

I support this resolution not because I favor America acting unilaterally, unless we must, but because I believe this resolution gives us the best opportunity to rally our allies and convince the United Nations to act with us, and in so doing give that international institution meaning for the resolutions that it adopts.

I favor this resolution because in a world where we have rogue regimes possessing weapons of mass death, and suicidal terrorists who are all too eager to use them against us, weapons of that nature in the hands of a regime such as Saddam Hussein's represents an unacceptable risk to the safety and well-being of the American people.

As much as I wish we could ignore this threat, it is my heartfelt conviction that in all conscience we cannot.

Finally, along with my colleagues, I support this resolution because I believe we must learn the terrible lessons from the tragedy of September 11, foremost among which is that we waited too long to address the gathering danger in Afghanistan. If we had acted sooner, perhaps—just perhaps—we could have saved 3,000 innocent lives: men, women, and children. We waited too long to act. Let us not make that mistake again.

Unfortunately, in dealing with Saddam Hussein and the regime of Iraq, we are dealing with a brutal dictator who understands one thing, and one thing only: either the threat of force or the use of force.

We have tried everything else. We have tried economic sanctions for years, to no avail. We have tried diplomacy for over a decade. It has availed us nothing. We do not have the covert means presently to deal with this tyrant. And so as my colleagues have indicated, there is nothing left to us to defend ourselves except an ultimatum to Saddam: Disarm or else.

For those who believe we can remove the weapons of mass destruction from this regime without the credible threat of the use of force, I regrettably must say they are engaged in wishful thinking. It is my heartfelt conviction that the best and only chance we have for a peaceful resolution to this problem, for him to give up these instruments of mass death, is to present him with a credible ultimatum that the survival of his regime depends upon doing so, that any other course of action will lead to his overthrow, and that alone will preserve the peace, the safety, and the security of our country.

I believe this course presents us with the best opportunity to rally our allies and convince the United Nations to act with us. We should make every effort—as Senator MCCAIN indicated in his colloquy with Senator LIEBERMAN and as the President indicated last night—to convince the United Nations and our allies of the justice of our cause. We are stronger when we act together, so we must seek a consensus for this course of action.

Unfortunately, the United Nations has a long history of equivocation when it comes to taking difficult steps to enforce even its own resolutions. Our allies, as much as we cherish their support, also have a mixed record in this regard. Need I remind the Senate that for too long we waited while genocide was perpetrated on the very doorstep of Europe in Bosnia and Kosovo? It was only when the United States of America demonstrated a willingness to take action to bring that lamentable chapter to a conclusion that the United Nations and our allies demonstrated the will to act with us.

It is only through strong leadership, leadership by the United States, that we will preserve the peace, rally our allies, and convince the United Nations to enforce its own resolutions. If these efforts avail us not, it is my heartfelt conviction that weapons of mass death in the hands of a brutal dictator such as Saddam Hussein, combined with the presence of suicidal terrorist organizations that would all too eagerly use these instruments of mass destruction against us, represent an unacceptable risk for the safety and well-being of the American people.

I hope Saddam will do the right thing. I pray that he will do the right thing and give up these weapons of mass destruction. Regrettably, based upon the track record of his past behavior, I believe he probably will not.

Weapons of mass destruction represent an indispensable part of his power. Saddam Hussein is a megalomaniac who has attempted to project that power around the region. As we all know, he invaded Kuwait. He has invaded Iran. He has launched missiles at Saudi Arabia and Israel. He has killed hundreds of thousands, including tens of thousands of his fellow citizens.

I ask my colleagues to anticipate a world in which we do not act. What will Saddam do? Can there be much doubt that he will attempt to develop the ability to deter our future action by threatening us with the use of weapons of mass destruction? I believe there is not. If he cannot develop this deterrent on his own, I believe there is little doubt he will reach out to al-Qaida or Hezbollah or other international institutions of terrorism to develop a deterrent to threaten us, with unacceptable consequences, if in the future we decide to restrain his aggressive actions.

If there is only a 10-percent chance or a 15-percent chance that weapons of mass death will find their way from Iraq into the hands of suicidal terrorists, I believe this is a risk to the American people that we cannot afford to run.

The world changed forever on September 11. The principal lesson of that tragedy is that America waited too long to address the gathering danger in Afghanistan. We must not make that mistake again.

To those who say, what is the rush? why can't we wait? I respond by asking the question: How long must we wait? Until the missiles have been launched? Until smallpox, anthrax, or VX nerve agent has found its way into our country? Is that how long we should wait?

The consequences of error in this instance are much too great. The deaths next time might not be numbered in the threes of thousands but 30,000 or 300,000.

To respond to the question of my friend from Connecticut, in all likelihood Saddam Hussein possesses smallpox. We are not sure whether he has weaponized it yet. There is a 50/50 proposition. But if he has and if that would find its way into our country, which would not be too difficult to accomplish, the consequences would be catastrophic.

We conducted a simulated exercise of a smallpox attack—I believe it was called Dark Winter—simulating a smallpox outbreak put into a ventilation system in a mall in Oklahoma City. The consequences were catastrophic: Tens of thousands of deaths, hundreds of thousands of illnesses; civil law broke down. These are the kinds of consequences that would be all too real were we to stay our hand.

I remind my colleagues that in a world of imperfect intelligence—and there will always be imperfect intelligence—if we wait, we run the very real risk of having waited too long. We have seen the kind of tragedy to which that can lead.

I ask all of us to consider, if this debate had been conducted 2 years ago and my colleagues and I had laid a resolution upon this desk that said, there is danger brewing in Afghanistan, it threatens the United States of America, we need to take it seriously, and we must act before it is too late, all of the arguments that are being made against the current resolution would also have been made at that time. As we now know, the arguments have all been mistaken. They are mistaken today as well.

To those who say the threat is not imminent, after 9/11, how long can we afford to wait? To those who say regime change is not an appropriate reason for acting, I say weapons of mass destruction and the regime of Saddam Hussein are one and indivisible. To remove weapons of mass destruction, we must remove that regime. To think anything else is to delude ourselves.

For those who believe the United Nations' approval is necessary for our action, I say it is preferential but we cannot afford to give that great body veto power on America's right to defend itself. To those who say we need allied support, I agree. But this is an argument of the chicken and the egg. It is only with American leadership and taking a strong hand in this instance that we will receive the kind of united allied support we seek.

To those who ask the question, What will we do after our victory? I say that is a good question, but can the regime in Iraq be worse? I think not. We could begin to rebuild that country in a way that would provide a positive example to the people of that region about the principles and the ideals upon which America stands.

Our eventual victory in the war against terror will be won as much by the values and the principles we embrace and advocate as by the force of our arms. This gives us an opportunity to put those principles and values into action.

To those who say we must exhaust all of our alternatives before acting, I simply say that we already have. In conclusion, let me summarize by saying this: I and my colleagues support this resolution not because we desire war but because it is our heartfelt conviction that this is the best and only path to preserve the peace. My colleagues and I support this resolution not because we favor the U.S. acting alone, but because we know that, by taking a strong stand, it gives us the best opportunity to garner U.N. support and to rally our allies to our side.

We support this resolution because we believe that the lesson learned, very painfully and so tragically by our country on September 11 of last year, is that we wait in an era of mass terror at our peril. We were mistaken then; let us not be mistaken again. Let us act to protect our country and, in so doing, discharge our constitutional duty. It is my privilege and honor to do so in such esteemed company.

I yield the floor.

Mr. McCAIN. Will the Senator yield for a question?

Mr. BAYH. Yes.

Mr. McCAIN. The Senator from Indiana indicated to me when we had discussions about this resolution, introduced by Senator LIEBERMAN, Senator WARNER, the Senator, and myself, about the fact that in his home State there is great concern about going to war. In fact, he mentioned to me that was the majority of calls and communications he had with the people of Indiana, which he was privileged to serve as Governor as well as a Senator. In other words, the Senator has a fairly good finger on the pulse of the people he represents. That skepticism was based on what concerns and what led the Senator from Indiana to conclude that it was important for him not only to support this resolution but play a role as a major sponsor of this legislation. I think it is important for the people of this Nation and our colleagues to understand that, since his State is part of the heartland of America, as is Arizona. Many people feel otherwise.

I am very interested in hearing what the Senator from Indiana has viewed as the factors leading him to play such a visible, as well as important, role in this resolution.

Mr. BAYH. I thank my colleague. Our State is known as the crossroads of America. With my colleagues' States, I believe we represent the common sense and wisdom of the American people.

On my visits home, and in communications from constituents, there has been an expression of concern about our present set of circumstances. I must say to my friend that it is a concern that I share.

I did not come easily to the conclusion that we have collectively reached. There is reluctance in my heart, as I know there is in the other Senators', to contemplate the use of force. But I reached the conclusion that we were simply left with no other credible alternative to protect the safety and well-being of the American people.

As you indicated in your colloquy with Senator LIEBERMAN, and as I indicated in my own remarks, and the President spoke to last evening, I hope beyond anything else that this does not come to war; that the use of force will not be necessary. But I also believe that the best chance to achieve that outcome is the credible threat of the use of force. Saddam Hussein responds to nothing else. If he does not disarm voluntarily—as I hope he will, and we all pray he will—I have also concluded that his possession of weapons of mass death, and the real likelihood that he will develop the capability for using them against us to deter us from restraining him at some future point, or the risk of those weapons—nuclear, biological, chemical weapons—falling into the hands of suicidal terrorists represent too great a risk to our country.

As I tried to outline in my remarks, I believe the principal lesson—and I asked this question to the head of the CIA: What is the principal lesson we learned from 9/11?

He responded directly and said the principal lesson was that we waited too long to address the gathering threat in Afghanistan.

So I am convinced we should act sooner rather than later to defend our country because we have seen the terrible consequences that can result. For all those reasons, I have reached the conclusion that this resolution is necessary.

Mr. McCAIN. Will the Senator yield for one further question?

Mr. BAYH. Yes.

Mr. McCAIN. I have one additional question for the Senator from Indiana. He mentioned, as the Senator from Connecticut has and as the Senator from Virginia has, there is great concern about this issue amongst our constituents. Yet I have found in communications with the people of my State, both directly and from being on talk shows and in speeches and things such as that, that the reassurance given to them that we are taking every possible action by going to the Congress of the United States and having this debate on the resolution of approval, which represents the people of this country in both bodies, by going to the Security Council and getting a very important resolution through the Security Council—which has not been achieved yet, but I think is part of the very important part of the process we are going through—I find that people are far more comforted and feel much more supportive in a realization that this is the last option and not the first option.

Perhaps some months ago the impression was created that this was the first option the President wanted to pursue when, clearly, I think he has displayed, by what he is doing and by how he spoke last night, that that is not the case. Has the Senator had that feeling?

The PRESIDING OFFICER. The Senator from Indiana has used 15 minutes.

Mr. McCAIN. I ask unanimous consent that the Senator from Indiana may respond to the question.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Madam President, I would say three things to my colleague. First, I believe he is correct. I think there was an initial impression that our Government had a preference for unilateral action, perhaps without exhausting every other alternative. I do not believe that to be true. We have begun to correct that. I should compliment my colleague from the State of Indiana, Senator LUGAR, who played an important role in convincing the administration to reach out and pursue other alternatives with the U.N. and our allies.

The Senator from Arizona has raised two very good points. When I go home, people say to me: We understand the danger and we wish it didn't have to come to war.

That is a reluctance that I share. My response would be, looking at the brutal nature of his regime, and Saddam Hussein's history, I believe the best chance to remove the weapons, without coming to war, is to present him with a credible ultimatum. That is what we are doing here.

People also say: Senator, we wish we were not in it alone, and that we had the U.N. with us and more allies with us.

As my colleague knows—and I think we share this belief—my strong conviction is that our best chance to gather that support is through strong American leadership. Only then will the U.N. and our allies rally to our side, when we show our own determination.

So the best chance for a peaceful outcome, the best chance for a united front with our allies and with the imprimatur of the U.N., I believe, is by giving a strong hand to the President to present Saddam Hussein with no alternative; and when I have a chance to relay that to the people of Indiana, they understand.

Nobody wants war, but they understand this is the best avenue to avoid that, while also ensuring the security of our country.

Mr. McCAIN. Madam President, I thank the Senator from Indiana.

One of the reasons why I return to this particular aspect of this issue is, as the Senator from Virginia knows well, or better than I—and others do, too—we once embarked into a conflict that the American people were not well informed on and, over time, they did not support. I believe this debate is important. I respect and admire the views of those who disagree with this resolution, but we will not enter this conflict without it being fully understood by the American people, as to what is at stake and why we are doing it. That is why I continue to go back to this issue of whether our constituents will be satisfied; that if, as a last resort, we enter into a conflict, it will not be because they have not been informed.

Madam President:

> The retention of weapons of mass destruction capabilities is self-evidently the core objective of the [Iraqi] regime, for it has sacrificed all other domestic and foreign policy goals to this singular aim.

So concludes a recent report by the International Institute for Strategic Studies.

I want to repeat that. The International Institute for Strategic Studies said:

> The retention of weapons of mass destruction capabilities is self-evidently the core objective of the [Iraqi] regime, for it has sacrificed all other domestic and foreign policy goals to this singular aim.

The question facing all of us in this body is whether Saddam Hussein's aggressive weapons development in defiance of this gulf war cease-fire in the decade of U.N. Security Council resolutions can stand when the cost of inaction against this gathering threat could be intolerably high.

I am proud to join Senators LIEBERMAN, WARNER, and BAYH in laying down our amendment providing the President the necessary authority to defend the national security of the United States against the continuing threat posed by Iraq and enforce all relevant U.N. Security Council resolutions against Saddam Hussein's regime.

I welcome this debate. I am confident it will result in a resounding vote of support for the President as he moves to confront the threat we face in Iraq. I also believe it will be a powerful signal to the world that the American people are united in their determination to meet and to end this menace.

Our diplomacy at the United Nations will benefit from a strong and bipartisan congressional vote in favor of this resolution. Our enemies will understand that we are united in our resolve to confront the danger posed by a dictator whose possession of the worst weapons and systematic defiance of every norm the civilized world holds dear threaten all who value freedom and law.

Congress has already spoken on this matter. On August 14, 1998, President Clinton signed into law Senate Joint Resolution 54 which declared that "the Government of Iraq is in material and unacceptable breach of its international obligations" and urged the President "to take appropriate action, in accordance with the Constitution and relative laws of the United States, to bring Iraq into compliance with its international obligations."

On October 31, 1998, then-President Clinton signed into law the Iraq Liberation Act which stated:

> It should be the policy of the United States to support efforts to remove the regime headed by Saddam Hussein from power in Iraq and to promote the emergence of a domestic government to replace that regime.

That was October 31, 1998, the Iraq Liberation Act signed into law by the President of the United States.

Then, as now, Democrats and Republicans recognized the menace posed by Saddam Hussein's arsenal and his ambitions. Unfortunately, after 4 days of bombing Iraq in Operation Desert Fox in December 1998—4 days of bombing—the United States and the international community effectively walked away from the Iraq problem, freeing Iraq from a weapons inspection regime that, by that time, had become so compromised by Saddam Hussein's intransigence as to be completely ineffective. Nothing has taken place over the past 4 years, even as a porous sanctions regime and illicit oil revenues have enriched the regime. Over this time, Saddam Hussein's threat to the world has grown without hindrance.

Regrettably, some of the very same permanent members of the Security Council whose vote for a new resolution on Iraq we are now courting actively conspired against rigorous weapons inspections in Iraq during the 1990s, for reasons that had more to do with their narrow commercial interests than with the world's interest in getting rid of the menace posed by Saddam Hussein's weapons of terror.

The threat is not new. Saddam Hussein has been in gross violation of the terms of the cease-fire that ended the Persian Gulf war since that war's end, as a host of United Nations Security Council resolutions passed since 1991 can attest. As The Economist has written:

> He has treated inspections as a continuation of the Gulf War by other means.

After years of stymied efforts to enforce the inspections regime, the international community effectively sanctioned Saddam's impunity after it became clear he would never allow intrusive inspections, and once it became apparent to many Americans that the only way to end his defiance was to end his regime. The withering under U.N. Security Council auspices of the international inspections regime over the course of a decade, and Iraq's decision not to even consider renewed inspections only under the threat of force today, make clear that unvarnished faith in the ability of the U.N. Security Council or a new corps of inspectors to disarm Saddam's regime is misplaced.

Over the course of this debate, the Senate will consider amendments that would require Security Council authorization before the United States could act to enforce a decade of Security Council resolutions, and that would narrow the focus of American policy to Iraq's disarmament, rather than against the range of Saddam's offenses against his people and his neighbors and the continuing threat his regime itself poses to American national security.

These debates will be important. I believe the President's position will prevail. Congress cannot foresee the course of this conflict and should not unnecessarily constrain the options open to the President to defeat the threat we have identified in Saddam Hussein. Once Congress acts on a resolution, only the President will have to make the choices, with American forces likely deployed in the region to carry out his orders, that will end the threat Saddam Hussein's weapons and his ambitions pose to the world. Congress should give the President the authority he believes he needs to protect American national security against an often irrational dictator who has demonstrated a history of aggression outside his borders and a willingness to use weapons of mass destruction against all enemies, foreign and domestic.

This is not just another Arab despot, not one of many tyrants who repress their people from within the confines of their countries. As New Yorker writer Jeffrey Goldberg, who recently traveled across northern Iraq, recently wrote in Slate:

> There are, of course, many repugnant dictators in the world; a dozen or so in the Middle East alone. But Saddam Hussein is a figure of singular repugnance, and singular danger. To review: there is no dictator in power anywhere in the world who has, so far in his career, invaded two neighboring countries; fired ballistic missiles at the civilians of two other neighboring countries; tried to have assassinated an ex-president of the United States; harbored al Qaeda fugitives . . . ; attacked civilians with chemical weapons; attacked the soldiers of an enemy with chemical weapons; conducted biological weapons experiments on human subjects; committed genocide; and . . . [weaponized] aflotoxin, a tool of mass murder and nothing else. I do not know how any thinking person could believe that Saddam Hussein is a run-of-the-mill dictator. No one else comes close . . . to matching his extraordinary and variegated record of malevolence.

In light of Saddam Hussein's record of aggression, prohibited weapons deployment, and consistent rejection of every international obligation imposed on him, I believe the burden of proof in this debate must rest on those who believe inspections could actually achieve the disarmament of Iraq, rather than on those of us who are deeply skeptical that inspections alone could accomplish our common goal. History shows that we will most likely not disarm Iraq without changing the regime in Baghdad—a regime whose continued existence is predicated on possession of weapons of mass destruction. As arms control experts Gary Milhollin and Kelly Motz have noted:

> Unless the Iraqi dictator should suddenly and totally reverse course on arms inspection and everything that goes with it, or be forced into early retirement—in other words, unless Saddam Hussein's Iraq ceases to be Saddam Hussein's Iraq—inspections will never work.

Similarly, given the Security Council's failure to enforce its own article 7 resolutions against Iraq, which are backed by the threat of force and have the sanctity of international law, I believe the burden of proof in this debate must rest on those who can defend the Council's record with regard to Iraq and can convince the rest of us that the Council's judgment, rather than that of our Commander in Chief, should be the final authority on a matter that so directly affects American security.

Important participants in this debate support the President's determination to use military force to bring about Iraq's disarmament but would constrain the President's authority to act against Iraq to uphold Security Council resolutions related to repression within Iraq, Iraq's support for terrorism, and other issues. This approach would limit the President's authority to achieving only Iraq's disarmament and would explicitly oppose a comprehensive challenge to his tyrannical regime. I believe those who hold this view have an obligation to explain why they would constrain the President's authority to use military force in ways he believes would tie his hands and raise unacceptably high the threshold for ordering military action to defend the national security of the United States.

Others will argue that Saddam Hussein can be deterred—that he is a rational actor who understands that acting on his ambitions will threaten his regime. But deterrence has failed utterly in the past. I fail to see how waiting for some unspecified period of time, allowing Saddam's nuclear ambitions to grow unchecked, will ever result in a stable deterrence regime. Not only would deterrence condemn the Iraqi people to more unspeakable tyranny, it would condemn Saddam's neighbors to perpetual instability. And once Iraq's nuclear ambitions are realized, no serious person could expect the Iraqi threat to diminish. Again, the burden in this debate rests on those who believe American policy has actually been successful in containing the threat Saddam's regime poses to the world.

There is no greater responsibility we face as Members of this body than voting to place the country on a course that could send young Americans to war in her defense. All of us must weigh our consciences carefully. Although we may hold different views of how to respond to the threat posed by Saddam Hussein's Iraq, the very fact that we are holding this free debate, and that the fate of nations and peoples other than our own will be determined by the outcome of our actions, serves as a reminder that we are a great Nation, united in freedom's defense, and called once again to make the world safe for freedom's blessings to flourish. The quality of our greatness will determine the character of our response.

I want to again thank my colleagues for the introduction of this resolution. I think it will take place at some time within the next few minutes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, I am proud to follow my colleague from Arizona, who has been an outspoken Senator on the issue of our relationship to Iraq and to the current regime, constantly questioning, appropriately so, the role of Saddam Hussein and the risk he presents to our country.

Mr. WARNER. Madam President, if the Senator will yield, I ask for one minute to say to my good friend, Senator McCAIN, his leadership on this issue, in helping with the drafting of this resolution and working particularly with Senator LIEBERMAN and Senator BAYH, has been invaluable.

I wanted to get into a colloquy with Senator McCAIN, but I was drawn away from the floor for a moment. Maybe we will have that colloquy a little later.

Mr. CRAIG. Let me thank the Senator from Virginia for those comments, and certainly thank him for his leadership on this resolution. I also appreciate the leadership of the Senator from Arizona.

I am one of those who early on in August, and into early September, spoke with some degree of hesitation because I thought it was important what is happening today happen; that our country become fully engaged in this debate; and that the President make his case before the world and before the American people. That has happened.

As we know, for more than a decade Saddam Hussein has defied the international community, flagrantly ignoring and violating dozens of U.N. resolutions. Today, intelligence has produced beyond doubt that Saddam Hussein continues to acquire and produce chemical and biological weapons. It is also very apparent this dictator continues his quest to develop nuclear weapons.

Last night, our President made that most important speech to the Nation. Much of what was spoken last night was the reality of the risk. We should make no mistake, the acquiring of weapons of mass destruction by Saddam Hussein is a very clear, imminent, and present danger to the United States, our allies, and to the stability of the Middle East. To do nothing in response to this buildup of weapons and this threat would be irresponsible on the part of our Nation and this body. We cannot sit back and wait on an aggressive act of terrorism to occur and consequently be forced into a position where we must face our fellow Americans and explain a horrific act that could have been prevented. It would be imprudent and irresponsible as a Senator of the United States, who is sworn to protect the freedoms of this great Nation and to defend our fellow countrymen.

In this new century and in a post-9/11 era, it is clear we face a new threat. Unfortunately, this new threat requires a course of action previously not undertaken in order to deter this menace to our freedoms and to our peace. However, we must take this new course to defend our Nation and our allies responsibly and with assurance. Remember, this is a regime that ordered the use of chemical weapons against its own people; invaded two neighbors; committed genocide against more than 50,000 northern Iraqis; drove 2 million refugees into neighboring countries; launched ballistic missiles into different countries; destroyed over 4,000 villages in Iraq, and on a daily basis fires at U.S. and coalition aircraft patrolling the United Nations no-fly zones.

As a matter of fact, since the year 2000, Iraq has fired upon U.S. and British aircraft over 1,600 times. This year alone, Iraq has fired on the United States and Great Britain 406 times. These acts are the tip of the iceberg of a long list of violations as Saddam Hussein attempts to provoke the United States and her allies. As a result, it is clear and evident we have a moral obligation to the international community to halt further threats and attacks by this dictator. Since September 11, 2001, many in Congress have asked the question: Why did the events of this day, September 11, 2001, occur? And more importantly, how could these tragedies have been prevented?

Let me say that again. Many Senators, and I am one of them, have asked how September 11 could have been prevented.

As the goal of congressional investigations into our intelligence communities is aimed at preventing these incidents in the future, so, too, is the opportunity before us to prevent attacks by a rogue regime. In the future, I am certain no Senator wants to be placed in the position where we will have to call an investigation and ask why a tragedy has occurred at the hands of Saddam Hussein, and why it was not prevented when we knew it could happen and we had the opportunity to do something about it.

In order to avoid an ugly predicament, the option of prevention is in place today. Today we must ask ourselves, In the future, do we want, once again, to pose the same question that has now haunted us for over a year? When the civilian population of our country becomes the target instead of our men and women in uniform, then an offensive role of foreign policy is demanded over what I believe is currently a defensive or a reactionary form of foreign policy.

Since World War II, the United States has been the leader of the international world. We have made decisions, taken calculated risks, and engaged ourselves where no other nation would. However, at the end of the day, we have always led and/or brought along our allies. Once again, it is now evident the time is here for the United States to lead. It is prudent for our allies to follow. I believe most of them know that.

Had we known the events of last year were going to occur, we would have made every effort to stop them, to save the loss of thousands of American lives. I am certain the people of this Nation and this body would have called for and demanded all types of preemptive actions to stop the atrocities instead of, as we did, helplessly watching them occur. We were locked in what I believe was a post-cold war mindset that, in part, denied the obvious and rested on the false premise it just simply could not happen in this country.

Like previous warning signs seen throughout history, we are again witnessing the ominous warnings that Saddam Hussein intends to threaten the Middle East region of the world and the United States. In light of this, I cannot sit back, in good conscience, and wait for Saddam Hussein to improve his weapons of mass destruction before he occupies and threatens foreign countries, or worse, harms Americans and American interests and American friends.

As a free and democratic Nation, we have a responsibility that requires a thoughtful, open approach. As we embark on a new path to defend this Nation currently, we are, as the President did last night and, of course, a few weeks ago, addressing the United Nations, consulting with Congress and now working with and having had the resolution just presented to the Congress, forced or helped produce the debate in the Senate. It is evident by this process and by the steps taken, any decision we make will not be in haste. I am confident the manner in which our citizens will be informed will set a new precedent for future Congresses and for future administrations.

This body, this Nation, and this President are methodically weighing the options on the table and assessing the threats we face. We have to include we want and need international support. Fortunately, we currently have the support of some of our closest allies. I do not want to stray from working with the United Nations, of course. We will work with them, and we are. Right now, Colin Powell is pursuing a new resolution out of the Security Council. At the same time, I recognize in the end, in the defense of this Nation, it is the responsibility of this President and of this Congress to make sure that happens. It is critically important that in the end, if you abide by the concept written in the book, "The Law of Nations," then we have no recourse but to act ourselves, if we believe a failure to act would cost lives, put our freedoms at risk, and put our citizens at risk.

While Article 51 of the United Nations charter is not so clearly defined, we have seen in recent history preemptive action taken by nations that were upheld by the U.N. For example, in 1962, President Kennedy took preemptive measures during the Cuban missile crisis by swiftly imposing a naval quarantine on Cuba to halt the delivery of offensive weapons by the Soviet Union. In 1967, Israel launched preemptive attacks on several Arab States after Iraq, Saudi Arabia, Jordan, and Syria began moving troops to the Israeli border.

In 1991, the United States committed to liberate Kuwait. In 1991, the United States was then, as we are now, leading an effort. By the time the conflict in Iraq began, we had the support of the international community to carry out our objective.

I am confident, should we decide to use force, by the time the United States and her closest allies engage Iraq, we will again have the support of the international community. It is called the responsibility of leadership. It is recognized as the role we play in the world today. I say this because the international community realizes the evidence is clear when it comes to Saddam Hussein. In addition, Saddam Hussein will once again violate U.N. resolutions, further invalidating that body, and denying weapons inspectors access in a way that should be open and complete and without any form of restriction.

I do not take this vote lightly when it comes, as men and women across the State of Idaho and across the country are put in harm's way. For those who have decided to wear the uniform of our armed services, I want to assure the people of Idaho and the United States, any decision made regarding the use of force will be made with confidence, in consultation with Congress, and with the interests of the security of this great Nation foremost in all of our minds.

I believe the justification for engagement has been made and the option to use force will be granted. I believe we must still have as an end game, an exit strategy, a recognition of the role we play in a post-Saddam-Hussein Iraq, if that is to occur, and I believe this President, along with quality people he has placed around him, will continue to consult with this Congress as those strategies are developed. I am confident we will pursue all means, as is evident today by the efforts of this administration. But in the end, there is the most important responsibility for the Senate of the United States to play. That is to do what we are doing here, to speak out on it, to allow the American people to know all the differences that occur as it comes to facing a most important issue like this.

I thank my colleague from Virginia for the leadership he has demonstrated. He recognizes the significance and the importance of this debate and the decision that will ultimately be made in the course of this week as we stand in support of the Commander in Chief and the President of the United States, in full consultation with the Congress, as we shape a foreign policy that is a policy of decades to come, in recognition that for the first time in this Nation's history, it is the citizen, not the soldier, who becomes the target of the new wars. With that, a new form of foreign policy, a new relationship, and a new dialog for this country has just begun.

I yield the floor.

Mr. REID. Madam President, I ask unanimous consent that Senator BYRD be recognized for up to 15 minutes at 12:15 today.

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Did the Senator wish to make a remark?

Mr. WARNER. I wanted to reply for 2 minutes.

Mr. BYRD. I yield, without losing my right to the floor, to the Senator from Virginia.

Mr. WARNER. I wish to thank our colleague and compliment him on a very fine recitation of the facts relating to the vote we will soon take.

The Senator raised the important question of the preemptive issue. That has been an issue on the minds of a number of our colleagues. If he would allow me, I ask unanimous consent to have printed, following my remarks, a list of the times the Senator enumerated, the times the Presidents of the United States, going back as far as 1901, have initiated action preemptively to protect the security interests of this country. They have done it under the well-recognized international law or maxim of anticipatory self-defense.

With the advent of high-tech now, with so many other changed factors throughout our 215-year history of this Republic and this body of the Senate, there have to be changes. The Senator was right on point of the need this time to recognize those changes and to understand better this doctrine of taking preemptive action, if that is necessary to protect the security interests of this country.

I ask unanimous consent this be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Questions: Has the United States ever conducted "preemptive" military operations before?

Yes: Panama (Colombia)—1901; Dominican Republic—1904, 1914. 1965; Honduras—1912; Nicaragua—1926; Lebanon—1958; Cuba (Naval Quarantaine)—1962; Grenada—1983; Libya—1986; Panama (Just Cause)—1989; Somalia—1992; Sudan/Afghanistan—August 1998; Iraq (Desert Fox)—December 1998; and Kosovo—March 1999.

International law recognizes a concept of "anticipatory self-defense" if a country is imminently threatened.

And there are other examples—but the bottom line is that confronting or striking Iraq is not preemptive. We have been in conflict with Iraq for twelve years and they have never complied with original terms for ending conflict.

Mr. CRAIG. Madam President, I thank the Senator from Virginia.

I agree. This country, this Commander in Chief, and we as Senators cannot be denied the right to take preemptive action when clear evidence indicates that the citizens of our country are at risk.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, I see the distinguished Senator from Connecticut wanted to speak. Does he wish to speak at this point?

Mr. LIEBERMAN. I thank the Senator from West Virginia. I wonder if the Senator—I know the Senator wishes to speak for more than 15 minutes—if he would allow me to speak for not more than 7 or 8 minutes now, without yielding his right to the floor thereafter.

Mr. BYRD. Madam President, I make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Madam President, as the debate continues, I want to address myself to some of the history and also to some of the threat today. This is a most interesting book that somebody gave me, that is most timely. It came out very recently. I don't know the exact date. It is called "The Threatening Storm: The Case for Invading Iraq." It is written by Kenneth Pollack, who worked for the Central Intelligence Agency. In the period of 1990, he was one of only three who earlier in 1990 were advising their superiors, and then ultimately the President of the United States, that an Iraqi attack against Kuwait was imminent, it was going to happen. Over time, he worked for the National Security Council under President Clinton. He is now at the Saban Center, a think tank here in Washington associated with the Brookings Institution.

This is a most compelling piece of work. It speaks history here. It talks about the great history—the Senator from West Virginia is in the Chamber—the great classic history of Iraq. This, after all, is the place where the Biblical Garden of Eden grew, along beside the Tigris and the Euphrates. It is the place where Abraham, the father of the three great monotheistic faiths was when God called out to him and found his heart steadfast. Of course, in succeeding times it has had great periods of progress and leadership—unfortunately, not in recent times.

But as we deal with Saddam today—those of us, including myself, who favor the resolution we have offered as an amendment, a substitute today—we tend to recite phrases about what a brutal dictator Saddam is, and his ambitions. He has used weapons of mass destruction. I think in this debate from time to time we have to go back to the details.

There is a brief biography, in this book, of Saddam, of the radical upbringing he had, of the extent to which he fell under the so-called pan-Arabist influences, to create a power that would gain control over the entire Arab world. I want to read one quote from this book—again, "The Threatening Storm" by Kenneth Pollack:

> Saddam considers himself a great man of history, someone marked to accomplish great deeds. In his vast personality cult he is constantly compared with great figures of Iraq's past.
>
> Saddam believes himself destined to be the new leader of the Arabs, and he makes it apparent that this role will be a political-military role, meaning that he will achieve his position through some combination of conquest and acclaim. Addressing a unit of the Republican Guard, Saddam proclaimed that the honor of the Arab nation could not be achieved unless "Iraq's arm reached out [beyond Iraqi territory] to every point in the Arab homeland." He has worked assiduously to make Iraq strong so that it can dominate the region militarily, acquire new territorial prizes, and become the champion of the Arabs. Saddam has said often and loudly that his goal is to create a new Arab union of some kind, headed by a powerful Iraq, that will be a new superpower.

This is based on a thorough research of Saddam's history, of his statements, of his actions. Why did he invade Iran in the 1980s? Why did he invade Kuwait in the early 1990s? It is all part of realizing this ambition. Why has he developed weapons of mass destruction and used them, as this book points out—not once. There was a terrible genocide at Halabja. But he used chemical weapons repeatedly, and indeed experimentally, against the Kurds. Hundreds of thousands of people were killed. Against the Iranians—hundreds of thousands of people killed.

I read somewhere today—elsewhere; I forget where it was—that Saddam is the first person since Hitler who has used chemicals for the purposes of mass death.

So this history is chilling. I do not manufacture it. It is there. It is why it is so critically important to bring this madman back within the constraints of the United Nations resolutions and the peace that he agreed to at the end of the gulf war.

Should Saddam be allowed to continue to develop these weapons of mass destruction and become the controlling hegemonic power he has long dreamed of becoming in the Arab world, Lord protect us. Lord protect the Arab world, when you think of the brutal dictatorship he has represented—no freedom, no opportunity for his people. And what about the rest of us, with Saddam in control of so much of the world's oil supply?

So this history is very current as we consider all the options we have tried over the decade since the gulf war to disarm this dangerous dictator, and why those of us who have sponsored this resolution believe that the moment has come, as the President has said, effectively to say to Saddam: Either disarm or we are going to be forced to go to war to disarm you. We don't want to do this. But you represent such a danger to your neighbors, among whom we have such strong allies whose support is so critical to us, whose energy supply is so critical to our economy and that of the rest of the world, that if you don't disarm, we are going to have to take military action to do that.

That is the history, the chilling history that affects the present and is why the four of us, and others now who have cosponsored this resolution, have done so—to prevent this man from achieving his evil ends.

There have been many thoughtful statements on the floor. Mr. STEVENS, the senior Senator from Alaska, spoke yesterday. Here is a proud, patriotic American, a veteran of World War II. He analogized this dictator we are facing to Hitler. Remember the lessons he was hearing in high school of the dangers represented by Hitler and the extent to which, if we didn't stop him then, we would have to stop him at a much higher price later on. I think the balance we have to strike here in deciding how to act is a similar balance. Do we act now, or do we act later, at much greater cost in blood, in treasure?

Mr. WARNER. Madam President, may I just add to my colleague's remarks—he referred to Senator STEVENS. He was in the Chamber a few moments ago talking with me. We shared those days because I was of that generation.

Saddam Hussein possesses, today, an arsenal of weapons far more dangerous to the whole world than Hitler ever possessed. That was brought out in the colloquy yesterday. I thank my colleague.

Mr. LIEBERMAN. I thank my friend.

The PRESIDING OFFICER (Mrs. CLINTON). The Senator's time has expired.

Mr. LIEBERMAN. I thank my colleague from West Virginia for yielding me time. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I thank the Chair.

Madam President, I thank and commend all those Senators who have been speaking in support of the resolution that will soon come before the Senate for a decision by the Senate. I think they have rendered a service. I commend Mr. LIEBERMAN. I commend Mr. WARNER. And I commend those others who are cosponsors of the resolution. I commend them on their high level of argumentation they have put forth. This is what the country needs. The country needs to hear more of this, and I have only the utmost admiration for those who feel as they do in support of this resolution.

The Senate is the anchor of the Republic, and it is here on this battlefield many of the country's great Senators have expounded their views and taken sides, one way or the other, on the great issues that have come before the Nation over this period of more than 200 years.

I have listened, as best I could, to the various Senators who, for the most part this morning, have spoken in support of the resolution, S.J. Res. 45, which will be at least soon attempted to be amended by S.J. Res. 46.

Madam President, I am not against just any and every resolution of this nature. I could very well be for a resolution. If this debate were to go on for a while, or perhaps to go until after the election, giving us time to debate it thoroughly, giving Senators time to amend it, modify it, to change it, it might very well be I, too, could support a resolution. After all, that is what we should strive for. We should strive for a national consensus.

If this country is going to engage in a military conflict in the near future, it should not be a slapdash resolution that in its makeup looks, for all intents and purposes, as though it were just thrown together, it was a cut-and-paste operation.

I would hope we could come to a conclusion, after ample debate, that we could join hands across the aisle, join hands between the two parties, join hands with the executive branch. I would hope we could do that. And I do not think that is beyond the realm of possibility.

I think it would be possible to develop a resolution which might get a unanimous vote in this Senate, but it would take time. It cannot be this resolution which would be unanimous because it will not be unanimous.

My concerns about this resolution are, in the main, two—two concerns. Getting into further detail, I can express several concerns. But in the main, I would say my concerns are two in number.

One, this resolution authorizes the President to determine and authorizes the President to use military forces as he will, when he will, how he will, and wherever he will, as long as the thread is tied to Iraq, and beyond that—I do not have the resolution in front of me—as long as it is tied, by the thread, to "defend[ing] the national security of the United States against the continuing threat posed by Iraq; and (2) enforc[ing] all relevant United Nations Security Council Resolutions regarding Iraq."

Madam President, I can talk in considerable detail and at considerable length with respect to the "whereas" clauses and with respect to the authorization section, section 3. Suffice it to say this is a blank check, this authorization paragraph is a blank check, given over to the Chief Executive, not just this one but Chief Executives who will succeed him. There is no sunset provision. There is no termination under this authorization. It can go on and on and on until Congress sees fit to terminate it.

So it is open-ended. It is a blank check. And it cedes the decisionmaking power of the Congress under the Constitution to declare war. It cedes that to a Chief Executive—for the moment, Mr. George W. Bush. Succeeding him, who knows? But it is open-ended.

If Congress is going to waive that part of the Constitution which gives power to the Congress to declare war—and I am not sure Congress can waive that—but if it is going to, why don't we at least have a sunset provision? Why don't we at least have a cutoff at which time the cession of that power is no longer existent? Is that asking too much?

No. 1, my opposition to this resolution in the main is because Congress is ceding—lock, stock, and barrel—its power to declare war, handing that over to a Chief Executive and, by its own terms, as much as to say, that President will determine that. He will use the military forces of these United States—that means the Marines, the Air Force, the Army, the Navy, all the military forces of this country—he shall use all of the military forces of this country in whatever ways he determines, wherever he determines, whenever he determines, and for as long as he determines. That is the way it is written—lock, stock, and barrel.

Congress might as well just close the doors, put a sign over the doors and say: "Going fishing." Put a sign on the Statue of Liberty up here: "Out of business." That is exactly, that is precisely what we are about to do, if we vote for this resolution as it is currently written. If there is anybody who disagrees with me, they can try to show me that. But they cannot refute the words written in this resolution. All the "whereases" constitute nothing more than figleaves, beautifully dressed, beautifully colored, pretty figleaves, with sugar on them.

My second objection in the main is that Congress is being stampeded, pressured, adjured, importuned into acting on this blank check before Congress goes out for the election. Doesn't that make this somewhat suspect? Recall, it was only in late August, around August 23, I believe it was, I read in the newspaper where the President was concerned about the intensified talk that was going on with reference to his plans in respect to an attack on Iraq. Secretary Rumsfeld, in that same newspaper report, referred to it as a "frenzy." So even the President, 6 weeks ago, was seeking to allay the concerns of the people in Washington, people all over the country, with respect to any "plans" that he might have to attack Iraq. In other words, he was saying: Cool it.

Well, that was just 6 weeks ago. Then all of a sudden, the whole focus of attention in this country seems to be directed several thousand miles away from these shores to a country called Iraq, to which the distinguished Senator from Connecticut correctly alluded as that great land between the two great rivers, the old Biblical country of Mesopotamia.

So those are my two concerns. Here we are, with all of this pressure to act, act now. I am somewhat mystified by the rush pell-mell to embrace this resolution which, as I understand it, is pretty much the administration's handicraft, and the House may be about to vote on the same.

I wonder what has gotten into our Democratic leaders that they would embrace this kind of thing. They have a right to do that. Every Senator has a right to vote any way he wants, any way his good sense is directing him. But I have been mystified at the rush, at the frenetic activity on the part of leaders of the Congress, of the other body. They embraced this thing down there on the White House lawn.

We should take more time. The American people have questions that they want answered. I have had more than 9,000 telephone calls in the last 5 days that my office has been open, more than 9,000 coming from all over the country, virtually all urging the Senate to slow down, to ask questions, and to fully consider what we are about to do. I hope more people will call. They don't need to call me. They know what my position is. But I hope they will call the Members of Congress, Senate and House Members, Republicans and Democrats, call all the Members. Urge them to stop, look, and listen, look at what we are about to do. We are about to put beyond the reach of Congress the decision to declare war.

I listened to the President's speech. I didn't hear anything new. I didn't hear anything that I hadn't already heard prior to this time. He demonized Saddam Hussein. That is quite all right with me. I think Saddam Hussein is lower than a snake's belly myself. I wouldn't shed any tear if anything happened to him. That is not the question. We have known these things.

I asked the CIA Director myself, within the last 2 or 3 weeks in my office and in room 407: You are not a policymaker, but you are the expert with respect to intelligence. What is there that you can tell me, what is there that you can tell Congress that is new that indicates we wait beyond this election at our peril? What is it that is new that we haven't known? I am talking to the Director of Central Intelligence.

I said: What is it that is new that we haven't known 2 months ago, 6 weeks ago, 3 months ago? They don't have anything.

I asked Secretary Rumsfeld. And he will say: Oh, I will tell you what is new, September 11 of last year.

Well, of course, that is over a year old. What is so new that it requires this Senate and the House of Representatives to vote before we go out for the election? Why so much interest in the election? That is not by my choice that the administration is pushing for a vote before the election. That is not my choice; that is their choice. And I am not sure but that this effort on their part might be turned against them in the election. I think if the American people are fully aware of what this administration is advocating, fully aware of what we are about to do, the people of this country will rise up. They will let their voices be heard.

They have questions. "What is this going to cost me?" they will say. Mr. John Q. Citizen will say: What is this going to cost me? What about my son? What about my daughter? What about my grandson? How many American lives are going to be lost if we invade Iraq? What is going to be the cost? What is going to happen to Iraq after its defeat? Who is going to run the government of Iraq then? Are we going to have American fighting men and women in Iraq for 2 months, 6 months, a year, 2 years, 5 years, 10 years? Answer these questions, Mr. Administration.

Tell me, also, what is going to happen to homeland security? Already the focus is being shifted away from homeland security. I can see it.

Mr. WARNER. Will the Senator yield?

Mr. BYRD. Not just yet.

Mr. WARNER. I understood the time was 15 minutes.

Mr. BYRD. I believe I have these 15 minutes now under a previous order.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I simply want to finish——

Mr. WARNER. Madam President, of course, we go into recess at 12:30.

Mr. BYRD. I do not yield at the moment. I will be happy to yield in a moment. The Senator has been on the floor all morning—he and his compatriots over here who are boosting this unfortunate resolution. So I want a few minutes now, and then I will be happy to yield.

Mr. WARNER. For one short question.

Mr. BYRD. Then what is the focus? What about homeland security? What might happen on the southern border, on the northern border of this country, in the ports of this country, at the airports of this country? What might happen? The American people today are concerned about the safety right here in this area, the safety of their own schoolchildren. They are concerned about these things that are going on all around us. What is going to happen to homeland security? I don't hear much about it over this last couple weeks or more. This attack on Iraq we have been talking about—the President says: If you do not do it, I will. If you don't do it, we will. Well, this concerns me.

What kind of a face are we going to present to the world with this kind of cowboy, macho attitude? What kind of face are we presenting to the world? Does the world still see us as a law-abiding Nation that lives by the rule of law? Is that what we recommend to other countries? Are we a country that loves liberty, freedom, justice, the rule of law, or is this going to make us look like a bully? I used to play a tune on my fiddle called "The Bully of the Town"—"I am looking for the bully of the town." Is that the kind of face Uncle Sam is going to present to the world? It sounds like it when the President says to the U.N.: If you don't do something, we will.

Madam President, I am simply saying we ought not have this vote before this election. This election is going to distract members from concentrating, from focusing on the question of war or peace. It is already doing it. It is already doing it.

So there are lots of questions the American people want answered. What about the economy? Is this going to affect the American economy? What about my job? What about my health insurance? What about us older folks? What about prescription drugs? You do not hear much about that now. Everything is tuned to Iraq. The American people are being led to believe something may happen tomorrow—and something may happen right here within our own shores. But they are being led to believe Saddam is such a threat we don't dare wait until after the election. Saddam doesn't present that kind of imminent threat to this country. He doesn't have these kinds of weapons that he would level at this country before the election. Now, something could happen in our midst before the election. It can happen tonight. It can happen today. It has been happening in this area over the past several days, with a sniper taking six lives, and he shot eight persons.

People are concerned about issues here at home. We should not try to divert their attention to a threat. I don't say Saddam is not a threat. I say he is not the immediate threat the administration is trying to make him out to be at this point. We have some time. We ought to utilize it. We cannot let Saddam Hussein continue to have weapons, such as biological and chemical weapons. We cannot let him acquire weapons of mass destruction. But there is some time, and I think it is very important we get the United Nations involved here, and the President has made a good start in that direction. He made a fine statement when he spoke to the U.N. He put the burden on them. He laid it at their door. They have been recreant in their duty.

We should utilize the time we have to let the U.N. marshal its forces and try to get other countries to assist this country in carrying the burden. Eleven years ago, the cost of that war was $61.1 billion, and other countries helped shoulder the expenses, with the exception of about $7.5 billion. We ought to be seeking to get others' help.

We ought to let the inspectors go back in and have restrictions such that they will have a full and free opportunity to inspect wherever they want, wherever they think they should. So I am for all that. I am not one who says Saddam is not a threat; he is a threat, but he has been a threat for many years. I think it is a disservice to the American people to insist their elected representatives in the House and Senate showdown on this fateful decision before the election. Now, that is highly suspect. To those who are pushing it, I have to say it is suspect.

Why do they want this vote before the election? I am not the one who determines when the election will fall. We know it is going to take place on November 5. Where is the threat that is so imminent to this country we have to declare war here and now, before the election? It is a distraction. Our Senators and House Members need to be concentrating on the matter, debating it, debating other matters. There are many more matters that cry out for the attention of this country. Why should we not be giving attention to them and not be distracted in this vote by what may happen to me on November 5, if I vote this way or that way? That is not right. It is wrong. It is not doing right by the people of this country. They are entitled to better than that.

So I have two main concerns. One, we are ceding the constitutional authority to declare war, and it is open-ended, a blank check. Mr. President, here it is, you can have it. We will just go fishing. You take it and we are out of it. We are out of business. We are out of business for the next year or 2 years or as long as this piece of paper—this blank check—is in effect. You have it. We are cheating the people back home when we vote for that kind of resolution.

Madam President, I have much more to say, but I told the Senator from Virginia I would be glad to yield. I do that now, without losing my right to the floor.

Mr. WARNER. Madam President, I simply say to my colleague, most respectfully, I feel this was not a cut-and-paste job. Senators LIEBERMAN, BAYH, MCCAIN, myself, and other Senators have contributed. Senator LOTT had an open-door policy to engage persons on this issue.

I draw your attention, most respectfully, to section 3, authorization for the use of force.

This is not a blank check. It restricts this authority clearly to Iraq, and if I might read it: Authorization. The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to, one, defend the national security of the United States against the continuing threat posed by Iraq; two, enforce all relevant United Nations security resolutions regarding Iraq.

That is a very clear mandate, and once those two criteria are met, this authority ceases.

Madam President, my understanding is that at the hour of 12:30 p.m., the Senate will stand in recess.

Mr. BYRD. Madam President, I ask unanimous consent that I may proceed for 10 minutes.

Mr. WARNER. Madam President, I most respectfully say to my colleague, I am under firm instructions on this side—so many Senators are gathering at the caucuses who otherwise would follow this important debate. I will be happy to resume with Senator BYRD——

Mr. REID. If my friend, the distinguished Senator from West Virginia, will yield, I have a unanimous consent request, about which I have spoken with the Senator from West Virginia, for Senators to speak this afternoon.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Reserving the right to object, Madam President, can we possibly accommodate my colleague from West Virginia so he can finish this lineup, and I will be prepared to come to the floor with him, can I suggest, at the hour of 2 o'clock?

Mr. REID. The Senator wishes to speak at 2 o'clock.

Mr. BYRD. I would love to do that.

Mr. REID. If necessary, I will preside at 2 o'clock, but we have presiders starting at 2:15 p.m.

Madam President, I ask unanimous consent that the Senator from West Virginia be recognized for 10 minutes beginning at 5 after the hour.

Mr. BYRD. Madam President, reserving the right to object, I can finish in 10 minutes now.

Mr. REID. I understand that, but the other side has objected to that.

Mr. BYRD. After 2 o'clock, I might be constrained to talk longer.

Mr. WARNER. Madam President, given that opportunity, can we agree then the 10 minutes expires—I am about to join the Secretary of State, Mr. Colin Powell—at the hour of 12:42 or 12:43 p.m.? If that is correct, that will be fine.

Mr. REID. Reserving the right to object, Madam President, I ask unanimous consent that at 2:15 p.m., in addition to Senator BYRD speaking now for 10 minutes, Senator MIKULSKI speak; at 2:35 p.m, Senator GREGG; Senator JEFFORDS at 3 o'clock; there will be a Republican at 3:20 p.m.; Senator KENNEDY at 3:40 p.m.; a Republican at 4 o'clock; Senator CARPER at 4:20 p.m.; a Republican at 4:50 p.m.; Senator FEINGOLD at 5:30 p.m.; a Republican 6 o'clock; and one of the two, REID/REED, at 6:30 p.m.

Mr. WARNER. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from West Virginia.

Mr. BYRD. Madam President, for how long am I recognized now?

The PRESIDING OFFICER. Ten minutes.

Mr. BYRD. I thank the Chair.

I call the Senate's attention to an article in the Philadelphia Inquirer of October 6 entitled "Allied Support On Iraq Exaggerated, Officials Say":

> President Bush and some of his top aides, including Defense Secretary Donald H. Rumsfeld, have exaggerated the degree of allied support for a war in Iraq, according to senior officials in the military and the Bush administration.
>
> These officials, rankled by what they charge is a tendency by Rumsfeld and others to gloss over unpleasant realities, say few nations in Europe or the Middle East are ready to support an attack against Iraq unless the United Nations Security Council explicitly authorizes the use of force.
>
> In the latest sign that international support for the administration's plans is soft, key ally Turkey said Friday that it would participate in a campaign against Iraq only if the world body blessed it.
>
> "An operation not based on international law cannot be accepted," a Turkish presidential spokesman said after a meeting of top Turkish civilian, military and intelligence officials in Ankara.
>
> The backing of Turkey, which borders Iraq's north, is vital because it hosts air bases at Incirlik and elsewhere that would be necessary to conduct a major air campaign against Iraq and protect the ethnic Kurdish population in northern Iraq from Iraqi leader Saddam Hussein's retaliation.
>
> "Turkey is the key," a senior administration official said.
>
> Turkey, which also has a large Kurdish population, is concerned that Iraq's Kurds would try to form their own mini-state and that a war with another Muslim country could aggravate tensions between Islamists and secularists in Turkey and damage the Turkish economy.
>
> Turkey is not alone: No country near Iraq has agreed to serve as a launching pad for a U.S. strike without U.N. authorization, the senior official said. He and others spoke on condition of anonymity.
>
> As they have tried to persuade Congress to give Bush broad war-making authority, Rumsfeld and other officials have sought to create the impression that there is widespread international support for the Iraq endeavor. That, one top official said, "is at best premature and at worst deceptive."

Madam President, I ask unanimous consent that the total article from the Philadelphia Inquirer of October 6 be printed in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BYRD. Madam President, I quote another article from the Philadelphia Inquirer, this one October 8, 2002, entitled: "Officials' Private Doubts On Iraq War":

> While President Bush marshals congressional and international support for invading Iraq, a growing number of military officers, intelligence professionals and diplomats in his own government privately have deep misgivings about the administration's double-time march toward war.
>
> These officials say administration hawks have exaggerated evidence of the threat that Iraqi leader Saddam Hussein poses—including distorting his links to the al-Qaeda terrorist network; have overstated the amount of international support for attacking Iraq; and have downplayed the potential repercussions of a new war in the Middle East.
>
> They say that the administration squelches—squelches—dissenting views that intelligence analysts are under intense pressure to produce reports supporting the White House's argument that Hussein poses such an immediate threat to the United States that preemptive military action is necessary.
>
> "Analysts at the working level in the intelligence community are feeling very strong pressure from the Pentagon to cook the intelligence books," said one official, speaking on condition of anonymity.
>
> A dozen other officials echoes his views in interviews with the Inquirer Washington Bureau. No one who was interviewed disagreed.

How much time do I have left, Madam President?

The PRESIDING OFFICER. Four and a half minutes.

Mr. BYRD. I thank the Chair.

Continuing the article:

> They cited recent suggestions by Defense Secretary Donald H. Rumsfeld and National Security Adviser Condoleezza Rice that Hussein and Osama bin Laden's al-Qaeda network were working together.
>
> Rumsfeld said Sept. 26 that the U.S. government had "bulletproof" confirmation of links between Iraq and al-Qaeda members, including "solid evidence" that members of the terrorist network maintained a presence in Iraq.
>
> The facts are much less conclusive. Officials said Rumsfeld's statement was based in part on intercepted telephone calls in which an al-Qaeda member who apparently was passing through Baghdad was overheard calling friends or relatives, intelligence officials said. The intercepts provide no evidence that the suspected terrorist was working with the Iraqi regime or that he was working on a terrorist operation while he was in Iraq, they said.
>
> Rumsfeld also suggested that the Iraqi regime had offered safe haven to bin Laden and Taliban leader Mullah Mohammed Omar. While technically true, that, too, is misleading. Intelligence reports said the Iraqi ambassador to Turkey, a longtime Iraqi intelligence officer, made the offer during a visit to Afghanistan in late 1998, after the United States attacked al-Qaeda training camps with cruise missiles to retaliate for the bombings of the U.S. embassies in Kenya and Tanzania. But officials said the same intelligence reports that bin Laden rejected the offer because he did not want Hussein to control his group.
>
> In fact, the officials said, there is no ironclad evidence that the Iraqi regime and the terrorist network are working together, or that Hussein has ever contemplated giving chemical or biological weapons to al-Qaeda, with whom he has deep ideological differences.

I ask unanimous consent that the remainder of this article from the Philadelphia Inquirer, dated October 8, 2002, be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. BYRD. The President indicated he would lead a coalition, and I hope he will. I hope he will continue to work until he gets a solid coalition together. But if, as the President claims, America will lead a coalition against Iraq, it certainly appears that we have much work to do. The first article I read from the Philadelphia Inquirer bears out a clear message: We have asked the United Nations to act and we should give the United Nations that opportunity.

Last night, the President of the United States asked Congress to fully consider the facts in this debate, but I believe that many of the facts are still unclear. We have many questions that demand answers, and we need the time to find those answers.

So I suggest we try to get the facts, and the representatives of the American people in Congress need the facts, the clear, unadulterated facts, before Congress votes on the resolution.

The questions I have are the same questions the American people have. A poll published last Sunday in the New York Times reports that a majority of Americans think that Congress is not asking enough questions about Iraq policy. By a 2-to-1 margin, those polled would prefer to see U.N. inspectors have more time to do their job. Sixty-five percent of those polled think it is better to wait for allies before any attack on Iraq—in other words, not go it alone.

Obviously, the American people are far from convinced that we must attack Iraq. I think as time goes on, if this matter is fully debated, we will find a reverse in the polls from what we have been seeing lately. We are going to find that the American people are not all that ready to invade Iraq all by themselves; not all that ready to put the U.N. aside and say we will go it alone—if you do not do it, we will—and not all that ready to send their boys and girls, their men and women, their loved ones, to war in a foreign land without leaving it up to Congress as to when war should be declared.

I yield the floor.

EXHIBIT 1

[From the Philadelphia Inquirer, Oct. 6, 2002]

ALLIED SUPPORT ON IRAQ EXAGGERATED, OFFICIALS SAY

(By Warren P. Strobel)

WASHINGTON.—President Bush and some of his top aides, including Defense Secretary Donald H. Rumsfeld, have exaggerated the degree of allied support for a war in Iraq, according to senior officials in the military and the Bush administration.

These officials, rankled by what they charge is a tendency by Rumsfeld and others to gloss over unpleasant realities, say few nations in Europe or the Middle East are ready to support an attack against Iraq unless the United National Security Council explicitly authorizes the use of force.

In the latest sign that international support for the administration's plans is soft, key ally Turkey said Friday that it would participate in a campaign against Iraq only if the world body blessed it.

"An operation not based on international law cannot be accepted," a Turkish presidential spokesman said after a meeting of top Turkish civilian, military and intelligence officials in Ankara.

The backing of Turkey, which borders Iraq's north, is vital because it hosts air bases at Incirlik and elsewhere that would be necessary to conduct a major air campaign against Iraq and protect the ethnic Kurdish population in northern Iraq from Iraqi leader Saddam Hussein's retaliation.

"Turkey is the key," a senior administration official said.

Turkey, which also has a large Kurdish population, is concerned that Iraq's Kurds would try to form their own mini-state and that a war with another Muslim country could aggravate tensions between Islamists and secularists in Turkey and damage the Turkish economy.

Turkey is not alone: No country near Iraq has agreed to serve as a launching pad for a U.S. strike without U.N. authorization, the senior official said. He and others spoke on condition of anonymity.

As they have tried to persuade Congress to give Bush broad war-making authority, Rumsfeld and other officials have sought to create the impression that there is widespread international support for the Iraq endeavor. That, one top official said, "is at best premature and at worst deceptive."

The defense secretary told a House of Representatives committee Sept. 18 that Bush aides "know for a fact" that the United States would not be fighting Iraq alone if it failed to obtain a U.N. resolution. "There are any number of countries that have already announced their support," he said.

Bush said Thursday that if the United Nations and Iraq didn't eliminate Hussein's weapons of mass destruction, "the United States in deliberate fashion will lead a coalition to take away the world's worst weapons from one of the world's worst leaders."

Several officials said that while those statements were technically true, there was a coalition yet. Diplomats said privately that only staunch ally Britain and Bulgaria—a member of the U.N. Security Council that wants to join the U.S.-led NATO alliance—had said they were willing to act without United Nations cover.

Secretary of State Colin L. Powell has been working intensively to persuade other U.S. Security Council members to back a tough resolution that would force Iraq to accept strict new rules for inspections or face a U.S.-led invasion. He has run into stiff resistance, particularly from France and Russia, both of which hold veto power on the council.

Along with those countries, the United States presumably would need an OK to use military bases in Persian Gulf countries such as Kuwait, Oman, Bahrain and Qatar. In Qatar the United States has been extending a runway to accommodate more combat planes, and some war planners hope to persuade Jordan to let U.S. and British special forces attack suspected missile bases and weapons facilities in western Iraq from its territory.

None of those countries has told Washington it will be forthcoming without U.N. support, the officials said.

One senior military officer called Rumsfeld's comments "misleading."

"'Fine,' 'locked in,' 'positive,' 'concrete'; those words aren't being used over here," another Pentagon officer said.

Some analysts said that if the confrontation with Iraq came to war, most countries would choose to join in rather than risk displeasing the United States or missing out on the spoils.

"You will have regimes which, if we force the issue, will support us," said Anthony Cordesman, a military expert at the Center for Strategic and International Studies, a conservative center for national-security studies. But those countries want diplomatic cover, he said.

Some allies also want assurances on other issues, Cordesman said.

Turkey, for example, wants debt relief for its teetering economy along with promises that there will be no independent Kurdish state in Iraq. Russia wants a free hand to pursue alleged terrorists in neighboring Georgia, Iraq to pay roughly $8 billion in debt, and Washington to lift Cold War-era trade restrictions.

EXHIBIT 2

[From the Philadelphia Inquirer, Oct. 8, 2002]

OFFICIALS' PRIVATE DOUBTS ON IRAQ WAR

(By Warren P. Strobel, Jonathan S. Landay and John Walcott)

WASHINGTON.—While President Bush marshals congressional and international support for invading Iraq, a growing number of military officers, intelligence professionals and diplomats in his own government privately have deep misgivings about the administration's double-time march toward war.

These officials say administration hawks have exaggerated evidence of the threat that Iraqi leader Saddam Hussein poses—including distorting his links to the al-Qaeda terrorist network; have overstated the amount of international support for attacking Iraq; and have downplayed the potential repercussions of a new war in the Middle East.

They say that the administration squelches dissenting views and that intelligence analysts are under intense pressure to produce reports supporting the White House's argument that Hussein poses such an immediate threat to the United States that preemptive military action is necessary.

"Analysts at the working level in the intelligence community are feeling very strong pressure from the Pentagon to cook the intelligence books," said one official, speaking on condition of anonymity.

A dozen other officials echoed his views in interviews with the Inquirer Washington Bureau. No one who was interviewed disagreed.

They cited recent suggestions by Defense Secretary Donald H. Rumsfeld and National Security Advisory Condoleezza Rice that Hussein and Osama bin Laden's al-Qaeda network were working together.

Rumsfeld said Sept. 26 that the U.S. government had bulletproof" confirmation of links between Iraq and al-Qaeda members, including "solid evidence" that members of the terrorist network maintained a presence in Iraq.

The facts are much less conclusive. Officials said Rumsfeld's statement was based in part on intercepted telephone calls in which an al-Qeada member who apparently was passing through Baghdad was overhead calling friends or relatives, intelligence officials said. The intercepts provide no evidence that the suspected terrorist was working with the Iraqi regime or that he was working on a terrorist operation while he was in Iraq, they said.

Rumsfeld also suggested that the Iraqi regime had offered safe haven to bin Laden and Taliban leader Mullah Mohammed Omar.

While technically true, that, too, is misleading. Intelligence reports said the Iraqi ambassador to Turkey, a longtime Iraqi intelligence officer, made the offer during a visit to Afghanistan in late 1998, after the United States attacked al-Qeada training camps with cruise missiles to retaliate for the bombings of the U.S. embassies in Kenya and Tanzania. But officials said the same intelligence reports said that bin Laden rejected the offer because he did not want Hussein to control his group.

In fact, officials said. there is no ironclad evidence that the Iraqi regime and the terrorist network are working together, or that Hussein has ever contemplated giving chemical or biological weapons to al-Qeada, with whom he has deep ideological differences.

None of the dissenting officials, who work in a number of different agencies, would agree to speak publicly, out of fear of retribution. Many of them have long experience in the Middle East and South Asia, and all spoke in similar terms about the unease with the way the U.S. political leaders were dealing with Iraq.

All agreed that Hussein was a threat who eventually must be dealt with, and none flatly opposed military action. But, they say, the U.S. government has no dramatic new knowledge about the Iraqi leader that justifies Bush's urgent call to arms.

Some lawmakers have voiced similar concerns after receiving CIA briefings.

Sen. Richard J. Durbin (D., Ill.) said some information he had seen did not support Bush's portrayal of the Iraqi threat.

"It's troubling to have classified information that contradicts statements by the administration," Durbin said. "There's more they should share with the public."

Several administration and intelligence officials defended CIA Director George Tenet, saying Tenet was not pressuring his analysis but was quietly working to include dissenting opinions in intelligence estimates and congressional briefings.

In one case, a senior administration official said, Tenet made sure that a State Department official told Congress that the Energy and State Departments disagreed with an intelligence assessment that said hundreds of aluminum tubes Iraq tried to purchase were intended for Baghdad's secret nuclear-weapons program. Analysts in both departments concluded that the Iraqis probably wanted the tubes to make conventional artillery pieces.

Other examples of questionable statements include:

Vice President Cheney said in late August that Iraq might have nuclear weapons "fairly soon." A CIA report released Friday said it could take Iraq until the last half of the decade to produce a nuclear weapon., unless it could acquire bomb-grade uranium or plutonium on the black market.

Also in August, Rumsfeld suggested that al-Qeada operatives fleeing Afghanistan were taking refuge in Iraq with Hussein's assistance. "In a vicious, repressive dictatorship that exercises near-total control over its population, it's very hard to imagine that the government is not aware of what's taking place in the country," he said. Rumsfeld apparently was referring to about 150 members of the militant Islamic group Ansae al Islam ("Supporters of Islam") who have taken refuge in Kurdish areas of northern Iraq. However, one of America's would-be Kurdish allies controls that part of the country, not Hussein.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, it is in the true spirit of this institution, which Senator BYRD knows so well, that we exchange viewpoints as we have done Friday, yesterday, and again today, and we will continue to do that. Hopefully, these facts which the Senator deems essential—and I also—will be brought to the attention of this body. I thank my colleague.

Mr. BYRD. And I thank my colleague.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:44 p.m., recessed until 2:15 p.m., and reassembled when called to order by the Presiding Officer (Mr. REED).

The PRESIDING OFFICER. Under the previous order, the Senator from Maryland is recognized.

AUTHORIZATION OF THE USE OF UNITED STATES ARMED FORCES AGAINST IRAQ—Resumed

Ms. MIKULSKI. Mr. President, I rise to speak in support of the Levin amendment in terms of determining our action in Iraq.

As a graduate of West Point, the Presiding Officer knows how great a decision it is for the U.S. Congress to decide about war. Now this Senate is considering the gravest decision we will ever be called upon to make, which is to give the President unlimited authority to go to war, to make a decision to send American military men and women in harm's way. I say to my constituents, to the people of this country, and to the military, I take this responsibility very seriously.

I have listened to the President and his advisers make their case. I have consulted with experts and wise heads. I have participated in hearings and briefings as a Member of the Senate, and particularly as a member of the Intelligence Committee. I have listened very intently to my own constituents. I know that the decision we are about to make will affect the lives of America's sons and daughters, and the future of the United States of America.

But first, let me say a word about our troops. Each and every member of our military is part of the American family. Their service is a tremendous sacrifice and also a great risk. These are ordinary men and women, often called upon to act in a very extraordinary way, and they have never failed us. Whatever the Nation asks them to do, I know they will do it with bravery, fortitude, and gallantry.

Therefore we, all Americans, owe them a debt of gratitude. But we owe them even more. The Congress owes it to them to choose the wisest, most prudent course in this matter. As Senators, we must keep in mind the men and women of our military.

That is why I support Senator LEVIN's resolution on Iraq. I support that because it meets my principles. Have all diplomatic and other nonmilitary means been exhausted? The Levin resolution turns to the United Nations and its Security Council to make a decision in terms of the enforcement of its own resolutions. It calls for international legitimacy, international cooperation, international support, and, I might add, international resources. It urges the Security Council to fill President Bush's request to demand Iraqi disarmament and to authorize the use of a multinational military force if Iraq refuses to comply. If the U.N. refuses to act under the Levin amendment, Congress would then promptly consider whether America should act alone.

Senator LEVIN's is not the only resolution before the Senate. As I have looked at all of them, I asked questions. First, what really is Saddam Hussein's intent?

Second, does he have the means to accomplish this intent? Does he have weapons of mass destruction: chemical, biological, and nuclear?

Third, how grave and imminent is the threat? Is the Iraqi threat best met by a unilateral approach or a vigorous international response?

Finally, what are the consequences of our action? What will our military face in Iraq? What will be the impact on Iraq and the Middle East? What does this mean to the war on terrorism?

These are the kinds of questions I am asking myself so I can make a wise decision.

But make no mistake, I firmly believe that Saddam Hussein is duplicitous, deceptive, and dangerous. I despise him. Saddam is a brutal, totalitarian dictator and history shows us how dangerous Iraq is under his rule. He invaded Kuwait and used chemical weapons against his own people. I do believe he has developed chemical and biological weapons, and I also believe he is pursuing nuclear weapons, defying the will of the international community and also denying the agreement that he made at the end of the gulf war.

I also really do not believe Saddam is going to change. The question then is, what does this mean for the future? I think Iraq does have the grim and ghoulish means to carry out its evil plans. I think if we look at declassified CIA reports and the British white paper, we can see that Iraq does continue to develop and produce and stockpile chemical and biological weapons, and is trying to get the technology and materials to produce nuclear weapons. So these threats cannot and must not be ignored.

Therefore, what is the best way to proceed? My analysis further indicates that Saddam Hussein just doesn't threaten the United States or our assets or our people abroad. He threatens the entire region. He also threatens treasured allies. And because the threat is greater than ourselves, we must bring the international community with us, to share the responsibility and the burden of stopping these threats.

This is why I support the Levin amendment. It is our best chance to forge a vigorous international response, and to also have the backing of a multinational military response.

The Levin amendment requires four things. It urges the U.N. Security Council to promptly adopt a resolution demanding access to U.N. inspectors to destroy Iraq's missiles and weapons of mass destruction. We know that works. When the inspectors were in Iraq, they destroyed more weapons of mass destruction than we did during the gulf war.

The Levin amendment authorizes member states to use necessary and appropriate force if Iraq refuses to comply. I understand the use of force might be necessary. It also very clearly asserts and affirms the U.S. right to self-defense.

It authorizes the President to use armed force to fulfill the U.N. Security Council resolution, provided the President determines that diplomacy was tried and exhausted first. It also tells us not to adjourn so Congress can further consider action if the U.N. fails.

That is what we are looking at. The consequences of committing American troops to war in Iraq are very serious and they must be carefully reviewed.

The question is, will our American troops be welcomed with flags or will they be welcomed with land mines? Our troops could face an Iraqi military entrenched in cities instead of the open desert warfare of the gulf war. Iraq could use chemical and biological weapons right on our troops as we are engaged in battle. They could also do this against their own Iraqi civilians.

This is why I believe America should not face these threats alone. If we go in, we should not go in by ourselves. If the threat is so real, the world should take it seriously and then vote to be able to come with us.

Mr. ALLARD. Will the Senator yield?

Ms. MIKULSKI. When I finish, yes.

America cannot face this situation alone. The support and cooperation of allies would enable us to share the risks and the cost. We need international legitimacy, international support, and international manpower.

What happens when we win the war? Military victory is only the start of U.S. engagement in Iraq. Fostering a new regime could take decades. Most people don't realize that Iraq is an artificial construct, formed in 1920 by a League of Nations mandate after the first World War. Iraq has no unifying history or culture or religion or language: Its population is deeply divided on ethnic and religious lines.

The end of Saddam Hussein could mean the start of a civil war. Fostering the creation of new government in Iraq will not be easy. There is no real opposition group ready to take over because Saddam's totalitarian regime does not tolerate opposition.

If Saddam is overthrown—we have to be prepared for what happens next. Will American troops become an army of occupation or will Iraq fall into chaos and civil war?

America cannot face this situation alone. The support and cooperation of allies would enable us to share the risks and the costs.

War on Iraq could also have unintended consequences for the Middle East. Some optimists see war in Iraq leading to democratization and peace in the Middle East. They predict the overthrow of undemocratic regimes in Iran, Saudi Arabia, Syria and other countries. But there is a real risk that attacking Iraq would unify Arab countries and the wider Muslim world against us. We are already seeing signs of cooperation between Sunni and Shi 'ite extremists and terrorist groups.

A mandate from the United Nations would mean the international community against Saddam instead of the United States against Iraq. Other countries in the region would join our coalition, rather than obstructing or opposing us.

I also worry that unilateral action could undermine the war on terrorism. Some special forces are already being withdrawn from the efforts to hunt al-Qaida in Afghanistan. Intelligence resources would be re-directed to cover Iraq, reducing our focus on Afghanistan and Pakistan. Arab and Muslim states may reduce their intelligence cooperation against al-Qaida and other terrorist groups. The focus of our top military and civilian leaders could shift away from bin Laden and al-Qaida. There are other issues.

An international coalition helps address the impact of war in Iraq on the war on terrorism. By sharing the burden during and after a war, more of our troops and resources can pursue the war on terrorism by keeping together the global coalition against terrorist groups.

I want to conclude by thanking President Bush for engaging in intensive diplomacy at the U.N. I know the Bush administration is being aggressive at the U.N. and in the key states, including Russia, China, and France. I applaud the President for this.

President Bush also made it clear that the U.N. has a responsibility to address Iraq's threat to international peace and security. I absolutely agree with him on this. But also I agree we have to get the United Nations Security Council authorization to form an international coalition.

We cannot fail to act if action is necessary, but we must take the time to see if we can minimize the danger and also build a coalition to share the risk. An international coalition would do that.

The Senate faces difficult decisions on how to address the Iraqi threat. I believe the Levin amendment is by far the strongest option. It endorses the President's speech to the United Nations, strengthening the U.S. position in multilateral diplomacy and authorizing the use of force only if authorized by the U.N. Security Council without ruling out the possibility that Congress will authorize the unilateral use of force if that decision becomes necessary. Most importantly, the Levin resolution presents the best hope for the United States to achieve international support and a multinational military coalition to address the Iraqi threat to peace and security.

Therefore, I look forward to voting for the Levin amendment. I urge my colleagues to join me in doing that because I believe the way to deal with this issue is international support and a multinational military coalition, should force be necessary.

Before I yield the floor, I turn to the Senator from Colorado, who had a question.

Mr. ALLARD. I say to the Senator from Maryland, I did have a question. I just finished a bipartisan press conference with the Secretary of State. He said the diplomats, our negotiators at the United Nations, felt they needed the strongest position possible in order to make their negotiations end in a successful way. I was struck by your comments and your support for the Levin amendment. I wonder if you could respond to his comments that we just had, about 12:30 or so.

Ms. MIKULSKI. I say to the Senator, I did not hear his comments at the press conference.

I applaud Secretary Powell. I think his is a vigorous effort to try to resolve the situation through diplomatic means, to send a message to Saddam that he should voluntarily disarm and let the inspectors in.

That might not work. But it is then up to the U.N., as the President said when he spoke to them, to take responsibility; to therefore authorize action to enforce their own resolutions so the United States of America is not doing this all by ourselves. It is not America versus Saddam. It should be the international community against Saddam because, I think you would agree, he is a despicable cad.

Mr. ALLARD. I would agree with that. But I think the point was being made, if we have a strong resolution, it would be less likely we would be out there by ourselves. If we had some weaker position, and we went in——

Ms. MIKULSKI. Going where, sir? Going to the U.N. or going back to Saddam? I am sorry, who is negotiating with whom? Are you talking about the U.N. negotiating with Saddam or Secretary Powell negotiating within the U.N.?

Mr. ALLARD. I am talking about Secretary Powell and our diplomats negotiating within the United Nations, negotiating with members of the Security Council. The feeling is we need to have a strong resolution in order to make those negotiations successful.

Ms. MIKULSKI. I see. I thought you were talking about sending a message to Saddam. No. I understand. I believe the Levin amendment is a pretty muscular amendment, saying back to the U.N., you passed those resolutions, you should really step up to those resolutions, and putting the pressure back on them; and also saying, we are not going to adjourn until we hear what you are going to do. And we will be ready to respond promptly.

So I think the Levin amendment is a fairly muscular amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I will now yield to the Senator from New Hampshire, a good friend, and somebody who does a great job. I yield to him 20 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I thank the Senator from Colorado. I appreciate his courtesy, and I appreciate his leadership on the most important resolution. His leadership has had an integral impact on how this resolution was designed, and he has been a leader on addressing what is obviously the major national security issue which we confront as a Nation today.

I—like many Americans, hopefully—have followed the debate in this Chamber. I have been interested in the tenor and tempo of the debate. I believe it has obviously been serious and substantive in its approach to how we address the question of this resolution, which will authorize the President to take such action as is necessary in order to protect our Nation relative to Iraq, and to work with the United Nations in that undertaking.

One of the things, however, I have also noted is there is almost a sophistry being presented here. For example, I heard one presentation, talking about whether or not we were pursuing preventive war versus preemptive war, in which there was almost a rather nice dissertation of what I would call political science 101 on the difference between preemptive war and preventive war, and whether or not we, as a Nation, had a right to pursue a preventive war versus a preemptive war.

I would simply point out we are at war. We are not initiating war. We are not in the process of striking an enemy by whom we have not been struck. Two Embassies in Africa were attacked. Hundreds of people died. An American ship in Yemen was attacked. Many sailors died. And, of course, on September 11, thousands of Americans died in America as a result of an attack.

We are at war. We did not ask for it. We did not initiate it, but we have no choice but to respond to it. In responding to it, we must have our eyes open. We are a Nation which inherently believes in the better nature of people. We inevitably give people the benefit of the doubt. It is our culture, and it is one of our strengths. Regrettably, in this war, giving people the benefit of the doubt—people who have a track record of either hating us, attacking us, or confronting us militarily—may end up costing us even more lives.

I think we need to review the enemy's purpose. Let's begin with al-Qaida and bin Laden, and use his own words.

bin Laden, in an interview that was published in January 1999—it originally appeared in Time—made the following statement:

> Hostility toward America is religious duty.

He went on to say, in February 1998:

> The ruling to kill the Americans and their allies, civilians and military, is an individual duty of every Moslem, who can do it in any country in which it is possible to do it.

"Civilians and military."

He went on to say:

> We, with Allah's help, call on every Moslem, who believes in Allah and wishes to be rewarded, to comply with Allah's order to kill Americans and plunder their money.

And most recently, in a tape recently released just a week ago:

> The youth of Islam are preparing something to strike fear in your hearts——

Referring to America——

> and will target the vital sections of your economy until you renounce your injustice and hostility.

This is an enemy who has called to arms the people who believe in him and follow him for the purposes of killing Americans as defined by his own language: "civilian and military." That is the enemy we confront in al-Qaida.

And what is the relationship to Iraq?

First off, we must look at the history of our relationship and of Iraq's relationship in the area of military activity. Saddam Hussein has attacked his neighbors, neighboring nations twice. He has mercilessly—mercilessly—suppressed his own people, especially the Kurdish minority within Iraq. He has invaded Iran and Kuwait.

He has also developed and used weapons of mass destruction. "Weapons of mass destruction" is a terribly antiseptic term. But what it means is, he is essentially willing to spread disease which will kill thousands—tens of thousands—of people in order to obtain his purpose. And he has done it. He has used biological weapons. He has used chemical weapons against the Iranians and against the Kurdish people in his own country, killing literally thousands of people.

Of course, we went to war with Iraq in the early 1990s. So our history with Iraq is significant, as we recognize they are governed by an outlaw and, as a result, have been a nation functioning outside of the civil discourse of organized nations.

But why is it important we confront them at this time and in this context? It is important because of the weapons of mass destruction which they have. If this were the world prior to 1980, let us say, when weapons of mass destruction were not so readily available, or nations which had them were governed by governments which had at least some modicum of responsibility, then you might not look at a tyrant such as Hussein and say you needed to do anything: Let him, regrettably, do his harm to his neighbors and his nation. It is not affecting us.

The problem is, after September 11, we, as a country, cannot take such an isolationist view, for we know there is an enemy out there called al-Qaida that has stated, unequivocally, their purpose is to kill Americans and destroy our society and culture. And we have seen them take action to do that on September 11, and in Africa at our Embassies, and at the USS *Cole*.

We also know there is another nation out there, run by a tyrant, who is a murderous individual, who has weapons which are capable of exacting massive—massive—amounts of damage and loss of life, if used.

The threat, obviously, is that the two should be joined or that the tyrant should just unilaterally use these weapons. Why is that threat legitimate? It is legitimate because there is significant common sense which tells us that it may be joined.

There have been reports not by American news media or by American intelligence services but by Arab sources which have made it clear that there is a cross-fertilization between the Hussein government and al-Qaida. Reports appearing in a Karachi newspaper, the Ummat, on November 22 carried an article saying that Saddam Hussein has offered asylum to the top Taliban and al-Qaida leadership, including Osama bin Laden and Mullah Omar. In this regard, a delegation led by a senior official in the Iraqi Government, Taha Hussein, met with Mavlana Jalal ud-Din Haqqani—I hope I pronounced that correctly, but considering his purposes, I don't really care—in Qatar and conveyed Saddam Hussein's offer to him.

If the report is true, then it is at least the second time Saddam Hussein has offered bin Laden asylum. A report in the Christian Science Monitor cited Arab sources which it considered to be legitimate that, according to Hassan Mohammed, who claims to have worked for two decades for Iraq intelligence services, graduates of an Iraqi school were intimately involved in training both Assad al Hassan and al-Qaida cells, and the quote is:

> My information is that the Iraqi Government was directly supporting al-Qaida with weapons and explosives.

There are more and more reports like this. It is also logical, logical because Osama bin Laden and his people have made it clear that those who consider us an enemy are their allies. Therefore, Iraq is a natural ally to them, and vice versa.

So the possibility that a weapon of mass destruction which has been developed—and we know they have been developed within Iraq, biological and chemical weapons—could fall into al-Qaida hands or people representing the same concepts of al-Qaida is distinct.

We also know that Iraq is moving forward with a nuclear program, that they wish to have a nuclear bomb, and that they may well have it, if they are able to get fissile material within a year; if not, within 3 or 4 years. They are much further down the road toward obtaining nuclear weapons than we even anticipated when we had the war with them in the early 1990s. That was terminated then but has been restarted.

So what are we to do about this? The U.N. has passed 16 resolutions, the basic purpose of which is to try to disarm Saddam Hussein and his government, specifically in the area of weapons of mass destruction. There is no civilized nation today that does not understand the threat that is represented by having a government headed by a tyrant such as Saddam Hussein having weapons of mass destruction.

So the U.N. has made a conscientious effort to address this with these 16 resolutions. Of course, Saddam Hussein has ignored those, lied about what he is doing, and he ejected the inspectors, which leads us to the point we are at today.

This resolution has as its fundamental purpose the disarmament of Saddam Hussein, taking away his weapons of mass destruction. If, as a corollary to that, a regime change occurred in Iraq, that would be for the betterment of the world, I suspect. But the vital purpose here is to terminate the capacity to have and to use weapons of mass destruction, either by Iraq or by a client of Iraq or by an ally of Iraq or by al-Qaida specifically.

It is a totally legitimate national security purpose that we should pursue. The President has outlined the need to accomplish this. What he has essentially said, and appropriately so, is that we will support the U.N. effort to accomplish this. But if the U.N. is unable to accomplish it, then our national security is so important, so overriding, that we should take action with our allies to accomplish this. That is the only reasonable approach when you confront a threat of this significance.

There are some in this body who have essentially said we should pursue what I call the good intentions approach. That is an American trait—that we do give people the benefit of the doubt. But the good intentions approach in this area—hoping that things will work out through a policy of containment—has not worked.

We know for a fact that Hussein and his people have ignored the 16 resolutions and that they are developing weapons of mass destruction, and they actually possess them. We know for a fact that they may well use them. To wait and rely on good intentions would be an error of policy which might lead to the death of many Americans. We can't afford that risk. We must insist, as the President has said, on the disarmament of the Hussein regime; specifically, the disarmament of their weapons of mass destruction, in a manner which is absolutely confirmable, where we know without question that it has occurred and that those weapons have not been moved into other places of hiding or into other hands, which may cause greater harm.

What the resolution before us does is give the President the authority to accomplish those goals. To fail to give the President the authority to accomplish those goals would be, in my opinion, an act of gross negligence, a failure of our responsibility as a government to defend our people.

We are at war. We have been attacked. Americans have been killed. And if Mr. bin Laden and his people have their way, more will be killed.

If we are to defend ourselves, we must be assured that the most threatening weapons they can use will not be used against Americans. Therefore, we must take action relative to Iraq. This resolution empowers the President to accomplish that. That is why I intend to vote for it.

I yield the floor.

Mr. ALLARD. Mr. President, I congratulate the Senator from New Hampshire for a very fine statement. I notice that our colleague from North Carolina has arrived in the Chamber, and we have Senator JEFFORDS scheduled to speak at 3. I ask the Senator from North Carolina, does he need a minute or two to make a comment?

Mr. HELMS. I thank the Chair, but I cannot use the time now.

Mr. ALLARD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I was speaking to the manager of the bill, Senator ALLARD. He is scheduled to speak after Senator JEFFORDS, who is not here. I ask unanimous consent that Senator ALLARD be recognized for 20 minutes and that Senator JEFFORDS follow him.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado is recognized.

Mr. ALLARD. I thank the Senator from Nevada.

Mr. President, today, I rise in strong support of S.J. Res. 46, the bipartisan joint resolution to authorize the use of the U.S. Armed Forces against Iraq.

First, I want to praise the President for his leadership and for reaching out to all Members of this body. I am proud to be an original cosponsor of S.J. Res. 46 with Senators LIEBERMAN, MCCAIN, WARNER, BAYH, DOMENICI, HELMS, HUTCHISON, LANDRIEU, and MILLER. These Senators are leaders of the Senate, and I am proud to be associated with them on this important matter.

Also, I want to commend the leadership of the other body for their leadership in brokering this agreement between the administration, the Senate, and the House.

I know this debate will be vigorous in nature and serious in tone, which is exactly how such a debate should take place. One of our most solemn duties as Senators is when we are called upon to cast a vote on whether to send our men and women in uniform into harm's way. Quite simply, this is one of the most serious votes any Member will make.

I remember, as a new Member of Congress in 1991, one of my first votes was whether to go to war in the Persian Gulf. Just like in 1991, voting on this resolution will be a tough vote. But that is why we are here—to take a stand, state what we believe, and make the tough votes. In the end, I hope this debate will show that the Senate, despite any disagreements, is united in its resolve against Saddam Hussein.

Mr. President, the United States has basically been at war with Iraq ever since the Persian Gulf conflict. In April 1991 and August 1992, the northern and the southern no-fly zones were established in order to enforce United Nations Resolution 688. Since then, U.S., British, and coalition aircraft patrolling these no-fly zones have been fired upon by Iraq more than 2,500 times and over 400 times this year alone. However, despite the daily threat in the no-fly zones, our pilots have only fired back in response 44 times.

Saddam Hussein has repeatedly defied sixteen United Nations resolutions which were designed to ensure that Iraq would no longer be a threat to international peace and security. Plus, the United Nations Security Council has issued 30 statements regarding Saddam Hussein's violations of these 16 resolutions. At this time, I ask unanimous consent that a list provided by the White House of the 16 United Nations Security Council Resolutions and a list of Council statements regarding the violations be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.N. Security Council Resolutions and Council Statements Regarding Violations

DEFIED UN SECURITY COUNCIL RESOLUTIONS BY SADDAM HUSSEIN

UNSCR 678—November 29, 1990

Iraq must comply fully with UNSCR 660 (regarding Iraq's illegal invasion of Kuwait) "and all subsequent relevant resolutions."

Authorizes UN Member States "to use all necessary means to uphold and implement resolution 660 and all subsequent relevant resolutions and to restore international peace and security in the area."

UNSCR 686—March 2, 1991

Iraq must release prisoners detained during the Gulf War.

Iraq must return Kuwaiti property seized during the Gulf War.

Iraq must accept liability under international law for damages from its illegal invasion of Kuwait.

UNSCR 687—April 3, 1991

Iraq must "unconditionally accept" the destruction, removal or rendering harmless "under international supervision" of all "chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support and manufacturing facilities."

Iraq must "unconditionally agree not to acquire or develop nuclear weapons or nuclear-weapons-usable material" or any research, development or manufacturing facilities.

Iraq must "unconditionally accept" the destruction, removal or rendering harmless "under international supervision" of all "ballistic missiles with a range greater than 150 KM and related major parts and repair and production facilities."

Iraq must not "use, develop, construct or acquire" any weapons of mass destruction.

Iraq must reaffirm its obligations under the Nuclear Non-Proliferation Treaty.

Creates the United Nations Special Commission (UNSCOM) to verify the elimination of Iraq's chemical and biological weapons programs and mandated that the International Atomic Energy Agency (IAEA) verify elimination of Iraq's nuclear weapons program.

Iraq must declare fully its weapons of mass destruction programs.

Iraq must not commit or support terrorism, or allow terrorist organizations to operate in Iraq.

Iraq must cooperate in accounting for the missing and dead Kuwaitis and others.

Iraq must return Kuwaiti property seized during the Gulf War.

UNSCR 688—April 5, 1991

"Condemns" repression of Iraqi civilian population, "the consequences of which threaten international peace and security."

Iraq must immediately end repression of its civilian population.

Iraq must allow immediate access to international humanitarian organization to those in need of assistance.

UNSCR 707—August 15, 1991.

"Condemns" Iraq's "serious violation" of UNSCR 687.

"Further condemns" Iraq's noncompliance with IAEA and its obligations under the Nuclear Non-Proliferation Treaty.

Iraq must halt nuclear activities of all kinds until the Security Council deems Iraq in full compliance.

Iraq must make a full, final and complete disclosure of all aspects of its weapons of mass destruction and missile programs.

Iraq must allow UN and IAEA inspectors immediate, unconditional and unrestricted access.

Iraq must cease attempts to conceal or move weapons of mass destruction, and related materials and facilities.

Iraq must allow UN and IAEA inspectors to conduct inspection flights throughout Iraq.

Iraq must provide transportation, medical and logistical support for UN and IAEA inspectors.

UNSCR 715—October 11, 1991

Iraq must cooperate fully with UN and IAEA inspectors.

UNSCR 949—October 15, 1994

"Condemns" Iraq's recent military deployments toward Kuwait.

Iraq must not utilize its military or other forces in a hostile manner to threaten its neighbors or UN operations in Iraq.

Iraq must cooperate fully with UN weapons inspectors.

Iraq must not enhance its military capability in southern Iraq.

UNSCR 1051—March 27, 1996

Iraq must report shipments of dual-use items related to weapons of mass destruction to the UN and IAEA.

Iraq must cooperate fully with UN and IAEA inspectors and allow immediate, unconditional and unrestricted access.

UNSCR 1060—June 12, 1996

"Deplores" Iraq's refusal to allow access to UN inspectors and Iraq's "clear violations" of previous UN resolutions.

Iraq must cooperate fully with UN weapons inspectors and allow immediate, unconditional and unrestricted access.

UNSCR 1115—June 21, 1997

"Condemns repeated refusal of Iraqi authorities to allow access" to UN inspectors, which constitutes a "clear and flagrant violation" of UNSCR 687, 707, 715, and 1060.

Iraq must cooperate fully with UN weapons inspectors and allow immediate, unconditional and unrestricted access.

Iraq must give immediate, unconditional and unrestricted access to Iraqi officials whom UN inspectors want to interview.

UNSCR 1134—October 23, 1997

"Condemns repeated refusal of Iraqi authorities to allow access" to UN inspectors, which constitutes a "flagrant violation" of UNSCR 687, 707, 715, and 1060.

Iraq must cooperate fully with UN weapons inspectors and allow immediate, unconditional and unrestricted access.

Iraq must give immediate, unconditional and unrestricted access to Iraqi officials whom UN inspectors want to interview.

UNSCR 1137—November 12, 1997

"Condemns the continued violations by Iraq" of previous UN resolutions, including its "implicit threat to the safety of" aircraft operated by UN inspectors and its tampering with UN inspector monitoring equipment.

Reaffirms Iraq's responsibility to ensure the safety of UN inspectors.

Iraq must cooperate fully with UN weapons inspectors and allows immediate, unconditional and unrestricted access.

UNSCR 1154—March 2, 1998

Iraq must cooperate fully with UN and IAEA weapons inspectors and allow immediate, unconditional and unrestricted access, and notes that any violation would have the "severest consequences for Iraq."

UNSCR 1194—September 9, 1998

"Condemns the decision by Iraq of 5 August 1998 to suspend cooperation with" UN and IAEA inspectors, which constitutes "a totally unacceptable contravention" of its obligations under UNSCR 687, 707, 715, 1060, 1115, and 1154.

Iraq must cooperate fully with UN and IAEA weapons inspectors, and allow immediate, unconditional and unrestricted access.

UNSCR 1205—November 5, 1998

"Condemns the decision by Iraq of 31 October 1998 to cease cooperation" with UN inspectors as "a flagrant violation" of UNSCR 687 and other resolutions.

Iraq must provide "immediate, complete and unconditional cooperation" with UN and IAEA inspectors.

UNSCR 1284—December 17, 1999

Created the United Nations Monitoring, Verification and Inspections Commission (UNMOVIC) to replace previous weapon inspection team (UNSCOM).

Iraq must allow UNMOVIC "immediate, unconditional and unrestricted access" to Iraqi officials and facilities.

Iraq must fulfill its commitment to return Gulf War prisoners.

Calls on Iraq to distribute humanitarian goods and medical supplies to its people and address the needs of vulnerable Iraqis without discrimination.

ADDITIONAL UN SECURITY COUNCIL STATEMENTS

In addition to the legally binding UNSCRs, the UN Security Council has also issued at least 30 statements from the President of the UN Security Council regarding Saddam Hussein's continued violations of UNSCRs. The list of statements includes:

UN Security Council Presidential Statement, June 28, 1991.

UN Security Council Presidential Statement, February 5, 1992.

UN Security Council Presidential Statement, February 19, 1992.

UN Security Council Presidential Statement, February 28, 1992.

UN Security Council Presidential Statement, March 6, 1992.

UN Security Council Presidential Statement, March 11, 1992.

UN Security Council Presidential Statement, March 12, 1992.

UN Security Council Presidential Statement, April 10, 1992.

UN Security Council Presidential Statement, June 17, 1992.

UN Security Council Presidential Statement, July 6, 1992.

UN Security Council Presidential Statement, September 2, 1992.

UN Security Council Presidential Statement, November 23, 1992.

UN Security Council Presidential Statement, November 24, 1992.

UN Security Council Presidential Statement, January 8, 1993.

UN Security Council Presidential Statement, January 11, 1993.

UN Security Council Presidential Statement, June 18, 1993.

UN Security Council Presidential Statement, June 28, 1993.

UN Security Council Presidential Statement, November 23, 1993.

UN Security Council Presidential Statement, October 8, 1994.

UN Security Council Presidential Statement, March 19, 1996.
UN Security Council Presidential Statement, June 14, 1996.
UN Security Council Presidential Statement, August 23, 1996.
UN Security Council Presidential Statement, December 30, 1996.
UN Security Council Presidential Statement, June 13, 1997.
UN Security Council Presidential Statement, October 29, 1997.
UN Security Council Presidential Statement, November 13, 1997.
UN Security Council Presidential Statement, December 3, 1997.
UN Security Council Presidential Statement, December 22, 1997.
UN Security Council Presidential Statement, January 14, 1998.

Source: White House.

Mr. ALLARD. After the Persian Gulf conflict, the international community levied economic sanctions and established the "Oil for Food" prôgram. However, these sanctions have largely eroded due to the lack of resolve by the international community and the reality of Iraq's substantial illicit trade. Turkey and Jordan import Iraqi oil via truck routes, Iran escorts oil tankers through territorial waters, an Iraq-Syrian pipeline is the largest export method of Iraqi oil, with an Iraq-Jordan pipeline scheduled to be operational in 2005.

The United States attempted to garner support for "Smart Sanctions" in early 2001, but this attempt met tepid reception by the international community. Russia, China, and France have negotiated substantial contracts with Iraq which would be executable upon lifting of U.N. sanctions. Under the Oil for Food program, food import levels exceed and oil revenue is comparable to pre-Gulf war levels. The program experiences periodic progressive adjustments in its export ceiling in response to growing international concern about the Iraqi humanitarian condition.

However, Saddam Hussein consistently circumvent's the economic sanctions and attempts to thwart the oil for food program. Saddam's regime has exported thousands of barrels of oil each day in violation of UN resolutions and he completely disregards the humanitarian well-being of his own people. By illegally exporting this oil, he has deprived the Iraqi people billions of dollars in food and medicine which would have been allowed under the program.

The living conditions of the Iraqi people are intolerable. Saddam Hussein has expanded his violence against women and children, withheld food and medicine from his own citizens, and violated the basic human rights of the Iraqi people.

Mr. President, some have blamed the oil for food program and the economic sanctions for these conditions. But let us be very clear, the reason for these intolerable conditions and why we are debating this topic today lay at the feet of Saddam Hussein and his regime. To quote Secretary of State Powell from a Foreign Relations Committee hearing on September 26, "Iraq stands guilty. It convicts itself by its actions."

The threat of Saddam Hussein is real and is growing. Iraq enjoys a sizable military advantage over all Gulf States except Iran. Iraq's 424,000 military personnel outnumber the combined personnel total of all U.S. Gulf allies. Iraq continues to pursue weapons of mass destruction, and is attempting to acquire a nuclear capability. According to recent reports, it is estimated that if Iraq were to obtain fissile material then Saddam Hussein could build a nuclear bomb within months. United Nations Special Commission has identified gaps in accounting for Iraq's current chemical stockpiles and capabilities and has not accounted for hundreds of tons of chemical precursors and 1000's of delivery warheads. UNSCOM also reported that Iraq has understated their declarations regarding the extent of its biological agents.

Again, I would like to quote Secretary Powell from the same hearing, when he stated:

> We can have debates about the size and nature of the Iraqi stockpile. We can have debates about how long it will take them to reach this level of readiness or that level of readiness with respect to these weapons. But no one can doubt two things: one, they are in violation of these resolutions—there's no debate about that; and secondly, they have not lost the interest to develop these weapons of mass destruction. Whether they are one day, five days, one year or seven years away from any particular weapons, whether their stockpile is small, medium or large, what has not been lost is the interest to have such weapons of mass destruction.

Secretary Powell also made it clear that we aren't alone in our concern regarding the threat of Saddam Hussein. Referencing Arab leaders and their thoughts regarding Saddam, Secretary Powell added, "There is no question in their minds that he's a threat to regional stability and peace. There is no question in their minds that he is a threat to the region and has demonstrated previously his willingness to use weapons of mass destruction. And there is no doubt in their minds that he continues to have the intent to develop these weapons of mass destructions."

So what now—what do we do? Do we hope that Saddam Hussein goes gently into the night or do we finally stand up to this dictator and let the world know that Saddam Hussein can no longer thumb his nose at the international community.

We only need to go back a few weeks to see Saddam's duplicity. On September 16, 4 days after the President's speech at the U.N., the Iraqi government announced it would unconditionally allow the return of U.N. inspectors. However on September 20, Iraq backpeddled on its previous announcement by stating that the definition of "unconditional access" means no "presidential sites" and 24 hours notice before any inspection."

My reaction to this new definition of "unconditional" by Iraq is best summed up in an October 3 Denver Post editorial when it stated, "Saddam, there you go again."

I ask unanimous consent that the entire article entitled "Saddam Must Open Palaces" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Denver Post, Oct. 3, 2002]

SADDAM MUST OPEN PALACES

Saddam, there you go again. Pardon the paraphrasing of Ronald Reagan, but Saddam Hussein's offer to allow weapons inspectors back into his country under current United Nation rules—the same rules he has willfully and flagrantly violated for years—is pure smoke-and-mirrors diplomacy.

Under those rules, Saddam's palaces would be off limits to inspectors.

Any inspection of Iraq must be unfettered. Otherwise, what's the point?

It's simply Saddam trying to stay one step ahead of the United States, with catch-me-if-you-can stall tactics.

The Iraqi dictator has been spending billions since the Persian Gulf War building what the U.S. government believes to be dozens of mammoth desert palaces. Meanwhile, his people starve. (Saddam cleverly blames U.N. sanctions for keeping food and medicine out of his country, yet somehow finds the marble and gold to build palaces.)

Who's he trying to fool?

Well, France, Russia and China for starters. Those three permanent, voting members of the U.N. Security Council have not yet backed the United States' push to require open weapons inspections, destruction of any weapons of mass destruction and the use of military force if Iraq doesn't comply.

President Bush was right in going to the United Nations to remind its members how Saddam has consistently and brazenly laughed off its rules.

It was a big step toward building a much-needed world consensus for striking Iraq. But if getting U.N. Security Council approval requires us to work under old rules, such as those where palaces are off limits, the world, and those three countries, must know the United States will act without them.

The U.N. can't fall for Saddam's old tricks.

Congress on Wednesday was moving forward with a strongly worded resolution that gives Bush authority to attack Iraq if diplomatic measures fail.

Bush, in turn, must certify to Congress before an attack, or within 48 hours, that diplomatic and other peaceful means alone aren't enough to protect Americans.

"We will not leave the future of peace and the security of America in the hands of this cruel and dangerous man," Bush said Wednesday from the White House Rose Garden.

As he spoke, he was flanked as usual by Republicans, but also by what seems to be a growing number of Democrats.

Perhaps it's the approaching election. Or perhaps, as we hope, it's the morning briefings with congressional leaders where Bush is privately detailing why he considers Iraq an imminent threat.

> For whatever reason, one of his potential rivals in 2004 strongly foreshadowed Wednesday that soon both parties will be singing with "one voice," as Bush predicted last week.
>
> Sen. Joe Lieberman, D-Conn., said the administration has exhausted all non-military means to disarm Saddam.
>
> "They've not worked," he said. "The moment of truth has arrived for Saddam Hussein. This is his last chance."
>
> We've heard that before. Let's hope this time it's true.

Mr. ALLARD. Mr. President, I wish to quote a few passages from the editorial:

> Any inspection of Iraq must be unfettered. Otherwise, what's the point? It's simply Saddam trying to stay one step ahead of the United States, with catch-me-if-you-can stall tactics.

Later in the editorial it states:

> President Bush was right in going to the United Nations to remind its members how Saddam has consistently and brazenly laughed off its rules. It was a big step toward building a much-needed world consensus for striking Iraq. But if getting U.S. Security Council approval requires us to work under old rules, such as those where palaces are off limits, the world, and those three countries (France, China, and Russia), must know the United States will act without them. The U.N. can't fall for Saddam's old tricks.

I hope the United Nations Security Council will devise a new tough resolution which will demand "unconditional and unfettered" access to all sites. I do not want to have to use force to disarm Saddam Hussein. However, I also will not allow the United Nations or any permanent member of the Security Council with veto power, to control our national security policy. And that is why I support this resolution.

S.J. Res 46 does not advocate force, but it does not preclude it. It uses force as the last resort, the very last. The resolution basically states that the President is granted authority to use force if he determines that:

> (1) reliance by the United States on further diplomatic or other peaceful means alone either (A) will not adequately protect the national security of the United States against the continuing threat posed by Iraq or (B) is not likely to lead to enforcement of all relevant United Nations Security Council resolutions regarding Iraq, and
>
> (2) acting pursuant to this resolution is consistent with the United States and other countries continuing to take the necessary actions against international terrorists and terrorist organizations, including those nations, organizations or persons who planned, authorized, committed or aided the terrorists attacks that occurred on September 11, 2001.

I believe Secretary Powell clarified the administration's position even further regarding the use of force during the September 26 hearing by stating, "Yes, he [the President] wants the authority to carry out those resolutions where he believes force is the appropriate way to get implementation of those resolutions. I think it unlikely the President would use force—if he [Saddam Hussein] complied with the weapons of mass destruction conditions, it seems very unlikely that anybody would be using force to comply with any of the other resolutions."

Much of this debate is about when to pass this resolution. Should we pass a resolution before the United Nations acts or should we wait until after the United Nations acts? I believe this Senate should act prior to the United Nations to show that we speak with one voice in the importance of disarming Saddam Hussein. I agree with Secretary Powell and former Secretary of State Albright when they both stated that the United States would be in a much better position to prevail in the United Nations if the administration had a congressionally approved resolution in their pocket.

Passing this resolution in no way precludes the United Nations from acting, nor should it lessen the resolve of this administration to gain such support, but I believe a vote on this resolution will show our resolve to the world that we want the United Nations to act. However, if the United Nations is determined to follow the same course it has over the last 10 years, then Saddam Hussein must understand that the United States will act alone. On August 20, 1998, President Clinton addressed the Nation and said, "The risks of inaction to America and the world would be far greater than action, for that would embolden our enemies, leaving their ability and their willingness to strike us intact." I do not want us to use force, but I also cannot and will not sit idly by and hope that Saddam Hussein does nothing while the U.N. talks, and talks, and talks.

I believe President Bush summed up our task at hand during his speech last night in Cincinnati when he stated:

> We did not ask for this present challenge, but we accept it. Like other generations of Americans, we will meet the responsibility of defending human liberty against violence and aggression. By our resolve, we will give strength to others. By our courage, we will give hope to others. By our actions, we will secure the peace, and lead the world to a better day.

Mr. President, I end on a personal note about this Senate. As I look across the aisle and see the "Conscience and Historian of the Senate", the wonderful senior Senator from West Virginia—with whom I find it a honor to serve—and as I see Members of this Senate debate and disagree on this resolution, it is during these debates I am in awe of this great country and this great institution. Unlike so many other nations, we can debate war and peace and at the end of the day there is no fracture in the fiber of democracy that makes America great. It is this which we all wish for Iraq and for the Iraqi people. I look forward to the day when real democratic elections occur and when the voices of the Iraqi people, which have been silenced for too long, will be heard.

Mr. President, I yield to the Senator from Vermont who is speaking next.

The PRESIDING OFFICER (Mr. KOHL). The Senator from Vermont is recognized.

Mr. JEFFORDS. I thank my good friend.

Mr. President, I have come to discuss, not unexpectedly, the situation in Iraq and what our country ought to do in response to that threat.

As has happened many times before when faced with a potential threat to our national security and to the security of our allies, we must carefully evaluate that threat, and decide how best to deal with it.

It is imperative we not make a rash decision that will have lasting consequences for generations to come.

I am very disturbed by President Bush's determination that the threat from Iraq is so severe and so immediate that we must rush to a military solution. I do not see it that way.

I have been briefed several times by Defense Secretary Rumsfeld, CIA Director Tenet, and other top administration officials. I have discussed this issue with the President. I have heard nothing—nothing—that convinces me that an immediate preemptive military strike is necessary or that it would further our interests in the long term.

Saddam Hussein's desire to acquire weapons of mass destruction is of grave concern. Based on the information that has been provided to me by this administration, I believe this threat is best dealt with in the context of the United Nations.

The U.N. must move aggressively to ensure unfettered inspections and bolster its efforts to stop the proliferation of materials that can be used in the production of weapons of mass destruction.

I urge the U.N. Security Council to take immediate and strong action to deal with Iraq and its infractions. Should Iraq fail to comply with the United Nations resolutions, it is incumbent on the United States to aggressively work with member nations to develop a means to bring Iraq into compliance.

But at this time, I cannot in good conscience authorize any use of military force against Iraq other than in the context of a U.N. Security Council effort.

If we receive information that the threat is more imminent, or if the United Nations' effort fails, then the President should come back to Congress for consideration of the next step.

Providing the President with authorization at this time for unilateral U.S. military action would undercut U.N. Security Council efforts to disarm Iraq.

We must ensure that any action we take against Iraq does not come at the expense of the health and strength of our Nation, or the stability of the international order upon which our economic security depends.

I spoke at length on the Senate floor last week about pressing problems that will determine the future strength of our Nation:

Grossly inadequate funding for education, declining access to affordable health care, degradation of our environment, and erosion of pension security for many hard-working Americans.

Saddam Hussein is as bad a dictator as they come. His past actions speak volumes about his true intentions. But is the only solution to this dilemma a military solution? Experience tells us otherwise. Ten years of containment through enforcement of two no-fly zones and U.N. economic sanctions have prevented Saddam Hussein from rebuilding his military to any significant extent especially with respect to our security. His military strength remains significantly weaker than when he moved against Kuwait more than a decade ago.

There is much speculation about his weapons of mass destruction program, but no evidence that he has developed a nuclear capability, and less that he could deliver it. While there is talk of cooperation between Iraq and al-Qaida, and I don't doubt that there has been some cooperation, I have not seen any hard evidence of close cooperation. There is, however, a great deal of evidence of Saddam's paranoia and his distrust of all but his closest inner circle. He has wiped out any viable political opposition and tightly holds all the reins of control. Even if he were to develop a nuclear capability, which he does not have, I have a hard time believing that Saddam Hussein would turn these weapons over to any organization, particularly a terrorist organization, after he has paid so dearly to acquire them.

Our greatest problem, it seems to me, is that we have very little good intelligence on what is going on inside Iraq. We know that Saddam Hussein's intentions are bad, but we don't have a clear picture of what his capabilities actually are, or if a threat exists. Clearly, we need to get United Nations inspectors on the ground immediately. The inspectors must have unfettered access to all suspected sites in Iraq. This is proving to be a major challenge for the United Nations, but the United Nations is much more likely to succeed if the United States is squarely behind its efforts, and not standing off to the side, secretly hoping that it will fail.

We should give the United Nations the opportunity to step forward and deal with Iraq and its infractions. In my estimation, the United States stands to gain much more if we can work with the United Nations to deliver a multilateral approach to disarming Iraq, even providing military force, if necessary. If the United Nations fails to press for the disarmament of Iraq or is blocked in its efforts, then I would expect the President to come back to Congress for further discussion of the alternatives.

In view of this threat from Saddam Hussein, which I believe is missing, I urge the Congress not to adjourn sine die upon completion of its work this fall, but to be ready to return to session at any time prior to the New Year if further action against Saddam Hussein should become necessary.

We must also work with the United Nations to stop the flow of those materials needed for producing weapons of mass destruction. There is a great deal more that we could do to tighten international nonproliferation regimes. Rather than supporting and empowering international efforts to stop the flow of nuclear materials and force greater transparency in chemical and biological commercial production facilities, the Bush administration has undercut these efforts and refused to participate in attempts to strengthen existing nonproliferation regimes. For example, last fall, at the Biological Weapons Convention review conference, the Bush administration scuttled efforts by our closest allies, most notably Great Britain, to strengthen the international biological weapons inspection regime.

The administration has actively undermined efforts to monitor and verify the existing international moratorium on nuclear weapons testing.

Additionally, we should be putting more resources into the Nunn-Lugar program, which has had some success at preventing the export from the former Soviet Union of nuclear weapons materials and scientific know-how. Saddam Hussein is not the only deranged dictator who is willing to deprive his people in order to acquire weapons of mass destruction.

Just think of what progress we could make on nonproliferation if we were to put one fraction of the cost of a war against Saddam Hussein into efforts to prevent the emergence of the next nuclear, chemical, or biological threat. Strong efforts at strengthening international nonproliferation regimes would truly enhance our Nation's future security.

In our preoccupation with Saddam Hussein, we must not lose sight of potential crises in several other areas of the world. The India-Pakistan nuclear confrontation and the standoff over Kashmir have demanded a great deal of American effort during the past year. We cannot rule out a re-emergence of this nuclear threat. The conflict between Israel and the Palestinians continues to claim lives and threaten the stability of the region. Without U.S. prodding and even direct involvement, there is little chance that a peace process could resume there. War with Iraq could have an inflammatory effect upon that situation, and potentially risk the security of Israel as well. A war with Iraq would diminish our focus on bringing stability to Afghanistan, risking a return of anarchy to an area we have just given American lives to stabilize. While Pakistan has stood with us this year, a lessening of U.S. attention to Afghanistan could significantly undercut our influence in Islamabad. And the larger war on terrorism, our top concern just a few months ago, would take a back seat to a protracted war with Iraq and a major reconstruction effort. Yes, we must worry about Saddam. But we must not do so in a manner that reduces our ability to deal with these other threats.

I fear that this administration is, perhaps unwittingly, heading us into a miserable cycle of waging wars that isolate our Nation internationally and stir up greater hatred of America. This cycle will generate more enemies, while undercutting our support from a broad coalition of allies—coalitions that have proven to be the hallmark of all successful peacemaking efforts in recent years.

We owe it to the American people not to rush into a war, but to work with the institutions that we fought so hard to develop for just this eventuality. If multilateral efforts fail, then the President should come back to Congress for consideration of the next course of action. I cannot support a resolution that puts this Nation on a path to war without first exhausting diplomatic efforts. Now is the time to put the international system to work for us, and consider unilateral military action only as a last resort.

I yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

Mr. REID. Mr. President, we are running ahead of time with our scheduled speakers. I have not had an opportunity to speak to the manager of the bill, but I have spoken to the staff. Senator KENNEDY comes to speak automatically at 3:40. I ask unanimous consent that Senator CLELAND be recognized at 3:30 for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado.

Mr. ALLARD. Mr. President, the Senator from Connecticut will speak for the next 10 minutes or so, and then we will be on schedule for our 3:30 speaker.

Mr. LIEBERMAN. Mr. President, as one of the four lead sponsors of the amendment in the nature of a substitute resolution, I appreciate very much the thoughtfulness of my colleagues in addressing the resolution we put forward, including those who have expressed reservations or objection to it. I will take a few moments to respond to a few of those, as time allows.

One of the concerns expressed was that our resolution essentially provides the President with a blank check and, at its worst, according to the critics, is in derogation of the Constitution of the United States.

Respectfully, I object to both of those descriptions. Let me take the first, which is the question of the Constitution. The Constitution says in article I, among the powers enumerated in section 8 that the Congress of the United States is to have, is the power to declare war. That is stated. Incidentally, in the same clause there are other powers: To grant letters of marque and reprisal and make rules concerning captures on land and water.

Though the Congress of the United States, for various reasons, has not formally declared war since December of 1941, that is the effect of the resolution before the Senate, to authorize the President to take military action to put American troops into combat, into war. That is the extent of the description in the Constitution.

The authority that would be given to the President under our resolution is entirely within that constitutional grant to the Congress, which is to give the President the authority to defend the national security of the United States—and again, no blank check here—against the continuing threat posed by Iraq. It is targeted to that particular point, based on the conclusions about Iraq's danger to the United States stated in the preamble or the whereas clauses. "And"—not "or"—and this authority is given not only to protect the security of the United States against the threat imposed by Iraq and to enforce all relevant United Nations Security Council resolutions regarding Iraq.

So one may disagree with the conclusions that those who are sponsoring this resolution have reached about the clear and present danger Iraq under Saddam Hussein represents to America's national security, but I respectfully do not think anyone can convincingly claim this resolution is in any sense unconstitutional. It is well within the authority granted to the Congress under article I of the Constitution. Nor is it, in any sense, a blank check. It is circumscribed by the terms I have just described, "and"—not "or"—two grounds of authority. It is not a blank check. It is a check that can only be spent within the parameters set out in those two clauses.

I might add, the Congress also is given by the Constitution the power to appropriate funds. That is the ultimate power that Congress has, to make sure this is not a blank check either in terms of what the money can be spent for or how much money can be spent.

Questions have been raised about the urgency of this matter and the timing of the request by the President for this authority. I said earlier today and I will say briefly again that in the case of this Senator, I have believed now for more than a decade that we have been much too patient—in fact, have been in error at the end of the Persian Gulf war for not moving to remove Saddam Hussein from power when his military was in disarray. We knew what his goals were, what his record was. We knew by statements he made that he had the ambition to be the leader of the Arab world, the modern-day Saladin, to have Baghdad become the capital of the Arab world, of the Persian Gulf. That, of course, would be terrible for the Arab world, terrible for the world, and terrible particularly for the United States of America.

Over the last decade, for those who believe we are acting precipitously in passing and offering this resolution, we have tried everything else to get Saddam Hussein to keep the promise he made at the end of the gulf war. We have tried sanctions, embargoes, inspections, trade restrictions, the Oil for Food Program, even limited military action. None of them has worked.

I repeat briefly some of the history. In February of 1991 after the Iraqi military was vanquished in the Persian Gulf war, Saddam Hussein, effectively to preserve his leadership of that country, signed an agreement accepting all U.N. Security Council resolutions passed after his invasion of Kuwait as a condition for the termination of hostilities. That included Resolution No. 687 which required that Iraq's weapons of mass destruction be "destroyed, removed or rendered harmless." In that Resolution 687, it goes on to require that inspectors be allowed into Iraq.

Saddam Hussein systematically withheld information, used every available method of deception. I have an article from Time magazine of September, 1995, 7 years ago, which describes how much we knew about the deception that Saddam Hussein—the cheating and retreating, as the article said, that Saddam Hussein had gone through to frustrate the will of the United Nations and how much we have learned in admissions that were made as the United States mobilized forces to invade Kuwait: That the Iraqis had admitted they had begun filling 191 bombs and Scud missile warheads with deadly biological agents such as anthrax and botulism toxin, which were to be mounted on missiles, planes, and drone aircraft and dropped on enemy troops, fewer than half of whom had received the appropriate germ warfare vaccinations.

One Iraq report, reading from the article in Time magazine 7 years ago, there said that shortly before invading Kuwait in August of 1990, Saddam ordered a crash program to have a nuclear weapon built by April of 1991.

Interestingly, a month before this article was printed in Time magazine, Baghdad rushed to give some documents to the U.N. to jump ahead of Saddam's son-in-law, Hussein Kamel al-Majid, who had defected. He had been a senior general in charge of the nuclear and biological weapons program. Hussein, according to the article, knew he could not keep him quiet, so he decided to try to make points with the U.N. by producing a flood of information. It was devastating in its content in terms of the deadly toxins of which he was developing an enormous inventory.

Of course, we know since the inspectors were ejected in 1998 and Saddam has now had, after his deception of the years that preceded, 4 years to build up his inventory which our intelligence and allied intelligence confirm has grown, remains, and is today more threatening and more powerful in terms of weapons of mass destruction, unconventional, than he had ever been before.

I want to go back to one final quote. On February 15 of 1991, as we had won a victory in the gulf war, Saddam said:

> Every Iraqi child, woman, and old man knows how to take revenge. They will avenge the pure blood that has been shed, no matter how long it takes.

That is undoubtedly why Saddam tried to assassinate former President Bush in 1993. That is why our State Department continues to designate Iraq under Saddam as a state sponsor of terrorist groups that have killed Americans. That is why we cannot rest until he is disarmed, which is the purpose of this resolution—disarm or face military action.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Georgia is recognized for 10 minutes.

Mr. CLELAND. Mr. President, I find it the height of irony in the midst of our discussion on potential war with Iraq and potential use of force and committing young Americans into harm's way—and I indicated my support yesterday for the bipartisan resolution that would authorize the use of force to go after weapons of mass destruction in Iraq—I find it ironic in the midst of this debate about whether to commit American forces to a national objective somewhere in the world, that in the Washington Post yesterday an article was entitled "New Pension Benefits Imperil Defense Bill. In Cost-Conscious Move, Bush Vows to Veto Entire Budget if Item Isn't Eliminated."

The message in the article is disturbing to me because the item referred to is something called concurrent receipt.

I might say currently under law there is an untenable situation where, if someone has served 20 years in the American military and additionally gets wounded in that service, they cannot draw their retirement which they have earned and their disability compensation which they are entitled to, concurrently. They cannot do that. So I find it ironic in the midst of the time when the President is calling upon us to authorize the use of force somewhere in the world, he is opposing the use of concurrent receipt or the ability of our troops, our servicemen and women who have served 20 years or more and get wounded in that effort, to draw those entitlements concurrently. He opposes that and has threatened to veto the almost $400 billion defense authorization bill because of that one item. That is unconscionable.

This article says the President has threatened to veto the defense authorization bill for fiscal year 2003 in order to block the Defense Department from paying veterans and military retirees the very compensation they have earned.

I am puzzled. I am flabbergasted by the President's position and the veto threat. He goes on television one night and threatens war to accomplish our national objectives, and the next moment says he is going to veto the entire defense authorization bill which would help pay for that very war because he doesn't agree with the Senate's position here, where we stand foursquare behind those who have gone in the military, served more than 20 years, and gotten wounded.

I can't understand it. Surely, with all the benefits and quality-of-life provisions we have in our laws supporting our military families, and authorizing weapons systems, and passing, as we passed in this body, a defense authorization bill of $393.4 billion—that the President has threatened to veto this package over a question that ought to be a nonstarter, a no-brainer, is very alarming. The fact is, if somebody serves in the American military 20 years or more and gets wounded in that service, what they are actually entitled to is not authorized.

I challenge anyone who opposes the repeal of the concurrent receipt: Just what are we talking about here? What is the cost to our military personnel who put their lives on the line? And what is the cost to our Nation when nobody else wants to do that because we are not giving them their just due? We have to address this issue and protect our military retirees and veterans. To ignore it is actually the height of hypocrisy, and dishonors the very men and women who serve in uniform.

How can we as a Nation, in good conscience, in a matter of hours, ask our military men and women to put their lives on the line in the future if they know this country will not take care of them?

That is idiotic. The defense authorization bill is in conference between the House and the Senate. It is my hope we can find the right compromise that will make sure we take care of our veterans and retirees. I urge that the House and Senate adopt legislation that will address this issue, and I ask the President and the Secretary of Defense rethink their position and stand up for our veterans and military retirees who are unfairly affected by the current law. We need to change it.

This body stood foursquare behind them. As a matter of fact, one of my combat veterans in this great body here, fellow Vietnam veteran Senator JOHN KERRY from Massachusetts, he and I and others are sending a letter to the President of the United States, urging him to recant that position on threatening to veto the very defense authorization bill we will need to go to the very war he is trying to crank up.

I see this as the height of irony. At one moment we are threatening to put our young Americans into harm's way. At the other moment the President said he is going to veto the entire defense authorization bill because of one item. What is that one item we are paying at the request of this great body? Those who serve 20 years or more and get wounded, they get their just due.

I appreciate my colleague, Senator REID from Nevada, for pushing this issue and bringing it to national attention as the chairman of the Personnel Subcommittee in the Armed Services Committee. We feel very strongly in our committee and in the Armed Services Committee of this body on this issue.

I yield the floor.

Mr. REID. Will the Senator yield for a question?

Mr. CLELAND. I yield.

Mr. REID. I worked on this situation a long time. I appreciate the Senator from Georgia coming, lending your prestige, I underscore that, on this very important issue. As the Senator said, this is a simple issue, whether someone who has put in his time in the military, whether it is 10 or 20 or whatever years it is—20 or 30—whatever it is, and then, I say to my friend from Georgia, the distinguished Senator, then finds himself, because he has a disability—it could be 100 percent or whatever percent disability—he has to make a choice. He can't get both pensions, both of which are earned.

If there were ever an example of how a country owes this to these people, this is it. I say to my friend from Georgia, thank you very much. The Senator from Georgia, I know, as I do, goes to VFW halls and the other veterans' organizations, and we see there large numbers of World War II veterans. I am not happy to say this, but a thousand are dying every day. These men—and very few women, from World War II; as we went back, there were more women involved—deserve this. As in Korea. I have a friend the Senator from Georgia knows, who was my high school teacher, the Governor of the State of Nevada, who lost a limb in Korea. He had to make a choice. He cannot do both. He spent time in the Air Force, in the Marines, in the Army and, under this goofy law he cannot draw both pensions if, in fact, he was entitled to them.

This is just senseless. So I appreciate very much the Senator from Georgia recognizing the importance of this and lending his prestige.

No one can come and speak on veterans' matters with more authority than the Senator from Georgia. I say to the Senator, not only have you received injuries, but you are also the person who ran the Department of Veterans Affairs. You have seen it from all sides. I appreciate very much your being here, helping on this legislation the conference committee must approve. It is simply just unfair if they do not.

Mr. BIDEN. Will the Senator yield for a question?

Mr. CLELAND. I do.

Mr. BIDEN. I apologize for not hearing the Senator's entire remarks. On what I heard at the end, I fully concur.

Mr. WARNER. Will the Senator use his microphone?

Mr. BIDEN. I beg your pardon.

Does the Senator actually believe the President would veto this? I mean, the President speaks so glowingly and lovingly—and I believe he means it—about our veterans and our responsibilities and our obligations. If you laid out to the American people what we are talking about here, they would understand this just does not make sense.

Most people—who are not veterans, who are not disabled, who do not participate in any way—I think assume the law is as you and Senator REID and myself and others are trying to change it.

I ask the Senator, A, do you really believe the President would veto this? And, B, what is the real reason for the veto? I mean, is there something I am missing here?

Mr. CLELAND. The Senator is right in his sense of being absolutely dumbfounded by this. I am absolutely perplexed. I would certainly hope the President of the United States, the Commander in Chief, would not veto a defense authorization bill worth $394 billion, that this body passed, on a spurious issue that it costs money to pay those who fight our wars. It sure does, especially those who get wounded in our wars. It sure does. If we can find the money for war, certainly we can find the money to take care of those who fight our wars. It is just as simple as that to me.

So I thank the Senator from Delaware for his question.

Mr. WARNER. Mr. President, if I could, because I have been aligned with the distinguished Senator from Nevada, Senator LEVIN, and others on both sides of the aisle, together with our colleague from Georgia, about this concurrent receipt—this Senator knows of no time the President of the United States has directly spoken to this issue. Thus far, only the individuals who are working in the budgetary matters at OMB have. As you mentioned yesterday, I say to the Senator from Nevada, Mr. Chu, who is a principal adviser to the Secretary of Defense, had made comments.

At this point in time I find no foundation to associate the President personally with this decision. Furthermore—and then I will yield right away—being an active member of the conference of the four principals between the House and the Senate, the targets are moving back and forth. There is the Senate version, there is the House version, and there is the amended Senate version. There is also one Senator McCAIN and I have talked about, and that is, should we move forward on concurrent receipts, we would do it in the context of the Purple Heart winners and those who have injuries that are directly associated with having served in combat zones. That may not be to the liking of all of us, but all types of options are being explored.

I know at this time no basis of fact that the President is personally involved.

Mr. REID. Mr. President, I do not know what is the proper procedure at this time. The Senator from Georgia has the floor. But with the permission of the Chair and the Senator from Georgia, I would like to direct a question to my friend, the distinguished ranking member of the Armed Services Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada.

Mr. REID. The Senator will recall yesterday, on the floor, I said, I do not think the President knows what the people are saying. I think if the President really knew what people were saying—we are robbing Peter to pay Paul on people who have injuries, people who are disabled because of their service in the military—I do not think the President would do that. I hope not. That is what I heard coming from the distinguished Senator from Delaware, that I do not think this is President Bush's personality; at least I hope not.

I say, though, to my friend, as I said yesterday, I really do believe a person who is injured in combat—and I cannot speak from experience, as can my friends, such as Senator KERRY, Senator INOUYE, and Senator CLELAND, what combat is like. I do not really know. But I do know people who have disabilities in the military. No matter how they received those disabilities, I believe they are entitled to that disability payment. I think it may be an easy way out for some to just say: Well, if you are injured in combat, you are entitled to your disability pay, but if you are injured on the back lines by a tank running over you, or a truck hitting you, or falling off a truck doing work to take care of those people on the front lines, then you are not. But I say, whether that person is 3,000 miles away or 30,000 miles away from the front lines, I think they are entitled to that compensation for disability just as well as someone else. That is a comment I make to my friend from Virginia prior to your making a decision in that conference.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I say to my good friend he is very correct and accurate, as always, in what he stated yesterday as not being associated to the President personally.

I say to the Senator, I associate myself with your goal of having broader concurrent receipts. But I am faced, as the ranking member of the committee, with the reality of the situation. We will have to ascertain exactly: Is there a line at which the executive branch will accept some version of concurrent receipts? And we just have to bring that back to our colleagues.

Because if we were to experience a veto—I am not suggesting in any way it has been communicated other than through the staff to this Senator—our bill would go down. Twelve months of work by the Armed Services Committee would go down. Many benefits, pay raises for the men and women of the Armed Forces, new weapons—it all goes down on this one issue.

I say to the Senator, I share with you—I find it very hard to think that could come about. But, nevertheless, all of us having been here many years, under several Presidents, know there are junctures in conferences when this does happen. It is our responsibility—and I assume it—to try and ascertain, is there some form? And then we bring it back to our colleagues. If there isn't, then I think we should all recognize the situation.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, if I could respond very quickly.

Senator BYRD has been here—and I say this with dignity and respect—and he has given us so many lectures on the Constitution. I have listened. I believe in the Constitution. We are a separate and equal branch of Government. The President cannot tell us what happens in conference. He can offer his opinion.

I say this, as I said yesterday, the President cannot sustain a veto on this matter. He cannot sustain a veto. I would put up before this body, any time, my veterans compared to the people who surround the President.

So I say to my friend from Virginia, a man of courage, integrity, and, as I said yesterday, a gentleman, hang in there. We are the third branch of Government. We deserve to be able to do what we have passed in this body. We cannot let the administration cow us on this because we are right. If he vetoes it, we will override the President.

Mr. BIDEN. Mr. President, I ask unanimous consent to speak 2 minutes on this point—just 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware.

Mr. BIDEN. Mr. President, I have been here 30 years. This is the most ridiculous thing I have ever heard. This is absolutely mind-boggling. This is brain dead. We have a roughly $400 billion defense bill. We may be asked to go to war. And some bureaucratic functionary, somewhere in the bowels of OMB—if that is what is to be believed—is suggesting that we hold up this bill because they do not want to allow disabled veterans to have concurrent receipt of their disability and their military pension. That is brain dead.

And, Mr. President—you are not listening; but I hope your staff is listening—stop this. Stop this. Stop this. It makes no sense, Mr. Chairman, to yield to blackmail that they'll veto this bill when the Senate has overwhelmingly voted for concurrent receipt. If you yield to this, Mr. Chairman, I will be dumbfounded—dumbfounded. I know you've worked a whole year. I have worked a whole year, and up to 8 years, on legislation.

But I can't believe you'd even listen to somebody who would say this. Why wouldn't you pick up the phone and call up the President and say: Mr. President, is this the deal? Is this the deal? Tell me straight up, boss. What is the deal? Because if it is, it is outrageous.

So I suggest we just pick up the phone and call the President. You have a close relationship with him. Call him. Ask him. Ask him. I pray to God he would not even think of saying to you: No. I will veto a $400 billion bill at the same time while nailing the veterans. Call him. Phone home.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, point of parliamentary inquiry: What is the business currently pending?

The PRESIDING OFFICER. The Lieberman amendment.

Mr. REID. Parliamentary inquiry, under the order now before the Senate, we are on the Lieberman amendment. It is my understanding the Senator from Massachusetts is entitled to the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is entitled to the floor.

Mr. KENNEDY. I am glad to yield to the Senator from Florida.

AMENDMENT NO. 4857 TO AMENDMENT NO. 4856

Mr. GRAHAM. Mr. President, I thank the Senator.

My purpose is to offer an amendment to the Lieberman amendment which is in the nature of a substitute. I send the amendment to the desk.

Mr. WARNER. Could I inquire of the leader, before he departs the floor, regarding the order that is in now, we are dealing with matters relating to debate on Iraq; the nature of this substitute amendment is what?

Mr. GRAHAM. It will add an additional authority to the President relative to the use of force.

Mr. WARNER. This is an amendment to the matter that is pending before the Senate?

Mr. GRAHAM. It is an amendment to the matter pending before the Senate, yes.

Mr. WARNER. I see. Could I ask my colleague: We have been trying to work in a very cooperative way, Senator LOTT and Senator DASCHLE, Senator REID and myself, on the timing of these things. Has this matter been taken to the leadership?

Mr. GRAHAM. I have discussed it with Senator DASCHLE.

Mr. WARNER. And his views on it are?

Mr. GRAHAM. I do not know what his views are.

Mr. WARNER. I see. Could I ask the distinguished majority whip about the procedure at this point in time? I know on this side we have tried very hard to stay within the framework, although it is not clearly established, but the framework as to how this Iraq debate would go on and the timing of the introduction.

Mr. REID. I would say to my friend from Virginia, the Senator from Florida wants to offer the amendment and then leave the floor.

Mr. GRAHAM. I will not debate the amendment.

Mr. REID. He has a right sometime today to offer the amendment. The Senator from Connecticut is aware of his wishing to offer this. He has a right to offer it, but it is just a question of when he would do it.

Mr. WARNER. I don't dispute the rights. I am just trying to stay within the framework of the guidance being given by our respective leadership on the management of this matter.

Mr. REID. The reason he did it this way is so we would not interrupt the order in effect.

Mr. WARNER. Then the amendment would become the pending business, would it not?

The PRESIDING OFFICER. The clerk will report the amendment.

Mr. WARNER. I asked the question as to whether or not it would become the pending business.

The PRESIDING OFFICER. The amendment will be reported, and it will become the pending business.

Mr. WARNER. I thank the Chair.

The PRESIDING OFFICER. The clerk will report.

Mr. WARNER. Is that the desire then?

Mr. REID. I guess we should have mentioned it to you. I apologize we didn't do that. I think there was wide knowledge he was going to do this sometime today.

Mr. WARNER. I am asking then if I might just have time to consult with our leadership, recognizing the Senator has a right, so I could get such instructions as my leader may wish to contribute.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, it is my understanding the clerk is going to report the amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM] proposes an amendment numbered 4857 to amendment No. 4856.

Mr. REID. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide substitute language that includes an authorization for the use of the United States Armed Forces to defend the national security of the United States against the threat posed by certain foreign terrorist organizations)

In lieu of the matter proposed to be inserted by the amendment, insert the following:

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Authorization for the Use of Military Force Against Iraq and International Terrorists Resolution".

SEC. 2. SUPPORT FOR UNITED STATES DIPLOMATIC EFFORTS.

The Congress of the United States supports the efforts by the President to—

(1) strictly enforce through the United Nations Security Council all relevant Security Council resolutions applicable to Iraq and encourages him in those efforts; and

(2) obtain prompt and decisive action by the Security Council to ensure that Iraq abandons its strategy of delay, evasion, and noncompliance and promptly and strictly complies with all relevant Security Council resolutions.

SEC. 3. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION.—The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to—

(1) defend the national security of the United States against the continuing threat posed by Iraq;

(2) enforce all relevant United Nations Security Council Resolutions regarding Iraq; and

(3) defend the national security of the United States against the threat posed by the following terrorist organizations:

(A) The Abu Nidal Organization.

(B) HAMAS.

(C) Hizballah.

(D) Palestine Islamic Jihad.

(E) Palestine Liberation Front.

(b) PRESIDENTIAL DETERMINATION.—In connection with the exercise of the authority granted in paragraph (1) or (2) of subsection (a) to use force, the President shall, prior to such exercise or as soon there after as may be feasible, but not later than 48 hours after exercising such authority, make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) reliance by the United States on further diplomatic or other peaceful means alone either (A) will not adequately protect the national security of the United States against the continuing threat posed by Iraq, or (B) is not likely to lead to enforcement of all relevant United Nations Security Council resolutions regarding Iraq; and

(2) acting pursuant to this resolution is consistent with the United States and other countries continuing to take the necessary actions against international terrorists and terrorist organizations, including those nations, organizations or persons who planned, authorized, committed or aided the terrorists attacks that occurred on September 11, 2001.

(c) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supersedes any requirement of the War Powers Resolution.

SEC. 4. REPORTS TO CONGRESS.

(a) The President shall, at least once every 60 days, submit to the Congress a report on matters relevant to this joint resolution, including actions taken pursuant to the exercise of authority granted in section 3 and the status of planning for efforts that are expected to be required after such actions are completed, including those actions described in section 7 of Public Law 105–338 (the Iraq Liberation Act of 1998).

(b) To the extent that the submission of any report described in subsection (a) coincides with the submission of any other report on matters relevant to this joint resolution otherwise required to be submitted to Congress pursuant to the reporting requirements of Public Law 93–148 (the War Powers Resolution), all such reports may be submitted as a single consolidated report to the Congress.

(c) To the extent that this information required by section 3 of Public Law 102–1 is included in the report required by this section, such report shall be considered as meeting the requirements of section 3 of Public Law 102–1.

Mr. REID. Senator GRAHAM will speak on this at a later time. The Senator from Virginia, the manager of the bill, will ask for 2 minutes now. Regarding the order in effect that was gotten earlier today, I ask unanimous consent that we eliminate the times when the Senators are to appear. It just hasn't worked. Somebody finishes 10 minutes early, or 5 minutes late, and it throws everything off kilter.

So I ask unanimous consent that following the statement of the Senator from Virginia, Senator WELLSTONE be recognized for 5 minutes, and Senator KENNEDY for 15 minutes; that we then have a Republican Senator for 20 minutes; Senator CARPER for 20 minutes; a Republican for 30 minutes; and then that we have Senator DODD for 30 minutes and a Republican for 30 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. Mr. President, I have just been handed the amendment of the distinguished Senator from Florida. I have looked it through. We will have a debate on it in due course. I must bring to the attention of the Senate that in the course of the drafting of the resolution by my good friend from Connecticut, myself, Senator McCAIN, and Senator BAYH, we took into consideration a lot of things and counseled with the administration.

The point I wish to make is that, at first glance, this amendment seems to restore, in some sense, the original words of S.J. Res. 45, which I read:

> The President is authorized to use all means that he determines to be appropriate, including force, in order to enforce the United Nations Security Council resolution referenced above, to defend the national security interests of the United States against a threat posed by Iraq . . . .

This is the key part:

> . . . and restore international peace and security in the region.

My recollection is that, in the negotiation, the Democrat side of the aisle was strongly in opposition to that last phrase in S.J. Res. 45 and, therefore, Senator LIEBERMAN and I and others took it out when we drafted ours, S.J. Res. 46. I just make that observation, and I find it a bit perplexing. Nevertheless, I have had the opportunity to state my point.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Will the Senator yield for a moment?

Mr. WARNER. I yield the floor on this. Under the time agreement, our two colleagues are to speak. I suggest the Senator address the Chair as to his desire.

Mr. GRAHAM. Mr. President, it was our intention to maintain the amendment in all respects, other than adding the language that begins on page 2 at line 23 and runs through page 3 at line 4. That was our sole intent in offering the amendment in the form that we have done so. If there had been negotiations of which we were unaware that altered the underlying amendment, at the appropriate time it would be my intention to offer an amendment to make it conform to the proposal that adds what yourself and others have currently agreed to.

Mr. WARNER. At the appropriate time, we will address that. I thank my colleagues.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I rise to speak for a short time today about the Iraq resolution, and tomorrow I will have a chance to speak at greater length. I thank Senator KENNEDY for allowing me to precede him. I also tell my colleague from Georgia that his speech on the concurrent receipt was powerful and, having spent the whole day with veterans yesterday, is absolutely right. It is critically important that this defense appropriations bill go through with that provision.

Mr. President, I did not have a chance to hear the President speak last night, but I read the transcript. I think it is important that the President focus on obtaining international support. The military option should only be considered as the last option. I believe that people were glad to hear that last night in Minnesota and in the country.

The problem is that the actual resolution before us goes in a different direction. What this resolution does is give the President the authority for a possible go-it-alone, unilateral military strike and ground war. I think this would be a mistake. We should not go it alone.

There is a critical distinction between going it alone and taking action in conjunction with our allies. Our focus should be going to the United Nations Security Council and asking for a resolution that makes it clear to Saddam Hussein that he must disarm. Saddam must give arms inspectors unfettered access. And, if he does not comply with this new UN resolution there will be consequences, including the use of appropriate military force. But we must do this together with our allies. We must bring the international community on board. This resolution allows for a preemptive, unilateral strike, which I believe would be a huge mistake.

When Secretaries Kissinger and Albright testified before the Foreign Relations Committee, I asked both of them about the consequences of going alone versus working with the international community. First I asked: Shouldn't the goal be disarmament, and shouldn't we make every effort to try to make disarmament happen before taking military action?

They both were in agreement. Secretary Kissinger said: Yes, we need to play this out.

No one trusts Saddam Hussein. Everybody knows he is a brutal dictator. That is not the point. The point is how to proceed; how to do this the right way. The focus should be on disarmament and getting the support of our allies in the international community.

I do not think we should be approving a preemptive, unilateral strike by the United States, going it alone, or only with Great Britain.

I asked the former secretaries what the differences would be. They spelled out hugely different consequences between our going it alone, if, in fact, military action was necessary, versus taking action with our allies.

The former secretaries made the following points. If we take unilateral military action Saddam Hussein will have a better chance of uniting the world community against us, rather than vice versa. Moreover, there could be grave consequences in the Near East and South Asia that could include energizing other radical elements and increasing support for al-Qaida. Would this not play into the hands of the radicals? This is a big question if we go it alone.

What about our men and women, our sons and daughters who would be put in harm's way? What would the consequences be on the ground for them if we go it alone versus with our allies?

What about this war against terror? As a father and grandfather of six children I take al-Qaida very seriously. Unfortunately international terror is a part of the world in which we now live. Will we have the same international cooperation to fight international terror if we go it alone? In many parts of the world we need the cooperation, assets, and on-the-ground intelligence of our allies for the continued war on terror. I think going it alone, a preemptive military strike, perhaps a ground war, could very well undercut that effort.

Mr. President, I have one more point. I am not going to talk at length about my interaction with people in Minnesota over the last several days since I announced my opposition to the first resolution, but I will tell my colleagues this: Many people have come up to me, and I had great discussions with people in Minnesota. I cannot thank them enough.

I do not really know what the breakdown is in terms of X percentage this way or that way, but I will say that the people in Minnesota and our country are worried about this issue. They are worried about us going it alone. They are worried about what might happen to our sons and daughters in Iraq. They far prefer we work together with our allies. They far prefer we have international support and that the focus be on disarmament.

I believe that is the direction in which we should go. That is not what this resolution before us asks us to do. Therefore, I will vote no on this resolution.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I commend President Bush for taking his case against Iraq to the American people last evening, and I agree with the President that Saddam is a despicable tyrant who must be disarmed. As many of us had hoped, the President has now clearly given the Iraqi regime an opportunity to avoid war. The President himself says he has not yet decided war will be necessary. In this situation, it would be wrong for Congress to act now to authorize the President to go to war before the steps the President has outlined are exhausted.

The most solemn responsibility any Congress has is the responsibility given the Congress by the Constitution to declare war. We would violate that responsibility if we delegate that responsibility to the President in advance before the President himself has decided the time has come for war.

The President acknowledged last night there are major risks in going to war. I do not believe these risks have been adequately described to the American people.

General Wesley Clark, the former Supreme Allied Commander in Europe, told the Armed Services Committee on September 23 if you are talking to the mothers and the loved ones of those who die in that operation in Iraq, you want to be sure using force and expending American blood and lives and treasure is the ultimate last resort, not because of the sense of impatience with the arcane ways of international institutions or frustrations from the domestic political process of allies.

As the Senate continues to debate the use of military force against Iraq, we must do all we can to assess the potential costs of such a war in blood and treasure. The American people deserve to know what a conflict in Iraq might be like. They deserve to know how many casualties there might be. They deserve to know the true preparedness of our troops to fight in a chemical or biological environment. If they are in the National Guard or Reserves, they deserve to know how a conflict in Iraq will affect them and whether they are likely to be called up for duty.

Many Reservists who were initially recalled for the war in Afghanistan have been either demobilized or extended for a second year. They are concerned about what the impact of war against Iraq will have on their families and on their jobs. Many employers, who are struggling in the current sagging economy, are also deeply concerned about the stability of their workforce. These patriotic Americans are willing to sacrifice, but they deserve to know all reasonable alternatives to war have been exhausted.

None of us can foresee the course of events that will unfold if we go to war. Before Congress acts, the administration has an obligation to explain to the Congress and the American people the potential consequences of war. As of now, it has not.

The President is asking Congress to delegate its constitutional power to declare war before he has decided we need to go to war, but he has not adequately explained what this war will look like. How many ground troops will be required? How many casualties can we expect to suffer? How well can we respond to the use of chemical or biological weapons against our troops? How will postwar occupation and reconstruction in Iraq be conducted? How will our ongoing military operation in Afghanistan be affected, and what will the impact be on the overall war against terrorism?

Today, our service men and women are helping to combat terrorism in Afghanistan, the Philippines, the Nation of Georgia, and elsewhere around the world.

Our purpose is clear; defend our country against the clear and compelling threat to our security posed by al-Qaida. I strongly support the President in the war against al-Qaida and the al-Qaida terrorists. I am proud of the achievement of our Armed Forces in the war against terrorism.

Some argue that America's vastly superior military force can easily defeat the Iraqi army, but many of us are concerned that the very strength and success of our Armed Forces in the gulf war and in Afghanistan will lull America into thinking if war with Iraq becomes necessary, it will be a bloodless war with few casualties.

The gulf war was fought in the desert a decade ago with an overwhelming superiority of forces in a strong coalition of the United States and other nations. They achieved one of the most decisive victories in the history of warfare. The experts I have consulted believe that a new war with Iraq will not be as easy, especially if we do not have the support of a coalition of nations.

Some defense analysts contend the Iraqi regular army is plagued with low morale and poor equipment and may well surrender at the first sight of American might. Other experts believe, however, that unlike the regular Iraqi army, up to 100,000 Republican Guard and special Republican Guard troops of Iraq will defend Baghdad and remain fiercely loyal to Saddam Hussein.

Michael O'Hanlon of the Brookings Institution believes the Iraqi Republican Guard forces could make a U.S. military attack very difficult. He estimates that our military casualties could be as high as 5,000. By comparison, in the gulf war, just under 400 U.S. service members lost their lives.

Many believe our Armed Forces may need to occupy Baghdad, which has over 5 million residents. Testifying before the Armed Services Committee on September 23, GEN Joseph Hoar, former commander in chief of the U.S. Central Command, discussed the potential horrors of urban warfare. He said in urban warfare you could run through battalions a day at a time. All of our advantages of command and control, technology and mobility are, in part, given up and you are working with corporals, sergeants, and young men fighting street to street. It looks like the last 15 minutes of the movie "Saving Private Ryan."

Despite the risks of urban warfare, the administration has avoided questions about how a military operation in Iraq may unfold. We have not been told how many ground troops we will need or, again, how many casualties we can expect. The Joint Chiefs should provide Congress with casualty estimates for a war in Iraq as they have done in advance of every past conflict. These estimates should consider Saddam's possible use of chemical or biological weapons against our troops.

Unlike the gulf war, many experts believe Saddam would resort to chemical and biological weapons against our troops in a desperate attempt to save his regime if he believes he and his regime are ultimately threatened.

In the September 19 hearing before the Senate Armed Services Committee, General Myers, the Chairman of the Joint Chiefs of Staff, cited a long list of improvements that have dramatically increased the combat effectiveness of our forces since the gulf war. He said our troops now have improved ability to protect themselves against chemical or biological attacks.

However, the General Accounting Office published a report on October 1 which clearly suggests that our forces are not adequately prepared for a chemical or biological attack. The report concluded that although the Defense Department has taken significant actions to provide such protection, serious problems persist. This is what the GAO report found: Chemical and biological defense training continues to be a problem; medical readiness of some units to conduct operations in a contaminated environment remains questionable; some units are critically short of required protective gear.

One Air Force wing has only 25 percent of the protective masks required and only 48 percent of required patient decontamination kits.

If Prime Minister Blair is correct in saying that Iraq has the capability to launch chemical or biological warheads in 45 minutes, what sense does it make to put our soldiers in the path of that danger without exhausting every reasonable means to disarm Iraq short of war?

We do not know whether the military will be able to adequately protect our service men and women from a chemical or biological attack, and this issue should be explained to the American people.

The Wall Street Journal reported last week that in addition to chemical and biological chemical deficiencies, there are other notable gaps in the Pentagon's planning. Civilians working at port facilities in the Persian Gulf region, where our forces will be unloading warfighting equipment, have not all received the proper protective gear or training for a chemical and biological attack.

The Secretary of Defense and the Chairman of the Joint Chiefs have not adequately answered such questions about the military operation in Iraq.

They both say there will be risks to a conflict, but they have not adequately and fully discussed those risks with Congress and the American people.

The Bush administration has also repeatedly claimed that we can fight a war in Iraq without undermining the war against terrorism, but last year, on June 21, 2001, testifying before the Senate Armed Services Committee, Secretary Rumsfeld cited significant problems in military readiness. He said we have underfunded and overused our forces, and we are steadily falling below acceptable readiness standards. Yet last month, on September 19, when asked about military readiness in the Armed Services Committee hearing, Secretary Rumsfeld said recent defense budget increases, coupled with the recall of reservists and shifts in the assignment of existing personnel, have reduced the stress on our forces.

He did not explain how the budget increases, which only recently took effect, could have reversed the starkest estimate of readiness he provided to the Armed Services Committee last year. In fact, experts say that most of the growth in operations and maintenance spending over the past decade have been for infrastructure-related programs, not military readiness.

General Myers, in his September 19 testimony, agreed that the U.S. military was stretched in some key areas. He said if our operations on the war on terror are expanded, we will be required to prioritize the deployment of unique units in high demand such as special operation forces and combat rescue forces. He also said our coalition partners may facilitate our combined operations by having similar units of forces. That, of course, assumes we will have a coalition in terms of a potential conflict.

Before the Senate Armed Services Committee 2 weeks ago, the Chairman of the Joint Chiefs admitted that because of the high demand placed on some of our forces that coalition partners are necessary to mitigate the risk of war in Iraq.

Two weeks ago, the Chairman of the Joint Chiefs admitted that because of the high demand on some of our forces that coalition partners are necessary. The way we are going to get the coalition forces is by going to the United Nations and gaining their support for the disarming of Saddam, and if action is necessary in the future.

War against Iraq may well undermine the ongoing war against al-Qaida and our continuing operation in Afghanistan by draining resources from our Armed Forces that are already stretched thin. In Afghanistan, U.S. forces continue to search villages, caves, and potential hideouts. The searches are now being conducted by the 82nd Airborne, not the elite special operation forces which are being recalled in preparation for a potential invasion of Iraq.

Many of us in the Senate are aware of these concerns with the Reserves and National Guard. We have heard them firsthand. Already, the Nation has mobilized and demobilized thousands of reservists and National Guardsmen to support the current war on terrorism. Massachusetts reservists and reservists from across the country are providing training, intelligence, and security support around the world.

Almost 1,500 National Guardsmen from Massachusetts alone are deployed to support the war on terror. Citizen soldiers are now serving in critical security positions throughout the United States and in Afghanistan. They have distinguished themselves for their patriotism and superior service. They have proven ready to meet the challenge of fighting the war on terrorism, despite outdated equipment and funding shortfalls.

The phenomenal performance of our forces in the war on terrorism attest to their resolve. But how long can we sustain this high level of operation? Approximately 11,000 of our reservists from across the Nation have been recalled for a second year to support the war on terror. This is the first time in decades that we have needed to take this measure to enhance our military strength. Not even in the gulf war did we recall reservists for over a year. If we open a second front in Iraq, we may be forced to recall even more.

Additionally, due to critical shortages of special operations personnel, pilots, intelligence specialists, and security personnel, another 22,000 service members, a number about as high as the entire gulf war, have been involuntarily retained on active duty as part of the current war on terrorism. If we embark upon a premature or unilateral military campaign against Iraq or a campaign with only Great Britain as our ally, our forces will have to serve in even greater numbers for longer periods of time with graver risks.

There is no doubt that Saddam Hussein is a despicable tyrant. The international community must work together to disarm him. But the war against terrorism and our wider interests in the region and the world demand a course that relies on war only as a last resort after all reasonable alternatives have been fairly tried.

I have no doubt our forces will prevail in any conflict with Iraq. But Congress and the American people deserve to know the true risk of war with Iraq. The administration has the responsibility to state what the real costs of such a war may be. We need that information now, before—not after—Congress exercises its constitutional responsibility to declare war.

I yield the floor.

Mr. WARNER. If I could ask my colleague a question. It seems to me the risk is only magnified by the passage of time—whether it is weeks, months, or years—if we do not act.

I draw to my colleagues' attention what the President said in addressing the Nation last night:

> Approving this resolution does not mean that military action is imminent or unavoidable.

I paraphrase that he has not sought by this a declaration of war. War is the last option. The decision has not been made.

Continuing, the President said:

> The resolution will tell the United Nations and all nations that America speaks with one voice and is determined to make the demands of the civilized world mean something.

Congress will also be sending a message to the dictator of Iraq that his only choice is full compliance and the time remaining for that choice is limited.

I draw the Senator's attention to a document entitled "Joint Resolution" distributed by the chairman of the Senate Armed Services Committee and the chairman of the committee on which my distinguished colleague and I serve. While this document is not at the desk, it purports to be in the form of an amendment and is under some consideration. I presume that because that is what was distributed by my good friend and colleague, Senator LEVIN.

From page 4, I read the following:

> Authorization for use of United States Armed Forces pursuant to a new United Nations Security Council resolution.

The question I ask for my colleague is in regard to section A:

> Pursuant to a resolution of the United Nations Security Council described in section 22, after the enactment of this Joint Resolution and subject to subsection B, the President is authorized to use the Armed Forces of the United States in destroying and rendering harmless weapons of mass destruction, [et cetera.]

I read that as putting in the hands of the United Nations a veto on the actions taken by this body, a veto on the President's ability to use, as he has been given by the Constitution, the Armed Forces of the United States to protect at any time he deems necessary the security of America.

Does the Senator support such a concept that the United Nations would have a veto at any time in this situation? The President has gone to the U.N. asking that they take action to enforce the 16 resolutions that have been ignored by Saddam Hussein, defied by Saddam Hussein, and they are now looking at a 17th, a framework for perhaps a new inspection regime, but this current draft of a proposed amendment implies that the U.N. has to act before our President can utilize the forces given to him by the Constitution of our country.

Mr. KENNEDY. The Senator has asked a number of questions in his comments. I will do my best to respond.

As the Senator has rightfully pointed out, the President has not decided on the course of war. If the President has not decided that we have an imminent threat from Saddam Hussein, we have a serious threat. It is a very important threat. For all the reasons that have been outlined on the floor during the course of this debate about Saddam Hussein, we understand that. But the President of the United States has not made a judgment that it is an imminent threat to the United States.

He has not made a judgment that he is prepared to go to war today. If that is so, which is what he stated last night, why in the world are we saying, in the Senate of the United States, we will give him this power when he has not made up his mind he wants to use it, without any limitation on time—no sunset of this? That is No. 1. So I am opposed.

Second, on the question of the Senator from Virginia, in referring to the Levin amendment, that conforms with the constitutional authorities I have discussed, that we have done in other periods. That does not happen to be my position. I believe in a two-step approach. I believe the Security Council should have a tough resolution with unfettered inspections and we ought to galvanize the international community. I personally believe the way we galvanize the international community is by demonstrating we believe the international community has the responsibility and obligation to take action.

I believe if we go ahead and take action as being proposed by the Senator from Virginia, that will be unilateral, where the President says: I have not made up my mind whether there is a necessity for war. I am not even prepared to say we are in an imminent threat. If we had an imminent threat from Saddam Hussein, he obviously would have a responsibility to take action in order to protect the American people.

What we are saying to the Security Council is: We are just going to have something over here on the side in case you people up there are not going to be serious.

I would like to challenge the Security Council the way the President of the United States did. I commend President Bush for finally going to the Security Council, challenging the Security Council. That is the way to go. The Security Council takes every step, uses every opportunity, and finally comes back and says: There is no alternative, there is an imminent threat.

We should be at our desks at that time in making the judgment we will have to make about committing American forces—a two-step approach for those reasons.

I have difficulty in accepting the concept that we are going to effectively give to the President of the United States the authority when he has stated, as the good Senator stated, he has not made up his own mind.

Lastly, part of the trouble we have been in over the period—and I have great respect for my colleague, and he knows he is my friend and colleague—the debate has been about the resolutions, but not about the war. We are debating the resolutions. My good friend from Florida is talking about changing the resolutions. We ought to be talking about what the implication is going to be in terms of the conflict and the war. The American people ought to understand that more clearly. That is an issue where the administration has failed the American people.

What are the best estimates?

What should we expect are going to be needed in terms of the forces?

What is the best judgment in terms of how Saddam Hussein will react?

What will be the enormous impact it will have in our battle against terror around the world?

What will it do in terms of inflaming the Muslim world if the United States has a go-alone policy, which this resolution will permit?

Will it be effectively a breeding area for al-Qaida terrorists?

We ought to be debating those issues. We do not do that. We have been debating the technicalities of these resolutions.

I know the Senator has—as I have—listened to many debates, not only on the technicalities but the broad issues of war and peace as well. But it is my regret that we are going to be faced with a cloture motion here to try to insist on a vote on this in another 2 days when we have just barely talked about the issues of war and peace and haven't had that kind of informed debate and haven't had that kind of information that is available to us. That is part of my deep concern about where we are on the floor of the Senate now.

Mr. WARNER. Mr. President, I thank my colleague for his kind remarks. Indeed, we have worked together many times. We work together.

I strongly differ. I think our President has clearly said—first before the United Nations and as late as last night—that there is imminent danger to our Nation from Saddam Hussein and his possession of weapons of mass destruction. We clearly have a difference on that.

I strongly believe that this resolution, if it is to be brought before the Senate, will place a veto power in the hands of the United Nations. I cannot be a part of that. I will certainly oppose it as strongly as I know how.

Mr. KENNEDY. Would the Senator be willing to change the words? I don't have it here. Would he be willing to change the words to include "an imminent threat" from the language that is included in the resolution which talks about a grave threat or continuing threat?

Mr. WARNER. Mr. President, I will say at this point in time, Senator LIEBERMAN and I, and Senators MCCAIN and BAYH drafted this resolution after listening to the suggestions of many Senators on both sides of the aisle. At this point in time, if any Senator has talked about changes, then the format by the Senator from Florida I expect should be followed by way of a formalization of the amendment. But at this point in time, we have other colleagues who are anxious to speak.

I will give three quotes from President Bush's speech to the Nation last night about the imminent threat posed by these weapons of mass destruction:

> In 1995, after several years of deceit by the Iraqi regime, the head of Iraq's military industries defected. It was then that the regime was forced to admit that it had produced more than 30,000 liters of anthrax and other deadly biological agents. The inspectors, however, concluded that Iraq had likely produced two to four times that amount. This is a massive stockpile of biological weapons that has never been accounted for, and is capable of killing millions . . .
>
> Alliances with terrorists could allow the Iraqi regime to attack America without leaving any fingerprints . . .
>
> We've also discovered through intelligence that Iraq has a growing fleet of manned and unmanned aerial vehicles that could be used to disperse chemical and biological weapons across broad areas. We are concerned that Iraq is exploring ways of using UAVs for missions targeting the United States.

Mr. WARNER. I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I have listened with a great deal of interest to this presentation. I think there are a couple of clear points one can make in response, and then I will comment.

We have been dealing with Saddam Hussein with our men and women in uniform for 12 years. We have been occupying positions in the Middle East. We have been flying over the regions that Saddam has. We are flying the no-fly zones in the north and south of Iraq. We had weapons inspectors in there for the 12 years, until they were kicked out 4 or 5 years ago. After Saddam was kicked out of Kuwait, after there was a United Nations agreement, and after basically he agreed to an armistice, and after inspectors, he said: I will take out all weapons of mass destruction, and I will turn them over to the international community. And he has not done that. We know that. He has failed to do that.

We have had economic sanctions against Iraq for a period of years now. They have not worked. There is such a sieve in the region that he is able to get oil out and goods in without any problem.

We have worked with the United Nations. We had some 16 resolutions that passed through the United Nations. It is as if some of the debate on the floor is that we are just now starting to try to deal with Saddam Hussein, when I think you have to look back over the past 12 years. We have been dealing with this dictator and this despot for 12 years in every way conceivable.

I think the conclusion most people have is that 12 years ago we should have gone into Baghdad and removed him at that time. That is the real conclusion people come to. Yet, for reasons of the Congress or the international community—whoever you want to say in that point of time—there was no agreement to kick him out.

Since that time, it has not changed. He is the same guy who has these weapons of mass destruction. It has just gotten worse in that period of 12 years.

I would analogize it to having cancer. If you have cancer, you have a couple of options: You can deal with it. You can go in and have surgery to remove the big areas that are spreading. You can try to contain it for a period of time through different therapies. Or you can ignore it and just say: It does not affect me today. I am fine today.

Saddam Hussein has chemical weapons. He has biological weapons. He is working on nuclear weapons. He has missile capacity to deliver all of these.

That is the cancer that exists. We can say we feel fine today; we are fine. What if he decides to launch any one of those? What if he does it not at military targets but at civilian targets, at one of our allies, or even at us? Are we fine then? I can just see us having a commission after that period of time asking: Why didn't we catch these terrorists? We were working on Iraqi soil before they attacked the United States. We should have gone in there. Did we not know enough? Were we not sufficiently concerned about it in a similar way that we are having hearings now about why we didn't do things prior to September 11? Did we see the clues and the situation building up prior to the Twin Towers and the Pentagon being hit? Did we not see this coming?

Let us apply that same standard to Saddam Hussein and the nexus he provides between the weapons of mass destruction and terrorists. They are clearly there. I just articulated the weapons of mass destruction that he has. He is also working on such things as smallpox. We think he may be trying to do something with that. He is working on all sorts of things. Yes. Weapons of mass destruction.

What about the terrorist connection that is there? Abu Nidal's organization was headquartered there for a period of time. He just died, or he was killed recently, for whatever reason. Al-Qaida leadership is in Iraq. Hussein has worked closely with a number of terrorist organizations in and on his soil. They are there. You have the mix of these two sitting side by side—a toxic mix that the United States cannot countenance.

I respect a number of people who think this isn't the way we do things. Democracies have real difficulty declaring war. That is a very good thing. This is just something we don't like. We want somebody to come and hit at us first, before we go on to war. You can look through the history of the United States and the acts where we were hit and then we responded. That is the way we are most comfortable in dealing with these tough, difficult issues about whether you go to war with a foreign nation. It is good that we wrestle with that and with this situation.

It is like in the old television show "Gunsmoke." At the end of the "Gunsmoke" episode every week, it ended the same way: Matt Dillon walks out on the main street of Dodge City. The bad guy walks out on the street on the other end. They stare at each other for a little while. The bad guy has a chance to walk off, if he wants to. He also gets to draw first. He draws first. Then Matt Dillon draws. The bad guy goes down. There is a sense of fair play and honor about that. There is a set of rules. The bad guy gets to shoot first, but you are going down in the process. If you are going to do that; you have a chance to walk away. If you decide not to, that is your choice.

That is the way we like to do things, because there is a sense of, Do we really want to bother somebody else to this degree? Is this the right thing to do?

Saddam Hussein doesn't operate that way. The terrorists today don't operate with those same sorts of rules of decorum in operation, and the rules of boxing, if you will.

These are people who don't go out on Main Street with Matt Dillon. They sneak around behind buildings and try to get at innocent people and women and children. They don't go straight at our military. They attack people in civilian positions. Their object is to disrupt. It is not to protect a nation state. It is not to confront the military. It is to kill as many civilians as they can.

Can we afford, in that type of atmosphere and that new way of operating, to have terrorists force us to sit back and say: OK? Are we going to wait until somehow they attack us, or try to get botulism in our food supply, or try to get anthrax into a broad area of the United States, or one of our allies, or try to make a weapon with smallpox, and then we will go at them?

The cost of doing that is to spread a cancer; the deaths of many people. This is not something we can countenance. It is not something—when my primary duty and the primary duty of the elected Members of this body is to provide for the national defense—that we can countenance. It is not something we can do.

I want to read from some testimony Henry Kissinger gave 2 weeks ago before the Senate Foreign Relations Committee.

I ask unanimous consent that his entire testimony be printed in the RECORD after my comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BROWNBACK. Mr. President, former Secretary Kissinger is probably one of the best minds, if not the best mind, in foreign policy in the world. He dealt with the cold war. He was directly involved in that, and he has been a very astute student. And now he is a student of what takes place today in the war on terrorism that we have. Listen to just a couple paragraphs of what he says about these weapons of mass destruction in the hands of a country that also works with and provides support and housing for terrorists. He says this:

> If these capabilities remain intact—

That is, weapons of mass destruction—

> they will become an instrument—actual and symbolic—for the destabilization of a volatile region.

There he is speaking of the entire Middle East.

> And if Saddam Hussein's regime survives both the Gulf War and the anti-terrorism campaign, this fact alone will compound the existing terrorist menace.

He points out in this statement that he thinks going at Iraq will have a very positive impact on terrorism, and if we do not go at Iraq, our war against terrorism will just devolve into an intelligence operation, and that would be the likely continued status of it.

He handles another argument. I will read another quote from Secretary Kissinger:

> It is argued that dealing with weapons of mass destruction in Iraq weakens the war against terrorism. The opposite is more likely to be true. Eliminating such weapons in Iraq is an important aspect of the second phase of the anti-terrorism campaign. It demonstrates American determination to get at the root causes and some of the ultimate capabilities of what is, in essence, a crusade against free values.

That is what Secretary Kissinger goes on to say in this presentation. He argues that this is an essential part of the war against terrorism, if we are to effectively deal with this terrorist threat and the problem that we have. And not to overrepeat this, but I do not think one can overrepeat it. It is a little bit like a doctor's prescription dealing with your health where you are, and here are the possible problems you have.

Here is what we know that Saddam Hussein has.

Gaps identified by UNSCOM in Iraqi accounting and current production capabilities strongly suggest that Iraq maintains stockpiles of chemical agents, probably VX, sarin, cyclosarin, and mustard.

UNSCOM reported to the U.N. Security Council in April 1995 that Iraq had concealed its biological weapons program and had failed to account for 3 tons of growth material for biological agents.

In 2001, an Iraqi defector reported visiting some 20 secret facilities in Iraq for chemical, biological, and nuclear weapons.

Saddam continues to pursue nuclear weapons, and has used chemical weapons against his own people, as well as his neighbors.

I do not think I need to remind people about what he has done in his region. He has attacked Iran, invaded Kuwait, and he has launched missiles at Saudi Arabia and Israel. That is why we will have had, and have today, strong allies in the region opposed to Saddam Hussein continuing.

I want to look at the positive, the upside of dealing with Saddam Hussein. We have a lot of difficulty, a lot of potential problems to deal with, but what happens if you get Saddam Hussein out of power?

I think there are significant, positive steps moving forward in that region.

It is interesting to note that from 1920 until the late 1950s, Iraq had a constitutional monarchy, a bihouse parliament that had authority over budgets and ministers. They have a history of some democracy. It was not the level of democracy we have, but they have that in their historical background.

Ten percent of the world's oil supplies are located in Iraq. They have an educated urban population. They will embrace and encourage and move forward with democracy on a rapid basis. Now, it is not going to be completely free of any hitches, but I think the potential in developing an active, vibrant, working democracy in Iraq is significantly greater and higher than what we are seeing in the situation in Afghanistan, which is moving forward but with a lot of difficulty. They do not have the natural resources to build. They do not have a historical basis of democracy with which to work. They have a number of warlords in the area, which does not exist in Iraq.

There is reason to believe that the upside potential with Iraq, and the spread of democracy and human rights and religious freedoms and pluralism will be significant in Iraq. And that will spread throughout that region. These are a set of values, of human values, for which the United States stands and has stood for years, and we have been very positive in this. Yet we have not pushed this set of values generally in that region of the world, in the Islamic region of the world.

There is something like 49 countries and 2 democracies in that region of the world. And a number of people wonder why there is the push for human rights, democracy, and religious freedom everywhere else and not there. And we have kind of hemmed and hawed and "well, I don't know," and we have allies there, and we are dependent on the oil, and we don't want to upset things in the region.

The truth is, we need to stand for the things there that we stand for everywhere else. And if we do that, and push that in Iraq, it is going to be a flower that will bloom there in the desert. It is going to show the way to a number of countries. It is going to involve the people. And the people are going to be able to grow and possess that beauty of liberty that they seek and know and want. We will be able to help put it forward and move it into action in that region.

These are very difficult times for us. There are difficult times in the region. But I think the question clearly before us is whether we should move forward. I think the answer is definitely yes, that we should move forward.

This is a time for us to be very humble and wise about what we need to do and definite about how we move forward. We do not make this choice lightly, nor without the understanding that with this action comes difficult consequences to some of our finest citizens in the Armed Forces and potentially of terrorist attacks to our allies and to us.

We would do well to remember the words of Psalm 140:

> Grant not, God, the desires of the wicked one; do not grant his conspiracy fruition. . . .As for the head of my besiegers, let the mischief of their own lips bury them.

Once again, we have come to deal with a very difficult situation where we are called upon to stand up to the threats of evil and tyranny—something we have had to do many times in the history of this wonderful Nation. As daunting as this is, it is not a responsibility we can shirk. Saddam has made the case against himself. He has buried himself with his own lips and his own actions. We cannot ignore this. And we should not put off for another year, or a few, a difficult matter that will only get worse. If we do not take this action now, we are unlikely to any time in the near future. Now is the time for us to act.

I support the bipartisan resolution authorizing the President to use force in Iraq. I hope all the American public is praying for us, and praying about this for wisdom, for protection, for limited loss of life, and for the right thing to be done.

This is a tough moment. It is a different stage for us. It is a ways and means of handling something we have not done in the past where we go in and try to take care of a situation before it kills many people. We need those prayers for wisdom and wise action.

I urge my colleagues to support this resolution, this bipartisan resolution authorizing the President to use force in Iraq.

I yield the floor.

Exhibit 1

Statement of The Honorable Henry A. Kissinger Before the Senate Foreign Relations Committee, September 26, 2002

Mr. Chairman, Congress is considering one of the most consequential expressions of its views since the end of the Cold War: what action the United States should take to deal with the threat posed by illegal stockpiles of weapons of mass destruction in Iraq and their potential growth. President Bush has reaffirmed America's commitment to a cooperative world order by asking the United Nations to rectify Iraq's defiance of a large number of U.N. resolutions mandating the destruction of these stockpiles as well as Iraq's flagrant breach of its pledge to do so as a condition for the suspension of the Gulf War in 1991. But were the world community, by fudging its response, to opt for the risk of a greater threat in the future, can America and a coalition of the like-minded acquiesce in stockpiles of weapons of mass destruction in Iraq? Thus the Committee will need to consider not only the risk of action but also the consequences of inaction.

The Iraqi stockpiles of weapons of mass destruction will be growing in an international environmental in which their danger merges with the threat of terrorism. For on September 11, 2001, the world entered a new period in which private, non-state organizations undertook to threaten national and international security by stealth attacks. The controversy about preemption is a symptom of the impact of this transformation. At bottom, it is a debate between the traditional notion of sovereignty of the nation-state prevalent since the Treaty of Westphalia in 1648 and the adaptation required by both modern technology and the nature of the terrorist threat.

Osama bin Laden's base was on the territory of a national state, though his was not a national cause. Highly disciplined operatives are scattered around the globe, some on the soil of America's closest allies and even within America itself. They enjoy financial and organizational support from a number of states—most frequently from private individuals ostensibly not under the control of their governments. Bases for terrorists have been established in several countries, usually in areas where the governments can plausibly deny controls are actually not in control, such as in Yemen, Somalia, or perhaps Indonesia and Iran.

Having no territory to defend, the terrorists are not subject to the deterrent threats of the Cold War; having as their aim the destruction of social cohesion, they are not interested in the conciliating procedures and compromises of traditional diplomacy.

Unlike the previous centuries, when the movement of armies foreshadowed threat, modern technology in the service of terror gives no warning, and its perpetrators vanish with the act of commission. And since these attacks are capable of inflicting catastrophic damage, traditional notions of sovereignty have to be modified with respect to countries that harbor terrorist headquarters or terrorist training centers. The problem of preemption is inherent in the nature of the terrorist challenge.

The accumulation of weapons of mass destruction in Iraq in violation of U.N. resolutions cannot be separated from the post-Afghanistan phase of the war against terrorism. Iraq is located in the midst of a region that has been the hotbed of the special type of global terrorist activity from which the attack on the United States was organized. And the consequences of weapons of mass destruction have many similarities to those of terrorism. They can be used without warning; their impact is catastrophic. In some circumstances, their origin can be uncertain. If the world is not to turn into a doomsday machine, a way must be found to prevent proliferation—especially to rogue states whose governments have no restraint on the exercise of their power.

Cold War principles of deterrence are almost impossible to implement when there is a multiplicity of states, some of them harboring terrorists in position to wreak havoc. The Cold War world reflected a certain uniformity in the assessment of risk between the nuclear sides. But when many states threaten each other for incongruent purposes, who is to do the deterring, and in the face of what provocation? This is especially true when that which must be deterred is not simply the use of weapons of mass destruction but the threat of them.

Suicide bombing has shown that the calculations of jihad fighters are not those of the Cold War leaders. The concern that war with Iraq could unleash Iraqi weapons of mass destruction on Israel and Saudi Arabia is a demonstration of how even existing stockpiles of weapons turn into instruments of blackmail and self-deterrence. Procrastination is bound to magnify such possibilities.

The existence and, even more, the growth of stockpiles of weapons of mass destruction in Iraq poses a threat to international peace and stability. The issue is not primarily whether Iraq was involved in the terrorist attack on the United States. The challenge of Iraq is essentially geopolitical and psychological. Its policy is implacably hostile to the United States, to neighboring countries, and to established rules that govern relations among nations. It possesses growing stockpiles of biological and chemical weapons, which Saddam Hussein has used in the war against Iran and on his own population. Iraq is working again to develop a nuclear capability. Saddam Hussein breached his commitment to the United Nations by preventing the operation of the international inspection system he had accepted on his territory as part of the armistice agreement ending the Gulf War. There is no possibility of a direct negotiation between Washington and Baghdad and no basis for trusting Iraq's promises to the international community. By what reasoning can the world community—or America—acquiesce in this state of affairs?

If these capabilities remain intact, they will become an instrument—actual and symbolic—for the destabilization of a volatile region. And if Saddam Hussein's regime survives both the Gulf War and the anti-terrorism campaign, this fact alone will compound the existing terrorist menace.

By its defiance of the U.N. Security Council resolutions requiring it to give up weapons of mass destruction, Iraq has in effect asserted the determination to possess weapons whose very existence compounds the terrorist threat immeasurably. Global terrorism cannot flourish except with the support of states that either sympathize or acquiesce in its actions. To the extent that these countries observe the flouting of U.N. resolutions, the weakening of international norms, and the defiance of America, they feel less restrained in acquiescing in or ignoring terrorist activities. For the nations of the world to accept the existence of growing stockpiles of weapons of mass destruction where the new form of terrorism has been spawned is to undermine restraint with respect not only to weapons proliferation but to the psychological impulse toward terrorism altogether.

The campaign in Afghanistan was an important first step. But if it remains the principal move in the war against terrorism, it runs the risk of petering out into an intelligence operation while the rest of the region gradually slides back to the pre-9/11 pattern, with radicals encouraged by the demonstration of the world's hesitation and moderates demoralized by the continuation of an unimpaired Iraq as an aggressive regional power. In short, the continuation of illegal proliferation, the global dangers which it involves, the rejection or infeasibility of a viable inspection system, and the growth of terrorism require action, preferably global, but as an ultimate resort of America's, together with those countries prepared to support it.

It is argued that dealing with weapons of mass destruction in Iraq weakens the war against terrorism. The opposite is more likely to be true. Eliminating such weapons in Iraq is an important aspect of the second phase of the anti-terrorism campaign. It demonstrates American determination to get at the root causes and some of the ultimate capabilities of what is, in essence, a crusade against free values. Enforcing U.N. resolutions in Iraq does not compete with the capabilities needed to pursue the second phase of the anti-terrorism campaign. In all likelihood, such action will strengthen it by additional deployments to the region.

Nor should it weaken the cooperation of other countries in the anti-terror campaign. Assisting in this effort is not a favor other countries do for the United States but ultimately for themselves. And what exactly will they decline to support without risking their entire relationship to the United States? The fight against terrorism will take many years. To wait for its end before acting is to guarantee that stockpiles of weapons of mass destruction multiply.

At the same time, while reserving the option to act in concert with only the nations it can convince, the United States is wise to appeal to cooperative action of the world community. As the most powerful nation in the world, the United States has a special unilateral capacity and, indeed, obligation to lead in implementing its convictions. But it also has a special obligation to justify its actions by principles that transcend the assertions of preponderant power. It cannot be in either the American national interest or the world's interest to develop principles that grant every nation an unfettered right of preemption against its own definition of threats to its security. The case for enforcement of established resolutions should be the opening move in a serious effort of consultation to develop fundamental principles that other nations can consider in the general interest.

The United Nations is therefore challenged to come with a control system that eliminates existing weapons of mass destruction in Iraq—together with procedures to prevent their being rebuilt. the control system must go far beyond the inspection system negated by Saddam Hussein's evasions and violations. It must prevent any possibility for local authorities to harass informants or to impede free access to the inspectors. It should be backed by standby authority and perhaps a standby force to remove any obstacle to transparency. Moreover, any system of inspection must be measured against the decline in vigilance that accompanied the previously flawed system's operation. Nor can it be achieved at the price of lifting sanctions while Saddam Hussein stays in office. For that would provide the Iraqi regime with the means of rearmament as a reward for ending its violations. Indeed, the rigorous measures required to implement the U.N.'s own resolutions are almost surely incompatible with Hussein's continuation in power.

In the end, enforcement of U.N. resolutions should be coupled with a program of reconstruction for Iraq. Because of the precedent-setting nature of this war, its outcome will determine the way U.S. actions will ultimately be viewed. And we may find more nations willing to cooperate in reconstruction than in enforcement, if only because no country wants to see an exclusive position for America in a region so central to international political and economic stability.

Reconstruction will require dealing with how to preserve the unity and ensure the territorial integrity of a country that is an essential component of any Gulf equilibrium. A federal system to enable the Shiite, Sunni, and Kurdish ethnic groups of Iraq to live together without domination by one of them is surely appropriate. But any serious planning would have to consider the means to prevent autonomy from turning to independence, which, in the case of the Kurds, would put Turkish support for the military phase at risk. And all this would have to take place in the context of a government capable of resisting pressures from the remnants of the old regime or from neighboring countries determined to destabilize the emerging system.

The United States has put forward a reasoned definition of the dangers: the possession of weapons of mass destruction by governments that have demonstrated their willingness to use them, have professed hostility toward America or its allies, and are not restrained by domestic institutions. Can the world community reject that definition of the danger?

However the issue of weapons of mass destruction in Iraq is resolved, the longer-range goal must be to devise a system for dealing with new attempts by additional countries to acquire weapons of mass destruction or biological and chemical weapons. We are only at the beginning of the threat of global proliferation. The nations of the world must face the impossibility of letting such a process run unchecked. The United States would contribute much to a new international order if it invited the rest of world, and especially the major nuclear powers, to cooperate in creating a system to deal with this challenge to humanity on a more institutional basis.

Congress has an opportunity to vindicate a system of international order. I urge you to give the President the authority to enforce the appropriate U.N. resolutions together with the world community if at all possible, in concert with like-minded nations if necessary.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. We have had excellent cooperation in the management of this very important matter. Senators have been forthcoming. I note that the Presiding Officer is now scheduled to speak. Is there a means by which we could accommodate him? I would be happy to sit in the Chair. But I also observe the presence of another Senator who immediately follows the distinguished Senator. We could perhaps flip.

If I might suggest that.

The PRESIDING OFFICER. The Chair is prepared to recognize the Senator from Montana.

Mr. WARNER. We will recognize the Senator from Montana then.

Mr. President, while we are waiting for the Senator from Montana to address the Senate, I want to thank our colleague, Senator BROWNBACK, for an excellent statement. I was privileged to follow it, and it is an important contribution to this debate.

I thank my colleague.

Mr. BROWNBACK. Thank you.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I thank my good friend from Virginia.

I thank my good friend from Delaware, whose kindness and generosity is as good as the size of his State is small, in allowing me to speak now. And I understand the Presiding Officer may get some relief in a little bit and will be able to make his statement.

As we get into a debate such as this, every time we spend a lot of time going over and saying about the same thing. We know who Mr. Hussein is.

I congratulate the President for an excellent speech on Monday night. Not only did it complement his words before the United Nations, some would construe the speech as a statement of war. I think that is not the case. I had an opportunity to hear our Secretary of State, General Powell, put it very well when he said it was "a statement of what we intend to do."

We know and we have seen this man operate who claims the Presidency of Iraq, going way back to the time he attacked Iran, then his actions against a neighbor, Kuwait. And since then, Saddam Hussein has deceived the world for over a decade.

He has violated 16 U.N. resolutions without consequence. He has stockpiled weapons of mass destruction and has a clear intention of obtaining nuclear weapons. His brutal regime has used these weapons on his own people. On one occasion this dictator used sarin, VX, and mustard gas agents to kill 5,000 innocent civilians in a single day.

He has abused the U.N.-established Oil-for-Food Program, weaponizing his oil to finance his fanaticism. All this time he has bankrupted his own country. Saddam has amassed black market revenues of $6.6 billion since 1996. I tell the American people this is not an Oil-for-Food Program. It is oil for terror.

Peace in our time, how long have we been kicking that phrase around? And it is still with us. It is in peril again and will be so long as Saddam Hussein is in power with the most destructive weapons in history in his hands.

Evidence of Saddam Hussein's complicity in and sponsorship of international terrorism is ample. He praised the September 11 attacks, calling them "God's punishment" in his government-controlled press. Al-Qaida terrorists are known to be hiding and harbored in Iraq. He continues to play host to networks and has ordered acts of terror on foreign soil. And the worst of all worlds, though, is that he paid Palestinian families of Palestinian suicide bombers $25,000 as a reward for mass murder.

We know he violated U.N. sanctions and resolutions for inspections in that country, and now we are going back to the U.N. again for another resolution. There is one pitfall that we do not want to fall in again. By allowing new weapons inspections with conditions makes a mockery of our capacity for trust. He will exploit every opportunity to conceal and lie about what he has and where he has it—not only from us here in this country, but from the rest of the world. And the rest of the world should be outraged. What else is new?

He has a known record. Rather than playing the role of appeasers with a terrorist regime, the world community must vigorously pursue enforcement and compliance of those United Nations resolutions. If the United Nations Security Council cannot enforce its own authority and prove itself relevant and effective, then President Bush has no choice but to take whatever action he deems necessary to protect America from avowed enemies.

I understand fully the seriousness of committing our military, our men and women, in harm's way. I also understand the seriousness of the situation, not only just for Americans but for those freedom-loving and those freedom-desiring nations and societies around the world. I see a threat that overrides my fears and most of my concerns. We must act to depose a brutal regime and religious extremist who hates our freedoms and would do us harm.

I know America's intent is never to dominate other nations but to liberate them. We have a strong historical track record there. Our intent today with Iraq should be no different—to bring liberty and democracy to the Iraqi people who suffer arbitrary imprisonment, execution, torture, starvation, gang rape, and mutilation at the hands of this tyrant.

It is a changed world. It is a different time. Let me tell you that September 11 did not make it this way. September 11 gave us a horrible and graphic picture of the dangers of a changed and smaller world. No longer can we look the other way when the bully on the other side of the world pushes us and others around.

By today's standards, Saddam Hussein has been the bully on the block, right here at home. No longer can the international community simply do nothing.

How can we idly stand by and allow this monster to hide behind the veil of sovereign nation status? My conscience cannot allow it. There are no national boundaries when it comes to ferreting out and ending human injustice and suffering. We do have a responsibility to our fellow man. We always have. We also have an absolute right to defend ourselves.

Monsters are not going to be given a free hand to inflict unending suffering and death upon their own people and others, nor shall they be allowed to export terrorism or provide solace for terrorists. As Americans, we have a moral and ethical obligation to assure that each global member conducts themselves in an acceptable manner. Depending upon the magnitude of the offense, the remedy is different.

Saddam Hussein's oppressive regime has committed such severe atrocities that the world community can no longer stand idly by and do nothing. We cannot turn a blind eye.

A new world requires a new philosophy regarding defense. This new philosophy has been evolving for over a decade, ever since the end of the cold war. Deterrence and containment no longer suffice.

In this new age, this smaller world, we can no longer look the other way because a conflict is on the other side of the world. It is just like a conflict in our own neighborhood. There is no other side of the world anymore. It is just down the street.

So not only do we have a right, but a duty to protect ourselves and freedom-loving people around the world. The world community needs to be involved in making sure our partners in the world community treat their citizens and other nations fairly and with respect. If nations fail to do this and rise to a certain level of threat, just like kids at home, these nations must be dealt with. This is an evolving sense of conscience, and mine cannot sit back and wait until there is another strike.

Three-thousand people died on September 11, 2001. I do not want to see the tragic loss of American life again because of our inaction. It cannot happen to me, my children, or their children, or any innocent life.

So what do we do with a leader who has so blatantly violated 16 U.N. resolutions over the last decade, has invaded neighboring countries, and has tortured and killed his own people? Do we sit idly by and watch? That has never been the American way. America has never stood paralyzed by inaction when its citizens are threatened. Does Saddam pose a threat to this country's livelihood and to the American people? I believe he does.

September 11 also taught us another lesson—how fragile our freedoms are, especially when you inject fear. Also, we found out how fragile our economy was. He clearly has growing and increasingly sophisticated biological and chemical weapons capabilities, which strikes fear into the heart of every citizen on this planet. He has used them in the past and has the intent to use them again. He also actively continues his efforts to acquire nuclear weapons.

To those who still do not see the link between Iraq and the terrorist attacks on America and American interests, I say look again. The absence of an obvious link does not mean that one link does not exist. To those of us who study and learn from history, there should be no question what we need and should do. Hussein is a monster and a threat to the United States as we know it. Congress must speak with one united voice. The Nation must speak with a united voice. The world community must speak with one united voice. Those who resist speaking with a strong, united voice have a very short memory. The security of this country is the responsibility of each and every one of us who live here. If this great Nation wants to stand by and pacify, I tell you we will get hit again.

We have heard lots of speeches and seemingly a lot of logic that would say this is a wrong thing to do. I can remember when another President by the name of Theodore Roosevelt said, "Speak softly, but carry a big stick." With Saddam Hussein, we have tried to speak softly and, so far, it has not worked. He has not responded to any U.N. resolution, sanctions, or even oil for food. So people like Saddam Hussein and Osama bin Laden, who hate Americans, hate our system, hate what free people have built here, will find a soft spot somewhere else at a later time—another vulnerability—and they will seize upon this opportunity to attack us once again.

That is what a blind eye creates. So I will vote for this resolution. I would even like to see it stronger because I think it strengthens the hands of our Secretary of State as he maneuvers his way through developing a new resolution in the world community called the United Nations. It also sends a very strong message to the rest of the world that all of us have a responsibility when a cancer falls upon the face of our planet. I will vote for this one and even a stronger one if I could get it.

Once again, speak softly, but carry a big stick.

I yield the floor.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Oregon is recognized.

Mr. WYDEN. Madam President, I hold the Senate seat of the late Wayne Morse. Senator Morse lost his job in 1968, and many have attributed his loss to his outspoken opposition to the Vietnam war. Wayne Morse's election loss makes his words from that era no less true today.

In a 1966 debate on the role of the Senate with respect to the great issues of war and peace, Senator Wayne Morse said:

> This is what the United States Senate is for. It is what the Founding Fathers created the Senate to do—take the long-range view of actions prompted in national councils that may be warped by some strong passion or momentary interest.

It is the long-term interest of our country, Madam President, that Wayne Morse so presciently focused on in 1966 that leads me to outline the following conclusion that I have made with respect to the Iraq resolution.

Saddam Hussein is the bad actor here and the United States of America is the good actor. I believe the authorization of a unilateral preemptive military attack based on the information now available will cause much of the world, unfortunately, to lose sight of this reality. This perception in a region racked by poverty and already marked by a deep mistrust in American foreign policy could foster decades, possibly even centuries of undeserved hatred of our great Nation that will threaten our children and our grandchildren.

Protecting our children and grandchildren after a unilateral preemptive attack on Iraq will require a staggering financial commitment from our National Government. Given the pressing financial needs here at home for public safety, for education, for health, where are the funds going to come from after our Nation wins such an engagement with Iraq?

Protecting our children and grandchildren after a unilateral preemptive attack on Iraq will require an American policy of energy independence—especially independence from Middle East oil. We are a long way from there, and on some issues, such as saving energy and the crucial transportation sector, it seems that now we have been going backward.

Protecting our children and grandchildren after a unilateral preemptive attack on Iraq will require a plan for rebuilding confidence among many of the countries that stood with us during the gulf war conflict, but do not stand with us today. Many of those countries do not believe diplomatic and other steps have been fully exhausted. If our Government cannot convince them of that, it is certainly going to be tough to restore faith after a unilateral, preemptive attack.

For many weeks now, I have waited and listened patiently, I feel, for the administration to make its case for the resolution. I serve on the Senate Intelligence Committee. I followed this issue very closely, and I believe neither partisan politics nor the pressures of an anxious public should be factored into a decision of this magnitude.

Instead, I see my duty as an elected representative of the great State of Oregon to listen, to inquire dispassionately, and make the decision I believe to be in the best interest of Oregon and this great country, and leave the judgment to history and the voters as to whether I made that judgment in the right way.

In approaching the decision about whether to vote to authorize the military option this measure calls for, I laid out some criteria on which to base my decision.

My criteria were: If our security agencies were to provide me with compelling evidence of a significant threat to our domestic security if Hussein's Iraq is not defeated militarily, I would be willing to grant authority for the use of force. But I am unwilling to give my approval for a first-strike, unilateral attack until and unless there is assurance under the resolution that before such an attack, the administration exhausted all other reasonable means to accomplish our goals.

Second, I am convinced it is essential to have a workable plan to contain the situation if Iraq attacks Israel and Israel enters the conflict.

And third, I am concerned there has to be a showing such an attack will not make our Nation less safe by setting us back in the war on terrorism.

The President has made a compelling case—I believe a sincere one—regarding the danger posed by Iraq under the rule of Saddam Hussein, but his argument—and I say respectfully—does not meet the criteria I have laid out.

First, I am not convinced, regarding a clear and present threat, Saddam Hussein currently imposes a clear and present threat to the domestic security of the Nation. While my service on the Senate Intelligence Committee has left me convinced of Iraq's support of terrorism, suspicious of its ties to al-Qaida, I have seen no evidence, acts, or involvement in the planning or execution of the vicious attacks of 9/11.

While Iraq has aided terrorism for many years, there are any number of regimes who have aided terrorism, including some with far more direct links to Osama bin Laden's network of terror. In this regard, I note the first conclusion in the Central Intelligence Agency's declassified letter to Chairman BOB GRAHAM of Florida dated October 7 of this year which states that at present, Iraq does not appear to be planning or sponsoring terrorism aimed at the United States.

Yet, had the administration met this threshold test, in my view, it has still not met the rest of what I consider to be prudent criteria. While the President has stated his desire to seek alternative means to accomplish his goals before beginning a military strike, to grant the President the authority to conduct a first-strike war before first witnessing the exhaustion of those efforts is to abdicate the obligations of this body in its most sacred role. The Founding Fathers surely envisaged a more challenging inquiry when granting the Congress the responsibility of authorizing armed conflict.

On my second point, while I am not privy to the administration's war plans, I am of the belief the administration is satisfactorily preparing for a potential enlargement of the conflict with Israel or other allies. I am concerned this issue has not been adequately addressed.

I do believe the administration needs to outline in further detail how they would address issues with respect to the enlargement of the conflict, and I want to make clear I do not believe that point has been addressed clearly and fully to date. The possibility this conflict would be enlarged with an attack on Iraq to one that involves Israel is one I think needs to be laid out and laid out clearly.

Finally, and perhaps most importantly for my purposes, I reached the conclusion that pursuit of a first-strike war, absent any credible sign Saddam Hussein is preparing to wage war against our Nation or other nations, will leave this Nation less secure than before. I believe we have to look at greater length at these key questions, and I do not believe that has been done to date.

It is the sacred duty of the Senate to focus and act upon the long-term interests of our beloved Nation. Saddam Hussein is an extremely dangerous and extremely despicable man. Time and again, he has demonstrated that to his enemies, as well as his own people. He lives in a part of the world where there is no shortage of dangerous and despicable men who pose a threat to the security of the United States. In my service on the Senate Intelligence Committee, I have not seen satisfactory evidence he is any more despicable than the threat presented by Hamas, Hezbollah, and Iran.

In summary, those are the central questions. Making sure we have exhausted all of the diplomatic opportunities before one considers a first strike, making sure we are ready to deal with the region after a first strike and one that, in my judgment, we are clearly going to win, the unanswered questions of what happens when there is an attack on Iraq and the possibility of enlarging the conflict to Israel—these questions have not been addressed, and they have not been addressed fully.

There is no question in my mind Saddam Hussein represents a very real threat to this country and to the world, but I do not want to, in the days ahead, compound the problems we already face with Hussein in the region by authorizing a unilateral, preemptive military strike at this time, and that is why I will oppose the resolution.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, while I disagree with the thesis of our distinguished colleague, the Senator from Oregon, I do respect his views on it. I wonder if I might engage him in a brief colloquy.

This doctrine of preemptive attack unilaterally, clearly the Senator knows the President is diligently working with the United Nations, with the Secretary of State—the Secretary of State visited here with a group of us at midday today and held a press conference, and he indicated progress is being made. For the moment, we have to accord the administration at least clear support for trying hard to gain a coalition of nations and a new resolution in the Security Council which hopefully will be much stronger than anything we have seen before, and could act as a deterrent to the use of hostilities for a period of time, and hopefully, who knows, the regime may have a change of heart and cooperate.

Cooperation is a keystone to any successful inspection regime. But back to the preemptive—and I have shared this with others—in my research, the United States, under a number of Presidents, has directed military action in the following: Panama in 1901; Dominican Republic in 1904, 1914, 1965; Honduras, 1912; Nicaragua, 1926; Lebanon, 1958; Cuba, the naval quarantine, 1962, President Kennedy—clearly that was a preemptive threat and action by our President—Grenada, 1983; Libya, 1986; Panama, that was just cause in 1989; Somalia in 1992; Sudan, Afghanistan, August of 1998. You recall the bombing raids we did at that time. Iraq, that was Desert Fox in December of 1998, and I remember well as ranking member going over and talking with then-Secretary of Defense Cohen, a valued friend and colleague in the Senate of many years. And Kosovo in March of 1999.

Now, they fit the description of the preemptive type strikes my esteemed colleague from the great State of Oregon has enumerated. They were done under the concept, which is tried and true in international law, recognizing "the anticipatory self-defense if a country is imminently threatened."

I think the Senator pointed out he feels President Bush has indicated this country is imminently threatened. So there are some examples. I do not think this contemplated action by the President—he says he has made no decision to use force, but then again I point out we have been in a state of hostility with Iraq for some time. I point out our airplanes, our brave pilots, together with Great Britain, have been engaged in enforcing a resolution of the United Nations.

Here are two nations flying missions, clearly trying to enforce the resolutions. We are fortunate even though they have been shot upon many times by ground fire directed at the aircraft, some 60 times in September of this year alone—our military has been engaged in this conflict with Iraq for 12 years. So I think it is a continuation of the conflict to which we refer in this resolution.

I ask my good friend if he has any views with regard to my points.

Mr. WYDEN. I thank my distinguished colleague for the chance to further discuss this. My colleague makes a good point that clearly last night in the President's speech, and further today, he made it clear he was interested in trying to mobilize world opinion, and I think all of that is extremely constructive.

At the same time, the letter to Senator GRAHAM that now has been declassified—I sit on the Senate Intelligence Committee—makes it clear the CIA does not believe, as of October 7 of this year, the threat is imminent. That is why I think we have now reached the point where we are debating whether there is a continuing threat, which clearly Saddam Hussein is, or whether there is an imminent threat. It was the imminent threat I really set out as one of the thresholds I thought was relevant for supporting this resolution.

As the Senator could hear from my speech, A, I do not doubt the President's sincerity; B, I thought what he said last night was clearly a step in the right direction, and he elaborated on that further today.

On this matter with respect to the nature of the threat, for me what has been dispositive has been the now-declassified letter from the CIA where the CIA did not believe, as of October 7, the threat was imminent. I thank my distinguished colleague because he makes a number of good points, and always does.

Mr. WARNER. Could the Senator direct himself to the point made by the Senator from Virginia, that our aircraft have been fired upon in enforcing resolutions 60 times in the month of September of this year alone? The total firings by ground-to-air missiles on our aircraft—fortunately, they have not hit or brought down an airplane as yet—is that not engaging in combat, in war?

Mr. WYDEN. Will the Senator yield further?

Mr. WARNER. Yes.

Mr. WYDEN. The Senator again makes a legitimate point, but what we are talking about now, it seems to me—and this is what the CIA is talking about in their letter of October 7—is an imminent threat to the American people. It is very clear that conflict is a hostile one. It is one that must be countered. It is being countered today. I do not take a backseat to any Member of the Senate in terms of supporting our troops, our military, in terms of countering that conflict. But the question for the Senate then becomes whether a conflict like that should translate into support in this body for a resolution that would authorize a unilateral preemptive strike.

In spite of all of the attacks which the distinguished Senator from Virginia has mentioned—and they are very serious ones—as of October 7 of this year, the CIA did not believe there was an imminent threat to our country. I assume in making that judgment before the Intelligence Committee, if they had felt the attacks the Senator was talking about are dispositive, they would not have written that letter.

Mr. WARNER. Madam President, I guess I am missing something, but drawing on my own modest experience in the military, where I for a period was communications officer in the 1st Marine Airwing, living with aviators who were being shot at every day, to me they are American citizens. I think Americans are being shot at as that fire is trying to interdict their aircraft. They may not be home in the United States—perhaps they would like to be—but they are out there pursuant to orders of the Commander in Chief. It is not just President Bush. It was President Clinton. To me, that is hostility. To me, Americans are involved. Great Britain likewise is flying with their brave pilots. Somehow I am missing it.

Mr. WYDEN. Will the Senator yield?

Mr. WARNER. Yes.

Mr. WYDEN. Again, I want our people who are in harm's way, as the Senator has outlined, to be able to counter that very hostile attack. They are doing so today under existing law and it is an effort I support. In spite of those attacks, the Central Intelligence Agency stated at present Iraq does not appear to be planning or sponsoring terrorism aimed at the United States which, after 9/11, was the stated concern that was vital to our national security.

Mr. WARNER. Madam President, was the Senator among the group that was being briefed in S-407 this afternoon from 2:00 to 3:00?

Mr. WYDEN. I was not, but I will tell the Senator I have probably sat in more briefings, as a Member of the Senate Intelligence Committee, on this point than just about any Member of this body. I have kept fully abreast of this issue.

Mr. WARNER. I would ask unanimous consent that the letter to which Senator WYDEN referred be printed in the RECORD. Is that possible?

Mr. WYDEN. It is declassified.

Mr. WARNER. I beg your pardon?

Mr. WYDEN. It is declassified.

Mr. WARNER. The Senator has been speaking to it and reading excerpts from it. I am unfamiliar with the letter.

I am not familiar—I heard the Senator addressing a letter from the CIA. I was under the assumption it was a declassified document. Is it a classified document?

Mr. WYDEN. It is a declassified document.

Mr. WARNER. The Senator has been referring to a classified document, is that it?

Mr. WYDEN. Throughout this afternoon, I have been speaking from a declassified document.

Mr. WARNER. I apologize to the Senator.

Mr. WYDEN. I have mentioned on several occasions it was declassified. I take my responsibilities as a Member of this committee very seriously.

Mr. WARNER. I am not challenging the Senator. I was not able to hear him as he spoke. I tender an apology. Since the Senator referred to the letter, and if it is declassified, perhaps it should be a part of the RECORD so those who are following this debate can read the letter in its entirety.

Mr. WYDEN. It would be possible to do that and have that made a part of the RECORD. I appreciate the Senator's thoughtfulness. We all have strong views on this. The Senator from Virginia is an expert on national security and military affairs. That happens to be an area where I believe reasonable people may differ. I look forward to working closely with my colleague.

Mr. WARNER. I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Madam President, I compliment the Senator from Virginia.

While I was in Florida this weekend, I had a number of people say they had been listening to the debate in which the Senator from Virginia and the Senator from West Virginia had both engaged. They found the quality of the debate to be excellent, and they were looking forward to the continuation of the debate.

On grave matters of war and peace, as the Senate is considering this resolution, I add my comments. They are addressed to perhaps one of the gravest things we discuss in a constitutional body such as this. That is, authorizing the sending of Americans into harm's way—moms and dads, sons and daughters, brothers and sisters—into combat. We must determine whether the situation in Iraq threatens the United States sufficiently enough to send Americans into harm's way, and put American lives at risk.

I have spoken with many citizens across Florida. I understand the concerns and the reservations many of them have.

We must use force only as a last resort. That is what this resolution is about; it is authorizing the use of force.

I remain convinced that the Saddam Hussein regime in Iraq poses a clear and increasing danger to the national security interests of the United States. We must disarm its arsenal of chemical and biological weapons. We must halt the development of nuclear weapons. Ultimately, one way or another, those weapons of mass destruction have to be taken out. If it means taking out Saddam Hussein along with them, then so be it. Our hope is that this threat can be dismantled by means less than the use of force, and discussions in the United Nations toward that goal are underway now. But if those efforts in the U.N. are not successful, we cannot sit and do nothing as the danger grows.

On a regular basis, Saddam's troops fire on the United States and British aircraft seeking to enforce the no-fly zones created to protect the Kurds in the north and the Shi'ites in the south. These no-fly zones exist to keep Saddam contained and to prevent him from acquiring technologies aimed at further enhancing his military capability.

At the conclusion of the Persian Gulf war in 1991, U.N. Security Council Resolution 687 set forth the conditions for peace. The cease-fire conditions required Iraq to disarm all weapons of mass destruction, fully declare and disclose all weapons of mass destruction, and not seek to further acquire weapons of mass destruction. That was in 1991—11 years ago.

Those terms have been clearly violated by Saddam Hussein. When a country willfully violates cease-fire terms which end war, a state of conflict continues to exist. The regular hostilities endured by coalition pilots in the no-fly zones make that state of conflict even more acute.

Saddam Hussein seeks regional hegemony. He seeks control of the oil supply of the Middle East. That is his end game. He wants to control all of those vast reserves so that he can have his fingers in a stranglehold around the industrialized world of planet Earth. He associates with known enemies of the United States. He has paid compensation to suicide bombers aimed at undermining the peace process in the Middle East. And Saddam seeks at every turn to flout international law and the will of the United Nations. His aggressiveness and thirst for war and blood are evident by his own actions and brutality, past and present, against his own people and against his neighbors.

It is time now to complete the job that was left undone in 1991 when we failed to completely disarm and remove Saddam. The longer he remains in power, the longer he delays, obfuscates, and lies—all the while he strengthens his arsenal. Weapons of mass destruction must be removed from Saddam Hussein, and the Iraqi people need to be liberated from his brutal grip. This is not a fight we can enter alone. We must pursue this cause with as much international support as is possible. The revised resolution makes this clear.

Yesterday, I had the privilege of speaking to several hundred at Central Command Headquarters at MacDill Air Force Base along with the Commander in Chief, GEN Tommy Franks. I brought words of a grateful nation to those men and women in uniform, and to all of our coalition partners who are part of this effort in going after the terrorists. That international support is critical to our successful prosecution of the war against terrorism, and that international cooperation is critical as we now approach military hostilities in Iraq.

Our European allies are starting to come around. It is very important that our Arab friends in the region do come around. The United States needs the world community to support us in eliminating these threats of weapons of mass destruction. As we consider engaging in a military conflict, we need this international support so as not to hurt our efforts in the war against terrorists in 30-some countries, nor hinder our efforts to try to strike a peace accord in the Middle East.

Madam President, the President has asked the Congress to authorize the use of American troops in Iraq for these purposes. He presented his case to the American people last night.

As it exists now, the Lieberman resolution clearly has been improved enormously from the draft resolution sent to us several weeks ago by the White House which, in essence, was nothing more than a blank check. Now it requires that the President must certify that diplomatic and other peaceful means will not adequately protect the national security interests of the United States, or that diplomatic and other peaceful means will not lead to the enforcement of the United Nations Security Council resolutions on Iraq. The President must certify those conditions.

It also has language regarding the United States' responsibility in planning for a post-Saddam Hussein Iraq—an Iraq that the United States, after Saddam Hussein, had best not abandon, as we did after the Soviets got licked in Afghanistan and tucked their tail between their legs and left—and we left also. That created a vacuum in Afghanistan and allowed the terrorists to fill that vacuum. In the post-Saddam Hussein Iraq, we don't want that same thing to occur. The United States must be there for the long run to give military, diplomatic, and economic security assistance to ensure that the Free World's interests are clearly protected in an Iraq after Saddam Hussein.

It was good that President Bush addressed the United Nations on September 12, and sought broad-based support from the international community. Secretary Powell will and must continue efforts at getting strong language—strong language—in a United Nations Security Council resolution that clearly spells out the actions Iraq is required to take and the consequences if it fails to do so. Such a resolution would strengthen the U.S. position and help us gain support from our Arab friends in the region. We must keep the focus on Saddam Hussein and the resolutions regarding weapons of mass destruction that he has ignored.

The Lieberman resolution also requires the President to report regularly to the Congress on ongoing operations in Iraq and the administration's plans, specifically, as I mentioned, for the post-Saddam Hussein Iraq and ensuing reconstruction. All of the additions that have been included in the Lieberman resolution have clearly improved upon the blank check that was sent here early on as a draft from the White House.

Having detailed plans in place will be crucial to ensuring that after Saddam Hussein, Iraq does not disintegrate into a permanent source of instability in the Middle East which would pose a serious threat to U.S. national security interests.

The current resolution also is improved from earlier drafts because it also makes reference to Navy CAPT Scott Speicher of Jacksonville, FL, the American pilot still missing since the first night of the gulf war when he was shot down over Iraq. Through a series of mistakes, the United States walked away from a downed pilot.

We have kept at this, over and over, in the Armed Services Committee and the Foreign Relations Committee, and have been talking to world leaders asking them to task their intelligence apparatus for word on Captain Speicher. He is still considered Missing In Action. He was first declared Killed In Action. The Department of Defense changed that to Missing In Action. The Department of Defense is reportedly considering a change in status even from Missing In Action.

He is the only American among the thousands who are still unaccounted for at the hands of Saddam Hussein—thousands, I might say, going back to the Iran-Iraq war.

I appreciate the fact that the majority leader worked to ensure that the request of Senator PAT ROBERTS and myself to make reference to Captain Speicher was honored. It is honored in this resolution. It is my hope that our upcoming efforts and actions in Iraq will make progress towards resolving the fate of Captain Speicher.

You can just imagine what it is like for that family back in Jacksonville—a family with children that has not heard the fate of their father for the last 11 years.

This resolution, in my view, asserts the role of Congress granted by the Constitution and the War Powers Act. We have heard hours of testimony from senior administration officials and outside experts representing many different views on the subject. I have sat through hours of testimony in the two committees I have the privilege of serving on—the Foreign Relations Committee and the Armed Services Committee—that have delved in detail into this subject in preparation for our coming to this floor in this debate.

We have heard those hours of testimony in both classified and unclassified form. My office, as well as all of our offices, has received thousands of calls, letters, and e-mails. I have heard those voices. I share those concerns.

The threat posed by Iraq grows with each passing day. Since September 11 of a year ago, we can't wait to protect ourselves against the threats of weapons of mass destruction and regimes hostile to the United States with their links to terrorism. We must not leave ourselves exposed to an attack, which, after it comes, we will wish we had acted to prevent.

That is why I come to this floor to announce my support of the Lieberman-Warner-McCain-Bayh resolution authorizing the President to use force in Iraq. It is the right thing to do, and it is in the vital national security interests of the United States.

I thank the Chair for allowing me this time. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, I wish to speak on this resolution.

First, I compliment my friend and colleague, the Senator from Florida, Mr. NELSON, for his speech and for his tenacity in trying to remind everyone about the condition of Naval Aviator Speicher. I think that keeps pressure on our Government, other governments, and the Iraqi Government to disclose his whereabouts and his status. Whether he is alive remains to be seen.

I appreciate my colleague from Florida for continuing to press that issue. I join with him. I know the President of the United States is also pushing that issue. I appreciate his effort as well.

Mr. WARNER. Madam President, will the Senator yield? I just wish to express my profound appreciation for the support of the Senator from Florida for the Lieberman-Warner-McCain-Bayh resolution. He is a valued member of the committees here in the Senate. Certainly he has worked hard on our committee. I listened carefully as he stated the case. He stated it clearly. I join with my colleague from Oklahoma in commending him for the fight on behalf of that brave airman, Captain Speicher.

Mr. NELSON of Florida. Will the Senator from Oklahoma yield for one comment so I can respond to the distinguished Senator from Virginia?

Mr. NICKLES. Certainly.

Mr. NELSON of Florida. I thank the Senator from Virginia, Mr. WARNER. He told us how he and Senator Nunn were leading our Armed Services Committee 11 years ago as the Nation was preparing for the gulf war and how important it was in Senator WARNER's mind that the RECORD be laid out so a record would be there as to why the Congress should vote to give the President the authority to unleash the military might in Kuwait and going after Iraq.

I thank Senator WARNER and Senator LEVIN, the chairman, for how they have laid that predicate, and Senator BIDEN and Senator HELMS, and, in his absence, Senator LUGAR, in the Foreign Relations Committee. They laid that predicate with lengthy hearings, and provided access to classified information we have had in those two committees, which helped me to draw the conclusions I have drawn in support of this resolution.

So I particularly thank the great Senator from the Commonwealth of Virginia for his leadership.

Mr. WARNER. Madam President, I thank my colleague. I share the same sentiments towards the distinguished Senator from Florida.

Madam President, in 1990–1991, Chairman Sam Nunn and I, as ranking member, had nine hearings. It is interesting, in the first hearing we had Secretary of Defense Cheney and Chairman of the Joint Chiefs of Staff Colin Powell. Isn't that interesting? And then in the ninth hearing were the same two witnesses, Cheney and Powell. And today, of course, I shared briefly a press conference with now-Secretary of State Powell and had lunch with now-Vice President CHENEY. So that same team is together that was together under the first George Bush, "Old 41," as we say.

So I thank the Senator for that.

We did lay before the Senate a record. We have put a record before the Senate of hearings in the two committees to which you have referred. I had hoped we would have had more hearings in our committee, but for reasons best known to our chairman, apparently, that was not possible. I very much wanted to have all four of the military chiefs. They don't want to sit this thing out. They are heavily involved. I was hopeful we could have had them, and then also the CINC, General Franks, who has the leading responsibility in the area of operation. But, unfortunately, no matter how hard we tried, it did not come to pass. My chairman, I respect whatever his views are on that.

Senator KENNEDY raised the question, why we did not have more facts. I just say that there were some of us who wanted to go on and have some additional hearings, but it was not possible.

I thank the Senator.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I appreciate the colloquy.

Just for the information of my friend from Florida, I was also here in 1991, and, unfortunately, Senator Nunn did not support the resolution in 1991. There was a partisan divide, for whatever reason. One, the resolution passed with bipartisan support. I tell my friend and colleague that. But at that point in time, the Democrat leader at the time, Senator Mitchell, was opposed to the resolution. Many Democrats opposed it, although several Democrats did support it.

It passed, if my memory serves me correctly, 52 to 47. It was one of the first votes we had in early January of 1991. And it was one of the most important votes that this Senator has cast. I believe, probably this Thursday, the Senate likewise will be casting one of the most important votes we will cast.

I appreciate the support of my friend and colleague from Florida for this resolution.

Mr. President, I ask unanimous consent to be added as a cosponsor of the joint resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I likewise would like to compliment my colleague, Senator WARNER, because he has been leading the debate, certainly on this side of the aisle, but, frankly, on both sides of the aisle. Senator WARNER has carried the debate on this side almost all of Friday, almost all of Monday, a great deal of today, and I am sure tomorrow and Thursday.

He has also been joined by Senator LIEBERMAN as a principal sponsor, as well as Senator MCCAIN, Senator BAYH, and others. I compliment them.

I heard some people debating this resolution as if they had not read it. Senate Joint Resolution 46 is well written. It is supported by the administration. There was a lot of time spent in putting this resolution together. Sometimes we legislate without reading. Sometimes we talk to people without listening.

I encourage my colleagues to read the resolution. I hope it will get a unanimous vote.

I looked at the resolutions we have passed in the last many years dealing with Iraq. Going back to the resolution we passed in 1991, I remember that resolution very plainly. A few days before that resolution passed, I was in Israel. Saddam Hussein was making statements like: If war broke out, Israel would burn. It would be consumed with fire. He was making all kinds of statements against the United States, against Israel, against any potential ally.

As the previous administration, President Bush 1, was putting together an international coalition, Saddam Hussein was threatening anybody in that coalition. Congress debated, for months. You might remember that Kuwait was invaded in August of 1990. President Bush made a very strong statement. He said: This invasion will not stand. And he made that statement: You are going to be removed from Kuwait, one way or another. Frankly, he made that strong statement, and he backed it up. He sent 550,000 United States troops to Saudi Arabia and Kuwait to build the military force and, in the next 6 months, built an international coalition that was unprecedented, unbelievably strong and powerful, with a number of countries, Arab and other countries, neighbors and from across the world, to stand up to Saddam Hussein's invasion of Kuwait and to kick him out of Kuwait.

That war was fought. It was very successful. And then President Bush stopped the war at that point because we achieved the U.N. resolution objectives, kicking Saddam Hussein out of Kuwait.

Then there were several resolutions that were passed, to which Saddam Hussein and the Iraqi Government agreed, that called for their disarmament and inspections. They agreed to these resolutions. We also passed resolutions that said we would use military force, if necessary, to compel compliance. And the United Nations, subsequent to that, beginning in 1991, all the way through 1998, passed 16 resolutions telling Saddam Hussein and the Iraqi Government: You must comply with these resolutions.

We went to war, developed an international coalition to force him out of Kuwait and to force him to disarm, and he agreed. Unfortunately, he did not live up to his agreement. He lied. He did not comply. He was defiant in his noncompliance.

As a result, he continued to build weapons of mass destruction. And the United Nations passed resolutions saying: You must comply, and, if necessary, we will use force. I could put in all these resolutions.

Mr. President, I ask unanimous consent to have printed in the RECORD the resolution that passed Congress, the Iraqi Breach Of International Obligations, because it is about a four-page summary, a short summary, but it is a resolution we passed on July 31, 1998, Public Law 105–235, and talks about the Iraqi breach of international obligations.

I will not read it all, but basically the Iraqi Government totally failed to comply with the U.N. resolutions. The essence of the resolve—and I will read it—

> Resolved by the Senate and House of Representatives of the United States of America in Congress assembled.
>
> That the Government of Iraq is in material and unacceptable breach of its international obligations, and therefore the President is urged to take appropriate action, in accordance with the Constitution and relevant laws of the United States, to bring Iraq into compliance with its international obligations.

That is the key phrase. This is what passed Congress in 1998. That was our unified statement that we made in 1998, that resolved we will "bring Iraq into compliance with its international obligations," and we will use "appropriate action," i.e., military action, if necessary, to get him to comply.

That resolution passed the Senate unanimously—unanimously—with no opposition.

It had very strong support. I am looking at some of the statements made. I will just read part of one made by President Clinton on February 17, 1998 regarding Iraqi noncompliance. He made this speech to the Joint Chiefs of Staff and the Pentagon dealing with Iraq. It is very relevant today, as it was in 1998. This is President Clinton:

> Now, let's imagine the future. What if he fails to comply, and we fail to act, or we take some ambiguous third route which gives him yet more opportunities to develop this program of weapons of mass destruction and continue to press for the release of the sanctions and continue to ignore the solemn commitments that he made?
>
> Well, he will conclude that the international community has lost its will. He will then conclude that he can go right on and do more and rebuild an arsenal of devastating destruction.
>
> And some day, some way, I guarantee you, he'll use the arsenal. And I think every one of you who's really worked on this for any length of time believes that, too.

President Clinton continued:

> If we fail to respond today, Saddam and all those who would follow in his footsteps will be emboldened tomorrow by the knowledge that they can act with impunity, even in the face of a clear message from the United Nations Security Council and clear evidence of a weapons of mass destruction program.

I mention this. This was from President Bill Clinton, a very strong statement. I read that statement. I am kind of proud of him and I think he was exactly right. Though his rhetoric was pretty strong, his actions, unfortunately, were not. He said, we are going to compel compliance. The Congress passed a resolution saying, we will do what is necessary to compel compliance. But we didn't follow up.

I will read to you a statement made by Senator DASCHLE on the floor, the Democrat leader at the time. This was made on February 12, 1998:

> . . . Iraq shall not be permitted to develop and deploy an arsenal of frightening chemical and biological weapons under any circumstances.

Skipping a couple paragraphs:

> The United States continues to exhaust all diplomatic efforts to reverse the Iraqi threat. But absent immediate Iraqi compliance with Resolution 687, the security threat doesn't simply persist—it worsens. Saddam Hussein must understand the United States has the resolve to reverse that threat by force, if force is required. And, I must say, it has the will.

I think Senator DASCHLE was right. I could go on. I have quotes from Vice President Gore, other prominent leaders in Congress at the time. We passed a strong resolution.

I ask unanimous consent that the 1998 resolution be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PUBLIC LAW 105–235

A joint resolution of the 105th Congress finding the Government of Iraq in unacceptable and material breach of its international obligations.

"Whereas hostilities in Operation Desert Storm ended on February 28, 1991, and the conditions governing the cease-fire were specified in United Nations Security Council Resolutions 686 (March 2, 1991) and 687 (April 3, 1991);

"Whereas United Nations Security Council Resolution 687 requires that international economic sanctions remain in place until Iraq discloses and destroys its weapons of mass destruction programs and capabilities and undertakes unconditionally never to resume such activities;

"Whereas Resolution 687 established the United Nations Special Commission on Iraq (UNSCOM) to uncover all aspects of Iraq's weapons of mass destruction programs and tasked the Director-General of the International Atomic Energy Agency to locate and remove or destroy all nuclear weapons systems, subsystems or material from Iraq;

"Whereas United Nations Security Council Resolution 715, adopted on October 11, 1991, empowered UNSCOM to maintain a long-term monitoring program to ensure Iraq's weapons of mass destruction programs are dismantled and not restarted;

"Whereas Iraq has consistently fought to hide the full extent of its weapons programs, and has systematically made false declarations to the Security Council and to UNSCOM regarding those programs, and has systematically obstructed weapons inspections for seven years;

"Whereas in June 1991, Iraqi forces fired on International Atomic Energy Agency inspectors and otherwise obstructed and misled UNSCOM inspectors, resulting in United Nations Security Council Resolution 707 which found Iraq to be in "material breach" of its obligations under United Nations Security Council Resolution 687 for failing to allow UNSCOM inspectors access to a site storing nuclear equipment;

"Whereas in January and February of 1992, Iraq rejected plans to install long-term monitoring equipment and cameras called for in United Nations resolutions, resulting in a Security Council Presidential Statement of February 19, 1992 which declared that Iraq was in "continuing material breach" of its obligations;

"Whereas in February of 1992, Iraq continued to obstruct the installation of monitoring equipment, and failed to comply with UNSCOM orders to allow destruction of missiles and other proscribed weapons, resulting in the Security Council Presidential Statement of February 28, 1992, which reiterated that Iraq was in "continuing material breach" and noted a "further material breach" on account of Iraq's failure to allow destruction of ballistic missile equipment;

"Whereas on July 5, 1992, Iraq denied UNSCOM inspectors access to the Iraqi Ministry of Agriculture, resulting in a Security Council Presidential Statement of July 6, 1992, which declared that Iraq was in "material and unacceptable breach" of its obligations under United Nations resolutions;

"Whereas in December of 1992 and January of 1993, Iraq violated the southern no-fly zone, moved surface-to-air missiles into the no-fly zone, raided a weapons depot in internationally recognized Kuwaiti territory and denied landing rights to a plane carrying United Nations weapons inspectors, resulting in a Security Council Presidential Statement of January 8, 1993, which declared that Iraq was in an "unacceptable and material breach" of its obligations under United Nations resolutions:

"Whereas in response to continued Iraqi defiance, a Security Council Presidential Statement of January 11, 1993, reaffirmed the previous finding of material breach, followed on January 13 and 18 by allied air raids, and on January 17, with an allied missile attack on Iraqi targets;

"Whereas on June 10, 1993, Iraq prevented UNSCOM's installation of cameras and monitoring equipment, resulting in a Security Council Presidential Statement of June 18, 1993, declaring Iraq's refusal to comply to be a "material and unacceptable breach";

"Whereas on October 6, 1994, Iraq threatened to end cooperation with weapons inspectors if sanctions were not ended, and one day later, massed 10,000 troops within 30 miles of the Kuwaiti border, resulting in United Nations Security Council Resolution 949 demanding Iraq's withdrawal from the Kuwaiti border area and renewal of compliance with UNSCOM;

"Whereas on April 10, 1995, UNSCOM reported to the Security Council that Iraq had concealed its biological weapons program, and had failed to account for 17 tons of biological weapons material resulting in the Security Council's renewal of sanctions against Iraq;

"Whereas on July 1, 1995, Iraq admitted to a full scale biological weapons program, but denied weaponization of biological agents, and subsequently threatened to end cooperation with UNSCOM resulting in the Security Council's renewal of sanctions against Iraq;

"Whereas on March 8, 11, 14, and 15, 1996, Iraq again barred UNSCOM inspectors from sites containing documents and weapons, in response to which the Security Council issued a Presidential Statement condemning "clear violations by Iraq of previous Resolutions 687, 707, and 715";

"Whereas from June 11–15, 1996, Iraq repeatedly barred weapons inspectors from military sites, in response to which the Security Council adopted United Nations Security Council Resolution 1060, noting the "clear violation on United Nations Security Council Resolutions 687, 707, and 715" and in response to Iraq's continued violations, issued a Presidential Statement detailing Iraq's "gross violation of obligations";

"Whereas in August 1996, Iraqi troops overran Irbil, in Iraqi Kurdistan, employing more than 30,000 troops and Republican Guards, in response to which the Security Council briefly suspended implementation on United Nations Security Council Resolution 986, the United Nations oil for food plan;

"Whereas in December 1996, Iraq prevented UNSCOM from removing 130 Scud missile engines from Iraq for analysis, resulting in a Security Council Presidential statement which "deplore[d]" Iraq's refusal to cooperate with UNSCOM;

"Whereas on April 9, 1997, Iraq violated the no-fly zone in southern Iraq and United Nations Security Council Resolution 670, banning international flights, resulting in a Security Council statement regretting Iraq's lack of "special consultation" with the Council;

"Whereas on June 4 and 5, 1997 Iraqi officials on board UNSCOM aircraft interfered with the controls and inspections, endangering inspectors and obstructing the UNSCOM mission, resulting in a United Nations Security Council Presidential Statement demanding Iraq end its interference and on June 21, 1997, United Nations Security Council Resolution 1115 threatened sanctions on Iraqi officials responsible for these interferences;

"Whereas on September 13, 1997, during an inspection mission, an Iraqi official attacked UNSCOM officials engaged in photographing illegal Iraqi activities, resulting in the October 23, 1997, adoption of United Nations Security Council Resolution 1134 which threatened a travel ban on Iraqi officials responsible for noncompliance with United Nations resolutions;

“Whereas on October 29, 1997, Iraq announced that it would no longer allow American inspectors working with UNSCOM to conduct inspections in Iraq, blocking UNSCOM teams containing Americans to conduct inspections and threatening to shoot down United States U–2 surveillance flights in support of UNSCOM, resulting in a United Nations Security Council Resolution 1137 on November 12, 1997, which imposed the travel ban on Iraqi officials and threatened unspecified “further measures”;

“Whereas on November 13, 1997, Iraq expelled United States inspectors from Iraq, leading to UNSCOM's decision to pull out its remaining inspectors and resulting in a United Nations Security Council Presidential Statement demanding Iraq revoke the expulsion;

“Whereas on January 16, 1998, an UNSCOM team led by American Scott Ritter was withdrawn from Iraq after being barred for three days by Iraq from conducting inspections, resulting in the adoption of a United Nations Security Council Presidential Statement deploring Iraq's decision to bar the team as a clear violation of all applicable resolutions;

“Whereas despite clear agreement on the part of Iraqi President Saddam Hussein with United Nations General Kofi Annan to grant access to all sites, and fully cooperate with UNSCOM, and the adoption on March 2, 1998, of United National Security Council Resolution 1154, warning that any violation of the agreement with Annan would have the “severest consequences” for Iraq, Iraq has continued to actively conceal weapons and weapons programs, provide misinformation and otherwise deny UNSCOM inspectors access;

“Whereas on June 24, 1998, UNSCOM Director Richard Butler presented information to the United Nations Security Council indicating clearly that Iraq, in direct contradiction to information provided to UNSCOM, weaponized the nerve agent VX; and

“Whereas Iraq's continuing weapons of mass destruction programs threaten vital United States interests and international peace and security: Now, therefore, be it

“*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Government of Iraq is in material and unacceptable breach of its international obligations, and therefore the President is urged to take appropriate action, in accordance with the Constitution and relevant laws of the United States, to bring Iraq into compliance with its international obligations.”

Approved August 14, 1998.

Mr. NICKLES. Later in 1998, the U.N. weapons inspectors were kicked out of Iraq. We bombed them. Then nothing happened. Since 1998, for the last 4 years, we haven't had any weapons inspectors in Iraq. They have done exactly as President Clinton forecasted they would do. They have continued to build their weapons of mass destruction, and they have been emboldened by our lack of action, by the lack of will.

As a matter of fact, in all those years, the Oil-for-Food program grew. At that point he was exporting a little bit of oil for food. That figure has quadrupled in the last few years. Every 6 months it was renegotiated. And due to pressure from a lot of countries it was renegotiated; yes, we don't want the Iraqi people to suffer so we will allow them to sell more oil. Saddam Hussein has abused that program and exported a lot more oil. He has basically been producing almost all he can.

He has taken that money and put it back into his weapons of mass destruction. He is not taking care of his people. We have Congressmen who were in Iraq last week talking about how pitiful it is that some of the kids are living in the hospitals and so on. Saddam Hussein has made billions off of oil, most of it illegally, but instead of using that money for the health and well-being of the Iraqi people, he has used it to build weapons of mass destruction.

President Clinton was pretty insightful of what would happen. Unfortunately, during his term, things got worse. The inspectors were basically kicked out of Iraq. They were denied access. There is a long litany. I will insert in the RECORD a list of Iraqi noncompliance with the arms control inspectors, how they basically stopped them from doing their job. They did a decent job on occasion because they would get some insights from a defector, but Saddam Hussein's mistress was laughing about the fact Saddam Hussein would laugh that he would continue to conceal these weapons and basically defy the United Nations and the United States.

We have had a change in the United States. Now we have President Bush, who said we should enforce the U.N. resolutions. We should stand up to Saddam Hussein. Things have changed. September 11 of last year did change things. It made us aware we are vulnerable to terrorists. Saddam Hussein has coalesced, has financed, has trained terrorists. The idea he is building these weapons of mass destruction and they might be distributed to potential terrorists is just not acceptable.

What needs to be done? Frankly, what needs to be done is to enforce the existing U.N. resolutions and to reaffirm them. Some people have said: We don't think President Bush should just move unilaterally. The world community signed off on those U.N. resolutions, and at the time we gave those U.N. resolutions the use of force, if necessary, to compel compliance. What has changed?

In 1998, we reaffirmed the use of force, if necessary, to compel compliance. Are things better now than they were in 1998? He kicked the arms control inspectors out, and they are building all kinds of weapons. I don't see how anything is better. Things are worse, just as President Clinton predicted they would be.

We have rewarded his noncompliance. The international community has rewarded his noncompliance, and the United Nations has basically fallen into a group that lost its prestige and the status of being able to say: The world community is making a statement. This will not stand.

They have allowed it to stand. They have allowed it to be neutered, to be ineffective. Now we have a President Bush who went to the United Nations and said: These resolutions are still in effect. We need to enforce them. There is a real danger out there. It is a danger not to us, the United States, but to the world.

Many people in this body have said: I don't want him to move unilaterally, but let's do it in conjunction with the United Nations. President Bush didn't have to do that, but he did. He went to the United Nations and made a very strong speech. He is working to rebuild the international coalition that dissipated, if not disappeared, during the Clinton administration. The Clinton administration inherited the strongest, largest international coalition maybe ever assembled against a tyrant in Saddam Hussein in 1990 and 1991. By the year 2000, that international coalition was totally gone.

Saddam Hussein was producing all the weapons he wanted. There were no arms control inspectors. It really deteriorated over those 8 or 9 years.

President Bush is trying to rebuild it. He made the speech to the United Nations. He has contacted Members of Congress. He has brought many of us into the White House. He made a speech last night to the American people as well as to Congress.

People said: We want Congress to speak on this so we will be united. He came to Congress. He asked for a resolution. We are going to give him a resolution. We are going to show the Congress is behind the President, I hope with an overwhelming vote, an overwhelming vote.

What have we learned since 1991? Many people who voted no on the resolution in 1991 said: Let's give the sanctions a chance. I think we have had a little period of understanding now that Saddam Hussein doesn't care about sanctions and he doesn't care about U.N. resolutions. He doesn't care about pieces of paper. He does care about force. He respects force.

He misjudged the will of President Bush 1. He misjudged the will of the United States, earlier in his invasion and also in events that led up to the war in 1991.

I think he understands, too, that President Bush is very forceful. He means exactly what he says. If there is any chance to have a peaceful resolution in Iraq, it will only be after we pass this resolution, and he understands quite well that we will use force, if necessary, to compel compliance. Maybe then he will have a change of behavior. If not, he will pull the U.N.

around and play them like a fiddle and try to do some type of diplomatic dance, never to do anything. He did that quite successfully for years.

He will not be successful with President Bush and this team. President Bush has assembled a team—I respect President Bush greatly for the speeches he has made and for his courageous positions but also for the team he has put together. His Vice President, DICK CHENEY, is former Secretary of Defense, and he has dealt with Saddam Hussein. His Secretary of State, Colin Powell, was the Chairman of the Joint Chiefs in the war in 1991. Secretary Rumsfeld is well respected by our military leaders and around the world. President Bush has put together a great team—one that probably wasn't designed for this problem, but it could not be more experienced and ready to take on this enormous challenge. I have great confidence in their ability to be able to do the job.

Is it without risk? No. Sure, there is risk involved. There is a lot that is involved. But doing nothing is a greater risk. Doing nothing is a much greater risk. If we want to have any hope of a peaceful resolution or to have this happen successfully without military conflict, it will only be after Saddam Hussein realizes the United States is behind our President, our Commander in Chief, and that we will enforce these resolutions. These resolutions don't have to be pieces of paper that are going to be ignored; they are the rule and effect of law. I hope the international community comes together.

The U.N. passing a strong resolution is much greater after they see the Congress speak with one voice and pass overwhelmingly a resolution stating we believe the existing resolutions should be enforced. We do not think it is satisfactory to have Saddam Hussein—a person who used chemical weapons against his own people, who fought wars with Iran, who has invaded Kuwait, and who lobbed missiles against Saudi Arabia and the Israeli people, we don't think it is satisfactory for that person, that regime, to be able to develop and continue to manufacture tons and tons and tons of chemical and biological weapons, and work on nuclear weapons that could threaten millions of people—millions of people.

That is not satisfactory. It needs to be stopped. I believe this President will do it. I think this resolution will be a big step in the right direction.

I want to make one final comment, and this is to the Iraqi people. They have suffered enough under Saddam Hussein. This is really for the liberation of the Iraqi people, just like getting rid of the Taliban in Afghanistan was liberation for the Afghan people. They have been suppressed for too long. This tyrant, this dictator who executed people himself and had relatives executed, and countless people who might be his political opponents have been executed—he needs to go.

In 1998, this Congress said we are for a regime change in Iraq. We were for it in 1998. We are for it now. In my opinion, we will not really have a return to a peaceful, growing, prosperous Iraq until there is a regime change. We will not have any confidence that there is any peaceful outlook for Iraq as long as Saddam Hussein is in the area. This Congress spoke in 1998 strongly and unanimously for regime change. I still think that is needed. The point I want to make is that if military conflict breaks out, it will not be a war with the Iraqi people. The war is with the leadership of Iraq, the unelected leader, Saddam Hussein, the tyrant who continues to oppress his people, basically stealing their money and using it to build weapons of mass destruction for his purposes, which is not for the well-being of the Iraqi people, but, frankly, for his desire to build a military machine that can threaten us. That is not acceptable.

I believe this resolution, when it passes—and I hope it does overwhelmingly—will send a strong signal to the world and to Saddam Hussein that these resolutions can, should, and will be enforced.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I thank the Senator from Oklahoma for his very strong statement on behalf of the resolution Senators WARNER, BAYH, MCCAIN, I, and others have put before the Senate. I also thank my friend and colleague from Florida, Senator NELSON, for his strong statement on behalf of the amendment we have offered. I think together they form bookends that are bipartisan and quite strong in endorsing our resolution, and also in responding to some of the complaints, or questions, or criticisms about it that have been made in this first day of direct debate on it, which I do want to do a little bit more of myself.

Mr. NICKLES. Will the Senator yield for a moment?

Mr. LIEBERMAN. Yes.

Mr. NICKLES. I compliment the Senator for his leadership on this. I have actually read the resolution. I think it is a very good product, bipartisan, due in large part to the Senator's leadership. I remember working with him on the 1991 resolution, as well as Senator WARNER and many others who were on the floor 11 years ago. So I thank my friend and colleague from Connecticut. We have had the pleasure of working together on many issues, and this is one of the most important. The Senator's leadership is very notable and commendable, and I thank him for it.

Mr. LIEBERMAN. Mr. President, I thank the Senator for his kind words. I remember our work together in 1991. We are older and maybe wiser. In any case, I am proud to be working with the Senator and others on both sides of the aisle in a good cause.

I want to say, as he talked about reading the resolution—and I think that is important and I hope all our colleagues will read it—not just the "resolved" part, but the "whereas," the preamble.

There have been suggestions here and there that either this resolution we have adopted was sort of patched together in a hurry, or that the White House just dictated it. The good news is this resolution is the result of a bipartisan, bicameral, House-Senate negotiation with the White House in a spirit of accommodation and compromise as part of a desire to go forward together. Some significant changes were made in the resolution from the original draft sent by the White House that were requested by Members of Congress, including particularly Members on the Democratic side of the aisle.

I just want to mention very briefly those changes. They include, first, support for and prioritization of American diplomatic efforts at the U.N. Just so there would be no doubt that what we were authorizing or intending to authorize was a unilateral, go-it-alone, "don't care what anybody else says in the world" military strike at Saddam Hussein, it is not that. In fact, at the heart of this resolution is the authority given to the President to enforce United Nations resolutions in great number, which have been consistently ignored, violated, denied, and deceived by Saddam Hussein over the decade.

While Congress is only able to authorize the President, as Commander in Chief, to take military action, the clear implication that I read into our resolution—but more than that, the clear statement of intention of the President should we face the moment we hope we do not face, when either Saddam does not respond to the U.N. or the U.N. itself refuses to authorize action to enforce its resolutions, then I think the President has made clear, and those of us who are sponsoring the resolution have made clear, that the United States will not go it alone and we will not have to, as a result of the decision to go to the U.N., as a result of the consultation with allies in Europe and Asia, in the Middle East and elsewhere in the world, as a result of the discussion and debate here and what I hope will be strong bipartisan support of this underlying resolution.

If we come to that moment where we have no other choice but war, then it is clear that we will have allies in good number at our side. That was one of the items we added to the resolution.

We also limited the scope of the authorization to Iraq and resolutions of the United Nations related to Iraq. The initial language submitted by the White House had a third clause which would justify military action, and that was to give the President authority to take military action to restore international peace and security to the region. That was a good step forward to grant the President authority but to limit the authority.

I take it also to be a limitation on duration, although some have spoken today and in previous days about the fact that this is unlimited. This is limited to the duration of authority necessary to address the current and ongoing threats posed by Iraq. When those threats are over, the authority is gone. Because the connection between sections 1 and 2 of the material parts of the resolve clause, which is the conditions that would justify military action, are joined by the word "and" and not by the word "or," I think it is meant to clarify that this authority applies only to the relevant United Nations resolutions regarding Iraq.

There was another significant change. We also asked the White House and they agreed to put in language that requires the President to submit to Congress a determination, prior to using force, that further diplomatic means will not protect the national security of the American people or lead to enforcement of U.N. resolutions—another way, consistent incidentally with the gulf war resolution of 1991, to make it clear in this resolution that the policy of the United States is not to go to war first but to go to war last, after all other means of achieving Saddam's disarmament have failed.

We also require the President to submit to Congress a determination, prior to using force, that taking military action against Iraq is consistent with continuing efforts by the United States and other nations to take the necessary actions against international terrorists or terrorist organizations.

Justifiable concern was expressed that somehow a potential war against Iraq would interrupt, disrupt, deter the ongoing war on terrorism.

As I said, I think the two are connected because Saddam is a terrorist and supports terrorism and has had contacts with al-Qaida, but this makes clear the President has to make a determination publicly to Congress that these two are not in conflict and then requiring the President to comply with the War Powers Act which mandates regular consulting and reporting procedures.

I spoke earlier this afternoon and said to my colleagues I did not understand why there were some who said this resolution was somehow in contravention of the Constitution. One might disagree with the evaluation we sponsors of the resolution have made about the danger of Iraq under Saddam or of the imminence of the threat, but clearly the language of this resolution is not only within the power that Congress is given by the Constitution to declare war, to authorize military action, but also, by complying with the War Powers Act, embraces the later section of article I that says Congress is empowered to adopt legislation to implement the powers the Constitution gives.

Finally, there is a requirement that the President report every 60 days to Congress on military operations and on the planning for close of conflict activities, such as reconstruction and peacekeeping. It is not too soon to begin to plan for that now. I had occasion to speak on this subject last night at the Wilson Center here in Washington.

The bottom line is the ultimate measurement of the success of war is the quality of peace that follows. We have an obligation not just to, if necessary, tear down the dictatorship that Saddam has built in Iraq, but to help the Iraqi people build up a government that will follow in a better life, better economy, and more freedom for themselves, and this reporting requirement will be an incentive for that to happen.

Obviously, I hope and trust our colleagues will read the resolution in full. I want my colleagues to understand a significant process of negotiation went on between Democrats and Republicans in the House and the Senate and the White House before this resolution, which the President does support, was introduced into the Senate.

I see my friend from Colorado.

Mr. ALLARD. Will my friend yield?

Mr. LIEBERMAN. Madam President, I will be happy to yield to the Senator.

Mr. ALLARD. I thank the Senator from Connecticut for yielding.

Madam President, I wish to express again my appreciation for his leadership on this very important subject. He is recognized in the Senate as somebody who is an expert on Middle East affairs, and a lot of us lean on his opinion as we go through these debates.

I am sure the President appreciates the Senator from Connecticut sitting down and working with him in a bipartisan manner.

I compliment the Senator publicly for his fine work on this resolution.

Mr. LIEBERMAN. Madam President, I say to my friend and colleague from Colorado, he is very gracious. I appreciate it. It is an honor to have this opportunity to be involved in this very important debate and to do so across party lines. I thank him for his thoughtful advocacy of this resolution and of a strong U.S. presence in this region generally. I appreciate it.

Madam President, not seeing anyone else who wishes to speak at this time, I want to begin to respond to some of the thoughtful questions that were raised by the Senator from Oregon, and to some extent by the Senator from Massachusetts, about the imminence of the threat that Iraq represents and the basic question of, why now? what is the rush?

For my own part, as I said earlier today, the question for me is, why not earlier? In other words, not, why now? but, why not earlier? We have gone through almost 11 years since the gulf war, since the armistice, the cease-fire agreement by which Saddam committed himself to adhere to the various U.N. resolutions and then proceeded rapidly to violate almost all of them, to play a cat-and-mouse game with the U.N. inspectors, testified to by so many of them, including the most memorable to me, Richard Butler, the Australian who headed the UNSCOM inspectors during the nineties, saying—and he used the word "lies." He said the Iraqis under Saddam kept telling lies about what they had and did not have.

The record sadly shows—and there is now an indisputable record in this regard—that they have a growing inventory of very deadly toxins, biological, and chemical weapons.

We say with some glibness, because we say it so much, that Saddam is probably the only leader of a country in the world today who has used chemical weapons. He has, and used them not just once but several times against the Kurdish people, citizens of Iraq, and on some occasions actually having medical personnel nearby to follow up, not to help those who were attacked, but to use them as if they were test objects, to see to what extent they were hurt or how they were killed. That is how brutal and inhumane this regime is.

All the time this deceit and deception was going on, we tried everything over and over to stop the violations of the U.N. agreements. Nothing worked—inspections, sanctions, Food for Oil, trade restrictions, and even limited military action.

That is why we come to this point where we have said enough is enough. There is no question, in terms of is this imminent, that the events of September 11, 2001, have affected our judgment. I say for myself they have affected my judgment. I have said now that I have felt this way about Saddam for a long time.

In 1998, former Senator Bob Kerrey, Senator MCCAIN, Senator LOTT, and I cosponsored the Iraq Liberation Act based on the constant deception and violation of the U.N. inspection team, kicking them out of Iraq. That act declared it American policy to no longer just contain Saddam, but because of the danger that he was brewing within his borders with chemical and biological weapons, ballistic missiles and unmanned aerial vehicles which he could deliver on targets near and far, that we had to adopt a new policy to change the regime. That was adopted into law in 1998.

So as for myself, I have had this feeling about Saddam and his potential to use these weapons to expand his control of the Arab world. This is what I referred to earlier in the day in the incredibly timely book that has just come out by Kenneth Pollack, an expert on Iraq, called "A Threatening Storm." In that book, Mr. Pollack tells the life story of Saddam through the Baath Party, so-called pan-Arabic views, and the extent to which his dream and his ambition is to be the new Saladin of the Arab world and control the entire Arab world.

So that is what these weapons are for, and his Arab neighbors are the nearest and most immediate targets of that, many of whom are very good allies of ours and from whose countries we receive much of the oil that fuels our economy, as well as the economy of the rest of the world.

So this has been building. Yet September 11, 2001, has had a profound effect on all of us. Speaking for myself, it has had a profound effect on me.

We look back and we say we knew what Osama bin Laden was saying; we knew his hatred for the United States; we knew he had struck at the two American embassies in Africa; we knew he had attacked the USS *Cole*.

We made some attempt to strike back at him, but now having experienced the horror of September 11, 2001, don't we wish we had invaded Afghanistan, overthrown the Taliban, and disrupted al-Qaida before September 11, 2001? Of course, we all do. The will was not there, notwithstanding the warnings.

So in terms of imminence, this resolution uses the phrase "continuing threat," that we authorize the President to use the Armed Forces of the United States to defend the national security of the United States against the continuing threat posed by Iraq.

When we put together Saddam's hatred for the United States—I quoted earlier today, February 15, 1991, in defeat, after the gulf war, Saddam said:

> Every Iraqi child, woman, and old man knows how to take revenge. They will avenge the pure blood that has been shed, no matter how long it takes.

Surely, that was one of the reasons he attempted to assassinate former President Bush on a visit to Kuwait; why he, according not to this Senator or any other Senator but according to our own State Department, is one of seven nations on the State Department list of state sponsors of terrorism who has supported terrorist groups that have killed Americans.

So I read the word "continuing threat" as contained in our resolution to hold within it implicitly the words "grave and imminent" that some of our colleagues have said they wish were there.

The record shows that. The experience of September 11, 2001, shows that. I do not want to look back on some dark day in the near or not so near future, after some terrorist group supported by Saddam, or Iraq itself, has struck at allies of ours in the region or at American forces there or at Americans in the United States itself, which he is capable of doing, and say I wish we had taken action against him before he acted against us. We do not ever want to face a moment like that again.

So I believe the record before us, recited in some detail in the preamble, the whereas clauses of our resolution, argues loudly that the continuing threat referred to in the literal wording of the authorization clause is both grave and imminent and calls out for the action and the strength that this resolution requires.

The best way to achieve peace is to prepare for war. That is what has been said so many times in the past, particularly when dealing with a dangerous dictator like Saddam Hussein—and through his agents—an aggressor, a brutal killer himself.

There is no substitute for strength. We are a strong Nation and we are marshaling that strength before the United Nations, before the world community and directly to Saddam Hussein, hoping the message will get through and he will disarm without requiring the U.N., or an international coalition led by the United States, to disarm him. That is our hope. That is our prayer. But we will not achieve it unless our intentions are clear and strong.

There is a wonderful sentiment, an insight that I read a while ago from GEN Douglas MacArthur, obviously a great soldier but also a great student of warfare. MacArthur once said, and I quote: The history of failure in war can be summed up in two words, "too late"—too late in comprehending the deadly purpose of a potential enemy; too late in realizing the mortal danger; too late in preparedness; too late in uniting all possible forces for resistance; too late in standing with one's friends.

It is a brilliantly insightful and moving quote, and remarkably relevant to the challenge that our resolution puts before our colleagues—too late in comprehending the deadly purpose of a potential enemy, that is the case we are making, the continuing threat of Saddam Hussein, grave and imminent; too late in realizing the mortal danger—that is the point that he continues to build an inventory of chemical and biological weapons that pose literally a mortal danger, the danger of killing Americans in great number if we do not stop him.

In the colloquy I had earlier today with the Senator from Virginia, Mr. WARNER, I expressed that there has been a lot of debate leading up to this resolution about whether Saddam has nuclear capacity and when he will achieve it. Is it going to be a year, 6 years, 10 years? I do not know, but I do know he possesses biological weapons today, deadly biological weapons, with the capacity to deliver them with ballistic missiles, and now increasingly sophisticated and small unmanned aerial vehicles, which when taken together could, in the worst nightmare scenario, create as much or more devastation and death than the kind of primitive nuclear weapon he will sooner or later possess. So that is the mortal danger in MacArthur's warning.

Too late in preparedness, well, that is what we are authorizing the President, as Commander in Chief, and our military to do. Too late in uniting all possible forces for resistance. We are working now with our allies, with the Iraqi opposition, finally, 4 years after the Iraq Liberation Act authorized our government to begin working with the broad-based Iraqi opposition to Saddam Hussein.

Finally, too late in standing with one's friends. Here we are talking about our friends in the Middle East and the Persian Gulf. Good friends. Arabs, mostly, but also obviously Israelis. I say "Arabs mostly" because if you follow the line of Saddam's ambitions, they are to control the Arab world. That is what the invasion of Iran was about, that is what the invasion of Kuwait was about.

If we give him the opportunity, that is what future invasions, using chemical, biological, and potentially nuclear weapons, will be about.

It is time to stand with our friends in that region. I repeat, the history of failure in war can be summed up in two words: Too late. Too late in comprehending the deadly purpose of a potential enemy. Too late in realizing the mortal danger. Too late in preparedness. Too late in uniting all possible forces for resistance. Too late in standing with one's friends. This resolution is our way of saying to the American people, to the United Nations, to our allies in the Middle East and to Saddam Hussein, this time we cannot, we must not, and we will not wait until it is too late.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I will make a few brief comments. I associate myself completely with the statement made by the Senator from Connecticut. I thought they were thoughtful comments. I also think Senator NICKLES from Oklahoma, who spoke prior to him, did a nice job of laying out for the Senate this issue, whether we should move forward with the resolution the President has requested.

I believe the President seeks to avoid conflict. I don't think there is anyone in this Chamber who wants to see us go into a conflict as a first option. We are very much concerned about the lives of our men and women who serve in the military. We certainly do not want to put them at risk unnecessarily.

The question occurs, if Saddam Hussein fails to comply, are we prepared to use force? I look at it this way. Historically, if we look at Iraq and what has been happening, I don't think anyone can deny there is a buildup. We either address it now or we address it later. I am of the view the sooner we address this problem, the less the risk will be. If we continue to let the problem grow, it increases the risks to our men and women in the military who may be called into battle as a result of noncompliance with Iraq. Hopefully we do not reach that point.

I compliment the President on his leadership. It is the kind of leadership we need at this time. It is a judgment call. It is what every Senator has to make a decision about in his own mind, whether this is the right thing to do. The longer we hold this up, the risk is magnified. That puts the neighbors of Iraq at risk, it puts countries all around the world at risk.

There is no doubt in my mind Saddam Hussein has the capability of using weapons of mass destruction. He is capable mentally of doing that. He has done it before. He has used it on his own. If he can use it on his own, he would certainly be willing to use it any place else. If we look at biological weapons, there is not much doubt he has the capability to use biological weapons. Their threat is extremely serious. That is another threat that will continue to grow. We know he is out there trying to develop nuclear capability. That expands even more my concerns about an expanding risk as we continue to delay action.

We need to move forward. We need to move forward quickly. The sooner we get this resolved, the sooner we get the support from the United Nations, we can move forward, give the President that option, a final option, that, if necessary, he will go in, even unilaterally, to protect the interests of the United States, to protect the Americans, and, if necessary, protect our friends and allies in the Middle East.

There is a quote in the President's speech last night I will restate. He says approving this resolution does not mean military action is imminent or unavoidable. The resolution will tell the United Nations and all nations that America speaks with one voice and is determined to make the demands of the civilized world mean something. Congress will also be sending a message to the dictator in Iraq that his only choice is full compliance. That is key.

The time remaining for that choice is limited. We need to act quickly. I am glad we have this before the Senate. We should have had it earlier than this week, but hopefully we will get it out this week and move forward.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Connecticut.

AMENDMENT NO. 4856, AS MODIFIED

Mr. LIEBERMAN. Mr. President, I have a technical modification of the amendment that we offered earlier, and it is at the desk.

The ACTING PRESIDENT pro tempore. The amendment is so modified.

The amendment (No. 4856), as modified, is as follows:

Strike all after the resolving clause and insert the following:

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Authorization for the Use of Military Force Against Iraq".

SEC. 2. FINDINGS.

Since in 1990 in response to Iraq's war of aggression against and illegal occupation of Kuwait, the United States forged a coalition of nations to liberate Kuwait and its people in order to defend the national security of the United States and enforce United Nations Security Council resolutions relating to Iraq;

Since after the liberation of Kuwait in 1991, Iraq entered into a United Nations sponsored cease-fire agreement pursuant to which Iraq unequivocally agreed, among other things, to eliminate its nuclear, biological, and chemical weapons programs and the means to deliver and develop them, and to end its support for international terrorism;

Since the efforts of international weapons inspectors, United States intelligence agencies, and Iraqi defectors led to the discovery that Iraq had large stockpiles of chemical weapons and a large scale biological weapons program, and that Iraq had an advanced nuclear weapons development program that was much closer to producing a nuclear weapon than intelligence reporting had previously indicated;

Since Iraq, in direct and flagrant violation of the cease-fire, attempted to thwart the efforts of weapons inspectors to identify and destroy Iraq's weapons of mass destruction stockpiles and development capabilities, which finally resulted in the withdrawal of inspectors from Iraq on October 31, 1998;

Since in 1998 Congress concluded that Iraq's continuing weapons of mass destruction programs threatened vital United States interests and international peace and security, declared Iraq to be in "material and unacceptable breach of its international obligations" and urged the President "to take appropriate action, in accordance with the Constitution and relevant laws of the United States, to bring Iraq into compliance with its international obligations" (Public Law 105–235);

Since Iraq both poses a continuing threat to the national security of the United States and international peace and security in the Persian Gulf region and remains in material and unacceptable breach of its international obligations by, among other things, continuing to possess and develop a significant chemical and biological weapons capability, actively seeking a nuclear weapons capability, and supporting and harboring terrorist organizations;

Since Iraq persists in violating resolutions of the United Nations Security Council by continuing to engage in brutal repression of its civilian population thereby threatening international peace and security in the region, by refusing to release, repatriate, or account for non-Iraqi citizens wrongfully detained by Iraq, including an American serviceman, and by failing to return property wrongfully seized by Iraq from Kuwait;

Since the current Iraqi regime has demonstrated its capability and willingness to use weapons of mass destruction against other nations and its own people;

Since the current Iraq regime has demonstrated its continuing hostility toward, and willingness to attack, the United States, including by attempting in 1993 to assassinate former President Bush and by firing on many thousands of occasions on United States and Coalition Armed Forces engaged in enforcing the resolutions of the United Nations Security Council;

Since members of Al Qaida, an organization bearing responsibility for attacks on the United States, its citizens, and interests, including the attacks that occurred on September 11, 2001, are known to be in Iraq;

Since Iraq continues to aid and harbor other international terrorist organizations, including organizations that threaten the lives and safety of American citizens;

Since the attacks on the United States of September 11, 2001, underscored the gravity of the threat posed by the acquisition of weapons of mass destruction by international terrorist organizations;

Since Iraq's demonstrated capability and willingness to use weapons of mass destruction, the risk that the current Iraqi regime will either employ those weapons to launch a surprise attack against the United States or its Armed Forces or provide them to international terrorists who would do so, and the extreme magnitude of harm that would do so, and the extreme magnitude of harm that would result to the United States and its citizens from such an attack, combine to justify action by the United States to defend itself;

Since United Nations Security Council Resolution 678 authorizes the use of all necessary means to enforce United Nations Security Council Resolution 660 and subsequent relevant resolutions and to compel Iraq to cease certain activities that threaten international peace and security, including the development of weapons of mass destruction and refusal or obstruction of United Nations weapons inspections in violation of United Nations Security Council Resolution 687, repression of its civilian population in violation of United Nations Security Council Resolution 688, and threatening its neighbors or United Nations operations in Iraq in violation of United Nations Security Council Resolution 949;

Since Congress in the Authorization of Use of Military Force Against Iraq Resolution (Public Law 102–1) has authorized the President "to use United States Armed Forces pursuant to United Nations Security Council Resolution 678 (1990) in order to achieve implementation of Security Council Resolutions 660, 661, 662, 664, 665, 666, 667, 669, 670, 674, and 677";

Since in December 1991, Congress expressed its sense that it "supports the use of all necessary means to achieve the goals of United Nations Security Council Resolution 687 as being consistent with the Authorization of Use of Military Force Against Iraq Resolution (Public Law 102-1)," that Iraq's repression of its civilian population violates United Nations Security Council Resolution 688 and "constitutes a continuing threat to the peace, security, and stability of the Persian Gulf region," and that Congress, "supports the use of all necessary means to achieve the goals of United Nations Security Council Resolution 688";

Since the Iraq Liberation Act (Public Law 105–338) expressed the sense of Congress that it should be the policy of the United States to support efforts to remove from power the current Iraqi regime and promote the emergence of a democratic government to replace that regime;

Since on September 12, 2002, President Bush committed the United States to "work with the United Nations Security Council to meet our common challenge" posed by Iraq and to "work for the necessary resolutions," while also making clear that "the Security Council resolutions will be enforced, and the just demands of peace and security will be met, or action will be unavoidable";

Since the United States is determined to prosecute the war on terrorism and Iraq's ongoing support for international terrorist groups combined with its development of weapons of mass destruction in direct violation of its obligations under the 1991 ceasefire and other United Nations Security Council resolutions make clear that it is in the national security interests of the United States and in furtherance of the war on terrorism that all relevant United Nations Security Council resolutions be enforced, including through the use of force if necessary;

Since Congress has taken steps to pursue vigorously the war on terrorism through the provision of authorities and funding requested by the President to take the necessary actions against international terrorists and terrorist organizations, including those nations, organizations or persons who planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001, or harbored such persons or organizations;

Since the President and Congress are determined to continue to take all appropriate actions against international terrorists and terrorist organizations, including those nations, organizations or persons who planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001, or harbored such persons or organizations;

Since the President has authority under the Constitution to take action in order to deter and prevent acts of international terrorism against the United States, as Congress recognized in the joint resolution an Authorization for Use of Military Force (Public Law 107–40); and

Since it is in the national security of the United States to restore international peace and security to the Persian Gulf region.

SEC. 3. SUPPORT FOR UNITED STATES DIPLOMATIC EFFORTS.

The Congress of the United States supports the efforts by the President to—

(1) strictly enforce through the United Nations Security Council all relevant Security Council resolutions applicable to Iraq and encourages him in those efforts; and

(2) obtain prompt and decisive action by the Security Council to ensure that Iraq abandons its strategy of delay, evasion and noncompliance and promptly and strictly complies with all relevant Security Council resolutions.

SEC. 4. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION.—The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to—

(1) defend the national security of the United States against the continuing threat posed by Iraq; and

(2) enforce all relevant United Nations Security Council Resolutions regarding Iraq.

(b) PRESIDENTIAL DETERMINATION.—In connection with the exercise of the authority granted in subsection (a) to use force the President shall, prior to such exercise or as soon thereafter as may be feasible, but not later than 48 hours after exercising such authority, make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) reliance by the United States on further diplomatic or other peaceful means alone either (A) will not adequately protect the national security of the United States against the continuing threat posed by Iraq or (B) is not likely to lead to enforcement of all relevant United Nations Security Council resolutions regarding Iraq; and

(2) acting pursuant to this resolution is consistent with the United States and other countries continuing to take the necessary actions against international terrorists and terrorist organizations, including those nations, organizations or persons who planned, authorized, committed, or aided the terrorists attacks that occurred on September 11, 2001.

(c) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supersedes any requirement of the War Powers Resolution.

SEC. 5. REPORTS TO CONGRESS.

(a) The President shall, at least once every 60 days, submit to the Congress a report on matters relevant to this joint resolution, including actions taken pursuant to the exercise of authority granted in section 4 and the status of planning for efforts that are expected to be required after such actions are completed, including those actions described in section 7 of Public Law 105–338 (the Iraq Liberation Act of 1998).

(b) To the extent that the submission of any report described in subsection (a) coincides with the submission of any other report on matters relevant to this joint resolution otherwise required to be submitted to Congress pursuant to the reporting requirements of Public Law 93–148 (the War Powers Resolution), all such reports may be submitted as a single consolidated report to the Congress.

(c) To the extent that this information required by section 3 of Public Law 102–1 is included in the report required by this section, such report shall be considered as meeting the requirements of section 3 of Public Law 102–1.

Mr. LIEBERMAN. I thank the Chair and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Lieberman-Warner amendment to S.J. Res. 45:

Thomas Daschle, Bill Nelson, Joseph Lieberman, Evan Bayh, Harry Reid, Pete Domenici, Joseph Biden, Patty Murray, Jay Rockefeller, Larry E. Craig, Trent Lott, John Warner, John McCain, Jesse Helms, Craig Thomas, Don Nickles, Frank H. Murkowski.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on S.J. Res. 45, a joint resolution to authorize the use of United States Armed Forces against Iraq:

Thomas Daschle, Bill Nelson, Joseph Lieberman, Evan Bayh, Harry Reid, Pete Domenici, Joseph Biden, Patty Murray, Jay Rockefeller, Larry E. Craig, Trent Lott, John Warner, John McCain, Jesse Helms, Craig Thomas, Don Nickles, Frank H. Murkowski.

Mr. REID. Mr. President, we have been able to accomplish a great deal today on this most important resolution. I think the debate has been pertinent. I think people have had a chance to express themselves without hindrance. We would hope that Senators would continue in the same vein. With these two cloture motions that have been filed, we are hopeful and confident that the debate on this will be brought to a close on Thursday morning and that following that we can complete work on the resolution. We certainly hope so.

In the meantime, we would hope people who have amendments to offer would do that and, if possible, we would like to have those amendments resolved prior to Thursday. If not, of course, if some of them are germane, they will be carried over until after our cloture votes.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators allowed to speak therein for not to exceed 5 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXTENDING THANKS TO CAPITAL-AREA LAW ENFORCEMENT

Ms. MIKULSKI. Mr. President, on behalf of the people of America, I thank President Bush and all Federal law enforcement agencies for the help, response, and support they have given to those who live in the Capital region as we face the threat of a predatory serial killer. The entire Nation knows six people have died. Some have been shot but are in recovery, like the 13-year-old boy who was so critically wounded yesterday. There is a serial killer out there. The President yesterday issued a statement extending his sympathies to those family members who have lost loved ones. He also directed law enforcement to be as responsive as possible.

As soon as the first dastardly and despicable deed occurred, Federal law enforcement, in terms of FBI and ATF, were there offering voluntary and informal assistance. Last night I spoke to FBI Director Mueller. Through a request from the Montgomery County police chief, they are formalizing and coordinating this effort. So we in Maryland really want to extend our gratitude to the President, to Federal law enforcement, and to all of America that is sending their love and prayers to our region.

Mr. WARNER. Will the Senator yield?

Ms. MIKULSKI. I am happy to yield.

Mr. WARNER. We talked together about the efforts your office, my office, Senator ALLEN, and Senator SARBANES, working as a team, in fielding calls. We urge people to come to us. I also speak for the Mayor of the District of Columbia. The District of Columbia is grateful for the quick response led by our President, led by the Attorney General and others, to this crisis.

I have been privileged to live in this area throughout my entire life. I was an assistant U.S. attorney one time. Never have I seen a crime situation such as this. It has brought about the unity between the regions to work to solve this problem. I join with my friend and thank her for bringing this matter to the attention of the Senate.

TRIBUTE TO MAJOR GENERAL STROM THURMOND

Mr. HELMS. Mr. President, throughout America's history, our Nation has been blessed with leaders of rare courage, character, and conviction. The Senate for almost half a century has been fortunate to count among its members an especially remarkable individual, Senator STROM THURMOND.

Earlier, I joined in paying tribute to Senator THURMOND's unparalleled record of public service both to his country and to his beloved citizens of South Carolina. His extraordinary record of service spans almost 80 years.

We should also recall another aspect of service to his country—Senator THURMOND's heroic and selfless record of military service.

His distinguished military career spanned more than three decades, commencing shortly after his 21st birthday when he was commissioned a Second Lieutenant in the U.S. Army Reserve. When he retired in 1965, Senator THURMOND had risen to the rank of Major General, the highest rank then available to a Reserve Officer.

Inasmuch as he was serving as a South Carolina circuit judge at the outset of World War II, Mr. THURMOND was exempt from military service. But, then First Lieutenant THURMOND did not hesitate: he volunteered for duty the day the U.S. declared war against Germany, receiving a commission in the Active Army and becoming a member of the First U.S. Army.

While serving in the European theater, STROM served in all battles of the First Army, fighting through France, Belgium, Holland, Luxembourg, Czechoslovakia, and Germany. A lieutenant colonel at the time of the Normandy invasion—known forever as D-day—STROM volunteered for temporary duty with The All-American Division, North Carolina's 82nd Airborne, with whom he would land on the first day of the invasion.

Senator THURMOND once recounted this experience with the 82nd:

> On May 23, they informed us that they needed Civil Affairs officers for temporary duty with the 82nd Airborne. Three of us volunteered. . . . On May 29, our units headed for an airfield near Newbury, where the three of us were briefed, given final instructions, and assigned to various gliders. We were to arrive with the 82nd in France on D-Day, June 6. The primary mission of the 82nd and the 101st Airborne Divisions was to keep enemy reinforcements from the invasion beaches. One fifth of the American airborne soldiers were killed or wounded that day, but we succeeded in accomplishing our mission.
>
> After we crossed the coast line of France we were subjected to heavy anti-aircraft fire, soon thereafter the tow plane cut us loose. Well, after that, we lost altitude fast. All I could see rushing toward us were fields full of fences and trees and crooked up gliders. As we came in to land, we hit a tree and tore off one of our wings. The crash threw us into another tree, and that clipped off our other wing. What was left of us kept going until it plowed into a fence. We had crash landed into an apple orchard.
>
> We had landed within the German lines and as soon as we touched the ground we were hit with enemy fire. I headed a reconnaissance party with personnel from my glider to locate a command post. I borrowed a jeep from an officer of the 4th Infantry Division and made a reconnaissance of other nearby gliders, trying to assist injured personnel in getting to the rendevous. As soon as we had consolidated the group and set up a temporary camp, we started to dig foxholes. We were still being shelled, but not as heavily, along with [receiving] small arms fire. I had busted up my left knee when the glider had landed, so once we had taken care of more urgent matters, I had the medics patch me up.

With typical humility, Senator THURMOND failed to note that he was awarded a Purple Heart for his injuries that day. In addition, he has been the recipient of numerous other decorations for heroism and valor, including 5 battle stars and 18 decorations, the Legion of Merit with Oak Leaf Cluster, the Bronze Star Medal with V device, the Belgian Order of the Crown, and the French Croix de Guerre.

In an effort to honor all soldiers of the 82nd Airborne and to acknowledge the spirit and actions of Major General STROM THURMOND during his military career, I wrote to the Secretary of the Army this past April. My request was that Fort Bragg's new 82nd Airborne Division Strategic Deployment Facility—a key complex ensuring that Fort Bragg will serve as the Army's principal power projection platform for years to come—be named in honor of Major General STROM THURMOND.

Mr. President, I ask unanimous consent that the text of my letter of April 19, 2002, and the Department of the Army's response of June 4, 2002, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. Mr. President, needless to say, I am grateful to have received the Army's positive response and in September a ceremony was held at the green ramp at Pope Air Force Base, adjacent to Fort Bragg. More than 200 gathered to dedicate a premier facility, to honor the 82nd Airborne, and to pay tribute to Major General THURMOND's exemplary contributions as a soldier and a statesman.

On that occasion, many fine tributes were spoken. I was particularly moved, though, by the words of the Under Secretary of the Army, the Honorable Les Brownlee. As a result of his distinguished service as majority staff director of the Senate Armed Services Committee, where he served under both Senators THURMOND and WARNER, Secretary Brownlee is well known to many Senators.

Mr. President, I ask unanimous consent that Secretary Brownlee's remarks from the September 16 dedication and a copy of a document "Thurmond Military Service Record" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS BY HON. LES BROWNLEE, UNDER SECRETARY OF THE ARMY AT DEDICATION CEREMONY, MG STROM THURMOND STRATEGIC DEPLOYMENT FACILITY, POPE AFB, NC, SEPTEMBER 16, 2002

Congressman Hayes, thank you very much for your very enthusiastic remarks to our soldiers here in the 82nd Airborne Division.

I hope you forgive me if I don't mention everybody's name again, since they have been mentioned a number of times already. But I did want to recognize the soldiers of the 82nd Airborne Division and the airmen of the 43rd Airlift Wing who are here today and who I know will enjoy the benefits of this marvelous facility.

I also wanted to recognize that not only did Congressman Hayes play a pivotal role in this facility but Senator Helms and his staff did as well, and I know that Senator Helms insisted that this facility be named for his colleague, Senator Strom Thurmond.

This year we will lose two giants out of the Senate. Senator Thurmond and Senator Helms will complete their tenure in the Senate this year but they will be sorely missed by the Nation.

I want to recognize also the great work that was done by everyone concerned in achieving this marvelous facility. It is truly a wonderful example of the jointness and cooperation that exists between the Army and the Air Force, and I want to recognize and express our appreciation to our Air Force comrades in arms.

I'm going also to pay a special tribute here to Mr. Duke Short, Chief of Staff at the current time to Senator Thurmond for almost thirty years. But more importantly, as a lieutenant he was assigned to the 82nd Airborne Division and served here at Fort Bragg. Duke, please stand. Please join me in giving Duke a big round of applause for his many years of outstanding service to the Nation and to Senator Thurmond.

I spent some time last week with Senator Thurmond and remarked that I was planning to borrow Duke Short from him for a few hours so that he could participate in this dedication ceremony. In typical Strom Thurmond fashion he didn't blink an eye as he deadpanned "that's fine . . . just bring him back."

As many of you know, I have had the distinct honor and privilege of working directly for Senator Thurmond for many years on the Senate Armed Services Committee, so I feel especially grateful for the opportunity to say a few words today. Senator Thurmond has been, and continues to be, an inspiration for us all and I am certain he is both honored and humbled by the dedication of this facility in his name.

Pay particular notice that this facility is dedicated to Major General Strom Thurmond—no Senator Thurmond. This is significant as it recognizes his military career and accomplishments. But let's also take note of the extraordinary list of important positions Strom Thurmond has held throughout his life: Superintendent of Education for Edgefield County, South Carolina State Senator, Circuit Judge of South Carolina, Governor of South Carolina, Candidate for President of the United States, United States Senator where he served as chairman of the Armed Services, Veterans Affairs, and Judiciary committees and as President Pro Tempore, Major General in the Army Reserve, and the oldest Senator, as well as the longest serving senator. On December 5th this year Senator Thurmond will be 100 years old and still an active senator. What an impressive list—what a marvelous life of public service.

In 1924 Strom Thurmond was commissioned as a second lieutenant in the US Army Reserve. During World War II, although exempt from military service due to both his age and position as a judge, he took a four-year leave of absence from a Circuit Judgeship in South Carolina in order to voluntarily serve his country as a soldier. As a 43 year old lieutenant colonel he served with the All Americans—the 82nd Airborne—and landed in a glider carrying 8 other soldiers and a jeep as part of the D-Day invasion in Normandy. His team reinforced parachute troops that landed earlier that day and collectively routed the German forces from the town of Ste. Mere-Eglise.

In fact, I remember discussing the glider operations with Senator Thurmond. Riding a glider into battle is high adventure, and the usual result was a crash-landing. That's in fact how Senator Thurmond landed—a terrific crash that wounded him and destroyed the jeep the glider was carrying. I asked the Senator how he got out of the glider and into the battle. He explained that the entire side of the glider was torn open. "All you had to do was to stand up and walk right out the side!"

Four days after landing in the glider Lieutenant Colonel Thurmond, armed with only a pistol, captured a German motorcycle and commandeered it for his section's use.

Subsequently, Lieutenant Colonel Thurmond participated in the liberation of Paris, the Rhine Campaign, and was among the first Americans to liberate the Buchenwald concentration camp. As a result of his actions, Strom Thurmond was awarded the Legion of Merit—the Bronze Star for Valor, the Purple Heart, and 5 Battle Stars. Although the war ended in Europe, General Thurmond didn't return straight home. He volunteered for and was transferred to the Pacific Theater at the conclusion of combat in Europe and was preparing for the final assault on the Japanese island of Okinawa when the war ended.

In 1959 Senator Thurmond was promoted to the rank of Major General, and retired from the Army Reserve in 1964 after 40 years of active and reserve duty. Senator Thurmond obviously knows the military, is a stalwart supporter of the Army, and holds dear to his heart the soldiers, particularly the paratroopers, of our Army.

At this time I have a letter from Senator Thurmond which he asked that I read to you this morning:

DEAR FRIENDS: I am sorry that I am unable to join you today as you dedicate the Major General Strom Thurmond Strategic Deployment Center.

When the Commander-in-Chief needs to project American military might quickly, he has no better option than the 82nd Airborne Division. For more than the past fifty-years, "The All American" has distinguished itself in military operations around the world.

I think one of my proudest distinctions as a Soldier is my association with the 82nd Airborne Division. A lot of things have changed over the past 55 years that makes the Paratrooper an even more efficient Soldier than he was in 1944. Thank goodness you do not use wooden gliders anymore. I must confess that my one day only ride in that particular aircraft is not one of my favorite memories. We can be proud that today's Paratrooper is better equipped, better trained, better armed and more lethal than the Airborne Soldiers of any other generation or army. The military power that a Regiment of 21st Century Paratroopers brings to bear in a fight is nothing short of awe-inspiring to our allies, and nothing less than terrifying to our enemies.

In addition to advances in weapons and tactics, there have been considerable changes in quality of life for our Soldiers. Investing in the well being of our Soldiers and their families is not only a down payment toward readiness, but it is simply the right thing to do. The Deployment Center being dedicated today will give Paratroopers a modern, and well designed, power projection platform.

That this facility is being named in my honor is a recognition that is truly flattering and meaningful. I am proud of this . . . and I am proud of my affiliation with the 82nd Airborne Division. I am very appreciative of this distinction and I am always proud to do whatever I can to help the fine men and women of our Armed Forces.

With best wishes and kindest regards,

Sincerely,

STROM THURMOND.

In December 1996 Senator Thurmond celebrated his 94th birthday with the 82nd Airborne Division. He served as honorary jumpmaster on a C-141 with the same unit he had served with in 1944. Senator Thurmond said at the time that he wanted to parachute into Normandy in 1944 but was told that he was too old. Then, with his typical style, Senator Thurmond stated "Perhaps they will finally let me jump and I'll get a pair of Airborne wings in celebration of my 94th birthday!"

Almost five years ago I was honored to attend Senator Thurmond's 95th birthday party. Throughout the party many friends and well-wishers all remarked to the Senator that they hoped that they could attend his 100th birthday party. The Senator looked at each of them and said, "well, if you eat right, exercise, and take care of yourself there's no reason why you can't be there."

This Strategic Deployment Facility is a tremendous testament to the spirit and tenacity of General and Senator Thurmond. Strom Thurmond admires courage, toughness, and perseverance—traits he believes, and I certainly agree with him, are found in every soldier. The soldiers who pass through this facility will be the standard-bearers of our great Nation, and will undoubtedly live up to the ideals of Strom Thurmond. The soldiers who train here, the soldiers who will deploy from here, the soldiers who we send in harm's way, will be better prepared to meet the challenges of today's environment because of both this facility and the lifelong dedication to the Nation rendered by Senator Strom Thurmond—a man committed to our nation's security.

We have learned all too well the uncertainty of our world. The threats to our Nation's interests are more complex and diverse than at any time in our history. The stakes are high. The United States must safeguard our national interests and fulfill our world leadership responsibilities as well. Today, the U.S. military is protecting our Nation's interests both on the war front and on the home front, and the call may come at any time, day or night, for our valiant troopers to pass through these portals and answer the call to battle.

As our military forces use this MG Strom Thurmond Strategic Deployment Facility to protect and defend this great Nation, I am confident that all of us, military and civilian, soldier and family member, will always remember and live up to the words of our President, George W. Bush, on 14 September last year when he stated: "America is a nation full of good fortune, with so much to be grateful for. But we are not spared from suffering. In every generation, the world has produced enemies of human freedom. They have attacked America, because we are freedom's home and defender. And the commitment of our fathers is now the calling of our time."

A week later President Bush declared: "We will rally the world to this cause by our efforts, by our courage. We will not tire, we will not falter, and we will not fail."

The paratroopers who pass through this facility will never fail us. They will continue to live to the high standards of courage, valor, and selfless service demonstrated by Senator Thurmond. I know that our soldiers of today and the future will draw strength, resolve, and inspiration from this facility and its namesake, and will continue to protect the security of this great nation.

God bless each and every one of you and God Bless America!

THURMOND MILITARY SERVICE RECORD—JANUARY 9, 1924–NOVEMBER 22, 1964

Strom Thurmond began his military career when he was a Reserve Officers Training Corps cadet at Clemson Agricultural College from 1919–1923. He was appointed an officer in the United States Army Reserve, at the rank of 2nd Lieutenant, on January 9, 1924, and received the rank advancement to 1st Lieutenant on August 9, 1927. He enlisted in the army, shortly after the Japanese attack on Pearl Harbor, on December 11, 1941. However, he did not actually enter the service until April 17, 1942. He performed various military duties with the Military Police, as Captain, in the United States until October 26, 1943, when he was assigned to the Civil Affairs Division (Section G–5) of the headquarters, First Army, as Major and Lt. Colonel, which was formed on October 23, 1943. He worked in the European (England, France, Belgium, and Germany) and Pacific (Philippines and Japan) theaters, and participated in the Normandy Invasion with the Eighty-second Airborne Division. Thurmond was awarded five battles stars, eighteen decorations, medals and awards, including the Legion of Merit with Oak Leaf Cluster, the Bronze Star with "V" device, the Purple Heart, and the French Croix de Guerre. He took official leave on October 19, 1945 to return to the South Carolina Circuit Court and was officially discharged on January 20, 1946, with the rank of Lieutenant Colonel. He then joined the U.S. Army Reserve Corps and also became involved with the Reserve Officers Association and the Military Government Association. Thurmond served as the National Vice-President (July, 1953–June, 1954) and President (June, 1954–July, 1955) of the Reserve Officers Association and the President (December, 1957—c. December, 1958) of the Military Government Association. Thurmond retired at the rank of Major General of the Army Reserves on November 22, 1964, after forty years of service in the armed forces.

Strom Thurmond served with the Civil Affairs Division (Section G–5) of the First Army Headquarters during World War II. The division's mission was to occupy, govern, and help restore devastated, war-torn countries and their economies, and usually arrived during large-scale combat operations. Thurmond studied and used various military school instruction material, i.e., military police, legal, G–5, European geography and history, etc. in connection with his civil affairs/military government training and responsibilities. This material covered numerous directives and rules dealing with civilians, displaced persons, welfare, finance, background in formation on Germany and France, etc. Of interest, and further study, is a report discussing the activities of the First Army Civil Affairs Division during the D-Day Invasion titled, Civil Affairs: Soldiers Become Governors, by Harry L. Coles and Albert K. Weinberg and was published by the Office of the Chief of Military History, Department of the Army, Washington, DC: GPO, 1964 (SuDoc number D114.7:C49).

From 1946 to 1959 Thurmond used the civil affairs/military government training material and manuals he collected, along with prior experience and knowledge, as he taught basic and advanced officer courses to officers of the 352nd and 360th Military Government Area Headquarters Units.

From 1948 to 1958 Thurmond was involved with the Reserve Officers Association and the Military Government Association in leadership capacities. In particular, Thurmond served as President of the South Carolina Department of the Reserve Officers Association and as the organization's National President and Vice-President, and as the National President of the Military Government Association, mentioned above.

On January 15, 1948, at Fort Jackson, South Carolina, Lieutenant Colonel Strom Thurmond was promoted to the rank of Colonel in the United States Army Reserves (USAR). On February 20, 1955, at Third Army Headquarters, Fort McPherson, Georgia, Colonel Thurmond was promoted to the rank of Brigadier General in the USAR by General A.R. Bolling. And on April 25, 1960, at the Pentagon in Washington, DC, Brigadier General Thurmond was promoted to the rank of Major General in the USAR by General R.V. Lee, United States Army Adjutant General, witnessed by Secretary of the Army Wilber M. Brucker.

Senator Strom Thurmond (D–SC), as Colonel in the USAR, organized the 360th Military Government Area Headquarters (MGAH) Unit on October 1, 1950, and commanded it from that date until January 3, 1954. During the four years Colonel Thurmond commanded the 360th MGAH he received various commendations including a superior rating by the South Carolina Military District Headquarters, 3rd Army Headquarters, and Army Inspectors from Washington, DC, rated his the top reserve unit in 3rd Army area.

During the last two weeks of October 1956, Senator Thurmond, as Brigadier General in the USAR, accompanied the Assistant Secretary of Defense, Carter L. Burgess, on an inspection tour of the Far East. Secretary Burgess, was traveling in dual capacity as Assistant Secretary of Defense and Vice-Chairman of the Defense Advisory Committee on Professional and Technical Compensation, as a part of the Gordiner Committee. They visited Air Force and Army personnel on bases in Alaska, Japan, Okinawa, and Korea. Senator Thurmond made a special point of greeting all servicemen & women from South Carolina during his visits to each base.

The last two weeks of September 1957, Senator Strom Thurmond, as Brigadier General in the USAR, and Congressman LeRoy H. Anderson (D–MT), as Major General in the USAR, during their active tours of duty, visited Air Force and Army personnel at bases in France, Germany, and Italy. Again, Senator Thurmond made an effort to visit with servicemen & women from South Carolina.

From October 25 to November 7, 1959, Senator Strom Thurmond, as Brigadier General in the USAR, attended a two-week senior officer's course at the US Army Command & General Staff College in Fort Leavenworth, Kansas.

In November 1962, Senator Thurmond, as a Major General in the USAR, toured US, German and Pakistani bases in Germany and Pakistan with other member of the Congressional Command & Operations Group consisting of member of Congress and their congressional aids. Senator Ralph W. Yarborough (D–TX), a Colonel in the USAR, was a member of the group as was Captain Harry S. Dent, Senator Thurmond's Administrative Assistant.

In January 1964, Senator Thurmond, as a Major General in the USAR, was one of the 84 students enrolled in the Special Warfare School's Senior Officers Counterinsurgency & Special Warfare Orientation Course at Fort Bragg, North Carolina where he viewed various demonstrations and presentations including scuba diving.

And in November 1964, prior to his retirement from the military, Major General Thurmond, again with members of the USAR Congressional Command & Operations Group, consisting of members of congress and their congressional aids, visited elements of the Southern European Task Force in Italy. The purpose of the visit was to become familiar with the organization and mission of the bi-national command. During the latter part of his trip with the active duty group Major General Thurmond also toured Wheelus Field in Libya.

EXHIBIT 1

U.S. SENATE,
Washington, DC, April 19, 2002.

HON. THOMAS E. WHITE,
Secretary of the Army, 101 Army Pentagon, Room 3E700, Washington, DC.

DEAR MR. SECRETARY: The Honorable Strom Thurmond has established an unparalleled record of public service during his almost 48 years in the United States Senate.

For the past 29 years, it has been my privilege to serve as a colleague of Senator Thurmond's. During that time, his leadership, dedication, and integrity have served as a source of personal inspiration.

As Strom will soon be retiring from the Senate, I expect there to be a number of tributes and dedications honoring various aspects of his unprecedented service to our country. I would like to ensure that his 36 years of dedicated service to the United States Army are also recognized in an appropriate manner.

As you are probably aware, Strom's remarkable record of service to the Army began in 1924 when he was commissioned a Second Lieutenant in the Infantry. An Army Reserve First Lieutenant on the eve of World War II, Strom volunteered for an active Army commission on the day the United States entered the war against Germany (in spite of the fact that his duties as a South Carolina Circuit Judge exempted him from deployment). After receiving his commission, Lt. Thurmond became a member of the First U.S. Army where he would subsequently be attached to Fort Bragg's own 82nd Airborne Division for the Invasion of Normandy. It was during that operation that he sustained an injury that led to the eventual award of a Purple Heart.

As a gesture of our country's gratitude for his remarkable military and public careers and as an inspiration to the soldiers who will pass through it in defense of our nation, I request that the Army dedicate the soon to be completed 82nd Airborne Division Deployment Staging Complex adjacent to Pope Air Force Base's Green Ramp as the "Major General Strom Thurmond Airborne Operations Center."

So dedicating this premier facility, designed by the Army and the Air Force to ensure that Fort Bragg and Pope AFB will function as the Army's leading Power Projection Platform for many years to come, will serve as both an appropriate tribute to Strom Thurmond's immeasurable contributions in service to our country and as an inspiration to the courageous young men and women who have committed their lives to the security of our nation.

Mr. Secretary, I will appreciate your expeditious consideration of my proposal as I am told that the facility is expected to open in July. If you have any questions, please do not hesitate to call me or David Whitney of my staff at 202-224-6342.

Many thanks.

Sincerely,

JESSE.

DEPARTMENT OF THE ARMY, OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY,
Washington, DC, June 4, 2002.

Hon. JESSE HELMS,
Senate, Washington, DC.

DEAR SENATOR HELMS: Thank you for your recent letter to the Secretary of the Army, proposing the soon to be completed 82d Airborne Division Deployment Staging Complex at Fort Bragg, North Carolina, be named in honor of Senator Strom Thurmond.

Senator Thurmond's distinguished record of almost 48 years in the Senate, coupled with his military service and heroic actions in the line of duty during World War II, merit recognition. The package recommending that the Secretary of the Army grant an exception to policy permitting the requested naming has been prepared and is being expeditiously processed.

Thank you for your efforts to gain recognition for Senator Thurmond for his long and distinguished service to our Nation.

Sincerely,

JOSEPH W. WHITAKER,
Deputy Assistant Secretary of the Army (Installations and Housing), OASA (I&E).

CONGRATULATIONS TO THE REPUBLIC OF CHINA

Mr. SMITH of New Hampshire. Mr. President, I rise to congratulate the Taiwanese people in celebrating the 91st National Day of the Republic of China on October 10, 2002.

Taiwan is, and has been, a loyal ally and trading partner in Asia. Its people participate and fully subscribe to the principles of freedom and democracy. The Taiwanese people have worked with the United States on issues ranging from endangered species, trademark infringements to global terrorism. They look to us for cooperation, guidance and protection.

President Bush will soon be meeting with PRC President Jiang Zemin in the United States. I ask my colleagues to join with me in urging President Bush not to enter into any agreement which would restrict Taiwan or compromise its growing democracy. Better relations with the PRC must not come at the expense of the 23 million people on Taiwan, who must depend on America to defend their interests.

I am, however, pleased to see that on September 26 Congress passed the Foreign Relations Authorization Act which contains a few Taiwan-friendly clauses. While the act is not legally binding, this is a goodwill gesture towards Taiwan by the United States. It is apparent that Congress has reached a consensus that "the Taiwan Strait issue must be peaceful and must include the assent of the people of Taiwan." I totally agree with many of my colleagues that as long as the PRC has not renounced the use of force against Taiwan, we must continue to help Taiwan defend itself by selling submarines, patrol aircraft, and advanced destroyers to Taiwan. In addition, the PRC must be left with no doubt that we will provide military support to Taiwan if it is attacked. In fact, the PRC's military buildup in recent years has made it not only a threat to Taiwan but to other neighboring Asian countries as well.

Mr. President, the October 10 celebration should mark the continuance of the close cooperation in all areas between our two countries, as well as the founding of a nation. Again, I congratulate Taiwan on the occasion of its National Day.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred on October 20, 1999 in Barron, WI. A 22-year-old man was beaten to death with a tire iron because his assailants thought he was gay. The attacker, Raymond C. Welton, 33, lured the victim from a bar, then beat him while shouting anti-gay epithets, according to witnesses.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

CONGRATULATIONS TO KATHLEEN LEMMONS

• Mr. BUNNING. Mr. President, I rise today to congratulate Kathleen Lemmons of Fort Thomas, KY, on being recognized as one of the Nation's top educators in 2002 Education's Unsung Heroes Awards Programs.

This awards program, sponsored by ING-Northern Life Insurance Co., recognizes kindergarten through 12th grade educators nationwide for their innovative teaching techniques and creative learning projects.

Ms. Lemmons, a teacher in the gifted program with Fort Thomas Independent Schools, has been specifically recognized for her project in which students constructed robots to carry out certain tasks. This learning adventure combined the principles of math, science and teamwork in an effort to demonstrate how innovative thinking and teamwork can be combined to propel the imagination further than any one individual ever thought possible.

I ask that my fellow colleagues join me in thanking Kathleen Lemmons for her dedication and commitment to the education of America's future. In order for our society to continue to advance in the right direction, we must have teachers willing to challenge their students and teach them the importance of being educated.•

COLONEL PATRICIA E. BOYLE

• Mr. INOUYE. Mr. President, I rise today to recognize a great American and a true military heroine who has honorably served our country for 25 years in the Air Force Nurse Corps: Col. Patricia E. Boyle. Colonel Boyle began her career as an intern and then staff nurse at Wilford Hall Medical Center in San Antonio, TX. She quickly rose through the ranks and served at Air Force bases throughout the country, including Peterson Air Force Base, AFB CO, Vandenburg AFB, CA, Wright-Patterson AFB, OH, and Robins AFB, GA. In each assignment, she excelled and overcame every challenge, and was rewarded with greater responsibilities and opportunities. Colonel Boyle has been recognized throughout her career as a leader who could motivate others to give the best they had to offer. Her talent for teaching and mentoring personnel, as well as her creativity and skill in management were instrumental in many of the successes the Air Force Medical Service enjoys today. Above all, she is a compassionate nurse who always put the welfare of her patients first.

Colonel Boyle served with distinction as a fellow on my staff from 1999 to 2000, and in this capacity greatly strengthened the acclaimed Department of Defense Tri-Service Nursing Research Program, among other highly valuable efforts. In her follow-on assignment as director of Congressional and Public Affairs in the Office of the Air Force Surgeon General, she worked tirelessly behind the scenes in the department of Defense to make TRICARE for Life a reality for senior military retirees. The Surgeon General and his staff depended daily on her astute judgment and seasoned advice to meet the increasingly difficult challenges faced by our military departments today as they provide exemplary health care around the world in the 21st century. Colonel Boyle has made a substantial difference in the lives of our young troops and their families everywhere, and has improved the lot of our retired military patriots who have sacrificed so much. She always went the extra mile to serve her country and her fellow man. Her performance reflects greatly on herself, the U.S. Air Force, the Department of Defense, and the United States of America. I extend my deepest appreciation on behalf of a grateful Nation for her dedicated service. Congratulations, Col. Patricia Boyle. I wish you Godspeed.•

HELEN VINCENT

• Mr. CARPER. Mr. President, I would like to set aside a few moments today to reflect on the life of a remarkable Delawarean, Helen Vincent, upon her passing at the age of 82. Helen was a good friend and a woman who demonstrated tremendous courage and integrity. She was a woman with a kind heart, diverse interests, great abilities, and boundless energy. In the way she lived her own life, Helen reminded each of us how good we can be.

In her 30 years in Newark, DE, Helen became a well-known political and civic activist who championed ethics and justice. She believed in the democratic process and the value of honesty and integrity. A staunch ally, she was a major figure in our successful efforts to clean up New Castle County politics. We are a better State and a stronger Democratic Party because of her tireless efforts to infuse ethics into politics and her refusal to be deterred.

Helen taught us all how to act responsibly, with vision and determination. She understood the inherent danger that comes from the silence of good people. With her courage, she made it just a bit easier for the rest of us to stand up and make our voices heard.

Like Helen, Lou Gehrig's disease works across boundaries, without regard to racial, ethnic or economic barriers. But while the disease seeks to weaken the body, it proved only to bolster Helen's spirit and resolve. In life, and in facing death, Helen Vincent exemplified grace and grit.

In the face of adversity, Helen seemed to always prevail. Even now, as we reflect on her life, she seems somehow to have triumphed again.

Helen's legacy will live on in the lives of those she helped to shape, in the halls of the institutions she served, and in the hearts of those of us who were lucky enough to call her their friend. She believed that we could all do a bit better, and inspired us to do just that.

So I rise today to commemorate Helen, to celebrate her life, and to offer her family our support. Helen truly embodied the best of Delaware. She will be sorely missed by all Delawareans who cherish honesty and integrity and who are committed to playing by the rules.•

DOMESTIC VIOLENCE AWARENESS MONTH

• Mr. DOMENICI. Mr. President, I rise today to speak in recognition of October as Domestic Violence Awareness Month.

Domestic violence continues to be one of the silent tragedies in our society. Because this topic can be uncomfortable to talk about, many people choose to ignore it hoping that it will just go away. This is an unfortunate and, ultimately, harmful response.

Uncomfortable as it may be, we have to recognize that domestic violence occurs far too often and it will continue to occur if we, as a society, fail to take appropriate measures to stop it. We can't know how many occurrences of domestic abuse take place every year because so many of them go unreported. However, estimates range from just under a million to as many as 3 million cases each year.

While this is a staggeringly high number, it represents only one stage in the cycle of abuse that will not end on its own. You see, the women who are abused in these relationships are not the only victims, in the vast majority of these cases, the woman is not the only one who is affected; the children in these families are also victimized.

A man who physically abuses his partner is likely to physically abuse his children as well. But the abuse doesn't have to be physical for it to have a devastating and far-reaching impact. Simply witnessing this kind of abuse begins a cycle of violence that is often passed on from one generation to the next.

We, as a society, have to do better to create an atmosphere in which abused women and children can escape from the abusive relationship. While we have not yet succeeded in addressing this scourge on our society, we have taken some important steps.

Passage of the Violence Against Women Act in 1994 was an important step that has done much to address the problem. A number of other laws at both the Federal and State levels to prevent domestic abuse and punish those who abuse their domestic partners have been enacted over the years.

There are steps being taken to combat domestic violence all over the country at the local levels as well. In my own State of New Mexico, the Dona Ana County Domestic Violence and Sexual Assault Task Force has recently reconvened. This group, made up representatives from the law enforcement community, the criminal justice system, the religious community, and those in the social services, is charged with helping all victims of domestic violence and sexual violence.

In Santa Fe, NM, the Rape Crisis Center will break ground later this month on a new facility. While I am saddened that we have such a need for this facility, I am pleased to have had a part in making the center a reality by securing $1 million in the fiscal year 2002 VA–HUD appropriations bill. I believe that it will provide a safe haven for those who have no other way to escape the abuse they are living with.

While these are all important components in the fight against domestic abuse, there is much that still has to be done.

We have an obligation to shine a spotlight on this dark secret. Taking this month to focus on this issue represents an important step in the fight against those who would terrorize their families.

It is my fervent hope that this step leads us to the day when no woman or child has to live in fear in their own home. I remain committed to doing all I can to seeing that hope become reality.•

TRIBUTE TO THOMAS SEAY LAWSON

• Mr. SHELBY. Mr. President, I rise today to pay tribute to a dear friend and mentor, Judge Thomas Seay Lawson of Montgomery, AL. Judge Lawson died on Monday, September 2, at the age of 96.

Judge Lawson was a native of Greensboro, AL, and was only 32 when he was elected attorney general of the State of Alabama in 1938 after serving for 7 years as an assistant attorney general. He was elected to the first of five consecutive terms to the Alabama Supreme Court in 1942.

Judge Lawson took a leave of absence from the Supreme Court to volunteer for military service during World War II and served as a U.S. Navy officer aboard the U.S.S. Massachusetts, which was involved in major battles in the Pacific theater including Okinawa and Iwo Jima.

He also served for 38 years as a member of the University of Alabama board of trustees and was president pro tem of the board for 10 years. He was a member of the Alabama Academy of Honor. He was the grandson of Thomas Seay, who served as Governor of Alabama from 1886 to 1890.

Judge Lawson earned his bachelor's degree from Davidson College and was a graduate of the University of Alabama Law School. The university conferred upon him a Doctor of Humane Letters degree and Davidson College awarded him its Alumni Citation for Accomplishments in the Field of Law.

He was a member of the Alabama Academy of Honor, Omicron Delta Kappa, Sigma Alpha Epsilon, Phi Delta Phi, and a honorary member of Omicron Kappa Upsilon. He also served as a commissioner of the National Commission of Digestive Diseases of the National Institute of Health. He was the first president of the Alabama Law School Foundation.

Judge Lawson is survived by his wife Kathleen, his son Thomas Seay

Lawson, Jr., his daughter Jule, and many grandchildren and great-grandchildren.

Judge Lawson was a good friend, a patriarch of his community, a great leader of the State of Alabama, and a much-beloved family man. He will be greatly missed by many.•

TRIBUTE TO PETTUS RANDALL

• Mr. SHELBY. Mr. President, I rise today to pay tribute to a dear friend, H. Pettus Randall III, of Tuscaloosa, AL. Pettus Randall died on Saturday, September 7, at the age of 57.

Pettus was a native of Tuscaloosa, AL and attended the University of Alabama where he received bachelor's degrees in English and history. He attended New York University's Graduate School of Business and completed his law degree at the University of Alabama in 1971.

Following the death of his father, Henry Pettus Randall Jr., in 1976, Pettus took over the publishing company that his father had started in 1934. Pettus grew Randall Publishing Company from a $1 million a year company into the $70 million a year nationwide operation it is today. Randall Publishing Company employs more than 600 workers in 20 States and is one of the largest publishers in construction and trucking. It is among the 20 largest privately held U.S. publishing companies and was rated the sixth-fastest-growing publishing companies in the United States.

Under Pettus' management, Randall Publishing Company employees were among the first in the Nation to have 401(k) benefits and, as Randall Publishing Company grew, the growth of equity was shared with each employee.

In the summer of 2000, I had the honor of introducing then-Governor George W. Bush to Pettus at an event at Randall Publishing Company.

Pettus served as president of the West Alabama Chamber of Commerce and the Greater Tuscaloosa Kiwanis Club. He chaired State campaigns for the Cancer Society and Christ Episcopal Church in Tuscaloosa. He worked with United Way, Tuscaloosa Boys and Girls Clubs, March of Dimes and the Tuscaloosa Association of Retarded Citizens.

Pettus and his wife, Catherine were recognized this year by the Alexis de Tocqueville Society for their contributions to the quality of life in west Alabama. In May, he received the west Alabama Chamber's lifetime achievement award and was named Tuscaloosa County's citizen of the year.

Pettus also found time to raise a family. He and Catherine raised three exceptional children. Their daughter Jaynie Rogers attends an MBA program at Harvard. Their daughter Kate is a graduate of both Vanderbilt and Cambridge Universities, and is about to join an investment management firm in Los Angeles. Their son Pettus IV attends Princeton University.

Pettus Randall was a good friend, a patriarch of the Tuscaloosa community, and a much-beloved family man. He will be greatly missed by many.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 11:17 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 163. An act to amend the Fair Debt Collection Practices Act to exempt mortgage servicers from certain requirements of the Act with respect to federally related mortgage loans secured by a first lien, and for other purposes.

H.R. 2578. An act to redesignate the facility of the United States Postal Service located at 8200 South Vermont Avenue in Los Angeles, California, as the "Augustus F. Hawkins Post Office Building".

H.R. 2672. An act to designate the United States courthouse to be constructed at 8th Avenue and Mill Street in Eugene, Oregon, as the "Wayne Lyman Morse United States Courthouse".

H.R. 3100. An act to amend the Internal Revenue Code of 1986 to allow for the expansion of areas designated as renewal communities based on 2000 census data.

H.R. 3340. An act to amend title 5, United States Code, to allow certain catch-up contributions to the Thrift Savings Plan to be made by participants age 50 or over; to reauthorize the Merit Systems Protection Board and the Office of Special Counsel; and for other purposes.

H.R. 3731. An act to amend title 38, United States Code, to increase amounts available to State approving agencies to ascertain the qualifications of educational institutions for furnishing courses of education to veterans and eligible persons under the Montgomery GI Bill and under other programs of education administered by the Department of Veterans Affairs, and for other purposes.

H.R. 4005. An act to provide for a circulating quarter dollar coin program to commemorate the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, and for other purposes.

H.R. 4561. An act to amend title 5, United States Code, to require that agencies, in promulgating rules, take into consideration the impact of such rules on the privacy of individuals, and for other purposes.

H.R. 4685. An act to amend title 31, United States Code, to expand the types of Federal agencies that are required to prepare audited financial statements.

H.R. 5083. An act to designate the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the "Santiago E. Compos United States Courthouse".

H.R. 5169. An act to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works.

H.R. 5331. An act to amend the General Education Provisions Act to clarify the definition of a student regarding family educational and privacy rights.

H.R. 5335. An act to designate the Federal building and United States courthouse located at 200 West 2nd Street in Dayton, Ohio, as the "Tony Hall Federal Building and United States Courthouse".

H.R. 5340. An act to designate the facility of the United States Postal Service located at 5805 White Oak Avenue in Encino, California, as the "Francis Doyle 'Chick' Hearn Post Office".

H.R. 5385. An act to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes.

H.R. 5427. An act to designate the Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, as the "Joe Skeen Federal Building".

H.R. 5469. An act to amend title 17, United States Code, with respect to the statutory license for webcasting, and for other purposes.

H.R. 5507. An act to amend the Truth in Lending Act to adjust the exempt transactions amount for inflation.

H.R. 5531. An act to facilitate famine relief efforts and a comprehensive solution to the war in Sudan.

H.J. Res. 6. A joint resolution recognizing Commodore John Barry as the first flag officer of the United States Navy.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 116. Concurrent resolution recommending the integration of Lithuania, Latvia, and Estonia into the North Atlantic Treaty Organization (NATO).

H. Con. Res. 409. Concurrent resolution supporting the goals and ideals of National Community Role Models Week, and for other purposes.

H. Con. Res. 411. Concurrent resolution recognizing the exploits of the officers and crew of the S.S. Henry Bacon, a United States Liberty ship that was sunk on February 23, 1945.

H. Con. Res. 465. Concurrent resolution recognizing, applauding, and supporting the efforts of the Army Aviation Heritage Foundation, a nonprofit organization incorporated in the State of Georgia, to utilize veteran aviators of the Armed Forces and former Army Aviation aircraft to inspire Americans and to ensure that our Nation's military legacy and heritage of service are never forgotten.

H. Con. Res. 503. Concurrent resolution directing the Clerk of the House of Representatives to correct the enrollment of the bill H.R. 2215.

The message further announced that the House agrees to the amendments of the Senate to the bill (H.R. 2121) to make available funds under the Foreign Assistance Act of 1961 to expand democracy, good governance, and anti-corruption programs in the Russian Federation in order to promote and strengthen democratic government and civil society in that country and to support independent media.

The message further announced that the House agrees to the amendments of the Senate to the bill (H.R. 4085) to amend title 38, United States Code, to provide a cost-of-living increase in the rates compensation for veterans with service-connected disability and dependency and indemnity compensation for surviving spouses of such veterans and their survivors, and for other purposes.

ENROLLED BILLS SIGNED

The following bills, previously signed by the Speaker of the House, were signed by the President pro tempore (Mr. BYRD) on October 7, 2002:

H.R. 3214. An act to amend the charter of the AMVETS organization.

H.R. 3838. An act to amend the charter of the Veterans of Foreign Wars of the United States organization to make members of the armed forces who receive special pay for duty subject to hostile fire or imminent danger eligible for membership in the organization, and for other purposes.

MEASURES REFERRED

The following bill and joint resolution were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5169. An act to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works; to the Committee on Environment and Public Works.

H.J. Res. 6. Joint resolution recognizing Commodore John Barry as the first flag officer of the United States Navy; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions:

Report to accompany S. 2394, a bill to amend the Federal Food, Drug, and Cosmetic Act to require labeling containing information applicable to pediatric patients. (Rept. No. 107-300).

By Mr. INOUYE, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 2743: A bill to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona, and for other purposes. (Rept. No. 107-301).

By Mr. JEFFORDS, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 2847: A bill to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries the activities of which directly or indirectly affect cranes. (Rept. No. 107-302).

By Mr. JEFFORDS, from the Committee on Environment and Public Works, with an amendment:

S. 2897: A bill to assist in the conservation of marine turtles and the nesting habitats of marine turtles in foreign countries. (Rept. No. 107-303).

By Mr. JEFFORDS, from the Committee on Environment and Public Works, with amendments:

H.R. 3908: A bill to reauthorize the North American Wetlands Conservation Act, and for other purposes. (Rept. No. 107-304).

By Mr. JEFFORDS, from the Committee on Environment and Public Works, with an amendment:

H.R. 4807: To authorize the Secretary of the Interior to acquire the property in Cecil County, Maryland, known as Garrett Island for inclusion in the Blackwater National Wildlife Refuge. (Rept. No. 107-305).

By Mr. KERRY, from the Committee on Small Business and Entrepreneurship, with amendments:

S. 2466: A bill to modify the contract consolidation requirements in the Small Business Act, and for other purposes. (Rept. No. 107-306).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 451: A bill to make certain adjustments to the boundaries of the Mount Nebo Wilderness Area, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 980: A bill to establish the Moccasin Bend National Historic Site in the State of Tennessee as a unit of the National Park System.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 2628: A bill to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Muscle Shoals National Heritage Area in Alabama, and for other purposes.

H.R. 2818: A bill to authorize the Secretary of the Interior to convey certain public land within the Sand Mountain Wilderness Study Area in the State of Idaho to resolve an occupancy encroachment dating back to 1971.

H.R. 2990: A bill to amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects under that Act, and for other purposes.

H.R. 3401: A bill to provide for the conveyance of Forest Service facilities and lands comprising the Five Mile Regional Learning Center in the State of California to the Clovis Unified School District, to authorize a new special use permit regarding the continued use of unconveyed lands comprising the Center, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 3421: A bill to provide adequate school facilities within Yosemite National Park, and for other purposes.

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment:

H.R. 3656: A bill to amend the International Organizations Immunities Act to provide for the applicability of that Act to the European Central Bank.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

H.R. 3786: A bill to revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 3858: A bill to modify the boundaries of the New River Gorge National River, West Virginia.

H.R. 3909: A bill to designate certain Federal lands in the State of Utah as the Gunn McKay Nature Preserve, and for other purposes.

H.R. 3928: A bill to assist in the preservation of archaeological, paleontological, zoological, geological, and botanical artifacts through construction of a new facility for the University of Utah Museum of Natural History, Salt Lake City, Utah.

H.R. 3954: A bill to designate certain waterways in the Caribbean National Forest in the Commonwealth of Puerto Rico as components of the National Wild and Scenic Rivers System, and for other purposes.

By Mr. BIDEN, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

H.R. 4073: A bill to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance programs under those Acts, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 4682: A bill to revise the boundary of the Allegheny Portage Railroad National Historic Site, and for other purposes.

H.R. 5099: A bill to extend the periods of authorization for the Secretary of the Interior to implement capital construction projects associated with the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins.

H.R. 5125: A bill to amend the American Battlefield Protection Act of 1996 to authorize the Secretary of the Interior to establish a battlefield acquisition grant program.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1451: A bill to provide for the conveyance of certain public land in Clark County, Nevada, for use as a shooting range.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 1816: A bill to provide for the continuation of higher education through the conveyance of certain public lands in the State of Alaska to the University of Alaska, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 1959: A bill to direct the Secretary of the Interior to conduct a study of the former Eagledale Ferry Dock in the State of Washington for potential inclusion in the National Park System.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1988: A bill to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers.

S. 2016: A bill to authorize the exchange of lands between an Alaska Native Village Corporation and the Department of the Interior, and for other purposes.

S. 2475: A bill to amend the Central Utah Project Completion Act to clarify the responsibilities of the Secretary of the Interior with respect to the Central Utah Project, to redirect unexpended budget authority for the Central Utah Project for wastewater treatment and reuse and other purposes, to provide for prepayment of repayment contracts for municipal and industrial water delivery facilities, and to eliminate a deadline for such prepayment.

S. 2556: A bill to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 2565: A bill to enhance ecosystem protection and the range of outdoor opportunities protected by statute in the Skykomish River valley of the State of Washington by designating certain lower-elevation Federal lands as wilderness and for other purposes.

S. 2585: A bill to direct the Secretary of the Interior to disclaim any Federal interest in lands adjacent to Spirit Lake and Twin Lakes in the State of Idaho resulting from possible omission of lands from an 1880 survey.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 2587: A bill to establish the Joint Federal and State Navigable Waters Commission for Alaska.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2612: A bill to establish wilderness areas, promote conservation, improve public land, and provide for high quality development in Clark County, Nevada, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 2623: A bill to designate the Cedar Creek Battlefield and Belle Grove Plantation National Historical Park as a unit of the National Park System, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 2652: A bill to authorize the Secretary of Agriculture to sell or exchange certain land in the State of Florida, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 2670: A bill to establish Institutes to conduct research on the prevention of, and restoration from, wildfires in forest and woodland ecosystems.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2672: A bill to provide opportunities for collaborative restoration projects on National Forest System and other public domain lands, and for other purposes.

S. 2696: A bill to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 2727: A bill to provide for the protection of paleontological resources on Federal lands, and for other purposes.

S. 2731: A bill to establish the Crossroads of the American Revolution National Heritage Area in the State of New Jersey, and for other purposes.

S. 2744: A bill to establish the National Aviation Heritage Area, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2756: A bill to establish the Champlain Valley National Heritage Partnership in the States of Vermont and New York, and for other purposes.

S. 2773: A bill to authorize the Secretary of the Interior to cooperate with the High Plains Aquifer States in conducting a hydrogeologic characterization, mapping, modeling and monitoring program for the High Plains Aquifer and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 2776: A bill to provide for the protection of archaeological sites in the Galisteo Basin in New Mexico, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 2788: A bill to revise the boundary of the Wind Cave National Park in the State of South Dakota.

S. 2823: A bill to amend the Organic Act of Guam for the purposes of clarifying the local judicial structure of Guam.

S. 2872: A bill to reinstate and extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois.

S. 2880: A bill to designate Fort Bayard Historic District in the State of New Mexico as a National Historic Landmark, and for other purposes.

S. 2893: A bill to provide that certain Bureau of Land Management land shall be held in trust for the Pueblo of Santa Clara and the Pueblo of San Ildefonso in the State of New Mexico.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 2899: A bill to establish the Atchafalaya National Heritage Area, Louisiana.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 2927: A bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Oregon.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 2937: A bill to establish the Blue Ridge National Heritage Area in the State of North Carolina, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 2952: A bill to amend the National Trails System Act to extend the Lewis and Clark National Historic Trail.

S. 3003: A bill to authorize a land conveyance between the United States and the City of Craig, Alaska, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 3005: A bill to revise the boundary of the Kaloko-Honokohau National Historical Park in the State of Hawaii, and for other purposes.

S.J. RES. 44: A joint resolution to consent to amendments to the Hawaii Homes Commission Act, 1920.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

Mr. LEAHY for the Committee on the Judiciary:

Stanley R. Chesler, of New Jersey, to be United States District Judge for the District of New Jersey.

Rosemary M. Collyer, of Maryland, to be United States District Judge for the District of Columbia.

Mark E. Fuller, of Alabama, to be United States District Judge for the Middle District of Alabama.

Daniel L. Hovland, of North Dakota, to be United States District Judge for the District of North Dakota.

Kent A. Jordan, of Delaware, to be United States District Judge for the District of Delaware.

James E. Kinkeade, of Texas, to be United States District Judge for the Northern District of Texas.

Robert G. Klausner, of California, to be United States District Judge for the Central District of California.

Robert B. Kugler, of New Jersey, to be United States District Judge for the District of New Jersey.

Ronald B. Leighton, of Washington, to be United States District Judge for the Western District of Washington.

Jose L. Linares, of New Jersey, to be United States District Judge for the District of New Jersey.

Alia M. Ludlum, of Texas, to be United States District Judge for the Western District of Texas.

William J. Martini, of New Jersey, to be United States District Judge for the District of New Jersey.

Thomas W. Phillips, of Tennessee, to be United States District Judge for the Eastern District of Tennessee.

Linda R. Reade, of Iowa, to be United States District Judge for the Northern District of Iowa.

William E. Smith, of Rhode Island, to be United States District Judge for the District of Rhode Island.

Jeffrey S. White, of California, to be United States District Judge for the Northern District of California.

Freda L. Wolfson, of New Jersey, to be United States District Judge for the District of New Jersey.

Carol Chien-Hua Lam, of California, to be United States Attorney for the the Southern District of California for the term of four years.

Glenn T. Suddaby, of New York, to be United States Attorney for the Northern District of New York for the term of four years

Johnny Mack Brown, of South Carolina, to be United States Marshal for the District of South Carolina for the term of four years.

John Francis Clark, of Virginia, to be United States Marshal for the Eastern District of Virginia for the term of four years.

Robert Maynard Grubbs, of Michigan, to be United States Marshal for the Eastern District of Michigan for the term of four years.

Joseph R. Guccione, of New York, to be United States Marshal for the Southern District of New York for the term of four years.

By Mr. SARBANES for the Committee on Banking, Housing, and Urban Affairs:

*Alberto Faustino Trevino, of California, to be an Assistant Secretary of Housing and Urban Development.

*Carolyn Y. Peoples, of Maryland, to be an Assistant Secretary of Housing and Urban Development.

*Armando J. Bucelo, Jr., of Florida, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2002.

*Armando J. Bucelo, Jr., of Florida, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2005.

*Deborah Doyle McWhinney, of California, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2005.

*Rafael Cuellar, of New Jersey, to be a Member of the Board of Directors of the National Consumer Cooperative Bank for a term of three years.

*Michael Scott, of North Carolina, to be a Member of the Board of Directors of the National Consumer Cooperative Bank for a term of three years.

*John M. Reich, of Virginia, to be Vice Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation.

*Philip Merrill, of Maryland, to be President of the Export-Import Bank of the United States for the remainder of the term expiring January 20, 2005.

By Mr. BIDEN for the Committee on Foreign Relations:

*John R. Dawson, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Peru.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: John R. Dawson.

Post: Lima, Peru.

Contributions, Amount, Date, Donee:

1. Self, none.

2. Spouse, none.

3. Children and Spouses, none.

4. Parents: Robert and Joan Dawson, none.

5. Grandparents: Ernest and Eva Dawson, John and Mildred Power—all deceased.

6. Brothers and spouses: Scott and Carrie Dawson, none.

7. Sisters and spouses: Deborah Dawson and Gerald Bailey, $100.00, March, 2000, Bill Bradley.

*Gene B. Christy, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Brunei Darussalam.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Gene B. Christy.

Post: Brunei Darussalam.

Contributions, Amount, Date, Donee.

1. Self, none.

2. Spouse, none.

3. Children and spouses: Geoffrey B. Christy, none; Emilie Henshell Christy, none.

4. Parents: George B. Christy, (father/deceased); Clara Williams Christy, (step-mother/deceased); Rosea Whitmire Christy, (mother/deceased).

5. Grandparents: Arthur Christy, (grandfather/deceased); Minnie Beach Christy, (grandmother/deceased); Burl Durden Whitmire, (grandfather/deceased); Rose Rice Whitmire, (grandmother/deceased).

6. Brothers and spouses: None.

7. Sisters and spouses: None.

*Charles Aaron Ray, of Texas, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Cambodia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Charles A. Ray.

Post: Cambodia.

Contributions, Amount, Date, Donee.

1. Self, none.

2. Spouse: Myung W. Ray, none.

3. Children and spouses: Gayle D. Ray and Spouse: Reuben Watson, none. Jason A. Ray, none. David E. Ray, none. Denise E. Ray, none.

4. Parents: Father: L.B. Holman, deceased; Mother: Magnolia (Gardner) Alexander, none.

5. Grandparents: Fraternal: Grandfather: Day Holman, deceased; Grandmother: Mary Jackson, deceased. Maternal: Grandfather: Levi Gardner, deceased; Grandmother Sally Young, deceased.

6. Brothers and spouses: Mr. and Mrs. Thomas J. Holman, $500, 2000, Tom Davis; $300, 2000, Rep. Party; Mr. Wilton J. Holman, deceased; Mr. Donald W. Alexander, none; Mr. Dennis R. Alexander, none; Mr. Michael D. Holman, none.

7. Sisters and Spouses: Billye M. Morant (Divorced), none; Mrs. Dorrie E. Hill, none; Mr. Benjamin Hill (spouse), none.

David L. Lyon, of California, is a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Fiji, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Nauru, Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Tonga, and Ambassador Extraordinary and Plenipotentiary of the United States of America to Tuvalu.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Lyon, David L.

Post: Fiji, Nauru, Tonga & Tuvalu.

Contributions, Amount, Date, Donee.

1. Self, none.

2. Spouse: Maureen Lyon, none.

3. Children and spouses: Nathaniel Lyon, none. Jocelyn Lyon, none.

4. Parents: Scott Lyon, deceased. Nancy Lyon, (deceased).

5. Grandparents: Calvin Lyon, (deceased), Lulu Lyon, (deceased), Walter Wilson, (deceased), Mary Wilson, (deceased).

6. Brothers and spouses: Peter Lyon, none. Stephen Lyon, (deceased).

7. Sisters and spouses: n/a.

*Linda Ellen Watt, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Panama.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, Donee.

Nominee: Linda Ellen Watt.

Post: Panama.

2. Self, none.

2. Spouse, none.

3. Children and spouses: Thomas L. Crosby, and Laura M. Crosby, none.

4. Parents: Mr. & Mrs. William Watt, $25.00, 7/31/98, Rep Nat'l Comm; Mrs. Frances Watt, $25.00, 1/19/99, Friends Guilian; $20.00, 4/04/02, Rep Nat'l Comm.

5. Grandparents: Mr. & Mrs. Ulysses S. Ford, deceased. Mr. & Mrs. Alexander Watt, deceased.

6. Brothers and spouses: William A. Watt, Jr., Less than $200 total various dates, Nat'l Rep Congr. Committee.

7. Sisters and spouses: none.

*Richard Allan Roth, of Michigan, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Senegal, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea-Bissau.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Richard Allan Roth.

Post: Dakar, Senegal.

Contributions, Amount, Date, Donee.

1. Self, none.

2. Spouse: Carol Kinsman Roth, none.

3. Children and spouses: Aaron Kinsman Roth and David Kinsman Roth, none.

4. Parents: mother, Marcia Roth:

Contributions for Senator Carl Levin (D-MI), $10.00, August 16, 1998, Levin for Congress; $25.00, May 20, 1998, Levin for Congress; $20.00, July 12, 2000, Levin for Congress; $25.00, December 1, 2001, Friends of Carl Levin.

B. Contributions for Senator Deborah Stabenow (D-MI), $20.00, April 1, 2000, Stabenow for U.S. Senate.

C. Contributions for the Michigan Attorney General, $20.00, February 27, 2000, Jennifer Granholm for Attorney General of Michigan.

D. Contributions to the Democratic Party, $20.00, July 12, 2000, Michigan Democratic Victory; $20.00, September 2, 1998, Michigan Democratic Party Fund; $20.00, August 16, 1998, Democratic Congressional Campaign Committee (DCCC); $30.00, June 3, 1999, DCCC; $20.00, July 12, 2000, DCCC; $25.00, September 11, 2000, DCCC; $30.00, July 27, 2001, DCCC; $20.00, June 12, 1998, Democratic National Committee (DNC); $20.00, November 3, 1999, DNC; $20.00, February 27, 2000, DNC; $20.00, June 10, 2001, DNC; $20.00, June 27, 2001, DNC; $25.00, October 15, 2001, DNC. Father, Morton Roth, deceased.

5. Grandparents: Samuel and Fay Atlas, deceased; Nathan and Fanny Roth, deceased.

6. Brothers and spouses: Robert Ira Roth, (not married), none.

7. Sisters and spouses: Nicki Felica Roth (not married), none.

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*Antonio O. Garza, Jr., of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mexico.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Antonio O. Garza, Jr. (Tony Garza).

Post: Ambassador to Mexico.

Contributions, Amount, Date, Donee.

1. Self: $1000, 6/25/99, George W. Bush; $1000, 11/13/00, Bush-Cheney Recount Fund.

2. Spouse, none.

3. Children and spouses, none.

4. Parents: Antonio O. Garza Sr. and Lita Q. Garza (deceased), none.

5. Grandparents: Nicolas A. Garza (deceased), Rosa Garcia de Garza (deceased); Magdalena Sanchez de Quintana (deceased); Pelayo Quintana (deceased).

6. Brothers and spouses: Nicolas A. Garza, none.

7. Sisters and spouses: Mrs. Miguel Ortiz (sister), $500, 9/29/00, Republican National Committee. Mr. Miguel Ortiz (brother in law), $500. 5/5/97, IBC Commerce Committee for Improvement of the Country; $500, 4/20/98, IBC Commerce Committee for Improvement of the Country; $500, 9/29/00, Republican National Committee.

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*Joseph Huggins, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Botswana.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Joseph Huggins.

Post: Gaborone, Botswana.

Contributions, Amount, Date, Donee.

1. Joseph Huggins, none.

2. Spouse: Margot A. Sullivan (spouse), none.

3. Children: Keisha A. Huggins, Wahida M. Hugguns, Cecelia E. Huggins, and Joseph Huggins III, none.

4. Parents: Elizabeth C. Huggins and Joseph Huggins (deceased), none.

5. Grandparents, deceased.

6. Brothers and spouses: Jerome and Janet Huggins, Lawrence and Aria Huggins, and Michael Huggins, none.

7. Sisters: Lisa A. Huggins, none; Lorraine Brandon (deceased).

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*Grover Joseph Rees, of Louisiana, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of East Timor.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Grover Joseph Rees III.

Post: Ambassador to East Timor.

Contributions, Amount, Date, Donee.

1. Self, $100, 10/2000, Republican Natl Commi; 50, 10/2000, Bill McCollum for Sen; JoAnn Davis for Congress, October 2000, $50; Mike Ferguson for Congress, October 2000, $50; Ric Keller for Congress, October 2000, $50; Jay Dickey for Congress, October 2000, $50; Jim Rogan for Congress, October 2000, $50; Mike Ferguson for Congress, May 2000, $25; Mike Ferguson for Congress, May 2000, $50.

2. Spouse, none.

3. Children and Spouses: Grover Joseph Rees IV, son, none; Oksana Prokhvacheva, daughter-in-law, none.

4. Parents: Grover Joseph Rees Jr., father, none; Patricia Byrne Rees, mother, none.

5. Grandparents: Maternal grandparents, Robert Byrne and Anna McLaughlin Byrne, deceased; paternal grandfather, Grover Joseph Rees, is also deceased; paternal grandmother, Consuelo Broussard Rees, none.

6. Brothers and Spouses: Robert Byrne Rees and Sally Billeaud Rees, none; John Murphy Rees and Linda Lough Rees, none; Stephen Gregory Rees and Mary Aline Rees, none; Charles Andrew Rees, none; Thomas Matthew Rees, none; Daniel Anthony Rees and Kay Sibille Rees, none; James McLaughlin Rees and Jeannine Lanoux, none; Richard Claude Rees and Nicole Rees, none.

7. Sisters and spouses: Kathleen Ann Rees Rosa and Richard Rosa, none. Margaret Mary Rees Crain and David Crain, none; Mary Elizabeth Rees, none.

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*Robin Renee Sanders, of New York, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Congo.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Robin Renee Sanders.

Post: Brazzaville.

Contributions, Amount, Date, Donee.

1. Self, none.

2. Spouse, none.

3. Children and spouses, none.

4. Parents: Geneva Sanders and Robert Sanders, none.

*5. Grandparents: Lucille Lawrence, none.

6. Brothers and spouses, none.

7. Sisters and Spouses: Sharon Sanders and Paula Sanders, none.

*All other grandparents are deceased

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*Kim R. Holmes, of Maryland, to be an Assistant Secretary of State (International Organizations).

*Francis X. Taylor, of Maryland, to be Director of the Office of Foreign Missions, and to have the rank of Ambassador during his tenure of service.

*Francis X. Taylor, of Maryland, to be an Assistant Secretary of State (Diplomatic Security).

*Maura Ann Harty, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State (Consular Affairs).

*Nancy P. Jacklin, of New York, to be United States Executive Director of the International Monetary Fund for a term of two years.

*Seth Cropsey, of the District of Columbia, to be Director of the International Broadcasting Bureau, Broadcasting Board of Governors.

*Steven J. Simmons, of Connecticut, to be Member of the Broadcasting Board of Governors for the remainder of the term expiring August 13, 2003.

*Joaquin F. Blaya, of Florida, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2005.

*D. Jeffrey Hirschberg, of Wisconsin, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2004.

*Ellen R. Sauerbrey, of Maryland, for the rank of Ambassador during her tenure of service as the Representative of the United States of America on the Commission on the Status of Women of the Economic and Social Council of the United Nations.

*Wendy Jean Chamberlin, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

*Diane M. Ruebling, of California, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2002.

*C. William Swank, of Ohio, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2002.

*Samuel E. Ebbesen, of the Virgin Islands, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2003.

*Ned L. Siegel, of Florida, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2003.

Mr. BIDEN. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

*Foreign Service nominations beginning Deborah C. Rhea and ending Ashley J. Tellis, which nominations were received by the Senate and appeared in the Congressional Record on June 21, 2002.

*Foreign Service nominations beginning Dean B. Wooden and ending Claudia L. Yellin, which nominations were received by the Senate and appeared in the Congressional Record on June 21, 2002.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HATCH:

S. 3069. A bill for the relief of Daniel King Cairo; to the Committee on the Judiciary.

By Mr. AKAKA (for himself and Mr. LEVIN):

S. 3070. A bill to authorize appropriations for the Merit Systems Protection Board and the Office of Special Counsel, and for other purposes; to the Committee on Governmental Affairs.

By Mr. ENSIGN:

S. 3071. A bill to require reports to Congress related to airports that will not deploy explosive detection systems by December 31, 2002, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. INHOFE:

S. 3072. A bill to amend the Internal Revenue Code of 1986 to make inapplicable the 10 percent additional tax on early distributions from certain pension plans of public safety employees; to the Committee on Finance.

By Mr. SESSIONS (for himself, Mr. LEAHY, Mr. NICKLES, Mr. HATCH, Mr. SHELBY, Ms. SNOWE, Mr. BUNNING, Mr. ENZI, and Mr. MCCONNELL):

S. 3073. A bill to encourage the establishment of Johnny Micheal Spann Patriot Trusts; to the Committee on Armed Services.

By Mr. BIDEN (for himself, Mr. EDWARDS, Mrs. FEINSTEIN, Mr. CARPER, and Mr. SCHUMER):

S. 3074. A bill to provide bankruptcy judgeships; to the Committee on the Judiciary.

By Mr. FRIST (for himself, Mr. BROWNBACK, and Mr. HELMS):

S. 3075. A bill to facilitate famine relief efforts and a comprehensive solution to the war in Sudan; to the Committee on Foreign Relations.

By Mr. WARNER (for himself and Mr. ALLEN):

S. 3076. A bill to provide risk sharing and indemnification for government contractors supplying anti-terrorism technology and services, and for other purposes; to the Committee on Armed Services.

By Mr. CLELAND (for himself, Mr. MILLER, and Mr. THURMOND):

S. 3077. A bill to designate the facility of the United States Postal Service located at 206 South Main Street in Glennville, Georgia, as the "Michael Lee Woodcock Post Office"; to the Committee on Governmental Affairs.

By Mr. HOLLINGS (for himself and Mr. THURMOND):

S. 3078. A bill to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Southern Campaign of the Revolution Heritage Area in South Carolina, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BIDEN (for himself and Mr. SPECTER):

S. 3079. A bill to authorize the issuance of immigrant visas to, and the admission to the United States for permanent residence of, certain scientists, engineers, and technicians who have worked in Iraqi weapons of mass destruction programs; to the Committee on the Judiciary.

By Mr. LUGAR (for himself and Mr. BINGAMAN):

S. 3080. A bill to establish a national teaching fellowship program to encourage individuals to enter and remain in the field of teaching at public elementary schools and secondary schools; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JOHNSON:

S. 3081. A bill to amend the Internal Revenue Code of 1986 to suspend the tax-exempt status of designated terrorist organizations, and for other purposes; to the Committee on Finance.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 3082. A bill to suspend tax-exempt status of designated terrorist organizations; to the Committee on Finance.

By Mr. MCCAIN (for himself, Mr. FEINGOLD, Ms. SNOWE, Mr. JEFFORDS, Mr. SCHUMER, Ms. CANTWELL, Ms. COLLINS, Mr. LIEBERMAN, Mr. LEVIN, Mr. EDWARDS, and Mr. THOMPSON):

S.J. Res. 48. A joint resolution disapproving the rule submitted by the Federal Election Commission under chapter 8 of title 5, United States Code, relating to prohibited and excessive contributions; to the Committee on Rules and Administration.

By Mr. AKAKA (for himself, Mr. INOUYE, Mr. KENNEDY, Mr. REED, Ms. MIKULSKI, Mr. WELLSTONE, Mr. JEFFORDS, Mr. EDWARDS, Mr. BINGAMAN, Mr. DODD, Mrs. CLINTON, Mr. LIEBERMAN, Mr. KERRY, Mr. TORRICELLI, and Mrs. BOXER):

S.J. Res. 49. A joint resolution recognizing the contributions of Patsy Takemoto Mink; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CORZINE:

S. Res. 336. A resolution urging the international community to reject a boycott of Israeli academic and cultural institutions; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 710

At the request of Mr. KENNEDY, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 710, a bill to require coverage for colorectal cancer screenings.

S. 724

At the request of Mr. BOND, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 724, a bill to amend title XXI of the Social Security Act to provide for coverage of pregnancy-related assistance for targeted low-income pregnant women.

S. 1038

At the request of Mr. JEFFORDS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1038, a bill to amend the Internal Revenue Code of 1986 to improve access to tax-exempt debt for small nonprofit health care and educational institutions.

S. 1329

At the request of Mr. JEFFORDS, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1329, a bill to amend the Internal Revenue Code of 1986 to provide a tax incentive for land sales for conservation purposes.

S. 1877

At the request of Mr. HARKIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1877, a bill to clarify and reaffirm a cause of action and Federal court jurisdiction for certain claims against the Government of Iran.

S. 2667

At the request of Mr. CHAFEE, his name was added as a cosponsor of S. 2667, a bill to amend the Peace Corps Act to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government, and for other purposes.

S. 2793

At the request of Mr. ENSIGN, the names of the Senator from Missouri (Mr. BOND) and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of S. 2793, a bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

S. 2869

At the request of Mr. KERRY, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 2869, a bill to facilitate the ability of certain spectrum auction winners to pursue alternative measures required in the public interest to meet the needs of wireless telecommunications consumers.

S. 2869

At the request of Mr. CRAIG, his name was added as a cosponsor of S. 2869, supra.

S. 2922

At the request of Ms. LANDRIEU, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2922, a bill to facilitate the deployment of wireless telecommunications networks in order to further the availability of the Emergency Alert System, and for other purposes.

S. 2968

At the request of Mr. SARBANES, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 2968, a bill to amend the American Battlefield Protection Act of 1996 to authorize the Secretary of the Interior to establish a battlefield acquisition grant program.

S. 2969

At the request of Mr. CRAIG, his name was withdrawn as a cosponsor of S. 2969, a bill to provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and for other purposes.

S. 2990

At the request of Mr. BINGAMAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2990, a bill to provide for programs and activities to improve the health of Hispanic individuals, and for other purposes.

S. 3062

At the request of Mr. CRAIG, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 3062, a bill to direct the Secretary of Agriculture to conduct a study of the effectiveness of silver-based biocides as an alternative treatment to preserve wood.

S. RES. 307

At the request of Mr. TORRICELLI, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Res. 307, a resolution reaffirming support of the Convention on the Prevention and Punishment of the Crime of Genocide and anticipating the commemoration of the 15th anniversary of the enactment of the Genocide Convention Implementation Act of 1987 (the Proxmire Act) on November 4, 2003.

S. RES. 333

At the request of Mr. HUTCHINSON, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. Res. 333, a resolution expressing the sense of the Senate relating to a dispute between the Pacific Maritime Association and the International Longshore and Warehouse Union.

S. CON. RES. 3

At the request of Mr. FEINGOLD, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. Con. Res. 3, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. Wisconsin and all those who served aboard her.

S. CON. RES. 136

At the request of Mr. BAUCUS, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. Con. Res. 136, a concurrent resolution requesting the President to issue a proclamation in observance of the 100th Anniversary of the founding of the International Association of Fish and Wildlife Agencies.

S. CON. RES. 138

At the request of Mr. REID, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of S. Con. Res. 138, a concurrent resolution expressing the sense of Congress that the Secretary of Health and Human Services should conduct or support research on certain tests to screen for ovarian cancer, and Federal health care programs and group and individual health plans should cover the tests if demonstrated to be effective, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SESSIONS (for himself, Mr. LEAHY, Mr. NICKLES, Mr. HATCH, Mr. SHELBY, Ms. SNOWE, Mr. BUNNING, Mr. ENZI, and Mr. MCCONNELL):

S. 3073. A bill to encourage the establishment of Johnny Michael Spann Patriot Trusts; to the Committee on Armed Services.

Mr. SESSIONS. Mr. President, I rise today to introduce the Johnny Michael Spann Patriot Trusts Act. Members of the United States military, CIA personnel, FBI personnel, and other Federal employees defend the freedom and security of our Nation each day, often at high risk to their own safety, and sometimes at the cost of their own lives. This bill will help facilitate the flow of private charitable money to the widows and orphans of our American servicemen, CIA officers, FBI agents, and other Federal employees who give their lives in the War on Terrorism.

In the days following the terrorist attacks of September 11, we passed the Victims Compensation Fund of 2001 to provide compensation to the victims of those attacks. The September 11 Fund only covers those who were injured or killed on September 11 as a result of the September 11 attacks. It is estimated that the September 11 Fund will provide the families of the September 11 victims with an average of $1.85 million each.

The September 11 Fund, however, does not cover military or government personnel who have been killed while fighting against terrorists in the new War on Terrorism after September 11, 2001. For example, it does not cover Alabama native Johnny Michael Spann and his family. CIA officer Johnny Michael Spann was the first American to give his life for his country in the War on Terrorism launched by President George W. Bush following the September 11 terrorist attacks. Because individuals like Mr. Spann are not included in the fund, their beneficiaries will receive far less than the $1.85 million that the beneficiaries of the September 11 fund will receive. Instead, family members of our soldiers, sailors, airmen, and marines killed in action while fighting terrorists will receive only relatively minor benefits currently $6,000 plus a small monthly payment. If the military man or women had purchased life insurance, the most the family can hope to receive is $250,000. CIA and FBI benefits are somewhat better, but still do not approach the $1.85 million mark. Now is the time to remedy this inequity and to meet the responsibility of taking care of the families of the military and government personnel who give their lives defending us from terrorism.

So today, I offer this bill to narrow the gap in the current compensation system. This bill will facilitate and encourage private charitable giving for the benefit of spouses and dependents of military, CIA, FBI, and other Federal employees killed in the line of duty while combating terrorism. The bill will use no government monies and will not affect the September 11 Fund. Instead, the bill will allow private monies to fill in the gap.

If a Section 501(c)(3) charity meets the requirements of the bill, it can designate itself as a "Johnny Michael Spann Patriot Trust." The requirements are: 1. Beneficiaries—The trust must benefit government employees or contractors whose death occur in the line of duty and arise out of terrorist attacks, military operations, intelligence operations, law enforcement operations, or accidents connected with activities occurring after September 11, 2001, and related to domestic or foreign efforts to curb international terrorism, including the Authorization for Use of Military Force that we passed last year.

2. Tax Rules—The trust must qualify under existing tax rules for charitable trusts or private foundations. Thus, contributions to the fund will be tax deductible.

3. Distrubutions—The trust must distribute at least eighty-five percent of funds collected to beneficiaries. Thus, administrative expenses can be no more than fifteen percent, after the initial organizing expenses are made.

4. Audit—If contributions to the trust exceed $1 million, it must be audited by an independent certified public accountant.

5. McCain-Feingold—The trust must comply with the existing exemption in the McCain-Feingold campaign finance law for charities.

Once a trust meets the requirements, it will be entitled to two key benefits. First, the Secretary of Defense will be authorized to contact the Patriot Trusts on behalf of surviving spouses, thus eliminating the indignity widows often face when they are forced to go to a charity and ask for money.

Second, the bill will ensure that federally elected officials can raise money for Patriot Trusts without any problem under the McCain-Feingold campaign finance law. This encouragement of Senators and Congressmen to raise money for the families of slain military, CIA, or FBI personnel should help build real resources to help families with real needs.

Overall, this bill will help private charities provide a level playing field for those who give their lives for our freedom and security. It will address the current inequity between those who died in their office and those who died on the battle field defending America, and it will seek a fair and patriotic way for charities to recognize those who died defending their country against terrorism.

Who among us can look into the eyes of the widow of a soldier who lost his life fighting for his country and say, "Sorry, you only get $6,000, but the widow of the securities broker in New

York gets almost $2 Million." This bill takes a modest step toward ensuring fair and equitable treatment to all of those making the ultimate sacrifice, giving their lives to protect the United States and her citizens against terrorists around the world.

It is our moral duty and obligation to assist these service members and federal employees who are giving their lives in service to our country. Helping charities fill the gap is the least that we can do. I would urge all of my colleagues to support this bill as a way to show our Armed Forces and other employees that they are deserving of fair and equitable treatment.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3073

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF CHARITABLE TRUSTS FOR MEMBERS OF THE ARMED FORCES OF THE UNITED STATES AND OTHER GOVERNMENTAL ORGANIZATIONS.

(a) FINDINGS.—Congress finds the following:

(1) Members of the Armed Forces of the United States defend the freedom and security of our Nation.

(2) Members of the Armed Forces of the United States have lost their lives while battling the evils of terrorism around the world.

(3) Personnel of the Central Intelligence Agency (CIA) charged with the responsibility of covert observation of terrorists around the world are often put in harm's way during their service to the United States.

(4) Personnel of the Central Intelligence Agency have also lost their lives while battling the evils of terrorism around the world.

(5) Employees of the Federal Bureau of Investigation (FBI) and other Federal agencies charged with domestic protection of the United States put their lives at risk on a daily basis for the freedom and security of our Nation.

(6) United States military personnel, CIA personnel, FBI personnel, and other Federal agents in the service of the United States are patriots of the highest order.

(7) CIA officer Johnny Micheal Spann became the first American to give his life for his country in the War on Terrorism launched by President George W. Bush following the terrorist attacks of September 11, 2001.

(8) Johnny Micheal Spann left behind a wife and children who are very proud of the heroic actions of their patriot father.

(9) Surviving dependents of members of the Armed Forces of the United States who lose their lives as a result of terrorist attacks or military operations abroad receive a $6,000 death benefit, plus a small monthly benefit.

(10) The current system of compensating spouses and children of American patriots is inequitable and needs improvement.

(b) DESIGNATION OF JOHNNY MICHEAL SPANN PATRIOT TRUSTS.—Any charitable corporation, fund, foundation, or trust (or separate fund or account thereof) which otherwise meets all applicable requirements under law with respect to charitable entities and meets the requirements described in subsection (c) shall be eligible to characterize itself as a "Johnny Micheal Spann Patriot Trust".

(c) REQUIREMENTS FOR THE DESIGNATION OF JOHNNY MICHEAL SPANN PATRIOT TRUSTS.—The requirements described in this subsection are as follows:

(1) Not taking into account funds or donations reasonably necessary to establish a trust, at least 85 percent of all funds or donations (including any earnings on the investment of such funds or donations) received or collected by any Johnny Micheal Spann Patriot Trust must be distributed to (or, if placed in a private foundation, held in trust for) surviving spouses, children, or dependent parents, grandparents, or siblings of 1 or more of the following:

(A) members of the Armed Forces of the United States;

(B) personnel, including contractors, of elements of the intelligence community, as defined in section 3(4) of the National Security Act of 1947;

(C) employees of the Federal Bureau of Investigation; and

(D) officers, employees, or contract employees of the United States Government,

whose deaths occur in the line of duty and arise out of terrorist attacks, military operations, intelligence operations, law enforcement operations, or accidents connected with activities occurring after September 11, 2001, and related to domestic or foreign efforts to curb international terrorism, including the Authorization for Use of Military Force (Public Law 107–40; 115 Stat. 224).

(2) Other than funds or donations reasonably necessary to establish a trust, not more than 15 percent of all funds or donations (or 15 percent of annual earnings on funds invested in a private foundation) may be used for administrative purposes.

(3) No part of the net earnings of any Johnny Micheal Spann Patriot Trust may inure to the benefit of any individual based solely on the position of such individual as a shareholder, an officer or employee of such Trust.

(4) None of the activities of any Johnny Micheal Spann Patriot Trust shall be conducted in a manner inconsistent with any law with respect to attempting to influence legislation.

(5) No Johnny Micheal Spann Patriot Trust may participate in or intervene in any political campaign on behalf of (or in opposition to) any candidate for public office, including by publication or distribution of statements.

(6) Each Johnny Micheal Spann Patriot Trust shall comply with the instructions and directions of the Director of Central Intelligence, the Attorney General, or the Secretary of Defense relating to the protection of intelligence sources and methods, sensitive law enforcement information, or other sensitive national security information, including methods for confidentially disbursing funds.

(7) Each Johnny Micheal Spann Patriot Trust that receives annual contributions totaling more than $1,000,000 must be audited annually by an independent certified public accounting firm. Such audits shall be filed with the Internal Revenue Service, and shall be open to public inspection, except that the conduct, filing, and availability of the audit shall be consistent with the protection of intelligence sources and methods, of sensitive law enforcement information, and of other sensitive national security information.

(8) Each Johnny Micheal Spann Patriot Trust shall make distributions to beneficiaries described in paragraph (1) at least once every calendar year, beginning not later than 12 months after the formation of such Trust, and all funds and donations received and earnings not placed in a private foundation dedicated to such beneficiaries must be distributed within 36 months after the end of the fiscal year in which such funds, donations, and earnings are received.

(9)(A) When determining the amount of a distribution to any beneficiary described in paragraph (1), a Johnny Micheal Spann Patriot Trust should take into account the amount of any collateral source compensation that the beneficiary has received or is entitled to receive as a result of the death of an individual described in subsection (c)(1).

(B) Collateral source compensation includes all compensation from collateral sources, including life insurance, pension funds, death benefit programs, and payments by Federal, State, or local governments related to the death of an individual described in subsection (c)(1).

(d) TREATMENT OF JOHNNY MICHEAL SPANN PATRIOT TRUSTS.—Each Johnny Micheal Spann Patriot Trust shall refrain from conducting the activities described in clauses (i) and (ii) of section 301(20)(A) of the Federal Election Campaign Act of 1971 so that a general solicitation of funds by an individual described in paragraph (1) of section 323(e) of such Act will be permissible if such solicitation meets the requirements of paragraph (4)(A) of such section.

(e) NOTIFICATION OF TRUST BENEFICIARIES.—Notwithstanding any other provision of law, and in a manner consistent with the protection of intelligence sources and methods, sensitive law enforcement information, and other sensitive national security information, the Secretary of Defense, the Director of the Federal Bureau of Investigation, or the Director of Central Intelligence, or their designees, as applicable, may forward information received from an executor, administrator, or other legal representative of the estate of a decedent described in subparagraph (A), (B), (C), or (D) of subsection (c)(1), to a Johnny Micheal Spann Patriot Trust on how to contact individuals eligible for a distribution under subsection (c)(1) for the purpose of providing assistance from such Trust; provided that, neither forwarding nor failing to forward any information under this subsection shall create any cause of action against any Federal department, agency, officer, agent, or employee.

(f) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense, in coordination with the Attorney General, the Director of the Federal Bureau of Investigation, and the Director of Central Intelligence, shall prescribe regulations to carry out this section.

Mr. LEAHY. Mr. President, I am pleased to join Senators SESSIONS and NICKLES in introducing the Johnny Michael Spann Patriot Trusts Act. This legislation will facilitate private charitable giving for the benefit of spouses of servicemen and other Federal employees who are killed in the line of duty while engaged in the fight against international terrorism.

Many of us have fought for some time to achieve fair and expeditious compensation for victims of terrorism. In 1996, we passed the Justice for Victims of Terrorism Act, which authorized grants to states to provide assistance and compensation to victims of terrorism. Two years ago, we passed legislation directing the Justice Department to establish a Federal compensation program for victims of international terrorism. And last year, in the wake of the September 11 attacks, we established a special fund to provide compensation to the many families who lost loved ones on that terrible day.

I am proud of these legislative accomplishments. We should make every effort to help the innocent civilians whose lives are shattered by terrorist acts. At the same time, we must not forget those who are killed while serving on the front line in the war on terrorism. Under current law, beneficiaries of members of the U.S. Armed Forces get paid $6,000 only in death benefits from the Government, over any insurance that they may have purchased. Moreover, these individuals may not be eligible for payments from any existing victims' compensation program or charitable organization.

The Johnny Michael Spann Patriot Trusts Act will provide much needed support for the families of those who have made the ultimate sacrifice for their country. The bill encourages the creation of charitable trusts for the benefit of surviving spouses and dependents of military, CIA, FBI, and other Federal Government employees who are killed in operations or activities to curb international terrorism. In addition, the bill authorizes Federal officials to contact qualifying trusts on behalf of surviving spouses and dependents, pursuant to regulations to be prescribed by the Secretary of Defense. This will help to inform survivors about benefits and to ensure that those who are eligible have the opportunity to access the money. It will also spare grieving widows the embarrassment of having to go to a charity and ask for money. Finally, for the avoidance of doubt, the bill makes clear that federal officeholders and candidates may help raise funds for qualifying trusts without running afoul of Federal campaign finance laws.

While we have greatly improved our victims assistance and compensation programs, we still have more to do. I urge my colleagues on both sides of the aisle to join in advancing this legislation through Congress before the end of the year.

By Mr. WARNER (for himself and Mr. ALLEN):

S. 3076. A bill to provide risk sharing and indemnification for government contractors supplying anti-terrorism technology and services, and for other purposes; to the Committee on Armed Services.

Mr. WARNER. Mr. President, I rise today to introduce a bill on behalf of myself and Senator ALLEN to authorize the President to apply the indemnification authorities now available to the Department of Defense and other agencies for national defense purposes to those agencies engaged in defending our Nation against terrorism. This authority is needed to enable America to access the best private sector solutions to defend our homeland, particularly from those innovative small businesses who do not have the capital to shoulder significant liability risk.

There is an urgent need for this authority. For example, contractors will not sell chemical and biological detectors already available to DOD to other Federal agencies and state and local authorities because of the liability risk. Some of our Nation's top defense contractors will not sell these products because they are afraid to risk the future of their company on a lawsuit. In the meantime the American people are vulnerable. We should give the President the option that he currently does not have, of deciding whether the Federal Government should facilitate these purchases. This legislation would do precisely that.

This liability risk has been a longstanding deterrent to the private sector freely contracting with the Federal Government to meet national security needs. Congress has acted in the past to authorize the indemnification of contracts, particularly in times of war. On December 18, 1941, less than two weeks after the attack on Pearl Harbor, the Congress enacted Title II of the First War Powers Act of 1941. By providing authority to the President to indemnify contracts, this legislation and its successor have enabled the private sector to enter into contracts that involve a substantial liability risk. Administrations since Roosevelt's day have used these authorities to indemnify or share the risk with defense contractors. This was required to jump start the "arsenal of democracy" in 1941. It was true in 1958, when the nuclear and missile programs were facilitated by the indemnification of risks associated with the use of nuclear power and highly volatile missile fuels. it is true today for technology solutions required by agencies engaged in the war against terrorism.

This war is going to be different in many ways. For one, much of the Nation's homeland defense activities are going to be conducted by State and local governments. It is thus imperative to ensure that State and local governments can access vital anti-terrorism technologies.

To facilitate this, this bill would require the establishment of a Federal contracting vehicle to which state and local governments could turn to rapidly buy anti-terrorism solutions from the Federal Government. The President would also be authorized, if he deemed it necessary, to indemnify these purchases.

I want to emphasize two points. One, that this authority is discretionary. The President, on a case by case basis will decide whether to indemnify contracts. I expect the President will use this authority much like it has been used at the Defense Department, carefully and thoughtfully, and only for those products that the government cannot obtain without the use of the authority.

The second point I want to emphasize is that indemnification not in conflict with any efforts to limit or cap liability. I see these two efforts as complimentary. This legislation should not be seen as an alternative for tort reform, but merely as one tool that can be used by the President to ensure that vitally needed technologies necessary for homeland defense are placed into the hands of those who need them.

During World War II and all subsequent wars, conflicts and emergencies in which the U.S. has been involved, we have needed domestic contractors to be innovative, resourceful and ready to support efforts at home and abroad. In 1941, the Congress wanted contractors to know that if they were willing to engage in unusually hazardous activities for the national defense, then the U.S. Government would address the potential liability exposure associated with the conduct of such activities. Our position should be no different now.

By Mr. BIDEN (for himself and Mr. SPECTER):

S. 3079. A bill to authorize the issuance of immigrant visas to, and the admission to the United States for permanent residence of, certain scientists, engineers, and technicians who have worked in Iraqi weapons of mass destruction programs; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, last night the President of the United States said something very important about United Nations inspections in Iraq. He said:

> Clearly, to actually work, any new inspections. . .will have to be very different. . . . To ensure that we learn the truth, the regime must allow witnesses to its illegal activities to be interviewed outside the country, and these witnesses must be free to bring their families with them so they are all beyond the reach of Saddam Hussein's terror and murder. And inspectors must have access to any site, at any time, without preclearance, without delay, without exceptions.

The President is right on the money about the inspections. This is how to get the information the world needs on Saddam Hussein's weapons of mass destruction programs. But how is the U.N. to do that?

Where will those weapons scientists and their families go, once they've told the truth about Saddam's weapons programs? They can't go home again. And at least in the short run, there will be no safe haven in the region for the people who reveal Saddam's most terrible secrets.

So where will those scientists go? Maybe some can go to Europe, although both al Qaeda cells and

Saddam's agents have operated there. Maybe some can go to Canada, or to South America.

But if the United States wants the world to show resolve in dealing with Saddam Hussein, then we should show the way by taking the lead in admitting those Iraqis who have the courage to betray Saddam's nuclear, chemical and biological weapons programs.

We have a large country in which to absorb those people, and, for all our problems, we have the best law enforcement and security apparatus to guard them.

What we do not have is an immigration system that readily admits large numbers of persons who have a recent involvement with weapons of mass destruction, have recently aided a country in the so-called "axis of evil," and are bringing their families.

I am introducing today, therefore, legislation to admit to our country those Iraqi scientists, engineers and technicians, and their families, who give reliable information on Saddam's programs to us, to the United Nations, or to the International Atomic Energy Agency.

My esteemed colleague on the Judiciary Committee, Senator SPECTER of Pennsylvania, joins me in introducing this legislation, and I am very pleased to have his support. This bill is not political. Rather, it is a bipartisan effort to help the President succeed in forcing Iraq to destroy all its weapons of mass destruction capabilities.

I urge my colleagues to support this legislation. Why? Because those Iraqis will deserve our protection. And equally important, because they will not come forward unless we offer that protection.

Charles Duelfer, former Deputy Executive Director of UNSCOM, the original U.N. inspection force in Iraq, recently wrote an article entitled, "The Inevitable Failure of Inspections in Iraq." He made the following recommendations: First, inspectors should be mandated to interview the few hundred key scientists, engineers, and technicians who were involved in the previous weapons of mass destruction efforts and have them account for their activities since December 1998. The U.N. knows who these individuals are. If, as is suspected, Iraq has been continuing to develop weapons of mass destruction, some or most of these people will have been involved.

Second, the conditions for such interviews must be changed. Iraqi government observers must not be present. the previous UNSCOM agreement to the presence of such "minders" was a mistake. The fact that junior workers would shake with fear at the prospect of answering a question in a way inconsistent with government direction made this obvious.

Third, and most important, the U.N. should offer sanctuary or safe haven to those who find it a condition for speaking the truth. The people are key to these programs. Access to the people under conditions where they could speak freely was not something UNSCOM ever achieved except in the rare instances of defection.

Mr. Duelfer concludes: I often summarized this problem to Washington by suggesting that, if UNSCOM had 100 green cards to distribute during inspections, it could have quickly accounted for the weapons programs.

Other experts, including Dr. Khidir Hamza, a former Iraqi nuclear weapons scientist who testified before the Senate Foreign Relations Committee on July 27, have pointed out that by enticing scientists and engineers away from Iraq, we will also deprive Saddam Hussein of the very people he needs to produce those weapons of mass destruction and long-range missiles.

If we do, in the end, have to go to war against Saddam, then the fewer weapons scientists he has, the better.

Current law includes several means of either paroling non-immigrants into the United States or admitting people for permanent residence, notwithstanding their normal inadmissibility under the law.

These are very limited provisions, however, and they will not suffice to accommodate hundreds of Iraqi scientists and their families.

The legislation that I am introducing, the "Iraqi Scientists Liberation Act of 2002," will permit the Secretary of State and the Attorney General, acting jointly and on a case-by-case basis, to admit a foreigner and his family for permanent residence if such person: is a scientist, engineer, or technician who has worked in an Iraqi program to produce weapons of mass destruction or the means to deliver them, during the years since the inspectors left and Saddam began rebuilding those programs; is willing to supply or has supplied reliable information on that program to UNMOVIC, to the IAEA, or to an agency of the United State Government; and will be or has been placed in danger as a result of providing such information.

The Attorney General will be empowered to set the rules and regulations governing implementation of this law, in consultation with the Secretary of State and other relevant officials.

Finally, this legislation will be limited to the admission of 500 scientists, plus their families, over 3 years. If it works and we need to enlarge the program, we can do so.

The important thing for now is to give our country the initial authority, and to give United Nations inspectors the ability to call on us when one of Saddam's nuclear, chemical or biological weapons experts is willing to help the world to bring those programs down.

It is hard to predict what we will achieve by opening our doors. Iraq will surely object to giving UNMOVIC the inspection and interview powers that the President proposes. But if UNMOVIC does get into Iraq under a stronger Security Council resolution in the coming weeks, then having this law on the books could help to undermine Saddam Hussein's weapons of mass destruction programs.

Even if inspectors never get in, a public offer of asylum for Iraq's scientists could lead some to defect, as Dr. Hamza did.

Last night the President called for inspections that protect the lives of those who are interviewed and their families.

We owe it to the President to do all we can to make that possible.

We owe it to the United Nations inspectors to give them every chance to succeed.

We owe to it Iraq's people and its neighbors to do everything we can to dismantle its weapons of mass destruction programs.

And we owe it to our own people to do all we can to achieve that end peacefully, and with international support.

This bill is a small step toward those ends, but it is a vital one. I urge my colleagues to give it their immediate attention and their considered support.

I ask unanimous consent that the full text of my bill appear following my remarks in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3079

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be known as the "Iraqi Scientists Liberation Act of 2002".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The President stated in substance the following to the United Nations General Assembly:

(A) In 1991, the Iraqi regime agreed to destroy and stop developing all weapons of mass destruction and long-range missiles, and to prove to the world it has done so by complying with rigorous inspections. Iraq has broken every aspect of this fundamental pledge.

(B) Today, Iraq continues to withhold important information about its nuclear program: weapons design, procurement logs, experiment data, an accounting of nuclear materials, and documentation of foreign assistance. Iraq's state-controlled media has reported numerous meetings between Saddam Hussein and his nuclear scientists, leaving little doubt about his continued appetite for these weapons.

(C) Iraq also possesses a force of Scud-type missiles with ranges greater than the 150 kilometers permitted by the United Nations.

(2) United Nations Special Commission (UNSCOM) experts concluded that Iraq's declarations on biological agents vastly understated the extent of its program, and that Iraq actually produced two to four times the amount of most agents, including anthrax and botulinum toxin, than it had declared.

(3) UNSCOM reported to the United Nations Security Council in April 1995 that Iraq had concealed its biological weapons program and had failed to account for 3 tons of growth material for biological agents.

(4) Gaps identified by UNSCOM in Iraqi accounting and current production capabilities strongly suggest that Iraq maintains stockpiles of chemical agents, probably VX, sarin, cyclosarin, and mustard.

(5) Iraq has not accounted for hundreds of tons of chemical precursors and tens of thousands of unfilled munitions, including Scud variant missile warheads.

(6) Iraq has not accounted for at least 15,000 artillery rockets that in the past were its preferred vehicle for delivering nerve agents, nor has it accounted for about 550 artillery shells filled with mustard agent.

(7) For nearly 4 years, Iraq has been able to pursue its weapons of mass destruction programs free of inspections.

(8) Inspections will fail if United Nations and International Atomic Energy Agency inspectors do not have speedy and complete access to any and all sites of interest to them.

(9) Inspections will be much less effective if those scientists, engineers, and technicians whom the inspectors interview are monitored and subjected to pressure by agents of Saddam Hussein's regime.

(10) As the President made clear in his speech to the Nation on October 7, 2002, the most effective international inspection of Iraq would include interviews with persons who are unmonitored by Saddam Hussein's regime and who are protected from it in return for providing reliable information.

(11) The emigration from Iraq of key scientists, engineers, and technicians could substantially disable Saddam Hussein's programs to produce weapons of mass destruction and the means to deliver them.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) Iraq must give United Nations and International Atomic Energy Agency inspectors speedy and complete access to any and all sites of interest to them;

(2) United Nations and International Atomic Energy Agency inspections in Iraq should include interviews with persons who are unmonitored by Saddam Hussein's regime and who are protected from it in return for providing reliable information; and

(3) key scientists, engineers, and technicians in Saddam Hussein's programs to produce weapons of mass destruction and the means to deliver them should be encouraged to leave those programs and provide information to governments and international institutions that are committed to dismantling those programs.

SEC. 4. ADMISSION OF CRITICAL ALIENS.

(a) AUTHORITY.—Notwithstanding the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), whenever the Secretary of State and the Attorney General, acting jointly, determine that the admission into the United States of an alien described in subsection (b) is in the public interest, the alien, and any member of the alien's immediate family accompanying or following to join, shall be eligible to receive an immigrant visa and to be admitted to the United States for permanent residence.

(b) ELIGIBILITY.—An alien described in this subsection is an alien who—

(1) is a scientist, engineer, or technician who has worked at any time since December 16, 1998, in an Iraqi program to produce weapons of mass destruction or the means to deliver them;

(2) is in possession of critical reliable information concerning any such Iraqi program;

(3) is willing to provide, or has provided, such information to inspectors of the United Nations, inspectors of the International Atomic Energy Agency, or any department, agency, or other entity of the United States Government; and

(4) will be or has been placed in danger as a result of providing such information.

(c) LIMITATION.—Not more than 500 principal aliens may be admitted to the United States under subsection (a). The limitation in this subsection does not apply to any immediate family member accompanying or following to join a principal alien.

(d) EXPIRATION OF AUTHORITY.—The authority granted in this section shall expire 36 months after the date of enactment of this Act.

SEC. 5. RULES AND REGULATIONS.

The Attorney General, in consultation with the Secretary of State, is authorized to prescribe such rules and regulations as may be necessary to carry out the provisions of this Act.

SEC. 6. WEAPON OF MASS DESTRUCTION DEFINED.

(a) IN GENERAL.—In this Act, the term "weapon of mass destruction" has the meaning given the term in section 1403(1) of the Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104–201; 110 Stat. 2717; 50 U.S.C. 2302(1)), as amended by subsection (b).

(b) TECHNICAL CORRECTION.—Section 1403(1)(B) of the Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104-201; 110 Stat. 2717; 50 U.S.C. 2302(1)(B)) is amended by striking "a disease organism" and inserting "a biological agent, toxin, or vector (as those terms are defined in section 178 of title 18, United States Code)".

By Mr. LUGAR (for himself and Mr. BINGAMAN):

S. 3080. A bill to establish a national teaching fellowship program to encourage individuals to enter and remain in the field of teaching at public elementary schools and secondary schools; to the Committee on Health, Education, Labor, and Pensions.

Mr. LUGAR. Mr. President, I rise today to introduce the Teaching Fellows Act of 2002.

This year Congress passed, and the President signed into law the No Child Left Behind Act. This new law represents the most sweeping changes to the Elementary and Secondary Education Act, ESEA, since it was enacted in 1965. The Act underscores the importance of a good education; it stresses the use of research-based teaching programs, increases funds available to public schools, broadens local flexibility, and enhances accountability.

In focusing on these principles, we aim to change the way our schools do business. This is important. While some schools are doing well, many are not. It is important that our low performing schools are given the assistance they need to improve, along with the knowledge that they will be held accountable for turning themselves around and narrowing the existing achievement gaps.

I have long championed the greater use of research-based programs in troubled schools, specifically Comprehensive School Reform. Good reform programs are a bargain for our schools and our children when we compare their costs to that of retention, special education and illiteracy.

However, I also realize that the best research-based programs cannot be successfully implemented without a sufficient number of teachers in the classroom. Statistics vary, but it is estimated that 1 million of the Nation's 3 million teachers will retire in the next 5 years. Schools will need to hire over 2 million new teachers in the next decade.

To help address this problem, my colleague Senator BINGAMAN and I are introducing today the Teaching Fellows Act, legislation that aims to encourage the best and brightest to enter teaching.

The problem of teacher shortages is complex, and the problems States are experiencing in recruitment and retention vary. The bill we introduce today encourages states to structure their scholarship program so that it addresses the individual needs of the State, and utilizes the best resources they have to offer.

Similar to the National Health Service Corps, selected students would receive at least $6,500 per year toward college expenses, and in return, would incur an obligation to serve in an under-served area. In this case, we require new teachers to teach five years in a low performing public school.

The Teaching Fellows Act would set up a competitive process whereby states could apply for matching, 75–25 percent, Federal grants to establish or expand scholarship programs for prospective teachers. The proposal is based on one of the most successful teaching scholarship programs in the Nation—that of State of North Carolina. There are two main prongs to this act. The first is the teaching fellowship program, this program would distribute grants to states for teaching scholarships that students could apply for after their senior year of high school or their second year of college. The bill also authorizes a "partnership program," aimed at community college students, particularly those who are currently trained or training as teaching assistants. With encouragement, the hope is that these individuals might go on to obtain four-year degrees to become licensed teachers. Grants would be available to states for partnership programs between community colleges and four-year colleges to provide for the training.

Other approaches such as loan forgiveness programs and offering federal stipends are important tools in our quest to recruit teachers. However, the strength of the Teacher Fellowship Act is the focus that we place on the enrichment of these students. Qualifying States will have developed programs that have designed a strong extra-curricular program that serves as a support system for new teachers.

It is estimated that up to 22 percent of new teachers leave within 3 years—this figure is as high as 55 percent in urban or rural areas. Not only must we recruit more teachers, but we must encourage a more comprehensive and supportive system of training.

Our bill is not a panacea to the problems of teacher recruitment and retention. However, I believe it is a step in the right direction. I hope that we will give more states and communities the incentive to work with their institutions of higher education to more comprehensively address the education of one our Nation's most important resources—that of teachers.

The successful education of our nation's children requires that we work together at the Federal, State, and local levels to ensure that no child is left behind.

Mr. BINGAMAN. Mr. President, I rise today to join my esteemed colleague, Senator LUGAR, in the introduction of the Teaching Fellows Act of 2002.

Earlier this year, the No Child Left Behind Act was signed into law. I was proud to be a member of the Conference Committee that ultimately wrote this important piece of legislation. This legislation includes important reform efforts and increased resources for schools that will go a long way toward addressing many of the needs in our education system. I will continue to fight for increased appropriations for the programs contained in this bipartisan legislation.

As we begin to consider reauthorization of the Higher Education Act, we must continue to seek avenues for supporting our Nation's schools. Providing additional support for the training of new, high quality teachers is an important way to do that. Ultimately, improving the quality of education in our nation will require a comprehensive approach that includes raising standards and increasing school accountability. However, central to any effort to improve education are teachers. Being the son of two former teachers, I am well acquainted with the challenges and the rewards that being a good teacher brings. Being a parent and a community member, I also know how influential teachers can be in the lives of our children. Teachers not only pass along knowledge and act as role models, but research shows that teacher quality is critical to student achievement.

Over the years, I have had the opportunity to meet with many of our dedicated and hard-working teachers in New Mexico. These personal experiences have strengthened my belief that we need to do all that we can to encourage the best and the brightest to enter and to remain in this most important profession.

It is estimated that nearly a third of our Nation's teachers will retire over the next five years. In addition, large numbers of new teachers leave their jobs within a few years, particularly in rural and urban areas. These patterns could seriously jeopardize the quality of our children's education unless we take some steps to insure that there are enough trained people available to fill these positions. We must also do what we can to support the preparation and training of these individuals.

The Teaching Fellows Act would create two programs designed to encourage people to enter and to remain in the profession of teaching. First, the program would distribute grants to States for teaching scholarships. In return for at least $6,500 per year toward college expenses, students would agree to teach in a low-performing school for five years. This program would thus not only help teachers to prepare for their profession but it would also insure that students in our poorest and most challenged schools have access to well-trained teachers.

Second, the bill would provide grants for individuals currently working in our schools as instructional assistants or in other capacities to obtain four-year degrees to become licensed teachers. Grants would be available to States for partnership programs between community colleges and four-year colleges to provide for this training. These programs require that states come up with 25 percent of the funding and students will be required to stay in the state to teach for five years.

In conclusion, I would like to say that I am very excited about co-sponsoring a bill that seeks to recruit new teachers and to enrich their training experiences. Although this bill is only part of a larger effort to provide all American students with a quality education, it is an important component. Having well-qualified teachers available to teach, especially in the most impoverished districts, is something that we owe to our children and ourselves. We, as parents and as legislators, must do what we can to see that America's teachers are recognized and supported as a crucial component in our children's education.

By Mr. McCAIN (for himself, Mr. FEINGOLD, Ms. SNOWE, Mr. JEFFORDS, Mr. SCHUMER, Ms. CANTWELL, Ms. COLLINS, Mr. LIEBERMAN, Mr. LEVIN, Mr. EDWARDS, and Mr. THOMPSON):

S.J. Res. 48. A joint resolution disapproving the rule submitted by the Federal Election Commission under chapter 8 of title 5, United States Code, relating to prohibited and excessive contributions; to the Committee on Rules and Administration.

Mr. McCAIN. Mr. President, today I am introducing a resolution to disapprove the Federal Election Commission's final regulations to implement the title I soft money provisions of the Bipartisan Campaign Reform Act, under the procedures established by the Congressional Review Act. The Commission's regulations, titled "Prohibited and Excessive Contributions: Non-Federal Funds or Soft Money; Final Rule," were published in the Federal Register on July 29, 2002, 67 FR 49064.

I wish I did not have to introduce this resolution. When President Bush signed the Bipartisan Campaign Reform Act of 2002 into law on March 27, 2002, the soft money campaign finance system should have met its demise. This system of unlimited soft money contributions to national political parties, unlimited soft money fundraising by national parties and Federal candidates and officeholders, and unlimited laundering of soft money into Federal elections by State parties had bred public cynicism about the workings of our institutions of government. At a minimum, the actions of Congress and the executive branch were severely tainted by the specter of six-figure soft money donations by special interests with a stake in legislation and policies pending before the Federal Government.

Banning soft money wasn't an easy legislative or political endeavor. Powerful forces lined up to preserve a status quo that served them well. But after a 7-year fight on Capitol Hill over campaign finance reform, Congress concluded that it could no longer abide the corruption and appearances of corruption caused by soft money. It sought fundamental change and a restoration of public confidence in our democracy by at last enacting the Bipartisan Campaign Reform Act.

Unfortunately, four unelected members of the Federal Election Commission thought they knew better. In writing rules to implement the party and candidate soft money provisions of the new campaign finance law, these Commissioners proceeded to resurrect aspects of the soft money system that Congress had just banished. This exercise entailed gyrations of logic and rationalizations that flew squarely in the face of statutory language, legislative intent, and even interpretations of the law urged by the Commission's own general counsel and professional staff. At times during the soft money rulemaking process, this bloc of four Commissioners appeared willfully blind to the language and purpose of the statute, as well as the Commission's own interpretive practices and precedents. Their actions were so brazen that one of the two Commissioners who voted to implement the law faithfully to Congress's intent told them, "You have so tortured this law, it's beyond silly."

The result was the adoption of agency regulations that undermine the three fundamental components of the Bipartisan Campaign Reform Act: the prohibition on national parties' soliciting, directing, receiving, or spending soft money; the prohibition on Federal candidates' and officeholders' soliciting, directing, receiving or spending soft money; and the prohibition on State parties' spending unregulated soft money donations on activities affecting Federal elections. The loopholes created out of whole cloth by the Federal Election Commission operate separately and in combination to permit the continuation of elements of the soft money system.

While I will not today discuss each and every soft money regulation that contradicts the statute and legislative intent, I will list some examples of how four Commissioners substituted their own personal views for the will of Congress—and left in their wake a campaign finance system too similar to the one we in this body set out to eliminate.

The Bipartisan Campaign Reform Act states that national parties and Federal candidates or officeholders may not "solicit" or "direct" soft money. These prohibitions on soliciting and directing soft money are critical to the integrity of our political system. The specter of national parties soliciting six-figure donations from special interests with a stake in legislation or policies pending before the executive or legislative branches has tainted the decisions ultimately made on these matters in Washington. Likewise, the soft money fundraising activities of Federal officeholders have led the public to suspect that those who serve in Congress or the White House are paying special heed to the will of the wealthy few.

The new campaign finance law's prohibitions on soliciting and directing soft money are aimed precisely at this problem. As Senator Carl Levin, D-MI, said on the Senate floor on March 20, 2002, during debate on the Bipartisan Campaign Reform Act:

> . . . [W]e have had enough of the solicitations by our elected officials and the officers of our national parties, soliciting huge sums of money by offering insider access to government decisionmakers . . . Under this soft money ban, public officials and candidates *will be out of the soft money fundraising business*, and that's a very important step we will be taking with this legislation. The official with power, and the candidate seeking to be in a position of power, won't be able to solicit huge sums of money and sell access to themselves for their campaign or for outside groups . . ." (emphasis added).

The Federal Election Commission decided nonetheless to allow national parties and Federal officeholders to remain in the "soft money fundraising business"—by adopting definitions of the terms "to solicit" and "to direct" that invite widespread circumvention of the law.

To achieve this result, the Commissioners had to overrule the agency's own general counsel and professional staff. The draft final rules recommended to the Commissioners by the general counsel and professional staff appropriately defined "to solicit" as "to request or suggest or recommend that another person make a contribution, donation, or transfer of funds"—thus, a national party could not request, suggest or recommend that an individual or entity donate soft money. This definition was consistent with the Commission's longstanding practice and understanding concerning what constitutes a solicitation. As the Commission's associate general counsel explained to the Commissioners during the soft money rulemaking proceedings:

> . . . the concept of solicitation is not something that is new, in terms of the [Bipartisan Campaign Reform Act of 2002]. It is something that has been in the Federal Election Campaign Act for a very long time. It's been particularly significant in terms of corporations and labor organizations, in terms of the solicitations that they may do, and some of the limitations on the frequency of their solicitations. With that in mind, we do have a long history of advisory opinions, and some very specific guidance in our campaign guides as to what does and what does not constitute 'to solicit.'
>
> We based the definition that we came up with, with those materials in mind, with the thought that *just the common-sense usage of the word, 'solicit' would not mean something different in the context of BCRA than what it has always meant for purposes of the FECA. And we have looked at it very broadly in the past*, in terms of encouraging support for, and providing information as to how to contribute, and publicizing, the right to accept unsolicited contributions from any lawful contributor. Those sorts of factors, *I think it's an area of the law that's pretty clear and pretty well-settled* (emphasis added).

Putting aside the associate general counsel's explanation that the meaning of "to solicit" is "pretty clear and pretty well-settled" in the law, four Commissioners apparently decided that a dramatic change in course was somehow warranted with respect to implementing soft money solicitation restrictions. A lame-duck, holdover Commissioner proposed an amendment during the rulemaking proceedings that narrowed the definition of "to solicit" from "to request or suggest or recommend" to "to ask." In explaining this amendment, that Commissioner repeatedly made it clear that he intended to narrow considerably the scope of the definition of "to solicit" contained in the general counsel's draft, to eliminate the concepts of to "suggest or recommend."

The Commission's general counsel expressed strong reservations about this amendment to narrow the definition of "to solicit," stating the following:

> . . . [T]his is a pretty huge concept in the Act. You can't solicit soft money. Certain actors can't solicit soft money now under the law. And it doesn't seem to me to take a great deal of cleverness to make a solicitation that is clearly intended to encourage—to persuade a person to make a contribution, without coming out and asking. And I think this definition has the potential for great mischief . . . And I'm concerned that this language creates a definition so narrow that it would, frankly, be very easy to avoid."

The Commissioner that offered the amendment narrowing the definition of "to solicit" replied, "It indeed runs that risk."

Despite the warnings of the Commission's general counsel, the amendment was ultimately adopted. The result is to exclude all but the most explicit "asks" for soft money from the new law's solicitation prohibitions. Because of this amendment, national parties and Federal candidates and officeholders may "recommend" or "suggest" that a donor contribute soft money. Far from being out of the soft money fundraising business, parties and candidates now stand to be in a more subtle soft money fundraising business. That is hardly the fundamental change in the campaign finance system that Senator LEVIN was discussing on the Senate floor or that Congress as a whole sought in enacting the Bipartisan Campaign Reform Act.

The Commission compounded the problem by essentially reading the prohibition on "directing" soft money out of the statute. The new campaign finance law makes it illegal for national parties and Federal officeholders or candidates not only to "solicit" soft money but also to "direct" soft money. The clear implication is that those terms are not redundant. Specifically, "to direct" covers instances in which a national party or Federal candidate suggests to whom an already willing contributor should make a soft money donation, as opposed to initiating the idea of the contribution, which amounts to a "solicitation".

The general counsel's draft properly assigned distinct meaning to the term, "to direct." It defined "to direct" as, "to provide the name of a candidate, political committee or organization to a person who has expressed an interest in making a contribution, donation, or transfers of funds to those who support the beliefs of goals of the contributor or donor . . ." However, the same amendment that substantially narrowed the definition of "to solicit" redefined "to direct" to mean, "to ask a person who has expressed an intent to make a contribution, donation, or transfer of funds, or to provide anything of value, to make that contribution, donation, or transfer of funds, or to provide that thing of value." In other words, the Commission ultimately defined "to direct" to mean nothing different from "to solicit." This will allow national parties and Federal officeholders to tell a willing donor where they should send their soft money—in violation of the plain language of the statute.

The Bipartisan Campaign Reform Act bans the receipt, solicitation, direction, or spending of soft money not only by national party committees but also by any entities "directly or indirectly established, financed, maintained or controlled" by those party committees. This prohibits national party committees from spawning and in other respects significantly supporting "shadow entities" designed to carry on the raising and spending of soft money once those party committees can no longer accept soft money contributions themselves.

The soft money ban enacted by Congress will achieve its full effect only if the Federal Election Commission applies it to all entities in fact "directly or indirectly established, financed, maintained or controlled" by national party committees. If the Commission instead willfully blinds itself to relevant information concerning a national party's involvement with a given organization, the soft money ban could fall short of the coverage spelled out in the statute. Under that scenario, shadow entities set up by national parties could carry on the raising and spending of soft money under the false guise of "independence" from the parties—including spending soft money on television and radio sham "issue ads."

Unfortunately, four Commissioners opted for willful blindness rather than a complete and accurate analysis of whether an entity was in fact "directly or indirectly established, financed, maintained or controlled" by a national party. The explanation and justification accompanying the draft rules prepared by the Commission's general counsel noted that "certain actions that occur before the effective date of BCRA have as much of an impact on whether an entity is 'established, financed, maintained or controlled' by a sponsor as actions that occur immediately after BCRA's effective date." Accordingly, the draft rules proposed by the General counsel indicated that the Commission should review conduct occurring before the law's effective date of November 6, in addition to conduct occurring after that date, in determining whether a national party had established, financed, maintained or controlled an organization. Indeed, there is absolutely no basis in the statute for concluding that the Commission should review anything less than all of a party's conduct involving an organization in undertaking this analysis.

A Commissioner nonetheless offered an amendment containing an invented "grandfather clause." Under this amendment, a national party could set up a shadow entity before November 6 to raise and spend soft money after that date—and yet the Commission would have to ignore that fact and any other pre-November 6 conduct in analyzing whether the shadow entity was "established" by a national party. The parties could provide considerable support to these shadow entities prior to November 6 and indeed hold them out to donors as future soft money surrogates for the parties. The Commission's general counsel strongly objected to this bizarre idea, saying, ". . . [I]t is hard to see how Congress imagined that an entity that . . . . was established a couple of days before the effective date of BCRA, is any less established . . . on November 10th, November 15th or December 1st." Still, the Commission adopted the amendment by a vote of four to two.

By adopting a "grandfather clause" invented out of whole cloth, the Commission invited schemes by the national parties to evade the new law by setting up surrogates prior to November 6th. Not surprisingly, the parties appear to be taking up the Commission's invitation. According to a Washington Post story of August 25, 2002, "Both the Democratic and Republican senatorial campaign committees are exploring the creation of separate soft-money funds." A National Journal article of September 7, 2002 likewise stated, "[E]ven some national party committees are looking at setting up, before November 5, new groups that they say could legally raise soft money next year so long as they do not coordinate their activities with the national committees."

The Bipartisan Campaign Reform Act puts an end to soft money leadership PACs. Soft money leadership PACs are entities controlled by Federal officeholders or candidates that take in unlimited contributions from corporations, unions, and wealthy individuals to finance activities beneficial to their sponsors. These activities can include events and entertainment, contributions to State and local parties and candidates, fundraising and administrative costs, sham "issue ads," payments to consultants, and expenses for partisan get-out-the-vote efforts. According to a February 2002 report by Public Citizen, 63 Members of Congress had their own soft money leadership PACs at that time. From July 1, 2000, until June 30, 2001, the top 25 politician soft money leadership PACs collected more than $15.1 million in contributions.

The new law prohibits entities "directly or indirectly established, financed, maintained or controlled" by Federal officeholders or candidates from soliciting or receiving soft money. As a matter of plain meaning and simple common sense, this language clearly covers officeholder and candidate leadership PACs. Furthermore, this statutory standard linking leadership PACs to their officeholder or candidate sponsors is deliberately broader than preexisting language under which the Commission has treated leadership PACs as independent of Federal officials. In sum, the new law was intended to bring about the demise of soft money leadership PACs—and was well-crafted to achieve that result.

Despite the statutory language and clear legislative intent, the Federal Election Commission has left open the possibility of continued operation of officeholder and candidate soft money leadership PACs. If the Commission considers a leadership PAC to be "directly or indirectly established, financed, maintained or controlled" by a Federal officeholder or candidate, it will not be permitted to receive soft money. However, the Commission also decided that it would analyze whether individual leadership PACs are so established, financed, maintained or controlled by applying the same standards under which it has always considered leadership PACs to be independent of Federal officeholders and candidates. This decision threatens to delete an important element of the new law's soft money prohibitions.

The Bipartisan Campaign Reform Act permits Federal officeholders and candidates to "attend, speak, and be a featured guest at" State party fundraising events. However, these individuals may not expressly solicit soft money at State party fundraising events.

The Commission's professional staff clearly perceived the line drawn by the law in terms of permissible Federal officeholder or candidate participation in State party fundraising events. Consistent with the statutory language and legislative intent, the draft final soft money rules prepared by the general counsel and professional staff held that Federal candidates and officeholders could attend, speak at, or be featured guests at a State party fundraising event, but they could not "actively solicit funds at the event."

Once again, the Commission overrode the draft regulations developed by its professional staff and departed from the statute. A Commissioner offered an amendment to permit Federal officeholders not merely to attend and speak at State party fundraising events but also to make express solicitations for soft money at those events. He characterized this amendment as a "total carve-out" from the law's restrictions on soft money solicitations by Federal candidates and officeholders. Commissioner Scott Thomas, who consistently voted against efforts to undermine and compromise the law, strenuously disagreed, saying, "[Congress] drafted the statute in a way that says in essence Federal candidates are not to solicit soft money and the one part of Commissioner Toner's amendment that I just can't square with the statutory ban is the last clause: the candidates and individuals holding Federal office may speak at such events without restriction or regulation." The amendment passed despite Commissioner Thomas's objections.

This departure from the statutory text and legislative intent creates a significant loophole that undermines Congress' effort to eradicate the soft money system. Under this amendment, whatever is deemed to be a State party fundraiser essentially becomes a "rules-free zone" for soft money solicitations. It is readily conceivable that Federal officeholders and candidates will engage in unrestrained soft money solicitations at any kind of event or gathering that is simply called a "State party fundraiser." Indeed, one could envision a State party holding its "fundraiser" in Washington DC's, Union Station, with the President and numerous Members of Congress in attendance to expressly solicit unlimited soft money contributions for that state party. This result is simply impossible to square with the text of the law and Congress's intent. The problem is compounded by the fact that the Commission elsewhere opened loopholes permitting State parties to spend unregulated, unlimited soft money donations on activities affecting Federal elections, again contrary to statutory text and legislative intent.

In general, the Bipartisan Campaign Reform Act does not merely ban national parties and Federal officeholders from receiving, spending, directing, or soliciting soft money. The bill also prohibits State parties from spending unregulated soft money on activities that have a particularly pronounced effect on Federal elections—defined in the statute as "Federal election activity."

This portion of the law responds to an ongoing, significant problem. Currently, State parties often use unlimited soft money donations, which are transferred to them by national parties or contributed directly to them, to help finance sham "issue ads" promoting or attacking clearly identified Federal candidates, voter mobilization activities clearly benefitting Federal candidates, and other campaign activities affecting Federal elections. This compromises the integrity of our democracy. If unregulated and potentially unlimited soft money donations can be funneled through State parties into activities supporting the election of Federal candidates, at a minimum, officeholders appear beholden to the sources of those unlimited donations.

To remedy this problem, the new campaign finance law requires State parties to use exclusively hard money contributions to finance public communications promoting or attacking clearly identified Federal candidates, voter registration activity occurring within 120 days of a regularly scheduled Federal election that mentions a Federal candidate, and get-out-the-vote activity, voter identification, and generic campaign activity mentioning a Federal candidate and conducted in connection with an election in which a Federal candidate appears on the ballot. It also requires State parties to use either exclusively hard money, or a combination of hard money and tightly limited and regulated non-Federal funds, to finance voter registration, get-out-the-vote activity, voter identification, and generic campaign activity that do not mention Federal candidates.

The law does not permit the use of unregulated, unlimited soft money donations by State parties for any of the specified "Federal election activities." Indeed, during floor debate over a number of years, the House and Senate repeatedly rejected substitute proposals that would have allowed State parties to use unlimited soft money donations for these activities. However, what was settled by Congress was reopened by the Federal Election Commission. Through a series of amendments that defied the statutory language, legislative intent, its own precedents, and simple common sense, the Commission opened the door for the use of unlimited soft money donations by State parties for certain activities that clearly and significantly affect Federal elections. As such, the Commission preserved the status quo of the soft money system in a number of respects—clearly contrary to Congress's overriding purpose in enacting this law.

The statute does not permit State parties to use unregulated, unlimited soft money donations to finance "voter registration activity" within 120 days of a regularly scheduled Federal election and "get-out-the-vote activity" conducted in connection with an election in which a Federal candidate appears on the ballot. State parties must use exclusively hard money, or a tightly controlled mix of hard money and limited, regulated non-Federal donations, if no Federal candidate is mentioned, to pay for these activities. The Federal Election Commission, however, permitted State parties to use unregulated soft money for these activities, by adopting unjustifiably narrow definitions of the terms "voter registration activity" and "get-out-the-vote activity."

The draft final rules prepared by the Commission's general counsel had appropriately defined "voter registration activity" and "get-out-the-vote activity" to include not merely "to assist" individuals to vote or register to vote but also "to encourage" them to do so, consistent with Commission precedent. For instance, elsewhere in title 11 of the Code of Federal Regulations, specifically, in 11 CFR 100.133, the Commission uses the heading "voter registration and get-out-the-vote activities," to describe "activity designed to encourage individuals to vote or to register to vote". However, on a four-to-two vote, the Commission overrode its general counsel and deleted the concept of "encouraging" people to register to vote or to vote from the definitions of "voter registration activity" and "get-out-the-vote activity."

This amendment departs from not only Commission precedent but also common sense. Under the amendment, a State party phone bank targeted at the party's core voters, urging them to "get out and vote this November" because of key issues at stake, but not mentioning the location of a polling place or offering transportation assistance, would not constitute "get-out-the-vote activity", and thus could be financed in part with unregulated, unlimited soft money. This is an absurd result, contradicting common understandings of what constitutes "get-out-the-vote activity" and perpetuating certain aspects of the current soft money system. By failing to include all "get-out-the-vote activity" and "voter registration activity" in its definitions of those terms, the Commission violated the statute.

The Commission also failed to include all "voter identification" activity in its regulatory definition of that term, violating the statute and undermining its prohibition on the use of unregulated soft money by State parties for such activity. The draft final rules prepared by the Commission's general counsel had included "obtaining voter lists" in the definition of "voter identification." However, a Commissioner offered an amendment to delete voter list acquisition from this definition, even though this is a commonly understood component of voter identification activity. A lawyer from the Commission's general counsel's office pointed out the problem with this amendment, noting during the rulemaking:

> In particular, I would note that the [definition of voter identification proposed in the amendment] excludes—and I know, by design—list acquisition, which is a key means of identifying voters and, therefore, seemed to us to be voter ID. And also a very significant part—component of campaign spending.

Nonetheless, the Commission adopted the amendment by a four-to-two vote, allowing State parties to continue their current practice of using unregulated, unlimited soft money donations to help acquire voter lists employed to identify likely voters in upcoming elections in which a Federal candidate appears on the ballot.

As part of its mission to permit the continuation of aspects of the soft money system at the State level, the Commission also constricted the meaning of "generic campaign activity" from that provided in the statute. The Bipartisan Campaign Reform Act prohibits State parties from financing "generic campaign activity" with unregulated, unlimited soft money donations. It proceeds to specifically define "generic campaign activity" as "campaign activity that promotes a political party and does not promote a candidate or non-Federal candidate".

While the statutory definition covers "campaign activity," the Commission adopted, again on a four-to-two vote, an amendment limiting the corresponding regulatory definition to a "public communication that promotes a political party and does not promote a candidate or non-Federal candidate." Notably, "public communication" is defined elsewhere in the statute and regulations to include only "a communication by means of any broadcast, cable, or satellite communication, newspaper, magazine, outdoor advertising facility, mass mailing, or telephone bank to the general public, or any other form of general public political advertising." Thus, the Commission overrode the statute to permit State parties to use unregulated, unlimited soft money donations to send party promotion mailings that do not constitute "mass mailings" and to engage in other party promotion activities that do not rise to the level of a "public communication" as specifically defined in the statute and regulations.

The Bipartisan Campaign Reform Act specifies that its restrictions on State party use of unregulated soft money for get-out-the-vote activity, voter identification, and generic campaign activity apply when these activities are "conducted in connection with an election in which a Federal candidate appears on the ballot."

For purposes of this rulemaking, the Federal Election Commission adopted an artificially and unrealistically short time window for designating State party get-out-the-vote activity, voter identification, and generic campaign activity as having been "conducted in connection with an election in which a Federal candidate appears on the ballot" and thus subject to the new law's soft money limits. The Commission ultimately decided that these activities fell under the statutory standard only if they occurred after "the date of the earliest filing deadline for access to the primary election ballot for Federal candidates as determined by State law" up until election day of an even-numbered year. As the Commission's professional staff pointed out during the rulemaking proceedings, this filing deadline can occur as late as in August in certain States.

At the very least, it is difficult to reach the conclusion that State party voter identification and generic campaign activities conducted at any point in even-numbered years are somehow not "conducted in connection with an election in which a Federal candidate appears on the ballot." Federal candidates will be on the ballot in regularly scheduled primary and general elections that occur in those years. Indeed, that conclusion is a departure from relevant Commission precedent.

In determining when a hard money match has been required for State party generic voter drives, the Commission has long indicated that State party generic voter drive expenses incurred as early as the beginning of a 2-year election cycle, e.g., January of 1995, for the 1995-96 cycle, required partial hard money financing. The result of the Commission's arbitrary and incorrect interpretation of the statute and departure from its precedent in this instance is that State parties will be able to use unlimited soft money to help finance certain generic party promotion activity and activities to identify likely voters occurring in at least the same year, and sometimes considerably proximate to, Federal elections.

In conclusion, the cumulative effect of these provisions is to resurrect significant aspects of the current soft money system at the State level, directly contrary to statutory text and legislative intent. State parties will be able to use unregulated, unlimited soft money donations to help finance targeted, effective get-out-the-vote activity closely proximate to Federal elections, the purchase of voter lists for voter identification purposes, generic party promotion activity occurring in Federal election years, and other activities directly and substantially affecting Federal elections. Furthermore, under other Federal Election Commission regulations shrinking the statute, these unregulated soft money donations could be secured for State parties by national parties and Federal candidates and officeholders.

Because of the Commission's truncated definition of "to solicit," national parties and Federal candidates and officeholders could "recommend" or "suggest" that donors write large soft money checks to State parties for use on get-out-the-vote drives and other activities on Federal elections. Indeed, Federal candidates could also take advantage of the "total carve-out" invented by the Commission for soft money solicitations at State party fundraisers, in order to expressly ask donors to contribute unregulated soft money to State parties. Acting together, the Commission's various departures from the statute would perpetuate many of the State party practices that have undermined public confidence in our political system and that Congress sought to eliminate.

The previously cited examples are not the only instances in which the Commission departed from the statute and legislative intent. For instance:

> The Commission allowed State parties to spend certain non-Federal funds to raise funds ultimately used, in whole or in part, to finance "Federal election activity." This directly violates the statutory language indicating that State parties must use funds "subject to the limitations, prohibitions, and reporting requirements of this Act" (i.e., hard money) to pay the costs of raising funds used for "Federal election activity." A section-by-section summary of the bill included in the Senate Congressional Record on March 18, 2002 underscores the statutory hard money financing requirement in this area: "Sec. 323(c). Fundraising Costs. Requires national, state, and local parties to use hard money to raise money that will be used on federal election activities, as defined by the bill" (emphasis added).
>
> The Commission even rolled back certain state party hard money financing requirements applicable prior to the enactment of the Bipartisan Campaign Reform Act. Previously, state parties had to use at least some hard money to finance the salaries of state party employees spending less than 25 percent of their time on federal election activity. An amendment by one Commissioner eliminated that hard money allocation requirement, allowing state parties to finance those salaries exclusively with soft money.
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> The Commission allowed state parties to use unregulated soft money donations to help finance Internet websites and widely distributed e-mails promoting or attacking clearly identified federal candidates. In doing so, they disregarded the statute's prohibition on state parties' using any soft money for "general public political advertising" promoting or attacking federal candidates. In fact, this decision departed from Commission precedent—as the agency had previously construed the term "general public political advertising" to include Internet communications.
>
> The Commission failed to include the concept of "apparent authority" in its definition of who constitutes a party or candidate "agent" for purposes of the Bipartisan Campaign Reform Act, even though it acknowledged that apparent authority is included in the settled common law meaning of the term "agent."

Even this is not a complete list of the problems created by the Commission. However, the list is sufficient to demonstrate a pattern of statutory distortion with a common theme: allowing soft money banned by Congress to creep back into our campaign finance system.

The agency that created soft money is clearly intent on saving it. A number of Commissioners have made no secret of their dislike for the policy choices made by Congress in enacting the Bipartisan Campaign Reform Act. They are entitled to their opinions about the merits of the law. But they are not entitled to substitute their opinions for the judgment of Congress. This pattern of statutory distortion and contradiction of legislative intent—always with the result of reintroducing soft money to the system—suggests that four Commissioners did not grasp the limits on their authority, or care much about them.

With the enactment of the Bipartisan Campaign Reform Act, Congress honored the American people's desire for cleaner elections. Though I wish it were not necessary, it appears that we must act again to ensure the public obtains the full benefits of this law. A Federal Election Commission that has failed the public time and time again should not enjoy the last word on the health of our democracy. So I urge support for this resolution—to reclaim for Congress its role as the author of our Nation's laws; and to deliver the full campaign finance reform that the American people deserve.

I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 48

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Federal Election Commission relating to Prohibited and Excessive Contributions: Non-Federal Funds or Soft Money, published at 67 Fed. Reg. 49063 (2002), and such rule shall have no force or effect.

Mr. FEINGOLD. Mr. President, I join with the Senator from Arizona in introducing a disapproval joint resolution pursuant to the Congressional Review Act, "CRA". An identical joint resolution is being introduced in the House of Representatives by supporters of campaign finance reform in that body. If passed by the Senate and the House and signed by the President, this resolution would result in the disapproval of regulations issued by the Federal Election Commission to implement the core provision of the McCain-Feingold/Shays-Meehan campaign finance reform bill, the ban on soft money.

We are taking this step, reluctantly, because the rules transmitted to Congress are not faithful to the letter and the spirit of the bill that we passed, and the President signed, just a few months ago. That bill was necessary because rulings over a period of years by the FEC had created the soft money system. We cannot stand by while the same regulatory body thwarts the efforts of this Congress, and the strong desire of the American people, to end that corrupt system of financing campaigns in this country. We must send a clear message that we meant what we said when we passed campaign finance reform earlier this year.

No unelected body can be permitted to rewrite the law. No group of appointed officials can be permitted to punch loopholes in a law before the ink is even dry on the President's signature. The role of the FEC is to implement and enforce the laws that Congress passes, not to pass judgment on them and revise them according to the Commissioners' own views of the way that campaigns should be financed in this country.

As my colleagues are aware, section 402(c) of the new law required the FEC to promulgate rules relating to Title I of the new law, the ban on soft money, within 90 days of enactment of the law on March 27, 2002. The FEC worked diligently to meet that statutory deadline. It published proposed rules on May 20, 2002, received comments from interested parties on May 29, 2002, held public hearings on June 4 and June 5, 2002, and completed work on the rules themselves on June 25, 2002. Incidentally, Senator MCCAIN and I and Representatives SHAYS and MEEHAN filed extensive comments on the proposed rules. So the FEC had before it our views on the issues covered by the rules when it made its decisions.

Let me first take a moment to outline a few of the deficiencies in the FEC's rules, and then I will discuss our decision to invoke the Congressional Review Act. One of the central provisions of the McCain-Feingold bill was a prohibition of Federal candidates and officeholders soliciting soft money. The President and members of Congress are now intimately involved in their parties' fundraising efforts. They spend hours at a time making phone calls to corporate CEOs and labor leaders asking for contributions of hundreds of thousands of dollars. One member of this body commented to me after making one of those calls that he felt like taking a shower. The White House coffees from 1996 and other "donor service" events were part of this soft money system.

This kind of fundraising demeans this body, it demeans the Presidency, it demeans public service. We knew if we were going to end the soft money system, we had to call a halt to members of Congress raising these kinds of unlimited contributions.

The FEC took it upon itself to define the term "solicit" in our statute. The General Counsel's office sensibly suggested a definition that to "solicit" means to "request, suggest, or recommend" that a contribution be made. The Commissioners decided that definition was too broad so they amended the General Counsel's definition and said that solicit only means to "ask" for a contribution.

There can be no question that our intent in this law was to broadly prohibit the involvement of Federal candidates and officeholders in the raising of soft money. The FEC's definition narrows that provision. As the Commission's General Counsel said, "it doesn't take great cleverness" to figure out ways to request a donation without formally asking for one. The bank on Federal officeholders raising soft money is plainly compromised by this narrow definition. It is contrary to the clear intent of the Act.

In our prohibition of soft money fundraising, we included a narrow exception to permit federal officeholders to "attend, speak, or be a featured guest at" at a fundraiser for a State political party committee. The idea behind this exception was to allow Federal candidates to be part of such fundraisers, even if the State party was using the event to raise money that might not be legal under federal law. We did not intend that Federal candidates should be allowed to expressly solicit soft money contributions at such fundraisers.

So what did the FEC do with this exception? In the words of one Commissioner, it created a "rules free zone" at these events. Absolutely nothing is now out of bounds at any event deemed to be a State party fundraiser, members of Congress can not only attend and speak at a fundraiser, they can individually solicit corporate CEOs in attendance, they might even be able to make phone calls to other donors from such fundraisers. Anyone who would have suggested on this floor that the intent of the narrow exception in the bill was to create a "rules free zone" would have been laughed out of town. But that is exactly what the FEC did.

The FEC also laid the groundwork for the national parties to transfer their soft money operations to other entities before the law takes effect. This was clearly not permitted by the law we passed. The soft money ban applies not only to the parties but to any entity "directly or indirectly established, financed, maintained, or controlled" by the party or any party official. The idea here, as you can tell by the broad language was to make sure that ban was difficult to evade.

The FEC went right to work on this language. It determined that any action taken before the bill becomes effective cannot be considered in deciding whether an entity is established, financed, maintained, or controlled by the parties. Under this regulation, the parties can create shell entities this year, provide seed money and staff and donor lists for them, and inform all their soft money donors that this new entity is their favored recipient for soft money after the election. But under the FEC's rules, none of those facts can even be considered in deciding whether this entity is "established" by the party, and therefore subject to the ban on raising and spending soft money.

This is a strained reading of the law, to say the least. One Commissioner said with respect to the actions of the FEC's majority on these rules: "You have so tortured this law, it's beyond silly." This is clearly a prime example. How can an entity such as the one I described not be considered to have been "established" by the party? Yet that will be the result of the "grandfathering" that the FEC included in the regulations, a provision that is nowhere reflected in the law itself, and that was simply made up by the FEC out of whole cloth.

There are many other examples of torturing this law, and we will detail all of them when we consider the resolution. I think it is clear that these problems go to the heart of the soft money ban. They are not just quibbles. They undermine the central provisions of the new law. That is why we are seeking to invoke the Congressional Review Act. Some may call that a draconian step because the CRA requires us to overturn the entire regulation. But in our view, such action is appropriate. No rules are better than rules that create huge loopholes from the very start.

Furthermore, it is our view that the FEC would remain under an obligation to promulgate new rules and that new rules that address the shortcomings that we identify in this debate will be permitted under the CRA because they will not be "substantially the same" as the regulations that we disapprove with this resolution. The CRA would give the FEC a full year from the date of enactment of the disapproval resolution to repromulgate the rules. But we expect that the FEC will act expeditiously in response to a clear message from Congress that these rules are unsatisfactory. Indeed, the regulated community will demand quick action, because it will want the guidance that regulations provide. Otherwise, it will be required to abide by a statute without the more specific guidance provided by regulations.

We take no pleasure in having to follow this course. But we worked for seven years to pass this reform for the American people. Sixty Senators voted in favor of the bill when it finally passed the Senate on March 20, 2002. We cannot turn our backs on the extralegal action of the FEC. We must act to protect the reform that so many fought so hard for so long to enact.

When we passed the McCain-Feingold bill in March, I indicated that we would continue to work for reform and to make sure that the new law was properly implemented. I really did not expect to be back on the floor so soon. But I make no apologies for it. The FEC's rules cannot stand. I ask for my colleagues support for this disapproval resolution.

By Mr. AKAKA (for himself, Mr. INOUYE, Mr. KENNEDY, Mr. REED, Ms. MIKULSKI, Mr. WELLSTONE, Mr. JEFFORDS, Mr. EDWARDS, Mr. BINGAMAN, Mr. DODD, Mrs. CLINTON, Mr. LIEBERMAN, Mr. KERRY, Mr. TORRICELLI, and Mrs. BOXER):

S.J. Res. 49. A joint resolution recognizing the contributions of Pasty Takemoto Mink; to the Committee on Health, Education, Labor, and Pensions.

Mr. AKAKA. Mr. President, I rise to introduce a resolution passed last night in the other body, along with my colleagues Senators INOUYE, KENNEDY, and others, which continues our tribute to Congresswoman Pasty Takemoto Mink in the wake of her untimely passing on September 28, 2002. The resolution honors a remarkable woman and her accomplishments for equal opportunity and education by renaming after her a provision in law commonly known as Title IX that consists of few words but has had incomprehensible and tremendous positive impact on the lives of countless numbers of girls and women in our country. With our combined action, Title IX of the Education Amendments of 1972 will now be known as the Pasty Takemoto Mink Equal Opportunity in Education Act.

As we honor our colleague, we can also recount some of the milestones in the 30-year history of Title IX and the efforts to establish standards of equal opportunity of women. The progress we as a Nation have made in 30 years has been remarkable, and we have Patsy and a few of her visionary colleagues to thank for the equal opportunities our children enjoy today. In 1970, the U.S. House of Representatives Committee on Education and Labor held the first Congressional hearings on sex discrimination in education. At those hearings, Patsy made the following statement, "Discrimination against women in education is one of the most insidious forms of prejudice extant in our nation. Few people realize the extent to which our society is denied full use of our human resources because of this type of discrimination. Most large colleges and universities in the United States routinely impose quotas by sex on the admission of students. Fewer women are admitted than men, and those few women allowed to pursue higher education must have attained exceptional intellectual standing to win admission." She went on to state, "Our nation can no longer afford this system which demoralizes and demeans half of the population and deprives them of the means to participate fully in our society as equal citizens. Lacking the contribution which women are capable of making to human betterment, our nation is the loser so long as this discrimination is allowed to continue."

In April, 1972, Congresswoman Mink introduced the Women's Education Act of 1972. On the day of introduction, on the floor of the other body, she said, "We need the input of every individual to continue the progress we enjoy. All persons, regardless of their sex, must have enough opportunities open so that they can contribute as much to their lives and this society as they can." She further noted that, "it is essential to the existence of our country that sincere and realistic attention to there realignment of our attitudes and educational priorities be made. I suggest that education is the first place to start in a reexamination of our national goals."

On June 23, 1972, Congresswoman Mink, working with Congresswoman Edith Green of Oregon and others on the then Education and Labor Committee, saw their efforts on an important education package come top fruition as the Education Amendments of 1972 were signed into law. Title IX was included in that package. Final regulations for Title IX were issued on June 4, 1975. On June 17, 1997, President Clinton announced that he issued an executive memo directing all appropriate federal agencies to review their Title IX obligation and report their findings within 90 days to the Attorney General. In all, although the reach of Title IX has been felt the most in the athletics arena, the landmark statutes about gender roles in our society and helped to correct inequalities in areas such as educational attainment by women, educator pay, and the wide range of extracurricular activities enjoyed by female students of all ages. Much of this would not have been possible, were it not for the immense vision and determination of Patsy Mink.

Last Friday, I attended a most fitting and moving memorial service for Patsy in Honolulu, Hawaii. I joined the senior Senator from Hawaii and many dignitaries from the other body, as well as many of Hawaii's other distinguished elected officials and thousands of Hawaii residents, in attendance to pay tribute to Patsy Mink. Among the eloquent speakers, University of Hawaii Assistant Athletics Director Marilyn Moniz-Kahoohanohano called herself, "a living example of Mrs. Mink's vision of quality for women." Marilyn recounted how she had just graduated from high school after the passage of Title IX, and the University of Hawaii formed the Rainbow Wahine athletic teams. She recalled, with joy, how she and her team placed second for the national volleyball title and took pictures with Patsy on the steps of the Capitol. Marilyn's powerful words on Friday rang true for many female athletes in Hawaii and around the country, as she said, "Because of you, we can play the game."

I urge the Senate to act quickly on this resolution to honor the groundbreaking efforts of Congresswoman Patsy Takemoto Mink on behalf of countless girls and women of America. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 49

Whereas Patsy Takemoto Mink was one of the Nation's leading voices for women's rights, civil rights, and working families and was devoted to raising living standards and providing economic and educational opportunity to all Americans;

Whereas Patsy Takemoto Mink was a passionate and persistent fighter against economic and social injustices in Hawaii and across the Nation;

Whereas Patsy Takemoto Mink was one of the first women of color to win national office in 1964 and opened doors of opportunity to millions of women and people of color across the Nation;

Whereas Patsy Takemoto Mink had unprecedented legislative accomplishments on issues affecting women's health, children, students, and working families; and

Whereas Patsy Takemoto Mink's heroic, visionary, and tireless leadership to win the landmark passage of title IX of the Education Amendments of 1972 opened doors to women's academic and athletic achievements and redefined what is possible for a generation of women and for future generations of the Nation's daughters: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PATSY TAKEMOTO MINK EQUAL OPPORTUNITY IN EDUCATION ACT.

Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) is amended by adding at the end the following:

“SEC. 910. SHORT TITLE.

“This title may be cited as the ‘Patsy Takemoto Mink Equal Opportunity in Education Act’.”.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 336—URGING THE INTERNATIONAL COMMUNITY TO REJECT A BOYCOTT OF ISRAELI ACADEMIC AND CULTURAL INSTITUTIONS

Mr. CORZINE submitted the following resolution; which was referred to the Committee on Foreign Relations.

Whereas a campaign is underway by elements of the international academic community to limit cultural and scientific collaboration between foreign universities and academics and their counterparts in Israel;

Whereas a number of European academics have signed petitions calling upon the national governments of Europe, the European Union, and the European Science Foundation to sever contacts with Israeli academics, as well as issue a moratorium on grants to Israeli research centers and cultural institutions;

Whereas the Association of University Teachers and NATFHE, unions that represent professors and researchers employed by research centers and universities in the United Kingdom, have passed resolutions supporting academic boycotts of Israel;

Whereas several institutions of higher education, such as the University of Lille in France, have refused to cooperate with Israeli Universities;

Whereas invitations requesting Israeli researchers to address academic assemblies have been rescinded because of anti-Israel sentiment;

Whereas Israeli scholars, including Gideon Toury and Miriam Shlesinger, have been dismissed from their positions on the editorial boards of academic journals solely because of their affiliation with Israeli institutions;

Whereas because of its location in Israel, the Goldyne Savad Institute in Jerusalem was denied scientific materials needed to develop effective treatments for anemic Palestinian children by a Norwegian school of veterinary medicine;

Whereas a campaign to limit academic ties between the United States and Israel is emerging, as demonstrated by a petition calling for an American academic boycott of Israel circulated by Mazin Qumsiyeh, a Yale University professor;

Whereas counter campaigns to oppose an academic boycott of Israel have gathered significant support in several countries, including France, Poland, the United Kingdom, Germany, Australia, and the United States;

Whereas Philippe Busquin, the Commissioner for Research for the European Union, issued a statement on April 23, 2002, maintaining that “the European Commission is not in favour of a policy of sanctions against the parties to the conflict but rather advocates a continuous dialogue with them which is the best way to bring them back to negotiations”;

Whereas an open letter written by Paul Scham and Eva Illouz, academics associated with Hebrew University in Jerusalem, asserts that “the call to boycott Israeli academics shows unpardonable ignorance of the role played by scientists, intellectuals, and artists in challenging the political consensus and in creating the public debate that rages in Israel at all times, including now”;

Whereas an editorial in the May 2, 2002, issue of the respected British scientific journal Nature states that, “Israel is a research powerhouse that, given an eventual improvement of relations with its neighbors, could rejuvenate science and development in the region through collaboration and training. Rather than signing boycotts, which will achieve nothing, researchers worldwide can help the peace process concretely by actively initiating more . . . collaborations and encouraging their institutions to do the same.”;

Whereas foreign-funded research projects intended to foster cooperation between Israelis, Palestinians, and Arab academics in various disciplines including water resource management, desalinization, and cancer treatment, have continued despite current events;

Whereas Article 19, section 2, of the United Nations Covenant on Civil and Political Rights states that, “Everyone shall have the right to . . . receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice”;

Whereas any attempts to stifle intellectual freedom through the imposition of an academic boycott is counterproductive since research and academic exchange provide an essential bridge between otherwise disconnected cultures and countries; and

Whereas stifling scientific and cultural exchange would limit the substantial contributions the international academic community makes to humanity: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the international scholarly community, the European Union, and individual governments, should reject, or continue to reject, calls for an academic boycott of Israel and reaffirm their commitment to academic freedom and cultural and scientific international exchange;

(2) the worldwide educational establishment should reverse actions taken to impede academic collaboration and free intellectual expression with Israeli intellectuals and institutions; and

(3) the United States and the American scholarly community should continue to actively support efforts to increase academic cooperation and encourage cultural and scientific exchange between the United States and Israel.

Mr. CORZINE. Mr. President, I rise today to submit a resolution calling on the world community to reject, or continue to reject, calls for an academic boycott of Israel and reaffirm its commitment to academic freedom and cultural and scientific exchange. This legislation also calls on the international educational establishment to reverse any actions it has taken in support of an academic boycott of Israel, and on the U.S. to support efforts to increase academic cooperation and encourage cultural and scientific exchange between the United States and Israel

In recent months I have been troubled by reports that a movement is brewing to limit contact between European Governments, institutions, and academics, with their counterparts in Israel. Petition drives are underway in Europe and elsewhere to encourage decision-makers and scholars to academically isolate Israel as a way of expressing dissatisfaction with Israeli policies regarding the Palestinian population.

Campaigns in support of an academic boycott are as counterproductive as they are unjustified. They breed intolerance, disrupt important scientific inquiries, and undermine efforts towards peace. Yet groups ranging from the Association of University Teachers, a labor union in England, to the University of Lille in France have made the unfortunate decision to allow their misguided political beliefs to disrupt constructive academic collaboration with colleagues in Israel.

As you may be aware, in June of this year, two Israeli scholars were dismissed from the boards of translation journals based in Manchester, England. No one asserts that these two fine academics were dismissed for incompetence or for poor scholarship. No one argues that the remarks or actions of these intellectuals reflected poorly on their institutions or on these publications. No one even claims that they were dismissed for their political views. They clearly were not. Rather, they were dismissed simply because of their nationality. They both are Israeli citizens and carry Israeli passports.

What makes their dismissal all the more ridiculous is that one of the academics discharged is Miriam Schlesinger, an Israeli human rights activist who has been a consistent voice of dissent within Israeli society. As the former chair of Israel's chapter of Amnesty International, Professor Schlesinger has been highly critical of some of the Israeli policies that the boycott is also seeking to reverse. The case of Miriam Schlesinger highlights an important fact seemingly overlooked by proponents of the boycott: in free societies, like Israel, academics often provide a range of viewpoints, many of which will differ from official government policy.

In addition to working against peace and cultural understanding, an academic boycott will stifle meaningful scientific advancements. Despite the nascent quality of the campaign against academic exchange with Israel, the announced boycott has already confounded research projects intended to foster cooperation between Israelis and Palestinians in many important areas, including water resource management and cancer treatment.

In fact, in one particularly shocking example, a Norwegian veterinary school refused to provide an Israeli research center, Goldyne Savad Institute of Gene Therapy at Hadassah Medical Center, with material it needed to conduct an important medical study. This thoughtless bureaucratic decision disrupted research intended to develop new therapies for treating anemic Palestinian children.

By passing this resolution, the Senate will join a growing chorus of institutions and publications that have condemned the practice of restricting academic exchange with Israeli and academics and institutions. For example, an editorial in the well-respected British scientific journal Nature, argues that an academic boycott of Israel will undermine regional progress. The article explains, and I quote, "Israel is a research powerhouse that, given an eventual improvement of relations with its neighbors, could rejuvenate science and development in the region through collaboration and training. Rather than signing boycotts, which will achieve nothing, researchers worldwide can help the peace process concretely by actively initiating more . . . collaborations and encouraging their institutions to do the same."

The European Union has already made it clear that an academic boycott is unhelpful at best and counterproductive at worst. Philippe Busquin, the Commissioner for Research for the European Union, explained in an open letter that sanctions against Israeli academic institutions would undermine efforts to create a constructive dialogue. In that letter, Busquin appropriately emphasized the role that European, Israeli and Palestinian institutions and scientists play in "addressing critical regional issues such as agriculture or water management . . . which, is certainly more effective than many well-intentioned words without any concrete impact."

Sharing ideas and learning about another culture leads to greater tolerance and understanding, while severing intellectual and cultural ties only breeds ignorance and stultification. This senate must send a message that an academic boycott of Israel is not a catalyst for peace, but rather an unwarranted impediment to progress in the region. Because cultural understanding and scientific advancement improve the human condition, the U.S. should seek to encourage cultural and scientific exchange between our country and our strongest ally in the Middle East, Israel.

I urge my colleagues to support this resolution, and I yield the floor.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4856. Mr. LIEBERMAN (for himself, Mr. WARNER, Mr. BAYH, Mr. MCCAIN, Ms. LANDRIEU, Mr. MCCONNELL, Mr. MILLER, Mr. DOMENICI, Mr. EDWARDS, Mr. HUTCHINSON, Mr. JOHNSON, Mr. ALLARD, Mr. BAUCUS, Mr. HELMS, Mr. BUNNING, Mr. LOTT, Mr. SHELBY, Mr. THOMPSON, and Mr. NICKLES) proposed an amendment to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq.

SA 4857. Mr. GRAHAM proposed an amendment to amendment SA 4856 proposed by Mr. LIEBERMAN (for himself, Mr. WARNER, Mr. BAYH, Mr. MCCAIN, Ms. LANDRIEU, Mr. MCCONNELL, Mr. MILLER, Mr. DOMENICI, Mr. EDWARDS, Mr. HUTCHINSON, Mr. JOHNSON,, Mr. ALLARD, Mr. BAUCUS, Mr. HELMS, Mr. BUNNING, Mr. LOTT, Mr. SHELBY, Mr. THOMPSON, and Mr. NICKLES) to the joint resolution S.J. Res. 45, supra.

TEXT OF AMENDMENTS

SA 4856. Mr. LIEBERMAN (for himself, Mr. WARNER, Mr. BAYH, Mr. MCCAIN, Ms. LANDRIEU, Mr. MCCONNELL, Mr. MILLER, Mr. DOMENICI, Mr. EDWARDS, Mr. HUTCHINSON, Mr. JOHNSON, Mr. ALLARD, Mr. BAUCUS, Mr. HELMS, Mr. BUNNING, Mr. LOTT, Mr. SHELBY, Mr. THOMPSON, and Mr. NICKLES) proposed an amendment to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq; as follows:

Strike all after the resolving clause and insert the following:

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Authorization for the Use of Military Force Against Iraq".

SEC. 2. SUPPORT FOR UNITED STATES DIPLOMATIC EFFORTS.

The Congress of the United States supports the efforts by the President to—

(1) strictly enforce through the United Nations Security Council all relevant Security Council resolutions applicable to Iraq and encourages him in those efforts; and

(2) obtain prompt and decisive action by the Security Council to ensure that Iraq abandons its strategy of delay, evasion and noncompliance and promptly and strictly complies with all relevant Security Council resolutions.

SEC. 3. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION.—The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to—

(1) defend the national security of the United States against the continuing threat posed by Iraq; and

(2) enforce all relevant United Nations Security Council Resolutions regarding Iraq.

(b) PRESIDENTIAL DETERMINATION.—In connection with the exercise of the authority granted in subsection (a) to use force the President shall, prior to such exercise or as soon there after as may be feasible, but not later than 48 hours after exercising such authority, make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) reliance by the United States on further diplomatic or other peaceful means alone either (A) will not adequately protect the national security of the United States against the continuing threat posed by Iraq or (B) is not likely to lead to enforcement of all relevant United Nations Security Council resolutions regarding Iraq; and

(2) acting pursuant to this resolution is consistent with the United States and other countries continuing to take the necessary actions against international terrorists and terrorist organizations, including those nations, organizations or persons who planned, authorized, committed or aided the terrorists attacks that occurred on September 11, 2001.

(c) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supersedes any requirement of the War Powers Resolution.

SEC. 4. REPORTS TO CONGRESS.

(a) The President shall, at least once every 60 days, submit to the Congress a report on matters relevant to this joint resolution, including actions taken pursuant to the exercise of authority granted in section 3 and the status of planning for efforts that are expected to be required after such actions are completed, including those actions described in section 7 of Public Law 105-338 (the Iraq Liberation Act of 1998).

(b) To the extent that the submission of any report described in subsection (a) coincides with the submission of any other report on matters relevant to this joint resolution otherwise required to be submitted to Congress pursuant to the reporting requirements of Public Law 93-148 (the War Powers Resolution), all such reports may be submitted as a single consolidated report to the Congress.

(c) To the extent that this information required by section 3 of Public Law 102-1 is included in the report required by this section, such report shall be considered as meeting the requirements of section 3 of Public Law 102-1.

SA 4857. Mr. GRAHAM proposed an amendment to amendment SA 4856 proposed by Mr. LIEBERMAN (for himself, Mr. WARNER, Mr. BAYH, Mr. MCCAIN, Ms. LANDRIEU, Mr. MCCONNELL, Mr. MILLER, Mr. DOMENICI, Mr. EDWARDS, Mr. HUTCHINSON, Mr. JOHNSON, Mr. ALLARD, Mr. BAUCUS, Mr. HELMS, Mr. BUNNING, Mr. LOTT, Mr. SHELBY, Mr. THOMPSON, and Mr. NICKLES) to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq; as follows:

In lieu of the matter proposed to be inserted by the amendment, insert the following:

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Authorization for the Use of Military Force Against Iraq and International Terrorists Resolution".

SEC. 2. SUPPORT FOR UNITED STATES DIPLOMATIC EFFORTS.

The Congress of the United States supports the efforts by the President to—

(1) strictly enforce through the United Nations Security Council all relevant Security Council resolutions applicable to Iraq and encourages him in those efforts; and

(2) obtain prompt and decisive action by the Security Council to ensure that Iraq abandons its strategy of delay, evasion, and noncompliance and promptly and strictly complies with all relevant Security Council resolutions.

SEC. 3. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION.—The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to—

(1) defend the national security of the United States against the continuing threat posed by Iraq;

(2) enforce all relevant United Nations Security Council Resolutions regarding Iraq; and

(3) defend the national security of the United States against the threat posed by the following terrorist organizations:

(A) The Abu Nidal Organization.

(B) HAMAS.

(C) Hizballah.

(D) Palestine Islamic Jihad.

(E) Palestine Liberation Front.

(b) PRESIDENTIAL DETERMINATION.—In connection with the exercise of the authority granted in paragraph (1) or (2) of subsection (a) to use force, the President shall, prior to such exercise or as soon there after as may be feasible, but not later than 48 hours after exercising such authority, make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) reliance by the United States on further diplomatic or other peaceful means alone either (A) will not adequately protect the national security of the United States against the continuing threat posed by Iraq, or (B) is not likely to lead to enforcement of all relevant United Nations Security Council resolutions regarding Iraq; and

(2) acting pursuant to this resolution is consistent with the United States and other countries continuing to take the necessary actions against international terrorists and terrorist organizations, including those nations, organizations or persons who planned, authorized, committed or aided the terrorists attacks that occurred on September 11, 2001.

(c) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supersedes any requirement of the War Powers Resolution.

SEC. 4. REPORTS TO CONGRESS.

(a) The President shall, at least once every 60 days, submit to the Congress a report on matters relevant to this joint resolution, including actions taken pursuant to the exercise of authority granted in section 3 and the status of planning for efforts that are expected to be required after such actions are completed, including those actions described in section 7 of Public Law 105–338 (the Iraq Liberation Act of 1998).

(b) To the extent that the submission of any report described in subsection (a) coincides with the submission of any other report on matters relevant to this joint resolution otherwise required to be submitted to Congress pursuant to the reporting requirements of Public Law 93–148 (the War Powers Resolution), all such reports may be submitted as a single consolidated report to the Congress.

(c) To the extent that this information required by section 3 of Public Law 102–1 is included in the report required by this section, such report shall be considered as meeting the requirements of section 3 of Public Law 102–1.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, October 9, 2002, at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct a Hearing on S. 2694, the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2002.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the committee on banking, housing, and urban affairs be authorized to meet during the session of the Senate on Tuesday, October 8, 2002, at 10 a.m. to conduct an oversight hearing on "Perspectives on America's Transit Needs."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, October 8, 2002, immediately following the party luncheons, to conduct a mark-up on the nominations of Mr. Alberto Faustino Trevino, of California, to be Assistant Secretary of Housing and Urban Development for Policy Development and Research; Mr. Armando J. Bucelo, Jr., of Florida, to be a director of the Securities Investor Protection Corporation; Ms. Carolyn Y. Peoples, of Maryland, to be Assistant Secretary of Housing and Urban Development for Fair Housing and Equal Opportunity; Ms. Deborah Doyle McWhinney, of California, to be a director of the Securities Investor Protection Corporation; Mr. John M. Reich, of Virginia, to be Vice Chairperson of the board of directors of the Federal Deposit Insurance Corporation; Mr. Rafael Cueller, of New Jersey, to be a member of the board of directors of the National Consumer Cooperative Bank; Mr. Michael Scott, of North Carolina, to be a member of the board of directors of the National Consumer Cooperative Bank; and Mr. Philip Merrill, of Maryland, to be President of the Export-Import Bank of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Tuesday, October 8, 2002, at 9:30 a.m. to conduct an oversight hearing entitled, "The Clean Water Act—Then and Now" to commemorate the 30th anniversary of the Clean Water Act.

The hearing will be held in SD–406.

The PRESIDING OFFICER. Without objection, it is so ordered

COMMITTEE ON FOREIGN RELATIONS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 8, 2002 at 2:15 p.m. to hold a Business Meeting.

AGENDA

Treaties

1. Treaty Doc. 107–13; Treaty Between the Government of the United States of America and the Government of Belize on Mutual Legal Assistance in Criminal Matters.

2. Treaty Doc. 107–9; Treaty between the Government of the United States of America and the Government of Ireland on Mutual Legal Assistance in Criminal Matters.

3. Treaty Doc. 107–3; Treaty Between the Government of the Republic of India on Mutual Legal Assistance in Criminal Matters.

4. Treaty Doc. 107–16; Treaty Between the Government of the United States of America and the Principality of Liechtenstein on Mutual Legal Assistance in Criminal Matters.

5. Treaty Doc. 107–6; Extradition Treaty Between the United States of America and the Republic of Peru.

6. Treaty Doc. 107–4; Extradition Treaty Between the Government of the United States of America and the Government of the Republic of Lithuania.

7. Treaty Doc. 107–11; Second Protocol Amending Treaty on Extradition Between the Government of the United States of America and the Government of Canada, as amended.

8. Treaty Doc. 107–15; Treaty between the Government of the United States of America and the Government of the Republic of Honduras for the Return of Stolen, Robbed, or Embezzled Vehicles and Aircraft, with Annexes and a related exchange of notes.

Legislation

9. S. 3032; A bill to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance programs under those Acts, and for other purposes.

10. S. 2667; A bill to amend the Peace Corps Act to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government, and for other purposes, with an amendment in the nature of a substitute.

11. H.R. 3656; An act to amend the International Organizations Immunities Act to provide for the applicability of that Act to the European Central Bank.

Nominations

12. Mr. Joaquin F. Blaya, of Florida, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2002.

13. The Honorable Wendy Chamberlin, of Virginia, to be Assistant Administrator of

the Agency for International Development for Asia and the Near East.

14. Mr. Gene B. Christy, of Texas, to be Ambassador to Brunei Darussalam.

15. Mr. Seth Cropsey, of the District of Columbia, to be Director of the International Broadcasting Bureau, Broadcasting Board of Governors.

16. Mr. John R. Dawson, of the District of Columbia, to be Ambassador to the Republic of Peru.

17. Mr. Samuel Ebbesen, of the Virgin Islands, to be a Member of the Board of Directors of the Overseas Private Investment Corporation.

18. Mr. Antonio O. Garza, Jr., of Texas, to be Ambassador to Mexico.

19. Mr. D. Jeffrey Hirschberg, of Wisconsin, to be a Member of the Broadcasting Board of Governors.

20. Ms. Nancy Jacklin, of New York, to be United States Executive Director of the International Monetary Fund.

21. Mr. David L. Lyon, of California, to be Ambassador to the Republic of Fiji, and to serve concurrently and without additional compensation as Ambassador to the Republic of Nauru, Ambassador to the Kingdom of Tonga, and Ambassador to Tuvalu.

22. Mrs. Diane Ruebling, of Utah, to be a Member of the Board of Directors of the overseas Private Investment Corporation.

23. Mr. Ned Siegel, of Florida, to be a Member of the Board of Directors of the Overseas Private Investment Corporation.

24. Mr. Steven J. Simmons, of Connecticut, to be Member of the Broadcasting Board of Governors.

25. Mr. C. William Swank, of Ohio, to be a Member of the Board of Directors of the Overseas Private Investment Corporation.

26. Mrs. Linda E. Watt, of Florida, to be Ambassador to the Republic of Panama.

ESO Promotion list

27. Mr. Dean B. Wooden, *et al.*, dated June 21, 2002.

The PRESIDING OFFICER Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Government Affairs be authorized to meet on Tuesday, October 8, 2002 at 9 a.m. to consider the nominations of Ruth Goldway and Tony Hammond to be Commissioners at the Postal Rate Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "The Feres Doctrine; an Examination of this Military Exception to the Federal Tort Claims Act" on Tuesday, October 8, 2002 in Dirksen Room 226 at 2 p.m.

Witness List

Panel I: Paul Harris, Deputy Associate Attorney General, United States Department of Justice, Washington, DC, and Christopher Weaver, Rear Admiral and Commandant, United States Navy, Washington, DC.

Panel II: John Altenberg, Major General, Retired and Assistant Judge Advocate General, United States Army, Washington, DC; Eugene Fidell, Counsel, Feldesman, Tucker, Leifer, & Bank, LLP, Washington, DC; Daniel Joseph, Counsel, Akin, Gump, Strauss, Hauer & Feld, LLP, Washington, DC; Bonnie O'Neill, Kingston, PA; Nolan Sklute, Major General, Retired and Judge Advocate General, United States Air Force, North Bethesda, MD; and Richard A. Sprague, Counsel, Sprague & Sprague, Philadelphia, PA.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, October 8, 2002 at 10 a.m. to hold an open hearing with the House Permanent Select Committee on Intelligence concerning the Joint Inquiry into the events of September 11, 2001.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT RESTRUCTURING, AND THE DISTRICT OF COLUMBIA

Mr. LIEBERMAN. Mr. President, I ask unanimous consent the Committee on Governmental Affairs Subcommittee on Oversight of Government Management, Restructuring, and the District of Columbia be authorized to meet on Tuesday, October 8, 2002 at 10 a.m. for a hearing entitled "Dietary Supplements: Who is Protecting American Consumers?"

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mrs. LINCOLN. Mr. President, I ask unanimous consent that Elizabeth Pika from my staff be granted floor privileges.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. REID. Mr. President, we have some more business tonight, and we will get to that very shortly. In the meantime, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, OCTOBER 9, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Wednesday, October 9; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business until 11 a.m., with Senators permitted to speak for up to 10 minutes each, with the first half of the time under the control of the Democratic leader or his designee, and the second half of the time under the control of the Republican leader or his designee; that at 11 a.m., the Senate resume consideration of S.J. Res. 45; and that the live quorum with respect to the cloture motion filed earlier today be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, there is no further business to come before the Senate I am aware of. Therefore, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:25 p.m., adjourned until Wednesday, October 9, 2002, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 8, 2002:

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

WILLIAM JOSEPH BURNS, OF PENNSYLVANIA
PRUDENCE BUSHNELL, OF VIRGINIA
JOHN RANDLE HAMILTON, OF VIRGINIA
ARLENE RENDER, OF OHIO
EARL A. WAYNE, OF CALIFORNIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

W. LEWIS AMSELEM, OF CALIFORNIA
DIANNE MCINTYRE ANDRUCH, OF ARIZONA
WILLIAM D. ARMOR, OF VIRGINIA
MICHAEL DONALD BELLOWS, OF IOWA
DONALD M. BISHOP, OF VIRGINIA
JACK A. BLAIR JR., OF VIRGINIA
PETER WILLIAM BODDE, OF MARYLAND
JANET L. BOGUE, OF WASHINGTON
PAMELA E. BRIDGEWATER, OF MARYLAND
JAMES L. BULLOCK, OF TEXAS
WAYNE JEFFREY BUSH, OF OREGON
LAWRENCE E. BUTLER, OF MAINE
JAMES J. CARRAGHER, OF CALIFORNIA
ROBERT F. CEKUTA, OF NEW YORK
FRANK JOHN COULTER JR., OF MARYLAND
PHILO L. DIBBLE, OF THE DISTRICT OF COLUMBIA
RENEE M. EARLE, OF KENTUCKY
ROBERT PATRICK JOHN FINN, OF NEW YORK
ROBERT W. FITTS, OF NEW HAMPSHIRE
JAMES MICHAEL GAGNON, OF VIRGINIA
WILLIAM G. HARRISON, OF CALIFORNIA
KARL WILLIAM HOFMANN, OF MARYLAND
KEVIN E. HONAN, OF NEW JERSEY
RAVIC ROLF HUSO, OF VIRGINIA
STEPHEN R. KELLY, OF NEW HAMPSHIRE
CORNELIS MATHIAS KEUR, OF MICHIGAN
RICHARD E. KRAMER, OF TENNESSEE
RICHARD BURDETTE LEBARON, OF VIRGINIA
JEFFREY JOHN LUNSTEAD, OF PENNSYLVANIA
R. NIELS MARQUARDT, OF CALIFORNIA
THOMAS E. MCKEEVER, OF TEXAS
ROBERT JOHN MCANNENY, OF CONNECTICUT

GRETCHEN A. MCCOY, OF NEBRASKA
P. MICHAEL MCKINLEY, OF CONNECTICUT
ROGER ALLEN MEECE, OF WASHINGTON
MICHAEL W. MICHALAK, OF THE DISTRICT OF COLUMBIA
WILLIAM T. MONROE, OF CONNECTICUT
JOHN R. NAY, OF TENNESSEE
STEPHEN JAMES NOLAN, OF PENNSYLVANIA
WILLIAM VAN RENSALIER PARKER, OF MARYLAND
MAUREEN QUINN, OF NEW JERSEY
RICHARD J. SCHMIERER, OF CONNECTICUT
MARGARET SCOBEY, OF TENNESSEE
JOHN F. SCOTT, OF IOWA
JOAN VERONICA SMITH, OF THE DISTRICT OF COLUMBIA
WILLIAM A. STANTON, OF CALIFORNIA
W. DAVID STRAUB, OF KENTUCKY
LAURIE TRACY, OF VIRGINIA
CAROL J. URBAN, OF THE DISTRICT OF COLUMBIA
MARC M. WALL, OF VIRGINIA
ROBERT WEISBERG, OF NEW HAMPSHIRE
THOMAS J. WHITE, OF NEW YORK
JAMES HAMMOND WILLIAMS, OF PUERTO RICO
ALEJANDRO DANIEL WOLFF, OF CALIFORNIA
DONALD YUKIO YAMAMOTO, OF NEW YORK

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

RICHARD AKER, OF ARKANSAS
BERNADETTE MARY ALLEN, OF MARYLAND
JONATHAN MARK ALOISI, OF VERMONT
LUIS EDMUNDO ARREAGA-RODAS, OF CALIFORNIA
ALEXANDER ARMANDO ARVIZU, OF COLORADO
MARK L. ASQUINO, OF RHODE ISLAND
JESS LIPPINCOTT BAILY, OF OHIO
JUDITH RAINE BAROODY, OF VIRGINIA
JOYCE ANNE BARR, OF WASHINGTON
JOHN KENNETH BAUMAN, OF VIRGINIA
ROBERT WALTER BOEHME, OF NEW JERSEY
DAVID R. BURNETT, OF IDAHO
MARTHA LARZELERE CAMPBELL, OF NEW HAMPSHIRE
GUYLE E. CAVIN, OF TEXAS
JUDITH ANN CHAMMAS, OF MINNESOTA
RAUL E. CHAVERA, OF TEXAS
MARY DEANE CONNERS, OF PENNSYLVANIA
KATHLEEN DAVIS, OF CALIFORNIA
DAVID F. DAVISON, OF VIRGINIA
LARRY MILES DINGER, OF VIRGINIA
DAVID TANNRATH DONAHUE, OF INDIANA
JOSEPH R. DONOVAN JR., OF NEW YORK
TREVOR J. EVANS, OF WASHINGTON
JOHN P. FELT, OF VIRGINIA
GREGORY G. FERGIN, OF WASHINGTON
ALBERTO M. FERNANDEZ, OF FLORIDA
ALCY RUTH FRELICK, OF CALIFORNIA
RUSSELL LOUIS FRISBIE, OF VERMONT
CHARLES H. GROVER, OF NEW HAMPSHIRE
ROBERT S. HAGEN, OF ILLINOIS
BRADFORD E. HANSON, OF CALIFORNIA
PATRICIA M. HASLACH, OF OREGON
JAMES THOMAS HEG, OF WASHINGTON
MICHAEL STEPHEN HOZA, OF SOUTH CAROLINA
JOHN MELVIN JONES, OF VIRGINIA
SANDRA LYNN KAISER, OF WASHINGTON
IAN CRAWFORD KELLY, OF NEW JERSEY
JAMES J. KENNEY JR., OF FLORIDA
JOHN MONROE KOENIG, OF WASHINGTON
THOMAS CHARLES KRAJESKI, OF MASSACHUSETTS
LISA JEAN KUBISKE, OF VIRGINIA
HUGO LLORENS, OF NEW YORK
HAYNES RICHARDSON MAHONEY III, OF MASSACHUSETTS
SCOT ALAN MARCIEL, OF VIRGINIA
RONALD K. MCMULLEN, OF IOWA
DAN MOZENA, OF IOWA
GERALDINE H. O'BRIEN, OF VIRGINIA
JAMES A. PAIGE, OF OHIO
CAROL ZELIS PEREZ, OF TEXAS
JAMES D. PETTIT, OF IOWA
KEITH POWELL II, OF OREGON
PHYLLIS MARIE POWERS, OF TEXAS
MARGUERITA DIANNE RAGSDALE, OF VIRGINIA
RICKY LYNN ROBERTS, OF MISSISSIPPI
THOMAS BOLLING ROBERTSON, OF VIRGINIA
DANIEL A. RUSSELL, OF MAINE
LARRY SCHWARTZ, OF WASHINGTON
DAVID BRUCE SHEAR, OF NEW YORK
JOHN T. SHEELY, OF VIRGINIA
DANIEL BENNETT SMITH, OF CALIFORNIA
DANIEL ALAN SPIKES, OF FLORIDA
DERWOOD KEITH STAEBEN, OF WISCONSIN
GRACE CAROLYN STETTENBAUER, OF VIRGINIA
TEDDY B. TAYLOR, OF FLORIDA
ROSA E. TRAINHAM, OF ALABAMA
JAMES B. WARLICK JR., OF CALIFORNIA
MARY BURCE WARLICK, OF CALIFORNIA
RUFUS A. WATKINS, OF FLORIDA
EDWARD J. WEHRLI, OF TEXAS
MARY JO WILLS, OF VIRGINIA
JOHN L. WITHERS II, OF MARYLAND
MARCIA KIM WONG, OF VIRGINIA
MARK F. WONG, OF MARYLAND
ROBERT T. YAMATE, OF CALIFORNIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

MARY L. BOONE, OF NORTH CAROLINA
TERRY LEE BRANSTNER, OF WYOMING
TIMOTHY W. BURCHFIELD SR., OF VIRGINIA
EMILE CORNEILLE CORNEILLE JR., OF VIRGINIA
CRAIG P. DECAMPLI, OF VIRGINIA
RAYMOND M. DECASTRO, OF FLORIDA
PATRICK D. DONOVAN, OF VIRGINIA
PAUL W. EICKMAN, OF NEBRASKA
JANICE J. FEDAK, OF PENNSYLVANIA
JOHN PATRICK GADDIS, OF TEXAS
GARY M. GIBSON, OF MARYLAND
BARRY K. GOULD, OF WASHINGTON
STEPHEN J. MERGENS, OF VIRGINIA
ERICK G. MORIN, OF NEW HAMPSHIRE
SUSAN W. MUSSER, OF CONNECTICUT
ANTHONY JOSEPH RICHARDS, OF VIRGINIA
DOUGLAS J. ROSENSTEIN, OF CALIFORNIA
MICHAEL L. YOUNG, OF COLORADO

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASS STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

JON CHRISTOPHER KARBER, OF ARIZONA
SALVATORE PIAZZA, OF ARIZONA

DEPARTMENT OF COMMERCE

GREGORY M. WONG, OF HAWAII

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

ANGELA PRICE AGGELER, OF THE DISTRICT OF COLUMBIA
LORI ELLEN BALBI OF OREGON
KATIA JANE BENNETT, OF IOWA
CAITLIN DOROTHY BERGIN, OF NEW HAMPSHIRE
JOHN DANIEL BOYLL, OF TEXAS
CARLETON MYLES BULKIN, OF CALIFORNIA
DEANGELA BURNS-WALLACE, OF NEW JERSEY
MARK JOSEPH CASSAYRE, OF CALIFORNIA
MARC DOUGLAS DILLARD, OF CALIFORNIA
PAUL MICHAEL FERMOILE, OF NEW YORK
SUMONA GUHA, OF MARYLAND
JOSEPH ALEXANDER HAMILTON, OF NEW JERSEY
JAMES ROBERT HELLER, OF VIRGINIA
MATTHEW G. JOHNSON, OF CALIFORNIA
DEANNA GENTRY KIM, OF FLORIDA
ROBERT DAVID LEE, OF MARYLAND
WILLIAM GLOVER LEHMBERG, OF CALIFORNIA
RYAN COURTNEY LEONG, OF CALIFORNIA
CHRISTOPHER S. MACHIN, OF MARYLAND
MARIA KATRINA MEYLER, OF NEW JERSEY
LISA DANIELLE MILLER, OF CALIFORNIA
RAMON A. NEGRON, OF PUERTO RICO
CLARISA PEREZ-ARMENDARIZ, OF COLORADO
AMY SUE RADETSKY, OF KANSAS
DEMETRIA CANDACE SCOTT, OF VIRGINIA
THOMAS B. SELINGER, OF FLORIDA
JEFFREY CRAWFORD VICK, OF TEXAS
MARK ALAN WELLS, OF VIRGINIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENTS OF STATE AND COMMERCE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

TERRY A. ALSTON, OF SOUTH CAROLINA
BRIDGET ALWAY, OF IDAHO
DANNIELLE R. ANDREWS, OF CALIFORNIA
DARIAN LAWRENCE ARKY, OF NEVADA
ELIZABETH MCGEE BAILEY, OF TEXAS
NOLAN E. BARKHOUSE, OF TEXAS
HEIDI-HAKONE L. BARRACHINA, OF VIRGINIA
JOHN FREDERICK BENDER, OF VIRGINIA
GREGORY K. BERTIN, OF VIRGINIA
JOHN E. BRIGHAM, OF VIRGINIA
RACHEL L. COOKE, OF VERMONT
C. AMANDA CRANMER, OF PENNSYLVANIA
DAVID JUDE CUMMINGS, OF COLORADO
RICHARD CHRISTOPHER WHITING DAVY, OF TEXAS
PATRICIA DE LA SOTA, OF TEXAS
MELISA MARIE DOHERTY, OF THE DISTRICT OF COLUMBIA
WILLIAM REB DOWERS, OF FLORIDA
ABIGAIL L. DRESSEL, OF CONNECTICUT
STEVEN M. DYOKAS, OF ILLINOIS
KENNETH J. EGAN, OF VIRGINIA
PATRICIA ELLIS, OF PENNSYLVANIA
BARBARA I. ENSSLIN, OF FLORIDA
LISA L. FICEK, OF SOUTH DAKOTA
DAVID B. FOLEY, OF CALIFORNIA
ANNE MARIE GATES, OF VIRGINIA
SHARON ELIZABETH GORDON, OF CALIFORNIA
MICHAEL ANDREW GRAHAM, OF MISSOURI
KATHLEEN K. GRANDY, OF IDAHO
KRISTEN KAROL GRAUER, OF MICHIGAN
MICHAEL THOMAS GREER, OF NEW YORK
NICHOLAS CASSELL GRIFFITH III, OF ARKANSAS
GEORGIA J. GRUBE, OF VIRGINIA
MARY K. GUNN, OF CALIFORNIA
MAUREEN HAGGARD, OF WASHINGTON
JULIANA HAMILTON-HODGES, OF TEXAS
SARAH ELIZABETH HANKINS, OF NORTH CAROLINA
STACIE RENEE HANKINS, OF NORTH CAROLINA
MARLIN JOHN HARDINGER, OF WISCONSIN
KIMBERLY DANA HARRINGTON, OF NEW JERSEY
ROYNDA E. HARTSFIELD-NACK, OF VIRGINIA
LINDSAY N. HENDERSON, OF OREGON
NATASHA M. HENDERSON, OF PENNSYLVANIA
DAVID ANTHONY HENRY, OF RHODE ISLAND
THOMAS RICHARD HINES, OF MINNESOTA
DOVIE HOLLAND, OF GEORGIA
NEIL W. HOP, OF OREGON
LAURA PHIPPS HRUBY, OF THE DISTRICT OF COLUMBIA
AMANDA L. JOHNSON, OF MONTANA
DENISE LYNNETTE KNAPP, OF TEXAS
THADDEUS L. KONTEK, OF VIRGINIA
LALE KUYUMCU, OF THE DISTRICT OF COLUMBIA
GEORGE EDWARD LEARNED, OF COLORADO
CHERIE J. LENZEN, OF ILLINOIS
JOHN A. LEWANDOWSKI, OF MISSOURI
ANNE LINNEE, OF MINNESOTA
TIMOTHY EDWARD LISTON, OF VIRGINIA
CHRIS J. LONG, OF VIRGINIA
R. BRYAN MARCUS, OF ALABAMA
FRANCISCO MARTINEZ JR., OF VIRGINIA
KIRK E. MCCLAIN, OF VIRGINIA
MARK G. MCGOVERN, OF NEW JERSEY
BRIAN GERALD MCINERNEY, OF INDIANA
LEE MCMANIS, OF CALIFORNIA
SUZANNE MCPARTLAND, OF NEW YORK
GENEVE ELIZA MENSCHER, OF NEW JERSEY
KENNETH LEE MEYER, OF OHIO
DEBORAH A. MILLER, OF MINNESOTA
ALLISON MARGARET MONZ, OF CALIFORNIA
JUDY S. MOORE, OF TEXAS
MARY CLARE MOORE, OF VIRGINIA
JOHN PAUL MOPPERT, OF FLORIDA
CHARLES H. MORRILL, OF NEW HAMPSHIRE
LANGDON G. MORRISON, OF FLORIDA
CHRISTOPHER M. NEWTON, OF CALIFORNIA
VALERIE C. O'BRIEN, OF VIRGINIA
JOSEPH JAMES O'CONNOR-FITZGERALD, OF WASHINGTON
MYRNA M. ORTIZ KERR, OF NEW YORK
NICOLE IRELAND OTALLAH, OF VIRGINIA
AMY MUDD PATEL, OF MISSOURI
KIMBERLY JOY PENLAND, OF FLORIDA
CHAD SAYLOR PETERSON, OF WASHINGTON
SUZANNE K. PHILION, OF NEW HAMPSHIRE
QUINN N. PLANT, OF WASHINGTON
JOHN ANTHONY REGAN, OF PENNSYLVANIA
STEVEN M. RIDER, OF SOUTH DAKOTA
ISABEL E RIOJA-SCOTT, OF ARIZONA
MICHAEL ROMAN ROUSEK, OF OHIO
ADAM WILLARD SCARLATELLI, OF NEW JERSEY
AARON MICHAEL SCHWOEBEL, OF TEXAS
NICOLE E. SPECIANS, OF ILLINOIS
TANYA K. SPENCER, OF TEXAS
MARK ANDREW STEPHENS, OF MARYLAND
KRISTIN M. STEWART, OF COLORADO
GUY T. STRANDEMO, OF MINNESOTA
CODY CORINNE TAYLOR, OF CALIFORNIA
TIMOTHY SHAWN TIMMONS, OF WASHINGTON
AARON D. TRIMBLE, OF VIRGINIA
EDWARD L. WATERS, OF NEVADA
GREGG D WENZEL, OF VIRGINIA
CATHERINE J. WESTLEY, OF ILLINOIS
ANTJE WEYGANDT, OF VIRGINIA
SHERON D. WILLIAMS, OF MARYLAND
LAGRANGE WORTHINGTON, OF VIRGINIA
CHRISTOPHER THOMAS ZIMMER, OF ILLINOIS
EARL JAY ZIMMERMAN, OF FLORIDA

DEPARTMENT OF COMMERCE

CHRISTOPHER T. CLOUTIER, OF THE DISTRICT OF COLUMBIA
MARY AILEEN CROWE, OF NEW HAMPSHIRE
CHERYL DUKELOW, OF WASHINGTON
HELEN L. PETERSON, OF CALIFORNIA
MARK RUSSELL, OF CALIFORNIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

DEPARTMENT OF STATE

EARL A. FERGUSON, OF INDIANA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER COUNSELOR:

DEPARTMENT OF STATE

JOHN E. LANGE, OF NEW YORK

DEPARTMENT OF AGRICULTURE

PETER FERNANDEZ, OF NEW YORK

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN D.W. CORLEY, 9553

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. BURWELL B. BELL III, 7158

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JERRY L. SINN, 7044

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RICHARD A. HACK, 9451

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. MICHAEL H. SUMRALL, 4259

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JAMES T. CONWAY, 2270

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. LOWELL E. JACOBY, 4376

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. DAVID L. BREWER III, 8778

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND AS PERMANENT PROFESSORS, UNITED STATES AIR FORCE ACADEMY, UNDER TITLE 10, U.S.C., SECTIONS 9333 (B) AND 9336 (A).

To be colonel

DANA H. BORN, 3051
JAMES L. COOK, 8629

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JAMES R. KIMMELMAN, 1344

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JOHN E. JOHNSTON, 5362

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JANET L. BARGEWELL, 8692
EDMUND K. DALEY III, 2454
STEVEN H. DAVID, 6893
MICHAEL R. SMITH, 4276
MITCHELL E. TOLMAN, 9936

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

LELAND W. DOCHTERMAN, 9074
MOHAMED S. IBRAHEIM, 3411
BEVERLY R. SMATHERS, 6081
ROBERT M. SMITH, 6342
DOUGLAS R. WINTERS, 7714

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

GLENN E. BALLARD, 6451
NANCY L. ELLWOOD, 1584
JAN C. JONSON, 7275
CAROLYN L. MAYNARD, 8546
JANE M. MORRICAL, 1086
MARION J. YESTER, 6505

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

ROBERT D. BOIDOCK, 2464

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

DERMOT M. COTTER, 8207

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

CONNIE R. KALK, 0501

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

MICHAEL J. HOILIEN, 3336

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

ROMEO NG, 4549

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

THOMAS E. PARSHA, 7148

HOUSE OF REPRESENTATIVES—*Tuesday, October 8, 2002*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. CULBERSON).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 8, 2002.

I hereby appoint the Honorable JOHN ABNEY CULBERSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for 5 minutes.

PROTECTING SOCIAL SECURITY MUST BE A PRIORITY

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to underscore the importance of protecting the Social Security system from the dangers of privatization. We already know that Social Security is keeping tens of millions of older Americans out of poverty. Two-thirds of our senior citizens rely on Social Security for more than half of their income.

In addition to our seniors, 14 million Americans also rely on Social Security to provide vital disability or survivor benefits every month.

When we consider who will be impacted, it is easy to see why my colleagues in the Republican Party are ducking the debate on privatization. After all, the success of these plans rests on the performance of the same equity markets that have lost $4.5 trillion in the last 18 months. So I really do not blame them for wanting to dodge the question or wanting to play down previous endorsements of privatizing Social Security.

After all, the safety net of Social Security has never been more important, especially in light of the staggering losses to retirement savings plans under this administration's failed economic policies.

In 2001 alone, 401(k) plans lost roughly $210 billion, while individual retirement accounts shed an additional $230 billion. So it is no surprise that Republicans do not want to talk about the fact that their privatization plan will result in benefit cuts up to 40 percent.

They do not want to talk about the fact that privatizing Social Security could force workers to delay their retirement in order to collect full benefits. They do not want to talk about the fact that benefit cuts would impact all beneficiaries, even those who choose not to open personal accounts, and Republicans certainly do not want to talk about the $2 trillion that would be siphoned away from the trust fund in order to set up these private accounts. After all, who wants to call attention to the fact that taking a mere 2 percent of payroll taxes away from the trust fund can double or triple the size of the Federal deficit.

It is not a pretty picture. However, this debate is simply too important for us to allow our colleagues to stick their heads in the sand or to defer their plans to undermine the system until after the 2002 elections, and I also think it is especially important to set the record straight on privatization because there are some people out there who want to paint Social Security as a bad deal for African Americans and other people of color. In fact, one recent Republican political ad even went so far as to label Social Security as reverse reparations, a false and truly offensive claim against a program that provides the only guaranteed safety net for millions of African American men, women, and children.

We must never forget that Social Security is the single most important source for African American retirees, providing on average three-quarters of their retirement income. We must also dispel the myth that private accounts would be good for African Americans. Privatization undermines the guaranteed benefits that keep millions of African American seniors out of poverty, and it undermines the system's progressive benefits structure which helps minorities compensate for a lifetime average of lower wages and less savings.

I believe that these risks are unacceptable. Protecting the financial security of our seniors and our most vulnerable is a social compact that was forged with the greatest generation, and now we have a responsibility to protect this system for our children's generations.

To that end, I believe that the only course of action is a fair and balanced debate about the future of Social Security. Our constituents deserve to hear an honest conversation about what will happen if we put our faith and our retirement savings in the stock market. They deserve to hear what plans Members have to guarantee Social Security benefits before they go to the polls in November, and they deserve to see us roll up our sleeves and get to work on protecting their retirement security.

Mr. Speaker, let us debate Social Security privatization now. It is much too important to wait.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 335

Whereas Jo-Anne Coe served as an employee of the Senate of the United States and ably and faithfully upheld the high standards and traditions of the staff of the Senate from January 3, 1969 until January 31, 1989 for a period that included ten Congresses;

Whereas Jo-Anne Coe was the first woman in history to be elected as the Secretary of the Senate in 1985;

Whereas Jo-Anne Coe served as Secretary of the Senate, Administrative Director of the Committee on Finance, Administrative Director of the Office of Senator Bob Dole and Chief of Staff under Senator Dole;

Whereas Jo-Anne Coe faithfully discharged the difficult duties and responsibilities of a wide variety of important and demanding positions in public life, with honesty, integrity, loyalty, and humility;

Whereas Jo-Anne Coe's clear understanding and appreciation of the challenges facing the Nation has left her mark on those many areas of public life: Now, therefore, be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Jo-Anne Coe.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses or adjourns today, it stand recessed or adjourned as a further mark of respect to the memory of Jo-Anne Coe.

The message also announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

S. Con. Res. 150. Concurrent resolution welcoming Her Majesty Queen Sirikit of Thailand on her visit to the United States, and for other purposes.

SOCIAL SECURITY PRIVATIZATION

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from California (Mr. MATSUI) is recognized during morning hour debates for 5 minutes.

Mr. MATSUI. Mr. Speaker, I would like to thank the gentlewoman from Texas for her comments and certainly the gentleman from Missouri, the Democratic leader, for helping put this together this morning.

This is not a theoretical debate. The whole issue of Social Security privatization is a real discussion, something that really will, in fact, occur in 2003.

The gentleman from Virginia (Mr. TOM DAVIS), the Chair of the Republican Campaign Committee, said in the month of August that privatization will be a 2003 issue, they intend to bring it up. Paul O'Neill, the Secretary of the Treasury, has said that he intends to have the President bring up privatization of Social Security in 2003 after the November 5 election.

The reason this is a theoretical debate is because this is hard to believe, but my Republican colleagues have five real plans to privatize Social Security. We have President Bush who convened a 14-member commission of experts that essentially came up with three plans to privatize Social Security. The gentleman from Florida (Mr. SHAW), the chairman of the Subcommittee on Social Security of the Committee on Ways and Means, has drafted a privatization of Social Security plan; and the gentleman from Texas (Mr. ARMEY), the majority leader, has come up with a plan to privatize Social Security as well.

So we have five plans, one of which will undoubtedly be the plan that will be brought up and attempted to be adopted by the President in the year 2003. I thought it would be important for us to talk about this because obviously, if this comes up, the American public should know exactly what we are talking about before the November election.

My Republican colleagues will say, well, the gentleman from California (Mr. MATSUI), the gentleman from Missouri (Mr. GEPHARDT), the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) are just trying to scare seniors; but by explaining these plans, we hope we are not attempting to scare seniors, but what we are trying to do is explain to the American public exactly what these plans are, because it will be coming up in the year 2003.

For example, the Shaw plan, which is a privatization plan, the gentleman from Florida (Mr. SHAW) has not explained to us that within 30 years, by privatizing Social Security, it will require $6.9 trillion or approximately $7 trillion of general fund moneys. We know that those general fund moneys do not exist so we wonder where this general fund money is going to come from, and the gentleman from Florida (Mr. SHAW) also in his plan is basically an arbitrage plan. They borrow the $6.9 trillion and then invest it in the stock market and hope the rate of return will be better and higher than the rate of loss in borrowing that money; and so if, in fact, the market drops, it will result in a cut in benefits.

The same thing with the gentleman from Texas' (Mr. ARMEY) and the gentleman from South Carolina's (Mr. DEMINT) plan. In a 30-year period, they are going to have to borrow $10 trillion; and that basically would mean tripling, tripling the national debt of this country, to put that in perspective. It would triple the national debt of this country.

Then we have, of course, the President's three plans, some of which, $3.3 trillion, that would require up to a 54 percent cut in benefits not only for seniors but also for the disabled and survivor's benefits for families with minor children and a surviving spouse. So we are talking about plans that will either cost trillions of dollars by tripling the national debt; or we are talking about a combination of those, plus massive cuts in benefits for the American public.

I have to just say, Mr. Speaker, that my colleagues on the other side of the aisle have tried to obscure this issue by saying that personal savings accounts are not privatization. Personal savings accounts are, in fact, privatization. They were talking about, let us not really bring this issue up this year because we do not want to alarm the American public. But then why have they introduced five pieces of legislation and why has the Secretary of the Treasury talked about bringing this issue up in the year 2003?

This is an issue that the American public should be aware of today because it will be massive cuts in benefits, particularly given the fact that the market has collapsed at this time and given the fact that that is the only defined benefit that most Americans have.

THE MISSING DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from Missouri (Mr. GEPHARDT) is recognized during morning hour debates for 13 minutes.

Mr. GEPHARDT. Mr. Speaker, I rise to urge a free and fair debate on this floor about the future of Social Security before the November elections occur. Here we are in October, nearing what will become the end of the 107th Congress, and we have yet to have a real debate about what perhaps is the most important issue facing the American people.

We have a Republican leadership that wants to adjourn without debating one of the most serious concerns that people have about their own retirement. We have spent our time renaming post offices, we have done very well at that, and passing non-sense of the House resolutions, but we have had no time, not a moment, to debate the Republican plan to privatize Social Security and cut Social Security benefits.

The Republican strategy is clear. It is deception. The Republican leadership from the gentleman from Illinois (Mr. HASTERT) to the gentleman from Texas (Mr. ARMEY) to the gentleman from Texas (Mr. DELAY) all are on record in strong support of privatization. They support cutting benefits and taking funds that should be secure and putting them into risky stock market accounts.

I think it is vital that we have this debate before the November elections and not afterwards when it will probably be too late.

We are not talking about an academic exercise here. We are not talking about theories or philosophies. We are talking about people's lives and what happens to them every day of every month. We are talking about the President's proposals and the biggest changes this program would ever see; and we are talking about a sea change, a fundamental sea change in the way the program works.

Make no mistake about it, Republicans have a plan to privatize Social Security, cut benefits and weaken the foundation of this retirement system. In 2000, President Bush argued that privatization of Social Security would create a better, improved retirement future for the baby boomers and beyond. In 2001, the President's Social Security commission proposed three plans that I have on this chart, and each plan ultimately requires a cut in benefits. Now, the Republican Party has developed phony ads to make it look like they are for preserving the long-time health of Social Security when it is simply false.

As the Wall Street Journal recently reported, President Bush's media strategist produced these ads which peddle the falsehood that privatization of Social Security is the solution to people's retirement fears. If my colleagues did not think that was bad enough, it gets worse.

A coalition of right wing organizations has a new pledge card that it is urging Republican candidates to sign in order to give them cover on the issue of privatizing Social Security. The organization is called

SocialSecurityChoice.Org. The campaign is funded by a variety of Republican interest groups that support privatization, and Republicans who take the pledge make the promise to "support allowing younger workers the option to voluntarily place a portion of their Social Security taxes in personal retirement accounts."

On Capitol Hill, Republicans want to avoid a real debate that involves their schemes to privatize and cut Social Security benefits. In fact, Republicans have been running away from this issue as fast as they can.

Karl Rove is assuring Republican lawmakers that after the election is done in 2003, then the White House will finally begin its drive to privatize Social Security. The gentleman from Virginia (Mr. TOM DAVIS), head of the Republican Campaign Committee, recently said on the radio that Social Security privatization "will probably come up in the next Congress" but not in this Congress.

Michael Tanner of the CATO Institute predicted that, if the Republicans retain the House, the President intends to make a push in the spring and they will get a vote in the House; and one Republican pollster presentation advised his clients, do not use the word "privatize" when talking about Social Security on the campaign trail. Get a new word, he said. Maybe personalize, maybe traumatize, I do not know what the right word is; but it sure is not privatization.

None of this should come as a surprise to anybody who has ever followed this issue. In recent months, the stock market has fallen like a lead balloon. The market is at its worst September since the Great Depression, the worst third quarter since 1987, and is at its lowest level in 5 years. If my colleagues look at this chart, the market has lost $4.5 trillion in value since January 2001, and on the next chart my colleagues will see if the President's plan had been in place at that time, today's retirees would have lost $2,016 in benefits as compared to those who retired in December of 2000.

That is the impact of turning Social Security over to the stock market. It is not a surprise that Republicans have devoted themselves to the evisceration of the greatest retirement protection plan ever created. The Republican Party has always sought to weaken and get rid of Social Security. In 1935, they opposed its creation. In 1964, they wanted to make it voluntary; and in 1994, the gentleman from Texas (Mr. ARMEY) appeared on national TV, and he said, "I never would have created Social Security." The gentleman from Texas (Mr. ARMEY) also called Social Security a bad retirement, and he said it was a rotten trick on the American people. He continued, "I think we're going to have to bite the bullet on Social Security and phase it out over a period of time."

Republicans adopted the same approach to Medicare. Newt Gingrich said, "We cannot just get rid of it. We have got to let it wither on the vine."

Their ideological alliance flies in the face of cold hard facts. It represents a defeat for the majority of the American people that oppose the privatization of Social Security. My colleagues better believe, if the Republicans take the House and retake the Senate, President Bush will privatize Social Security before we can blink our eyes.

Democrats created Social Security in 1935, and we will fight to protect it in 2002 and beyond. In our view, since its creation more than 65 years ago, no other program in the history of this country has provided such dignity and respect for our senior citizens, no matter what their income, no matter what their background. Thanks to Social Security, people have lived their lives free from fear. Social Security has put food on people's tables and shelter over their heads.

Look at this chart. It is the most important source of income for middle-income senior citizens. It has helped millions of people avoid poverty. Sixty-four percent of income from middle-income seniors comes from Social Security. For 67 years, it has been there for the people when they have needed it. For countless seniors, surviving spouses and children and Americans with disabilities that fought our wars, sustained our economy and built our Nation, it has meant the difference between life and death.

Social Security is based on a contract, an intergenerational contract and a commitment that today's generations have a duty to honor and uphold. We have a responsibility to simply keep our word by protecting the terms of this agreement.

Our responsibility calls for making sensible decisions that invest in Social Security and make it stronger, not weaker, in the decades ahead. Our responsibility calls for ensuring our children and grandchildren will reap its rewards; and our values call for building Social Security up, not tearing it down, to satisfy long-held ideological convictions.

Social Security is already under attack due to the Republican economic agenda. We had a golden opportunity 2 years ago to shore up Social Security. Two years ago we could have passed tax cuts to promote long-term economic growth while paying down America's debt and investing in Social Security for Americans nationwide.

The Republicans rejected our approach. They had a better plan. Their economic plan invaded Social Security, broke repeated promises to secure the surplus, and if my colleagues look at this chart, diverted almost $2 trillion to pay for the wrong-headed Republican tax cut for the wealthiest Americans. They literally took money out of the Social Security trust fund in order to give a tax break that primarily helped people at way, way, way, way up at the top. The Republican slogan, unlike the slogan we had a few years back, seems to be "Save Social Security last, not first."

After voting seven times with Democrats to guard the lockbox, the Republican leadership in the House failed to keep their word, and they have failed to lead; and the lockbox is broken on the floor. We will lead.

Since Republicans have failed to put Social Security on the floor, we have mounted a discharge petition to bring up the three plans from the President's commission, all for privatization, so we can have a full and free debate in the highest tradition of democratic governance. In this discharge, we include a resolution of disapproval. This is more than a debate. It is a way for the House to vote up or down on the Republican plan, as well as the congressional plan of the Republicans to privatize Social Security.

I think it is essential. I am concerned that people are going to go in the voting booths and elect candidates next month who say, oh, I am going to guarantee Social Security benefits and then turn around the day after the election and cut them in some scheme of privatization. This is the most cynical, political act that I have seen in my time in Congress, to say to the American public, oh, we are going to protect it and then the day after the election run to the floor to privatize it and cut the benefits that they have said they are going to protect.

I urge my colleagues, sign this petition. Let us have a meaningful Social Security discussion before we go to our districts for the fall election. Put the fake pledge cards away. Abandon the empty Republican promises and secret plans. Tell the pollsters to keep their new words to themselves. Let us conduct a free and fair debate in the open, in the sunshine, in the public about the consequences that will be caused by the privatization of Social Security. Let us rise up in the highest tradition of this body and debate the future of this most important program. Let us save Social Security first and today.

EXPRESSING SUPPORT FOR RESOLUTION ON IRAQ

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from New York (Mr. MCNULTY) is recognized during morning hour debates for 2½ minutes.

Mr. MCNULTY. Mr. Speaker, today I rise to support the bipartisan resolution on Iraq which we will vote on later this week.

Mr. Speaker, I have been a member of this body for the past 14 years, and I have heard Members throughout those years describe various votes as the most important votes that they will cast during their careers in Congress. I would submit to my colleagues that those votes—all of them—pale in comparison to any vote to send young American soldiers into harm's way.

My family knows the pain of war. On August 9, 1970, my brother Bill was killed in Vietnam. He was a medical corpsman, out in the field patching up his buddies, when he stepped on a land mine and lost his life. I do not want any other American family to go through what the McNulty family went through back in 1970. That is why I only favor a military option as the last option.

As a great New York Governor used to say when involved in debates, "let's look at the record." Let us look at the record with regard to Saddam Hussein. He has chemical and biological weapons. He has used them. He has killed tens of thousands of Kurds. He gassed to death 5,000 Kurds in a single day—2,000 more than all of the people we lost on September 11, 2001. And, as the President pointed out last night, there have been 750 attacks on American pilots just in the past year.

There are 135,000 American service personnel within the range of Saddam's missiles right now. And what is most disturbing of all, Mr. Speaker, is Saddam's efforts to obtain nuclear weapons. Most of the experts up until recently have been saying that he is 2 to 5 years away from a nuclear capability. Now several are saying it is less than a year.

Mr. Speaker, how can we possibly contain a modern nuclear war? I remember the statement by then-President Lyndon Johnson when asked about the impact of a modern nuclear war. He responded to the question by saying simply, "The survivors will envy the dead."

Mr. Speaker, this is the bottom line. Saddam Hussein can never be allowed to possess a nuclear capability. This bipartisan resolution emphasizes international cooperation, working with the United Nations, and exhausting all other options before we go to a military option. It ensures that military force will be used only as a last resort.

This is a substantial reordering of priorities from the first draft, and for that I thank the bipartisan leadership. I support the resolution.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10 a.m.

Accordingly (at 9 o'clock and 30 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATOURETTE) at 10 a.m.

PRAYER

The Reverend Dr. John Putka, Department of Political Science, University of Dayton, Ohio, offered the following prayer:

Eternal God and Father of us all, we stand in Your presence and lift our minds and hearts in prayer.

As we gather in this place of ongoing history, we pray for the Members of this House, chosen by our fellow citizens to represent us in the governance of our Nation. We ask You to bless them and all who assist them, so that Your laws may be reflected in our laws, and Your ways may become our ways.

We ask, in the words of the prophet Isaiah, that You send Your spirit upon them, a spirit of wisdom and understanding, a spirit of counsel and of strength, a spirit of knowledge and fear of the Lord. We make this prayer in Your most holy name. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Pennsylvania (Mr. PITTS) come forward and lead the House in the Pledge of Allegiance.

Mr. PITTS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 1-minutes per side.

INTRODUCTION OF GUEST CHAPLAIN

(Mr. SCHAFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAFFER. Mr. Speaker, it is my privilege and honor to welcome and introduce to the House of Representatives our guest chaplain this morning, Father John Putka.

I have known Father Putka for quite a long time. He was a teacher of mine when I was a high school student at Moeller High School in Cincinnati. He also was a professor at the University of Dayton school I also attended. He has also been in the classrooms of St. Joseph in Cleveland, Chaminade in Mineola, and many other schools around the country.

Father Putka's Ministry has taken him far and wide. Not only has he preached throughout the State of Ohio and surrounding States, but his ministry also takes him to my State of Colorado at least once a year, also to the State of Wyoming. He is well-known and respected by a great number of people, but, more than that, he has inspired those who have had an opportunity to sit and observe and participate in the masses that he has led and listened to his homilies.

As a professor of political science at the University of Dayton, Father Putka is one who has trained his students to consider their role in the world through the broad context of a properly trained conscience. He is joined at the University of Dayton by Dr. Jason Pierce and others who work on a day-by-day basis to try to deliver the best education possible to the students before them. Father Putka is one who is trained and preaches in the Marianist tradition.

Again, he is one who I have known for quite a long time; and let me just finish by saying that, for me personally, this is really a blessing for him to be here today. It was 6 years ago that I was sworn into Congress. Father Putka was here to wish one of his former students, me, well as I was sworn in. And as I enter the last few weeks of my congressional service here in Washington, it is very nice that he is here today to be a part of this important day in congressional history.

IRAQ

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, last night the President gave a well-thought-out speech about Saddam Hussein and the dangerous regime he has built in Iraq. I do not think there is any doubt that Iraq poses a danger to the world, to the United States, to the region, to its own citizens.

But what occurs to me is that in the past year there have been some on the other side of the aisle who have repeatedly asked why the President was not able to prevent September 11; why did the FBI and the CIA not focus more on the threats of hijackings; why did the FBI and CIA not coordinate better; could September 11 not have been prevented?

Well, now we have another threat. Saddam Hussein hates us enough to kill. He has weapons of mass destruction. He has shown a willingness to use those weapons. He thwarts U.N. inspections while he seeks to develop nuclear weapons. We have a known threat and the opportunity to do something about it.

Mr. Speaker, those who have been critical of our inability to prevent September 11 have a special opportunity to see to it that we prevent the next threat. The next threat is Iraq.

AMERICA HAS A HIGHER CALLING

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Oh say does that Star Spangled Banner yet wave, o'er the land of the free, and the home of the brave?

America, let us remember on this day the connection between freedom and bravery, that to preserve our freedom we must be courageous. Let no fear, no threat, let no premonition obscure our vision and lead us down the dark path of preemptive war against a people who have not attacked us.

Let us be guided by the truth, the truth which shall set us free, the truth which keeps us free. Let us lift this Nation up into the light of peace, into the eternal promise where we are all one, where nations shall not take up arms against nation, where we shall turn our swords into plowshares, our spears into pruning hooks.

America has a higher calling. Our Founders call us on this day to defend our country by defending universal truth, by defending international justice, by defending the very spirit of our Constitution, which calls us to form a more perfect union with each other and with the world.

BROADCAST OF PRESIDENTIAL SPEECH

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, last night the President of the United States made the moral and the strategic case for confronting the Iraqi regime of Saddam Hussein; and for Americans with basic cable it was no doubt a compelling and an important night.

I rise today, Mr. Speaker, as one of the very few former broadcasters in this institution, to denounce CBS, ABC, and NBC for the total abdication of their public duty in refusing to broadcast the President's address to America in this hour of national need.

Under the Telecommunications Act of 1934, public broadcasting companies use the public airwaves; and, therefore, Mr. Speaker, they have public duties. As we prepare on this floor to debate sending American soldiers into harm's way, it was wrong and appalling for those corporations to abdicate their duty.

Rather than the details of biological and chemical weapons, NBC broadcast Fear Factor; rather than the status of the Iraqi nuclear weapon system, the King of Queens on CBS; and rather than telling the American people of Iraqi complicity with terrorism, the Drew Carey Show.

Mr. Speaker, this is appalling; and it is an absolute abdication of their duties under the Act.

HONORING ELOISE MILAM

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, on Sunday I held an event to honor Eloise Milam, a great lady and a proud American, who gave much and has given much to her country and its military by founding the Melody Maids.

Founded in Beaumont, Texas, the Melody Maids traveled countless times from coast to coast, singing for conventions and programs of all sorts but primarily for military installations and especially veterans hospitals. They made tours to Europe, several more to England, three to the Far East, seven to the far north, four to the Caribbean, five to Mexico, seven to Hawaii, and four to Bermuda, Iceland, and the Azores.

Many of the tours were financed by the girls themselves with money made from musicals, style shows, cake and pie sales and other benefits. The Melody Maids were the most frequently requested of all performers who traveled with the Department of Defense's professional entertainment branch.

Eloise Milam's leadership is characterized by a combination of kindness and emphasis on excellence. The standards she set for the group are many we should set for ourselves today. Eloise stressed the value of service to our fellow human beings, the rewards of helping one another in group activities, and a respect for different cultures and religions.

Mr. Speaker, it is an honor to stand here today and recognize Eloise Milam's tireless work and passionate dedication to service and country. She continues to be an inspiration for us all.

ANYONE GIVING ENEMY COMFORT SHOULD BE CHASTISED

(Mr. CUNNINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CUNNINGHAM. Mr. Speaker, as a combat veteran from Vietnam, I and many other men and women still harbor ill feelings towards Jane Fonda and Tom Hayden, who gave the enemy comfort and gave them propaganda against the United States.

Anyone, anyone who would travel to an enemy country and do the same thing should be chastised by this body and by this country.

CONGRATULATING ERIKA HAROLD, 2003 MISS AMERICA

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, on September 21, Erika Harold from Urbana, Illinois, in the district of the gentleman from Illinois (Mr. JOHNSON) became Miss America 2003. She is intelligent, talented, a role model, and a passionate advocate for young people.

In 2001, Erika Harold graduated Phi Beta Kappa from the University of Illinois, with a Bachelor's Degree in political science and prelaw. She was a University of Illinois Chancellor Scholar, a Truman Scholarship finalist, winner of the first prize in the African American studies research paper competition, a member of the President's Award Program, a three-time member of the National Dean's List, vice president of the minority student newsletter, a selectee to the "Senior 100 Honorary" by the University of Illinois Alumni Association, and a selectee to USA Today's 2000 All-USA College Academic Second Team.

Members of my family are friends of her family, and I am pleased to note that she has been accepted by Harvard University Law School. I am also pleased to congratulate and commend Erika Harold for her outstanding accomplishments and achievements.

CONGRESS MUST FIX AMERICA'S ECONOMY

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, as we prepare to consider authorization of the use of force to deal with Saddam Hussein, Congress also must address critical issues facing our families. Congress must act to improve education, reduce health care costs and protect Social Security and get our economy back on track.

Mr. Speaker, the people of my home State of North Carolina are worried. America's families have seen the bottom fall out of Wall Street. As the stock market plunges, we watch billions of dollars evaporate from families' retirement savings. Health care costs continue to spiral out of control. They have risen five times the rate of inflation, and our families are falling farther behind, no matter how hard they struggle to keep up. Education is more important today than ever, but our schools continue to suffer as Congress withholds needed funding.

Mr. Speaker, this Congress must act to get the American economy back on track. We must balance the budget and pay down the national debt for long-term economic growth. We must protect Social Security from privatization schemes that would cut back and raise taxes. We must lower health care costs. And we must fund education so that every American willing to work hard can make the best of their God-given ability.

HONORING GLORIA PEREZ

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SANCHEZ. Mr. Speaker, I rise today to honor Gloria Perez of Santa Ana, California, for 27 years of service as a police resource officer in that city.

Ms. Perez was recently recognized as the Crime Prevention Practitioner of the Year by the California Crime Prevention Officers Association. She was honored for her work in establishing the Junior Children of Pride program, a crime prevention program created to encourage a work ethic and develop trust of law enforcement for local children.

☐ 1015

The program targets high-risk neighborhoods and creates a reward system for children that pick up trash and keep their neighborhoods clean. Young people that take part in the neighborhood beautification effort are rewarded with donated prizes distributed by law enforcement officers, allowing these children to bond with local officers in a positive manner. Ms. Perez has continually demonstrated her commitment to serving her community, and I am proud to have her as a neighbor and for all her efforts to make our district a safer place to live.

WHY WE MUST DEAL WITH IRAQ

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, last night President Bush followed through on a promise to the American people when he stood before a crowd gathered in the Cincinnati Museum Center and outlined the reasons Saddam Hussein's regime must be dealt with now.

The President acknowledged the doubts some Americans have about confrontation with Iraq, and he offered answers to those questions. He outlined why Iraq is unique and why we cannot afford to wait to act. He explained how Saddam's regime has oppressed the Iraqi people and violated United Nations resolutions for the past 11 years by continuing his quest for weapons of mass destruction.

Mr. Speaker, September 11 taught us that we are vulnerable and that there are those who wish to harm us. I commend the President for taking steps to convince the public that Saddam Hussein is a very real threat that must be dealt with before he follows through on his desires to use weapons of mass destruction against the American people.

PROVIDING FOR CONSIDERATION OF H.J. RES. 114, AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 574 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 574

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 114) to authorize the use of United States Armed Forces against Iraq. The joint resolution shall be considered as read for amendment. The amendment to the preamble and the amendment to the text recommended by the Committee on International Relations and now printed in the joint resolution shall be considered as adopted. The previous question shall be considered as ordered on the joint resolution, as amended, and on any further amendments thereto to final passage without intervening motion except: (1) 17 hours of debate on the joint resolution, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations, which may be extended pursuant to section 2; (2) the further amendments printed in the report of the Committee on Rules accompanying this resolution, which may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read, and shall be separately debatable for the time specified in the report equally divided and controlled by the proponent and an opponent; (3) after the conclusion of consideration of the amendments printed in the report of the Committee on Rules, a final period of debate on the joint resolution, as amended, which shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations; and (4) one motion to recommit with or without instructions.

SEC. 2. It shall be in order for the Majority Leader or his designee, after consultation with the Minority Leader, to move to extend debate on the joint resolution, as amended. Such motion shall not be subject to debate or amendment.

SEC. 3. During consideration of House Joint Resolution 114 pursuant to the first section of this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the joint resolution to a time designated by the Speaker either on the same legislative day or on the next legislative day.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from California (Mr. DREIER) is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this is a structured rule that provides for 20 hours of debate on the resolution as well as providing for two Democratic substitutes. The rule also provides that after consultation with the minority leader, the majority leader may extend debate to ensure that all Members have an opportunity to speak on this important issue. Just as in 1991, every single Member will have a chance to be heard.

The rules makes in order two substitute amendments, two Democratic substitutes to be offered by the gentlewoman from California (Ms. LEE) and the gentleman from South Carolina (Mr. SPRATT), as well as providing for one motion to recommit.

Mr. Speaker, at this moment the people's House begins debate on one of the most difficult questions we will ever face. I rise today in strong support of the resolution authorizing the President to take action to address the very troubling issue of Saddam Hussein and Iraq. No Member of this body should ever be too eager to send our military into harm's way. Nor should we ever consider taking such an action without a strong and vigorous debate. At the end of the day, however, I am pleased that we have come up with a bipartisan resolution to prove once again that partisanship ends at the water's edge.

I am a strong supporter of international cooperation, working with our friends and allies and the United Nations. However, in matters of national security, multinational cooperation and coalition-building are tools that help us to achieve our most precious national interests. We cannot be beholden to any institution whose interests may not coincide with our own.

Obviously, we would all be gratified to have the full and unconditional support of the United Nations Security Council. Secretary of State Colin Powell has been working tirelessly for months to garner that support up in New York. But as the Government of the United States, it is our primary responsibility to provide for the safety and security of our citizens, both at home and abroad. That is why I support this resolution which will in fact strengthen our hand at the United Nations and demonstrate that this government is united in its determination to address the threat that Saddam Hussein poses.

Mr. Speaker, Saddam Hussein oppresses his people, flaunts the will of the international community, has committed genocide, and pursues weapons of mass destruction that will dramatically alter the status of his country in the international system.

For 12 years he has blatantly ignored the Security Council resolutions he previously agreed to. When the inspectors were conducting their inspections with Iraq, they were constantly impeded. The time for ineffective inspections, with conditions set by this Stalinist dictator, has passed. Iraq has received chance after chance, only to continue to obstruct and deny. The time for chances is over. Only unconditional and unfettered inspections with total disarmament of Iraq's cache of weapons of mass destruction are acceptable.

So far, Mr. Speaker, the United Nations has proved unwilling to back its words with actions. As Saddam's primary enemy, it falls to the President and this Congress to protect the American people from this mass murderer. Saddam Hussein presents a clear and immediate threat to the safety of American citizens and our interests overseas. We know he has produced such deadly gases as VX and sarin, along with anthrax. We know he has over 30,000 delivery vehicles for such biological and chemical agents, and we know he has scuds capable of reaching our forces stationed in the Gulf and our NATO allies in Turkey.

Perhaps more frightening, we know that Iraq is actively seeking to reestablish its nuclear weapons program and has reportedly been seeking uranium to achieve that goal, and the track record shows that his ability to inflict harm has always been underestimated. Given the level of technical expertise that Iraq developed prior to the Gulf War, it would take them months, not years, to develop a nuclear device once they obtained the proper materials.

There are those who argue that Saddam Hussein, a man who has started two wars in 2 decades, can be contained and managed. Let me remind the Nation of Saddam Hussein's record in power. He sponsors terrorist groups that have killed American citizens. He routinely pays the families of suicide bombers while he lets his own citizens starve. He has executed thousands of Iraqis a year and combats dissent by publicly removing the tongues of his critics. He has engaged in ethnic cleansing utilizing chemical weapons that have killed over 5,000 Kurds, and he has completely destroyed entire towns he felt were disloyal. He has committed genocide and other crimes against humanity and deserves to be held accountable.

The United States held the moral high ground in ending Slobodan Milosevic's reign of terror, and Saddam has reigned too long.

Further, I disagree with those who argue that we should not undertake this action because it is preemptive. Authorizing the President to effectively address this situation is not preemptive. This is a response to those heinous acts I have just outlined. With every U.N. resolution Iraq ignores, it threatens international peace. Unless and until Iraq complies fully with the inspections, a standard it has never met, there remains ample justification for taking action to defend the security of our Nation. Iraq is a nation that publicly states that it has every intention of cooperating with the international community, but continues to try to shoot down our brave pilots enforcing the no-fly zones.

History has not been kind to the governments that have acceded to the wishes of brutal dictators in the hopes of staving off conflicts. The security of the future depends on the resolve we show here today. As we learned on September 11, delaying our response to security threats can have devastating consequences. It is incumbent upon all of us to demonstrate to the world's dictators they cannot hide behind false cooperation and that our Nation will not be cowed from protecting our citizens for fear of political or military difficulty.

Mr. Speaker, our security comes first. I cannot help but think of Abraham Lincoln's words 137 years ago when he said: "The struggle of today is not altogether for today. It is for a vast future also."

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we begin a historic debate here in the House of Representatives. It will continue for 3 days, and every Member will have the opportunity to be heard. Thankfully, Mr. Speaker, it is not often that Congress must consider matters of war and peace, so we have studied the issue seriously. Within the Democratic Caucus, Members have received numerous briefings from Republicans as well as Democrats and outside experts as well as those inside the administration and asked probing questions over the past few weeks and months.

I expect that this debate will be as robust as it is serious. It should come as no surprise that many sincere people in the administration, in Congress, and among the public have varying views about how best to deal with Saddam Hussein; and it should come as no surprise that there is no party position on an issue of this gravity.

In 1991, I was in the minority of my own party when I voted to authorize the first President Bush to use force against Saddam Hussein. Now, 11 years later, the situation is different; and I expect that more Democrats will authorize the second President Bush to use military force, if necessary, to end the threat that Saddam Hussein poses.

Mr. Speaker, I disagree with those who assume that the opposition's part is to automatically oppose the administration. When it comes to national security, the public expects Democrats and Republicans to lay down our partisan swords and try to work out a consensus.

□ 1030

We may differ in some areas, but those differences should be based on principle, not on party labels. The three resolutions on the House floor meet that standard. They have the support of thoughtful Members of both parties who have struggled sincerely to devise what they believe is the best approach to protecting America and our vital interests in the world.

Mr. Speaker, our lively and honest discussion this week, and I expect it will be very lively, should not be mistaken for a lack of resolve. On both sides of the aisle there is general consensus that Saddam Hussein is a threat to the security and stability of the world, and there is an overwhelming bipartisan commitment to ending that threat.

Mr. Speaker, I am convinced that Saddam's outlaw regime poses a serious threat to the United States, our allies, and the rest of the world. Between 1991 and 1998, weapons inspectors found and destroyed significant amounts of chemical and biological weapons, despite Iraq's protestations that none existed. Since then, Saddam Hussein has continued his pursuit of weapons of mass destruction as well as his hostilities to the United States and our interests.

I am pleased that Democratic and Republican leaders, working with the administration, have agreed to the compromise resolution H.J. Res. 114 that is on the House floor this week. The President has accepted many important Democratic changes to his original resolution. As a result, it has been significantly improved and America's position against Saddam Hussein has been strengthened.

The compromise resolution strikes a good balance between using a multilateral approach and preserving America's right to defend our interests. It strongly supports the efforts of Secretary of State Colin Powell to build an international coalition through the United Nations against Saddam Hussein; and if diplomatic efforts fail, it requires the President to report back to Congress before beginning military action.

There are other important changes. While the original White House draft would have authorized military action in the region, this compromise focuses on Iraq specifically. It also requires the President to comply with the War Powers Act and its regular procedures for consulting with, and reporting to, Congress. Moreover, this resolution requires the President to ensure the war on terrorism will not be hampered by military action against Iraq.

Since September 11, Democrats and Republicans have worked together to wage the war on terror, and it is critical that the administration not forget its commitment to bring Osama bin Laden and al Qaeda to justice.

Finally, this resolution forces the administration to report to Congress on their planning for the reconstruction, peacekeeping, and other activities that will be necessary after a military conflict with Iraq. Winning the peace is as important as winning the war, and we insist that the administration prepare the American people for the long-term commitment needed to restore peace and stability to Iraq and the Middle East.

All in all, Mr. Speaker, this bipartisan compromise is a substantial improvement on the White House's original draft. Just as importantly, it will help build broad support in the international community as well as here at home for ending the threat posed by Saddam Hussein. That is critical because this is not an easy job. I remain hopeful that international diplomatic pressure will allow a strong, unfettered inspections regime to disarm Saddam Hussein, and I believe that the strong signal that Congress sends with this resolution will increase our diplomatic leverage.

But I am also not naive. Given Saddam's history, we must be prepared for the possibility of a military confrontation with Iraq. The United States has the finest fighting force in the world, and I am confident that if we are forced to fight Saddam Hussein our troops will defeat him overwhelmingly. But war is not something to be taken lightly, and it requires the full support of the American people. That is why, Mr. Speaker, Democrats insisted that the President seek congressional authorization before taking action against Saddam Hussein; and it is why Democratic leaders reached out to the White House to craft a bipartisan resolution.

Mr. Speaker, this is a deadly serious matter, and I have tremendous respect for many of those who differ with me on it. After all, men and women who love their country can disagree on the best way to protect our country. Nonetheless, I believe that the best way to end Saddam Hussein's threat is to meet it head on, and I believe that the compromise resolution represents a sensible and responsible approach to protecting America and the world against Saddam Hussein. I expect it will pass with the overwhelmingly bipartisan support it deserves.

In closing, let me make one more point. Before this is over we may be asking families across the Nation to make tremendous sacrifices. Hundreds of thousands of U.S. troops may have to put their lives on the line.

I have no doubt that the men and women of the military can secure America's interests abroad, but as these brave Americans do their job, I hope this Congress will finally do its job and address the deepening economic uncertainty that threatens our security here at home. After all, Iraq is not the only issue in America today. As we speak, unemployment and the poverty rate erupt, while the stock market and 401(K) plans are down. Every day Americans across the country have to deal with economic security as well as national security. It is time this Congress followed their example.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I am very happy that the Republican members of the Committee on Rules are going to be standing today in strong support of this resolution.

Mr. Speaker, I yield 3 minutes to the gentleman from Atlanta, Georgia (Mr. LINDER), distinguished chairman of the Subcommittee on Technology and the House.

Mr. LINDER. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in support of both this rule and the underlying legislation which authorizes the use of our Armed Forces by the President of the United States against Iraq.

In addition, this rule will allow for the consideration of two amendments in the nature of substitutes, thus allowing the Members of the House to choose among several measures on this grave and important issue. I commend the chairman of the Committee on Rules, the gentleman from California (Mr. DREIER), for his thoughtful deliberation in bringing this rule to the floor today.

Over the next few days, this body will find itself engaged in a debate of historic proportions; and, once the debate has concluded, we must give an answer to our President who has asked the Congress to unite with him in opposition to the tyrannical regime of Saddam Hussein. I am proud to stand with President Bush and cast my vote in support of H.J. Res. 114.

Since 1798, the United States has involved itself in approximately 310 separate military actions worldwide. Of that total, Congress has authorized the use of force through legislation 11 times and has declared war on sovereign states five times. Thus, the vote we will cast on this legislation will be among the most profound of our careers. Yet a careful review of the evidence that President Bush has put before the country, the United Nations, and the world makes it clear that this difficult choice is our only reasonable choice.

Of course, a peaceful resolution to the problems that Saddam Hussein poses in the world would be ideal, and continued diplomacy should be our preferred tool. Yet what has been going on for the last 11 years if not that? The failures of the United Nations' actions are well known. Shall we continue down that same road and expect to arrive at a different destination?

The President has made clear that we will continue to work with the United Nations for a peaceful result, but absent that the United States must be prepared to take strong action. This resolution makes it clear to Saddam that, if he fails to immediately comply with a host of United Nations resolutions, then he must be fully prepared to accept the consequences of those failures.

The fundamental question before us today is: Will the United States of America, in coalition with the peace-loving nations of this world, allow the tyranny of Saddam to continue, or will we take steps to rid the world of this growing menace?

What is clear today, Mr. Speaker, is that a peaceful world is the end we seek, a world in which free nations can pursue their own dreams unthreatened by warring despots whose only pursuit is power. The people of Iraq should and must be free from the oppressive, tyrannical and dangerous regime of Saddam Hussein. The peace-loving people of the Middle East, the European continent, Asia, Africa, and, yes, North America, too, must be freed from the fear that weapons of mass destruction visit upon them.

It is indisputable that the United States has been, for over two centuries, the beacon of freedom and opportunity for the world. Our military ambitions have been forever leavened by our dream of peace and freedom in the world. I see no reason now to answer this call with a message of timidity or caution.

I urge my colleagues to join with me so that Congress can speak with a clear voice and support the President for peace throughout the world.

Mr. Speaker, I rise in support of both this rule and the underlying, H.J. Res. 114, which authorizes the use of our Armed Forces by the President of the United States against Iraq.

In addition, this rule will allow for the consideration of two amendments in the nature of substitutes, thus allowing the Members of the House to choose among several measures on this grave and important issue. I commend the chairman of the Rules Committee, Mr. DREIER, for his thoughtful deliberation in bringing this rule to the floor today.

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Passing this resolution with a broad, bi-partisan majority gives the U.S. Congress the opportunity to bring a troubled world together under the flag of freedom, a flag that has been unseen in much of the Middle East for too many generations.

I ask my colleagues to join with me, so that the Congress may speak in one clear voice, to answer the President's call for peace throughout the world, to remove those who seek to harm not only their own people, but everyone who believes in liberty and justice, and to bring freedom to the people of Iraq—by any means necessary.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. McGOVERN).

Mr. McGOVERN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of this rule, although I wish more of the substitute amendments had been made in order.

More importantly, Mr. Speaker, I rise today to voice my opposition to House Joint Resolution 114, the resolution on Iraq.

I have great respect for the President and for all my colleagues who disagree with me on this vote of conscience, but I must dissent. Simply put, the resolution on Iraq grants authority for the United States to unilaterally attack Iraq. It grants the President the right to go to war with Iraq tomorrow, without the support of any other nation and absent the support of the UN Security Council.

A little over a year ago, I voted to support the President when he asked for authorization to use force against those who attacked us on September 11. I believe that campaign remains the number one priority for our foreign, military and intelligence policy.

In Afghanistan we are still engaged militarily, hunting down the surviving al Qaeda leadership and its network of supporters. That work is far from over. There is a desperate need for more resources to rebuild Afghanistan and restore democratic government. The U.S. and the international community cannot, must not fail Afghanistan again.

Our work to take down al Qaeda's international organization and financial network is also far from over, and it requires the continuing assistance of the international community.

Some argue that we have the resources to do it all, to wage a war against terrorism, to unilaterally invade, occupy, and rebuild Iraq, and not compromise our troops deployed around the world. But why, when we can and should work with other nations to disarm Iraq, when our allies can share the cost?

The President was right to challenge the U.N. Security Council to carry out its mandate to disarm Iraq and ensure that it can no longer stockpile, develop, produce or use chemical, biological, or nuclear weapons. We must now work to ensure that the U.N. Security Council meets its responsibilities. If we get inspectors back into Iraq, then once again we will destroy Saddam's weapons. This time we must ensure that he remains disarmed.

I am not asking that we stand by or stand down. If Iraq continues to obstruct inspections, then the Security Council must approve coercive inspections or a broader military intervention. But we are not yet at that point, and this Congress should not approve immediate and unilateral U.S. action without the sanction of international law or the support of our allies.

I have no doubt that we can defeat Iraq, but I have heard nothing, nothing in the shifting rhetoric and rationale supporting unilateral action against Iraq to make me confident that the consequences of such an invasion have been fully considered. There is no genuine plan of who and what would come after Saddam Hussein, or the requirements of an occupation force to hold and protect Iraq from internal and external enemies, or the resources needed to rebuild Iraq and who would provide them, or the impact of invasion on Iraq's neighbors or on popular feeling throughout the world, let alone the impact of achieving peace in the Middle East.

If we take unilateral action outside the authority of the U.N. and without the direct involvement of our allies, invoking our new policy of preemptive strike, are we not setting a dangerous precedent for other nations? More than any other country, the U.S. has spent the past half century building a body of international law, rules of engagement, and multilateral institutions to guard against this very thing, nations taking matters into their own hands and deciding to fix what is wrong with the world as they see fit.

As the world's greatest military power, it is our first responsibility to build consensus, create coalitions, and move international bodies to protect and provide for our collective security. It should not be "Plan B."

People throughout my district have asked me, why are we going to war in Iraq? Veterans and seniors, students and CEOs have expressed their deep concern. They hate Saddam and recognize, as I do, that he is a brutal dictator, but they do not think we should go it alone.

When I vote whether to send our brave young men and women into harm's way, I must be absolutely sure that I can face their fathers and mothers, their husbands, wives, and children and tell them we have no other choice; war is the only option. And I simply cannot do that yet.

Last September, I voted for force. It was necessary. It was right. It was clearly in defense of our Nation. But today I must dissent.

□ 1045

Mr. DREIER. Mr. Speaker, continuing with our colleagues on the Committee on Rules, I am happy to yield 4 minutes to the gentleman from Miami, Florida (Mr. DIAZ-BALART), a true patriot and my great friend.

Mr. DIAZ-BALART. I thank the chairman for yielding me time.

Mr. Speaker, we can engage in no more important task than this, debating whether to authorize the use of the Armed Forces of the United States. This task is difficult, but the issue before us is fundamentally clear.

After it was expelled from Kuwait in 1991, Iraq agreed to end its production forever of weapons of mass destruction. Despite that requirement set forth by the international community by means of U.N. Security Council Resolution 687, Iraq has at this time a usable chemical and biological weapons capability, which has included recent production of chemical and biological agents.

As recently declassified intelligence reports have made clear, Iraq can deliver chemical and biological agents using an extensive rage of artillery shells, free-fall bombs, sprayers and ballistic missiles. Iraq continues to work on developing nuclear weapons, in breach of its obligations under the nonproliferation treaty and in breach of U.N. Security Council Resolution 687. Uranium has been sought by Iraq that has no civil nuclear application in that country.

Iraq's military forces are able to use chemical and biological weapons with command, control, and logistical arrangements in place. The Iraqi military is able to deploy these mobile units within 45 minutes of a decision to do so. Iraq has learned lessons from previous U.N. weapons inspections and is already taking steps to conceal and disperse sensitive equipment and documentation in advance of the possible return of inspectors.

Despite having lost the war in 1991 and despite being required by the U.N. to eliminate his weapons of mass destruction and to acquiesce to free and open inspections by the U.N. to verify his compliance with the world community's requirements that he not possess those weapons, Saddam expelled the U.N. weapons inspectors in 1998.

What seems inconceivable to me is that we did not have this debate in this forum 4 years ago. But in reality, only the Commander in Chief can really lead in the field of national security.

Some say we should wait until we find a smoking gun with regard to nuclear weapons. As my friend, the gentleman from Illinois (Mr. HYDE), said last night in the Committee on Rules, that smoking gun would be a smoking city, and having to mourn 3 million innocent civilians instead of 3,000.

Regime change in Iraq is a strategic necessity. It cannot be postponed because time is not on the side of the United States and the international community. The world community should have removed Saddam from power when he expelled the U.N. weapons inspectors 4 years ago. Saddam must be removed before he has a single nuclear bomb and before he has the means to deliver his other weapons of mass destruction on a large scale.

The long-term cost in blood and tears of allowing Saddam to strengthen his position would be much higher than the cost of any action to remove him now.

Mr. FROST. Mr. Speaker, I yield 6 minutes to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, the House of Representatives has begun a historic debate on the most serious topic that we have ever considered by this body, the question of whether to go to war. The Constitution states explicitly that Congress shall have the power to declare war. This great and terrible power is vested not in the individual of the President, but in the collective will of the electorate as embodied by its representatives. Members can cast no more weighty vote than this.

That said, Mr. Speaker, every bone in my body is telling me that the American people do not want this conflict, nor do they believe this resolution is warranted at this present time. The voices are drowned out by the drumbeat for war emanating from Washington. These voices are not confident that the body has asked the tough questions. They are not confident that the shifting rationales for the invasion are anything but a war in search of a justification.

In the last 2 months alone, more than 1,100 people have called or written my office expressing intense disapproval of any U.S. military action against Iraq. That contrasts with 15 who support it. These voices are not an anomaly. Members from both sides of the aisle are hearing them. I believe more and more that they represent the majority of the Nation.

Like most of my colleagues, I have thought and reflected at length on this vote. It is never an easy decision for a Member of Congress to make lightly. I would like to share with my colleagues and constituents the issues and questions that have led me to oppose this resolution as written and not to send young Americans into harm's way.

First I want to discuss the source of Iraq's bioweapons. Saddam Hussein is not a new threat for the United States. Since he took power in 1979, Hussein has committed a laundry list of human rights abuses, despotic acts and crimes against the global community. In 1990, this Chamber voted to empower the President to wage war against Iraq in order to free Kuwait and in order to preserve stability in the Middle East. Yet the policy by the United States has not always been clear.

Most people do not know that during the early 1980s the Reagan administration, followed by the first Bush administration, backed Iraq in its war against Iran on the theory that the enemy of my enemy is my friend.

At that time, the Commerce Department of the United States approved a series of exports to the Iraqi Government of substances that will now sound familiar to many Americans. The administration allowed Iraq to receive biological samples of anthrax, the bacteria that makes botulinum toxin, the germs that cause gas gangrene, and West Nile virus, among others. Sure, he has biological weapons. We gave them to him.

Clearly one must address Iraq and its arsenal, but we can go forward without alienating our friends and allies within the region. Indeed, our allies are critical to winning the war on terror, on which we have already embarked, just as they were an important part of the 1991 coalition that led to the expulsion of Iraqi troops from Kuwait. Moreover, our allies financed that conflict.

I am deeply troubled by the administration's unwillingness to address the long-term strategy of Iraq. The President has failed to articulate any plan for dealing with the future of Iraq if and when Saddam Hussein is removed. Is Saddam's removal the final goal? Or will the United States be expected to engage in the reconstruction of Iraq?

Will our country be involved in overhauling their political institutions, the Iraqi economy, or its infrastructure? What if our invasion sparks more terror and a wider war in the Middle East? Are the American people ready to make these commitments?

Why do we think that rank-and-file Muslims in the Middle East will support America in a war with Iraq, as they did in the early '90s? With millions of Muslims watching death and destruction on television, blaming the United States, is our strategy really one that will stabilize that region?

None of these questions have been addressed publicly by the President, and we should not vote to authorize any President to initiate an open-ended conflict with so many unanswered questions.

Finally, Mr. Speaker, I have to ask, why now? What has changed? Saddam Hussein has been a threat in the region since he invaded Kuwait 12 years ago, and yet we left him alone. He has not ever cooperated basically with the United Nations since shortly after the 1991 cease-fire when the Security Council demanded that Iraq cooperate with weapons inspectors. He has not fully cooperated in more than 10 years; and as President Bush has noted, it has been 4 years since a U.N. inspector has been allowed inside Iraq.

So if nothing has changed in the past 4 years, why are we going after Iraq now? If there are new developments and concerns, why does the administration not share them with us?

The emotional and financial costs of any such action can be felt for a generation or more. In a time when our economy is reeling, when our stock market is spiralling, when the safety nets such as Social Security and Medicaid that have sustained our seniors and our most vulnerable citizens are threatened, this body needs to take a hard look at what this Nation's priorities are and why we are undertaking this and ask again. Why now?

Mr. Speaker, I vote against this resolution with a heavy heart, but I am fortunate that there will be a resolution we can support by the gentleman from South Carolina (Mr. SPRATT) which does all the following things we have talked about, making sure that diplomacy and all other avenues have been explored before we make this extraordinary decision.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to respond to one comment made by my friend from Rochester.

Mr. Speaker, it is very true that during the 1980s the United States did in fact provide biological materials to Iraq, but I should say it was done with the best of intentions, with the goal of trying to help the Iraqi people through fighting malaria and other diseases.

Now, it is very apparent, we have learned, Mr. Speaker, that fertilizer request could be utilized to create a bomb, as we found in Oklahoma City several years ago. The challenge that we have is in dealing with the intentions of Saddam Hussein, and that is the question that we face right here.

Mr. Speaker, I yield 4 minutes to a very hard-working, thoughtful member of the Committee on Rules, the gentleman from Pasco, Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, each of us comes to Congress for the first time with hopes and dreams of what lies ahead while we serve as Members of this great institution. But surely none of us here today and none who came before us could possibly have wished for the terrible choice facing us at the conclusion of this debate. And make no mistake, it is indeed the most terrible of choices.

For, one way or another, once we vote, lives will be lost. That will be the case whether military action against Saddam Hussein is authorized or not. And it goes without saying that none of us takes such a Hobson's choice lightly.

Whether we like it or not, a choice must be made, and made without delay. The imminent nature of the threat facing America and the world means that not to decide is to decide.

We all know too much about the plans that Saddam Hussein has made for those of us that love freedom and about his ongoing preparations to carry out those deadly plans.

Simply put, this is a man who must be stopped. To those who oppose military action in Iraq, we can only ask if we do not stop Saddam, who will?

Some say the case is yet to be made that military action is warranted. To them I say, the record is clear and unambiguous, as even the brief remarks highlighted to the Nation by President Bush last night made clear. That debate, Mr. Speaker, is over.

Others say we must wait for the United Nations or for the active support of a broad coalition of nations. To them I say, protecting American citizens from the likes of Saddam Hussein is America's responsibility and no one else's. After all, protecting the American people from foreign enemies is the first and most critical function of our Federal Government. It is the very reason the Federal Government was established by our Founding Fathers.

We cannot be the world's police force, but there are times when we must stand forcefully against threats to peace, both here and abroad. But far more important, we must never fail to protect the lives of American citizens, citizens who are at risk today from the attacks by the agents of Saddam Hussein.

So if we must go it alone, let us not shrink from that duty. We know our troops will not shrink from theirs.

But we should not assume, Mr. Speaker, that because some nations have yet to endorse this vital mission that we will be forced to carry this burden alone. Consider for a moment our experience in Kosovo. For the record, I voted against that military action. I did so because I was not convinced that the crisis in the Balkans threatened our American security, and I opposed military action there because I felt it was Europe's problem; and if the Europeans were not willing to support our efforts, it would be wrong to send young American men and women into harm's way on their behalf. But when my side lost that debate, I supported the President, because that is what we do in this country.

In hindsight, however, I believe it was correct to undertake that mission in the Balkans, which is now rightly considered a success.

I believe experience demonstrates that sometimes what the world wants from America is for America to lead. When the United States did what was right by moving militarily to stop the genocide in Kosovo, the Europeans fell into line and stood up for freedom. They continue to do so today. I believe, Mr. Speaker, the same thing will happen if we act resolutely to remove the threat posed by Saddam Hussein.

Once we act, freedom-loving nations everywhere will welcome the chance to rid this world of this deadly menace, but only American leadership will ensure that he is removed once and for all.

Protect American lives, end Saddam's reign of terror and send a message of hope that will echo around the world by supporting this rule and the underlying resolution and giving the President the authority he needs to do what is right.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

□ 1100

Mr. KUCINICH. Mr. Speaker, I rise in opposition to the underlying resolution. The resolution presented to Congress by the administration gives authority to the President to act prior to and even without a U.N. resolution. It authorizes the President to use U.S. troops to enforce U.N. resolutions, even without the United Nations' request for it. In other words, America would be going it alone, and we would be stuck alone.

This is a violation, this resolution, of Chapter VII of the U.N. charter which reserves the ability to authorize force for that purpose to the U.N. Security Council alone.

My esteemed colleague, who is the chairman of the committee, quoted Abraham Lincoln. I, too, would like to quote Abraham Lincoln. "With malice towards none, with charity for all; with firmness in the right, as God gives us to see the right." Lincoln spoke of principles of unity, not only unity in this Nation but unity in the world, and Lincoln's prayer was for unity.

At the beginning of this new century, our prayer should be for a world united by international law, for a world as an interconnected world. That prayer is already being answered. Changes in transportation and communication and trade have brought the world together.

Wherever the world is divided, let the world community work together to heal those divisions. Where global security is threatened, let the global community respond. No nation should be above international law. All nations must confirm international law. All nations should seek to bring back into the international community any nation which sets itself apart.

Inspections should occur in Iraq, through the United Nations, and the inspections should be unfettered and they should eliminate any weapons of mass destruction in Iraq to the extent that they exist. But the argument to destroy weapons of mass destruction in Iraq if they exist should not be a license to destroy the people of Iraq. Let our concerns about weapons of mass destruction cause America to lead the way toward destruction of all weapons of mass destruction anywhere and everywhere in the world.

I would say, Mr. Speaker, that of nations that possess, pursue, or are capable of acquiring weapons of mass destruction, there are 17 nations pursuing nuclear; 20 nations that have biological weapons capability or are seeking them; 26 nations that have chemical weapons capability or are seeking those capabilities; 16 nations that have missile capabilities or are seeking them. Are we to suddenly declare war on the world?

Now, we know about Saddam Hussein and that he does not respect the law. There is no question about that. But the question which the resolution that we will be voting on in the next few days poses is whether we, the United States, respect international law and whether we will act preemptively and whether we will uphold the United Nations, the Security Council, and the principles of our own Constitution.

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Springfield, New York (Mr. REYNOLDS), my very good friend.

Mr. REYNOLDS. I thank the chairman for yielding me this time and for his leadership on the Iraq issue.

Mr. Speaker, today we begin an important and serious debate. The decision of whether we commit America's military and America's servicemen and women to a confrontation with a sovereign nation is not something to be taken lightly. I applaud our President and this Congress for ensuring that we begin this debate well-informed and well-prepared.

As the President has said in his radio address to the Nation on Saturday, "The United States does not desire military conflict because we know the awful nature of war." But "If the Iraqi regime persists in its defiance, the use of force may become unavoidable."

Mr. Speaker, 16 times the world has come together to stop Saddam Hussein from threatening our peace, stability, and security; and 16 times this madman and murderer has ignored the will of that world, continuing to develop weapons of mass destruction that have no valid defensive purpose. They have only one purpose: to wreak as much havoc and to murder as many people as possible.

Saddam Hussein has already used such weapons on his own people. Each day he comes closer to developing even deadlier weapons and more effective and longer-range delivery systems. Do we really want to see what these weapons are capable of before we force their destruction?

Mr. Speaker, the time has come for Saddam Hussein to open his borders for inspection anytime, anywhere. It is time for Iraq and its regime to destroy those weapons of mass destruction. "Delay, indecision, and inaction," as President Bush said, "are not options for America."

I strongly urge my colleagues to support this rule and the underlying resolution.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Speaker, I thank the gentleman for yielding me this time. The rule is a fair rule, and I rise in support of it. I simply want to address a few of the comments of my friends and colleagues who have spoken before me.

The gentleman from Massachusetts and others, the gentleman from Ohio, argue that this is a resolution authorizing the unilateral use of force, and that is why they are against it. Literally, they are correct. A strict reading of the resolution makes that clear. However, it fails to put into context what we are trying to do.

Everyone knows that multilateral is better than unilateral. Everyone knows that approval by the Security Council for the use of force is better than not having approval for the use of force by the Security Council. It is the passage of this resolution, the strong statement by the Congress of the United States that we stand with the administration in the effort to disarm Iraq of its weapons of mass destruction, that maximizes the diplomatic and political chances of achieving the broadest possible multilateral support for a meaningful disarming resolution out of the United Nations, another resolution and, if necessary, and it may very well be, the right to use force on a multilateral basis.

We will have allies, and we will go to the U.N. Our effectiveness there is directly related to the extent to which we here today speak strongly in favor of this course of action, and that is why I support the resolution.

I do have to take issue with my very good friend, the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules. We did not do what we did in the 1980s up through 1990 because we were trying to help the Iraqi people. We did not take Iraq off the list of countries supporting terrorism even though Abu Nidal was based there and was involved in terrorist activities using Iraqi passports and diplomatic pouches, bombing and killing civilians all over the Middle East because we wanted to help the Iraqi people. We did not provide dual-use equipment which had military as well as nonmilitary uses, including precursors to biological weapons, because we wanted to help the Iraqi people. We did not encourage our allies to send arms to Iraq during the Iraq-Iran War because we wanted to help the Iraqi people.

We made a strategic and foolish decision that Saddam Hussein was someone we could work with, that we wanted to tilt to Iraq during the Iraq-Iran war, and President Bush the first acknowledged his error and many others have acknowledged the errors of those policies during the 1980s.

So I think, as we come to terms with the past and what we have done wrong, we should acknowledge where our policies were wrong. Now that does not lead us to the conclusion that, because we had the wrong policies at one time, we do not take the decisive action we need to take now, but I think it is very important in the context of what is going to be a long debate that we stick to the historical record.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to simply respond to my very good friend with whom I have been pleased to work on this issue. That is, it is very clear that we need to focus on the fact that it is the intent of the recipient of this capability, and it would have been wonderful if the biological capability that had been transferred to Iraq would have been used to deal with the problem of malaria and other diseases there. That is my point.

What I am trying to say is that Saddam Hussein is the one who has posed the threat here. His use of this biological and chemical capability is what poses a very serious threat to the United States and to the rest of the civilized world.

Mr. Speaker, I am very happy to yield 3 minutes to the gentlewoman from Ohio (Ms. PRYCE), another hardworking member of the Committee on Rules and our very good friend.

Ms. PRYCE of Ohio. Mr. Speaker, I thank the chairman for yielding me this time and for his strong leadership on this resolution. I rise in strong support of the rule which will allow this body and the American people the opportunity to engage in over 20 hours of debate on the resolution to authorize the use of force against Iraq.

I would like also to take a moment to thank the distinguished Chairman of the Committee on International Relations, the gentleman from Illinois (Mr. HYDE), and the ranking member, the gentleman from California (Mr. LANTOS), for their efforts to put this country ahead of any other consideration.

Mr. Speaker, it is with a very heavy heart that we begin this debate on a resolution to authorize the use of force against another nation to protect freedom, the freedom of all Americans, the freedom of Iraq, the freedom of people all around the world. This is the freedom to be safe from fear, to be safe from oppression, and to be safe from hate. It is a choice that none of us wishes to make, but it is a choice that has been made for us.

The President made his case to the American people last night and to anybody able to hear his speech. Unfortunately, the major networks chose not to carry it, so anyone whose local affiliates carried it or who have cable were able to hear his impassioned plea. But anyone who could hear his speech knows that this President does not want to lead us into war, but little has changed since he identified the threat from Iraq in his January State of the Union address. Iraq continues to pose a serious and imminent threat from its development of weapons of mass destruction and the obvious potential for Iraq to transfer these weapons to terrorist groups, terrorist groups that, like Saddam Hussein, hate the United States of America.

There is no question that Saddam Hussein is a dangerous man and, under his leadership, Iraq is a dangerous nation. Our quarrel is not with the Iraqi people. They are among those who have suffered the most under this regime; and, like the Afghanistan people when liberated from al Qaeda, the Iraqi people will rejoice if liberated from Saddam Hussein and his regime of terror.

By acting today, we move to protect the American people. We do not abandon diplomacy, and we seek international support. However, we do serve notice to the Iraqi regime and, indeed, the world that the United States will defend itself against all threats.

As we move forward, we keep in mind that the goal of any decision with regard to Iraq must be disarmament. Saddam's arsenal of terror must be dismantled, and time may not be on our side. Each day we wait, each day we put off acting, each day we are led astray by idle delays puts us closer to real risk.

Iraq's claim that they are now suddenly willing to allow inspectors back in is extremely dubious. We have been down this road before. To achieve real assurance that Iraq is disarmed and cannot threaten our national security, more serious action may need to be taken.

For the last year, we have waged a war against extremism, against hate, and against terror. Today's resolution will give our President the tools he needs to continue and to win this fight. I urge my colleagues to support this rule to allow us to enter into this full and open debate.

Mr. FROST. Mr. Speaker, I yield 30 seconds to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Speaker, I want to say to my good friend, the gentleman from California (Mr. DREIER) that one does not have to be a microbiologist, as I am, to know that we do not send a country Anthrax, botulism, and deadly viruses to cure malaria unless we expect that cure to be death; and I believe that was precisely what the intent was. It was supposed to be used against Iran.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, first, I would like to offer my deepest sympathy to the young Marine that lost his life in Kuwait this morning; and to the brave men and women who serve our United States military and protect our freedom around the world, I offer my deepest appreciation.

The debate we begin this week is really a question of life or death. It is the most serious debate we have had in this Congress since the Vietnam War which saw 56,000 body bags come home to loved ones in America, and the Gulf War. That is why I agree with the gentleman from Texas (Mr. FROST) that this is not a partisan issue, it is not Democrats or Republicans, it is simply Americans. I hope that those of us who come to the floor to express a differing opinion will be respected for being patriots, the same as any of our colleagues.

□ 1115

The bill of particulars against Mr. Saddam Hussein is not new. It has been going on for a long period of time. That is why it seems that this resolution is premature; and in particular, it seems that we should have allowed 15 of the resolutions offered by thoughtful Members of Congress who wanted to be able to deliberate so the American people could know all of the facts. I believe they should have been made in order, all of our thoughts.

Nothing in the present resolution on the floor prevents a unilateral preemptive strike, which is in violation of international law.

Finally, as we begin this debate, as I hope to engage in the debate on a factual basis, nothing in the resolution prevents or allows or encourages the President of the United States to follow the Constitution and to come to this Congress for a separate, freestanding vote to declare war against Iraq.

That should be the question that the American people ask, whether or not, under the three branches of government and the Constitution, we are following the law: an actual declaration of war against Iraq.

Mr. DREIER. Mr. Speaker, I am happy to yield 3 minutes to our friend, the gentleman from Dallas, Texas (Mr. SESSIONS), another hard-working member of the Committee on Rules.

Mr. SESSIONS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, today the House begins debate on House Joint Resolution 114 to authorize use of the force of the United States Armed Forces against Iraq. This is a serious debate that needs to take place.

Mr. Speaker, I want Members to know that I support this resolution, and I support the President of the United States in what he is doing. But today we are here to debate the rule and to talk about what we are going to do as we debate the topic. I support this rule, I support what we are doing.

Mr. Speaker, if we dig deep within this resolution, we will see two important things.

Number one, August 14, 1998, Public Law 105–235, Congress concluded that Iraq's continuing weapons of mass destruction program threatened the United States and its allies; and, point number two, inspectors were withdrawn from Iraq on October 31, 1998, almost 4 years ago. The Iraqis have indicated through their administration, through the constant threat against the United States, that they intend to harm the United States and its interests around the globe. This is the same regime that attempted to assassinate former President Bush in 1993.

Mr. Speaker, what we are engaged in now is the support of the United States against enemies around the globe. Our foreign policy had to change on September 11 when we were attacked. I believe that what President Bush is doing now is to make sure that America will no longer be held hostage, will no longer allow a nation state, any nation state, to threaten the United States and get away with it.

It is time that we support our President. The process that has been laid out before the American people and to the United Nations is one that we can understand, that we can support.

I believe this President is well balanced, is articulate, and last night spoke with great favor towards the Nation of the United States that wants peace, not war, but that we will not allow ourselves to be pushed around.

Mr. Speaker, I support House Joint Resolution 114 and this rule, which is for peace, but making sure that peace through strength will be achieved through supporting our President. I intend to vote "aye" on the rule and "aye" on the resolution.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of the rule. I particularly want to commend the chairman and the ranking member for approving and bringing to the floor the separate substitute, which is supported by the following Members as it went to the Committee on Rules: the gentleman from South Carolina (Mr. SPRATT), the gentleman from Maine (Mr. ALLEN), the gentleman from Arkansas (Mr. SNYDER), the gentleman from North Carolina (Mr. PRICE), the gentleman from Connecticut (Mr. LARSON), the gentleman from Michigan (Mr. LEVIN), the gentleman from California (Mr. MATSUI), the gentleman from Virginia (Mr. MORAN), and the gentleman from South Carolina (Mr. CLYBURN).

Mr. Speaker, the separate substitute reflects four fundamental principles:

First, our mission should be clear: disarming Iraq of all weapons of mass destruction;

Second, it includes a sense of Congress supporting tough new, rigorous U.N. inspections;

Third, it authorizes the use of force if sanctioned by the U.N. Security Council; and

Fourth, it establishes a separate fast track congressional authorization of force if U.N. action is insufficient.

In other words, the separate substitute authorizes the use of force today through the United Nations, but it provides no blank check now for unilateral military action. Why does it do that? Because if the U.S. acts unilaterally or with just a few other nations, there is a far higher risk of fueling resentment in Arab and Muslim nations and swelling the ranks of the anti-U.S. terrorists. Our fundamental concern has to be to deal with the terrorist threat represented by al Qaeda and other international organizations.

Regardless of how Members vote on final passage, voting for the separate substitute is an important way to voice concern that the U.S. should work through the U.N. Security Council first and unilaterally only as a last resort. If unilateral action is necessary, Congress should have a vote on that issue.

We cannot fulfill our historic role if we end our consideration of this matter this week. We need to be more than the President's megaphone. We need additional consideration when the President has decided to use unilateral force and when he can tell us what it is he has in mind.

Mr. FROST. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. SHERMAN).

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from California (Mr. SHERMAN) is recognized for 1 minute.

Mr. SHERMAN. Mr. Speaker, last night the President somewhat vaguely announced the right policy for this country: to invade Iraq only if unrestricted inspections are not available. This gives us a chance to disarm Iraq without war; but if war becomes necessary, at least the fact that we struggled to avoid it will minimize foreign opposition.

Unfortunately, the Resolution before us is far more vague than the President's speech. It allows for an invasion even if Saddam completely capitulates on the issue of inspections. Unfortunately, the Rule does not make in order a resolution limited to the President's rhetoric. So if we want to authorize force if inspections are not allowed, the Rule requires us to give the President a blank check.

On a completely different issue, I would like to point out that during the 1980s we did provide dual-use material to Iraq that could have been used to wage conventional war, but there is no evidence that we knowingly provided material to Iraq that could be used to conduct biological or chemical warfare.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I rise in strong support of this rule and obviously the resolution, as well. It is very clear we were talking about the issue of biological weapons. The United States of America does not traffic in biological weapons, and the attack that has been launched by many on the other side against President Bush No. 41 is an unfair one.

We see much dual-use technology which, unfortunately, has been used in a wrong way. But the question that we need to address is the intent of Saddam Hussein. Saddam Hussein poses a threat to our stability, to the entire world. None of us is enthused about the prospect of going to war; but we face one of the most difficult issues we possibly can as Members of the people's House, that is, are we going to provide this President of the United States the support that he wants and deserves to proceed in defending the United States of America and our interests?

Mr. Speaker, it is a difficult time, and I think back to a debate that took place in the middle of the Civil War. John Stuart Mill wrote: "War is an ugly thing, but it is not the ugliest of things. The decayed and degraded state of moral and patriotic feeling which thinks 'nothing worth a war' is worse."

Mr. Speaker, it is very important for us to realize how tough this is; but the United States of America is a very unique Nation, and we stand for freedom throughout the world. It is important for us to stand up now. Vote "yes" for this rule, and vote in favor of the resolution.

Mr. DREIER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on motions to suspend the rules on which further proceedings were postponed on Monday, October 7, 2002.

Votes will be taken in the following order:

S. 2690, by the yeas and nays;

H.R. 5422, by the yeas and nays;

House Resolution 549, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

REAFFIRMING REFERENCE TO ONE NATION UNDER GOD IN PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate bill, S. 2690, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the Senate bill, S. 2690, as amended, on which the yeas and nays are ordered.

This will be a 15-minute vote followed by two 5-minute votes.

The vote was taken by electronic device, and there were—yeas 401, nays 5, answered "present" 4, not voting 21, as follows:

[Roll No. 445]

YEAS—401

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers

Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—5

Frank
Honda
McDermott
Scott
Stark

ANSWERED "PRESENT"—4

Ackerman
Blumenauer
Velázquez
Watt (NC)

NOT VOTING—21

Bilirakis
Clay
Cooksey
Ferguson
Hastings (FL)
Hilleary
Istook
Jones (OH)
Kanjorski
Lewis (CA)
Lewis (GA)
Mascara
McKinney
Meek (FL)
Neal
Roukema
Solis
Stump
Sununu
Towns
Weldon (PA)

□ 1149

Mr. TANNER changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BILIRAKIS. Mr. Speaker, because I was attending a funeral for a close family friend on October 8, 2002, I was in my district and unable to vote on S. 2690, the Pledge of Allegiance and National Motto Affirmation Act. Had I been present, I would have voted "yea" on rollcall vote No. 445.

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 445 on S. 2690 to reaffirm the reference to one Nation under God in the Pledge of Allegiance, I was unavoidably detained. Had I been present, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

CHILD ABDUCTION PREVENTION ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 5422, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 5422, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 390, nays 24, not voting 17, as follows:

[Roll No. 446]

YEAS—390

Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clement
Clyburn
Coble
Collins
Combest
Condit
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Moore
Moran (KS)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watts (OK)
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—24

Abercrombie
Blumenauer
Bonior
Clayton
Conyers
Filner
Frank
Holt
Honda
Lee
McDermott
Meek (FL)
Mollohan
Moran (VA)
Oberstar
Paul
Sabo
Schakowsky
Scott
Stark
Tierney
Watt (NC)
Waxman
Woolsey

NOT VOTING—17

Bilirakis
Cooksey
Ferguson
Hastings (FL)
Hilleary
Istook
Kanjorski
Lewis (CA)
Lewis (GA)
Mascara
Neal
Roukema
Solis
Stump
Sununu
Towns
Weldon (PA)

□ 1202

Mr. MORAN of Virginia, Mrs. CLAYTON, Mr. WAXMAN, Mrs. MEEK of Florida, and Mr. HOLT changed their vote from "yea" to "nay."

Mr. McGOVERN changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BILIRAKIS. Mr. Speaker, because I was attending a funeral for a close family friend on October 8, 2002, I was in my district and unable to vote on H.R. 5422, the Child Abduction Prevention Act. Had I been present, I would have voted "yea" on rollcall vote No. 446.

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 446 on H.R. 5422, the Child Abduction Prevention Act I was unavoidably detained. Had I been present, I would have voted "yea."

EXPRESSING APPRECIATION FOR PRIME MINISTER OF GREAT BRITAIN FOR HIS LOYAL SUPPORT AND LEADERSHIP IN WAR ON TERRORISM AND REAFFIRMING STRONG RELATIONSHIP BETWEEN PEOPLE OF UNITED STATES AND GREAT BRITAIN

The SPEAKER pro tempore (Mr. LATOURETTE). The unfinished business is the question of suspending the rules and agreeing to the resolution, House Resolution 549.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) to suspend the rules and agree to the resolution, House Resolution 549, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 1, answered "present" 1, not voting 21, as follows:

[Roll No. 447]

YEAS—408

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Berkley
Berman
Berry
Biggert
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Costello
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

McKinney

ANSWERED "PRESENT"—1

Owens

NOT VOTING—21

Bereuter
Bilirakis
Conyers
Cooksey
Cox
Ferguson
Hastings (FL)
Hilleary
Istook
Kanjorski
Lewis (CA)
Lewis (GA)
Mascara
Neal
Roukema
Schaffer
Solis
Stump
Sununu
Towns
Weldon (PA)

□ 1210

So (two thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BILIRAKIS. Mr. Speaker, because I was attending a funeral for a close family friend on October 8, 2002, I was in my district and unable to vote on H. Res. 549. Had I been present, I would have voted "yea" on the rollcall vote No. 447.

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 447 on H. Res. 549, expressing appreciation for the Prime Minister of Great Britain; I was unavoidably detained. Had I been present, I would have voted "yea."

CORRECTING ENROLLMENT OF H.R. 2215, 21ST CENTURY DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 503) directing the Clerk of the House of Representatives to correct the enrollment of the bill H.R. 2215.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HINCHEY. Mr. Speaker, reserving the right to object, I ask to engage in a colloquy with the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, as the gentleman wishes an explanation, this concurrent resolution directs the Clerk of the House to make certain technical corrections in the enrollment of H.R. 2215, the 21st Century Department of Justice Authorization Act, which passed both Houses in the last 2 weeks.

The concurrent resolution is supported by the ranking member of the Committee on the Judiciary, the gentleman from Michigan (Mr. CONYERS), the chairman and ranking member of the Committee on the Judiciary in the other body, and has been cleared by both the Republican and the Democratic leadership in the House.

Mr. HINCHEY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. Con. Res. 503

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 2215), An Act to authorize appropriations for the Department of Justice for fiscal year 2002, and for other purposes, the Clerk of the House of Representatives shall correct the bill by amending—

(1) section 206 of the bill by inserting "the 1st place it appears" after " 'or complaint' ",

(2) section 2201(b) of the bill by striking "1 year" and inserting "2 years",

(3) section 2501 of the bill to read as follows:

"SEC. 2501. AMENDMENT TO CONTROLLED SUBSTANCES ACT.

"Section 303(g)(2) of the Controlled Substances Act (21 U.S.C. 823(g)(2)) is amended—

"(1) in subparagraph (I), by striking 'on October 17, 2000,' and all that follows through 'such drugs,' and inserting 'on the date of approval by the Food and Drug Administration of a drug in schedule III, IV, or V, a State may not preclude a practitioner from dispensing or prescribing such drug, or combination of such drugs,'; and

"(2) in subparagraph (J)(i), by striking 'October 17, 2000,' and inserting 'the date referred to in subparagraph (I),' ",

(4) subsection (j) of section 1512 of title 18 of the United States Code, as added by section 3001(a)(3) of the bill, by striking "(j)" and inserting "(k)",

(5) section 3001 of the bill—

(A) in subsection (c)(1) by striking "(c)(2)" and inserting "(d)(2)", and

(B) by striking subsection (d),

(6) section 4003(b)(3) of the bill by striking "and inserting 'services contract made,' ",

(7) section 11006(3) of the bill by striking "20110(2)" and inserting "200110(2)",

(8) section 11009 of the bill—

(A) in subsection (b)(5) by striking "7,200" and inserting "1,500", and

(B) by adding at the end the following:

"(3) Penalties.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

" '(7) Whoever knowingly violates section 931 shall be fined under this title, imprisoned not more than 3 years, or both.' .

"(f) Donation of Federal Surplus Body Armor.—

"(1) Definitions.—In this subsection, the terms 'Federal agency' and 'surplus property' have the meanings given such terms under section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472).

"(2) Donation of body armor.—Notwithstanding section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484), the head of a Federal agency may donate body armor directly to any State or local law enforcement agency, if such body armor—

"(A) is in serviceable condition;

"(B) is surplus property; and

"(C) meets or exceeds the requirements of National Institute of Justice Standard 0101.03 (as in effect on the date of enactment of this Act).

"(3) Notice to administrator.—The head of a Federal agency who donates body armor under this subsection shall submit to the Administrator of General Services a written notice identifying the amount of body armor donated and each State or local law enforcement agency that received the body armor.

"(4) Donation by certain officers.—

"(A) Department of justice.—In the administration of this subsection with respect to the Department of Justice, in addition to any other officer of the Department of Justice designated by the Attorney General, the following officers may act as the head of a Federal agency:

"(i) The Administrator of the Drug Enforcement Administration.

"(ii) The Director of the Federal Bureau of Investigation.

"(iii) The Commissioner of the Immigration and Naturalization Service.

"(iv) The Director of the United States Marshals Service.

"(B) Department of the treasury.—In the administration of this subsection with respect to the Department of the Treasury, in addition to any other officer of the Department of the Treasury designated by the Secretary of the Treasury, the following officers may act as the head of a Federal agency:

"(A) The Director of the Bureau of Alcohol, Tobacco, and Firearms.

"(B) The Commissioner of Customs.

"(C) The Director of the United States Secret Service.

"(5) No liability.—Notwithstanding any other provision of law, the United States shall not be liable for any harm occurring in connection with the use or misuse of any body armor donated under this subsection.",

(9) section 11011(b) of the bill by striking "1 year" and inserting "2 years",

(10) section 11016 of the bill by striking "of 1953",

(11) section 11017(c) of the bill by striking "section 1 of this legislation" and inserting "subsection (a)",

(12) Rule 16 of the Federal Rules of Criminal Procedure—

(A) in subdivision (a)(1)(G) of such Rule, as amended by section 11019(b)(1) of the bill—

(i) by striking "Government" each place it appears and inserting "government",

(ii) by striking "shall" each place it appears and inserting "must", and

(iii) by striking "medical" and inserting "mental", and

(B) in subdivision (b)(1)(C) of such Rule, as amended by section 11019(b)(2) of the bill—

(i) by striking "Government" each place it appears and inserting "government",

(ii) by striking "Government's" and inserting "government's", and

(iii) by striking "shall" each place it appears and inserting "must",

(13) part R of the Omnibus Crime Control and Safe Streets Act of 1968, as added by section 12102 of the bill—

(A) in subsections (a)(2) and (b)(1)(B) of section 1802 of such part by striking "subsection (c)" and inserting "subsection (d)", and

(B) in section 1808(b) of such part by striking "90" and inserting "120", and

(14) section 5037(b) of title 18 of the United States Code, as amended by section 12301(2)(B) of the bill, by striking "imprisonment" and inserting "official detention".

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002

Mr. HYDE. Mr. Speaker, pursuant to House Resolution 574, I call up the joint resolution (House Joint Resolution 114) to authorize the use of United States Armed Forces against Iraq and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER. Pursuant to House Resolution 574, the joint resolution is considered read for amendment.

The text of House Joint Resolution is as follows:

H.J. Res. 114

Whereas in 1990 in response to Iraq's war of aggression against and illegal occupation of Kuwait, the United States forged a coalition of nations to liberate Kuwait and its people in order to defend the national security of the United States and enforce United Nations Security Council resolutions relating to Iraq;

Whereas after the liberation of Kuwait in 1991, Iraq entered into a United Nations sponsored cease-fire agreement pursuant to which Iraq unequivocally agreed, among other things, to eliminate its nuclear, biological, and chemical weapons programs and the means to deliver and develop them, and to end its support for international terrorism;

Whereas the efforts of international weapons inspectors, United States intelligence agencies, and Iraqi defectors led to the discovery that Iraq had large stockpiles of chemical weapons and a large scale biological weapons program, and that Iraq had an advanced nuclear weapons development program that was much closer to producing a nuclear weapon than intelligence reporting had previously indicated;

Whereas Iraq, in direct and flagrant violation of the cease-fire, attempted to thwart the efforts of weapons inspectors to identify and destroy Iraq's weapons of mass destruction stockpiles and development capabilities, which finally resulted in the withdrawal of inspectors from Iraq on October 31, 1998;

Whereas in 1998 Congress concluded that Iraq's continuing weapons of mass destruction programs threatened vital United States interests and international peace and security, declared Iraq to be in "material and unacceptable breach of its international obligations" and urged the President "to take appropriate action, in accordance with the Constitution and relevant laws of the United States, to bring Iraq into compliance with its international obligations" (Public Law 105-235);

Whereas Iraq both poses a continuing threat to the national security of the United States and international peace and security in the Persian Gulf region and remains in material and unacceptable breach of its international obligations by, among other things, continuing to possess and develop a significant chemical and biological weapons capability, actively seeking a nuclear weapons capability, and supporting and harboring terrorist organizations;

Whereas Iraq persists in violating resolutions of the United Nations Security Council by continuing to engage in brutal repression of its civilian population thereby threatening international peace and security in the region, by refusing to release, repatriate, or account for non-Iraqi citizens wrongfully detained by Iraq, including an American serviceman, and by failing to return property wrongfully seized by Iraq from Kuwait;

Whereas the current Iraqi regime has demonstrated its capability and willingness to use weapons of mass destruction against other nations and its own people;

Whereas the current Iraqi regime has demonstrated its continuing hostility toward, and willingness to attack, the United States, including by attempting in 1993 to assassinate former President Bush and by firing on many thousands of occasions on United States and Coalition Armed Forces engaged in enforcing the resolutions of the United Nations Security Council;

Whereas members of al Qaida, an organization bearing responsibility for attacks on the United States, its citizens, and interests, including the attacks that occurred on September 11, 2001, are known to be in Iraq;

Whereas Iraq continues to aid and harbor other international terrorist organizations, including organizations that threaten the lives and safety of American citizens;

Whereas the attacks on the United States of September 11, 2001, underscored the gravity of the threat posed by the acquisition of weapons of mass destruction by international terrorist organizations;

Whereas Iraq's demonstrated capability and willingness to use weapons of mass destruction, the risk that the current Iraqi regime will either employ those weapons to launch a surprise attack against the United States or its Armed Forces or provide them to international terrorists who would do so, and the extreme magnitude of harm that would result to the United States and its citizens from such an attack, combine to justify action by the United States to defend itself;

Whereas United Nations Security Council Resolution 678 authorizes the use of all necessary means to enforce United Nations Security Council Resolution 660 and subsequent relevant resolutions and to compel Iraq to cease certain activities that threaten international peace and security, including the development of weapons of mass destruction and refusal or obstruction of United Nations weapons inspections in violation of United Nations Security Council Resolution 687, repression of its civilian population in violation of United Nations Security Council Resolution 688, and threatening its neighbors or United Nations operations in Iraq in violation of United Nations Security Council Resolution 949;

Whereas Congress in the Authorization for Use of Military Force Against Iraq Resolution (Public Law 102–1) has authorized the President "to use United States Armed Forces pursuant to United Nations Security Council Resolution 678 (1990) in order to achieve implementation of Security Council Resolutions 660, 661, 662, 664, 665, 666, 667, 669, 670, 674, and 677";

Whereas in December 1991, Congress expressed its sense that it "supports the use of all necessary means to achieve the goals of United Nations Security Council Resolution 687 as being consistent with the Authorization of Use of Military Force Against Iraq Resolution (Public Law 102–1)," that Iraq's repression of its civilian population violates United Nations Security Council Resolution 688 and "constitutes a continuing threat to the peace, security, and stability of the Persian Gulf region," and that Congress, "supports the use of all necessary means to achieve the goals of United Nations Security Council Resolution 688";

Whereas the Iraq Liberation Act (Public Law 105–338) expressed the sense of Congress that it should be the policy of the United States to support efforts to remove from power the current Iraqi regime and promote the emergence of a democratic government to replace that regime;

Whereas on September 12, 2002, President Bush committed the United States to "work with the United Nations Security Council to meet our common challenge" posed by Iraq and to "work for the necessary resolutions," while also making clear that "the Security Council resolutions will be enforced, and the just demands of peace and security will be met, or action will be unavoidable";

Whereas the United States is determined to prosecute the war on terrorism and Iraq's ongoing support for international terrorist groups combined with its development of weapons of mass destruction in direct violation of its obligations under the 1991 ceasefire and other United Nations Security Council resolutions make clear that it is in the national security interests of the United States and in furtherance of the war on terrorism that all relevant United Nations Security Council resolutions be enforced, including through the use of force if necessary;

Whereas Congress has taken steps to pursue vigorously the war on terrorism through the provision of authorities and funding requested by the President to take the necessary actions against international terrorists and terrorist organizations, including those nations, organizations or persons who planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001, or harbored such persons or organizations;

Whereas the President and Congress are determined to continue to take all appropriate actions against international terrorists and terrorist organizations, including those nations, organizations or persons who planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001, or harbored such persons or organizations;

Whereas the President has authority under the Constitution to take action in order to deter and prevent acts of international terrorism against the United States, as Congress recognized in the joint resolution on Authorization for Use of Military Force (Public Law 107–40); and

Whereas it is in the national security of the United States to restore international peace and security to the Persian Gulf region: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Authorization for the Use of Military Force Against Iraq".

SEC. 2. SUPPORT FOR UNITED STATES DIPLOMATIC EFFORTS.

The Congress of the United States supports the efforts by the President to—

(1) strictly enforce through the United Nations Security Council all relevant Security Council resolutions applicable to Iraq and encourages him in those efforts; and

(2) obtain prompt and decisive action by the Security Council to ensure that Iraq abandons its strategy of delay, evasion and noncompliance and promptly and strictly complies with all relevant Security Council resolutions.

SEC. 3. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION.—The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to—

(1) defend the national security of the United States against the continuing threat posed by Iraq; and

(2) enforce all relevant United Nations Security Council resolutions regarding Iraq.

(b) PRESIDENTIAL DETERMINATION.—In connection with the exercise of the authority granted in subsection (a) to use force the President shall, prior to such exercise or as soon thereafter as may be feasible, but no later than 48 hours after exercising such authority, make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) reliance by the United States on further diplomatic or other peaceful means alone either (A) will not adequately protect the national security of the United States against the continuing threat posed by Iraq or (B) is not likely to lead to enforcement of all relevant United Nations Security Council resolutions regarding Iraq; and

(2) acting pursuant to this resolution is consistent with the United States and other countries continuing to take the necessary actions against international terrorists and terrorist organizations, including those nations, organizations or persons who planned, authorized, committed or aided the terrorists attacks that occurred on September 11, 2001.

(c) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supersedes any requirement of the War Powers Resolution.

SEC. 4. REPORTS TO CONGRESS.

(a) The President shall, at least once every 60 days, submit to the Congress a report on matters relevant to this joint resolution, including actions taken pursuant to the exercise of authority granted in section 3 and the status of planning for efforts that are expected to be required after such actions are completed, including those actions described in section 7 of Public Law 105–338 (the Iraq Liberation Act of 1998).

(b) To the extent that the submission of any report described in subsection (a) coincides with the submission of any other report on matters relevant to this joint resolution otherwise required to be submitted to Congress pursuant to the reporting requirements of Public Law 93–148 (the War Powers Resolution), all such reports may be submitted as a single consolidated report to the Congress.

(c) To the extent that the information required by section 3 of Public Law 102–1 is included in the report required by this section, such report shall be considered as meeting the requirements of section 3 of Public Law 102–1.

The SPEAKER. Pursuant to House Resolution 574, the amendment to the preamble and the amendment to the text printed in the joint resolution are adopted.

The text of House Joint Resolution 114, as amended pursuant to House Resolution 574, is as follows:

H.J. RES. 114

Whereas in 1990 in response to Iraq's war of aggression against and illegal occupation of Kuwait, the United States forged a coalition of nations to liberate Kuwait and its people in order to defend the national security of the United States and enforce United Nations Security Council resolutions relating to Iraq;

Whereas after the liberation of Kuwait in 1991, Iraq entered into a United Nations sponsored cease-fire agreement pursuant to which Iraq unequivocally agreed, among other things, to eliminate its nuclear, biological, and chemical weapons programs and the means to deliver and develop them, and to end its support for international terrorism;

Whereas the efforts of international weapons inspectors, United States intelligence agencies, and Iraqi defectors led to the discovery that Iraq had large stockpiles of chemical weapons and a large scale biological weapons program, and that Iraq had an advanced nuclear weapons development program that was much closer to producing a nuclear weapon than intelligence reporting had previously indicated;

Whereas Iraq, in direct and flagrant violation of the cease-fire, attempted to thwart the efforts of weapons inspectors to identify and destroy Iraq's weapons of mass destruction stockpiles and development capabilities, which finally resulted in the withdrawal of inspectors from Iraq on October 31, 1998;

Whereas in Public Law 105–235 (August 14, 1998), Congress concluded that Iraq's continuing weapons of mass destruction programs threatened vital United States interests and international peace and security, declared Iraq to be in "material and unacceptable breach of its international obligations" and urged the President "to take appropriate action, in accordance with the Constitution and relevant laws of the United States, to bring Iraq into compliance with its international obligations";

Whereas Iraq both poses a continuing threat to the national security of the United States and international peace and security in the Persian Gulf region and remains in material and unacceptable breach of its international obligations by, among other things, continuing to possess and develop a significant chemical and biological weapons capability, actively seeking a nuclear weapons capability, and supporting and harboring terrorist organizations;

Whereas Iraq persists in violating resolution of the United Nations Security Council by continuing to engage in brutal repression of its civilian population thereby threatening international peace and security in the region, by refusing to release, repatriate, or account for non-Iraqi citizens wrongfully detained by Iraq, including an American serviceman, and by failing to return property wrongfully seized by Iraq from Kuwait;

Whereas the current Iraqi regime has demonstrated its capability and willingness to use weapons of mass destruction against other nations and its own people;

Whereas the current Iraqi regime has demonstrated its continuing hostility toward, and willingness to attack, the United States, including by attempting in 1993 to assassinate former President Bush and by firing on many thousands of occasions on United States and Coalition Armed Forces engaged in enforcing the resolutions of the United Nations Security Council;

Whereas members of al Qaida, an organization bearing responsibility for attacks on the United States, its citizens, and interests, including the attacks that occurred on September 11, 2001, are known to be in Iraq;

Whereas Iraq continues to aid and harbor other international terrorist organizations, including organizations that threaten the lives and safety of United States citizens;

Whereas the attacks on the United States of September 11, 2001, underscored the gravity of the threat posed by the acquisition of weapons of mass destruction by international terrorist organizations;

Whereas Iraq's demonstrated capability and willingness to use weapons of mass destruction, the risk that the current Iraqi regime will either employ those weapons to launch a surprise attack against the United States or its Armed Forces or provide them to international terrorists who would do so, and the extreme magnitude of harm that would result to the United States and its citizens from such an attack, combine to justify action by the United States to defend itself;

Whereas United Nations Security Council Resolution 678 (1990) authorizes the use of all necessary means to enforce United Nations Security Council Resolution 660 (1990) and subsequent relevant resolutions and to compel Iraq to cease certain activities that threaten international peace and security, including the development of weapons of mass destruction and refusal or obstruction of United Nations weapons inspections in violation of United Nations Security Council Resolution 687 (1991), repression of its civilian population in violation of United Nations Security Council Resolution 688 (1991), and threatening its neighbors or United Nations operations in Iraq in violation of United Nations Security Council Resolution 949 (1994);

Whereas in the Authorization for Use of Military Force Against Iraq Resolution (Public Law 102–1), Congress has authorized the President "to use United States Armed Forces pursuant to United Nations Security Council Resolution 678 (1990) in order to achieve implementation of Security Council Resolution 660, 661, 662, 664, 665, 666, 667, 669, 670, 674, and 677";

Whereas in December 1991, Congress expressed its sense that it "supports the use of all necessary means to achieve the goals of United Nations Security Council Resolution 687 as being consistent with the Authorization of Use of Military Force Against Iraq Resolution (Public Law 102–1)," that Iraq's repression of its civilian population violates United Nations Security Council Resolution 688 and "constitutes a continuing threat to the peace, security, and stability of the Persian Gulf region," and that Congress, "supports the use of all necessary means to achieve the goals of United Nations Security Council Resolution 688";

Whereas the Iraq Liberation Act of 1998 (Public Law 105–338) expressed the sense of Congress that it should be the policy of the United States to support efforts to remove from power the current Iraqi regime and promote the emergence of a democratic government to replace that regime;

Whereas on September 12, 2002, President Bush committed the United States to "work with the United Nations Security Council to meet our common challenge" posed by Iraq and to "work for the necessary resolutions," while also making clear that "the Security Council resolutions will be enforced, and the just demands of peace and security will be met, or action will be unavoidable";

Whereas the United States is determined to prosecute the war on terrorism and Iraq's ongoing support for international terrorist groups combined with its development of weapons of mass destruction in direct violation of its obligations under the 1991 cease-fire and other United Nations Security Council resolutions make clear that it is in the national security interests of the United States and in furtherance of the war on terrorism that all relevant United Nations Security Council resolutions be enforced, including through the use of force if necessary;

Whereas Congress has taken steps to pursue vigorously the war on terrorism through the provision of authorities and funding requested by the President to take the necessary actions against international terrorists and terrorist organizations, including those nations, organizations, or persons who planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such persons or organizations;

Whereas the President and Congress are determined to continue to take all appropriate actions against international terrorists and terrorist organizations, including those nations, organizations, or persons who planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such persons or organizations;

Whereas the President has authority under the Constitution to take action in order to deter and prevent acts of international terrorism against the United States, as Congress recognized in the joint resolution on Authorization for Use of Military Force (Public Law 107–40); and

Whereas it is in the national security interests of the United States to restore international peace and security to the Persian Gulf region: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Authorization for Use of Military Force Against Iraq Resolution of 2002".

SEC. 2. SUPPORT FOR UNITED STATES DIPLOMATIC EFFORTS.

The Congress of the United States supports the efforts by the President to—

(1) strictly enforce through the United Nations Security Council all relevant Security Council resolutions regarding Iraq and encourages him in those efforts; and

(2) obtain prompt and decisive action by the Security Council to ensure that Iraq abandons its strategy of delay, evasion and noncompliance and promptly and strictly complies with all relevant Security Council resolutions regarding Iraq.

SEC. 3. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION.—The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to—

(1) defend the national security of the United States against the continuing threat posed by Iraq; and

(2) enforce all relevant United Nations Security Council resolutions regarding Iraq.

(b) PRESIDENTIAL DETERMINATION.—In connection with the exercise of the authority granted in subsection (a) to use force the President shall, prior to such exercise or as soon thereafter as may be feasible, but no later than 48 hours after exercising such authority, make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) reliance by the United States on further diplomatic or other peaceful means alone either (A) will not adequately protect the national security of the United States against the continuing threat posed by Iraq or (B) is not likely to lead to enforcement of all relevant United Nations Security Council resolutions regarding Iraq; and

(2) acting pursuant to this joint resolution is consistent with the United States and other countries continuing to take the necessary actions against international terrorist and terrorist organizations, including those nations, organizations, or persons who planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001.

(c) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this joint resolution supersedes any requirement of the War Powers Resolution.

SEC. 4. REPORTS TO CONGRESS.

(a) REPORTS.—The President shall, at least once every 60 days, submit to the Congress a report on matters relevant to this joint resolution, including actions taken pursuant to the exercise of authority granted in section 3 and the status of planning for efforts that are expected to be required after such actions are completed, including those actions described in section 7 of the Iraq Liberation Act of 1998 (Public Law 105-338).

(b) SINGLE CONSOLIDATED REPORT.—To the extent that the submission of any report described in subsection (a) coincides with the submission of any other report on matters relevant to this joint resolution otherwise required to be submitted to Congress pursuant to the reporting requirements of the War Powers Resolution (Public Law 93-148), all such reports may be submitted as a single consolidated report to the Congress.

(c) RULE OF CONSTRUCTION.—To the extent that the information required by section 3 of the Authorization for Use of Military Force Against Iraq Resolution (Public Law 102-1) is included in the report required by this section, such report shall be considered as meeting the requirements of section 3 of such resolution.

The SPEAKER. Pursuant to House Resolution 574, after 17 hours of debate on the joint resolution, as amended, it shall be in order to consider the further amendments printed in those House Report 107-724. Amendments in the report may be offered only in the order printed, may be offered only by a Member designated in the report, shall be in order without intervention of any point of order or demand for division of the question, shall be read, and shall be debatable for the time specified, equally divided and controlled by the proponent and the opponent.

□ 1215

After the conclusion of consideration of the amendments printed in the report, there shall be a final period of debate on the joint resolution, as amended, which shall not exceed 1 hour, equally divided and controlled by the chairman and the ranking minority member of the Committee of International Relations.

The gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 8½ hours of debate on the joint resolution.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the joint resolution under consideration.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. HASTERT), the Speaker of the House of Representatives.

Mr. HASTERT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, on September 11 those who hate freedom tried to silence the voices of the American people as represented by this body. But free men cannot be silenced; and so once again today, as we have almost every day since September 11, we gather in this Chamber to do the people's business.

There is no more grave responsibility that we undertake as Members of this House than the protection of our Nation and the lives of our men and women who serve that Nation in our armed services.

So today and tomorrow and on Thursday, we will as free men should, passionately, but peacefully, debate what is best for America and for our freedom-loving allies around the world. We will do in this place what the "Butcher of Baghdad" and the remnants of the al Qaeda hiding in bombed-out caves in far-flung places around the world hate the most, we will exercise democracy; and we will show the world how free men and women behave.

I rise in support of this resolution, and I urge all of my colleagues to support it.

This resolution authorizes the President to use necessary and appropriate military force against Saddam Hussein's regime in Iraq to defend the national security interests of the United States and to enforce the United Nations Security Council resolutions that Saddam Hussein has routinely ignored over the last decade. We take this step knowing that Saddam Hussein is a threat to the American people, to Iraq's neighbors, and to the civilized world at large.

On September 11, 2001, this Nation changed utterly. On that fateful morning, Americans woke up with the usual expectations: go to work, provide for the family, feed the children, live the American dream. Firemen, stockbrokers, custodians, police officers, office workers, all started their day, perhaps with a cup of coffee, perhaps hurrying to get to work on time.

But those plans were shattered when planes hit the World Trade Towers, the Pentagon, and while attempting to strike this very building and silence the voices of democracy in this very Chamber were thwarted by brave passengers over the skies of Pennsylvania. All of us lost our innocence that day.

Before September 11, we all believed that the troubles that infected the rest of the world could not impact us. We lived in a splendid isolation, protected by two vast oceans. Before that fateful day, war and disorder were distant rumblings from a far-off land. But on September 11, that distant rumbling hit New York, Virginia, and Pennsylvania. We have a sacred duty to do all that we can to ensure that what happened on September 11 never happens in America again.

Some may question the connection between Iraq and those terrorists who hijacked those planes. There is no doubt that Iraq supports and harbors those terrorists who wish harm to the United States. Is there a direct connection between Iraq and al Qaeda? The President thinks so; and based upon what I have seen, I think so also. Should we wait until we are attacked again before finding out for sure; or should we do all that we can to disarm Saddam Hussein's regime before they provide al Qaeda with weapons of mass destruction?

Just a year ago, this Capitol building was attacked when someone mailed anthrax-laden letters to Members of Congress. We have never found the perpetrator. Was that a terrorist attack? Undoubtedly. Was it connected to al Qaeda or Saddam Hussein? We do not know. But it serves as a wake-up call to all Americans. Why do we not take the biological and chemical weapons away from this regime before we find out for sure?

For those Members who are worried about the doctrine of preemption, let me say this is not a new conflict with Iraq. Our planes which have been patrolling the no-fly zone since the end of the Persian Gulf War pursuant to U.N. resolutions have been fired upon by the Iraqi military hundreds of times.

This conflict is ongoing, but now it has become critical that we take the next step. We know Saddam Hussein is a bad actor. We know what he did to the people of Kuwait when he invaded there. We know what he did to his neighbors in Iran when he used chemical weapons in the Iran-Iraq war. We know that he gassed his own people, including women and children, to put down a rebellion. For those who argue that we must build a consensus with the United Nations, let me say that we are taking an effective action here in this Chamber to perhaps help the U.N. do what is right in their own chamber.

Earlier this century, fascist regimes in Italy and Germany routinely ignored the dictates of the League of Nations. Both Mussolini and Hitler built up their armies, invaded their neighbors and oppressed their citizens, all in the face of an ineffective League of Nations.

If the United Nations is to have relevance in the 21st Century, we must not let it go the way of the League of Nations. We must give the United Nations the backbone it needs to enforce its own resolutions. But if the U.N. refuses to save itself, and more importantly the security of its member states and the cause of peace in this world, we must take all appropriate action to protect ourselves.

Edmund Burke once said that the only thing necessary for the triumph of evil is for good men to do nothing. We must not let evil triumph. We must do something. We must pass this resolution, support the President of the United States as he works to disarm Saddam Hussein, and win the war against terrorism.

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that one-half of my time be yielded to the gentleman from New Jersey (Mr. PAYNE) and that he be allowed to further allocate that time.

The SPEAKER pro tempore (Mr. BLUNT). Is there objection to the request of the gentleman from California?

Mr. HINCHEY. Mr. Speaker, reserving the right to object, I understand that the gentleman from California (Mr. LANTOS) is about to ask that the time allotted to the Democratic side of the aisle be divided equally between those Members who are in favor of the resolution and those Members who are opposed to the resolution.

This is a motion that I fully and enthusiastically support, but I would like to make the observation that while there are Members on the other side of the aisle who are opposed to the resolution, no similar request has been made to divide that time equally. If no request is made to divide that half of the time which is allotted to the debate for this resolution, then it will develop that we will have a debate dominated by those who favor the resolution because three-quarters of the time will be allocated to those Members who favor the resolution, and only one-fourth will be allocated to those who oppose the resolution.

It seems to me that this situation is inherently unfair. Therefore, I would request that the majority party also divide the time allotted to them so that half of that time may be distributed among Members who are opposed to the resolution. In that way we will have a fairer debate.

If we enter this debate with three-quarters of the time distributed to one side and only one-fourth to the other, it is obvious that the weight of the debate will be unfair going in, and that those who oppose the resolution will be facing a stacked deck. That is not appropriate or in keeping with the traditions of this House.

Now, I know a rule was passed earlier in the day, and perhaps it may have been more appropriate to make this statement or something similar to it at that time. Nevertheless, that time has now lapsed. This is the only time that is available to raise this issue and to make this request, which I make in all earnestness and all seriousness.

Mr. Speaker, we are about to vote on a resolution, the result of which is likely to cause the deaths of unknown numbers of unknown people should it prevail. This is the most serious matter that can be addressed by the Members of this free and open body. Therefore, it seems to me that this debate ought to be conducted in a free and open manner.

Allocating the time, and I believe that this is a very short time which has been allocated for this debate, it should be much longer, but given the fact that we have only this short amount of time, that time ought to be divided equally so that those people who are opposed to the resolution will have the opportunity to make their case in the same amount of time as those people who favor the resolution.

Mr. PAUL. Mr. Speaker, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from Texas.

Mr. PAUL. Mr. Speaker, I appreciate very much the gentleman's statement because it makes a very good point about fairness.

Prior to the writing of the rule, I did make some requests about getting some time because as a Republican, I have strong constitutional reservations about what we are doing, and I think they are worthwhile hearing. That was turned down. It was not written into the rule; and of course the amendment that I offered that may have offered an opportunity for me to make these constitutional points, that also was declined. But I have been informed today that I would be allowed 3 minutes to make the case for the Constitution.

I appreciate very much the gentleman bringing this up, and I hope our leadership will reconsider and allow Republicans on this side to have a fair share of the time, as the Democrats are doing.

□ 1230

Mr. HINCHEY. Mr. Speaker, I reclaim my time.

I earnestly thank the gentleman for his efforts made today. It seems to me that the rejection of the gentleman's efforts constitutes a mistake on the part of the people who made that decision. His voice ought to have been heard. He ought to have been listened to when he asked for a proper allocation of time. He ought to have been listened to when he asked for the opportunity to present an amendment on this resolution. He was not. We now have an opportunity to rectify those mistakes.

Furthermore, the allocation of 3 minutes to defend the Constitution of the United States seems to me to be wholly inadequate and unworthy of this body. So, therefore, Mr. Speaker, I earnestly request that the request of the gentleman who just spoke be recognized by the majority party in this House, that fairness be honored by the majority in this House, and that they divide the time that has been given to them so that those people who are opposed to this resolution, earnestly and devoutly opposed to it, will have an equal time to express that devotion and earnestness in opposition to this resolution as those who favor it. I make that request.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Speaker, I thank the gentleman for yielding.

It is my intention to yield time to every Republican who asks for it, regardless of what side they are on. I will not discriminate between people who are for it or against it. If they are Republicans and they want time, we will give it to him or her so long as we have time; and we will allocate it as fairly as we possibly can.

Mr. HINCHEY. Mr. Speaker, reclaiming my time, I thank the gentleman for that. But I would just like to make the observation that, while the gentleman's offer is made sincerely and I respect him, as I always do, and everything he says on this floor and everything that he does, I think that he is not providing the opportunity that many people in this House earnestly desire and I think the people of this country earnestly desire, and that is a fair and open exchange on the merits of this resolution.

I ask, how can we have a fair and open exchange on the merits of this resolution when those who are opposed to the resolution, regardless of what party they may belong to, are not provided the opportunity to make their case? They are only given a fourth of the opportunity, while those who favor the opposition are given three-fourths. This is inherently an unfair circumstance.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield on his reservation?

Mr. HINCHEY. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman and I thank the gentleman from Texas and the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS).

The gentleman from New York (Mr. HINCHEY) makes a very valid point. It was my understanding by the resolution that each Member was guaranteed 5 minutes. I am not sure if I heard the distinguished gentleman from Texas (Mr. PAUL) correctly, but my understanding is that he reported 3 minutes.

I say to the gentleman from Illinois (Mr. HYDE) I think it is extremely important in this debate that even 5 minutes may not be long enough to discuss the issues of life and death. I believe the distinguished gentleman from New York (Mr. HINCHEY) has made a very valid point about sharing of the time, and I thank the gentleman from California (Mr. LANTOS) for sharing the time.

I add my plea to the request that if we have to stay here into the weekend that this is such a vital discussion that there should be no limit and no limit on the amount of time and certainly we should equate the interests of the people of the United States with the interests of Members of the United States to be able to debate the issues of life and death in the full force and view of the American people, and it should not be limited, and certainly 3 minutes is not adequate.

I would ask that the gentleman's request and his reservation be, if the Members will, judged and judged appropriately and approved that we share the time for this enormous decision that we have to make.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Speaker, it seems to me these arguments should have been made when the rule was debated. The rule has been adopted. There was testimony before the Committee on Rules. I do not know that these folks were there making the same arguments, but to make it now comes rather late in the proceedings. We will be as fair as we possibly can, but the rule has been adopted. It does not address itself at all to how much time certain Members will have depending on their attitudes towards this resolution. This concern comes too late. The rule has been adopted by voice vote.

Mr. HINCHEY. Mr. Speaker, further reserving the right to object, and I thank the Chair for his forbearance and I ask an opportunity to go on for no more than another 2 minutes.

I appreciate what the gentleman said, and I recognize his sincerity. However, I believe that the House has made a mistake and that we have the opportunity now to correct that mistake and that people of goodwill recognizing the mistake will do so. That is, step forward honestly, forthrightly and correct the mistake that has been made in the context of the rule. We need to debate this issue fairly and openly, and it seems to me and I think it would seem to any fair-minded person, not just the Members of this House but any fair-minded American, that it is not possible to have a fair and open and equitable debate when the time has been so misallocated, three-quarters of it given to those who favor the resolution and a quarter for those who oppose.

Mr. GOODLATTE. Mr. Speaker, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Speaker, I appreciate the gentleman's concern about how we manage our time on this side of the aisle, but I would point out to him as a matter of fairness that the manner proposed and being followed by the Chairman of the Committee on International Relations is the only fair way to apportion time on this side of the aisle.

If, for example, the preponderance of the speakers on this side of the aisle are in favor of the resolution, to give half of the time to those in opposition of the resolution would be grossly unfair to those who favor the resolution and would have only a small portion of time with which they could express their point of view relative to a very large amount of time that perhaps 10 percent of those on this side of the aisle might choose to exercise. So the chairman of the committee is absolutely right to reserve the time.

I commend the gentleman from California (Mr. LANTOS) for his decision to apportion the time on his side of the aisle because there may be greater division over there. But the gentleman should yield to this side of the aisle to determine how we will apportion our time.

I thank the gentleman for yielding.

Mr. HINCHEY. Mr. Speaker, I thank the gentleman. I understand what the gentleman is saying, and I appreciate it, but again I appeal to the House because I believe a mistake has been made.

A small amount of time, in my view too small amount of time, has been allocated to this debate. This is a matter of such utmost seriousness which involves issues of life and death as well as the interpretation of this body of the United States Constitution and the division of powers between the executive and legislative branches, so much so that to provide such a small amount of time is unreasonable and unwarranted in this case. We have the opportunity to provide as much time as we want. We do not have to limit this debate, to 2 days. We can give it much more time than that. In that context, again, it seems to me that if we are going to have a fair and open exchange of views on this issue, it is essential that those people who are in opposition to the resolution have as much time as those who are in favor of it.

Mr. LANTOS. Mr. Speaker, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from California.

Mr. LANTOS. Mr. Speaker, I would merely like to suggest to all of my colleagues on both sides of the aisle that, should the allotted time be insufficient to deal with this issue, in the event some Members feel that they have not had an opportunity to express their views, I want to serve notice that I will request under unanimous consent to extend the debate.

I think this is a significant historic debate. No Member of this body should be deprived of the opportunity to express his views. So I want to assure my colleague that, should the initially allotted time to both sides prove insufficient, it is the intention of this gentleman to request additional time so that every Member will have an opportunity to express his or her views.

I thank the gentleman for yielding.

Mr. HINCHEY. Mr. Speaker, I deeply appreciate that sentiment on the part of the gentleman. I know that he is sincere. However, if that procedure is to be adopted, we ought to have a vote on it now. Now is the time to make that decision, because I do not know that at some point in the future the gentleman may change his mind or at some point in the future he may not be recognized or some other event might intervene between now and then. I think that that decision ought to be made now.

Mr. LANTOS. Mr. Speaker, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from California.

Mr. LANTOS. Mr. Speaker, I do not agree that a decision should be made now. We do not know whether the allotted time is sufficient or not. If the allotted time is not sufficient, I can assure the gentleman I will not change my mind and I will request an extension of time.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Speaker, I would like to direct the House's attention to section 2 of the rule which says, "It shall be in order for the majority leader or his designee, after consultation with the minority leader, to move to extend debate on the joint resolution, as amended. Such motion shall not be subject to debate or amendment."

So this extension of time is provided for in the rule, which has already been adopted, and if and when the occasion arises I will do everything in my power to facilitate extending the time so nobody is muzzled or gagged in this Chamber.

Mr. HINCHEY. Mr. Speaker, I appreciate the gentleman's sentiment, and it is not my belief that it is the intention of the leadership of this House to muzzle any individual Member. My point is that we are debating an issue of such profound seriousness with such vital life and death implications, both for individual human beings, Americans, Iraqis and others, as well as the life of the Constitution of this country that we ought to do this in the most open and fairest way; and it is my contention that the rule governing this debate is neither open nor fair under those circumstances.

It is further my contention that this body possesses the ability to change that rule and to provide the Members of this House with an opportunity to engage in free and open and unfettered debate on an issue which is the most critical that one may contemplate as a citizen of this country and as a Member of this House.

Mr. BALLENGER. Mr. Speaker, could we ask for regular order on this?

The SPEAKER pro tempore (Mr. BLUNT). Is the gentleman asking for regular order?

Mr. BALLENGER. Yes, I am, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California (Mr. LANTOS) that 4¼ hours of his time be allocated to the gentleman from New Jersey (Mr. PAYNE)?

Mr. HINCHEY. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

PARLIAMENTARY INQUIRY

Mr. HINCHEY. Mr. Speaker, I have a Parliamentary inquiry. I want to ask if it is appropriate to request an extension of the time allotted for this debate in accordance with the rules.

The SPEAKER pro tempore. The Chair would recognize the managers of the joint resolution as assigned by the special order adopted by the House for that purpose at this time.

The gentleman from California (Mr. LANTOS) is recognized on his time.

Mr. LANTOS. Mr. Speaker, I do not believe we have any problem on our side of the aisle. I have asked unanimous consent to yield half of the time I control to the gentleman from New Jersey (Mr. PAYNE) who, during the deliberations of the Committee on International Relations, voted no on the resolution; and he is the highest-ranking Member on the Democratic side to vote in such a manner. We are perfectly satisfied with time allocation on this side.

Mr. HINCHEY. Mr. Speaker, I simply want to restate my position for the record. I believe that the House is proceeding improperly. I believe that the allocation of time is wrong, unfortunate and does not provide for an equitable debate.

The SPEAKER pro tempore. Will the gentleman suspend?

Does the gentleman from California (Mr. LANTOS) yield at this point in time to the gentleman from New York?

Mr. LANTOS. Mr. Speaker, I believe we now need to proceed with the debate. I do not yield.

The SPEAKER pro tempore. The gentleman from California is recognized.

□ 1245

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we begin a great debate, whether to grant our President the authority to use armed force against the threat posed to our Nation by the Iraqi regime of Saddam Hussein.

All of us who engage in this debate are patriots. All of us are deeply committed to safeguarding our national security, to promoting peace, and to waging war only as the very last resort. All of us weigh our words and cast our vote in accordance with the dictates of our conscience; and we are, therefore, deserving of each other's respect.

Some argue that the outcome of this debate is predetermined. It is not. Although the language of this joint resolution may undergo little change and its passage is all but assured, the level of support it will command is far from certain.

Will this debate demonstrate to the world this Nation's steadfast resolve, or our lingering doubts? Will it solidify our national unity, or expose national divisions? The answers to these crucial questions are far from predetermined.

It is with this in mind, Mr. Speaker, that I rise in strong support of this historic resolution, and I urge my colleagues to join me.

In managing this debate with my friend, the gentleman from Illinois (Chairman HYDE), I am committed not only to passing this joint resolution, but to securing for it the broadest possible support; for I believe, Mr. Speaker, that it is through a strong show of support for this joint resolution that war can best be avoided.

Against such an implacable foe as Saddam Hussein, peace can only be achieved through strength, the strength of conviction as much as the strength of arms. It is only when the Iraqi dictator is certain of our resolve and of our ability that peace becomes possible.

The strategic importance of this vote is undeniable, Mr. Speaker. We do not have the luxury of considering this issue in splendid isolation. The whole world is watching, and it will measure the resolve of the United States by the outcome of this debate. Let the People's house seize this opportunity to lead.

Mr. Speaker, in debating this issue, I am haunted by history. As a young man resisting the Nazis in my native Hungary during the Second World War, I experienced firsthand the ravages of both air and ground war. The murderous shriek of dive bombers, the thunderous rumbling of panzers still reverberate in my memory. I know all too well the painful human costs of war, the lives lost, the families broken, the homes destroyed, the dreams shattered. I abhor war in the way only a survivor and the grandfather of 17 can.

But, Mr. Speaker, if the costs of war are great, the costs of inaction and appeasement are greater still. Had the United States and its allies confronted Hitler earlier, had we acted sooner to stymie his evil designs, the 51 million lives needlessly lost during that war could have been saved. Just as leaders and diplomats who appeased Hitler at Munich in 1938 stand humiliated before history, so will we if we appease Saddam Hussein today.

To grasp the consequences of our choice, I urge my colleagues to consider two futures: first, imagine a future in which Iraq continues to build its arsenal of chemical, biological and nuclear weapons. Wielding such weapons of mass destruction, Saddam Hussein not only assures his own survival, but rises to preeminence in the Arab world. Within Iraq, Saddam intensifies his brutal repression of the Iraqi people and crushes all internal opposition.

Beyond Iraq, Saddam Hussein seizes new territory, intimidates his neighbors into submission, and blackmails the United States and our allies. At the same time, terrorists sharing his anti-American hatred find refuge and resources under his wing.

Now, I ask my colleagues to imagine a different future based on the alternative that Saddam Hussein is disarmed, is discredited, and falls from power. With strong material and moral support from the United States and the entire international community, Iraq could emerge as a beachhead of democracy and a beacon of hope in the Arab world. The Iraqi people are freed from the yoke of repression and Baghdad reclaims its greatness as a center of enlightened learning. And the Middle East emerges from the dark shadows of Saddamism.

The choice is clear, Mr. Speaker. We must not allow Saddam's forces of repression to triumph over the forces of liberation. We must not allow tyranny to triumph over freedom. We must not allow fear to triumph over hope.

Although the choice is clear, Mr. Speaker, the course we may be forced to take is not easy. Despite our best efforts, the United States may be forced to act without the unanimous consent of the international community. Let me remind ourselves that in 1981 the Israelis attacked Iraq's nuclear reactor at Osirak. Although the strike was condemned by contemporaries, it is now applauded by history.

If Congress provides only tepid support for this joint resolution, fear may indeed triumph over hope. Saddam Hussein will undoubtedly seize upon U.S. indecision to divide the international community, to evade inspectors and to continue his deceptions while pursuing his clandestine weapons programs unabated. Weakness in the face of this mounting threat only plays into Saddam Hussein's grand strategy.

Many of my colleagues, Mr. Speaker, fear that the President seeks to implement a new and untested doctrine of military intervention in Iraq. They fear that a dangerous precedent will be set should we authorize the use of force. I disagree.

It is not the application of the doctrine of preemption we are considering here. We are dedicating U.S. power and prestige to upholding, not challenging, international law. We are devoting our efforts to strengthening, not weakening, the international system. Saddam Hussein and his henchmen are the international outlaws breaking their obligations while suppressing their own people.

Others of my colleagues, Mr. Speaker, fear the implications of the United States acting without the blessing of the United Nations. But let us recall 1998, when we were confronted with a similar challenge to the international order, but the United Nations remained divided. To prevent genocide in Kosovo and strategic instability in the Balkans, President Clinton led the United States and our NATO allies to victory against Milosevic.

Today the people of Kosovo live in peace, Serbia holds democratic elections, and in the Hague, Milosevic stands on trial for war crimes.

Mr. Speaker, for many of the same reasons our Nation acted in Kosovo, today we must act in Iraq. Saddam Hussein's brutal repression of the Iraqi people is a crime against humanity. His stubborn defiance of the United Nations is an affront to the civilized world, and his diabolical drive to develop weapons of mass destruction is a danger to the United States and to world peace.

Let us be clear. We seek to preserve peace, not to provoke war; we seek to maintain international order, not to disrupt it. In doing so, we seek the support of our friends and allies.

I support the President's decision to challenge the United Nations to enforce the Security Council resolutions Iraq has flagrantly and repeatedly violated. If the U.N. seizes this opportunity, it could prove to be its finest hour. The joint resolution before us is the best assurance that the international community may indeed rise to this challenge.

Mr. Speaker, Saddam Hussein represents the antithesis of freedom and is the principal antagonist in a struggle unfolding in the Middle East; and the United States, I believe, is destined to be a principal protagonist in this struggle. The great debate we begin today represents the opening act of a drama that promises to define the 21st century.

Each of us was elected to engage in just such a debate. Only in a democracy are the people, through their chosen representatives, entrusted with their own security. Only in a democracy must the protectors answer to those they protect. Only in a democracy must the Commander in Chief come to Congress in exercising military power. Debating war and peace as we do this day is the essence of democracy.

Many different views will be heard during the course of our debate. Let no one, Saddam Hussein especially, confuse debate with disunity. The ability to debate freely, but unite ultimately, is the hallmark of democracy. It is a source of strength, not of weakness.

Mr. Speaker, in debating this joint resolution, I urge all of my colleagues to consider the consequences of our decision. They will be felt far beyond the confines of this Chamber. Should we unite in strong opposition to Saddam Hussein, history will reward us. If we fail to do so, history will haunt us. A future of hope, or a future of fear hangs in the balance. I am confident that we shall make the right choice.

Mr. Speaker, I reserve the balance of my time.

□ 1300

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, I want to thank the gentleman from California (Mr. LANTOS) who did not give an opening statement but rather contributed to the literature of freedom, a remarkable statement and worth keeping.

Sixty-six years ago, on March 7, 1936, a brutal dictator who had terrorized his own people and instigated religious and ethnic persecutions on a massive scale declared his aggressive intent against his neighbors in a stream of gutter writings dating back a decade and a half and rearmed his country in defiance of solemn treaty obligations. He then flagrantly violated yet another international obligation by militarily reoccupying a portion of his country that had been demilitarized by international agreement.

His democratic neighbors said nothing.

Free men around the world did nothing, except protest weakly. The dictator, who may have been mad but who was certainly no fool, took those empty words of protest as further signs of the free world's weakness and fear.

The League of Nations did nothing.

Nine years and more than 40 million deaths later, the price of failing to confront aggression before the bombs started raining down on Europe had become horrendously clear. Hitler had been allowed to turn Europe into a slaughterhouse because free men had failed to stop him before he set loose the greatest war in human history. That the Holocaust was permitted to occur stands as a permanent reproach to the civilized world.

Millions of innocents died because the free world lacked the will and the courage to face a brutal dictator's manifestly aggressive intentions, his burgeoning weapons capabilities, and his gross violations of international law.

Does this scenario, does this failure to recognize that evil intentions plus destructive capability plus unscrupulous wickedness equals clear and present danger, sound familiar? It should. And not from the history books, but from the morning newspaper.

We are faced today with a situation whose analogies to 1936 seem all too clear. An aggressive dictator has once again willfully and repeatedly defied the basic norms of international law. Having terrorized his own people into submission, Saddam Hussein has rearmed his country and feverishly sought weapons of mass destruction. It is sheer nonsense to suggest that he wants those weapons for anything but aggression. Does any sane person looking at this man's record over the past 2 decades imagine that he will be deterred by reason or by moral suasion?

We have spent more than a decade trying, without any success, to enforce Saddam's pledges to disarm. We have tried diplomacy. We have tried sanctions. We have tried inspections. We have established no-fly zones. We have run out of options.

In 1980, he attacked Iran and initiated a decade of warfare that killed and wounded over 1 million people, a conflict that included his use of chemical weapons on Iranian troops. In 1990, he invaded Kuwait and imposed a brutal occupation on that country, laying waste to everything within reach when his forces were finally driven out. He has indiscriminately used chemical weapons on unarmed civilians in his own country, and he has slaughtered any who dared oppose him.

Given this record, there can be no doubt that, once armed with weapons of even greater destructive power, he will have little reluctance to use them.

In a world of modern technology, the first strike might well be the last strike. If those who flew hijacked aircraft into the World Trade Center and the Pentagon had nuclear bombs instead of airplanes as weapons, do we doubt they would use them? We would then be mourning 3 million deaths, not 3,000.

Permitted to acquire and deploy even more lethal weapons of mass destruction, Saddam Hussein will use those weapons; and he will use them against us and against our allies. Some of us demand a smoking gun before we will approve the use of force. We may well get a smoking city like Hiroshima in place of a gun.

He must not be allowed to gain those nuclear capabilities. We cannot afford another reoccupation of the Rhineland, another gross failure to enforce the basic norms of international order, this time, in a world of weapons of mass destruction and intercontinental ballistic missiles. Saddam Hussein must be disarmed, because the world simply cannot permit this man to obtain usable weapons of mass destruction.

If the international community is so feeble as not to see that this man's threat to peace, justice, and freedom must be confronted boldly and decisively, then the United States and those allies who will stand with us must do the job for our own safety's sake and in defense of the minimum conditions that make a civilized world possible.

The menace posed by Saddam is undeniable, but we are confronted with an even greater danger. Despite clear and repeated warnings, it appears much of the world does not understand that we have entered a wholly new and increasingly perilous era, one with new and harsher rules.

Through repeated usage, the term "weapons of mass destruction" has become almost banal, but the unimaginable destructive power these represent requires our constant focus and the determination to do what we must to defend ourselves.

The problem is not merely that a murderous tyrant such as Saddam may be in possession of these weapons. In the aftermath of September 11, we must accept that he has been joined by many others of an even more fanatical purpose. Terrorists willing to commit suicide in order to kill large numbers of innocents cannot be stopped by the familiar conventions of deterrence. Their possession of weapons of mass destruction must be equated with a certainty that these will be used against us.

We cannot shield ourselves with hope. We must not guess the world into annihilation.

For those convinced of Saddam's murderous intentions, the debate has centered on whether or not we should focus our efforts on assembling a coalition of friends and allies and seek the enhanced legitimacy that approval by the United Nations might render our actions.

I believe that is the wrong debate. We all agree that these are desirable things, and we should do all in our power to secure them. I believe the President and his administration have done and are doing just that.

But the real question, the one which should occupy us, is one of far greater consequence: On whom does the final responsibility for protecting ourselves rest? Is it ours, or do we share it with others? Are decisions regarding our fate to be made in common with others?

I believe there is only one answer. We have no choice but to act as a sovereign country prepared to defend ourselves with our friends and allies, if possible, but alone if necessary. There can be no safety if we condition our faith on the cooperation of others, only a hope that all will be well, a hope that eventually must fail.

For more than half a century, whatever safety and security has existed in this world has been there largely because America has been unafraid to act against threats and to act alone, if necessary. The perception that we are resolved to do so has prevented many assaults on that security and continues to do so today.

On many occasions we have been joined in our efforts by our friends and allies; and, more rarely, we have enjoyed the world's approval. But often we have not, and still we acted.

If we are to have a chance of averting conflict in Iraq, a simple resolve on our part will not be sufficient. For the great danger we face with Saddam is ambiguity.

Saddam has often miscalculated in the past. His flawed judgments have resulted in wars that have killed hundreds of thousands of people. For that reason, any ambiguity regarding our course of action and our determination to act alone if need be risks yet another miscalculation on his part and a false grant of safety to call our bluff.

Vigorous debate in our deliberations is not only desirable, it is essential. The question before us demands it. But the result of that debate cannot be to condition our actions on the approval of others, for we might wait and wait and wait for an approval that may never come.

We must remember our debate here today is not for ourselves alone and that our audience is not confined to this Chamber. The world is watching. The allies are watching. Our enemies are watching. Saddam is watching.

They are looking for signs of indecision in our resolve, searching for a fatal sign of weakness that will come from binding ourselves to act only in concert with others. The voice of indecision would cut through any wording in which we might attempt to secrete it, however artfully phrased and cleverly contrived we might render it.

We do not have the luxury of pretending not to see the danger confronting us. All of our choices are difficult, but our only real option is to act.

Over a century ago, in another conflict, Abraham Lincoln said, "We cannot escape history. We of this Congress and this administration will be remembered in spite of ourselves. No personal significance, or insignificance, can spare one or another of us. The fiery trial through which we pass, will light us down, in honor or dishonor, to the latest generation."

A century ago, Britain stood majestically at the height of her power. Within 40 years, the knife was at her throat, and she survived only because we were there to rescue her. But there is no one to rescue us.

We cannot entrust our fate to others, for others may never come. If we are not prepared to defend ourselves and to defend ourselves alone, if need be, if we cannot convince the world that we are unshakeably resolved to do so, then there can be no security for us, no safety to be purchased, no refuge to be found.

Mr. Speaker, I rise in support of the President. I do so not simply because he is a good, honest, intelligent man who happens to be the leader of my party. I support the President because he is right, strategically, politically, and morally right. In the autumn years of my long life, I do not intend to see the free world repeat the errors it made when I was a teenager, errors that extracted an unfathomable cost in blood and treasure. I do not believe my country wants to be a party to appeasement.

We cannot defend America, we cannot build a world of peace, order, justice, and freedom by hope alone. The statesmen of the 1930s tried to secure the peace by hopes alone. They failed, and the results are with us still. We cannot repeat their failure. We must not. History will not forgive us another failure of imagination and will.

I propose there is a reason why you are here today and I am here today. That is because providence has burdened us with the terrible decision of what is best for America. I propose what is best for America is to support our President.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, let me first commend my good friend, the gentleman from Illinois (Mr. HYDE), the distinguished chairman of the Committee on International Relations, for his powerful and brilliantly reasoned statement.

□ 1315

Mr. Speaker, I ask unanimous consent that one-half of my time be allocated to my good friend and our distinguished colleague, the gentleman from New Jersey (Mr. PAYNE), and that he may be permitted to control that time and yield it to others.

The SPEAKER pro tempore (Mr. BLUNT). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me begin by thanking the gentleman from California (Mr. LANTOS) for equally dividing his time.

Mr. Speaker, this signal from the gentleman from California (Mr. LANTOS), although he very strongly supports this resolution, and we have heard his eloquence as he has, in so many instances done, and his position is clear, and given the respect that we have for the gentleman from California (Mr. LANTOS), a survivor of the Holocaust, a person who stands for fairness, that he would yield 50 percent of his time so other voices could be heard is simply another example of the character of the gentleman from California. With that, I thank him.

Mr. Speaker, we have a very difficult decision to make here. We will be watched by the world. I think that the strength of America is that people can have different opinions. In my opinion, that does not weaken our cause. We come out as strong as Americans with our diversity. We are the most diverse Nation in the world, and we are the strongest; so I think that it is important that dissenting voices be heard.

First of all, let me say from the outset that I oppose a unilateral first-strike attack by the United States without a clearly demonstrated and imminent threat of attack on our soil. The President's resolution does not prove that the United States is in imminent danger of attack, and we in Congress have received no evidence of such an imminent and immediate threat.

If the United States is in fact in danger of immediate attack, the President already has the authority under the Constitution, the War Powers Act, the United Nations Charter, and international law to defend our Nation.

A unilateral first strike would be codified in this resolution. The fact that it could set an example for potential conflicts between India and Pakistan, between Russia and Georgia, between China and Taiwan, and many other corners of the world is something that we have to be concerned about.

Only Congress has the authority to declare war. House Joint Resolution 114 is not a declaration of war, but it is a blank check to use force without moral or political authority of the declaration of war that, for example, Franklin Delano Roosevelt did on December 8 to begin World War II.

Every diplomatic option must be exhausted. This resolution authorizes the potential use of force immediately, long before diplomatic options can be exhausted or even fully explored.

Other governments, including France and Russia, have proposed a two-step process in which the world community renews vigorous and unfettered inspections. This resolution, however, is a one-step process. Rather than letting the United Nations do its work to seek out and destroy weapons through inspections, it places immediate force on the table.

A unilateral first strike would undermine the moral authority of the United States, result in substantial loss of life, destabilize the Middle East region, and undermine the ability of our Nation to address unmet domestic priorities. The President's resolution authorizes all of these outcomes by authorizing and codifying the doctrine of preemption.

This resolution can unleash all these consequences: destabilization of the Middle East; casualties among U.S. troops and Iraqi citizens; a huge cost, estimated at between $100 and $200 billion; and a question about our own domestic priorities, with such a cost looming over our heads.

Further, any post-strike plan for maintaining stability in the region would be costly and would require a long-term commitment. Experts tell us that the United States might have to remain in Iraq for a decade. Such a commitment would drain resources for critical domestic and international priorities. Failure to make such a commitment would leave another post-intervention disaster scene.

We still have the commitment that we were making to Afghanistan, where we said we would rebuild schools and we would repair roads and we would build water treatment plants to bring water out for the people there. We have been unable to do that in Afghanistan; however, now we are moving to Iraq.

Many have even suggested that Iran is more of a threat to us than Iraq. They are more advanced in their weapons of mass destruction. Therefore, is our next attack on Iran; after Afghanistan, Iraq and then Iran?

So many people have spoken recently, and we have heard many calls from our constituents. There has been a tremendous amount of discussion. Vice President Al Gore began it several weeks ago when he raised a question on the first resolution that was proposed by the President.

We heard Senator KENNEDY state that al Qaeda offers a threat he believes more imminent than Iraq. The Senator also underscored that our first objectives should be to get U.N. inspectors back to the task without conditions. Only when all responsible alternatives are exhausted should we discuss military action, which poses the risk of spurring a larger conflict in the Middle East. Furthermore, Senator KENNEDY correctly observed one's view on how to handle the situation in Iraq is not a reflection of one's loyalty to the United States.

Senator DODD noted that international cooperation is necessary to counter terrorism. This cooperation should not be diminished by our unwillingness to address Iraq through multinational channels.

Senator FEINSTEIN questioned the immediacy of the threat posed by Iraq and argued that there was time to build support within the international community.

Our own Representatives, the gentleman from Washington (Mr. McDERMOTT) and the gentleman from Michigan (Mr. BONIOR), went to Iraq to see firsthand. They support unfettered, unrestricted weapons restrictions and said, let us give that an opportunity.

Senator BREAUX observed that "with America so divided on this issue, a strong burden remains on the administration to demonstrate the need for military action to address the threat posed by Iraq."

Last night, Senator BYRD had strong observations about this and questioned whether at this time it is a time for us to move into the Iraq situation possibly unilaterally.

All of these opinions and observations bear testimony to the belief that the United States should confront the evidence on Iraq directly and should make decisions based from a broad base. I concur with many others who believe that we must work cooperatively with the United Nations, both to foster collective action and to reinforce the strength and sanctity of the United Nations Security Council.

I strongly believe that unfettered inspections must resume promptly in Iraq and that Iraq must allow the U.N. weapons inspectors to carry out their responsibilities. This and a full range of diplomatic efforts need to take place before we can conclude that military action is warranted.

Therefore, in conclusion, we must keep our eyes on the main objective, that of countering terrorism and working with others to ensure that this world will be a better place tomorrow for our children than it is today. This calls for cooperation, communication, consensus, and careful calculation.

Mr. Speaker, I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members that, in this debate or any other, it is inappropriate to refer to individual Senators, except as provided in clause 1 of rule XVII.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from North Carolina (Mr. BALLENGER), the distinguished chairman of the Subcommittee on the Western Hemisphere of the Committee on International Relations.

Mr. BALLENGER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, the threats posed by Saddam Hussein are real. As President Bush forcefully said last night, we refuse to live in fear.

Only a few of us can remember the threat posed by an evil man a few generations back, a man by the name of Adolph Hitler. A lot of us in those days were discussing whether Hitler was a real threat. No, he is not very dangerous, they said. We do not need to worry about him.

All of a sudden, he wanted Alsace-Lorraine, and he took it. The world said, They are mostly Germans, so it is really not a big deal. A little while later he took Austria. Everyone said, you know, They are Germans, too. Then he took Sudetenland of Czechoslovakia. Again, the world said, They are mostly Germans, as well. We should not worry a great deal about that.

Then Hitler took Czechoslovakia. A fellow named Neville Chamberlain, the Prime Minister of Great Britain, joined the world leaders and created a settlement which Chamberlain declared would bring peace in our time.

Not long afterwards, Hitler decided that he wanted Poland, so he and Stalin cut up Poland. As a result, 51 million people died throughout the war, and some of them were my classmates. I do not know how many people could have been saved if Britain and France had shown the leadership that it was necessary to stop Hitler at the Alsace-

Lorraine, but I am sure it would be a lot less than 51 million.

I do know this: we are in a similar position today, and we need to show the leadership that was lacking in World War II. I hope we are assisted by the United Nations in these actions. I hope that this resolution will give the U.N. a backbone to step up and speak out.

While I will vote for this resolution, I also have a personal problem and a great deal to worry about. I have grandchildren who are young men, bringing forth the possibility that they could become involved in this potential conflict; so I have not arrived at this decision without a great deal of thought.

Many times, because we have been lacking in leadership in this world, millions of people have been killed before someone decided to take preemptive action. We must and we will support President Bush in his request of this Congress to give him the authorization to use force.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Pennsylvania (Mr. HOEFFEL), a distinguished member of our committee.

Mr. HOEFFEL. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, we face a toxic mix in Iraq: dangerous weapons controlled by a dangerous tyrant. From the beginning of this national debate, I have felt strongly that we must act through the United Nations, in concert with our allies, and with multinational support, and focus on the weapons of mass destruction and disarming Hussein.

Clearly, we must rid Iraq of the weapons of mass destruction and the means of producing new weapons of mass destruction. If Saddam resists and regime change thus occurs, we must be prepared for what happens next, the very next day.

Accordingly, I oppose the initial resolution the President sent to the Congress. It gave credence to the fear that we would, as a first step, act in a preemptive unilateral military strike, which I would not support and do not support in the absence of an imminent threat to the United States. That resolution was too broad, did not require the President to work through the U.N., and did not address our plans for the future of Iraq.

Since then, the House and the administration, in a bipartisan manner, have negotiated a compromise resolution that addresses many of those issues. I support the resolution now. It strikes a good balance between urging a multilateral approach and preserving America's right to defend our citizens.

The President has promised congressional leaders he will exhaust all options at the U.N. before taking military action. At a White House briefing I attended last week, the National Security Adviser and the CIA Director made the same assurances.

The resolution, even with this balancing and moderating language, still represents a grant of broad military authority to the President, broad authority for the President to wage war. The question is, Do we trust the President's judgment to use this authority wisely? This President came to office without much background in foreign policy and without much apparent interest in foreign policy. The President's initial steps in foreign relations were an isolating brand of unilateralism that told the world that America would thrive if we acted alone in our own interests.

Then came 9-11 and the President changed his policies, and I am glad he did. In the war on terror, the President resolutely has led this country, skillfully assembled the international coalition against terror, and has made necessary and appropriate use of America's military power.

□ 1330

Presidential historians argue and teach that presidents grow fond of foreign and military exercise of power because they can more readily make things happen than in the domestic arena, and I think this President is no different. President Bush has clearly come to relish the exercise of American power on the world stage, and he deserves the strong public and congressional support generated to date by his policies against terror. I hope and pray the President also understands and respects the need for restraint in the use of America's awesome military power. I hope his judgments will be sound.

Mr. Speaker, I urge the President in the strongest terms to adhere to the letter and spirit of this resolution in exhausting all diplomatic options in order to disarm Saddam Hussein. But the use of American military power alone will not meet all of our challenges. We must be prepared for the challenges of nation building, prepared for challenges of peacekeeping. We must be prepared for the redevelopment of Iraq and other trouble spots around the world where people not just have to deal with the grinding poverty and the lack of day-to-day opportunity but they have to deal with day-in, day-out sense of hopelessness.

We must consider the demand for a new, modern-day Marshall Plan to address the development needs, the food and educational needs, the hope that people must have to lead to democracy and self-government.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.J. Res. 114, an important historic resolution authorizing the use of force against Iraq. The distinguished chairman of our House Committee on International Relations, the gentleman from Illinois (Mr. HYDE), we thank him for his leadership in bringing this critical resolution before the House today. I also want to express our appreciation to the ranking member of our committee, the gentleman from California (Mr. LANTOS), for his staunch support of this resolution.

Since expelling U.N. inspectors from Iraq, Saddam Hussein has had 4 years in which to rebuild and rearm his country's weapons stock piles. It is imperative that the united front takes this threat seriously and takes preventive action against the tyranny of the Iraqi government to disarm before any of the events of September 11 are repeated. Accordingly, I fully support President Bush's ongoing efforts to demand Iraqi compliance with all previously adopted U.N. resolutions.

Saddam's continued breaches of these U.N. resolutions constitutes a real threat to our Nation and to our interest in the region, a threat that we can no longer ignore. Yet, in the same fashion that we have responded to Saddam Hussein's continued threats, we must be fully committed to the reconstruction of Iraq as a unified and a democratic state in the event of a military strike that topples Saddam Hussein.

President Bush has characterized Iraq as part of an "axis of evil" and has identified the key threat from Iraq as its development of weapons of mass destruction and the potential for Iraq to transfer those elements to terrorists.

We all know that Iraq has worked to rebuild its weapons of mass destruction programs in the 4 years since the U.N. weapons inspectors were forced to leave Iraq. We know, too, that Saddam is using mobile facilities to hide biological weapons research and even had placed underground some weapons of mass destruction; and there is a growing belief that in a few more years Iraq is going to be able to develop a nuclear weapon, if not sooner.

Mr. Speaker, Iraq has used chemical weapons against its own people, the Kurds, and against Iraq's neighbors in Iran. Moreover, Iraq did not hesitate in 1991 to send Scud missiles to strike at the very heart of Israel. Even if U.N. weapons inspectors return to Iraq, there are no assurances that Iraq is going to become free of weapons of mass destruction. The threat to our Nation's national security interest remains and, hence, this legislative need to provide President Bush with a maximum amount of flexibility to respond to this crisis.

In summation, no other living dictator matches Saddam Hussein's record of waging aggressive war against its neighbors; of pursuing weapons of mass destruction; of using weapons of mass destruction against its own people and other nations; of launching ballistic missiles at its neighbors; of brutalizing and torturing its own citizens; of harboring terrorist networks; of engaging in terrorist acts, including assassination of foreign officials; of violating his international commitments; of lying and cheating and hiding weapons of mass destruction programs; of deceiving and defying the express will of the United Nations over and over again.

As our President has noted in his recent speech to the U.N. General Assembly recently, "In one place, in one regime, we will find all these dangers in their most lethal and aggressive forms."

Accordingly, Mr. Speaker, I urge our colleagues to lend their full support to H.J. Res. 114, authorizing the use of U.S. Armed Forces against Iraq.

Mr. Speaker, I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I yield 6 minutes to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding me time.

Mr. Speaker, I rise in opposition to this resolution.

Our Nation faces a monumental decision, one that could drastically change our lives, harm our national security, and one that could forever shatter the fragile stability that we have carefully rebuilt since September 11.

Thomas Jefferson once said, "War is an instrument entirely inefficient towards redressing wrong and multiplies, instead of indemnifying, losses." Multiplies, instead of indemnifying, losses.

We are told this war, this invasion of Iraq, will right the wrongs that Saddam Hussein has created. We are told that this war will help end the evils of terrorism. And we are told that this war will bring peace and regional stability to the Middle East.

I do not share that view.

We have to be cognizant of what this war will unleash upon the world. I have never in my 30 years of public life and 26 years of serving here seen the world community so fragile. It is a tinderbox, and a hair trigger waiting to go off could unleash the violence that we all seek to avoid.

I am not ready to alter the course that we have taken since our founding to embrace the preemptive strike doctrine. If we strike first, what kind of message does that send to the tinderboxes of Pakistan and India, China and Taiwan, North and South Korea? Are we prepared to strike first in Iran, in North Korea? Where does it end? The broader global implications will be grave.

Second, I am not ready to act unilaterally and in potential defiance of the United Nations Security Council. Because, by going it alone, what signal do we issue by tossing aside diplomacy? What sirens do we set off by ignoring the rest of the world?

The Reverend Dr. Martin Luther King, Jr., once said, "Destructive means cannot bring about constructive ends." And yet here we are thrown headlong into a decision that could cost thousands and thousands of American men and women their lives, could put our personnel in embassies all over the globe in harm's way, in danger, could unleash another round, another decade of untold suffering among innocent Iraqis, and we are told that we have no other choice.

By rushing into war, we alone will bear the burden of seeing this conflict to its blood end, most likely in the streets of Bagdad among innocent families and U.S. troops engaged in door-to-door combat. By rushing into war, we alone will be responsible for splintering the international coalition that has been built to fight the imminent threat posed by the terrorists, al Qaeda. And by rushing into war we alone will fuel far more extremist passions against the United States, a whole new generation of terrorists bent on our demise.

It will strain our military. It will cost us tens and tens, if not hundreds of millions of dollars, and it will erode any cooperation from Arab and Muslim nations in tracking down and neutralizing the remaining al Qaeda cells.

Instead of fighting a war against terrorism, we will have the potential instead of fighting the war against a quarter of the world. I am not ready to support a resolution that could take American people down that road. The sabers continue to rattle, the war drums pound louder every day, and it is quite clear that many people here believe that preparing for war ensures that it will truly happen.

I know that, as we talk of the enemy and of war, it is not popular to talk of the suffering of the other side. Our enemy here is Saddam Hussein and his brutal regimes, not the Iraqi people. Little discussion is being devoted to the humanitarian crisis in Iraq, a challenge that the American people will understand eventually and a challenge that we have a moral responsibility to deal with, regardless of victory.

No one wants to talk about that. No one wants to put a price tag on it, but it is there. And while we may not know about it in this country, I assure you that the people in the Arab world know about it, the people in Central Asia know about it.

They know about the 500,000 children who have died prematurely since the end of the war because of U.S. sanctions. They know of the 50,000 children who die prematurely each year because of sanctions. They understand because of depleted uranium attached to the bombs that we dropped on Iraq during the last war the leukemia rate and the cancer rate and the lymphoma rate of 10- and 12- and 13-year-old children have increased 100 to 120 percent.

I saw those children not a week ago in hospitals. I talked to those mothers who cannot feed their children because of the protein deficiency in their diet which has caused 25 percent of the children born in Iraq to have low birth weight. I have talked to doctors who have delivered babies who have said to me, The mothers used to say to me when the child was born, is it a male or a female? Now they say to me, Is it normal or abnormal?

The costs are already been horrendous, and the question we have to ask ourselves is, is there not another way? I believe there is. Vote against this resolution.

Mr. GILMAN. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. BURTON), the distinguished chairman of our Committee on Government Reform.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding me time.

Appeasement does not work. The chairman of the Committee on International Relations, the gentleman from Illinois (Mr. HYDE), spoke just a few minutes ago and he talked about what happened in the 1930s and how 40 to 50 million people died because of appeasement.

Nobody wants war. But what my colleagues failed to mention, the previous speaker, is that we are at war now, right now. Has anyone forgotten that we lost over 3,000 people on September 11 last year? There are al Qaeda cells and terrorist cells in the United States and around the world that want to do us ill.

Saddam Hussein is part of that terrorist network. We all know that. He has used chemical weapons on his own people, chemical weapons on the people next to him, killing tens of thousands of people. He has used Scud missiles. He has violated every U.N. agreement he has signed, and he has been shooting at our airplanes in a no-fly zone. Does anyone doubt his intentions?

Now, what are we to do about that? Are we to wait for another attack on America where maybe 10 or 20,000 or hundreds of thousands of Americans might die? Or do we take preemptive action?

I think if everybody thought very seriously about this, they would realize that we have to preempt Saddam Hussein and the terrorist network that he is a part of.

□ 1345

Do we preempt him or do we react? Do we react after the fact, after we lose 10 or 20 or 30 or 50 or 100 or 100,000 people?

Our responsibility in this Chamber and in this government is to protect American citizens, to protect our democracy, our freedoms and our rights; and if we do not take the right actions now, we will suffer the consequences later.

Let me just tell my colleagues, we have a chance now to avoid more carnage in America; and the only way to do it is to send a very strong signal to the terrorist network around the world that we mean business, that we are not going to appease them, and if they mess with us, we are going to take them out; and the first target ought to be, and I believe if President Bush has his way will be, Saddam Hussein.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from California (Mr. SHERMAN), a distinguished member of our committee.

Mr. SHERMAN. Mr. Speaker, I thank the gentleman for yielding time.

Until September 11, we knew what the dangers were, but we chose to ignore them. We knew Saddam was developing nuclear weapons and had biological weapons. We knew that al Qaeda had killed hundreds at our embassies in east Africa. We knew of these dangers, and we did not act.

On September 11, the dangers did not change. America changed. We now look seriously at these threats, and we know that our victory in the Cold War does not immunize us from future danger.

Saddam Hussein has killed hundreds of thousands. He has gassed his own people. He has risked his own life many times, all in an effort to expand his power.

If he had nuclear weapons, he could smuggle one into the United States—after all a nuclear weapon is about the size of a person—hide it in an apartment building in some American city, and prove to us that he had it hidden there. Saddam could then blackmail America into inaction, as he invaded Kuwait, Saudi Arabia, et cetera. We would then never be able to quench Saddam's lust for additional power, and his imitators would be spawned as they, too, would seek nuclear weapons in an effort to become regional viceroys.

There are two approaches for dealing with this threat. One, associated often with the Vice President, is to invade now, no matter what. This approach has a legalistic version that says we must invade Iraq unless it immediately complies with all U.N. resolutions, including the resolutions that say Iraq should stop oppressing its own people. I do not think Saddam Hussein is going to morph into Mother Theresa; and if that is what it would take to prevent an invasion, we might as well invade now.

The other approach is not to focus on every U.N. resolution, but instead to demand robust inspections to make sure Saddam does not develop weapons of mass destruction.

Neither of these approaches is perfect, but I would point out that the invade-now approach has a number of flaws, including the fact that even if we achieve regime change today, 10 years from now we may be faced with another hostile regime in Baghdad, a Ba'thist regime or Ayatollah-led regime. War is not the perfect answer and I must admit that inspections are not perfect either.

I would have preferred a resolution similar to one I put forward in the International Relations Committee that garnered the support of the vast majority of Democrats on that Committee. That resolution would authorize the use of force only if Saddam interferes with a robust inspections program, only if, for example, he continues to try to lock the inspectors out of his presidential palaces.

We will not get the opportunity to vote for such a resolution, but we got the next best thing. Last night the President said he wanted to disarm Iraq without war, if possible. He said he would propose to the United Nations a resolution demanding a robust program of inspections, and effectively promised the world that if we got those inspections, we would not invade.

So this is where we stand today. Only one question is before us now. Will this resolution, when it comes to final passage, pass with 325 votes or 375 votes? That is important to the world because if America looks divided, Saddam may "call our bluff." In 1991, the resolution authorizing the use of force just barely squeaked by each House. Saddam was misled. Saddam defied us and refused to withdraw from Kuwait, and war became necessary.

France, Russia, and China will take America more seriously if we look unified. And that is why I call on all my colleages, because all of us desperately want to avoid war, to vote for this resolution, because if we look unified, Saddam is more likely to capitulate on the issue of inspectors.

We cannot expect foreign tyrants to understand our political system; and in the next month, they will hear the most violent and loud political clashes on pharmaceutical costs and Social Security. Let us help Saddam understand the resolve of America. Let us pass this resolution by an overwhelming margin.

Mr. GILMAN. Madam Speaker, I am pleased to yield 4½ minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN) the chairman of our Subcommittee on International Relations and Operations.

Ms. ROS-LEHTINEN. Madam Speaker, a year ago we stood in this Chamber trying to recover from the shock that no longer were U.S. interests threatened by terrorists; but the United States itself, our people, our way of life, our very existence was the target of terrorists. We were awakened and disbelief turned to a commitment, a commitment that we would work together as one Nation, one government, and take every appropriate and necessary action to prevent another day like September 11, 2001.

We afforded the President the resources and the broad support to ensure a swift, effective and successful campaign against a global terrorist network that killed thousands of our citizens on that fateful day a year ago.

That campaign was built on the impression, the understanding that our military objectives must also have a political objective, a requirement that was underscored by Secretary of State Colin Powell when he was chairman of the Joint Chiefs of Staff; and so it was that we not only dismantled the al Qaeda operations inside Afghanistan, but also helped the Afghan people free themselves from the oppression of the Taliban regime, thereby diminishing future threats from Afghanistan by helping democracy to finally take root.

What we are authorizing the President today and the resolution that is before us, Madam Speaker, is not much different than what we afforded him a year ago. We steadfastly supported this effort a year ago as the debris of the World Trade Center continued to burn. Now that time has passed, the smoke has cleared, the fires have subsided. Let us not waiver in our commitment to destroy the terrorist network. Let us not waiver in our commitment to the safety and welfare of the American people.

A year ago we were surprised. Today, we have the opportunity to destroy the enemy's capabilities before they can be used against us. As President Bush so carefully articulated last night, Saddam Hussein's regime trained al Qaeda operatives in bombmaking, harbors these terrorists and provides medical treatment in Baghdad to some of its senior leadership. Saddam Hussein is not far from developing and acquiring the means to strike the United States, our friends and our allies with weapons of mass destruction. Thus, if we do not act now, when?

Saddam Hussein's regime is pursuing unmanned aircraft to deliver chemical and biological weapons. The United Nations weapons inspectors and the U.S. intelligence community concluded a few years ago, based upon intelligence reporting statements by Iraqi defectors and the Iraqi Government's own admission, that Iraq had a more extensive prohibited biological weapons program than previously admitted, including the weaponization of these deadly biological agents. The Iraqi regime has dozens of ballistic missiles and is working to extend their range in violations of United Nations restriction.

The former deputy chairman of the U.N. inspection team for Iraq and the dossier on Iraq's capabilities prepared by the British Government, both of these sources support the Bush administration's assertion that Iraq is at the threshold of possessing nuclear weapons. Satellite imagery has revealed that Saddam Hussein's regime is actively rebuilding its nuclear infrastructure and working to develop and acquire enriched uranium. Thus, if we do not address the problem now here today, will it be a better time when the Iraqi regime is stronger and its weapons programs are even more advanced?

The Iraqi regime has ordered the use of chemical weapons against its own people. It has committed genocide and ethnic cleansing in northern Iraq, ordering the extermination of between 50,000 and 100,000 people and the destruction of over 4,000 villages.

As former President Ronald Reagan once said: "We have a rendezvous with destiny. We will preserve for our children this, the last best hope of man on Earth. If we fail, at least let our children, and our children's children, say of us, we justified our brief moment here. We did all that could be done."

Let us all do what we can to protect our Nation and the American people. Let us vote "yes" on this resolution today, and I thank the gentleman for yielding me the time.

Mr. PAYNE. Madam Speaker, I yield 5 minutes to the gentlewoman from California (Ms. LEE), a leader in peace and humanitarian issues.

Ms. LEE. Madam Speaker, first, let me just thank my colleague, the gentleman from New Jersey (Mr. PAYNE), for yielding me time and for his leadership on this issue and on so many other issues of such critical importance to our world community.

I also would like to thank the gentleman from California (Mr. LANTOS), the ranking member, for his fairness in ensuring that democracy prevails, even during this very critical and important debate.

Madam Speaker, I rise today in opposition to this resolution authorizing a unilateral first strike against Iraq. Such an action could destabilize the Middle East and set an international precedent that could come back to haunt us all.

President Bush's doctrine of preemption violates international law. It violates the United Nations charter and our own long-term security interests. It forecloses alternatives to war before we have even tried to pursue them. We do not need to rush to war.

Furthermore, this resolution is not a declaration of war. In fact, we do not need this resolution. If the United States indeed faces an imminent attack from anywhere, the President already has all of the authority in the world for our defense.

President Bush called on the United Nations to enforce its resolutions, but here we are today voting to go to war before the United Nations has even had a chance to implement inspections. What kind of international cooperation is that? What kind of leadership is that? It does not take leadership to go drop bombs and go to war. It takes real leadership to negotiate and to develop peaceful resolutions to our security needs.

The President has called on the United Nations to assume its responsibilities. I call on the United States to assume our responsibilities by working with the United Nations to ensure that Iraq is not developing weapons of mass destruction.

☐ 1400

I keep asking the question: Is our goal the elimination of weapons of mass destruction because they pose a potential danger, or is it regime change because we oppose the Iraqi government? We still do not have the answer to that question.

For all of these reasons and more, on Thursday, I will offer the Lee amendment to H.J. Res. 114, incorporating my legislation, H. Con. Res. 473, currently supported by 37 Members of the House. This amendment calls on the United States to work with allies to disarm Iraq through United Nations inspections and other diplomatic means.

Those inspections succeeded in destroying thousands of tons of weapons in the 1990s, despite Iraq's attempts at destruction, and they can work again. It was a search and destroy mission.

Now, today, as we face this vote, there are many questions that remain unanswered. Where is the proof that Iraq poses an imminent, clear, and present danger to the United States? What is our objective here, regime change or the elimination of weapons of mass destruction? Where would this doctrine of preemption lead our country? How could we be the first and then claim the moral authority to tell others not to do so? Is this the precedent that we want to set for India, Pakistan, Russia, China, and others?

How does all of this make the American people safer? Are our airports safer today? Are our seaports secure? What happens to the economic security of our country and our unmet domestic needs, given the enormous amount of money, upwards of $100 to $200 billion, that this war will cost us? And how many of our brave young men and women will be put in harm's way?

Going to war would result in substantial loss of life. We better be able to answer these questions before we spend $200 billion plus to create a new regime in Iraq.

Now, remember, we all have to focus on the fact that it was not weapons of mass destruction used on 9/11. This blank check to authorize a first strike would not restore peace and security. I am convinced that it will inspire hatred and fear and increase instability and insecurity.

There have been those who have questioned the patriotism of opposition and have claimed that those calling for war have a monopoly on this virtue. Yet I believe, like many, that it is our patriotic duty to seek each and every nonmilitary solution to eliminating the weapons of mass destruction. Containment, deterrence and disarmament should be our goal. That has been and continues to be the American way.

I urge my colleagues to oppose this rush to war. It is morally wrong, financially irresponsible, and it is not in our national security interests. We have options, and we have an obligation to pursue them.

Mr. GILMAN. Madam Speaker, I am pleased to yield 4 minutes to the distinguished gentleman from New York (Mr. KING), a senior member of our Committee on International Relations.

Mr. KING. I thank the chairman emeritus for yielding me this time; and, Madam Speaker, I rise today in strong support of this resolution. In doing so, I want to commend the gentleman from Illinois (Mr. HYDE), the ranking member, the gentleman from California (Mr. LANTOS), and the bipartisan leadership of this House for coming together and forging a compromise which will give the President of the United States the power he needs in standing up to oppression and in standing up to a tyrant who has weapons of mass instruction.

I also want to give special regard to President Bush for the leadership he has demonstrated in bringing this matter to this moment today, because without his leadership we would still be caught up in the double-talk and moral hypocrisy which constitutes so much of the diplomacy in the world today.

So many countries choose to look the other way. So many countries just hope that somehow this problem will go away. But President Bush has brought this issue to the forefront; and because of that we are here today to take what I believe will be a very strong and manifest decision to destroy oppression, to eliminate a tyrant such as Saddam Hussein if he does not comply with the U.N. resolutions which have been passed to date.

More important than that, Madam Speaker, I believe President Bush deserves credit for asserting the fact that the United States is the world leader. Yes, the United States is going to the United Nations, and we should go to the United Nations, but at the end of the day we cannot be bound by some morally opaque decisions made by countries who do not share our values.

If the Security Council does stand with us, fine, and that is all to the better. Let us remember, when President Clinton was President, back in 1999, the U.N. Security Council would not give approval to attack Serbia because of what they were doing in Kosovo, but President Clinton went forward and led an attack, which I supported and which now has brought stability to Kosovo and, as the gentleman from California (Mr. LANTOS) pointed out, has brought Milosevic to the international criminal court. So this is the type of action that must be taken.

I have tried to listen carefully to those who are opposed, and I just cannot figure out really what the substance of their argument is. They say we should use more diplomacy. We have tried diplomacy for 11 years. They say that somehow the policy up to now has worked. Well, it has not worked because Saddam Hussein has more weapons of mass destruction now than he had before. He has constantly flouted and violated resolution after resolution.

The fact is, we saw on September 11 what happens if we are caught unaware. We have no excuses this time. We know the weapons that Saddam Hussein has. We know that Saddam Hussein will use those weapons if given the opportunity.

Another argument that is used is somehow that we should carry out the war on terrorism before we go after Iraq, before we take action against Iraq. To me, the two are intertwined and connected. You cannot have one without the other. These are people who work in collusion. They work in the same league. There is no doubt about that.

We are also told that if somehow we go forward we will lose allies in the war against terrorism. I am not aware of one country, whether it be in the Arab world or whether in Europe, which is backing away from supporting us in the war against terrorism because of our policy on Iraq.

The fact is, Madam Speaker, there is no alternative. We must go forward.

Let me just say, in conclusion, that I respect those who have honest differences, and I acknowledge that. I would just say, though, if this resolution does pass and does pass by a large vote, that once that has been done we should stand together and speak with one voice and send the world a united message that the people of the United States and the Congress of the United States stand behind the President of the United States in taking the action that he will take pursuant to this resolution.

I would also ask all those who vote for the resolution to not do so in any way grudgingly but to give it their fullest and total support. There is no such thing as an easy war. If there are tough days ahead and rough days ahead, not to use that as an opportunity to somehow back away. If we go ahead, we are in this for the long haul. We are in it until we succeed. We owe that to the men and women of our Armed Forces. We owe that to the people of the world and to the people of our country who look to us for guidance and direction and for leadership.

Mr. LANTOS. Madam Speaker, I am delighted to yield 4 minutes to the gentlewoman from California (Mrs. TAUSCHER), my good friend and colleague, a leader in the field of national security.

Mrs. TAUSCHER. Madam Speaker, I thank my colleague and friend for yielding me this time, and I rise today in strong support of this resolution because it puts our country back on the right track of working with the United Nations to disarm Iraq.

The passage of this congressional resolution in support of efforts to disarm Iraq will not provide President Bush with open-ended authority. In fact, Congress and the President's hard work is just beginning. The United States has a responsibility, as the world's only superpower, to set the standard for international behavior. We must consider every peaceful alternative and contemplate every possible outcome before we turn to force.

With this resolution, Congress is making clear that our first priority is building an international coalition through the United Nations. If the President decides that diplomatic efforts have failed, he must inform Congress and explain his reasoning. If the United States engages in military action, the President must provide continual updates to Congress regarding the status of the war. The President will also be required to declare that any military action against Iraq will not hamper our ongoing efforts on the war on terrorism.

I also expect the President to provide clear plans for military engagement that explain our military strategy, detail where our troops will be based, report to Congress on his efforts to secure international assistance, protect us against simultaneous threats from other parts of the world, and define plans for Iraq after Saddam.

While I am firmly committed to using diplomacy first and our military only if we must, I cannot ignore Saddam Hussein's track record of disdain for international law. With everything we know about his aggressive pursuit of weapons of mass destruction, it would be irresponsible not to at least make plans for what we may need to do in order to counter the threat that he poses.

If the President follows congressional intent and builds a successful international coalition to address the threat of Iraq's weapons of mass destruction, he will not only improve our national security and that of our allies but he will also put meaning into the will of the international community as expressed in the United Nations resolutions.

On a personal note, should the use of force become necessary, I will be sending young men and women from my local Air Force Base, Travis, and across California to fight in this war. So my role as a check to the administration's power and plans is something that I take very seriously. I will use my position on the House Committee on Armed Services to make sure we are protecting our fighting men and women and that the President is doing this every step of the way.

Madam Speaker, I urge my colleagues to work to unite this Congress and to work to support the American people in this effort.

Mr. GILMAN. Madam Speaker, I am pleased to yield 5 minutes to the gentleman from New Jersey (Mr. SMITH), the vice chairman of our Committee on International Relations.

Mr. SMITH of New Jersey. Madam Speaker, I thank my good friend for yielding me this time, and I want to thank the gentleman from Illinois (Mr. HYDE), the chairman of the full committee for his exemplory leadership, as well as the ranking member (Mr. LANTOS).

I, too, like many of my other colleagues, respect those who disagree with this resolution. I think this debate is enlightening and is being carried out in the highest way befitting this institution, and I want to thank my friends on the other side of the issue as well.

Madam Speaker, President Bush has made, I believe, an extraordinarily convincing case that the Iraqi dictatorship poses a significant, lethal threat to the people of the United States, our allies, and to the tens of millions of people living in the region of the Middle East. Saddam Hussein's dark obsession with acquiring, developing, stockpiling, and using weapons of mass destruction can no longer be ignored, wished away, or trivialized.

In the past, Hussein has used weapons of mass destruction, killing thousands of people, mostly Kurds, in the late 1980s. If not disarmed, pursuant to the terms and conditions that ended the Gulf War and all subsequent U.N. resolutions, he will likely use them again at the place and time of his choosing.

Madam Speaker, the loss of human life as a result of the hideous effects of these weapons cannot even be imagined. In like manner, the environmental and economic consequences would be staggering and possibly earth changing. The agony of death by mustard gas, VX, sarin or radiation sickness is absolutely numbing. The massive release of germs and microbes like anthrax, smallpox, and botulinum toxin would result in massive deaths and casualties and a regional or global epidemic that might not be stoppable.

And now, as we all know, Hussein is on an aggressive quest to develop nuclear warheads and the means of delivering them.

Madam Speaker, according to the U.S. and British intelligence services, Hussein's drive to develop nuclear weapons has been reconstituted, that is, if it ever went out of business in the first place. The British Joint Intelligence Committee assessment noted, and I quote, that Iraq had recalled its nuclear scientists to the program in 1998. Since 1998, Iraq has been trying to procure items that could be for use in the construction of centrifuges for the enrichment of uranium. The report notes that intelligence shows that the present Iraqi program is almost certainly seeking an indigenous ability to enrich uranium to the level needed for nuclear weapons.

Madam Speaker, last night, while brilliantly reiterating U.S. resolve to promote peace by disarming Hussein's brutal dictatorship, President Bush made it clear that war was not the only option, that war can be averted, but the burden rests squarely on the shoulders of Saddam Hussein.

The best outcome, of course, would be a successful redeployment of U.N. inspectors to Iraq, backed to the hilt by the international community, with a clear, nonambiguous mandate to inspect without condition, to have unfettered access to suspicious locations, and to compel Iraqi disarmament.

Madam Speaker, given Hussein's ugly, pathetic record on human rights abuse, widespread torture, systematic rape and mass murder, the only way to ensure that diplomacy and arms inspectors have a chance to succeed is by backing it up with the credible threat of overwhelming force. Standing up to the raving bully, especially when he is armed to the teeth with weapons of mass destruction, is the work of peacemakers.

No one, Madam Speaker, no one wants war. But if we fail to back the diplomacy with the credible threat of force, it seems probable to me that it is only a matter of time before Hussein and his allies in his network of terror use weapons of mass destruction again.

□ 1415

The question will not be a matter of if, the question will be when and where and how. Support the resolution.

Mr. PAYNE. Madam Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. BLUMENAUER), a leader in environmental affairs and a member of the Committee on International Relations.

Mr. BLUMENAUER. Madam Speaker, I appreciate the gentleman yielding me this time and the leadership for promoting a full and thoughtful debate on this critical issue for our country. It has truly been a very positive experience on our committee, and I am looking forward to bringing it here to the floor of the House.

As I listened to President Bush attempt to make his case for war last night, what I heard him debate was debating with thousands of Americans who have voiced their concern to us in e-mails and letters and conversations. These are our constituents, ordinary citizens, raising straightforward, commonsense arguments against unilateral preemptive military action. Those voices were unanswered last night.

Unanswered was the learned warning of a respected Portland rabbi recently returning from another month-long stay in Israel who assures me that Israel will, in his judgment, undoubtedly respond with nuclear weapons if Saddam Hussein unleashes Scuds armed with chemical or biological agents against it.

Unanswered was the common knowledge that some allies have already used the rhetoric of this administration to pursue policies against their own terrorists, complicating the lives of our officials who must deal with the results.

Unanswered were the countless questioners in our meetings at home who asked why some of the same people who are promoting this action against Iraq are the same who aided Saddam Hussein in getting chemical and biological agents in the 1980s and who did not speak out when he used them against his own people then.

As the President confidently predicts our precise military strikes, I hear the viewers and readers of Black Hawk Down reminding us how things can go horribly wrong, all lessons learned by Presidents Reagan, Bush, and Clinton.

Unanswered are those critics, including my colleagues, who fear not that the United States would ultimately be defeated by Saddam Hussein, but that the young American soldiers lack sufficient preparation and equipment for chemical and biological warfare and could suffer horrible losses.

I was intrigued with the insight of my own son about to return to Southeast Asia calling this a policy of national insecurity, putting him at greater risk in the weeks ahead traveling amongst the Muslim populations in Asia, while increasing the likelihood of terrorist violence here at home.

Our constituents describe a much more complicated world, one where the United States has yet to develop a coherent strategy for democracy in the Middle East, a world where other elements are at least as great a threat. Persuasive cases have been made against Iran and North Korea. Remember the axis of evil.

And we are not yet finished in Afghanistan. President Karzai is barely the mayor of Kabul. It is uncertain whether we or the countries who supported us there are ready to do the job.

In addition, it is important to point out that this is not Munich. No one talks of appeasement. If Saddam Hussein takes one step outside his borders, his forces will be annihilated. There is no question about it.

It is interesting how recently the polls are starting to more accurately reflect the mood of the American public that has been expressed to us for months. But regardless of what the polls say, some things are just wrong. Unilateral preemptive action as an operating principle is wrong. Delegating the unfettered authority to this President or any President to wage war is wrong. Missing the chance to build a more secure future with a more coherent foreign policy is also wrong.

This debate does not yet capture the nature of the many challenges we face or the legitimate concerns and observations of the American public. It does not prepare America for the real struggle ahead. I will vote "no," and I urge Members to do likewise.

Mr. GILMAN. Madam Speaker, I yield 5 minutes to the gentleman from Texas (Mr. PAUL), a senior member of the Committee on International Relations.

Mr. PAUL. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, I rise in opposition to this resolution. The wisdom of the war is one issue, but the process and the philosophy behind our foreign policy are important issues as well. But I have come to the conclusion that I see no threat to our national security. There is no convincing evidence that Iraq is capable of threatening the security of this country, and, therefore, very little reason, if any, to pursue a war.

But I am very interested also in the process that we are pursuing. This is not a resolution to declare war. We know that. This is a resolution that does something much different. This resolution transfers the responsibility, the authority, and the power of the Congress to the President so he can declare war when and if he wants to. He has not even indicated that he wants to go to war or has to go to war; but he will make the full decision, not the Congress, not the people through the Congress of this country in that manner.

It does something else, though. One-half of the resolution delivers this power to the President, but it also instructs him to enforce U.N. resolutions. I happen to think I would rather listen to the President when he talks about unilateralism and national security interests, than accept this responsibility to follow all of the rules and the dictates of the United Nations. That is what this resolution does. It instructs him to follow all of the resolutions.

But an important aspect of the philosophy and the policy we are endorsing here is the preemption doctrine. This should not be passed off lightly. It has been done to some degree in the past, but never been put into law that we will preemptively strike another nation that has not attacked us. No matter what the arguments may be, this policy is new: and it will have ramifications for our future, and it will have ramifications for the future of the world because other countries will adopt this same philosophy.

I also want to mention very briefly something that has essentially never been brought up. For more than a thousand years there has been a doctrine and Christian definition of what a just war is all about. I think this effort and this plan to go to war comes up short of that doctrine. First, it says that there has to be an act of aggression; and there has not been an act of aggression against the United States. We are 6,000 miles from their shores.

Also, it says that all efforts at negotiations must be exhausted. I do not believe that is the case. It seems to me like the opposition, the enemy, right now is begging for more negotiations.

Also, the Christian doctrine says that the proper authority must be responsible for initiating the war. I do not believe that proper authority can be transferred to the President nor to the United Nations.

But a very practical reason why I have a great deal of reservations has to do with the issue of no-win wars that we have been involved in for so long. Once we give up our responsibilities from here in the House and the Senate to make these decisions, it seems that we depend on the United Nations for our instructions; and that is why, as a Member earlier indicated, essentially we are already at war. That is correct. We are still in the Persian Gulf War. We have been bombing for 12 years, and the reason President Bush, Sr., did not go all the way? He said the U.N. did not give him permission to.

My argument is when we go to war through the back door, we are more likely to have the wars last longer and not have resolution of the wars, such as we had in Korea and Vietnam. We ought to consider this very seriously.

Also it is said we are wrong about the act of aggression, there has been an act of aggression against us because Saddam Hussein has shot at our airplanes. The fact that he has missed every single airplane for 12 years, and tens of thousands of sorties have been flown, indicates the strength of our enemy, an impoverished, Third World nation that does not have an air force, anti-aircraft weapons, or a navy.

But the indication is because he shot at us, therefore, it is an act of aggression. However, what is cited as the reason for us flying over the no-fly zone comes from U.N. Resolution 688, which instructs us and all the nations to contribute to humanitarian relief in the Kurdish and the Shiite areas. It says nothing about no-fly zones, and it says nothing about bombing missions over Iraq.

So to declare that we have been attacked, I do not believe for a minute that this fulfills the requirement that we are retaliating against aggression by this country. There is a need for us to assume responsibility for the declaration of war, and also to prepare the American people for the taxes that will be raised and the possibility of a military draft which may well come.

Madam Speaker, I rise in opposition to this resolution, which regardless of what many have tried to claim will lead us into war with Iraq. This resolution is not a declaration of war, however, and that is an important point: this resolution transfers the Constitutionally-mandated Congressional authority to declare wars to the executive branch. This resolution tells the President that he alone has the authority to determine when, where, why, and how war will be declared. It merely asks the President to pay us a courtesy call a couple of days after the bombing starts to let us know what is going on. This is exactly what our Founding Fathers cautioned against when crafting our form of government: most had just left behind a monarchy where the power to declare war rested in one individual. It is this they most wished to avoid.

As James Madison wrote in 1798, "The Constitution supposes what the history of all governments demonstrates, that the executive is the branch of power most interested in war, and most prone to it. It has, accordingly, with studied care, vested the question of war in the legislature."

Some—even some in this body—have claimed that this Constitutional requirement is an anachronism, and that those who insist on following the founding legal document of this country are just being frivolous. I could not disagree more.

Madam Speaker, for the more than one dozen years I have spent as a federal legislator I have taken a particular interest in foreign affairs and especially the politics of the Middle East. From my seat on the international relations committee I have had the opportunity to review dozens of documents and to sit through numerous hearings and mark-up sessions regarding the issues of both Iraq and international terrorism.

Back in 1997 and 1998 I publicly spoke out against the actions of the Clinton Administration, which I believed was moving us once again toward war with Iraq. I believe the genesis of our current policy was unfortunately being set at that time. Indeed, many of the same voices who then demanded that the Clinton Administration attack Iraq are now demanding that the Bush Administration attack Iraq. It is unfortunate that these individuals are using the tragedy of September 11, 2001 as cover to force their long-standing desire to see an American invasion of Iraq. Despite all of the information to which I have access, I remain very skeptical that the nation of Iraq poses a serious and imminent terrorist threat to the United States. If I were convinced of such a threat I would support going to war, as I did when I supported President Bush by voting to give him both the authority and the necessary funding to fight the war on terror.

FURTHER BACKGROUND POINTS ON H.J. RES. 114 AND IRAQ, 8 OCTOBER 2002

Claim: Iraq has consistently demonstrated its willingness to use force against the U.S. through its firing on our planes patrolling the UN-established "no-fly zones."

Reality: The "no-fly zones" were never authorized by the United Nations, nor was their 12 year patrol by American and British fighter planes sanctioned by the United Nations. Under UN Security Council Resolution 688 (April, 1991), Iraq's repression of the Kurds and Shi'ites was condemned, but there was no authorization for "no-fly zones," much less airstrikes. The resolution only calls for member states to "contribute to humanitarian relief" in the Kurd and Shi'ite areas. Yet the U.S. and British have been bombing Iraq in the "no-fly zones" for 12 years. While one can only condemn any country firing on our pilots, isn't the real argument whether we should continue to bomb Iraq relentlessly? Just since 1998, some 40,000 sorties have been flown over Iraq.

Claim: Iraq is an international sponsor of terrorism.

Reality: According to the latest edition of the State Department's Patterns of Global Terrorism, Iraq sponsors several minor Palestinian groups, the Mujahedin-e-Khalq (MEK), and the Kurdistan Workers' Party (PKK). None of these carries out attacks against the United States. As a matter of fact, the MEK (an Iranian organization located in Iraq) has enjoyed broad Congressional support over the years. According to last year's Patterns of Global Terrorism, Iraq has not been involved in terrorist activity against the West since 1993—the alleged attempt against former President Bush.

Claim: Iraq tried to assassinate President Bush in 1993.

Reality: It is far from certain that Iraq was behind the attack. News reports at the time were skeptical about Kuwaiti assertions that the attack was planned by Iraq against fmr President Bush. Following is an interesting quote from Seymore Hersh's article from Nov. 1993:

> Three years ago, during Iraq's six-month occupation of Kuwait, there had been an outcry when a teen-age Kuwaiti girl testified eloquently and effectively before Congress about Iraqi atrocities involving newborn infants. The girl turned out to be the daughter of the Kuwaiti Ambassador to Washington, Sheikh Saud Nasir al-Sabah, and her account of Iraqi soldiers flinging babies out of incubators was challenged as exaggerated both by journalists and by human-rights groups. (Sheikh Saud was subsequently named Minister of Information in Kuwait, and he was the government official in charge of briefing the international press on the alleged assassination attempt against George Bush.) In a second incident, in August of 1991, Kuwait provoked a special session of the United Nations Security Council by claiming that twelve Iraqi vessels, including a speedboat, had been involved in an attempt to assault Bubiyan Island, long-disputed territory that was then under Kuwaiti control. The Security Council eventually concluded that, while the Iraqis had been provocative, there had been no Iraqi military raid, and that the Kuwaiti government knew there hadn't. What did take place was nothing more than a smuggler-versus-smuggler dispute over war booty in a nearby demilitarized zone that had emerged, after the Gulf War, as an illegal marketplace for alcohol, ammunition, and livestock.

This establishes that on several occasions Kuwait has lied about the threat from Iraq. Hersh goes on to point out in the article numerous other times the Kuwaitis lied to the US and the UN about Iraq. Here is another good quote from Hersh:

> The President was not alone in his caution. Janet Reno, the Attorney General, also had her doubts. "The A.G. remains skeptical of certain aspects of the case," a senior Justice Department official told me in late July, a month after the bombs were dropped on Baghdad. . . . Two weeks later, what amounted to open warfare broke out among various factions in the government on the issue of who had done what in Kuwait. Someone gave a Boston Globe reporter access to a classified C.I.A. study that was highly skeptical of the Kuwaiti claims of an Iraqi assassination attempt. The study, prepared by the

C.I.A.'s Counter Terrorism Center, suggested that Kuwait might have "cooked the books" on the alleged plot in an effort to play up the "continuing Iraqi threat" to Western interests in the Persian Gulf. Neither the Times nor the Post made any significant mention of the Globe dispatch, which had been written by a Washington correspondent named Paul Quinn-Judge, although the story cited specific paragraphs from the C.I.A. assessment. The two major American newspapers had been driven by their source to the other side of the debate.

At the very least, the case against Iraq for the alleged bomb threat is not conclusive.

Claim: Saddam Hussein will use weapons of mass destruction against us—he has already used them against his own people (the Kurds in 1988 in the village of Halabja).

Reality: it is far from certain that Iraq used chemical weapons against the Kurds. It may be accepted as conventional wisdom in these times, but back when it was first claimed there was great skepticism. The evidence is far from conclusive. A 1990 study by the Strategic Studies Institutes of the U.S. Army War College cast great doubts on the claim that Iraq used chemical weapons on the Kurds. Following are the two gassing incidents as described in the report:

In September 1988, however—a month after the war (between Iran and Iraq) had ended—the State Department abruptly, and in what many viewed as a sensational manner, condemned Iraq for allegedly using chemicals against its Kurdish population. The incident cannot be understood without some background of Iraq's relations with the Kurds . . . throughout the war Iraq effectively faced two enemies—Iran and elements of its own Kurdish minority. Significant numbers of the Kurds had launched a revolt against Baghdad and in the process teamed up with Tehran. As soon as the war with Iran ended, Iraq announced its determination to crush the Kurdish insurrection. It sent Republican Guards to the Kurdish area, and in the course of the operation—according to the U.S. State Department—gas was used, with the result that numerous Kurdish civilians were killed. The Iraqi government denied that any such gassing had occurred. Nonetheless, Secretary of State Schultz stood by U.S. accusations, and the U.S. Congress, acting on its own, sought to impose economic sanctions on Baghdad as a violator of the Kurds' human rights.

Having looked at all the evidence that was available to us, we find it impossible to confirm the State Department's claim that gas was used in this instance. To begin with, there were never any victims produced. International relief organizations who examined the Kurds—in Turkey where they had gone for asylum—failed to discover any. Nor were there ever any found inside Iraq. The claim rests solely on testimony of the Kurds who had crossed the border into Turkey, where they were interviewed by staffers of the Senate Foreign Relations Committee. . . .

It appears that in seeking to punish Iraq, the Congress was influenced by another incident that occurred five months earlier in another Iraqi-Kurdish city, Halabjah. In March 1988, the Kurds at Halabjah were bombarded with chemical weapons, producing many deaths. Photographs of the Kurdish victims were widely disseminated in the international media. Iraq was blamed for the Halabjah attack, even though it was subsequently brought out that Iran too had used chemicals in this operation and it seemed likely that it was the Iranian bombardment that had actually killed the Kurds.

Thus, in our view, the Congress acted more on the basis of emotionalism that factual information, and without sufficient thought for the adverse diplomatic effect of its action.

Claim: Iraq must be attacked because it has ignored UN Security Council resolutions—these resolutions must be backed up by the use of force.

Reality: Iraq is but one of the many countries that have not complied with UN Security Council resolutions. In addition to the dozen or so resolutions currently being violated by Iraq, a conservative estimate reveals that there are an additional 91 Security Council resolutions by countries other than Iraq that are also currently being violated. Adding in older resolutions that were violated would mean easily more than 200 UN Security Council resolutions have been violated with total impunity. Countries currently in violation include: Israel, Turkey, Morocco, Croatia, Armenia, Russia, Sudan, Turkey-controlled Cyprus, India, Pakistan, and Indonesia. None of these countries have been threatened with force over their violations.

Claim: Iraq has anthrax and other chemical and biological agents.

Reality: That may be true. However, according to UNSCOM's chief weapons inspector 90–95 percent of Iraq's chemical and biological weapons and capabilities were destroyed by 1998; those that remained have likely degraded in the intervening four years and are likely useless. A 1994 Senate Banking Committee hearing revealed some 74 shipments of deadly chemical and biological agents from the U.S. to Iraq in the 1980s. As one recent press report stated:

One 1986 shipment from the Virginia-based American Type Culture Collection included three strains of anthrax, six strains of the bacteria that make botulinum toxin and three strains of bacteria that cause gas gangrene. Iraq later admitted to the United Nations that it had made weapons out of all three . . .

The CDC, meanwhile, sent shipments of germs to the Iraqi Atomic Energy Commission and other agencies involved in Iraq's weapons of mass destruction programs. It sent samples in 1986 of botulinum toxin and botulinum toxoid—used to make vaccines against botulinum toxin—directly to the Iraqi chemical and biological weapons complex at al-Muthanna, the records show.

These were sent while the United States was supporting Iraq covertly in its war against Iran. U.S. assistance to Iraq in that war also included covertly-delivered intelligence on Iranian troop movements and other assistance. This is just another example of our policy of interventionism in affairs that do not concern us—and how this interventionism nearly always ends up causing harm to the United States.

Claim: The President claimed last night that: "Iraq possesses ballistic missiles with a likely range of hundreds of miles; far enough to strike Saudi Arabia, Israel, Turkey and other nations in a region where more than 135,000 American civilians and service members live and work."

Reality: Then why is only Israel talking about the need for the U.S. to attack Iraq? None of the other countries seem concerned at all. Also, the fact that some 135,000 Americans in the area are under threat from these alleged missiles just makes the point that it is time to bring our troops home to defend our own country.

Claim: Iraq harbors al-Qaeda and other terrorists.

Reality: The administration has claimed that some Al-Qaeda elements have been present in Northern Iraq. This is territory controlled by the Kurds—who are our allies—and is patrolled by U.S. and British fighter aircraft. Moreover, dozens of countries—including Iran and the United States—are said to have al-Qaeda members on their territory. Other terrorists allegedly harbored by Iraq, all are affiliated with Palestinian causes and do not attack the United States.

Claim: President Bush said in his speech on 7 October 2002: "Many people have asked how close Saddam Hussein is to developing a nuclear weapon. Well, we don't know exactly, and that's the problem . . ."

Reality: An admission of a lack of information is justification for an attack?

Also worth mention:

President Bush claimed that our deposing Saddam Hussein . . .

Mr. LANTOS. Madam Speaker, I yield 6 minutes to the gentleman from New York (Mr. ACKERMAN), a member of the Committee on International Relations.

Mr. ACKERMAN. Madam Speaker, the President continues to make his case before the Congress, before the American people, and before the United Nations to garner support and legitimacy in the case against Saddam Hussein. There is no question about any of the facts the President has cited in making the case for urgent action against the threat posed by the Iraqi current regime.

Only the deliberately obtuse can doubt that Saddam Hussein is a murderous, rapacious dictator with an addiction to aggression, and a long record of gross miscalculations.

Since seizing power and killing all of his domestic rivals, Saddam spent the entirety of his rule either committing acts of gross unprovoked aggression, preparing for war, conducting war, brutalizing his own countrymen, or committing crimes against humanity.

Madam Speaker, if we believe there is good in the world, surely we must recognize that there is also evil. Saddam Hussein is pure evil. The litany of Iraq's bad behavior is very familiar, and there is no real question about Iraq's appetite for weapons of mass destruction and his thirst for nuclear weapons. We know beyond a shadow of doubt that even after defeat in the Gulf War, and even while the United Nations inspectors were attempting to verify Iraq's United Nations mandated disarmament, Saddam Hussein's regime continued his covert and comprehensive plans to acquire those weapons and the means to deliver them.

All of these facts are established and known, and the President made them all very clear last night. The single question we must answer, the single decision from which all other decisions will naturally descend is what to do about this threat. It is grave. It is immediate, and it will not satisfactorily resolve itself without action. We cannot simply hope that Saddam Hussein will be deterred. He has shown himself to be an inveterate and dangerous gambler.

We cannot simply hope that Saddam will not share weapons of mass destruction technology with terrorists. We know al Qaeda elements have already been at work soliciting Iraqi aid in this field. We cannot simply hope that U.N. inspections will rout out Saddam Hussein's weapons of terror. We know that he has defeated inspections for 10 years and is prepared to risk his regime in order to preserve them.

Madam Speaker, hope is not a plan; nor will hope ensure our national security. I believe that we all want a nonviolent resolution to this problem.

□ 1430

As the President said last night, "Military action is not imminent or unavoidable."

Madam Speaker, it is not our first choice, but the only way for us to be clear about Saddam's obligation is for us to speak with one voice. Madam Speaker, we have fought wars that we have not declared, and we have declared wars that we have not fought. Let us hope that this is one of the latter.

I believe that authorizing the President to use force, if necessary, is the best way to avoid war and is the best way to make clear that preservation of peace depends on Iraq's compliance with its obligations. But if we must use force, then the central issue to my mind is how to secure the greatest and the broadest international endorsement for our proposed course of action.

Madam Speaker, since World War II, the United States, on the basis of broad bipartisan consensus, has been leading the world through the creation of a system of international security based on shared norms and institutions. The international order our Nation has established and sustained since the presidencies of Roosevelt and Truman and Eisenhower, the so-called Pax Americana, has succeeded for decades because it has been perceived internationally as legitimate and is not just self-interested. The peace of the Americans, not just the peace for the Americans.

The goodwill that we have built up for decades is not simply the product of our support for democracy and free markets but rather our enduring and substantial material support for international institutions such as the United Nations and NATO and, through them, our commitment to international cooperation in the pursuit of global security. The global idea that we are all in this together has enabled our country to lead for decades without any significant backlash.

The real questions that we should be asking are not about whether something should be done about Iraq. Something must be done. Our national security requires it. The key questions that remain are about international order and our relationship with the rest of the world.

The President's speech to the U.N. seemed to be the first step in our effort to build a coalition. Last night's speech was another. These were necessary efforts, and we must continue. Because a preventative war devoid of any sort of international consensus is not a precedent that we choose to establish. Our Nation used to refer to that kind of project as aggression. Like it or not, we will need the international community when and if the time comes for the reconstruction of Iraq.

But beyond our efforts in Iraq, we continue to need the international support for the war on terror. We cannot scorn international concerns and reservations without lasting harm to our larger and longer-term objectives.

While I am prepared to endorse the President's request for authorization to use force to respond to the threat by Iraq, I continue to have grave concerns about the administration's complete failure to explain what an unsupported war on Iraq will do to our efforts to establish a stable global order. I continue to have grave concerns about the administration's complete failure to explain how an unsupported war in Iraq will advance international cooperation in the war on terror. And I continue to have grave concerns about the administration's complete failure to explain how we will restore a post-Saddam Iraq to the family of nations.

Madam Speaker, all that being said, we must recognize Saddam Hussein's regime is a reign of evil, promising the world nothing but terror and death. A decent people have an obligation to confront evil in its womb.

Madam Speaker, I will support the resolution, but I fear that defeating Iraq and deposing Saddam are likely to be orders of magnitude much easier than repairing a potential breach in international perceptions about our Nation's intentions and our values.

Mr. GILMAN. Madam Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Madam Speaker, I thank the gentleman for yielding me this time.

Over the next few days, this House is taking up yet another momentous decision in a session that is sadly full of historic challenges. The American people are watching and listening to our debate today. History is watching and listening to our debate today. And make no mistake, the Iraqi regime is watching and listening and weighing our words carefully.

This debate can be a debate in the highest and best sense of that term, a serious exchange of ideas and opinions. That is the only opinion, that is the only mechanism that will do justice to this body, a body that has all too often been saddled with great and momentous decisions.

But for that debate to be potentially realized, however, we must understand what our resolution is about and what it is not about. Despite what a misguided few will argue over these next few days, we are not debating a choice between war and peace. If it were only that simple.

Make no mistake, I stand for peace, firmly and proudly. The real peace coalition is more than a handful of members who give themselves that label in the media. The real peace coalition is comprised of nearly everyone in this body today. As Americans we must all stand for peace.

The real issue before us is how we secure that peace in the long run, peace for our children and peace for their children. The real debate is over what means will give us the best chance to stop a gathering storm in the terrorist world.

There are some in this House and some in this Nation who are ready to put their faith solely in diplomacy. They believe that, given more time, there will be more discussion and more parley and somehow that can produce a result that it has not yet produced in the course of more than a decade.

Others of us, I think most of us, would dearly like to put our faith in diplomacy alone, but we know that history does not allow us the easy way out, neither the history of our dealings with this tyrant nor the even dimmer and longer-term history of containment and appeasement. The gentleman from California (Mr. LANTOS) and the gentleman from Illinois (Mr. HYDE) have painted that picture all too well, I am afraid.

I support the resolution before us because I believe it strikes the right balance. It specifically requires the pursuit of diplomacy. In a civilized world like ours, diplomacy should always be the first path chosen, but it also backs that talk up with the threat of serious action. The resolution wisely faces the reality that a tyrant aimed at gamesmanship and amassing power instead of living up to universally accepted obligations is unlikely to take diplomacy very seriously without the potential for enforcement waiting in the wings. Under this resolution, the President must first determine that peaceful means cannot accomplish our goals.

If we have learned anything over this decade, it is surely that Saddam Hussein will do everything he can to manipulate the diplomatic process for his own nefarious advantage. This is exemplified by his recent announcement that he will permit "unconditional" weapons inspections to resume but only if they do not include 12 square miles of his presidential palaces and thousands of buildings.

He has hidden behind diplomacy, while continuing to develop his weapons of mass destruction. He calls for more negotiations, while firing thousands of times at coalition planes in the no-fly zones. He cynically declares to the civilized world he would never support terrorism, and yet we know every day more and more why that is not true.

We cannot ignore this history. We dare not ignore this history. Yet some would put all their faith in diplomacy. Others of us would like to put our faith in diplomacy alone, but, again, we are all too aware of its shortcomings. Force or the threat of it seems to be the only language Saddam Hussein understands. It is how he speaks, and it is the only way he listens. Diplomacy without the threat of force I am afraid is sure once again to get lost in the translation, the translation between the civilized world and the savage mind of Saddam Hussein.

The resolution pushes diplomacy. It requires diplomacy. But, thankfully, it empowers diplomacy. This is how, God willing, we can secure real and lasting peace for our children and grandchildren.

Mr. PAYNE. Madam Speaker, I yield 5½ minutes to the gentlewoman from Wisconsin (Ms. BALDWIN), a member of the Committee on the Judiciary and the Committee on the Budget.

Ms. BALDWIN. Madam Speaker, I rise today in opposition to this resolution to authorize the President of the United States to go to war with Iraq in a unilateral first strike.

It is clear that Saddam Hussein has been and continues to be a threat to Iraq's neighbors and to all peace-loving nations. The United States and the United Nations have recognized the dangers posed by his pursuit of nuclear, biological, and chemical weapons. The very existence of these types of weapons in our world is exceedingly dangerous. They are dangerous in the hands of a dictator like Saddam Hussein, but they are also dangerous stockpiled in the former Soviet Union. They are dangerous even in our own stockpiles. Control and destruction of weapons of mass destruction are essential to our national security and to world security.

The world has wisely taken action to proactively address this threat, and I am proud that the United States has been a leader in addressing the threat of weapons of mass destruction. Right now, the United States is spending $1 billion per year to prevent the proliferation of these weapons, but we must do more.

The question before the world today and the Congress of the United States is, what steps do we take to ensure that Iraq does not use weapons of mass destruction? The President has indicated a willingness to work together with the United Nations to renew international inspections and the disarmament process. We must let this process begin, and we must do everything we can to ensure that it succeeds.

In the absence of an imminent threat to the United States, in which case the President, as Commander-in-Chief, already has the legal authority to respond, but in the absence of an imminent threat, working with our allies and other nations to address this threat is the appropriate way to proceed.

The administration's skepticism about Iraq's agreement to allow weapons inspectors without conditions is understandable. However, we must allow weapons inspections a chance to proceed before concluding that they have failed. The world community is with us in demanding inspections and disarmament. Establishing an inspection process that is complete, thorough and comprehensive can be done, but it will require resources and it will require our determination and it will require the active cooperation of our allies and the world community.

War against Iraq should not be our first choice but rather our very, very last resort. The United States has many tools, I mean many tools, to address the threats of weapons of mass destruction. Absent an imminent threat, we must exhaust our other tools before hauling out the machinery of death and destruction, and there are alternatives between doing nothing and declaring war.

It is our responsibility to address the threat to the safety of Americans and our allies from Iraq. Nothing is of greater concern to a Member of Congress than the health and safety of our citizens. A military first strike on Iraq, absent the support of the international community, may be more dangerous to our citizens than using means short of war. War against Iraq could further destabilize the Middle East. War against Iraq could make it more likely that weapons of mass destruction are used on our civilians. War against Iraq could endanger our allies in the region. War against Iraq could reinforce anti-American extremism and terrorism recruitment. It is absolutely essential to weigh these costs of war, also.

The President's case for war emphasizes the potential threat from Iraq, while minimizing the dangers inherent in military action targeted at a regime change. War is far from risk free. In fact it may be far more dangerous an option to American security.

A rat backed into a corner will fight, not surrender. If Saddam Hussein has no other option, he is more likely to use weapons than under our current containment policy. He could use them against American troops. He could use them against Israel. He could use them against the Kurds in northern Iraq. He may even decide that, with nothing to lose, why not give them the weapons to anti-American terrorists.

Madam Speaker, we should be very aware that Iraq's neighbors are not clamoring for us to attack. They understand the danger of war with Iraq.

An attack on Iraq would likely be perceived by some as an attack on Islam, generating more anti-Americanism and encouraging radical fundamentalism. The precedent set by a go-it-alone first strike would shape the future of this century. Is that how we will approach the nearly 30 other countries that possess or are developing the weapons of mass destruction or the means to deliver them? And how will we speak with any moral authority to other sovereign nations who seek to take things into their own hands against other states they see as threats?

Madam Speaker, issues of war and peace are never easy. The decision we will make will shape our century. I do not know what the future will bring. However, I firmly believe that we must pursue diplomacy and every other tool first. War with Iraq now is not the answer.

Madam Speaker, I rise today to oppose this resolution to authorize the President of the United States to unilaterally go to war with Iraq.

It is clear that Saddam Hussein has been and continues to be a threat to Iraq's neighbors and to all peace-loving nations of the world. The United States and United Nations have recognized the dangers posed by his pursuit of nuclear, biological and chemical weapons. The very existence of these types of weapons in our world is exceedingly dangerous. They are dangerous in the hand of a dictator like Saddam Hussein. They are also dangerous stockpiled in the former Soviet Union. And they are dangerous even in our stockpiles. Control and destruction of weapons of mass destruction are essential to our national security and world security.

The world has wisely taken action to proactively address this threat. I am proud that the United States has been a leader in addressing the threat of weapons of mass destruction. Right now the United States is only spending $1 billion per year to prevent the proliferation of these weapons. We must do more.

The question before the world today and the Congress of the United States is: what steps do we take to ensure that Iraq does not use weapons of mass destruction? The President has indicated a willingness to work together with the United Nations to renew international inspections and the disarmament process. We must let this process begin. And do everything we can to make sure it succeeds.

In the absence of an imminent threat to the United States (in which case the President already has the necessary legal authority as Commander-in-Chief to respond) . . . in the absence of that imminent threat, working with our allies and other nations to address this threat is the appropriate way to proceed.

The Administration's skepticism about Iraq's agreement to allow weapons inspectors without conditions is understandable. However, we must allow weapons inspection a chance to proceed befor concluding they have failed. The world community is with us in demanding inspections and disarmament—we should do all we can to make them effective. Establishing an inspection process that is complete, thorough and comprehensive can be done. It will require resources. It will require determination. And it will require the active cooperation of our allies and the world community.

War against Iraq should not be our first choice, but rather our last resort. The United States has many tools to use to address the threats of weapons of mass destruction. Absent an imminent threat, we must exhaust our other tools before hauling out the machinery of death and destruction. And there are alternatives between doing nothing and declaring war.

The President has articulated his case against Iraq by citing the danger posed by its weapons of mass destruction. He has envisioned a Middle East dominated by a nuclear-armed Iraq, bullying its neighbors, blackmailing the region, threatening the United States, and arming terrorists. I believe the United States and the United Nations should take actions to prevent this nightmare scenario from occurring.

It is our responsibility to address the threat to the safety of Americans and our allies from Iraq. Nothing is of greater concern to a Member of Congress than the health and safety of our citizens. A military first strike attack on Iraq, absent the support of the international community, may be more dangerous to our citizens than means short of war. War against Iraq could further destabilize the Middle East. War against Iraq could make it more likely that weapons of mass destruction are used on civilians. War against Iraq could endanger our allies in the region, like Israel and Turkey. War against Iraq could reinforce anti-American, extremism and terrorist recruitment. It is absolutely imperative to weigh these costs of war against the threat.

The President's case for war emphasizes the potential threat from Iraq, while minimizing the dangers inherent in military action targeted at a regime change. War is far from risk free. In fact, it may be a far more dangerous option.

A rat backed into a corner will fight, not surrender. If Saddam Hussein has no other option, he is more likely to use these weapons than under our current containment policy. He would use them against American troops. He would use them against Israel. He would use them against the Kurds in northern Iraq. He may decide that with nothing to lose, why not give the weapons to anti-American terrorists.

Madam Speaker, we should be very aware that Iraq's neighbors are not clamoring for us to attack. They understand the danger of war with Iraq.

An attack on Iraq would likely be perceived by some as an attack on Islam, generating more anti-Americanism and encourage radical fundamentalists.

In addition to the military dangers posed by an invasion of Iraq, we must consider the post-war challenges. Rebuilding Iraq will be a major challenge that will take many years and a great deal of money. There is no history of democratic government in Iraq. The Iraqi opposition is disorganized and divided, despite U.S. efforts to pull them together. The economy and infrastructure is in ruins after years of war and sanctions.

If we look at previous wars and occupations that the United States has undertaken, success has meant an extended commitment of time, resources and American forces. We did successfully rebuild Europe and Japan after World War II. It has been an unqualified success. Yet more than fifty years later, we still maintain military forces on their soil and in their defense. Are we prepared to keep 100,000 or more troops in Iraq to maintain stability there? If we don't, will a new regime emerge? If we don't, will Iran become the dominant power in the Middle East? If we don't, will Kurdish separatists declare a new state, destabilizing our NATO ally Turkey? Will Turkey react? If we don't, will Islamic fundamentalists take over Iraq? We cannot know what will happen in a post-war Iraq, but all of the good outcomes clearly require a substantial U.S. commitment, far more than any other in the region, even Afghanistan.

International law is clear in reserving for a sovereign nation the right to self-defense. It is also generally accepted that this right of self-defense extends to a preemptive attack in the case of an imminent threat. Thus, should Iraq pose an imminent threat to the United States, we would be justified in taking preemptive action. The President has not made the case that an imminent threat exists. Instead, he has made a much broader and more troubling argument: that we are unlikely to ever have enough evidence of an imminent attack from Iraq and therefore must act now. The fundamental problem with this line of reasoning is that it blurs the standard of evidence required to justify a preemptive attack under international law, undermining the ability of the world community to maintain peace and security.

The precedent set by a go-it-alone first strike would shape the future of this century. Is that how we will approach the nearly 30 other countries that possess or are developing weapons of mass destruction or the means to deliver them? And how will we speak with any moral authority to other sovereign nations who seek to "take things into their own hands" against other states they see as threats?

Absent an imminent threat, it is imperative that we build a strong case for taking preemptive action against Iraq. The standard of evidence must be high, not low. The best way to build a convincing case is to work with the world community to build that case. Coercive weapons inspections will help us build that case in two ways. If Saddam Hussein cooperates, even reluctantly, we will know far more about his weapons capability and the threat. We will also be able to disarm him of all that we find. If Saddam Hussein refuses to cooperate, or undermines the work of the inspectors, the world will be more willing to accept a military solution. A coercive inspections effort over the next several months will strengthen our ability to deal with the threat.

The President should be commended for going to the United Nations last month to urge a resumption of the inspections. We should work with our allies and other nations to implement a strong inspections program. The goal of these inspections should be to find all weapons of mass destruction and disarm Iraq. I believe that the United Nations Security Council would support a strong inspections program that meets the goals articulated by the President.

I believe it is a mistake to demand that the Security Council authorize the use of force now, just as I believe the U.S. Congress should not authorize the use of force today. We should move forward as quickly as possible with unconditional inspections. Authorizing the use of force to enforce these inspections and disarm Iraq should come after our diplomatic efforts have been attempted and found to fail. They may fail. But they also may succeed. And they are more likely to if it is a united world against Saddam Hussein instead of the United States and Britain on our own.

Madam Speaker, issues of war and peace are never easy. The decision we make will shape this century. I do not know what the future will bring. However, I firmly believe that we must pursue diplomacy and every other tool first. War with Iraq now is not the answer.

□ 1445

Mr. GILMAN. Madam Speaker, I am pleased to yield 3 minutes to the gentlewoman from Virginia (Mrs. JO ANN DAVIS), a distinguished member of our Committee on International Relations.

Mrs. JO ANN DAVIS of Virginia. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, I rise today in support of the resolution on the use of force in Iraq. This resolution may very well determine where America's future lies, and I do not take this responsibility lightly.

I fully understand what it will mean to watch the carriers leave port in Virginia, or see the men and women leave the many military bases that I represent back home.

This vote may send them in harm's way, in defense of liberty and freedom; and that is a very heavy weight to carry. However, we cannot forget the attack that struck America over a year ago, and we must act to ensure that our way of life is protected and preserved.

It has been asked almost in unison across America how that fateful day last year could have been avoided. The answer is simple: we do not avoid these disasters; we prevent them. I support this resolution because I firmly believe that prevention is the only way to preserve our way of life, and a regime change in Iraq is necessary to restore global peace.

I believe that if we do not remove Saddam Hussein and his regime from power and bring liberation to Iraq, the terrorist attacks of last year will simply serve as a preamble to countless acts of terrorism across American soil.

We are certain that Iraq has continued with development of nuclear, biological and chemical weapons; and we know of their effectiveness. Hussein's maniacal use of these agents on his own people proves not only his disregard for human lives, but also proves their effectiveness. He has killed thousands in his very own country.

We know that without intervention, Iraq's weapons programs will only increase and improve; and the longer we wait to intervene, the more seriously our troops will be threatened by Iraq's nuclear, biological, and chemical warfare programs. The possibility of Hussein having long-range nuclear capabilities in the near future is very, very real.

America cannot afford to allow its people to live in a world where Iraq has nuclear weapons. Saddam Hussein is the world's most dangerous terrorist; and as the attacks of last year have shown, terrorists do not consider the consequences. America must prevent these disasters before they happen and ensure that nuclear war never enters the pages of 21st-century history.

America's Iraqi policy of containment must be replaced with a policy of prevention. We must prevent future disasters by disarming Saddam Hussein of his nuclear, his chemical, and his biological weapons and overthrowing his regime.

Madam Speaker, I urge all my colleagues to support our President and to support this resolution.

Mr. LANTOS. Madam Speaker, I am delighted to yield 7 minutes to my good friend, the gentleman from Tennessee (Mr. CLEMENT), one of our leaders in the field of foreign policy and national security.

Mr. CLEMENT. Madam Speaker, to my good friend and colleague, the gentleman from California (Mr. LANTOS), a visionary thinker and planner, and also one that is a Holocaust survivor, our only one in the U.S. House of Representatives, I rise in support of the resolution before us today. As a veteran, I understand the importance of this vote and the enormous impact it may have on the men and women who serve in our Armed Forces and their families, as well as our country and our world.

As debate on this issue has progressed over the last several months, I have repeatedly heard one concern from the citizens of Tennessee: exhaust diplomatic alternatives first; engage the international community before taking any military action.

Let me say for the record that I am pleased that the resolution does not call for the U.S. to act alone. Quite simply, this resolution makes clear the convictions of Congress that the President should pursue all diplomatic options first; but if Iraq resists diplomatic solutions, then the President is authorized to use all necessary means to enforce U.N. Security Council resolutions.

I believe the language in this resolution offers a balanced approach that is limited in scope and specific in its goals. This resolution gives the President the flexibility he will need, while ensuring that Congress is consulted and has a meaningful role.

Most importantly, it reflects the importance of putting diplomacy first and working with the international community to address the Iraqi threat. While we must pursue a diplomatic solution, we cannot afford to ignore the threat Saddam Hussein poses to his neighbors and to our national security.

According to the terms of the 1991 cease-fire that ended the Persian Gulf War, Iraq was required to destroy its stockpiles of chemical and biological weapons and stop its development of nuclear weapons.

Before the Gulf War, the U.S. intelligence community estimated that Iraq was between 5 and 10 years away from building a nuclear weapon. However, when international inspectors went in after the war, they discovered that Iraq was less than a year away from building a crude nuclear device. In fact, the inspectors found that Iraqi scientists had crafted a workable weapon design and were very close to refining enough heavily enriched uranium to produce a nuclear bomb.

Fortunately, over the course of the next 7 years of internationally supported weapons inspections, Iraq's nuclear program was largely wiped out. But in 1998 the Iraqis stopped cooperating with U.N. mandates and Saddam threw out the weapons inspectors.

Since that time, our intelligence indicates that Saddam has moved quickly to reconstruct his nuclear program. He has hired 200 nuclear Ph.D.s and 7,000 technicians to build a nuclear bomb and has tried to obtain nuclear components from the black market; and he has continued to stockpile huge quantities of chemical and biological weapons, including mustard gas, VX nerve gas, sarin gas, and anthrax.

Hussein's pursuit of these weapons of mass destruction presents a clear and present danger to U.S. national security, and disarmament of his regime must be our top national priority.

Unlike the Gulf War in 1991, we are not dealing with a threat posed by Iraq's conventional forces. Iraq's military has largely been contained and isolated and is unprepared to take the kind of aggressive action it did against Kuwait in 1990. The danger we face from Iraq is much more dire, because it involves Iraq's pursuit of weapons of mass destruction which could devastate our Nation on a scale that we have never seen before. And the longer we wait, the greater the chance is that Saddam Hussein will turn over his weapons of mass destruction to al Qaeda or other terrorists who share his hatred of the United States.

We know that Osama bin Laden and al Qaeda seek weapons of mass destruction to kill innocent Americans in large numbers and destroy our way of life, and we know Hussein is working around the clock to build his nuclear capacity.

How long will it be until these two forces join together against the United States? If we wait until we are attacked, the loss of life could be devastating. The detonation of only one nuclear device in a highly populated urban area could cause the deaths of tens of thousands of people. This is an unacceptable threat to our national security, and we must do everything we can to disarm his regime immediately.

We have given Saddam Hussein 11 years to comply with United Nations resolutions, and he has chosen not to do so. Saddam Hussein has defied the international community for far too long. Diplomatic efforts have failed. Economic sanctions have failed. Saddam has thumbed his nose at the international community for more than a decade by ignoring U.N. Security Council resolutions that required him to disclose his weapons stockpiles, to disarm, and to cut ties to terrorist groups.

The time is now for Saddam Hussein to live up to the 16 U.N. resolutions he has defied. This is Iraq's last chance. Confronting Saddam Hussein now is a necessary step to rid the world of his deadly potential. Saddam must clearly understand that swift and decisive force will be the automatic consequence, should he continue to ignore and avoid the inspections regime he agreed upon.

Madam Speaker, I remain hopeful that we will see a diplomatic solution, but we must be prepared to act if those efforts fail. There is no more difficult decision that we as Members of Congress are called upon to make than a decision to authorize the President, the Commander in Chief, to put the men and women of the United States military into battle. Each Member of Congress must make this decision according to his personal conscience and his sense of what is best for the securities of the people of the United States of America. For my part, I have made that decision. We must be prepared to use force if diplomacy fails.

Mr. GILMAN. Madam Speaker, I am pleased to yield 4 minutes to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Madam Speaker, the gentleman from California (Mr. LANTOS), the gentleman from Illinois (Chairman HYDE), and the gentleman from New York (Mr. GILMAN) and others have done outstanding work on this resolution; and I commend them.

Madam Speaker, I want to apply hindsight. Hindsight inevitably is 20–20. But as I apply hindsight, my train of thought reverts to the Second World War. I wonder aloud how, if there had been four or five or even two or three additional Winston Churchills who would have dared stand up to Adolf Hitler, would the Second World War have been averted. Perhaps. I think certainly its impact would have been diminished if that had occurred.

Saddam Hussein, in my opinion, is the modern day version of Adolf Hitler.

I have read that he is not as astute as Hitler. I do not know their respective intelligence quotients; but I do believe that Saddam is as brutal, as wicked, and as evil as Adolf Hitler was.

The time for us to act is now. As the President told us last evening, Saddam and his thugs are not only willing to do us in, they are eager to do us in; and that distaste is shared by sizable numbers around the world.

I am pleased, Madam Speaker, that President Bush last evening made it clear that we Americans are friends of the Iraqi people. This is not an effort to be adversarial to those people. They are the victims of this schoolyard bully; and Saddam, not unlike the schoolyard bully, has no respect for anyone. They are afraid of him.

I think many of the Arab states would like to see him removed, but they do not want their fingerprints on it. If he is in fact removed, I think they would silently applaud enthusiastically.

I was in the Middle East recently, Madam Speaker, and was confronted by a journalist who accused President Bush of being abusive to Saddam Hussein. I reminded that journalist that it was not President Bush who was being abusive, but that Saddam himself had been ruthlessly abusive, not only to others, but to his own people. The journalist did not respond to me, because he knew I was speaking factually and accurately.

The time to act is now. I am uneasy when I think about nation building, because that could involve disastrous results. But the point is, and we need to drive this home, that nation building can be avoided with mere compliance. All Iraq must do is comply with the U.N. resolutions is to permit these inspectors back in, unfettered, no strings attached, in full view; and if this is done in a compliant manner, I see no need for war.

□ 1500

President Bush himself last evening said, this is avoidable. It lies upon his table, and he can act accordingly. I urge him to do so. We do not want war. I think most people do not want war. But the time to act is now. Because, not unlike Hitler, if he is permitted to continue to defy the U.N., to violate this resolution or that resolution, who knows when he may well attack?

Madam Speaker, the time to act is now.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. CAPITO). The Chair notes a disturbance in the gallery in violation of the Rules of the House and directs the Sergeant-at-Arms to restore order.

Mr. PAYNE. Madam Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the chairperson of the Congressional Black Caucus.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I thank the gentleman from New Jersey for yielding me this time.

I rise before my colleagues today with a high degree of frustration as we consider the grave prospect of authorizing the President to send our uniformed men and women into military action in Iraq. I believe I speak for all Members of Congress when I say that I am awed by the moral weight of this decision. We all know that any military action would likely lead to an immediate and substantial loss of human life and have untold implications on the security of our Nation in years to come.

Madam Speaker, no one desires to be on the opposite side of our President in times like these, but I regret to tell my colleagues that I am unable to support this resolution in its present form. I would like to add to the RECORD the statement issued by the Congressional Black Caucus outlining specific principles we believe must be addressed before military action should occur:

"We oppose a unilateral, first-strike action by the United States without a clearly demonstrated and imminent threat of attack on the United States.

"Only Congress has the authority to declare war.

"Every conceivable diplomatic option must be exhausted.

"A unilateral first strike would undermine the moral authority of the United States, destabilize the Middle East region and undermine the ability of our Nation to address unmet domestic priorities.

"Further, any post-strike plan for maintaining stability in the region would be costly and require a long-term commitment."

Madam Speaker, I believe that the President has failed to address these principles.

There is no doubt that Saddam Hussein's regime poses a threat to the Iraqi people, to his neighbors in the Middle East, to the United States, and to the world at large with his biological and chemical weapons and his nuclear program ongoing. For this reason, I cannot unequivocally count future military action out in the face of this legitimate threat.

However, I strongly believe that the most effective way of combating this menace is by solidifying the support of the international community and acting within the auspices of the United Nations, not by acting unilaterally.

In the 1990s, we made significant progress in conjunction with our international allies through the United Nations weapons inspection program which led to the destruction of 40,000 chemical weapons, 100,000 gallons of chemicals used to manufacture weapons, 48 missiles, 30 warheads, and a massive biological weapons facility equipped to produce anthrax.

Inspections are a proven, nonviolent, and internationally supported method of thwarting Iraq's acquisition of weapons material and technology. What is more, a clear majority of the American people want us to give the inspectors the opportunity to work before we take military action.

To this end, I am not convinced that giving the President the authority to launch a unilateral, first-strike attack on Iraq is the appropriate course of action at this time. While I believe that under international law and under the authority of our Constitution, the United States must maintain the option to act in its own self-defense, I strongly believe that the administration has not provided evidence of an imminent threat of attack on the United States that would justify a unilateral strike.

I also believe that actions alone, without exhausting peaceful options, could seriously harm global support for our war on terrorism and distract our own resources from this cause.

I am disappointed that those who favor this resolution make no mention of the long-term commitment for nation-building that will be necessary in order to maintain stability in the Middle East region following an attack on Iraq. Thus far, this administration has not made public any plans for our role in Iraq in the years to come, if not decades, after the attack.

I cannot imagine that any of us believe this administration and our Nation is prepared to orchestrate and assume the entire financial burden of economic reconstruction, democratization, and nation-building that would be necessary to stabilize post-conflict Iraq. Let us not forget that this Congress would have to authorize aid for this long-term task at a time when we are still engaged in the Balkans and have only recently started to help in Afghanistan.

Furthermore, our Nation's economic recovery demands our immediate attention; and I am disturbed by reports that our Nation's poverty rate, joblessness, and health care costs continue to rise at the same time personal wealth and retirement savings are being desecrated. I fear the prospect of military action in Iraq will further distract our attention from an ominous economic outlook.

So, before we undertake military operations in Iraq, we must ask ourselves some very basic questions:

Does a war with Iraq improve our national security?

Does it allow the United States to make peace through the power of our example?

Does it allow us to focus on the economic suffering of our own people?

Madam Speaker, I believe the answer is a resounding "no." Therefore, I regret that I cannot vote with the President for this resolution.

Mr. BEREUTER. Madam Speaker, it is my pleasure now to yield 5 minutes to the distinguished gentleman from New York (Mr. HOUGHTON), a valued member of the Committee on International Relations.

Mr. HOUGHTON. Madam Speaker, I thank the gentleman from Nebraska for yielding me this time.

The American people are now going to experience a wonderful and lengthy debate, something that is just absolutely essential for this country, and they will have their fill of it.

I want to stand here, though, and say that in 1944 I enlisted in the Marine Corps. I voted for Desert Storm. I have always felt that the first dollar of Federal money should go into defense, to be able to protect our country. But I am prepared to vote against this resolution. This is a sad day for me, because I want to support my President. I admire him greatly. But I guess, with thousands of votes which we make over the years, I have found that conscience is probably the best thing to follow and is most honest if one is going to be true to one's self, if not always politically popular.

Following September 11 of last year, we were told that terrorism is the enemy. We have to get rid of al Qaeda. We have to take out Osama bin Laden. We have to eliminate the pockets who hate Americans. We have to rebuild Afghanistan. Secondly, we were told that to win the war against terrorism, our main objective, it required the cooperation of our allies around the world. And I bought that, and the President spelled it out very clearly and very eloquently.

But now we hear that the priorities have changed and that Iraq is the prime target. Saddam Hussein is a bad man, he has horrible weapons, and I believe all of that. But as a single-minded believer I asked, what does this have to do with September 11? There is very little evidence that Iraq had anything to do with the attack on September 11 or on terrorism itself. As a matter of fact, probably Saddam Hussein and Osama bin Laden are mortal enemies. One is from a secular country and the other is a religious fundamentalist.

Now, I happen to be a hawk on Iraq. Saddam Hussein is bad, and some day we should deal with him. But, right now, the security of the American people is at stake, and I believe we must fight terrorism in its emerging and subtle forms.

So, I see that, without finishing what we started to do and with no intimate knowledge that there is nuclear weapons at hand or that there is a relationship to terrorism, why is it that we refocus our objectives? It is hugely costly. We are not backed by some of our key allies, and we potentially can unleash even more of the thing which we are fighting: terrorism.

I met with some Arabs the other day, with a group of Israelis and Arabs who were talking about the Middle East, and they said, the Iraqis in general hate Saddam Hussein, but they hate the United States even more.

So Iraq is now one of the only secular countries in that region. And the Sunnis and the Shiites could create such a mess following a war that we could find ourselves against a religious fundamentalist state that could develop, where that is not the case now.

The bill here today says that the President, "is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate."

Now, I have great respect for this President. He is an unusual man. And he may be right. We do not know. This is all the future that we are dealing with.

But I am given the opportunity as a Congressman to express my feelings and to cast my vote; and I, frankly, feel uncomfortable. Unilateralism scares me. We have not shown a lot of patience. Our goal as a Nation is to bring people together, not divide them. This is not going to be a cakewalk. People fighting for their own country fight, just differently. And what about the dire Arab-Israeli or Palestinian—Israeli situation?

I think we have the cart before the horse. I think the U.N. ought to do its will first. Frankly, I feel that a right decision at the wrong time is a wrong decision; and somehow we must finish our war on terrorism before we take on another fight.

Mr. LANTOS. Madam Speaker, I am pleased to yield 4 minutes to my good friend, the gentleman from Florida (Mr. DAVIS), a valued member of the Committee on International Relations.

Mr. DAVIS of Florida. Madam Speaker, I thank the gentleman for yielding me this time.

I rise in support of this resolution.

I intend to support the resolution for three reasons.

First, I believe the President needs, as has been said by a number of speakers, the credible threat of force to maximize the chances of negotiating a peaceful settlement to disarm Saddam Hussein through the United Nations.

Secondly, I believe that we should at least attempt, if necessary, to use military force to back up an attempt to inspect and disarm. Obviously, Saddam Hussein has been very difficult to deal with in the past, and a more muscular form of inspection may be a further way to avoid a more broad military attack.

Finally, if Iraq fails to disarm and then, in fact, if it is clear that Iraq poses a likely risk of serious harm to this country, I believe we should be prepared to defend ourselves by the use of force as a last resort.

I think it is important to point out that this very difficult decision before us today has been made more difficult by the mismanagement of this issue by the Bush administration in the days leading up to this. Originally, the presentation by the White House was very much of a unilateralist tone and, as the previous speaker mentioned, many Americans, many Members of Congress have had difficulty recovering from that initial misstep. I am pleased that the resolution reflects a change in heart by the President to work with our allies through the United Nations.

Secondly, it was originally suggested to the Congress and the country that there was some additional information that made the risk of Iraq to the United States imminent. This also proved ultimately to be incorrect. There was no additional information of a heavily significant nature in terms of the level of risk that Saddam Hussein posed to this country, and I personally do not believe the case has been made that the threat is imminent.

I do believe the case has been made that the threat is significant and, if we do nothing, it will grow; and that is one of the reasons why I support acting. But the case of regime change, based on any additional information and the allegation of the NSC, has not been made.

Finally, all of the tone coming out of the administration in the early days was force as a first resort, not as a last resort. That is not what has made this country great. It is our strength and our wisdom that has allowed us to succeed and enjoy the moral authority that we enjoy today.

I am pleased that, as recently as last night, the President has changed his tone and is saying correctly that force should be used as a last resort, and the resolution reflects that as well.

☐ 1515

But let me add, I think we can do better. It would be my intention to continue to pursue an amendment to this resolution similar to what I offered in the Committee on International Relations. That amendment borrowed from the proposal of the chairman of the Senate Foreign Relations Committee, Senator LUGAR, supported then by Senator HAGEL.

What that amendment provided for was that before the President would use force, in the event the United Nations was not successful in negotiating disarmament, that the President must make a determination and a declaration to Congress and the American people that the risk that Iraq posed to our country was so great as to justify the use of military force.

I believe that higher standard, that moderation, is what will help bring this Congress together to give the President the tools he needs to do his job and to demonstrate that what we are acting with is a combination of strength and wisdom.

Secondly, and most troubling of all, we should adopt an amendment that clarifies that the mission of the United States of America and our allies is to disarm Saddam Hussein, not to engage in regime change. The way the resolution is currently written, it is far from clear, it is far from precise, that the Security Council resolutions that we are authorizing the President to enforce through force deal strictly with disarmament.

These two changes should be adopted to make the resolution stronger, more precise, and more clear. For that reason, I hope the House will take that amendment up later in the action.

Mr. BEREUTER. Madam Speaker, it is my pleasure to yield 3 minutes to the distinguished gentleman from Indiana (Mr. KERNS), a valued member of the Committee on International Relations.

Mr. KERNS. Madam Speaker, we are faced today with an important decision regarding Iraq, a decision that we wish were not before us; but we cannot simply wish our responsibilities away. We are faced with a frightening proposition. However, I have concluded after much prayer that the failure to act or the failure to support our President is even more frightening.

Saddam is a cancer to society. I think most of us have lost someone dear to cancer. I have loved ones that are battling cancer today, a father in Indiana and a mother-in-law in Baltimore. Would we tell them or advise them to ignore their spread of cancer because it is too costly to fight, because the treatment is too unpleasant, because the treatment will upset our day-to-day lives, or because the treatment might not work, or perhaps they could lose their life in the fight? I think not.

As is true with cancer, it is true with Saddam Hussein and the regime in Iraq: it is a cancer that is spreading, and is spreading at an alarming rate. While it is true that we may be able to survive the day, we know ultimately what he will do: Saddam will kill. He will kill anyone in his way; and make no mistake, he will kill Americans, he will kill our children, and he will kill our grandchildren.

Today, Madam Speaker, my fellow Members have quoted great Americans. I would like to share the words of another great American, the chairman of the Committee on International Relations, the gentleman from Illinois (Mr. HYDE), who said shortly after the attacks of September 11, "I hope someone is thinking about the enemy we face today, that they do not think that they are dying when they fly airplanes into buildings, they think they are going to meet their God."

Well, someone has been thinking about the type of enemy we face today, and that someone is President Bush. He has courageously led the world in its fight against terrorism. He has brought the world community together. Perhaps never in history has the world community been so united in its denunciation of terrorism and the attacks that the world has seen.

I ask my colleagues to support the President. Let the rest of the world know that the Congress stands with our President and the American people will not tolerate the slaughter of innocent people anywhere.

Mr. PAYNE. Madam Speaker, I yield 6 minutes to the gentleman from Massachusetts (Mr. DELAHUNT), a great addition to the Committee on International Relations with his extensive background.

Mr. DELAHUNT. Madam Speaker, I thank the gentleman for yielding time to me. I urge defeat of the resolution.

In the landmark case of Schenck versus The United States, Justice Oliver Wendell Holmes ruled that freedom of speech should not be abridged, even in wartime, unless the circumstances are of such a nature as to create a clear and present danger to the United States.

That doctrine, I suggest, offers an appropriate standard for any preemptive unilateral action. It creates a burden of proof that was best articulated by a patriot from New England who served as Secretary of State in 1837, Daniel Webster. He stated that the need for self-defense must be "instant, overwhelming, and leaving no chance of means and no moment for deliberation."

I would add that the quantum of evidence necessary must be compelling and convincing; not the higher criminal standard of beyond a reasonable doubt, but at least compelling and convincing, because of the obvious magnitude of the consequences that are implicated here.

The resolution before us permits the President to take us into war without satisfying either of these requirements. In terms of the clear and present danger test, only last Friday the CIA stated publicly that without material from abroad, Iraq probably would not be able to make a weapon until the last half of the decade; and further, the evidence needed to support the proposition that Iraq is a clear and present danger is not compelling and convincing, but rather, murky and speculative.

I was particularly disturbed to learn that a national defense intelligence estimate had not even been done before the option of unilateral preemptive military action had become administration policy. It is as if a policy had been crafted and there was no need for a factual basis based on our own historical precedents, the evidence, and the rule of law; a conclusion in search of facts, if you will.

Now, the factual basis for congressional authorization is incorporated in the preamble of the resolution before us, but the allegations that are recited therein could be made about a number of countries, such as Iran and North Korea, the other original members of the "axis of evil" club, both of whom are further along in the development and capacity to deliver a nuclear device, and both of whom possess biological and chemical weapons. Our own intelligence for years has claimed that North Korea has enough plutonium for several nuclear bombs. So why the focus on Iraq?

It is asserted that Saddam has used chemical weapons and thereby demonstrated the necessary intention. Well, in fact, we do know of at least 10 occasions in the 1980s that he used chemical weapons during the war with Iran because we supported him; yet we still took him off the terrorist list, opened an embassy in Baghdad, shared intelligence with the Iraqi military, and provided billions of dollars in agricultural credits.

But since the last incident occurred in 1988, I would submit that that evidence is stale and fails the clear and present danger test. What is not mentioned is that he did not subsequently use weapons of mass destruction during the Gulf War because he was told that our response would be devastating.

Yes, he is despicable and truly evil, but he is not stupid. He can be deterred. He is not an al Qaeda fanatic seeking martyrdom. That is not Saddam Hussein. Rather, he is a survivor; and his only concern is maintaining power.

Now, the President in his remarks last night mentioned links between al Qaeda and Saddam Hussein, but that conflicts with reports that both the FBI and the CIA have failed to corroborate any relationship between Saddam and al Qaeda with credible evidence.

The President further noted that some al Qaeda leaders who fled Afghanistan went to Iraq; and that is true, but they are in northern Iraq. They are in northern Iraq, protected by Iraqi Kurds who are opposed to Saddam. It is difficult to imagine such an alliance because they are natural enemies.

One of the goals of al Qaeda is the destruction of secular Muslim regimes such as Iraq because they believe they have corrupted Islam. Remember, Iraq did not recognize the Taliban, unlike our allies, Pakistan and Saudi Arabia and the United Arab Emirates.

Like all Members, I fervently hope that if this resolution passes, and I am sure it will, a preemptive military offensive will not be necessary; but sadly, this is not just about Iraq, because what we will have done goes far beyond the instant moment. It will have established, I fear, a precedent that will be used by other nations who have aggressive intentions against their neighbors and others that all they need is stale evidence, historical sins, and ill-defined allegations that can serve as the basis for unilateral preemptive military action.

Madam Speaker, I urge defeat of the resolution.

Mr. BEREUTER. Madam Speaker, I am pleased to yield 3 minutes to the gentlewoman from Washington (Ms. DUNN).

Ms. DUNN. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker, today we are taking a necessary step to hold a tyrant accountable for his actions. For over a decade now, Iraqi President Saddam Hussein has thumbed his nose at every resolution approved by the United Nations Security Council. He continues to develop weapons of mass destruction to repress the Iraqi people, to support acts of terrorism, and to deny unconditional access to United Nations weapons inspectors.

Further, he continues to evade the United Nations economic sanctions by violating the principles of the oil-for-food program in order to solicit illegal arms and materials to develop weapons of mass destruction.

It is now time to hold Saddam accountable for his refusal to abide by specific agreements made with the international community, especially when his actions can be devastating, not only on his Middle Eastern neighbors but also on the citizens of our country.

As President Bush stated in his speech last night, the attacks of September 11 showed our country that vast oceans no longer protect us from danger. We see a threat whose outlines are far more clearly defined and whose consequences could be far more deadly. Saddam Hussein's actions have put us on notice, and there is no refuge from our responsibilities. We cannot sit idle, Madam Speaker, while Saddam Hussein empowers people with fanatic ideas, with weapons of mass destruction, against our citizens and against our American values of freedom and democracy.

Through the course of my briefings with the National Security Adviser, the Director of the CIA, the President, others, I have become convinced that Iraq poses an immediate threat to the United States. We must not lose time. The safety and the security and prosperity of our Nation, as well as that of the world, hinge on confronting the immediate threat Iraq poses to its neighbors, as well as to the international community.

The President will not send America's sons and daughters to war without serious study and deliberation; and I agree with him that war should always be the final option. But I will not shirk from my responsibility to protect the American people against this tyrant if all other means have failed.

I support this resolution that grants the President the authority to continue leading the world in eradicating future acts of terrorism.

Mr. BEREUTER. Madam Speaker, I am pleased to yield 5 minutes to the gentleman from Indiana (Mr. PENCE).

□ 1530

Mr. PENCE. Madam Speaker, after much study, reflection and prayer, I rise in support of the resolution authorizing the use of force against Iraq. While I am certain that little of what we say here will be long remembered, I am also confident that this is a time of conscience and judgment for this Congress.

We will be subject to the judgment of the American people and of the world. Time will judge us. History will judge us. And each of us will also answer to him who created and sustains this very Earth we inhabit.

And when that judgment is rendered what of the verdict, Madam Speaker? I grieve at the very thought of the United States in armed conflict, and I cannot escape the thought of the American families that may be called upon to send their loved ones into harm's way on our behalf.

It is a terrible burden, yet one from which we dare not shrink or retreat. For it is not just peace or liberty that hang in the balance, but, as our President has said, potentially the lives of millions. For we decide today whether and in what manner our great Republic might call upon its military arsenal to compel a persistent enemy to disarm and embrace the civilized world and its principles.

Madam Speaker, the United States does not seek to start a war. We seek to finish one. For Saddam Hussein has been America's warring foe for more than a decade.

In 1991, we ceased hostility. We ended the battle. But, Madam Speaker, his war took no respite. It shows no mercy.

And yet if in some horrible, yet possible, day Saddam and the metastasizing network of terrorists he harbors and protects bring to America another World Trade Center, another Pentagon, another Oklahoma City or Khobar Towers, when, and not if but when, Saddam creates and uses nuclear weapons, what will we tell the American people then?

Will we tell the survivors that we did not realize that Saddam Hussein had never finished his war against America? Will we tell them we thought the war was over? Will the judgment of the American people find that, even though we knew of the danger, they will accept that we waited for public opinion, for world opinion to congeal across the globe?

It is my profound hope and fervent prayer to the God who intervenes in the affairs of men, by whose hand nations rise and fall, that well before this Nation fires a single shot in anger that Saddam Hussein would relent and disarm, that he would see and believe the strength of our resolve, that he would know the lengths to which we will go and the price we are willing to pay to protect freedom. Then his own mind would be turned and the cup of conflict and destruction which is now poised might pass us by.

But, Madam Speaker, that cup is at hand. It is appropriate, even necessary, that this Congress, this day, authorize this President to use the full and unrelenting force of America's moral and, yes, if necessary, military might to eclipse the night of terror and usher a dawn of security and freedom. Our enemies should pay heed to our resolve.

In closing, Madam Speaker, I also would offer that our soldiers and their families should also heed the word that has comforted so many of our heroes throughout the history of this Nation and all of those who have said in their hearts of the Lord, that he is my refuge and my fortress and the God in whom I trust. Let them be comforted with the knowledge that surely he will save you from the fowler's snare, from the deadly pestilence. He will cover you with his feathers and under his wings you will find refuge. You will not fear the terror of night, nor the arrow that flies by day, nor the pestilence that stalks in the darkness. A thousand may fall at your side, 10,000 at your right hand, but it will not come near you. You will only observe with your eyes and see the punishment of the wicked.

May it be our prayer as our new heroes are forged in this act of Congress and during the ominous days ahead.

Mr. LANTOS. Madam Speaker, I yield 4 minutes to the gentleman from Texas (Mr. GREEN), our good friend and distinguished colleague.

Mr. GREEN of Texas. Madam Speaker, I thank my good friend and colleague from California (Mr. LANTOS) for yielding me time.

Madam Speaker, this vote is the most important vote that many of us will cast in our congressional service. This vote is not one to be taken lightly or in haste. We have asked our young people who serve in our Armed Forces to put their lives in harm's way for our Nation. This vote and debate must be in the most serious of nature.

It is our job as Members of Congress to protect our people, to make sure Americans can raise their families and go to work without the fear of attack. Our defenses did not work on September 11, 2001; and we saw the devastation that killed 3,000 people. Our job is to protect our fellow Americans; and that is why, after a great deal of listening, discussing and learning, I will support the resolution.

Our Nation does not go to war easily. We are inherently a peaceful Nation. We want to be left alone, to live our lives, to raise our families and enjoy the freedoms of our country. We had to be attacked to enter World War I and World War II. But when they attack or threaten our Nation, we respond.

As with other Members of Congress, during August I was at home in Houston meeting with my constituents, doing town hall meetings and listening to the people I am honored to represent. My Houston constituents were as surprised as I was at the aggressiveness of our administration in relationship to Iraq. It sounded like we were beating a war drum. The impression it left on many people was the administration will wage war no matter without regard to Congress or international support. Many people wondered what this threat that suddenly in August Iraq became the prominent issue discussed by President Bush.

My folks were and are more concerned about our deteriorating economy, increasing unemployment, drop in the stock market, the increasing national deficit. This deficit was and is increasing without addressing additional unemployment assistance, without addressing the loss of health care, without addressing increased spending for education, without addressing the plunging stock market or without addressing a jobs program that reverses our economic decline.

My folks are still concerned about their everyday lives, and that is true with this as previous generations. We need to protect our people but not lose sight of our economic problems.

I will work with the President to protect our people, but let us not forget we must revive our economy. Tax cuts, permanents or temporary, are not working. We need an economic revival plan, not more foreign entanglements.

Saddam Hussein has been a problem for last month, the last 6 months, and the last decade, for that matter. I am pleased that the administration and Congress has come together in a bipartisan fashion to draft a balanced resolution. I think this bipartisanship is evident in several changes contained within the resolution, issues like compliance with the War Powers Act, language more clearly defining the length and scope of any conflict with Iraq, affirmation to Congress that all diplomatic avenues have been exhausted prior to using military force.

I am pleased because these changes strengthen the lines of communication between the President and Congress on this most important issue. Unity is critical if our Nation is going to move against any enemy. The United States is prepared to fight for the safety of our Nation, regardless of whether our allies choose to stand with us. It is our job to protect our people, not the U.N.'s. The time for diplomacy is short, and the only acceptable solution we should hear coming from Bagdad is that U.N. inspectors will have complete and unannounced access to anything they want to see. That includes the presidential palaces that constitute hundreds of buildings that are guarded like Ft. Knox.

America will not tolerate a weapons shell game played by the Iraqi military designed to foil international weapons inspectors. Saddam needs to play by the rules or suffer the consequences. And let there be no doubt that the penalty for noncompliance will be severe.

Mr. BEREUTER. Madam Speaker, I yield 4 minutes to the gentleman from Florida (Mr. KELLER).

Mr. KELLER. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, I rise today on this solemn occasion to speak in support of the joint resolution authorizing the use of force against Iraq. The choice before us is clear. Do we sit back and allow Saddam Hussein to keep his weapons of mass destruction and hope that he voluntarily chooses not to use them against us, our allies, or do we take action to separate him from those weapons of mass destruction?

I support this resolution authorizing the use of military force against Iraq for two reasons: First, Saddam Hussein has thumbed his nose at the United States and the United Nations by failing to destroy his weapons of mass destruction, failing to destroy his long-range missiles, and by kicking out the U.N. weapons inspectors in 1998.

A second reason to support this use of force against Iraq is because time is of the essence. Saddam Hussein is now less than a year away from developing nuclear weapons, according to reports we have received in the last month from the CIA and the International Institute for Strategic Studies. The only thing Saddam is missing now is enriched uranium. We know he has 200 Ph.D.s working around the clock on this process. We also know he could assemble these nuclear weapons within months if he obtains the enriched uranium on the black market from foreign sources. And we know from a recent CIA report that he has up to $3 billion to spend to obtain this enriched uranium as a result of his recent sale of oil on the black market.

Given these facts, does anyone really believe that it is beneath Saddam Hussein to bribe some down-and-out vulnerable nuclear scientist from North Korea or Pakistan who regularly works with enriched uranium?

But even if Saddam Hussein is not successful in obtaining nuclear weapons within a year, time is still of the essence. Because we know that Saddam Hussein has chemical and biological weapons of mass instruction such as anthrax and nerve gas which he could easily give to terrorist organizations such as al Qaeda. And we know that Saddam Hussein is sympathetic to al Qaeda and Osama bin Laden because, after September 11, Saddam Hussein callously told the world that he was happy that thousands of Americans were killed. Specifically, just after September 11 Saddam Hussein said, "Bush wants me to send my condolences, but if I do that I would be lacking respect for my people. Americans should feel the pain they have inflicted on other peoples of the world."

The decision before this Congress could not be any more serious, but it also could not be much clearer. We are on notice. Saddam Hussein is a remorseless, pathologically aggressive dictator with a history of striking without warning, a history of using weapons of mass destruction to kill people, and a burning desire to have his finger on the button of a nuclear weapon pointed in our direction.

The danger from Saddam Hussein's arsenal is far clearer than anything we could have seen prior to September 11. History will judge harshly any of us who saw the dark cloud on the horizon but passively chose to look the other way.

Mr. Speaker, we have discussed this issue at length. It is the only course for us to follow. Why should we wait any longer? We owe it to our children and to future generations to take action to deal with this problem right here, right now. Let our country boldly move forward, not to devastate and to concur, but to reestablish the reign of peace.

Madam Speaker, I urge my colleagues to vote yes to authorize the military force against Iraq.

Mr. PAYNE. Madam Speaker, I yield 5 minutes to the gentlewoman from Colorado (Ms DEGETTE), a leader in the Democratic Caucus and a member of the Committee on Energy and Commerce.

Ms. DEGETTE. Madam Speaker, I rise in opposition to this resolution.

I commend the President for his vigilant efforts to protect the security of the United States. We stand united in our commitment to this cause. But there are legitimate differences about the best way to protect our Nation.

The President has failed to present clear and convincing evidence to Congress that unilateral military action against Iraq at this time is justified. We have seen over the last 10 years that Iraq is trying to amass chemical, biological and perhaps even nuclear weapons. But we have seen no evidence of their success, and we have seen no evidence of a delivery system.

I would ask, given the evidence we have today, is this reason why we should vote for this resolution which essentially gives the President unfettered ability to go into Iraq with a first strike military attack in a unilateral fashion, potentially destabilizing the entire world order at this time? I say it does not.

Why are we discussing a war with Iraq right now? What has changed in the last 10 years to make the threat from Iraq imminent? So imminent, in fact, that Congress has got to rush to pass this resolution now before we can let the weapons inspectors back in, before we can find any evidence of an imminent threat? What information have we have recently obtained that has led the President to believe the war is absolutely necessary now?

□ 1545

Many of us in Congress felt that it was essential that the President come to Congress for action before he attacked another country unilaterally, and we were pleased when he did come to Congress; but if he is going to come to us and ask us to pass this type of resolution, he has to give us the information on which we can base our vote, and to date, I have not, and many Members of Congress, no one I know, has been given information by the administration that Iraq indeed poses an imminent threat to the United States. We must have that information before we can pass a resolution like this, especially since the U.N. Security Council is working hard to send weapons inspectors back in and to have international cooperation in dealing with Iraq and in dealing with Saddam Hussein.

International cooperation and the support of the United States people are what will make any action against Iraq successful, just as we had success in our initial action in Afghanistan. I might add, I have had myself now over 3,000 phone calls and letters from my constituents and congressional office, and five have supported this type of uninformed unilateral action. This is not the support of the United States people.

Some of my colleagues have made the tortured analogy that we face the same challenge with Saddam Hussein that our predecessors did with Adolph Hitler in 1936; but Iraq is not Nazi Germany, as evil as they are. We have been given no evidence that the Iraqi military has grown stronger in the 10 years since 1991. We have been given no evidence that Iraq intends to cross its borders into Turkey, Kuwait, Saudi Arabia or Iran, as it did in 1991 when the U.S. did intervene; and we have been given no evidence that Iraq is close to possessing nuclear weapons, merely that it would like to.

If the President has acquired intelligence that answers these questions, he must provide it to Congress and let us know because today he is asking Congress to authorize unilateral action against Iraq. This is a not a debate about appeasement versus action. We must not and cannot try to appease someone like Saddam Hussein; but what it is is a question of acting alone or at most with one ally versus building a global coalition as we did 11 years ago to oppose Iraq's aggression against a peaceful neighbor. To triumph in this effort we must do that again.

The United States is at a crossroads in the war against terrorism. To this point, we have shown the world the threat posed by terrorists to our national security. We have successfully built an international coalition to combat this threat, and together we have led the coalition to rout terrorism from its role in Afghanistan. This is the path we must take, and that is why we must oppose this resolution today.

Mr. BEREUTER. Madam Speaker, it is my distinct pleasure to yield 4 minutes to the distinguished gentleman from Wisconsin (Mr. SENSENBRENNER), who chairs the House Committee on the Judiciary.

Mr. SENSENBRENNER. Madam Speaker, I thank the gentleman from Nebraska for yielding me the time, and I rise today in support of the resolution calling for disarmament by Iraq and authorizing the President to use force to protect America from the threats posed by Saddam Hussein.

It has often been said that those who do not remember history are condemned to repeat it. Today, by passing this resolution, we are showing that we have learned the lessons of World War II and September 11 and that we are committed ourselves to ensuring that those horrors are not repeated.

After World War I, the international community came together to form the League of Nations in order to resolve international conflicts without war. Stiff requirements were placed on Germany to ensure that it could no longer pose a threat to its neighbors; but when Adolph Hitler came to power and began testing the world's resolve, he was only met with appeasement, allowing Hitler to build his military and his territory.

The appeasers of the 1930s were content to receive paper agreements for peace and stability from the German dictator, and when those agreements were shredded by Hitler's words and his actions, the international community refused to enforce its own agreements. Only when Hitler brutally invaded Poland and launched World War II, did the world finally realize his true intentions and take stock of the enormity of the failure of appeasement; and to defeat him, 30 million people died.

After the failures that led to World War II, the United Nations was formed in an attempt to fulfill the worthy ambitions of the League of Nations. Today, the U.N. is facing a stern test of its resolve by another dictator.

The U.N. has placed stiff mandates on an Iraqi dictator who has shown a thirst for more territory, more power, more deadly weaponry, no matter how horrific. Just as in the past, today's dictator has violated agreement after agreement, 16 U.N. resolutions by my count.

Now, by passing this resolution, Congress is showing that we have learned the lessons of history. We will enforce our international agreements, and we will not allow rogue dictators to bring about the deaths of thousands or millions of Americans and others by our inaction.

I commend the President for recognizing the need for this resolution. By passing this resolution, Congress will show that the U.S. speaks with one voice to counter the threat posed by Iraq. Further, we will send a message to the United Nations that failure to enforce its international agreements will only lead it down a path of irrelevance and ineffectiveness that the League of Nations went down over 60 years ago.

This is not a resolution that must lead to war. It rightly calls first for disarmament through diplomacy and inspections. These efforts alone could bring more security to the world and could prevent conflict if Saddam Hussein cooperates fully with the demands laid out before him by the Congress, the President, and the United Nations; but if disarmaments through diplomacy and inspections fails, and it can only fail at Saddam Hussein's own choosing, this resolution shows that Congress and America have the resolve to protect those who live in freedom from the dangers of tyrants.

I urge my colleagues to support the resolution.

Mr. LANTOS. Madam Speaker, I am pleased to yield 6 minutes to the distinguished gentleman from New York (Mr. ENGEL), a valued member of the Committee on International Relations.

Mr. ENGEL. Madam Speaker, I thank my friend from California, whose wisdom gets greater with each passing day, for yielding me the time.

Madam Speaker, there is no jumping for joy in this debate. This is a very solemn moment. Each Member of Congress has to do a lot of personal soul searching. There should be no finger pointing, no questioning of patriotism. This is the American way of life, the American Congress at our best, democracy where everyone can speak. This makes me so proud to be an American and so proud to be a Member of the United States Congress.

Madam Speaker, for me, I will support this resolution, even though I must say there are some unanswered legitimate questions. I think it is best to speak about some of those questions up front.

There are serious questions about the timing of this. Why is this the absolute right time to do it? Why not 3 months ago? Why not 3 months from now? Why not 6 months from now? I think that is a very legitimate question, and I am not totally satisfied with the answers.

Secondly, I do not think there has been enough thought about what happens after we get into Iraq. We have to stay the course. We cannot pick up and run. We have to make sure that democracy sets root in that country.

Thirdly, there is a question about our war against terrorism and other nations that support terrorism. For me, Iran and Syria have supported terrorism and terrorists like Hezbollah and Hamas far greater than Iraq. They support terrorism against us. They support terrorism against our ally Israel; and very little has been done to confront Syria and Iran, and I hope the looking at Iraq does not turn us away from other nations that support the evil of terrorism.

I think for me, Madam Speaker, what is most important and the bottom line for me is that as a New Yorker and as an American, after September 11, the equation changed.

I was in New York when the World Trade Center went down. Three thousand lives were lost, including many of my own constituents. The Cold War arguments of deterrence and containment I do not think apply anymore.

In this era of terrorism, the U.S. has to be proactive. When there is evil around the world, and the evil threatens our country, and the evil threatens innocent people, we have to act. We did so in Kosovo. We did so in Kuwait back in 1991. We did so in Bosnia. We should have done so in Rwanda where a million innocent lives were lost. I am not willing to let that happen again.

I have no apologies when the U.S. does what is in our national interests to save our people and to save innocent lives, but we have to try to work with many nations. We have to work with U.N. resolutions. We have to work with others.

Madam Speaker, back in 1991 with the invasion of Kuwait, we knew then that Saddam Hussein was a tyrant, a menace to his people, a menace to our people, and a menace to the world. I said in 1991 that we should have removed him then, and I am consistent. He has weapons of mass destruction. He flaunts U.N. resolutions. He supports destruction of our ally Israel. He has played a shell game for years with weapons inspectors. We cannot allow this to continue.

In the Committee on International Relations, I voted yes on this resolution because it is an improvement from the original resolution that was sent down by the White House. This resolution does not give a blank check. This resolution limits the scope. This resolution is no Gulf of Tonkin resolution. This resolution strikes the right balance.

I am willing to look at some of the amendments. I am willing to listen to what our colleagues have to say; but in terms of this Congress, in terms of final passage, we need to stand together as a Nation. I believe it would be a monumental mistake not to support the President on this.

The arguments against this resolution are similar arguments that were made against Operation Desert Storm in 1991. Time has shown that those arguments were wrong, and backing down now would allow Saddam Hussein and others who wish us ill to conclude that they can simply violate U.N. Security Council resolutions, kill their own people, threaten their neighbors and the world, become a danger to the United States and our way of life while we simply stand idly by. This cannot stand.

Years later, when my children ask me what did I do when confronted with evil, I want to be able to say to them that we rose to the task and did not let tyrants and terrorists threaten our way of life. I urge my colleagues to vote "yes" on the resolution.

Mr. BEREUTER. Madam Speaker, I am pleased to yield 6 minutes to the distinguished gentleman from California (Mr. ROHRABACHER), a member of the Committee on International Relations.

☐ 1600

Mr. ROHRABACHER. Madam Speaker, I rise in strong support of this resolution. I would like to remind everyone that we are not really talking about a resolution. We keep hearing this "war on Iraq," "war on Iraq." We are not talking about a war on Iraq. That is totally misleading. We are talking about helping the people of Iraq liberate themselves from this monster and, in doing so, alleviating a major threat to the security and well-being of the people of the United States of America.

There is nothing for us to apologize about in terms of helping those people free themselves from a tyrant who is renowned in the world among all tyrants. We are talking about helping them, liberating them. They will be dancing in the streets, waving American flags, just as people of Afghanistan still are grateful to us for freeing them and helping them free themselves from the horror of the Taliban and bin Laden, who held them in their tyrannical grip for years.

And let me remind those people who are so concerned, and, by the way, there will always be the hand-wringers among us, believe me. There would be no action that we could possibly take that is going to get the support of people who will always find an excuse for doing nothing. It takes courage to step forward.

This job in Iraq will be easier than what happened in Afghanistan. I spent a long time familiarizing myself with Afghanistan, as my colleagues know. Afghanistan, perhaps 10 percent of the people supported the Taliban. Perhaps that many. Nobody supports Saddam Hussein in Iraq. He has almost zero support among the people. They are frightened to death. Even his Republican Guard has been purged, and they now are not reliable for him. They are waiting for us to help them free themselves. They are, and will be, friends of the United States.

We are not declaring war on Iraq. We are declaring that Saddam Hussein must go. And Saddam Hussein must go for the sake of the people of Iraq and for the sake of the safety of our own people.

And let me note this. Rebuilding Iraq will be much easier than building Afghanistan. Iraq has enormous resources that have been channeled away by Saddam Hussein to develop chemical and biological weapons and to develop nuclear weapons. Those billions of dollars can be put to use to build a better Iraq, and the people will applaud us for helping them to that end.

No, this is much easier than the job in Afghanistan, yet we have the naysayers among us who would lead us in the other direction. Twelve years ago, we heard similar naysayers. It was this urge to be overly cautious that led to, I would say, the devastatingly wrong decision not to finish the job we started. Twelve years ago, and this is not going to be partisan, because I will have something to say about Republicans in a minute, the majority of our colleagues on the other side of the aisle voted to keep our people out in the desert without the ability to go on the offensive and, thus, it would have destroyed our ability to win that conflict. What would it have been like if they had been stuck out there and able to just absorb attacks?

That is what the majority of people on the other side of the aisle voted for, and their entire leadership voted for that. It was wrong. It was wrong and almost did a major disservice to our country.

Let me note what also did a major disservice to our country. When we moved forward, a Republican president decided not to finish the job. A Republican president, once we had achieved victory, stepped back from that victory; and now we are stuck with finishing the job today. Now we are stuck with an enemy that could get his hands on nuclear weapons, chemical and biological weapons, and murder millions of our own people because that dictator now has a blood grudge against the United States of America.

It is long past the time that we should have finished the job. But it was not until 9/11 that the American public would support the military commitment necessary to rid the people of Iraq and to rid the United States of this monstrous threat to both our peoples.

This is not just a dictator. There are many dictators in the world. This is a dictator who holds a blood grudge against us, who has now the ability, or he is trying to achieve the ability, to obtain those weapons that would permit him to murder millions of Americans. This is not just any dictator. This is a dictator with billions of dollars of oil wealth that he is using to obtain these weapons of mass destruction.

Over the last few weeks, we have witnessed what I consider to be unconstructive nitpicking on our President. Let us face it. First, he was told to go to the U.N.; and that is where he went. Then he was told he should go to Congress. So here we are. Now what we are hearing from the other side is, we cannot support this resolution because it will permit us to have some sort of preemptive strike. What that means is we have to wait until we are attacked before we can act. That is what that means.

Do we really want to wait in this world to be attacked by the likes of Saddam Hussein once he gets his hands on weapons of mass destruction? Instead of having 3,000 people, as on 9/11, we would have millions, or at least hundreds of thousands, of Americans slaughtered.

This makes no sense whatsoever. We must step forward today. If we back down today, we are sending a message of cowardice to the despots, to the tyrants and the terrorists around the world.

We must back up our President, who has gone the extra mile to reach the compromises with us, to make the democratic system work, and to make sure that the American people have the protection that they deserve.

We want to join with the people of Iraq, helping them liberate themselves from this problem. We should be supporting the President of the United States in this effort to protect us and to expand democracy.

Mr. PAYNE. Madam Speaker, I am delighted to yield 5 minutes to the gentlewoman from California (Ms. WOOLSEY), a leader in the Committee on Education and the Workforce and a leader in progressive ideas.

Ms. WOOLSEY. Madam Speaker, we are at a very important place in the history of our Nation and I believe a turning point for the future of our world.

The United States, as the world's wealthiest economy, the superpower and leader, is faced with a decision that will truly mark who we are as Americans, as participants in the world community, and as human beings. Our choice is whether we use our power to make the future better or whether we repeat the mistakes of the past, like World War I or Vietnam, mistakes that do not work, do not solve the problem, do not make the world safer for our children.

I will vote against the President's resolution because I do not believe we are making anyone safer if we alienate our allies or set a precedent that it is acceptable to preemptively attack other countries because we do not like their leader or because we think that country could be dangerous someday.

I will vote against the President's resolution because we must not risk the lives of our sons and daughters or the lives of Iraqi civilians when we have no evidence that our country is in imminent danger.

I will vote against the President's resolution because we should not spend our scarce tax dollars on war when money is so desperately needed here for education, for prescription drugs, health care, Social Security, and Medicare.

Americans demand that we fix the economy. Workers want to know what has become of their pensions. Families worry about their health care. Seniors question whether they will ever be able to afford prescription drugs. Yet we stand here listening to those who are threatening war. We have no business voting on a resolution while there are so many unresolved issues on the table.

What happened to finding Osama bin Laden? What happened to rebuilding Afghanistan? What happened to helping create an Israeli-Palestinian peace?

My constituents want us to concentrate on saving Social Security and Medicare. They want us to pass an energy policy that will make us a safer, more secure Nation; and they want us to prosecute corporate criminals and prevent corporate crime.

I believe, as my constituents do, that we need to work through the United Nations to remove weapons of mass destruction, working multilaterally to address the lack of cooperation or aggression that would put the United States or our allies in imminent danger. I would make certain that the energy policy of the United States will become independent from fossil fuels, especially foreign oil.

Finally, Madam Speaker, realizing how small our world has become, with communications and transportation bringing us together as one big neighborhood, I would invest what this war will cost, $100 to $200 billion, in the human infrastructure needs in our country and in other nations around the globe. Because in a neighborhood we are only as well off as the least of us, it is time in our history to invest in humanity, not destruction. It is time to protect the earth's environment, the resources we have been given. And it is time to make a safe and peaceful world for our children, all children around the world, now and forever.

To that end, I will vote against this resolution and any resolution that I believe will not make the world a safer and better place.

Mr. BEREUTER. Madam Speaker, I am pleased to yield 4 minutes to the distinguished gentleman from New Jersey (Mr. FRELINGHUYSEN), a member of the Committee on Appropriations.

Mr. FRELINGHUYSEN. Madam Speaker, I thank the gentleman for yielding me this time, and I rise in support of this resolution, because there is nothing more frightening and the prospect of Saddam Hussein or any terrorist using poison gas, germs, or radiation bombs against innocent people in freedom-loving nations. The stark reality is that Saddam Hussein has committed these horrific acts before, and he may do so again without warning.

Such a catastrophe or the threat of such terror against humanity is what the President says in his own words is "a permanent condition with no nation being immune." We may need to act against Iraq now to prevent such a nightmare and lessen the potential for another attack on our fellow Americans here at home.

Madam Speaker, there is no more important task before this Congress and our President than the responsibility to help defend America and protect our citizens. This is our charge to keep. Nothing else we do here matters unless our children and future generations are assured of a safe, secure Nation where there is freedom and justice and where we can be free of fear. As our President has said, "We refuse to live in fear."

Even without the passage of this historic resolution, we are a Nation at war, engaged in a global battle to rid the world of terrorism. This is a critical fight and one we are resolved to win. But as your young men and women in uniform continue to make us proud, serving in the war against terrorism, our President has asked our Nation and this House to consider very seriously the prospect of war with Iraq, part of the terrorist network.

Our President's request is not taken lightly. It is serious. There is no more solemn duty given to a Member of Congress than considering the President's request for authority to send our troops to war, if he eventually decides to do so.

As a veteran, I am keenly aware that wars are fought by the young. Indeed, we have called upon our young men and women in uniform to wage and win the war against terrorism. And if we go to war against Iraq, and we may not, our future and freedom will rest again on their shoulders.

After September 11, we were a changed Nation. We have grieved together. We have also risen together to meet the many challenges our Nation has faced and will continue to face. As a country that loves freedom, we have been reminded that liberty, our way of life, and those we love must be protected, because they can be so easily taken away from us.

As Americans, we have renewed our historical obligation to fight to protect our citizens and our American values of life, liberty, and the pursuit of happiness. These values are endangered by Saddam Hussein. In Saddam Hussein, our Nation faces another grave challenge. He is armed and very dangerous; and, like other terrorists, his regime is a threat to our everyday existence. We cannot trust him, and it is this distrust that may compel us to act. We must do everything possible to ensure our children do not grow up in a Nation and in a world that fears his weapons of mass destruction.

Iraq persists in violating United Nations resolutions on almost a daily basis. Saddam Hussein, as the world knows well, is a barbarian who has used nerve gas against tens of thousands of his own people, innocent men, women and children; and we have seen the pictures, as horrible as they are. He has waged war against his neighbors, launched missiles at countries in the region, and has given safe harbor to terrorists.

Madam Speaker, to my colleagues and to those I represent, there are some cold, hard facts about Iraq, its capabilities, and its deception:

In recent years, Baghdad has diverted some of the $100 billion worth of humanitarian goods contracted under the Oil for Food program for military use and has actively sought materials and ingredients that are going towards the manufacture of weapons of mass destruction.

□ 1615

He has retained a cadre of nuclear scientists and technicians and capability to constitute nuclear weapons programs.

Mr. LANTOS. Madam Speaker, I yield 5 minutes to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Madam Speaker, two summers ago before deciding whether to run for Congress, I sat down with my two daughters. They were, at the time, 13 and 10. They asked how much time I would spend in Washington and how frequently I would be away from Long Island.

I said Congress usually meets on Tuesdays through Thursdays, Members spend plenty of time back home, and we adjourn in October. And then in that tranquil summer I said, unless there is a war, and that is not going to happen.

That summer we made the decision I should run for Congress. The people of New York's Second Congressional District sent me here; and in the 22 months I have served those people, we have been required as a Congress to vote on two resolutions to send young Americans into battle. Today on the verge of our second vote authorizing the war, I think of my two daughters and all of the children of my congressional district; and it is for them and for their future that I will support the resolution in the fervent hope that the diplomatic efforts required by the resolution will be effective and that war is not inevitable.

I have relied on the diverse views of those I represent, as well as exhaustive information I received in classified briefings and public hearings, published reports, in-depth discussions. I have spoken with analysts as diverse as President Bush's National Security Adviser and President Clinton's National Security Adviser. I have talked with colleagues who support the use of force now and with colleagues who oppose any force ever.

I have read several books and journals on the subject, including a book by the former head of Saddam Hussein's crusade to build nuclear weapons. Last week I joined with just 10 of my colleagues in the Cabinet Room of the White House with the President and Vice President. This week I am meeting again with Secretary Rumsfeld. I have talked with hundreds of my constituents at supermarkets, in churches and synagogues; and, in fact, just before flying to Washington yesterday, I met with a group of clergy representing religious institutions throughout my congressional district.

We have all weighed the risks and the benefits and the provocations. The United States since the 1970s has pursued a policy of containment and deterrence towards Saddam Hussein. This policy failed to prevent him from attacking the Kurds in 1974, Iran in 1980, and Kuwait in 1990. He has used weapons of mass destruction against his own people and his neighbors viciously, brutally, and repeatedly.

In 1998, Saddam Hussein threw U.N. weapons inspectors out of Iraq. Since then he has accelerated the development of weapons of mass destruction in unchecked secrecy. He has developed short-range ballistic missiles; he is working on longer-range and more efficient delivery systems. In 1990, he constructed a nuclear device, but did not have the fissile material to arm it.

Saddam Hussein has demonstrated a deluded determination. He has the proven technology. He has shown an irrational motivation, and I fear that unchecked he will have nuclear weapons capability and the capability to deliver it by missile against our allies or smuggle it into the United States to be used against the American people.

I am not prepared to let this happen. We must remove this capability sooner rather than later. Former NSC specialist on Iraq Ken Pollack was absolutely right in his book "The Threatening Storm." For me the most vital argument is this: fighting sooner is less costly than fighting later. Today Saddam Hussein has a limited quantity of weapons; tomorrow he will have more. Today Saddam Hussein's forces are weak; tomorrow they will be stronger. Today Saddam Hussein has no nuclear capability; tomorrow he will. Today the risk to our troops is serious; tomorrow it will grow worse. Why wait until tomorrow?

Madam Speaker, in 1938 Britain and France were stronger than Nazi Germany. They knew Germany would challenge them at some later time. They knew Germany was belligerent. They knew that Germany was rebuilding its armaments and its decision makers were not rational; yet they chose to wait. The cost of waiting was millions of lives, the devastation of their homelands, and mass destruction. There is no parallel between Hitler and anyone else on the world stage, but the world has an obligation to learn from history's mistakes.

Finally, we must learn other lessons as well. We have an obligation to address the long-term issues that will arise from this conflict. We must help the Iraqi people rebuild a democratic society, and we must ensure that those who fight bravely for our freedom today are not forced to fight a bureaucratic and budget battle for their health and veterans' benefits tomorrow.

Madam Speaker, I close by returning to my daughters. I do not want them or any children in America to grow up in a world dominated by Saddam Hussein with a nuclear weapon; nor do I want to increase the risks to the young Americans that we will commit to battle today by committing them to a harder battle against a nuclear-armed Saddam Hussein tomorrow. We are all dedicated to peace and freedom on both sides of the aisle, but we know from history that freedom is not free. For all of these reasons, I support the use of force in Iraq with the very strong belief that we must go to war only as a last resort, but also in firm agreement with President John Kennedy: "Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, in order to assure the survival and success of liberty."

Mr. BEREUTER. Madam Speaker, I yield 4½ minutes to the gentleman from Virginia (Mr. WOLF), a member of the Committee on Appropriations.

Mr. WOLF. Madam Speaker, I rise in support of the resolution. I understand the concerns that have been raised about the United States taking action against the Iraqi regime; but I believe that the President, as Commander in Chief, should have the flexibility he seeks in responding to the very real threat that Saddam Hussein poses to freedom.

We witnessed the vulnerability of America on September 11, 2001, when hijacked jetliners were used as weapons of destruction in New York City, and even close to this Capitol just across the Potomac River at the Pentagon. The families of several dozen people who live in my congressional district gave their lives that day knowing all too well the evil of terrorism.

The devastation of 9–11 must never again be allowed to come to our shores. We must take all appropriate action to stop terrorism and tyrants who would do harm to America and allies. That action includes enforcing the more than a dozen resolutions of the United Nations which calls for the disarmament of weapons of mass destruction.

America also saw the face of terrorism in 1998 when two American embassies in east Africa were bombed by terrorists linked to Osama bin Laden, killing 12 Americans among the 230 who died. Because of my concern at that time about the emerging threat to our country, I authored the legislation to create the National Commission on Terrorism. Quite frankly, it was hard to get the Congress interested at that time, but we were successful in establishing a bipartisan commission to assess the terrorist threat and recommended a response in June 2000.

The Bremer Commission said: "U.S. policies must firmly target all states that support terrorists." The State Department clearly lists Iraq as a state sponsor of terrorism. Evidence shows, and we have heard the debate today, that Saddam Hussein's dictatorship has provided headquarters, operating bases, training camps, and other support to terrorist groups.

The President has made the case to the American people, to the Congress, to the United Nations, and to our allies that Saddam Hussein poses a clear, lethal threat to our Nation and the world. He has failed to live up time after time to U.N. resolutions. Saddam Hussein has used chemical and biological weapons on his neighbors and even on his own people. Evidence shows he has tried for years to develop nuclear weapons; and if he gets a nuclear bomb, I believe he may use it on America or our Armed Forces somewhere around the world.

It is critical that Congress come together united now behind the President to approve this resolution before us today to give the President authority to enforce through the United Nations Security Council all relevant Security Council resolutions applicable to Iraq and obtain prompt and decisive action by the Security Council to ensure that Iraq abandons its strategy of delay, evasion, noncompliance, and promptly and strictly complies with all relevant Security Council resolutions.

America is a peace-loving Nation, and we have never sought war. We never seek the use of force; but when we are attacked or our security is threatened, we will and must act in the Nation's best interests. Our Nation was attacked on September 11, 2001; 3,000 people were killed. We acted swiftly to declare war on terrorism. We are in a long and difficult battle.

As the President has declared, the war on terrorism includes not only the terrorists who attack us, but also the nations that harbor or give aid. We must work to exhaust all peaceful options to enforce the will of the United Nations in disarming Iraq. But if those peaceful means fail to accomplish that goal, America must stand up for freedom and security, as history has witnessed our great Nation doing in past causes to fight evil, and forcefully remove Saddam Hussein and the threat he brings.

This is a difficult challenge before us. The fight for peace and freedom is never easy, but we must respond to this call for action. The challenge before our President, the Commander in Chief, and before this Congress as the representatives of the United States is sobering. To cast a vote to send America's troops into harm's way to face what could be the supreme sacrifice for freedom is our most solemn duty. But to wait and do nothing could lead to weapons of mass destruction being used against the United States, our allies and others, resulting in the death of thousands and thousands of people. It is not a vote we seek with eagerness, but we all must do what we believe in conscience is the right thing to do; and I believe the right thing to do is to help make the world a safer, more secure and peaceful place where people can live in freedom without fear of tyrants and terrorists.

Mr. PAYNE. Madam Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Madam Speaker, no person or nation should doubt our country's commitment to eradicating the threat of terror. That is why I voted last year to support the President's actions in Afghanistan. But before we authorize the President to go to war with Iraq, Congress must have clearer answers to several crucial questions.

What is the nature and the urgency of the threat to the United States posed by Saddam Hussein? What is the clearly defined mission of our troops? Is it to eliminate Iraq's potential chemical, biological or nuclear weapons? Is it to remove Saddam Hussein from power and establish a friendly regime in Baghdad? Is it to engage in nation building, to create a democratic Iraqi government and society?

What is the extent of the international support? What will be the position and role of the United Nations? Which nations will provide troops, planes and ships for the military operations? Which nations will provide financial support to pay for the military operations in the aftermath?

Will the military operations in Iraq make it less or more likely that America will suffer from terrorist attacks? Finally, what is the exit strategy to withdraw our troops from Iraq? When and how will they be withdrawn once they have accomplished their mission?

Madam Speaker, we must ask these questions, and we must have answers to these questions. We have made mistakes other places in the world. We certainly did not ask or answer all these questions in Somalia. In Korea, we had our troops there 50 years. These questions must be asked and answered.

Madam Speaker, I listened to the President's speech last night, and I look forward to the debate in this House over the next few days. However, at this point I have not heard any clear answers to the questions I have posed here today. For that reason, Madam Speaker, I cannot yet support the resolution authorizing the President to go to war with Iraq.

Mr. BEREUTER. Madam Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, today our Nation stands at a crossroads. I noticed that it is quieter today, it is a solemn day, it is a serious day as Members of Congress individually try to make the right decision and hope and pray that we do.

□ 1630

Are we to move ahead protecting America and free people by authorizing the use of military force against Iraq, accepting the very grave danger that we know will come with that decision, knowing that there are many, many questions that we have in Congress that go unanswered and, frankly, cannot be answered in many cases except in the future? Or are we to wait on the U.N. Security Council to decide for us? Are we to allow the Security Council to determine what is the appropriate course of action for Americans and when that action should be taken? All the while waiting for these answers, many of which that cannot be answered, while Saddam Hussein plots and plans or even strikes us with a terrorist armed with chemical or biological or nuclear weapons.

The question is not whether he has nuclear weapons. He has weapons now of mass destruction that can be put into this country at any time. It seems to me the greater of the two dangers is for us to wait and wait until Saddam Hussein strikes. And make no mistake about it, if given the opportunity, and it will be there, he will strike.

When this madman has carried out his mission and New York City is gone, not just the towers but the city, or Atlanta, Georgia, is gone or Washington, D.C., is gone, what then, Madam Speaker, will we debate? What will the sleeping tiger do then? The possible answers to that are extremely frightening.

For the past 11 years, the U.N. has basically been a paper tiger. The Security Council resolutions that we put in place to protect the world from Saddam Hussein and his regime have gone from being resolutions to suggestions to really a very bad joke. Today we see where the U.N.'s policy of turning a blind eye has gotten us. None of us know if France or China will give us permission to protect ourselves or if the U.N. will ultimately join us.

But we do know one thing for sure. It is the Congress and the President's responsibility to protect this country. It is not the responsibility of the U.N. or any other nation. It is our job. I do believe the President is to be commended for working with the U.N. Security Council and certainly should continue to do so, and we should welcome their help if it is offered, but should the U.N. disagree with the President on the correct course of action or if they stall to the point that our national security is put in even greater peril, our President needs the authority to make the best decision for our Nation and ensure our safety.

With all due respect, the President is the leader of the Nation, Commander-in-Chief. I, for one, trust his judgment and his decisions on my behalf and everyone else in my district, but not necessarily so for the U.N.

Madam Speaker, I believe time is of the essence. Every Member of Congress should support this authorization for the President to protect us and our borders and provide our national security in dealing with Saddam Hussein.

In the wake of last year's dastardly terrorist attack on September 11, many have asked this body and in this town, could it have been prevented? Today, Madam Speaker, this Congress has an opportunity, I believe, to do the right thing, to ensure that another equally criminal and reprehensible attack against humanity is not carried out and to rid the world of this madman. Our President, this Congress, must now be prepared to say in a loud and a united voice we will protect our country with whatever military force is necessary. Without this united voice, there will be no diplomatic solutions. There will be only, for sure, war.

Mr. LANTOS. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. WEXLER), my good friend and distinguished member of the Committee on International Relations.

Mr. WEXLER. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, now is the moment which Congress must act to defend freedom, confront a brutal dictator and rid the world of his increasingly devastating threat.

Our decision will not be easy or without consequence. It will pose severe implications for the stability of the world, the security of the Middle East and, ultimately, the future of the United States. It will alter the course of history, change the lives of millions, and resonate in the collective memory of America for generations to come.

It is in this regard that I have contemplated this issue with great deliberation, taking into account the concerns of my constituents in South Florida, many of whom fought in World War II and Korea, who have, time and again, expressed their profound reservation concerning the President's rush to engage in military action in Iraq.

I will vote for this resolution because it has become painstakingly clear that Saddam Hussein represents the epicenter of hostility and conflict throughout the entire Middle East. His very presence threatens to undermine America's war against terror and compromise all prospects for regional security, stability, and peace. There is no doubt in my mind it is long past time for Saddam to go.

I will vote for this resolution, not because I support the irresponsible manner and timing in which President Bush has proceeded with his plans for war, not because I support the President's attempt to handcuff Congress into granting a blank check for unilateral military action, and not because I accept the President's shameful neglect of our spiraling economic crisis and other domestic issues of imminent concern. Homeland security and foreign policy threats must be addressed in conjunction with, not instead of, America's economic and social needs.

I will vote for this resolution because I believe, without a doubt, that the threats posed by the current Iraqi regime supersede politics and that America and our allies would be undeniably safer without Saddam Hussein.

Since the Gulf War, the threats posed by Saddam Hussein have not dissipated. They have only increased, making it all the more clear that former President Bush should have ousted him when we had the chance in 1991. Since then, Saddam has cultivated his contempt for the international community, his hostility towards the United States, his intent to develop weapons of mass destruction, and his unbridled willingness to use them.

While I agree that we must disarm Iraq and oust Saddam Hussein, I share the deep misgivings of the American people that President Bush appears all too ready to accept the military, financial, and diplomatic burden of going it alone. Unilateralism is a grave mistake, and President Bush must make every attempt to build support in the international community for regime change in Iraq.

We must give the U.N. and the international community a credible chance to fulfill the demands laid out by President Bush. This would place America and the world in the strongest possible position to disarm Iraq, oust Saddam Hussein, and liberate the Iraqi people from tyranny and oppression.

Ultimately, we will best achieve our goals in Iraq not through alienation and unilateral aggression but, rather, through determined diplomacy and partnership with nations that share our vision of stability and peace. This has been America's legacy, and we owe it to future generations to proceed along this path.

Mr. President, you will get your resolution and with my support, but I implore you to exhaust all options and reserve war as the very last resort.

Mr. President, my constituents are terrified that you are leading America into war with unnecessary impulse and haste. I trust you will prove them wrong.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Members are reminded to address their comments to the Chair and not to the President of the United States.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of House Joint Resolution 114, which would authorize the use of military force against Iraq.

Since August, the intense national debate that has developed in Congress, in the American public, and internationally about whether the United States should use military force if necessary against the regime of Saddam Hussein, and to use such force preemptively, has served a very salutary, even necessary, purpose. Both as a former Army counterintelligence officer and a member of the House Permanent Select Committee on Intelligence, this Member hates security leaks. The massive leaking about sharp internal disagreements within the executive branch, especially the Pentagon, unfortunately preceded the necessary international diplomacy, essential consultation with at least key committees in Congress, and any concerted effort to inform the American public as to why military action may be required now and why an Iraqi regime change may be necessary.

It also seems clear that the discussions of U.S. military action to eliminate Saddam's weapons of mass destruction, WMD, stocks and efforts for a regime change in Iraq had gotten ahead of the planning and decisionmaking for such possible action.

Many of this Member's colleagues, in both Houses of Congress on a bipartisan basis, and this Member, along with a sufficient number of voices from the American public, helped make it clear to the Bush administration that a congressional resolution authorizing the use of force was an essential step before any preemptive military action against Iraq could be launched. Despite an earlier White House counsel's advisory opinion that a congressional resolution was not required, in a September 4 meeting with elected congressional leaders, President Bush advisedly agreed that his administration would first seek such a resolution. Thus, the House is here today embarked on this gravely important duty.

Another very positive result of the leaking and the resultant intense controversy over the issue of military action on Iraq is what likely will be the outcome of the international community's furor about a potential unilateral and preemptive American strike against Iraq. That strenuous opposition is especially the case among our traditional European allies and the Arab states.

As was the case in the Gulf War, the administration sought international support for actions on Iraq through the

United Nations as a result of President Bush's exceptional speech to the U.N. General Assembly. Finally the international community has become serious about demanding the reintroduction of U.N. weapons inspectors in Iraq with the unfettered access demanded to search out and destroy production in storage sites of chemical, biological, and possible nuclear weapons.

The U.S. is right to insist upon an unconditional time-certain demand for any new inspection regime to begin and to insist upon full compliance with unfettered access for U.N. inspectors. The international community now has this forceful proposition before it: Either an effective U.N. weapons inspection program resumes and continues in Iraq now or the U.S. has established more forcefully the legitimacy of military action for regime change with the reasonable expectation of a supportive international coalition for military action against Iraq and for the perhaps more difficult task of Iraq reformation in its aftermath.

Because of an intense public debate on the necessity of military action against Iraq and especially the involvement of Congress, the resolution the House has before it today has evolved into a far more acceptable one and the legislative process has not yet been completed. The broad language extending the authorization for the military force to "secure peace and stability in the Middle East" has been narrowed to Iraq. The War Powers Act's requirements with reporting requirements to Congress are now included in the resolution. A limited notification to Congress by the President about the intent to use or the use of the authorization for military force is now included in the measure. And importantly now included in the resolution is the requirement to report to Congress under Section 7 of Public Law No. 105–338 about the U.S. planning and actions to be conducted or undertaken by America in Iraq after the Saddam Hussein regime is removed from power.

In other words, according to that Act and that report, humanitarian assistance, democracy transition assistance, and methodology for Iraq to repay its debts are all elements explicitly required.

□ 1645

Before using military force, the President now under the procedures specified in H.J. Res. 114 must make available to Congress his determination about two things: that "reliance on further diplomatic or other peaceful means alone either (A) will not adequately protect the national security of the United States against the continuing threat posed by Iraq and is not likely to lead to enforcement of all relevant U.N. Security Council resolutions regarding Iraq," and (B) that military action is consistent with the U.S. and international war against terrorism. These are among the important changes to a proposed congressional resolution that evolved to the one before us today.

Now, what is the case against Saddam Hussein? Especially important, what is it that justifies the preemptive use of military force?

This Member's colleagues will recall, of course, that without provocation, Saddam attacked and occupied Kuwait with an attempt to annex it. Crucially, however, as the House considers preemptive force, it must be recognized that Saddam has used weapons of mass destruction, specifically chemical weapons, against Iran and against the Kurdish population of his own country. Is there any legitimate doubt that he would be willing to use them again? Unfortunately, I have no such doubts that he would indeed use weapons of mass destruction again.

There also is no legitimate reason to doubt that he has a significant stock of both chemical and biological weapons. The U.S. recovered unused SCUD warheads with traces of both such types of chemical and biological agents in 1991, and in this forum this Member can only say that Saddam Hussein has now developed further ways to deploy such chemical and biological agents against his enemies.

The evidence is clear too, obtained from numerous verifiable sources, that Saddam attempts to develop nuclear weapons, that he did so in the past and today again. Ongoing attempts by Saddam to acquire dual-use technology for use in a nuclear development program continue, and that is notwithstanding the controversy about the intended use of one such attempted acquisition.

Should anyone have any doubts that Saddam has and is attempting to procure plutonium to substantially shorten the time of developing nuclear weapons, I have no such doubts. Thus, WMD remains a great threat to a widening circling of Saddam's neighbors and our own forces and facilities in the area.

However, again, what is also crucial and urgent is whether after the terror strikes of 9–11, we have any doubt that he would provide such WMD chemical, biological, and perhaps nuclear, in the future to terrorist groups who would use them against our citizens and those of our allies. This Member does not doubt in the slightest, and it is a risk that the U.S. cannot accept.

In saying this, this Member does understand that the administration cannot yet present incontrovertible evidence of a link between al Qaeda and Saddam. There are, of course, reasons for strong suspicions about such links.

That logically brings the House to the question of why at this time Congress should authorize the future potential use of military action by the administration.

This Member believes it is clear that the threat Saddam poses will only intensify. The U.S., the Western democracies, and Iraq's neighbors should never have permitted Saddam to hamper and then bar the reentry of U.N. weapons inspectors.

In the 11 years since the end of the Gulf War, and certainly in the 4-year absence of such inspections, Americans are now in more danger because of that collective lack of resolve to enforce WMD disarmament and because of the commercial and foreign policy goals of some of America's European allies and Russia.

Now, of course, in a post-September 11 world, the U.S. knows all too well that mass terrorism has been waged against civilians, in this country and abroad. It is a terrible part of the equation that the American President and the Congress now must responsibly consider. Does the U.S. now have a reasonable basis to conclude that Saddam is not an imminent threat against the United States? Is there a clear justification for attempting to override the conclusions of the Commander in Chief?

The answers are, unfortunately, no. Delaying action is a greater risk to America's national interest, the security of our citizens, than the uncertainties that always attend a war and its aftermath. The resolution authorizing the use of force, or one that we might craft by amendment, is an authorization this Congress should approve.

As the House takes this extraordinarily important step, fully mindful that Congress in passing the resolution authorizes putting members of the U.S. Armed Services in harm's way, and recognizing no citizen in this country is assuredly safe now from related terrorist events either, Congress has additional important responsibilities. Congress needs to take every step to assure that the executive branch has given adequate consideration and provided contingency planning and resources on the following questions, which, bear in mind, are beyond the questions about adequately helping and preparing and deploying our military force.

These questions are: number one, has the U.S. taken adequate steps to broaden the international coalition for not only the military operations, but especially for the more important and long-term task of developing a democratic regime in Iraq that will not threaten the security and stability of the region? The gentleman from Florida (Mr. WEXLER) made reference to this question.

Number two, has the administration prepared contingency plans to take into account that Saddam may use chemical and biological weapons of mass destruction, directly or through anonymous terrorists, against other nations in the region before or during the conflict which may ensue, for example, to be used against Israel? Has the U.S. prepared for what could be a rather extraordinary Israeli response?

Number three, has the administration taken steps to understand and prepare for the international consequences of such military action against Iraq in the region and elsewhere in the world? Will U.S. action strengthen the influence of Iran in the region, even in Iraq? Will U.S. military action strengthen demands for an independent Kurdish state in Iraq, including areas in neighboring countries? Will a victory in Iraq unleash a Shi'a Muslim bloodbath against the Sunni Muslim population or a large part of the Iraqi population that supported or is perceived to have supported Saddam Hussein? Is the U.S. ready to control it? Certainly the Shi'a have suffered tremendous provocation for such retribution.

Number four, has the administration adequately considered the resources the U.S. will need in this Iraq war-peacekeeping scenario in order to successfully pursue the ongoing American war effort against al Qaeda and terrorism, including the far-from-finished military, peacekeeping and broad reconstruction requirements in Afghanistan?

Mr. Speaker, this list of questions is only illustrative. It could be much longer. The passage of H.J. Res. 114 today, momentous as it is, as necessary an action as it is, constitutes but the first step in many important duties the Congress must pursue in this arena. Congress must be ready and fully committed to accomplishing them in a constructive, bipartisan effort with the executive branch.

Mr. Speaker, this Member strongly encourages his colleagues to vote "aye" on H.J. Res. 114 and then to join in a constructive bipartisan effort to insist and assure that the executive branch has considered and proposed contingency plans and resources to meet the unexpected challenges and the unattended consequences of military action against Iraq, if it is necessary, if it is necessary, I emphasize, to use military force to eliminate the danger that Saddam Hussein poses to the countries in the region, to our allies, and to our citizens here at home and abroad.

Mr. PAYNE. Mr. Speaker, it is a pleasure for me to yield 5 minutes to the gentleman from New York (Mr. RANGEL), the leader in our party and the ranking Democratic member of the Committee on Ways and Means.

Mr. RANGEL. Mr. Speaker, in over 32 years I have never seen an issue that has been more important to me and probably to many of you who have served here than to decide the question of putting our men and women in the Armed Forces in harm's way. It just would seem to me that there is no question that if anyone in the House or the other body thought that our Nation was in eminent danger, that we would have no doubts about taking a preemptive strike and destroying that force before they attempted to harm us.

The President of the United States has said to us that time is not on our side. Well, it may not be, but there are a lot of questions I would like to believe that our constituents will be asking us and that we should be getting answers to these questions before we give up our authority to declare war and turn it to the President of the United States to subjectively make a decision as to whether or not we are in danger.

We are not talking about a danger like 9–11. We are talking about a potential danger that is somewhere in the future. Whether it is 1 month or 1 year, one thing is clear, nobody has said that we are in danger before November 5. That date just comes up, not as frequently as 9–11 does.

But it seems to me as I have traveled around the world, one of the things that I have been so proud of in saying is that with all the problems we have in the United States of America, one thing is that we never start a fight with anybody; that we were always there talking about democracy and believing that when people and communities and nations had disputes, that we were there to talk about those bonds of law, of due process, of diplomacy. We felt so proud to set up the United Nations in such a way as to say that before we destroy each other, let us attempt to talk this out.

The President has reluctantly, but beautifully, gone to the United Nations and laid our case before the leaders of the nations of the world, and I have never felt more proud of being an American than to hear him prod them to do the right thing and to complain about the negligence in which they have not enforced the United Nations resolutions as relates to Saddam Hussein and Iraq.

But, strangely, it ends up with him saying, "And if you don't do the right thing, if you don't abide by international law, if you don't respect the resolutions that you have enacted, then I will unilaterally go into these countries and justice will be done."

I do not expect that I would want the defense of the United States to be left to other countries. But if there is no imminent danger, but danger that is perceived, especially as the President has said, danger to the surrounding nations around Iraq, those that are within the direct threat of bio-chemical weapons, those that can be hit by the missiles, then I wonder why, when the President talks about coalitions, that he does not mention any of these countries?

Israel is in direct danger of a strike by Iraq if we invade, as well as Turkey, Iran and Saudi Arabia. Why at least, if not the European countries, why are these countries not saying let us go to the United Nations and we will prove to you that this man is a demon and not just a threat to the United States of America, but a threat to everything that free countries believe in?

It just seems to me that we will never, never, never be in a position to chastise the governments of Pakistan and India, of North and South Korea, of Georgia and the Soviet Union, that we will never be able to tell them that they cannot take their subjective fears and strike against the other nation without taking their complaint to the United Nations, because we are the ones that have said that, yes, we will go to the United Nations, but we are not bound by the United Nations.

I think we should say that, but I think we should come back to the United States Congress and ask for permission, if that is necessary.

Mr. BEREUTER. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Ohio (Mr. TIBERI).

Mr. TIBERI. Mr. Speaker, I rise in support of the bipartisan resolution on Iraq. I want to congratulate the leadership and Members of both sides of the aisle who worked hard to craft this bipartisan resolution.

I am certain that if left to our own devices, each of us would write this resolution differently than the one before us today. But while it may not be what each of us would want perfectly, it goes a long way towards addressing the concerns raised by many in this body, and, more importantly, by many of our constituents.

It calls on the President to work with the international community in ending the threat posed by Saddam Hussein. But should diplomatic efforts fail, it authorizes the President to take military action to protect Americans from the threat posed by Iraq.

The distinguished minority leader, the gentleman from Missouri (Mr. GEPHARDT), put it best when he said this resolution means we should act diplomatically if we can, and militarily if we must. All of us hope military action will not be necessary and that Iraq will abandon its strategy of delay and evasion and instead act responsibly.

□ 1700

But should diplomacy fail, we are making it clear that America will act decisively to remove the threat that Saddam Hussein and his regime poses not only to our citizens but to all freedom-loving people everywhere.

Mr. LANTOS. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. BENTSEN), my good friend and our distinguished colleague.

Mr. BENTSEN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, last night in his address to the United States on the administration's policy towards Iraq, the

President laid out his indictment of the Iraqi regime and particularly its leader, Saddam Hussein. In doing so, he answered a number of questions that Members of this body, as well as the American public, have raised regarding the administration's policies.

While I will argue that I have few differences with the President on those issues with respect to the Iraqi regime's efforts to produce weapons of mass destruction and its efforts against its own people, even the tenuous, but troubling, allegations regarding its connections with al Qaeda, the President still did not answer a lot of questions and a lot of questions that have been raised on this floor. That is why I intend to support the substitute offered by the gentleman from South Carolina (Mr. SPRATT).

As poignant as the President's speech was with respect to his indictment of Iraq, it lacked crucial substance with respect to the means by which the United States can achieve the containment and dismantling of the regime and its threat to the region and, ultimately, our Nation. The President made limited reference to the need for a strong international coalition to rid the world of this menace.

Unlike the last war with Iraq, the present administration has given insufficient attention to building the broad coalition to achieve the end we all desire. I do not believe, nor do I believe most Members believe, that the United States must obtain permission from other nations of the world to ensure our own safety. Clearly, we possess the military might. But, at the same time, our strength to defend ourselves and interests is bolstered by our ability to build coalitions with our friends; and undermining that ability will no doubt have costs.

We do not know whether or not acting unilaterally will undermine our efforts with Iraq, with the Middle East, with our interests throughout the world, and our own long-term security. We risk losing the moral high ground that was so helpful in our last war with Iraq and has become the cornerstone of American policy. We run the risk of alienating our friends and foes alike, and I think that is a risk that this body should consider.

Unfortunately, this administration has built a record on eschewing alliances in favor of unilateral approaches to foreign policy, contrary to the scope of American foreign policy by Republican and Democratic administrations for the last 60 years; and it is one that I think is of grave consequence as we go further.

No question that we can address Iraq militarily, but what will be the cost in the long run? How long will we have to leave ground troops if we do not have a coalition going in with us?

I think the administration is on the right track with respect to the regime, but I am concerned about whether or not the United States will have to shoulder the full burden and what will be the security risk of leaving tens of thousands of American troops on the ground in Iraq? No one in the administration, no one in this body or the other body knows how long it will take. And our recent experience in Afghanistan and in the Balkans tells us that it can take a long time before we can rebuild a nation.

Mr. Speaker, the Spratt resolution very clearly lays out where the Congress stands with respect to the Iraqi regime and their flagrant disregard for international law, their flagrant disregard for the U.N. Security Council resolutions. But it also says that the administration should try and do what every administration going back since the beginning of the United Nations has done, which is to build a broad-based coalition, just as President George Herbert Walker Bush did in 1991 that worked so masterfully in Desert Storm.

Should that fail, it gives the President the authority to come back to the Congress and then ask for an authorization of war. We can do this now without risking the United States, putting the United States at grave risk, but we can also do it to ensure that the United States has a long-term foreign policy that is in our best interests, that ensures that we have our allies throughout the world working to ensure that we protect our interests throughout the world as well as defending the homeland here.

Unfortunately, I am afraid that this administration too often seeks to ignore the attempts that all of these prior administrations have attempted to do in ensuring U.S. national security.

So, Mr. Speaker, I have yet to see where the resolution, which I agree that the bipartisan leadership crafted in bringing it closer to where we ought to be and having consultation with the Congress and trying to build a coalition, but I am afraid it still gives a blank check. I think the resolution by the gentleman from South Carolina still puts the U.S. firmly on record with respect to the regime but also does it in a way that protects the historical precedents of American foreign policy and the defense of the Nation.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Missouri (Mr. BLUNT), the deputy chief whip.

Mr. BLUNT. Mr. Speaker, Aflatoxin, a biological weapon that has no battlefield use, something I only recently read about, as it has become apparent that this weapon has been designed and put on missiles able to be delivered by Saddam Hussein, no battlefield use, no military advantage. Somebody has written it could keep a lieutenant from becoming a general, but otherwise has no effect on the battlefield that day. It is designed to end life, it is designed to end life in a slow and painful way.

The greatest target of aflatoxin are children, children who, many of whom, would eventually die from liver cancer if this particular weapon is used.

In so many ways it sums up Saddam Hussein. Other countries have developed weapons of mass destruction, but only one person in charge of a government today has ever used these weapons. He has used them against his own people. He has used them against a neighboring country. Saddam has stepped beyond the bounds of civilized nations. I am convinced, Mr. Speaker, that the President will use the authority of this resolution after exhausting all reasonable alternatives.

For too long, Saddam Hussein has terrorized his own people. For too long, Saddam Hussein has encouraged international terrorism. For too long, Saddam Hussein has defied the international community. For too long, Saddam Hussein has ignored his agreements with other nations and with the United Nations.

The United States did not seek the decision we have before us today. It was forced on us by a discredited dictator and the cowardly forces of terrorism he encourages. Our leadership today will encourage the international community.

The United Nations was created specifically to deal with this type of situation, this kind of aberration among civilized nations. Hopefully, the United Nations will act and act soon. In any case, we must show our willingness to enforce the standards of civilized nations on this dictator. We will be joined by many immediately and others as we demonstrate our commitment to the cause of freedom.

Mr. Speaker, I urge my colleagues to support this resolution, a decision we all come to reluctantly but necessarily as we maintain and understand our position of leadership in the world.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking Democrat on the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I intend to vote to authorize the President to use military force against Iraq, provided that we are part of an allied coalition under the authority of a new U.N. resolution. But if the President cannot obtain the support of our allies or passage of such a U.N. resolution, then the congressional resolution must provide an opportunity for Congress to evaluate the situation at the time before deciding on unilateral action.

I would not be comfortable supporting any resolution that is an immediate blank check, Gulf of Tonkin, take-it-or-leave-it abdication of congressional responsibility that would not provide for that opportunity.

Saddam Hussein is a bad actor who must be dealt with. The issue is not whether Saddam will be dealt with, but how. The United States' interests are best preserved over the long haul if we act in concert with our allies and with the approval of the United Nations. The U.N. cannot have a veto, but Congress should know where it and our allies stand and how much of the effort and cost they will bear before we decide to proceed unilaterally.

The best way to unite this country and the world in this effort is to follow a careful, two-step process; and I am convinced that this is the wisest course to follow if we want to minimize regional instability and maintain the broadest possible international support for our war against terrorism.

It is more important that we do things right than that we do things fast, because the fight against terrorism is a long-term, not a one-week struggle, and we must think long term. Over the long haul, we will not be able to conduct a successful war against terrorism without the sustained support of our allies.

Senator Vandenberg, the wise Republican foreign policy leader, once told Harry Truman that if presidents wanted Congress with them on what could be crash landings, they needed to be with him on the takeoffs. That is just as true for our allies as it is for the Congress. It takes a little longer, but it makes us stronger.

Despite the dangers involved in an initial attack on Iraq, the most serious consequences could well be those we face after Iraq is occupied, unless this effort is well thought out. Based on discussions with the administration and the intelligence community, I believe much more work needs to be done to put together a plan that will avoid an anti-U.S. backlash in the Arab world, a backlash that could generate thousands of new recruits for al Qaeda, Hamas and other terrorist organizations.

We need an after-the-attack plan that demonstrates we are not just going after another Arab country and not just doing it for oil. Part of that plan should be an effort with our European and Middle Eastern allies to attack the poverty, anger, and ignorance that plague so many in a region in which a small elite displays almost obscene palatial riches.

If we are to deny bin Laden and other terrorists thousands of recruits because of our actions, we must show what we are for as well as what we are against in that part of the world.

One of the things we must be for is a resolution of the Palestinian problem. We must be ready to immediately demonstrate our determination to resolve that problem in order to make clear that our target is Saddam's reckless despotism and not the Arab world in general, and we need allies to make that believable. That is why I will vote for the Spratt amendment.

Mr. Speaker, I would also hope that once this debate is over we will also give equal attention to the problems that we have in this country, problems of unemployment, problems of retirement insecurity, problems of a deteriorating economy. We must have a strong economic base if we are to have the social and political cohesion necessary to fight any war against terrorists or anyone else. I urge that this Congress give at least as much attention to those problems as it has given to the Iraq issue over the last month. That will truly produce the kind of balance that will be best for our country.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, after about 20 meetings and briefings over the last couple of months, last Thursday the Committee on International Relations reported out this resolution, H.J. Res. 114, which would authorize the President to use force in Iraq, if necessary.

Before this came up in the Committee on International Relations, I met with CIA Director George Tenet and National Security Adviser Condoleezza Rice at the White House last Wednesday to get answers to some of my remaining questions. They related classified information about Saddam Hussein's buildup of chemical and biological and radiological and nuclear weapons, as well as the buildup of technology and equipment to deliver those weapons.

This information is very alarming. I suggested to the White House that they try to work at declassifying more of this information and make it available to the American people so that there would be a better understanding of the real threat that Saddam Hussein's regime in Iraq is posing against the United States.

☐ 1715

As an old Air Force intelligence officer, let me suggest that it is my conclusion that Saddam Hussein represents the same terror that we experienced on September 11, a year ago.

We know that he has a buildup of these weapons of mass destruction. We know that he has shown a willingness to use these weapons against his own people up north in the Kurdish area. We know that he is a bully that wants power, we know he is bloodthirsty, we know that he tried to take Kuwait to expand his power and influence as far as expanding his ability to export his products.

I offered an amendment in the Committee on International Relations to emphasize one important point, that was, that our quarrel was not with the Iraqi people. The Iraqi people had little to do with any of the decisions leading us into this conflict. The aggression and buildup of weapons has happened because the Iraqi Government was seized by Saddam Hussein, who has used Iraq's resources and the Iraqi people for his own delusional purposes. In fact, I believe the people of Iraq will be our allies against Saddam Hussein's regime, as the Afghan people were our allies against the Taliban.

In conclusion, let me recall what we were talking about a year ago after the September 11 attack. There were accusations of who knew what when and what could have been done to prevent that kind of attack.

Well, Mr. Speaker, this is what we can do: we can take a stand. We can inform ourselves of the seriousness of the information that is now available to us to know that this is a real threat. We can have strong support in this Congress so that the United Nations Security Council is going to pass a strong resolution there with ramifications for enforcement.

That is what we can do for this country, and that is what we can do for the free world.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 5½ minutes to the distinguished gentleman from New York (Mr. CROWLEY), a member of the Committee on International Relations.

Mr. CROWLEY. Mr. Speaker, the decision to declare war is one of the most important responsibilities our Constitution has charged to us as Members of Congress.

As a parent, there is no responsibility that weighs on my mind more heavily than the decision to send our sons and daughters off to war. Yet as a New Yorker, I want to ensure that our country never again faces anything as horrific as the September 11 attack of last year.

I have sought out as much information as possible on the threats and risks posed by launching a military confrontation by Iraq, as well as the risks of not acting at all. I have heard intelligence briefings on Saddam Hussein's military capabilities. I have heard administration officials and experts make both sides of the argument in testimony to Congress. I have thought about the thousands of young men and women who may be put in harm's way, and I have thought of their families.

During the Vietnam War, my neighborhood of Woodside, Queens, the 11377 ZIP code, lost the highest number of people per capita in our Nation during that conflict. Countless constituents have called me and written to me to express their concerns about the impact that a war against Iraq will have on our Nation, our economy, our communities, and our daily lives.

After carefully considering the evidence regarding Saddam's continuing efforts to develop chemical, biological, and nuclear weapons, I believe that it is clear that his regime poses a severe threat to the Middle East, our allies in Israel, the United States of America, and to the entire world.

Many of my colleagues have called for weapons inspections to be given one last try; but years of U.N. weapons inspections and international monitoring have demonstrated that such efforts cannot work as long as the Iraqi regime remains determined to thwart them.

It is also clear that Saddam has no plans to end his support for terrorism. While the administration has not, in my mind, proven that Iraq has provided support to al Qaeda, Saddam has funded Palestinian terrorist attacks against innocent civilian Israelis, paying a sliding scale of benefits to the families of Palestinians who are killed or injured in such attacks.

The families of Palestinians who blow themselves up in homicide bombings receive $25,000 in cash; the families of those killed in other attacks against the Israelis receive $10,000. Palestinians seriously injured in attacks on Israelis receive $1,000, and Palestinians slightly injured in such attacks receive $500.

Saddam Hussein has volunteered to be the workers' compensation plan for Palestinian terrorists whose homicidal intentions are no different, no different from those of the 19 murderers who flew airplanes filled with innocent people into the World Trade Center, the Pentagon, and a field in Pennsylvania, killing nearly 3,000 people. Only when Iraq ceases to be a threat and takes its place as a responsible member of the international community will our future be secure.

Because of Saddam's continued support for terrorism and the serious threat posed by his efforts to develop weapons of mass destruction, I want to express my support for this resolution. It now includes several provisions that I and other Democrats have fought for to focus the authorization more clearly on Iraq's weapons of mass destruction.

First, I am pleased that the resolution calls on the President to work through the U.N. Security Council to secure Iraq's compliance with existing U.N. resolutions. None of our allies, save Great Britain, have indicated support for military action unless it is authorized by the U.N. Security Council. If we want to bring an end to religious extremism and terrorism in the Middle East, we must work with and not against leaders in the region and in the international community. It is imperative that the United States act in concert with allies and partners, with the authorization of the U.N. Security Council.

Second, it is important that the resolution prevents the President from using force against Iraq unless and until he declares that he has exhausted all possible diplomatic efforts and attests that further diplomatic initiatives will have no effect. This means that the use of force will truly be a last resort.

Third, the resolution also requires the President to submit to Congress a determination prior to using force that taking military action against Iraq is consistent with actions needed to eliminate international terrorism. This ensures that the war against terrorism, which must remain our top national priority, will not be pushed aside by efforts in Iraq.

Finally, the resolution requires the President to report every 60 days on military operations and on the planning for post-conflict activities such as reconstruction and peacekeeping. This provision is critical, as I believe that the administration has yet to develop a strategy for rebuilding Iraq. We will need to lead a reconstruction effort, not just because the Iraqi people need such assistance after decades of living under a despotic regime, but rather because ensuring that Iraq is a democratic, prosperous and stable country furthers all of our national interests.

Mr. Speaker, despite my misgivings, and though I wish the administration had decided to wait to pursue this campaign until we and our allies made more substantial inroads in the war against terrorism and groups that support terrorism around the world, I will nonetheless support this resolution. I urge my colleagues to do the same.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of this resolution. Winston Churchill is purported to have once said: "An appeaser is one who feeds a crocodile, hoping it will eat him last."

I contend that Saddam Hussein is that crocodile. For more than a decade, Saddam Hussein has wreaked havoc on our world. He has established a pattern of deception and untold cruelty against humanity. The Iraqi dictator has made a mockery of the international community by defying 16 United Nations resolutions. He has deceived and defied the will and the resolutions of the United Nations Security Council. He has gassed, tortured, starved, and executed the people of Iraq, including tens of thousands of innocent men, women, and children. He has provided a support network for, and has housed, terrorists. He has refused to account for missing Gulf War prisoners. He has refused access multiple times to U.N. weapons inspectors, in spite of his promises to allow complete inspections of weapons of mass destruction. He has refused to return stolen military equipment. He has fired upon American military forces patrolling the no-fly zone. He has sought to circumvent economic sanctions.

Most alarming to me, Mr. Speaker, as a physician, he has developed weapons of mass destruction, including biological and chemical weapons, with long-range ballistic missiles capable to create untold devastation and human misery. Worse, he is close to possessing a nuclear weapon.

Mr. Speaker, as a physician, I can tell the Members that we can remediate and protect to a certain degree against chemical and biological attacks, but there is no way to deal with a nuclear explosion. All of these findings are well documented and are a matter of public record.

While there are many dangers in the world, the threat from Saddam Hussein stands alone because, as President Bush said, it gathers the most serious dangers of our age in one place under the leadership of a merciless dictator.

Some critics have argued that the U.S. should only take military action against Saddam Hussein if the U.N. Security Council endorses military action. While I believe it is important to seek international support, including support of the U.N. Security Council, I do not believe it is wise to give other nations like Russia, China, and France veto authority over the national security interests of the American people.

Military conflict is not something to be undertaken lightly, nor is it something we should undertake without exhausting efforts to resolve the issues at hand in other ways. Unfortunately, over the past 10 years, since the end of the Gulf War, Saddam Hussein has chosen to be an outlaw from the international community. He has chosen to disregard the will of the international community.

Some would like to pretend that he has not done this, that he has not been continuing the development of weapons of mass destruction, that he has not been harboring terrorists, that he is not aiding those who seek to harm America. The record of his dictatorship demonstrates otherwise.

We have been students of history. While conflict is not something that we desire, it is something a peaceloving people sometimes have to engage in in order to protect the peace. This often is the only way to stop greater evil from being brought to bear on millions of innocent men, women, and children.

What would have been the course of history had a policy of appeasement toward Adolph Hitler not been adopted in 1938? The world was promised peace then, and 6 months later the world was engulfed in World War II. We have been engaged in an appeasement of Saddam Hussein over the past decade. He has been unwilling to respond to the pressure of the international community. How much longer should we continue this policy of appeasement?

What if we refused to take the necessary action to stop the Iraqi dictator from building these weapons? I feel the results could be catastrophic. I urge my colleagues to support the resolution.

Mr. PAYNE. Mr. Speaker, it is a pleasure to yield 6 minutes to the gentleman from Michigan (Mr. LEVIN), a member of the Committee on Ways and Means.

Mr. LEVIN. Mr. Speaker, the most important questions before the House today and tomorrow and the next day are posed by the resolution introduced by the gentleman from South Carolina (Mr. SPRATT) and many others of us.

The question is not whether action must be taken to disarm Saddam Hussein of weapons of mass destruction; that action must be taken. The question is not whether the U.S., as the sole superpower, should exert leadership to bring this action about; it must. The basic question is where the emphasis should be in the use of our superpower standing.

□ 1730

What messages do we want to send the rest of the world? In meeting the challenge posed by Saddam Hussein, is the emphasis on using our leadership to form a broad partnership with other nations or to go it alone? And should any decision as to how and when to use unilateral force be essentially in the hands of the executive alone or should the elected representatives of the public in this U.S. Congress be an active participant? Should we be authorizing the President to use the U.S. Armed Forces to go it alone in a war against Iraq now, before the U.N. Security Council has acted further, or not? Before Iraq has responded completely to those demands or not? Before a new inspection regimen occurs or not? Before we might use force as a member state in compliance with U.N. resolutions?

I believe there is a role for Congress and the American people in evaluating the success or failure of those efforts in reaching any decision to authorize unilateral military action in a war against Iraq. From the very beginning, the thrust of the administration's approach has been to discount collective international efforts and towards unilateral action by the U.S. Urged by a broad array of critics, the President went before the U.N. He delivered a strong speech urging that the U.N. live up to its responsibilities. The President was appropriately applauded for that speech.

It is critical that we keep the emphasis on achieving collective international action. That does not mean, and I emphasize this, that we are ceding a final decision to the U.N. Quite the opposite. We are leading the way for the U.N. to act.

The Spratt resolution, as does Senator LEVIN's resolution in the Senate, makes clear the U.S. will make final decisions about our policies. But the emphasis needs to be on forging collective action through the U.N., with a strong resolution requiring unfettered inspections as to all weapons of mass destruction and their elimination.

The outcome of this international effort remains today uncertain. The odds of effective collective action will be more uncertain to the extent the U.S. position is not total disarmament but a change in regimes. And the President's speech last night veered toward regime changes as a prerequisite.

Further, the chances of collective action are dim to the extent the President's approach to Iraq is framed against the broad doctrine enunciated by the administration several weeks ago. As written, it is a doctrine of preemptive action in cases short of imminent danger with only cursory references to the strength of collective action and our responsibilities under international law.

The President says that the U.N. action will be enhanced if the U.S. speaks with one voice. True. The approach adopted in the Spratt resolution would have provided a much clearer opportunity for one voice to be spoken and to remain so. The focus of the Spratt resolution is on Iraq. It is total disarmament, not a variety of goals stated in the administration's resolution. Its emphasis is the effort to achieve collective action. Collective international action rather than unilateral will likely maximize the chances of success in disarming Saddam Hussein and will minimize the potential adverse consequences for the U.S., adverse in terms of reactions throughout the world, stability in the region, cooperation in the war against terror, and in broad participation in the aftermath of any war on Iraq.

The Spratt resolution gives the President authority to proceed militarily, to enforce a strong U.N. resolution that provides for enforcement by member states; and it makes clear that the U.S. stands ready to consider unilateral action through this Congress if the U.N. fails to act effectively. That surely sends a clear message to the U.N. and Saddam Hussein.

The approach in the Spratt alternative lays out a more effective course than the majority resolution. It keeps the emphasis in the right place both in terms of the U.S. using its superpower status to try to achieve collective international action, allowing for the use of military force in that context and, importantly, in preserving an adequate role for the elected representatives of the public in this U.S. Congress in reaching a decision to go to war against Iraq.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, in 1991, the United States left Iraqi dictator Saddam Hussein in power after his unprovoked invasion of Kuwait. The U.S. and our coalition powers failed to understand the depths of evil that Saddam would sink to as the leader of Iraq or the willingness of the international community to look the other way as he continued to develop weapons of mass destruction.

Over the last decade, Saddam has systematically negotiated and then violated multiple international agreements with the United Nations, allowing him to develop and stockpile weapons of mass destruction, while at the same time terrorizing his own people.

President Bush has called for an end to the international appeasement of Saddam. The President has challenged every nation of the world to face up to its responsibility and stop this evil man with his evil designs. The President said that if the international community is not willing to meet this challenge, that the United States is.

Mr. Speaker, I support the President's call for action; and I call on my colleagues to do the same by supporting this resolution. Let me explain why.

In 1991, the world came together to defeat a common enemy and then demanded through the United Nations that Iraq stop the repression of its people, return prisoners of the Gulf War, renounce terrorism and end its program to develop and stockpile weapons of mass instruction. Iraq agreed to each of these demands. Instead, in the last decade Iraq has systematically and uniformly defied each and every one of these agreements. These actions alone warrant international action. But, of course, there is more.

We know that the Iraqi government maintains successful biological weapons laboratories. We know that Iraq maintains a chemical weapons stockpile it has shown a willingness to use. And we know that Iraq continues to attempt to develop nuclear weapons. These are not guesses. These are facts.

Mr. Speaker, it is clear that the development, manufacture and stockpile of weapons of mass destruction and ballistic missiles is the overriding goal of the Iraqi regime. It is also clear that Saddam Hussein would use every weapon in his arsenal to damage the United States and its citizens, whether within our borders or overseas.

Mr. Speaker, these deadly weapons are in the hands of a dictator who has invaded both Iran and Kuwait. These deadly weapons are in the hands of a dictator who has fired ballistic missiles at Iran, Saudi Arabia, Israel and Bahrain that have killed and injured U.S. military men and women. These deadly weapons are in the hands of a dictator who has gassed Iranian troops and villages in his own country.

Mr. Speaker, obviously, diplomacy is the preferred course of action to solve this problem. In fact, the United Nations and the United States have been patient over the last decade. Yet Iraq continues to defy U.N. resolutions demanding international inspections for weapons of mass destruction. Yet Saddam continues to block, ignore or defy the 16 separate U.N. resolutions. He clearly has no interest in yielding to the international community.

Amazingly, there are some in the international community who want to give Saddam additional opportunity. They believe that the 16 U.N. resolutions are insufficient evidence of Saddam's intractable opposition to inspections. I disagree. Saddam has had his opportunity. Unless inspectors are immediately allowed unfettered action to the entire nation, the United States must act.

Others here in the United States believe that we must wait for the U.N. to act before the United States can protect its national security. Again, I disagree. The United States must determine for itself how we should protect our nation and our citizens. It is we, Members of Congress, the President, and the American people, who should determine the fate of our Nation.

Now we, as Members of Congress, have the terrible task of determining whether or not our Nation should go to war. As a Member of Congress, I cannot avoid my responsibility to protect our Nation and ensure that Americans both at home and abroad are safe.

I have concluded that to protect the lives and safety of our country and our people we must act. Mr. Speaker, it is time to give the President the authority he has requested to deal with the imminent threat Saddam Hussein poses to the United States and to the world.

I hope the diplomacy will work and that Saddam will finally yield unconditionally to international inspections for weapons of mass destruction. I also hope that the U.N. will join the U.S. in this effort. However, we cannot as a Nation make our national security dependent upon this body.

In the end, the growing coalition of countries supporting our efforts will see the overwhelming bipartisan vote this week as a symbol of our unity and commitment to disarming Saddam Hussein.

Mr. Speaker, I urge my colleagues to join me in support of the resolution and of the President of the United States in this action.

Mr. DAVIS of Florida. Mr. Speaker, I yield 5½ minutes to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise today to discuss the resolution to authorize the use of force and deal with Saddam Hussein once and for all. No one can dispute that Saddam Hussein is a tyrant and a thug. His brutal dictatorship has enslaved the Iraqi people in a state of terror for many, many years. His outlaw regime has long been characterized by vicious political repression and a denial of basic human rights. He has unleashed the horrors of chemical and biological weapons against innocent men, women and children in his own country.

Saddam Hussein's international crimes are well known. On two separate occasions he has invaded neighboring countries to launch wars of conquest against nations that presented him no threat. He has attacked civilian population centers in our allied countries of Israel and Saudi Arabia. He has threatened the security of the Middle East region and peace in the world. And his military routinely fires upon American and allied aircraft patrolling the Iraqi skies to enforce the United Nations Security Council's resolutions which he agreed to abide by at the conclusion of 1991 Persian Gulf War.

Make no mistake, Saddam Hussein is an international outlaw who must be confronted once and for all. He must be thoroughly disarmed so that he no longer poses a threat to world peace. Frankly, we should have taken care of this festering problem when we had the chance, but the first Bush administration walked away and let this murdering thug ravage his country and consolidate his iron grip on power.

The Clinton administration contained Saddam Hussein for 8 years, but Iraq's progress in obtaining weapons of mass destruction renders "containment" a policy no longer sufficient to the task.

I support President Bush's policy of confronting Saddam Hussein, but we must not wage war without making every effort to achieve our goal without further bloodshed. We must not take a go-it-alone approach. Rather, we should assemble an international coalition among the family of nations of the world to present a united front in the struggle against this evil dictator.

International cooperation must not be considered a luxury to be obtained if convenient. Rather, we must recognize a great lesson of the 20th century, that international cooperation is essential to American security and prosperity.

We must also not lose sight of our ongoing worldwide military campaign to eradicate the threat of al-Qaeda terrorist network. The wounds of 9/11 still ache. America has unfinished business with Osama bin Laden and his fanatical followers. Bin Laden may be dead or he may be alive, but let there be no doubt that his loyalists still lurk in the shadows ready to strike America in our unguarded moments. We must have no relent in our pursuit of our terrorists, and we must not mishandle the present Iraqi situation in a manner that breeds suicidal maniacs begging for the chance to kill Americans. Rather, we must engage moderate Arab republics and leaders of the Islamic faith to demonstrate that our cause is just, our intentions are noble, and our friendship is genuine and enduring.

Mr. Speaker, I want to commend my Democratic colleagues who have stood on principle to address the important shortcomings of the White House's original resolution. Now is not the time for partisan politics, and I am pleased that we have arrived at language that a broader cross-section of this House can support, while leaving individuals Members free to vote their conscience.

Mr. Speaker, as a veteran of the United States Army, my thoughts and prayers are with our brave men and women in uniform and the families who love them. Our military is the finest fighting force ever assembled in world history.

□ 1745

They are well trained, highly motivated and superbly trained. Should force be necessary, their mission may well be a very difficult one, but I have no doubt our warriors will rise to the occasion and win the day.

Finally, Congress must get back to addressing the critical issues facing our families every day. Congress must act to improve education, reduce health care costs, protect Social Security, and get our economy back on track. We must balance the budget and pay down the national debt for long-term economic growth. We must lower health care costs. We must fund education so that every American willing to work hard can have the most of his God-given abilities.

In conclusion, I will vote for this use of force resolution; and at the end of the day, the leadership of this country must speak with one voice. As President Kennedy said in his inaugural address: "Let every Nation know, whether it wishes us well or ill, that we will pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and success of liberty."

Saddam Hussein is the world's leading threat to human liberty. I support this resolution as a last resort to eliminate this threat.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. SAM JOHNSON), a courageous war hero from Vietnam and former POW.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I stand here today in full support of giving the President the tools he needs to protect the lives of Americans at home and around the world. The United States and United Nations have tried sanctions. We have tried inspections, we have tried no-fly zones, we have tried treaties, peace talks and 16 different Security Council resolutions. Saddam has violated every agreement.

Anyone who holds hope after 11 years of Saddam Hussein's outright rebellion against the world must be the eternal optimist. Saddam Hussein has no intention of allowing inspections inside his palaces or weapons facilities. Saddam Hussein has no intention of allowing his scientists and families to be questioned outside of Iraq as President Bush has asked for; and Saddam Hussein has no intention of giving our government or the family of Scott Spiecher, the downed American pilot, any information on their son's whereabouts.

Saddam is a blood-thirsty madman who cannot be left to his own devices. If left alone, Saddam Hussein will continue to build biological and chemical weapons and obtain a nuclear capability.

Last night, the President told us that Saddam is now building unmanned vehicles and airplanes to disperse those weapons almost anywhere. As a representative of the people of the State of Texas, I cannot sit back and allow Saddam Hussein more time to plot the demise of the United States and our allies.

As one of the few Members of Congress to fight in combat and the only Member held captive as a POW in Vietnam, I know we cannot fight a war from the Congress of the United States and win. Our President, with the passage of this authority, can and will deliver.

Let us learn from our Vietnam experience and ensure that President Bush has all the tools he needs to protect freedom in America and in the world. A resolution without restriction must be passed. Our future is at stake.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. DEFAZIO), a member of the Committee on Resources and the Committee on Transportation and Infrastructure, and a real leader in our delegation.

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding me the time.

One of the most solemn duties given by us to the Constitution is before the House because the resolution before us is most certainly a declaration of war. It lacks the specificity of the last declared war, World War II, but it closely mirrors the open-ended authority granted President Johnson in the Gulf of Tonkin resolution in 1964.

The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to defend the national security of the U.S. against the continuing threat posed by Iraq. That is it. That is the key part of this, despite all the whereases and everything else.

So, with this resolution, Congress will preauthorize the first-ever preemptive war in the history of the United States, a war that may be fought unilaterally, without a single ally, conducted without restraint or clear objective, potentially in violation of the U.N. charter and widely accepted international law. I do not believe our Nation's founders would think that this was the proper use of our authority under article I, section 8 of the Constitution.

What is so extraordinary about Saddam Hussein and the threat he poses that would justify this broad grant of authority? What has changed in the 2 years since then-candidate Bush said, The United States will not be the world's 911, the world's police force, and that we will not engage in nation building? There were the horrendous attacks of September 11, attacks against the United States; but neither the United States nor British intelligence services can find the slightest link between al-Qaeda and Iraq. So that cannot be the reason.

The President went to the U.N. 3 weeks ago, and he repeated in Cincinnati a long litany of charges against Iraq, most of them true. Saddam Hussein is a brutal psychopathic dictator. He has committed crimes against humanity. He used chemical weapons against Iranian troops, against rebellious Kurds in his own country. He killed tens of thousands, but that was during the Presidency of Ronald Reagan and Bush 41; and the United States turned a blind eye because Saddam was allied with the U.S. against Iran.

He has violated a number of U.N. resolutions, but all along before the last Presidential election. So something else must be behind this.

Is this an attempt to obtain nuclear weapons? Two other members of the axis of evil are much further along. Iran has a very well-developed nuclear weapons programs and much stronger proven ties to terrorist groups, including harboring al-Qaeda; and of course, North Korea has probably nuclear weapons and two-thirds of an almost functional intercontinental missile which is having us rush to build Star Wars. So, is that the reason? I do not know.

It really seems to me there is something else going on here. Perhaps it is because the President brought a number of people from his father's administration who felt that they were frustrated because they did not get to go to Baghdad the first time when Colin Powell and George Bush 41 stopped them short of that goal; but these men, these old men, these oil men, most of whom have never fought in a war or have never served in the military, are very deaf to the substantial concerns of Colin Powell, General Clark, and others in the war all too well.

They are deaf to the concerns of Middle East experts and Arabists at the State Department and our intelligence services. They are deaf to the very vocal concern of our allies around the world. They are deaf to the concerns of millions of Americans who have doubts about this adventure, and they are blind to the potential repercussions of the Pandora's box they will open with this war, the first war fought under the new Bush doctrine of preemptive war.

Never has the United States of America launched a preemptive war. The prospect of the United States pursuing a unilateral preemptive war with Iraq with little or no support from allies in the international community is gravely disturbing; but the international application of this doctrine could launch a war against a threat, that is, U.S. or any nation, could launch a war against a threat or perceived threat by another nation. Just think, India and Pakistan, China and Taiwan, Russia and Georgia. The list is long and frightening.

The administration proponents of this resolution would have us believe we have no option, but we do. Continued containment, deterrence and intrusive, unfettered inspections. There is a long list of the success of the last inspections rendered by Tony Blair to the Parliament, not by the Bush administration to the Congress: destruction of 40,000 munitions for chemical weapons; 2,610 tons of chemical precursors; 411 tons of chemical warfare agent; dismantling of Iraq's prime chemical weapons development and production complex at LAl-Muthanna; the destruction of 48 SCUD-type missiles; the destruction of the Al-Hakam biological weapons facility. The discovery in 1991 of samples of indigenously produced highly enriched uranium made them disclose their program so that led to the removal and destruction of the infrastructure for the nuclear weapons program, including the Al-Athir weaponization testing facility.

Intrusive inspections, despite the harassment, did work. We do have an alternative. We should return to that regime. We should go with our allies under the auspices of the United Nations. We should root out and destroy his weapons of mass destruction. We have an opportunity and a proven alternative before us, unfettered inspections, destruction of the arsenals; but it is not clear that that is the sole objective of this administration.

War should be a first resort? No. War should be a last resort.

Do not vote a blank check to this administration. They are all too determined to have this war no matter what occurs.

Mr. DAVIS of Florida. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Speaker, as we engage in this most patriotic debate, I am struck by how much we all seem to agree upon. We all seek to avoid using our troops and unleashing our military might unless we are forced to. The greatness of our Nation is not measured in our muscle, but in our restraint. We are a Nation of awesome power; but we do not use it to conquer other peoples, to expand our borders. We are rightly proud of our history of taking the first blow before we move to respond. On this we all agree.

We all seem to understand and support the imperative of operating in cooperation with international institutions and multilateral coalitions when tackling truly global challenges. It is moral leadership to act in concert with others, and it is smart politics. We prefer this path for it speaks to our respect for others, and we follow this path because it makes the road to our national goals that much smoother. On this we all agree.

We all agree that the regime in Iraq is a menace to the region and anathema to international law, not to mention a disgrace to our common humanity. Even the most fervent opponent of use of force does not contend that Saddam Hussein is not a tyrant. On this we agree.

Finally, we all agree that in some degree or another preemption has to be part of our national defense. Perhaps this is more clear to those of us who once lived in the shadow of the World Trade Center or those of us who attended a funeral for one of the fallen of September 11 or those of us who looked into the eyes of a child whose parent was taken from them in the attacks.

We all agree if we could strike first to prevent the terror of 9-11 we all would have. We all would have. Preemption is not immoral. Permitting an attack that we can deter is immoral. On this we agree.

So how is it that we agree on so much yet differ on this resolution so starkly? Let me address three points I have heard today and, commonly, over the last weeks.

First, I have heard those that oppose the resolution argue that there is no imminent threat, nothing dire enough for us to act immediately. First, let me concede that this debate should have taken place after the election. It could have taken place after the election, and it would have been most appropriate for it to take place after the election; but I find it astounding that some suggest that because there is no smoking gun we ought not act.

To employ the same metaphor, we have a madman who hates us, gun and bullets in the same room. After hundreds of hours of hearings and thousands of pages of revelations about our failure to connect the dots on so many occasions, why is it now we hear this insistence on metaphysical certainty of the madman's intent before we act? News flash. What we do not know about his intent could fill a book. The same critics of our intelligence capability are now expecting perfect intelligence.

Secondly, some have argued that Saddam has not been belligerent. In fact, he has. The U.N. resolutions that were passed as part of the ceasefire in 1991 were agreed to by the parties to ensure that Saddam would not be belligerent. He has violated every one. Is not the violation of anti-belligerence agreements itself a sign of belligerence?

Finally, I have heard the argument that Saddam's capabilities are so degraded that he posed no threat to us or to his neighbors. I remind my colleagues that the cost of the entire September 11 attacks on our Nation were less than that of a single tank. How much does it cost, how hard is it to strap nerve canisters to a terrorist posing as a tourist and have them walk into Times Square or into the National Archives? He does not need an ICBM to reach New York or Washington. Saddam Hussein just needs a chance.

□ 1800

I will vote for the resolution, but I say to the President that I am voting for all of it. I am voting for the part that encourages that all diplomatic measures possible be taken, including a final round of inspections. Use of force as a last resort must truly be a last resort.

And to my colleagues who seek disarmament and concession for Saddam, as do I, I would urge we consider the need to demonstrate with no uncertainty that we mean business. The best way to avoid the use of force, I would argue, is to authorize the use of force. Cajoling, negotiating, strong language, harsh proclamations alone will not work against Saddam Hussein. Saddam Hussein must understand today that the jig is up, no more delay, no more obstruction. We will take your weapons either with your assent or without it.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Michigan (Mr. KNOLLENBERG), a member of the Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations.

Mr. KNOLLENBERG. Mr. Speaker, I thank the gentleman for yielding me this time.

I come to the floor, as we all have today, to address one of the most serious, probably the most serious matters that Congress can consider, and that is the use of America's military to preserve peace and defend our citizens. I rise in support of this resolution to authorize the use of force against Iraq.

The Iraqi regime, controlled by Saddam Hussein, remains a threat to the Iraqi people, Iraq's neighbors, the U.S., our allies, and American citizens. Saddam Hussein has weapons of mass destruction at his disposal, biological and chemical; and he has used them, as we all know, on his own people and against other countries. He has continuously expressed hostility toward and a willingness to attack the United States. In fact, he was the only world leader to publicly applaud the horrific September 11, 2001, terrorist attacks on America. Members of the al-Qaeda terrorist organization are known to be in Iraq.

These facts simply cannot be ignored, and we cannot afford to wait while further terrorist attacks against the United States are being planned.

Today, Iraq continues to withhold important information about its nuclear program, weapons design, procurement logs, experiment data, an accounting of nuclear materials and documentation of foreign assistance. Iraq employs capable nuclear scientists and technicians and retains physical infrastructure needs to build a nuclear weapon. Iraq has made several attempts to buy high-strength aluminum tubes used to enrich uranium for a nuclear weapon, and the country's state-controlled media has reported numerous meetings between Saddam Hussein and his nuclear scientists, leaving little doubt about his continued appetite for these weapons.

Mr. Speaker, in order to preserve the security of the United States and our allies, we must move forward to address the threat posed by Saddam Hussein's regime. However, congressional approval of this resolution does not mean military action against Iraq is imminent or unavoidable. The military option is only one option. We are continuing, as we should, to work with our allies to address this threat together.

What Congress is doing by passing this resolution is showing the United Nations and all nations that America speaks with one voice. By passing this resolution, we are showing the world we are determined to support the President, and we are showing Saddam Hussein that full compliance with the demands of the civilized world is his only option.

I am pleased the President has moved forward to press for a new resolution on Iraq within the United Nations. This is appropriate, and I hope our efforts will be successful. However, in order to be successful, any new inspections, sanctions, or enforcement mechanisms will have to be different than the ones that the Security Council has already passed.

I remain concerned about the United Nations' inability to address Saddam Hussein. The Iraqi regime remains in unacceptable breach of numerous United Nations' Security Council resolutions, including those requiring full and unfettered weapons inspections.

Since the end of the 1991 Persian Gulf War, Iraq has fired many hundreds of times at American and British pilots as they enforce these resolutions. Every time the Iraqi regime fires a missile at our military, it further expresses its contempt for the U.N. resolutions, for America, and the international community. We should move forward to address this issue within the U.N., but the U.N. must move forward as well.

Mr. Speaker, I must also stress my concern for the innocent Iraqi people who continue to suffer under the regime of Saddam Hussein. This regime has forced them to suffer immeasurably, and my heart goes out to those people and their families. As we consider the use of force against Iraq, we must focus on the Iraqi people and ensure that any military action fully minimizes any civilian casualties. Our action must be taken to help the Iraqi people, not force them to suffer even more than they already have.

Mr. Speaker, in order to preserve the security of the United States, our interests and our allies, I urge my colleagues to join me and all of us supporting this resolution.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. CHABOT), the distinguished chairman of the Subcommittee on the Constitution of the Committee on the Judiciary.

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of this resolution.

Mr. Speaker, the Committee on International Relations conducted 2 days of spirited debated last week and has reported out a bipartisan resolution that I believe all my colleagues can and should support. The resolution before the House today clearly lays out the case for the use of United States Armed Forces against the Iraqi regime of Saddam Hussein.

What brings us to this point? Why must we consider taking such grave action? Let us review for a moment the recent history of Saddam's reign.

He has already used chemical weapons against Iran and against his own people. He has launched an ethnic cleansing campaign against Kurdish people, killing thousands of civilians. He has invaded Kuwait. And during the ensuing Gulf War, he conducted an unprovoked missile attack against Israel.

Following his defeat in the Gulf War, Saddam agreed to eliminate his nuclear, biological, and chemical weapons program and to end his support of international terrorism. He has done none of that. In fact, he has repeatedly violated 16 United Nations' Security Council resolutions designed to ensure that Iraq does not pose a threat to international peace and security.

We know that Saddam possesses and manufactures chemical and biological weapons. We know that he seeks nuclear weapons. Many of us believe that, given nuclear capability, he would no doubt use it against his enemies, including, and perhaps most especially, the United States, for which he has shown nothing but disdain.

We also know that the Iraqi regime continues to serve as a supporter and sponsor of international terrorism, and that members of al-Qaeda, the terrorist group responsible for the murder of thousands of Americans on September 11, 2001, are known to be in Iraq. Saddam, of course, praised those attacks on innocent people.

We know that Iraqi military forces continue to fire upon American and British military aircraft as they seek to enforce the no-fly zones in northern and southern Iraq. The Pentagon confirmed last week that, since April of 1991, Iraq has fired on our coalition aircraft some 2,500 times, 406 times this year and 67 times in the last 2 weeks.

As long as Saddam Hussein remains in power in Iraq, the Middle East remains a potential powder keg, and countless innocent people throughout the world face imminent danger. By all accounts, the immediate threat posed by Iraq's possession, creation and/or acquisition of weapons of mass destruction is a substantial one. The President's request for congressional authorization to eliminate that threat is entirely appropriate.

Last night, in my hometown of Cincinnati, Ohio, President Bush made the case for adoption of the resolution before us here today. The President eloquently stated, and I quote, "Facing clear evidence of peril, we cannot wait for the final proof, the smoking gun, that could come in the form of a mushroom cloud."

Mr. Speaker, many of the critics of this resolution have wondered what terrible things will happen if we take action against Iraq. The real question, I would submit, is what terrible things will happen to our Nation and the rest of civilized world if we do not take action.

Throughout the history of Saddam Hussein's long and brutal reign, he has shown no interest in being part of the world community. He has terrorized his countrymen and his neighbors, he has supported and provided safe haven for terrorists, and he continues his long-standing efforts to develop and deploy weapons of mass murder and destruction. All the while, he has shown no signs of remorse and he has given no reason to believe that he will change.

My colleagues who remember their history will recall a tyrant who terrorized Europe a few decades ago. The British Government at the time chose a policy of appeasement. Soon, Adolph Hitler's forces marched across Europe, raining death and destruction. Fifty-one million people went to their graves. We cannot let that happen again. As Americans, we will not let that happen again.

Mr. Speaker, I urge support of the resolution.

Mr. PAYNE. Mr. Speaker, it is a pleasure for me to yield 5 minutes to the gentleman from Georgia (Mr. LEWIS), a member of the Committee on Ways and Means and the Chief Deputy Democratic Whip. The gentleman from Georgia has personally been terrorized and has been a man of peace for so many years.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend, my colleague, the gentleman from New Jersey (Mr. PAYNE) for yielding me this time.

Mr. Speaker, I rise to speak against this resolution. I rise to speak for peace. Blessed are the peacemakers, for they shall be called the children of God. Be they Christian, Jew, Muslim, Buddhist, Sikhs; be they white, black, yellow, red, or brown, blessed are the peacemakers, for they shall be called the children of God.

Today, we must ask ourselves, are we peacemakers? Will we cast aside our fears, our prejudices, our hate and embrace peace? Will we sow the seeds of peace, or are we just another nation sewing the seeds of war?

War with Iraq will sow seeds in the desert sands of the Middle East and throughout the world. What fruit will our actions bear, not just for us but for our children? And not just for the children of our land, but for the children of the West and the Middle East and the world? For it is the children, our little boys and girls, who must live with the consequences of our war.

What do we gain? What do our children gain when we have destroyed another nation? What do we gain when we have killed hundreds and thousands of their men, women, and children; when hundreds of our sons and daughters have died?

War with Iraq will not bring peace to the Middle East. It will not make the world a safer, a better, a more loving place. It will not end the strife and hatred that breed terror. War does not end strife; it sows it. War does not end hatred; it feeds it.

War is bloody, it is vicious, it is evil, and it is messy. War destroys the dreams, the hopes and aspirations of people. As a great Nation and blessed people, we must heed the words of the spiritual, "I am going to lay my burden down by the riverside. I ain't gonna study war no more."

For those who argue that war is a necessary evil, I say that they are half right. War is evil, but it is not necessary. War cannot be a necessary evil because nonviolence is a necessary good. The two cannot coexist. As Americans, as human beings, as citizens of the world, as moral actors, we must embrace the good and reject the evil.

As Ghandi said, "The choice is nonviolence or nonexistence." The Reverend Dr. Martin Luther King, Jr., said, "We must learn to live together as brothers and sisters, or perish as fools." There is something greater than military victory, bigger and greater than regime change and toppling governments. It is to this greater good that as a Nation and as a people we must aspire.

The scriptures say, "What does it profit a man to gain the whole world and lose his soul?" America's strength is not in military might but in our ideas. America ingenuity, freedom, and democracy have conquered the world. It is a battle we did not win with guns or tanks or missiles, but with ideas, principles and justice.

We must use our resources not to make bombs and guns but to solve the problems that affect humankind. We must feed the stomach, clothe the naked bodies, educate and stimulate the mind.

We must use our resources to build and not to tear down, to reconcile and not to divide, to love and not to hate, to heal and not to kill. This is the direction great nations should move.

War is easy, but peace, peace is hard. When we hurt, when we fear, when we feel vulnerable or hopeless, it is easy to listen to what is most base within us. It is easy to divide the world into us and them, to fear them, to hate them, to fight them, to kill them. War is easy, but peace is hard. Peace is right, it is just, and it is true. I know it is not easy to love thy enemy. No, peace is hard.

So we have war in Israel, and no peace. We have war in Kashmir, but no peace. We have war in Afghanistan, in Colombia, in Sudan and the Philippines, and no peace. It may be hard, it may be difficult, but the quest for peace is as old as the dawn of history and as fresh as the morning newspaper.

□ 1815

Mr. Speaker, my brothers and sisters, sometime, some place, leaders of a great Nation will have the courage to say, "We will lay down the burden, the tools and the instruments of war. We will wage peace, not war." And that nation will be blessed, for they shall be called the children of God.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 5 minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, this morning at 9:07, each Member of this body received an e-mail message, an alert; and it asked all of us to take precautionary measures. It told us all to restrict our activities at home and in our office. We were asked to share it with each member of our staff. I have that e-mail here. That e-mail dealt with a killer, a killer who we all know had murdered 5 people in Montgomery County, Maryland, and now is expanding his range.

The question has been asked this entire weekend. What motivates this person? Why is he doing what he is doing? Last night if one listened to the news stories, there was an answer given, a profile. The profile gave his motive; it gave his weapon. We all know his weapon is a high-powered rifle. It showed the geographic area he was operating in.

But what caught my attention was his motive. They said he is not a serial killer because a serial killer selects a certain type of victim. They said no he is motivated by something else, he enjoys killing. It is sport. He must kill again. He is what we call a thrill killer.

In that regard he shares something with another thrill killer, a thrill killer we know as Saddam Hussein, a thrill killer that is not equipped with simply a high-powered weapon, but we have heard the litany of weapons at his disposal. We are also told that he started out killing members of his own family in his own village and then he moved on to members of his cabinet, members of his political party, his countrymen, whole villages at a time, then Iran, then Kuwait. Then in the Gulf War, the first two victims of this thrill killer were two majors from the Alabama National Guard that served at the same base I served in in Birmingham, a thrill killer.

What is the response to a thrill killer when we identify, when we learn the identity of that thrill killer who started his rampage in Maryland? Will we react with resolutions? Will we try to establish a dialogue? Will we restrict him to home? Will we give him a notification that we would like to inspect his home from time to time? Will we simply rage about the violence and say that we are good people and he should not do these things?

Thank goodness when we find him it will not be the United Nations that goes after him; it will be the Montgomery County Sheriff's Department, and we will not have to build a consensus all over the United States among every sheriff's department and every group as to what to do. We will know what to do with him; and it will not be home restrictions, and it will not be inspections with notifications and limitations.

Mr. Speaker, I close with the words of George Washington, our greatest President when he responded at a moment like this as to how do you preserve peace, how do you make the community safe once again, how do you assure the safety of the people. He said: "To be prepared for war is one of the most effective means of preserving peace."

I close by saying that what this Congress needs to do is give our President what he needs to prepare our Nation for war, and in doing so we will preserve the peace and ensure the peace for our children and our grandchildren.

Mr. DAVIS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think it is appropriate that we pause briefly in this debate as we debate our fundamental responsibility about how we best protect our country and what role our constituents will play in protecting our country to appreciate the fact that at 4:15 this morning Eastern Standard Time two Marines with the 11th Marine Expeditionary Unit from Camp Pendleton, California, were outside of Kuwait City participating in a training exercise. One of those young Marines was shot and killed, and the other was seriously injured. We are waiting an update as to his condition. This was merely a training exercise taking place with the Kuwait military, and one person lost his life and another may because of a senseless act of terrorism.

Mr. Speaker, I would like to ask Members to join me in a minute of silence to give thanks to these two brave Marines and appreciate the sacrifice they have made.

Mr. Speaker, I thank the Members for joining me in that minute of silence.

Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. HALL).

Mr. HALL of Texas. Mr. Speaker, I rise today in strong support of the resolution authorizing the President to use force against Iraq if necessary and under certain circumstances. He has laid the proper predicate. He seeks the support of Congress; and if successful here, he will pressure the United Nations to do their job.

If the U.N. succeeds in a full and acceptable inspection and finds no major violations, they file their report. If they find major violations, they should be forced to take the proper action. If they do not act, the President has a decision to make; and I trust his decisions, just as I trusted Harry Truman's decisions 57 years ago.

Thus, he has, and as much as the Nation has requested him to do, he has taken the steps they have asked him to take prior to asking for this resolution.

The fight against terrorism is a long and difficult mission. I along with most Americans have stood behind President Bush in his campaign against terrorism and the invasion of Afghanistan, and I continue to stand behind him. The President has consulted the American people and the Congress throughout this war. He is consulting us now before any decisions are made concerning Iraq. He will continue to put pressure on the United Nations and give them the opportunity to do their work. He will continue to call for Saddam Hussein to comply with the U.N. resolutions and for weapons inspectors to have unfettered access to do their job. He will continue to insist that any resistance, evasion, or delay must be dealt with clearly and decisively.

I believe that if force becomes necessary, the President's timing will be the right timing. The President has the benefit of information from international fact-finding sources, the Joint Chiefs of Staff, the United States intelligence, information that Congress and the average American citizen might not have available to them. I am convinced that the United States will not act until our actions are justified.

Saddam Hussein's past refusal to allow weapons inspections is a strong indication that his regime poses a very real threat to the civilized world. As cited in the resolutions we are debating today, Iraq has ignored 16 United Nations Security Council resolutions to date, and we expect that there will be more contempt for the United Nations. Saddam Hussein's continued pursuit of weapons of mass destruction, the appalling treatment of his own people and the neighboring countries around him, and his outward defiance of the United Nations mark him as a man who is not only dangerous in his own country, but also dangerous to many others, including the United States.

I think we are all in agreement that no one wants to go to war; but during these turbulent times, in order to preserve freedom and liberty, we are given sometimes very little choice. Thomas Jefferson once said: "The price of freedom is eternal vigilance." Men like Saddam Hussein will not stop until they have accomplished their objective, or until they are forced to stop. We must be prepared to do what is necessary to remove the threat to our country and to all peace-loving people.

The Congress and the United States stand with the President in his strong resolve to defeat terrorism. The United States stands ready to carry out this mission in Iraq if necessary, and we ask that our allies and all free-loving countries join us in this just cause.

Mr. Speaker, I urge Members to support this resolution and give President Bush the authority he needs in order to protect the United States of America and the world from Saddam Hussein's oppressive rule.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Speaker, I rise today to express my support for H.J. Res. 114. My support comes after many hours of personal consideration of the facts that are clear, as well as what may be the consequences of military action against Saddam Hussein. I have concluded that clear and present threat of military force is the only way to forge both a meaningful and enforceable resolution in the United Nations Security Council and hopefully a peaceful disarmament and destruction of weapons of mass destruction by Iraq. If the U.N. falters or Hussein continues his deception, then the United States must act.

President Bush has made a clear case against Iraq, and last night he answered the questions that all of us have heard from our citizens in our districts. I respect and understand the concerns that some of those in this Chamber have regarding preemption and a military strike. I understand those who speculate on the consequences of military action against Iraq. In my mind I fear the consequences of a failure to preempt the use of weapons of mass destruction far more.

On September 11, 2001, terrorists made an unprovoked attack using airplanes as weapons of mass destruction and killed over 3,000 innocent men, women, and children in New York, Washington, and Pennsylvania. Saddam Hussein praised them. In the Middle East, the families of suicide bombers are rewarded with cash by Saddam Hussein. Saddam Hussein considers mass murder an acceptable practice. If there were ever a case for preemption to be made, Saddam Hussein has made it himself.

Twice before in my lifetime two great American Presidents, John Kennedy and Ronald Reagan, used the American military and the fear of its use to peacefully resolve two of the world's greatest threats: the Cuban missile crisis and the Cold War. They were right then, and President Bush is right now. Our country and the world deserve a united Congress behind the President of the United States.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. GEORGE MILLER), the ranking member of the Committee on Education and the Workforce.

□ 1830

Mr. GEORGE MILLER of California. Mr. Speaker, there is no question that this is a serious debate about the future of our country and about the future that our country will play in the world in which we live. The decision to be made here after this debate is whether or not the United States would declare war on Iraq because, that is what in fact is being debated before the Congress of the United States.

The President can argue, as he has, that he wants this resolution for a number of different reasons. He has said that he wants it to have a regime change. Later, he said he wanted it to disarm Saddam Hussein. He now says that he wants it simply to get leverage against the United Nations so that they will do what he has asked them to do, what he has quite properly asked them to do.

But, at the end of the day, we will be saddled with a vote to declare war on Iraq. I say this because this is the same administration that was arguing that they did not have to come to the Congress because, from the resolution that we passed in 1991, that they had inherent authority to do this. So I suspect you will be living with the results of the vote here for a long time to come.

There is no debate, I believe, in the Congress of the United States or most places in the world that Saddam Hussein is an evil man, that Saddam Hussein is engaged in some of the most atrocious acts against his own citizens and others around the world. But there is also no debate that he is in violation of the agreements that he signed at the end of the war, he is in violation of the United Nations' resolutions that have been passed, and a case can be made and clearly was made by the President of the United States that the United Nations should take action because of his contempt of those resolutions and his failure to comply.

Those were the agreements that he signed; and, if necessary, the United Nations should back that up with force.

This is not a matter of trusting Saddam Hussein or allowing Saddam Hussein to dictate where the United Nations will inspect or not inspect, and we have all been through that. This is not about him. This is about us, and these are the terms and conditions, and they should be enforced.

If that fails, then it is not to suggest that the United States should go to war against Saddam Hussein. It is to suggest that the President then must come back to the Congress and meet the burden of proof that he, in fact, poses an imminent threat to the national security of the United States.

So far, from the best information I have been able to receive from my colleagues on the various committees of jurisdiction dealing with intelligence and defense and in the briefings that I have attended, that case has not been made. That does not mean that it cannot be made. It does not mean that maybe there is information that they are not sharing with the Congress. But understand this: They are supposed to share it with the Congress.

But that is a different burden of proof. That is a burden of proof of whether or not we will unilaterally make a decision to put American men and women in harm's way and whether or not we will invade another country for those reasons. That is a far different burden of proof. That is a far different decision than whether or not we will be part of or whether the United Nations will assemble a multi-lateral force to go in and to deal with the violations and the failures to keep the agreements that the United Nations has passed when he surrendered to the multi-national force in 1991.

But I suggest to my colleagues that if we do it in the manner which was presented in the resolution, not only do we undermine the idea of working with the United Nations, I believe that in the long term we undermine our position in the world and our moral authority to conduct these activities. I think when we combine this with the announcement by the Bush administration of its doctrine on national security of preemptive strikes, preemptive war, it is a declaration of war. Be it preemptive or be it defensive, it is war. That is what it is about. We can dress it all up into fancy policy language, but the question is whether or not American men and women will be called upon for that sacrifice to this country.

I think that, when we do that, we have got to make the case to the Congress and to the American people; and I think it is clear that case has not been made. I think it is also clear that the American people believe that we have got to deal with Saddam Hussein. I do believe that the President set out that course of activity when he went to the United Nations and rightfully asked the United Nations to take the action in support of those resolutions.

The suggestion is here that somehow if we pass this resolution this will give meaning to the United Nations because they will know, whether they do it or not, we will do it anyway. I suggest it is just the opposite. That suggests to the United Nations that they really need not act because somehow the United States alone will take care of Saddam Hussein, even if that violates the tenets of the reason the United Nations exists, so that nations can act together. But if the United Nations does not act, then they remove the means by which we can prevent the unilateral action that so many people say they do not want.

At the end of the day, I believe we have an obligation to vote against this resolution. I believe that if we are unsuccessful in the United Nations, then this President should come back to this Congress of the United States, make his case that Saddam Hussein/Iraq are an imminent threat to the United States, and let the Members of Congress vote how they will when that case has been presented and keep it out of just the notion of giving speeches and going to the newspapers. Come to the Congress and make the case. To date, the administration has not done so.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from North Carolina (Mrs. MYRICK), a senior member of the Committee on Rules.

Mrs. MYRICK. Mr. Speaker, I thank the chairman for yielding me this time.

If I had not been one who was given intelligence briefings, I may well have opposed this resolution. But since I know the facts, I support it.

I am a mother and a grandmother, and no one knows the horrors of war more than I do. None of us wants to rush into this war.

For months, our President has demonstrated that he will exhaust all avenues for peace before taking military action. However, we must remember that America has been trying for years to stop Iraq's weapons program through diplomacy; and it has not worked. Saddam Hussein threatens America and his allies at home and abroad.

It is easy to point out that Saddam is not at present invading other sovereign nations. However, it is not 1940. Saddam Hussein does not have to leave home to wreak havoc on humanity all around the globe. We Americans cannot understand the mind of a tyrant or a terrorist. If we think we can just live and let live, we must understand that they read that as weakness; and they will not let us live.

America has always achieved peace through strength and not always by going to war. Remember the Cold War. Some say, if we attack, it will further inflame the Muslim world. But we do not have a problem with all Muslims, only terrorists and tyrants. People who have been taught hate and have nurtured that from birth, hate for America, they do not need further cause. It is ingrained in their psyche, and pacifism on our part will not change that.

I am hearing people today say, well, let us wait until we see what they do and then we will discuss what we do. Or Saddam Hussein will not have weapons of mass destruction for another 10 years. Let us wait and see.

Wait until they attack us and kill who knows how many more Americans? What will then be the satisfaction in being able to say, well, gee, I guess President Bush was right?

President Bush is not the aggressor. Saddam Hussein is the aggressor who has chosen to live by the sword. Let us never forget that 9/11 was not the first terrorist attack on America or American interests. We not only have a right but we have a responsibility to defend our Nation and its citizens.

I urge my colleagues to join me in support of this resolution.

Mr. SHERMAN. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Texas (Mr. STENHOLM), the ranking member of the Committee on Agriculture.

Mr. STENHOLM. Mr. Speaker, often when we Members come to the House floor to make our arguments about public policy, our rhetoric differs significantly because we have sharply different visions. Our policies are aimed towards different goals and priorities, and those various goals dictate various approaches.

Today, I do not believe we have different goals or hopes. I am convinced that every Member of Congress and, in fact, virtually every American citizen shares a common goal: protecting the safety and security of our Nation.

Everyone I know would prefer to avoid war. Everyone I know hopes that diplomatic measures will cause Saddam Hussein to disarm. Everyone I know agrees that multi-lateral action which brings international allies to the side of the United States is far more desirable and effective than unilateral action. These goals and preferences are shared by every Member of Congress who speaks on the floor this week.

I spent a great deal of time over the past few weeks listening to the concerns and anxieties of my constituents, the arguments of this administration, and the whispers of my own heart. Following that time of listening, these are the things I now conclude:

First, the message of September 11, 2001, was undeniable. The United States has enemies who will stop at nothing to harm us in the most insidious and destructive ways possible. Their disregard for their own lives means that they can and will take the lives of thousands of innocent Americans on our own land.

Secondly, despite this horrible truth, we must refuse to live in fear. If we allow ourselves to be intimidated, our enemies have conquered not only our bodies but our spirits as well.

Thirdly, Saddam Hussein has left no room for doubt about his willingness to amass and use weapons of mass destruction. Knowing of his character and capacity, we simply give time for Hussein to become stronger and more dangerous if he believes there will be no consequences for his actions.

Fourth, I do not believe the United Nations will take the action it must take to defend its own credibility and, most importantly, the safety of the world absent a forceful statement of conviction from the United States.

This resolution which will pass the House of Representatives by a strong bipartisan vote tells the world of our resolve. Having reached those conclusions, I am now prepared to vote for the amended bipartisan resolution authorizing force against Iraq.

Like every one of my colleagues who votes the same way, I reach this point with a great sense of somberness. The President made it clear that military action is not inevitable, but it is possible, and this means that some of our finest young men and women will once again risk their lives to protect our Nation. As the father of three and the grandfather of two, I have great empathy for every family whose young people will be at risk. I also have an enormous sense of gratitude for the men and women in uniform who put their lives on the line day after day.

The vote we take this week is difficult because it acknowledges the hard and potentially painful work we have ahead of us. This is just one step of a very long journey towards national security. I am convinced, however, that we risk only greater pain if we do not take this step. Ignoring the threat Saddam Hussein poses will not eliminate that threat. It will not remove the potential pain. We must face Hussein head on so that he has no more time or opportunity to become stronger and more dangerous. I sincerely hope and pray that freedom-loving nations around the world will join us in that cause.

President Bush, his administration, this Congress and the American people will need wisdom and strength for the days ahead. My prayer for all of us is that we might be granted just that as we continue down this path together.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Texas (Mr. BARTON), the chairman of the Subcommittee on Energy and Air Quality of the Committee on Energy and Commerce.

Mr. BARTON of Texas. Mr. Speaker, we all stand in this Chamber once every 2 years in January and hold up our right hands and take an oath to defend the Constitution of the United States of America and defend our great Nation against all enemies, foreign and domestic. That same Constitution that we swear an oath to defend gives the President of the United States the right to serve as Commander-in-Chief and to also conduct foreign policy.

Today, our President has come before the Congress and asked us to support a resolution so that he can conduct foreign policy and that if he needs to serve as Commander-in-Chief, defend our Nation against an enemy who is both foreign and domestic. Because Saddam Hussein, as leader of Iraq, has engaged in terrorism, has sponsored terrorism, has said repeatedly that he wants to do the United States of America harm.

Some would have us believe that we should not take Saddam Hussein at his word, that we can continue to use diplomatic means to try to get him to back away from developing biological weapons and chemical weapons and to get him to back away from calling the United States the Great Satan, things of this sort.

□ 1845

It has not worked in the 11 years since we were last in the Middle East; there is no reason to expect that it would work today. But that is an option.

Others would have us believe that if we just go to the United Nations and get one more resolution, one more sanctions resolution, that somehow Saddam Hussein, although he has violated repeatedly every other U.N. resolution, one more U.N. resolution he might honor.

The proof is in the pudding. If we wait for the U.N. resolution, there is a probability, almost a certainty, that our great Nation will probably be subjected to some sort of an act of terrorism that is in fact orchestrated by Saddam Hussein.

So I think the President is right when he says that he wants to work with the U.N., he wants to get international cooperation. But the fact of the matter is that the Constitution that we swore an oath to defend says we have to protect our great Nation against all enemies, foreign and domestic. We cannot wait for diplomatic means; we cannot wait for U.N. resolutions that might or might not have an effect in the future.

What should we do? We should vote for this resolution. What if we do not? Well, Iraq has used chemical weapons in the war against Iran. It has used biological weapons in the war against Iran. It has developed at least six chemical weapons and eight biological weapons. It is developing the means to develop a nuclear weapon. It is developing the means to transport these biological and chemical weapons by bomb and by missile.

So I think the time is now to act. I think we vote for the resolution. We show the President of the United States we will support him as Commander in Chief, if need be. He certainly has conducted our foreign policy.

We prepare for the worst; but, hopefully, by doing this, we will yet engender some solution that does not require the use of military force. But if it does, as the resolution says, we should give the President that right.

So I intend to vote "yes" on the resolution, "no" on the Democratic substitute, and hope we can move in a unified way to support President Bush and defend our Nation as we said we would when we took the oath of office when we stood up here in January of 2 years ago.

Mr. PAYNE. Mr. Speaker, I yield 6 minutes to the gentleman from New Jersey (Mr. MENENDEZ), a senior member of the Committee on International Relations and vice Chair of the Democratic Caucus.

Mr. MENENDEZ. Mr. Speaker, as we debate the most important choice that any Member is called upon to make, that of war or peace, of life and death, I begin with the earnest view that in the defense of our beloved country there are no Democrats or Republicans, only patriots. Together we exhibited this idea after the attack on our homeland on September 11. I, along with others, voted to give the President unprecedented powers and resources to fight the war against terrorism, bin Laden and al Qaeda. That is the war I want to stay focused on. I have voted in the past for the use of force in the national interest and security, and I stand ready to do so again.

But I am not willing to invoke that power in the passion of the moment, or at the beat of someone's drum. So I say, Mr. President, I have yet to see your evidence of the clear and present danger, the imminent threat to the United States.

I listened intently to your speech at the United Nations and to that of Secretary Powell before our committee. You cited a long litany of Saddam Hussein's violations of U.N. resolutions, and these violations are real. But, Mr. President, they were real when you took office nearly 2 years ago. They were violated before you took office, and they were real before September 11. Why the rush now?

Mr. President, I have heard you describe Iraq's possession of weapons of mass destruction, chemical and biological; and, yes, Saddam Hussein has had those weapons since you took office and before you took office. Yet you did not beat the drums of war then.

Yes, Saddam wants to acquire nuclear weapons; but that has always been his goal, both before and after you became President. And yet, Mr. President, you did not beat the drums of war then.

Saddam does not have nuclear weapons, and the estimates are that it may be years before he can achieve that dark reality. Who did we attack after September 11's tragedy? Was it Saddam Hussein? No, it was al Qaeda and Public Enemy Number One, bin Laden.

This September, Mr. President, you challenged the United Nations to act or be irrelevant. I agreed with you in that assessment. But you cannot ask the United Nations to act and be relevant while you tell them that we, nonetheless, intend to be a Lone Ranger, regardless of their actions.

The war on terrorism is working because we are working as an international team. Let us not tear that apart.

The doctrine of preemption, if carried out precipitously on Iraq, without the exploration of viable alternatives, without the full support of a coalition we have built to fight terrorism, and without a serious consideration of the attendant risks, may cost America in lives, money and international cooperation, far more than the presumed benefits may justify.

Like the Statue of Liberty, America's foreign policy has been a symbol, a powerful beacon that guides the world towards peace and cooperation. This is not to say that America can never act preemptively in self-defense. But it most certainly is to say that we must consider how unilateral action might affect the international system we have worked so hard to build for the last half century. It most certainly is to say that attacking Iraq without the support of the world community will create more enemies and expose the United States to more dangers.

Mr. President, the drum of war has left no room for the answer to these questions: If we do not have an international alliance to disarm Iraq, what will be the damage to our alliance on the war on terrorism?

If we invade Iraq alone, are we ready to lose thousands of American lives in a ground attack in urban warfare?

Since you have said regime change is our goal, is it not more likely that Saddam will use weapons of mass destruction against our troops and our allies, which he withheld during the Gulf War?

If he strikes our ally, Israel, what will be the consequences of the stated intention of Israel to strike back, in the rest of the Middle East? Will we fan the flames of a wider regional war and create a new crop of al Qaeda recruits? In such a regional conflict, will President Musharref in Pakistan hold on to power or will he lose it, and the nuclear weapons Pakistan has, to dangerous fundamentalists?

What is our post-Saddam strategy? In a country that has separatist desires by Kurds and Shiites, how long will we stay, how many lives will be lost and how much will it cost? Are the estimates of $200 billion to prosecute this war the floor, or the ceiling?

If we seek to disarm Iraq, we need an international coalition to do so. Not only should the international community be enlisted in this cause, they must be part of shedding the blood and spending the money for global security. Such a coalition ensures that America is not left alone in our fight against global terrorism.

You have said that Iraq is a continuing threat. America faces many continuing threats which we have not sought to preemptively strike. The standard must be higher.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). The Chair would remind Members that their comments should be directed to the Chair and no other person.

Mr. MENENDEZ. Finally, Mr. Speaker, there is another grave and gathering threat to the United States. It is the threat of economic insecurity at home that leaves us ill-poised to have the resources to prosecute the multiple wars the President has asked us to pursue.

A war against Iraq could be a dangerous blow to our fragile economy at this time. It is a grave and gathering economic threat to the self-confidence and stability of American families who have already seen their retirement security squandered by corporate crimes and their children's educational savings squandered by the blows to a market at 4-year lows.

But to these threats, we have heard no drumbeat, only silence.

Mr. President, we stand with you in defense of the United States, but we cannot sign on to a blank check that has no clear exit strategy, that will leave us all but alone in the world community, and that will strain our ability to deal with other security challenges that we may simultaneously face. And that sets an unwise precedent that will be paid with the lives of thousands of young Americans.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Nebraska, Mr. OSBORNE.

Mr. OSBORNE. Mr. Speaker, in 1941 President Roosevelt asked Winston Churchill what the new war should be called. Churchill replied that it should be called the "Unnecessary War," because throughout the 1930s Hitler had done this: he had declared his intent; he had written a book about it; he had built his arsenal and military; started the Holocaust; invaded Poland and Denmark; and refused diplomatic settlement.

Most of Europe, and the United States in addition, hoped that Hitler would be satisfied with his latest conquest. So we sat and we watched, and we sat and we watched.

Churchill's point was this: Hitler could have been stopped in 1935 or 1936 or maybe 1937 with few or no casualties at all. By 1941 he was poised to conquer the world; and as a result, 50 million people died.

There are some parallels I think with our present situation, because Saddam Hussein has, number one, declared his intent to move against his neighbors. No one doubts his motives or intentions. He has killed thousands of his own people, which is very similar to the Holocaust. He has invaded Kuwait, similar to what Hitler did in Poland. He developed weapons of mass destruction, and he has used them. And he has defied all diplomatic resolution of the problem.

One thing is different in 2002 from that which was present in 1941, and that is that today's weapons can kill hundreds of thousands of people, where in 1941 a bomb or a shell could maybe kill 100 or tens or whatever.

We would be foolish not to heed the lessons of history. The President is correct, we cannot afford to do nothing. It will only cost more human lives if we wait. The best chance we have for a peaceful resolution with Iraq is to convince Saddam Hussein that we will not settle for less than complete disarmament, even if this involves military action. I urge support of the resolution.

Mr. SHERMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. Mr. Speaker, I thank the distinguished gentleman from California for his generosity in yielding me time.

Mr. Speaker, I regret that the intentions of this Congress and the people of this Nation are turned to the question of war. I would greatly prefer that we take the floor of this People's House tonight to engage the keenest minds and truest hearts of my colleagues on both sides of the aisle in the difficult and persistent struggles for better health care and financial security for our seniors, economic and social justice for people of color in this Nation, and to begin again to set this country on a course that will revive the prospect of economic growth for our business community and for labor.

In fact, as a member of the Committee on Veterans' Affairs, given a choice, I would rather we wrestle tonight with the issue of how we might as a government meet our obligation to care for our aging and disabled armed service veterans.

But instead, tonight we face the prospect of war. And a new generation of good Americans from cities and towns all throughout our districts, who, like their grandparents and parents before them, will be the ones who will answer the call to duty. From my perspective in my district, they will come from neighborhoods like South Boston and Dorchester and Hyde Park and West Roxbury and all across the city of Boston. They will come from the historic blue collar city of Brockton and from the proud communities and historic communities in Braintree and Milton and Norwood and Dedham and Bridgewater, whose streets and town commons are marked row after row with memorials of heroes past, from battles that begin at the birth of our country to the present, and whose grandsons and granddaughters will now be asked to serve in the defense of our freedom.

We have been asked tonight to decide whether the President of the United States shall be granted the authority to use military force to eliminate the threat posed by the regime in Iraq led by Saddam Hussein, in the event that all diplomatic efforts fail.

This is a question that weighs heavily on me, and it is the gravest question that will confront this Congress.

After attending with my colleagues from both sides of the aisle numerous briefings at the White House and with defense officials, as well as independent briefings with foreign policy experts, including the former chief U.N. weapons inspector during the Clinton administration, I have come to the conclusion that the danger to the American people as a result of a failure to act against Iraq is simply too great.

In reaching my decision to support this authorization resolution, I have focused on the undisputed facts: Saddam Hussein has developed and deployed chemical and biological weapons. Despite Saddam Hussein's denials, we know that he has actively sought to develop a nuclear weapon since the early 1970s, a pursuit that he accelerated during the Gulf War.

□ 1900

Saddam Hussein has murdered thousands of his own citizens with chemical weapons, and we know that Saddam Hussein has already given aid and support to terrorist organizations and indeed has engaged in terrorist actions himself as he attempted to assassinate or give directions for the assassination of our former President George Bush in 1993.

Saddam Hussein has committed environmental terrorism by setting fire to Kuwaiti oil fields and dumping raw crude oil into the ocean during the

Gulf War. And he most recently has authorized payments to the families of suicide bombers who would take the lives of innocent civilians, and he has given shelter to terrorists within his own country.

As one who shares with my colleagues the responsibility to protect Americans at home and abroad, I cannot and will not stake tens of thousands of American lives or our long-term national security on a hope that Saddam Hussein will reverse 25 years of deceit and aggression.

The consequences of a failure to act in this instance will be visited upon our cities and towns. That is the nature of the threat that we face. Unless this man is disarmed, until we know that he no longer has and will not ever develop these devastating weapons, we will not be safe; and international peace will continue to be threatened.

Mr. Speaker, we are working with the international community through the United Nations to build a consensus on a course of action that will force Hussein to comply with U.N. mandates. This process is important; and I believe we must continue to try to work with the United Nations, as Saddam Hussein is not just a threat to America, he is a threat to world peace. As well, the consequences of the use of weapons of mass destruction are global and the effort to prevent their use should be global as well.

I respect the right and the position of my colleagues, especially from my own delegation in Massachusetts who have come to a different conclusion, but I feel in my heart that in the best interests of our country we should support the President's resolution, and I ask the Members to support that resolution.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Pennsylvania (Mr. GREENWOOD), the chairman of the Subcommittee on Oversight and Investigations of the Committee on Commerce.

Mr. GREENWOOD. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, more than 200 years ago, the first President of the United States addressed the Nation's first Congress with these prophetic words: "The preservation of the sacred fire of liberty and the destiny of the Republican model of government are, finally, staked on the experiment entrusted to the hands of the American people."

Today, we find ourselves in a new century confronted by new trials. We have withstood attempts at invasion, survived a bloody Civil War, endured two world wars, and prevailed in the long twilight struggle President Kennedy spoke of more than 40 years ago.

Ten years ago, confronted by the specter of Kuwait brutally overrun by Iraqi forces, the United Nations and the United States led a coalition of more than 28 nations in a war of liberation. Then President Bush plainly outlined our war aims. He said, "Our objectives are clear. Saddam Hussein's forces will leave Kuwait. The legitimate government of Kuwait will be restored, and Kuwait will once again be free." All of this was achieved.

He then went on to say that, once peace was restored, it was our Nation's hope that Iraq will live as a peaceful and cooperative member of the family of nations. This hope has been unfulfilled.

So in Franklin Roosevelt's words, "There has come a time in the midst of swift happenings to pause for a moment and take stock, to recall what our place in history has been, and to rediscover what we are and what we may be."

There is no greater example of what we are than how we responded to the terrible events of September 11. Confronted with the massacre of innocent lives, the attack on the World Trade Center and the Pentagon and the horror of the instruments of modern technology being used as a means of our destruction, we did not falter. In the weeks and months since, we have buried our dead, cared for our wounded, aided the widows and orphans, improved our defenses, and taken the war to our enemy. Now, we are asked to do more.

Over the past few months, I have agonized, along with my neighbors and constituents, on the degree of threat the renegade regime in Iraq represents to our safety and security. It is for these and other reasons that I set the bar so high on what I would require before I would embrace any presidential action that included the use of force to remove Hussein and his henchmen from power.

The most compelling reason, as I have written to my constituents, was the realization that any decision to finally remove Hussein and his regime, once begun, could not be permitted to fail. For those reasons, I urged the administration to work to promote a regime change short of the use of the military option.

I went on to argue that, should these efforts fail, then it was incumbent upon the administration to make its case to the United Nations, to the American people, and to Congress before inaugurating any major military undertaking against Iraq.

This our President has done. Now it is time for us to decide.

I will vote "yes" on this resolution. While I still hold out hope that by its passage the United Nations will be empowered to force Iraq to comply with the will of the international community, that it will eliminate all its weapons of mass destruction, I bear too great a responsibility to allow my actions to be governed by that hope alone. As a Member of Congress, I must act upon information I possess in a way that most clearly protects our people and our way of life, and what I know is this: Should the U.N. fail in its mission, we will have very little choice but to act.

I am now persuaded that, left to his own devices, Saddam Hussein will not be content until he has the means to murder his own people and the people of many nations with the most horrible weapons of war. This we cannot permit.

Mr. Speaker, I ask for an affirmative vote on the resolution.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. OWENS), the voice of the boisterous and a senior member of the Committee on Education and the Workforce.

Mr. OWENS. Mr. Speaker, I urge all Members to vote "no" on this resolution which seeks to stampede the Congress into granting the powers for unilateral declaration of war on Iraq. Aggressive action against terrorists is needed, but we should not damage our own capability to wage the broader war against terrorism by succumbing to an all-consuming tunnel vision action on Iraq.

Certainly, all Members of Congress recognize that we are living in a time of new dangers and new kinds of unique risk. The Cold War era, with its possibilities of nuclear annihilation restrained only by threats of mutual destruction, was also a time of great danger. We did not succumb to panic and hysteria during the Cold War; we should not succumb now. Our present recognition, our new awakening to the possible lethal potency of terrorist tactics perpetrated by hidden worldwide terrorist organizations is the new national defense reality. The massacre at the World Trade Center on September 11 has seared the reality of this new danger into our minds.

This is a debate about how our great democracy will coexist with this new set of challenging dangers. It is about how we will cope with a new set of recognized risks.

I contend that this administration has made the wrong analysis and has set the wrong priorities. President Bush mistakenly proposes that the obliteration of the capacity of Iraq to deliver biological, chemical, or nuclear weapons must be at the center of our strategy for national security and safety. In particular, the President proposes that we go to war to prevent Iraq from acquiring nuclear weapons. The assumption, which is certainly correct, is that, through Iraq, terrorists would have access to nuclear weapons. It is absolutely necessary that we do all that we can to prevent nuclear weapons from falling into the hands of terrorists.

In connection with this overwhelming need to keep nuclear weapons out of the hands of terrorists, Mr.

Speaker, to the President and to all advocates of the invasion of Iraq, I would ask one simple question: Do you all realize that the simplest route for terrorists to gain access to nuclear weapons is through the takeover of our embattled and endangered Islamic ally, the Nation of Pakistan, which already at this moment has nuclear weapons?

Al Qaeda terrorists and other extremists are already on the borders and inside Pakistan. This Muslim Nation is our most vital ally in our fight against terrorism, but Pakistan is an endangered ally. Each $1 spent to strengthen the friendly government of Pakistan, whether it is for economic development or education or whatever, each dollar would produce more safety and more security for America than $1 million spent invading Iraq.

Mr. Speaker, my contention is that our present all-consuming focus on Iraq is a major blunder. I repeat my common-sense observation: Iraq may acquire nuclear weapons within a year, but a successful terrorist coup in Pakistan would place nuclear weapons in the hands of terrorists immediately.

Saddam Hussein, the monster who pays bonuses to the families of Palestinian suicide bombers, is truly one of the most dangerous tyrants in the world. All that has been said and charged against Saddam Hussein on this floor are true charges, and he must be contained. But blind obsession with Iraq represents dangerous American policy and strategy tunnel vision.

Wake up, FBI, CIA, colleagues here in the Congress. Wake up and understand that the war on terrorism must remain a comprehensive war. If we are sucked into the bottomless pit of a war with Iraq, we will be unprepared and shocked by calamities that rain down on us from other theaters of conflict.

Our cocksure experts have already blundered and allowed the leadership of al Qaeda to escape in Afghanistan. I challenge these same experts in their assignment of maximum priority to an invasion of Iraq. Protecting nuclear capabilities of friendly Pakistan from terrorists should be a greater priority.

We must not remain silent and compliant. We must understand that it is important that we fight terrorism, the wider war against terrorism, and it must be fought more effectively and not jeopardized by a focus on Iraq. Vote "no" on the resolution to declare war on Iraq.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Mr. Speaker, in an ideal world, we would all choose peace, words could be trusted, and war would be unnecessary.

But we do not live in that world. Our world has tyrannical thugs and fanatical terrorists who choose to make us their enemy.

Supporting the resolution that would send Americans to war is not easy. We all know young people that wear our Nation's uniform and we know that when we send Americans to war, some do not come home.

But we also know that 3,000 people died right here at home, the result of fanatical terrorists. We know that we must lead. The world wants America to lead. We need to keep that line in the sand, but if we must wage war, we must also wage peace. We must show the world that we are not aggressors, that we want peace and stability and that America will stand to improve the region and improve stability.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New York (Mr. GRUCCI), my good friend and colleague.

Mr. GRUCCI. Mr. Speaker, before all of America, President Bush declared our war on terror begins with al Qaeda, but does not end there. Without fully disarming Saddam Hussein and his weapons of mass destruction, America and our allies cannot be safe; and the war on terror cannot be won.

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The safety of all Americans, both here and abroad, is directly threatened by the weapons of terror already developed by Iraq. We must not allow America's cities to become the testing grounds for Saddam's nuclear capabilities, which is just around the corner. We must now act to protect our children, our neighbors, and our future generations from the evils that lie ahead.

The case against Saddam Hussein and his regime is clear. He continues to stockpile chemical and biological weapons and actively seeks nuclear capability; he threatens his neighbors and has stood in defiance of U.N. resolutions time and time again. Saddam must be stopped before we find him and his evil regime dispensing terror within our borders.

Mr. Speaker, I ask my colleagues to join me in supporting House Joint Resolution 114.

Mr. SHERMAN. Mr. Speaker, I yield 6 minutes to the gentleman from Missouri (Mr. SKELTON), the ranking member of the Committee on Armed Services.

Mr. SKELTON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, this week marked the 1-year anniversary of American efforts to drive al Qaeda from Afghanistan and liberate the Afghan people from the Taliban. We have already learned important lessons from that conflict. First, we reaffirmed that the men and women of America's Armed Forces are strong and that they are courageous; second, we saw the benefits of acting with regional partners and other friends united behind us; third, we continued to see every day the long-term commitment required to help a society transition from a ruthless dictatorship to a more representative government.

The way we fought in Afghanistan offers important lessons as we now confront the threat posed by Saddam and his weapons of mass destruction. He is a menace to his people and to the entire region; but his weapons of mass destruction pose the most significant risk, and it is because of these weapons that we must today authorize the President to act, including with military force.

In saying that, I am not accepting the administration's line uncritically. The first resolution submitted to Congress by the President was patently unacceptable. It would have allowed the use of force not just against Iraq, but throughout the region. It did not link the authorization in any way to the essential negotiations now occurring within the United Nations Security Council.

Critically, in my mind, the resolution also did not address the broader implications of action. The administration has said that the risk posed by Saddam is too great to do nothing, but this risk must be balanced against the long-term risk of reckless or ill-considered action.

On September 4, Mr. Speaker, before the original resolution was submitted to Congress, I drafted a letter to the President asking three critical questions: First, how would we manage Iraq's transition to a stable post-Saddam regime? Second, how can we ensure that action in Iraq does not undermine international support for the broader war on terrorism? Third, how can we ensure that the United States military can still execute its other missions?

The resolution originally sent to Congress offered no means to ensure that these questions were answered. Through meetings and hearings by the Committee on Armed Services and in private conversations, I have discussed these issues with the White House, the Defense Department, the State Department, the Central Command, and numerous retired senior officers and foreign policy experts. What chilled me were the implications of getting the long-term implications wrong.

If we act without international support, we risk losing support for the broader war on terrorism, as well as our credibility as a global leader. If we do not immediately plan for the post-Saddam transition, we risk fueling resentment and creating anarchy that could destabilize the Middle East and create legions of new terrorists.

In the history books, Mr. Speaker, this resolution will constitute only a footnote, and any conflict with Iraq will constitute but a paragraph; but Iraq's future beyond Saddam and the role we play in its transition will fill a chapter, as its implications cascade far beyond Iraq to the rest of the region.

That is why, with the gentleman from South Carolina (Mr. SPRATT), I drafted a resolution that would deal with all these points. Through the leadership of the gentleman from Missouri (Mr. GEPHARDT) and others, the resolution before us now incorporates almost all of them.

This resolution authorizes the use of force, but strongly supports the President's efforts to work through and with the United Nations to enforce its resolutions and to force Iraq's compliance with them. It expresses a strong desire to work multilaterally, but reserves the right to act alone if we must. It requires certification, before force can be used, that diplomatic efforts will not achieve the goal of Iraqi compliance and that actions entailing military force will be consistent with the global war on terrorism.

Finally, the resolution requires the President to report to Congress both on the conduct of any military action and on what comes next.

This is not a perfect resolution, but it is a resolution that simultaneously supports the United Nations and our men and women in uniform who every day risk their lives to defend our national security. It makes clear to Saddam Hussein that we will work with our friends and with our allies, but that his efforts to blackmail the world with his weapons of mass destruction will not succeed.

So, Mr. Speaker, it is with heavy heart, great hope, and mindful of the responsibilities borne by Congress alone that I urge my colleagues to support this resolution.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. GILCHREST), a combat Vietnam veteran who was wounded during his service and is chairman of the Subcommittee on Fisheries Conservation, Wildlife and Oceans.

Mr. GILCHREST. I thank the gentleman from New Jersey for yielding time to me, Mr. Speaker; and I urge my colleagues at the end of the debate to vote for the resolution that is now before us for the following reasons:

Blessed are the peacemakers, who freed the prisoners at Auschwitz; blessed are the peacemakers who freed Europe from the yoke of Nazism; blessed are the peacemakers who saved the people of Kuwait from Saddam Hussein; blessed are the firemen, the policemen, the medical personnel, and others who sought and brought comfort to those wounded and to the families of those who were killed on September 11; blessed are those men and women over the generations who sought peace.

We are not in a panic tonight about Iraq; we are moving deliberately and methodically in a way to understand and to base our decisions on the following facts: Saddam Hussein has waged aggressive war, brutal war, against his neighbors over the last 20, 25 years; he is pursuing weapons of mass destruction to do it again; he is pursuing weapons of mass destruction against his own people on a tragically experimental basis; he has launched ballistic missiles against his neighbors; he is brutalizing and torturing his own citizens; he is harboring a network of terrorists. The list goes on, and it is endless.

It is not a matter for us as peacemakers of if we go into Iraq. It is a matter of when we do it, how we do it, and who we do it with.

The world has had, for thousands of years, three main enemies that have wrought despair and destruction. Those enemies are ignorance, arrogance, and dogma. When we put them together in the form of a man like Stalin or Pol Pot or Hitler or Milosevic or Saddam Hussein, we wreak despair and destruction.

The solution to those things in a democratic process is knowledge, humility, and tolerance. Those are the tenets upon which a democratic process finds its strength. They are absolute, in an absent way, in a dictatorship like Saddam Hussein's. Absent democracy, we have an Auschwitz, we have Pearl Harbor, we have September 11.

It is difficult for us, yes, as we debate this to understand naked brutality, a psychological nemesis like Saddam Hussein; it is not difficult to understand what must be done. What must be done now is for the United States, the only country in the world that can do it, to take a leadership role in this time now, with the international community, to remove Saddam Hussein from his power and restore peace, life, hope, and dignity.

Blessed are the peacemakers.

Mr. PAYNE. Mr. Speaker, I yield 6 minutes to the gentleman from West Virginia (Mr. RAHALL), ranking member of the Committee on Resources.

Mr. RAHALL. Mr. Speaker, I thank the gentleman from New Jersey for yielding time to me.

Mr. Speaker, we meet today to debate and cast one of the most important votes we are asked to make as a Member of this body. None of us can look lightly nor politically upon the decision to send American men and women to war. This is a resolution to grant one man unprecedented, unconstitutional, unprovoked, and unsupported power to start a war.

As was the case 11 years ago, this vote has weighed heavily on my mind; but unlike 11 years ago, today we debate the issue within 30 days of political elections, versus 11 years ago, when we were in a rare January session after the elections and in a much calmer atmosphere.

I supported President Herbert Walker Bush. The evidence back then was clear and convincing: Iraq had invaded a neighbor. The United States had strong international support which even helped us pay the costs of that war.

Today, the situation is starkly different. Not only is the evidence circumstantial, at best; but we will have to pay our allies or cut them in on oil deals to buy either their silence or reluctant support for this war. These costs are on top of what President Bush's top economic adviser, Lawrence Lindsey, estimates to be a 100 to $200 billion cost of an invasion of Iraq, figures that are mind-boggling.

I have had many questions about the prospect of U.S. military engagement with Iraq. This vote is so important to me that I did travel to that country to seek answers to some unanswered questions. I thought it was important to open a dialogue with the Iraqi people for several reasons. I did not get all the answers which I sought, either in Iraq or here in this country.

I will not be bullied by this or any President of the United States. I do not work for the President of the United States. I think it is time to cool the war rhetoric, the cowboy rhetoric, if you will. I think it is important for Iraqi civilians to see that Americans, among them West Virginians that I represent, are not a warmongering people. I work for the people of West Virginia.

The President has, and rightly so, asked Congress to debate and vote on this issue. We do not wage war simply for war's sake. The State of West Virginia proportionately sends more of our men and women to wars than most other States. West Virginians could die. We consider the life and death of people on both sides of this war, and even beyond. That is what we are considering today.

As an Arab-American Member of Congress, having extensively traveled in the Middle East and having questioned U.S. policy in this region under both Democrat and Republican Presidents, I felt myself to be a credible messenger. I would go again, even if I remotely thought the door to peace would be ajar.

I wanted to deliver a message to the Iraqi leadership that President George Bush is serious; that the only hope whatsoever of any possible peaceful resolution, and in order to prevent further devastation and suffering of the Iraqi people, would be to accept unconditional and unfettered access to U.N. weapons inspectors into the country, period. No gimmicks. No games. No kidding.

My repeated message to Iraqi officials during my trip was to allow the unconditional and unfettered access by U.N. inspectors. I told them the moment was right if the fruits of peace are to be harvested.

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But Iraq had to take a dramatic new approach. I was pleased when, upon my return to the United States, the Iraqi government announced it would allow U.N. inspectors back into the country unconditionally. Was this all that I asked? No. No. It certainly was not, but it was a step in the right direction, but it should not be so out rightly rejected by slamming shut airtight the door to peace.

There is no question, and I recognize as well as the next person that Saddam has played games in the past, there is no question that past weapons inspectors have also been spies, seeking pernicious embarrassing minutia on the Iraqi leadership.

Today's inspectors must be objective, professional and no doubt will have more advanced technologies than 4 years ago. They must have the time to do their job, and they no doubt will have international support. Weapons inspectors must have access to presidential palaces, mosques, schools, hospitals, places where Saddam will, if he has anything to hide, no doubt use so as to be able to claim collateral damages when we hit these sites.

So I do not trust the man. No, I do not. I recognize the deceit and the lies of the past and the fact that he has used chemical weapons against his own people, during which time the U.S. said little because we cared little for victims and Saddam knew that at the time. We cared little for those victims whom Saddam was gassing and using chemical weapons against.

I want America to give peace a chance. I want Iraq to give peace a chance. As hard as it is for them to say anything, Iraqis may be the first to say that Saddam Hussein must go. But I guarantee you, Americans are the last from whom they want to hear the message. Iraqis feel that U.S. policy in the region robs us of any credibility and morality whatsoever.

I ask the administration to abandon its cowboy war rhetoric. Remember your campaign words, Mr. President, for a more humble approach to international affairs. We have and will be able to continue to contain Saddam. He loves himself more than he hates us.

I know we all are and will continue to seriously reflect and ask what is in America's best interest. I know that we will all continue to seriously reflect and ask what is in America's best interest here, and I do hope we not take as gospel what one particular country in the region tells us nor follow their agenda above our own. We should plan what is best for America in the whole region and our future, not to be perceived as siding and consulting and planning every detail with another country. Only one voice and one view is needed.

Let us consider the feelings, whether public or private, of all of our allies in the region. Let us recognize the tremendous strains and pressures we put upon the very effective coalition that President Bush has put together to fight the true terrorists, al Qaeda, America's war on terrorism. I strongly support those efforts. That is the war that should be ratcheted up. That is a direct and imminent threat to the United States for which we have proof.

So I say to my colleagues as I conclude, let us defeat this resolution. Let us recognize that we must tread carefully in a region that is already volatile, where U.S. military engagement could tip the region into further chaos and further bloodshed. I urge defeat of the pending resolution.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me note that the gentleman from California (Mr. HUNTER) has been very gracious. The time for the Committee on International Relations was supposed to end a half hour ago. We have had so many speakers, some of whom have waited. In the case of the gentleman from New York (Mr. SWEENEY), he has been waiting for 2 hours; and he has been very kind. We want to thank the distinguished gentleman from California (Mr. HUNTER).

Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. SWEENEY), a man who lost friends in the 9/11 attack on the World Trade Center.

Mr. SWEENEY. Mr. Speaker, I thank my friend for yielding me time, and I also thank the gentleman from California (Mr. HUNTER) for his graciousness.

Mr. Speaker, I come to the floor understanding the great gravity with which we debate this resolution. In particular as one who has two out of my three children in their late teens, I understand fully well what we contemplate here. But I believe that the arguments for voting in support of it have never been stronger.

With each day that passes, Saddam Hussein and his regime in Iraq take another step towards building a weapon of mass murder, reach out with another hand to embrace and support terrorism, and turn another back on the peaceful diplomacy of the international community.

It would not only be unwise not to confront this grave danger here before us, but it would be irresponsible. If the United States were to sit on its hands and wait for the meritless theory of nonintervention to somehow negotiate a compromise with Saddam Hussein, then we will have abdicated the greatest charge the world has ever bestowed upon America, that of the steward of freedom and democracy around the world.

Mr. Speaker, our Nation has proceeded forward with the utmost dignity and courage of the aftermath of our darkest hour, September 11, 2001. We have forged ahead, determined to defend our precious creed of freedom and democracy. We have done so by turning to international diplomacy as a first option and military action as our last. But Saddam Hussein has chosen instead to resist, deceive and defy the international community by continuing to flout more than a dozen U.N. resolutions.

The United States through its actions will rise to the occasion and help channel the greatest intentions of the United Nations. By doing so we will, as a Nation, help the U.N. make its case for relevance in this world and propel it forward. It is wholly appropriate, Mr. Speaker, for citizens, both American and throughout the world, to insist that this debate transcends international borders since Saddam Hussein's propensity to target his weapons of mass destruction does not stop with the United States but extends to every nation in the world.

It is impossible to refute the fact that Saddam Hussein is intent on developing a delivery system for nuclear weapons or any other weapons of mass destruction that will reach well beyond the Middle East. Saddam Hussein has one eye on the United States. He most surely has the other eye on our allies throughout the world.

The depth of Saddam Hussein's dark heart and cruelty should never be underestimated. To underestimate Saddam Hussein would amount to tolerance of provocations he has already displayed towards the United States and the freedom-loving world.

It is with the utmost clarity and conviction that we must anticipate our Nation's self-defense against a tyrant like Saddam Hussein. The argument that anticipatory self-defense is a preemptive strike in my mind has no merit. Is it preemptive since Iraq has ignored dozens of U.N. resolutions? Is it preemptive since Iraq has repeatedly and recklessly fired at U.S. aircraft patrolling a U.N. no-fly zone established so the U.N. community could protect his own people? Is it preemptive since Saddam Hussein is complicit in his role of harboring and supporting those responsible for the attacks of September 11 or those who could presumably do the same or worse?

President John F. Kennedy faced down one of the most perilous threats this Nation has ever faced 40 years ago when he embraced the doctrine of national defense that reserved the right of this Nation to act with a singular, individual, national interest in protecting the lives of its people. In this world, Mr. Speaker, in this new world community which has brought nations together in the most plentiful times and most desperate of times, the neighborhood has gotten much smaller. But in facing down the most dangerous threats, the challenge of protecting it has become that much greater.

We must prove to the world that we will not tolerate such a ruthless and belligerent regime as it continues to threaten world stability. We cannot waiver. We cannot wait. Our Nation must persevere in the face of doubt. We must stay united despite regional dissent, and we must remain resolute when others acquiesce. This is our charge as a people. This is our charge as a legislative body. This is our charge as a Nation, and it is our duty as leaders of the free world.

Mr. SHERMAN. Mr. Speaker, I yield 6 minutes to the gentleman from South Carolina (Mr. SPRATT), 6 minutes of the time set aside for those who will ultimately vote for final passage to a man who has offered this House a very thoughtful amendment in the nature of a substitute, the ranking Democrat on the Committee on the Budget, a senior member of the Committee on Armed Services.

Mr. SPRATT. Mr. Speaker, the resolution that the White House has sent us is a decided improvement over the original draft, but it could be better.

If the amendment that I am offering is adopted, I believe that this resolution could draw even more votes and pass this House by a huge bipartisan majority. And in passing a war powers resolution, surely, surely, that should be one of our objectives.

Our resolution supports the President's campaign in the Security Council for coercive inspections backed up by force. If the Iraqis defy the inspectors this time and the Security Council replies with military action, my amendment gives President Bush the power to use our Armed Forces just as his father did in the Persian Gulf War in 1991 in a military action sanctioned by the U.N. Security Council.

If, on the other hand, the Iraqis defy the inspectors and the Security Council fails to respond with force, then we will be faced with going it alone. In these dramatically different circumstances, my amendment called for a second vote by Congress to approve a military attack, but it ensures that the President will have a fast track for its consideration.

Those of us supporting this amendment, and we have a broad cross-section of our caucus behind it, see Saddam Hussein as a menace. We agree with the President in demanding that the Security Council enforce its resolution and allow no quarter. But for several reasons we do not want to see the United States act alone unless there is no other viable choice.

If we act alone, instead of being the United Nations versus Iraq, a war legitimated by the U.N. charter, this will be the United States versus Iraq; and in some quarters it will be the United States versus the Muslim or Arab world. This is why one general officer, a former Commander of Central Command which has jurisdiction over the Middle East, told us, I fear that if we go it alone, we may pay a terrible price.

If we act alone, it will be harder to build a broad-based coalition, particularly an alliance of contiguous countries like Saudi Arabia and Turkey. If we can count on these countries as allies, their airspace and ports and airfields will be open to us; and the fight will be far easier. If we act alone, we will not have allies this time to help us share the cost of this war, as they did in 1991 when they picked up $62 billion out of an overall cost of $66 billion.

Right now, the administration is seeking new and tougher resolutions of the Security Council to disarm Iraq through inspection, if they work, but through armed force if it is necessary. Our resolution fully supports that objective. But if these arms inspections do not work and the Security Council does not pass a resolution calling for Armed Forces against Iraq, we believe there should be a separate vote on military action.

I know that some will say that a second vote is an imposition on the President's powers, but in truth it is the age-old system of checks and balances at work. It is one way Congress can emphatically say what we prefer, that any action against Iraq should have the sanction of the Security Council and the support of a broad-based coalition.

As a practical matter, I doubt that further action of Congress will be needed. The British seem to be bent on securing approval of the Security Council before war. And if Saddam stiffs the arms inspectors, the French have insisted on a second vote of the Security Council before any military action is taken.

One way or another, I think a Security Council resolution is likely; and, once it passes, our resolution authorizes the President to use our Armed Forces to enforce it without further action of the Congress.

But over the last 6 weeks we have heard from a host of general officers, all retired, Chuck Boyd, Wes Clark, our former commanders in Europe; Generals Hoar and Zinni, the former commanders of Central Command. They virtually agreed on two things:

First of all, in any conceivable confrontation with Iraq, with or without allies, the United States will prevail. But having allies, especially in the region, will make victory more certain and less costly in money and, more importantly, in human lives.

Secondly, the outcome after the conflict will be the hardest part and far less certain. We do not want to win this war only to lose the peace and swell the ranks of terrorists who hate us. A broad-based coalition will help enhance our chances of success in that post-war period.

Some will say, I know, that this resolution depends too heavily on the Security Council. But the precedent it follows is the one that was set by the first President Bush in 1990–1991, an action that I have voted for and supported. Within days after Iraq's invasion of Kuwait, President Bush defined his goal as nothing less than a new world order. He turned to the United Nations first and sought a series of Security Council resolutions culminating in Resolution 678, which authorized the use of force. He obtained all of these Security Council resolutions with the apparent and evident support of Congress but without an actual and expressed war powers resolution until just days before the war.

Rather than asserting that he could go it alone, he sought the Security Council's approval and allies to stand with us and bear the cost and the burden of war and all but a fraction of the cost. The result was a successful military action and I believe a model that is still worth emulating.

My substitute does just that. I urge my colleagues to consider it carefully, and I hope that you will all support it. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 90 minutes to the distinguished gentleman from California (Mr. HUNTER) and ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the House Committee on Armed Services has spent a great deal of time working on this issue.

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We have had 5 major open hearings. We have had three classified briefings in which we invited every Member of the House to come in and listen to our intelligence agencies with respect to Iraq's capability and weapons of mass destruction. Most Members came. We did have over almost 200 Members appear at those particular briefings, and our Members put in a great deal of time on this.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Speaker, I rise today in support of America's freedom, our Nation's security, and the resolution before us.

We have the responsibility to deal with Saddam Hussein, not only because we have the most to lose, but because it is American leadership that the world looks to in times of crisis. While it is always preferable to lead a large coalition, America must be willing to go with a few like-minded friends or even alone if the situation demands it.

Indeed, the United Nations is at a crossroads. Either it proves itself to be relevant to the 21st century or, in the words of Winston Churchill, it will be known that "they decided only to be undecided, resolved to be irresolute, adamant for drift, solid for fluidity, all powerful for impotence."

Our actions here in Congress speak to the world, and our resolve can only strengthen our case. For its own sake, the U.N. must act, not just engage in endless chatter.

That our Nation is willing to stand up to the most despotic and corrupt regime speaks not only to American leadership but to our vision for humanity. We desire only to see the peaceful development of Iraqi society and to witness Saddam Hussein's veil of insanity lifted from the minds of the Iraqi people.

We cannot sit idly by while Saddam Hussein stockpiles weapons of mass destruction to use against our allies and for distribution to those terrorists that would use them to attack America.

Mr. Speaker, Iraq poses a clear and present danger to the United States security and to the stability of a peaceful world; and, Mr. Speaker, in the words of Edmund Burke, "The only thing necessary for the triumph of evil is for good men to do nothing."

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. OLVER), a leader of that delegation, a member of the Committee on Appropriations.

Mr. OLVER. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, there is no question that Saddam Hussein has been a menace to the international community. He has used chemical and biological weapons on his own people and in the war he started with Iran. Saddam Hussein has defied the United Nations by failing to dismantle his weapons of mass destruction and by repeatedly obstructing monitoring and verification by U.N. weapons inspectors.

Nobody in this House doubts that Saddam Hussein is a treacherous dictator, but Congress has not been presented a compelling case that Saddam Hussein poses an imminent threat to the peace and security of the United States that must be dealt with immediately.

The President's resolution coincides with his introduction of unilateral preemptive military action as a cornerstone of U.S. foreign policy; and in fact, this resolution gives the President the authority to conduct a unilateral preemptive war against Iraq. That is a major shift in U.S. foreign policy. Such a strategy invites other nations to assert their right to use unilateral preemptive action outside the U.N. charter. In my view, a world where nations rely on unilateral preemptive force as a tool of foreign policy would be an exceedingly more dangerous world than we live in today.

In asserting the right to use unilateral preemptive force in Iraq, the administration appears unconcerned about the consequences of an attack on Iraq, but unilateral preemptive force is virtually certain to further destabilize the region. Pakistan, a nuclear power, and Saudi Arabia, probably the most despotic Islamic regime after Iraq and the country of origin for 17 of the 19 suicide terrorists responsible for the heinous attacks of September 11, are the most likely to be destabilized.

Such an attack by the United States against Iraq is a made-to-order event that al Qaeda and other terrorist groups will use to recruit poverty stricken, disaffected young men and women in these countries and throughout the Islamic world to their cause. Thus our unilateral preemptive action could threaten the peace and security of Americans and American interests around the globe.

War with Iraq will clearly divert attention from the war against al Qaeda, which is not yet won, and from Afghanistan, which we and our coalition allies are committed to rebuilding. Furthermore, unilateral preemptive action would make the quest for peace between Israel and the Palestinians more difficult. Were Saddam Hussein to launch weapons of mass destruction at Israel, Israel would likely respond with overwhelming force.

Like many of my colleagues, I favor working through the U.N. to disarm Iraq by the strongest possible resolution, for unconditional inspection of any and all sites in Iraq and the destruction of chemical, biological and nuclear weapons. If Iraq refuses to allow full and unfettered inspections and refuses to fully disarm its weapons of mass destruction, military force may become necessary; but that action would best be sanctioned by the U.N. Security Council and be a deliberate, multilateral response to Saddam Hussein's refusal to disarm rather than the unilateral preemptive action we are asked to authorize today.

As all of us are aware, the decision to authorize the President of the United States to commit troops to battle is the gravest decision that we can be called upon to make. War with Iraq will bring untold American and Iraqi casualties. War should be considered only as a last resort after all possible alternatives have been exhausted by the international community.

For these reasons, I cannot in good conscience vote for the resolution.

Mr. HUNTER. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Virginia (Mr. SCHROCK), a gentleman with a long and distinguished military background.

Mr. SCHROCK. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise tonight to support the resolution before us today. Yet in my heart of hearts I hope it will never be needed.

As a representative of more military personnel than any other Member of this body, I do not take our discussion on the use of military force or vote on this resolution to authorize the use of force lightly.

The families of Virginia's 2nd Congressional District know firsthand the effects of the war on terrorism. To date, two Navy Seals from the district I represent have been killed while fighting to eliminate al Qaeda terrorists in Afghanistan. Others lost their lives in training accidents while en route to the Persian Gulf.

These families and many others throughout southeastern Virginia understand why this war resolution is necessary, particularly at this time in our Nation's history. On Saturday, we will commemorate the second anniversary of the attack on the USS Cole where 17 Norfolk-based sailors lost their lives during a terrorist attack in Yemen. We will never forget the aggression that was waged against our military and Nation by these terrorists.

Today, we debate a resolution authorizing the President of the United States to use force against an enemy who constantly strengthens his grip on a terror-stricken people, has defied a peace-loving world, and aids terrorists who sow seeds of fear around the globe.

There is much we know about Saddam Hussein's regime of terror. He has ignored 16 resolutions passed by the United Nations Security Council calling on him to dismantle and to destroy all weapons of mass destruction within his arsenals.

He has defied the cease-fire agreement from the Persian Gulf War that ordered him to eliminate all missiles with a range greater than 90 miles. Yet he continues to build weapons of mass destruction, and he possesses SCUD missiles that can reach distances of 400 miles. These weapons give Saddam Hussein the ability to attack American bases and allies such as Turkey, Israel, and other neighboring nations with chemical, biological and, in time, nuclear warheads.

We know from experience that Saddam Hussein is not afraid to use his weapons. Saddam Hussein does not respect human rights or human life. Iraqi citizens speaking words of dissent often find themselves or a member of their family, including their children, being tortured to death.

Saddam Hussein is an aggressor who threatens every nation and every person on Earth. No one knows when, where, or how he may use his weapons of terror. What we do know is his bad history shows that he will use these weapons against his enemies, including the United States.

Waiting for a smoking gun is a risk that America cannot afford to take. If unfettered weapons inspections are not allowed in Iraq, a preemptive strike against Iraq is the only way to build a lasting peace in the Middle East and around the world. The brave men and women of the Armed Forces they represent are prepared to protect America against this threat.

I hope military action will not be necessary in Iraq, but I do not foresee Saddam Hussein conceding to unfettered weapons inspections throughout Iraq. If military action is necessary, the President and our troops should have the support of this Congress.

Let us send a message to the United Nations and indeed the world that the United States is united behind our President in his efforts to remove weapons of mass destruction from Iraq.

Mr. Speaker, I urge my colleagues to support this bipartisan resolution, and I urge continued support for our President and our troops.

Mr. SHERMAN. Mr. Speaker, it is my pleasure to yield 5 minutes to the gentleman from Texas (Mr. ORTIZ), a member of the Committee on Armed Services.

Mr. ORTIZ. Mr. Speaker, today we have a grave decision to make on the resolution before us to authorize our Commander in Chief to use force supporting the United Nations resolution calling for Saddam Hussein to rid its nation of weapons of mass destruction.

My constituents and I share the same concerns about this resolution. As in any war, we face battlefield casualties in Iraq if we go to war with them. We must be prepared for a vicious war. Will our build-up be sufficient for the force we need to strike and overwhelm? Will our forces be properly prepared for the special battlefield needs of Iraq with chemical and biological gear?

The consequences of this action will be large, at home and abroad. I do commend the President for seeing the wisdom of coalition building, and we strongly and very strongly recommend the United States proceed with a united coalition.

This debate in Congress must be a message to Saddam Hussein and his army that we are not playing games. There is a narrow opportunity for Saddam Hussein to prevent a military attack on his hiding places and on the protectors around him.

Saddam Hussein has ignored 15 United Nations Security Council resolutions. The United Nations was created to provide a forum in which nations can confront offensive nations for their behavior, and the entire world can stand together to oppose offending Nations. This is why we must proceed. We must not go to war alone. We must have a coalition.

Many things are pointing to the fact that time is our enemy in this moment. Whether or not Saddam now has usable nuclear weapons, he is fast approaching the moment he will possess them. While this is a tortured decision for all of us to make, it is time.

Saddam can offer unlimited inspections under the resolution being debated at the United Nations, and the United Nations can remove the threat of weapons of mass destruction in Iraq. Failing that, the military force of the United States and our allies would remove the threat of weapons of mass destruction.

This is a hard decision, and I was in Saudi Arabia 11 years ago when I met this young Marine, 22 years of age, and he says, "Congressman, we need to go in there and do our job against Saddam Hussein, and let me tell you why." He said, "My wife gave birth to a little boy. He is 2 months old now, and I do not want him to come and do the job that we did not do here."

We are facing that threat again. I do not want to second-guess our Commander in Chief or those who advise him on a daily basis. Therefore, I reluctantly support the resolution and ask for the prayers of the American patriots for the soldiers we would likely send to Iraq.

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Mr. McHUGH. Mr. Speaker, it is my pleasure to yield 5 minutes to the gentleman from Colorado (Mr. HEFLEY), one of the most senior, one of the most distinguished members of the Committee on Armed Services, as well as the chairman of the Subcommittee on Military Readiness.

Mr. HEFLEY. Mr. Speaker, this is a difficult decision. I do not think anyone here takes this decision lightly. And so I ask myself some questions as I approach this. The first one is, Can we do what needs to be done without going to war? And the answer I come to is, maybe. I hope so. But not if we show lack of resolve. That is why I am supporting this resolution. That is why I encourage my colleagues to support it.

Saddam Hussein has said he will give inspectors unfettered access; however, his regime has in place an elaborate organized system of denial and deception to frustrate both inspectors and outside intelligence efforts. Unfettered access to him does not include the presidential palaces. And when I say palaces, my colleagues may think of some nice building with some scenic grounds and gardens around it. That is not what a presidential palace is in Iraq. Many of these palaces are many acres. One of these palaces is about the size of Washington, D.C., 40,000 acres, with thousands of buildings, including warehouses. That is what he calls presidential palaces.

Some ask, now that Iraq has agreed to unconditional inspections, why does Congress need to act? Well, my colleagues, the issue is not inspections; the issue is disarmament. The issue is compliance. Four years of satellite surveillance has shown these complexes he calls palaces are expanding. What is inside or underneath them we do not know, and we must know.

The next question is, Does he have the means to be a threat? And the answer is, and we have heard it over and over today, of course he does. Iraq has a 30-year history of weapons of mass destruction programs. His regime is actively pursuing weapons of mass destruction. His regime has amassed large clandestine stockpiles of biological weapons, including anthrax, botulism toxin, and possibly smallpox. His regime has an active program to acquire and develop nuclear weapons. The answer to that question is, yes, indeed, he does have the means.

The next question I ask myself is: Does he have the intent? Saddam Hussein's history of using weapons of mass destruction demonstrates the likelihood that he will use them in the future. In 1982, Iraq used riot-control agents against Iranian attacks. Iraq has used more deadly agents, including mustard gas in 1983, and tabun in 1984, becoming a nation in the world today who has used nerve agents in a time of war.

The State Department lists 10 incidents of Iraqi chemical attacks between August 1983 and March 1988. All were launched against the Iranian and Kurdish populations, resulting in casualty tolls in the tens of thousands. Saddam Hussein has ordered the use of chemical weapons, sarin, tabun, VX, and mustard agents against his own people, in one case killing 5,000 innocent civilians in one day.

Well, then, what kind of a history does he have with these kinds of things? Saddam Hussein's regime has invaded two of its neighbors and threatened others. In 1980, Iraq invaded Iran and used chemical weapons against Iranian forces. In 1990, Iraq invaded Kuwait and was responsible for thousands of documented cases of torture, rape, murder, and on and on the story goes. The answer is, yes, he has the will, the intent, the history to use these things and to thumb his nose at the world's society by violating United Nations' resolutions.

A decision to use military force is never an easy decision, and no one with any sense considers war a first choice. It is the last thing that any rational person wants to do. We do not want to go to war. But there are times when we have to be prepared to go to war to stand up to such despotic psychopathic killers as Saddam Hussein. I encourage the support of this resolution.

Mr. PAYNE. Madam Speaker, I yield 5 minutes to the gentlewoman from the District of Columbia (Ms. NORTON), a member of the Committee on Government Reform and the Committee on Transportation and Infrastructure, and a long-time voice for justice.

Ms. NORTON. Madam Speaker, I thank the gentleman for yielding me this time and for his great leadership on matters of international affairs.

Madam Speaker, I rise to express my strong opposition to the majority resolution. I still get dizzy trying to figure out which of President Bush's multiple and often contradictory rationales for preemptive war to credit. First, he belittles Members of Congress who wanted him to go to the U.N. to assure an international coalition; then he goes there, but only after American and world opinion compelled him to go there, and even to come here.

We must go further. We must repudiate the improvident and dangerous doctrine of preemption. Others will speak on the floor of Iraq. Iraq is the least of it. It is no accident that the President chose this same period to announce a brand-new American doctrine of preemption. Iraq is only the first case in point. Bush has already announced Iraq will not be the last.

It is bad enough that if we vote for the majority resolution we are for the first time in 226 years of American history voting to allow an American President to go to war, and I am quoting, "as he determines to be necessary and appropriate," not as Congress determines to be necessary and appropriate. As clear as it gets, this vote would be an unconstitutional delegation of the exclusive power of Congress to declare war. It is simply shocking to give away the unique life and death power to declare war bestowed on the Congress by the framers.

The majority resolution is an equally perilous violation of the rule of law itself and of the law of nations. There is no rule of law unless it applies equally to all. And there is no law at all if not determined by precedent. Thus, a vote for the majority resolution is a vote not only for a preemptive war on Iraq, but for the new Bush doctrine of preemption that would then be available to all nations. There is no way to get away from what precedent means in our law and in the law of nations. Because preemption is unlawful under international law, passage of this resolution would make our country an instant international outlaw. Worse, the Iraq precedent means that all bets are off for all nations to do the same.

This resolution gives over the power the people have given to us to the sole discretion of one man, the President of the United States. And who will fight Mr. Bush's preemptive wars? Today, we have a volunteer army whose race and class composition speaks to the absence of equal opportunity in civilian society. The middle- and upper-middle classes, for the most part, no longer serve and will not be on the front lines. African Americans are 25 percent of the U.S. Army today, Hispanics are 9 percent, an Army more than one-third made of people of color. Already the American people have pulled Bush back. They would surely pull harder if the average son or the average daughter were subject to service today.

Preemptive war is a doctrine that could only survive, if it does, when those who would be the ground troops have had other opportunities preempted. Let the Congress do its own preemption. Let us preempt this President by reclaiming our constitutional right to declare war and reclaiming two centuries of American principles. Let Congress speak up so that none may be sent to war without Congress sending them there, whether those who fight look like you or look like me.

Let Congress take hold of this manmade crisis that has already introduced instability into a world that can least afford it now. Let Congress guide our Nation back to its own most precious principles.

Mr. HUNTER. Madam Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. SAXTON), who chairs our Subcommittee on Military Construction and has spent many hours on this issue as the chairman of the Panel on Terrorism on the Committee on Armed Services.

Mr. SAXTON. Madam Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of the resolution, while I certainly hope that it will never be used.

Madam Speaker, in 1991, when the coalition broke off the fight with Saddam's army northeast of Kuwait City, I was curious as to why that happened. And in garnering an understanding later, I understood it was because the United States and the coalition partners played by the rules. The United Nations had authorized certain activities, we carried out those activities, and we understood that the U.N. set the rules for that conflict and we abided by them.

But I also had the opportunity a week or so later to be a part of the first civilian delegation to go to Kuwait City after the war, and I saw something different. I saw how Saddam Hussein ignored the rules, ignored the rules of warfare, ignored the rules of humanity, ignored the rules of being a human being. I saw how he burned the city, how he destroyed the homes, how he executed innocents.

As a matter of fact, let me just share this one few-minute story with my colleagues. We were hosted during that trip to Kuwait City by a citizens group who showed us a videotape that had been taken a week or so earlier, while the Kuwaitis still occupied the city. And it was a videotape of the Iraqi military marching a young man out, tying his hands behind him on a post, and without a blindfold shooting him, firing-squad style. And has he lay there drooped on the pole, the leader of the firing squad walked over to him with a handgun and shot him one more time in the head. It was enough to make our group cry and to realize what a success it had been expelling such a despot from Kuwait.

And of course during the war with Kuwait, the war with Iraq at that time, Saddam decided to attack two other countries. He attacked the Saudis with SCUDs and he attacked the Israelis with SCUDs, both Tel Aviv and Haifa. Innocent people were subject to SCUD attacks. And, of course, in 1980 through 1998, during the war with Iran, he used weapons of mass destruction. He killed people with gas by the thousands.

And so this is the kind of a guy that we dealt with, where we realized we had to have a northern no-fly zone to protect his own people, the Kurds, and a southern no-fly zone to protect his own people, the Shiites.

So I guess I would make two points in kind of finishing up here. We know from history the nature of tyrants, and Saddam has demonstrated time after time that he is a typical tyrant of our time and one who has to be dealt with, apparently, as a tyrant. We know that he rules by fear. In fact, the Ba'thist regime is held together only by fear. They gassed the Kurds, as we all know, their own people. They execute anyone who poses an opposition to the Ba'thist party, even Saddam's own family. So I say to my colleagues, we know what Saddam is like.

The second point I would make is that while Saddam has not changed, something else has. Something else has changed a great deal, despots of the past. The Hitlers, for example, by and large, killed people one at a time. If an individual did something they did not like, or in Hitler's time if someone was a Jew, or they said something that was against him, he would simply shoot them and think nothing of it.

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But that has changed because Saddam has the potential to kill people by the thousands. So we tried to deal with him as a possessor of weapons of mass destruction in the conventional way through the U.N. 16 resolutions, and here is the list:

In 1991 we started by saying in a resolution through the U.N., Iraq must return Kuwaiti property seized during the Gulf War. He did not do it.

In 1991, a second resolution, Iraq must unconditionally accept the destruction, removal or rendering harmless under international supervision of all chemical or biological weapons. He did not do it.

In April 1991, a resolution, Iraq must immediately end repression of its own civilization. He did not do it.

On August 15, 1991, Iraq must halt nuclear activities of all kinds until the Security Council deems Iraq to be in full compliance. He did not do it.

On October 11, 1991, Iraq must cooperate fully with the U.N. and IAEA inspectors. He did not do it.

In 1994, Iraq must cooperate fully with U.N. weapons inspectors. He did not do it.

On March 27, 1996, Iraq must report shipments of dual-use items related to weapons of mass destruction to the U.N. and IAEA. He did not do it.

Beginning in 1996, we passed resolutions in the U.N. that said Iraq must cooperate fully with U.N. weapons inspectors. Did he not do it.

In June 1997, Iraq must give immediate unconditional, unrestricted access to U.N. officials. He did not do it.

A similar resolution on March 2, 1998. He did not do. September 9, 1998, Iraq must cooperate fully with U.N. and IAEA weapons inspectors. Again, he did not do it.

On two more occasions, once in 1999 and once later that year in 1999, Iraq must fulfill its commitment to run Gulf War prisoners and cooperate with U.N. inspectors, and he did not do it.

So for those who say give Saddam Hussein one more chance, I have to disagree. I think he has had plenty of chances. I hope that a big vote will occur on Thursday and show Saddam Hussein that this body stands together against tyranny.

Mr. SHERMAN. Madam Speaker, I yield 6 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Madam Speaker, I thank the gentleman for yielding me this time.

After much thought and with deep conviction, I rise in strong support of this resolution. There is no task more grave or serious than the task of putting at risk the lives of people. The decision we are about to make will in fact put at risk the lives of the young patriots who wear the uniform of this country so well and so proudly. And it will put at risk innocent lives of people in Iraq who deserve better.

I support this resolution because it will save lives. It will manifest the principled purpose of this country to use our great might and power as a force for saving life. Tonight Saddam Hussein and the Iraqi Government maintain an arsenal of weapons of mass death. Iraq tonight possesses biological weapons. It possesses chemical weapons. The best estimate of the most optimistic observers, in 5 to 7 years Iraq will possess nuclear weapons. Others are more pessimistic. They believe it will be a matter of months.

I believe that failure to act is the greatest risk to innocent life in this country, in Iraq, and around the world. There are principled and patriotic people in this debate, many of my friends who take a different position than I do. I respect their patriotism. I listen carefully to their views, but I must say I disagree with what they have to say. Some say Iraq will not use these weapons of mass death because the leader of Iraq, although evil, is not suicidal.

I share with the President the conviction that I am not willing to risk the lives of any Americans or any people anywhere on a prediction on the behavior of Saddam Hussein. There are others who argue that although Saddam Hussein possesses these weapons of mass death, he cannot use them against us because he cannot deliver them against us. This is not the case.

Tonight American troops are within the range of his missiles, and perhaps even more importantly, we are all within reach of the use of these weapons through unconventional means: anthrax sprayed by crop dusters, sarin gas pumped through our subway system, smallpox virus dumped into the heating or air conditioning system of a shopping mall or an office building.

Anyone who believes that we are beyond the reach of terrorist weapons has missed the lessons in the last 13 months in America. There are those that argue that we should wait for the United Nations Security Council to agree with our assessment of the compelling need to remove this risk. I support and encourage the President and his administration to seek that support from the United Nations.

But Madam Speaker, make no mistake about it, these weapons of mass death are not pointed at the Germans who doubt the scope of this risk. They are not pointed at Saddam's Arab neighbors who scoff at the necessity of this mission. These weapons of mass death are meant to kill Americans, and we will not and should not ask anyone's permission to defend the people of this country.

There are those who say that we should give weapons inspections another chance. The gentleman from New Jersey (Mr. SAXTON) laid out chapter and verse just how many chances we have already given. On 13 occasions since the end of the Persian Gulf War in 1991, Iraq has violated the weapons inspection agreements. After each such occasion, they promised the next time to comply. The next time never comes.

We should heed the advice of four dozen U.N. weapons inspectors who told this Congress and this country on the record that there will never be effective disarmament of the Iraqi arsenal of mass death until there is a government in Baghdad that fully cooperates with that effort.

We hear others say that we should not proceed because what follows Saddam Hussein in Iraq might be worse, that it will cause disruption around that area of the world. This is not a matter that we should take lightly. However, there is nothing worse than a despot with weapons of mass death that can be used against the people of this country.

Madam Speaker, throughout history Members of this body have faced moments when they have to change history. Our predecessors during the American Revolution had their moment, and they chose to rebel and create independence for this country.

Our predecessors at the time of the Civil War had the painful choice of waging war to keep the Union whole. They had their moment, and they rose to the occasion. Our predecessors in the 1940s had their moment when they had to die to frontally take on the evil of Nazi Germany and its allies around the world, and they rose to the occasion.

Madam Speaker, this is our moment. This is the moment when we will begin to change history toward a path where there is liberation, liberation of the people of Iraq from tyranny and liberation of the people of America and the rest of the world from the fear of terror. Let us seize our moment, Republicans and Democrats together, and vote for this resolution.

Mr. HUNTER. Madam Speaker, I yield 4 minutes to the gentleman from Utah (Mr. HANSEN), who has been a 22-year member on the Committee on Armed Services and is leaving this year. The gentleman has been a very wise contributor to this debate in the committee.

Mr. HANSEN. Madam Speaker, there have been very few times in history when there has been a nation that has had the will and the military might to stop a murderer, a despot, a dictator. I have often wondered about the time in the thirties, as I read history, when Chamberlain, the Prime Minister of England, talked to Hitler about the idea of him not going into Czechoslovakia. He returned to Parliament, and he explained to Parliament that Hitler was not going to do it. There was another man in Parliament who stood up and said, No, we cannot trust Hitler. That will not happen. His name was Churchill, and he was booed off the floor for doing that, but Churchill had the courage and the vision to see what Hitler was actually going to do.

Madam Speaker, what if there had been a nation with the determination, the understanding, and the military might to stop Hitler at that time, a nation which said we better stop him before he gets stronger than he is? What would have happened at that time? Literally millions of people would have been saved. But no, no one seemed to have it.

In the early 1980s, many Members who were here remember our Israeli friends when they saw the build up of Iraq on heavy water. What did they do? The Israelis did not wait very long. They sent in F-16s with 500-pound bombs on their wings, and they bombed it to smithereens to stop it from being built.

I think we have some short memories around here. I have been listening to this debate today. Some Members say we cannot do a preemptive strike or go ahead with this on our own. How about Grenada? We walked in there because we could see a big problem starting out at that time. What about Panama? What about Muammar Qadhafi when he stood up and he talked about the line of death, and Ronald Reagan sent three F–111s, and that kind of calmed him down at that time. But he was getting pretty big for his britches at that point.

I have heard Members talk about inspections. I am given to understand Iraq is about the same size as Big Sky Country that the gentleman from Montana (Mr. REHBERG) represents. How many Members have been to Montana? It is pretty good-sized. I think we could put 10,000 inspectors over there, and if Saddam Hussein did not want us to find anything, we would not have a prayer of finding it. It is a big country. Keep in mind, he is much better at hiding than we are at finding, and that seems to be the question that we have with him at this time.

I do not think that Americans want inspection; we want disarmament. We want him to give up the weapons of war that he has.

It reminds me of the old saw that Al Capone said to Elliot Ness, Sure you can come in and inspect the place, but you cannot look in the back room where the girls and the booze and the drugs are. I think basically that is what we have had during this time that we have had our inspectors over there.

Madam Speaker, let me point out that our first President made a very wise statement and one we have to live by. He said, "The best way to keep the peace is to be prepared for war." It always bothers me when I have heard our past Secretary of Defense, and now Vice President, when he gives that great talk about the yo-yos of war. We are prepared, we get ready, and then we disarm; and we do it time and time again.

Madam Speaker, this time if we want to save ourselves some great problems, we should support this resolution and support the President of the United States.

Mr. PAYNE. Madam Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. COYNE), a member of the Committee on Ways and Means.

Mr. COYNE. Madam Speaker, I believe that the United States has legitimate concerns about weapons of mass destruction in Saddam Hussein's hands and that our government should be working to eliminate the threat presented by those weapons.

Consequently, I believe that Saddam Hussein must comply with the U.N. mandate and guarantee U.N. inspectors unfettered access to any sites in Iraq that might be harboring weapons of mass destruction.

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I object, however, to the approach that the Bush Administration is taking to deal with this particular problem. The administration has pursued a head-long, almost unilateral rush to war with the implicit goal of regime change in Iraq. The administration has yet to make a convincing case to Congress that military action against Iraq at this time is necessary or even desirable. I am gravely concerned that the policy of preemptive attack and U.S.-imposed regime change may produce a situation in the Middle East that is even more dangerous for the United States than it is today.

Military action might eventually be necessary but only with clearer proof of that necessity and only after all other options have been exhausted with regard to Iraq. I oppose this resolution because it permits the administration to invade Iraq without first exhausting its diplomatic options. The administration should first pursue action through the United Nations to deal with the potential threat posed by the Iraqi government and then and only then should we consider unilateral action against Iraq.

Mr. HUNTER. Madam Speaker, I yield 6 minutes to the gentleman from New York (Mr. MCHUGH), who is the very distinguished chairman of the Subcommittee on Military Personnel.

Mr. MCHUGH. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, truly one of the most profound powers bestowed upon this or any other Congress is the authority to send our American men and women into armed conflict. The loss of human life that invariably attends every war, no matter how swift or certain its course, demands that such action be executed carefully, with a full understanding of the consequences likely to arise both from the conflict itself as well as from its aftermath.

This debate will, as it should, reveal many such questions, many doubts that we have heard here already this evening, many pleas to adopt a different course.

I want to say to those who raise those concerns I extend my gratitude. In my mind, their pleas are not a product of weakness, as some have suggested but, rather, to the contrary, a necessary challenge for all of us to carefully weigh every possibility, every path.

The question, Madam Speaker, now for those of us entrusted with this awesome authority is to ensure that we have met those challenges, to ensure that the use of force that we contemplate on this floor for the next 20 hours is our one true choice, the one necessary step to protect the lives and the well-being of more than 280 million Americans who have bestowed upon us this trust in making such weighty decisions.

For me, Madam Speaker, the answer is sadly a resounding yes.

The most vital question before us at this moment is, should we fail to act, what does tomorrow bring? The answer is clear. More debate, more doubts. As President Bush said so clearly in his address to the American people last night, a future of fear.

For the past 11 years we have placed our hopes as a good and decent people against the reality of the unabashed deceptions, deceits, and deeds of one of the most despicable tyrants the civilized world has ever known, Saddam Hussein. For 11 years, Madam Speaker, we have hoped Saddam would abandon his murderous ways and at long last obey the dictates of the world community and the rule of international law. We have hoped, hoped he would dismantle and destroy his stockpile of biological and chemical weapons of massive death and forego his feverish pursuit of nuclear weapons. We have hoped Saddam would respect the clear resolutions, 16 in number, of the United Nations and follow the terms that he himself committed to at the end of the 1991 Gulf War.

While we have hoped, Saddam Hussein has plotted and marched forward.

How can we in the aftermath of September 11 tell the American people through this vote that all we can now offer is hope? How can we merely hope the next cloud we see rising from an attack on our shores will not be from the stockpiles of Saddam's terrible weapons? How will hope dull his affection for, and known support of, numerous terror organizations? And how can hope alone prevent the transfer of his horrible agents of death into the hands of those who have already declared war on our country?

I ask my colleagues, can our message to the American people possibly be at this critical hour we hope the judgment, common sense, and humanity of Saddam Hussein will spare us one more day, just one more day so we can what? Begin to hope again.

Madam Speaker, I will continue to hope. I urge our leaders to further pursue their ongoing efforts with the United Nations Security Council to produce a workable and just resolution of a dangerous situation too long ignored. I yearn for a way that a timely, unfettered, unconditional, and effective weapons inspection system can be put into place that Iraq will accept and cooperate with to the benefit of not just America but peace-loving nations throughout the world. And, most of all, I pray we may yet avoid the conflict that this resolution considers, avoiding the need to yet again call our servicemen and women into harm's way.

But in the end, Madam Speaker, should all else fail, we cannot entrust the future of the world's greatest democracy and the very lives of its people to a man who trades not in hope but in destruction, to a man who rules not by favor but through fear.

This country has seen many great yesterdays. It is our solemn duty this day, Madam Speaker, to ensure that we realize many equally bright tomorrows. It is at long last time for Saddam

Hussein to hope and for this Congress to act.

Mr. BERMAN. Madam Speaker, I yield 5 minutes to the gentleman from North Carolina (Mr. McINTYRE), a member of the Committee on Armed Services.

Mr. McINTYRE. Madam Speaker, I rise in strong support of this resolution but in even stronger support of our brave men and women who have dedicated their lives to the common defense of the United States and who stand firm with America, as we well should, in this critical hour of our history.

If Saddam Hussein continues to threaten the security of our Nation by harboring terrorists, producing chemical and biological weapons, and developing nuclear weapons, then the use of military force becomes not a question of if but when.

In adopting this resolution, we must do everything in our power to ensure that our forces have the means, the necessary tools, and the unequivocal support of every American to accomplish the daunting task before us. With U.S. forces stationed both here at home and abroad, from America to Afghanistan, from Kosovo to Korea and regions between and beyond, our military must be provided with the necessary support to achieve its objective. This means financial support, the best equipment possible, a clear objective, and continued diplomatic efforts, always hoping and praying that peace can be achieved.

We must put American troops in the best possible position to do the job they are called to do. We must commit ourselves to ensuring that the United States will continue to remain the backbone of freedom and the beacon of democracy throughout the world.

Putting our brave men and women in harm's way is a difficult decision but one for which they are prepared and we should be prepared. We owe them our unwavering commitment to provide all the means necessary to carry out the mission before them.

Madam Speaker, I support this resolution before us because it contains three important components:

First, it ensures that we have first exhausted all diplomatic efforts.

Second, it authorizes the use of force once those efforts have been exhausted.

And, third, it requires the administration to work with the Congress so that we can make sure that our troops are in the best position possible to do the job they are called to do.

Our military is the most highly trained and well-equipped fighting force in world, and we owe each and every American serviceman and woman the thanks and prayers of a grateful Nation. May God bless our Armed Forces and all those who seek to protect the precious freedoms that so many have fought for throughout the history of this Nation, and may God grant us the wisdom and the will to stand firm for the blessings of freedom wherever duty may call.

Mr. McHUGH. Madam Speaker, on behalf of the Committee on International Relations, I yield 60 minutes to the gentleman from Florida (Mr. GOSS) and ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HAYES. Madam Speaker, I yield 4 minutes to the distinguished gentleman from Kansas (Mr. RYUN), a member of the Committee on Armed Services, very active.

Mr. RYUN of Kansas. Madam Speaker, I thank the gentleman for his kind comments.

Madam Speaker, a vote to place the men and women of our Armed Forces in the harm's way is one of the most crucial decisive votes I will ever have to make. Having fully considered the matter, I am convinced that Saddam's continued possession of weapons of mass destruction poses a significant threat to the United States. If he continues to refuse to comply with the demands to disarm, the use of force will be justified.

Information provided by the Central Intelligence Agency and the Defense Intelligence Agency and testimony received by the House Committee on Armed Services clearly establishes that Saddam Hussein currently possesses chemical and biological weapons and is actively pursuing nuclear weapons. Saddam has already demonstrated his belief that the use of weapons of mass destruction against both his own citizens and his enemies is a legitimate means to preserve his power and achieve his goals. Saddam's capabilities and willingness to use weapons of mass destruction pose a threat to the security of the United States.

This threat to our national security is imminent. The attacks of September 11, 2001, demonstrate that our enemies have embraced nontraditional warfare. They will not operate under traditional notions of warfare and will not confine their methods to conventional combat. Saddam's options for employing chemical, biological, and radiological weapons against the United States and our Armed Forces are not limited to bombers and missiles and artillery shells. In fact, Saddam's most effective uses of weapons of mass destruction could come through surrogates that obtain these weapons by Iraq.

I know some urge reliance on additional inspections and sanctions. While I applaud the President's proposal for a new U.N. Security Council resolution and hope that U.N. member nations will follow the United States' lead in confronting this threat, we must remember that, after more than a decade, U.N. actions to this date have simply not worked. I am convinced that an inspection regime dependent upon Saddam's compliance will not result in disarmament.

Since 1991, Saddam has flagrantly violated the conditions of cease-fire that ended the Gulf War. As a part of the cease-fire, Saddam agreed unconditionally to give up his weapons of mass destruction. However, Saddam has retained possession of chemical and biological weapons produced before the Gulf War and has restored his ability to produce these weapons.

Additionally, Saddam is vigorously pursuing a nuclear weapons program. It appears that if Saddam were able to acquire fissile material, he would be able to as quickly assemble nuclear weapons in a manner of months, not years.

On September 16, 2002, Saddam promised the United Nations unrestricted access for weapons inspection in Iraq, but the U.N. agreement announced on October 1 does not provide such access. Saddam's presidential palaces, which are comprised of vast tracts of land and hundreds of buildings, are not open to inspection without prior notice. Under this program, Saddam will show the inspectors and the world empty buildings, while covertly continuing his weapons programs. One of his former weapons developers has testified that this was Saddam's regular practice while the U.N. inspectors were taking their action in other places.

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Faced with these facts, I am convinced that Congress must give the President the authority and the flexibility he needs to confront this threat. The authorization of use of force against Iraq in this resolution does just that. While we hope the diplomatic efforts will be successful, we must be prepared to act if they are not. Certainly military action against Iraq, if it becomes necessary, will involve risk. However, the risk posed by delaying action are even greater. I urge my colleagues to support this resolution.

Mr. PAYNE. Madam Speaker, I yield 5½ minutes to the gentleman from Maine (Mr. ALLEN), a member of the Committee on Armed Services and a person who has put in a tremendous amount of time and effort in this very important matter.

Mr. ALLEN. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, I rise in support of the Spratt substitute and in opposition to the underlying resolution.

Saddam Hussein is a tyrant, a brute, a danger. Were this simply a referendum on him, the vote would be unanimous. But Saddam is not on the ballot.

The two questions before us are, first, how do we diminish the threat from Iraq without empowering Islamic fundamentalism and creating new recruits for terrorist groups; and, second, how do we avoid setting a dangerous global precedent for other nations to launch unilateral preemptive attacks as a legitimate tool of public policy?

Our country is strong enough to attack Iraq and win, but we ought to be wise enough to achieve our ends with allies and without war. In the past year, terrorism has threatened us as never before. We should face that new threat resolutely, but not frighten our own people by overstating the risk to Americans.

Some who support the resolution have morphed Osama bin Laden into Saddam Hussein and Saddam into Hitler and Stalin, yet the classified briefings that I have received do not lead me to conclude that the threat is imminent. We have time to work with our allies to enforce U.N. resolutions.

Actions often have unintended consequences. An invasion of Iraq to enforce U.N. resolutions may cost hundreds of Americans lives, maybe more, and thousands of Iraqi lives. But the future is obscured to us and predictions on this floor can easily turn out to be wishful thinking.

The resolution negotiated between the President and the House leadership has two fundamental shortcomings. It is still a blank check. I quote: "The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate."

The Gulf War resolution of 1991 did not delegate decisions on "force as he determines." The post-September 11 use-of-force resolution did not use the words "as he determines." Not even the Gulf of Tonkin resolution used the words "as he determines."

Under the Constitution, the President and Congress share war-making powers, yet the underlying resolution represents an abdication of Congress' constitutional role. This is the people's House. Pass this resolution, and the people's voice will be silenced. Pass this resolution, and Congress' role in this matter is finished as of this week.

We are being used as a megaphone to communicate the President's resolve. We should have a larger role, an equal role.

The underlying resolution is also troubling for how it is rationalized. The President has justified his action under new doctrines of preemptive strike and regime change. What precedent do these doctrines set, for ourselves and for others? How many wars will start when another country launches a preemptive strike against a nation that it determines to be a threat?

The United States created the institutions and laws that have governed the international system for the last half century precisely because no nation benefits more than the United States from a rule-based international system. There are serious questions about the precedents we set and the dangers we create. This House should reserve to a later time the question of whether or not unilateral military action in Iraq should be authorized.

We should, instead, pass the Spratt substitute. It reflects four fundamental principles:

First, our mission should be clear, disarming Iraq of all weapons of mass destruction;

Second, it contains a sense of Congress supporting tough new rigorous U.N. inspections;

Third, it authorizes the use of force if sanctioned by the U.N. Security Council; and,

Fourth, it establishes a separate fast track congressional authorization of force if U.N. action is insufficient. In other words, the President gets expedited consideration by Congress on an up or down vote without amendment on the second resolution set forth in the Spratt amendment.

The Spratt amendment affirms that the U.S. should work through the United Nations Security Council first, and unilaterally only as a last resort.

In the war on terrorism, we need more friends and allies and fewer enemies. We are unlikely to succeed through unilateral preemptive policies so poorly received overseas. The Spratt substitute is our best opportunity to disarm Iraq without inflaming the Middle East and to keep this Congress relevant in the decisions that lie ahead.

Support the Spratt substitute, and reject the underlying resolution.

Mr. HAYES. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Alabama (Mr. RILEY), a hard-working member of the Committee on Armed Services.

Mr. RILEY. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, God has truly blessed America. Through his guidance and grace, we have built and preserved a nation more free and prosperous and peaceful than any in history; and it is written of those to whom much is given, much is required. I believe those words, and they have helped me to make my decision.

Madam Speaker, it is my firm belief that Saddam Hussein is a clear and present danger to the world community. America has been given the ability to stop Saddam; and, therefore, I believe that America is required to stop Saddam. If we do not, no one will. That much is clear.

The price of America's hesitation will be measured in lives lost and nations ruined. I, for one, Madam Speaker, am not willing to pay the terrible price that appeasement will eventually cost.

I ask, if one less nation is willing to help in this endeavor, is Saddam any less dangerous? Americans have learned and learned tragically that we must confront the danger or else we will suffer the aftermath. Appeasement did not work with Hitler, and appeasement will not work with Saddam.

Madam Speaker, tyrants like Saddam do not understand the language of peace. Therefore, Congress must give President Bush the ability to speak Saddam's language, which is force. But if we hesitate, if we fail to act, I believe history will judge this Congress with a single word, naive.

Mr. BERMAN. Madam Speaker, I yield myself 6 minutes.

Madam Speaker, I would like to address the points made by my colleague and friend, the gentleman from Maine (Mr. ALLEN), who gave really a very intelligent and thoughtful presentation of his position in opposition to this resolution. There are a couple of points he made that I would like to respond to.

One, the question of this being an open-ended grant of authority to allow the President to get the United States into the war and analogizing it to the Gulf of Tonkin Resolution.

I remember the Gulf of Tonkin Resolution. This is not the Gulf of Tonkin Resolution. At that particular time, based on an incident on the high seas, Congress quickly and without much discussion authorized a response that hardly anyone in either Chamber believed was an invitation to a massive expansion of U.S. participation in Vietnam. The subsequent use of that resolution to justify that action was not known at the time.

Here it is totally different. We know what we are talking about. We are talking about authorizing the use of force, i.e., war, against Iraq, a major difference between now and the Gulf of Tonkin. This is what we are debating, this is what the American people understand this authorization to be, and the after-the-fact justification of the war in Vietnam based on that resolution is not what is taking place here. It is up front, and we know it.

Secondly, it is not open-ended. The President's original proposal was quite open-ended, but H.J. Res. 114 is much more limited. The language authorizing the use of force to restore international peace and security in the region was deleted. The joint resolution and the report from the Committee on International Relations made quite clear that the threats that are the basis for using U.S. Armed Forces are Iraq's weapons of mass destruction and the missile programs, the means to deliver them, and its support for international terrorism, not all the different resolutions passed by the U.N. that Saddam has violated.

Page 42 of the committee report provides that the President is authorized to use force against Iraq to defend the national security of the United States from the continuing threat posed by

Iraq "which primarily consists of its continued possession, development and acquisition of chemical and biological weapons and prohibited ballistic missiles, nuclear weapons and its continued support for and harboring of international terrorists."

That resolution also provides that the authority is to be used against Iraq's continuing threat, that of yesterday and today, not of some potential and new threat at some point in the future.

This is not a blank check; it is a broad, but circumscribed, authority to use the Armed Forces against a current threat.

Mr. ANDREWS. Madam Speaker, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from New Jersey.

Mr. ANDREWS. Madam Speaker, I thank my friend for yielding.

Madam Speaker, I share my friend from California's profound respect for the gentleman from Maine. I work with him on the Committee on Armed Services, and every issue he approaches in a very thoughtful and reasonable way.

I have a very different interpretation than he put on this resolution. The statement that our role is finished after this week as a Congress, I do not read the resolution that way, in two very important respects.

The first is that the resolution explicitly references the War Powers Act and the reporting requirements that the President has under that act to come back to this body, consult with us and pay due homage to our co-equal constitutional responsibilities.

Second, obviously the appropriations process is an ongoing process that gives us a frequent and important role in assessing the decisions that the executive branch makes.

I would also say that the reference to the language of "as the President determines," it is important to understand what precedes that language. What precedes it is an exhaustion, a complete playing out of the United Nations process and the weapons inspection process that so many people wish to see. This was an important improvement in this resolution that the majority leader of the Democratic Party was successful in negotiating.

So I believe that this resolution does not run the risks that the gentleman from Maine referenced. I think that we have our continuing constitutional role, it is our obligation to exercise it, and that the President's determinations follow a careful engagement at the United Nations and an acute assessment of the success or failure of the weapons inspection process.

Mr. ALLEN. Madam Speaker, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from Maine.

Mr. ALLEN. Madam Speaker, is there anything in this resolution that would prevent the President from committing 500,000 troops to a war in Iraq without further congressional action?

Mr. BERMAN. Madam Speaker, reclaiming my time, I indicated that this was a broad, but not unlimited, delegation of authority to use force for a specific purpose, the elimination of the weapons of mass destruction and the need to eliminate them and the supporting and harboring of terrorism. But we the American Congress and we the American people understand at the time, unlike the Gulf of Tonkin, just what we are discussing and debating; and no one has made a claim that this is not an authorization of the use of force, very specifically directed against Iraq for specific purposes.

Mr. HAYES. Madam Speaker, it gives me an unusually great deal of pleasure to yield 5 minutes to the gentleman from Nevada (Mr. GIBBONS), a distinguished member of the Committee on Armed Services, someone who is uniquely qualified to speak tonight on this issue, who is a decorated combat veteran of both Vietnam and the Persian Gulf War, and knows Saddam Hussein on a personal basis.

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Mr. GIBBONS. Madam Speaker, I thank my friend and colleague for his genuine recognition.

Madam Speaker, there is no one in this body, no matter what political philosophy one ascribes to, that doubts that Saddam Hussein is not a leader for a peaceful political world.

Having been in war, I am not one who rushes into war quickly or blindly, nor am I one who cowers when our country and our Nation is threatened. Madam Speaker, in 1991, I flew through the smoke and the ashes of the fires in Kuwait ordered by Saddam Hussein in the Gulf War, and in that war I saw the death and the destruction this dictator is capable of. I saw missiles launched at our troops. But, more importantly, if we doubt Saddam's intentions, I saw nearly three dozen missiles launched at Israel, a country not even participating in that war. Innocent lives were lost.

After the Gulf War, the United Nations Security Council passed Resolution 687 which stated that Iraq must disarm. That resolution created the U.N. Special Commissions to verify Iraq's elimination of their weapons of mass destruction.

Throughout the 1990s, as weapons inspectors went throughout Iraq, it became more and more evident that Iraq had no intention of disarming. Saddam no longer gave U.N. inspectors the unrestricted access they needed to ensure Iraq no longer possessed weapons of mass destruction.

From 1991 to 1998, the U.N. passed 16 resolutions mandating that Iraq allow weapons inspectors complete and unfettered access, and each time Iraq refused.

Today, we find Iraq with 30,000 liters of anthrax, botulism and other biological weapons, thousands of gallons of chemical weapons, and months away from possessing nuclear weapon capability.

I support sending U.N. inspectors back into Iraq to verify their disarmament, but not under the previous resolutions which Iraq has never followed. The only way to ensure the success of a weapons inspection team, or any weapons team, is to pass a new resolution that would add very tough consequences if Iraq fails to comply. We cannot allow U.N. weapons inspectors to be continually used as puppets.

Since President Bush's address at the United Nations last month, Iraq has already changed its position four, yes four, times on the level of access U.N. weapons inspectors will have, the latest of which is not complete and unfettered access.

While the use of military force is and must be the last option, it is an option that must be discussed here, must be debated here and, ultimately, granted to the President.

I support the bipartisan resolution we are currently debating, authorizing the President to use military force if necessary. President Bush is responsible for our country's security, not the United Nations. I will not tie the President's hands by allowing the United Nations to decide when, how, and if we will protect the United States and its citizens. After the tragic events of September 11, we must do everything in our power to protect the people of this country.

Ironically, Saddam Hussein was the only world leader to fully condone what happened on September 11 and has stated on many occasions his hatred for our country.

Saddam Hussein supports international terrorism, including paying $25,000 to the families of Palestinian suicide bombers, and he shelters many terrorist organizations with a history of killing Americans, like the MKO and the Palestine Liberation Front.

Recently, Saddam Hussein's media promised the American people that if their government did not change its policies over Iraq it would suffer even more devastating blows.

I am convinced that, given the opportunity, Saddam would use his weapons of mass destruction against us, whether directly himself or indirectly through selling them to some terrorist organization.

That must not happen. We cannot let a catastrophic attack on American soil be the smoking gun that he possesses such weapons. We must not cower. We must not back down. We must stand united and grant the President the authority he needs to protect this Nation and its people. I urge my colleagues to support this resolution.

CONFERENCE REPORT ON H.R. 3295, HELP AMERICA VOTE ACT OF 2002

Mr. NEY submitted the following conference report and statement on the bill (H.R. 3295) to establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections, and for other purposes:

CONFERENCE REPORT (H. REPT. 107-730)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3295), to establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Help America Vote Act of 2002".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PAYMENTS TO STATES FOR ELECTION ADMINISTRATION IMPROVEMENTS AND REPLACEMENT OF PUNCH CARD AND LEVER VOTING MACHINES

Sec. 101. Payments to States for activities to improve administration of elections.
Sec. 102. Replacement of punch card or lever voting machines.
Sec. 103. Guaranteed minimum payment amount.
Sec. 104. Authorization of appropriations.
Sec. 105. Administration of programs.
Sec. 106. Effective date.

TITLE II—COMMISSION

Subtitle A—Establishment and General Organization

PART 1—ELECTION ASSISTANCE COMMISSION

Sec. 201. Establishment.
Sec. 202. Duties.
Sec. 203. Membership and appointment.
Sec. 204. Staff.
Sec. 205. Powers.
Sec. 206. Dissemination of information.
Sec. 207. Annual report.
Sec. 208. Requiring majority approval for actions.
Sec. 209. Limitation on rulemaking authority.
Sec. 210. Authorization of appropriations.

PART 2—ELECTION ASSISTANCE COMMISSION STANDARDS BOARD AND BOARD OF ADVISORS

Sec. 211. Establishment.
Sec. 212. Duties.
Sec. 213. Membership of Standards Board.
Sec. 214. Membership of Board of Advisors.
Sec. 215. Powers of Boards; no compensation for service.
Sec. 216. Status of Boards and members for purposes of claims against Board.

PART 3—TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE

Sec. 221. Technical Guidelines Development Committee.
Sec. 222. Process for adoption.

Subtitle B—Testing, Certification, Decertification, and Recertification of Voting System Hardware and Software

Sec. 231. Certification and testing of voting systems.

Subtitle C—Studies and Other Activities To Promote Effective Administration of Federal Elections

Sec. 241. Periodic studies of election administration issues.
Sec. 242. Study, report, and recommendations on best practices for facilitating military and overseas voting.
Sec. 243. Report on human factor research.
Sec. 244. Study and report on voters who register by mail and use of social security information.
Sec. 245. Study and report on electronic voting and the electoral process.
Sec. 246. Study and report on free absentee ballot postage.
Sec. 247. Consultation with Standards Board and Board of Advisors.

Subtitle D—Election Assistance

PART 1—REQUIREMENTS PAYMENTS

Sec. 251. Requirements payments.
Sec. 252. Allocation of funds.
Sec. 253. Condition for receipt of funds.
Sec. 254. State plan.
Sec. 255. Process for development and filing of plan; publication by Commission.
Sec. 256. Requirement for public notice and comment.
Sec. 257. Authorization of appropriations.
Sec. 258. Reports.

PART 2—PAYMENTS TO STATES AND UNITS OF LOCAL GOVERNMENT TO ASSURE ACCESS FOR INDIVIDUALS WITH DISABILITIES

Sec. 261. Payments to States and units of local government to assure access for individuals with disabilities.
Sec. 262. Amount of payment.
Sec. 263. Requirements for eligibility.
Sec. 264. Authorization of appropriations.
Sec. 265. Reports.

PART 3—GRANTS FOR RESEARCH ON VOTING TECHNOLOGY IMPROVEMENTS

Sec. 271. Grants for research on voting technology improvements.
Sec. 272. Report.
Sec. 273. Authorization of appropriations.

PART 4—PILOT PROGRAM FOR TESTING OF EQUIPMENT AND TECHNOLOGY

Sec. 281. Pilot program.
Sec. 282. Report.
Sec. 283. Authorization of appropriations.

PART 5—PROTECTION AND ADVOCACY SYSTEMS

Sec. 291. Payments for protection and advocacy systems.
Sec. 292. Authorization of appropriations.

PART 6—NATIONAL STUDENT AND PARENT MOCK ELECTION

Sec. 295. National Student and Parent Mock Election.
Sec. 296. Authorization of appropriations.

TITLE III—UNIFORM AND NONDISCRIMINATORY ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS

Subtitle A—Requirements

Sec. 301. Voting systems standards.
Sec. 302. Provisional voting and voting information requirements.
Sec. 303. Computerized statewide voter registration list requirements and requirements for voters who register by mail.
Sec. 304. Minimum requirements.
Sec. 305. Methods of implementation left to discretion of State.

Subtitle B—Voluntary Guidance

Sec. 311. Adoption of voluntary guidance by Commission.
Sec. 312. Process for adoption.

TITLE IV—ENFORCEMENT

Sec. 401. Actions by the Attorney General for declaratory and injunctive relief.
Sec. 402. Establishment of State-based administrative complaint procedures to remedy grievances.

TITLE V—HELP AMERICA VOTE COLLEGE PROGRAM

Sec. 501. Establishment of program.
Sec. 502. Activities under program.
Sec. 503. Authorization of appropriations.

TITLE VI—HELP AMERICA VOTE FOUNDATION

Sec. 601. Help America Vote Foundation.

TITLE VII—VOTING RIGHTS OF MILITARY MEMBERS AND OVERSEAS CITIZENS

Sec. 701. Voting assistance programs.
Sec. 702. Designation of single State office to provide information on registration and absentee ballots for all voters in State.
Sec. 703. Report on absentee ballots transmitted and received after general elections.
Sec. 704. Extension of period covered by single absentee ballot application.
Sec. 705. Additional duties of Presidential designee under Uniformed and Overseas Citizens Absentee Voting Act.
Sec. 706. Prohibition of refusal of voter registration and absentee ballot applications on grounds of early submission.
Sec. 707. Other requirements to promote participation of overseas and absent uniformed services voters.

TITLE VIII—TRANSITION PROVISIONS

Subtitle A—Transfer to Commission of Functions Under Certain Laws

Sec. 801. Federal Election Campaign Act of 1971.
Sec. 802. National Voter Registration Act of 1993.
Sec. 803. Transfer of property, records, and personnel.
Sec. 804. Effective date; transition.

Subtitle B—Coverage of Commission Under Certain Laws and Programs

Sec. 811. Treatment of Commission personnel under certain civil service laws.
Sec. 812. Coverage under Inspector General Act of 1978.

TITLE IX—MISCELLANEOUS PROVISIONS

Sec. 901. State defined.
Sec. 902. Audits and repayment of funds.
Sec. 903. Clarification of ability of election officials to remove registrants from official list of voters on grounds of change of residence.
Sec. 904. Review and report on adequacy of existing electoral fraud statutes and penalties.
Sec. 905. Other criminal penalties.
Sec. 906. No effect on other laws.

TITLE I—PAYMENTS TO STATES FOR ELECTION ADMINISTRATION IMPROVEMENTS AND REPLACEMENT OF PUNCH CARD AND LEVER VOTING MACHINES

SEC. 101. PAYMENTS TO STATES FOR ACTIVITIES TO IMPROVE ADMINISTRATION OF ELECTIONS.

(a) IN GENERAL.—Not later than 45 days after the date of the enactment of this Act, the Administrator of General Services (in this title referred to as the "Administrator") shall establish a program under which the Administrator shall make a payment to each State in which the chief executive officer of the State, or designee, in consultation and coordination with the chief State election official, notifies the Administrator not later than 6 months after the date of the enactment of this Act that the State intends to use the payment in accordance with this section.

(b) USE OF PAYMENT.—

(1) IN GENERAL.—A State shall use the funds provided under a payment made under this section to carry out 1 or more of the following activities:

(A) Complying with the requirements under title III.

(B) Improving the administration of elections for Federal office.

(C) Educating voters concerning voting procedures, voting rights, and voting technology.

(D) Training election officials, poll workers, and election volunteers.

(E) Developing the State plan for requirements payments to be submitted under part 1 of subtitle D of title II.

(F) Improving, acquiring, leasing, modifying, or replacing voting systems and technology and methods for casting and counting votes.

(G) Improving the accessibility and quantity of polling places, including providing physical access for individuals with disabilities, providing nonvisual access for individuals with visual impairments, and providing assistance to Native Americans, Alaska Native citizens, and to individuals with limited proficiency in the English language.

(H) Establishing toll-free telephone hotlines that voters may use to report possible voting fraud and voting rights violations, to obtain general election information, and to access detailed automated information on their own voter registration status, specific polling place locations, and other relevant information.

(2) LIMITATION.—A State may not use the funds provided under a payment made under this section—

(A) to pay costs associated with any litigation, except to the extent that such costs otherwise constitute permitted uses of a payment under this section; or

(B) for the payment of any judgment.

(c) USE OF FUNDS TO BE CONSISTENT WITH OTHER LAWS AND REQUIREMENTS.—In order to receive a payment under the program under this section, the State shall provide the Administrator with certifications that—

(1) the State will use the funds provided under the payment in a manner that is consistent with each of the laws described in section 906, as such laws relate to the provisions of this Act; and

(2) the proposed uses of the funds are not inconsistent with the requirements of title III.

(d) AMOUNT OF PAYMENT.—

(1) IN GENERAL.—Subject to section 103(b), the amount of payment made to a State under this section shall be the minimum payment amount described in paragraph (2) plus the voting age population proportion amount described in paragraph (3).

(2) MINIMUM PAYMENT AMOUNT.—The minimum payment amount described in this paragraph is—

(A) in the case of any of the several States or the District of Columbia, ½ of 1 percent of the aggregate amount made available for payments under this section; and

(B) in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, or the United States Virgin Islands, ⅒ of 1 percent of such aggregate amount.

(3) VOTING AGE POPULATION PROPORTION AMOUNT.—The voting age population proportion amount described in this paragraph is the product of—

(A) the aggregate amount made available for payments under this section minus the total of all of the minimum payment amounts determined under paragraph (2); and

(B) the voting age population proportion for the State (as defined in paragraph (4)).

(4) VOTING AGE POPULATION PROPORTION DEFINED.—The term "voting age population proportion" means, with respect to a State, the amount equal to the quotient of—

(A) the voting age population of the State (as reported in the most recent decennial census); and

(B) the total voting age population of all States (as reported in the most recent decennial census).

SEC. 102. REPLACEMENT OF PUNCH CARD OR LEVER VOTING MACHINES.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—Not later than 45 days after the date of the enactment of this Act, the Administrator shall establish a program under which the Administrator shall make a payment to each State eligible under subsection (b) in which a precinct within that State used a punch card voting system or a lever voting system to administer the regularly scheduled general election for Federal office held in November 2000 (in this section referred to as a "qualifying precinct").

(2) USE OF FUNDS.—A State shall use the funds provided under a payment under this section (either directly or as reimbursement, including as reimbursement for costs incurred on or after January 1, 2001, under multiyear contracts) to replace punch card voting systems or lever voting systems (as the case may be) in qualifying precincts within that State with a voting system (by purchase, lease, or such other arrangement as may be appropriate) that—

(A) does not use punch cards or levers;

(B) is not inconsistent with the requirements of the laws described in section 906; and

(C) meets the requirements of section 301.

(3) DEADLINE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a State receiving a payment under the program under this section shall ensure that all of the punch card voting systems or lever voting systems in the qualifying precincts within that State have been replaced in time for the regularly scheduled general election for Federal office to be held in November 2004.

(B) WAIVER.—If a State certifies to the Administrator not later than January 1, 2004, that the State will not meet the deadline described in subparagraph (A) for good cause and includes in the certification the reasons for the failure to meet such deadline, the State shall ensure that all of the punch card voting systems or lever voting systems in the qualifying precincts within that State will be replaced in time for the first election for Federal office held after January 1, 2006.

(b) ELIGIBILITY.—

(1) IN GENERAL.—A State is eligible to receive a payment under the program under this section if it submits to the Administrator a notice not later than the date that is 6 months after the date of the enactment of this Act (in such form as the Administrator may require) that contains—

(A) certifications that the State will use the payment (either directly or as reimbursement, including as reimbursement for costs incurred on or after January 1, 2001, under multiyear contracts) to replace punch card voting systems or lever voting systems (as the case may be) in the qualifying precincts within the State by the deadline described in subsection (a)(3);

(B) certifications that the State will continue to comply with the laws described in section 906;

(C) certifications that the replacement voting systems will meet the requirements of section 301; and

(D) such other information and certifications as the Administrator may require which are necessary for the administration of the program.

(2) COMPLIANCE OF STATES THAT REQUIRE CHANGES TO STATE LAW.—In the case of a State that requires State legislation to carry out an activity covered by any certification submitted under this subsection, the State shall be permitted to make the certification notwithstanding that the legislation has not been enacted at the time the certification is submitted and such State shall submit an additional certification once such legislation is enacted.

(c) AMOUNT OF PAYMENT.—

(1) IN GENERAL.—Subject to paragraph (2) and section 103(b), the amount of payment made to a State under the program under this section shall be equal to the product of—

(A) the number of the qualifying precincts within the State; and

(B) $4,000.

(2) REDUCTION.—If the amount of funds appropriated pursuant to the authority of section 104(a)(2) is insufficient to ensure that each State receives the amount of payment calculated under paragraph (1), the Administrator shall reduce the amount specified in paragraph (1)(B) to ensure that the entire amount appropriated under such section is distributed to the States.

(d) REPAYMENT OF FUNDS FOR FAILURE TO MEET DEADLINES.—

(1) IN GENERAL.—If a State receiving funds under the program under this section fails to meet the deadline applicable to the State under subsection (a)(3), the State shall pay to the Administrator an amount equal to the noncompliant precinct percentage of the amount of the funds provided to the State under the program.

(2) NONCOMPLIANT PRECINCT PERCENTAGE DEFINED.—In this subsection, the term "noncompliant precinct percentage" means, with respect to a State, the amount (expressed as a percentage) equal to the quotient of—

(A) the number of qualifying precincts within the State for which the State failed to meet the applicable deadline; and

(B) the total number of qualifying precincts in the State.

(e) PUNCH CARD VOTING SYSTEM DEFINED.—For purposes of this section, a "punch card voting system" includes any of the following voting systems:

(1) C.E.S.
(2) Datavote.
(3) PBC Counter.
(4) Pollstar.
(5) Punch Card.
(6) Vote Recorder.
(7) Votomatic.

SEC. 103. GUARANTEED MINIMUM PAYMENT AMOUNT.

(a) IN GENERAL.—In addition to any other payments made under this title, the Administrator shall make a payment to each State to which a payment is made under either section 101 or 102 and with respect to which the aggregate amount paid under such sections is less than $5,000,000 in an amount equal to the difference between the aggregate amount paid to the State under sections 101 and 102 and $5,000,000. In the case of the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands, the previous sentence shall be applied as if each reference to "$5,000,000" were a reference to "$1,000,000".

(b) Pro Rata Reductions.—The Administrator shall make such pro rata reductions to the amounts described in sections 101(d) and 102(c) as are necessary to comply with the requirements of subsection (a).

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated for payments under this title $650,000,000, of which—

(1) 50 percent shall be for payments under section 101; and

(2) 50 percent shall be for payments under section 102.

(b) Continuing Availability of Funds After Appropriation.—Any payment made to a State under this title shall be available to the State without fiscal year limitation (subject to subsection (c)(2)(B)).

(c) Use of Returned Funds and Funds Remaining Unexpended for Requirements Payments.—

(1) In general.—The amounts described in paragraph (2) shall be transferred to the Election Assistance Commission (established under title II) and used by the Commission to make requirements payments under part 1 of subtitle D of title II.

(2) Amounts described.—The amounts referred to in this paragraph are as follows:

(A) Any amounts paid to the Administrator by a State under section 102(d)(1).

(B) Any amounts appropriated for payments under this title which remain unobligated as of September 1, 2003.

(d) Deposit of Amounts in State Election Fund.—When a State has established an election fund described in section 254(b), the State shall ensure that any funds provided to the State under this title are deposited and maintained in such fund.

(e) Authorization of Appropriations for Administrator.—In addition to the amounts authorized under subsection (a), there are authorized to be appropriated to the Administrator such sums as may be necessary to administer the programs under this title.

SEC. 105. ADMINISTRATION OF PROGRAMS.

In administering the programs under this title, the Administrator shall take such actions as the Administrator considers appropriate tp expedite the payment of funds to States.

SEC. 106. EFFECTIVE DATE.

The Administrator shall implement the programs established under this title in a manner that ensures that the Administrator is able to make payments under the program not later than the expiration of the 45-day period which begins on the date of the enactment of this Act.

TITLE II—COMMISSION

Subtitle A—Establishment and General Organization

PART 1—ELECTION ASSISTANCE COMMISSION

SEC. 201. ESTABLISHMENT.

There is hereby established as an independent entity the Election Assistance Commission (hereafter in this title referred to as the "Commission"), consisting of the members appointed under this part. Additionally, there is established the Election Assistance Commission Standards Board (including the Executive Board of such Board) and the Election Assistance Commission Board of Advisors under part 2 (hereafter in this part referred to as the "Standards Board" and the "Board of Advisors", respectively) and the Technical Guidelines Development Committee under part 3.

SEC. 202. DUTIES.

The Commission shall serve as a national clearinghouse and resource for the compilation of information and review of procedures with respect to the administration of Federal elections by—

(1) carrying out the duties described in part 3 (relating to the adoption of voluntary voting system guidelines), including the maintenance of a clearinghouse of information on the experiences of State and local governments in implementing the guidelines and in operating voting systems in general;

(2) carrying out the duties described in subtitle B (relating to the testing, certification, decertification, and recertification of voting system hardware and software);

(3) carrying out the duties described in subtitle C (relating to conducting studies and carrying out other activities to promote the effective administration of Federal elections);

(4) carrying out the duties described in subtitle D (relating to election assistance), and providing information and training on the management of the payments and grants provided under such subtitle;

(5) carrying out the duties described in subtitle B of title III (relating to the adoption of voluntary guidance); and

(6) developing and carrying out the Help America Vote College Program under title V.

SEC. 203. MEMBERSHIP AND APPOINTMENT.

(a) Membership.—

(1) In general.—The Commission shall have 4 members appointed by the President, by and with the advice and consent of the Senate.

(2) Recommendations.—Before the initial appointment of the members of the Commission and before the appointment of any individual to fill a vacancy on the Commission, the Majority Leader of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives shall each submit to the President a candidate recommendation with respect to each vacancy on the Commission affiliated with the political party of the Member of Congress involved.

(3) Qualifications.—Each member of the Commission shall have experience with or expertise in election administration or the study of elections.

(4) Date of appointment.—The appointments of the members of the Commission shall be made not later than 120 days after the date of the enactment of this Act.

(b) Term of Service.—

(1) In general.—Except as provided in paragraphs (2) and (3), members shall serve for a term of 4 years and may be reappointed for not more than 1 additional term.

(2) Terms of initial appointees.—As designated by the President at the time of nomination, of the members first appointed—

(A) 2 of the members (not more than 1 of whom may be affiliated with the same political party) shall be appointed for a term of 2 years; and

(B) 2 of the members (not more than 1 of whom may be affiliated with the same political party) shall be appointed for a term of 4 years.

(3) Vacancies.—

(A) In general.—A vacancy on the Commission shall be filled in the manner in which the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

(B) Expired terms.—A member of the Commission shall serve on the Commission after the expiration of the member's term until the successor of such member has taken office as a member of the Commission.

(C) Unexpired terms.—An individual appointed to fill a vacancy shall be appointed for the unexpired term of the member replaced.

(c) Chair and Vice Chair.—

(1) In general.—The Commission shall select a chair and vice chair from among its members for a term of 1 year, except that the chair and vice chair may not be affiliated with the same political party.

(2) Number of terms.—A member of the Commission may serve as the chairperson and vice chairperson for only 1 term each during the term of office to which such member is appointed.

(d) Compensation.—

(1) In general.—Each member of the Commission shall be compensated at the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(2) Other activities.—No member appointed to the Commission under subsection (a) may engage in any other business, vocation, or employment while serving as a member of the Commission and shall terminate or liquidate such business, vocation, or employment before sitting as a member of the Commission.

SEC. 204. STAFF.

(a) Executive Director, General Counsel, and Other Staff.—

(1) Executive director.—The Commission shall have an Executive Director, who shall be paid at a rate not to exceed the rate of basic pay for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) Term of service for executive director.—The Executive Director shall serve for a term of 4 years. An Executive Director may serve for a longer period only if reappointed for an additional term or terms by a vote of the Commission.

(3) Procedure for appointment.—

(A) In general.—When a vacancy exists in the position of the Executive Director, the Standards Board and the Board of Advisors shall each appoint a search committee to recommend at least 3 nominees for the position.

(B) Requiring consideration of nominees.—Except as provided in subparagraph (C), the Commission shall consider the nominees recommended by the Standards Board and the Board of Advisors in appointing the Executive Director.

(C) Interim service of general counsel.—If a vacancy exists in the position of the Executive Director, the General Counsel of the Commission shall serve as the acting Executive Director until the Commission appoints a new Executive Director in accordance with this paragraph.

(D) Special rules for interim executive director.—

(i) Convening of search committees.—The Standards Board and the Board of Advisors shall each appoint a search committee and recommend nominees for the position of Executive Director in accordance with subparagraph (A) as soon as practicable after the appointment of their members.

(ii) Interim initial appointment.—Notwithstanding subparagraph (B), the Commission may appoint an individual to serve as an interim Executive Director prior to the recommendation of nominees for the position by the Standards Board or the Board of Advisors, except that such individual's term of service may not exceed 6 months. Nothing in the previous sentence may be construed to prohibit the individual serving as the interim Executive Director from serving any additional term.

(4) General counsel.—The Commission shall have a General Counsel, who shall be appointed by the Commission and who shall serve under the Executive Director. The General Counsel shall serve for a term of 4 years, and may serve for a longer period only if reappointed for an additional term or terms by a vote of the Commission.

(5) Other staff.—Subject to rules prescribed by the Commission, the Executive Director may appoint and fix the pay of such additional personnel as the Executive Director considers appropriate.

(6) Applicability of certain civil service laws.—The Executive Director, General Counsel, and staff of the Commission may be appointed without regard to the provisions of title

5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of that title.

(b) EXPERTS AND CONSULTANTS.—Subject to rules prescribed by the Commission, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, by a vote of the Commission.

(c) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this Act.

(d) ARRANGING FOR ASSISTANCE FOR BOARD OF ADVISORS AND STANDARDS BOARD.—At the request of the Board of Advisors or the Standards Board, the Commission may enter into such arrangements as the Commission considers appropriate to make personnel available to assist the Boards with carrying out their duties under this title (including contracts with private individuals for providing temporary personnel services or the temporary detailing of personnel of the Commission).

(e) CONSULTATION WITH BOARD OF ADVISORS AND STANDARDS BOARD ON CERTAIN MATTERS.—In preparing the program goals, long-term plans, mission statements, and related matters for the Commission, the Executive Director and staff of the Commission shall consult with the Board of Advisors and the Standards Board.

SEC. 205. POWERS.

(a) HEARINGS AND SESSIONS.—The Commission may hold such hearings for the purpose of carrying out this Act, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act. The Commission may administer oaths and affirmations to witnesses appearing before the Commission.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this Act. Upon request of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services that are necessary to enable the Commission to carry out its duties under this Act.

(e) CONTRACTS.—The Commission may contract with and compensate persons and Federal agencies for supplies and services without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 5).

SEC. 206. DISSEMINATION OF INFORMATION.

In carrying out its duties, the Commission shall, on an ongoing basis, disseminate to the public (through the Internet, published reports, and such other methods as the Commission considers appropriate) in a manner that is consistent with the requirements of chapter 19 of title 44, United States Code, information on the activities carried out under this Act.

SEC. 207. ANNUAL REPORT.

Not later than January 31 of each year (beginning with 2004), the Commission shall submit a report to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate detailing its activities during the fiscal year which ended on September 30 of the previous calendar year, and shall include in the report the following information:

(1) A detailed description of activities conducted with respect to each program carried out by the Commission under this Act, including information on each grant or other payment made under such programs.

(2) A copy of each report submitted to the Commission by a recipient of such grants or payments which is required under such a program, including reports submitted by States receiving requirements payments under part 1 of subtitle D, and each other report submitted to the Commission under this Act.

(3) Information on the voluntary voting system guidelines adopted or modified by the Commission under part 3 and information on the voluntary guidance adopted under subtitle B of title III.

(4) All votes taken by the Commission.

(5) Such other information and recommendations as the Commission considers appropriate.

SEC. 208. REQUIRING MAJORITY APPROVAL FOR ACTIONS.

Any action which the Commission is authorized to carry out under this Act may be carried out only with the approval of at least 3 of its members.

SEC. 209. LIMITATION ON RULEMAKING AUTHORITY.

The Commission shall not have any authority to issue any rule, promulgate any regulation, or take any other action which imposes any requirement on any State or unit of local government, except to the extent permitted under section 9(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–7(a)).

SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

In addition to the amounts authorized for payments and grants under this title and the amounts authorized to be appropriated for the program under section 503, there are authorized to be appropriated for each of the fiscal years 2003 through 2005 such sums as may be necessary (but not to exceed $10,000,000 for each such year) for the Commission to carry out this title.

PART 2—ELECTION ASSISTANCE COMMISSION STANDARDS BOARD AND BOARD OF ADVISORS

SEC. 211. ESTABLISHMENT.

There are hereby established the Election Assistance Commission Standards Board (hereafter in this title referred to as the "Standards Board") and the Election Assistance Commission Board of Advisors (hereafter in this title referred to as the "Board of Advisors").

SEC. 212. DUTIES.

The Standards Board and the Board of Advisors shall each, in accordance with the procedures described in part 3, review the voluntary voting system guidelines under such part, the voluntary guidance under title III, and the best practices recommendations contained in the report submitted under section 242(b).

SEC. 213. MEMBERSHIP OF STANDARDS BOARD.

(a) COMPOSITION.—

(1) IN GENERAL.—Subject to certification by the chair of the Federal Election Commission under subsection (b), the Standards Board shall be composed of 110 members as follows:

(A) 55 shall be State election officials selected by the chief State election official of each State.

(B) 55 shall be local election officials selected in accordance with paragraph (2).

(2) LIST OF LOCAL ELECTION OFFICIALS.—Each State's local election officials, including the local election officials of Puerto Rico and the United States Virgin Islands, shall select (under a process supervised by the chief election official of the State) a representative local election official from the State for purposes of paragraph (1)(B). In the case of the District of Columbia, Guam, and American Samoa, the chief election official shall establish a procedure for selecting an individual to serve as a local election official for purposes of such paragraph, except that under such a procedure the individual selected may not be a member of the same political party as the chief election official.

(3) REQUIRING MIX OF POLITICAL PARTIES REPRESENTED.—The 2 members of the Standards Board who represent the same State may not be members of the same political party.

(b) PROCEDURES FOR NOTICE AND CERTIFICATION OF APPOINTMENT.—

(1) NOTICE TO CHAIR OF FEDERAL ELECTION COMMISSION.—Not later than 90 days after the date of the enactment of this Act, the chief State election official of the State shall transmit a notice to the chair of the Federal Election Commission containing—

(A) the name of the State election official who agrees to serve on the Standards Board under this title; and

(B) the name of the representative local election official from the State selected under subsection (a)(2) who agrees to serve on the Standards Board under this title.

(2) CERTIFICATION.—Upon receiving a notice from a State under paragraph (1), the chair of the Federal Election Commission shall publish a certification that the selected State election official and the representative local election official are appointed as members of the Standards Board under this title.

(3) EFFECT OF FAILURE TO PROVIDE NOTICE.—If a State does not transmit a notice to the chair of the Federal Election Commission under paragraph (1) within the deadline described in such paragraph, no representative from the State may participate in the selection of the initial Executive Board under subsection (c).

(4) ROLE OF COMMISSION.—Upon the appointment of the members of the Election Assistance Commission, the Election Assistance Commission shall carry out the duties of the Federal Election Commission under this subsection.

(c) EXECUTIVE BOARD.—

(1) IN GENERAL.—Not later than 60 days after the last day on which the appointment of any of its members may be certified under subsection (b), the Standards Board shall select 9 of its members to serve as the Executive Board of the Standards Board, of whom—

(A) not more than 5 may be State election officials;

(B) not more than 5 may be local election officials; and

(C) not more than 5 may be members of the same political party.

(2) TERMS.—Except as provided in paragraph (3), members of the Executive Board of the Standards Board shall serve for a term of 2 years and may not serve for more than 3 consecutive terms.

(3) STAGGERING OF INITIAL TERMS.—Of the members first selected to serve on the Executive Board of the Standards Board—

(A) 3 shall serve for 1 term;

(B) 3 shall serve for 2 consecutive terms; and

(C) 3 shall serve for 3 consecutive terms,

as determined by lot at the time the members are first appointed.

(4) DUTIES.—In addition to any other duties assigned under this title, the Executive Board of the Standards Board may carry out such duties of the Standards Board as the Standards Board may delegate.

SEC. 214. MEMBERSHIP OF BOARD OF ADVISORS.

(a) IN GENERAL.—The Board of Advisors shall be composed of 37 members appointed as follows:

(1) 2 members appointed by the National Governors Association.

(2) 2 members appointed by the National Conference of State Legislatures.

(3) 2 members appointed by the National Association of Secretaries of State.

(4) 2 members appointed by the National Association of State Election Directors.

(5) 2 members appointed by the National Association of Counties.

(6) 2 members appointed by the National Association of County Recorders, Election Administrators, and Clerks.

(7) 2 members appointed by the United States Conference of Mayors.

(8) 2 members appointed by the Election Center.

(9) 2 members appointed by the International Association of County Recorders, Election Officials, and Treasurers.

(10) 2 members appointed by the United States Commission on Civil Rights.

(11) 2 members appointed by the Architectural and Transportation Barrier Compliance Board under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792).

(12) The chief of the Office of Public Integrity of the Department of Justice, or the chief's designee.

(13) The chief of the Voting Section of the Civil Rights Division of the Department of Justice or the chief's designee.

(14) The director of the Federal Voting Assistance Program of the Department of Defense.

(15) 4 members representing professionals in the field of science and technology, of whom—

(A) 1 each shall be appointed by the Speaker and the Minority Leader of the House of Representatives; and

(B) 1 each shall be appointed by the Majority Leader and the Minority Leader of the Senate.

(16) 8 members representing voter interests, of whom—

(A) 4 members shall be appointed by the Committee on House Administration of the House of Representatives, of whom 2 shall be appointed by the chair and 2 shall be appointed by the ranking minority member; and

(B) 4 members shall be appointed by the Committee on Rules and Administration of the Senate, of whom 2 shall be appointed by the chair and 2 shall be appointed by the ranking minority member.

(b) MANNER OF APPOINTMENTS.—Appointments shall be made to the Board of Advisors under subsection (a) in a manner which ensures that the Board of Advisors will be bipartisan in nature and will reflect the various geographic regions of the United States.

(c) TERM OF SERVICE; VACANCY.—Members of the Board of Advisors shall serve for a term of 2 years, and may be reappointed. Any vacancy in the Board of Advisors shall be filled in the manner in which the original appointment was made.

(d) CHAIR.—The Board of Advisors shall elect a Chair from among its members.

SEC. 215. POWERS OF BOARDS; NO COMPENSATION FOR SERVICE.

(a) HEARINGS AND SESSIONS.—

(1) IN GENERAL.—To the extent that funds are made available by the Commission, the Standards Board (acting through the Executive Board) and the Board of Advisors may each hold such hearings for the purpose of carrying out this Act, sit and act at such times and places, take such testimony, and receive such evidence as each such Board considers advisable to carry out this title, except that the Boards may not issue subpoenas requiring the attendance and testimony of witnesses or the production of any evidence.

(2) MEETINGS.—The Standards Board and the Board of Advisors shall each hold a meeting of its members—

(A) not less frequently than once every year for purposes of voting on the voluntary voting system guidelines referred to it under section 222;

(B) in the case of the Standards Board, not less frequently than once every 2 years for purposes of selecting the Executive Board; and

(C) at such other times as it considers appropriate for purposes of conducting such other business as it considers appropriate consistent with this title.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Standards Board and the Board of Advisors may each secure directly from any Federal department or agency such information as the Board considers necessary to carry out this Act. Upon request of the Executive Board (in the case of the Standards Board) or the Chair (in the case of the Board of Advisors), the head of such department or agency shall furnish such information to the Board.

(c) POSTAL SERVICES.—The Standards Board and the Board of Advisors may use the United States mails in the same manner and under the same conditions as a department or agency of the Federal Government.

(d) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Executive Board (in the case of the Standards Board) or the Chair (in the case of the Board of Advisors), the Administrator of the General Services Administration shall provide to the Board, on a reimbursable basis, the administrative support services that are necessary to enable the Board to carry out its duties under this title.

(e) NO COMPENSATION FOR SERVICE.—Members of the Standards Board and members of the Board of Advisors shall not receive any compensation for their service, but shall be paid travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

SEC. 216. STATUS OF BOARDS AND MEMBERS FOR PURPOSES OF CLAIMS AGAINST BOARD.

(a) IN GENERAL.—The provisions of chapters 161 and 171 of title 28, United States Code, shall apply with respect to the liability of the Standards Board, the Board of Advisors, and their members for acts or omissions performed pursuant to and in the course of the duties and responsibilities of the Board.

(b) EXCEPTION FOR CRIMINAL ACTS AND OTHER WILLFUL CONDUCT.—Subsection (a) may not be construed to limit personal liability for criminal acts or omissions, willful or malicious misconduct, acts or omissions for private gain, or any other act or omission outside the scope of the service of a member of the Standards Board or the Board of Advisors.

PART 3—TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE

SEC. 221. TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE.

(a) ESTABLISHMENT.—There is hereby established the Technical Guidelines Development Committee (hereafter in this part referred to as the "Development Committee").

(b) DUTIES.—

(1) IN GENERAL.—The Development Committee shall assist the Executive Director of the Commission in the development of the voluntary voting system guidelines.

(2) DEADLINE FOR INITIAL SET OF RECOMMENDATIONS.—The Development Committee shall provide its first set of recommendations under this section to the Executive Director of the Commission not later than 9 months after all of its members have been appointed.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Development Committee shall be composed of the Director of the National Institute of Standards and Technology (who shall serve as its chair), together with a group of 14 other individuals appointed jointly by the Commission and the Director of the National Institute of Standards and Technology, consisting of the following:

(A) An equal number of each of the following:

(i) Members of the Standards Board.

(ii) Members of the Board of Advisors.

(iii) Members of the Architectural and Transportation Barrier Compliance Board under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792).

(B) A representative of the American National Standards Institute.

(C) A representative of the Institute of Electrical and Electronics Engineers.

(D) 2 representatives of the National Association of State Election Directors selected by such Association who are not members of the Standards Board or Board of Advisors, and who are not of the same political party.

(E) Other individuals with technical and scientific expertise relating to voting systems and voting equipment.

(2) QUORUM.—A majority of the members of the Development Committee shall constitute a quorum, except that the Development Committee may not conduct any business prior to the appointment of all of its members.

(d) NO COMPENSATION FOR SERVICE.—Members of the Development Committee shall not receive any compensation for their service, but shall be paid travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Development Committee.

(e) TECHNICAL SUPPORT FROM NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—

(1) IN GENERAL.—At the request of the Development Committee, the Director of the National Institute of Standards and Technology shall provide the Development Committee with technical support necessary for the Development Committee to carry out its duties under this subtitle.

(2) TECHNICAL SUPPORT.—The technical support provided under paragraph (1) shall include intramural research and development in areas to support the development of the voluntary voting system guidelines under this part, including—

(A) the security of computers, computer networks, and computer data storage used in voting systems, including the computerized list required under section 303(a);

(B) methods to detect and prevent fraud;

(C) the protection of voter privacy;

(D) the role of human factors in the design and application of voting systems, including assistive technologies for individuals with disabilities (including blindness) and varying levels of literacy; and

(E) remote access voting, including voting through the Internet.

(3) NO PRIVATE SECTOR INTELLECTUAL PROPERTY RIGHTS IN GUIDELINES.—No private sector individual or entity shall obtain any intellectual property rights to any guideline or the contents of any guideline (or any modification to any guideline) adopted by the Commission under this Act.

(f) PUBLICATION OF RECOMMENDATIONS IN FEDERAL REGISTER.—At the time the Commission adopts any voluntary voting system guideline pursuant to section 222, the Development Committee shall cause to have published in the Federal Register the recommendations it provided under this section to the Executive Director of the Commission concerning the guideline adopted.

SEC. 222. PROCESS FOR ADOPTION.

(a) GENERAL REQUIREMENT FOR NOTICE AND COMMENT.—Consistent with the requirements of

this section, the final adoption of the voluntary voting system guidelines (or modification of such a guideline) shall be carried out by the Commission in a manner that provides for each of the following:

(1) Publication of notice of the proposed guidelines in the Federal Register.

(2) An opportunity for public comment on the proposed guidelines.

(3) An opportunity for a public hearing on the record.

(4) Publication of the final guidelines in the Federal Register.

(b) CONSIDERATION OF RECOMMENDATIONS OF DEVELOPMENT COMMITTEE; SUBMISSION OF PROPOSED GUIDELINES TO BOARD OF ADVISORS AND STANDARDS BOARD.—

(1) CONSIDERATION OF RECOMMENDATIONS OF DEVELOPMENT COMMITTEE.—In developing the voluntary voting system guidelines and modifications of such guidelines under this section, the Executive Director of the Commission shall take into consideration the recommendations provided by the Technical Guidelines Development Committee under section 221.

(2) BOARD OF ADVISORS.—The Executive Director of the Commission shall submit the guidelines proposed to be adopted under this part (or any modifications to such guidelines) to the Board of Advisors.

(3) STANDARDS BOARD.—The Executive Director of the Commission shall submit the guidelines proposed to be adopted under this part (or any modifications to such guidelines) to the Executive Board of the Standards Board, which shall review the guidelines (or modifications) and forward its recommendations to the Standards Board.

(c) REVIEW.—Upon receipt of voluntary voting system guidelines described in subsection (b) (or a modification of such guidelines) from the Executive Director of the Commission, the Board of Advisors and the Standards Board shall each review and submit comments and recommendations regarding the guideline (or modification) to the Commission.

(d) FINAL ADOPTION.—

(1) IN GENERAL.—A voluntary voting system guideline described in subsection (b) (or modification of such a guideline) shall not be considered to be finally adopted by the Commission unless the Commission votes to approve the final adoption of the guideline (or modification), taking into consideration the comments and recommendations submitted by the Board of Advisors and the Standards Board under subsection (c).

(2) MINIMUM PERIOD FOR CONSIDERATION OF COMMENTS AND RECOMMENDATIONS.—The Commission may not vote on the final adoption of a guideline described in subsection (b) (or modification of such a guideline) until the expiration of the 90-day period which begins on the date the Executive Director of the Commission submits the proposed guideline (or modification) to the Board of Advisors and the Standards Board under subsection (b).

(e) SPECIAL RULE FOR INITIAL SET OF GUIDELINES.—Notwithstanding any other provision of this part, the most recent set of voting system standards adopted by the Federal Election Commission prior to the date of the enactment of this Act shall be deemed to have been adopted by the Commission as of the date of the enactment of this Act as the first set of voluntary voting system guidelines adopted under this part.

Subtitle B—Testing, Certification, Decertification, and Recertification of Voting System Hardware and Software

SEC. 231. CERTIFICATION AND TESTING OF VOTING SYSTEMS.

(a) CERTIFICATION AND TESTING.—

(1) IN GENERAL.—The Commission shall provide for the testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories.

(2) OPTIONAL USE BY STATES.—At the option of a State, the State may provide for the testing, certification, decertification, or recertification of its voting system hardware and software by the laboratories accredited by the Commission under this section.

(b) LABORATORY ACCREDITATION.—

(1) RECOMMENDATIONS BY NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—Not later than 6 months after the Commission first adopts voluntary voting system guidelines under part 3 of subtitle A, the Director of the National Institute of Standards and Technology shall conduct an evaluation of independent, non-Federal laboratories and shall submit to the Commission a list of those laboratories the Director proposes to be accredited to carry out the testing, certification, decertification, and recertification provided for under this section.

(2) APPROVAL BY COMMISSION.—

(A) IN GENERAL.—The Commission shall vote on the accreditation of any laboratory under this section, taking into consideration the list submitted under paragraph (1), and no laboratory may be accredited for purposes of this section unless its accreditation is approved by a vote of the Commission.

(B) ACCREDITATION OF LABORATORIES NOT ON DIRECTOR LIST.—The Commission shall publish an explanation for the accreditation of any laboratory not included on the list submitted by the Director of the National Institute of Standards and Technology under paragraph (1).

(c) CONTINUING REVIEW BY NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—

(1) IN GENERAL.—In cooperation with the Commission and in consultation with the Standards Board and the Board of Advisors, the Director of the National Institute of Standards and Technology shall monitor and review, on an ongoing basis, the performance of the laboratories accredited by the Commission under this section, and shall make such recommendations to the Commission as it considers appropriate with respect to the continuing accreditation of such laboratories, including recommendations to revoke the accreditation of any such laboratory.

(2) APPROVAL BY COMMISSION REQUIRED FOR REVOCATION.—The accreditation of a laboratory for purposes of this section may not be revoked unless the revocation is approved by a vote of the Commission.

(d) TRANSITION.—Until such time as the Commission provides for the testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories under this section, the accreditation of laboratories and the procedure for the testing, certification, decertification, and recertification of voting system hardware and software used as of the date of the enactment of this Act shall remain in effect.

Subtitle C—Studies and Other Activities To Promote Effective Administration of Federal Elections

SEC. 241. PERIODIC STUDIES OF ELECTION ADMINISTRATION ISSUES.

(a) IN GENERAL.—On such periodic basis as the Commission may determine, the Commission shall conduct and make available to the public studies regarding the election administration issues described in subsection (b), with the goal of promoting methods of voting and administering elections which—

(1) will be the most convenient, accessible, and easy to use for voters, including members of the uniformed services and overseas voters, individuals with disabilities, including the blind and visually impaired, and voters with limited proficiency in the English language;

(2) will yield the most accurate, secure, and expeditious system for voting and tabulating election results;

(3) will be nondiscriminatory and afford each registered and eligible voter an equal opportunity to vote and to have that vote counted; and

(4) will be efficient and cost-effective for use.

(b) ELECTION ADMINISTRATION ISSUES DESCRIBED.—For purposes of subsection (a), the election administration issues described in this subsection are as follows:

(1) Methods and mechanisms of election technology and voting systems used in voting and counting votes in elections for Federal office, including the over-vote and under-vote notification capabilities of such technology and systems.

(2) Ballot designs for elections for Federal office.

(3) Methods of voter registration, maintaining secure and accurate lists of registered voters (including the establishment of a centralized, interactive, statewide voter registration list linked to relevant agencies and all polling sites), and ensuring that registered voters appear on the voter registration list at the appropriate polling site.

(4) Methods of conducting provisional voting.

(5) Methods of ensuring the accessibility of voting, registration, polling places, and voting equipment to all voters, including individuals with disabilities (including the blind and visually impaired), Native American or Alaska Native citizens, and voters with limited proficiency in the English language.

(6) Nationwide statistics and methods of identifying, deterring, and investigating voting fraud in elections for Federal office.

(7) Identifying, deterring, and investigating methods of voter intimidation.

(8) Methods of recruiting, training, and improving the performance of poll workers.

(9) Methods of educating voters about the process of registering to vote and voting, the operation of voting mechanisms, the location of polling places, and all other aspects of participating in elections.

(10) The feasibility and advisability of conducting elections for Federal office on different days, at different places, and during different hours, including the advisability of establishing a uniform poll closing time and establishing—

(A) a legal public holiday under section 6103 of title 5, United States Code, as the date on which general elections for Federal office are held;

(B) the Tuesday next after the 1st Monday in November, in every even numbered year, as a legal public holiday under such section;

(C) a date other than the Tuesday next after the 1st Monday in November, in every even numbered year as the date on which general elections for Federal office are held; and

(D) any date described in subparagraph (C) as a legal public holiday under such section.

(11) Federal and State laws governing the eligibility of persons to vote.

(12) Ways that the Federal Government can best assist State and local authorities to improve the administration of elections for Federal office and what levels of funding would be necessary to provide such assistance.

(13)(A) The laws and procedures used by each State that govern—

(i) recounts of ballots cast in elections for Federal office;

(ii) contests of determinations regarding whether votes are counted in such elections; and

(iii) standards that define what will constitute a vote on each type of voting equipment used in the State to conduct elections for Federal office.

(B) The best practices (as identified by the Commission) that are used by States with respect to the recounts and contests described in clause (i).

(C) Whether or not there is a need for more consistency among State recount and contest

procedures used with respect to elections for Federal office.

(14) The technical feasibility of providing voting materials in 8 or more languages for voters who speak those languages and who have limited English proficiency.

(15) Matters particularly relevant to voting and administering elections in rural and urban areas.

(16) Methods of voter registration for members of the uniformed services and overseas voters, and methods of ensuring that such voters receive timely ballots that will be properly and expeditiously handled and counted.

(17) The best methods for establishing voting system performance benchmarks, expressed as a percentage of residual vote in the Federal contest at the top of the ballot.

(18) Broadcasting practices that may result in the broadcast of false information concerning the location or time of operation of a polling place.

(19) Such other matters as the Commission determines are appropriate.

(c) REPORTS.—The Commission shall submit to the President and to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate a report on each study conducted under subsection (a) together with such recommendations for administrative and legislative action as the Commission determines is appropriate.

SEC. 242. STUDY, REPORT, AND RECOMMENDATIONS ON BEST PRACTICES FOR FACILITATING MILITARY AND OVERSEAS VOTING.

(a) STUDY.—

(1) IN GENERAL.—The Commission, in consultation with the Secretary of Defense, shall conduct a study on the best practices for facilitating voting by absent uniformed services voters (as defined in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act) and overseas voters (as defined in section 107(5) of such Act).

(2) ISSUES CONSIDERED.—In conducting the study under paragraph (1) the Commission shall consider the following issues:

(A) The rights of residence of uniformed services voters absent due to military orders.

(B) The rights of absent uniformed services voters and overseas voters to register to vote and cast absentee ballots, including the right of such voters to cast a secret ballot.

(C) The rights of absent uniformed services voters and overseas voters to submit absentee ballot applications early during an election year.

(D) The appropriate preelection deadline for mailing absentee ballots to absent uniformed services voters and overseas voters.

(E) The appropriate minimum period between the mailing of absentee ballots to absent uniformed services voters and overseas voters and the deadline for receipt of such ballots.

(F) The timely transmission of balloting materials to absent uniformed services voters and overseas voters.

(G) Security and privacy concerns in the transmission, receipt, and processing of ballots from absent uniformed services voters and overseas voters, including the need to protect against fraud.

(H) The use of a single application by absent uniformed services voters and overseas voters for absentee ballots for all Federal elections occurring during a year.

(I) The use of a single application for voter registration and absentee ballots by absent uniformed services voters and overseas voters.

(J) The use of facsimile machines and electronic means of transmission of absentee ballot applications and absentee ballots to absent uniformed services voters and overseas voters.

(K) Other issues related to the rights of absent uniformed services voters and overseas voters to participate in elections.

(b) REPORT AND RECOMMENDATIONS.—Not later than the date that is 18 months after the date of the enactment of this Act, the Commission shall submit to the President and Congress a report on the study conducted under subsection (a)(1) together with recommendations identifying the best practices used with respect to the issues considered under subsection (a)(2).

SEC. 243. REPORT ON HUMAN FACTOR RESEARCH.

Not later than 1 year after the date of the enactment of this Act, the Commission, in consultation with the Director of the National Institute of Standards and Technology, shall submit a report to Congress which assesses the areas of human factor research, including usability engineering and human-computer and human-machine interaction, which feasibly could be applied to voting products and systems design to ensure the usability and accuracy of voting products and systems, including methods to improve access for individuals with disabilities (including blindness) and individuals with limited proficiency in the English language and to reduce voter error and the number of spoiled ballots in elections.

SEC. 244. STUDY AND REPORT ON VOTERS WHO REGISTER BY MAIL AND USE OF SOCIAL SECURITY INFORMATION.

(a) REGISTRATION BY MAIL.—

(1) STUDY.—

(A) IN GENERAL.—The Commission shall conduct a study of the impact of section 303(b) on voters who register by mail.

(B) SPECIFIC ISSUES STUDIED.—The study conducted under subparagraph (A) shall include—

(i) an examination of the impact of section 303(b) on first time mail registrant voters who vote in person, including the impact of such section on voter registration;

(ii) an examination of the impact of such section on the accuracy of voter rolls, including preventing ineligible names from being placed on voter rolls and ensuring that all eligible names are placed on voter rolls; and

(iii) an analysis of the impact of such section on existing State practices, such as the use of signature verification or attestation procedures to verify the identity of voters in elections for Federal office, and an analysis of other changes that may be made to improve the voter registration process, such as verification or additional information on the registration card.

(2) REPORT.—Not later than 18 months after the date on which section 303(b)(2) takes effect, the Gommission shall submit a report to the President and Congress on the study conducted under paragraph (1)(A) together with such recommendations for administrative and legislative action as the Commission determines is appropriate.

(b) USE OF SOCIAL SECURITY INFORMATION.—Not later than 18 months after the date on which section 303(a)(5) takes effect, the Commission, in consultation with the Commissioner of Social Security, shall study and report to Congress on the feasibility and advisability of using Social Security identification numbers or other information compiled by the Social Security Administration to establish voter registration or other election law eligibility or identification requirements, including the matching of relevant information specific to an individual voter, the impact of such use on national security issues, and whether adequate safeguards or waiver procedures exist to protect the privacy of an individual voter.

SEC. 245. STUDY AND REPORT ON ELECTRONIC VOTING AND THE ELECTORAL PROCESS.

(a) STUDY.—

(1) IN GENERAL.—The Commission shall conduct a thorough study of issues and challenges, specifically to include the potential for election fraud, presented by incorporating communications and Internet technologies in the Federal, State, and local electoral process.

(2) ISSUES TO BE STUDIED.—The Commission may include in the study conducted under paragraph (1) an examination of—

(A) the appropriate security measures required and minimum standards for certification of systems or technologies in order to minimize the potential for fraud in voting or in the registration of qualified citizens to register and vote;

(B) the possible methods, such as Internet or other communications technologies, that may be utilized in the electoral process, including the use of those technologies to register voters and enable citizens to vote online, and recommendations concerning statutes and rules to be adopted in order to implement an online or Internet system in the electoral process;

(C) the impact that new communications or Internet technology systems for use in the electoral process could have on voter participation rates, voter education, public accessibility, potential external influences during the elections process, voter privacy and anonymity, and other issues related to the conduct and administration of elections;

(D) whether other aspects of the electoral process, such as public availability of candidate information and citizen communication with candidates, could benefit from the increased use of online or Internet technologies;

(E) the requirements for authorization of collection, storage, and processing of electronically generated and transmitted digital messages to permit any eligible person to register to vote or vote in an election, including applying for and casting an absentee ballot;

(F) the implementation cost of an online or Internet voting or voter registration system and the costs of elections after implementation (including a comparison of total cost savings for the administration of the electoral process by using Internet technologies or systems);

(G) identification of current and foreseeable online and Internet technologies for use in the registration of voters, for voting, or for the purpose of reducing election fraud, currently available or in use by election authorities;

(H) the means by which to ensure and achieve equity of access to online or Internet voting or voter registration systems and address the fairness of such systems to all citizens; and

(I) the impact of technology on the speed, timeliness, and accuracy of vote counts in Federal, State, and local elections.

(b) REPORT.—

(1) SUBMISSION.—Not later than 20 months after the date of the enactment of this Act, the Commission shall transmit to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate a report on the results of the study conducted under subsection (a), including such legislative recommendations or model State laws as are required to address the findings of the Commission.

(2) INTERNET POSTING.—In addition to the dissemination requirements under chapter 19 of title 44, United States Code, the Election Administration Commission shall post the report transmitted under paragraph (1) on an Internet website.

SEC. 246. STUDY AND REPORT ON FREE ABSENTEE BALLOT POSTAGE.

(a) STUDY ON THE ESTABLISHMENT OF A FREE ABSENTEE BALLOT POSTAGE PROGRAM.—

(1) IN GENERAL.—The Commission, in consultation with the Postal Service, shall conduct a study on the feasibility and advisability of the establishment of a program under which the Postal Service shall waive or otherwise reduce the amount of postage applicable with respect to

absentee ballots submitted by voters in general elections for Federal office (other than balloting materials mailed under section 3406 of title 39, United States Code) that does not apply with respect to the postage required to send the absentee ballots to voters.

(2) PUBLIC SURVEY.—As part of the study conducted under paragraph (1), the Commission shall conduct a survey of potential beneficiaries under the program described in such paragraph, including the elderly and disabled, and shall take into account the results of such survey in determining the feasibility and advisability of establishing such a program.

(b) REPORT.—

(1) SUBMISSION.—Not later than the date that is 1 year after the date of the enactment of this Act, the Commission shall submit to Congress a report on the study conducted under subsection (a)(1) together with recommendations for such legislative and administrative action as the Commission determines appropriate.

(2) COSTS.—The report submitted under paragraph (1) shall contain an estimate of the costs of establishing the program described in subsection (a)(1).

(3) IMPLEMENTATION.—The report submitted under paragraph (1) shall contain an analysis of the feasibility of implementing the program described in subsection (a)(1) with respect to the absentee ballots to be submitted in the general election for Federal office held in 2004.

(4) RECOMMENDATIONS REGARDING THE ELDERLY AND DISABLED.—The report submitted under paragraph (1) shall—

(A) include recommendations on ways that program described in subsection (a)(1) would target elderly individuals and individuals with disabilities; and

(B) identify methods to increase the number of such individuals who vote in elections for Federal office.

(c) POSTAL SERVICE DEFINED.—The term "Postal Service" means the United States Postal Service established under section 201 of title 39, United States Code.

SEC. 247. CONSULTATION WITH STANDARDS BOARD AND BOARD OF ADVISORS.

The Commission shall carry out its duties under this subtitle in consultation with the Standards Board and the Board of Advisors.

Subtitle D—Election Assistance

PART 1—REQUIREMENTS PAYMENTS

SEC. 251. REQUIREMENTS PAYMENTS.

(a) IN GENERAL.—The Commission shall make a requirements payment each year in an amount determined under section 252 to each State which meets the conditions described in section 253 for the year.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a State receiving a requirements payment shall use the payment only to meet the requirements of title III.

(2) OTHER ACTIVITIES.—A State may use a requirements payment to carry out other activities to improve the administration of elections for Federal office if the State certifies to the Commission that—

(A) the State has implemented the requirements of title III; or

(B) the amount expended with respect to such other activities does not exceed an amount equal to the minimum payment amount applicable to the State under section 252(c).

(c) RETROACTIVE PAYMENTS.—

(1) IN GENERAL.—Notwithstanding any other provision of this subtitle, including the maintenance of effort requirements of section 254(a)(7), a State may use a requirements payment as a reimbursement for costs incurred in obtaining voting equipment which meets the requirements of section 301 if the State obtains the equipment after the regularly scheduled general election for Federal office held in November 2000.

(2) SPECIAL RULE REGARDING MULTIYEAR CONTRACTS.—A State may use a requirements payment for any costs for voting equipment which meets the requirements of section 301 that, pursuant to a multiyear contract, were incurred on or after January 1, 2001, except that the amount that the State is otherwise required to contribute under the maintenance of effort requirements of section 254(a)(7) shall be increased by the amount of the payment made with respect to such multiyear contract.

(d) ADOPTION OF COMMISSION GUIDELINES AND GUIDANCE NOT REQUIRED TO RECEIVE PAYMENT.—Nothing in this part may be construed to require a State to implement any of the voluntary voting system guidelines or any of the voluntary guidance adopted by the Commission with respect to any matter as a condition for receiving a requirements payment.

(e) SCHEDULE OF PAYMENTS.—As soon as practicable after the initial appointment of all members of the Commission (but in no event later than 6 months thereafter), and not less frequently than once each calendar year thereafter, the Commission shall make requirements payments to States under this part.

(f) LIMITATION.—A State may not use any portion of a requirements payment—

(1) to pay costs associated with any litigation, except to the extent that such costs otherwise constitute permitted uses of a requirements payment under this part; or

(2) for the payment of any judgment.

SEC. 252. ALLOCATION OF FUNDS.

(a) IN GENERAL.—Subject to subsection (c), the amount of a requirements payment made to a State for a year shall be equal to the product of—

(1) the total amount appropriated for requirements payments for the year pursuant to the authorization under section 257; and

(2) the State allocation percentage for the State (as determined under subsection (b)).

(b) STATE ALLOCATION PERCENTAGE DEFINED.—The "State allocation percentage" for a State is the amount (expressed as a percentage) equal to the quotient of—

(1) the voting age population of the State (as reported in the most recent decennial census); and

(2) the total voting age population of all States (as reported in the most recent decennial census).

(c) MINIMUM AMOUNT OF PAYMENT.—The amount of a requirements payment made to a State for a year may not be less than—

(1) in the case of any of the several States or the District of Columbia, $\frac{1}{2}$ of 1 percent of the total amount appropriated for requirements payments for the year under section 257; or

(2) in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, or the United States Virgin Islands, $\frac{1}{10}$ of 1 percent of such total amount.

(d) PRO RATA REDUCTIONS.—The Administrator shall make such pro rata reductions to the allocations determined under subsection (a) as are necessary to comply with the requirements of subsection (c).

(e) CONTINUING AVAILABILITY OF FUNDS AFTER APPROPRIATION.—A requirements payment made to a State under this part shall be available to the State without fiscal year limitation.

SEC. 253. CONDITION FOR RECEIPT OF FUNDS.

(a) IN GENERAL.—A State is eligible to receive a requirements payment for a fiscal year if the chief executive officer of the State, or designee, in consultation and coordination with the chief State election official, has filed with the Commission a statement certifying that the State is in compliance with the requirements referred to in subsection (b). A State may meet the requirement of the previous sentence by filing with the Commission a statement which reads as follows: "   hereby certifies that it is in compliance with the requirements referred to in section 253(b) of the Help America Vote Act of 2002." (with the blank to be filled in with the name of the State involved).

(b) STATE PLAN REQUIREMENT; CERTIFICATION OF COMPLIANCE WITH APPLICABLE LAWS AND REQUIREMENTS.—The requirements referred to in this subsection are as follows:

(1) The State has filed with the Commission a State plan covering the fiscal year which the State certifies—

(A) contains each of the elements described in section 254 with respect to the fiscal year;

(B) is developed in accordance with section 255; and

(C) meets the public notice and comment requirements of section 256.

(2) The State has filed with the Commission a plan for the implementation of the uniform, nondiscriminatory administrative complaint procedures required under section 402 (or has included such a plan in the State plan filed under paragraph (1)), and has such procedures in place for purposes of meeting the requirements of such section. If the State does not include such an implementation plan in the State plan filed under paragraph (1), the requirements of sections 255(b) and 256 shall apply to the implementation plan in the same manner as such requirements apply to the State plan.

(3) The State is in compliance with each of the laws described in section 906, as such laws apply with respect to this Act.

(4) To the extent that any portion of the requirements payment is used for activities other than meeting the requirements of title III—

(A) the State's proposed uses of the requirements payment are not inconsistent with the requirements of title III; and

(B) the use of the funds under this paragraph is consistent with the requirements of section 251(b).

(5) The State has appropriated funds for carrying out the activities for which the requirements payment is made in an amount equal to 5 percent of the total amount to be spent for such activities (taking into account the requirements payment and the amount spent by the State) and, in the case of a State that uses a requirements payment as a reimbursement under section 251(c)(2), an additional amount equal to the amount of such reimbursement.

(c) METHODS OF COMPLIANCE LEFT TO DISCRETION OF STATE.—The specific choices on the methods of complying with the elements of a State plan shall be left to the discretion of the State.

(d) TIMING FOR FILING OF CERTIFICATION.—A State may not file a statement of certification under subsection (a) until the expiration of the 45-day period (or, in the case of a fiscal year other than the first fiscal year for which a requirements payment is made to the State under this subtitle, the 30-day period) which begins on the date the State plan under this subtitle is published in the Federal Register pursuant to section 255(b).

(e) CHIEF STATE ELECTION OFFICIAL DEFINED.—In this subtitle, the "chief State election official" of a State is the individual designated by the State under section 10 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–8) to be responsible for coordination of the State's responsibilities under such Act.

SEC. 254. STATE PLAN.

(a) IN GENERAL.—The State plan shall contain a description of each of the following:

(1) How the State will use the requirements payment to meet the requirements of title III, and, if applicable under section 251(a)(2), to

carry out other activities to improve the administration of elections.

(2) How the State will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State for carrying out the activities described in paragraph (1), including a description of—

(A) the criteria to be used to determine the eligibility of such units or entities for receiving the payment; and

(B) the methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under paragraph (8).

(3) How the State will provide for programs for voter education, election official education and training, and poll worker training which will assist the State in meeting the requirements of title III.

(4) How the State will adopt voting system guidelines and processes which are consistent with the requirements of section 301.

(5) How the State will establish a fund described in subsection (b) for purposes of administering the State's activities under this part, including information on fund management.

(6) The State's proposed budget for activities under this part, based on the State's best estimates of the costs of such activities and the amount of funds to be made available, including specific information on—

(A) the costs of the activities required to be carried out to meet the requirements of title III;

(B) the portion of the requirements payment which will be used to carry out activities to meet such requirements; and

(C) the portion of the requirements payment which will be used to carry out other activities.

(7) How the State, in using the requirements payment, will maintain the expenditures of the State for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000.

(8) How the State will adopt performance goals and measures that will be used by the State to determine its success and the success of units of local government in the State in carrying out the plan, including timetables for meeting each of the elements of the plan, descriptions of the criteria the State will use to measure performance and the process used to develop such criteria, and a description of which official is to be held responsible for ensuring that each performance goal is met.

(9) A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under section 402.

(10) If the State received any payment under title I, a description of how such payment will affect the activities proposed to be carried out under the plan, including the amount of funds available for such activities.

(11) How the State will conduct ongoing management of the plan, except that the State may not make any material change in the administration of the plan unless the change—

(A) is developed and published in the Federal Register in accordance with section 255 in the same manner as the State plan;

(B) is subject to public notice and comment in accordance with section 256 in the same manner as the State plan; and

(C) takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register in accordance with subparagraph (A).

(12) In the case of a State with a State plan in effect under this subtitle during the previous fiscal year, a description of how the plan reflects changes from the State plan for the previous fiscal year and of how the State succeeded in carrying out the State plan for such previous fiscal year.

(13) A description of the committee which participated in the development of the State plan in accordance with section 255 and the procedures followed by the committee under such section and section 256.

(b) REQUIREMENTS FOR ELECTION FUND.—

(1) ELECTION FUND DESCRIBED.—For purposes of subsection (a)(5), a fund described in this subsection with respect to a State is a fund which is established in the treasury of the State government, which is used in accordance with paragraph (2), and which consists of the following amounts:

(A) Amounts appropriated or otherwise made available by the State for carrying out the activities for which the requirements payment is made to the State under this part.

(B) The requirements payment made to the State under this part.

(C) Such other amounts as may be appropriated under law.

(D) Interest earned on deposits of the fund.

(2) USE OF FUND.—Amounts in the fund shall be used by the State exclusively to carry out the activities for which the requirements payment is made to the State under this part.

(3) TREATMENT OF STATES THAT REQUIRE CHANGES TO STATE LAW.—In the case of a State that requires State legislation to establish the fund described in this subsection, the Commission shall defer disbursement of the requirements payment to such State until such time as legislation establishing the fund is enacted.

(c) PROTECTION AGAINST ACTIONS BASED ON INFORMATION IN PLAN.—

(1) IN GENERAL.—No action may be brought under this Act against a State or other jurisdiction on the basis of any information contained in the State plan filed under this part.

(2) EXCEPTION FOR CRIMINAL ACTS.—Paragraph (1) may not be construed to limit the liability of a State or other jurisdiction for criminal acts or omissions.

SEC. 255. PROCESS FOR DEVELOPMENT AND FILING OF PLAN; PUBLICATION BY COMMISSION.

(a) IN GENERAL.—The chief State election official shall develop the State plan under this subtitle through a committee of appropriate individuals, including the chief election officials of the 2 most populous jurisdictions within the States, other local election officials, stake holders (including representatives of groups of individuals with disabilities), and other citizens, appointed for such purpose by the chief State election official.

(b) PUBLICATION OF PLAN BY COMMISSION.—After receiving the State plan of a State under this subtitle, the Commission shall cause to have the plan published in the Federal Register.

SEC. 256. REQUIREMENT FOR PUBLIC NOTICE AND COMMENT.

For purposes of section 251(a)(1)(C), a State plan meets the public notice and comment requirements of this section if—

(1) not later than 30 days prior to the submission of the plan, the State made a preliminary version of the plan available for public inspection and comment;

(2) the State publishes notice that the preliminary version of the plan is so available; and

(3) the State took the public comments made regarding the preliminary version of the plan into account in preparing the plan which was filed with the Commission.

SEC. 257. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to amounts transferred under section 104(c), there are authorized to be appropriated for requirements payments under this part the following amounts:

(1) For fiscal year 2003, $1,400,000,000.

(2) For fiscal year 2004, $1,000,000,000.

(3) For fiscal year 2005, $600,000,000.

(b) AVAILABILITY.—Any amounts appropriated pursuant to the authority of subsection (a) shall remain available without fiscal year limitation until expended.

SEC. 258. REPORTS.

Not later than 6 months after the end of each fiscal year for which a State received a requirements payment under this part, the State shall submit a report to the Commission on the activities conducted with the funds provided during the year, and shall include in the report—

(1) a list of expenditures made with respect to each category of activities described in section 251(b);

(2) the number and type of articles of voting equipment obtained with the funds; and

(3) an analysis and description of the activities funded under this part to meet the requirements of this Act and an analysis and description of how such activities conform to the State plan under section 254.

PART 2—PAYMENTS TO STATES AND UNITS OF LOCAL GOVERNMENT TO ASSURE ACCESS FOR INDIVIDUALS WITH DISABILITIES

SEC. 261. PAYMENTS TO STATES AND UNITS OF LOCAL GOVERNMENT TO ASSURE ACCESS FOR INDIVIDUALS WITH DISABILITIES.

(a) IN GENERAL.—The Secretary of Health and Human Services shall make a payment to each eligible State and each eligible unit of local government (as described in section 263).

(b) USE OF FUNDS.—An eligible State and eligible unit of local government shall use the payment received under this part for—

(1) making polling places, including the path of travel, entrances, exits, and voting areas of each polling facility, accessible to individuals with disabilities, including the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters; and

(2) providing individuals with disabilities and the other individuals described in paragraph (1) with information about the accessibility of polling places, including outreach programs to inform the individuals about the availability of accessible polling places and training election officials, poll workers, and election volunteers on how best to promote the access and participation of individuals with disabilities in elections for Federal office.

(c) SCHEDULE OF PAYMENTS.—As soon as practicable after the date of the enactment of this Act (but in no event later than 6 months thereafter), and not less frequently than once each calendar year thereafter, the Secretary shall make payments under this part.

SEC. 262. AMOUNT OF PAYMENT.

(a) IN GENERAL.—The amount of a payment made to an eligible State or an eligible unit of local government for a year under this part shall be determined by the Secretary.

(b) CONTINUING AVAILABILITY OF FUNDS AFTER APPROPRIATION.—A payment made to an eligible State or eligible unit of local government under this part shall be available without fiscal year limitation.

SEC. 263. REQUIREMENTS FOR ELIGIBILITY.

(a) APPLICATION.—Each State or unit of local government that desires to receive a payment under this part for a fiscal year shall submit an application for the payment to the Secretary at such time and in such manner and containing such information as the Secretary shall require.

(b) CONTENTS OF APPLICATION.—Each application submitted under subsection (a) shall—

(1) describe the activities for which assistance under this section is sought; and

(2) provide such additional information and certifications as the Secretary determines to be

essential to ensure compliance with the requirements of this part.

(c) Protection Against Actions Based on Information in Application.—

(1) In general.—No action may be brought under this Act against a State or unit of local government on the basis of any information contained in the application submitted under subsection (a).

(2) Exception for criminal acts.—Paragraph (1) may not be construed to limit the liability of a State or unit of local government for criminal acts or omissions.

SEC. 264. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated to carry out the provisions of this part the following amounts:

(1) For fiscal year 2003, $50,000,000.

(2) For fiscal year 2004, $25,000,000.

(3) For fiscal year 2005, $25,000,000.

(b) Availability.—Any amounts appropriated pursuant to the authority of subsection (a) shall remain available without fiscal year limitation until expended.

SEC. 265. REPORTS.

(a) Reports by Recipients.—Not later than the 6 months after the end of each fiscal year for which an eligible State or eligible unit of local government received a payment under this part, the State or unit shall submit a report to the Secretary on the activities conducted with the funds provided during the year, and shall include in the report a list of expenditures made with respect to each category of activities described in section 261(b).

(b) Report by Secretary to Committees.—With respect to each fiscal year for which the Secretary makes payments under this part, the Secretary shall submit a report on the activities carried out under this part to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate.

PART 3—GRANTS FOR RESEARCH ON VOTING TECHNOLOGY IMPROVEMENTS

SEC. 271. GRANTS FOR RESEARCH ON VOTING TECHNOLOGY IMPROVEMENTS.

(a) In General.—The Commission shall make grants to assist entities in carrying out research and development to improve the quality, reliability, accuracy, accessibility, affordability, and security of voting equipment, election systems, and voting technology.

(b) Eligibility.—An entity is eligible to receive a grant under this part if it submits to the Commission (at such time and in such form as the Commission may require) an application containing—

(1) certifications that the research and development funded with the grant will take into account the need to make voting equipment fully accessible for individuals with disabilities, including the blind and visually impaired, the need to ensure that such individuals can vote independently and with privacy, and the need to provide alternative language accessibility for individuals with limited proficiency in the English language (consistent with the requirements of the Voting Rights Act of 1965); and

(2) such other information and certifications as the Commission may require.

(c) Applicability of Regulations Governing Patent Rights in Inventions Made With Federal Assistance.—Any invention made by the recipient of a grant under this part using funds provided under this part shall be subject to chapter 18 of title 35, United States Code (relating to patent rights in inventions made with Federal assistance).

(d) Recommendation of Topics for Research.—

(1) In general.—The Director of the National Institute of Standards and Technology (hereafter in this section referred to as the "Director") shall submit to the Commission an annual list of the Director's suggestions for issues which may be the subject of research funded with grants awarded under this part during the year.

(2) Review of grant applications received by commission.—The Commission shall submit each application it receives for a grant under this part to the Director, who shall review the application and provide the Commission with such comments as the Director considers appropriate.

(3) Monitoring and adjustment of grant activities at request of commission.—After the Commission has awarded a grant under this part, the Commission may request that the Director monitor the grant, and (to the extent permitted under the terms of the grant as awarded) the Director may recommend to the Commission that the recipient of the grant modify and adjust the activities carried out under the grant.

(4) Evaluation of grants at request of commission.—

(A) In general.—In the case of a grant for which the Commission submits the application to the Director under paragraph (2) or requests that the Director monitor the grant under paragraph (3), the Director shall prepare and submit to the Commission an evaluation of the grant and the activities carried out under the grant.

(B) Inclusion in reports.—The Commission shall include the evaluations submitted under subparagraph (A) for a year in the report submitted for the year under section 207.

(e) Provision of Information on Projects.—The Commission may provide to the Technical Guidelines Development Committee under part 3 of subtitle A such information regarding the activities funded under this part as the Commission deems necessary to assist the Committee in carrying out its duties.

SEC. 272. REPORT.

(a) In General.—Each entity which receives a grant under this part shall submit to the Commission a report describing the activities carried out with the funds provided under the grant.

(b) Deadline.—An entity shall submit a report required under subsection (a) not later than 60 days after the end of the fiscal year for which the entity received the grant which is the subject of the report.

SEC. 273. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated for grants under this part $20,000,000 for fiscal year 2003.

(b) Availability of Funds.—Amounts appropriated pursuant to the authorization under this section shall remain available, without fiscal year limitation, until expended.

PART 4—PILOT PROGRAM FOR TESTING OF EQUIPMENT AND TECHNOLOGY

SEC. 281. PILOT PROGRAM.

(a) In General.—The Commission shall make grants to carry out pilot programs under which new technologies in voting systems and equipment are tested and implemented on a trial basis so that the results of such tests and trials are reported to Congress.

(b) Eligibility.—An entity is eligible to receive a grant under this part if it submits to the Commission (at such time and in such form as the Commission may require) an application containing—

(1) certifications that the pilot programs funded with the grant will take into account the need to make voting equipment fully accessible for individuals with disabilities, including the blind and visually impaired, the need to ensure that such individuals can vote independently and with privacy, and the need to provide alternative language accessibility for individuals with limited proficiency in the English language (consistent with the requirements of the Voting Rights Act of 1965 and the requirements of this Act); and

(2) such other information and certifications as the Commission may require.

(c) Recommendation of Topics for Pilot Programs.—

(1) In general.—The Director of the National Institute of Standards and Technology (hereafter in this section referred to as the "Director") shall submit to the Commission an annual list of the Director's suggestions for issues which may be the subject of pilot programs funded with grants awarded under this part during the year.

(2) Review of grant applications received by commission.—The Commission shall submit each application it receives for a grant under this part to the Director, who shall review the application and provide the Commission with such comments as the Director considers appropriate.

(3) Monitoring and adjustment of grant activities at request of commission.—After the Commission has awarded a grant under this part, the Commission may request that the Director monitor the grant, and (to the extent permitted under the terms of the grant as awarded) the Director may recommend to the Commission that the recipient of the grant modify and adjust the activities carried out under the grant.

(4) Evaluation of grants at request of commission.—

(A) In general.—In the case of a grant for which the Commission submits the application to the Director under paragraph (2) or requests that the Director monitor the grant under paragraph (3), the Director shall prepare and submit to the Commission an evaluation of the grant and the activities carried out under the grant.

(B) Inclusion in reports.—The Commission shall include the evaluations submitted under subparagraph (A) for a year in the report submitted for the year under section 207.

(d) Provision of Information on Projects.—The Commission may provide to the Technical Guidelines Development Committee under part 3 of subtitle A such information regarding the activities funded under this part as the Commission deems necessary to assist the Committee in carrying out its duties.

SEC. 282. REPORT.

(a) In General.—Each entity which receives a grant under this part shall submit to the Commission a report describing the activities carried out with the funds provided under the grant.

(b) Deadline.—An entity shall submit a report required under subsection (a) not later than 60 days after the end of the fiscal year for which the entity received the grant which is the subject of the report.

SEC. 283. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated for grants under this part $10,000,000 for fiscal year 2003.

(b) Availability of Funds.—Amounts appropriated pursuant to the authorization under this section shall remain available, without fiscal year limitation, until expended.

PART 5—PROTECTION AND ADVOCACY SYSTEMS

SEC. 291. PAYMENTS FOR PROTECTION AND ADVOCACY SYSTEMS.

(a) In General.—In addition to any other payments made under this subtitle, the Secretary of Health and Human Services shall pay the protection and advocacy system (as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002)) of each State to ensure full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote and accessing polling places. In providing such services, protection and advocacy systems shall have the same general authorities as they are afforded under subtitle C of

title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

(b) MINIMUM GRANT AMOUNT.—The minimum amount of each grant to a protection and advocacy system shall be determined and allocated as set forth in subsections (c)(3), (c)(4), (c)(5), (e), and (g) of section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e), except that the amount of the grants to systems referred to in subsections (c)(3)(B) and (c)(4)(B) of that section shall be not less than $70,000 and $35,000, respectively.

(c) TRAINING AND TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—Not later than 90 days after the date on which the initial appropriation of funds for a fiscal year is made pursuant to the authorization under section 292, the Secretary shall set aside 7 percent of the amount appropriated under such section and use such portion to make payments to eligible entities to provide training and technical assistance with respect to the activities carried out under this section.

(2) USE OF FUNDS.—A recipient of a payment under this subsection may use the payment to support training in the use of voting systems and technologies, and to demonstrate and evaluate the use of such systems and technologies, by individuals with disabilities (including blindness) in order to assess the availability and use of such systems and technologies for such individuals. At least 1 of the recipients under this subsection shall use the payment to provide training and technical assistance for nonvisual access.

(3) ELIGIBILITY.—An entity is eligible to receive a payment under this subsection if the entity—

(A) is a public or private nonprofit entity with demonstrated experience in voting issues for individuals with disabilities;

(B) is governed by a board with respect to which the majority of its members are individuals with disabilities or family members of such individuals or individuals who are blind; and

(C) submits to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

SEC. 292. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to any other amounts authorized to be appropriated under this subtitle, there are authorized to be appropriated $10,000,000 for each of the fiscal years 2003, 2004, 2005, and 2006, and for each subsequent fiscal year such sums as may be necessary, for the purpose of making payments under section 291(a); except that none of the funds provided by this subsection shall be used to initiate or otherwise participate in any litigation related to election-related disability access, notwithstanding the general authorities that the protection and advocacy systems are otherwise afforded under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

(b) AVAILABILITY.—Any amounts appropriated pursuant to the authority of this section shall remain available until expended.

PART 6—NATIONAL STUDENT AND PARENT MOCK ELECTION

SEC. 295. NATIONAL STUDENT AND PARENT MOCK ELECTION.

(a) IN GENERAL.—The Election Assistance Commission is authorized to award grants to the National Student and Parent Mock Election, a national nonprofit, nonpartisan organization that works to promote voter participation in American elections to enable it to carry out voter education activities for students and their parents. Such activities may—

(1) include simulated national elections at least 5 days before the actual election that permit participation by students and parents from each of the 50 States in the United States, its territories, the District of Columbia, and United States schools overseas; and

(2) consist of—

(A) school forums and local cable call-in shows on the national issues to be voted upon in an "issues forum";

(B) speeches and debates before students and parents by local candidates or stand-ins for such candidates;

(C) quiz team competitions, mock press conferences, and speech writing competitions;

(D) weekly meetings to follow the course of the campaign; or

(E) school and neighborhood campaigns to increase voter turnout, including newsletters, posters, telephone chains, and transportation.

(b) REQUIREMENT.—The National Student and Parent Mock Election shall present awards to outstanding student and parent mock election projects.

SEC. 296. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out the provisions of this subtitle $200,000 for fiscal year 2003 and such sums as may be necessary for each of the 6 succeeding fiscal years.

TITLE III—UNIFORM AND NONDISCRIMINATORY ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS

Subtitle A—Requirements

SEC. 301. VOTING SYSTEMS STANDARDS.

(a) REQUIREMENTS.—Each voting system used in an election for Federal office shall meet the following requirements:

(1) IN GENERAL.—

(A) Except as provided in subparagraph (B), the voting system (including any lever voting system, optical scanning voting system, or direct recording electronic system) shall—

(i) permit the voter to verify (in a private and independent manner) the votes selected by the voter on the ballot before the ballot is cast and counted;

(ii) provide the voter with the opportunity (in a private and independent manner) to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error); and

(iii) if the voter selects votes for more than 1 candidate for a single office—

(I) notify the voter that the voter has selected more than 1 candidate for a single office on the ballot;

(II) notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office; and

(III) provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.

(B) A State or jurisdiction that uses a paper ballot voting system, a punch card voting system, or a central count voting system (including mail-in absentee ballots and mail-in ballots), may meet the requirements of subparagraph (A)(iii) by—

(i) establishing a voter education program specific to that voting system that notifies each voter of the effect of casting multiple votes for an office; and

(ii) providing the voter with instructions on how to correct the ballot before it is cast and counted (including instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error).

(C) The voting system shall ensure that any notification required under this paragraph preserves the privacy of the voter and the confidentiality of the ballot.

(2) AUDIT CAPACITY.—

(A) IN GENERAL.—The voting system shall produce a record with an audit capacity for such system.

(B) MANUAL AUDIT CAPACITY.—

(i) The voting system shall produce a permanent paper record with a manual audit capacity for such system.

(ii) The voting system shall provide the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced.

(iii) The paper record produced under subparagraph (A) shall be available as an official record for any recount conducted with respect to any election in which the system is used.

(3) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.—The voting system shall—

(A) be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters;

(B) satisfy the requirement of subparagraph (A) through the use of at least 1 direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place; and

(C) if purchased with funds made available under title II on or after January 1, 2007, meet the voting system standards for disability access (as outlined in this paragraph).

(4) ALTERNATIVE LANGUAGE ACCESSIBILITY.—The voting system shall provide alternative language accessibility pursuant to the requirements of section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa-1a).

(5) ERROR RATES.—The error rate of the voting system in counting ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to an act of the voter) shall comply with the error rate standards established under section 3.2.1 of the voting systems standards issued by the Federal Election Commission which are in effect on the date of the enactment of this Act.

(6) UNIFORM DEFINITION OF WHAT CONSTITUTES A VOTE.—Each State shall adopt uniform and nondiscriminatory standards that define what constitutes a vote and what will be counted as a vote for each category of voting system used in the State.

(b) VOTING SYSTEM DEFINED.—In this section, the term "voting system" means—

(1) the total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support the equipment) that is used—

(A) to define ballots;

(B) to cast and count votes;

(C) to report or display election results; and

(D) to maintain and produce any audit trail information; and

(2) the practices and associated documentation used—

(A) to identify system components and versions of such components;

(B) to test the system during its development and maintenance;

(C) to maintain records of system errors and defects;

(D) to determine specific system changes to be made to a system after the initial qualification of the system; and

(E) to make available any materials to the voter (such as notices, instructions, forms, or paper ballots).

(c) CONSTRUCTION.—

(1) IN GENERAL.—Nothing in this section shall be construed to prohibit a State or jurisdiction which used a particular type of voting system in the elections for Federal office held in November

2000 from using the same type of system after the effective date of this section, so long as the system meets or is modified to meet the requirements of this section.

(2) PROTECTION OF PAPER BALLOT VOTING SYSTEMS.—For purposes of subsection (a)(1)(A)(i), the term "verify" may not be defined in a manner that makes it impossible for a paper ballot voting system to meet the requirements of such subsection or to be modified to meet such requirements.

(d) EFFECTIVE DATE.—Each State and jurisdiction shall be required to comply with the requirements of this section on and after January 1, 2006.

SEC. 302. PROVISIONAL VOTING AND VOTING INFORMATION REQUIREMENTS.

(a) PROVISIONAL VOTING REQUIREMENTS.—If an individual declares that such individual is a registered voter in the jurisdiction in which the individual desires to vote and that the individual is eligible to vote in an election for Federal office, but the name of the individual does not appear on the official list of eligible voters for the polling place or an election official asserts that the individual is not eligible to vote, such individual shall be permitted to cast a provisional ballot as follows:

(1) An election official at the polling place shall notify the individual that the individual may cast a provisional ballot in that election.

(2) The individual shall be permitted to cast a provisional ballot at that polling place upon the execution of a written affirmation by the individual before an election official at the polling place stating that the individual is—

(A) a registered voter in the jurisdiction in which the individual desires to vote; and

(B) eligible to vote in that election.

(3) An election official at the polling place shall transmit the ballot cast by the individual or the voter information contained in the written affirmation executed by the individual under paragraph (2) to an appropriate State or local election official for prompt verification under paragraph (4).

(4) If the appropriate State or local election official to whom the ballot or voter information is transmitted under paragraph (3) determines that the individual is eligible under State law to vote, the individual's provisional ballot shall be counted as a vote in that election in accordance with State law.

(5)(A) At the time that an individual casts a provisional ballot, the appropriate State or local election official shall give the individual written information that states that any individual who casts a provisional ballot will be able to ascertain under the system established under subparagraph (B) whether the vote was counted, and, if the vote was not counted, the reason that the vote was not counted.

(B) The appropriate State or local election official shall establish a free access system (such as a toll-free telephone number or an Internet website) that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason that the vote was not counted.

States described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-2(b)) may meet the requirements of this subsection using voter registration procedures established under applicable State law. The appropriate State or local official shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by the free access system established under paragraph (5)(B). Access to information about an individual provisional ballot shall be restricted to the individual who cast the ballot.

(b) VOTING INFORMATION REQUIREMENTS.—

(1) PUBLIC POSTING ON ELECTION DAY.—The appropriate State or local election official shall cause voting information to be publicly posted at each polling place on the day of each election for Federal office.

(2) VOTING INFORMATION DEFINED.—In this section, the term "voting information" means—

(A) a sample version of the ballot that will be used for that election;

(B) information regarding the date of the election and the hours during which polling places will be open;

(C) instructions on how to vote, including how to cast a vote and how to cast a provisional ballot;

(D) instructions for mail-in registrants and first-time voters under section 303(b);

(E) general information on voting rights under applicable Federal and State laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated; and

(F) general information on Federal and State laws regarding prohibitions on acts of fraud and misrepresentation.

(c) VOTERS WHO VOTE AFTER THE POLLS CLOSE.—Any individual who votes in an election for Federal office as a result of a Federal or State court order or any other order extending the time established for closing the polls by a State law in effect 10 days before the date of that election may only vote in that election by casting a provisional ballot under subsection (a). Any such ballot cast under the preceding sentence shall be separated and held apart from other provisional ballots cast by those not affected by the order.

(d) EFFECTIVE DATE FOR PROVISIONAL VOTING AND VOTING INFORMATION.—Each State and jurisdiction shall be required to comply with the requirements of this section on and after January 1, 2004.

SEC. 303. COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS AND REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.

(a) COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS.—

(1) IMPLEMENTATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each State, acting through the chief State election official, shall implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level that contains the name and registration information of every legally registered voter in the State and assigns a unique identifier to each legally registered voter in the State (in this subsection referred to as the "computerized list"), and includes the following:

(i) The computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the State.

(ii) The computerized list contains the name and registration information of every legally registered voter in the State.

(iii) Under the computerized list, a unique identifier is assigned to each legally registered voter in the State.

(iv) The computerized list shall be coordinated with other agency databases within the State.

(v) Any election official in the State, including any local election official, may obtain immediate electronic access to the information contained in the computerized list.

(vi) All voter registration information obtained by any local election official in the State shall be electronically entered into the computerized list on an expedited basis at the time the information is provided to the local official.

(vii) The chief State election official shall provide such support as may be required so that local election officials are able to enter information as described in clause (vi).

(viii) The computerized list shall serve as the official voter registration list for the conduct of all elections for Federal office in the State.

(B) EXCEPTION.—The requirement under subparagraph (A) shall not apply to a State in which, under a State law in effect continuously on and after the date of the enactment of this Act, there is no voter registration requirement for individuals in the State with respect to elections for Federal office.

(2) COMPUTERIZED LIST MAINTENANCE.—

(A) IN GENERAL.—The appropriate State or local election official shall perform list maintenance with respect to the computerized list on a regular basis as follows:

(i) If an individual is to be removed from the computerized list, such individual shall be removed in accordance with the provisions of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), including subsections (a)(4), (c)(2), (d), and (e) of section 8 of such Act (42 U.S.C. 1973gg–6).

(ii) For purposes of removing names of ineligible voters from the official list of eligible voters—

(I) under section 8(a)(3)(B) of such Act (42 U.S.C. 1973gg–6(a)(3)(B)), the State shall coordinate the computerized list with State agency records on felony status; and

(II) by reason of the death of the registrant under section 8(a)(4)(A) of such Act (42 U.S.C. 1973gg–6(a)(4)(A)), the State shall coordinate the computerized list with State agency records on death.

(iii) Notwithstanding the preceding provisions of this subparagraph, if a State is described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–2(b)), that State shall remove the names of ineligible voters from the computerized list in accordance with State law.

(B) CONDUCT.—The list maintenance performed under subparagraph (A) shall be conducted in a manner that ensures that—

(i) the name of each registered voter appears in the computerized list;

(ii) only voters who are not registered or who are not eligible to vote are removed from the computerized list; and

(iii) duplicate names are eliminated from the computerized list.

(3) TECHNOLOGICAL SECURITY OF COMPUTERIZED LIST.—The appropriate State or local official shall provide adequate technological security measures to prevent the unauthorized access to the computerized list established under this section.

(4) MINIMUM STANDARD FOR ACCURACY OF STATE VOTER REGISTRATION RECORDS.—The State election system shall include provisions to ensure that voter registration records in the State are accurate and are updated regularly, including the following:

(A) A system of file maintenance that makes a reasonable effort to remove registrants who are ineligible to vote from the official list of eligible voters. Under such system, consistent with the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), registrants who have not responded to a notice and who have not voted in 2 consecutive general elections for Federal office shall be removed from the official list of eligible voters, except that no registrant may be removed solely by reason of a failure to vote.

(B) Safeguards to ensure that eligible voters are not removed in error from the official list of eligible voters.

(5) VERIFICATION OF VOTER REGISTRATION INFORMATION.—

(A) REQUIRING PROVISION OF CERTAIN INFORMATION BY APPLICANTS.—

(i) IN GENERAL.—Except as provided in clause (ii), notwithstanding any other provision of law,

an application for voter registration for an election for Federal office may not be accepted or processed by a State unless the application includes—

(I) in the case of an applicant who has been issued a current and valid driver's license, the applicant's driver's license number; or

(II) in the case of any other applicant (other than an applicant to whom clause (ii) applies), the last 4 digits of the applicant's social security number.

(ii) SPECIAL RULE FOR APPLICANTS WITHOUT DRIVER'S LICENSE OR SOCIAL SECURITY NUMBER.—If an applicant for voter registration for an election for Federal office has not been issued a current and valid driver's license or a social security number, the State shall assign the applicant a number which will serve to identify the applicant for voter registration purposes. To the extent that the State has a computerized list in effect under this subsection and the list assigns unique identifying numbers to registrants, the number assigned under this clause shall be the unique identifying number assigned under the list.

(iii) DETERMINATION OF VALIDITY OF NUMBERS PROVIDED.—The State shall determine whether the information provided by an individual is sufficient to meet the requirements of this subparagraph, in accordance with State law.

(B) REQUIREMENTS FOR STATE OFFICIALS.—

(i) SHARING INFORMATION IN DATABASES.—The chief State election official and the official responsible for the State motor vehicle authority of a State shall enter into an agreement to match information in the database of the statewide voter registration system with information in the database of the motor vehicle authority to the extent required to enable each such official to verify the accuracy of the information provided on applications for voter registration.

(ii) AGREEMENTS WITH COMMISSIONER OF SOCIAL SECURITY.—The official responsible for the State motor vehicle authority shall enter into an agreement with the Commissioner of Social Security under section 205(r)(8) of the Social Security Act (as added by subparagraph (C)).

(C) ACCESS TO FEDERAL INFORMATION.—Section 205(r) of the Social Security Act (42 U.S.C. 405(r)) is amended by adding at the end the following new paragraph:

"(8)(A) The Commissioner of Social Security shall, upon the request of the official responsible for a State driver's license agency pursuant to the Help America Vote Act of 2002—

"(i) enter into an agreement with such official for the purpose of verifying applicable information, so long as the requirements of subparagraphs (A) and (B) of paragraph (3) are met; and

"(ii) include in such agreement safeguards to assure the maintenance of the confidentiality of any applicable information disclosed and procedures to permit such agency to use the applicable information for the purpose of maintaining its records.

"(B) Information provided pursuant to an agreement under this paragraph shall be provided at such time, in such place, and in such manner as the Commissioner determines appropriate.

"(C) The Commissioner shall develop methods to verify the accuracy of information provided by the agency with respect to applications for voter registration, for whom the last 4 digits of a social security number are provided instead of a driver's license number.

"(D) For purposes of this paragraph—

"(i) the term 'applicable information' means information regarding whether—

"(I) the name (including the first name and any family forename or surname), the date of birth (including the month, day, and year), and social security number of an individual provided to the Commissioner match the information contained in the Commissioner's records, and

"(II) such individual is shown on the records of the Commissioner as being deceased; and

"(ii) the term 'State driver's license agency' means the State agency which issues driver's licenses to individuals within the State and maintains records relating to such licensure.

"(E) Nothing in this paragraph may be construed to require the provision of applicable information with regard to a request for a record of an individual if the Commissioner determines there are exceptional circumstances warranting an exception (such as safety of the individual or interference with an investigation).

"(F) Applicable information provided by the Commission pursuant to an agreement under this paragraph or by an individual to any agency that has entered into an agreement under this paragraph shall be considered as strictly confidential and shall be used only for the purposes described in this paragraph and for carrying out an agreement under this paragraph. Any officer or employee or former officer or employee of a State, or any officer or employee or former officer or employee of a contractor of a State who, without the written authority of the Commissioner, publishes or communicates any applicable information in such individual's possession by reason of such employment or position as such an officer, shall be guilty of a felony and upon conviction thereof shall be fined or imprisoned, or both, as described in section 208.".

(D) SPECIAL RULE FOR CERTAIN STATES.—In the case of a State which is permitted to use social security numbers, and provides for the use of social security numbers, on applications for voter registration, in accordance with section 7 of the Privacy Act of 1974 (5 U.S.C. 552a note), the provisions of this paragraph shall be optional.

(b) REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.—

(1) IN GENERAL.—Notwithstanding section 6(c) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–4(c)) and subject to paragraph (3), a State shall, in a uniform and nondiscriminatory manner, require an individual to meet the requirements of paragraph (2) if—

(A) the individual registered to vote in a jurisdiction by mail; and

(B)(i) the individual has not previously voted in an election for Federal office in the State; or

(ii) the individual has not previously voted in such an election in the jurisdiction and the jurisdiction is located in a State that does not have a computerized list that complies with the requirements of subsection (a).

(2) REQUIREMENTS.—

(A) IN GENERAL.—An individual meets the requirements of this paragraph if the individual—

(i) in the case of an individual who votes in person—

(I) presents to the appropriate State or local election official a current and valid photo identification; or

(II) presents to the appropriate State or local election official a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter; or

(ii) in the case of an individual who votes by mail, submits with the ballot—

(I) a copy of a current and valid photo identification; or

(II) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.

(B) FAIL-SAFE VOTING.—

(i) IN PERSON.—An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under section 302(a).

(ii) BY MAIL.—An individual who desires to vote by mail but who does not meet the requirements of subparagraph (A)(ii) may cast such a ballot by mail and the ballot shall be counted as a provisional ballot in accordance with section 302(a).

(3) INAPPLICABILITY.—Paragraph (1) shall not apply in the case of a person—

(A) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–4) and submits as part of such registration either—

(i) a copy of a current and valid photo identification; or

(ii) a copy of a current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter;

(B)(i) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–4) and submits with such registration either—

(I) a driver's license number; or

(II) at least the last 4 digits of the individual's social security number; and

(ii) with respect to whom a State or local election official matches the information submitted under clause (i) with an existing State identification record bearing the same number, name and date of birth as provided in such registration; or

(C) who is—

(i) entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.);

(ii) provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee–1(b)(2)(B)(ii)); or

(iii) entitled to vote otherwise than in person under any other Federal law.

(4) CONTENTS OF MAIL-IN REGISTRATION FORM.—

(A) IN GENERAL.—The mail voter registration form developed under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–4) shall include the following:

(i) The question "Are you a citizen of the United States of America?" and boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States.

(ii) The question "Will you be 18 years of age on or before election day?" and boxes for the applicant to check to indicate whether or not the applicant will be 18 years of age or older on election day.

(iii) The statement "If you checked 'no' in response to either of these questions, do not complete this form.".

(iv) A statement informing the individual that if the form is submitted by mail and the individual is registering for the first time, the appropriate information required under this section must be submitted with the mail-in registration form in order to avoid the additional identification requirements upon voting for the first time.

(B) INCOMPLETE FORMS.—If an applicant for voter registration fails to answer the question included on the mail voter registration form pursuant to subparagraph (A)(i), the registrar shall notify the applicant of the failure and provide the applicant with an opportunity to complete the form in a timely manner to allow for the completion of the registration form prior to the next election for Federal office (subject to State law).

(5) CONSTRUCTION.—Nothing in this subsection shall be construed to require a State that was not required to comply with a provision of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) before the date of the enactment of this Act to comply with such a provision after such date.

(c) PERMITTED USE OF LAST 4 DIGITS OF SOCIAL SECURITY NUMBERS.—The last 4 digits of a

social security number described in subsections (a)(5)(A)(i)(II) and (b)(3)(B)(i)(II) shall not be considered to be a social security number for purposes of section 7 of the Privacy Act of 1974 (5 U.S.C. 552a note).

(d) EFFECTIVE DATE.—

(1) COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each State and jurisdiction shall be required to comply with the requirements of subsection (a) on and after January 1, 2004.

(B) WAIVER.—If a State or jurisdiction certifies to the Commission not later than January 1, 2004, that the State or jurisdiction will not meet the deadline described in subparagraph (A) for good cause and includes in the certification the reasons for the failure to meet such deadline, subparagraph (A) shall apply to the State or jurisdiction as if the reference in such subparagraph to "January 1, 2004" were a reference to "January 1, 2006".

(2) REQUIREMENT FOR VOTERS WHO REGISTER BY MAIL.—

(A) IN GENERAL.—Each State and jurisdiction shall be required to comply with the requirements of subsection (b) on and after January 1, 2004, and shall be prepared to receive registration materials submitted by individuals described in subparagraph (B) on and after the date described in such subparagraph.

(B) APPLICABILITY WITH RESPECT TO INDIVIDUALS.—The provisions of subsection (b) shall apply to any individual who registers to vote on or after January 1, 2003.

SEC. 304. MINIMUM REQUIREMENTS.

The requirements established by this title are minimum requirements and nothing in this title shall be construed to prevent a State from establishing election technology and administration requirements that are more strict than the requirements established under this title so long as such State requirements are not inconsistent with the Federal requirements under this title or any law described in section 906.

SEC. 305. METHODS OF IMPLEMENTATION LEFT TO DISCRETION OF STATE.

The specific choices on the methods of complying with the requirements of this title shall be left to the discretion of the State.

Subtitle B—Voluntary Guidance

SEC. 311. ADOPTION OF VOLUNTARY GUIDANCE BY COMMISSION.

(a) IN GENERAL.—To assist States in meeting the requirements of subtitle A, the Commission shall adopt voluntary guidance consistent with such requirements in accordance with the procedures described in section 312.

(b) DEADLINES.—The Commission shall adopt the recommendations under this section not later than—

(1) in the case of the recommendations with respect to section 301, January 1, 2004;

(2) in the case of the recommendations with respect to section 302, October 1, 2003; and

(3) in the case of the recommendations with respect to section 303, October 1, 2003.

(c) QUADRENNIAL UPDATE.—The Commission shall review and update recommendations adopted with respect to section 301 no less frequently than once every 4 years.

SEC. 312. PROCESS FOR ADOPTION.

The adoption of the voluntary guidance under this subtitle shall be carried out by the Commission in a manner that provides for each of the following:

(1) Publication of notice of the proposed recommendations in the Federal Register.

(2) An opportunity for public comment on the proposed recommendations.

(3) An opportunity for a public hearing on the record.

(4) Publication of the final recommendations in the Federal Register.

TITLE IV—ENFORCEMENT

SEC. 401. ACTIONS BY THE ATTORNEY GENERAL FOR DECLARATORY AND INJUNCTIVE RELIEF.

The Attorney General may bring a civil action against any State or jurisdiction in an appropriate United States District Court for such declaratory and injunctive relief (including a temporary restraining order, a permanent or temporary injunction, or other order) as may be necessary to carry out the uniform and nondiscriminatory election technology and administration requirements under sections 301, 302, and 303.

SEC. 402. ESTABLISHMENT OF STATE-BASED ADMINISTRATIVE COMPLAINT PROCEDURES TO REMEDY GRIEVANCES.

(a) ESTABLISHMENT OF STATE-BASED ADMINISTRATIVE COMPLAINT PROCEDURES TO REMEDY GRIEVANCES.—

(1) ESTABLISHMENT OF PROCEDURES AS CONDITION OF RECEIVING FUNDS.—If a State receives any payment under a program under this Act, the State shall be required to establish and maintain State-based administrative complaint procedures which meet the requirements of paragraph (2).

(2) REQUIREMENTS FOR PROCEDURES.—The requirements of this paragraph are as follows:

(A) The procedures shall be uniform and nondiscriminatory.

(B) Under the procedures, any person who believes that there is a violation of any provision of title III (including a violation which has occurred, is occurring, or is about to occur) may file a complaint.

(C) Any complaint filed under the procedures shall be in writing and notarized, and signed and sworn by the person filing the complaint.

(D) The State may consolidate complaints filed under subparagraph (B).

(E) At the request of the complainant, there shall be a hearing on the record.

(F) If, under the procedures, the State determines that there is a violation of any provision of title III, the State shall provide the appropriate remedy.

(G) If, under the procedures, the State determines that there is no violation, the State shall dismiss the complaint and publish the results of the procedures.

(H) The State shall make a final determination with respect to a complaint prior to the expiration of the 90-day period which begins on the date the complaint is filed, unless the complainant consents to a longer period for making such a determination.

(I) If the State fails to meet the deadline applicable under subparagraph (H), the complaint shall be resolved within 60 days under alternative dispute resolution procedures established for purposes of this section. The record and other materials from any proceedings conducted under the complaint procedures established under this section shall be made available for use under the alternative dispute resolution procedures.

(b) REQUIRING ATTORNEY GENERAL APPROVAL OF COMPLIANCE PLAN FOR STATES NOT RECEIVING FUNDS.—

(1) IN GENERAL.—Not later than January 1, 2004, each nonparticipating State shall elect—

(A) to certify to the Commission that the State meets the requirements of subsection (a) in the same manner as a State receiving a payment under this Act; or

(B) to submit a compliance plan to the Attorney General which provides detailed information on the steps the State will take to ensure that it meets the requirements of title III.

(2) STATES WITHOUT APPROVED PLAN DEEMED OUT OF COMPLIANCE.—A nonparticipating State (other than a State which makes the election described in paragraph (1)(A)) shall be deemed to not meet the requirements of title III if the Attorney General has not approved a compliance plan submitted by the State under this subsection.

(3) NONPARTICIPATING STATE DEFINED.—In this section, a "nonparticipating State" is a State which, during 2003, does not notify any office which is responsible for making payments to States under any program under this Act of its intent to participate in, and receive funds under, the program.

TITLE V—HELP AMERICA VOTE COLLEGE PROGRAM

SEC. 501. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—Not later than 1 year after the appointment of its members, the Election Assistance Commission shall develop a program to be known as the "Help America Vote College Program" (hereafter in this title referred to as the "Program").

(b) PURPOSES OF PROGRAM.—The purpose of the Program shall be—

(1) to encourage students enrolled at institutions of higher education (including community colleges) to assist State and local governments in the administration of elections by serving as nonpartisan poll workers or assistants; and

(2) to encourage State and local governments to use the services of the students participating in the Program.

SEC. 502. ACTIVITIES UNDER PROGRAM.

(a) IN GENERAL.—In carrying out the Program, the Commission (in consultation with the chief election official of each State) shall develop materials, sponsor seminars and workshops, engage in advertising targeted at students, make grants, and take such other actions as it considers appropriate to meet the purposes described in section 501(b).

(b) REQUIREMENTS FOR GRANT RECIPIENTS.—In making grants under the Program, the Commission shall ensure that the funds provided are spent for projects and activities which are carried out without partisan bias or without promoting any particular point of view regarding any issue, and that each recipient is governed in a balanced manner which does not reflect any partisan bias.

(c) COORDINATION WITH INSTITUTIONS OF HIGHER EDUCATION.—The Commission shall encourage institutions of higher education (including community colleges) to participate in the Program, and shall make all necessary materials and other assistance (including materials and assistance to enable the institution to hold workshops and poll worker training sessions) available without charge to any institution which desires to participate in the Program.

SEC. 503. AUTHORIZATION OF APPROPRIATIONS.

In addition to any funds authorized to be appropriated to the Commission under section 210, there are authorized to be appropriated to carry out this title—

(1) $5,000,000 for fiscal year 2003; and

(2) such sums as may be necessary for each succeeding fiscal year.

TITLE VI—HELP AMERICA VOTE FOUNDATION

SEC. 601. HELP AMERICA VOTE FOUNDATION.

(a) IN GENERAL.—Part B of subtitle II of title 36, United States Code, is amended by inserting after chapter 1525 the following:

"CHAPTER 1526—HELP AMERICA VOTE FOUNDATION

"Sec.
"152601. Organization.
"152602. Purposes.
"152603. Board of directors.
"152604. Officers and employees.
"152605. Powers.
"152606. Principal office.
"152607. Service of process.

"152608. Annual audit.
"152609. Civil action by Attorney General for equitable relief.
"152610. Immunity of United States Government.
"152611. Authorization of appropriations.
"152612. Annual report.

"§ 152601. Organization

"(a) FEDERAL CHARTER.—The Help America Vote Foundation (in this chapter, the 'foundation') is a federally chartered corporation.

"(b) NATURE OF FOUNDATION.—The foundation is a charitable and nonprofit corporation and is not an agency or establishment of the United States Government.

"(c) PERPETUAL EXISTENCE.—Except as otherwise provided, the foundation has perpetual existence.

"§ 152602. Purposes

"(a) IN GENERAL.—The purposes of the foundation are to—

"(1) mobilize secondary school students (including students educated in the home) in the United States to participate in the election process in a nonpartisan manner as poll workers or assistants (to the extent permitted under applicable State law);

"(2) place secondary school students (including students educated in the home) as nonpartisan poll workers or assistants to local election officials in precinct polling places across the United States (to the extent permitted under applicable State law); and

"(3) establish cooperative efforts with State and local election officials, local educational agencies, superintendents and principals of public and private secondary schools, and other appropriate nonprofit charitable and educational organizations exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 as an organization described in section 501(c)(3) of such Code to further the purposes of the foundation.

"(b) REQUIRING ACTIVITIES TO BE CARRIED OUT ON NONPARTISAN BASIS.—The foundation shall carry out its purposes without partisan bias or without promoting any particular point of view regarding any issue, and shall ensure that each participant in its activities is governed in a balanced manner which does not reflect any partisan bias.

"(c) CONSULTATION WITH STATE ELECTION OFFICIALS.—The foundation shall carry out its purposes under this section in consultation with the chief election officials of the States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands.

"§ 152603. Board of directors

"(a) GENERAL.—The board of directors is the governing body of the foundation.

"(b) MEMBERS AND APPOINTMENT.—(1) The board consists of 12 directors, who shall be appointed not later than 60 days after the date of the enactment of this chapter as follows:

"(A) 4 directors (of whom not more than 2 may be members of the same political party) shall be appointed by the President.

"(B) 2 directors shall be appointed by the Speaker of the House of Representatives.

"(C) 2 directors shall be appointed by the Minority Leader of the House of Representatives.

"(D) 2 directors shall be appointed by the Majority Leader of the Senate.

"(E) 2 directors shall be appointed by the Minority Leader of the Senate.

"(2) In addition to the directors described in paragraph (1), the chair and ranking minority member of the Committee on House Administration of the House of Representatives (or their designees) and the chair and ranking minority member of the Committee on Rules and Administration of the Senate (or their designees) shall each serve as an ex officio nonvoting member of the board.

"(3) A director is not an employee of the Federal Government and appointment to the board does not constitute appointment as an officer or employee of the United States Government for the purpose of any law of the United States (except as may otherwise be provided in this chapter).

"(4) The terms of office of the directors are 4 years.

"(5) A vacancy on the board shall be filled in the manner in which the original appointment was made.

"(c) CHAIR.—The directors shall select 1 of the directors as the chair of the board. The individual selected may not be a current or former holder of any partisan elected office or a current or former officer of any national committee of a political party.

"(d) QUORUM.—The number of directors constituting a quorum of the board shall be established under the bylaws of the foundation.

"(e) MEETINGS.—The board shall meet at the call of the chair of the board for regularly scheduled meetings, except that the board shall meet not less often than annually.

"(f) REIMBURSEMENT OF EXPENSES.—Directors shall serve without compensation but may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5.

"(g) LIABILITY OF DIRECTORS.—Directors are not personally liable, except for gross negligence.

"§ 152604. Officers and employees

"(a) APPOINTMENT OF OFFICERS AND EMPLOYEES.—The board of directors appoints, removes, and replaces officers and employees of the foundation.

"(b) STATUS AND COMPENSATION OF EMPLOYEES.—

"(1) IN GENERAL.—Officers and employees of the foundation—

"(A) are not employees of the Federal Government (except as may otherwise be provided in this chapter);

"(B) shall be appointed and removed without regard to the provisions of title 5 governing appointments in the competitive service; and

"(C) may be paid without regard to chapter 51 and subchapter III of chapter 53 of title 5.

"(2) AVAILABILITY OF FEDERAL EMPLOYEE RATES FOR TRAVEL.—For purposes of any schedules of rates negotiated by the Administrator of General Services for the use of employees of the Federal Government who travel on official business, officers and employees of the foundation who travel while engaged in the performance of their duties under this chapter shall be deemed to be employees of the Federal Government.

"§ 152605. Powers

"(a) IN GENERAL.—The foundation may—

"(1) adopt a constitution and bylaws;

"(2) adopt a seal which shall be judicially noticed; and

"(3) do any other act necessary to carry out this chapter.

"(b) POWERS AS TRUSTEE.—To carry out its purposes, the foundation has the usual powers of a corporation acting as a trustee in the District of Columbia, including the power—

"(1) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of property or any income from or other interest in property;

"(2) to acquire property or an interest in property by purchase or exchange;

"(3) unless otherwise required by an instrument of transfer, to sell, donate, lease, invest, or otherwise dispose of any property or income from property;

"(4) to borrow money and issue instruments of indebtedness;

"(5) to make contracts and other arrangements with public agencies and private organizations and persons and to make payments necessary to carry out its functions;

"(6) to sue and be sued; and

"(7) to do any other act necessary and proper to carry out the purposes of the foundation.

"(c) ENCUMBERED OR RESTRICTED GIFTS.—A gift, devise, or bequest may be accepted by the foundation even though it is encumbered, restricted, or subject to beneficial interests of private persons, if any current or future interest is for the benefit of the foundation.

"(d) CONTRACTS.—The foundation may enter into such contracts with public and private entities as it considers appropriate to carry out its purposes.

"(e) ANNUAL CONFERENCE IN WASHINGTON METROPOLITAN AREA.—During each year (beginning with 2003), the foundation may sponsor a conference in the Washington, D.C. metropolitan area to honor secondary school students and other individuals who have served (or plan to serve) as poll workers and assistants and who have otherwise participated in the programs and activities of the foundation.

"§ 152606. Principal office

"The principal office of the foundation shall be in the District of Columbia unless the board of directors determines otherwise. However, the foundation may conduct business throughout the States, territories, and possessions of the United States.

"§ 152607. Service of process

"The foundation shall have a designated agent to receive service of process for the foundation. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the foundation.

"§ 152608. Annual audit

"The foundation shall enter into a contract with an independent auditor to conduct an annual audit of the foundation.

"§ 152609. Civil action by Attorney General for equitable relief

"The Attorney General may bring a civil action in the United States District Court for the District of Columbia for appropriate equitable relief if the foundation—

"(1) engages or threatens to engage in any act, practice, or policy that is inconsistent with the purposes in section 152602 of this title; or

"(2) refuses, fails, or neglects to carry out its obligations under this chapter or threatens to do so.

"§ 152610. Immunity of United States Government

"The United States Government is not liable for any debts, defaults, acts, or omissions of the foundation. The full faith and credit of the Government does not extend to any obligation of the foundation.

"§ 152611. Authorization of appropriations

"There are authorized to be appropriated to the foundation for carrying out the purposes of this chapter—

"(1) $5,000,000 for fiscal year 2003; and

"(2) such sums as may be necessary for each succeeding fiscal year.

"§ 152612. Annual report

"As soon as practicable after the end of each fiscal year, the foundation shall submit a report to the Commission, the President, and Congress on the activities of the foundation during the prior fiscal year, including a complete statement of its receipts, expenditures, and investments. Such report shall contain information gathered from participating secondary school students describing the nature of the work they performed in assisting local election officials and the value they derived from the experience of educating participants about the electoral process.".

(b) CLERICAL AMENDMENT.—The table of chapters for part B of subtitle II of title 36, United States Code, is amended by inserting after the item relating to chapter 1525 the following new item:

"1526. Help America Vote Foundation .... 152601".

TITLE VII—VOTING RIGHTS OF MILITARY MEMBERS AND OVERSEAS CITIZENS

SEC. 701. VOTING ASSISTANCE PROGRAMS.

(a) VOTING ASSISTANCE OFFICERS.—Subsection (f) of section 1566 of title 10, United States Code, as added by section 1602(a) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1274), is amended—

(1) by striking "Voting assistance" in the first sentence and inserting "(1) Voting assistance"; and

(2) by adding at the end the following new paragraph:

"(2) Under regulations and procedures (including directives) prescribed by the Secretary, a member of the armed forces appointed or assigned to duty as a voting assistance officer shall, to the maximum extent practicable, be given the time and resources needed to perform the member's duties as a voting assistance officer during the period in advance of a general election when members and their dependents are preparing and submitting absentee ballots.".

(b) POSTMARKING OF OVERSEAS VOTING MATERIALS.—Subsection (g)(2) of such section is amended by adding at the end the following: "The Secretary shall, to the maximum extent practicable, implement measures to ensure that a postmark or other official proof of mailing date is provided on each absentee ballot collected at any overseas location or vessel at sea whenever the Department of Defense is responsible for collecting mail for return shipment to the United States. The Secretary shall ensure that the measures implemented under the preceding sentence do not result in the delivery of absentee ballots to the final destination of such ballots after the date on which the election for Federal office is held. Not later than the date that is 6 months after the date of the enactment of the Help America Vote Act of 2002, the Secretary shall submit to Congress a report describing the measures to be implemented to ensure the timely transmittal and postmarking of voting materials and identifying the persons responsible for implementing such measures.".

(c) PROVIDING NOTICE OF DEADLINES AND REQUIREMENTS.—Such section is amended by adding at the end the following new subsection:

"(h) NOTICE OF DEADLINES AND REQUIREMENTS.—The Secretary of each military department, utilizing the voting assistance officer network established for each military installation, shall, to the maximum extent practicable, provide notice to members of the Armed Forces stationed at that installation of the last date before a general Federal election for which absentee ballots mailed from a postal facility located at that installation can reasonably be expected to be timely delivered to the appropriate State and local election officials.".

(d) REGISTRATION AND VOTING INFORMATION FOR MEMBERS AND DEPENDENTS.—Such section is further amended by adding at the end the following new subsection:

"(i) REGISTRATION AND VOTING INFORMATION FOR MEMBERS AND DEPENDENTS.—(1) The Secretary of each military department, using a variety of means including both print and electronic media, shall, to the maximum extent practicable, ensure that members of the Armed Forces and their dependents who are qualified to vote have ready access to information regarding voter registration requirements and deadlines (including voter registration), absentee ballot application requirements and deadlines, and the availability of voting assistance officers to assist members and dependents to understand and comply with these requirements.

"(2) The Secretary of each military department shall make the national voter registration form prepared for purposes of the Uniformed and Overseas Citizens Absentee Voting Act by the Federal Election Commission available so that each person who enlists shall receive such form at the time of the enlistment, or as soon thereafter as practicable.

"(3) Where practicable, a special day or days shall be designated at each military installation for the purpose of informing members of the Armed Forces and their dependents of election timing, registration requirements, and voting procedures.".

SEC. 702. DESIGNATION OF SINGLE STATE OFFICE TO PROVIDE INFORMATION ON REGISTRATION AND ABSENTEE BALLOTS FOR ALL VOTERS IN STATE.

Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(1) by inserting "(a) IN GENERAL.—" before "Each State"; and

(2) by adding at the end the following new subsection:

"(b) DESIGNATION OF SINGLE STATE OFFICE TO PROVIDE INFORMATION ON REGISTRATION AND ABSENTEE BALLOT PROCEDURES FOR ALL VOTERS IN STATE.—

"(1) IN GENERAL.—Each State shall designate a single office which shall be responsible for providing information regarding voter registration procedures and absentee ballot procedures to be used by absent uniformed services voters and overseas voters with respect to elections for Federal office (including procedures relating to the use of the Federal write-in absentee ballot) to all absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State.

"(2) RECOMMENDATION REGARDING USE OF OFFICE TO ACCEPT AND PROCESS MATERIALS.—Congress recommends that the State office designated under paragraph (1) be responsible for carrying out the State's duties under this Act, including accepting valid voter registration applications, absentee ballot applications, and absentee ballots (including Federal write-in absentee ballots) from all absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State.".

SEC. 703. REPORT ON ABSENTEE BALLOTS TRANSMITTED AND RECEIVED AFTER GENERAL ELECTIONS.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 702, is amended by adding at the end the following new subsection:

"(c) REPORT ON NUMBER OF ABSENTEE BALLOTS TRANSMITTED AND RECEIVED.—Not later than 90 days after the date of each regularly scheduled general election for Federal office, each State and unit of local government which administered the election shall (through the State, in the case of a unit of local government) submit a report to the Election Assistance Commission (established under the Help America Vote Act of 2002) on the combined number of absentee ballots transmitted to absent uniformed services voters and overseas voters for the election and the combined number of such ballots which were returned by such voters and cast in the election, and shall make such report available to the general public.".

(b) DEVELOPMENT OF STANDARDIZED FORMAT FOR REPORTS.—The Election Assistance Commission, working with the Election Assistance Commission Board of Advisors and the Election Assistance Commission Standards Board, shall develop a standardized format for the reports submitted by States and units of local government under section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by subsection (a)), and shall make the format available to the States and units of local government submitting such reports.

SEC. 704. EXTENSION OF PERIOD COVERED BY SINGLE ABSENTEE BALLOT APPLICATION.

Section 104(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 1606(b) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1279), is amended by striking "during that year," and all that follows and inserting the following: "through the next 2 regularly scheduled general elections for Federal office (including any runoff elections which may occur as a result of the outcome of such general elections), the State shall provide an absentee ballot to the voter for each such subsequent election.".

SEC. 705. ADDITIONAL DUTIES OF PRESIDENTIAL DESIGNEE UNDER UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.

(a) EDUCATING ELECTION OFFICIALS ON RESPONSIBILITIES UNDER ACT.—Section 101(b)(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)(1)) is amended by striking the semicolon at the end and inserting the following: ", and ensure that such officials are aware of the requirements of this Act;".

(b) DEVELOPMENT OF STANDARD OATH FOR USE WITH MATERIALS.—

(1) IN GENERAL.—Section 101(b) of such Act (42 U.S.C. 1973ff(b)) is amended—

(A) by striking "and" at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(7) prescribe a standard oath for use with any document under this title affirming that a material misstatement of fact in the completion of such a document may constitute grounds for a conviction for perjury.".

(2) REQUIRING STATES TO USE STANDARD OATH.—Section 102(a) of such Act (42 U.S.C. 1973ff–1(b)), as amended by section 702, is amended—

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(5) if the State requires an oath or affirmation to accompany any document under this title, use the standard oath prescribed by the Presidential designee under section 101(b)(7).".

(c) PROVIDING STATISTICAL ANALYSIS OF VOTER PARTICIPATION FOR BOTH OVERSEAS VOTERS AND ABSENT UNIFORMED SERVICES VOTERS.—Section 101(b)(6) of such Act (42 U.S.C. 1973ff(b)(6)) is amended by striking "a general assessment" and inserting "a separate statistical analysis".

SEC. 706. PROHIBITION OF REFUSAL OF VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATIONS ON GROUNDS OF EARLY SUBMISSION.

(a) IN GENERAL.—Section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–3), as amended by section 1606(b) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1279), is amended by adding at the end the following new subsection:

"(e) PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION.—A State may not refuse to accept or process, with respect to any election for Federal office, any otherwise valid voter registration application or absentee ballot application (including the postcard form prescribed under section 101) submitted by an absent uniformed services voter during a year on the grounds that the voter submitted the application before the first date on which the State otherwise accepts or processes such applications for that year submitted by absentee voters who are not members of the uniformed services.''.

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to elections for Federal office that occur after January 1, 2004.

SEC. 707. OTHER REQUIREMENTS TO PROMOTE PARTICIPATION OF OVERSEAS AND ABSENT UNIFORMED SERVICES VOTERS.

Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by the preceding provisions of this title, is amended by adding at the end the following new subsection:

''(d) Registration Notification.—With respect to each absent uniformed services voter and each overseas voter who submits a voter registration application or an absentee ballot request, if the State rejects the application or request, the State shall provide the voter with the reasons for the rejection.''.

TITLE VIII—TRANSITION PROVISIONS

Subtitle A—Transfer to Commission of Functions Under Certain Laws

SEC. 801. FEDERAL ELECTION CAMPAIGN ACT OF 1971.

(a) Transfer of Functions of Office of Election Administration of Federal Election Commission.—There are transferred to the Election Assistance Commission established under section 201 all functions which the Office of Election Administration, established within the Federal Election Commission, exercised before the date of the enactment of this Act.

(b) Conforming Amendment.—Section 311(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(a)) is amended—

(1) in paragraph (8), by inserting ''and'' at the end;

(2) in paragraph (9), by striking ''; and'' and inserting a period; and

(3) by striking paragraph (10) and the second and third sentences.

SEC. 802. NATIONAL VOTER REGISTRATION ACT OF 1993.

(a) Transfer of Functions.—There are transferred to the Election Assistance Commission established under section 201 all functions which the Federal Election Commission exercised under section 9(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–7(a)) before the date of the enactment of this Act.

(b) Conforming Amendment.—Section 9(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–7(a)) is amended by striking ''Federal Election Commission'' and inserting ''Election Assistance Commission''.

SEC. 803. TRANSFER OF PROPERTY, RECORDS, AND PERSONNEL.

(a) Property and Records.—The contracts, liabilities, records, property, and other assets and interests of, or made available in connection with, the offices and functions of the Federal Election Commission which are transferred by this subtitle are transferred to the Election Assistance Commission for appropriate allocation.

(b) Personnel.—

(1) In general.—The personnel employed in connection with the offices and functions of the Federal Election Commission which are transferred by this subtitle are transferred to the Election Assistance Commission.

(2) Effect.—Any full-time or part-time personnel employed in permanent positions shall not be separated or reduced in grade or compensation because of the transfer under this subsection during the 1-year period beginning on the date of the enactment of this Act.

SEC. 804. EFFECTIVE DATE; TRANSITION.

(a) Effective Date.—This title and the amendments made by this title shall take effect upon the appointment of all members of the Election Assistance Commission under section 203.

(b) Transition.—With the consent of the entity involved, the Election Assistance Commission is authorized to utilize the services of such officers, employees, and other personnel of the entities from which functions have been transferred to the Election Assistance Commission under this title or the amendments made by this title for such period of time as may reasonably be needed to facilitate the orderly transfer of such functions.

(c) No Effect on Authorities of Office of Election Administration Prior to Appointment of Members of Commission.—During the period which begins on the date of the enactment of this Act and ends on the effective date described in subsection (a), the Office of Election Administration of the Federal Election Commission shall continue to have the authority to carry out any of the functions (including the development of voluntary standards for voting systems and procedures for the certification of voting systems) which it has the authority to carry out as of the date of the enactment of this Act.

Subtitle B—Coverage of Commission Under Certain Laws and Programs

SEC. 811. TREATMENT OF COMMISSION PERSONNEL UNDER CERTAIN CIVIL SERVICE LAWS.

(a) Coverage Under Hatch Act.—Section 7323(b)(2)(B)(i)(I) of title 5, United States Code, is amended by inserting ''or the Election Assistance Commission'' after ''Commission''.

(b) Exclusion From Senior Executive Service.—Section 3132(a)(1)(C) of title 5, United States Code, is amended by inserting ''or the Election Assistance Commission'' after ''Commission''.

SEC. 812. COVERAGE UNDER INSPECTOR GENERAL ACT OF 1978.

(a) In General.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting ''the Election Assistance Commission,'' after ''Federal Election Commission,''.

(b) Effective Date.—The amendment made by subsection (a) shall take effect 180 days after the appointment of all members of the Election Assistance Commission under section 203.

TITLE IX—MISCELLANEOUS PROVISIONS

SEC. 901. STATE DEFINED.

In this Act, the term ''State'' includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands.

SEC. 902. AUDITS AND REPAYMENT OF FUNDS.

(a) Recordkeeping Requirement.—Each recipient of a grant or other payment made under this Act shall keep such records with respect to the payment as are consistent with sound accounting principles, including records which fully disclose the amount and disposition by such recipient of funds, the total cost of the project or undertaking for which such funds are used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) Audits and Examinations.—

(1) Audits and examinations.—Except as provided in paragraph (5), each office making a grant or other payment under this Act, or any duly authorized representative of such office, may audit or examine any recipient of the grant or payment and shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient which in the opinion of the entity may be related or pertinent to the grant or payment.

(2) Recipients of assistance subject to provisions of section.—The provisions of this section shall apply to all recipients of grants or other payments under this Act, whether by direct grant, cooperative agreement, or contract under this Act or by subgrant or subcontract from primary grantees or contractors under this Act.

(3) Mandatory audit.—In addition to audits conducted pursuant to paragraph (1), all funds provided under this Act shall be subject to mandatory audit by the Comptroller General at least once during the lifetime of the program involved. For purposes of an audit under this paragraph, the Comptroller General shall have access to books, documents, papers, and records of recipients of funds in the same manner as the office making the grant or payment involved has access to such books, documents, papers, and records under paragraph (1).

(4) Special rule for payments by General Services Administration.—With respect to any grant or payment made under this Act by the Administrator of General Services, the Election Assistance Commission shall be deemed to be the office making the grant or payment for purposes of this section.

(5) Special rule.—In the case of grants or payments made under section 251, audits and examinations conducted under paragraph (1) shall be performed on a regular basis (as determined by the Commission).

(6) Special rules for audits by the Commission.—In addition to the audits described in paragraph (1), the Election Assistance Commission may conduct a special audit or special examination of a recipient described in paragraph (1) upon a vote of the Commission.

(c) Recoupment of Funds.—If the Comptroller General determines as a result of an audit conducted under subsection (b) that—

(1) a recipient of funds under this Act is not in compliance with each of the requirements of the program under which the funds are provided; or

(2) an excess payment has been made to the recipient under the program,

the recipient shall pay to the office which made the grant or payment involved a portion of the funds provided which reflects the proportion of the requirements with which the recipient is not in compliance, or the extent to which the payment is in excess, under the program involved.

SEC. 903. CLARIFICATION OF ABILITY OF ELECTION OFFICIALS TO REMOVE REGISTRANTS FROM OFFICIAL LIST OF VOTERS ON GROUNDS OF CHANGE OF RESIDENCE.

Section 8(b)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6(b)(2)) is amended by striking the period at the end and inserting the following: '', except that nothing in this paragraph may be construed to prohibit a State from using the procedures described in subsections (c) and (d) to remove an individual from the official list of eligible voters if the individual—

''(A) has not either notified the applicable registrar (in person or in writing) or responded during the period described in subparagraph (B) to the notice sent by the applicable registrar; and then

''(B) has not voted or appeared to vote in 2 or more consecutive general elections for Federal office.''.

SEC. 904. REVIEW AND REPORT ON ADEQUACY OF EXISTING ELECTORAL FRAUD STATUTES AND PENALTIES.

(a) Review.—The Attorney General shall conduct a review of existing criminal statutes concerning election offenses to determine—

(1) whether additional statutory offenses are needed to secure the use of the Internet for election purposes; and

(2) whether existing penalties provide adequate punishment and deterrence with respect to such offenses.

(b) REPORT.—The Attorney General shall submit a report to the Committees on the Judiciary of the Senate and House of Representatives, the Committee on Rules and Administration of the Senate, and the Committee on House Administration of the House of Representatives on the review conducted under subsection (a) together with such recommendations for legislative and administrative action as the Attorney General determines appropriate.

SEC. 905. OTHER CRIMINAL PENALTIES.

(a) CONSPIRACY TO DEPRIVE VOTERS OF A FAIR ELECTION.—Any individual who knowingly and willfully gives false information in registering or voting in violation of section 11(c) of the National Voting Rights Act of 1965 (42 U.S.C. 1973i(c)), or conspires with another to violate such section, shall be fined or imprisoned, or both, in accordance with such·section.

(b) FALSE INFORMATION IN REGISTERING AND VOTING.—Any individual who knowingly commits fraud or knowingly makes a false statement with respect to the naturalization, citizenry, or alien registry of such individual in violation of section 1015 of title 18, United States Code, shall be fined or imprisoned, or both, in accordance with such section.

SEC. 906. NO EFFECT ON OTHER LAWS.

(a) IN GENERAL.—Except as specifically provided in section 303(b) of this Act with regard to the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), nothing in this Act may be construed to authorize or require conduct prohibited under any of the following laws, or to supersede, restrict, or limit the application of such laws:

(1) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(2) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.).

(3) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(4). The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.).

(5) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(6) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

(b) NO EFFECT ON PRECLEARANCE OR OTHER REQUIREMENTS UNDER VOTING RIGHTS ACT.—The approval by the Administrator or the Commission of a payment or grant application under title I or title II, or any other action taken by the Commission or a State under such title, shall not be considered to have any effect on requirements for preclearance under section 5 of the Voting Rights Act of 1965 (42 U.S.C. 1973c) or any other requirements of such Act.

And the Senate agreed to the same.

From the Committee on House Administration, for consideration of the House bill and the Senate amendments, and modifications committed to conference:

Robert Ney,
Vernon J. Ehlers,
John T. Doolittle,
Thomas M. Reynolds,
Steny H. Hoyer,
Chaka Fattah,
Jim Davis,

From the Committee on Armed Services, for consideration of secs. 601 and 606 of the House bill, and sec. 404 of the Senate amendments, and modifications committed to conference:

Bob Stump,
John M. McHugh,
Ike Skelton,

From the Committee on the Judiciary, for consideration of secs. 216, 221, title IV, secs. 502 and 503 of the House bill, and secs. 101, 102, 104, subtitles A, B, and C of title II, secs. 311, 501 and 502 of the Senate amendments, and modifications committed to conference;

John Conyers, Jr.,

From the Committee on Science, for consideration of secs. 221-5, 241-3, 251-3, and 261 of the House bill, and sec. 101 of the Senate amendments, and modifications committed to conference:

Sherwood Boehlert,
Constance Morella,
Jim Barcia
(Provided that Ms. Jackson-Lee of Texas is appointed in lieu of Mr. Barcia for consideration of secs. 251-3 of the House bill, and modifications committed to conference),
Sheila Jackson-Lee,

From the Committee on Ways and Means, for consideration of secs. 103 sand 503 of the Senate amendments, and modifications committed to conference:

William Thomas,
E. Clay Shaw, Jr.,
Charles B. Rangel,

For consideration of the House bill and Senate amendments, and modifications committed to conference:

Roy Blunt,
Managers on the Part of the House.

Christopher J. Dodd,
Richard J. Durbin,
Mitch McConnell,
Christopher S. Bond,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE ON CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3295), to establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment to the text of the bill struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

TITLE I—PAYMENTS TO STATES FOR ELECTION ADMINISTRATION IMPROVEMENTS AND REPLACEMENT OF PUNCH CARD AND LEVER VOTING MACHINES

Sec. 101. Payments to States for activities to improve administration of elections

Provides payments to States to improve the administration of federal elections, designates permitted uses of the funds, and sets the size of the payment at an amount based on the relative size of the voting-age population plus a minimum.

Sec. 102. Replacement of punch card and lever voting machines

Provides payments to States to replace punch card and lever voting systems with other systems meeting the requirements of this Act.

Sec. 103. Guaranteed minimum payment amount

Sets the minimum aggregate payment under Sec. 101 and 102 at $5 million.

Sec. 104. Authorization of appropriations

Authorizes $325 million in no-year funds for each program under Sec. 101 and 102 plus sums necessary for administration of the program, with unexpended or returned funds to be used for requirements payments under title II.

Sec. 105. Administration of programs

Provides authority to expedite payments.

Sec. 106. Effective date

Requires payments to be made within 45 days of enactment.

TITLE II—COMMISSION

Subtitle A—Establishment and General Organization

PART 1—ELECTION ASSISTANCE COMMISSION

Sec. 201. Establishment

Establishes the Election Assistance Commission, the Election Assistance Commission Standards Board, the Election Assistance Board of Advisors, and the Technical Guidelines Development Committee.

Sec. 202. Duties

Stipulates that the Commission will serve as a national clearinghouse for information on federal elections and will carry out duties described in this Title, in Title III, and in Title V.

Sec. 203. Membership and appointment

Requires that the four Commission members are appointed by the President with the advice and consent of the Senate.

Sec. 204. Staff

Creates positions for an Executive Director and General Counsel and stipulates that the Executive Director may appoint additional staff.

Sec. 205. Powers

Empowers the Commission to hold hearings, take testimony, receive evidence, let contracts, obtain information from Federal agencies and support from the General Services Administration, and to use the mails as do other Federal agencies.

Sec. 206. Dissemination of information

Requires the Commission to disseminate information on its activities to the public on an ongoing basis.

Sec. 207. Annual report

Requires that the Commission submit a report to Congress by January 1 of each year on its activities for the previous fiscal year, including each program carried out, grant payments made, a copy of submitted reports by grant recipients, information on voluntary standards adopted, votes taken by the Commission, and other appropriate information.

Sec. 208. Requiring majority approval for actions

Requires that any action of the Commission be approved by three members.

Sec. 209. Limitation on rulemaking authority

Prohibits the Commission from imposing any rule, regulation, or taking any action that imposes requirements on State or local governments except as permitted under the National Voter Registration Act of 1993.

Sec. 210. Authorization of appropriations

Authorizes a maximum appropriation of $10 million per year for FY2003 through FY2005, in addition to grants and payments authorized under the title.

PART 2—ELECTION ASSISTANCE COMMISSION STANDARDS BOARD AND BOARD OF ADVISORS

Sec. 211. Establishment

Establishes a Standards Board and a Board of Advisors under the Election Assistance Commission.

Sec. 212. Duties

Requires that the two boards review the guidelines described in this title.

Sec. 213. Membership of Standards Board

Sets membership at 110, to include, from each State, the chief election official and a local election official chosen by peers in the State, with no two members from a state to be from the same political party, and also requires the board to select a nine-member Executive Board.

Sec. 214. Membership of Board of Advisors

Sets membership at 37, two each appointed by the National Governors Association; the National Conference of State Legislatures; the National Association of Secretaries of State; the National Association of State Election Directors; the National Association of Counties; the National Association of County Recorders; Election Administrators, and Clerks; the U.S. Conference of Mayors; the Election Center; and the International Association of County Recorders, Election Officials, and Treasurers; the U.S. Commission on Civil Rights; the Architectural and Transportation Barrier Compliance Board; plus the chief of the Office of Public Integrity of the Department of Justice; the chief of the Voting Section of the Civil Rights Division of the Department of Justice; the director of the Federal Voting Assistance Program of the Department of Defense; plus four members representing professionals in the field of science and technology; plus eight members representing voter interests, of which four are appointed by the House Administration Committee, two by the chairman and two by the ranking minority member; and four members appointed by the Committee on Rules and Administration of the Senate, two by the chairman and two by the ranking minority member.

Sec. 215. Powers of Boards; no compensation for service

Empowers each board to hold hearings, take testimony, and receive evidence, obtain information from Federal agencies and support from the General Services Administration, and to use the mails as do other Federal agencies. Prohibits issuance of subpoenas. Requires each board to meet at least yearly and prohibits compensation of board members, but permits payment of travel expenses.

Sec. 216. Status of Boards and members for purposes of claims against Board

Applies provisions of 28 U.S.C., Chapters 161 and 171, with respect to liability of boards and members, with an exception for criminal acts and other willful misconduct.

PART 3—TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE

Sec. 221. Technical Guidelines Development Committee

Establishes a 15-member Technical Guidelines Development Committee, to assist in the development of voluntary voting system guidelines (and modifications), to be chaired by the Director of the National Institute of Standards and Technology (NIST), and with members appointed jointly by the Director and the Commission and drawn from the Standards Board, the Board of Advisors, the Compliance Board, the Architectural and Transportation Barriers Compliance Board, the American National Standards Institute, the Institute of Electrical and Electronics Engineers, the National Association of State Election Directors, and other persons with relevant scientific and technical expertise. Prohibits compensation of members, but permits payment of travel expense, and requires publication of recommendations of the Development Committee in the Federal Register when the Commission adopts any guideline.

Sec. 222. Process for adoption

Requires the Executive Director of the Commission to take recommendations of the Development Committee into account in developing guidelines, and for the two boards to review the proposed guidelines, with a vote of the Commission required for adoption.

Subtitle B—Testing, Certification, Decertification, and Recertification of Voting System Hardware and Software

Sec. 231. Certification and testing of voting systems

Requires the Commission to provide for testing, certification, decertification, and recertification of voting systems by accredited laboratories; NIST provides a list of recommended candidates for certification and provides for continuing review of laboratory performance.

Subtitle C—Studies and Other Activities to Promote Effective Administration of Federal Elections

Sec. 241. Periodic studies of election administration issues

Requires periodic, publicly available studies to promote improvements in election administration and methods of voting.

Sec. 242. Study, report, and recommendations on best practices for facilitating military and overseas voting

Requires a study, in consultation with DOD, on best practices for facilitating voting by military and overseas voters.

Sec. 243. Report on human factor research

Requires a report, in consultation with NIST, on application of human factors research to voting systems.

Sec. 244. Study and report on voters who register by mail and use of social security information

Requires a study of the impact of requirements in Sec. 303(b) for first time mail registrants, and a study, in consultation with the Social Security Administration, on using Social Security numbers in election administration.

Sec. 245. Study and report on electronic voting and the electoral process

Requires a study of issues associated with the use of electronic communication and Internet technologies in the electoral process.

Sec. 246. Study and report on free absentee ballot postage

Requires a study, in consultation with the Postal Service, on a program to waive or reduce postage for absentee ballots.

Sec. 247. Consultation with Standards Board and Board of Advisors

Requires the Commission to consult with the Standards Board and Board of Advisors in performing duties under this subtitle.

Subtitle D—Election Assistance

PART 1—REQUIREMENTS PAYMENTS

Sec. 251. Requirements payments

Requires the Commission to make yearly payments to qualifying States to meet the requirements of the Act, including certain retroactive payments, and for other activities to improve election administration.

Sec. 252. Allocation of funds

Sets the size of a payment to an amount based on the relative size of the voting-age population, designates a minimum payment, and stipulates that funds can be retained until expended.

Sec. 253. Condition for receipt of funds

Requires a State, to be eligible, to certify that it has filed a plan with the Commission meeting the requirements of Sec. 254–256 and a plan for implementing the requirements of Sec. 402, that it will use the funds in a manner consistent with Federal laws, as they apply to this Act, and with title III requirements, and that it has provided a 5% match. Gives States discretion to choose the method of compliance.

Sec. 254. State plan

Describes required elements of the State plan and required elements and uses of the State Election Fund. Exempts State and local jurisdictions from legal actions based on information in the plan, except with respect to criminal acts.

Sec. 255. Process for development and filing of plan; publication by Commission

Requires the chief State election official to develop the plan through a committee including local election officials and other citizens, and requires the Commission to publish submitted plans in the Federal Register.

Sec. 256. Requirement for public notice and comment

Requires a State to provide opportunity for public comments on the State plan and to take them into account in finalizing the plan.

Sec. 257. Authorization of appropriations

Authorizes a total of $3 billion for FY2003 through FY2005, to remain available until expended.

Sec. 258. Reports

Requires a yearly report by the State on activities conducted with the use of payments under this part.

PART 2—PAYMENTS TO STATES AND UNITS OF LOCAL GOVERNMENT TO ASSURE ACCESS FOR INDIVIDUALS WITH DISABILITIES

Sec. 261. Payments to States and units of local government to assure access to disabled voters

Requires the Secretary of Health and Human Services to make yearly payments to eligible States and local governments to assure access to polling places for individuals with disabilities, including the blind and visually impaired, and to provide them with information on accessibility.

Sec. 262. Amount of payment

Requires the Secretary to determine payment amounts. Specifies that payments can be retained until expended.

Sec. 263. Requirements for eligibility

Requires a jurisdiction seeking funds to file an application that describes how the payment will be used and provides other required information required by the Secretary. Exempts State and local jurisdictions from legal actions based on information in the application, except with respect to criminal acts.

Sec. 264. Authorization of appropriations

Authorizes appropriations totaling $100 million for FY2003 through FY2005, to remain available until expended.

Sec. 265. Reports

Requires a report by recipients to the Secretary on activities conducted and a yearly report by the Secretary to Congress.

PART 3—GRANTS FOR RESEARCH ON VOTING TECHNOLOGY IMPROVEMENTS

Sec. 271. Grants for research on voting technology improvements

Establishes a grant program, to be administered in consultation with NIST, for research and development to improve election systems and technology.

Sec. 272. Report

Requires recipients to submit reports to the Commission describing activities under the grant.

Sec. 273. Authorization of appropriations

Authorizes appropriations of $20 million for FY2003, to be available until expended.

PART 4—PILOT PROGRAM FOR TESTING OF EQUIPMENT AND TECHNOLOGY

Sec. 281. Pilot program

Establishes a grant program, to be administered in consultation with NIST, to test and implement new voting technologies on a trial basis.

It is the intent of the managers that such pilot programs shall include initiatives with regard to election administration methodologies.

Sec. 282. Report

Requires submission of a report to the Commission describing activities under the grant.

Sec. 283. Authorization of appropriations

Authorizes appropriations of $10 million for FY2003, to be available until expended.

PART 5—PROTECTION AND ADVOCACY SYSTEMS

Sec. 291. Payments for protection and advocacy systems

Requires the Secretary of Health and Human Services to award grants to entities in each State that represent persons with disabilities to provide services to ensure such persons full participation in the electoral process and sets minimum grant amounts as specified in the Rehabilitation Act of 1973. Also provides a 7% set-aside for grants for training and technical assistance.

Sec. 292. Authorization of appropriations

Authorizes appropriations of $10 million per year for FY2003 through FY2006 and such sums as necessary in subsequent fiscal years; prohibits recipients from using grant funds for litigation activities involving election-related accessibility.

PART 6—NATIONAL STUDENT AND PARENT MOCK ELECTION

Sec. 295. National Student and Parent Mock Election

Authorizes the Election Assistance Commission to award grants to a nonprofit, nonpartisan organization known as the National Student and Parent Mock Election, to simulate national elections that permit participation by students and parents.

Sec. 296. Authorization of Appropriations

Authorizes $200,000 for FY2003 and such sums as necessary in subsequent years.

TITLE III—UNIFORM AND NONDISCRIMINATORY ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS

Subtitle A—Requirements

Sec. 301. Voting systems standards

Beginning January 1, 2006, requires all voting systems used in federal elections, while maintaining voter privacy and ballot confidentiality, to (1) permit voters to verify their selections on the ballot, notify them of overvotes, and permit them to change their votes and correct any errors before casting the ballot; however, jurisdictions using paper ballot, punchcard, or central-count voting systems (including absentee and mail-in ballots) may instead use voter education and instruction programs for notification of overvotes; (2) produce a permanent paper record for the voting system that can be manually audited and is available as an official record for recounts; and (3) provide to individuals with disabilities, including the blind and visually impaired, the same accessibility to voting as other voters, through use of at least one DRE or properly equipped voting system at each polling place; however, any system purchased with funds made available under Title II on or after January 1, 2007 must provide accessibility; (4) provide alternative language accessibility as required by law; and (5) comply with the error rate standards in the federal voting system standards in effect on the date of enactment. Requires each State to adopt uniform standards defining what constitutes a vote and what will be counted as a vote for each certified voting system.

Stipulates that the above requirements do not compel a jurisdiction to change to a different kind of voting system if the system it uses, including any paper ballot system, meets or can be modified to meet the requirements of this section.

Sec. 302. Provisional voting and voting information requirements

Requires that, beginning January 1, 2004, persons who claim to be registered to vote in a federal election in a jurisdiction but are not on the official list of registered voters or are otherwise alleged to be ineligible be offered and permitted to cast a provisional ballot, the ballot be promptly verified and counted if determined to be valid under State law, and the voter (and no one else) be able to ascertain whether the ballot was counted (and if not, why not) through a free-access system and be informed of that option when the ballot is cast. Stipulates that States that do not require voter registration or that are described in section 4(b) of the National Voter Registration Act of 1993 (NVRA) may use applicable State law.

Requires that a sample ballot and other voter information be posted at polling places on election day.

Requires that, if polling hours are extended as a result of a court order, any ballot cast in a federal election during that extension be provisional and be held separately from other provisional ballots.

Sec. 303. Computerized Statewide voter registration list requirements and requirements for voters who register by mail

Beginning January 1, 2004—or 2006 if the State certifies for good cause that it cannot meet that deadline—requires States to implement and maintain an interactive, centralized, and official Statewide computerized voter registration list accessible to all election officials in the State, and that contains registration information on every registered voter in the State. Requires the system to use a unique identification number for each registered voter and to be coordinated with other State databases. Persons can be removed from the list only under applicable provisions of NVRA. Election officials shall perform list maintenance with respect to the computerized list on a regular basis. If individuals are to be removed from the computerized list, they shall be removed in accordance with the provisions of NVRA. Consistent with NVRA, registrants who have not responded to a notice and have not voted in two consecutive general elections for federal office shall be removed from the official list of registered voters except that no registration may be removed solely by reason of failure to vote. Requires applicants to provide a valid driver's license number or, for applicants who do not have a valid driver's license number, the last four digits of the Social Security number. The State shall assign a unique identifier to individuals who do not have a valid driver's license number or a Social Security number. Requires sharing of information between voter registration and motor vehicle authority databases. Amends Sec. 205(r) of the Social Security Act to establish a mechanism for verifying the accuracy of information provided by a State driver's licence agency with respect to applications for voter registration. Requires States to use the mechanism except those that, in accordance with Sec. 7 of the Privacy Act of 1975, use the full Social Security number for voter registration, for whom this provision is optional.

Beginning January 1, 2003, requires certain voters who register by mail to present identification either when registering or when voting. Applies to persons who have not previously voted in a federal election in the State, or in the jurisdiction if the State does not comply with the requirements for a statewide computerized voter registration list. Accepted identification includes a copy of a current and valid photo identification (the original if voting in person), utility bill, bank statement, or government document that shows the name and address of the voter. Alternatively, the voter may cast a provisional ballot. Does not apply if the mail-in registration includes the voter's name, date of birth, and driver's license number or the last 4 digits of the Social Security number, and they match an existing State identification record. Also does not apply to voters entitled to vote otherwise than in person under federal law.

Requires that mail-in voter registration forms developed under NVRA include questions requiring voters to verify that they are U.S. citizens and old enough to vote, and requires States to notify voters who fail to complete the question on citizenship and provide the applicant with an opportunity to complete the form prior to the next election for Federal office.

It is the intent of the managers that such questions should be clearly and conspicuously stated on the front of the registration form.

Requires States and localities to comply with provisions on mail registration beginning January 1, 2004, except that they must be prepared to receive stipulated mail-in registration materials beginning January 1, 2003.

Sec. 304. Minimum requirements

Allows States to establish election technology and administration requirements stricter than those established under this title.

Sec. 305. Methods of implementation left to discretion of State

Gives States discretion to choose the methods of implementation.

Subtitle B—Voluntary Guidance

Sec. 311. Adoption of voluntary guidance by Commission

Requires the Commission to adopt voluntary guidance to assist States in meeting requirements of subtitle A and to update recommendations adopted with respect to Sec. 301 every four years.

Sec. 312. Process for adoption

Requires that the adoption process include public notice, comment, and hearings, and publication of the final recommendations in the Federal Register.

TITLE IV—ENFORCEMENT

Sec. 401. Actions by the Attorney General for declaratory and injunctive relief

Allows for civil action by the Attorney General to carry out the requirements under Sec. 301–303.

Sec. 402. Establishment of State-based administrative complaint procedures to remedy grievances

Requires States receiving funds under this Act to establish and maintain administrative procedures to receive, process, and act upon complaints about violations of provisions in title III. Requires States not receiving funds to either certify that they meet complaint-procedure requirements or to submit a plan describing steps to be taken to meet title III requirements. Such plan, if not approved by the Department of Justice, shall result in the State being deemed to be out of compliance with the requirements.

TITLE V—HELP AMERICA VOTE COLLEGE PROGRAM

Sec. 501. Establishment of program

Requires the Commission to establish the "Help America Vote College Program" to encourage students at institutions of higher learning, including community colleges, to serve as nonpartisan poll workers or assistants and to encourage States and local governments to use students in that capacity.

Sec. 502. Activities under program

Requires the Commission, in consultation with chief State election officials, to develop materials, sponsor seminars and workshops, advertise the program to students, make grants, assist any institution that wishes to participate, and take other appropriate actions. Limits grants to nonpartisan undertakings and requires the Commission to coordinate with institutions of higher learning and to make materials and assistance available without charge.

Sec. 503. Authorization of appropriations

Authorizes appropriations of $5 million for FY2003 and sums as necessary thereafter.

TITLE VI—HELP AMERICA VOTE FOUNDATION

Sec. 601. Help America Vote Foundation

Amends Part B of subtitle II of 36 U.S.C. to establish the federally chartered Help America Vote Foundation to mobilize secondary school students to participate as nonpartisan poll workers and assistants, to the extent permitted under State law.

Requires the foundation to act without partisan bias or promotion of any particular point of view and to consult with the chief election officials in the States, the District of Columbia, and Puerto Rico, Guam, American Samoa, and the U.S. Virgin Islands.

Establishes a 12-member board of directors with four appointed by the President, two by the Speaker of the House of Representatives, two by the House minority leader, two by the Senate majority leader, and two by the Senate minority leader, and with the chairs and ranking Members of the House Administration Committee and the Senate Rules and Administration Committee as ex officio, nonvoting members.

Sets the term of office at four years and stipulates that members are not employees of the Federal government. Prohibits compensation of board members, but permits payment of travel expenses. Restricts personal liability of members to gross negligence.

Requires the board to meet at least yearly and to select a member as chair, who shall not hold or have held any partisan elected office or national political-party committee office.

Permits the board to appoint and remove officers and employees of the foundation and stipulates that they are not employees of the Federal government except as otherwise provided in this chapter.

Grants the foundation such powers as necessary to carry out this chapter and also the usual powers of a corporation acting as a trustee in the District of Columbia, where the foundation will be located. Requires the foundation to have a designated agent to receive service of process for it.

Permits the foundation to accept gifts, devises, and bequests for its benefit and to let contracts. Also permits it to sponsor an annual conference to honor persons who have served as poll workers or participated in foundation programs and activities.

Requires an annual audit by an independent auditor.

Permits the Attorney General to bring a civil action for relief for behavior by the foundation that is inconsistent with the purposes designated in this title.

Excludes the U.S. government from any liability or obligation incurred by the foundation.

Authorizes $5 million for FY2003 and such sums as necessary thereafter.

Requires a report to the Commission on activities during the prior fiscal year.

TITLE VII—VOTING RIGHTS OF MILITARY MEMBERS AND OVERSEAS CITIZENS

Sec. 701. Voting assistance programs

Amends 10 U.S.C. 1566 to require the Secretary of Defense to establish procedures to provide the time and resources for voting assistance officers to perform voting assistance duties during the period in advance of a general election. Requires the Secretary of Defense, to the maximum extent possible, to implement procedures to ensure that a postmark or other proof of mailing date is provided on each absentee ballot. Requires the secretaries, through voting assistance officers, to provide notice to members of the armed forces of the last date before a general election for which ballots mailed at the facility can be expected to be delivered in a timely fashion to State and local election officials. Requires the secretaries to ensure that members of the military and their dependents have access to information on voter registration and absentee ballot requirements and deadlines. Requires that each person who enlists receive the national voter registration form at the time of enlistment or soon thereafter.

Sec. 702. Designation of single State office to provide information on registration and absentee ballots for all voters in State

Amends the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) to require each State to designate a single office to provide information to all absent uniformed services voters and overseas voters who wish to register or vote in any jurisdiction in the State.

Sec. 703. Report on absentee ballots transmitted and received after general elections

Amends the UOCAVA to require States to submit a public report to the Commission on the number of absentee ballots transmitted to absent uniformed services and overseas voters and the number returned and cast in the election, and requires the Commission to develop a standardized format for such reports.

Sec. 704. Extension of period covered by single absentee ballot application

Amends UOCAVA to require that an absentee ballot application pertain to all elections for Federal office held in the State through the next two regularly scheduled Federal general elections.

Sec. 705. Additional duties of Presidential designee under Uniformed and Overseas Citizens Absentee Voting Act

Amends UOCAVA to require the Presidential designee to ensure that State officials are aware of the requirements of that Act, and to prescribe a standard oath regarding perjury in completion of a document required under the title. Requires States to use the standard oath if the State requires an oath or affirmation for any voting document.

Sec. 706. Prohibition of refusal of voter registration and absentee ballot applications on grounds of early submission

Amends UOCAVA to prevent States from refusing to accept or process a valid voter registration or absentee ballot application submitted by an absent uniformed services voter on the grounds that the application was submitted before the first date on which the State accepts or processes such application for that year.

Sec. 707. Other requirements to promote participation of overseas and absent uniformed services voters

Amends section 102 of UOCAVA to require a state to provide to each absent uniformed services voter or overseas voter the reason for rejecting an absentee ballot or voter registration application.

TITLE VIII—TRANSITION PROVISIONS

Subtitle A—Transfer to Commission of Functions Under Certain Laws

Sec. 801. Federal Election Campaign Act of 1971

Amends section 311(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(a)) and transfers to the Commission all functions of the Office of Election Administration of the Federal Election Commission.

Sec. 802. National Voter Registration Act of 1993

Amends section 9(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-7(a)) and transfers to the Commission all functions that the Federal Election Commission exercises under the National Voter Registration Act.

Sec. 803. Transfer of property, records, and personnel

Transfers to the Commission all personnel, contracts, liabilities, records, property, and other assets or interests of the offices and functions of the Federal Election Commission that are transferred by this subtitle.

Sec. 804. Effective date; transition

Requires that this title take effect upon the appointment of all members of the Commission, which is authorized to utilize services from the entities from which functions will be transferred as needed for an orderly transfer. Directs the Office of Election Administration of the Federal Election to continue its functions in the interim.

Subtitle B—Coverage of Commission Under Certain Laws and Programs

Sec. 811. Treatment of Commission personnel under certain civil service laws

Amends 5 U.S.C. 7323(b)(2)(B)(i)(I) and 3132(a)(1)(C) to specify that Commission personnel are covered by the Hatch Act and that the Commission is excluded from the Senior Executive Service.

Sec. 812. Coverage under Inspector General Act of 1978

Amends section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) to provide for coverage under that Act.

TITLE IX—MISCELLANEOUS PROVISIONS

Sec. 901. State defined

Defines State to include the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands.

Sec. 902. Audits and repayment of funds

Requires recipients of grants or payments under the Act to keep records consistent with sound accounting principles to facilitate an effective audit. Authorizes each office that makes a grant or payment to audit or examine books, documents, papers and records of any recipient which are deemed pertinent to the grant or payment. Stipulates that the provision applies to all recipients of grants or payments under the Act. Requires that all funds provided under the Act are subject to mandatory audit by the Comptroller General at least once during the lifetime of the program, with the same access to records as the grant-making office. Stipulates that the Election Administration Commission is deemed the office making the grant with respect to General Services grants or payments. Requires that, if the Comptroller General determines that an excess payment has been made or the recipient is not in compliance, the recipient must pay the grant-making office an amount that reflects the excess payment or the proportion representing noncompliance.

Sec. 903. Clarification of ability of election officials to remove registrants from official list of voters on grounds of change of residence

Amends the National Voter Registration Act of 1993 to clarify the ability of election officials to remove from the voter registration list the name of an individual who has not responded to a notice from the registrar of voters and who has not voted in two or more consecutive general elections for Federal office.

The minimum standard requires that removal of those deemed ineligible must be done in a manner consistent with the National Voter Registration Act (NVRA). The procedures established by NVRA that guard against removal of eligible registrants remain in effect under this Act. Accordingly, H.R. 3295 leaves NVRA intact, and does not undermine it in any way.

Sec. 904. Review and report on adequacy of existing electoral fraud statutes and penalties

Requires the Attorney General to conduct a review of existing criminal statutes to determine whether additional statutory offenses are needed to secure the use of the Internet in elections and whether existing penalties are adequate with respect to such offenses. Requires the Attorney General to submit a report on that review to the House and Senate Judiciary Committees, the Senate Rules and Administration Committee, and the House Administration Committee.

Sec. 905. Other criminal penalties

Stipulates that individuals who provide false information with respect to registering to vote or voting, or conspire to provide such false information, will be fined, imprisoned, or both in accordance with 42 U.S.C.1973i(c).

Sec. 906. No effect on other laws

Stipulates that nothing in the Act, except as specifically provided in section 303(b), authorizes or requires conduct prohibited by the Voting Rights Act of 1965, the Voting Accessibility for the Elderly and Handicapped Act, the Uniformed and Overseas Citizens Absentee Voting Act, the National Voter Registration Act of 1993, the Americans With Disabilities Act of 1990, or the Rehabilitation Act of 1973; or may be construed to supersede, restrict, or limit those Acts.

From the Committee on House Administration, for consideration of the House bill and the Senate amendments, and modifications committed to conference:

ROBERT NEY,
VERNON J. EHLERS,
JOHN T. DOOLITTLE,
THOMAS M. REYNOLDS,
STENY H. HOYER,
CHAKA FATTAH,
JIM DAVIS,

From the Committee on Armed Services, for consideration of secs. 601 and 606 of the House bill, and sec. 404 of the Senate amendments, and modifications committed to conference:

BOB STUMP,
JOHN M. MCHUGH,
IKE SKELTON,

From the Committee on the Judiciary, for consideration of secs. 216, 221, title IV, secs. 502 and 503 of the House bill, and secs. 101, 102, 104, subtitles A, B, and C of title II, secs. 311, 501, and 502 of the Senate amendments, and modifications committed to conference:

JOHN CONYERS, Jr.,

From the Committee on Science, for consideration of secs. 221–5, 241–3, 251–3, and 261 of the House bill, and sec. 101 of the Senate amendments, and modifications committed to conference:

SHERWOOD BOEHLERT,
CONSTANCE MORELLA,
JIM BARCIA
(Provided that Ms. Jackson-Lee of Texas is appointed in lieu of Mr. Barcia for consideration of secs. 251–3 of the House bill, and modifications committed to conference),
SHEILA JACKSON-LEE,

From the Committee on Ways and Means, for consideration of secs. 103 and 503 of the Senate amendments, and modifications committed to conference:

WILLIAM THOMAS,
E. CLAY SHAW, Jr.,
CHARLES B. RANGEL,

For consideration of the House bill and Senate amendments, and modifications committed to conference:

ROY BLUNT,
Managers on the Part of the House.

CHRISTOPHER J. DODD,
RICHARD J. DURBIN,
MITCH MCCONNELL,
CHRISTOPHER S. BOND,
Managers on the Part of the Senate.

FURTHER CONSIDERATION OF H. RES. 114, AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002

Mr. PAYNE. Madam Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. HOLT), a member of the Committee on Education and the Workforce, but in his other life he was a nuclear physicist and a person who certainly knows the danger of weapons of mass destruction.

Mr. HOLT. Madam Speaker, I thank my friend and colleague for yielding me this time.

Madam Speaker, this past Sunday during a pancake breakfast at a firehouse in my hometown, one of my constituents approached me. "Why have we gotten into this headlong rush into war," he asked? "Why haven't we first exhausted all the other possibilities for dealing with Saddam?"

His questions reflected both my feelings and those of so many other Americans: Where is the pressing need to send our Nation, our servicemen and women, into a potentially bloody, costly war that could threaten rather than strengthen our national security?

I will vote "no" on this resolution.

It is true that Saddam Hussein has for years presented a threat to his own people, to the Asian region, to the world. His relentless pursuit of weapons of mass destruction is unconscionable. We have a legal and a moral obligation to hold him accountable for his flagrant violation of international law and his maniacal disregard for human decency.

I applaud the President for refocusing international attention on the Iraqi threat. This is something that I followed with concern since I worked in the State Department 15 years ago on nuclear nonproliferation. However, I believe it is at the least premature and more likely contrary to our national interests, the national interests of the United States, for Congress to authorize military action against Iraq now.

As I reviewed the arguments for and against this resolution, I found myself returning repeatedly to some basic questions. Would a unilateral American military attack against Iraq reduce the threat that Saddam Hussein poses? In other words, would a Saddam facing certain destruction be less likely or more likely to unleash his weapons of mass destruction on his neighbors, his own people, or on Americans? Will a unilateral military attack against Iraq strengthen our greater and more pressing effort to combat al Qaeda and global terrorism? Will it bolster our ability to promote our many other national security interests around the world? In other words, will it make Americans more secure? I believe the answer to all of these questions is a resounding no.

Why should we undertake actions that make more likely the very thing we want to prevent?

Madam Speaker, I also believe that the reaction to such a unilateral act would irrevocably weaken the international coalition we have built to fight terrorism across the globe. Yes, Iraq is one of the major threats facing international order, but it is by no means the only dangerous one. We cannot allow our contempt for the Hussein regime to detract us from achieving our long-term security goals.

Now, while I have no doubt that our military would successfully depose Saddam Hussein, we risk inflaming rather than diminishing the terrorist threat to the United States. We are adding a likely threat to our security.

The administration has tried and failed to prove that Saddam's regime is an immediate threat to American security, and it has simply failed to explain to the American people what would be the costs and what would be our responsibilities in a post-Saddam Iraq.

This resolution would give the President a blank check, in the words of my constituents, and would allow him to use Iraq to launch a new military and diplomatic doctrine, a dangerous, unwise doctrine.

I believe that by taking unilateral, preemptive military action against Iraq, we would set a dangerous precedent that would threaten the international order. I believe that we can and should take the lead in eliminating the threat posed by Saddam Hussein not by taking unilateral military action. I believe that if we consult actively with our allies in the region, in NATO, in the U.N. Security Council, we will be able to undertake effective inspections and end Saddam's threat. I do not believe that we need the permission of our allies to take action, but I do believe that we need their partnership to be successful in the long run.

Madam Speaker, we can and we will disarm Iraq and end Saddam's threat. The United Nations and the international community may recognize the need to take military action. The American people will understand and be prepared for that possibility. Now, they are not. Now, they are saying that, for the United States, war should and must always be our last recourse.

Mr. HAYES. Madam Speaker, it is my privilege to yield 5 minutes to the gentleman from Virginia (Mr. FORBES), an active member of the Committee on Armed Services.

Mr. FORBES. Madam Speaker, I rise in strong support of this resolution, not as some would mistakenly say in strong support of war but, rather, as history will proclaim, in strong support of an America free from the fear of terrorism.

Today, this House finds itself debating at one of the most significant crossroads in our fight against terrorism, as we ask why we must now focus our attention on the most powerful terrorist in the world, Saddam Hussein.

I ask this question of those who would have us close our eyes and sit on our hands: Can we afford to wait any longer?

Since September 11, 2001, the United States has worked to ensure that future attacks on our soil do not occur. We did not choose that fight. We did not choose to have thousands of innocent victims perish in brutal attacks. But we now have to win this fight against all of those who would seek to use force against the American people. It is no longer enough to punish evil after it has destroyed innocent lives. We must fight to ensure that evil does not succeed and protect the innocent as well as punish the guilty. Such a threat lies in Saddam Hussein if he is not disarmed and ousted as leader of his regime in Iraq.

Madam Speaker, the Fourth Congressional District of Virginia is home to many servicemen and women. They are not statistics, they are not numbers, they are my friends, my neighbors, and members of my church. But, Madam Speaker, they are ready to remove the Iraqi leader who seeks to destroy the freedoms that we as Americans hold dear.

The President addressed last night, and I think it is important to reiterate today, that we have a duty to act now to prevent a first strike attack by Iraq. Procrastination will only increase the threat that terrorist agents will once again cross over into our borders. But why now? Because over the past 11 years, the international community agreed on 16 United Nations Security Council resolutions designed to ensure that Iraq does not pose a threat to international peace and security. Because the world witnessed what an unchecked Saddam Hussein was capable of doing, and the world has waited while Saddam Hussein has violated each and every resolution that the United Nations has put forward.

To those who today cry, wait, wait, wait, I ask, if we have waited over 11 years for Saddam to fully disarm his chemical and biological weapons of mass destruction under the supervision of inspectors, how much longer should we wait? If we have waited 11 years for Saddam to disarm all ballistic missiles with a range greater than 150 kilometers, how much longer should we wait?

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If we have waited 11 years for Saddam to agree to not use, develop, construct, or acquire any weapons of mass destruction, how much longer should we wait?

If we have waited 8 years for Saddam to agree not to enhance military capability in southern Iraq, how much longer should we wait?

If we have waited 6 years for Saddam to report shipments of dual-purpose items related to weapons of mass destruction to the U.N. and IAEA, how much longer should we wait?

And if we have waited 5 years for Saddam to give immediate, unfettered access to the Iraqi officials whom U.N. inspectors want to interview, how much longer should we wait?

And if we have waited 4 years for Saddam to reinstate U.N. weapons inspectors to have full and unrestricted access to weapons production facilities, how much longer should we wait?

Madam Speaker, we have waited long enough. We cannot wait until Saddam completes reconstruction of his weapons factories. We cannot wait until we are allowed to read the certificate of occupancy posted on the walls of these facilities, announcing more fear and terror to the free world. We cannot wait until he has nuclear capabilities. We cannot wait for history to repeat itself while trying to appease yet another unchecked dictator.

Now is the time to act. Now is the time to fulfill our obligation to protect the American people. Now is the time to pass this resolution.

Mr. PAYNE. Madam Speaker, I yield 5 minutes to the gentleman from Arkansas (Mr. SNYDER), a member of the Committee on Armed Services and a person who has personally gone in harm's way in the war between Ethiopia and Eritrea, so he knows the devastation of war.

Mr. SNYDER. Madam Speaker, as one of the 435 Members of this House, I have found this issue facing us for the last several weeks and months just one of those visceral, gut issues that just tears us up.

I have my space shuttle tie on this morning. I got up this morning and wore it because the space shuttle is way there, and right now every 90 minutes they are looking at this magnificent globe and they are seeing this beautiful Earth. We are down here debating about the ugliness; they are up there seeing the beauty. It tears me up, and I know it tears up all Americans as we are debating this.

I have to take some reaction with the previous speaker. Just because I disagree with the resolution on the floor does not mean I have my eyes closed, and it does not mean I am sitting on my hands. It may mean that I have a different and better approach, and we would do better to listen to each other than to accuse folks of being blinded and somehow not seeing the world as it is.

The very process that we have set up here, in which we divide time between yes and no and yes and no, I think there are a lot of people in this House that have a lot of questions, and a lot of questions are being asked by people who are already staking out a position. Even those of us who have decided have a lot of questions about what is happening.

We all want to be loyal to our President. That is not an issue. I know that my Republican friends have had their leadership come and say, we have to be loyal to our President. He is all our President. We all want him to do well. The issue is, how can we best help our President, George W. Bush, do well?

I will tell the Members one thing, overstatements do not help. Comparing, on one side, Saddam Hussein or Iraq to Nazi Germany, or on the other side comparing Saddam Hussein to Vietnam, they do not help. This is a peculiar situation facing the world now, and we had better deal with it, recognizing it is a peculiar situation never before faced in the world.

We all have proof Saddam is a bad guy; that is not the issue. The issue is, how do we approach this particular bad guy at this moment in history? We had better approach this with some humility. This Congress has done a lousy job of predicting budget surpluses and deficits in our own Congress for 1 year, and yet we are now making predictions on both sides about what the world will look like if we do or do not take certain actions. We had better approach this with a great deal of humility about our ability to predict future events.

One thing that I have done, as a lot of Members have in the last few months, is try to spend time with as many military officers as I can. A lot of them are retired. There are a lot of doubts being expressed by people who have retired from the military.

The Philadelphia Enquirer has a story today: "Officials' Private Doubts on Iraq War. Some military intelligence and diplomatic sources say hawks are overstating the danger that Baghdad poses," talking about doubts being expressed by those in the military.

We still have a couple of days left. I would encourage the Members who are still asking those questions to take the time to sit down with retired military or even their close friends within the military and just say, in complete and honest candor, what do you think? Maybe that will help resolve some of those questions.

The United Nations, those of us who think that the United Nations would be helpful in this process are not turning over the national security to the United Nations, but it is a different fact situation for this Congress and for the American people if we go alone or if we go with the United Nations.

That is not an unreasonable question to ask: Is it different if the United States goes alone? Is it different if the United States does it with the United Nations? I am one of those who thinks that we would be much stronger in the future if we go with the United Nations. It does not mean I am turning over the national security to the United Nations.

Is there anything wrong with the Congress deciding this very specific fact situation several weeks or months from now if the President decides we are going to have to go alone in this business without the United Nations? That is a different fact situation than if the United Nations is behind us. It does not mean we are turning over the national security to the U.N.

Resentment. I do not know how we can predict these future events, but the resentment of the Arab world, I just talked with General Zinni a few days ago, is as great as he has ever seen. If we mishandle the situation, it will be even greater. I would encourage Members to be analyzing this situation: What do our words and actions do for the next few years with our relationships with Arab countries?

I think our number one strategic goal and interest in the Middle East is to solve the security issues for the Israelis and Palestinians, even if it means 40,000 or 50,000 U.S. troops stationed there for years. What best helps that situation to be resolved? I think a lot of Members are saying that taking out Saddam Hussein may help, but we can sure come up with scenarios that it may not help guarantee the security of Israel and a peaceful Palestinian state.

The commitment to rebuild, I was talking to one of my colleagues in Arkansas, talking about our commitment to rebuild Iraq and Afghanistan. He said we have never fulfilled our commitment to rebuild the Delta after the Civil War. Why do we think we may actually follow through with our commitment to rebuild Iraq and rebuild democracy in Iraq? It is a very important issue.

Probably the overriding issue for me is war should only be used as a last resort. So the overriding question for me, in addition to what best helps reduce the risks of something happening to Americans, is have we reached the point where this is the last resort? I do not think we have reached that point.

The President said last night that we may not have to go to war. Those of us who very much are loyal to our President are saying, Mr. President, you would get a bigger vote for your resolution if you would say, first let me try it at the United Nations. If I am not successful, then I will come back to you, because then I would know that war unilaterally for America is the last resort. But we are not at that point today.

The gentleman from South Carolina (Mr. SPRATT) has offered an amendment with several of us that I think resolves a lot of these issues. It will get a bigger vote, if it was the base resolution, it would have a larger vote if the President would support it than the underlying resolution. It would send a strong signal to the international community.

It would say to the President, if you get the U.N. behind you in a way that you find satisfactory, you are authorized to use force; however, if you are not successful, please come back and let the Congress analyze the fact situation representing the American people at that time, and let us together decide what is best with the authorization of force in this very difficult world that we face today.

Madam Speaker, I thank my colleagues who care so much about these issues.

Mrs. WILSON of New Mexico. Madam Speaker, I yield myself 1 minute.

Madam Speaker, I do feel compelled to respond to one point that my colleague, the gentleman from Arkansas, made. We need to make clear that the leadership and the President have not come to any Members of the body and asked them to support him as a matter of loyalty or for anything else.

There are 435 Members of this body who will each come to their own decision on the justness and the rightness of this cause, and each of us will vote as a matter of conscience as individuals; and the President and leadership have not twisted our arms, or even asked us to do anything otherwise.

Madam Speaker, the President has asked the Congress for the authority to use force against Iraq. This week the Congress will consider a resolution giving him that authority. I will be voting in favor of the Joint Resolution.

There is a very high standard and a narrow set of circumstances that would cause me to vote to authorize the use of force other than in self-defense against an armed attack against the United States or its allies.

Over the last month, I have listened to briefings and testimony, reviewed evidence, read reports and sought out independent experts to ask questions about Iraq and its nuclear, chemical and biological weapons program. I believe that, if left unchecked, it is likely that Saddam Hussein will cause these weapons to be used against the American people. The effect of such an attack would be devastating. We cannot wait for him to strike first.

The evidence that Iraq has and is further developing weapons of mass destruction is convincing. Iraq has chemical and biological weapons including mustard gas, sarin nerve gas and anthrax. We believe he may have other deadly diseases he is making into weapons. Iraq had an advanced nuclear weapons program before the Gulf War and is seeking to develop nuclear weapons again.

Saddam Hussein's intent is more difficult to discern. I believe the evidence of his ultimate intent to use these weapons or cause them to be used against the American people is strong enough that we cannot afford to ignore it. Iraq is developing missiles that can hit neighboring states and is building unmanned aerial vehicles to spread chemical and biological agents. I am concerned that Iraq is exploring ways to use these aerial vehicles for missions targeting the United States.

Saddam's aggressiveness, hatred of the United States and willingness to use chemical weapons is clearly established. Iraq has invaded its neighbors and has used chemical weapons against its own people. He is a brutal dictator and a tyrant. Being a brutal tyrant does not justify the use of force by America; the world has plenty of tyrants. But his past behavior provides context and credence to the assessment of his intent.

We are a moral people. We do not covet anyone else's territory or resources. We do not seek to destroy other civilizations or involve ourselves in the internal affairs of other states. The decision to authorize the use of force in advance of any attack is a grave one which I do not take lightly.

One of the defining characteristics of international relations in the twentieth century was the steadily declining legitimacy of the use of force by states other than in self-defense. This trend enhanced the stability and order of the system of sovereign states that has developed since the sixteenth century.

At the zenith of our military power, wielding enormous political, economic and social influence, America must not squander our moral authority by yielding to the temptation to justify using our military power preemptively other than in highly unusual circumstances. While the current threat posed by Iraq meets that high standard, we should be careful to acknowledge just how high the standard is. Otherwise, our rhetoric and actions could be used to justify erosion of the general prohibition of the use of force by other states, undermining the stability of the system we seek to bolster.

I am voting to authorize the use of force against Iraq because it possesses and is further developing weapons of mass destruction and the means to deliver those weapons and because I believe that Iraq intends to use those weapons against Americans.

We should not go to war because another country represses its own minorities. Repression of minorities is a widespread human rights violation. We should not go to war because another country has failed to account for missing prisoners of war, as disdainful as that is. We should not go to war because another country simply possesses weapons of mass destruction. There are at least 12 states that already posses nuclear weapons, including some of our allies as well as former adversaries. Possession of these weapons alone is insufficient justification. We should not go to war because a country is trading outside of a sanctions regime.

Iraq is doing all of these things. But the set of circumstances that justifies this authorization to use force is very narrow and is related to Iraq's chemical, biological and nuclear weapons program and Saddam's intent to use those weapons against Americans. There is no objection to wait for him to strike first. We have a limited right of anticipatory self-defense and we must exercise it in this case. We cannot make a clear statement about the imminence of the threat from Saddam nor is it likely we would ever be able to until it was too late. In that sense, the threats of the twenty-first century are unlike those of the past. With these weapons, imminence is imperceptible and the risk of inaction is incalculable.

The joint resolution supports the President's diplomatic efforts to build a coalition to confront Iraq. Iraq has defied resolutions of the UN Security Council with impunity. The President was right to go to the UN and make the case for action against Iraq. In some respects, this current crisis is a test of the UN's continued relevance. If the UN is not willing to act collectively, we will have to build a coalition of states outside of the UN to act. This is, without doubt, a turning point for the United Nations as an institution.

Our top foreign policy priority must be to win the war on terrorism. There are ninety-plus states cooperating in that effort—for the most part involving their law enforcement and intelligence services. By building international support for any action against Iraq we can minimize the possibility that any of those states will distance themselves from this cooperation. Perhaps more importantly for the long term, military action against Iraq is bound to stir opposition among some in the Middle East. It will be easier to manage resentment if we build a coalition of states, including states in the Gulf Region.

While much of our attention has been focused on whether we should confront Iraq, in making my decision to support this resolution, I have also considered whether we can. Over the last year our military forces have been at increased operational tempo fighting a war in Afghanistan and defending the homeland. While Saddam's forces are considerably smaller than they were during the Gulf War, so are ours. I have been repeatedly assured by our military commanders and our civilian defense leadership that we have the forces, munitions, logistics, communications systems, spare parts, and the people it will take to prevail. They are trained and combat readiness levels are restored or being restored.

I have also been assured that our military strategy will be tied to our political objective. I opposed the use of force in Kosovo because we had a military strategy that used limited air power to achieve a largely humanitarian mission to prevent door-to-door ethnic cleansing in Kosovo. I have been assured that we will act with the full power of the U.S. military, giving them the force necessary to win and come home again.

The Congress authorizes the President to use force if all other means fail. We do not command the military or instruct the diplomats. I hope that, faced with the military might of a united coalition led by the United States, Saddam will choose to end his nuclear, chemical and biological weapons program and disarm. I hope this will not require military action, but it may.

People who have served in uniform are often the most reluctant to go to war—and I am no exception to that general rule. We know the risks; we know the limitations; and we know many of the likely participants. There are great risks in this potential action. But those risks will not diminish over time. And there are also great risks of inaction.

We did not choose this challenge. But faced with it, we cannot turn away.

Madam Speaker, I yield 5 minutes to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Madam Speaker, I thank the gentlewoman from New Mexico (Mrs. WILSON) for her leadership tonight; and at this time I would like, as one of the newest Members of Congress and the most junior member of the Committee on Armed Services, to join in support of this bipartisan resolution.

I am here tonight with a number of different perspectives. The first is that I am a military parent. Additionally, I am a member of the Army National Guard. Also, I am a desert war trainee and a Member of Congress.

The most important role that I have tonight is that I am a military parent. I am very proud that I have three sons in the military. My oldest son, Alan, is a first lieutenant in the field artillery of the Army National Guard in South Carolina. He has just returned from advanced training at Fort Sill, Oklahoma.

Additionally, I am very proud of my son, Addison, Jr., who is a Naval Academy graduate and an ensign in the U.S. Navy, and he is currently at USUMS, the uniformed services university medical school here at Bethesda, Maryland.

Finally, I have another son, Julian, who is a junior at Clemson University, which is in the district of my colleague, the gentleman from South Carolina (Mr. GRAHAM). He is a member of the Army ROTC, and his heritage is extremely significant to me. His grandfather, Julian Dusenbury, was awarded the Naval Cross for his service at Okinawa in the seizure of Shuri Castle.

Finally, I am here also as a member of the National Guard. I am the only Member of Congress who is serving currently in the National Guard, and I am very proud of the people that I serve and work with. I know that they are trained and they are competent and they are dedicated to protecting America.

I am here as a person who, 2 years ago, and I may have the most recent desert war training, served at Fort Irwin in California, the Mojave Desert, at the National Training Center in a rotation. I know that the American military is trained and ready for military service.

As a Member of Congress, I know, Madam Speaker, that today we are discussing one of the most important decisions that we as United States Representatives will ever face. The question before us is whether or not to support the bipartisan resolution authorizing the use of American military force against Saddam Hussein and his Iraqi regime as part of the continuing war on terrorism.

There is no doubt that each of us brings different perspectives to this debate, and for good reason. This is the people's House of Representatives; and, therefore, we should reflect the different people across this great country.

In the case of Iraq, Saddam Hussein has proven himself to be a brutal dictator in possession of chemical and biological weapons of mass destruction and aggressively, according to the British Prime Minister, seeking nuclear capabilities. He has shown his willingness to use these weapons even against his own people.

Saddam has continually harbored and supported known terrorist organizations, including members of the al Qaeda, the terrorist group linked to the murderous attacks on September 11 in New York, Pennsylvania, and Washington.

Saddam has also attempted to assassinate a U.S. President and fired thousands of attacks against American and British Air Forces in the no-fly zones of Iraq.

In his own country, Saddam Hussein has carried on one of the most cruel and barbaric regimes in the world, murdering political enemies, raping the wives of his foes, and torturing their children.

So what are we to do about this madman? Saddam Hussein is an enemy of the United States. This is a Stalin and a Hitler who has the capability of murder of thousands of innocent American men, women, and children, and who supports and harbors terrorists.

In history, there have been some enemies of freedom and liberty that respect nothing but the threat of superior military force. Saddam Hussein's Iraqi regime is such a threat. America has become the target because America is the world's symbol of freedom, liberty, and democracy. As one of America's great Presidents, Ronald Reagan, showed us in the Cold War, peace is achieved through strength, as he achieved victory in the Cold War.

While I have no desire to see my children sent to war, we may be left with no other choice. I can assure the Members that as a member of the military, as a military parent, that the American military is ready and willing to answer the call to preserve freedom and liberty for generations to come, and to stop the threat posed by Saddam Hussein to the innocent lives of the American public.

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Madam Speaker, I urge my colleagues to support this bipartisan resolution.

Mr. PAYNE. Madam Speaker, I yield 5 minutes to the gentleman from New York (Mr. SERRANO), a member of the Committee on Appropriations and a fighter for human rights.

Mr. SERRANO. Madam Speaker, when September 11, 2001, happened, I was in New York City. And as the enormity of what terrorism could do to my city hit me, I was stunned. Then I wept with all of those innocent people who were simply doing their jobs and living their lives when one moment of hate lost their lives. There has, however, not been any conclusive evidence that links al Qaeda to those responsible for the tragedy with Iraq.

Some question whether those who oppose this resolution are forgetting those who died on September 11. Some question our patriotism. Though I should not have to affirm my patriotism, I say simply that I love my country, I love my city of New York, and I am not afraid to deal with those who attacked it. It is the most basic of our purposes as a national government to defend our Nation. But here we speak of a different matter.

If our ultimate goal is to disarm Iraq and all chemical and biological weapons, how does giving our President this right to go to war accomplish that goal? Would not working with the U.N. to implement a program of rigorous inspections move us closer to our goal?

This new doctrine announced by the President that the U.S. has the right to engage in a preemptive strike, which he seeks to implement through this resolution, frightens me and establishes a troubling precedent. This is a doctrine better left unused. It contravenes a half century of developed international law of which the U.S. has been a champion. Taking this idea to its logical conclusion means that India and Pakistan, for instance, nations with nuclear weapons and a history of conflict, may no longer feel bound by the limitations on the use of force that have been agreed to by the family of nations. The U.N. would become irrelevant, and the checks and balances that membership in the U.N. places on its members states will no longer apply.

Even if we have strike and successfully defeat Iraq militarily, will this make our Nation a safer place to live?

The administration often talks about regime change in Iraq and the need to remove Saddam Hussein from power. Yet in 1991 we decided against regime change because of concern of the overall stability of the region. What has happened since that time that has changed the goals of military action?

As a Nation we need to plan and think beyond what passage of this resolution and a military victory would mean. The U.S. would need to expend at least the next 10 years involved in occupation, reconstruction and rebuilding. That is the point that no one seems to talk about, the fact that after we defeat Saddam Hussein we have to stay in Iraq, some experts say, at least for 10 years.

One point also that surprises me that very few people, if any, bring up is, has anyone told us how we will defend Israel when Saddam Hussein and his madness, against the wall, decides to attack Israel? Those of us who support the State of Israel know that that is not part of this discussion at all.

The last point that I would like to make is that we should, in our expending a lot of energy in trying to reach out to young Arab men and women, to tell them, to show them that we are not their enemy. By attacking an Arab country when even our allies in the Arab world do not support us will only, in my opinion, grow the hatred against this country. At the expense of sounding ridiculous, it could be said that it would be an increase in al Qaeda membership.

We were founded on the principles of justice and strong morality. We have to be careful now that as we take and embark on this road we do not hurt ourselves while we try to help ourselves.

We embarked on a war against terrorism. Now we are being told that attacking Iraq is part of that war. Yet Osama bin Laden, from all accounts, is still alive; and there is still work that has to be done.

This is by far the most difficult vote that anyone can take. But I end this speech tonight as I began it and as I spoke 11 or 12 years ago. We have to be careful. We have to know what we are doing, and we have to know the severity of our actions. I will vote against this resolution because I cannot agree with the course that our great Nation is embarking on, one that brings the threat of war closer and the goal of peace further away.

Madam Speaker, it is our children we will be sending to war. It is the people of Iraq we will engage in a war. We should think and think. And, Mr. President, I suspect that you will get the support of this Congress. Use this power wisely.

Mrs. WILSON of New Mexico. Madam Speaker, I yield 8 minutes to the gentleman from Illinois (Mr. KIRK), another member of the Committee on Armed Services and an officer in the Naval Reserve and a veteran of Northern Watch as well as Kosovo.

Mr. KIRK. Madam Speaker, 140 years ago a gentleman from Illinois wrote the following:

"The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty and we must rise with this occasion. As our case is new, so we must think anew and act anew. We must disenthrall ourselves and we shall save our country.

"Fellow citizens, we cannot escape history. We of this Congress and this administration will be remembered in spite of ourselves. No personal significance or insignificance can spare one or another of us. The fiery trial through which we pass will light us down, in honor or dishonor, to the latest generation.

"We say we are for Union. The world will not forget we say this. We know how to save the Union. The world knows we know how to save it. We, even we here, hold the power and bear the responsibility. In giving freedom to the slave, we assure freedom to the free, honorable alike in what we give and what we preserve.

"We shall nobly save, or meanly lose, the last best hope of Earth. Other means may succeed. This could fail. The way is plain, peaceful, generous and just, a way which if followed the world will forever applaud and God must forever bless."

Abraham Lincoln wrote those words on the eve of his most important decision. The occasion before us here is also drenched in significance.

I am often asked whether I am a dove or a hawk on the question of Iraq. I prefer to be an owl, one who approaches this with steady, firm judgment.

I believe we must deal with the enforcement of the United Nations Security Council resolutions requiring Iraq to disarm as part of an international coalition. Diplomatic efforts must be our primary effort, with a use of armed force only as a last resort.

Along well-settled principles of constitutional and international law, the United States may declare war only with the formal approval of the Congress; and we should try to endeavor to operate with the approval of the U.N. Security Council.

As a veteran myself, I believe that making the decision between war and peace is the most sacred duty of the Congress. Many people who never saw war are quick to urge military actions. Veterans can report with firsthand experience that waging war is a cruel and blunt instrument to be used only by a free people as their last choice. In my own experience, war has taught me to be the best friend of our State Department, a place where diplomacy is always the preferred course of action.

I used to work in the State Department, and I applaud Secretary of State Colin Powell in his efforts to build a large coalition of like-minded nations to enforce the will of the Security Council.

In reviewing of the reports of the United Nations, our allies and respected human rights groups, it is clear that the Iraqi regime represents a growing present danger to the United States and its allies and its own people. Given its proximity to Iraq, our allies in Israel probably face the greatest danger. I believe that the disarmament of Iraq is important to the security of the United States but is vital to the security of our allies in Israel.

In my judgment, the existence of Israel hangs on the success or failure of the U.N. efforts to disarm Iraq. This is why the government of Israel, like Her Majesty's government in the United Kingdom, so strongly supports our goal. It is clear that this steadfast, concentrated action by the international community is needed to reduce the danger to the United States and our allies.

While some say that inspections against a government determined to conceal its weapons are certain to fail, I disagree. Unlike the inspectors that we sent into post-war Germany after World War I or even Iraq, a new Security Council resolution could lay out clear rules granting free, unescorted and unannounced access by inspectors to Iraqi programs.

In my work on this issue, I joined with the gentleman from New Jersey (Mr. ANDREWS), a representative of the opposite party, to form an Iraq working group here in the House where we have convened many meetings with U.N. weapons inspectors, Iraqis and administration officials to learn more about this issue. Our meetings with the U.N. inspectors have been some of the most fruitful.

Dr. David Kay, the Chief United Nations Weapons Inspector, reported that if he were to return to Iraq he would need a new Security Council resolution with two major changes: one, complete access to all sites, including presidential sites and Northern Iraq, which were denied to previous U.N. inspectors; and, two, the power to grant permanent asylum to any scientist or their families who could be taken out of Iraq and debriefed on the weapons of mass destruction program that employed them.

Dr. Kay reported that President Bush, Sr., and President Clinton both denied him the authority to force access to key sites and failed to grant him the power to bring any Iraqi and their families. He reported to our working group that, with these two changes granted under a new Security Council resolution, he would be willing to return to Iraq and carry out the will of the United Nations to disarm the government.

We have had several conversations with the National Security Advisor, Dr. Rice, and members of our United Nations Mission in New York who report that, without the credible threat of force, Secretary of State Powell has little chance for passing the kind of Security Council resolution that Dr. Kay outlined would be needed to peacefully disarm Iraq.

I am encouraged that this resolution before the House has the support of senior Democratic and Republican leaders. It underscores the consideration of this issue should be without partisan rancor or advantage, and we should not consider this measure as partisans but as Americans.

This resolution offers the best hope for a new U.N. Security Council resolution to rewrite the rules of inspection to make them more effective. Secretary Powell has asked for this resolution to pass the Congress to give him the tools he needs for U.N. support, and I voted to give him that support.

As a veteran, I see any potential military action first through the eyes of young men and women who volunteered to wear the uniform and would carry out the mission. As I have detailed here, I believe that this resolution unlocks the door for more effective inspections. We must use the opportunities we have to take non-military action through the U.N. to determine if unrestricted inspections of Iraq's weapons of mass destruction program can take place. If these inspections succeed, we will have accomplished our objectives without loss of life. And if they fail, it will rally international support against an isolated Iraq, making any more decisive action quicker and more likely to succeed.

Madam Speaker, 140 years ago, a gentleman from Illinois wrote the following passage—one that applies to the question now before this House:

"The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty and we must rise with the occasion. As our case is new, so we must think anew and act anew. We must disenthrall ourselves and we shall save our country.

Fellow citizens we cannot escape history. We of this Congress and this administration will be remembered in spite of ourselves. No personal significance or insignificance can spare one or another of us. The fiery trial through which we pass will light us down, in honor or dishonor, to the latest generation.

We say we are for Union. The world will not forget that we say this. We know how to save the Union. The world knows we do know how to save it. We—even we here—hold the power and bear the responsibility. In giving freedom to the slave, we assure freedom to the free—honorable alike in what we give and what we preserve.

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Abraham Lincoln wrote those words on the eve of his most important decision of the Civil War. The occasion before us here is also drenched in historical significance.

I am often asked if I am a "Dove" or "Hawk" on the question of Iraq. I prefer to be an "Owl"—one who approaches this with a steady, firm judgment.

I believe that we must deal with the enforcement of the United Nations (UN) Security Council resolution requiring Iraq to disarm as part of an international coalition. Diplomatic efforts must be our primary effort, with a use of armed force only as a last resort. Along well-settled principles of Constitutional and International Law, the United States may declare war only with the formal approval of the Congress and should try to endeavor to operate with the approval of the UN Security Council.

As a veteran myself, I believe that making the decision between war and peace to be the most sacred duty of the Congress. Many people who never saw war are quick to urge military action. Veterans can report with first-hand experience that waging war is a cruel and blunt instrument to be used only by a free people as their last choice. In my own experience, war taught me to be the best friend of our State Department—a place where diplomacy is always the preferred course of action. I used to work in the State Department and I applaud Secretary of State Colin Powell in his efforts to build a large coalition of like-minded nations to enforce the will of the Security Council.

With regard to military force, our founding fathers debated the proper place for the power to make war at the Constitutional Convention and feared it most in a new democracy. They specifically rejected proposals to give such a power to the President and directed that only the elected representatives of the American people in our Congress could declare war. For most of our history, Presidents followed the restrictions of the Constitution when going to war. In the 1950s and 1960s, we deviated from the clear requirements of the Constitution to our profound detriment. I believe that it is far worse to send our uniformed men and women into a conflict the American people do not support than to never send them at all.

In recent years, Presidents Bush and Clinton returned to our historic, constitutional practice of Congress voting before sending uniformed Americans into harm's way. Congress voted on U.S. military actions in Kuwait, Haiti, Bosnia and Kosovo prior to deployment. As a military officer involved in each of these campaigns, I can report that the long congressional debate and formal approval of our missions made a difference improving our morale and clarity of purpose. The Administration should follow these precedents and obtain congressional sanction to engage in military action against Iraq. Congress must approve any military action against Iraq before it happens. Without such formal approval, no action should be taken.

When the United States and our allies emerged victorious after the Second World War, we remade the ineffective League of Nations into a more effective United Nations. Under the charter of the UN, all member states are required by international law to abide by the decisions of the UN's Security Council. By the terms of the UN Charter, permanent members of the Security Council—the United States, China, Russia, France and Britain—retain the power to veto any proposed action by the Council. While the Council has not always been able to take decisive action, it has moved on many occasions to enforce the will of the international community in Korea, Kuwait, Bosnia and Kosovo.

President Bush's decision to seek approval by the UN Security Council to enforce its previously-passed resolutions underscores a fundamental political and military requirement for the United States military to build allied support and to isolate any potential opponent of the international community. By acting under a UN resolution, U.S. armed forces could join as part of a broad coalition opposing an enemy that has little to no international support. For this key reason, the resolution clearly outlines that the United States should try to act with approval of the UN in dealing with Iraq.

The decision to go to war is the most important decision that I can make as a representative in Congress. As a veteran, I see any potential military action first through the eyes of the young men and women who volunteered to wear the uniform and would carry out such a mission. We must use the opportunities we have to take non-military action through the UN to determine if unrestricted inspections of Iraq's weapons of mass destruction can take place. If these inspections succeed, we will have accomplished our objectives without loss of life. If they fail, it will rally international support against an isolated foe, making any more decisive action quicker and much more likely to succeed.

When we look at the situation in Iraq, we should not take military action until two basic questions are answered:

1. Does Iraq Present a Clear and Present Danger to the United States and Our Allies?

2. Will Non-military Action by the International Community Achieve Our Objectives?

So, does Iraq present a clear and present danger?

With regard to Iraq, the United Nations Security Council passed Resolution 686 in March of 1991 requiring Iraq to release all prisoners of war, return Kuwaiti property and pay damages. To date, the UN reports that Iraq failed to return 609 prisoners from 14 UN member states, including one American pilot. Iraq also holds over 5,000 Iranian POWs. In total, the respected human rights group Amnesty International reports that Iraq failed to account for 16,000 people held in its custody. The UN staff reported to the Security Council on this issue that "no progress [has been] made on return . . ." Iraq also failed to return Kuwaiti military equipment and items from its state archives.

In April of 1991, the Security Council passed Resolution 687. The resolution required Iraq to "unconditionally accept" the destruction, removal or rendering harmless "under international supervision" all "chemical and biological weapons." The resolution also required Iraq to "unconditionally agree not to acquire or develop nuclear weapons or nuclear weapons usable material" or construct "any research, development or manufacturing facilities." Finally, the resolution also required Iraq to "unconditionally accept" the destruction, removal or rendering harmless "under international supervision" of all "ballistic missiles with a range greater than 150 km and related major parts and repair and production facilities.

Despite the requirement not to possess chemical and biological weapons, UN staff reported that Iraq lied to the UN Special Commission on Iraq (UNSCOM) in 1995 after Saddam Hussein's son-in-law defected to Jordan and told of the dictator's still-thriving biological and chemical weapons programs. Iraq then admitted it produced thousands of liters of anthrax, botulinum toxin and aflatoxin for use with Scud missile warheads, aerial bombs and artillery. UNSCOM reported to the Security Council that Iraq concealed its biological weapons program and failed to account for three tons of growth material for biological agents. The UN also reported that Iraq failed to account for 15,000 artillery rockets filled with nerve gas and 550 artillery shells filled with mustard gas.

In January 2001, our Defense Department reported that Iraq converted Czech L–29 jets into chemical and biological delivery vehicles. Iraq also modified a second jet for use as an Unmanned Aerial Vehicle (AUV) to spray chemical and biological weapons. We have evidence that Iraq has built a third unmanned aerial vehicle that is much smaller than the larger jets. There are reports that this smaller AUV is the intended final vehicle for use delivering chemical and biological weapons in a way that would not be detected on radar. There is compelling further evidence on this program which remains classified.

Reporting on the violation of commitments on ballistic missiles, UNSCOM disclosed that, contrary to UN resolutions, Iraq had retained a number of Scud missiles. Iraq also began work on two new missiles, a liquid-fueled missile (the al-Samoud) and solid-fueled missile (the Ababil), both capable of flying far beyond the 150 km limit imposed by the UN Security Council. Such missiles could deliver a weapon of mass destruction against Israel in under 250 seconds. Iraq also rebuilt the al-Mamoun missile test facility that had been dismantled by the UN to prevent the construction of long-range missiles. Work is underway to test a much larger missile engine to support even longer-range missiles.

Despite promises not to acquire or test nuclear components, Iraq has a large nuclear weapons complex. Saddam Hussein regularly makes reference to his "nuclear mujahadeen" and UNSCOM reports over 40,000 Iraqis work on the nuclear weapons program. British intelligence services report that Iraq stepped up purchases of nuclear weapons material over the last 14 months. The New York Times recently reported Iraqi agents attempted to purchase 114,000 parts of a nuclear centrifuge to refine fissile material for a nuclear bomb. In September, the British International Institute for Strategic Studies reported that absent the Gulf War, Iraq would have had nuclear weapons by 1993 and could now possess a weapon within months of obtaining fissile material.

Last year, Adnan Ihsan Saeed al-Haideri, an Iraqi defector, reported that he visited 20 secret facilities dedicated to producing nuclear, biological and chemical weapons. He supported his report with copies of Iraqi government contracts and technical specifications. It is clear that Iraq is advancing program to develop weapons of mass destruction in violation of its commitments imposed by the UN Security Council.

Following the deployment of UNSCOM to Iraq, Saddam Hussein barred international inspector access to key individuals, sites and equipment necessary to verify compliance with international law. The UN condemned Iraq for failing to comply with UN Security Council resolutions on August 15, 1991. The UN Security Council subsequently passed 12 more resolutions between 1991 and 1999 condemning Iraq and attempting to enforce the will of the international community. The President of the Council also made 30 statements condemning Iraq's non-compliance.

Beyond commitments to return prisoners and to disarm weapons of mass destruction, the UN Security Council also passed Resolution 688 requiring Iraq to end repression of the Iraqi people "the consequences of which threaten international peace and security." The UN Commission on Human Rights and UN General Assembly reported on "systematic, widespread and extremely grave violations of human rights" citing an "all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror." The Iraqi government blocked all visits by the UN Special Rapporteur on Human Rights from 1992 to the present.

Amnesty International reported that in October 2000, Iraq executed dozens of women on charges of prostitution. Amnesty also reported the decapitation of numerous women accused of crimes with victims heads displayed in front of homes for several days. They further reported that the female relatives of prisoners are often raped as part of their torture. The UN Special Rapporteur, Max Van der Stoel, reported that hundreds of Iraqi Kurds were used as subjects in Iraq's testing of new chemical and biological weapons. Van der Stoel also reported at least 1,500 executions of political opponents. Sometime between September of 1998 and December of 1999, the town of Albu 'Aysh was destroyed with extensive civilian casualties. UNSCOM also reported on a special prison for the children of adult prisoners. The Human Rights Alliance also reported that over 500 journalists and intellectuals have been executed.

Under Resolution 688, the United States, France and Britain were directed to operate no-fly zones over southern Iraq to protect the Shia minority (Iraq's governing elite is exclusively Sunni) and northern Iraq to protect five million Kurdish citizens of Iraq. The Iraqis of these communities strongly support the no-fly zones and believe that it is the key to safety for their families. I am a veteran of Operation Northern Watch and was proud to serve my country to protect helpless minorities. On September 16th, Iraq offered the UN Secretary General the opportunity to return UNSCOM to Iraq for "unrestricted" inspections. On September 17th, Iraqi armed forces fired on UN aircraft patrolling the no-fly zone. They did so again the following day. To date, the Iraqis have fired on UN aircraft over 60 times since their offer of "unrestricted" inspections.

Iraq is also prohibited from carrying out terrorist acts under the terms of the UN Security Council's Resolution 687. Despite this requirement, agents of the Iraqi Intelligence Service attempted to use a car bomb in 1993 to assassinate former President George Bush. Iraq harbors the Mujahedin-e-Khalq (MKO) that killed several Americans. It also housed the Palestine Liberation Front, best known for killing American Leon Klinghoffer and many attacks against Israel. Iraq also sheltered the Abu Nidal organization and now pays $10,000 to the families of Palestinian suicide bombers. Defectors report that Iraq operates an international terrorist training camp at Salman Pak, open to Arab and non-Arabs alike. While there is no clear link between the Iraqi government and the September 11th attacks, Iraq now harbors several members of the Al Qaeda terrorist organization.

Much of this activity by Iraq costs money. Iraq must operate under a UN embargo that allows it to sell oil with proceeds going into an account controlled by the UN. Despite protests from average Iraqis, the government of Iraq regularly applies for the use of the UN oil-for-food money to purchase luxury cars, electronic equipment and elite infant diet formula. Much of the funding under the UN program was used by Iraq to construct several "presidential palaces" detailed in a well-covered speech by then Secretary of State Madeline Albright. In order to generate funding for its weapons of mass destruction program and missile development, Iraq exports thousands of barrels of oil on the black market in violation of the UN program, with proceeds controlled by Saddam's two sons, Uday and Qusai. Total proceeds exceed several billion dollars—more than enough to fund a large weapons of mass destruction program.

In reviewing the reports of the UN, our allies and respected outside human rights groups, it is clear that the Iraqi regime represents a growing present danger to the United States, our allies, and its own people. Given its proximity to Iraq, our allies in Israel probably face the greatest danger. I believe that the disarmament of Iraq is important to the security of the United States but is vital to the security of our allies in Israel. In my judgment, the existence of Israel hangs on the success or failure of the UN effort to disarm Iraq. That is why the government of Israel, like Her Majesty's Government in the United Kingdom, strongly supports this goal. It is clear that steadfast, concentrated action by the international community is needed to reduce the danger to the United States and our key allies.

Will Non-military Action by the International Community Achieve Our Objectives?

Between 1991 and 1997, UNSCOM was able to demilitarize a large number of Iraqi weapons of mass destruction and missiles. It is clear that UNSCOM was able to delay the expected 1993 date when Iraq was expected to possess a nuclear arsenal. UNSCOM's two chiefs, Ambassador David Kay and Ambassador Richard Butler, emphasize that while inspections yielded results, they had to be supported by strong international action to bolster the authority of the UN. This support waned in 1997 and allowed Iraq to force the withdrawal of UNSCOM in 1998.

There have been no inspections in Iraq for four years and less is known now about the progress Iraq has made on its weapons of mass destruction program. More is known about the resources Iraq spends on this program with indications that Iraq has substantially increased spending on special military projects over the years since UN inspectors were forced to leave. A steady stream of defectors and reports from other UN members indicate that Iraq is accelerating its work on nuclear, biological and missile programs.

Ambassador Kay testified before the House Armed Services Committee that further inspections would not be effective unless the UN was given a carte blanche to visit any site with no notice, retaining the right to produce any witness at any time. He advised the Committee that he believed Saddam Hussein would never agree to such an inspection policy.

He was wrong.

On September 16th, Saddam Hussein advised the Secretary General of the UN that Iraq would permit the redeployment of UN inspectors in Iraq with no restrictions. Many observers are understandably skeptical that Iraq will actually allow UN inspectors to peacefully disarm Iraq of its most deadly and expensive weapons.

Nevertheless, this is an opportunity that we cannot ignore.

The UN should mount an inspection mission to Iraq with the authority to conduct the most aggressive plan possible. It is possible that non-military action by the international community will achieve our objectives in Iraq.

The history of international arms inspection shows some failures. Eighty years ago, the international community imposed an inspection regime on the government of Germany. The League of Nations created an "Inter-Allied Control Commission" for the "complete execution of delivery, destruction, rendering useless of weapons, ammunition and material carried out at the expense of the German government." Inspectors were granted full freedom of movement, all necessary facilities, documents and designs. 337 inspectors were deployed in 11 districts across the country. The Commission reported the following results: Cannons Destroyed, 33,384; Artillery Shells Destroyed, 37,211,551; Machine Guns Destroyed, 87,240; and Poison Gas Cylinders Destroyed, 920 tons.

In sum, they reported that 97% of Germany's artillery and 98% of her men under arms were rendered ineffective.

The Commission's reports on German violations were very controversial. Andre Tardieu, the leading French diplomat for implementing the inspections, wrote to President Wilson on the controversy of inspector reports:

"The pacifist element in each of the nations of the League will be quite naturally inclined to deny reports disturbing to their peace of mind and more or less consciously espouse the cause of the German government which will deny the said reports. We must recall the opposition of these pacifist elements at the time when Germany armed to the teeth and openly made ready the aggression of 1870 and 1914. To sum up:

—Germany will deny.

—Their government will discuss.

—Public opinion will be divided, alarmed, [and] nervous. The League, unarmed, will have brought to pass in the world not general peace but general uncertainty which will give birth to a kind of interior and exterior conflict."

In the end, Germany rearmed under the eyes of over 300 international inspectors. As evidence of violations mounted, the international community lost its nerve to impose the will of the League of Nations. This lesson of history is instructive and we should use it to make sure international inspections in Iraq do not suffer the same fate.

The record of inspections in Iraq is uneven. While the UN Special Commission on Iraq reported an impressive amount of Iraqi weaponry destroyed, its lack of cooperation from the government and failure to achieve a complete accounting show that it was not a complete success.

While some may say that inspections against a government determined to conceal are certain to fail, I disagree. Unlike the inspectors of Germany or even Iraq, a new Security Council resolution could lay out clear rules granting free, unescorted and unannounced access by inspectors to the Iraq programs. In my work on this issue, I joined with Representative ROBERT ANDREWS of New Jersey—a representative of the opposite party—to form an "Iraq Working Group" here in the House. We have convened many meetings with UN Inspectors, Iraqis and Administration officials to learn more about this issue.

Our meetings with UN inspectors have been some of the most fruitful. Dr. David Kay, the United Nations Chief Weapons Inspector, reported that if he was to return to Iraq, he would need a new Security Council Resolution with two major changes to foster success:

1. Complete access to all sites, including "Presidential sites" and Northern Iraq, which were denied to previous UN inspectors, and

2. The power to grant permanent asylum to any scientist and their families who could be taken out of Iraq and debriefed on the weapons of mass destruction program that employed them.

Kay reported that President Bush Sr. and President Clinton had denied him the authority to force access to key sites and failed to grant him the power to bring any Iraqi and their family members out of Iraq. He reported to our working group that with these two changes—granted by a new Security Council resolution—he would be willing to return to Iraq to carry out the will of the United Nations to disarm the government.

I have had several conversations with our National Security Advisor, Dr. Rice, and Members of our United Nations mission in New York who report that without a credible threat of force, Secretary of State Powell has little chance for passing the kind of Security Council resolution that Dr. Kay outlined would be needed to peacefully disarm Iraq.

They report that two key permanent members of the Council, Russia and France, have clear interests in this question. Russia is owned over $8 billion by the government of Iraq. She sees a possible war or interfering with debt repayments and—as a good banker—therefore is inclined against it. If the U.S. leads an international coalition to replace the government of Iraq and Russia opposed this move, then Russia would see its debt repudiated. Russia cannot allow that to happen and therefore would have to back an international effort once it forms. France's position is similar. France's number one goal in the region is access to the Iraqi export market. But if a new government is installed and France opposed this action, France would suffer a loss of a key export market. Therefore, if international pressure is formed, France cannot afford to be left out. Diplomats reported to me that this is similar to the situation facing the Council in September of 1990. Most members did not want to rescue Kuwait and preferred to let Iraq administer this former UN member as a new "19th province of Iraq." Once US action was imminent, the Council and many Arab nations supported the United States because they could not afford to offend the newly rescued Kuwaiti government. In similar fashion, if action is inevitable against Iraq, then the support of such nations will come because they cannot afford to be excluded from a new Iraq.

It is for these reasons, I support the action of this resolution. I am encouraged that the resolution has the support of the Senior Democratic and Republican leaders of this House. It underscores that the consideration of this issue should be without partisan rancor or advantage. We should not consider this measure as partisans but as Americans. This resolution offers the best hope for a UN Security Council resolution to rewrite the rules of inspection to make them effective. Secretary Powell has asked for this resolution to pass the Congress to give him the tools he needs to win UN support. I will vote to support him and this effort.

As a veteran, I see any potential military action first through the eyes of the young men and women who volunteered to wear the uniform and would carry out such a mission. As I have detailed here, I believe this resolution unlocks the door to more effective inspections. We must use the opportunities we have to take non-military action through the UN to determine if unrestricted inspections of Iraq's weapons of mass destruction can take place. If these inspections succeed, we will have accomplished our objectives without loss of life. If they fail, it will rally international support against an isolated Iraq, making any more decisive action quicker and much more likely to succeed.

Mr. PAYNE. Madam Speaker, I yield 5½ minutes to the gentleman from Washington State (Mr. MCDERMOTT), a member of the Committee on Ways and Means, a former Foreign Service employee of the U.S. government, and a person who recently returned from Iraq to ask questions firsthand.

Mr. MCDERMOTT. Madam Speaker, I thank the gentleman from New Jersey (Mr. PAYNE) for yielding me time.

Madam Speaker, the true question before us today is: Why should we go to war with Iraq? This is the last chance we will have before it starts.

The rule has been that the people of this country do not wage war and lay down lives when there might be a threat. The rule has been that the people of this country do not wage war and lay down lives to achieve regime change in another country. With Iraq, we are moving into brand new territory. We are not just demanding disarmament. We are demanding that a ruler be removed.

The President's press secretary publicly suggested assassination. This is new, Madam Speaker. This is new, and we should say no today.

Because, first, their resolution is premature. There has been no showing by the intelligence agencies or the White House of imminent danger to the United States. That Saddam Hussein is a brutal dictator who has committed heinous crimes is undeniable. It is likely that he still seeks weapons of mass destruction. But we have a way to thwart his desire: inspection and disarmament.

For regime change, we stand alone. For inspection and disarmament, we have allies, we have a coalition, we have the U.N.

Last march, the Iraq government began discussions with Dr. Hans Blix and UNMOVIC about resuming inspections so that the oppressive sanctions could be lifted. The Iraqi Parliament then invited Members of Congress to come to Baghdad with their own inspectors.

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I spoke with Foreign Minister Naji Sabri in September in New York for an hour about the absolute necessity for unfettered inspections. I told him if I went to Iraq, I wanted "my inspectors" to be UNMOVIC, the U.N. inspectors.

As I left he said, "I think the Congress will be surprised soon." Three days later, Sabri wrote to Kofi Annan, accepting the inspectors under the existing U.N. resolutions.

Unfortunately, instead of welcoming the shift in Iraq's position, President Bush could not take "yes" for an answer.

Madam Speaker, we must let these inspections take place immediately, with or without a new U.N. resolution. Let Blix do his job. If, God forbid, the Iraqis return to obstruction, we are ready to return to the Security Council for whatever Dr. Blix needs to get the job done. The stakes are high if we make a hasty decision today.

If we focus on disarmament, we may be able to hold onto the coalition we have built to fight terrorism. But if we do not, we force Middle Eastern countries to choose between their Arab neighbors and us.

If we act alone to achieve regime change, the whole Arab world will wonder, who is next? Our President will become the poster boy for al Qaeda recruiters; and Americans will be less, not more, safe at home and abroad.

If we pass this resolution, we are setting precedents that we will regret, that America can start preemptive wars and that Congress can turn over authority to start a war to the President.

Vote "no" to honor the constitutional principle that only Congress can declare war. War cannot be started, or launched without declaration, on the word of a President whose attention span for diplomacy is exhausted and who notifies Congress 48 hours after the missiles have been launched.

The legacies of wars remain with us forever. I learned that not from a textbook, but from people who fought in a confusing and undeclared war. From 1968 to 1970, I served in the United States Navy as a psychiatrist treating sailors and Marines suffering from post-traumatic stress disorder. I saw firsthand the price in grief and anger the troops and their families paid when they were sent into a war whose goals were at best obscure, and at worse deceptive.

Under the terms of this resolution, the United States may attack Iraq solely on the basis of the President's view, and only the President's view, that diplomacy has failed. When Congress was given responsibility for declarations of war, the Founders had just finished a war. They knew the human cost. They decided the responsibility for going to war should not reside in one person, but must be the duty of the whole Congress. We cannot cede this responsibility to any occupant of the White House, no matter how wise or from which party he or she comes.

I have a suggestion. Let us adjourn for an hour right now and go down to the Vietnam Memorial before we commit ourselves and our children to an unknown world in which any President can decide to go to war as long as he or she determines it is in the national interest at the moment. Let us look at the names one more time before we wipe away the efforts of 60 years to weave the world together through the U.N. and international law.

After two World Wars in 25 years, world leaders have remained committed to doing their best to prevent such an event ever given. By and large, they have succeeded. Let us not, in pursuit of oil or power or the blandishments of empire, be the ones who lead the world to failure.

Madam Speaker, I include for the RECORD two articles which expand on my position.

[From the Institute for Public Accuracy]

Detailed Analysis of October 7 Speech by Bush on Iraq

Thank you for that very gracious and warm Cincinnati welcome. I'm honored to be here tonight. I appreciate you all coming.

Tonight I want to take a few minutes to discuss a grave threat to peace and America's determination to lead the world in confronting that threat.

The threat comes from Iraq. It arises directly from the Iraqi regime's own actions, its history of aggression and its drive toward an arsenal of terror.

Chris Toensing, editor of Middle East Report: "This might indicate that Iraq is actively threatening the peace in the region. There is no evidence whatsoever that Iraq is doing so, or has any intention of doing so. Other powers are actively disrupting the peace in the region: Israel is trying to crush Palestinian resistance to occupation with brute force, and the U.S. and Britain have bombed Iraq 46 times in 2002 when their aircraft are 'targeted' by Iraqi air defense systems in the bilaterally enforced no-fly zones. Most of our 'friends' in the region—Turkey, Saudi Arabia, Jordan—have strongly urged us not to go to war, and to tone down the war rhetoric. Aren't they better positioned than we are to judge what threatens their safety?"

Eleven years ago, as a condition for ending the Persian Gulf War, the Iraqi regime was required to destroy its weapons of mass destruction, to cease all development of such weapons and to stop all support for terrorist groups.

Rahul Mahajan, author of The New Crusade: America's War on Terrorism: Resolution 687 also speaks of 'establishing in the Middle East a zone free from weapons of mass destruction'—which also means Israel's 200-plus nuclear weapons as well as Syria's and Egypt's apparent chemical weapons capabilities, and any nuclear capability the U.S. has placed in the region."

The Iraqi regime has violated all of those obligations. It possesses and produces chemical and biological weapons.

As'ad Abukhalil, author of Bin Laden, Islam & America's New 'War on Terrorism' and associate professor of political science at California State University at Stanislaus: "The president fails to credit Reagan's and his father's adminsitrations—prominent members of which included Rumsfeld and Cheney—for their help in the construction of Saddam's arsenal, especially in the area of germ warfare."

Toensing: "After being presented with evidence that Iraq had used chemical weapons to attack the Kurds in 1987–88, the Reagan administration blocked a Senate resolution imposing sanctions on Iraq, and continued to pursue good relations with the regime."

James Jennings, president of Conscience International, a humanitarian aid organization that has worked in Iraq since 1991: "The evidence that Iraq gassed its own people is also not about a current event, but one that happened fourteen years ago. If that did not constitute a good enough reason for going to war with Iraq in 1988 (which the U.S. did not even contemplate at the time), it certainly is not a good enough reason now."

It is seeking nuclear weapons.

Susan Wright, co-author of Biological Warfare and Disarmament: New Problems/New Perspectives: "How does Bush know this? It's as if the inspections have already been conducted and we know the outcome. We're expected to accept the administration's word for this without seeing any evidence. We have no way of judging the accuracy of these claims and the only way to do so is to hold inspections. The only country in the region that is known to possess a nuclear arsenal is Israel." [The Administration says that it does not know if Israel has nuclear weapons: www.commondreams.org/headlines02/0521–06.htm]

Mahajan: "There's no evidence that Iraq has gotten anywhere with seeking nuclear weapons. The pitiful status of evidence in this regards is shown by claims in e.g. Blair's dossier that Iraq is seeking uranium from Africa, year and country unspecified. South Africa is, of course, the only country in the continent that has potentially the capacity for enrichment of uranium to bomb quality, and claims not to have supplied Iraq with uranium. Unenriched uranium does Iraq little good, since enrichment facilities are large, require huge investment, and cannot easily be hidden."

It has given shelter and support to terrorism and practices terror against its own people.

The entire world has witnessed Iraq's 11-year history of defiance, deception, and bad faith.

We also must never forget the most vivid events of recent history. On September 11, 2001, America felt its vulnerability—even to threats that gather on the other side of the earth. We resolved then, and we are resolved today, to confront every threat, from any source, that could bring sudden terror and suffering to America.

Members of the Congress of both political parties, and members of the United Nations Security Council, agree that Saddam Hussein is a threat to peace and must disarm. We agree that the Iraqi dictator must not be permitted to threaten America and the world with horrible poisons, and diseases, and gases, and atomic weapons.

Toensing: "Only two members of the U.N. Security council would appear to agree with the idea that Iraq threatens, or will threaten, 'America and the world' with Weapons of Mass Destruction, making the next sentence disingenuous at best."

Since we all agree on this goal, the issue is: How can we best achieve it?

Many Americans have raised legitimate questions: About the nature of the threat. About the urgency of action—and why be concerned now? About the link between Iraq developing weapons of terror, and the wider war on terror.

These are all issues we have discussed broadly and fully within my administration. And tonight, I want to share those discussions with you.

Toensing: "Bush may have shared the discussion, but he did not share the evidence, saying, like the British dossier and CIA reports, that intelligence has established the threat. But Americans apparently will not be seeing it."

First, some ask why Iraq is different from other countries or regimes that also have terrible weapons. While there are many dangers in the world, the threat from Iraq stands alone—because it gathers the most serious dangers of our age in one place.

Iraq's weapons of mass destruction are controlled by a murderous tyrant, who has already used chemical weapons to kill thousands of people. This same tyrant has tried to dominate the Middle East, has invaded and brutally occupied a small neighbor, has struck other nations without warning, and holds an unrelenting hostility towards the United States.

Stephen Zunes, author of "Tinderbox: U.S., Middle East Policy and the Roots of Terrorism" and associate professor of politics at the University of San Francisco: "The hostility towards the United States is a direct consequence of U.S. hostility toward Iraq. Iraq was quite unhostile to the United States when it was receiving support from the United States during the 1980s. The answer is certainly not to appease Iraq's tyrannical regime, as was done in the past. However, to imply this hostility is unrelated to the U.S. destruction of much of Iraq's civilian infrastructure and other actions during the Gulf War which went far beyond what was necessary to rid Iraqi forces from Kuwait and the U.S.-led sanctions and its impact upon the civilian population is very misleading."

AbuKhalil: "If Bush wants to punish nations that 'tried to dominate the Middle East, has invaded and brutally occupied a small neighbor, has struck other nations without warning' then he would have to punish Israel for an occupation of Palestinian lands that lasted far longer than the now famous (yet brief) Iraqi occupation of Kuwait. Of course, Iraq did attack Iran and Kuwait, and Israel in the span of 30 years has attacked Egypt, Iraq, Tunisia, Lebanon, Syria, Egypt, Jordan, not to mention Palestine, and not to mention a civilian Libyan airliner that was downed by Israeli forces in 1973."

By its past and present actions, buy its technological capabilities, by the merciless nature of its regime, Iraq is unique.

As a former chief weapons inspector for the U.N. has said, "The fundamental problem with Iraq remains the nature of the regime itself: Saddam Hussein is a homicidal dictator who is addicted to weapons of mass destruction."

Some ask how urgent this danger is to America and the world. The danger is already significant, and it only grows worse with time. If we know Saddam Hussein has dangerous weapons today—and we do—does it make any sense for the world to wait to confront him as he grows even stronger and develops even more dangerous weapons?

Zunes: "He was far more dangerous in the 1980s when the U.S., was supporting him. It will take many years, assuming military sanctions continue to effect, before he comes close to the strength he was then. If U.N. inspectors are allowed to return, it would be impossible—even if they don't find 100 percent of everything—to get much stronger than he is today."

In 1995, after several years of deceit by the Iraqi regime, the head of Iraq's military industries defected. It was then that the regime was forced to admit that it had produced more than 30,000 liters of anthrax and other deadly biological agents. The inspectors, however, concluded that Iraq had likely produced two to four times that amount.

Zunes: "If this is really a concern, then why did the United States supply Iraq with the seed stock of anthrax spores back in the 1980s" [William Blum, "Anthrax for Export: U.S. Companies Sold Iraq the Ingredients for a Witch's Brew," The Progressive, April 1998, p. 18]

This is a massive stockpile of biological weapons that has never been accounted for, and is capable of killing millions.

Zunes: "This is like saying that a man is capable of making millions of women pregnant. It's a matter of delivery systems, of which there is no proof that Iraq currently has."

We know that the regime has produced thousands of tons of chemical agents, including mustard gas, sarin nerve gas, and VX nerve gas. Saddam Hussein also has experience in using chemical weapons. He has ordered chemical attacks on Iran, and on more than forty villages in his own country. These actions killed or injured at least 20,000 people, more than six times the number of people who died in the attacks of September 11.

Mahajan: "All of this was done with the full support, approval, and connivance of the U.S. government. U.S.-supplied 'agricultural credits' helped fund the sustained counterinsurgency campaign in northern Iraq; the United States supplied military intelligence to Iraq for use against Iran even when it knew Iraq was using chemical weapons in the war; and the United States ran diplomat interference for Iraq at the U.N."

Toensing: "The U.S. restored diplomatic relations with Iraq in 1984, while it was in the midst of fighting the first of these wars of aggression, because the U.S. wanted to contain the Islamic Revolution in Iran. The U.S. and Britain tilted toward Iraq throughout the war, and U.S. allies in the region, chief among them Saudi Arabia, bankrolled the Iraqi war effort. The U.S. was still trying to become closer to Iraq when it invaded Kuwait."

Zunes: "He attacked Iranian troops because he knew Iran had no allies that would defend it. And we now know that officials from the U.S. Defense Intelligence Agency assisted Iraq in targeting Iranian forces in the full knowledge that they were using chemical weapons. Saddam used chemical weapons against Kurdish civilians because he knew they couldn't fight back. And the U.S. helped cover up the Halabja massacre and other assaults by falsely claiming the Iranians were responsible. In other words, Saddam is a coward. He will use WMDs when he knows he won't have to suffer the consequences, especially when the world's most powerful country is supporting him."

And surveillance photos reveal that the regime is rebuilding facilities that it has used to produce chemical and biological weapons.

Toensing: "That it 'has used.' The last time Bush made a big deal of this, he claimed that Iraq was again using the facilities in this way, an assertion which the IAEA promptly rebutted as unverifiable. It still is unverifiable."

Every chemical and biological weapon that Iraq has or makes is a direct violation of the truce that ended the Persian Gulf War in 1991.

Mahajan: "There are no credible allegations that Iraq produced chemical or biological agents while inspectors were in the country, until December 1998. The reason we don't know whether they are producing those agents or not since then is that inspectors were withdrawn at the U.S. behest preparatory to the Desert Fox bombing campaign."

Yet Saddam Hussein has chosen to build and keep these weapons, despite international sanctions, U.N. demands, and isolation from the civilized world.

[The U.S. has maintained for years that it would continue the sanctions regardless of Iraq's behavior regarding weapons, see "Autopsy of a Disaster: The U.S. Sanctions Policy on Iraq—Myth: The Sanctions Will be Lifted When Iraq Complies with the U.N. Inspections": *www.accuracy.org/iraq*]

Zunes: "Again, the U.S. has yet to produce evidence that Iraq is building such weapons. Also, U.N. Security Council Resolution 687 calls for Iraqi disarmament as part of a region-wide disarmament effort which the United States has refused to enforce or even support."

Iraq possesses ballistic missiles with a likely range of hundreds of miles—far enough to strike Saudi Arabia, Israel, Turkey, and other nations—in a region where more than 135,000 American civilians and service members live and work.

Toensing: "That is a neat rhetorical trick. Bush knows that Turkey and Saudi Arabia themselves do not feel under threat from Iraq's WMD, so he doesn't claim that. Rather, it's the threat to U.S. servicemen and oil company employees based in those countries which should concern us. The questions left unasked are why Iraq would attack Americans, knowing the massive response that would incur, and of course why so many American troops 'live and work' in Turkey and Saudi Arabia. They're partly there in forward deployment against Iraq."

Zunes: "According to UNSCOM, 817 of Iraq's 819 Soviet-built ballistic missiles have been accounted for and destroyed. They may possess up to a couple of dozen home-made versions, but none of these have been tested and it is questionable whether they have any function launchers."

We've also discovered through intelligence that Iraq has a growing fleet of manned and unmanned aerial vehicles that could be used to disperse chemical and biological weapons across broad areas. We are concerned that Iraq is exploring ways of using UAVs for missions targeting the United States.

Toensing: "Other intelligence experts have disputed that UAVs are a threat, because the agents they released might disperse to basically harmless levels by the time they reached the ground if the UAV was trying to cover such a broad area."

Mahajan: "The claim that these UAVs have ranges that would enable attacking the United States, and that they could reach it undetected, is a startling new one, and entirely untenable. No one has ever produced evidence of Iraqi capability or intent to target the United States directly."

And, of course, sophisticated delivery systems are not required for a chemical or biological attack—all that might be required are a small container and one terrorist or Iraqi intelligence operative to delivery it.

Mahajan: "Bioterrorist attacks and delivery of biological agents aren't that easy—the very limited effects of the anthrax attacks showed that. In fact, the loss of life in the anthrax attacks occurred mostly among the postal workers who were not issued antibiotics, and not among the congressional staff who were. As for chemical attacks with 'a small container and one terrorist,' they would be severely limited in effect."

And that is the source of our urgent concern about Saddam Hussein's link to international terrorist groups.

Over the years, Iraq has provided safe haven to terrorists such as Abu Nidal, whose terror organization carried out more than ninety terrorist attacks in twenty countries that killed or injured nearly 900 people, including 12 Americans.

Michael Ratner is president of the Center for Constitutional Rights: "Although U.S. intelligence agencies have not found a relationship between Saddam Hussein and al Qaeda, Bush mentions one, but no evidence is shown. Likewise he tries to frighten Americans by talking about the crimes of Abu Nidal, but Abu Nidal is dead. Again it is an attempt to create fear by association with something from the past, not evidence of a current threat."

Iraq has also provided safe haven to Abu Abbas, who was responsible for seizing the Achille Lauro and killing an American passenger. And we know that Iraq is continuing to finance terror, and gives assistance to groups that use terrorism to undermine Middle East peace.

Toensing: "Yes, but neither of these groups is ideologically anti-American. Their attacks are aimed at Israel and Israeli interests, including the killing of Leon Klinghoffer and other Americans. This is a crucial piece of context."

We know that Iraq and the al Qaeda terrorist network share a common enemy—the United States of America. We know that Iraq and al Qaeda have had high-level contacts that go back a decade. Some al Qaeda leaders who fled Afghanistan went to Iraq.

These include one very senior al Qaeda leader who received medical treatment in Baghdad this year, and who has been associated with planning for chemical and biological attacks. We have learned that Iraq has trained al Qaeda members in bomb making, poisons, and deadly gases.

Jennings: "The claim that al-Qaeda is in Iraq is disingenuous, if not an outright lie. Yes, the U.S. has known for some time that up to 400 al-Qaeda-type Muslim extremists, the Ansar al-Ialam, formerly 'Jund al-Islam,' a splinter of the Iranian-backed Islamic Unity Movement of Kurdistan, were operating inside the Kurdish security zone set up under U.S. protection in the North of Iraq. For some reason this was kept quiet and has not been much reported in the mainstream media. Finally last Spring the Kurds themselves attacked and killed most of the terrorists in their territory, sending the rest fleeing for their lives across the border into Iran. Since this area was under U.S. protection, and not under Saddam Hussein's rule, it's pretty hard to claim that al-Qaeda operates in Iraq."

Mahajan: "Al-Qaeda has carried out no chemical or biological attacks. The anthrax attacks in the fall of 2001 were almost certainly from a U.S. government employee. It's hard to know what, if anything, to make of claims that one "senior al Qaeda leader" got medical treatment in Baghdad. Giving medical treatment, even to criminals, is not illegal, and with so little evidence given to us, there's no reason to suppose this isn't another story like the one about a meeting between Mohammed Atta and Iraqi intelligence in Prague (now discredited)."

And we know that after September 11, Saddam Hussein's regime gleefully celebrated the terrorist attacks on America. Iraq could decide on any given day to provide a biological or chemical weapon to a terrorist group or individual terrorists. Alliances with terrorists could allow the Iraqi regime to attack America without leaving any fingerprints.

Mahajan: "Biological or chemical weapons would undoubtedly leave fingerprints, just as the anthrax attacks in the fall did. Even if Iraq couldn't be conclusively shown to be the source of such materials, the U.S. government would assume Iraq was the source. Iraq has been under the gun ever since the Gulf War, and can't possibly assume that it could get away with such an attack. Moreover, Saddam has traditionally seen WMD as his ace in the hole, protecting him from defeat. Paranoid dictators do not give control of something they see as the foundation of their security into the hands of networks, like al-Qaeda, which they can't control."

Some have argued that confronting the threat from Iraq could detract from the war against terror. To the contrary, confronting the threat posed by Iraq is crucial to winning the war on terror.

When I spoke to the Congress more than a year ago, I said that those who harbor terrorists are as guilty as the terrorists themselves. Saddam Hussein is harboring terrorists and the instruments of terror, the instruments of mass death and destruction. And he cannot be trusted. The risk is simply too great that he will use them, or provide them to a terror network.

Terror cells, and outlaw regimes building weapons of mass destruction, are different faces of the same evil. Our security requires that we confront both. And the United States military is capable of confronting both.

Many people have asked how close Saddam Hussein is to developing a nuclear weapon. We don't know exactly, and that is the problem. Before the Gulf War, the best intelligence indicated that Iraq was eight to 10 years away from developing a nuclear weapon; after the war, international inspectors learned that the regime had been much closer. The regime in Iraq would likely have possessed a nuclear weapon no later than 1993.

The inspectors discovered that Iraq had an advanced nuclear weapons development program, had a design for a workable nuclear weapon, and was pursuing several different methods of enriching uranium for a bomb.

Toensing: "Yes, inspectors learned all of this—the inspections worked."

Before being barred from Iraq in 1998, the International Atomic Energy Agency dismantled extensive nuclear weapons-related facilities, including three uranium-enrichment sites.

Robert Jensen, author of "Writing Dissent" and an associate professor at the University of Texas at Austin: "Bush at least acknowledged that we know little about Saddam's nuclear capability, but he lied about why. Bush claimed that Iraq barred the inspectors of the International Atomic Energy Agency in 1998. In fact, the inspectors, along with those from the U.N. Special Commission, were withdrawn by their agencies—not expelled by Iraq—in December 1998 when it became clear the Clinton administration was going to bomb Iraq (as it did) and the safety of the inspectors couldn't be guaranteed. The inspectors also spied for the United States, in violation of their mandate."

This same year, information from a high-ranking Iraqi nuclear engineer who had defected, revealed that despite his public promises, Saddam Hussein had ordered his nuclear program to continue. The evidence indicates that Iraq is reconstituting its nuclear weapons program.

Saddam Hussein has held numerous meetings with Iraqi nuclear scientists, a group he calls his "nuclear mujahedeen"—his nuclear holy warriors.

Satellite photographs reveal that Iraq is rebuilding facilities at sites that have been part of its nuclear program in the past.

Toensing: "As Lincoln Chafee said on NPR, if these satellite photos exist, then surely the public has a right to see them. Surely mere photos would not compromise sources and methods." [In 1990, after Iraq invaded Kuwait, the U.S. government claimed that Iraqi troops were threatening Saudi Arabia; this turned out to be false.]

Iraq has attempted to purchase high-strength aluminum tubes and other equipment needed for gas centrifuges, which are used to enrich uranium for nuclear weapons.

Mahajan: "The aluminum tubes can also be used in conventional artillery, which Iraq is allowed to have. In the past, when Iraq tried to build such centrifuges, they used steel tubes. This is an incredibly weak indicator."

If the Iraqi regime is able to produce, buy, or steal an amount of highly-enriched uranium a little larger than a single softball, it could have a nuclear weapon in less than a year.

Toensing: "Both the CIA report and the British dossier say that this is very unlikely as long as Iraqi remains under sanctions."

Mahajan: "This means only that it has the technological know-how to create the high-explosive 'lenses' necessary to set off the appropriate nuclear chain reaction. As long as it retains its scientists, this will remain the case."

And if we allow that to happen, a terrible line would be crossed. Saddam Hussein would be in a position to blackmail anyone who opposes his aggression. He would be in a position to dominate the Middle East. He would be in a position to threaten America. And Saddam Hussein would be in a position to pass nuclear technology to terrorists.

Mahajan: "Again, such an act is not at all consonant with the history or the mindset of Saddam Hussein. One organization hosted by the Iraqi government, which is classified as terrorist by the State Department, is the Iranian Mujahedin-I-Khalq, whose activities are directed against the current government of Iran. They have never had access to any nonconventional resources from the Government of Iraq. Saddam Hussein sees the radical Islamist terrorist networks like al-Qaeda as a huge potential threat to his own rule, something that concerns him far more than any unrealistic ideas of revenge against the United States. Anything that could allow al-Qaeda (which, in its turn, is likely more concerned with replacing regimes in the Middle East with new radical Islamist regimes) to blackmail him would be the last thing he would give them."

Some citizens wonder: After 11 years of living with this problem, why do we need to confront it now?

There is a reason. We have experienced the horror of September 11. We have seen that those who hate America are willing to crash airplanes into buildings full of innocent people. Our enemies would be no less willing—in fact they would be eager—to use a biological, or chemical, or a nuclear weapon.

Mahajan: "Invoking September 11 without showing any kind of link between the government of Iraq and those attacks is just transparent manipulation. What he really means is that after September 11 he thinks he can get away with such a policy."

Knowing these realities, America must not ignore the threat gathering against us. Facing clear evidence of peril, we cannot wait for the final proof—the smoking gun—that could come in the form of a mushroom cloud.

As President Kennedy said in October of 1962: "Neither the United States of America nor the world community of nations can tolerate deliberate deception and offensive threats on the part of any nation, large or small. We no longer live in a world," he said, "where only the actual firing of weapons represents a sufficient challenge to a nation's security to constitute maximum peril."

Jacqueline Cabasso, Executive Director of the Western States Legal Foundation: "The hypocrisy in this speech—and in the Bush Administration's overall national security strategy—is monumental. If having weapons of mass destruction and a history of using them is a criteria, then surely the United States must pose the greatest threat to humanity that has ever existed. While Bush warns that 'we cannot wait for the final proof. . . . the smoking gun that could come in the form of a mushroom cloud,' his September 2002 National Security Strategy states that 'America will act against. . . emerging threats before they are fully formed. . . . by acting preemptively.' And his top-secret Nuclear Posture Review, leaked to the New York Times earlier this year, reveals that 'U.S. nuclear forces will continue to provide assurance. . . in the event of surprising military developments. . . Current examples of immediate contingencies include an Iraqi attack on Israel or its neighbors. . . .' It doesn't take a lot of imagination to predict that if Iraq is attacked by the U.S. it might launch whatever it has at Israel-itself a nuclear power. Further, while the U.S. is massively expanding its biological weapons research capabilities for example by upgrading its bioresearch facilities at the Livermore and Los Alamos Nuclear weapons labs to aerosolize live anthrax and genetically modify bioorganisms it is blocking a protocol to the Biological Weapons Convention that would allow international inspectors into U.S. facilities. The Bush Administration's unilateral headlong rush to war threatens to unleash unprecedented regional instability and potentially catastrophic loss of life. It's hard to image a more self-destructive course of action."

Understanding the threats of our time, knowing the designs and deceptions of the Iraqi regime, we have every reason to assume the worst, and we have an urgent duty to prevent the worst from occurring.

Some believe we can address this danger by simply resuming the old approach to inspections, and applying diplomatic and economic pressure. Yet this is precisely what the world has tried to do since 1991.

The U.N. inspections program was met with systematic deception. The Iraqi regime bugged hotel rooms and offices of inspectors to find where they were going next. They forged documents, destroyed evidence, and developed mobile weapons facilities to keep a step ahead of inspectors.

Eight so-called presidential palaces were declared off-limits to unfettered inspections. These sites actually encompass 12 square miles, with hundreds of structures, both above and below the ground, where sensitive materials could be hidden.

[In fact, there were inspections of these "presidential palaces."]

Zunes: "These are not off-limits. They are open to unfettered inspections as long as an Iraqi official is accompanying the inspectors. Such a proviso is quite legal under U.N. Security Council resolutions authorizing the creation of UNMOVIC, resolutions that were supported by the United States."

The world has also tried economic sanctions and watched Iraq use billions of dollars in illegal oil revenues to fund more weapons purchases, rather than providing for the needs of the Iraqi people.

Toensing: 'Yes, and all the while, the U.S. and Britain were undermining the logic of sanctions and inspections by speaking of regime change, giving the regime no incentive to cooperate."

Mahajan: "The government-instituted food ration program in Iraq has been widely praised, characterized as 'second to none' by Tun Myat, current U.N. Humanitarian Coordinator in Iraq. Money that comes in under the Oil for Food program cannot, despite constant allegations, be used for weapons purchases—all proceeds from such sales are deposited to an escrow account in New York which is controlled by the U.N. Sanctions Committee. The government of Iraq cannot touch any of this money."

The world has tried limited military strikes to destroy Iraq's weapons of mass destruction capabilities only to see them openly rebuilt, while the regime again denies they even exist.

Mahajan: "For 'world' here, read 'United States and its lieutenant, the United Kingdom.' Those military strikes were a blatant violation of international law, done without Security Council authorization.".

The world has tried no-fly zones to keep Saddam from terrorizing his own people . . . and in the last year alone, the Iraqi military has fired upon American and British pilots more than 750 times.

Toensing: "Another remarkable rhetorical trick. The no-fly zones did not protect the Kurds from Iraqi incursions in 1995–96, nor have they protected the Shia or the marsh Arabs from ground-based repression throughout the decade. But rather than mention these somewhat significant failures, Bush concentrates on Iraqi air defenses, which have yet to come close to actually hitting a U.S. or U.K. jet. As with the Saudi-Turkish point above, it appears that U.S.-U.K. attempts to protect the peoples of the region are to be counted as failures because the U.S. and U.K. are in danger."

Francis Boyle, professor of international law at the University of Illinois College of Law and author of The Criminality of Nuclear Deterrence: "It is the U.S. government that is violating the United Nations Charter . . . by using military force to allegedly 'police' these illegal 'no-fly' zones that have never been authorized by the U.N. Security Council or by the U.S. Congress, in violation of the 1973 War Powers Resolution as well. Iraq is simply exercising its legitimate right of self-defense under U.N. Charter article 51. The Bush administration has deliberately put U.S. pilots in harm's way in order to concoct a pretext for a catastrophic war of aggression against Iraq. The best way for the American people to protect the lives of our military personnel in the Persian Gulf is to bring them all home."

Mahajan: "Again, the no-fly zones don't involve the 'world,' but are a naked projection of American and British power (France, the third partner in the no-fly zones, withdrew in 1996), unsanctioned by the Security Council."

After 11 years during which we have tried containment, sanctions, inspections, even selected military action, the end result is that Saddam Hussein still has chemical and biological weapons, and is increasing his capabilities to make more. And he is moving ever closer to developing a nuclear weapon.

Clearly, to actually work, any new inspections, sanctions, or enforcement mechanisms will have to be very different. America wants the U.N. to be an effective organization that helps to keep the peace. That is why we are urging the Security Council to adopt a new resolution setting our tough, immediate requirements.

AbuKhalil: "Bush also fails to mention American violations of the sanctions regime, by using the inspectors to spy on Iraq, and to obtain information unrelated to the U.N. mandate."

Among those requirements, the Iraqi regime must reveal and destroy, under U.N. supervision, all existing weapons of mass destruction. To ensure that we learn the truth, the regime must allow witnesses to its illegal activities to be interviewed outside of the country.

And these witnesses must be free to bring their families with them, so they are all beyond the reach of Saddam Hussein's terror and murder.

And inspectors must have access to any site, at any time, without pre-clearance, without delay, without exceptions.

Susan Wright: "[The evidence] suggests that the United States and the United Kingdom intend to set such tough conditions for the further arms inspections in Iraq that they would create a double bind. If Iraq rejects the conditions, then war with the United States will follow. If Iraq attempts to comply and an ambiguity triggers action by the security forces of one of the permanent members of the Security Council, which according to this draft, might accompany an inspection team, war could follow anyway. Other members of the Security Council should reject such traps. It is also essential to avoid a situation in which the inspection force is effectively hijacked by the United States and used for espionage, as was the case with the U.N. Special Commission in the 1990s."

The time for denying, deceiving, and delaying has come to an end. Saddam Hussein must disarm himself—or, for the sake of peace, we will lead a coalition to disarm him.

Many nations are joining us in insisting that Saddam Hussein's regime be held accountable. They are committed to defending the international security that protects the lives of both our citizens and theirs.

AbuKhalil: "When Bush speaks about 'many nations' supporting the U.S., he certainly means Israel and U.K., although public opinion in U.K. is running solidly against Bush's war."

And that is why America is challenging all nations to take the resolutions of the U.N. Security Council seriously.

Zunes: "There are well over 90 U.N. Security Council resolutions that are currently being violated by countries other than Iraq. The vast majority of these resolutions are being violated by allies of the United States that receive U.S. military, economic and diplomatic support. Indeed, the U.S. has effectively blocked the U.N. Security Council from enforcing these resolutions against its allies."

Those resolutions are very clear. In addition to declaring and destroying all of its weapons of mass destruction, Iraq must end its support for terrorism. It must cease the persecution of its civilian population. It must stop all illicit trade outside the oil-for-food program. And it must release or account for all Gulf War personnel, including an American pilot, whose fate is still unknown.

Zunes: "Most of these do not fall under Chapter VII, which allows for the UNSC to authorize the use of force."

AbuKhalil: "And Bush's sudden concern for U.N. resolutions should not lead one to believe that he will next move to implement all U.N. resolutions—including those against U.S. allies".

By taking these steps, and only by taking these steps, the Iraqi regime has an opportunity to avoid conflict. These steps would also change the nature of the Iraqi regime itself.

America hopes the regime will make that choice.

Unfortunately, at least so far, we have little reason to expect it. This is why two administrations—mine and President Clinton's—have stated that regime change in Iraq is the only certain means of removing a great danger to our nation.

I hope this will not require military action, but it may. And military conflict could be difficult. An Iraqi regime faced with its own demise may attempt cruel and desperate measures. If Saddam Hussein orders such measures, his generals would be well advised to refuse those orders. If they do not refuse, they must understand that all war criminals will be pursued and punished.

If we have to act, we will take every precaution that is possible. We will plan carefully, we will act with the full power of the United States military, we will act with allies at our side, and we will prevail.

There is no easy or risk-free course of action. Some have argued we should wait—and that is an option. In my view, it is the riskiest of all options—because the longer we wait, the stronger and bolder Saddam Hussein will become. We could wait and hope that Saddam does not give weapons to terrorists, or develop a nuclear weapons to blackmail the world. But I am convinced that is a hope against all evidence.

As Americans, we want peace—we work and sacrifice for peace—and there can be no peace if our security depends on the will and whims of a ruthless and aggressive dictator. I am not willing to stake one American life on trusting Saddam Hussein.

Mahajan: "Throughout all of this, there has never been any credible evidence introduced to indicate that Hussein has any policy of trying to target Americans. His depredations have almost always been distinguished by actions against people that the Western powers don't care about."

Failure to act would embolden other tyrants; allow terrorists access to new weapons and new resources; and make blackmail a permanent feature of world events.

The United Nations would betray the purpose of its founding, and prove irrelevant to the problems of our time. And through its inaction, the United States would resign itself to a future of fear.

That is not the America I know. That is not the America I serve. We refuse to live in fear. This nation—in world war and in Cold War—has never permitted the brutal and lawless to set history's course.

Zunes: "Then why did the United States support Indonesian dictator Suharto for over three decades, as he oversaw the massacre of over a half million of his own people, invaded the tiny nation or East Timor, resulting in the deaths of an additional 200,000? How about brutal and lawless governments in Turkey, Morocco and Israel that have invaded neighboring countries at the cost of thousands of civilian lives? How about Pinochet and other Latin American tyrants supported by the U.S.?"

Now, as before, we will secure our nation, protect our freedom, and help others to find freedom of their own. Some worry that a change of leadership in Iraq could create instability and make the situation worse. The situation could hardly get worse, for world security, and for the people of Iraq.

The lives of Iraqi citizens would improve dramatically if Saddam Hussein were no longer in power, just as the lives of Afghanistan's citizens improved after the Taliban.

Toensing: "Given what is known about the return of warlordism and chaos to Afghanistan—not to mention the fiction that Afghan women have all thrown away their burqas—this is a debatable proposition, and indicative of the administration's lack of interest in rebuilding Afghanistan. Why would Iraq be any different?"

Mahajan: "On every test of justice and of pragmatism, the war on Afghanistan fails. Worse, every one of these aspects, from an increased threat of terrorism to large numbers of civilian deaths to installation of a U.S.-controlled puppet regime is due to play out again in the war on Iraq. In fact, though it has been little noted, the sanctions regime has made Iraqis dependent on centralized, government-distributed food to survive and relief agencies have already expressed their concerns about the potential for a humanitarian crisis once war starts."

The dictator of Iraq is a student of Stalin, using murder as a tool of terror and control within his own cabinet, and within his own army, and even within his own family.

On Saddam Hussein's orders, opponents have been decapitated, wives and mothers of political opponents have been systematically raped as a method of intimidation, and political prisoners have been forced to watch their own children being tortured.

Jensen: "All of that and more was going on while Iraq was a 'valued ally' of the United States—hence the hypocrisy of the next few sentences."

America believes that all people are entitled to hope and human rights—to the non-negotiable demands of human dignity.

People everywhere prefer freedom to slavery; prosperity to squalor; self-government to the rule of terror and torture.

America is a friend to the people of Iraq.

Anthony Arnove, editor of the book Iraq Under Siege: "But the people of Iraq have good reason to feel otherwise. As Nichols Kristof of the New York Times noted in his October 4 report from Baghdad, 'while ordinary Iraqis were very friendly toward me, they were enraged at the U.S. after 11 years of economic sanctions. . . . Worse, U.S. bombing of water treatment plants, difficulties importing purification chemicals like chlorine (which can be used for weapons), and shortages of medicines led to a more than doubling of infant mortality, according to the U.N. Food and Agriculture Organization.' Another war on Iraq—this time, a 'preemptive' attack aimed at 'regime change'—will lead to more civilian casualties and damage to Iraq's infrastructure. And Iraqis are right to worry that the regime Washington installs, in violation of their right to self-determination, will be one that serves U.S. interests, not their own. We should recall the impact of the last war. In the words of Gulf War veteran Anthony Swofford, a former Marine corporal, writing in the New York Times, October 2, 'From the ground, I witnessed the savage results of American air superiority: tanks and troop carriers turned upside down and ripped inside out; rotten, burned, half-buried bodies littering the desert like the detritus of years—not weeks—of combat.' We should be skeptical of Bush's stated concern for the Iraqi people. His real interests in this war are not the Iraq people, or defending Americans from attack, but expanding U.S. hegemony in the Middle East."

Our demands are directed only at the regime that enslaves them and threatens us. When these demands are met, the first and greatest benefit will come to Iraqi men, women, and children. The oppression of Kurds, Assyrians, Turkomans, Shi'a, Sunnis and others will be lifted. The long captivity of Iraq will end, and an era of new hope will begin.

Jennings: "The president has repeatedly claimed, 'We have no quarrel with the Iraqi people.' In his speech to the nation on Oct. 7, he said, 'America is a friend of the people of Iraq.' Try telling that to a friend of mine in Baghdad who walked out of his house following a U.S. bomb attack to find his neighbor's head rolling down the street; or to a taxi driver I met whose four year old child shook uncontrollably for three days following Clinton's 1998 'Monicagate' bombing diversion. Try telling it to the mother of Omran ibn Jwair, whom I met in the village of Toq al-Ghazzalat after a U.S. missile killed her 13 year old son while he was tending sheep in the field. Try telling it to the hundreds of mothers I have seen crying over their dying babies in Iraqi hospitals, and to the hundreds of thousands of parents who have actually lost their infant children due to the cruel U.S. blockade, euphemistically called 'sanctions.' Are the Iraqi people supposed to rejoice now that a new war is being forced upon them by their so-called 'friends'? It is understandable that people are frightened following the disastrous attacks of September 11. But fear is not a good reason to stop thinking. In fact, when we are in danger is when clear thinking is needed most of all."

Iraq is a land rich in culture, resources, and talent. Freed from the weight of oppression, Iraq's people will be able to share in the progress and prosperity of our time. If military action is necessary, the United States and our allies will help the Iraqi people rebuild their economy, and create the institutions of liberty in a unified Iraq at peace with its neighbors.

Later this week the United States Congress will vote on this matter. I have asked Congress to authorize the use of America's military, if it proves necessary, to enforce U.N. Security Council demands.

John Berg, director of graduate studies of the government department at Suffolk University: "Our Constitution makes it clear that Congress, not the President, is to 'declare war'—that is, make the decision that war is necessary in a given situation. For Congress to delegate this determination to the President would be an abdication of its Constitutional responsibility.

Zunes: "According to the articles 41 and 42 of the United Nations charter, this can only be done if the U.N. Security Council finds the violator in material breach of the resolution, determines all non-military means of enforcement have been exhausted, and specifically authorizes the use of force. Otherwise, it will be illegal. Members of Congress would therefore be obliged to vote against it since—according to Article VI of the U.S. Constitution—international treaties such as the U.N. Charter are the supreme law of the land. Furthermore, if the United States can invade Iraq for its violations of U.N. Security Council resolutions, then Britain could invade Morocco, France could invade Turkey, Russia could invade Israel, etc."

Approving this resolution does not mean that military action is imminent or unavoidable. The resolution will tell the United Nations, and all nations, that America speaks with one voice and is determined to make the demands of the civilized world mean something. Congress will also be sending a message to the dictator in Iraq: that his only choice is full compliance—and the time remaining for that choice is limited.

Members of Congress are nearing an historic vote, and I am confident they will fully consider the facts and their duties.

The attacks of September 11 showed our country that vast oceans no longer protect us from danger. Before that tragic date, we had only hints of al Qaeda's plans and designs.

Today in Iraq, we see a threat whose outlines are far more clearly defined—and whose consequences could be far more deadly. Saddam Hussein's actions have put us on notice—and there is no refuge from our responsibilities.

We did not ask for this present challenge, but we accept it. Like other generations of Americans, we will meet the responsibility of defending human liberty against violence and aggression. By our resolve, we will give strength to others. By our courage, we will give hope to others. By our actions, we will secure the peace, and lead the world to a better day.

Phyllis Bennis, author of the just-released book Before and After: U.S. Foreign Policy and the September 11 Crisis and a fellow at the Institute for Policy Studies: "President Bush's speech ignored Congress, and instead was aimed at U.S. public opinion (where his support is dwindling) and international allies in the U.N. (where the U.S. is significantly isolated). It was designed to divert attention from the real reason for this coming war: oil and empire. It is a war designed to rewrite the political map of the Middle East, and is not dependent on the particular threat posed by a particular dictator. The crimes of the Iraqi regime are serious and longstanding—back to the days of massive U.S. economic and military support, and U.S. provision of the biological seed stock for the anthrax and other germs President Bush warned us about. But launching a massive bombing campaign against Baghdad, a city of more than 5 million inhabitants—grandmothers, kindergarten classes, teenagers—will not secure human rights for those living and dying under those bombs."

Thank you, and good night.

[From the Guardian, Oct. 8, 2002]

Inspection as Invasion

(By George Monbiot)

There is little that those of us who oppose the coming war with Iraq can now do to prevent it. George Bush has staked his credibility on the project; he has mid-term elections to consider, oil supplies to secure and a flagging war on terror to revive. Our voices are as little heeded in the White House as the singing of birds.

Our role is now, perhaps, confined to the modest but necessary task of demonstrating the withdrawal of our consent, while seeking to undermine the moral confidence which could turn the attack on Iraq into a war against all those states perceived to offend US strategic interests. No task is more urgent than to expose the two astonishing lies contained in George Bush's radio address on Saturday, namely that "the United States does not desire military conflict, because we know the awful nature of war" and "we hope that Iraq complies with the world's demands". Mr. Bush appears to have done everything in his power to prevent Iraq from complying with the world's demands, while ensuring that military conflict becomes inevitable.

On July 4 this year, Kofi Annan, the secretary-general of the United Nations, began negotiating with Iraq over the return of UN weapons inspectors. Iraq had resisted UN inspection for three and a half years, but now it felt the screw turning, and appeared to be on the point of capitulation. On July 5, the Pentagon leaked its war plan to the New York Times. The US, a Pentagon official revealed, was preparing "a major air campaign and land invasion" to "topple President Saddam Hussein". The talks immediately collapsed.

Ten days ago, they were about to resume. Hans Blix, the head of the UN inspections body, was due to meet Iraqi officials in Vienna, to discuss the practicalities of re-entering the country. The US airforce launched bombing raids on Basra, in southern Iraq, destroying a radar system. As the Russian government pointed out, the attack could scarcely have been better designed to scupper the talks. But this time the Iraqis, mindful of the consequences of excluding the inspectors, kept talking. Last Tuesday, they agreed to let the UN back in. The State Department immediately announced, with more candour than elegance, that it would "go into thwart mode".

It wasn't bluffing. The following day, it leaked the draft resolution on inspections it was placing before the UN Security Council. This resembles nothing so much as a plan for unopposed invasion. The decisions about which sites should be "inspected" would no longer be made by the UN alone, but also by "any permanent member of the security council", such as the United States. The people inspecting these sites could also be chosen by the US, and they would enjoy "unrestricted rights of entry into and out of Iraq" and "the right to free, unrestricted and immediate movement" within Iraq, "including unrestricted access to presidential sites". They would be permitted to establish "regional bases and operating bases throughout Iraq", where they would be "accompanied . . . by sufficient US security forces to protect them". They would have the right to declare exclusion zones, no-fly zones and "ground and air transit corridors". They would be allowed to fly and land as many planes, helicopters and surveillance drones in Iraq as they want, to set up "encrypted communication" networks and to seize "any equipment" they choose to lay hands on.

The resolution, in other words, could not have failed to remind Iraq of the alleged infiltration of the UN team in 1996. Both the Iraqi government and the former inspector Scott Ritter that the weapons inspectors were joined that year by CIA covert operations specialists, who used the UN's special access to collect information and encourage the republican guard to launch a coup. On Thursday, Britain and the United States instructed the weapons inspectors not to enter Iraq until the new resolution has been adopted.

As Milan Rai's new book War Plan Iraq documents, the US has been undermining disarmament for years. The UN's principal means of persuasion was paragraph 22 of the security council's resolution 687, which promised that economic sanctions would be lifted once Iraq ceased to possess weapons of mass destruction. But in April 1994, Warren Christopher, the US secretary of state, unilaterally withdrew this promise, removing Iraq's main incentive to comply. Three years later his successor, Madeleine Albright, insisted that sanctions would not be lifted while Saddam remained in power.

The US government maintains that Saddam Hussein expelled the UN inspectors from Iraq in 1998, but this is not true. On October 30, 1998, the US rejected a new UN proposal by again refusing to lift the oil embargo if Iraq disarmed. On the following day, the Iraqi government announced that it would cease to cooperate with the inspectors. In fact it permitted them to continue working, and over the next six weeks they completed around 300 operations.

On December 14, Richard Butler, the head of the inspection team, published a curiously contradictory report. The body of the report recorded that over the past month "the majority of the inspections of facilities and sites under the ongoing monitoring system were carried out with Iraq's cooperation", but his well-publicised conclusion was that "no progress" had been made. Russia and China accused Butler of bias. On December 15, the U.S. ambassador to the U.N. warned him that his team should leave Iraq for its own safety. Butler pulled out, and on the following day the U.S. started bombing Iraq.

From that point on, Saddam Hussein refused to allow U.N. inspectors to return. At the end of last year, Jose Bustani, the head of the Organisation for the Prohibition of Chemical Weapons, proposed a means of resolving the crisis. His organisation had not been involved in the messy business of 1998, so he offered to send in his own inspectors, and complete the job the U.N. had almost finished. The U.S. responded by demanding Bustani's dismissal. The other member states agreed to depose him only after the United States threatened to destroy the organisation if he stayed. Hans Blix, the head of the new U.N. inspectorate, may also be feeling the heat. On Tuesday he insisted that he would take his orders only from the security council. On Thursday, after an hour-long meeting with U.S. officials, he agreed with the Americans that there should be no inspections until a new resolution had been approved.

For the past eight years the U.S., with Britain's help, appears to have been seeking to prevent a resolution on the crisis in Iraq. It is almost as if Iraq has been kept on ice, as a necessary enemy to be warmed up whenever the occasion demands. Today, as the economy slides and Bin Laden's latest mocking message suggests that the war on terrorism has so far failed, an enemy which can be located and bombed is more necessary than ever. A just war can be pursued only when all peaceful means have been exhausted. In this case, the peaceful means have been averted.

Mrs. WILSON of New Mexico. Madam Speaker, I yield myself 30 seconds.

Madam Speaker, it is difficult not to respond in full to the comments of the previous speaker. Those of us on both sides of the aisle who support this resolution understand the impact of war as well as the gentleman does, and we walk by with sadness not only at the Vietnam Memorial but also at the Holocaust Museum.

There are risks of action, but there are also risks of inaction. We take our responsibility here tonight seriously, and we face this resolution and the situation that we cannot turn away from.

Madam Speaker, I yield 6 minutes to the gentleman from North Carolina (Mr. HAYES), a member of the Committee on Armed Services.

Mr. HAYES. Madam Speaker, I have a rule, too; and that rule is I will not go to an enemy's country and say that that leader is telling the truth and our President is misleading the American people.

As Winston Churchill said, the price of greatness is responsibility. Today we have the responsibility to do what is right and what is just, and what will provide for the security of the American people. We all without exception seek peace, but not at any price. We seek a lasting, long-term peace. That peace is obtainable because our President has forced Saddam Hussein to the negotiating table. And because we will speak with one voice, lasting peace through disarmament is possible, nothing less is acceptable.

I would first like to highlight the strikes that Iraq fires on our pilots. Acts of Iraqi aggression against our American and British air patrols in the no-fly zone occur on a daily basis. U.S. and allied forces have patrolled the no-fly zone since 1991. In the past 2½ years alone, U.S. fighters have been fired upon more than 2,300 times. In fact, just an hour after the letter was delivered to the U.N. stating that Iraq would again consider allowing weapons inspectors to their facilities, an American jet patrolling a no-fly zone was fired on six times.

Following the Gulf War in April 1991, the United Nations as a cease-fire condition ordered Iraq to completely open themselves to arms inspectors to ensure that Saddam Hussein was not developing weapons of mass destruction. The U.N. Security Council enacted Resolution 687 requiring Iraq to declare, destroy or render harmless its weapons of mass destruction in production infrastructure. Eleven years have passed; nothing has changed. Saddam Hussein continues to defy that order, and there is overwhelming evidence indicating that Saddam Hussein is developing mass quantities of chemical, biological, and nuclear weapons.

Saddam is using weapons against other nations and against his own people. With these weapons Saddam Hussein will become the merchant for weapons of mass destruction for terrorists around the globe. Saddam Hussein is also aggressively trying to build nuclear weapons. He has the technology and know-how to build such devices. All he lacks is the fissile material. Once he acquires that material, he will be months or days away from being able to fire nuclear weapons beyond his own border.

Once he has that technology, he can bind U.S. hands through blackmail and intimidation and rule the Gulf region through threat and coercion. Saddam Hussein and his regime pose serious threats to peace and stability in the world. We cannot stand idly by and watch this happen.

Pursuing Iraq is a continuing of the war on terrorism, and our forces are up to the test. We must ask ourselves what is the responsible course of action for our country. Are we obliged to sit by and idly wait for a chemical, biological or nuclear 9–11? Or is it our responsibility to take steps to deal with the threat before we are attacked?

We have an obligation to defend against an attack on our people. We should be clear on the issue before us. It is not enough to get inspectors in. We have done this before, and we know this mad man has biological weapons.

To quote the wise words of my friend and colleague, the gentleman from Illinois (Mr. HYDE), we cannot entrust our fate to others, for others may never come. If we are not prepared to defend ourselves and to defend ourselves alone if need be, if we cannot convince the world that we are unshakeably resolved to do so, then there can be no security for us, no safety to be purchased, no refuge to be found.

Today Republicans and Democrats alike are concluding that this resolution needs to be passed to ensure that Saddam Hussein never has the opportunity to use his weapons of mass destruction against the United States. Iraq needs to not only subject itself to full inspections, but also disarm itself of all existing weapons.

The legislation in front of us gives the President the authority he needs to protect the American people and U.S. interests from Saddam Hussein's weapons of mass destruction while at the same time respecting the prerogatives of Congress. We have the responsibility to act.

I encourage all Members to keep the constituents in mind and support this resolution. The way to peace is through strength. As President Bush said on Monday night, war is neither imminent nor inevitable. Compliance without exception to the resolutions in place and total disarmament equals peace. Anything less is an unacceptable risk to the safety and the lives of all Americans.

Without disarmament, we will lead an international coalition that will disarm Saddam Hussein. Churchill said an appeaser is one who feeds a crocodile hoping it will eat him last. A vote for appeasement, not on my watch.

Mr. BERMAN. Madam Speaker, I yield myself 2 minutes.

Madam Speaker, previous speakers have referenced the fact that supporters of this resolution, supporters of authorizing force as a way of maximizing our chances of putting together meaningful Security Council action and multilateral action for the use of force, if necessary, this is being done on a bipartisan basis.

I simply want to reiterate that because I think our colleagues here and the American people should understand that this is not simply a position that the Bush administration or the Republican Party endorses, that a number of key people in the Clinton administration's national security team agree that an "aye" vote on this resolution is the right vote on this resolution.

Each of the following people have indicated that to me and to other Members of Congress in their visits to the Hill in the last month: our National Security Adviser, Sandy Berger; the Deputy National Security Adviser, James Steinberg; our Ambassador in the Clinton administration to the United Nations and the man rumored as likely to have become Secretary of State if Al Gore had become President, Richard Holbrooke; the architects of the dual-containment policy in the early 1990s who recognized that at this particular time containment of Saddam Hussein is no longer a sensible policy, Martin Indyk, first with the National Security Council and then Assistant Secretary for Near East Affairs; Dennis Ross, Special Envoy to the Middle East; and Ken Pollack in charge of implementing the containment policy in the Clinton administration for the National Security Council; and Under Secretary of Defense for Policy, Walter Slocum. All of these top Clinton administration officials, dealing with critical national security issues, say that for us building the right vote is an "aye" vote.

Mr. PAYNE. Madam Speaker, I yield 5 minutes to the gentlewoman from California (Ms. SANCHEZ), a member of the Committee on Armed Services.

Ms. SANCHEZ. Madam Speaker, I rise today in opposition to the base resolution authorizing the use of military force in Iraq. First and foremost, the administration has failed to demonstrate that we face such an imminent threat to our national security that a unilateral, preemptive strike is critical to our continued well-being.

Yes, we know that Iraq possesses biological and chemical weapons. Yes, we know that Saddam Hussein has used them against the Iranians and the Kurds in northern Iraq. But we also know that Iraq has not demonstrated an intent to use weapons of mass destruction against the U.S., our interests abroad, or any of our allies.

And as a result of expert testimony given before the Committee on Armed Services, we also know Saddam Hussein is a decade away from acquiring nuclear-equipped ICBMs capable of reaching the United States.

In contrast, we have been presented evidence that a war in Iraq would significantly destabilize the Middle East.

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Even worse, it could potentially topple friendly governments in countries such as Pakistan, Kuwait, and Jordan. If President Musharraf were to lose control of Pakistan, nuclear weapons would fall into the hands of a fundamentalist regime.

We have been presented evidence that a war in Iraq would cost the United States between $100 billion and $200 billion at the time when funds are desperately needed elsewhere, especially in our fight against Afghanistan and the war on terrorism. And we do know that deterrence has worked. The fact is that Hussein has failed to use his vast arsenal of biological and chemical weapons thus far because the threat of collective, immediate retaliation from the global community has kept Saddam within his own borders. In a worst-case scenario, the threat of his impending downfall could finally compel him to use these weapons, and our troops would be the ones to suffer the consequences.

Thus far, I have not seen evidence that warrants the loss of American lives in Iraq. Under no circumstance should our servicemen and women be asked to risk their lives unless there is no recourse.

Clearly, the United States and the rest of the international community, for that matter, is accurately aware that Saddam Hussein is a brutal, repressive dictator who has ruthlessly tormented his people for decades, but it is evident that any action we take against the state of Iraq, if it is to be successful, will require the help of our allies. It should require the cooperation of the United Nations and its Security Council. These things should be in place before we tilt against our enemy. Otherwise, we risk becoming what we are fighting so hard against, a nation that creates its own rules and does not care about the international community. By taking unilateral action prior to exhausting all diplomatic efforts, the U.S. would set a dangerous precedent and undermine decades of relative international stability.

According to former President Jimmy Carter, one of the most basic principles for making and keeping peace within and between nations is that in political, military, moral and spiritual confrontations there should be an honest attempt at the reconciliation of differences before resorting to combat.

In light of this, I will support the gentleman from South Carolina's (Mr. SPRATT) amendment. In the event that diplomacy fails, in the event that Saddam Hussein again obstructs access to military facilities, it is imperative that Congress readdress this issue. If Saddam does not let unfettered inspections in, I will join with my colleagues in Congress to authorize the unilateral use of force, but until then we must act within the boundaries of international law if we expect our allies to emulate our actions when resolving a crisis of their own.

Harry S. Truman once said there is a right kind and a wrong kind of victory, just as there are wars for the right things and wars that are misdirected. And based on evidence that I have received, this potential war is misdirected. Our enemy was named on

September 11. It is al Qaeda. Its name is Osama bin Laden.

On March 12, CIA Director Tenet testified before the Senate Armed Services Committee that al Qaeda remains the most immediate and serious threat to our country, despite the progress that we have made in Afghanistan and in disrupting the network elsewhere. We have seen what al Qaeda is capable of, that it is al Qaeda, not Saddam Hussein, that has continually restated its desire to continue a wave of crippling, devastating attacks against us. U.S. and military intelligence resources should be focused on seeking out and disbanding the al Qaeda network. We owe it to the loved ones of those lost on 9/11. We owe it to every American family, for that matter, to finish what we have started.

As the most powerful military force in the world, a successful military strike can be easily carried out. Diplomacy, however, is immensely more difficult but shows more strength.

Mrs. WILSON of New Mexico. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. McKEON), another member of the House Committee on Armed Services as well as one of the leaders on education in this House.

Mr. McKEON. Mr. Speaker, I thank the gentlewoman for yielding me this time. I also thank her for the great leadership she has provided on this issue and many other issues before us in Congress.

Mr. Speaker, I have been here now almost 10 years, and we have heard before from our leadership that this will be the most important vote we take or this will be the most important vote we take, and granted those were important votes but I think they pale in significance to the vote that we will take on this issue. I think that is the reason why our colleagues for the most part have addressed this in a very serious manner, and I want to congratulate my colleagues for the way that this debate has been conducted.

This is something that I think that none of us wants to be discussing. We would much rather live in a world of peace, and none of us would have liked to have happen what happened September 11 or in other places around the world, but we do not have those wishes. We have to deal with reality.

During August and during my other trips home since then, I do not think I talked to a single person that did not ask, are we going into Iraq and what is happening? As we discussed issue, some of them expressed to me strong reservations against going into Iraq. Some expressed strong support for going into Iraq or whatever we needed to do to defeat terrorism.

Today, we face a dilemma much like the dilemma that challenged Neville Chamberlain in the 1930s. He was confronted with the prospect of waging war against a madman or brokering peace based on thin promises. Chamberlain signed a treaty with Hitler hoping against reason that it would mean peace. Hitler mocked Chamberlain and he mocked the world when he ignored the treaty and broke his promises. Inaction in trying to appease Hitler resulted in ruin. By the war's end, Hitler's death toll had reached over 30 million people.

If we do not learn from history's mistakes, we are doomed to repeat them. Saddam Hussein is one of today's madmen and, like Hitler, he makes promises that last just long enough to quiet international fears. When the eyes of the world are not carefully trained on him, he returns to his evil ways.

The publicly available evidence against Saddam Hussein is compelling:

His aggressive invasion of Kuwait and brutal impression of the Kuwaiti people in 1990.

His record in complying with UN inspections. In total, Saddam Hussein currently stands in violation of 16 United Nations resolutions.

His repeated attempts to gain access to nuclear weapons.

His public praise of the attacks of September 11. While ideologically al Qaeda and Saddam are opposites, their common goal is the destruction of America. These two evils united pose a great threat to our security.

Because of the real threat that Saddam poses, President Bush has petitioned Congress to adopt the resolution before us. And as has been pointed out, leaders on both sides of the aisle, on both sides of this Chamber have worked with the President in drafting this resolution.

Today the debate is not really whether Saddam wants to gain nuclear weapons and use them on the U.S. and our allies. This is a frightening and well-documented truth. The true debate is whether or not America should seek permission from the UN before ridding the world of a regional and international danger.

While the resolution supports the President's efforts to work with the United Nations, it does not require that the U.S. receive U.N. approval before taking military action against Saddam Hussein. President Bush is committed to confronting the Iraqi regime with or without the support of the international community. He is committed and this Congress should be committed because, post-September 11, we know the harm that can be caused by combining Saddam's arsenal with al Qaeda's will. Evidence of al Qaeda forces in Iraq is growing by the day, which means that the time to act is now.

Throughout our Nation's history, we have always led the cause of freedom, but even with freedom and security so clearly in danger we have treaded lightly when considering whether to wage war. We have treaded lightly because we value human life. Now we must move boldly because Saddam Hussein does not.

I urge support of the resolution.

Mr. BERMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. ROSS).

Mr. ROSS. Mr. Speaker, last night, our President explained very clearly that Saddam Hussein is a malicious tyrant with weapons of mass destruction and the ability to use them. He has ignored U.N. resolutions more than a dozen times. He has supported terrorism. He cannot be trusted, and he can no longer be tolerated.

I have met with President Bush twice in the past 2 weeks to discuss Iraq and the threat that Saddam Hussein poses to America. President Bush provided me the evidence I need to support this resolution. Saddam Hussein is training terrorists to make and use weapons of mass destruction. He has these weapons, and I believe he will use them against our country and our people.

I have a brother-in-law in the United States Air Force and a first cousin in the United States Army. I do not want war. None of us want war. We all want peace. We all want to know America like we did before September 11, 2001. I do not want war, but what I do want is to prevent another attack on our people.

September 11, 2001, taught us a painful but unforgettable lesson about the evil that our enemies are capable of displaying and, yes, carrying out against our country and its people.

Our world has changed, our enemy has changed, and our approach must also change. This is a decision I never thought I would have to make. It is a difficult decision that has weighed heavily on me. But for the sake of my family, my neighbors, my constituents, and our country, I know it is the right decision, and that is why I will reach across party lines and stand by our President.

This resolution authorizes our President to use military action against Iraq as a last resort. He has said that he will continue to work with the U.N. and that he will seek to form a coalition of allies to disarm Iraq, if necessary.

Our responsibility is clear. We must rise to meet this challenge and pass this resolution so our men and women in the military, our allies across the globe, members of the United Nations, and, yes, even Saddam Hussein himself will know that we are united in our mission to make America safe again.

Our world has changed, our enemy has changed, and our approach must also change.

Mrs. WILSON of New Mexioo. Mr. Speaker, I yield 4 minutes to the gentleman from South Carolina (Mr. GRAHAM).

Mr. GRAHAM. Mr. Speaker, this will probably be the last time I speak on the floor of the House. It just suddenly dawned upon me. I do not know what the future holds for me, but I am not really worried about me tonight.

We have dealt with weighty issues during my 8 years here but none more important than this. I rise in support of the resolution, and I appreciate all of our Democratic colleagues who made it happen. I know the pressures on some of our friends on the other side are probably a lot more immense than they have been on me, and I applaud their courage.

□ 2215

I applaud your courage. For those who vote "no," I respect you and I understand you are voting your conscience, and that is the way it should be. The resolution, I do believe, is balanced, is firm, and is focused on defending the United States, in my opinion.

People in America need to know the following: this passage is a certainty. Debating is almost over. Action will soon follow.

Please make no mistake about what faces our Nation. The U.N. will act; Saddam Hussein will not comply; the United States and its allies, sooner rather than later, will use force to bring about regime change; U.S. lives will be lost; civilians will be killed and harmed. Victory will come at a very large price.

We are setting in motion tonight forces long overdue. When the smoke clears, the Iraqi people will taste freedom for the first time in decades, the terrorists will have one less ally, the world will be much smaller.

Evil is about to face the forces of good. Thanks to the men and women who serve us and their counterparts worldwide, one more domino will soon fall in the war on terrorism.

Regardless of how we vote, we will pull together soon and we will be one people, supporting our President. I ask for God's protection and guidance of our President and for all who serve under him. With God's guidance and his grace, we will prevail; and the world will soon be a better and safer place.

Mr. PAYNE. Mr. Speaker, I yield 6 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY), a member of the Committee on Financial Services and the Committee on Government Reform, a person who speaks for truth and justice and has the courage of her convictions.

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, these are the letters and e-mails that I have received from my district, about 5,000 of them. These support authorizing the President to launch a preemptive unilateral war on Iraq, 14 of them; and all the rest of them are saying no to war.

These are letters from veterans and teachers, mothers and fathers, Republicans and Democrats. In many different voices they are all saying, "War is not just another policy option. It must be the very last resort." These are serious and thoughtful letters from patriots who are deeply concerned, not only about the security of the United States, but the soul of the United States.

One constituent said, "Unilateral behavior is not the example we as Americans should display to the rest of the world. We should support and ensure the United Nations resolutions to the fullest. And, if necessary, we should lead in enforcing the United Nations resolutions."

Many others believe the President has provided no convincing evidence that going to war with Iraq is necessary or is the only option the U.S. has at this time. If the President does have the compelling evidence of imminent threat that my constituents want, he has not shown it to the Congress.

If Saddam is such a grave threat, why has the administration waited until this moment to try to make its case? And why, as recently as 1998, was Halliburton, the company headed by Vice President CHENEY, doing business with Iraq and helping them rebuild their oil fields?

Some of my constituents suggest that oil might have something to do with this, and some suggest it has more to do with November 5 than September 11. Many others raise the concerns of the constituent that says, "There are far too many other things that need to be dealt with in our country today, including health care, the state of the economy, corporate corruption, as well as a host of environmental and international issues, for us to make preemptive war."

The two things never suggested in these letters are, first, that Saddam Hussein is anything other than an evil and merciless dictator, and, second, that the United States should sit back and do nothing to disarm him. Yet the President in his speech dismissed those who oppose a preemptive strike by saying, "We could wait and hope that Saddam does not give weapons to terrorists or develop a nuclear weapon to blackmail the world."

Well, with all due respect, Mr. President, there are no waiters or hopers in this pile or in this Congress. This is not about action versus inaction, and certainly not about appeasement. No one in this Chamber is a Neville Chamberlain.

As Chicago Tribune columnist Steve Chapman, who wrote a column called "Appeasement Myths," said, since Desert Storm, "No one has been appeasing him. On the contrary, we have let Hussein know that if he ever sets one toe across any of his borders, we will stomp him flatter than a straw hat on the interstate. The policy of containment backed by nuclear deterrent is the same policy the United States employed against the Soviet Union for 40 years with successful results."

Mr. Speaker, I will include the full article for the RECORD.

A preemptive strike, in my view, puts America and the world in more danger, not less. CIA Director Tenet wrote, "Should Saddam conclude that a U.S.-led attack could no longer be deterred, he probably would become much less constrained in adopting terrorist actions."

To me, this means Israel, our greatest ally in the Middle East, would become a target of those attacks. Saddam would likely unleash whatever chemical and biological weapons it may have on Israel, the Middle East would be in flames and the Arab and Muslim world united against the United States and Israel. The careful coalition that the United States assembled to fight what is an imminent threat, the terrorist threat of al Qaeda, would come apart. The United States would be at war, bearing all the costs and all the cleanup, which could take many years alone.

We would be putting our young men and women in uniform, as many as 300,000 of them in harm's way, in the way of very serious harm.

Information provided by the General Accounting Office and the Inspector General of the Department of Defense raises very serious questions about our ability to adequately protect our troops from chemical and biological weapons. Can we justify sending them off to war with protective suits that may have holes in them when there are viable alternatives?

After World War II, the United States took the lead in creating the United Nations for the purpose of extending the rule of law. We took the lead in creating the United Nations for the purpose of extending the rule of law around the world in order to prevent future wars.

That goal, though too often elusive, is even more compelling today in a shrinking world in which technology makes it possible to virtually destroy the planet. The United States, the undisputed superpower, has the opportunity to use its great strength to lead the nations of the world toward accepting the rule of law; or we can, as the new Bush doctrine spells out, use our power to attack at will those who may in the future pose a threat. This dangerous and contagious idea of preemptive strike will usher in a new century of violence and even catastrophe.

We should vote "no" on this resolution granting the President the power to go to war, but we can vote "yes" for more appropriate and more sensible options. The gentleman from South Carolina (Mr. SPRATT) and the gentlewoman from California (Ms. LEE) have provided us with resolutions that allow us to address the threat from Iraq without first choosing war.

Mr. Speaker, I include for the RECORD the article written by Steve Chapman, "Appeasement Myths, the Realities of Iraq."

[From the Chicago Tribune, Oct. 6, 2002]

APPEASEMENT MYTHS, THE REALITIES OF IRAQ

(By Steve Chapman)

Should we go to war to stop Hitler? That question may surprise you—at least if you operate on the assumption that Hitler is dead and not about to go anywhere.

But conservatives insist that Hitler has been reincarnated in the form of Saddam Hussein. They say that like the British of the 1930s, who had to choose between the concessions offered by Prime Minister Neville Chamberlain and the military action urged by Winston Churchill, we have to decide between cowardice and courage.

The Weekly Standard magazine labels all the opponents of this pre-emptive war "the axis of appeasement." The Daily Telegraph of London sneers, "Just as the prospect of invading Iraq provokes clerical and secular hand-wringing now, so did the prospect of taking up arms against Nazism then." When Illinois Sen. Dick Durbin announced he would vote against a resolution authorizing the president to invade Iraq, his Republican opponent Jim Durkin immediately detected the stench of "appeasement."

Exhuming the Nazis to justify war is not a tactic unique to conservatives. Liberals accused the United States of shameless appeasement in refusing to send troops to stop the war in Bosnia. Both sides claim to have learned the lessons of history, but the only episode they can ever seem to remember is the rise of the Third Reich.

But they don't even know much of that history. Anyone trying to apply the experience of Nazi Germany to the case of Iraq can see two obvious things: Saddam Hussein is no Hitler, and our policy over the last 11 years looks nothing like appeasement.

Hitler had been in power just five years when he annexed Austria in 1938. Before that year was over, he had coerced Britain and France to surrender part of Czechoslovakia. In 1939 he invaded Poland. Denmark, Norway, Belgium and France soon followed. In 1941, he marched on Moscow.

It was a plan of conquest breathtaking in its speed and scope. Just eight years after gaining power, Hitler was on the verge of controlling an empire stretching from the Atlantic to the Pacific.

And where is Saddam's imperial plan? He has been in charge of Iraq for some 30 years, and so far he's initiated hostilities with only two countries, Iran and Kuwait. Hitler dreamed of ruling the world. Hussein's grand vision was to control the whole of the Shatt al Arab waterway and some oil fields to his south.

For all his vicious nature, he has shown no interest in building an empire. In any case, that would be an impossibility for Iraq, which has just 23 million people and is surrounded by bigger nations.

As for his domestic realm, Hussein is unquestionably a ruthless despot willing to kill anyone who stands in his way. But that description would not begin to capture Hitler, who slaughtered innocents across the continent on a gargantuan scale. To equate Hussein with Hitler is like equating a snow flurry with an ice age.

If finding someone to impersonate the Fuhrer is tough, finding a modern-day Neville Chamberlain is even harder. When Hitler demanded the Sudetenland from Czechoslovakia, Britain and France meekly gave it to him. When he proceeded to swallow up the rest of the country, nobody tried to stop him. When Hussein invaded Kuwait, by contrast, he unleashed Operation Desert Storm on himself.

No one has been appeasing him since then, either. On the contrary, we've kept the Iraqi regime confined to a tight little cage.

The two no-fly zones enforced by British and American fighters cover most of Iraq. Meanwhile, economic sanctions have kept him from buying weapons and spare parts, or doing much of anything to rebuild his army. "Hitler got more powerful with time, while Saddam has gotten weaker," notes John Mearsheimer, a defense scholar at the University of Chicago.

We've stationed thousands of troops in Kuwait, we have air bases in Saudi Arabia, and we generally keep an aircraft carrier within striking distance of Iraq at all times. In short, we've let Hussein know that if he ever sets one toe across any of his borders, we'll stomp him flatter than a straw hat on the interstate.

"Everyone agrees we have to take action against him," says Mearsheimer, who says the choice is not between war and appeasement, but "containment versus rollback." The policy of containment, backed by our nuclear deterrent, is the same policy the United States employed against the Soviet Union for 40 years, with successful results.

Hawks claim to be rejecting the policies of Neville Chamberlain that brought on World War II. What they're really rejecting is the policy of Harry Truman and Ronald Reagan—which won the Cold War and can win this one.

Mrs. WILSON of New Mexico. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I have to respond to my colleague from Illinois. I respect your feelings and your reasons for voting the way that you are going to vote when this resolution comes to a vote, and you are very honest in your expression of them. But I have to say that those who are supporting this resolution have similarly honest feelings and reasons for doing so.

It bothers me a little that you are questioning the motivation of those who support this resolution, and indeed the motivations of the President and the Vice President of the United States, at least indirectly.

Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. THORNBERRY), also a member of the Committee on Armed Services.

Mr. THORNBERRY. Mr. Speaker, I rise in support of the resolution. Authorizing the use of military force is not a decision for any Congress or any individual Member to take lightly. I approach the issue recognizing that American service men and women may well sacrifice their lives as a result. I also recognize that American use of force may have strategic repercussions that extend far into the future and into all areas of the globe.

Making this decision may well be the most somber responsibility that any Member of Congress has. Just because a decision is difficult, however, does not mean that we should try to avoid it or that we should automatically look for some option that makes us all feel more comfortable. There are those who seem to think that we should just continue along, waiting for an international consensus or deferring to the United Nations, and thus avoiding having to make hard choices.

But wishful thinking and further delay will not lessen the dangers we face, but actually will increase them. History is replete with instances where failure to face up to a difficult circumstance in a timely manner ultimately resulted in a far greater price being exacted.

However difficult the choices, however uncertain the future, however alone we feel, we must do our best with the facts before us.

And there are certain facts that are beyond dispute. One is that Saddam Hussein heads an evil, aggressive regime which has brought immeasurable misery upon the Iraqi people and their neighbors. We know Hussein is a merciless killer who does not hesitate to massacre innocent civilians and has an intense hatred of the United States.

Another fact beyond dispute is that Saddam Hussein will stop at nothing to obtain the most deadly, terrifying weapons possible. As one of his former scientists has said, Iraq has been turned into "one giant WMD factory." We know he now has relatively advanced dangerous chemical and biological weapons. We know he is willing to use them, because he has used them before. We know for certain he is actively trying to acquire nuclear weapons, and we should not forget how badly we underestimated how close he was to actually building a nuclear device at the time of the Persian Gulf war.

So we know the character of the man and the regime, we know the kinds of weapons he has and is trying to acquire, and we know he is perfectly willing to use them. The only relevant facts we do not know are when Saddam Hussein will act and exactly what his tactics will be. But those are details that do not really affect the essential choice before us.

That choice is quite simple. On one hand, we can continue the approach of the past 10 years, hoping that Iraq can be contained and that Hussein will not use the weapons he has hungered for and that he has sacrificed so much to acquire. We can hope that one day he will choke on a chicken bone and be replaced by somebody who will voluntarily dismantle Iraqi weapons and weapon-making capability. With that option, we stake our future and our security upon wishful thinking.

The other option is to act. We can act with as many other nations as will responsibly join us to rid the world of the menace that Iraqi's weapons of mass destruction present. And we can act to better prepare our homeland for the kinds of dangers Hussein and those like him present.

There is no doubt that the United States is Hussein's primary target. Acting to eliminate this threat is acting to defend the country and the lives of our citizens. But given the unique position we occupy in the world, acting to eliminate this threat also fulfills a special responsibility America has, a responsibility to lead, to be a force for good.

Some argue Hussein will not use his weapons, that he wants to possess them only for prestige in the region. They do not believe that he would ever assist terrorist networks like al Qaeda from acquiring and using such weapons against us, in spite of the fact he has a history of relations with these terrorists.

Mr. Speaker, I cannot risk the lives of my constituents or my children on guesses about what course this tyrant might take. I believe there are no limits to what Hussein will do if he, in his perverted world view, believes something is in his best interests, and that includes assisting other terrorists in attacking us.

With all of the uncertainties and risks, with less international support so far than we would like, the responsibility to deal with this evil still rests with us. I believe we should authorize the President to use military force to address this threat, and that we should fully support the President and the troops carrying out his commands as they strive to make this a safer, more just world.

Mr. BERMAN. Mr. Speaker, I yield myself 5 minutes.

Mr. ANDREWS. Mr. Speaker, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from New Jersey.

Mr. ANDREWS. Mr. Speaker, I thank my friend for yielding.

Mr. Speaker, I wanted to get on the record a response to one of the prior assertions about the level of preparedness, equipment and training for U.S. troops who might be sent into harm's way.

□ 2230

I am proud to serve on the Committee on Armed Services, along with many of the Members who are here on the floor at this time. I believe we may be the most bipartisan or nonpartisan committee in the House.

As we led up to this debate, we have been briefed by the Joint Chiefs of Staff and other leaders of the military who have assured us that every conceivable means of protection, every conceivable tool that can be made available to the men and women who serve in uniform will be made available to them. We, in turn, have assured the military leaders that we as a committee and we as a Congress will spare no expense to make sure that is the case.

I just do not want there to be any misconception that if it is necessary to send these young men and women into combat that they will not have the very finest and best tools of protection.

Mr. BERMAN. Mr. Speaker, reclaiming my time, we hear over and over again this reference to preemptive war. I reject the notion that this is under the legal doctrine of preemptive war. We are dealing with a country, Iraq, under the leadership of Saddam Hussein, that has violated resolution after resolution adopted by the Security Council of the United Nations, including resolutions adopted under Chapter VII, the peacemaking, peace-enforcing provisions of the United Nations charter. To engage in acts to seek to assure compliance with those resolutions and enforcement of those resolutions is not preemptive war in the traditional legal sense of the word; it is the enforcement.

I would remind my colleagues in my own party that this body voted on, and 181 of my democratic colleagues supported, the authorization of the use of air strikes to bomb key targets in Yugoslavia in order to stop humanitarian slaughter of Kosovars without a Security Council resolution, after the bombing had already started, and thought, properly so, that we were engaging in the right position for the United States. I would suggest that not only the humanitarian arguments in favor of dealing with Saddam's regime but the national security arguments, which I would suggest are even greater than those that existed when we authorized the use of force against Yugoslavia, compel a very similar conclusion here in the name of enforcing U.N. Security Council resolutions.

Mrs. WILSON. Mr. Speaker, I thank the gentleman from New Jersey for pointing out that fact; and he is accurate, that the Committee on Armed Services has received those assurances.

Mr. Speaker, I yield 5 minutes to the gentleman from Indiana, (Mr. HOSTETTLER), another member of the Committee on Armed Services.

Mr. HOSTETTLER. Mr. Speaker, I thank the gentlewoman from New Mexico for yielding me this time.

Today the question before this body, Mr. Speaker, is not "How shall we respond to the unprovoked attack by a foreign nation upon the United States or its fielded military forces abroad?"

We are not debating "How will we respond to the menace of a political and/or cultural movement that is enveloping nations across the globe and is knocking on the door 90 miles off the coast of Florida?"

Nor, Mr. Speaker, are we discussing a response to an act of aggression by a dictator who has invaded his neighbor and has his sights on 40 percent of the world's oil reserves, an act that could plunge the American economy, so dependent on energy, into a deep spiral.

Finally, Mr. Speaker, and this point must be made very clear, we are not discussing how America should respond to the acts of terrorism on September 11, 2001. That debate and vote was held over a year ago; and our men and women in uniform, led by our Commander-in-Chief and Secretary of Defense, are winning the war on terrorism. It is with their blood, sweat, and tears that they are winning, for every one of us who will lay our heads down in peace this night, the right to wake up tomorrow, free.

No, Mr. Speaker, the question before us today is "Will the House of Representatives vote to initiate war on another sovereign nation?"

Article I, Section 8 of the governing document of this Republic, the United States Constitution, gives to Congress the power to provide for the common defense. It follows that Congress's power to declare war must be in keeping with the notion of providing for the common defense.

Today, a novel case is being made that the best defense is a good offense. But is this the power that the Framers of the Constitution meant to pass down to their posterity when they sought to secure for us the blessings of liberty? Did they suggest that mothers and fathers would be required by this august body to give up sons and daughters because of the possibility of future aggression? Mr. Speaker, I humbly submit that they did not.

As I was preparing these remarks, I was reminded of an entry on my desk calendar of April 19. It is an excerpt of the Boston Globe, Bicentennial Edition, March 9, 1975. It reads, "At dawn on this morning, April 19, 1775, some 70 Minutemen were assembled on Lexington's green. All eyes kept returning to where the road from Boston opened onto the green; all ears strained to hear the drums and double-march of the approaching British Grenadiers. Waving to the drummer boy to cease his beat, the Minuteman Captain, John Parker, gave his fateful command: 'Don't fire unless fired upon. But if they want to have a war, let it begin here.'"

"Don't fire unless fired upon." It is a notion that is at least as old as St. Augustine's Just War thesis, and it finds agreement with the Minutemen and Framers of the Constitution.

We should not turn our back today on millennia of wisdom by proposing to send America's beautiful sons and daughters into harm's way for what might be.

We are told that Saddam Hussein might have a nuclear weapon; he might use a weapon of mass destruction against the United States or our interests overseas; or he might give such weapons to al Qaeda or another terrorist organization. But based on the best of our intelligence information, none of these things have happened. The evidence supporting what might be is tenuous, at best.

Accordingly, Mr. Speaker, I must conclude that Iraq indeed poses a threat, but it does not pose an imminent threat that justifies a preemptive military strike at this time.

Voting for this resolution not only would set an ominous precedent for using the administration's parameters to justify war against the remaining partners in the "Axis of Evil," but such a vote for preemption would also set a standard which the rest of the world would seek to hold America to and which the rest of the world could justifiably follow.

War should be waged by necessity, and I do not believe that such necessity is at hand at this time. For these reasons, Mr. Speaker, I urge my colleagues to please vote "no" on the resolution to approve force at this time.

Mr. PAYNE. Mr. Speaker, I yield 6 minutes to the gentleman from New York (Mr. MEEKS), a new, strong voice on the Committee on International Relations.

Mr. MEEKS of New York. Mr. Speaker, I thank the gentleman from New Jersey for yielding me this time.

Mr. Speaker, today we have an opportunity to debate an issue that is of great importance, an issue that involves both the known and unknown consequences that only a war can produce, for America, the Middle East, and indeed, the entire world. This will be by far the most difficult vote that I have had to take since I became a Member of this body in 1998. It comes at a time when many Americans, particularly many New Yorkers from the Sixth Congressional District which I am proud and honored to represent, are still in pain from the trauma of the attack on 9/11.

I have no love for Saddam's brutal regime, and I would support any action that the international community and the United Nations and our friends in Europe and Asia and the Islamic world would agree was in the best security interests of the world community. I, however, do have questions about why we must take this vote now. What is different between now, 4 months ago, 12 months ago, 24 months ago, or 48 months ago?

More importantly, I have deep concerns, many echoed by allies and Iraq's neighbors, about the unforeseen consequences and instability which would be caused by the U.S. military attack on Iraq.

At a time when the economy is faltering and so many other domestic issues are being left unattended, this Congress is being forced to consider the authorization of the use of force, perhaps unilaterally, against a regime we have known about for 20 years, a regime which has always been undemocratic and brutal against its own people. Yet our government once ignored those facts because it was felt it was in our best interests to support the regime with the very same capabilities we now say threaten America.

At a time when we are in the middle of a war against terrorism with the help of a number of majority Muslim nations who are protecting American lives against known threats, this authorization of use of force against potential threats could result in the reduction of help from new friends and allies and, thus, put the lives of Americans at risk. Is that what we want to do?

It is not surprising that during a time of mourning and healing and, most of all, fear, we would speak of the evils of Saddam as a threat to America and a threat to the world but yet not provide this Congress with the evidence to support such claims.

Certainly, when it comes to our security, there is no debating that I stand with all Americans when it comes to protecting Americans, and that is why I fully supported any and all actions to bring those who committed attacks on 9/11 to justice.

Yet, as of last night, no evidence has been offered linking Saddam Hussein to those who attacked us on 9/11.

More importantly, let us not tell the American people and the world that we would use force against Iraq in the name of the world's freedom and security. Let us not say we are authorizing the President to use force against Iraq to protect the credibility of the United Nations by enforcing all U.N. security resolutions pertaining to Iraq.

I have yet to see the world, nor Iraq's neighbors, ask America to protect it from Iraq. In fact, many friends and allies in our own intelligence agencies say a number of other nations pose far greater threats to security.

Others, both inside and outside this administration, speak about "sending a message" and that the "credibility" of our Nation and the world is at risk if we do not stand ready to act with force.

I want every Member to say that they are ready to comfort a loved one of an American soldier who might give their life for their country not to confront a threat but because it was important to send a message. Since when do we authorize the use of force not to address a threat but because not to use the force would hurt our credibility?

It is not surprising that during a time of mourning and healing and, most of all, fear, we would speak of these potential threats from Iraq and mix them with the war against terror as a pretext for bringing back an old approach to national security and call it a new policy.

The ideas of using pre-emptive military strikes against unknown threats and even the ability to potentially threaten, as stated in the administration's new national security strategy on September 20, 2002, are not new. The very same ideas can also be found in the 1992 Draft Defense Planning Guidance document and the 1993 Defense Strategy for the 1990s document. Both of these documents were written under the direction of the current Vice President, the Deputy Defense Secretary and Secretary of State when they served in various Defense Department-related positions in the last Bush administration.

If we truly live in the new world, then why is the Bush administration presenting us with what it calls a "new approach" to national security for Americans in a new world, using the same old ideas that were once rejected by the American people, ideas which even Nelson Mandela said could be a threat to world security?

Mr. Speaker, I have come to the conclusion that this debate about Iraq raises two fundamental questions for our Nation and for our generation, questions which, depending upon how they are answered, will affect the lives of generations to come.

One, what kind of world do Americans want our children to live in?

Two, in the 21st century, do Americans think the best way to achieve security is by U.S. global military dominance or U.S. global cooperation?

I believe that after 9/11 it is now more important than ever for the American people to have a greater say on whether they believe they will be safer in America and, in an increasingly smaller world, if their government adopts a posture of global military dominance or a posture of global cooperation.

Many Americans feel that increased public diplomacy must be a part of the war against terrorism because one of the reasons why a murderer like bin Laden was able to recruit individuals to attack Americans is because some in the world are isolated and do not know the truth about America.

Fighting terrorism requires global solutions, which can only be obtained through cooperation, not by threatening the world that we will go it alone whenever the world does not see things our way.

The use of the world's greatest military power in a preemptive strike against others is not a foreign policy of strength. It is a foreign policy of fear.

I will always stand for protecting America and given the fact that we will soon begin spending more money on defense than the combined spending of the next 19 nations in the world, I am confident that our military power assures that any nation that attacked us would be defeated in battle.

We were not attacked by any nation on 9/11. When it comes to protecting America from terrorist groups like Al Qaeda, recent history shows that we can beat them as well, when we have the help and cooperation of others.

A pre-emptive strike against Iraq will squander the opportunity to build on the existing cooperation we now enjoy and to create even greater levels of global cooperation on other issues of concern to the world—including issues which are the root causes of terrorism.

We can take action and we should. We can work with others in the same way we are working with the world to combat Al Qaeda. We can demonstrate true leadership by exhausting all diplomatic means rather than by simply falling back on the use of force.

I'm sure that this Administration and this Congress will always reserve the right to pursue a course of action to protect America's national security. However, we must realize that no matter how powerful our military is, our security is linked to the world's security. If this crisis is truly an issue of global peace, I urge America to work with the world to secure the peace for all.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, much has been said today, and I am sure over the next few days much more will be said, as it should. The issue of authorizing the use of our Armed Forces is a momentous one, and it demands the thorough consideration of this Congress, and I believe we will be giving this some 30 hours of debate.

September 11 was a cruel wake-up call. After the Cold War, I am afraid our country indulged in the notion that we could shut out the world.

□ 2245

The Soviet military power that existed, coupled with the expansionist ideology of Marxism, had vanished as a threat to the United States. There was exuberance that America could cruise on the international front. During that time, we lowered our defenses and downplayed many troubling developments, including the rise of al-Qaeda and the rise of Saddam Hussein's capabilities, with his development of weapons of mass destruction, to harm our Nation.

September 11 harshly brought home the fact that the world is a dangerous place, it has always been, and that threats must be dealt with before they hit home, as they did hit home last year with such terrible impact.

Last night, President Bush made a powerful case against Saddam Hussein's regime. It has hostile intentions; it possesses weapons of mass destruction; it has means to harm us massively, means that are increasing daily; and that it is only a matter of time before Saddam strikes again against America's interests.

The President spoke even of Iraq possessing, and I am going to quote from his speech, "a growing fleet of manned and unmanned aerial vehicles that could be used to disperse chemical and biological weapons across broad areas."

Well, that is why I urge my colleagues to support this resolution. We have had a long debate today, and I would like to address a point that was raised earlier.

Iraq was described as an impoverished Third World nation. The suggestion was that there is no threat there. Many Americans may think of Iraq in this way. If so, they must realize that while many Iraqis are suffering under Saddam, his regime is not impoverished. As a matter of fact, our General Accounting Office, our GAO, did a study in which they found that some $6.6 billion between 1996 and 2001 was siphoned off for use by the regime.

British intelligence, that did their own analysis all the way up until several weeks ago, tells us that between 9 billion and $10 billion has been siphoned off in surcharges, kickbacks, illegal exports. Let me tell the Members, Mr. Speaker, that $9 billion to $10 billion pays for the development of a lot of weapons of mass destruction. One could buy a lot with that amount of money.

It is not improbable that Saddam Hussein is developing nuclear weapons and the means to deliver them. I tell the Members that U.N. inspectors found plans for a bomb that would require 34 pounds of enriched uranium. I had an opportunity in the Committee on International Relations to ask our former CIA Director, James Woolsey, how long it would take if Saddam obtained the U-235, the enriched uranium, that he is attempting to obtain right now. He said if he had the uranium, it would take them about 4 months before a nuclear weapon was ready.

He may already have that uranium; and as we know from other reports, if he is not able to buy it on the world market, it is only a matter of time, 3 years at the most, before he develops that capability himself. So it is only a matter of time.

The Iraqi regime has long employed very capable scientists and technicians. Those of us who have traveled to Moscow talked to the Russians who ran their program, who have shared with us that some of their very capable scientists are in the Middle East today, some of them working in Iraq.

Iraq has access to a developed infrastructure. The regime has ample resources from its oil wealth, giving it the ability to bid for the considerable scientific and technological expertise. They use front organizations and front companies in order to obtain this technology into Iraq. They have key materials that have been floating around since the break-up of the East bloc.

So this is not a ragtag dictatorship we are dealing with; it is an able tyranny dedicated and capable of doing us real harm. That is why action has to be taken to disarm Saddam Hussein.

I would like to address some of the other concerns that have been expressed on the floor of this House today. Some opponents of this resolution have asked, why now? I would like to point out to my colleagues that it was in 1998, 4 years ago, that Congress concluded that Iraq's continuing weapons of mass destruction program threatened vital U.S. interests. Congress then urged the President to take appropriate action to bring Iraq into compliance with its international obligations, including relinquishing its weapons of mass destruction.

The Iraqi Liberation Act that Congress passed that year endorsed a change of the Iraqi regime, and that was 4 years ago. Our Nation did not do anything to effectively address this, but Congress recognized it as being a real threat.

By authorizing action to forcefully address this challenge now, we are hardly being rash. If anything, this action is overdue. The fact is that Iraq for years has pursued weapons of mass destruction with great determination. It had a crash nuclear weapons program prior to the Gulf War. It is estimated that were it not for the war, Iraq would have had nuclear weapons no later than 1993.

Neither Saddam's Gulf War defeat nor a slew of U.N. resolutions were a deterrent. In 1998, the International Atomic Energy Agency dismantled extensive nuclear weapons facilities in Iraq, including three uranium enrichment sites, as President Bush noted last night. This regime has been operating free of inspectors for the last 4 years. Is there any reason to believe that Iraq is not near acquiring a nuclear weapon?

Some have charged that all questions have not been answered. What will a post-Saddam Iraq look like? Yes, it is our responsibility to best anticipate what a post-Saddam Middle East will look like and best account for it, but we cannot allow ourselves to be paralyzed by the uncertainty that is part and parcel of international politics. To resist acting in the face of a mortal threat because we do not have a crystal ball would be folly.

Did we have all the answers when we intervened in Afghanistan? No. We heard that we would get bogged down in a bloody quagmire, as the Russians did a dozen years earlier. We did not. Yes, we have much work left to do in Afghanistan, but our military has performed in the stellar way many of us expected it would. The Taliban was routed, as was part of al-Qaeda.

Those who oppose this resolution based upon concerns about stability in Iraq and the region should ask why their vision of stability in Iraq and the region is based upon Saddam's continued role. Is that the best this region can do?

Some have raised concerns about the Iraqi people, suggesting they will suffer. If war comes, there certainly will be suffering, but I suggest that nothing is harming Iraqis more than Saddam's tyranny. We do have Iraqi children without food and medicine, but let us lay responsibility where responsibility belongs: on this palace-building dictator who squanders his nation's resources.

This is one of the most repressive regimes in the world. Amnesty International has reported that Iraq is the country with the greatest number of people missing or unaccounted for. One human rights group reports that Saddam has killed over 500 journalists and intellectuals, and tens of thousands of political opponents and ordinary Iraqi citizens have been subjected to arbitrary arrest, imprisonment, torture, burning, electric shocks, starvation, mutilation, and rape. This is how Saddam's regime makes Iraqis suffer. I can only imagine its disdain for Americans.

Saddam is in possession of weapons of mass destruction. He is working to advance his deadly arsenal. Can there be any doubt that we must act before our Nation is hit?

It is always easier to kick a problem down the road, to deal with it later. We do that too often around here. What is required to beat that syndrome is leadership, leadership willing to deal with an unpleasant situation head on. That is what our President and his national security team are showing.

Critics say that the administration is not exploring all options. It is exploring options. We may avoid war. What option the President has no interest in, though, and I think this is to his credit, is shirking his responsibility for the defense of our Nation. He certainly is not willing to allow the nations of the United Nations Security Council to dictate the terms by which our Nation is defended, which is what some are calling for.

After any military action, it will be incumbent upon our country to stay the course to see that the new Iraq no longer threatens us. That means ridding the country of weapons of mass destruction, but also helping to see that Iraq has a chance of becoming a successful state. This will mean helping the Iraqi people, to whom, it should be emphasized, we hold no hostility.

Helping build stability is our current challenge in Afghanistan, and helping to give Afghanistan and Iraq a chance for stability and a decent government will require a substantial U.S. commitment. Given the threat to our security that Iraq and Afghanistan pose, we must make this investment.

Mr. Speaker, I reserve the balance of my time.

Mr. HUNTER. Mr. Speaker, the Committee on Armed Services had a couple of minutes left, but I yield back the balance of our time.

Mr. SCHIFF. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in this House, and indeed, in homes across America, we are debating whether to use force to disarm Saddam Hussein if he fails to comply with the resolutions of the United Nations, if he fails to submit to unfettered inspections, and even if we must go it alone.

The President has come before the Nation to make the case for strong intervention and to attempt to answer many of the difficult questions being posed by the American people: Why is Iraq unique when other nations possess weapons of mass destruction? Why now, when Iraq has been ignoring the U.N. resolutions for 11 years? What effect will this have on the broader war on terrorism? Will an invasion of Iraq in the end make us safer or more at risk?

All of these questions are legitimate. None admits of a simple answer; and none can be answered completely, depending, as they do, upon the unknowable caprice of a despot. But there are certain facts which I believe are indisputable.

First, Saddam Hussein has chemical and biological weapons, and is developing a nuclear weapons capacity.

Second, an inspection regime in which hundreds of acres of so-called palace grounds are off limits is no inspection regime at all. In fact, it is worse than no inspections, giving, as it does, a false sense of security and effectiveness.

Third, Saddam Hussein will never submit to a real inspection regime without the credible threat of force.

Fourth, we cannot continue to allow Saddam Hussein to fire on American pilots who seek to enforce United Nations resolutions.

Finally, the threat posed by Saddam Hussein's weapons program will only grow over time; and in time, he will have the atomic bomb.

Of all the dilemmas facing our Nation in light of these facts, the central issue is this: How imminent is the threat to this country from Iraq?

The threats we face after September 11 are different in kind than those we have faced in the past. We will never likely see enemy troops massing on our borders, threatening to dominate Europe, or attacking our bases with large fleets of ships or planes. The predominant threat we must now address comes from terrorists and the states that sponsor them, terrorists who cannot be contained and cannot be deterred, and terrorists that can act with great suddenness and ferocity, causing dramatic loss of life.

It is fair to ask ourselves whether, on September 10, prior to the devastating attacks on this country, we would have adjudged al Qaeda an imminent enough threat to justify the strenuous use of force to rout out the terrorists in Afghanistan. Apparently, we did not. Just as plainly, we cannot wait until 3,000 more Americans lie in their graves to warrant our intervention when other threats materialize.

□ 2300

The narrow question before Congress right now is whether the threat from Iraq is imminent enough to support a resolution authorizing the use of force to compel this armament if persuasion fails. On the basis of information I have received, both classified and unclassified, from meetings with the President, National Security Advisor, Secretary of State, regional experts, defectors and others, I believe it is; and I am concerned that the failure of such a resolution at a time when our Commander-in-Chief is before the United Nations would be deleterious to our efforts to engage that world body.

The original resolution drafted by the President was too broad, and I did not support it. Through negotiation with the Democratic leadership, the resolution was considerably narrowed to require the President to exhaust all efforts through diplomatic and other peaceful means before any resort to force could be made, to limit the scope of his authority to Iraq, rather than the entire region, to require compliance with the War Powers Act and to compel frequent consultation with Congress.

In the House Committee on International Relations on which I serve, I supported amendments to narrow the President's authority further still, including the Biden-Lugar amendment, which contained even stronger language compelling the use of force to compel disarmament. These amendments were unsuccessful, and I supported the bipartisan compromise resolution on final passage out of the committee, and I will support it here on the floor.

My vote in favor of this resolution and my desire to support the administration's efforts that the United Nations should not, however, be taken as an unequivocal endorsement of the administration's handling of Iraq over the last year. It is not. The administration must not go about this alone or unilaterally but redouble its effort to enlist the support of our allies until it is successful, as I believe it can be. The administration must change the nature of its rhetoric, rhetoric which on a host of issue has shown too great a willingness, at times an eagerness, to go it alone on a whole range of issues, a policy and a tone which has made the process of gathering international support much more difficult than it should have been.

I share the concerns expressed by hundreds of my constituents that this country not rush to establish a precedent that every country is justified in unilateral military action against all perceived threats and that the best way to distinguish our conduct from other nations considering their own preemptive actions in the future is to persevere in our determination to build international support for international action.

I hope that military force is not necessary. As the President said in his speech last night, "Approving this resolution does not mean that military action is imminent or unavoidable." But if force is required to disarm Iraq, I have great faith in the men and women of the U.S. Armed Forces. They will do their job bravely and effectively, and we will be successful. We will win the war.

Let us resolve also to take the longer and no less complex task of winning the peace. We must not risk the lives of American soldiers to replace one Baath party dictator with another, to allow Iraq to disintegrate or degenerate into tribal warfare. We must be committed to the long-term prosperity of the Iraqi people, to the establishment of the democratic institutions, and to the rights of speech and association and the free exercise of religion.

We must embrace a broad vision, one that works to democratize the Middle East, to secure its rebirth and the elevation of its civilization, and a vision comparable to the Marshall Plan at the end of World War II. This will be no minor undertaking and will represent a significant departure from past policies, which have too often favored oil and friendly autocracy over principle and popular democracy. It will also require an investment in the very future of the very nations which now threaten us. But as post World War II Europe has illustrated, with every effort we make and every dollar we contribute, our own peace, security and prosperity will be rewarded.

On September 10, the danger from terrorists was imminent, and we took no action. On September 11, we were devastated. Now it will forever be September 12, the day we realized that our military might alone, stationary and defensive, could not deter, could not prevent, could not contain the threats against us. And so we must gather the freedom-loving nations of the world and act to disarm Iraq peacefully if at all possible, but to disarm. And in time also to rebuild so that what was once a cradle of civilization can again be a light to the world.

Mr. Speaker, I reserve the balance of my time.

Mr. ROYCE. Mr. Speaker, I yield 3 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, it is with some regret but strong conviction that I rise today to express my support for House Joint Resolution 114.

No member of this body ever wishes to cast a vote that could ultimately lead to the loss of even one American life. Yet that is exactly what all of us, those who vote for this resolution and those who vote against, are doing today. Those of us who vote for the resolution must know that granting the President the authority to use force could lead to an invasion of Iraq and the possible loss of American troops. Those who vote against the resolution must know that denying the President the authority to use force could allow Saddam Hussein to use his weapons of mass destruction against us, costing untold loss of American lives.

So the question before us is not whether there is a safe course of action that will guarantee no loss of American life. Unfortunately, there is no such guarantee and no such option. Instead, the question is whether the threat posed by Saddam Hussein can best be removed by granting our President the authority to use force against him. In short, is this mission in our vital national interest?

Well, I say there is no interest more vital to the United States than protecting our citizens from the kind of attacks we suffered on 9/11 and could well suffer again at the hands of Saddam Hussein's weapons of mass destruction.

Must we grant the President the authority to use force in order to achieve this goal? In my view, the answer is yes. Force and the threat of force are the only message that Saddam Hussein understands. He is not a rational leader who acts in the interest of his citizenry. He is a despotic dictator who terrorizes his own people, his neighbors and the world community at large.

President Bush put it best in his address to the United Nations when he said that Saddam Hussein has made the case against himself. He has ignored with impunity every promise made, every commitment undertaken and every Security Council resolution passed.

Why has he done this? Because he can. We must grant our President the tools he needs to make it clear to Saddam Hussein that he no longer can. He no longer can fire at our aircrafts, evade U.N. inspectors or continue his quest for weapons of mass destruction.

If granted this potent authority, will our President do the right thing? I say he will do the right thing.

No President of the United States ever wants to live again a day like 9/11. No President ever wishes to account for a fatal breach in national security. No President ever wishes to send our troops into harm's way for the sake of anything short of our vital national interest. And I have no doubt that no President, least of all this President, will use force unless it is the best means possible to keep America and Americans safe and secure.

Mr. PAYNE. Mr. Speaker, I yield 6 minutes to the gentlewoman from California (Ms. WATERS), a member of the Committee on Financial Services and the Committee on the Judiciary. But, more importantly, for many decades she has been a strong voice for women, for those who have no voice.

Ms. WATERS. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PAYNE) for yielding me time; and I commend him on the tremendous work that he does in this Congress dealing with the many complicated problems of foreign relations. I thank him for the time that he is allocating to me this evening.

Mr. Speaker, I rise to oppose this resolution which would authorize the President to use unilateral military force against Iraq.

Mr. Speaker, I do not believe the President has provided sufficient evidence to conclude that Saddam Hussein currently possesses significant quantities of weapons of mass destruction. Although I am aware that weapons inspectors found significant amounts of chemical and biological weapons in Iraq between 1991 and 1998, those materials have been destroyed. Since that date, there have been allegations of a growing arsenal of chemical and biological weapons, but there is to date no credible evidence of such an arsenal's existence.

□ 2310

Even if Saddam Hussein does possess weapons of mass destruction, Iraq does not represent an imminent threat to the United States of America. There is simply no evidence connecting Saddam Hussein with the 9-11 terrorist attacks. There is also no evidence to indicate that Saddam Hussein has ever given weapons of mass destruction to terrorist groups.

Furthermore, Iraq is 6,000 miles away from the United States and the Iraqi regime lacks the capability to strike the United States from within its own borders.

The ultimate weapons of mass destruction are nuclear weapons. If administration officials are really concerned about other countries having weapons of mass destruction, they should turn their attention to Russia, China, India, Pakistan, and Israel, all of which are known to possess nuclear weapons.

No one doubts that Saddam Hussein is a potential threat to his neighbors in the Middle East. He has attacked them in the past, and certainly he could do it again. However, Saddam Hussein's neighbors do not support military action against Iraq at this time, and it would be diplomatically and militarily unwise for the United States to initiate a war in the Middle East without the support and participation of a coalition of countries in the region.

If administration officials are concerned about countries that support terrorism, perhaps they should turn their attention to our friend and ally, the most undemocratic country, Saudi Arabia. Saudi Arabia has been financing extremist Islamist madrassahs in Pakistan and other Islamic countries. These madrassahs, or schools, teach young boys an extreme interpretation of Islam, combined with a support for terrorism and hatred for America. But they are our friends, and I do not see talk or discussion from this administration about trying to bring about democracy in Saudi Arabia, or being concerned about the financing of the madrassahs and the things they have been doing for so very long.

The human and economic cost of a war on Iraq are completely unjustified. It has been estimated that a war on Iraq would cost between $100 and $200 billion. This would come at a time when we are already spending billions of dollars to wage a war against terrorism in Afghanistan. A war on Iraq could lead to the deaths of thousands of innocent citizens in Iraq and unknown numbers of American servicemen and women.

Mr. Speaker, we would like the President to finish the war on terrorism. While we have had some success in Afghanistan, we still have not located Osama bin Laden. Our servicemen have been fired on in Afghanistan every day, and they are all set to assassinate the President or the leader that we have supported in Afghanistan, and it could happen at any time.

I am deeply concerned that a unilateral war on Iraq would make Americans more vulnerable to terrorist attacks at home. A unilateral war on Iraq could lead to an increase in anti-American extremism throughout the Muslim world. This could destabilize countries in the Middle East and South Asia. It could also provide al Qaeda with an opportunity to recruit additional terrorists within these countries.

Al Qaeda is America's greatest enemy. We should be focusing our efforts on confronting the al Qaeda threat, while encouraging the people of the Middle East and South Asia to support democracy and oppose terrorism.

Instead of authorizing a unilateral war, Congress should support the efforts of the United Nations to resume weapons inspections in Iraq. The resumption of weapons inspections would allow us to determine whether Saddam Hussein has the weapons of mass destruction that the Bush administration claims he has. Working with the United Nations would also illustrate to our allies and people throughout the Muslim world that the United States respects the rule of law and considers war a last resort.

I urge Members to oppose unilateral use of America's Armed Forces and give United Nations weapons inspectors an opportunity to do their work. I urge my colleagues to oppose this resolution.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me respond to the gentlewoman and to the argument in terms of what has not been found regarding weapons of mass destruction. The Committee on International Relations had a hearing on this very recently.

During that hearing we heard testimony to the fact that Saddam Hussein was on the edge of a precipice with regards to the ability to unleash weapons of mass destruction. I am just going to briefly mention some of the work of Jeffrey Goldberg, who spent many months inside Iraq; and as he says, when Saddam Hussein maneuvered UNSCOM, the weapons inspectors, out of the country in 1998, the weapons inspectors had found a sizable portion of his arsenal, but were vexed by what they could not find. His scientists have produced and weaponized anthrax. They have manufactured botulinum toxin which causes muscular paralysis and death. They have made a bacterium which causes gas gangrene, a condition in which the flesh rots. They have also made wheat-cover smut which can be used to poison crops, and ricin, which, when absorbed into the lungs, causes hemorrhagic pneumonia.

And according to Gary Milhollin, the director of the Wisconsin Project on Nuclear Arms Control, whose Iraq Watch project monitors Saddam's weapons capabilities, inspectors could not account for a great deal of weaponry that is in Iraq's possession, including 4 tons of nerve agent VX, 600 tons of ingredients for VX, as much as 3,000 tons of other poison gas agents, at least 550 artillery shells filled with mustard gas; nor did they find the stores of aflatoxin which have been manufactured there that have been put on warheads.

I guess I would just echo the words of Jeffrey Goldberg when he says Saddam Hussein's motives are unclear because for the past decade the development of these weapons has caused nothing but trouble for him. His international isolation grows not from his past crimes, but from his refusal to let weapons inspectors dismantle his nonconventional weapons programs.

When Iraqi dissident Kanan Makiya was asked why Saddam Hussein is so committed to these programs he said, "I think this regime developed a very specific ideology associated with power and how to extend that power, and these weapons play a very important psychological and political part."

So yes, we do have ample evidence.

Ms. WATERS. Mr. Speaker, will the gentleman yield?

Mr. ROYCE. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Speaker, I think it is important for us to talk about what really has happened with the relationship that we have had with Saddam Hussein.

Does the gentleman understand that we are the ones that gave him anthrax?

Mr. ROYCE. No, I do not understand that. I respectfully disagree with the gentlewoman.

Ms. WATERS. I disagree with the gentleman, also; and I appreciate the time that the gentleman is giving me to counter some of his points.

In addition, would the gentleman agree that our inspectors decided to leave Iraq after it was discovered that they were there doing some of the work of the CIA instead of doing the inspections that they were supposed to be doing?

□ 2320

Mr. ROYCE. Mr. Speaker, I understand that Saddam Hussein was very effective in maneuvering our inspectors out of Iraq and has not allowed in our inspectors or any other inspectors for 4 years; and I also understand that during that 4-year time frame he has been developing not only chemical and gas weaponry, biological weaponry, but also nuclear weaponry. That is what I know. And I would commend to the gentlewoman to review our transcript of our hearing on this very subject.

Reclaiming my time, I would just say there may be some debate among arms controls experts about exactly when Saddam will have nuclear capability, but there is no disagreement that Iraq, if unchecked, will have them soon and a nuclear-armed Iraq would alter forever the balance of power in the Middle East. I think there is very little doubt that Saddam, if he had an atomic bomb and with these stocks of biological and chemical weapons, might not use that for the purpose of power.

Because when Jeffrey Goldberg talked about Saddam's past with the medical geneticist Christine Gosden, who has been there on the ground in Kurdistan working with Kurds, some 4 million of which are estimated to have been affected at one point or another by chemical attack, she said one thing. She said, please understand the Kurds were for practice. They were practicing with different types of chemical and biological weapons on the Kurdish population.

I think, under these circumstances, if we do not move forward with a plan to disarm Saddam Hussein, it would be folly.

Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. FLAKE), a member of the Committee on International Relations.

Mr. FLAKE. Mr. Speaker, I thank the gentleman for yielding me time; and I appreciate being part of this historic debate.

It has often been said that the most difficult decision a Member of Congress will ever have to make is a decision to send people in America to war. We are often told that we ought to approach it as if we are sending our own child to war. I do not have any children old enough to participate in a war at this time, but I do have one family member who will likely participate in this conflict. That adds extra gravity to this debate for me.

Earlier in this debate it was also mentioned that we ought to visit some of the war memorials around town. I did so last night. Late last night, I visited the Vietnam Memorial; and I can tell my colleagues that seeing so many names on that wall adds importance to the debate that we are having tonight, that we will have throughout this week.

We ought to let history be our guide here. But the most recent history in this case that we ought to look at is the vote that took place in this Chamber 12 years ago. During that time, we faced a very similar decision. Should we thwart Saddam Hussein in his attempt to go beyond his boundaries or should we appease him? Fortunately, the majority of this body and the other body agreed we ought to thwart him; and I think we can all agree that, had we not done so, that the biological and chemical weapons that Saddam Hussein possesses would be added to nuclear weapons which he would certainly possess today had he not been thwarted at that time.

We are in this position today, I would submit, because we have no other choice. This is our only reasonable option. War will no doubt come at great cost. When we visit the war memorials, we see that cost, but the cost of appeasement is far greater.

I commend the House leadership for bringing this resolution forward and for shepherding it through process. I especially commend our President who so forcefully pushed for this resolution and who has so deliberately pushed for this resolution.

I urge support for the resolution.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume.

I would like to make a short statement that I am not so sure that the attempt to avoid war, the attempt to avoid death and destruction, the attempt to use as a last resort the horrific weapons of destruction and death that we have in our arsenals, weapons, smart weapons, weapons 10 times more accurate and deadly than we used 10 years ago, is necessarily appeasement. I think that we should use every deliberate ounce of strength in our bodies to avoid death and destruction, and to avoid that I think is stretching it when that is considered appeasement.

I yield 5 minutes, Mr. Speaker, to the gentlewoman from North Carolina (Mrs. CLAYTON), a person who serves on the Committee on Agriculture and whose strong voice we will miss as this is the last term she will be serving in this august body. She has made a strong mark for the great State of North Carolina.

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, like most persons of deeply held conscience, I come to the House floor tonight deeply troubled. I am concerned about the threat of national security. I am concerned about the threat that Saddam Hussein poses to the world at large, and I am concerned about Saddam Hussein's willingness to thumb his nose at the rest of the world.

However, these are not my only concerns. I am also deeply concerned about the way in which the administration is approaching this state of affairs. President Bush has said that Iraq possesses weapons of mass destruction, but he has not made a convincing and compelling case that Saddam Hussein poses such a dangerous, verifiable and immediate threat that the President should be granted the authority to attack Iraq preemptively or unilaterally. We have known for years that Iraq possesses chemical and biological weapons and, sadly, that he has used these weapons on people from his own country. We know factually that Iraq has refused to obey the resolutions of the United Nations.

Two troubling questions remain, Mr. Speaker.

First, why, after so many years, do the actions of Saddam Hussein become so immediate and so pressing that they cloud the consideration of any other matter of similar importance, especially on the domestic agenda?

The second question, Mr. Speaker, is who should enforce international law?

The President's latest address to the American people did not provide any new information about Saddam's weapons of mass destruction. Neither did it provides any conclusive evidence of Iraq's ability to develop nuclear weapons or a timetable for such development. We need more evidence. Therefore, I am calling on the United States to work with the United Nations to assure immediate resuming of unfettered inspection of Iraq's chemical, biological, and nuclear weapons capacity. Only in this way can the President and the Congress make the case to the American people and our friends and allies that Saddam Hussein poses a real and dangerous and verifiable threat not only to his own people and Iraq's neighbors in the Middle East but to the United States and the cause of world peace. Only this way can we demonstrate to the American people and the rest of the world that we are committed to exhausting all potential diplomatic and international efforts before taking violent action.

Committing our Nation to war is a grave action in any circumstances. I cannot without personal struggle decide to end an effort for peace, send our young people into terrible danger and put the lives of countless innocent citizens at risk. My faith, my humanity requires me to always seek peace over war, diplomacy over military action, compassion over aggression. In the current circumstances, when we have no clear reason to believe that Iraq poses imminent threat, though threat he has, we must act decisively, with all possible caution and humility. This is the only reasonable way to proceed.

Before we move to military action, we must assure that all other methods to resolve the situation has been tried and there is no other alternative. It is worth noting, Mr. Speaker, that this is the strategy that President Bush followed in getting other nations to join us in the fight against terrorism.

□ 2330

He would be well advised and we would be well advised to follow that same course. A unilateral first strike action would undermine the moral authority of the United States, result in untold loss of life, destabilize the Middle East, and undermine our ability to address pressing domestic needs. The Congress should, therefore, authorize the President to use force only in concert with the United Nations and only if weapons inspections fail.

Mr. Speaker, I would like to include for the RECORD an editorial on Patsy Mink. I remind my colleagues that we lost Patsy Mink almost 10 days ago. In the Honolulu Advertiser, the editorial is entitled "Remember Patsy Mink: Slow the Rush to War."

Mr. Speaker, that is very wise advice for us too.

REMEMBER PATSY MINK: SLOW THE RUSH TO WAR

As Patsy Mink is honored today in our state Capitol's atrium, her colleagues in the nation's Capitol begin in earnest a debate on the language of a resolution authorizing the use of military force against Iraq.

How we wish she were there to participate in that debate.

Thirty years ago, Mrs. Mink, seemingly tilting at windmills, ran for president of the United States in the Oregon primary election in a campaign that made withdrawal from Vietnam its only issue. Ignoring such epithets as "Patsy Pink," she won a scant 2 percent of the vote—and the moral high ground.

Today a handful of voices have been raised in warning as this nation teeters on the brink of war. They warn of "unintended consequences." By 1972, of course, most of the dreadful consequences that Presidents Eisenhower, Kennedy, Johnson and Nixon had failed to foresee in Southeast Asia had become painfully clear. What had begun as a war against a backward peasant nation became in many ways, both home and in Vietnam, a wasted decade.

Mrs. Mink, of course, would not fail to recognize the evil intent of Saddam Hussein. Yet in today's debate, she would not stand for one minute for her party's strategy that says the quicker they can settle the war question, the quicker they can turn the page to the domestic issues on which they think they can get the traction needed to make gains in the upcoming midterm elections.

In this unseemly haste, the debate ignores momentous issues: whether the United States must fight and pay for this war alone, and what it would do to our global standing; whether the Bush administration has any plan at all for a post-Saddam Iraq; whether it has considered the destructive forces that might be released from this nation hastily carved from the Ottoman Empire after World War I, with its disparate population of Shiite, Sunni, and Kurd and Turkmen peoples; whether it has accurately assessed the cost of treasure and young blood in what could become another decade of armed neo-colonialism.

The Democrats have allowed this debate to become so narrowly framed as to be nearly meaningless. The debate, in essence, is over how soon we invade Iraq. That is, if the Democrats get their way, they will need to be assured by President Bush that he has exhausted diplomatic means; that U.N. sanctions and inspections haven't worked; and that the new war won't set back the "old" one—the war against terrorism.

These conditions may slow the coming war by weeks or months, but they won't stop it.

Omitted entirely from the debate is Bush's new National Security Strategy, which advances a doctrine of "pre-emptive" war-making that suggests that Iraq is only the first step in a violent reordering of the world.

Congress has already effectively ceded to Bush the authority to wage a unilateral, pre-emptive war against Iraq, whether or not the United Nations approves.

We urge the rest of Hawaii's congressional delegation to reflect well on Mink's honorable legacy of peacemaking—and to carry it back with them to the debate in Washington.

Mr. ROYCE. Mr. Speaker, I yield 5 minutes to the gentleman from Arizona (Mr. KOLBE), a Member of the Committee on Appropriations.

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in support of House Joint Resolution 114, the resolution to give the President authority to use force against Iraq, if necessary, to protect our vital national security interests and to enforce the multiple resolutions of the United Nations calling for disarmament of that country.

I do not cast this vote lightly, as I know the President does not commit American forces to battle lightly. I have served in the Armed Forces of this country, and I have been in combat in Vietnam. I pray that no young American man or woman will ever have to go to war again.

But if we are to avoid war, we must be prepared to wage it. Iraq is a clear threat to this Nation and to all peaceable nations in the world. Saddam Hussein is a brutal tyrant, whose cruel and evil acts against his own people would make Joseph Stalin proud. But it is the threat he poses to other nations and other peoples that demands action now by this Congress and by this Nation.

He has previously invaded and subjugated other countries. He has used weapons of mass destruction against his own people and those of neighboring Iran. He has launched missiles against other Middle East countries. He has brutalized and starved and murdered minorities and opponents, real and imagined, in his own country. He has defied the United Nations demands that he submit to inspectors and disarm his ghastly weapons of mass murder. He has supported elements of terrorism operating around the world.

For 10 years, the civilized world has maintained a policy of containment for Iraq that includes economic sanctions, no-fly zones, diplomatic isolation, and a credible military presence in the region. While it has contained Iraqi aggression to this date, it is no longer sufficient. Now we must be prepared to take stronger action.

In his speech Monday evening, President Bush made a persuasive argument for immediate steps to destroy the deadly weapons Saddam Hussein possesses. I will support this resolution, which gives the President authority to use force to accomplish that goal.

We all hope conflict can be avoided, but there should be no doubt in the minds of any here today or any in the world that the best hope of avoiding conflict is for the United States and the United Nations to adopt strong, unequivocal positions, making crystal clear our intentions to destroy those deadly weapons.

There must be no crack in our resolve that allows Saddam Hussein to slip through. There must be no glimmer of equivocation that can give rise to further delay on his part. If war is to be avoided, he must disarm, and he must disarm now.

As chairman of the Subcommittee on Foreign Operations of the Committee on Appropriations, I am very conscious of the responsibilities we and other nations in our coalition will assume in the aftermath of conflict. We must be prepared for large movement of refugees, particularly if Saddam Hussein uses chemical and biological weapons against populated areas. We must be prepared to treat victims of his cruel crimes. We must be prepared to provide humanitarian assistance to those who need it.

In the longer term, we will also need to be prepared to deal with the reconstruction of Iraq, physically and politically. The former will be easier, for this is a country with revenues that can be generated from oil and with an infrastructure that is excellent by developing-country standards.

Providing transition to a democracy will be more difficult. This is a country ruled by a tyrant that has brooked no dissent for a generation. It lacks the most rudimentary institutions that can be used to create a pluralistic, multi-ethnic democratic form of government. Achieving this will require a sustained, long-term commitment on our part, as well as from other nations in Europe, in Asia, and most important, in the region surrounding Iraq.

This commitment, if sustained, could have benefits far beyond Iraq's borders and far beyond the events that bring about a new regime. Democracy in Iraq could speed a settlement of the terrible Israeli-Palestinian conflict. It could convince other countries in the region that transition to democracy is possible without cataclysmic political upheaval.

No one should imagine this will be easy. No one must doubt the difficulties that lie ahead of us, the dangers that lurk at every corner. But if we are prepared to assume the responsibility for the future of Iraq in war, we must also be willing to shoulder that burden in the peace that follows.

My colleagues in this House, not one of us relishes this moment. The burden falls heaviest on the President, but it also falls on our shoulders as we prepare to authorize the use of force. Our men and women in uniform will be put in harm's way. And if there is to be a war, civilians will die.

But the consequences of not acting are much graver, far worse. The prospect of Saddam Hussein having more weapons of death to use is too real, the possibilities of loss of life numbering in the tens of thousands or hundreds of thousands too monstrous to contemplate.

We act with great reluctance, but this Congress will act. We seek peace, but Saddam Hussein must know this President, this Congress, this Nation, will not flinch when called upon to protect our national interests. We will vote to give the President the authority he needs to wage war that we might secure peace.

Mr. SCHIFF. Mr. Speaker, I yield myself such time as I may consume to respond briefly to a couple of the comments made by my colleague from North Carolina.

Although we agree on many of the same underlying facts, we have disagreed on the conclusion to be drawn from those facts. But there was one point in particular on which I wanted to note my agreement, and that is the point that I think it would be very important for the administration to show more of the evidence it possesses of Saddam Hussein's possession of weapons of mass destruction.

The President in his speech last night quoted, quite appropriately, from President Kennedy during the Cuban missile crisis. But probably the most vivid image that most Americans have of that period was the demonstration of the aerial photographs of missile silos in Cuba, the very direct, very unequivocal proof of that threat 90 miles from our shore.

So, too, I think it would be important for this administration to be more forthcoming with the evidence it possesses, to demonstrate unequivocally to the American people, for whom many still have questions that Saddam Hussein does in fact possess chemical and biological weapons, because he does possess them; is in fact working to acquire nuclear weapons, because in fact he is working in that direction.

Now, I realize that that chore is made more difficult in some respects, but easier in others. More difficult in the fact that some of the technology we are talking about is dual-use technology, and from aero-satellite it may not be possible to determine whether the rebuilding of chemical and biological weapon facilities which is currently ongoing can be argued to be done in the interests of some civilian application.

But while there are those challenges, and, of course the challenge that once we disclose our knowledge of the whereabouts of chemical or biological weapons, those weapons will be moved, thwarting later inspections, while those challenges are, nonetheless, real and great, we also have a commensurate increase in our technological ability. Our ability to gather intelligence is much greater than it was in the early 1960s. And, notwithstanding the cost of sharing some of that evidence, the benefit that would accrue to the administration in making its case to the American people would be substantial.

□ 2340

Iraq, Saddam Hussein, his foreign minister, his spokesman, all unequivocally deny the presence of chemical and biological weapons. Showing the proof of that lie, I believe, is very important for the administration to do and very much within its capability.

The second point I wish to emphasize tonight which I think the administration will be well served to emphasize and which was lacking, perhaps, in the President's speech, and that is the importance of talking more deliberately and more thoroughly about the Iraq that America would like to see in the future, an Iraq with free institutions, an Iraq that is once again prosperous. Our long-term commitment for that is what it will have to be, a prosperous and free Iraq.

This is not only important I think in terms of the American people understanding that this is not about oil, that this is about the long-term peace and security of that region and our own long-term peace and security, but it is also important for the rest of the world to understand. And I think it may be even most important for the Iraqi people to understand, the possibilities that the future holds for the people of Iraq once the regime in Baghdad changes.

So I would urge the administration, notwithstanding the support that I think will come from this body and from the Senate for the resolution, to be more demonstrative in the proof that it does possess of the evidence of weapons of mass destruction now and also to be more thoughtful and more articulate in describing the type of Iraq the administration is committed to seeing.

Mr. Speaker, I reserve the balance of my time.

Mr. ROYCE. Mr. Speaker, I yield 3 minutes to the gentlewoman from Pennsylvania (Ms. HART), a member of the Committee on the Judiciary.

Ms. HART. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, over the last weeks I have heard from and spent time with many of my western Pennsylvania constituents. Some are World War II veterans, Korean veterans, some steelworkers, homemakers, business people, teachers. As I stand here tonight on the House floor, though, foremost in my thoughts is a small group of constituents who marched and prayed in support of peace outside of my office in Bridgewater, Pennsylvania.

I share these individuals' desire for peace.

Following the attacks on September 11, we Members of Congress were asked to do all that we can to prevent anything like that from ever happening again. It is our responsibility to defend this Nation.

America stands as a beacon of freedom to the world, one that blazes even more brightly as a result of our response to last September 11. Unfortunately, we continue to be despised by madmen like Saddam Hussein, a madman who has access to chemical and biological weapons of mass destruction and has been increasing his capacity to use them.

Our deliberations on this resolution can follow but one light, the light of experience, and our experience has shown that Saddam Hussein has ignored countless peaceful overtures that would have prevented our current dilemma. He has murdered his own people in barbaric and horrible ways. He has attacked his neighbors and continues to build weapons of mass destruction unchecked. Given this and his stated pathological hatred for America, the devastation he can inflict upon us is a severe risk. Simply allowing this risk to increase is unacceptable.

We cannot continue to deceive ourselves. This is a problem that will not disappear and will not take care of itself.

As this chart shows, Saddam Hussein has ignored the United Nations and the very resolutions to which he agreed following the Gulf War over and over again. Today, 11 years later, he continues to ignore the United Nations, retains chemical and biological weapons, and amasses more offensive weaponry as each day passes.

Our resolution makes it abundantly clear that this must stop.

Patrick Henry once said, "It is natural to indulge in illusions of hope, to shut our eyes to a painful truth." We must, however, open our eyes to the looming threat Saddam Hussein poses to the world.

As I said, I and the rest of this Congress share my constituents' hope for peace. I believe that passage of this resolution can prompt a peaceful outcome by making it clear to our enemy that it is time for him to comply with disarmament requests. In light of this resolution, the U.N. Security Council's resolve can be buttressed. This resolution can guide the U.N. to pass a new set of resolutions, ones that will be tough and effective and, more importantly, resolutions that will be enforced.

This Congress has a responsibility to protect the American people. It is our duty to deal with the threats that face this great Nation and the world. This resolution shows that we are a united America, that we stand firm in our resolve to rid the world of terrorism. It shows the United Nations and the world what leadership means: We prepare for action while pursuing avenues to peace.

Yes, our goal is peace, but a lasting peace, and not continued appeasement.

Mr. Speaker, I urge my colleagues to support this resolution.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. MORAN), a member of the Committee on Appropriations and one who is a strong voice for our Federal employees.

Mr. MORAN of Virginia. Mr. Speaker, I think it is instructive to review the history of how we got to this debate tonight.

Yes, Saddam Hussein does deserve to be demonized, but after the Shah of Iran was overthrown in the late 1970s, Saddam became our guy in the Persian Gulf. During the Reagan years, we helped train his army and equipped him with weapons we now deplore his using against Iran in their deadly 10-year war. In fact, The New York Times reported back then that our satellites provided the coordinates for some of the deadly attacks against the Kurds and Iranians. We even inadvertently, I trust, gave him some reason to believe that the U.S. would not react if he attacked Kuwait over disputed oil fields.

Well, President Bush did react, but, in retrospect, he reacted in a more responsible manner than what his son now proposes. He waited until just after the mid-term congressional election. He sought and got the support of the other Arab nations. He worked with and through the United Nations Security Council.

When the U.N. deadline for withdrawal arrived, Saddam ordered a retreat out of Kuwait. We attacked the next day. While we killed tens of thousands of retreating Iraqi conscripts, we lost very few American lives, but we did leave a Republican Guard largely intact and Saddam still in charge. He proceeded to massacre the Shiites and the Kurds we had encouraged to rebel from his rule.

We stationed our troops in Saudi Arabia as a residual measure to prevent further Iraqi aggression, motivating a homicidal terrorist, Osama bin Laden, also trained by the United States in the Mujahedin's war against the secular Russian presence in Afghanistan, to attack this country on that infamous day in September.

Now, a decade after the Persian Gulf War, President Bush's son is still stuck with the same demon. This President Bush had followed his father's example in preparing to attack Iraq by working through the United Nations Security Council and getting the support of his Arab neighbors. But Kuwait recently agreed to a bilateral trade agreement with Iraq, and no other Arab nation thinks it is in their interests or ours to attack Saddam at this time, particularly with the intensity of animosity generated by the Israeli-Palestinian conflict.

What we should do is lay out the same arguments the President presented to the American people last night to the United Nations and to the rest of the free world. Do we really think that other nations are less concerned about homicidal tyrants in their midst, less protective of their families and their freedoms? But when we go it alone, we create resentment, even among our allies. We become a singular target for vengeance for the deaths that we cause, and it will likely become our principal responsibility to rebuild the human and the fiscal infrastructure we destroy.

We should be focusing on making Saddam weak and irrelevant by discovering and destroying all weapons of mass destruction, their storage and production facilities and any missile capability to deliver them. The President cannot obtain a sufficiently robust, coercive resolution from the United Nations that includes all Saddam's palaces and all 500 to 600 potential sites or, if Iraq again interferes with U.N. inspectors as they did during the 1990s, this Congress will assuredly give our President authority to use all necessary military force on an expedited basis.

□ 2350

But, Mr. Speaker, we should be marginalizing Saddam Hussein, not marginalizing the United States Congress. We should vote for the alternative resolution that has been made in order, consistent with Senator LEVIN's and Senator BIDEN's approach in the Senate.

Preemptive unilateralism is not what made us the undisputed leader of the free world. Constructive cooperation and resolution, principled leadership is what has made us great and is what should guide us in this profoundly important vote.

Mr. ROYCE. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. SHIMKUS), who is a West Pointer, an infantry officer who was trained as a Ranger and paratrooper, and he still serves as a lieutenant colonel in the Army Reserve.

Mr. SHIMKUS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, on July 29 I joined with my colleagues on the other side to support the resolution that said the President needed to come to the House, make the case, have a vote, and have a debate. That is what we are doing here tonight.

I supported it for three reasons: the constitutional reasons that we would get more information, we could give that information to the country, and we could help unify the international community with this debate. The President has done that by the U.N. speech and provided more information to Members.

I have had many briefings since that time; and with his resolution and the changed resolution, I am now convinced that Iraq has not complied with a ceasefire agreement; has weapons of mass destruction, chemical and biological; is pursuing the nuclear option; has used mass destruction on his own citizens and his neighbors; and al Qaeda operates in Baghdad.

Many people asked for the smoking gun, but the smoking gun is a gun that has already been fired. We cannot allow the use of weapons of mass destruction on our own citizens.

I would like to quote Geoffrey Goldberg's article in the New Yorker Magazine where he says, "'My uncle said we should go outside,' Nasreen said. We knew there were chemicals in the air. We were getting red eyes, and some of us had liquid coming out of them. We decided to run. Nasreen and her relatives stepped outside gingerly. 'Our cow was lying on its side . . . it was breathing very fast, as if it had been running. The leaves were falling off the trees, even though it was spring. The partridge was dead. There were smoke clouds around, clinging to the ground.'"

We cannot allow that to happen in our country. The primary role of the national government is the protection of its citizens. That is what we are doing with this resolution. We are about that work here tonight.

Mr. Speaker, we need to support this resolution. May God bless America.

Mr. ROYCE. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. TOOMEY), a member of the Committee on Financial Services.

Mr. TOOMEY. Mr. Speaker, I thank the gentleman from California for yielding time to me.

Mr. Speaker, clearly, the most painful and difficult and important decision that any of us here in Congress will ever face is the decision to send young men and women to war, knowing, as we all do, that many will be injured, some will die, as will, sadly, but unavoidably, soldiers and civilians in the country we are fighting.

So we have an obligation to think very long and hard and wrestle with many questions, including those that have been raised by a number of my friends and colleagues who oppose this resolution, and to consider those questions before we take that decision.

I wanted to reflect on two questions that have been raised several times today in this debate. First is the question of whether or not Saddam Hussein poses a sufficient and a sufficiently imminent threat to Americans to justify American military action against his regime. Let us consider what we know for facts.

First, we know he has massive stockpiles of chemical weapons, we know he has huge stockpiles of biological weapons, and we know he has full-scale and urgent programs under way to develop nuclear weapons, as well. No one disputes that he has these terrible weapons.

So the next question becomes, well, is there much chance that he would ever consider using them against us? Well, consider this is a regime that has invaded its neighbors without provocation, resulting in untold thousands of deaths; that Saddam Hussein has ordered chemical attacks on Iran, and on more than 40 villages in his own country, resulting in the death of his own people.

In the last year alone, the Iraqi military has fired upon American and British pilots more than 750 times. He has repeatedly expressed his deep hatred of the United States. Also, Iraq is and continues to harbor terrorists and to finance terrorism.

Given his weapons, his history, his threats, and his relationships with known terrorists, my question is, How could we possibly sit back and just wait? The first and most important responsibility of the Federal Government is to protect the lives of our citizens, and the catastrophe that would result if he used weapons of mass destruction on Americans is so great that we simply cannot risk that event.

Now, the President has described Saddam Hussein as presenting a grave and gathering threat. I think he aptly invokes the term that Winston Churchill used in the title of the first volume of his seminal series on the history of World War II, which he called "The Gathering Storm."

Hitler and the Nazis were, in the 1930s, a gathering threat; and today Saddam Hussein is a gathering threat, gathering in the sense that it is a growing, accumulating, worsening threat and becoming more and more dangerous as his weapons grow in size and sophistication.

For these reasons, I believe that the threat is sufficient and sufficiently imminent that, should we fail to eliminate that threat, we would be shirking that first and foremost responsibility that we have to protect our fellow citizens.

Others have suggested that, unless we get permission for this action from the U.N., we would basically lack the legal and moral authority to use military force. Mr. Speaker, to that I respond that our Constitution does not delegate to the U.N. responsibility to provide for the common defense of our citizens. That is our responsibility. We would be wrong to abdicate that responsibility.

While I hope that we get a strong resolution from the U.N., and I hope we have a broad international coalition to support this effort, if we cannot get that broad support, our responsibility is to proceed with those allies who will join us.

Still others have suggested that using the Armed Forces to preempt an adversary is without precedent in American history. That is just factually wrong. On other occasions, including in 1962 when the United States Government imposed a naval blockade of Cuba, it did so to prevent a threat from emerging.

There are many other legitimate questions, Mr. Speaker; and I have tried to evaluate them honestly and dispassionately. The conclusion that I keep coming to is that this is a grave and gathering threat that is simply too dangerous and could result in too many lost American lives, should we ignore it any longer.

We have tried diplomacy, embargoes, inspectors, all forms of political and economic pressure; and all the while the threat has gathered and grown. We cannot afford to wait any longer. Unless Saddam Hussein immediately, completely, openly acknowledges and destroys all of his weapons of mass destruction and allows immediate, unfettered access to really every inch of his country, to weapons inspectors that can operate freely, whenever, wherever, without providing notice, failure to do that means we must achieve this disarmament by force.

That is what this resolution authorizes the President to do. That is why I urge my colleagues to support it.

Mr. ROYCE. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I rise tonight in strong support of the resolution; not with joy nor with blood lust nor with a sense of vengeance, but instead, with a clear-eyed analysis of the threat that is presented.

Mr. Speaker, I give thanks for the fact that this debate is occurring not via satellite television from Baghdad, but, as it should, on the floor of the United States House of Representatives, where people of good will and honest conviction can disagree.

In the preceding few minutes, Mr. Speaker, we have heard some embrace a collective multilateralism as the doctrine and seeming salvation of this new century.

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There is one major flaw with that notion, and it is expressed in the first action all 435 of us who serve here take when we raise our right hand and take the oath of office. Because, Mr. Speaker, when we do so, we pledge to uphold not the charter of the United Nations but the Constitution of the United States.

Do not mistake the desirability of coalitions. There is a place. They are desirable. Our own Secretary of Defense has told us in this war there will be many different coalitions. There will be those that come to support us out front. There will be others behind closed doors. There will be different ways different nations will show their support.

But, Mr. Speaker, make no mistake, our Founders quite properly, in enumerating the responsibilities of this government in a document of limited and specified powers, first and foremost, we are to provide for the common defense. We do that not by seeking the permission of the Congo or Cameroon or France or Germany. We do that by clearly, unmistakenly, and unashamedly protecting the lives and interests of the American Nation.

Make no mistake, this will not be easy. This will not be pleasant. This war has been thrust upon us when, on a beautiful morning a year and a month ago, innocent Americans were attacked and killed by a regime of terror, a regime that our Commander-in-Chief just informed us last night has had repeated contacts with the government of Iraq.

The dictator of Iraq cares not a whit for the world community, and he certainly cares not for the welfare of American citizens, nor our interests.

Mr. Speaker, it is reluctantly but with a sense of resolute faith that I stand in support of the resolution to protect the American people and to protect the American Nation.

Mr. ROYCE. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. RYAN), a member of the Committee on Ways and Means.

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding me time:

Mr. Speaker, I wanted to see if I could add something to this debate that had not been covered tonight, because I think on both sides of the aisle we have had very articulate arguments. So I have brought with me a book called The Threatening Storm by Mr. Kenneth Pollack. Mr. Pollack was the expert on Iraq in the Clinton administration in both the CIA and at the Security Council, and I would like to read a quick passage about the kind of regime that Saddam Hussein imposes on his own people.

"This is a regime that will gouge out the eyes of children to force confessions from their parents and grandparents. This a regime that will crush all of the bones in the feet of a 2-year-old girl to force her mother to divulge her father's whereabouts. This is a regime that will hold a nursing baby at arm's length from its mother and allow the child to starve to death to force the mother to confess. This is a regime that will burn a person's limbs off to force him to confess or comply. This is a regime that will slowly lower its victims into huge vats of acid, either to break their will or simply as a means of execution. This is a regime that applies electric shocks to the bodies of its victims, particularly their genitals, with great creativity. This is a regime that in 2000 decreed that the crime of criticizing the regime, which can be as harmless as suggesting that Saddam's clothing does not match, will be punished by cutting out the offender's tongue. This is a regime that practices systematic rape against its female victims. This is a regime that will drag in a man's wife, daughter or other female relative and repeatedly rape her in front of him. This is a regime that will force a white-hot metal rod into a person's anus or other orifices. This is a regime that employs thalium poisoning, widely considered one of the most excruciating ways to die. This is a regime that will behead a young mother in the street in front of her house and children because her husband was suspected of opposing the regime. This is a regime that used chemical warfare on its own Kurdish citizens, not just on the 15,000 killed and maimed at Halabja but on scores of other villages all across Kurdistan. This is a regime that tested chemical and biological warfare agents on Iranian prisoners of war, using the POWs in controlled experiments to determine the best ways to disperse the agents to inflict the greatest damages.

"This is the fate that awaits thousands of Iraqis each year. The roughest estimates are that over the last 20 years more than 200,000 people have disappeared into Saddam's prison system, never to be heard from again. Hundreds of thousands of others were taken away and, after unforgettable bouts of torture that left them psychologically and often physically mangled, eventually were released or escaped. To give a sense of scale, just the numbers of Iraqis never heard from again would be equivalent to about 2.5 million Americans suffering such a fate."

Mr. Speaker, not since Hitler and not since Stalin have we seen so much evil delivered by one man. On top of that, these are the least of the reasons why this authorization is needed. This tyrant has amassed a large cache of chemical and biological weapons of mass destruction and is aggressively seeking nuclear weapons. He sees America as the only obstacle to his perverse ambitions, and that is what he shares with al Qaeda, these terrorists against us, this deep hatred for America. We must not let him share anything else with these terrorists, Mr. Speaker.

With that, Mr. Speaker, it is a painful vote, it is a painful subject, it is a painful issue, but this is a cause that we cannot go unanswered. I urge a yes vote, and I urge passage of this resolution.

Mr. ROYCE. Mr. Speaker, I yield 4 minutes to the gentleman from Minnesota (Mr. GUTKNECHT), a member of the Committee on Agriculture.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, these are times that try our souls. These are decisions that all Members of Congress hope they will never have to make. All of us have in our own way prayed for the wisdom of Solomon.

As the gentleman from Illinois (Mr. HYDE) said earlier in quoting Abraham Lincoln, "We cannot escape history."

Our ancestors understood that negotiation alone would not bring freedom or peace to the colonies. Today we stand on the shoulders of the patriots who knew that freedom is not free. Patrick Henry warned that peace could always be purchased at the price of chains and slavery. He closed with, "Forbid that Almighty God."

Nearly 64 years ago to this very week, Prime Minister Neville Chamberlain believed that he could reason and negotiate with a despot. He returned from Munich smiling, waving a paper, touting, "Peace in our time."

A few days later, a wiser Winston Churchill went to the House of Commons and said, "Mr. Prime Minister, you have been given the choice between war and dishonor. You have chosen dishonor, and we shall surely have war."

How much blood? How much treasure could have been spared had we have stopped the despot when all he wanted was liebensprau?

Last year I led a delegation of Members from the House to Northeastern Germany. We toured a small camp near the Baltic called Peenemunde. It was there, understand total secrecy, that the Nazi war machine perfected the lethal buzz bomb rockets that set Great Britain ablaze.

We did not know until after the war that they were also working on nuclear weapons and a multi-stage rocket capable of hitting the United States. Our delegation saw a cartoon drawing on the wall of one of labs that showed these rockets raining down on New York City. We liberated Germany just in the nick of time.

Today our intelligence is far from perfect, but it is much better than it was in 1940. We know that Saddam is rebuilding his arsenal of death. We know that he has used chemical and biological weapons to kill thousands of his own people. We know that he is attempting to acquire nuclear capabilities. We know that he has attacked his Arab neighbors. We know that he plotted the assassination of a former U.S. President. And worst and most sobering, we know that he has repeatedly pledged to lead a holy war against the United States.

For more than a decade the terrorists and the rogue states that harbor them have been at war with the United States. They have killed hundreds of innocents at our embassies in Tanzania and Kenya. We launched a few Scud missiles. They killed dozens of our sailors on the U.S.S. *Cole*. We did little. So September 11 they crossed the ocean and killed thousands.

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They crossed the line. They attacked we the people on our home soil. We the people will do everything in our power to make sure that this never happens again. Now the battle is joined.

In many respects the confrontation with Saddam Hussein is an important chapter in ridding the world of the vicious hatred which bred those bloody attacks on American soil. In our bones we all know that sooner or later we will have to lead the effort to confront this despot. The only real question is when. It is once again left to the Americans to liberate Iraq.

We must join together and speak with one voice. We must give our President the authority to make the peace, to free the Iraqi people of this despot and leave to all the children of the world a safer planet. No, we cannot escape history; and history expects no less.

Mr. ROYCE. Mr. Speaker, I yield 5 minutes to the gentleman from Connecticut (Mr. SHAYS) who, as a member of the Committee on Government Reform, has done extensive work on the issue of terrorism.

Mr. SHAYS. Mr. Speaker, based on all we have learned during 4 years of hearings by the Committee on Government Reform, Subcommittee on National Security and International Relations, it cannot be disputed, Saddam Hussein had a robust chemical, biological and nuclear weapons program before the Gulf War. He had a robust program after the war. And he ejected United Nations inspectors when we had successfully begun to dismantle his weapons of mass destruction, particularly when we got below the weeds to the real roots, the engineers and scientists who sustain the program.

No credible source, public or classified, has met the burden of proof on Iraq to demonstrate Saddam Hussein has stopped pursuing weapons of mass destruction and disarmed. Having learned the hard lesson that we cannot be defeated in conventional combat, he is more determined than ever to deploy chemical, biological, radiological, and nuclear weapons against us. His support of terrorist groups also means he is likely to deploy these weapons using surrogates.

Some say until Iraq poses an imminent threat to the United States and until he both has a nuclear weapon and threatens to use it, or until we have smoking-gun evidence Saddam Hussein launched the planes into the World Trade Center, we should be content to contain and deter an Iraqi regime openly amassing weapons of mass death.

I could not disagree more. Saddam Hussein will not be deterred, and he will not be contained. Testifying before our committee all three national commissions on terrorism stressed the need for a real-time threat assessment, a new strategy to confront the threat, and a restructured Federal Government to implement the strategy. Containment, deterrence, and mutually assured destruction no longer assure our national security.

Our policy, and the structure of government to carry it out, must be proactive and preemptive.

As a free and open society, we are vulnerable to catastrophic attack by those who see no moral or political "red line" to constrain them.

As former Israeli Prime Minister Benjamin Netanyahu reminded us, September 11, 2001, was a wake-up call from hell. We need to wake up. On that day, quaint Cold War doctrines justifying action only against clear and present dangers died with those 3,000 innocents in the World Trade Center, the Pentagon, and Pennsylvania.

The dangers we face may never be clear again. The mere existence of weapons of mass destruction in the hands of despots, tyrants, and terrorists constitutes an imminent threat to our security. That threat must be addressed before it manifests itself full-blown in a smallpox epidemic or a mushroom cloud.

Ironically, only the possibility of unilateral action by the United States will draw our allies into effective multilateral action. So we must maintain the right to act in our sovereign security interests, with our allies whenever we can, alone if we must.

Over the course of 41 hearings and briefings since 1999, our Subcommittee on National Security has learned that weapons of mass destruction proliferation possess a grave threat to the United States.

Iraq is both a producer and potential consumer of illicit weapons and materials. Dr. Hamza, a former head of the Iraqi nuclear program, told us recently Saddam Hussein will never yield access to the scientists who sustain his weapons programs.

Dr. Alibek, former deputy director of the Biopreparat, the civilian arm of the Soviet Union biological weapons program, testified he considered it inevitable biological weapons will fall into terrorist hands.

According to the British Government's recent analysis of Iraq's weapons of mass destruction program and a similar dossier by the respected International Institute for Security Studies, Saddam Hussein need only acquire a core of highly enriched uranium the size of a single softball to become nuclear capable within a matter of months.

With uncertain controls over the weapons grade material in the former Soviet Union, Saddam Hussein has already tried to go shopping for the missing core of his malevolent nuclear aspirations. Lucky for us, he has fallen prey to black market scam and bought atomic junk. But we cannot base our fundamental security on his continued bad luck.

As proposed, U.N. inspections will never succeed in disarming an Iraqi regime determined to hide or reacquire weapons of mass destruction capability. We heard testimony from former UNSCOM inspectors and U.S. nonproliferation experts who concluded nothing short of utterly unfettered, that is anytime, anywhere unannounced, inspections would ever get close to discerning Iraq's true capabilities.

Even then, without a powerful incentive for Iraq to point inspectors in the right direction, most conclude even those inspections would not guarantee complete disarmament. Only the option of force authorized in this resolution can provide the incentive for the Iraqi regime to step out of the way and allow the civilized world to assert its rights to security and peace.

Mr. ROYCE. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. FERGUSON).

Mr. FERGUSON. Mr. Speaker, I represent 81 families who lost loved ones in the attacks of 9–11 and the World Trade Center. I have visited with these families, consoled them, wept with them, and each of them share a common thread.

What I heard from these families over and over and over again was a plea, please do everything in your power to prevent this heartache, this destruction, these attacks from ever happening again.

Today we face a tyrant, a cowardly dictator in Iraq who we know is building an arsenal of biological, chemical and, yes, nuclear weapons; weapons that have the potential to deliver untold destruction upon freedom-loving people, and innocent civilians of the United States are clearly in his sights. He has made no secret of his intent to use these weapons of mass destruction on America or Israel or other allies, just as he has brutally used them on his own people.

Saddam Hussein has lied over and over and over again, deceived the international community and the United Nations for 11 years promising to disarm and to allow inspections, and then betraying our trust and our goodwill. He has clear ties to terrorists and to terrorist organizations like Hamas, Hezbollah and, yes, even al Qaeda. His goal, to kill as many people as possible and to force the civilized world to live in fear.

As we heard from the President of the United States last night, we refuse to live in fear. The cost of action may be high, but I would suggest that the cost of inaction is far, far greater. This is a dire situation, and it calls for action. It calls for good and noble action from freedom-loving people around this Nation and around the world.

Mr. Speaker, I made a promise to the 81 families in my district to take action, to do all in my power to prevent the devastation of terrorist attacks like those we saw on 9–11.

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I will keep that promise by voting in favor of this resolution which will authorize the President and administration and the men and women of our Armed Forces to protect the United States from future 9/11s or worse. Diplomatically if we can, but militarily if we must, we all have an obligation to keep our promise to do all we can to protect those we serve; and I will do it by voting for this important resolution. I urge my colleagues to do the same.

Mr. ROYCE. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. GOODE), a member of the Committee on Appropriations.

Mr. GOODE. Mr. Speaker, I thank the gentleman from California for yielding me this time. I noticed that the clock is ticking past 12, and I shall remember the words of the country preacher who said, blessed be the brief, for they shall be invited back.

I rise to support the resolution to respond to the threat that Iraq poses to us and to most nations of the world. If we adopt this resolution, the position of the President will be strengthened in dealing with foreign nations and those in the Middle East. If we present a strong front and indicate to Saddam Hussein that the United States is resolute in seeing the United States and other nations safe from attack by Iraq, then Iraq may recognize that further stalling and prevaricating are futile and open itself up for unfettered inspections.

Appeasement and ignoring clear violations of past resolutions and agreements does not guarantee peace and safety. It will only lay us open to a sneak assault. As the President said, war should be the last resort.

Mr. ROYCE. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. DEAL).

Mr. DEAL of Georgia. Mr. Speaker, I thank the gentleman for yielding me the time.

As this greatest of all deliberative bodies debates this resolution tonight, we are confronted with the same questions that every nation, every family, and every individual must answer when deciding matters of monumental proportions.

The first question embodies many avenues of inquiry, and that question is, simply, why? After all, Iraq is half a world away and lacks long-range missile capability. Under normal circumstances that would be a valid reason to withhold action. But we all know that chemical, biological, and even nuclear weapons can be delivered through unconventional methods such as suitcases, trucks and cargo containers.

Secondly, the question, why now? Why authorize force before all diplomatic approaches have been exhausted? Unfortunately, for those who expect the United Nations to resolve this issue, thus far the U.N. has failed miserably. If the U.N. expects to maintain the respect of the United States or any other member nation, it must show that its resolutions mean something.

Why did the U.N. not take action when the weapons inspectors were kicked out of the country? Why has the U.N. not responded to the attacks on our aircraft as they patrol the no-fly zones in Iraq? If the U.N. wants to maintain its relevance and prove that it is more than an international social club, now is the time and this resolution gives it that opportunity.

Some have also insisted that any action on our part must occur only if our allies are with us. That would be nice, but I do not think it is essential. If we are in the right, we should act whether others choose to join us or not.

Throughout this debate both sides have drawn conclusions from the lessons of history. As we attempt to probe the fog of the future, certainly the established facts of the past are relevant; and some of those facts are as follows: Saddam Hussein has refused to abide by the peace agreement that ended the Gulf war. Instead of eliminating weapons, he has continued to build and buy more sophisticated and dangerous ones. Iraq has aided, abetted, and harbored terrorists that intend to harm us or our allies.

How can our future be bright when it is polluted with these alarming facts of history that are consistently being transformed into the realities of the present? The fruit our actions on this resolution may require that they be harvested by our men and women in uniform. That is the reality of a world where old men give speeches while young men wage wars. All of us sincerely pray that force will not be necessary, but those who fail to do what righteousness requires for fear of resistance have sounded the call of retreat before the enemy is engaged.

Mr. Speaker, I support this resolution, for there is another lesson of history that we cannot avoid, and that is that every generation must engage the forces of evil that confront it. We cannot defeat evil by displaying the medals of valor that have been won by our forefathers, nor can we appease evil in the hope that it will behave until our time has passed. So the answers to the questions of why and why not are simple. It is our time and our obligation to make our down payment on our heritage of freedom.

Mr. ROYCE. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, I rise tonight in support of the joint resolution to authorize the use of military force against Iraq. Mr. Speaker, we are a peaceful Nation, a Nation that wants and promotes peace and a Nation that uses force only as a last option. I believe that the President, my constituents, and the American people do not want to wage war against Iraq. Unfortunately, we face a very real and dangerous situation.

The information the President presented to us confirms that Saddam Hussein has and continues to develop weapons of mass destruction. We have the cold, hard facts; and as a Nation we must now decide how we confront this serious threat. Do we proceed with our eyes wide open, or do we wait until Saddam has uses the weapons of mass destruction, killing thousands of innocent people?

Many people are asking the question why now, why can't we wait? We must remember that Saddam Hussein has repeatedly violated obligations set forth by the United Nations Security Council, has ignored 16 U.N. Security Council resolutions and diverts money intended to buy food for his people to purchase lethal chemical and biological materials, missile technology and nuclear fission materials.

Why does Saddam need biological and chemical weapons? While we can only guess his intentions, we must not let Saddam and his regime have the opportunity to use his weapons of mass destruction or sell these weapons to a terrorist group. Therefore, the purpose of this joint resolution is to give Saddam and his regime a clear choice: Allow complete and unfettered inspections or face the consequences of military action. It is that simple. If Saddam allows complete and unfettered inspections and we destroy his weapons of mass destruction, then he can avert military action.

Soon a special independent commission will investigate our intelligence lapses that led to the tragic and horrible events of September 11. If we compare the intelligence information we had before September 11 to the volumes of known information we have today about Iraq's weapons of mass destruction capabilities, then the President's case against Iraq is clear and undisputable.

Some still believe that we should take Saddam at his word. That is foolishness. Saddam cannot be trusted. Look at what he agreed to do and what he failed to do. He shoots at our planes, he murders and tortures his own people, and he develops weapons that can only do harm to innocent people.

While I have voted on many important issues, this is the most important vote I will take. I believe the right vote is to support this joint resolution to disarm Iraq. We can no longer allow Saddam to thumb his nose at the U.N., the international community, and at the United States. His madness must end, and we must send a strong message that the world will not tolerate terrorism in any form.

I close by telling you what Lieutenant Colonel Walt Piatt, a constituent of mine from Somerset, Pennsylvania, told me after I visited with him in Afghanistan. Colonel Piatt said the American military strength is not our smart bombs, our state-of-the-art aircraft, or our brave troops. Our support lies in the support and will of the American people.

Let us reflect on Piatt's words, and let us send a message to Saddam that America stands united. We will act if necessary. Vote yes on this resolution and end Saddam's threat to the world and to the American people.

□ 0030

Mr. SCHIFF. Mr. Speaker, I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I reserve the balance of my time.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to conclude tonight by noting that we have spoken of chemical weapons of mass destruction, and I would like to bring to my colleagues' attention some of the observations of New Yorker writer Jeffrey Goldberg, who traveled to Northern Iraq, spent quite some time there interviewing hundreds of women now barren, hundreds of people now blind, as a result of chemical attack. As he interviewed the survivors of the attacks on the Kurds, he had some observations that I think we should pay attention to, because during his research he found that a biological agent called aflatoxin had been manufactured.

In 1995, the government of Saddam Hussein admitted to UN weapons inspectors that his scientists had weaponized this deadly biological agent. Aflatoxin is unique, because what it does is it causes liver cancer. It produces it particularly well in children. Weapons inspectors found that Saddam was able to load aflatoxin into two warheads capable of being fitted on to Skud missiles.

Americans need a good sense of who we are dealing with. This is a race against time.

In answer to the question, of all the dictatorships, why this one, we have this answer from the man who interviewed all of these survivors of those chemical attacks. He said, "Because this is a figure of singular danger. To review," he said, "there is no dictator in power anywhere in the world who has so far in his career invaded two neighboring countries, fired ballistic missiles at the civilians of two other neighboring countries, tried to have assassinated an ex-president of the United States, harbored al Qaeda fugitives, attacked civilians with chemical weapons, attacked the soldiers of an enemy country with chemical weapons, conducted biological weapons experiments on human subjects, committed genocide, and then there is, of course, the matter of the weaponized aflatoxin, a tool of mass murder, a tool of nothing else except mass murder."

He said, "I do not know how any thinking person could believe that Saddam Hussein is a run-of-the-mill dictator. No one comes close to matching his extraordinary and variegated record of malevolence."

So, Saddam Hussein, in his words, is "uniquely evil, the only ruler in power today and the first one since Hitler to commit chemical genocide."

"Is that enough of a reason to remove him from power?" He asked himself that question, and he says, "I would say yes, if never again is in fact actually to mean never again, because Saddam is a man without any moral limits. That is why it is so important to keep nuclear weapons from his hands."

Well, the current threat posed by Iraq is not like the Gulf War, and I appreciate that the case for action may not appear as clear-cut to some. A hostile army has not crossed a border, as Saddam's did then; an invaded state has not asked us for help, as Kuwait did.

But the battlefield in the new war on terrorism is not the desert of Iraq and Kuwait. Unfortunately, we must now be concerned with the conniving of a relatively few number of terrorists and the regimes that harbor them.

Today's world, with modern technology, sadly, has been transformed. I have no doubts that the regime of Saddam Hussein, its generals, its intelligence service, scientists and technicians, poses a mortal threat to our country, and we must act.

Finally, I would like to commend the men and women of the U.S. Armed Forces. We hope that they do not have to go into battle against Iraq. We hope to defend Hussein's regime without firing a shot. We hope to disarm him of his chemical, biological and nuclear program.

But if that is not the case, if our troops are dispatched against Iraq, we know that the American people will stand behind the brave Americans wearing the uniform. They have served us well in Afghanistan and in so many other regions of the world, defending our great country and its enduring values. We owe our service men and women and all who have served before a great deal of gratitude.

Mr. SULLIVAN. Mr. Speaker, tonight, an impending threat to our nation and its allies sits ready to strike at a given opportunity. Weapons of mass destruction, both chemical and biological, have been developed and stockpiled. Saddam Hussein, a dictator who has performed unthinkable atrocities, commands the soldiers who could launch them on Israel, on Saudi Arabia or even a city in the United States.

Tonight, as I see it, there is two very different kinds of hope—hope that is reasonable and hope that is not.

Hope that is reasonable understands the consequences of inaction. By preventing a madman addicted to weapons of mass destruction from slaughtering innocent people, we can imagine a new democratically elected government committed to peace and prosperity.

Hope that is not reasonable relies on a dictator who strives for power and destruction to abdicate his authority and allow unconditional searches of his production plants and palaces by the United Nations and the United States.

Hope that is not reasonable thinks that Saddam Hussein will comply with the 16 U.N. Security Council Resolutions that he has defied for more than a decade.

Hope that is not reasonable will trust this murder of innocent lives to stop gassing, intimidating and killing people that live within his countries borders.

Tonight, I rise to encourage my colleagues to provide reasonable hope to the people of Iraq by granting President Bush the authority to take care of the threat posed by Hussein and his regime, either diplomatically or with our armed forces.

This resolution is one of the most important votes each of us will ever cast. I urge support for reasonable hope and encourage my colleagues to pass this resolution.

Mrs. ROUKEMA. Mr. Speaker, I rise today in strong support of H.J. Resolution 114, the Authorization for the Use of Military Force against Iraq and in strong support of President Bush as he leads our nation in this most dangerous time.

We are here today to debate a resolution which would authorize the United States to sue military force to disarm and possibly remove Saddam Hussein from his tyrannical reign in Iraq. But let's be clear, this vote is about whether we, the United States House of Representatives, supports going to war to stop Saddam Hussein. It means putting our brave young men and women in uniform in harm's way and possibly putting them on the most dangerous of battlefields—one where the enemy may resort to weapons of mass destruction in his final desperate hour.

In deciding on how to vote on this resolution we must debate and answer one question; does the Iraqi regime under Saddam Hussein pose enough of an immediate danger to the United States and peace to warrant going to war to end that danger?

In my opinion, the answer is a resolute but somber yes.

To me, these vital facts stand out in this debate.

First, Saddam Hussein possesses chemical and biological weapons of mass destruction. He has enough anthrax to kill millions of people. Most of his biological stockpile has never been accounted for. He has thousands of tons of chemical weapons to include VX gas, sarin gas, and mustard gas. And we know, as President Bush revealed on Monday, that he is feverishly working to gain nuclear weapons.

Second, Saddam Hussein has a clear history of using weapons of mass destruction. During the Iraq-Iran war in the eighties, he ordered that chemical weapons be used against his enemy on the battle field. He ordered chemical attacks against his own people and tens of thousands of innocent men, women, and children died a horrible death.

Third, Saddam Hussein has unabashedly disregarded the rule of international law and the demands of the United Nations. Since his aggression against Kuwait was stopped in 1991, the Iraqi regime has ignored U.N. resolution after U.N. resolution to disarm. Over a period from 1991 to 1998, the Iraqi regime has lied and deceived in the most systematic way to conceal its collection of weapons of mass destruction. To make matters worse the forces of Saddam Hussein have also aggressively fired on American and British pilots enforcing the United Nation's no-fly zones with the intent to kill over 750 times.

And fourth, and potentially most chilling, Saddam Hussein is working in concert with terrorist organizations around the world including al Qaeda. We know that agents of the Iraqi regime and al Qaeda have held high level contact dating back more than a decade. We know that many al Qaeda members fled Afghanistan and now reside in Iraq. And we know that Saddam Hussein proudly celebrated the terrorist attacks on our Nation on September 11, 2001.

Given Saddam's violent history, the weapons of mass destruction in his possession, his flagrant disregard for the United Nations, and his current association with al Qaeda, the answer to the question I posed earlier is clear. Yes, we must pass this resolution and yes we must be willing to go to war to end the threat from Saddam Hussein once and for all.

It is my hope that the U.N. Security Council will vote to support military action against the Iraqi regime if it does not submit to international rule and allow U.N. inspectors complete and unfettered access to the country. Although I do not hold out hope that Saddam Hussein, given his duplicitous actions of the past, will submit to the United Nation's will to allow U.N. inspectors in his country to find and dismantle all of Iraq's weapons of mass destruction, we must attempt all diplomatic options. I also urge President Bush to continue to work with our allies to build an international coalition in support of any necessary military action. His speech before the United Nations on September 12 of this year laid an excellent groundwork for this coalition.

Mr. Speaker, let me say that I am supremely confident that if it comes to war that our brave young men and women in uniform will grandly succeed and perform to the highest standards of their proud traditions. I am also secure in the leadership of President Bush and his administration and the counsel he will receive from this body.

Let us go forth with this debate in the spirit that good and honest people—including the Members of this House—can disagree, but with the knowledge that in the end should we go to war we are as one. One voice for peace, one voice for defense of our freedom, and one voice for the security of the world.

I strongly urge all my colleagues to support this resolution.

Mr. ISSA. Mr. Speaker, I join my many esteemed colleagues today in support of this resolution authorizing the President to use force against Iraq. This is an historic moment for our country—a moment that should not be taken lightly. This is hopefully the last chapter in a long saga of our country's effort to deal with the threats of Saddam Hussein and his cruel regime. We have already given Saddam every chance to prevent war. We have spent ten years working through multilateral institutions, diplomatic channels, and the United Nations, trying to convince him to change. We have tried using sanctions to control his access to weapons. We have tried sending weapons inspectors into Iraq to find and dismantle his weapons of mass destruction.

Mr. Speaker, none of these efforts have brought any success. On the contrary, Saddam has only continued his brutal oppression of his own people, his weapons of mass destruction programs, and his support for terrorist groups that are committed to attacking America. Over the past ten years, he has made a mockery of the United Nations and multilateral diplomacy. He has systematically undermined United Nations resolutions that were designed to disarm and reform his regime. He threw out weapons inspectors in 1998 and has aggressively rebuilt his weapons of mass destruction programs. And he has targeted America, attempting to assassinate former President George Bush in 1993.

The proverbial "last straw" that pushed us to action was when we realized that Saddam could strike us on our home soil just as easily as Osama bin Laden and the Al Qaeda network did on September 11, 2001. We know that Saddam is all too willing to use weapons of mass destruction against his enemies. To hope that he will keep these weapons as "deterrent" and never use them is to stick our heads in the sand and ignore over 20 years of history. Mr. Speaker, we have an obligation to defend ourselves in the face of Saddam's threats. We cannot afford to remain silent while our enemies plot their next attack.

We make this decision because we have exhausted all other options. King Solomon, in his wisdom, wrote, "There is a time for everything: a time to be born and a time to die, a time to kill and a time to heal . . . a time to be silent and a time to speak . . . a time for war and a time for peace." Mr. Speaker, now is the time to break our silence, now is the time to finish the process Saddam himself began in 1990. It is time for the United States to use the full force of its military to remove Saddam and give the people of Iraq the opportunity to live in peace and security. I urge my colleagues to support the President during this critical time in our nation's history and to vote in favor of this resolution.

Mr. PITTS. Mr. Speaker, today we are considering a resolution that, without a doubt, weighs heavy on everyone's heart. To cast a vote on whether or not to authorize our President to use military force against an enemy is one of the most important responsibilities we have as Members of Congress.

This is not an easy decision. It is a very complex state of affairs that will have foreign policy and national security implications for many years—beyond the service of many Members here today.

So, we must not simply think about today, but we must also think about what the future holds. With this said, we must look at the big picture. It is a complex picture, but there are several things we do know for sure.

(1) For many years, Saddam Hussein has brutally oppressed his people. He has committed mass murder, mass starvation, and gross violations of human rights.

(2) Saddam Hussein has developed chemical and biological weapons with the capability to attack neighboring countries, like Israel, Jordan, and Saudi Arabia—our allies.

(3) Saddam has already used chemical and biological weapons against his own people and his enemies—we know he is not afraid to use them.

(4) Saddam has vowed to use these weapons against anyone or any country that stands in his way, including the U.S., our allies, and even the Shia population in his own country.

(5) Saddam is seeking nuclear weapons and is not far from obtaining this capability, and

(6) For over a decade, Saddam has routinely disregarded the will of the U.N. and obstructed its weapons inspectors.

I could go on, but the point is clear. Saddam is a tyrant and a madman that poses a direct threat to the United States, our allies, and his own people. His reign of terror must end.

That is why we are here today. And that is why we must pass this resolution and show the international community and Iraq that the United States speaks with a single voice. We should show Saddam and his regime that his days are numbered.

Mr. DAVIS of Florida. Mr. Speaker, as we debate this extremely important resolution, I feel compelled to voice my concerns and those of my constituents who are very uneasy with the way President Bush has presented his case. In the minds of many, President Bush has failed to make a convincing case for using military force against Iraq. Throughout our history, this country has not militarily attacked another nation-state for any other reason except for self defense.

As a member of the House International Relations Committee, I offered an amendment that would have addressed many of these concerns by making the resolution more narrow and precise in scope. Unfortunately, this amendment was not passed in Committee, and I was not allowed to offer my alternative on the floor today.

Thus, I face what will certainly be the most important vote I will ever cast with a very heavy heart, knowing that my vote could put our men and women in harm's way. While the resolution we are voting on today does not address all of my concerns, it has come a long way since the early days of the Administration rhetoric. Just two months ago, President Bush and his advisors where talking albout using force first, rather than last, and taking unilateral action to facilitate regime change in order to confront an imminent threat from Iraq. While the President has not convinced me that Iraq is a clear and present danger to the security of the United States, today, as reflected in this resolution, the President is committed to working with the United Nations to build a coalition to disarm Saddam Hussein. Furthermore, knowing the historical background of Saddam Hussein, only a resolution that gives the President the credible threat of force will give America and the world a chance to disarm him without engaging in war. Thus, I will support House Joint Resolution 114.

Mr. Speaker, if force proves necessary, we must forge a coalition of other countries supporting and participating with our armed forces to the greatest extent practical. A formidable, multilateral alliance, similar to the one assembled during the Persian Gulf War, is necessary before, during and after the war, and will help continue the momentum in the international war on terrorism. The United States should resolve the situation using all of the political and diplomatic resources at our disposal, keeping in mind that military action is sometimes the only option available.

Although I will support this resolution, I still have a number of concerns: this resolution will give the President broad authority to make war form any reasons well beyond disarming Saddam Hussein of his weapons of mass destruction (WMD), and the resolution's standard to justify going to war is too low.

In an attempt to address this and other concerns, I offered an amendment in the House International Relations Committee, similar to a proposal authored by Senators BIDEN and LUGAR, which makes perfectly clear that the goal of the resolution is disarmament. To that end, the amendment would have limited the President's war-making power by focusing the authorization to use military force on securing the dismantlement of Iraq's weapons of mass destruction, not human rights violations, prisoners of war, or the failure to return property as called for under the resolution we debate today.

In addition, my amendment emphasized the importance of international support and encouraged the President to exhaust diplomatic efforts at the UN, while reserving the right to act unilaterally if the UN fails to approve a new resolution requiring the dismantlement of Iraq's weapons of mass destruction in a timely fashion.

Lastly, the amendment would have raised the standard for justification of going to war by elevating the risk assessment from "continuing" to "grave". The U.S. faces many continuing risks but they do not warrant the use of military force. By requiring the President to inform Congress that Iraq's weapons of mass destruction pose a "grave" risk to the United States, the amendment raised the standard which must be met before placing American men and women in harm's way, something President Bush's resolution fails to do. Remember, President Bush warned that Iraq is a "grave and gathering" danger during his excellent speech to the United Nations General Assembly on September 12, 2002.

Unfortunately, as I mentioned earlier, my amendment did not pass the House International Relations Committee and it was not made in order by the Rules Committee.

The authority this Congress is about to give to the President must be used judiciously. After all, war is the ultimate failure of diplomacy. I expect that after this important authority is granted, Congress and the President will closely work together.

Mr. ROYCE. Mr. Speaker, I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BOOZMAN). Pursuant to section 3 of House Resolution 574, the Chair postpones further consideration of the joint resolution until the legislative day of Wednesday.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HASTINGS of Florida (at the request of Mr. GEPHARDT) for October 7 and today on account of official business.

Mr. KANJORSKI (at the request of Mr. GEPHARDT) for today until 2:00 p.m. on account of official business in the district.

Ms. SOLIS (at the request of Mr. GEPHARDT) for today on account of personal business.

Mr. FERGUSON (at the request of Mr. ARMEY) for today on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SCHIFF) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today:

Mr. FILNER, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 150. Concurrent resolution welcoming her Majesty Queen Sirikit of Thailand on her visit to the United States, and for other purposes; to the Committee on International Relations.

ADJOURNMENT

Mr. ROYCE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 36 minutes a.m.), the House adjourned until today, Wednesday, October 9, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9540. A communication from the President of the United States, transmitting his request to make funds available for the Department of the Treasury's Counterterrorism Fund; (H. Doc. No. 107—271); to the Committee on Appropriations and ordered to be printed.

9541. A letter from the Deputy Congressional Liason, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Regulation Z; Truth in Lending [Docket No. R-1130] received October 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9542. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting the listing of all outstanding Letters of Offer to sell any major defense equipment for $1 million or more; the listing of all Letters of Offer that were accepted, as of June 30, 2002, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

9543. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zones; Passenger Vessels, Portland, Maine, Captain of the Port Zone [CGD01-02-114] (RIN: 2115-AA97) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9544. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zones; Lower Mississippi River, Southwest Pass Sea Buoy to Mile Marker 96.0, New Orleans, LA [COTP New Orleans-02-005] (RIN: 2115-AA97) received October 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9545. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Handling of Class 1 (Explosive) Materials or Other Dangerous Cargoes within or Continguous to Waterfront Facilities [USCG-1998-4302] (RIN: 2115-AE22) received October 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9546. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Calvert Cliffs Nuclear Power Plant, Chesapeake Bay, Calvert County, Maryland [CGD05-01-071] (RIN: 2115-AA97) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9547. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Shipping; Technical and Conforming Amendments [USCG-2002-13058] (RIN: 2115-AG48) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9548. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zones; Ponce Bay, Tallaboa Bay, and Guayanilla Bay, Puerto Rico and Limetree Bay, St. Croix, U.S. Virgin Islands [COTP San Juan 02-038] (RIN: 2115-AA97) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9549. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Lapeer, MI [Airspace Docket No. 02-AGL-04] received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9550. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Tecumseh, MI; Correction [Airspace Docket No. 02-AGL-02] received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9551. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Athens, OH [Airspace Docket No. 01-AGL-17] received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9552. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airpsace; Zanesville, OH [Airspace Docket No. 02-AGL-12] received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9553. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule — Procedures for Compensation of Air Carriers [Docket OST-2001-10885] (RIN: 2105-AD06) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9554. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations; Gasparilla Island Causeway Swingbridge, Gulf Intracoastal Waterway, Boca Grande, Charlotte County, FL [CGD07-02-120] received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9555. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model EC 155B Helicopters [Docket No. 2002-SW-11-AD; Amendment 39-12886; AD 2002-19-06] (RIN: 2120-AA64) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9556. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule — Procedures for Compensation of Air Carriers [Docket OST-2001-10885] (RIN: 2105-AD06) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9557. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron, Inc. Model 212 Helicopters [Docket No. 2002-SW-28-AD; Amendment 3912885; AD 2002-19-05] (RIN: 2120-AA64) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9558. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lockheed C-130A Airplanes, Type Certificated in the Restricted Category [Docket No. 2002-NM-235-AD; Amendment 39-12894; AD 2002-19-14] (RIN: 2120-AA64) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9559. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule — Procedures for Compensation of Air Carriers [Docket OST-2001-10885] (RIN: 2105-AD06) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9560. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Certain Airplanes Originally Manufactured by Lockheed [Docket No. 2002-NM-220-AD; Amendment 39-12893; AD 2002-19-13] (RIN: 2120-AA64) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9561. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier-Rotax GmbH 912 F and 912 S Series Reciprocating Engines [Docket No. 2002-NE-18-AD; Amendment 39-12889; AD 2002-19-09] (RIN: 2120-AA64) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9562. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule — Procedures for Compensation of Air Carriers [Docket OST-2001-10885] (RIN: 2105-AD06) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9563. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule — Procedures for Compensation of Air Carriers [Docket OST-2001-10885] (RIN: 2105-AD06) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9564. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety and Security Zone; Liquefied Natural Gas Carrier Transits and Anchorage Operations, Boston, Marine Inspection Zone and Captain of the Port Zone [CGD01-02-023] (RIN: 2115-AA97) received October 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9565. A letter from the Regulations Officer, FMCSA, Department of Transportation, transmitting the Department's final rule — Revision to Periodic Tire Check Requirement for Motor Carriers Transporting Hazardous Materials [Docket No. FMCSA-02-13376; Docket No. RSPA-02-12773 (HM-232B)] (RIN 2126-AA74; RIN: 2137-AD69) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9566. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Approval Authority for Contract Actions Pending Resolution of an Agency Protest (RIN: 2700-AC33) received October 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

9567. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Broad Agency Announcements (RIN: 2700-AC33) received October 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

9568. A letter from the Acting Director, Office of Regulatory Law, Department of Veterans Affairs, transmitting the Department's final rule — Loan Guaranty: Net Value and Pre-Foreclosure Debt Waivers (RIN: 2900-AG20) received October 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

9569. A letter from the Acting Director, Office of Regulatory Law, Department of Veterans Affairs, transmitting the Department's final rule — Prohibition of Interment or Memorialization in National Cemeteries and Certain State Cemeteries Due to Commission of Capital Crimes (RIN: 2900-AJ77) received October 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

9570. A letter from the Chief, Regulations Branch, Customs Service, Department of the Treasury, transmitting the Department's final rule — Duty-Free Treatment for Certain Beverages Made with Caribbean Rum [T.D. 02-59] (RIN: 1515-AC78) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9571. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Annuities; Certain Proceeds of Endowment and Life Insurance Contracts (Rev. Rul. 2002-62) received October 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9572. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Bureau of Labor Statistics, Department Store Inventory Price Indexes by Department Groups (Rev. Rul. 2002-64) received October 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2037. A bill to amend the Act establishing the Department of Commerce to protect manufacturers and sellers in the firearms and ammunition industry from restrictions on interstate or foreign commerce; with amendments (Rept. 107-727, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. NEY: Committee of Conference. Conference report on H.R. 3295. A bill to establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections, and for other purposes (Rept. 107-730). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 3758. A bill for the relief of So Hyun Jun (Rept. 107-729). Referred to the Private Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HANSEN (for himself and Mr. Rahall):

H.R. 5569. A bill to provide for boundary adjustments and conveyances involving public lands, to protect and enhance National Parks, National Forests, and other public lands, to ensure the availability of water resources, energy, and minerals, to improve wildlife conservation and oceans and fisheries management, to address Native American and insular affairs, and for other purposes; to the Committee on Resources.

By Mr. ABERCROMBIE:

H.R. 5570. A bill to revise the boundary of the Kaloko-Honokohau National Historical Park in the State of Hawaii; to the Committee on Resources.

By Mrs. Jo Ann DAVIS of Virginia:

H.R. 5571. A bill to clarify the boundaries of the Plum Island Unit of the Coastal Barrier Resources System; to the Committee on Resources.

By Mr. KANJORSKI:

H.R. 5572. A bill to amend the Solid Waste Disposal Act to authorize the Secretary of Housing and Urban Development to guarantee loans to homeowners with properties contaminated by leaking underground storage tanks, to assist such homeowners in moving from such properties on a temporary or permanent basis; to the Committee on Financial Services, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING (for himself, Mrs. Maloney of New York, Mr. Baker, Mr. Bachus, Mrs. Kelly, Mr. Mascara, Mr. Shays, Mr. Grucci, Mr. Rogers of Michigan, Mr. Israel, Mrs. McCarthy of New York, Mr. Wamp, Mr. Hansen, Mr. Fossella, Mr. Walsh, Mr. Blunt, Mr. Boehlert, Mr. Wolf, Mr. Frost, Mr. McHugh, Mr. Quinn, Mr. Clyburn, Mr. McInnis, Mr. McNulty, Mr. Neal of Massachusetts, Mr. Peterson of Pennsylvania, Mr. Borski, Mr. Tancredo, Mr. Pomeroy, Mr. Saxton, Mr. Foley, Mr. Hinchey, Mr. Kennedy of Minnesota, Mr. Souder, and Mr. Serrano):

H.R. 5573. A bill to require the Secretary of the Treasury to mint coins in commemoration of the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt, and for other purposes; to the Committee on Financial Services.

By Mr. KINGSTON (for himself, Mr. Chambliss, Mr. Isakson, Mr. Collins, Mr. Linder, Mr. Deal of Georgia, Mr. Norwood, Mr. Barr of Georgia, Mr. Bishop, Mr. Lewis of Georgia, and Ms. McKinney):

H.R. 5574. A bill to designate the facility of the United States Postal Service located at 206 South Main Street in Glennville, Georgia, as the "Michael Lee Woodcock Post Office"; to the Committee on Government Reform.

By Mr. KIRK (for himself, Mr. Langevin, Mr. Thomas, and Mr. Platts):

H.R. 5575. A bill to amend titles 10 and 18, United States Code, and the Revised Statutes to remove the uncertainty regarding the authority of the Department of Defense to permit buildings located on military installations and reserve component facilities to be used as polling places in Federal, State, and local elections for public office; to the Committee on Armed Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LYNCH:

H.R. 5576. A bill to amend title 38, United States Code, to provide for a pilot program to be conducted by the Department of Veterans Affairs to assess the benefits of establishing a nurse preceptor program; to the Committee on Veterans' Affairs.

By Mr. PAUL:

H.R. 5577. A bill to disqualify certain persons from receiving Federal funds; to the Committee on Government Reform.

By Mr. PAUL (for himself, Mr. Kingston, and Mr. Jones of North Carolina):

H.R. 5578. A bill to support the domestic shrimping industry by eliminating taxpayer subsidies for certain competitors, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Resources, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHUSTER:

H.R. 5579. A bill to promote rural development, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. WILSON of New Mexico (for herself and Mr. Pickering):

H.R. 5580. A bill to amend title 18, United States Code, to provide mandatory restitution in certain cases, and for other purposes; to the Committee on the Judiciary.

By Mr. WILSON of South Carolina:

H.R. 5581. A bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes; to the Committee on the Judiciary.

By Mr. SHAYS (for himself and Mr. Meehan):

H.J. Res. 119. A joint resolution disapproving the rule submitted by the Federal Election Commission under chapter 8 of title 5, United States Code, relating to prohibited and excessive contributions; to the Committee on House Administration.

By Mr. SENSENBRENNER:

H. Con. Res. 503. Concurrent resolution directing the Clerk of the House of Representatives to correct the enrollment of the bill H.R. 2215; considered and agreed to.

By Mrs. NAPOLITANO:

H. Con. Res. 504. Concurrent resolution congratulating the PONY League baseball team of Norwalk, California, for winning the 2002 PONY League World Championship; to the Committee on Government Reform.

By Mr. HOEKSTRA:

H. Con. Res. 505. Concurrent resolution expressing the sense of the Congress that there should be established a National Safety in Numbers Month; to the Committee on Government Reform.

By Mr. SHUSTER:

H. Con. Res. 506. Concurrent resolution urging the States to include in their driver's license exams at least one question about highway-rail grade crossings safety by fiscal year 2005; to the Committee on Transportation and Infrastructure.

By Mr. JOHNSON of Illinois (for himself, Mr. Kirk, Mr. Weller, Mr. Shimkus, Mrs. Biggert, Mr. Davis of Illinois, Mr. Crane, Mr. Hyde, Ms. Schakowsky, Mr. LaHood, Mr. Gutierrez, Mr. Rush, Mr. Jackson of Illinois, Mr. Phelps, Mr. Costello, Mr. Evans, Mr. Manzullo, Mr. Blagojevich, Mr. Lipinski, and Mr. Hastert):

H. Res. 575. A resolution honoring Erika Harold, Miss America 2003; to the Committee on Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. WILSON of South Carolina introduced A bill (H.R. 5582) for the relief of Jaya Gulab Tolani and Hitesh Gulab Tolani; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 41: Mr. Cramer.

H.R. 168: Mr. Jeff Miller of Florida.

H.R. 488: Mrs. Christensen and Mr. Langevin.

H.R. 536: Ms. Solis.

H.R. 548: Mr. Dooley of California.

H.R. 831: Mr. Engel and Mr. Wynn.

H.R. 854: Ms. McCarthy of Missouri and Mr. Stenholm.

H.R. 952: Mr. Goode.

H.R. 1280: Mr. Green of Wisconsin.

H.R. 1307: Mr. Shows and Mr. Hoeffel.

H.R. 1309: Mr. English and Mr. Greenwood.

H.R. 1331: Mr. Gekas.

H.R. 1343: Mr. Bass.

H.R. 1509: Mr. Baldacci.

H.R. 1599: Mr. Jeff Miller of Florida.

H.R. 1624: Mr. Hall of Texas.

H.R. 1983: Mr. Green of Wisconsin.

H.R. 2012: Mr. Israel, Mr. Kind, and Mr. Paul.

H.R. 2173: Mr. Ford.

H.R. 2353: Mr. Rangel.

H.R. 2442: Mr. Gillmor.

H.R. 2717: Mr. Chambliss.

H.R. 2874: Mr. Sawyer and Mr. Foley.

H.R. 2908: Mr. Davis of Florida.

H.R. 2953: Mr. Gallegly.

H.R. 3109: Mr. Rogers of Michigan.

H.R. 3273: Mr. Wicker.

H.R. 3414: Mr. Reyes.

H.R. 3602: Mr. Allen, Ms. DeLauro, Mr. Stupak, Mrs. Wilson of New Mexico, Mrs. Thurman, Mr. Walden of Oregon, Mr. Kildee, Mr. Hoeffel, Mr. Boyd, Mr. Lucas of Kentucky, and Mr. Kucinich.

H.R. 3794: Mr. Tierney.

H.R. 3831: Mr. Thune.

H.R. 3915: Mrs. Capps.

H.R. 4003: Ms. Lofgren and Mr. Frelinghuysen.

H.R. 4099: Mr. English.

H.R. 4483: Ms. Baldwin and Mr. Mica.

H.R. 4614: Mr. Peterson of Minnesota.

H.R. 4650: Mr. Tancredo.

H.R. 4666: Mrs. Jo Ann Davis of Virginia.

H.R. 4704: Mr. Neal of Massachusetts.

H.R. 4760: Ms. Millender-McDonald, Mr. Sandlin, and Mr. Menendez.

H.R. 4825: Mrs. Morella.

H.R. 4843: Mr. Snyder, Mr. Holt, Mr. Rehberg, and Mr. Payne.

H.R. 4963: Mr. Gutierrez.

H.R. 5104: Mrs. Morella, Mr. Hastings of Florida, and Ms. Watson.

H.R. 5211: Mr. Keller.

H.R. 5227: Mr. Schaffer.

H.R. 5250: Mr. Capuano and Mr. Diaz-Balart.

H.R. 5251: Mr. Sununu.

H.R. 5252: Mr. Gephardt, Ms. Pelosi, Mr. Frost, Ms. DeLauro, Mr. Spratt, Mr. LaFalce, Mr. Lantos, Mr. George Miller of California, Mr. Evans, Mr. Doggett, Mr. Pomeroy, Mr. Becerra, Mr. Stark, Mr. McDermott, Mr. McNulty, Mrs. Thurman, Mr. Davis of Florida, Ms. Baldwin, Mrs. McCarthy of New York, Mr. Pallone, Mr. Phelps, Mr. Allen, Mr. Shows, Mr. Holden, Mrs. Capps, Mr. Hinojosa, Mr. Crowley, Ms. Slaughter, Mr. Ackerman, Mr. Brown of Ohio, Mr. Rodriguez, Ms. Woolsey, Mr. Gutierrez, Ms. Berkley, Mrs. Maloney of New York, Mr. Andrews, Mr. Wynn, MR. Filner, Mr. Markey, Mr. Payne, Mr. Visclosky, Mr. Rush, Ms. Brown of Florida, Mr. Larson of Connecticut, Mr. Hastings of Florida, Mr. Farr of California, Mr. McGovern, Ms. Roybal-Allard, Ms. Norton, Mr. Pastor, Mr. Owens, Mr. Lynch, Ms. Watson, Mr. Reyes, Mr. Towns, Mr. Frank, Mr. Berman, Ms. Kilpatrick, Ms. Waters, Mr. Sanders, Ms. Schakowsky, Ms. Lofgren, Mr. Serrano, Mr. Hinchey, Ms. Lee, Mr. Hilliard, and Ms. Millender-McDonald.

H.R. 5293: Ms. Millender-McDonald and Mr. Evans.

H.R. 5300: Mr. Hinchey.

H.R. 5310: Mr. Platts and Mr. Schaffer.

H.R. 5311: Mr. Platts.

H.R. 5334: Mr. Ackerman, Ms. Carson of Indiana, Mrs. Capps, Mr. Coyne, Mr. Hayes, Mr. Markey, Mr. Peterson of Minnesota, Mr. Price of North Carolina, Ms. Schakowsky, Ms. Watson; Mr. Frank, Mr. Larsen of Washington, Mr. Schiff, and Mr. Langevin.

H.R. 5359: Mr. Capuano.

H.R. 5383: Mr. Davis of Illinois, Mrs. Jones of Ohio, Ms. Kilpatrick, Mr. Conyers, Mr. McNulty, and Mr. Houghton.

H.R. 5403: Mr. Gekas, Mr. Kind, and Mr. Dooley of California.

H.R. 5414: Mr. Tiberi.

H.R. 5433: Mr. Young of Alaska.

H.R. 5441: Mr. McGovern.

H.R. 5446: Mr. Vitter.

H.R. 5466: Mr. Souder.

H.R. 5471: Mr. Frost, Mr. Hall of Texas, and Ms. Brown of Florida.

H.R. 5485: Mr. Schaffer.

H.R. 5491: Mr. Engel, Mr. Nadler, Mr. Baca, and Mr. Abercrombie.

H.R. 5499: Mr. Jackson of Illinois, Ms. Norton, Mr. Towns, Mr. Cummings, Mr. Davis of Illinois, and Ms. Kilpatrick.

H.R. 5503: Mr. Dicks.

H.R. 5533: Mr. Skelton.

H.R. 5541: Mr. Berry, Mr. Phelps, Mr. Israel, Mr. Matsui, Mr. Visclosky, Mr. Holden, Mr. McGovern, Ms. Waters, Mr. Rush, Mr. Jefferson, Mr. Thompson of Mississippi, Mr. Pickering, Mr. Wexler, and Mr. Neal of Massachusetts.

H.J. Res. 93: Mr. DeMint and Mr. Tancredo.

H.J. Res. 110: Mr. Hilliard.

H.J. Res. 114: Mr. Gibbons, Mr. Israel, Mr. Jenkins, Mr. Ross, Mr. Ryun of Kansas, Mr. Frost, Mr. Bachus, Mr. Berman, Mr. Schrock, Mr. Phelps, Mr. Wilson of South Carolina, Mr. Ford, Mr. Chambliss, Mr. Holden, Mr. Smith of Michigan, Mr. McNulty, Mr. Kolbe, Mr. Stenholm, Mr. Keller, Mr. Sandlin, Mr. Gilman, Mr. Ackerman, Mr. Portman, Mr. Edwards, Mr. Tom Davis of Virginia, Mr. Roemer, Mr. Sessions, Mr. Lucas of Kentucky, Mr. Grucci, Mr. Hall of Texas, Mr. Ballenger, Mr. Cramer, Mr. Shays, Mr. Andrews, Mr. Young of Florida, Mr. Dooley of California, Mr. Combest, Mr. Lantos, Mr. Boozman, Mr. Turner, Mr. Pickering, Mr. Faleomavaega, Mr. Shadegg, Mr. Deutsch, Mr. Graham, Mrs. Northup, Mr. Pence, Mr. Osborne, Mr. Burton of Indiana, Mr. Armey, Mr. Radanovich, Mr. Peterson of Pennsylvania, Ms. Dunn, Mr. Gary G. Miller of California, Mr. Gillmor, Mr. Rohrabacher, Mr. Watts of Oklahoma, Mr. Crenshaw, Mr. Barton of Texas, Mr. Hyde, Mr. Hayworth, Mr. Hansen, Mr. Jeff Miller of Florida, Mr. McCrery, Mr. Brown of South Carolina, Mr. Culberson, Mr. Sam Johnson of Texas, Mr. Doolittle, Ms. Hart, Mr. Shuster, Mr. McKeon, Mr. Riley, Mr. Oxley, Mr. Issa, Mr. Blunt, Mr. Skeen, Mr. Saxton, Mr. Wicker, Mr. Akin, Mr. Linder, Mr. Boehner, Mr. Calvert, Mr. Ferguson, Mrs. Myrick, Mr. Weldon of Florida, Mr. DeMint, Ms. Ros-Lehtinen, Mr. Dan Miller of Florida, Mr. Flake, Mr. Tancredo, Mr. Thune, Mr. Smith of New Jersey, Mr. Kingston, Mr. Pitts, Mr. Sweeney, Mr. Kerns, Mr. Putnam, Mr. Lewis of California, Ms. Pryce of Ohio, Mrs. Biggert, Mr. Cannon, Mr. Everett, Mr. Gilchrest, Mrs. Roukema, Mr. Kirk, Mr. Brady of Texas, Mr. Ganske, Mr. McInnis, Mrs. Cubin, Mr. Pombo, Mr. Hefley, Mr. Collins, Mr. Vitter, Mr. Royce, Mr. McHugh, Mr. Cantor, Mr. Gallegly, Mr. Horn, Mr. Stump, Mr. Buyer, Mr. DeLay, Mrs. Jo Ann Davis of Virginia, Mr. Cunningham, Mr. Fletcher, Mr. Simpson, Mr. Hilleary, Mr. Dreier, Mr. Thornberry, and Mr. Young of Alaska.

H. Con. Res. 177: Mr. Moran of Virginia.

H. Con. Res. 406: Mr. Kennedy of Minnesota.

H. Con. Res. 445: Mr. Smith of Michigan, Mr. Upton, Mr. Hyde, Mr. Coble, and Mr. Blunt.

H. Con. Res. 466: Mr. Souder.

H. Con. Res. 473: Mr. Blumenauer.

H. Con. Res. 479: Mr. Neal of Massachusetts, Mr. Andrews, Mr. Grucci, Mr. Fattah, Mr. Towns, Mr. Knollenberg, Mr. Frelinghuysen, Ms. Berkley, Mr. English Ms. Kilpatrick, Mr. Payne, Mr. Langevin, and Mr. Matsui.

H. Con. Res. 487: Mr. Frost and Mr. Udall of Colorado.

H. Con. Res. 500: Mr. Watkins and Mr. Akin.

H. Con. Res. 502: Mr. Sabo, Mrs. Napolitano, Mrs. McCarthy of New York, Ms. Millender-McDonald, Mr. Foley, Mr. Pickering, Mr. Barrett, and Mrs. Roukema.

H. Res. 108: Mr. Boehlert.

H. Res. 115: Mr. Brown of Ohio, Mr. Abercrombie, and Ms. Norton.

H. Res. 532: Ms. Carson of Indiana.

H. Res. 534: Mr. Brown of South Carolina.

H. Res. 535: Mr. Brown of South Carolina.

H. Res. 557: Mr. Lipinski and Mr. Lantos.

H. Res. 565: Mr. Camp, Mr. Levin, and Mr. Stupak.

EXTENSIONS OF REMARKS

SUBMISSION OF APPEAL FOR CONGRESSIONAL VOTING REPRESENTATION FROM D.C. CADET AT UNITED STATES MILITARY ACADEMY TO THE PRESIDENT OF THE UNITED STATES

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Ms. NORTON. Mr. Speaker, as the American people and government officials consider entry of our country into a war, I rise today to bring to the attention of the House a letter to the President of the United States from one of my constituents, James N. Rimensnyder, a cadet at the United States Military Academy. I nominated Cadet Rimensnyder, a graduate of Woodrow Wilson High School in the District of Columbia in 2000, and he is now in his 2nd year there.

Recently, Cadet Rimensnyder's letter to the President was brought to my attention by his father, Nelson Rimensnyder. Entirely on his own, Cadet Rimensnyder, who identified himself in his letter as a Republican, had written President Bush, as his Commander-in-Chief, to express his desire for full representation in the Congress. The simple eloquence of Mr. Rimensnyder's plea for the benefits of full citizenship as he serves his country speaks for itself. Cadet Rimensnyder speaks as well for all District residents. I ask the House to recognize Cadet Rimensnyder, who is serving in the U.S. Army in time of war and asks only that his service be honored with full citizenship rights.

West Point, NY, April 2, 2002.

Hon. George W. Bush,
The White House,
Washington, DC.

Dear Mr. President: As a native-born resident of the District of Columbia, you know, of course, that I have no voting representative in Congress. This situation has persisted for 200 years. District residents first brought this to the attention of Congress in 1801. Today, we are the only citizens of the United States, excluding felons, who pay federal taxes and serve in the Armed Forces, but are denied representation in Congress.

Two years ago, when I reached my 18th birthday, I registered as a Republican and voted in the 2000 presidential election as provided in the 23rd Amendment to the Constitution. Now I am a Cadet at the United States Military Academy, and appeal to you to uphold the longstanding tradition of our party to advocate voting representation in Congress for the residents of the District of Columbia.

Sir, I wish that one day soon I might have the opportunity to meet you, salute you as my Commander-in-Chief, and thank you personally for addressing this grievance.

Sincerely,

James N. Rimensnyder,
Cadet PFC USCC.

THE AMERICAN COMMUNITY RENEWAL ACT OF 2002

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. WATTS of Oklahoma. Mr. Speaker, America's strength rests in its communities. It is for this reason that today I introduce the American Community Renewal Act of 2002. This legislation will continue the advances begun with the provisions contained in the original American Community Renewal Act of 2000, and provide opportunity for even more cities, towns, and neighborhoods across the country to better their circumstances.

This legislation authorizes the designation of 20 additional Renewal Communities, 15 urban and 5 rural, using newly available 2000 census data. By creating an environment where private investment can flourish, Renewal Communities are uniquely able to harness market forces for job creation and growth. Providing access to employment is a catalyst for people to escape the vicious downward spiral of poverty, and to improve the lots of their families and communities.

An additional incentive provided for in this legislation is a new tax code feature designed to encourage private sector investment in Renewal Communities, Empowerment Zones, Enterprise Communities and HUBZones. This addition to the Internal Revenue Code of 1986, relating to common nontaxable exchanges, would allow investors, subject to certain restrictions, take proceeds from the sale of real property and re-invest these proceeds in businesses in the community without recognizing capital gains. This should encourage investment in businesses within these communities that create jobs for the residents of said communities.

Finally, in order to marshal the resolve of State governments to engage in the revitalization process within Renewal Communities, this legislation requires that States adopt a qualified allocation plan for their available commercial revitalization deduction within 120 days. If States fail to adopt such a plan, the commercial revitalization deduction allocations will pass directly to the approved commercial revitalization agency at the local governmental level. This provision will encourage States to provide the statewide coordination function for community revitalization originally intended in the American Community Renewal Act of 2000.

One of the primary responsibilities of Congress is to create an environment that rewards efforts to strengthen our nation's communities, and fosters the development of responsible and engaged citizens. The American Community Renewal Act of 2002 continues the efforts of previous Congresses in this regard. This strategy is particularly relevant in today's volatile world.

WYANDOTTE NATION LAND CLAIMS SETTLEMENT ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. YOUNG. Mr. Speaker, throughout my years as a Member of this body, I've tried hard to be a defender and promoter of the rights of Native Americans, our First Americans. In that spirit and as Vice Chairman of the Resources Committee, I am proud to add my name as an original co-sponsor of the Wyandotte Nation Land Claims Settlement Act.

The Wyandotte Nation, like so many other Native American Tribes, has endured a sad history of broken promises at the hands of the federal government and they have filed suit to reestablish their rightful and just claim to the lands that those broken promises took away from them. The land claim suit, which the courts have said has sufficient merit to proceed, involves billions of dollars worth of land and thousands of current landholders whose ownership status is now in question.

The Wyandotte Nation, like other groups of Native Americans who have successfully settled their aboriginal land claims, including Natives in my State under the Alaska Native Claims Settlement Act, do not seek to dispossess anyone of their homes and businesses. Rather, they seek a fair and just settlement of those claims so that the broken promises can be mended sufficiently for Native and non-Native Americans to move on productively and cooperatively with their lives and interests.

The Wyandotte Nation Land Claims Settlement Act provides the opportunity for compromise and resolution of longstanding issues in a manner that is beneficial for the Wyandotte Nation and for the entire community currently occupying and surrounding the lands in question and I am therefore proud to add my name to the bill and urge my colleagues to support its passage.

HONORING THE HOMELAND CENTER OF HARRISBURG ON THE OCCASION OF ITS 135TH ANNIVERSARY

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. GEKAS. Mr. Speaker, it is my great honor today to recognize the Homeland Center of Harrisburg, Pennsylvania on the occasion of its 135th Anniversary. For well over a century, Homeland Center has met the medical and social needs of the community through the compassionate vision of its founders.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Christian men and women from various denominations established the “Home for the Friendless” in 1866 for the purpose of caring for the widows and children of the Civil War. The first residents consisted of just three women and one little girl.

In June of 1871, the cornerstone was laid for a new building at the location where the building now stands today. Almost one year later, the building was finished and residents moved in, including 148 little girls.

By 1907, only five children were left, but a waiting list existed for adult women who were in need of Homeland's services.

As time passed, renovations were badly needed, but because of the Depression, funds did not become available until 1941 when two sunrooms and two sets of fire towers were installed on the building.

The 1950's were a time of important changes for Homeland. In 1953, the name was changed from the “Home of the Friendless” to “Homeland.” Four years later in 1957, plans began to build two new wings. The old building was renovated, too, and became the chapel for Homeland.

By the end of the 1980's, Homeland was almost an entirely new building. New and nearby property was required to meet the growing needs of residents. The third floor was remodeled while the fourth floor was completely removed. New beds, a courtyard, and a new dining room were added.

Perhaps the biggest expansion took place between 1996 and 1999 when six million dollars was spent to add an Alzheimer's care unit, a new chapel, more office space, and a new skilled care building.

Mr. Speaker, although Homeland Center has undergone a phenomenal number of changes, it has never veered from the vision of its original founders to provide medical services and a welcoming community to those in need. Today, Homeland provides state-of-the-art living and personal care for one hundred and fifty residents of varying degrees of medical needs. A faithful team of nurses and aides staff Homeland, providing care and well being.

I am very pleased to recognize Homeland Center today. Reaching its 135th Anniversary is certainly a milestone; reaching it with a record of continuously successful growth is a truly remarkable accomplishment. Congratulations Homeland Center.

CHILD MALTREATMENT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. GEORGE MILLER of California. Mr. Speaker, we have all read the on-going stories about the chaos engulfing the Florida foster care system. The story below describes the horrifying findings of a study commissioned, then subsequently suppressed, by the Florida Department of Children and Families (DCF).

The Florida report, released September 19th, uncovered a 13-year-old boy living in a foster home—his 19th placement in under a year. In another case, auditors found a 10-year-old boy had been moved 12 times in two years and although a therapist thought he could not read, DCF had done nothing to ensure supportive educational services. Florida auditors blame the failed child welfare system on poor communication, ill-trained workers and insufficient resources.

The situation described in the Florida audit is not unique to Florida. In August, an audit of Maryland's child welfare system revealed that the state had lost track of some foster care children for months, failed to ensure proper health care and, in at least one case, entrusted a foster child to a sexual offender.

In July, Los Angeles County's foster care system was sued by child advocates, charging that foster children were routinely denied medically necessary mental health, behavioral support, and case management services, as required by federal law. District of Columbia officials acknowledged that several boys were sexually abused at various group home facilities, including a group home for mentally retarded foster children.

The circumstances described in the following report, comparable to reports in Maryland, California, and the District of Columbia, clearly indicates that the child welfare system today is a national disgrace. States fail to meet federal child welfare law requirements of safety, permanency, and child and family well-being. In fact, child protection agencies make victims of the very children and families they are supposed to benefit.

The history of Federal child welfare review efforts goes back to the law I authored in 1980 (P.L. 96–272). That law requires States to comply with a number of core requirements intended to protect children placed in foster care as a condition of receiving Federal foster care funds. Over the past 20 years, Congress has thrice charged the Department of Health and Human Services with developing new systems to review States compliance with federal child welfare protections. Yet the extent to which the Federal Government actually holds States accountable continues to be an issue of ongoing concern.

The States have repeatedly failed to comply with federal foster care core procedural requirements. If those requirements cannot be enforced in a manner that adequately protects children, then Congress cannot delay longer in developing new standards to protect the well being of foster children.

The article follows:

[From South Florida Sun Sentinel, Sept. 20, 2002]

GRIM TALES ARISE FROM FOSTER CARE

(By Megan O'Matz and Sally Kestin)

Three Broward County boys were taken from their mother in 1996 and put into foster care. Five years later, the state decided it had no grounds to keep the children and reunited the family.

By then, one boy had been whipped in foster care, and another had gone so long without seeing his siblings “he forgot they were his brothers and thought they were just friends,” according to a state review of the children's case files.

“The boys have been harmed by the system that set out to help them,” the reviewers wrote.

The case study was part of an exhaustive review by an Alabama consultant of more than 80 children under the care of the Department of Children & Families statewide.

The summaries, released by the department this week, include disturbing descriptions of children wrongly kept from parents, lingering in the system for years and lagging behind in school, unprepared to live on their own.

Evaluators blame the problems on poor communication, ill-trained workers and insufficient resources.

Carolyn Salisbury, associate director of the University of Miami's Children and Youth Law Clinic, said the grim experiences described in the reports are not surprising. “I have worse cases than that,” she said. “We all should be shocked, but those of us who work in child welfare are not.”

The analysis, conducted by the Child Welfare Policy and Practice Group from February to April, looked at cases in seven DCF districts, including Broward and Palm Beach counties.

The lead consultant, Paul Vincent, delivered data to DCF in May, but agency officials who were under attack for losing track of children withheld it from the public and two panels charged with investigating DCF until this week. The agency released nearly nine pounds of documents in response to public records requests from DCF critics and the media.

“Now that the document is public, we can see why DCF spent so much time and effort to hide it,” Salisbury said.

BELOW STANDARDS

DCF officials were not available to comment on the case summaries; however, newly appointed DCF Secretary Jerry Regier expressed concern in a public appearance Thursday that recommendations in a 2001 study of Broward County by Vincent's team were never acted upon.

“That bothers me very much,” he said.

The subsequent review discovered problems statewide. Evaluators said three out of four cases failed to meet acceptable standards.

Some common themes emerged.

DCF caseworkers and supervisors often did not work collaboratively with therapists, teachers, foster families and parents. The system made few efforts to help parents overcome problems related to poverty and cut off contact with children, making reunification harder. And the agency regularly had difficulty finding suitable foster homes.

The reviewers found a 13-year-old Palm Beach County boy living in a foster home—his 19th placement in under a year.

The boy, who had a history of attacking teachers and students, shared a room with a 5-year-old whom he threatened to strangle.

When the teen reported headaches and “auditory hallucinations,” DCF waited a year to complete the doctor-recommended brain scans.

In another case, an Orlando teenager, abandoned at 15 by her adoptive parents, bounced among foster homes. “These constant moves have placed her at least two years behind educationally,” the report states.

A frequent runaway known to climb into cars with strangers, the girl claimed to have been raped more than once.

Reviewers found she “is not safe, stable or moving toward permanence and independence. Her emotional status may be at a historical low point . . . The child's progress is unacceptable and worsening.” In Marion County, the consultants concluded that DCF should not have taken a 3-year-old girl from her mother. The agency received a report that the girl and her siblings were flea-bitten and dirty and that the house had no food.

Shortly after arriving in foster care, the girl began pulling her hair out and banging her head. She smeared feces on walls and had trouble sleeping, awakening from dreams of "monsters." Foster care "should be a last resort, not a first step," Vincent's team wrote.

SLEEPING IN OFFICE

Lacking funds, DCF, meanwhile, could not find a bed for a disturbed 13-year-old in the Tallahassee area.

Suspended from school and kicked out of a foster home for killing a litter of newborn puppies, the boy spent his days "in and around" a DCF office. At night he slept on the floor, next to his caseworker.

The child flunked sixth grade twice and had been hospitalized numerous times for threatening to hurt himself and others.

"This is a case of the system failing the child for a multitude of reasons," the report states.

The team faulted DCF in the case of another 13-year-old, whose adoptive parents abandoned her. The state could have prevented the failed adoption, the consultants found, but investigators did not act quickly after receiving reports of problems in the home, including harsh discipline and sexual activity between children.

Later, the girl kicked a teacher and hit a Department of Juvenile Justice worker, sending her to a St. Petersburg delinquency program two hours from her hometown of Ocala.

No relatives visit her, "nor do any of the people in the system," the reviewers wrote. "She seems to be a child who is 'out of sight, out of mind.'"

LAWYER SEES PROBLEMS

Richard Komando, a Fort Lauderdale lawyer who represents about 90 children in DCF care, said he routinely encounters problems the consultants identified, including poor communication, too few foster homes and decisions driven by money.

"It's rare when I see a kid where everything's going right," he said.

Indeed, the experts found little going right for a 10-year-old Brevard County boy. In his first two years in care, DCF moved him 12 times.

His father, a convicted sex offender, committed suicide. The department, despite warnings, planned to return the boy to his mentally ill mother. "The mother is presently living with a friend or in her car. No one is certain," the report states.

The boy should have been in fifth grade but was functioning on a first-grade level. A therapist thought he could not read, yet DCF "had no contact with the school regarding his progress," the report states.

"The child's remaining in one home since May 2000 after a history of instability is the only mark of progress," the consultants wrote. "There is inadequate knowledge of this case, its history and its future by DCF."

WISCONSIN STATE JOURNAL

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Ms. BALDWIN. Mr. Speaker, I rise today to recognize the Wisconsin State Journal, which was founded in Madison, WI, 150 years ago in 1852.

The daily Wisconsin State Journal, which we celebrate today, evolved from an afternoon weekly called "The Madison Express." The Madison Express covered stories directly related to a young and isolated frontier town, Madison, at a time when area wolves decimating local pig populations dominated the early paper's headlines. It was a dedication to providing exemplary local coverage that ensured the survival of the weekly edition and eventually led to a broader daily newspaper that connected a developing, city with the world. Through the years, both the Madison Express and then the Wisconsin State Journal were able to survive the competition of over 80 competing local newspapers.

Today, the Wisconsin State Journal is a thriving metropolitan newspaper that maintains a balanced focus on both the wider world and the local developments of the Madison area and Wisconsin. The newspaper currently has a circulation of over 110,000 households in a territory spanning 17 counties. In recognition of its quality, the Wisconsin State Journal has received an impressive seven Lee Awards for excellence in journalism and five Inland Press Awards for community service and public affairs reporting.

The newspaper has shown its commitment to the area through its community involvement. The Wisconsin State Journal originally conceived and now leads the Schools of Hope project, a broad, community-driven program that has helped improve the reading scores of area students.

Congratulations, on 150 great years.

RECOGNIZING CONTRIBUTIONS OF HISPANIC-SERVING INSTITUTIONS

SPEECH OF

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. DIAZ-BALART. Mr. Speaker, investing in a sound education is one of the most important things that we can do to give a child the tools to get ahead in life. I am proud to have been an original cosponsor of H. Res. 561, Recognizing the Contributions of Hispanic-Serving Institutions. These institutions of higher learning are an integral part of America's commitment to quality education for all Americans.

South Florida students, in particular, have benefitted from the academic excellence "Hispanic-serving institutions" (HSI) strive to provide to their students. We are talking about schools, in which student enrollment is at least 25 percent Hispanic, with at least 50 percent of these Hispanic students from low-income families. While comprising only 5 percent of all institutions of postsecondary education, Hispanic-serving institutions enroll 49 percent of Hispanic-American students. These institutions have devoted themselves to ensure that these underrepresented students receive the same opportunities and quality of learning as their peers who come from higher socio-economic backgrounds, and for that, these schools deserve every praise.

Most recently, on September 3, 2002, the Department of Education awarded two grants totaling more than $3 million to Florida International University, FIU, for programs to expand the university's capacity to serve Hispanic and low-income students and provide pre-collegiate opportunities for students from disadvantaged backgrounds. I am proud that FIU is a part of the South Florida community. It has proven through its long and distinguished history as an HSI, that administering programs effectively addressing the educational needs of underrepresented and underserved students, leads to these students becoming positive contributors to our society.

There is an ever-growing number of post-secondary institutions that are striving to serve our Nation's Latino population. Throughout the Nation more and more institutions of higher education are reaching out to and enrolling an increasing proportion of Spanish-speaking students. According to the Department of Education, the enrollment of Hispanic American students in college is growing twice as quickly as college enrollments in general. Many of these students are learning English as a second language, and come from families where Spanish is primarily spoken. These institutions provide a comfortable and nurturing setting, in which to acclimate primarily Spanish-speaking students with their English-speaking peers. Therein, all students from various backgrounds can further develop their academic skills.

I commend HSIs for the opportunities they provide to Hispanic students and also to low-income students. I also commend their graduate and professional programs which are designed to improve and expand graduate and professional opportunities for Hispanic students and other students.

Today's students are our country's future and, therefore, our investment in a sound educational system is crucial.

PERSONAL EXPLANATION

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Ms. ROYBAL-ALLARD. Mr. Speaker, due to an unavoidable scheduling conflict, I was not present for rollcall vote No. 438, on Thursday October 3. Had I been present, I would have voted "no".

TRIBUTE TO BEN GILMAN

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. CROWLEY. Mr. Speaker, I rise today to pay tribute and honor to my good friend and colleague, Chairman BEN GILMAN.

Mr. GILMAN has served 30 distinguished years to the people of the 20th Congressional District of New York. I have only had the opportunity to work with Chairman GILMAN for 4 years, but they have been insightful and meaningful ones.

Chairman GILMAN has always been known for his influential backing of key social reforms. His instrumental role in securing fair human rights practices in the former Soviet Union has been felt and has contributed to the proliferation of American values of democracy and equality worldwide.

As chairman of the Committee on International Relations, Mr. GILMAN handled challenging and difficult situations with sensitivity and in a most diplomatic manner. Chairman GILMAN has also been an example of what it means to be truly committed to supporting the State of Israel and the Jewish people. His instrumental involvement in peace and reconciliation in Israel as well as in Ireland, has secured him a special place in the history of American foreign affairs.

Chairman GILMAN never hesitated to share with me the outstanding wisdom and knowledge he possesses. His years in the House have been filled with dignity and grace, friendship, loyalty, honesty and integrity. Mr. GILMAN's decision to retire from the House will surely deprive us of a strong and effective leader.

He will sorely be missed in Congress, by the voters in the 20th district of New York, and by his colleagues and his friends.

I wish Chairman GILMAN all the best in this new stage of life, and continued health and success for many years to come.

TECHNICAL CORRECTIONS TO COMMUNITY RENEWAL ACT

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. WATTS of Oklahoma. Mr. Speaker, America's strength rests in its communities. It is for this reason that the American Community Renewal Act of 2000 was such important legislation. With the President's signature this bill became law, and our nation embarked on a course to help poverty-stricken communities change their circumstances. By creating an environment where private investment can flourish, this Act promotes job creation and a revitalization of community through the efforts of people who are given a chance and seize it.

The legislation I introduce today moves us further down the path of strengthening our communities. This year the Administration awarded Renewal Community and Empowerment Zone designations to 49 new communities across the nation, including an Empowerment Zone in Oklahoma City, Oklahoma.

A challenge facing 3 of these new Empowerment Zones, Oklahoma City, OK; Pulaski County, AR; Yonkers, NY, is a legacy provision from previous Empowerment Zone rounds requiring that any census tracts included in an Empowerment Zone that are also contained within a defined Central Business District have a minimum poverty threshold of 35 percent. This bill lowers that requirement to 25 percent. The rationale for the change is that Round 3 Empowerment Zones, unlike Rounds I and 2, rely completely on a host of incentives, such as tax credits, to encourage local businesses to create jobs, and that this job growth should not be hindered.

The bill also modifies the boundaries of the Oklahoma City Empowerment Zone to include an abutting, small neighborhood in need of revitalization.

TRIBUTE TO LAZARO MARTINEZ

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to memorialize Mr. Lazaro Martinez, who lived in Trinidad, Colorado. After serving as a volunteer with the Fisher's Peak Fire Protection District for 10 years, Mr. Lazaro passed away after suffering from a heart attack while participating in live burn training. Last night, Mr. Martinez was honored at the National Fallen Firefighters Memorial Ceremony in Washington, D.C.

At the age of 70, Mr. Martinez took advantage of every opportunity to serve others. In addition to his work with the fire department, he was committed to public service. Lazaro taught English as a second language to immigrants, worked with troubled youth, and served on the board of the local American Red Cross.

Lazaro Martinez was a man who cared about his community and was willing to risk his life to help those in need. On July 28, 2001, Trinidad lost an exemplary citizen who, like all fallen firefighters, should be remembered with dignity for his courage and selflessness.

A resident of Colorado's Fourth District, Lazaro Martinez was a great American. I ask the House of Representatives to join me in paying tribute to his memory.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE PATSY T. MINK, MEMBER OF CONGRESS FROM THE STATE OF HAWAII

SPEECH OF

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2001

Mr. ENGEL. Mr. Speaker, I rise to honor the memory of our colleague, PATSY MINK. I was extremely saddened by the news of her death this weekend. Yet I am comforted by the fact that her story will serve to inspire young men and women all over the nation to serve their country.

PATSY's life was one of constantly overcoming barriers. As a student at the University of Nebraska, PATSY worked to end the policy of housing desegregation. PATSY wanted to be a medical doctor but was prevented from doing so because medical schools did not, at that time, accept women. She then applied to law school, graduated from the University of Chicago, only to be blocked from getting a job as a lawyer because of her gender. Never allowing barriers to stand in her way, PATSY started her own law practice in Hawaii.

As a member of Congress, PATSY worked tirelessly to fight for civil rights, our nation's children, the environment, and equal opportunity. Furthermore, as a member of the House Education and Workforce Committee she led the fight for Title IX which mandated gender equality in any education program or activity receiving federal financial assistance. Today's great female athletes, such as Mia Hamm, owe their success in part to PATSY. I am thankful that I had the opportunity to serve with someone who fought so indefatigably for economic and social justice for all Americans.

I am proud to have called PATSY MINK a friend and a colleague. She will be sorely missed.

TRIBUTE TO JEAN AND KEITH KELLOGG II UPON THE CALIFORNIA STATE UNIVERSITY BOARD OF TRUSTEES' APPROVAL TO NAME THE CALIFORNIA STATE UNIVERSITY AT SAN MARCOS LIBRARY "THE KELLOGG LIBRARY"

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. CUNNINGHAM. Mr. Speaker, I rise today to honor Jean and Keith Kellogg II upon the California State University Board of Trustees' approval to name the California State University at San Marcos Library "The Kellogg Library" in September, 2002.

For more than 50 years, the Kellogg family has been associated with the California State University, first at Pomona and more recently, at San Marcos. They beautifully express their belief in the value of education on a tile at Cal State San Marcos celebrating its first ten years. Keith Kellogg wrote for his tile: "Education is a window of life, through which you find opportunity, success, and happiness."

The Kelloggs have taken their love of beauty, learning, and industry, and transferred it to the faces of the students who will go on to find opportunity, success, and happiness, thanks to the generosity of this fine couple.

Jean and Keith Kellogg II became interested in Cal State San Marcos early in its development with a $24,000 gift for discretionary uses in 1992. A year later, they initiated the Keith and Jean Kellogg Scholarship Fund, which now serves as a window of opportunity, success and happiness for many fine students entering Cal State San Marcos. Mrs. Kellogg takes an active interest in the selection of these scholars, and has held dinners with past recipients to see how they are progressing in their goals and successes.

Mr. Kellogg, an avid golfer since playing as part of his college team, underwrote the establishment of the Cal State San Marcos golf team, and continues to enjoy learning how "his" teams are doing, competitively.

Perhaps the most central window the Kelloggs have opened for the future of North San Diego County has been in their steady and critical support for its university's library. In 1997, Jean and Keith Kellogg made a gift of $1 million to begin architectural plans for the University Library. This early gift made it possible for the campus to qualify for state bond funding. The 1998 election in California included a bond issue for construction of the $48 million, 200,000 square foot building. This will be the signature building for the campus, standing five stories and anchoring the University's central pedestrian mall. The library will house up to 840,000 volumes and provide study areas for more than 1,500 students. Since then, the Kelloggs have made an additional gift of $500,000 to complete planning documents and ensure the construction of the library would proceed on schedule. In 2001, the Kelloggs donated another one million dollars to the university, of which $550,000 was used to fund the Reading Room and adjacent terraces. Construction for the Library broke ground in the spring of 2002 with both of the Kelloggs in attendance at the groundbreaking ceremony.

Beyond the campus boundaries, the couple is part of the philanthropic and civic life of North San Diego County, where they make their home in Rancho Santa Fe. Although heir to the famous cereal maker, Mr. Kellogg made his own fortune in the paper products business.

Mrs. Kellogg is a long time civic volunteer and friend of higher education. She is active in the Rancho Santa Fe Library Guild, and serves as a member of the Scripps Research Institute of Medicine and Science Foundation Board.

The couple received the first President's Distinguished Service Awards at commencement in 1998—when they also received a standing ovation from the assembled students for their dedication in helping establish a permanent library at Cal State San Marcos.

Universities are built by people. Given the centrality of the Library to the academic enterprise, and the centrality of the Kellogg's role in developing the campus, the approval by the Trustees to name it the Kellogg Library is a broad beam of inspiration through the windows these two people have opened to so many in the 51st congressional district.

HUMAN RIGHTS AND SECURITY ISSUES IN THE REPUBLIC OF GEORGIA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. SMITH of New Jersey. Mr. Speaker, on September 24, the Helsinki Commission held a hearing on democracy, human rights and security in the Republic of Georgia. Despite the progress that country has made in the development of civil society, in the last few years much of the optimism about Georgia's future has dissipated. Last year, a Georgian official devoted a large part of his public address in Washington to refuting the notion—which was being discussed at the time—that Georgia is a "failed state." I reject that characterization, but the hearing offered a good opportunity to discuss the serious problems Georgia does face.

Preeminent among them is systemic, rampant corruption, which has impeded economic reforms and sickened the body politic. Despite lectures from the International Monetary Fund, the World Bank and the U.S. Government, the Georgian Government has proved incapable or unwilling to do what is necessary to stamp out this multidimensional problem—even though President Shevardnadze himself has called corruption a threat to Georgia's security.

There are also grounds for concern about democratization. The last few elections have clearly not met OSCE standards, which raises questions about the important parliamentary election scheduled for 2003, and the 2005 presidential election that will usher in the post-Shevardnadze era in Georgia, with all the attendant uncertainties. Meanwhile, the media and NGOs have been under severe pressure. Last fall, a foolish ploy by the Ministry of Internal Affairs to intimidate Rustavi–2 Television backfired, resulting instead in the fall of the government. While society's response was heartening—thousands of people came out into the streets to defend the station—the attempt to silence one of the country's most popular media outlets indicated that some Georgian officials are still mired in Soviet patterns of thinking.

Especially appalling is the ongoing religious violence in Georgia. Since 1999, there has been a campaign of assaults against members of minority faiths, especially Jehovah's Witnesses, which Georgian authorities have tolerated. Occasionally, policemen have even participated in attacks on defenseless men, women and children who have congregated for the purpose of worship. Attempts to bring the perpetrators to justice have foundered, as throngs of fanatics hijack the trial proceedings. If such travesties are allowed to continue, the country's entire judicial system is at risk of falling victim to mob rule.

Though Jehovah's Witnesses have borne the brunt of this savagery, other religious minorities have suffered as well, including Baptists, Pentecostals and Catholics. Earlier this year, for example, a mob invaded a Baptist warehouse, threw the religious literature outside and burned it. How awful to think that events in Georgia today remind us of Germany in the 1930s!

Georgians have a long tradition of religious tolerance, of which they are rightly proud. It is all the more puzzling, therefore, why religiously-based violence has erupted and continued only in Georgia, of all the post-Soviet states. The leadership of the Helsinki Commission and other Members of the House and Senate have been in correspondence with President Shevardnadze about this disturbing trend. He has assured us that the problem will be corrected and the perpetrators arrested.

Georgia's Ambassador, Levan Mikeladze, testified at the September 24 hearing and suggested that Georgia has so little experience with religious persecution that it has been difficult to cope with its sudden emergence. He too offered assurances that Georgia fully recognizes the gravity of the problem and that legal and practical actions are being taken to ensure there will be no more violent attacks.

Alas, extremists in Georgia must not have been listening. Since the September 24 hearing, more assaults have taken place. The next day, some 15 extremists of the ultra-Orthodox "Jvari" organization in Rustavi forcibly entered a private home where Jehovah's Witnesses and their non Witness guests had gathered for Bible study. Two Witnesses and one non-Witness visitor were physically assaulted. On September 26, in the village of Napareuli, masked men with firearms burst into a private home where meetings were underway, beating those in attendance and ransacking the house. Most striking, eyewitnesses claim the attack was led by the village administrator, Mr. Nodar Paradashvili, who beat one of the victims into unconsciousness. In a third incident, on September 29, a mob gathered outside the residence of a Jehovah's Witnesses in Tbilisi. They refused to let others enter the premises where a meeting was to be held, seized Bibles and literature from the group, verbally abusing those arriving for the meeting and assaulting at least one person. In all three cases, police reportedly refused to intervene after learning that the incidents involved attacks on Jehovah's Witnesses—as has often been the case in Georgia.

Mr. Speaker, there may be many explanations for this peculiar phenomenon but there can be no excuse for state toleration of such barbarity. It must end, and it must end now.

Though such attacks have been one reason for Georgia's prominence in the news lately, more attention has been focused on Moscow's campaign of intimidation against Georgia. Russia has been leaning on pro-Western, strategically-located Georgia for years, but the temperature has in the last few weeks approached the boiling point. President Putin's request for United Nations backing for Russian military action against Georgia was not any less objectionable for having been anticipated.

I have been watching with growing alarm as Russia ratchets up the pressure on its small neighbor. Georgian parliamentarians on September 12 unanimously approved an appeal to the United Nations, the OSCE, the European Union, the Council of Europe, and NATO for protection from anticipated Russian military aggression. Georgian lawmakers should know that their American colleagues have heard their appeal and stand with them. While we are cooperating with Russia in the war against terrorism, we have in no way given Moscow leave to attack Georgia, nor will we do so.

The United States is now more than ever directly engaged in the Caucasus and is stepping up military cooperation with the region's governments, especially Georgia. While we have many issues of concern to raise with Georgia's Government, when it comes to Georgia's sovereignty and territorial integrity, there is no more ardent supporter than the United States. That has been the case for the last ten years, and it will be the case in the future as well.

INTRODUCTION OF WYANDOTTE NATION LAND CLAIMS SETTLEMENT LEGISLATION

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. MOORE. Mr. Speaker, I rise today to introduce legislation that will settle certain land claims of the Wyandotte Nation, an Indian tribe with longstanding roots in the Third Congressional District of Kansas.

I have been joined as an original cosponsor of this measure by Representative DON YOUNG of Alaska, the chairman of the House Transportation and Infrastructure Committee. As the former chairman of the House Resources Committee, Mr. YOUNG has a longstanding record of actively addressing the concerns of Indian Nations across the United States and I am proud to have his name on this legislation.

This measure will resolve all land claims the Wyandotte Nation has in Wyandotte County, Kansas, established pursuant to an agreement between the Wyandotte Nation and the Delaware Nation dated December 14, 1843, which was ratified by the United States Senate on July 25, 1848.

The Wyandotte Nation's land claims in the Third Congressional District, which are now the subject of litigation in Kansas federal district court, cloud the title on 4,080 parcels of land valued at a total of $1.9 billion for tax purposes. Approximately 40 percent of the property tax base in Kansas City, Kansas, is affected by the claim, as are 1,300 landowners.

This bill will permanently settle the claims of the Wyandotte Nation and remove all clouds on title affecting Kansas City landowners. Under the legislation, the Secretary of the Interior would take into trust for the benefit of the Wyandotte Nation a parcel of real property located in Edwardsville, Wyandotte County, Kansas. Concurrently, the Wyandotte Nation would relinquish all claims to lands in Kansas and would acquiesce to dismissal with prejudice of their lawsuit.

Currently, the Unified Government of Wyandotte County and Kansas City, Kansas, along with the municipal leadership of Edwardsville, is negotiating a legally binding Memorandum of Understanding with the Wyandotte Nation regarding the operation of any gaming facility that the Wyandotte Nation may establish on its settlement lands under this measure. The Mayor and Commissioners of the Unified Government support my introduction of this legislation at this time. I anticipate that these negotiations will reach a satisfactory conclusion within a few weeks; if that does not come to pass, however, I reserve the right to withdraw my support for this proposal if a Memorandum of Understanding is not endorsed by all parties within a reasonable time.

Mr. Speaker, enactment of this legislation will provide significant support to ongoing economic development efforts in my congressional district. In 1996, a nonbinding, countywide referendum registered an endorsement of nearly 80 percent for legalized gaming in Wyandotte County. For this reason, past measures I have introduced to assist the Wyandotte Nation's efforts to bring gaming to Wyandotte County have had broad support among my constituents, including local elected officials, consumers, labor organizations and the business community.

I hope that all members of the Kansas congressional delegation and Governor Bill Graves will join me in supporting this important proposal, so that we can see it signed into law prior to the adjournment of the 107th Congress.

PROVIDING A PRELIMINARY AUTHORIZATION FOR THE USE OF FORCE AGAINST IRAQ

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. UDALL of Colorado. Mr. Speaker, in the last few weeks since the president's speech to the United Nations, I have taken time to listen to Coloradans and to discuss with military leaders and other experienced voices the threat posed by Iraq. This has been a difficult, even soul-searching time for all Americans, and I have taken my responsibility very seriously because I deeply believe that this vote will be among the most important I cast in Congress.

The U.S. Constitution assigns the power to declare war to the Congress, and if we are on the path to war, I believe this Congress has the grave responsibility to join with the president in determining whether this path will be short or long, who will be on that path with us, and ultimately what kind of war we intend to wage.

After deep reflection and after listening to those whose experience and judgment in matters of war and peace I respect most, particularly those in the military, I have come to these conclusions about the path to war:

We should only go to war as a last resort and after all diplomatic efforts have been exhausted, and I take some comfort that President Bush apparently agrees with this view.

Unless there is new evidence that Saddam Hussein poses an imminent threat to our national security, I believe we should only go to war against Iraq as part of a broad international coalition authorized by the United Nations.

America can go it alone, and should go it alone where we believe an attack is imminent, but that is not the case with Iraq. In this case, I believe we need the United Nations with us—not so much to win the war and topple Saddam Hussein, but to secure the peace and take responsibility for the costly and difficult nation-building that must follow.

Some say that after 9–11 we cannot afford not to attack Iraq on our own. I say that after 9–11 we should only attack in concert with the international community. Why? Because a preemptive, go-it-alone attack could seriously compromise our efforts to combat global terrorism, particularly in the Islamic world.

Saddam Hussein is a dangerous tyrant and I fully support the goal of disarming him. I have no illusions about the duplicity of this man nor the depth of his cruelty. The world would be safer and breathe easier if he were removed.

Getting the job done and doing it in a way that protects American interests, American values, and American lives is what concerns me most. Moreover, I believe that ridding the world of Saddam Hussein is only part of the job we face. We have to remove Saddam Hussein's threat in the context of other security goals, including winning our war against terrorism and Islamic fundamentalist terrorism in particular.

I have indicated that I cannot support the Congressional Resolution on Iraq that has been reported by the International Relations Committee. This resolution would not meet what I believe to be the solemn responsibility of Congress to declare, authorize, and define war, particularly on a full-scale, preemptive basis.

The current resolution concerns me most because it shortens the path to war. Worse, it vests total discretion with the president to determine how fast we run this path. This path to war is far too complicated and the consequences far too dangerous for Congress to delegate this responsibility to one man.

I believe this path to war should be slower-paced and involve more check-points—check points that include the participation by Congress.

These are the check-points I think should mark any path to war with Iraq:

1. We must secure a tough new resolution from the United Nations Security Council that establishes a timetable for the destruction of Saddam Hussein's arsenal of weapons of mass destruction. This will strengthen the president's hand.

2. If we secure the full support of the United Nations, I believe the UN must join us in deploying a robust and even coercive inspection and disarmament program against Iraq, backed up by a multinational force that America would lead.

3. If we fail to secure the support of the United Nations and unfettered inspections are not begun, I believe we must cripple Saddam Hussein's ability to acquire and deploy weapons of mass destruction. At that juncture, military force may indeed be necessary as a last resort. But before America launches a massive operation of the kind we saw in the 1991 Gulf War, however, I believe the president should come to Congress to ask for a separate authorization of war.

Congress needs to know whether the United Nations is with us or on the sidelines before we launch a military invasion of Iraq on our own. Not having this information beforehand, with all of the implications it poses for our global war on terror and the consequences for our security in the region, is simply irresponsible in my view.

More important, Congress needs to share responsibility for the decision to go to war on this scale. We cannot simply wish the president the best and wash our hands of the awesome responsibility to send thousands of American men and women to war.

The last time we did so, in 1964, when Congress passed the Gulf of Tonkin Resolution, my father was serving in Congress. The Gulf of Tonkin Resolution, like the one we are now debating, was designed to strengthen the president's hand in dealing with an international crisis. It led to the eventual deployment of 500,000 American soldiers in Vietnam, and the deaths of 55,000 American servicemen and women. My father came to regret his support for that resolution when it became clear that it was being used as a substitute for the Constitutional responsibility of Congress to declare war.

My father was an early and outspoken critic of that war, and I know he came to believe that Congress made a terrible mistake when it passed the Gulf of Tonkin Resolution. Let not this Congress, a generation later make a similar and tragic mistake.

The resolution I am offering specifies key questions that should be answered before we send thousands of American soldiers into harm's way. It would also establish the legitimacy of American military action as a last resort because we would have clearly exhausted all other means to eliminate Iraq's weapons of mass destruction. Finally, it would preserve the Constitutional responsibility of the Congress to declare war.

The resolution I offer today is intended to avoid the mistakes of the past, while still allowing us to accomplish the important task of ridding the world of the dangers posed by Iraq under Saddam Hussein.

RECOGNITION OF JAMEEL HOURANI

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. ISSA. Mr. Speaker, I rise today to recognize Dr. Jameel Hourani of Los Angeles, California. On October 16, St. Nicholas Antiochian Orthodox Christian Cathedral will honor Jameel Hourani as its "Man of the Year." I would like to join the Orthodox Union Club in publicly recognizing this outstanding person.

In 1988, Dr. Jameel Hourani was elected the President of the Parish Council at Saint Nicholas Cathedral in Los Angeles. During his five years of service he had oversight responsibilities on many committees and activities. Jameel was instrumental in the refurbishment of the exterior of the cathedral, the celebration of the visit of Patriarch Ignacious IV in 1999, the organization of the 50th Anniversary of the cathedral in 2000 and host to the Antiochian Convention held in Los Angeles in 2001.

Dr. Hourani is a Board Certified Physician in Internal Medicine, Pulmonary Medicine and Critical Care Medicine. He is also a member of the American College of Physicians, the American College of Chest Physicians, the American Medical Association, the American Osteopathic Association and the American Thoracic Society.

He has established his credentials through many years of Service. Jameel is credited with numerous articles, lectures and participated in over 24 clinical research studies in the last five years. Dr. Hourani's expertise has extended internationally as he participated in the first kidney transplant in Morocco. In the United States Dr. Hourani has been inducted into the Honorable Order of Kentucky Colonels by the Governor of Kentucky for his relief work in the flood-ravaged area in the late 1980's.

Mr. Speaker, I would like to personally thank Dr. Hourani for his service to both the community and the cathedral. Jameel Hourani is a dedicated man of his community and I wish him the best of luck in the future.

CONGRATULATING 3M FOR 100 YEARS OF INNOVATION

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. SMITH of Texas. Mr. Speaker, for the past century 3M has been a leader of innovative products. The company's achievements in technology, medicine and safety, have improved lives around the world.

In 1925, a young researcher by the name of Dick Drew, acting on his own initiative, developed the Scotch Tape Product line.

In 1937, the first traffic sign of 3M Scotchlite Reflective Sheeting went up in Minneapolis. In addition, the first electrical tape with vinyl plastic backing was introduced and Scotch Magnetic Tape (which was later designed to use in the first recording of television pictures) was introduced.

Other innovative ideas include Scotch Magic Transparent Tape, Tartan Track (the first synthetic running track), and the introduction of Dry Silver technology.

As the decades went by, the success of 3M only increased with the discovery of medical x-ray film, fire barrier sealant, and the introduction of the 3M Pollution Prevention Pays.

In 1985, the first successful optical disk for information storage, video, and audio reproduction was implemented.

A few years later, 3M Fibrlok Fiber Optics Splices reduced splicing time drastically. And the first commercial automatic book check-out systems for libraries, known as the 3M Self-Check Automated Library System, was introduced.

In closing, I commend the employees at 3M's Austin, Texas, facility, which is in the new 21st Congressional District. Their work has contributed much to America's technological innovations and to Austin's economy.

TRIBUTE TO BENJAMIN GILMAN

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today to congratulate a dear friend, colleague, and fellow New Yorker, Congressman BENJAMIN GILMAN, on a successful 30 years of leadership. Let me begin by personally thanking him. For his vision, for his forceful leadership, for his compassion under the most challenging circumstances, and for his tireless dedication to the state of New York.

Together Congressman GILMAN and I teamed up to introduce our bipartisan bill, H.R. 253, the "Tax Relief for Families with Children Act." It was a pleasure to be able to work with him and to put partisanship aside to create a bill that would benefit families in New York and nationwide.

In his tenure in Congress he has fought endlessly to support legislation that will improve the quality of education received by all children in our country. He has also introduced legislation to help fight the increase in juvenile violence and has been a longtime advocate of foreign aid programs to reduce hunger and support family planning.

The House of Representatives is losing a great force by the departure of Congressman GILMAN. I appreciate all that he has done for the state of New York and the nation as a whole and wish him the best of luck with his retirement.

TRIBUTE TO BENJAMIN GILMAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. TOWNS. Mr. Speaker, I am saddened by the action that we take here this afternoon, honoring one of the house's greatest gentlemen, BENJAMIN GILMAN, upon his retirement after 15 terms in Congress.

BEN has been a friend and supporter of many of us on the other side of the aisle. His compassion for serving others is legendary. Whether it was fighting for the creation of the select committee on hunger or freeing political prisoners in Cuba, BEN was a stalwart in protecting the rights of others. He brought that same concern for others to his role as the ranking member of the House Post Office and Civil Service Committee from 1989 to 1993 which had oversight over civil service and postal employees. BEN has continued to be a voice of reason on the successor to this committee, the House Government Reform Committee. Having traveled with him on several anti-drug Codels, I know how committed he has been not only in fighting drug trafficking but also in working for the resources necessary to assist those affected by drug abuse.

For his entire congressional career, BEN was known as someone from "upstate New York". Within the New York delegation, that simply means that BEN is not from New York city. While he may not hail from "the big apple", he is one of "New York's finest" and it has been an honor and a pleasure for me to serve with him and to call him my friend. BEN, please know that you will be sorely missed even by those of us who are not from your side of the aisle or from upstate New York. I can only wish you well and to thank for your years of service to the people of New York and this nation.

IN HONOR OF JAMES CHAPIN

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. GILMAN. Mr. Speaker, my colleagues, and friends, it is with deep sorrow that I address our distinguished body today to announce the passing of a devout patriot, committed citizen of the world and a good friend, James Chapin.

Jim was exceptionally brilliant. His political mind and his strong character impacted on our local, national and international community. A long time political advisor, James Chapin was involved in many endeavors. In addition to his work in politics, he earned a doctorate in history from Cornell University and went on to teach at Yale and Rutgers. Since 2000 he worked for the United International Press and sat on the board of the Queen's Public Library for over 22 years.

In the 1970's the problem of world hunger and malnutrition was bought to my attention by Harry Chapin, the late brother of James. As a result I became involved in bringing this issue to the international political forum and eventually, I served on the Select Committee for World Hunger. It was during that time that my longstanding, relationships with both Harry and Jim Chapin took root.

It was in his capacity as Chairman of the World Hunger Foundation, that I personally remember Jim best. As a true citizen of the world, he took his role as Chairman seriously throughout his tenure in that position. He was instrumental in the fight for social justice and human rights. His contributions in that arena were truly inspiring and we shall long remember him as a true patriot and a generous man.

My wife, Georgia, and I are deeply saddened by his passing. Along with his many friends in the House of Representatives, in New York and around the World, we extend our deepest condolences to his mother Elspeth, his wife, Diana, his two brothers, Tom and Steve and his two sons, James and David.

God Bless you, Jim and may you rest in peace recognizing your many contributions to our way of life.

We thank you for your companionship.

IN HONOR OF MR. HARRY MAITLAND, JR.

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to honor a special individual in my community who recently passed away.

Mr. Harry Maitland, Jr., 76, of Middletown, Pennsylvania, was a celebrated police reporter and editor for my hometown newspaper, the Delaware County Daily Times. Mr. Maitland's 52 years on staff at the Daily Times was the longest in the newspaper's 126-year history.

Mr. Maitland was born in Chester and was a resident of Aston, Pennsylvania until moving to Middletown 48 years ago. A 1944 graduate of Chester High School, he attended the Pennsylvania Military College, now known as Widner University.

Mr. Maitland was only a sophomore when his long run at the Daily Times began. Starting his career as a sports correspondent, he was hired full-time in 1950 where he worked in a variety of positions. During World War II, Harry served in the communications section of the Air Force during the occupation of Germany. Drawing on his experiences in the military, Harry was put in charge of interviewing and writing stories of local Vietnam War survivors. A veteran and active member of the American Legion Post 926, he always maintained a special place in his heart for veterans. Harry was the author of a column called "In the Military" for many years.

Although writing about the hardships of war was not always a pleasant aspect of his life, war did provide him the opportunity to meet his wife, Ilse. During his military service in Germany, Mr. Maitland was stationed near Wiesbaden in January 1946 when he rescued a young German woman from under a tree during a heavy rainstorm. Out of touch for seven years after the incident, Harry found her again by writing to several newspapers in Wiesbaden. He flew back to Germany and married her. A devoted husband, 40 years later he could be heard ending phone conversations with her with a kiss into the phone.

Mr. Maitland was a decorated reporter and writer. He received a first place award for local government news writing in the 1972 statewide Keystone Press contest for his story on former Special County Prosecutor Richard A. Sprague's raid on county Republican headquarters. He was also honored by the Fraternal Order of Police and the Philadelphia Citizens Crime Commission, which recognized him for outstanding police reporting. Finally, in 1985, the Delaware County Police Chiefs Association named him Citizen of the Year.

Mr. Maitland also served his community as a fireman. He was one of the first junior members of the Green Ridge Fire Co. in Aston. In 1990, I presented Mr. Maitland with a special award from the Delaware County Firemen's Association.

Mr. Speaker, I call on my colleagues to recognize the life of a good and honorable man. Harry Maitland, respected and admired by his colleagues and his readers was described by one of his co-workers as a "reporter's reporter". Mr. Speaker, Delaware County is a better place thanks to the life and contributions of men like Harry Maitland.

IN RECOGNITION OF THE CLEAN AIR COMMUNITIES PROJECT PARTNERS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mrs. MALONEY of New York. Mr. Speaker, I rise to pay tribute to The Clean Air Communities Project Partners for their commitment to implementing technologies that will ensure that the air that we breathe is cleaner.

In 1999, Clean Air Communities was created by Natural Resources Defense Council, Northeast States Clean Air Foundation, Northeast States for Coordinated Air Use Management, Con Edison, and New York State Department of Environmental Conservation to promote clean energy strategies and to reduce pollution.

On October 7, 2002, this coalition of private and public partners announced the launch of New York City's largest commercial solar electric system in Brooklyn, New York. Clean Air Communities, New York State Energy Research & Development Authority, Greenpoint Manufacturing and Design Center, and PowerLight joined together to fund this exciting new project which will generate and store electricity while reducing the demand on New York's power grid.

In bringing together public and private partners around projects like this, Clean Air Communities continues to demonstrate that these collaborative partnerships work: to achieve better air quality; to increase our energy security and independence; and to provide real alternatives to the communities most in need in our city.

The solar panel array will convert sunlight directly into electricity, thereby generating clean electrical power. By relying on solar energy, some of the harmful emissions that pollute the air and cause health problems will be eliminated.

I believe that it is critical that we invest our resources in developing new technologies to expand the possible uses of renewable energy. We know far too well the dangers that climate changes can pose to the global environment. By utilizing renewable energies, we can help to reverse the negative effects that decades of reliance on fossil fuels have caused. Moreover, renewable energies will help to accommodate the growing demand that the increasing world population places upon the environment.

I commend Clean Air Communities for advancing air quality, renewable energy alternatives, and environmental justice in New York and applaud their efforts in creating model initiatives such as this.

TRIBUTE TO JACQUELINE ESMEIJER

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Ms. WOOLSEY. Mr. Speaker, I rise today during National Disability Employment Awareness Month to honor Jacqueline Esmeijer of Santa Rosa, California. Born 27 years ago with cerebral palsy, Jackie has demonstrated throughout her life that the condition does not define who she is or what she can do.

Jackie recently completed a video, "Positively Enabled," that conveys just this message. A student at Santa Rosa Junior College, Jackie made the film as a psychology project. It shows the normal life that she leads and her many accomplishments at school including founding Tech Savvy, a club that takes students behind the scenes of Telecom Valley companies. She also served as vice-president of the Petaluma Campus Council. She plans to produce a series focusing on how someone with a different physical or mental challenge can change preconceptions.

In Jackie's words, her life and her video make a statement that "people with disabilities accomplish much more than is often seen and deserve credit for doing so."

Mr. Speaker, President Bush has designated October National Employment Disability Awareness Month. It is with great pride that I salute Jacqueline Esmeijer during this time for showing us all that disabilities are only challenges and not the essence of a human being.

RECOGNIZING THREE GEORGIA SCHOOLS AS STATE CHAMPIONS OF THE PRESIDENT'S CHALLENGE PHYSICAL ACTIVITY AND FITNESS AWARDS PROGRAM

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. CHAMBLISS. Mr. Speaker, I rise today to congratulate Allatoona Elementary School of Acworth, GA, Athens Academy, of Athens, GA, and New Testament Christian Academy of Stockbridge, GA, on being named a "State Champion" by the President's Council on Physical Fitness and Sports. These schools were selected based on their high achievements in the President's Challenge Physical Activity and Fitness Awards Program.

Available to all schools around the country since 1958, the President's Challenge Physical Fitness offers recognition and awards for fitness to all participating students. The State Champion award is presented each year to schools with the greatest number of students scoring at or above the 85th percentile on the President's Challenge. In each state, three State Champions are chosen based on total enrollment.

It is my pleasure to honor these schools today in their attempt to battle a national health crisis among our Nation's youth. Mr. Speaker, please join me in promoting health to the young people of the United States by further stressing the importance of greater physical fitness. Again, I would like to commend these schools for accepting the President's challenge and helping create a healthier nation.

CHILDREN'S NETWORK OF SOLANO COUNTY CELEBRATES 20TH ANNIVERSARY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. GEORGE MILLER of California. Mr. Speaker, we rise today to invite our colleagues to join us in recognizing the Children's Network of Solano County as it celebrates its 20th anniversary.

Since its inception in 1982, the Children's Network has worked to improve the lives of children in Solano County. Once an organization that focused primarily on low-income and foster children, the Children's Network has evolved into the leading voice for all young people in Solano County. It is the convener of California's first and among its most effective inter-agency coordinating councils dedicated to improving the lives of children.

The Children's Network works to educate people in Solano County about the needs of children and to bring together those who can help achieve the best outcomes for kids. In promoting the health, education, and well-being of all children in the county, the Children's Network conducts and disseminates research, offers training, administers grants, coordinates county agencies, advocates for policy changes at all levels of government, and works to improve the efficiency and effectiveness of county services for children and families.

The Children's Network partners with a variety of private and public organizations to improve the lives of local children. Through contracts with Solano County, the Children's Network also provides staff support—such as budget development, research, training and administrative support—for three councils appointed by the Board of Supervisors (Children's Network Council, Child Abuse Prevention Council, and the Child Care Planning Council), as well as for a network of the county's Family Resource Centers.

Accomplishments of the Children's Network include:

Developed and helped foster successful passage of a California state law permitting funding for "family preservation," which provides support and allows appropriate families to stay together in cases where children might otherwise be placed in foster care.

Provided the leadership to establish the Solano County Children's Trust Fund, which raises more than $100,000 annually for child abuse prevention services in Solano County.

Worked to create a system of Family Resource Centers, which provide family support services in every city in the county for more than 4,000 at-risk families each year.

Advocated successfully for the county to maintain and increase the amount of money available for child care for families in the state's welfare-to-work program, who today receive more than $8 million annually in child care subsidies.

Persuaded the County Board of Supervisors and all seven local city councils to adopt a set of Policy Principles that provide a framework for successful delivery of children's services.

Convinced the Board of Supervisors to adopt the goal of improving the lives of children as its top priority for 2001-2003.

Provided child development training and/or stipends to more than 400 early education professionals to support high quality child care in the first year of the Compensation and Retention Encourage Stability (CARES) program.

Helped develop and coordinate the Integrated Family Support Initiative, a home-visiting program that allowed for nearly 1,000 visits to isolated, at-risk families in its first year, 2001.

Raised awareness of children's needs through publication of The Children's Budget and The Children's Report Card, which drew attention to state and federal funding shortfalls that affect local families and provided data for grant proposals, thereby increasing funds for local children's services.

Organized an annual Child Abuse Prevention Conference that has provided high-caliber training to approximately 900 government officials, parents, service providers and community members for each of the last four years.

Current activities of the Children's Network include:

Researching and publishing The Children's Budget, a series examining how government funding for children is allocated and spent in Solano County, and The Children's Report Card, a compilation of data about the county's successes, challenges, and progress in serving children.

Involving parents and community members in forums to discuss what can be done to improve the lives of children.

Established a strong child advocacy and fund-raising presence in Solano County as the action arm of the first children's inter-agency coordinating councils in the state.

Seeking creative budget strategies in partnership with county agencies to achieve better, more efficient, and more effective investments in services for children and families.

Encouraging officials at the local and state levels to consider the needs of children in policy decisions.

Administering the county's program to provide stipends and child development training for child care professionals.

Coordinating a home-visiting program present in all Family Resource Centers to provide family support countywide.

Mr. Speaker, we know we speak for all the members of the House of Representatives when we congratulate the Children's Network for twenty years of effective advocacy on behalf of children in Solano County.

TRIBUTE TO THE TIBBITS OPERA HOUSE OF JACKSON, MICHIGAN

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. SMITH of Michigan. Mr. Speaker, it is with great pride that I rise to recognize the Tibbits Opera House, in Coldwater, MI, which celebrated its 120th anniversary on September 21, 2002. Having opened in 1882, the Tibbits is one of Michigan's oldest theaters. Built for a cost of $25,000, the Tibbits was one of the finest opera houses of its day.

Through the years, the Tibbits has provided the residents of Michigan's seventh district with a wide range of entertainment offerings: hosting operas, plays, wrestling matches, silent pictures and movies. Famous acts like John Phillip Sousa and his band, Guy Lombardo, the Glen Miller Orchestra and Buffalo Bill and his Cowboys all performed on its stage.

Fellow Representatives, I am happy to report that after all this time, the Tibbits is still going strong, thanks to the Tibbits Opera House Foundation and Arts Council, which purchased the theater in 1963. Every year, thousands of people flock to the Tibbits to see plays like Camelot, The Last Night of Ballyhoo, A Connecticut Yankee, and A Grand Night for Singing. In addition, the Tibbits offers programs for children, professional touring musicians, and art exhibitions, and also plays host to a variety of community activities.

The Tibbits is a community landmark and an important piece of our country's rich theatrical heritage. It is a testament to the residents of Coldwater that it has been preserved for 120 years, and continues to thrive.

THE RETIREMENT OF CONGRESSMAN BENJAMIN GILMAN

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mrs. MALONEY of New York. Mr. Speaker, it is with profound respect and admiration that I bid my good friend, esteemed colleague, and fellow New Yorker, Congressman BENJAMIN GILMAN, farewell as he retires after 30 years of service to the House of Representatives.

Congressman GILMAN has been devoted to public service and helping others his entire life.

From the time he lost family members in the Holocaust, and witnessed persecution by Nazi Germany as a young soldier in World War II, Congressman GILMAN has been unwavering in his commitment to human rights.

He fought for human rights before the fight became popular.

Congressman GILMAN was first recognized for his human rights work in 1978, thanks to his successful efforts to free several prisoners in East Germany, Mozambique, Cuba, and several other nations.

But he didn't stop there.

Two years later he fought for the release of 30 U.S. citizens from the political imprisonment by the Cuban Government.

It is these courageous feats, among countless others, that contributed to the tremendous leadership he provided to the International Relations Committee.

As a ranking minority member on the House Post Office and Civil Service Committee, Congressman GILMAN earned a reputation as a leader and a fighter for safe and equitable workplaces for civil service and postal service employees.

Now the senior Republican on the Government Reform Committee, on which we serve together, I have had the honor of working with him on issues that are not only important to our state, but to the country.

Last year, I proudly worked with the Congressman to fund an environmental study on the potential causes of high breast cancer rates in our state.

Whether it was in Hudson Valley or one of many countries around the world, Congressman GILMAN has never hesitated to help those in need.

Although he may be unsure where his path will now take him, I have no doubt that his determined spirit and renowned kindness will continue to be appreciated by many.

Even though the Congressman and I have always stood on opposite sides of the aisle—we have rarely stood on opposites sides of an issue, most importantly matters that affecting New York—and I am proud to have served with him.

Beloved by both Republicans and Democrats, "Gentle Ben"—you will be sorely missed by your constituents, by fellow New Yorkers, and by fellow Americans.

IN RECOGNITION OF LAWSUIT ABUSE AWARENESS WEEK: SEPTEMBER 30—OCTOBER 4, 2002

HON. ROBERT L. EHRLICH, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. EHRLICH. Mr. Speaker, I rise today to recognize Maryland Citizens Against Lawsuit Abuse, MDCALA, and to congratulate them on their efforts to raise public awareness about frivolous litigation and the need for personal responsibility during the recent Lawsuit Abuse Awareness Week.

MDCALA is a nonprofit, nonpartisan, legal watchdog organization dedicated to improving the civil justice system. Over the last 7 years, MDCALA has worked to educate Marylanders about the cost of frivolous litigation. With more than 10,000 supporters statewide, MDCALA emphasizes the negative consequences that lawsuit abuse has on the public.

Maryland is home to many large corporations and family businesses. Yet, the constant fear of lawsuits threatens the economic vitality of our State. Small businesses simply cannot afford one frivolous lawsuit. In order to compensate for potential legal bills, businesses are forced to raise prices to protect their bottom line. Lawsuit abuse, therefore, results in higher prices, increased medical expenses and loss of business growth.

As a former member of the Maryland General Assembly, I worked hard to reform our legal system at the State level. During my tenure in Congress, I have supported efforts with respect to product liability. reform, securities litigation reform, and reform of the federal Superfund program. More importantly, I sponsored legislation that has helped reduce, in my view, frivolous class action lawsuits brought against mortgage brokers.

Legal reform is a very complex issue. The legal. system must function to provide justice to every American. This does not mean, however, that the status quo is necessarily perfect. When lawsuits and the courts are used in excess or to the detriment of innocent parties, the system should be reviewed and reformed if possible.

For their efforts, let me acknowledge MDCALA Chairman, the Honorable Phillip D. Bissett; Board of Directors—Joseph Brown, Jack Doll, Janna Naylor, Vikki Nelson, Gary Prince, the Honorable Joseph Sachs, Dr. Michael Saylor, and the Honorable Michael Wagner; and Executive Director Nancy H. Hill.

In closing, Mr. Speaker, I remind our citizens that frivolous lawsuits—nationwide—clog our courts and prevent access to legitimate litigation. We must work together to implement common sense reform in order to restore fairness and justice to our legal system. I commend these citizens, and all involved in this worthwhile effort, for their dedication and commitment to public awareness on the serious issues associated with lawsuit abuse.

PERSONAL EXPLANATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. OWENS. Mr. Speaker, yesterday I was unavoidably absent and missed rollcall votes No. 442, No. 443 and No. 444. If present I would have voted "yea."

I SALUTE TAIWAN ON ITS NATIONAL DAY

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. HILLIARD. Mr. Speaker, I wish to congratulate the leaders of Taiwan on their forthcoming National Day. In the last 2 years, President Chen Shui-bian has accomplished a great deal for Taiwan.

In these 2 years, Taiwan has continued to reduce its trade surplus with us and maintained its healthy economic growth. Internally, Taiwan's process of democratization is continuing and has drawn wide praise from Western press.

On Taiwan's National Day, we should recognize Taiwan for what it is—a prosperous democracy, worthy of respect and admiration. I have enjoyed working with Ambassador C.J. Chen and his staff. They have kept me informed of the developments in Taiwan. They are exemplary diplomats.

Happy Birthday to Taiwan.

TRIBUTE TO SAN FRANCISCO NETWORK MINISTRIES

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Ms. WOOLSEY. Mr. Speaker, I rise today to honor San Francisco Network Ministries on the occasion of its 30th anniversary. Since its founding in 1972, this group has had a significant impact on the Tenderloin neighborhood of San Francisco, a neighborhood that 25,000 call home and a neighborhood that has been No. 1 in homicides, assaults, drug use, and incidence of HIV.

The mission of SFNM is a true reflection of who they are and of their significance in the Tenderloin: "San Francisco Network ministries is devoted to the people of the Tenderloin neighborhood with whom they work cooperatively for the empowerment of all, proclaiming good news for the poor and seeking liberty for those who are oppressed. SFNM believes that everyone has been given gifts for the common good, and they seek to draw out and affirm those gifts through personal, face-to-face ministry."

The work of Network Ministries' focuses on serving the multicultural population of the Tenderloin neighborhood as well as 6,000 frail elderly persons and 4,000 children. Programs include a computer training center, construction of and services to low income apartments, SafeHouse for women leaving prostitution, memorial services for the poor and homeless, a residential hotel ministry, an AIDS Resource Center, and a support program for volunteers in pastoral care among the frail elderly.

Network Ministries has always drawn together partners and entered into coalitions to work on specific issues of importance to the people of the Tenderloin and other poor people. This approach enables the organization to be a leader in bringing compassionate, effective service to those who need it. It has fostered and/or created other agencies, serving as a role model for those who believe that you can get a lot more done when you don't focus on who gets the credit.

Mr. Speaker, San Francisco Network Ministries is an inspiration to its partners, to the community it serves, and to all of us who care about our fellow human beings. I am proud to honor the work they have been doing for 30 years, important work that will continue to have an impact on the lives they touch. And, I am particularly honored to be the long-time friend of the Rev. Glenda Hope who, with her late husband Scott Hope, founded this exemplary organization.

TRIBUTE TO RONALD McDONALD HOUSE CHARITIES OF CENTRAL NEW YORK

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. WALSH. Mr. Speaker, I rise today in celebration of the 20th anniversary of the Ronald McDonald House Charities of Central New York. I am proud to say this "home-away-from home" located in the heart of my district, has opened its doors to thousands of families who have found themselves in need of medical care.

When a child is ill, parents and family members should have the ability to focus on the task-at-hand, returning the child to full health. The Ronald McDonald House provides a strong support system, affording families a safe haven and a meal on the table while they are working through difficult times.

I commend the Central New York chapter of the Ronald McDonald House as they celebrate 20 years of unconditional love and assistance. The work that you do will have a lasting effect on the children from our country and throughout the world. The lives that you touch will hopefully inspire others to follow your lead in assisting those who are working through difficult situations. The cycle of support that you have developed, will definitely live on forever.

Thank you, and congratulations.

HONORING PAUL HEIDEN, FINANCE DIRECTOR OF ROLLS-ROYCE

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Ms. CARSON of Indiana. Mr. Speaker, as the House meets tonight in Washington, the Board of Directors of Rolls-Royce North America, whose largest manufacturing facility is located in my district in Indianapolis, is meeting at its corporate headquarters in northern Virginia.

Rolls-Royce is one of our most distinguished corporate citizens, and one of the largest private-sector employers in Indiana; it employs more than 8,000 workers and produces more than $2.4 billion in North American sales annually. A global company with a British heritage and a major American presence, Rolls-Royce can attribute much of its success in the United States to Paul Heiden, the Finance Director of Rolls-Royce, plc.

As the Chief Financial Officer for Rolls-Royce, Mr. Heiden was personally involved with, and strongly supportive of, major capital investment in the United States industrial base. Most significant among those investments are the facilities in Mount Vernon, OH; Park City, UT; Oakland, CA; and Indianapolis. He has fostered trans-Atlantic trade and cooperation on defense and commercial aerospace programs, including engine development for the Joint Strike Fighter, and engines for regional jet aircraft. He was directly involved in the Rolls-Royce North American ventures as a member of the Board of Directors of Rolls-Royce North America Holdings, Inc, and in that role contributed immensely to the economic health of many American communities, including my own.

At year's end, Mr. Heiden will leave his post with Rolls-Royce. He will be sorely missed. At a time when our nation is most acutely aware of our good fortune in the trans-Atlantic partnership between the United States and the United Kingdom, I am reminded that it is the talent and determination of people like Paul Heiden that make this partnership so vibrant.

On behalf of the people of central Indiana, I wish him every good fortune in his future endeavors.

JOE SKEEN FEDERAL BUILDING

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mrs. MALONEY of New York. Mr. Speaker, I rise in strong support of H.R. 5427, a bill to designate the Federal Building in Roswell, New Mexico, the "Joe Skeen Federal Building." As we regretfully acknowledge, the gentleman from New Mexico will be retiring at the conclusion of the 107th Congress. JOE SKEEN, a Roswell native, has served his New Mexico constituents and his country admirably over the past 20 years. This legislation is a fitting tribute to commemorate JOE's achievements and service.

As a Members of Congress, we often work with colleagues from different parts of the country and from across the aisle. It has been a great privilege to have worked with JOE SKEEN. Since his first election in 1980, he has served on the Appropriations Committee, chairing the Subcommittee on Agriculture and currently, the Subcommittee on the Interior. JOE has always been a true gentlemen and a straight shooter. When dealing with JOE, I always know JOE will give me a fair hearing on an issue and try to accommodate me when he could and politely said "no" when he couldn't. I could also always depend on JOE telling me a good story to underscore the point he was making.

On a personal note, I have had the pleasure of working with the gentlemen from New Mexico to further the progress of Parkinson's Disease research in America. In 1999, along with my colleagues—Mr. EVANS, Mr. MARK UDALL, TOM UDALL, and Mr. WAXMAN, Mr. SKEEN and I—formed the Congressional Working Group on Parkinson's Disease.

Mr. SKEEN has been a true leader in the fight against Parkinson's Disease. The Working Group has sought to increase awareness among Members of Congress on Parkinson's related issues. Most importantly, the Working Group has advocated for accelerated and increased funding for Parkinson's research in the hopes that we soon find the cure for what leading scientists call the most curable neurological disorder.

We have had some significant success—since the start of the caucus, the National Institutes of Health's spending on Parkinson's has increased by 28 percent—a 43 million dollar increase over FY 2000. And we have Mr. SKEEN, in great part, to thank for this.

JOE also was critical in helping to secure a funding increase for the Department of Defense's Neurotoxin Exposure Treatment Research Program. The FY 2002 bill contained $17 million in funding for the program, a $2 million increase over FY 2001. This environmental research not only strives to improve the treatment of neurological diseases, but also aims to identify the causes of the disease and prevent them.

We will carry on the fight to cure Parkinson's, in part, inspired by the legacy of the great JOE SKEEN.

In closing, I have so appreciated JOE's wit and his great sense of commitment to important issues such as Parkinson's Disease, and his overall commitment to public service.

I fully support this bill to honor my esteemed friend and colleague JOE SKEEN for all of his legislative accomplishments as his service in Congress. I hope JOE enjoys his retirement, it is well deserved!

JOE SKEEN is a true national treasure.

PERSONAL EXPLANATION

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. PORTMAN. Mr. Speaker, last night, October 7, 2002, President Bush made a major policy speech on Iraq in my hometown of Cincinnati, Ohio. At the President's request, I attended the speech with him. Consequently, I was not able to be present for the following rollcall votes:

H.R. 3340—To allow certain catch-up contributions to the Thrift Savings Plan to be made by participants age 50 or over.

H.R. 5531—To facilitate famine relief efforts and a comprehensive solution to the war in Sudan.

H. Res. 468—Transatlantic Security and NATO Enhancement Resolution of 2002.

Had I been present, I would have voted "yea" on each of these bills.

CHILD ABDUCTION PREVENTION ACT

SPEECH OF

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. BLUMENAUER. Mr. Speaker, I support the underlying objective of the bill, to expand the Amber Alert system nationwide and to improve the National Coordination of Amber Alert Communications to help save the lives of kidnapped children. Unfortunately, a wide range of troubling provisions were added by the House Judiciary Committee. For example, this bill would include a provision to expand the type of homicide that can be punished by the death penalty. It would also increase mandatory sentencing, thus further eliminating judicial discretion and potentially leading to unfair punishments.

By bringing this bill to the floor in the form of a suspension bill, the opportunity for amendment and discussion of these controversial provisions has been hindered. I therefore withhold my support for H.R. 5422.

HONORING CITY COUNCILMAN PHILIP CAMPBELL, SR.

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. CHAMBLISS. Mr. Speaker, I would like to pay tribute to City Councilman Philip Campbell, Sr. one of my fellow public servants in Warner Robins, Georgia who died recently in a tragic accident.

Philip's service to the city began on August 2, 1965 as City Gas Inspector. After twenty-five years in that capacity, he retired and ran for public office where he proudly served for nine years. Phillip was known for his compassion and his dedication to the citizens of Warner Robins. During his tenure as city councilman, he fought to re-instate the senior citizen's homestead exemption tax and was always an advocate for the needs of city employees.

If he wasn't at City Hall or volunteering at Southside Baptist Church, you could always find Philip Campbell down at the local baseball diamond. Anyone who grow up in Warner Robins and played ball probably had Philip as a coach at some point. He loved teaching the kids how to play, and if one child didn't have a ride to practice, Philip would give him a ride. His generosity to the community was second only to his love for his family. A dedicated husband, father, grandfather, and great-grandfather Philip's legacy will continue impacting the citizens of Warner Robins for years to come.

There isn't a finer man I could have the honor of recognizing on the House floor, and want to extend my deepest sympathy and respect to the family of Philip Campbell. My wife Julianne and I join with his family in mourning the loss of this honorable individual.

PERSONAL EXPLANATION

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. CLEMENT. Mr. Speaker, on rollcall Nos. 438, 439, 440, 441, 442, 443 and 444, had I been present, I would have voted "yea."

THE FARC

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. BARR of Georgia. Mr. Speaker, as we are aware, one of the Colombian terrorist organizations, the FARC, recently stated that U.S. citizens and friends of U.S. citizens would be killed. The FARC has already kidnapped 77 American citizens and murdered 12 in the past decade. This has taken place virtually without notice in the United States. In the first action to make good on that threat against American citizens and their friends, a young, dynamic Colombian woman, Eugenia Delgado Sanchez, was brutally assassinated as she was opening the door to her home in the town of Salento, Colombia at 1:30 a.m. on August 24. This defenseless woman went down in a hail of gunfire, receiving six shots to the back from two vile and cowardly terrorists wearing ski masks. I want to ensure that what she did and the purpose for which she made the ultimate sacrifice, is never forgotten. Her name now joins the names of over 40,000 innocent Colombians who have been killed in the growing narco-violence we witness today.

Ms. Delgado Sanchez was fully engaged in the effort against narcotics. She had reasons, one very personal—the narcos had killed her parents when she was 6 years old—but her greatest concern was for the young children who are offered drugs and addicted before they can even understand the danger that drugs present. She had worked with the Colombian anti-narcotics police and had become a trusted asset to that organization.

She undertook very dangerous assignments based on her deep convictions and concerns for people. She spent some time penetrating narcotics operations in the Jackson Heights area of New York City, where she saw dealers giving drugs for free to elementary school kids, just to get them addicted. She was passionate about protecting those children. Her efforts and information have resulted in numerous convictions.

Many in this House, and congressional staff members, remember meeting with Eugenia during delegation trips to Colombia or in the United States in the company of General Rosso Jose Serrano, the heroic former Director of the Colombian National Police. In April of this year she attended the USCINCPAC Change of Command for Admiral Dennis Blair, and she was going to marry a classmate of Admiral Blair's in October at the U.S. Naval Academy chapel in Annapolis, MD.

Eugenia had been a model and actress, who was at ease with the rich and famous, but never lost sight of the common touch and the less fortunate. Protecting children, poor people and animals were her passion.

After the devastating earthquake in January 1999, centered near the city of Armenia near where she grew up, she organized relief efforts for the children and the poor to bring them clothing and food. She managed to get the first relief in and on the ground, even before the Colombian government or private organizations could get in motion. After providing earthquake assistance, she returned to live in the town of Salento, Quindio where she had grown up as a child.

During her childhood, Salento was a tranquil town at the foot of the mountains devoted primarily to cattle farming with the slow, peaceful pace of life that accompanied agricultural pursuits. As she spent more time in her hometown, she was alarmed by the changes in life because of the drug trade. The mountains were no longer safe. The FARC, to ensure that they had safe lines of communication to bring drugs out and weapons and ammunition in, focused on attacking these rural towns. One night she called her U.S. fiancé and gave him a minute-by-minute account of an ongoing FARC attack on her town. The FARC were going house-by-house looking for people who were "cooperating" with either the Colombian or U.S. governments. That night the FARC got to within two houses of where she lived before the Colombian National Police beat them back in a counterattack.

Eugenia cheered when President Bush made his announcement of the "War on Terrorism," and asked her U.S. fiancé if he thought the United States would assist Colombia with its terrorism problems, particularly since the FARC had kidnapped and executed U.S. citizens with no U.S. military response. She felt the new United States Administration under President Bush would be very serious about protecting U.S. citizens, and citizens of other countries, against terrorists. Obviously there were laws that needed to be enacted or changed to permit the United States to provide more direct assistance against terrorists. She said she hoped these changes would happen fast, since information she possessed concerning the FARC, indicated they were massing strength in the mountains near Salento.

Eugenia, by virtue of her training, always kept her eyes and mind open and her mouth shut while living in Salento. In this manner, she was able to see, hear and observe what was going on, and then pass it along to U.S. sources in Bogotá, without fear of telephone interception. Eugenia started accumulating a tremendous amount of information concerning how the FARC guerrillas were operating, along with identifying key FARC supporters in the village. She was able to unravel how they were able to obtain provisions, and transportation, how they moved kidnap victims, and how they organized weapons and ammunition stashes.

This information was always passed on in general terms to visiting U.S. delegations and others in the U.S. government. Eugenia always made herself available to provide briefings to U.S. personnel and for many she became "the face of Colombia."

Increasingly a race against time developed. Eugenia accumulated information on FARC and narcotics activities, while waiting for U.S. laws and regulations to change so this information would be useful and actionable. The FARC then sent word it wanted to meet with Eugenia. When her fiancé tried to pressure her to leave Salento, Eugenia said that she would but she wanted to get all the details on the location of safe houses the FARC used to transport kidnap victims. She told him, "Imagine what it is like to be kept blindfolded and placed in cages under the ground. God would not forgive us if we had the opportunity to help these people and we turned our backs because we were cowards. Remember, they kidnap both U.S. and Colombians; the next kidnapped person might be you."

In an e-mail sent to her fiancé on February 6, 2002, she laid things out in chilling detail:

> On the other hand I want to tell you that have thought a lot about you due to the things that are going on in my country. I don't know what will happen. I am very worried because I think that about 90% of the population of this town is guerrilla and our president (Andres Pastrana) is not doing anything.
>
> Say hello to President Bush and ask him to help us . . . the reality is that we will die at the hands of the guerrillas and no one will say anything.
>
> OK, I love you and if I have to die for you or your country, I will—I love you.

When she was gunned down by terrorists on August 24, she had less than 48 hours remaining before she would have permanently departed Salento, to be safe and alive in Bogota. Obviously, the terrorists feared the information they thought she would provide, not realizing it was already too late.

The terrorists who killed Eugenia should remember the words of President Bush to the recovery crews after the terrorist attack on the World Trade Center. . . . "soon the people who did this will hear from all of us."

Today, from the U.S. Congress I am proud to pay tribute to the tremendous strength, valor, and nobility of Eugenia and her efforts on behalf of the United States and Colombia. She served as a tremendous inspiration, and demonstrated what an amazing difference one single, dedicated person can make in the lives of so many people. I am sorry more of my colleagues did not have the opportunity to know her; you would be as proud of her life and legacy as I am.

HONORING NIVEDITA BHAT—FINALIST IN DISCOVERY CHANNEL YOUNG SCIENTIST CHALLENGE NATIONAL COMPETITION

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. DIAZ-BALART. Mr. Speaker, today I commend a young woman from my District, Nivedita Bhat. At only 14 years old, Nivedita has risen to the highest level of scientific academic achievement for middle-school students.

Nivedita Bhat is one of only 40 students selected from 400 semifinalists from grades 5–8 throughout the United States to compete in the nation's premier science contest: The Discovery Channel Young Scientist Challenge national competition. She has shown excellence as one of America's top middle-school students in demonstrating leadership, team work and problem solving skills. As one of the finalists, Nivedita Bhat will join her fellow academic achievers on a trip to the nation's capital to compete for a scholarship and the title of "America's Top Young Scientist of the year."

Nivedita's winning project, entitled Toxins and Environmental Justice. Are We at Risk?, is a testimony to this young woman's impressive ability. Most compelling, is the attention she has brought to environmental injustice occurring in Miami-Dade County. Using a high-level technological tool that assembles and displays information relative to spatial locations, Nivedita showed several public schools were within a one-mile radius of a Toxic Release Inventory facility and face potential health risks. Nivedita also concluded that low-income populations were more likely to live near these facilities.

Nivedita credits her father as her science hero; "He is always interested in science and is the one who nurtured my love for science." She wants to become a scientist, "because furthering and researching science makes the most impact not only on the current generation, but on future ones as well."

Mr. Speaker, given the renewed commitment President Bush and Congress have made to the education of our youth, it is clear that positive role models are more important now than ever. Through her commitment to her education and community Nivedita embodies the socially conscious values we as a nation applaud in our young people, and she serves as an excellent example to her fellow students in Miami-Dade. I know that Miami-Dade is very lucky to have Nivedita Bhat as part of our community and I join with the students, faculty, and community in congratulating her on this achievement.

TRIBUTE TO MR. RAUL RIES

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. GARY MILLER of California. Mr. Speaker, it is with great pleasure that I rise to honor Mr. Raul Ries, Senior Pastor at Calvary Chapel Golden Springs in Diamond Bar, CA. During the past 30 years of ministry, Pastor Ries has touched the lives of many. His story is extraordinary; Pastor Ries beat astounding odds and has since shared his incredible story and love of God to tens of thousands of people throughout the United States.

Pastor Ries grew up watching the brutal abuses of his alcoholic father. As he became a young man, the behaviors he vehemently despised as a child became his own. After periods of violence and many altercations, he was given the "option" to go to Jail, or to join the United States Marine Corps. Pastor Ries, an eighth degree black belt in the martial art of Kung Fu San Soo, headed towards Vietnam for a special combat role with the Bounty Hunters, a very aggressive Marine battalion. He received two Purple Hearts for his acts of valor in combat, but after witnessing the deaths of his close friends and fellow Marines, his anger towards the world turned into fury.

A few years after his discharge from the Marine Corps, Pastor Ries hit rock bottom. Although he owned a successful Martial Arts studio and was married with several children, his anger reigned supreme. He came home one evening to find his wife's bags packed; after enduring four years of abuse, she was leaving. Pastor Ries loaded a gun and waited for his family to arrive, intending to put an end to their lives. It was then that he turned on the television to see Pastor Chuck Smith talking about the love of Christ. He fell to his knees and prayed, knowing this was the only way his life could change. At this point, the multitude of anger and hate he felt disappeared, and Pastor Ries found peace.

Now, thirty years later, Pastor Ries oversees a congregation of over 12,000 people. He is heard daily on the thirty minute syndicated radio program, Somebody Loves You. His Somebody Loves You Ministries reach out to people of all ages, but special emphasis are placed on reaching inner-city youth, gang members, and troubled teens. He also serves as an evangelist for the Somebody Loves You Crusades, events that combine non-traditional Christian music with a straightforward gospel message telling all about the love of Jesus Christ.

Mr. Speaker, I ask that the House please join me in honoring and commending Pastor Raul Ries for his 30 years of ministry, as he has exhibited selflessness, service, and devotion to the community, so others may experience the great things God has done.

PERSONAL EXPLANATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. RILEY. Mr. Speaker, I was unavoidably detained for rollcall No. 442, Thrift Savings Plan Catch-Up Contributions; Merit Systems Protection Board Reauthorization; Office of Special Counsel Reauthorization. Had I been present I would have voted "yea."

I was also unavoidably detained for rollcall No. 443, Sudan Peace Act. Had I been present I would have voted "yea."

I was also unavoidably detained for rollcall No. 444, Transatlantic Security and NATO Enhancement Resolution. Had I been present I would have voted "yea."

AMENDING INTERNAL REVENUE CODE OF 1986 BASED ON 2000 CENSUS DATA

SPEECH OF

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Ms. SLAUGHTER. Mr. Speaker, I rise in strong support of expanding the areas of Renewal Communities, RC, based on the most recent census information. This is an issue of great importance to Western New York, since Rochester, Buffalo, and Niagara Falls are each designated as Renewal Communities. The RC Initiative combines tax credits and other provisions designed to revive some of the nation's more impoverished, distressed areas. These cities can take advantage of federal wage credits, tax deductions, capital gains exclusions, and bond financing to stimulate economic development and job growth. Each incentive is tailored to meet the particular needs of a business and offers a significant inducement for companies to locate and hire additional workers.

Rochester needs these incentives to expand jobs and promote business investment in our downtown area. The statistics from my district paint the bleak picture. In the past year, we lost 12,400 jobs, including 300 from Global Crossing; the jobless rate is at an 18-year high; and in the last decade, 41 percent of Rochester citizens between the ages of 20 to 34 have left town.

I am a cosponsor of H.R. 3100, which would allow the areas designated as renewal communities to be updated based on 2000 census data, instead of 1990 census data. Due to a loss of population in the 1990s, my area would greatly benefit from this change. According to Fannie Mae, this technical change would allow 14 more census tracts to qualify in Rochester, 16 more tracts in Buffalo-Lackawanna, and seven additional census tracts in Niagara Falls.

Now that the House of Representatives has passed this legislation, I urge the Senate to quickly add its voice of approval before we adjourn for the year.

THE 25TH ANNIVERSARY OF THE UKRANIAN NATIONAL INFORMATION SERVICE (UNIS)

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. MCNULTY. Mr. Speaker, I rise to congratulate the Ukrainian National Information Service (UNIS) on its 25th anniversary. In 1977, the Ukrainian National Information Service, the Washington bureau of the Ukrainian Congress Committee of America, was established so that the Ukrainian American community's voice could be heard within the Washington establishment.

For a quarter of a century, UNIS has been representing the concerns of the Ukrainian community and has achieved many successes. During the time of UNIS' operation, the world has changed dramatically—the cold war came to an end, the Soviet Union disintegrated, and Ukraine regained its independence. UNIS made a significant contribution to those causes, as evident by constantly informing the American society about the plight of Ukrainians.

Representing the concerns of the Ukrainian American community, UNIS focuses its attention on the historical truth about Ukraine. One particularly sensitive issue is the 1932–1933 Famine-Genocide in Ukraine. While actively working to raise awareness of the evil that transpired in Ukraine nearly 70 years ago, UNIS is diligently pursuing efforts to allocate a plot of land in Washington, DC, on which the Ukrainian American community may erect a monument to the victims of this crime against humanity. I am proud to be an original cosponsor of this bill.

In addition to promoting issues of concern, UNIS has created structures that help it work more effectively. An example of this occurred in 1997 when UNIS was instrumental in the creation of the Congressional Ukrainian Caucus—of which I am proud to be a member. The Congressional Ukrainian Caucus is a group of Members of Congress who take an interest in Ukraine and cooperate to promote better relations between Ukraine and the United States.

I am confident our cooperation with UNIS will continue in the future, and I congratulate UNIS on its silver anniversary.

MT. DIABLO AUDUBON SOCIETY'S 50TH ANNIVERSARY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to invite my colleagues to join me in congratulating Mt. Diablo Audubon Society as it celebrates its 50th anniversary.

Founded in 1953, Mt. Diablo Audubon Society (MDAS) has an impressive record of environmental achievements in Contra Costa County, including the following:

Involved extensively in the protection and recovery of McNabney Marsh in Martinez. Formerly Shell Marsh, this area was saved as part of a settlement over an oil spill years ago. It is named after Mt. Diablo Audubon Society's well-known and respected former vice-president of conservation, the late Al McNabney.

Worked with the East Bay Regional Park District on the establishment and development of Waterbird Park in Martinez.

Led fifty-four yearly field trips for MDAS members and the public.

Supported the Muir Heritage Land Trust which has initiated a bold plan to link together many of our open space areas.

Partnered with a local flood control district to restore and protect a 22-acre saline marsh in Antioch, the Julia Cox Freeman Marsh.

Provided Audubon Adventures to over 90 classrooms (3,000 students) throughout Contra Costa County. Since 1984 Audubon Adventures has provided basic, scientifically-accurate facts about birds and wildlife and their habitats.

Partnered with Native Bird Connections and Wild Birds Unlimited to develop a life science course of study for freshman and sophomore high school students. Currently two high schools are participating in this program.

Supported the expansion of the California Bluebird Recovery Program and the placement of hundreds of bluebird houses in California.

Participated in many events and festivals in Contra Costa County and northern California to help educate the public about birds and the habitat they require.

Initiated the Contra Costa County Breeding Bird Atlas. This Atlas (a major five-year project underwritten by MDAS) will be an important tool in the battle to preserve open space and breeding habitats for birds.

Conducted slides shows and nature presentations to many schools and other groups throughout Contra Costa County.

Closely involved in the development of the Delta Science Center.

Participated in fifty Christmas Bird Counts.

I know I speak for all Members of Congress when I congratulate Mt. Diablo Audubon Society on its 50th anniversary and wish its members many more years of environmental stewardship.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE PATSY T. MINK, MEMBER OF CONGRESS FROM THE STATE OF HAWAII

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Ms. MCCOLLUM. Mr. Speaker, during my days in grade school, the full participation of women in school athletics was not only discouraged, but also frowned upon. That all changed in 1972 when one woman challenged the system, changed the rules and inspired and empowered a new generation of young women. That woman is PATSY MINK.

I offer my deepest condolences to PATSY MINK's family. I know that they will miss her, as will all of us in Congress who were fortunate enough to know her, not only as a colleague, but also as a leader, mentor and friend.

PATSY MINK was a pioneer—she opened so many doors for a generation of women and for our daughters. She was the driving force behind Title IX, which mandated gender equality in education.

Without this landmark piece of legislation, our daughters, granddaughters, nieces and young women everywhere would not have the opportunity to excel and display their talents in the classrooms and the playing fields across this nation.

Without PATSY's unwavering efforts to implement this law, Title IX would have been the great idea that never came to be.

I am honored to have served with Congresswoman MINK on the House Education and the Workforce Committee and feel privileged to have worked closely with her on the Subcommittee on 21st Century Competitiveness. I know firsthand her intense drive, dedication and devotion to her home State and her constituency.

As the first Asian woman elected to Congress, she displayed unparalleled determination in fighting for human rights, civil rights and the rights of minority groups everywhere. We must now be vigilant and continue the crucial work that Congresswoman MINK undertook on behalf of people everywhere who felt they had no voice.

Women, people of color and individuals throughout this nation owe a debt of gratitude to PATSY MINK and her trailblazing efforts. Her legacy of equality and integrity will live on not only in the halls of Congress, but on the playing fields and in the classrooms across this nation.

HONORING MARILYN A. NGUYEN

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. WELLER. Mr. Speaker, I rise today to honor Marilyn A. Nguyen of Bourbonnais, Illinois. Marilyn was one of over 85,000 secondary school students who participated in a contest through the Veterans of Foreign Wars of the United States and its Ladies Auxiliary (VFW). Each year the VFW conducts a Voice of Democracy audio/essay competition designed to give high school students the opportunity to voice their opinion on their responsibility to our county. The contest theme was "Reaching Out to America's Future". Marilyn A. Nguyen was chosen as the 2002 Voice of Democracy broadcast scriptwriting winner this year. Following is Marilyn's winning script.

The harmony of an industrious city is disrupted by a deafeningly explosive crash. There is confusion. There are wailing sirens. In another city, the same confusion spreads like wildfire. Lives are forever changed as events unfold and buildings collapse. The horror is almost too much to bear. On September 11th, 2001, the gruesome hand of terrorism attempted to reach out and grasp America's future. Fortunately, its grip was too slippery to conquer the heart and soul that is the United States of America.

Over two centuries ago the founding fathers of this country left England envisioning better lives for themselves and their posterity. They reached out mentally and physically to find America's future full of promise and patriotism. As this country continues to blossom and mature we must accept the task of reaching out to America's future no matter the cost or hardship.

America is a union for all nationalities. It reaches out to immigrants of all lands. My parents were among these immigrants. As their daughter I especially feel a unique bond to America. I feel that it is my duty to reach out to America's future with my own actions.

But, what does it mean to reach out to America's future? Already, it may seem to some that our future is uncertain because of the terrorist attacks. But, these tragedies only remind us that the time to reach out to America's future is now. We need to rise to the challenge as we have never done before to stand firm as a nation and as human beings to reach forward into the future.

The task at hand is not an easy one. Reaching out to America's future must begin with the individual who believes that America's future is not an abstract idea: it is comprised of neighbors, friends, mothers and fathers, brothers and sisters and especially individuals. America's future depends on what happens today in the lives of ordinary Americans living ordinary lives. It calls for the erasure of color, race and religion. It begins when one person extends respect and acceptance to another person regardless of their background.

Reaching out to America's future as a teenager is not much different from extending a hand as an adult. As a teen, perhaps it may be a difficult step but one which lays the foundations for adulthood. At a time when personal opinions are being formed, it can be easy to declare "it's not my job" to reach out but that is where we are wrong. I am the future of America. It starts with me. I am the voice of influence over my friends and the younger members of my community. Using that influence to promote understanding and cooperation among my peers, family, and community are what I, as a teen individual, can do to reach out to America's future.

It is important to begin with our everyday routines because this is where the impact will be most felt. I must encourage others to talk with friends and family about what it means to be a contribution to America's future. Teach younger children in middle school, neighbors, or even peers in high school that it is wrong to hate and discriminate. I have a responsibility to open my mind to the differences that make us unique and vital components of the future instead of searching for ways to divide. The example I put forth into the world should be one of love and acceptance.

The teenager's job in reaching out to America's future lies in the education of himself and his surroundings. His call to help build America's future is still strong. This nation has no future without the work of those who believe in its potential for goodness.

Reaching out to America's future can seem like a far away goal. But, in reality, the future is at our fingertips. We as people of this majestic empire must adopt the task set before us over two hundred years ago. Reaching out to the future begins with the person who hears these words. It is he who must first take action. The perfect example of reaching out to America's future is the Statue of Liberty in New York Harbor. She is the example for one and all. Her extended arm holding the torch as a guiding light beckons us to follow her into the future. With her unfailing devotion to the preservation of this land, she reminds us that the future's brightness depends solely on those willing to bear the torch.

Mr. Speaker, I urge this body to identify and recognize others in their own districts whose actions have so greatly benefitted and strengthened America's communities.

IN SUPPORT OF QUEEN NOOR'S ADVOCACY OF ELIMINATION OF DISCRIMINATION AGAINST WOMEN

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. GILMAN. Mr. Speaker, I want to commend the organizers of today's event for bringing congressional Members together to emphasize the role that United States adherence, and for that matter universal adherence, to the Convention for the Elimination of All Forms of Discrimination Against Women could play in ameliorating the situation of women around the world.

Her Majesty, Queen Noor, has graced us with her presence and we so much appreciate her continuing leadership on this issue and on so many other humanitarian efforts.

It is high time that the United States took its rightful place among the nations adhering to this convention. It is not just the example we would set for those not adhering to it, but also the opportunity to play a role, as a state party to the convention, in the process of upholding the convention itself around the world in places where it is on the books but not really being enforced.

We have all heard the expression "women's rights are human rights." Because women have received short shrift around the world, we have long recognized the need for a special measure to address the empowerment of women. The United States should play its proper leadership role. I appreciate all the efforts of those present here today and urge support for their goals.

COMMEMORATING THE 150TH ANNIVERSARY OF SOMERVILLE HIGH SCHOOL

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. CAPUANO. Mr. Speaker, I rise to congratulate Somerville High School in Somerville, Massachusetts on the occasion of its 150th anniversary. The phrase, "dedicated to the preparation of youth for the responsibilities of life" is etched on the building's facade and this is truly an accurate description of its mission.

The Somerville Free High School was dedicated on April 28, 1852. When the doors opened on May 3rd, two teachers taught sixty-six students. In 1862, the first graduating class had six members.

The facility we now know as Somerville High School was once two institutions: Somerville's Twin High Schools. Students from English High School were prepared for scientific, normal and business schools while students from Latin High School were prepared for college. Both the 1900 and 1904 World's Fairs in Paris and St. Louis featured the Twin High Schools in their educational exhibits. In 1902, Somerville spent three days celebrating their high school's 50th anniversary.

In 1911, the Twin High Schools were merged and became Somerville High School. The school was rebuilt and expanded from 1928–1929 to include a gymnasium and a space for 3,000 students.

In 1983, Somerville High School was renovated. A new vocational wing and field house were added to the facility. The Somerville Technical Trade School, established in 1910, merged with Somerville High School at this time. When the New England Association of Schools and Colleges issued its accreditation report in 1990 it praised Somerville High School, calling it: "the best kept secret in Massachusetts."

Somerville High School has a strong sports tradition that continues today. The school has won seven New England Technical Tournament basketball championships since 1944 and a New England basketball title in 1949. Several of its athletes were selected for All-Scholastic Teams, and several became individual State and New England champions in Indoor and Outdoor track. The girls basketball program has also enjoyed tremendous success and last year included the alltime scoring leader.

Somerville High School lives up to its bold crest, which proclaims Honor and Progress. It has been a tremendous asset to its students over the last 150 years. I am a proud graduate of Somerville High School and know that this fine institution will continue to serve Somerville's young people with distinction.

MATTIEBELLE WOODS: THE FIRST LADY OF MILWAUKEE'S BLACK PRESS CELEBRATES HER 100TH BIRTHDAY

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. BARRETT of Wisconsin. Mr. Speaker, I wish to congratulate Mattiebelle Woods, a local treasure from Milwaukee, who will turn 100 years old on October 31.

For nearly 40 years, Mattiebelle has reported on the major social events and gatherings in Milwaukee's African-American community, building an impressive career and reputation that have earned her the title of "First Lady of Milwaukee's Black Press."

Writing for the Milwaukee Defender, the Milwaukee Star, the Milwaukee Globe and now with the Milwaukee Courier, Mattiebelle's articles continue to take the social pulse of the African-American community in our city. Her work has received dozens of awards and accolades, including recognition of her journalistic contributions from the Milwaukee Press Club.

In addition to a brilliant career in journalism, Mattiebelle has stood as a pillar of strength in our community through her many years of service and dedication to making a difference in the lives of the people of Milwaukee. She was an original founder of the Wisconsin Black Teen Pageant, an event that has unlocked new opportunities for scores of young black women in Wisconsin. She remains a dedicated political activist, working on campaigns for nearly six decades and helping with voter registration efforts. While doing all of this, Mattiebelle continues to work in her church.

Her many accomplishments and contributions have made Mattiebelle a source of great inspiration for countless leaders in our community. It is a service she is happy to provide. Elected officials, neighborhood activists and civic leaders alike all credit Mattiebelle for empowering them with the confidence to pursue a life of service to the community, and thank her for her words of wisdom that have clarified their own personal and professional paths.

In a recent newspaper article, Mattiebelle described her vitality as she begins her second century: "I get up every day and eat and drink what I want. I can't believe I don't have the aches and pains that everyone else has. I don't take any medication. I don't have a wheelchair or a rocking chair, and I wear heels when I go out. It's ironic."

With such energy and vigor, Milwaukeeans can look forward to many more years of articles and service from our dear Mattiebelle. Mr. Speaker, I urge the U.S. House of Representatives to join me in saluting Mattiebelle Woods, and sending her best wishes as she begins her 101st year.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE PATSY T. MINK, MEMBER OF CONGRESS FROM THE STATE OF HAWAII

SPEECH OF

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. POMEROY. Mr. Speaker, I rise today to honor a friend and colleague, the Honorable PATSY MINK. I have known PATSY since being elected to Congress nearly a decade ago, and it was with heartfelt sadness that I learned of her passing on September 28, 2002.

PATSY MINK, the first congresswoman of Asian descent, was first elected to the House of Representatives in 1964. Throughout her career, she earned a reputation as a fearless and outspoken advocate for minorities, women, and children. Even at the age of 74, PATSY continued to be a stalwart for social and economic justice in the House of Representatives.

In one of her proudest moments in 1972, PATSY coauthored and passed a landmark law prohibiting sex discrimination in federally-funded education programs, popularly known as Title IX. As a result, the number of girls participating in high school sports has exploded in recent decades, leading to increased opportunities for women.

PATSY MINK's tenacity and dedication to the Civil Rights movement during the 1960s and 1970s shaped the Democratic national agenda, making the interests of women and minorities a centerpiece of the party's platform. During the 1990s, her ability to build coalitions in a divided Congress has made it possible to move much progressive legislation to the floor.

All of us here in Congress—Republicans and Democrats alike—owe PATSY so much. She was known on both sides of the aisle for her determination, courage and tenacity, and was an inspiration for all of us in public service. We are better legislators and better human beings for having known and worked with this distinguished woman.

IN RECOGNITION OF THE TURTLE BAY ASSOCIATION'S 45TH ANNIVERSARY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mrs. MALONEY of New York. Mr. Speaker, I rise to pay tribute to the Turtle Bay Association (TBA) which is celebrating its 45th anniversary year of service to the community. The Turtle Bay Association is a group of dedicated volunteers actively working to preserve the history and enhance the quality of life of Turtle Bay.

New York City is comprised of an amalgam of neighborhoods, each of which has its own distinct flavor. Turtle Bay, once the site of Turtle Bay Farm, extends from 43rd to 53rd from Lexington Avenue to the East River. The Turtle Bay Association came into existence to respond to an unprecedented building boom that brought towering office buildings and high rise apartments to the community. In 1957, a group of Turtle Bay neighbors got together to protest the widening of East 49th Street to become a high speed thruway. The proposal was defeated. From these modest beginnings, TBA has grown to a highly-respected, tenacious group of almost 2000 New Yorkers dedicated to preserving the beauty of this distinctive neighborhood.

The TBA has compiled a substantial list of accomplishments through years of tireless organized community activism. The TBA has successfully spearheaded major park renovations including the reconstruction of Peter Detmold Park in 1987 and Dag Hammarskjold Plaza in 1999, and responded to the complaints of concerned parents by launching a clean up of MacArthur Playground. TBA has planted a profusion of trees and flowers and reduced visual clutter to beautify Second Avenue. In addition, TBA members periodically repaint mailboxes, traffic signs, and signal boxes vandalized with graffiti.

The TBA keeps the community and its members informed about local events through various media. By publishing the Turtle Bay newsletter, TBA offers members of the community access to interesting local news and to the area's upcoming social, civic, and cultural events. The TBA's prominently displayed bulletin board on Second Avenue is used to post important notices of interest to the community and its extensive website includes information about the neighborhood and TBA activities.

The TBA also maintains an active agenda of annual events, creating a fun and exciting environment for community service. They host the "Love Thy Neighborhood" Valentine Party, a Turtle Bay Street Fair, Night Out Against Crime, Town Hall Meetings, and a holiday toy collection for needy children. Through these events, TBA promotes a sense of small town community in the heart of New York City.

Among its many other hard-earned achievements, TBA joined forces with the East Side Rezoning Alliance as charter members and successfully accomplished a drive for low-rise rezoning to protect the community's access to air and sunlight. Throughout its history, TBA has acted as a watchdog to report zoning violations that threaten the character and quality of life in the neighborhood.

The Turtle Bay Association's 45 years of positive results have provided an excellent example of the ways in which the commitment of concerned citizens can truly make a difference for an entire community.

In recognition of these outstanding achievements, I ask my colleagues to join me in honoring the Turtle Bay Association on the occasion of its 45th Anniversary.

PERSONAL EXPLANATION

HON. FRANK MASCARA

OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 8, 2002

Mr. MASCARA. Mr. Speaker, on October 7, 2002, I was absent for personal reasons and missed rollcall vote Nos. 442 through 444. For the record, had I been present I would have voted "yea" on all these votes.

TRIBUTE TO GEORGE GODDARD

HON. LYNN C. WOOLSEY

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 8, 2002

Ms. WOOLSEY. Mr. Speaker, I rise today to honor my constituent George Goddard who died on August 15, 2002, from injuries sustained in an automobile accident.

Mr. Goddard was born in Chicago in 1923. After graduating from Yale with a commission as Lt. (jg) in the U.S. Navy, he served on board the communications ship USS *Panamint*, which, during World War II, took the Japanese surrender of the island of Hokkaido.

After moving to Massachusetts in 1948, Mr. Goddard studied architecture at the Harvard School of Design where he was influenced by Walter Groplius and Mies van der Rohe. He moved to Belvedere in Marin County, CA, with his growing family and started his architectural career with Skidmore, Owens and Merrill. He later practiced independently and as a planning consultant designing teaching hospitals and medical and dental schools.

As a lifelong activist in social, political, and conservation causes, George stayed involved. He served on the Belvedere Planning Committee and played an integral role in acquiring Richardson Bay tidelands to save them from development. He also served as supervising architect during the move by barge of Lyford House, an 1870s dairy residence about to fall under the wrecker's ball, to its current home at the Richardson Bay Audubon Sanctuary.

George Goddard loved hiking, backpacking, sailing, and politics. In the 1990s, he organized a group of fellow navy officers into what became known as the Liars Club. Calling themselves Admirals, they met periodically to embellish their war experiences. As no one paid any attention to anyone else, they could go on for years retelling the same enhanced stories. He is survived by his wife Sheret, six children, two grandsons, and six stepchildren.

Mr. Speaker, Mr. Goddard was a valued member of the Marin community who will be missed by all who had the opportunity to know him.

HONORING THE DISTINGUISHED PRESIDENCY OF DR. HAL RAMER

HON. BART GORDON

OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 8, 2002

Mr. GORDON. Mr. Speaker, I rise today to congratulate Dr. Hal Ramer for an outstanding career in higher education administration and for his accomplishments during his more than three decades serving as the president of Volunteer State Community College in Gallatin, Tennessee.

Dr. Ramer has been at the helm of Vol State since the beginning. But that will soon change when Dr. Ramer retires on January 31, 2003. He has watched a small community college grow from a student population of 560 in 1971 to about 7,000 today.

Dr. Ramer was instrumental in helping form the state's community college system. He arrived at the Tennessee Department of Education in 1963 and began a remarkable career reshaping the state's delivery of higher education. He was given the task of starting Volunteer State Community College on July 1, 1970, and had the college up and running in a year. Three decades later, Vol State has expanded its campus to include 31 teaching sites in 12 counties, providing a vital cog in the state's institutions of higher learning.

All Tennesseans have benefitted from Dr. Ramer's commitment and dedication to higher education. Dr. Ramer has poured his very soul into nearly five decades serving as a higher education administrator. Dr. Ramer's leadership will be sorely missed at Vol State. I congratulate him for his efforts and accomplishments in providing Tennesseans with an education second to none and wish him the best in his well-deserved retirement.

PERSONAL EXPLANATION

HON. TODD TIAHRT

OF KANSAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 8, 2002

Mr. TIAHRT. Mr. Speaker, on Monday, October 7th I was unavoidably detained and missed rollcall vote Nos. 442, 443 and 444. These votes were on H.R. 3340 to allow certain catch-up contributions to the Thrift Savings Plan to be made by participants 50 or over, H.R. 5531 the Sudan Peace Act and H. Res. 468, the Transatlantic Security and NATO Enhancement Resolution. Had I been present I would have voted "aye" on all three rollcalls.

H.R. 5507—TRUTH IN LENDING INFLATION ADJUSTMENT ACT

HON. JOHN J. LaFALCE

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 8, 2002

Mr. LAFALCE. Mr. Speaker, I rise today in support of H.R. 5507, a bill to update and enhance an important consumer credit protection. In 1968, Congress enacted the Truth in Lending Act to ensure that consumers receive accurate and meaningful disclosure of the costs of consumer credit. Such disclosures enable American consumers to compare credit terms and make informed credit decisions. Prior to 1968, consumers had no easy way to determine the true cost of their credit transactions—nor did they have a basis for comparing the various creditors in the marketplace.

TILA addressed this problem by providing a standardized finance cost calculation—the annual percentage rate, or APR—and by requiring creditors to provide clear and accurate disclosures of all credit terms and costs. Over the past 30 years, however, key statutory protections and remedies, stated in 1968 dollars, have not been updated to reflect inflation and to provide comparable protections in today's dollars.

The bill we are considering today, H.R. 5507, though modest in scope, provides the first update of an important section of TILA in 34 years. This is clearly an overdue change in the law. TILA protections apply to all credit transactions secured by home equity and other non-business consumer loans or leases under $25,000. In 1968, this $25,000 limit on unsecured credit and lease transactions was considered more than adequate to ensure that most automobile, credit card, and personal loan transactions would be covered. This is clearly not the case today. It is now quite common for many non-mortgage credit transactions to exceed $25,000. H.R. 5507 ensures that TILA protections will continue to apply to most consumer credit and lease transactions by raising the statutory exemption from $25,000 to $75,000. By doing so, we are providing updated protections to consumers that will ensure that a broader range of transactions are covered by TILA.

Though I welcome the overdue change provided for in H.R. 5507, I would have preferred that the agreement we reached with my Republican colleagues on the Financial Services Committee to schedule this bill, would have also included other provisions from my broader TILA modernization bill, H.R. 1054. This comprehensive bill, which I introduced at the outset of the 107th Congress and is known as the Truth in Lending Modernization Act of 2001, amends TILA to restore important consumer protections that have been weakened by inflation. It also ensures that consumers benefit from advances in accounting technology, and strengthens TILA's civil liability and recission remedies. But I am nonetheless very pleased that we were able to agree on bringing up H.R. 5507 to the House today along with H.R. 163, a bill to amend the Fair Debt Collection Practices Act, and H.R. 4005, a bill to make the District of Columbia and the

U.S. territories part of the ongoing commemorative quarters program.

Mr. Speaker, I urge support for this long-overdue legislation and reserve the balance of my time.

CHILD ABDUCTION PREVENTION ACT

SPEECH OF

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. OBERSTAR. Mr. Speaker, I rise today to express my opposition to H.R. 5422, the "Child Abduction Prevention Act."

I opposed a similar version of this bill, the "Two Strikes and You're Out Child Protection Act" (H.R. 2146), which was considered by the House earlier this year. Because H.R. 5422 contains some of the same provisions that I found objectionable in H.R. 2146, 1 must also oppose H.R. 5422 today. Although these bills have laudable goals of protecting innocent children from child molesters, the mechanism by which those offenders would be punished is unacceptable to me.

First, H.R. 5422 seeks to expand the type of homicide that can be punished by the death penalty. I believe that we must have stiff penalties for those who commit violent crimes, but I do not feel the death penalty should be one of the options. It has always been my strong belief that the government has no right to selectively take life away from one of its citizens. Because I adamantly oppose the use of the death penalty in all situations, I cannot support this bill.

Further, I oppose H.R. 5422 because it would have an unintended and disproportionate impact on the Native American population. The legislation would mandate life imprisonment for a second sex crime involving a child. However, the bill is limited to cases falling under federal jurisdiction, such as Native American reservations, national parks and forests, and U.S. territorial waters. Statistics indicate that approximately 75 percent of the cases that would be covered by this bill involve Native Americans. Therefore, H.R. 5422 would apply primarily—and disproportionately—to Native Americans on reservations.

Unlike the federal "three strikes, you're out" law, H.R. 5422 does not allow tribal governments to opt out of the provisions of the law and apply their laws for handling such matters. Yet, there is no evidence that tribal governments have failed to address the problem this bill seeks to remedy.

While I believe we must harshly punish sexual predators, I do not believe this bill succeeds in applying such punishment in an equitable, proportionate manner.

PERSONAL EXPLANATION

HON. FRANK MASCARA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. MASCARA. Mr. Speaker, on October 3, 2002, I was absent for personal reasons and missed rollcall votes Nos. 437 through 441. For the record, had I been present I would have voted "yea" on 437, "nay" on 438, "yea" on 439, "nay" on 440, and "nay" on 441.

TRIBUTE TO BAY DE NOC COMMUNITY COLLEGE ON THE CELEBRATION OF ITS 40TH ANNIVERSARY

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. STUPAK. Mr. Speaker, I rise today to pay special tribute to an important partner in the education, economy and culture of the central Upper Peninsula of Michigan. Mr. Speaker, I rise to honor Bay de Noc Community College on its 40th anniversary.

Bay de Noc Community College became a reality when the citizens of Delta County Michigan authorized and taxed themselves to create their community college. The citizens of Delta County had the foresight to understand how important higher education is to students and communities.

Bay College, as it is known, has become an integral part of the area economy. Students gain valuable knowledge and employers gain better educated employees. The community as a whole also benefits economically, culturally, and intellectually from Bay College.

Many cultural offerings are presented to the public through the college. Bay College also provides technology and many other services to the community. The gateway to self improvement is education and Bay de Noc Community College is an invaluable asset to the central Upper Peninsula.

When Bay College first opened its doors in the fall of 1963, approximately two hundred students attended classes at the old Escanaba Area High School building. Since then Bay College has grown to an enrollment of over 2,300 students attending classes in eight buildings on a 150-acre campus at the northeast comer of the city of Escanaba.

Bay College provides an excellent opportunity for students who wish to obtain an advanced education certification, a 2-year associate degree or a solid start towards a 4-year degree. Other students prefer to begin their pursuit of a bachelors degree at Bay College because of its financial value and the less intimidating atmosphere. Other students learn valuable skills and trades that allow them to enter the workforce with their associate degree from Bay College. Both 4-year and 2-year students receive a solid education at a reasonable tuition rate that prepares them for a career and a life time.

Other students simply take classes at Bay College for personal enrichment. The common benefit to all these types of students is that they do not have to drive far to learn and grow.

In fact Mr. Speaker, even though I already held a 2-year degree, I still enrolled in Bay de Noc Community College to enhance my job skills as an Escanaba police officer. Those college classes I completed at Bay de Noc Community College still serve me as a member of the United States Congress. My wife, Laurie, holds two associate degrees from Bay de Noc that assist her everyday as an elected official.

Mr. Speaker, on October 10, 2002, Bay de Noc Community College will celebrate its 40th anniversary. I ask you and my House colleagues to join me in saluting, a great community asset, Bay de Noc Community College as it celebrates its past and focuses on our future. Together, we all prosper.

FORTY-SECOND ANNIVERSARY OF THE INDEPENDENCE OF THE REPUBLIC OF CYPRUS

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. CROWLEY. Mr. Speaker, October 1, 2002, marked the 42nd anniversary of the Independence of the Republic of Cyprus. The anniversary of Cyprus' independence is a day of mixed emotions. While Cypriots celebrate the lifting of 80 years of British colonial rule, 37 percent of the island's territory remains under occupation. Since Turkish troops invaded in 1974, seizing 37 percent of the island, Turkey has expelled 200,000 Greek Cypriots, moved 80,000 settlers from the Turkish mainland into their homes in an attempt to change the demographics of the area and restricted the rights of the few Greek Cypriots who remained in the north. Turkey's actions have been condemned by the United Nations Security Council and the European Commission of Human Rights as flagrant violations of international law.

Delays in negotiating a settlement only prolongs the suffering of the thousands of Cypriots on both sides who have lost their homes and are separated from their communities. The conflict has wasted political, economic, and military resources that could have gone toward economic and commercial development and increased the standard of living of inhabitants of both peoples.

Yet despite the division of the territory, the internationally-recognized government in Cyprus has made extraordinary strides toward political and economic development. And while the Turkish Cypriot leadership stalls and avoids serious negotiations, the Government of Cyprus stands to benefit greatly from membership in the European Union. Cyprus is one of only two countries that have applied for European Union membership that met all of the EU's membership criteria—all 80 thousand pages of rules and regulations. Cyprus's admission to the EU would be a boon to the island's economy, and it would add greatly to stability in the region. Neither Turkey nor the Turkish Cypriot leadership should be permitted to derail this process through political or economic blackmail.

The European Union has asserted that Cyprus's accession to the EU, expected in 2004, will proceed whether or not a settlement is reached on the island's division. Turkish Cypriot leader Rauf Denktash should recognize that Turkish Cypriots would benefit greatly from a combination of national unification and

EU accession, which would bring foreign investment, access to markets and jobs throughout Europe, and additional development assistance to northern Cyprus. The unification of Cyprus into a bi-zonal, bi-communal federation—as called for by United Nations Security Council resolutions—is the only solution that can guarantee economic development and equal political representation for all inhabitants of the island.

The Government of Cyprus has long been a close partner of the United States, and it has proven the strength of these ties by providing its support in our fight against global terrorism.

Immediately after the September 11 terrorist attacks, Cyprus was among the first nations to express its solidarity with the United States. Cyprus has granted blanket clearance for U.S. military aircraft to fly over Cyprus and to use its airports, and is sharing intelligence with and providing legal assistance to various U.S. agencies.

Cyprus has also introduced tough new criminal laws and regulations to deter and punish terrorists and their supporters, taken measures to freeze the assets of terrorists and increased security measures at seaports and airports and at the U.S. Embassy in the capital of Nicosia.

Cyprus has also endorsed and implemented U.N. Security Council Resolution 1373 (2001) to freeze the assets of terrorists and their supporters; implemented all other relevant resolutions and decisions of the U.N. Security Council, the EU and other international organizations; and ratified the International Convention for the Suppression of the Financing of Terrorism.

And most recently, on September 18, the United States and Cyprus signed a Mutual Legal Assistance Treaty that will promote closer coordination between the two countries in the fight against global terrorism, organized crime, drug-trafficking and related violent crimes.

As an active member of both the Congressional Hellenic Issues Caucus and the Europe Subcommittee of the House International Relations Committee, I have supported a number of legislative initiatives to resolve the Cyprus dispute and promote the accession of the government of Cyprus to the European Union.

I joined my congressional colleagues in writing to President Bush to urge that the United States help move the U.N.-led proximity talks toward resolution of the conflict.

I strongly support the accession of Cyprus to the European Union, whether or not a solution to the island's division has been reached beforehand. I have cosponsored legislation calling on the U.S. Government to support EU accession, and I have written to President Bush too on this matter as well.

I have co-sponsored legislation introduced in the House to end restrictions on the freedoms and human rights of the Greek Cypriot enclaves in northern Cyprus. I personally tried to visit the enclaves during a recent trip to Cyprus so I could see for myself the condition of the Greek Cypriots living there, but I was prevented from doing so by the Turkish Cypriot leadership.

I support the Administration's allocation of $15 million each year to promote measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities in Cyprus.

I believe it is critical that the Turkish Cypriot side provide information on the five American citizens of Greek Cypriot descent who have been missing since 1974. As a purely humanitarian matter, the Turkish side must make progress on this issue.

As our global village becomes increasingly interdependent, societies around the world are adopting democracy, free trade, and respect for human rights. The Government of Cyprus has embraced these concepts, becoming a responsible actor on the international stage, and its people have benefited greatly from its leadership. I sincerely hope that the Turkish Cypriot leadership decides to make the compromises necessary to end the division of Cyprus so that the entire island can enjoy the fruits of globalization.

Until that time comes, I congratulate the people of Cyprus on the 42nd anniversary of their independence.

TRIBUTE TO THE REVEREND NORMAN POTT

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Ms. WOOLSEY. Mr. Speaker, I rise today to honor the Reverend Norman Pott, a retired pastor of the First Presbyterian Church of San Rafael. Rev. Pott died on September 1, 2002, after a two-year battle with bone marrow cancer.

Rev. Pott was a leader in fighting for the inclusion of gay, lesbian, bisexual and transgender people in the leadership of the Presbyterian Church. During his eleven years at the First Presbyterian Church in San Rafael, from 1986–1997, he promoted inclusion and acceptance of diversity within the church. While at the Church in San Rafael, Rev. Pott ran for moderator, the top job in the Presbyterian Church USA. Although he lost the election, he ran on a platform calling for ordination of lesbians and gays that brought the issue national attention.

Before coming to San Rafael, Rev. Pott was a minister at the First Presbyterian Church in Berkeley where he worked for the rights of migrant farm workers, supported the work of Martin Luther King Jr. and counseled students at the University of California Berkeley during the Free Speech Movement on campus. After leaving Berkeley, Rev. Pott worked in Davis with Cesar Chavez for the rights of farm workers and was also a vocal leader for women's rights.

Norman Pott was born in Summit, New Jersey. He attended Wheaton College in Illinois where he married his wife, Enid, on graduation day in 1954. He was drafted to the National Basketball Association from Wheaton, but rejected the offer in order to fulfill his dream of becoming a minister. He received a master's degree in divinity in 1957 from Princeton Theological Seminary and a doctorate in philosophy in 1960 at the University of Edinburgh in Scotland.

Mr. Speaker, I am proud to recognize Norman Pott for his many contributions to the community and the Church. His vision for the Presbyterian Church will continue to inspire both the Church and the communities in which he served.

RECOGNIZING NATIONAL FIRE PREVENTION WEEK

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. HOLT. Mr. Speaker, I rise today to recognize National Fire Prevention Week, and I urge all Americans to take steps to protect their families and loved-ones by installing and checking smoke detectors, practicing home escape plans, and identifying home hazards.

In 1920, President Woodrow Wilson issued the first National Fire Prevention Day proclamation, and since 1922, National Fire Prevention Week has been observed during the beginning of October. No doubt, this act has roots that draw from the tragic fire that raged through Chicago in early October 1871, killing more than 250 people and leaving more than 100,000 others homeless.

The message of National Fire Prevention Week—to install and check smoke detectors, practice home escape plans, and identify home hazards—hits particularly close to home. During a warm July night earlier this year, a faulty electric wire breathed life into a fire that quickly engulfed a bedroom in my home. My young granddaughter was sleeping in this room at the time, when a smoke detector roused her from her sleep. Fortunately, the smoke detector also aroused my wife, who was able to evacuate my home and call the fire department before anyone was hurt.

That smoke detector saved the lives of my family. And yet, thousands of Americans die from fires each year. In fact, every 18 seconds a fire department responds to a fire somewhere in this country.

It only takes a few moments to install a smoke detector or ensure that one is working properly. Moreover, practicing an escape plan and checking around your home for hidden fire hazards can not only prevent considerable heartache for you and your family, it can reduce the number of fires our brave firefighters have to respond to each year.

Therefore, Mr. Speaker, again, I rise to recognize National Fire Prevention Week. And I also ask my colleagues to join me in recognizing their local police, fire, and rescue squads for their unceasing commitment to keeping our families and loved-ones safe.

WORLD SPACE WEEK 2002—SPACE AND DAILY LIFE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. HOYER. Mr. Speaker, the United Nations commemorates the beginning of the

Space Age by celebrating World Space Week this October 4th through the 10th. Celebrated in nearly fifty nations, this week is designated to recognize the progress of technology, anticipate new economic opportunities and find new means for transforming life in space and on Earth to improve the lives of people around the world. The theme for Space Week 2002 is "Space and Daily Life".

The benefits of community participation in World Space Week are far reaching. It is a proactive way to demonstrate public support for space programs, encourage youth to learn about space and the possibilities of the future, promote institutions around the world that are involved in space and to foster international cooperation in space outreach and education.

I am proud to say that the 5th District of Maryland has a variety of dynamic activities that will allow community members to participate in Space Week.

The initiatives taken by NASA's Goddard Space Flight Center, the Office of Space Science Sun-Earth Connection Education Forum, the Living with Star Initiative, Prince George's County Economic Development Corporation and Maryland Space Business Roundtable have made it possible for every public high school and middle school in Maryland to receive information on World Space Week.

In today's increasingly technological world, it is vital to the future advancement of our country to encourage our youth to take an active learning interest in academic fields and career paths such as space, science and math.

Eleanor Roosevelt High School in Greenbelt, which is a school in Maryland's Fifth Congressional District that I represent, has responded to this need by organizing a panel discussion about space in conjunction with Goddard Space Center. This event is a testament to their dedication to academic excellence. Roosevelt High School has even been honored as a 2002 National School of Character, which recognizes their outstanding efforts to encourage the social, ethical and academic development of students through character education.

I would also like to commend the NASA Goddard Space Flight Center in Greenbelt, Maryland for its contributions to the exploration and peaceful use of outer space. The cutting-edge technologies they have developed have played a large role in attracting scientists, engineers and technicians who create next-generation spacecraft, sensor and instrument technologies which are used to benefit Maryland, our society and the international community.

Goddard is the lead center for the Living with a Star Initiative, a multi-year program that will eventually produce new systems, spacecraft and technology to study the effects of the sun on the Earth. In fiscal year 2002 I worked to help secure $25 million for the program and I will continue to work to obtain such resources to help ensure the success of such projects in the future.

World Space Week 2002 serves as a positive voice in recognizing past and future accomplishments and innovations in exploration, development and use of space and space education for the benefit of all humankind and I am proud of the role that Maryland's Fifth Congressional District plays in promoting this week each year.

PERSONAL EXPLANATION

HON. FRANK MASCARA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. MASCARA. Mr. Speaker, on October 2, 2002, I was absent for personal reasons and missed rollcall votes Nos. 427 through 436. For the record, had I been present I would have voted "yea" on 427, "yea" on 428, "nay" on 429, "yea" on 430, "yea" on 431, "yea" on 432, "nay" on 433, "nay" on 434, "nay" on 435, and "nay" on 436.

REMEMBERING SEPTEMBER 11

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. ISRAEL. Mr. Speaker, on September 11 I joined with the students, teachers, administrators and parents of the Idle Hour Elementary School in Oakdale for a profound commemoration of those lost in the attacks on America. I know that our colleagues will be as moved as I was to hear the essays of three sixth graders: Emily Pertz, Justin Rigas and April LaValle. I am honored to share them with the entire Congress today:

SEPTEMBER 11

(By Emily Pertz)

September 11 was a painful and tragic event. It changed the lives of millions forever.

I don't know anybody who died in my family because of the attack, but knowing that a lot of kids became parentless that day is enough to make my family and I upset. Whenever we go over the bridge I see many buildings and then a big gap where the towers once stood. To me it is very upsetting to see. My family is more cautious than ever.

I think the attacks have changed both our country and our world. The United States became more united. The world together is fighting terrorism. But on the other hand, many people lost loved ones, and the world's tallest towers were destroyed. Many people are still mourning and are still heartbroken.

Our school has done many great things to remember the victims. We raised a lot of money to plant a memorial garden to honor the lives lost from our neighborhood. We made red, white and blue chains that connected every classroom to show we are united. Each student colored in two flags, one to take home and one to hang up in school. The day after the attack our school had a moment of silence. It really made me think and made me a little depressed.

The United States went through a lot, but no matter what we will always be united.

AMERICA CHANGES

(By Justin Rigas)

The terrorist attack made by Osama Bin Ladin and the Taliban on the Twin Towers, landmarks of our New York City Skyline, was a great tragedy. Thousands of innocent people died terribly as the buildings melted and crumbled to the ground. Children are left without their mothers and fathers, families without sisters, brothers, dear friends. Families are left without jobs, without their income, possibly unable to pay their bills and keep their house.

But America has stood together strong. In this moment of sadness and tragedy millions have come together with help and support. People all over our country, not just New York have sent donations of food, money and clothing to help those families that have lost those dear to them.

The events of September 11, 2001 have changed the attitudes of my family as well as millions of Americans. We all miss those we know and loved that are gone. The Americans innocence may never again be the same, not able to totally trust the safety we've somehow always felt. Many people hesitate to travel on airplanes which means less people are visiting places where the people there count on them to spend their money. It could hurt business in hotels, restaurants and stores.

We always need to be on guard that something terrible could happen again. Our government cannot sleep, it must always be searching for the next thing to happen.

During the months following September 11, my school painted pictures of the Twin Towers and memories of that day. We made a tree of buttons representing the people that died that day on the wall in our hallway. Collections of food and money were presented to the Red Cross and a garden in the form of our flag was planted at school.

At Dowling College, a memorial Garden was planted to be kept forever funded by a dinner our school held.

People everywhere still fly their American flags at their homes and, in their cars.

In the meantime we will rebuild our city and the towers that will again stand, this time as a huge memoriam of 9-11 and those lost. The day that changed America.

SEPTEMBER 11, 2001

(By April Lavalle)

9-11 was a day of mixed emotions, sadness, anger and determination. Even though many innocent people were killed, never will the people of America stop the deeds, kind donations and prayers for all who have passed away. Some people were lucky not to know anyone who was in the Twin Towers. But I knew my personal life would never be the same. I took so many things for granted.

I now think about the desperate families of the innocent people who have died. Even though people try to do all they can to make families who lost loved ones feel better, nothing can serve as compensation for those who left us on September 11th. America now has to prove to the world that we are a strong nation and will fight for what we need. The world is no longer a peaceful place for us and no longer united. A gray sky will stay in our minds until we find peace and our sun will again shine through.

Our community hung flags, made donations and I bet you that everyone prayed. We are a proud and patriotic nation. Don't think 9-11 made us a weaker country; it made us a stronger America.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE PATSY T. MINK, A MEMBER OF CONGRESS FROM THE STATE OF HAWAII

SPEECH OF

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. LYNCH. Mr. Speaker, I thank my colleague for this opportunity to remember and pay tribute to our dear departed colleague, PATSY MINK of Hawaii. I am deeply saddened by her passing, PATSY MINK was a wonderful woman and a great leader for her constituents of Hawaii and for our Nation.

I had the honor and privilege of serving on the Government Reform Committee with Congresswoman MINK. During my short tenure on the committee, PATSY MINK's passion and her belief in her work was evident and could be felt by all that knew her.

Mr. Speaker, PATSY MINK will always be remembered for her legislative achievements. Her ability to build coalitions for progressive legislation led to the first comprehensive Early Childhood Education Act and authored the Women's Educational Equity Act.

Her constituents benefited from her dedication to equality for women and she played a key role in the enactment of Title IX of the Higher Education Act Amendments, which prohibited gender discrimination by federally funded institutions. This legislation has become the major tool for women's fuller participation not only in sports, but also in all aspects of education.

Most significantly, I have admired PATSY MINK for her tireless commitment to the people of the second district of Hawaii. While this tribute cannot begin to communicate her greatness as a leader and friend, I can say that this body has been made better by her presence and is truly diminished in her absence. She was a role model, and always led by example.

Mr. Speaker, when you come to Congress, you look to certain people that set the framework on how you should act and how you should conduct yourself. You cannot find a better example of that than PATSY MINK. I consider myself fortunate to have had the opportunity to know and work with her. Congresswoman MINK's mark on this institution has been left, and she will never be forgotten.

Mr. Speaker, I ask all my colleagues to join me in honoring the memory and celebrating the accomplishments of Congresswoman PATSY MINK.

TRIBUTE TO ANN S. MILLER AND TED MALIARIS

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. CLEMENT. Mr. Speaker, I rise today to honor Ann S. Miller and Ted Maliaris of South Florida for their patriotism and consistent dedication to our nation through the "A Tribute to America Tour."

Ann Miller and Ted Maliaris, a mother and son team, wrote and produced "A Tribute to America—A 21st Century Anthem" following the devastating events of September 11th. Their anthem is pertinent to all Americans, recognizing the dedication of our Armed Forces and the men and women in uniform who risk their lives every day to ensure our safety and the safety of freedom.

Their sense of pride and devotion to America is clearly evident through their lyrics:

We have freedom in our land, we will fight for our rights, we will stand up for the brotherhood of man
No one can destroy us through thick or thin we're a nation that was built to survive.
No terrorist plight can destroy our sight or the strength of this motherland
We're America, America
Strong, Proud, Brave and Bold

I urge all our colleagues, Mr. Speaker, to join me today in paying tribute to two loyal and proud Americans, Ann S. Miller and Ted Maliaris.

STOP RACIAL PROFILING OF SIKHS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. TOWNS. Mr. Speaker, racial profiling of Sikhs continues in our country a year after terrorists attacked New York and Washington. According to the September 20 issue of the New York Times, two Sikh men were arrested while trying to fly from New York to Las Vegas for an Exxon convention. Mr. Wander could be facing up to 20 years in prison, according to the article.

Gurdeep Wander and Harinder Pal Singh were headed to that convention on a Northwest Airlines flight after missing a previous connecting flight in Minneapolis. They were flying on the night of September 10 to avoid flying on the anniversary of the September 11 attacks, but had to fly on the morning of the 11th after being delayed. Apparently, it is now a crime to fly if your hair is long and your skin is dark.

Mr. Wander and Mr. Singh were late for their flight and ran on board. Right after them, a Hispanic man named Carlos Nieves rushed onto the plane. All that the two Sikh men carried was the shaving kits they had been given by the airline, because their luggage had already been forwarded to Las Vegas. The flight attendants said that they found three swarthy men rushing onto the plane suspicious. I can't help but wonder if they would have been suspicious of three white men rushing onto a plane.

Right before departure, Mr. Wander got out of his seat and got the shaving kit the airline had given him. He asked to use the restroom. After a few minutes, the flight attendant asked him to sit down and he asked for a minute to finish up. After Mr. Wander came out, Mr. Nieves went to the restroom, followed by Mr. Singh. The flight attendant tried to prevent Mr. Singh from using the restroom, claiming that explosive devices could be assembled if separate individuals carried the components. Because of Mr. Wander's, Mr. Nieves's, and Mr. Singh's skin color, she clearly assumed that they were doing so.

After the plane made an emergency landing in Arkansas, Mr. Singh, Mr. Wander, and an Egyptian man named Alaaeldin Abdelsalam were detained. All the luggage was taken out of the plane. Soon, the plane was surrounded by bomb-sniffing dogs.

It is clear that Northwest Airlines detained these individuals because of their darker skin color. This is racial profiling, and it is wrong. It must be ended. The Transportation Department must put out an order banning racial profiling. Otherwise, it will be dangerous for any minority to fly.

We must treat all passengers equally. No one should be detained for his or her skin color. It must be stopped now. I call on Northwest and all the airlines to end this racist practice and I hope that those who are victimized by this practice will get full recompense.

Mr. Speaker, I would like to place the New York Times article I referred to into the RECORD at this time.

[From the New York Times, Sept. 20, 2002]

BOUND FOR LAS VEGAS, 2 MEN TAKE A 9/11 DETOUR TO JAIL

(By Edward Wong)

FORT SMITH, Ark., Sept. 19.—The distance between a convention in Las Vegas and a brick jail here in the lush plains of western Arkansas proved far shorter than Gurdeep Wander and Harinder Singh ever could have imagined.

Mr. Wander and Mr. Singh, two gas station workers of Indian descent from New Jersey and Pennsylvania, boarded a Northwest Airlines flight on Sept. 10 from La Guardia Airport, bound for an Exxon convention. In one of the more Kafkaesque instances of air travel jitters, they landed in the county jail here on Sept. 11, and spent more than a week sleeping in orange jump suits between razor-wire fences. Today, Mr. Wander appeared in a federal courtroom and quietly listened as Judge Beverley Stites Jones said that she had found probable cause that he had intimidated a flight attendant.

A grand jury will probably decide next week whether to indict him in the crime, which carries up to 20 years in prison.

The story of how Mr. Wander and Mr. Singh, who was released on Wednesday, ended up here involves a missed plane connection, terrorism concerns, a surplus of facial hair and arguably poor judgment on the part of many people. Mr. Wander's lawyer, Matthew J. Ketcham, says his client is the victim of racial profiling and paranoia. Federal prosecutors argue that Mr. Wander scared a flight attendant when he refused to sit down, which resulted in the pilot's landing the Las Vegas-bound plane here.

Mr. Wander, who is a 48-year-old American citizen, and Mr. Singh, a 41-year-old citizen of India, made it a point to travel on Sept. 10 because they wanted to avoid flying on the anniversary of the Sept. 11 attacks, Mr. Ketcham said. Their plane arrived late in Minneapolis, and the two missed their connecting flight. The airline gave each a shaving kit, and they slept in a nearby hotel, Mr. Ketcham said.

They caught a flight the next morning, barely making a connection to Las Vegas through Memphis. They rushed on board, followed by a Hispanic man named Carlos Nieves. Mr. Wander and Mr. Singh carried only their shaving kits, because their luggage had been forwarded. The three men sat in different parts of the plane.

The sudden appearance of the men seemed suspicious to the three flight attendants, who asked burly passengers to keep an eye on them, said Deborah Summers, a flight attendant who testified here today. Right before takeoff, with the "fasten seatbelt" sign on, Mr. Wander left his seat at the rear to get his shaving kit from an overhead compartment. Ms. Summers said she noticed from his boarding pass that he had not taken his assigned seat next to Mr. Singh.

Mr. Ketcham said Mr. Wander just wanted to stretch out because he had had little sleep.

After the plane began ascending, and while the "fasten seatbelt" sign was still on, Mr. Wander asked Ms. Summers if he could use the restroom. She let him go. He stayed inside for 10 minutes, Ms. Summers said, prompting her to knock on the door. Mr. Wander opened the door, told her he needed to clean up and shut the door. She knocked again soon afterward. When he opened the door, he was shirtless and in the middle of shaving. The pilot urged her to check his razor, then told her to tell him to get out. After five exchanges, Mr. Wander sat down.

"He didn't refuse to leave," Mr. Ketcham said. "She only asked him explicitly twice to sit down and he asked for a minute to finish up."

Almost immediately, Mr. Nieves, who did not know the other two men, got up to use the same restroom. This was reported to the pilot, Capt. David McGuirk, who had ordered all passengers to stay in their seats. After Mr. Nieves left the restroom, Mr. Singh went to use it.

By now, Ms. Summers said, she was trying to lock the restroom. She had learned that "an explosive device can be assembled if separate individuals carry the components," an affidavit by an F.B.I. agent who questioned her said.

Ms. Summers tried to dissuade Mr. Singh from using the same restroom, saying it was broken. Mr. Singh insisted, because another one in the rear was occupied, said George Lucas, a lawyer for Mr. Singh. He used the other restroom, then sat down next to Mr. Wander.

While Mr. Singh was in the restroom, Captain McGuirk decided to make an emergency landing here. Soon, the plane was surrounded by police officers, fire trucks and bomb-sniffing dogs. The three men, along with a native of Egypt living in Louisiana named Alaaeldin M. Abdelsalam, were told to remain in their seats, Mr. Ketcham said. "It's no coincidence that these dark-skinned men were singled out," he said.

The plane's luggage was pulled out, and a dog raised an alert at Mr. Abdelsalam's bag, which was blown open with a water cannon. He was arrested, along with Mr. Wander and Mr. Singh. Mr. Nieves was released after questioning. Mr. Abdelsalam was released after he explained that he worked in an oil field and that his chemical-stained boots and hard hat were in his bag.

The authorities let Mr. Singh go on Wednesday after he agreed to pay a $500 civil penalty. As for Mr. Wander, Mr. Cromwell said the intimidation charge "is warranted." Mr. Wander was released today on a $25,000 bond.

Ms. Summers, prosecutors and Northwest Airlines said the flight crew's actions were based on the behavior of the men, not on their skin color.

Mr. Singh could not be reached for comment, and Mr. Wander did not make a public statement today. After his release, he piled into a car with family members to return to his home in Washington, N.J. Apparently, no one wanted to fly.

SHRIMP IMPORTATION FINANCING FAIRNESS ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. PAUL. Mr. Speaker, I rise to introduce the Shrimp Importation Financing Fairness Act. This bill aids America's struggling domestic shrimping industry by placing a moratorium on restrictive regulations affecting the shrimping industry. This bill also prevents tax dollars from going to the domestic shrimping industry's major foreign competitors.

The United States domestic shrimping industry is a vital social and economic force in many coastal communities across the United States, including several in my congressional district. A thriving shrimping industry benefits not only those who own and operate shrimp boats, but also food processors, hotels and restaurants, grocery stores, and all those who work in and service these industries. Shrimping also serves as a key source of safe domestic foods at a time when the nation is engaged in hostilities abroad.

Given the importance of a strong shrimping industry to so many Americans, it seems strange that the federal government continues to burden shrimpers with excessive regulations. For example, the federal government has imposed costly regulations on this industry dealing with usage of items such as by catch reduction devices and turtle excluder devices (TEDS). The mandatory use of these devices results in a significant reduction in the amount of shrimp caught by domestic shrimpers, thus damaging their competitive position and market share.

Many members of Congress have let the National Marine Fisheries Service, which is the lead federal agency with responsibility to regulate the domestic shrimp industry, know of their displeasure with the unreasonable regulatory burden imposed upon the industry. In response, the agency recently held briefings with House and Senate staffers as well as industry representatives to discuss how the agency's actions are harming shrimpers.

However, even after hearing first-hand testimony from industry representatives and representatives of communities whose economies rely on a thriving shrimping industry, the agency refuses to refrain from placing regulatory encumbrances upon the domestic shrimping industry. Therefore it is up to Congress to protect this industry from overzealous regulators. The Shrimp Importation Financing Fairness Act provides this protection by placing an indefinite moratorium on all future restrictive regulations on the shrimping industry.

Seven foreign countries (Thailand, Vietnam, India, China, Ecuador, Indonesia, and Brazil) have taken advantage of the domestic shrimping industry's government-created vulnerabilities. These countries have each exported in excess of 20,000,000 pounds of shrimp to the United States in the first 6 months of this year. These seven countries account for nearly 70 percent of all shrimp consumed in the United States in the first six months of this year and nearly 80 percent of all shrimp imported to this country in the same period!

Adding insult to injury the federal government is forcing American shrimpers to subsidize their competitors! In the last three years, the United States Government has provided more than $1,800,000,000 in financing and insurance for these foreign countries through the Overseas Private Investment Corporation (OPIC). Furthermore, the U.S. current exposure relative to these countries through the Export-Import Bank totals some $14,800,000,000. Thus, the United States taxpayer is providing a total subsidy of $16,500,000,000 to the home countries of the leading foreign competitors of American shrimpers! Of course, the American taxpayer could be forced to shovel more money to these countries through the International Monetary Fund (IMF).

Many of the countries in question do not have free-market economics. Thus, the participation of these countries in United States-supported international financial regimes amounts to a direct subsidy by American shrimpers to their international competitors. In any case, providing aid to any of these countries indirectly grants benefits to foreign shrimpers because of the fungibility of money.

In order to ensure that American shrimpers are not forced to subsidize their competitors, the Shrimp Importation Financing Fairness Act ends all Export-Import and OPIC subsidizes to the seven countries who imported more than 20 million pounds of shrimp in the first six months of 2002. The bill also reduces America's contribution to the IMF by America's pro rata share of any IMF aid provided to one of those seven countries.

Mr. Speaker, it is time for Congress to reign in regulation-happy bureaucrats and stop subsidizing the domestic shrimping industries' leading competitors. Otherwise, the government-manufactured depression in the price of shrimp will decimate the domestic shrimping industry and the communities whose economies depend on this industry. I, therefore, hope all my colleagues will stand up for shrimpers by cosponsoring the Shrimp Importation Financing Fairness Act.

HOUSES OF WORSHIP POLITICAL SPEECH PROTECTION ACT

SPEECH OF

HON. EDWARD L. SCHROCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. SCHROCK. Mr. Speaker, I would like to express my support for H.R. 2357, The Houses of Worship Political Speech Protection Act, which was defeated in the House last week. It is my belief that political speech is a form of speech that is protected by the first amendment. Churches must be given the same rights and protections as individuals.

I was in my home district participating in the Change of Command for the U.S. Joint Forces

Command when the House voted on this legislation. The Joint Forces Command is responsible for joint service training of all U.S. military forces as well as helping transform the services for challenges they face in the 21st century. Navy Admiral Edmund P. Giambastiani, Jr. relieved retiring Army General William F. Kernan yesterday and takes over the command. Kernan retires after a 35 year Army career and two years as commander of Joint Forces Command and as NATO's Supreme Allied Commander Atlantic, responsible for NATO operations in the North Atlantic. Giambastiani spent the past 18 months as Defense Secretary Rumsfeld's military adviser. I wish General Kernan the best in retirement and i look forward to working with Admiral Giambastiani.

Had I been able to vote for H.R. 2357, I would have cast my vote in favor of this legislation.

I was also away from Washington on Thursday, October 3, 2002, accompanying the Secretary of the Navy to the Naval Institute Warfare Exposition in Norfolk. On this day the House voted on H.J. Res. 112, Making Continuing Appropriations for FY 2003. I had hoped to be here to vote for this important resolution to keep the government funded and operational, and had I been here I would have voted in favor of this resolution.

TRIBUTE TO THE HONORABLE BENJAMIN GILMAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. TOWNS. Mr. Speaker, I am saddened by the action that we take here this week, honoring one of the House's greatest Members, BENJAMIN GILMAN, upon his retirement after 15 terms in Congress.

BEN has been a friend and supporter of many of us on the other side of the aisle. His compassion for serving others is legendary. Whether it was fighting for the creation of the Select Committee on hunger or freeing political prisoners in Cuba, BEN was a stalwart in protecting the rights of others. He brought that same concern for others to his role as the Ranking Member of the House Post Office and Civil Service Commitee from 1989 to 1993 which had oversight over civil service and postal employees. BEN has continued to be a voice of reason on the successor to this committee, the House Government Reform Committee. Having traveled with him on several anti-drug codels, I know how committed he has been not only in fighting drug trafficking but also in working for the resources necessary to assist those affected by drug abuse.

For his entire congressional career, BEN was known as someone from "upstate New York". Within the New York delegation, that simply means that BEN is not from New York city. While he may not hail from "the Big Apple", he is one of "New York's finest" and it has been an honor and a pleasure for me to serve with him and to call him my friend. BEN, please know that you will be sorely missed even by those of us who are not from your side of the aisle or from upstate New York. I can only wish you well and to thank for your years of service to the people of New York and this Nation.

MEDICAL DEVICE USER FEE AND MODERNIZATION ACT OF 2002

SPEECH OF

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. GREEN of Texas. Mr. Speaker, I rise today to express my support for H.R. 3580, the Medical Device Amendments.

This bill represents the kind of good public policy that can be developed when the parties work together in a bipartisan fashion.

H.R. 3580 makes a number of important changes to the processes at the Food and Drug Administration (FDA) to ensure that life-saving medical devices are sped to the market, while at the same time ensuring that patient safety is protected. By instituting a system of user fees, this legislation will direct an additional $25 to $30 million to the FDA so that they can streamline their device approval process.

The legislation also makes sure that Congress upholds its end of the bargain by requiring an additional $15 million to be added to FDA's baseline through the appropriations process. As a result, FDA will have $40-50 million more over the next five years.

Additionally, by providing the FDA some flexibility in allowing third parties to perform biennial FDA quality systems regulations inspections, the agency will be able to clear the backlog, in inspections, and ensure that the facilities where these devices are made meet the same FDA standard that has been the benchmark.

This legislation contains important provisions which help clarify whether a product designed for single-use has been reprocessed, and improves labeling so that individuals and health care providers know when a product has been reprocessed.

However, I am most pleased that this legislation contains provisions that would improve our understanding of the long term health implications of breast implants. Current data regarding the health implications of breast implants fails to answer many questions, especially about the longterm health effects of breast implants, their effect on the auto-immune system, on neurological function, and on the children of women who have them. There is also a gaping void in our understanding of how implants affect breast cancer survivors.

We have also heard from many women that they were not adequately informed of the risks associated with implants before their surgeries. We have worked very closely with the committee to get some of these concerns addressed, and I am pleased that they agreed to include our proposal to have the NIH do a study on the long-term health consequences of breast implants.

This study would require NIH to delve into areas that have not been previously studied, so that we can have a full understanding of how breast implants affect women.

We were also able to agree on a GAO report, which will study the FDA's current informed consent procedures, to evaluate whether women are receiving the information they need to make an informed decision, whether that information is up-to-date, comprehensive, fair and balanced, and understandable. This GAO study will give us the hard data we need to determine whether changes to the FDA's process are necessary and appropriate.

I would like to thank Congressman ROY BLUNT for his hard work on this issue. ROY and I have been working together on this issue for several years because we both have constituents who have experienced problems with breast implants. We have both heard first hand of the deficiencies in our current knowledge base on the effects of implants, as well as concerns about the ability of women to receive comprehensive, fair and balanced information about the risks of implants.

I would like to thank Chairman TAUZIN and his staff for working so closely with us on this issue. A lot of effort went into this entire bill—including these provisions—and it would not have occurred without his leadership.

I would also like to thank Dr. GANSKE. I know that, as a plastic surgeon, he had some concerns about what we were trying to do, but I think we were able to work out a reasonable compromise on these issues, and that the women he treats will be better served as a result. I think that is something we can all be proud of.

Once again, Mr. Speaker, I voice my support for this legislation and urge its passage.

TRUTH IN FINANCING ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. PAUL. Mr. Speaker, I rise to give taxpayers the power to prevent their tax dollars from subsidizing illegal activity by introducing the Truth in Financing Act. Hard as my colleagues may find it to believe, groups which violate federal and state laws, or make misrepresentations when filing for federal grants, continue to receive federal tax dollars.

For example, according to information obtained by my office, federal bureaucrats are giving taxpayer funds to groups which routinely flaunt laws requiring that cases of statutory rape and child molestation be reported to the relevant authorities.

In order to insure that taxpayers are not subsidizing this type of unconscionable and illegal behavior, the Truth in Financing Act forbids federal funds from going to anyone who violates a federal law, regulation, or state or local law punishable by 6 months imprisonment or a fine of at least $5,000. The prohibition would also apply to those who aid or abet serious criminal activity, or who lie on an application for federal funds.

Most importantly, the Truth in Financing Act allows any U.S. citizen to use the courts to force federal officials to cut off funds from those who violate the law. No longer will taxpayers have to sit silently by while federal bureaucrats shovel money to those who flaunt the laws of this country.

Providing federal funds to those who engage in illegal behavior undermines the rule of law and forces taxpayers to fund illegal behavior. If federal bureaucrats will not act to prevent taxpayer funds from going to organizations that violate the laws, then Congress has no choice but to give taxpayers the power to stop this outrage. I hope my colleagues will stand up for the rule of law and the American taxpayer by cosponsoring the Truth in Financing Act.

CHILD ABDUCTION PREVENTION ACT

SPEECH OF

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. STARK. Mr. Speaker, I rise today in opposition to H.R. 5422, the Child Abduction Prevention Act. I am greatly troubled by this vote.

I support the Amber Alert program as a vital means to prevent child abductions. I support improving the National Coordination of Amber Alert Communications to better track down perpetrators of these horrific crimes.

If this bill had simply been about this important effort to protect the safety of our children, I would have supported it. But, House Republicans added provisions I cannot in good conscience support and will ultimately doom this bill when it comes before the Senate.

I object to giving law enforcement unrestricted access to abuse fundamental privacy rights as this bill does. The Republicans added provisions giving the FBI unprecedented wiretap authority to engage in secret surveillance of our homes, even sexual acts between consenting adults.

The Republicans added provisions imposing new mandatory minimum sentencing requirements despite these having been shown to be ineffective in deterring crime.

Finally, Republicans added provisions expanding the number of crimes punishable under the death penalty. This is done despite evidence that many Americans have been wrongly sentenced to death.

By including these controversial provisions, House Republicans blew the chance to help protect our children from predators. It is inexcusable that they knew that these provisions would make passage of this bill impossible in the Senate. Yet, they added them anyway in hopes of making this a political issue.

Ultimately, the Republicans' aim was not to protect children. Their aim was to turn voters against Democrats in the Senate who support the Amber Alert program, but won't vote for a bill that compromises our constitutional rights.

I urge my colleagues to join me in voting against this legislation. Lets send a message to the House Republicans that the safety of our children and the protection of our Constitutional rights are more important than partisan politics.

DR. CLEON A. FLOWERS, SR., NOTED AFRICAN-AMERICAN PHYSICIAN AND COMMUNITY LEADER

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. ROSS. Mr. Speaker, today I pay tribute to a highly regarded Arkansan, Dr. Cleon A. Flowers, Sr. Dr. Flowers passed away in Pine Bluff, Arkansas on his 89th birthday after spending more than six decades caring for the health needs of Pine Bluff and Southeastern Arkansas. With Dr. Flowers' passing, Arkansas and the state's medical community lost an icon in medicine.

Dr. Flowers, described as the Godfather of Arkansas Medicine, was born in Stamps, Arkansas, a small rural town in the Southwest region of the state. After earning his undergraduate degree from Arkansas AM&N College, now the University of Arkansas Pine Bluff, Dr. Flowers received his medical degree from Meharry Medical College, a historically black academic health center and preeminent medical school. Upon returning to Pine Bluff with a medical degree and after service in the U.S. Army Air Corps as a major, Dr. Flowers began practicing medicine with an emphasis on putting the patient's needs first. He would often accept chickens, pigs, or homegrown vegetables as payment and open his office after hours to accommodate the odd hours his patients worked. Living in the segregated South Dr. Flowers realized the challenges that African Americans faced and wanted to ensure African Americans received quality health care, regardless of income and "normal" business hours. During his private practice, Dr. Flowers owned and operated the United Links Hospital, a medical facility for Blacks. The hospital has since been renamed the Flowers Professional Building.

In addition to his professional milestones, Dr. Flowers was a community leader, becoming one of the first Black doctors on staff at what is now Jefferson Regional Medical Center in Pine Bluff, serving on the board of trustees of the University of Arkansas at Pine Bluff, and being a member of the National Medical Association and the National Association for Advancement of Colored People. Dr. Cleon A. Flowers, Sr. was an excellent physician and community leader. His presence in Pine Bluff and Arkansas will be missed.

In addition to my CONGRESSIONAL RECORD statement, I have also submitted an article from Jet magazine's September 16, 2002 issue, which discusses Dr. Flowers' life.

DR. CLEON A. FLOWERS SR., 89, NOTED PINE BLUFF, AR, PHYSICIAN, SUCCUMBS

Praised as an old-fashioned physician more interested in serving his patients than filling his pockets, Dr. Cleon A. Flowers Sr. recently was remembered by family and friends during services at New St. Hurricane Baptist Church in Pine Bluff, AR.

Flowers, born in Stamps, AR died at his home in Pine Bluff on his 89th birthday, ending a nearly 60-year career that began in 1943 after he graduated from Meharry Medical College.

"It did not matter to him if a person had money to pay for his service or not. He only wanted to be sure the needs of his patients were met," his son, Clifford Flowers, told the Pine Bluff Commercial newspaper, which interviewed Dr. Flowers in 1999.

During that interview the popular physician fondly recalled his early days as a doctor, citing his fees: Two dollars for an office visit, $3 for a house call and $35 for a home baby delivery. "I even got paid with pigs, chickens, homegrown vegetables and wild game. Those were the good old days," he said.

Dr. Flowers made national news in 1954 when he delivered the first Siamese twins born at home. But he did not rest on his laurels.

Retired Jefferson County Coroner Havis Hester told the newspaper: "I remember him opening his office until 3 a.m. in the morning just to accommodate his patients who had to work and could not get there during normal office hours. I never knew any other doctor to do that..."

The second son of three born to Alonzo and Beulah Flowers, Flowers, borne in 1913, graduated from Arkansas AM&N College (now University of Arkansas Pine Bluff) in 1939. He completed studies at Meharry Medical School in 1943. During his internship at Meharry he was drafted by the U.S. Army Air Corps and later was commissioned as a major.

Dr. Flowers opened his private practice in Pine Bluff in 1945 and in 1946 he bought the building occupied by the United Links Hospital, a medical facility for Blacks, which he continued to operate until 1950. Today it is the site of the Flowers Professional Building.

In 1950, Dr. Flowers became one of the first Black doctors on the staff of what is now the Jefferson Regional Medical Center in Pine Bluff.

His numerous medical and civic affiliations included service on the Arkansas Agricultural, Mechanical and Normal College/University of Arkansas at Pine Bluff Board of Trustees, the Arkansas Medical, Dental and Pharmaceutical Assn., where he served as president, and memberships in the National Medical Assn., Prince Hall Masons and NAACP.

"Most doctors retire after 20 or 30 years, after they think they've gotten rich. I've seen fellows quit and then they go home and shut down. They just wasted away. I'm going to keep chugging along," he told the Commercial. Dr. Flowers did just that. He worked well into the his 80s.

In addition to his wife, Martha, he is survived by six children: sons Dr. Cleon A. Flowers Jr., Dr. John A. Flowers, Clifford Flowers Sr., Clyde Flowers, and Randall Flowers, and daughter Dr. Martha Flowers.

REAFFIRMING REFERENCE TO ONE NATION UNDER GOD IN PLEDGE OF ALLEGIANCE

SPEECH OF

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. STARK. Mr. Speaker, I rise today in opposition to this legislation prohibiting the words "under God" from being removed from the official Pledge of Allegiance as it is written in Federal law.

Earlier this year, I voted against the Congressional resolution condemning the Ninth

Circuit Court of Appeals for ruling the use of the words "under God" in the Pledge of Allegiance unconstitutional. I believe the Court was right.

The Court ruled on a case in which children were required to recite the pledge. Just as we should not bar anyone from reciting the Pledge of Allegiance, we should not force anyone to recite words they do not believe. The Court was clear in affirming that the term "under God" was more than a casual colloquialism. The meaning of these words is only proven by Congress' religiously inspired crusade to chastise and even undo the Ninth Circuit's opinion.

Congress ought to heed the Ninth Circuit Court and our Constitutional responsibility to respect the diversity of religious and personal belief in America. We should not legislate use of the term "under God" in the Pledge of Allegiance when many proud Americans do not share this belief.

We ought to instead reaffirm the notion of a "nation indivisible," and a pledge that fully recognizes the shared beliefs and common aspirations of all Americans. I urge my colleagues to embrace this ideal, honor a basic principle of our Constitution, and vote no on this bill.

SENATE—*Wednesday, October 9, 2002*

The Senate met at 9:30 a.m. and was called to order by the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Source of strength for those who seek to serve You, we praise You for that second wind of Your power that comes when we open ourselves to Your Spirit. You have promised that, "As your days so shall your strength be." Well, Lord, You know what the days are like before a recess. The Senators and all who work with them feel the pressure of the work to be done and the little time left to accomplish it. In days like these, stress mounts and our emotional reserves are drained. Physical tiredness can invade our effectiveness, and relationships can be strained. In this quiet moment, we open ourselves to the infilling of Your strength. We admit our dependence on You, seek Your guidance, and commit our work to You. Give us that healing assurance that You will provide strength to do what You guide and that there will always be enough time in any one day to do what You have planned for us to do. In Your all-powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable HILLARY RODHAM CLINTON led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 9, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. CLINTON thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the first half of the time shall be under the control of the majority leader, or his designee; under the previous order, the second half of the time shall be under the control of the Republican leader, or his designee.

AUTHORITY FOR THE HEALTH, EDUCATION, LABOR, AND PENSIONS COMMITTEE TO MEET

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session after the first floor vote of the day during the session on Wednesday, October 9, in SC–216. The Senate will consider the nomination of Mark B. McLellan of the District of Columbia to be Commissioner of the Food and Drugs Department of Health and Human Services.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Madam President, when we take up this legislation, I ask that the full hour and a half be allotted in morning business, so it will be shortly after 11 o'clock.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. At that time, I ask that Senator FEINGOLD be recognized for up to 30 minutes and Senator REED be recognized as the next Democrat in order, following Senator KAY BAILEY HUTCHISON, who would follow Senator FEINGOLD, and then Senator REED, and then Senator GRASSLEY. That is, Senator REED from Rhode Island for 45 minutes, Senator GRASSLEY for 20 minutes, and Senator HUTCHISON for 30 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Senator WELLSTONE is to be recognized for up to 8 minutes in morning business. Senator KENNEDY will have the time until 10 o'clock, and Senator REID of Nevada will be recognized at 10 o'clock to speak. I ask unanimous consent that that be the case.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Minnesota is recognized.

EMERGENCY UNEMPLOYMENT COMPENSATION

Mr. WELLSTONE. Madam President, shortly, a unanimous consent request will be made—and this is the third or fourth time—to pass S. 3009, the Emergency Unemployment Compensation Act of 2002, which I have introduced with the Presiding Officer, who has done so much work on this and Senator KENNEDY and others. This is the third or fourth time, and every day we are going to be making this request.

To tell you the truth, I think it is absolutely unconscionable that the Senate has not acted on this and that the Republican leadership, each time, has thrown up a roadblock to extending unemployment benefits. Believe me, I would love nothing more than to be home campaigning, but I don't think we should leave here without extending unemployment benefits.

In my State of Minnesota, there are 20,000 Minnesotans who have run out of unemployment benefits. Nationwide, there are about 900,000. I am sure many are in the State of New York, which the Chair represents. Colleagues, these are men and women who are hard-working, who have lost their jobs. The economy is flat. We are in economic trouble as a nation. It would be nice if the administration would get serious about the economy. How about a little bit of humanity?

In the early 1990s when we went through this, we didn't hesitate to pass an extension of unemployment benefits under exactly the same circumstances. I think each time we had more than 95 votes, Republicans and Democrats alike. These are people who are flat on their backs through no fault of their own. They have run out of unemployment benefits.

There are two different issues here. One, if we don't extend it by the end of December, some people who are receiving the current 13 weeks of benefits get cut off in the middle. I guess there is some discussion in the House with the Republican leadership about helping them. But the larger question—and we must make sure they get full unemployment benefits—is people who have

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

just run out of all their unemployment benefits. In Minnesota right now, twice as many people are looking for jobs as there are jobs available.

I want to make the argument—and I don't have a lot of time—and it is a two- or threefold argument. First, I appeal to the humanity of everybody here. Just imagine—I don't know how many Senators have been out of work—when you have a family to support, unemployment benefits are a lifeline.

We have a trust fund, and we have more than enough money to support this. We are not spending additional money out of general revenue.

How many Senators have been through this? If you are out of work and you have run out of benefits, you cannot put food on the table. It is a terrifying situation. I think our common humanity dictates that we must do this. Today, I want this unanimous consent agreement to be agreed to.

Second of all, from an economic point of view, although I think a humanitarian appeal should be made, given a flat economy, you can count on it, Senators, that people who get an extension of unemployment benefits for an additional 13 weeks will be consuming because, believe me, they have to. They will be spending these dollars because they have to.

Right now, the problem is they don't have enough money to make ends meet month by month. So, actually, you are injecting a much-needed stimulus into the economy. So if the first argument doesn't move your soul—the humanitarian argument that this is the right thing to do for people who are in real trouble through no fault of their own—how about doing it for the economy?

My third argument is—I know we are debating the resolution on Iraq—but I have said over and over, and I am sure the Chair has picked this up as well—I like to talk to the State legislature candidates because their methodology of campaigning for office, as opposed to when one is campaigning statewide, is knocking on doors every day. They pound the doors 3 or 4 hours every evening.

I ask them: What are you hearing? People are talking about how worried they are about the economy; some people are out of work; other people are worried they will be. They are talking about health care, health care, health care, as though people have not heard it before. In our State, given all the cuts in education, they are talking about education as well.

It is a false dichotomy. It is not as if people back home are worried about the economy but are not worried about Iraq, or are not worried about terrorists. They are worried about all of it, and all of us should be worried about all of it.

I think the people I represent in Minnesota believe we are a great enough and a good enough country we can deal with our challenges in international affairs and, at the same time, we can deal with challenges that affect people in our country and our local communities, our families.

I do not understand this false dichotomy where apparently the administration and my colleagues on the other side of the aisle think we cannot address any of these economic issues. Apparently, they think we cannot focus on any domestic issues any longer; cannot even provide an extension of unemployment benefits to people. I believe some colleagues do not want to do this because they feel it is an admission the economy is not doing that well. The economy is not doing that well. We should wake up and smell the coffee.

The people I represent are still waiting on the Federal Government to provide the resources we said we were going to provide for schools, education, and our kids. The House Republican leadership and the Senate Republican leadership do not want to bring an appropriations bill out here that deals with education. We could easily provide more funding for Pell grants, making higher education not less but more accessible.

We certainly should provide more funding for special education which would help all of our districts, and provide more funding for title I.

Again, the Republican leadership and the White House do not want anything to do with it. I am going to a press conference in a couple of minutes on—that sounds melodramatic, life or death; it is a bit like unemployment benefits—disaster relief. I have never been in the Senate when we have not provided disaster relief.

The people in northwest Minnesota are flooded out, they are gone, it is over for them, and this administration is opposed to this bill. I have never voted against disaster relief in any part of the country. If something happens in New York, Madam President, I will vote for the money the people need. People do not ask for hurricanes, tornadoes, fire, and flooding, but if it should happen to the people in Minnesota, I ask you to support that.

Whatever happened to some sense of community? Whatever happened to compassionate conservatism? Compassionate conservatism dictates, at the very minimum, before we leave that the Senate pass this legislation I have introduced to extend unemployment benefits. I will come out to the Senate Chamber and give enough speeches to deafen all the gods until this is done. Frankly, I think on the other side of the aisle, people should feel uneasy and uncomfortable in blocking this legislation. They are putting up a roadblock to providing help to people who really need the help.

This is the right thing to do. It is certainly profamily, it is certainly prochildren, and it is certainly compassionate. I do not know what the delay is. Time is not neutral for a lot of people.

Madam President, by way of concluding—I know other colleagues are going to be out on the floor—I thank the Presiding Officer, since, as the Presiding Officer, she cannot speak for herself, at least for this moment—she does a good job speaking for herself, otherwise, all the time. Madam President, you have been a leader in bringing this before the Senate. I thank you for doing that.

We are not going to let up until this legislation is passed. I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. WELLSTONE. Madam President, we did not suggest the absence of a quorum?

The ACTING PRESIDENT pro tempore. No.

Mr. WELLSTONE. Madam President, I am going to be joined by Senator KENNEDY in just a moment. He will be making a request, and we will wait for a response on the part of our colleague.

While I am waiting for Senator KENNEDY, let me say again I think we have a huge disconnect between some of what is going on in the Senate—or what is not going on in the Senate—and the people we represent.

In Minnesota—I do not know about other States—people in Minnesota cannot understand for the life of them what in the world is the delay in extending unemployment benefits. People in Minnesota do not know that in the early nineties we passed similar legislation and did it in a bipartisan way. They do not know there is plenty of precedent for it. And they do not know all about unanimous consent, and how one Senator can object, and all of the rest.

What people do have in Minnesota is a sense of right and wrong. Let's talk values for a moment. The values of people in Minnesota are when the economy goes south—I know some of my colleagues do not like to talk about the economy—when the economy is flat, and when so many people have lost their jobs and are hurting, and their families are hurting, people in Minnesota believe we ought to reach out and help them.

This legislation I have introduced, with the support of Senator KENNEDY and Senator CLINTON, should pass today. I see my colleague, Senator KENNEDY, is in the Chamber. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

UNANIMOUS CONSENT REQUEST—S. 3009

Mr. KENNEDY. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 619, S. 3009, a bill to provide for the extension of unemployment compensation; that the bill be read the third time and passed; and that the motion to reconsider be laid upon the table, without intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection? The Senator from Oklahoma.

Mr. NICKLES. Madam President, reserving the right to object, I had a colloquy with the Senator from Minnesota when he propounded this request a couple days ago, and I asked the question if this was a simple extension. I believe he said it was almost.

I have read the bill and have found it is not a simple extension. I ask my colleague, has the bill changed? Is this a simple extension, a 13-week extension of unemployment compensation for all States?

Mr. KENNEDY. If I can respond, this is not the Thomas bill which was extended the last time. This is the historic and the traditional legislation that was passed three or four times in the early 1990s. This is not the more restricted Thomas bill.

We are going back to the legislation that provides genuine protections for unemployed workers. This legislation will affect close to 3 million workers who otherwise will see their unemployment insurance expire by the end of this year and the early months of next year.

The bill does not do all we believe ought to be done for part-time workers who are contributing into the unemployment insurance fund, or lower-income workers, all of whom are participating and paying into the insurance fund.

What we want to do with this legislation is say: We have a $27 billion surplus. The workers have paid into the fund. We need $14 billion of that so people can pay their mortgages, pay their health insurance, and pay their bills. That is what this bill is, and that is what will happen when we pass it.

This bill has basically been supported by a strong editorial in the Washington Post.

Mr. NICKLES. If the Senator will yield, I am trying to figure out what his bill will do.

Mr. KENNEDY. The Senator had this request, and I hoped he would have had a chance to look at and review it, because he is going to hear about it every single day as long as the Senate is in.

Mr. NICKLES. That's fine.

Mr. KENNEDY. If there is some way we can help clarify it, we are glad to do it. Last week when I was in the Chamber, along with the Senator from Minnesota, the Senator from New York, and the Senator from Illinois, who were fighting for it, we heard asked: Is this the same bill, or how is this different? We are glad to take the time, but the time is going on. We will be glad to sit down with the Senator later on today and go over every bit of it and hopefully get the extension of it. We are troubled. We are troubled by the fact that even though the first President Bush effectively opposed it on two occasions, he did support it on the third, and had Republican support on the third occasion. We hope the good light that is shone—and the common sense and wisdom—on those Republicans and the President when he supported it the third time will be shed on the Republican Senators and the Senator will help us get this supported.

Mr. NICKLES. If my colleague will yield for a question, I guess by the length of the Senator's answer, it is not a clean extension. I am reading on page 4 of the Senator's bill a section entitled "Adjusted Insured Unemployment Rate."

Correct me if I am wrong, but this definition basically says people who have exhausted unemployment compensation in the most recent 3 calendar months, even if they subsequently get a job, are still counted as unemployed; is not that correct?

Mr. KENNEDY. If the Senator would—only if they have been exhausted.

Mr. NICKLES. So the Senator's bill permits individuals who have exhausted their unemployment compensation, and then may have subsequently found a job, to be counted in the unemployment figures, according to this Adjusted Insured Unemployment Rate calculation on page 4?

Mr. KENNEDY. We are effectively using the trigger that had been used before, which gives the focus and attention on those who are both unemployed and those who have States which have a higher incidence of unemployment, and in those States, those figures would be added to the valuation of the unemployed workers in an attempt to get a true reading on the numbers of the unemployed.

Mr. NICKLES. If the Senator will yield further, it says:

> . . . except that individuals exhausting their right to regular compensation during the most recent 3 calendar months for which data are available before the close of the period for which such rate is being determined shall be taken into account as if they were individuals filing claims for regular compensation for each week during the period for which such rate is being determined.

In other words, one could exhaust their unemployment compensation, and may or may not find another job in the following 3 months—they are still going to be counted as unemployed according to this definition, which is really yielding a higher figure. I find that totally unacceptable. Maybe it was done in the 1990s, but that does not make it right. Surely we would want accurate unemployment compensation statistics used in determining how many weeks would be available for additional extended benefits. We want to do it right, and I am sure my colleagues from Massachusetts and Minnesota want to as well. This section is not doing it right. This section alone does not make the bill a clean extension.

I will be happy to work with my colleagues, but this is not acceptable. So I want to point that out.

I want to make another point while I am considering whether I will object to this. This one section is not acceptable. Also, I am finding, after reading the proposal of my colleagues, instead of having a 13-week extension, it is a 26-week extension for all States. That is very expensive. I might ask my friend from Massachusetts, what is the estimated cost of this proposal?

Mr. KENNEDY. To answer the question, this counts people who are unemployed and who have no benefits. Right now if someone is getting extended benefits, they are not counted. We count those people. That is the principal difference. That was the difference in the early 1990s as well, and that is what the Thomas bill did not do. That is what we do. We think there is a sound reason for being able to do it.

Mr. DURBIN. Will the Senator yield?

Mr. KENNEDY. I will yield, but first I will be glad to continue with my friend if he is interested in trying to get the legislation passed. We have not heard what the Senator is for. We know what he is against. He is against this bill. If the Senator is saying he is for an extension on it, we are more than glad to try and work and see if something can be achieved, if that is what the position is. If the Senator's position is in opposition and continues to be in opposition, then we are going to continue to press him. If his position is, yes, I will support—would the Senator support the extension of the Thomas bill?

Mr. NICKLES. If the Senator will yield, and I asked a question first. I asked the Senator how much this would cost.

Mr. KENNEDY. Fourteen billion dollars.

Mr. NICKLES. Fourteen?

Mr. KENNEDY. Yes. Now, if I could ask the Senator a question. Will he support the Thomas bill?

Mr. NICKLES. I have not asked unanimous consent. We have an estimate from CBO, that their estimate is $17.1 billion. I realize this bill did not come through committee. I realize this bill did not have a hearing. I realize this bill has not been vetted. I realize it was just introduced last week and the Senator is trying to pass it by unanimous consent. I have just had a chance to start reading the bill, and the more I read it, I find out it is not 13 weeks, it is 26 weeks. I find out it has an Adjusted Insured Unemployment Rate provision, which says we could potentially count some people under this definition who are working. So this bill is not acceptable.

To answer my colleague, I may be willing to work with the Senator to find a bill that is acceptable. Certainly, if we did something more along the lines of a 13-week/6-month extension for all States, without jimmying the figures, without using Adjusted Insured Unemployment Rates, without establishing new triggers—since this bill uses different triggers from current law that allows more States to qualify for additional extended benefits—if we treat States the same, basically do 13 weeks for 6 months, I might be willing to do that. I might be willing to shop that with colleagues in the House, and the White House. I believe I heard last week or earlier this week, this is almost a straight extension. The more I read, I find out this is not a straight extension. This is a bill that costs—just as a comparison, the straight six-month extension costs about $7.3 billion. Quickly estimated by CBO, this bill costs $17.1 billion. There is a big difference.

Mr. KENNEDY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. I guess the time is moving on. As I understand it, the Senator has indicated he would not even support the Thomas proposal extension. Am I right?

Mr. NICKLES. No, I have not stated that.

Mr. KENNEDY. I am trying to find out if we have any good faith in terms of trying to work something out. If the Senator is opposed to that and opposed to this, he is opposed to everything. If he could say, I am for the Thomas proposal, but I am troubled by some of these triggers—although I think they are rational—we are glad to sit down with him.

Can the Senator think about that through the day and let us know?

Mr. NICKLES. Will the Senator yield?

Mr. DURBIN. Will the Senator yield?

Mr. KENNEDY. There are others who want to speak.

Mr. DURBIN. I was on the floor last week, and the Senator from Oklahoma came in and took a look at this bill, which is only a few pages, and he said: I really need some time to read this.

I have watched the Senator from Oklahoma, and he reads very quickly. I cannot understand why, a week later, the Senator still needs to read this.

Mr. NICKLES. Will the Senator yield?

Mr. DURBIN. At this point, I suggest to the Senator from Oklahoma, I think he has read it. I think he understands it. Certainly President Bush's father understood it when three times in a recession he said we cannot leave these unemployed families in this terrible, perilous situation. We have to extend unemployment benefits. It is a very basic concept, supported by Republican and Democratic Presidents alike, as well as economists and business leaders in my State.

When I say to them, what can we do about this economy, they say give some spending power to these poor people who are out of work. That is pretty fundamental.

I want to give the Senator from Oklahoma all the time he needs, but a week has passed. Is another week going to have to pass, or are we going to be able to come to a resolution and help these families, including over 100,000 people in my State of Illinois?

We have the fifth highest unemployment rate in the Nation. I think this Congress can do something. It should do something. I want to give the Senator from Oklahoma his opportunity, but I think a week is enough to read a seven-page bill.

Mr. WELLSTONE. I say to my colleague, we want to work with him.

Mr. NICKLES. Can we have regular order in the Senate.

Mr. WELLSTONE. We have time.

The PRESIDING OFFICER (Mr. CORZINE). The regular order is a unanimous consent request has been made. Is there objection?

Mr. NICKLES. I reserve the right to object.

Mr. KENNEDY. The regular order is the Senator objects or does not object. That is the regular order, so we are going on the regular order.

The PRESIDING OFFICER. The Senator from Massachusetts is right. Is there objection?

Mr. NICKLES. Reserving the right to object.

Mr. KENNEDY. Regular order. It either goes through or there is an objection.

Mr. NICKLES. Reserving the right to object.

The PRESIDING OFFICER. Under the regular order, the Senator may not reserve the right to object. He must either object or permit the request to be granted.

Mr. NICKLES. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts retains the floor.

Mr. NICKLES. Mr. President, parliamentary inquiry. He made a unanimous consent request. I objected. I sought recognition. He gave up the floor.

Mr. KENNEDY. I do not lose the floor.

The PRESIDING OFFICER. Under the precedent, the Senator who made the unanimous consent request retains the floor, whether it is granted or not.

Mr. KENNEDY. Mr. President, I am sincerely sorry we have not been able to work this out. Senators WELLSTONE and DURBIN have indicated the steps we are going to take to try to get the unemployment insurance. This is no mystery. It is a seven-page bill. There were efforts or suggestions about how we might be able to do this. We are certainly open to try to do it.

What is unacceptable is not helping the number of Americans and people who are hurting.

The PRESIDING OFFICER. Under a previous order, the Senator from Nevada is recognized at 10 a.m.

Mr. REID. Mr. President, if the Senator from Oklahoma wishes to speak, I have no problem, under your time, which comes later, and I still maintain my 15 minutes.

If the Senator from Massachusetts wishes to complete his remarks, I am happy to yield.

Mr. KENNEDY. I will ask that my remaining remarks be included.

Mr. REID. The Senator from Massachusetts is welcome to a few minutes of my time. I will use my 15 minutes when the Senator from Oklahoma finishes.

Mr. NICKLES. Did my colleague from Massachusetts finish his comments?

Mr. KENNEDY. I had additional comments, but the Senator has been seeking recognition to explain his objection. I am happy to hear that.

Mr. NICKLES. Mr. President, I appreciate the gracious remarks of my colleague from Nevada. On the bill presented to the Senate last week, it has not been marked up in the committee, has not been reported out of committee.

We have a preliminary analysis by the Congressional Budget Office, and the cost estimate is $17.1 billion in Fiscal Year 2003. On the floor last week, it was estimated by proponents, the Senator from Minnesota, the cost was $10 to $12 to $13 billion. In other words, they did not know. They are trying to pass it so quickly, they did not know how much it would cost. It has not been studied.

This proposal is reportedly an extension of unemployment benefits, extending provisions that expire at the end of December. It was being portrayed as a 6 month extension. But when I looked at the details, I found we are using completely different triggers, among other differences.

What does that mean for someone who does not follow this debate? It means more States qualify for more Federal benefits. There is currently an unemployment compensation program of up to 26 weeks financed by the State, then a Federally-funded Temporary Extended Unemployment Compensation of up to an additional 13 weeks, and finally up to another 13 weeks for high unemployment states. By changing the trigger under this new proposal, we are saying more stages are eligible for extended benefits. We are saying benefits would be available in all states not just for 13 weeks but for 26 weeks, with some States even for an additional 7 weeks. This is getting expensive. This new plan is $10 billion more than a straight extension.

Someone said we did this in 1990. That may not be the right way to do it. I am willing to work with my colleagues to provide assistance for those people in the States that really need help, but we ought to be very accurate in our language and not try to push something through too quickly. We ought to be responsible. We have enormous deficits now. We should try to do this in a fiscally responsible manner, so the bill can be signed. I will work with my colleagues from Massachusetts, from Minnesota, and others to see if we can come up with a bill that is affordable and has bipartisan support.

At this stage, you have to have almost unanimous support. I will work with my colleagues to see if we can come up with it. The bill before the Senate, S. 3009, in my opinion, should not be passed. Maybe we can come up with a straight 13-week extension as we have done previously in the Senate. I will work with my colleagues and the Senator from Nevada to see if we can get something done. A straight extension would cost an estimated $7.3 billion instead of $17.1 billion. That is a possible.

This bill that would cost $17 billion and would rewrite unemployment figures—I don't think that makes sense. Maybe we can work together and find something that is acceptable. I appreciate the cooperation of my colleagues.

I ask unanimous consent to have a preliminary CBO cost estimate printed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 2, 2002.

Hon. KENT CONRAD,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: In response to a number of requests for information on the budgetary impact of S. 3009, the Emergency Unemployment Compensation Act of 2002, the Congressional Budget Office has prepared an estimate of the cost of that bill, as introduced on September 26, 2002.

S. 3009 would increase the number of weeks of Temporary Emergency Unemployment Compensation (TEUC) available to unemployed workers who exhaust their regular unemployment benefits. Under current law, up to 13 weeks of TEUC benefits are available in all states, with an additional 13 weeks available in states with a high unemployment rate. The TEUC program is scheduled to end on January 1, 2003, with no benefits paid after that date. S. 3009 would increase the number of weeks of TEUC benefits paid in all states to 26, with an additional seven weeks available in states with high unemployment. In addition, the bill would allow eligible unemployed workers to begin to collect TEUC until July 1, 2003. Those receiving benefits by that date would be able to collect benefits until October 14, 2003.

As shown in the following table, CBO estimates that enactment of S. 3009 would increase direct spending by $17.1 billion in fiscal year 2003. The effect over 10 years would be smaller—$15.5 billion—because the increase in spending on emergency benefits would eliminate anticipated transfers over the 2009-2012 period from the federal accounts in the unemployment trust fund to the state benefit accounts.

Revenues would increase by about $4.8 billion over the 10-year period. CBO estimates that state employment tax revenues, which are counted as federal receipts in the unemployment trust fund, would rise both to pay for the increase in regular unemployment compensation that would result from enacting the bill, and to make up for the reduction in revenues that states would otherwise have received in the form of intergovernmental transfers. These estimates assume that the bill will be enacted in October 2002.

ESTIMATED BUDGETARY IMPACT OF S. 3009, THE EMERGENCY UNEMPLOYMENT COMPENSATION ACT OF 2002

	By fiscal year, in millions of dollars									
	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Estimated Budget Authority	17,100	400	0	0	0	0	−495	−505	−515	−525
Estimated Outlays	17,100	400	0	0	0	0	−495	−505	−515	−525
Estiamted Revenues	0	230	330	330	270	230	250	560	1,080	1,540

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Christina Hawley Sadoti.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we have a list of speakers who will begin the debate this morning. Senator REED of Rhode Island was given 45 minutes under the order by the Chair. I ask unanimous consent to substitute Senator LEAHY to speak for up to 30 minutes in exchange for Senator REED's time. We will work Senator REED in later.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, how much time does the majority retain?

The PRESIDING OFFICER. Eleven and one-half minutes.

Mr. REID. We have a number of Republicans here. They are ready to go. Why don't we let them go? If we decide to use that time, we will use it later. I ask unanimous consent that we proceed in that fashion.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Missouri.

THE IRAQ RESOLUTION

Mr. BOND. Mr. President, I take this opportunity to discuss the very serious matter that is before us today and this week. This is, I trust, going to be a very somber discussion as we had approximately 11 years ago when this body approved the actions which led to Desert Storm. Unfortunately, at that time we did not solve the problems confronting us as a result of Saddam Hussein and his murderous regime in Iraq.

As we move toward a resolution authorizing the use of force against the threat posed by Saddam Hussein, let us be clear about the intent. This resolution we will send a clear message to the world community and to the Iraqi regime that the demands of the United Nations Security Council must be followed. Saddam Hussein must be disarmed.

For over a decade now we have tried every means of diplomacy, sanctions, and inspections to encourage Saddam to keep the promises that he made after the gulf war. Nothing has worked. Saddam has made a mockery of the United Nations resolutions and the threat he now poses to the world is significant and growing.

President Bush stated last night that Iraqi dictator Saddam Hussein is a "murderous tyrant" who could attack the United States "on any given day" using unmanned aerial vehicles loaded with chemical or biological weapons. Iraq is unique. By its past and present actions, by its technological capabilities, by the merciless nature of its regime, Iraq is unique. Iraq is a true present danger to the United States. As a former chief weapons inspector of the U.N. has said:

> The fundamental problem with Iraq remains the nature of the regime, itself. Saddam Hussein is a homicidal dictator who is addicted to weapons of mass destruction.

The Iraqi regime possesses biological and chemical weapons, is rebuilding the facilities to make more and, according to the British Prime Minister Tony Blair, could launch a biological or chemical attack in as little as 45 minutes after the order is given. The regime has long-standing and continuing ties to terrorist groups, and we now know that there are al Qaeda terrorists inside Iraq. In fact, senior members of the Iraqi government and members of the al Qaeda network have been in contact for many years. This regime is seeking a nuclear weapon and the delivery capability to go with it.

There have been reports in the past from Desert Storm that rather than having the acquisition of a nuclear weapon years in advance, it could have been within a year that they could have developed a nuclear weapon. Had he waited until he had that nuclear device before he invaded Kuwait, we would have been in a far different position as we attempted at that time to expel him from Kuwait.

The Iraqi dictator has answered a decade of resolutions with a decade of defiance. In the Southern and Northern No-fly zones over Iraq, coalition aircraft continue to be fired on and coalition pilots continue to put their lives on the line to enforce these resolutions.

There is an ongoing war that Saddam Hussein has carried out against the coalition which is seeking to enforce United Nations resolutions. Just this year alone, coalition aircraft have been fired on over 400 times. Since Saddam Hussein made what I believe, from past experience, will be shown to be a hollow promise to cooperate with the United Nations, they have fired on coalition aircraft more than 47 times. Saddam Hussein is a master at saying one thing and doing another.

As President Bush has stated in the past:

> The Iraqi regime is led by a dangerous and brutal man. We know he is actively seeking the destructive technologies to match his hatred. And we know that he must be stopped. The dangers we face will only worsen from month to month and year to year. To ignore these threats is to encourage them—and when they have fully materialized, it may be too late to protect ourselves and our allies. By then, the Iraqi dictator will have had the means to terrorize and dominate the region, and each passing day could be the one on which the Iraqi regime gives anthrax or VX nerve gas or someday a nuclear weapon to a terrorist group.

The mantle of leadership requires this body to act. We have seen the results of a decade of speaking loudly and carrying a soft stick.

We have pointed out, in past years, the danger of this regime. We have called for changes. We have asked the United Nations to strengthen its resolutions. We have asked Saddam Hussein to readmit inspectors to assure us there are no deadly weapons of mass destruction being stockpiled. We have been rejected at all points.

Let us act now and pass this resolution in support of our President. This resolution is needed to send an important signal to our allies and to the United Nations. With our leadership, I am convinced the President will build a robust coalition to say no to Saddam Hussein. It will tell the world we are serious about disarmament, and it will reaffirm our message to Saddam Hussein.

Approving this resolution does not mean military action is imminent or unavoidable. The resolution will tell the United Nations and all nations America speaks with one voice and is determined to make the demands of the civilized world mean something.

If we do not act, then we face the terrible dangers of an attack with weapons of mass destruction. If the United Nations does not act, it faces the prospect of joining the League of Nations on the dustbin of history: an international organization, organized with the highest purposes, and by its inaction shown to be ineffective.

I believe and I trust we will give a strong vote, a bipartisan vote, in support of this resolution. I believe building on that resolution we will build a coalition, and our world will be a safer place, even though we have to take the risks that are necessary and that come with this resolution in order to secure that safety and that peace for ourselves, our children, and our future.

Mr. President, I urge my colleagues to support this resolution. I look forward to working with them on this matter.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I rise to speak today on the resolution before this body concerning the use of force against Iraq.

For the third time in 12 years, the Senate is considering a resolution to address a threat posed by Saddam Hussein to America as well as to the global community.

As I said on the floor of the House of Representatives when I was a Member of that body in 1991, on behalf of the authorization of what would become Operation Desert Storm:

> [T]he magnitude of the vote I now face is greater than any other I have or likely will cast.

That is true any time we consider whether to potentially place American men and women in harm's way. That is why I approached this particular vote with the deliberation and the solemnity it demands.

During that 1991 debate, I concluded Saddam Hussein's invasion of Kuwait "threatened in infancy a new decade of hope." As I said at the time, I voted as I did:

> . . . not because the military option is inevitable, but in order not to undermine the President's efforts to achieve a peaceful outcome to this crisis—efforts which require that a credible military threat be maintained against a brutal aggressor who only understands the language of force. A credible threat is necessary against a man who has raised one of the world's largest armies, used chemical weapons against his own people, invaded two neighbors and is developing nuclear and biological capabilities.' We are hardly dealing with a man of peace in Saddam Hussein.

History, regrettably, has a way of repeating itself. Because 7 years later, in 1998, the Senate unanimously passed a resolution which found Iraq in "material and unacceptable breach of its international obligations" under previous U.N. resolutions—including Security Council Resolution 687 that set the terms and conditions for the 1991 ceasefire—and urged the President "to take appropriate action . . . to bring Iraq into compliance with its international obligations." But compliance, as we know, never followed.

Which brings us to today, to the resolution we have before us, and to the two fundamental questions that are being asked here in Washington, in Maine, and throughout America: Why Saddam Hussein? And why now?

As to the first question, I have come to the conclusion—based on the facts—that Saddam Hussein's continued, aggressive production of weapons of mass destruction presents a real and immediate global mess, particularly in light of the absence of any U.N.-mandated inspectors over the last 4 years. Indeed, it was just 4 months after Congress passed the 1998 resolution that Hussein drove out the U.N. weapons inspectors.

And what were those inspectors leaving behind? A 1999 report by Richard Butler, the chief inspector, UNSCOM, found when they left Iraq, they were unable to account for 360 tons of bulk chemical agent, including 1½ tons of VX nerve agent, 3,000 tons of precursor chemicals, enough growth media to manufacture 25,000 liters of anthrax spores, and 30,000 special munitions for delivering of chemical and biological agents.

Today, there is no reason to believe Hussein has ever looked back. As reported in the U.S. intelligence community document made public on October 4, 2002, he has been seeking to revamp and accelerate his nuclear weapons program. The report concluded that if left unchecked, Iraq would "probably have a nuclear weapon during this decade," and that if Hussein could acquire weapons-grade fissile material from abroad "it could make a nuclear weapon within a year."

This information is echoed in the September 24, 2002, intelligence dossier released by British Prime Minister Tony Blair—a critical voice and ally in our war on terrorism. That dossier outlines Iraq's weapons of mass destruction programs past and present.

It finds Hussein, following the departure of U.N. inspectors in 1998, is aggressively pursuing development of a nuclear capability, and is undeniably seeking items needed to enrich uranium, such as fissile material and gas centrifuge components like vacuum pumps and specialized aluminum tubes. Tellingly, the report also documents Iraq's attempts to buy large quantities of uranium from Africa, even though Iraq has no civil nuclear power program. All of this is in breach of U.N. Security Council Resolution 687.

Furthermore, the October 4 report states that Iraq is capable of "quickly producing and weaponizing" a variety of both chemical and biological agents, including anthrax, "for delivery by bombs, missiles, aerial sprayers, and covert operatives," including potentially against the U.S. homeland."

Both reports highlight that Hussein's weapons are hidden in "highly survivable" facilities, some of them mobile, and, of course, in further violation of Resolution 687, his unrelenting effort to expand his ballistic missile capabilities beyond 150 kilometers.

Finally, the October 4 report found that Iraq has rebuilt missile and biological weapons facilities damaged during U.S. cruise missile strikes in 1998. Iraq has begun renewed production of chemical warfare agents, probably including mustard, sarin, cyclosarin, and VX—all lethal chemical toxins.

All of this is in flagrant violation not only of the cease-fire resolution, but also 12 other U.S. calls for disarmament over the ensuing 11 years. So it should come as no surprise that the Security Council would have issued 30 letters of condemnation to Iraq over this last decade alone.

Iraq was condemned for failures to cooperate fully and immediately, failures to allow immediate, unconditional, and unrestricted access, and failures to fulfill all of its obligations as set out in previous resolutions. The bottom line is, in every instance, he has failed to comply—and the U.N. has failed to enforce.

Which brings us to the question of: Why now? What urgency has interjected itself that would necessitate the actions we contemplate today? My answer begins not by citing a single fact or occurrence, but rather by illustrating a new, encroaching threat over the past decade that was foreshadowed by the first attack on American soil since Pearl Harbor—the 1993 bombing of the World Trade Center.

I believe that was the seminal moment when our enemies of today were introduced to the realm of the possible—as those who would wish our destruction developed and implemented comprehensive strategies to systematically assault Americans and our interests whenever, wherever, and however they could.

It also should have been an awakening for America. That is why I spearheaded investigations into the comings and goings of Sheikh Omar Abdel Rahman, the mastermind of that bombing in 1993, who entered and exited this country five times totally unimpeded.

What I found led me to introduce legislation in 1994, requiring information sharing among critical Government agencies, to ensure those on the front lines of securing America would have the resources to keep dangerous aliens from entering the U.S. But there were those who didn't take the threat seriously, and those reforms were quietly altered, and allowed to fade out of law in 1998, and out of the national consciousness.

Now, as we peel back the layers through further investigation, we discovered the Sheikh was closely tied to Osama bin Laden and the network we now know as al-Qaida. The point is, over the decade of the 1990s and into the fledgling days of the 21st century, our consciousness was not attuned to the emerging pattern of attacks, and so the pattern continued—from Khobar Towers in 1996, to the 1998 embassy bombings in Kenya and Tanzania, to the attack on the USS *Cole* in the fall of 2000, and culminating in the horrific events of September 11, 2001.

That terrible day would finally and forever change the way we assess our security and vulnerability, singlehandedly adding the term "homeland Security" to our national lexicon. It has changed our conception of what constitutes weapons and warfare—and how both may be used against us.

To paraphrase Governor Ridge, we are now compelled to come to grips with an enemy who makes no distinction between combatants and noncombatants. The battlefield itself has changed—today, asymmetrical threats accost us in a theater of engagement that includes our own backyard. There is no line of demarcation.

Before September 11, we underestimated the threat, and overestimated our security. That is why the Senate and House have been holding joint intelligence hearings, to determine how we can learn from failures of the past. The lapses were so egregious that it prompted our recent vote to authorize an independent commission, to conduct a more far-reaching inquiry into how we could have done better and how we must do better in the future.

Because there is no longer any question as to the scope of the threat—and the ability and intent of terrorist groups to bring devastation to our soil. As Secretary Rumsfeld said:

> We have entered a world in which terrorist movements and terrorist states are developing the capacity to cause unprecedented destruction. Today, our margin of error is notably different. In the 20th century, we were dealing, for the most part, with conventional weapons—weapons that could kill hundreds of thousands of people, generally combatants. In the 21st century, we are dealing with weapons of mass destruction that can kill potentially tens of thousands of people—innocent men, women and children.

It is through this prism of the post-September 11 world that we must view an ever emerging convergence of threats over the last 10 years, represented on the one hand by transnational terrorism exemplified by al-Qaida—with cells in more than 30 countries—and on the other by a regime in Iraq that has already developed and deployed horrific weapons of mass destruction.

Even as far back as 1991, the United Nations was concerned enough about a potential linkage between terrorists and Saddam Hussein to include in Resolution 687 a requirement that Iraq inform the Security Council:

> that it will not commit or support any act of international terrorism or allow any organization directed towards commission of such acts to operate within its territory . . .

Today, we know from Secretary Rumsfeld that "al-Qaida is operating in Iraq". . . that we have "accurate and not debatable" evidence of reportedly the presence of senior members of Al-Qaida in Baghdad, and other associations.

> Iraq has also reportedly provided safe haven to Abdul Rahman Yasin, one of the FBI's most wanted terrorists, who was a key participant in the first World Trade Center bombing.

We also know that Saddam Hussein continues to provide $25,000 rewards to the families of suicide bombers in the Middle East, continues to harbor the Abu Nidal Organization, and continues to harbor the Palestinian Liberation Front.

And so the question we really need to ask ourselves is, why is Hussein so single-mindedly and at all costs amassing such huge stores of horrific weapons? We know he has them. We know he has used them before. The question is, will he use them again?

The answer is that we don't know for certain. But from all I have been able to ascertain from high-level briefings, the logical conclusion—based on all the evidence, all the broken promises, all the obfuscation. And now the nexus between Hussein and terrorist groups and individuals—is that we simply can't afford the risk to humanity.

Some say we should wait until the threat is imminent. But how will we know when the danger is clear, present and immediate? When people start checking into hospitals? When the toxin shows up in the water supply? When the dirty bomb goes off?

Because, in the shadowy world of terrorism, as we have seen, that will already be too late. For these are not weapons that can be easily intercepted or anticipated. They aren't detected by sonar, and they don't show up on radar screens. Therefore, the standard by which we judge the level and immediacy of threat must be calibrated accordingly.

In the instance of Iraq, for a terrorist organization that shares Hussein's disdain for America, where better to acquire weapons of mass destruction? And for Saddam Hussein, what better way to deliver these weapons than a terrorist who might smuggle a vial of smallpox in a suitcase or store a canister of sarin gas in a cargo container or launch a drone aircraft or other unmanned aerial vehicle that sprays aerosolized biological agents.

In fact, Richard Butler, the former chief U.N. weapons inspector, was asked in an interview on October 8, 2002, "how easy it would be . . . for the Iraquis to arm a terrorist group, or an individual terrorist, with weapons of mass destruction." It would be "extremely easy," Ambassador Butler told the interviewer. "If they decided to do it, it would be a piece of cake."

It is true we cannot enter the diabolical mind of Saddam Hussein to know conclusively if and when he may deliver his weapons—or share those weapons with terrorists organizations. But we do have an obligation to make a judgment on which side of the equation we want to err—knowing he has the means and opportunity to strike, and knowing we will put potentially millions at risk should we misread his inclination, miscalculate this timing, or underestimate his capability.

And we have been wrong before. According to Secretary Rumsfeld, before Operation Desert Storm, "these best intelligence estimates were that Iraq was at least 5 to 7 years away from having nuclear weapons. The experts were wrong. When the U.S. got on the ground, it found the Iraquis were probably 6 months to a year away . . ." Just imagine if we were confronted with an Iraq that already had nuclear capability.

Today he is procuring his weapons with the $6.6 billion in illict revenue GAO estimates he has gained over the last 4 years through oil smuggling and "surcharges." When you consider that al-Qaida spent merely $500,000 to inflict such horror as we saw in New York, Pennsylvania, and the Pentagon, that equation becomes even more ominous—all the more so as September 11 raised our sense of urgency and illuminated a whole new range of dangerous scenarios that place Hussein's weapons of mass destruction in a very different light.

As Henry Kissinger warned the Senate Foreign Relations Committee on September 26, "We are only at the beginning of global proliferation," and thus we need to "consider not only the risk of action but the consequences of inaction." In context of all we know—we can no longer assure Americans that he can be contained and confined to Iraq. Therefore, I believe the world must disarm Saddam Hussein now, when the development of his capability is imminent—not waiting until it is imminent he is about to strike.

In the absence of true strength of enforcement, Hussein will continue to exploit our every weakness through his methodical "cheat and retreat," as he has done systematically and persistently in the past—resulting in more of the old dynamic of U.N. resolutions and economic sanctions, followed by the repeated inability of the U.N. to enforce its own mandates.

To change this paradigm, the President has now rightfully come to Congress to seek authorization and support for a resolution ensuring that when he speaks, he does so with the strength of a unified, unequivocal American voice that leaves no ambivalence as to the resoluteness of our position . . . no doubt where America stands.

Given the gravity of the global implications of Hussein's serial intransigence, there is no substitute for the U.N. enforcing compliance, or for the U.S. working through the U.N. Appropriately, this resolution calls upon the President to use the full weight of this office, first and foremost through his diplomatic means and persuasive power—as well as that of his foreign policy team—to convince the U.N. to impose and enforce unfettered, unrestricted inspections. And as Secretary of State Powell has noted, "our diplomatic efforts at the United Nations would be helped by a strong Congressional resolution. . . ."

Furthermore, as many of my colleagues, as well as my constituents, have expressed, the use of force should be the last resort, and under this resolution it is the last resort. The President emphasized in his speech to the Nation that, "congressional authorization does not mean that military action is imminent or unavoidable."

I realize there are those who oppose unilateral action should the U.N. fail to act, and accordingly would oppose this resolution granting such Presidential authority. But for those who would ultimately preserve the right to authorize military action—even if we cannot secure a U.N. mandate for enforcement—this resolution is preferable to a two-tiered approach.

Why? In my view, by granting military authority to the President in advance, it leaves no question or uncertainty as to the level of our commitment, thereby strengthening the President's ability to secure U.N. implementation of a new and enforceable resolution and potentially places us on a course toward a peaceful disarmament. As always, diplomacy must constitute our first line of defense. But in the event that action becomes necessary to safeguard our national security interests outside the auspices of the United Nations, let there be no mistake—the President must exert the last full measure of effort in building an international coalition to join us in disarming Saddam Hussein, because this shouldn't have to be a solo endeavor for our nation.

Iraq is not just a threat to America. It is a threat to all of humanity. It is not just our interests we are protecting, it is the interests of a new century that must be free from the scourge of global terrorism. And our goals with regard to Saddam Hussein are inseparable from our mission to eradicate terror at its roots.

I have come to the regrettable conclusion that if we allow the Iraqi regime to continue developing its horrific capabilities with impunity, we are endangering mankind by sending a corrosive message that the stockpiling of weapons of mass destruction buys immunity from international response.

If the United States and its allies offer nothing but disapproving rhetoric or ineffective sanctions as the only price for Iraq's hostility and defiance, then we concede a victory to the tactics of aggression. Rather, if the free nations of the world are to remain the authors of our own destiny, history teaches us that we must never countenance the tyranny of such threats.

As Winston Churchill wrote in 1936 of the tyrants building stocks of state-of-the-art weapons of the day:

> Dictators ride to and fro upon tigers which they dare not dismount. And the tigers are getting hungry.

The world can no longer ignore the tiger in Iraq.

Mr. President, I ask unanimous consent that a transcript of the "Today Show" of October 8, 2002, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Matt Lauer (co-host): As we reported, President Bush laid out his case against Saddam Hussein again in a speech on Monday night in Cincinnati. He talked about Iraq's capability to manufacture weapons of mass destruction. Richard Butler was chief U.N. weapons inspector in Iraq and the last person to oversee an inspection team in Baghdad. Mr. Butler, good morning to you.

Mr. Richard Butler (Former U.N. Weapons Inspector): Good morning, Matt. Good to see you.

Lauer: Good to see you. In his speech last night, the president actually quoted you, saying that Saddam Hussein is, quote, "addicted to weapons of mass destruction." You were last in Iraq in 1998, and before your inspection team was kicked out . . .

Mr. Butler: Mm-hmm.

Lauer: . . . you said, and I'm quoting a Time magazine article, quote, "you saw some really disturbing stuff," end quote. Be more specific. What did you see that we should be afraid of now?

Mr. Butler: Well, in particular, Matt, one of the substances that the president mentioned last night, in may I say what I thought was an outstanding speech, I think the best he's given, that substance is called VX. It is the most toxic of the chemical warfare agents. And we saw some deeply disturbing evidence that Iraq had made a very significant quantity of VX. I was pleased to see the president refer to that last night. We also saw evidence that they had loaded it into missile warheads. That's the—the difficulty Iraq has always had, is how to weaponize this hideous stuff that they make and they continue to make. And in the case of VX, we saw evidence that they had loaded it into missile warheads for delivery.

Lauer: Iraq has agreed to let UN weapons inspection teams back into the country with limitations. They will not be allowed to inspect Saddam Hussein's personal palaces. Is that worth anything, in your opinion?

Mr. Butler: No, it's not, Matt. I'm really slightly stunned to think that we are now exactly where we were four years ago. And by the way, it's not palaces, it's presidential sites. The—the parts of Iraq that the Iraqis declared in the past to be of presidential significance measured some 75 square kilometers, you know, 50 square miles, much larger than the eight palaces that Saddam has. The number of buildings is what was really important in those presidential sites. It . . .

Lauer: What's going on at . . .

Mr. BUTLER: . . . was 1,100 . . .

LAUER: . . . those sites . . .

Mr. BUTLER: . . . buildings.

LAUER: . . . in our opinion?

Mr. BUTLER: Well, no, we—we can't know without inspection. But we had excellent intelligence information in the past that weapons were stored there, that materials, with which to make weapons were stored there. Matt, it's always been the same, and it is the same today. The Iraqis say they have no weapons, OK. If they don't, let the inspectors in. And what they have tried to do today, as they did four years ago, is say you can come in up to a point . . .

LAUER: Right.

Mr. BUTLER: . . . but not in the places that we say are presidential. That's not good enough.

LAUER: And real, real quickly, how easy would it be, in your opinion, Mr. Butler, for the Iraqis to arm a terrorist group or an individual terrorist with weapons of mass destruction?

Mr. BUTLER: Really quickly, Matt? Extremely easy. If they decide to do it, piece of cake.

LAUER: Richard Butler. Mr. Butler, thanks very much for your time.

Mr. BUTLER: Thank you.

LAUER: It's 17 after the hour. Once again, here's Katie.

KATIE COURIC (co-host): Thanks, Matt.

Ms. SNOWE. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LEAHY). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

AUTHORIZATION OF THE USE OF UNITED STATES ARMED FORCES AGAINST IRAQ

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S.J. Res. 45, which the clerk will report.

The senior assistant bill clerk read as follows:

A joint resolution (S.J. Res. 45) to authorize the use of United States Armed Forces against Iraq.

Pending:

Lieberman/Warner Modified Amendment No. 4856, in the nature of a substitute.

Graham Amendment No. 4857 (to Amendment No. 4856), in the nature of a substitute.

The PRESIDING OFFICER. The senior Senator from Virginia.

Mr. WARNER. The Senate now turns to the resolution, it is my understanding.

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. The leadership has indicated there have been expressions of interest to speak this morning from Senator FEINGOLD for approximately 30 minutes; Senator KAY BAILEY HUTCHISON for 30 minutes; the Presiding Officer, Senator LEAHY, for 20 minutes; and Senator GRASSLEY for 20 minutes.

Further, we have expressions on this side by about half a dozen other Members who would hope to speak during the course of the day and the afternoon, but we will await announcement of names and times until the other side indicates the expression of interest on their side.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. I am advised it is the Graham second degree amendment.

Mr. MCCAIN. I thank the President for informing me of what the pending business is before the Senate. I urge my colleagues to come and speak on behalf or in opposition to the Graham amendment so we can dispose of that amendment. It is my intention to move to table the Graham amendment after a reasonable length of time for my colleagues to come and speak for or against that amendment, which is my right, as is any Senator's right, but I want to make sure every Senator has the time, if they so wish, to speak on the pending business.

I see my dear friend from Wisconsin in the Chamber. I know he is talking about the overall issue. We need Senators to speak on the Graham amendment. I am sure my friend from Wisconsin and my colleague from West Virginia would be glad to speak, but we need to dispose of the pending Graham amendment and move on to other amendments.

I understand by 1 p.m. all amendments have to be filed. So let us move on and dispose of the Graham amendment.

I yield the floor.

Mr. REID. Mr. President, in debating this resolution on which we spent so much time and so much thought, we are making one of the most important decisions we have ever faced. The decision to send American troops into battle is not one we take lightly and I don't take lightly.

There is much at stake for this Nation. There is much at stake for the State of Nevada. Thousands of men and women in Nevada would undoubtedly be called to support or directly serve in a military conflict with Iraq. Our pilots from Fallon Naval Air Station and Nellis Air Force Base are considered the best aviators in the world. I know they would be asked to play a leading role in eliminating the threat posed by Saddam Hussein.

I am personally very grateful for the contributions that would be made by the National Guard and Reserve forces not only from Nevada but from across our country. These heroic citizen soldiers are such an integral part of the American military. We simply could not succeed without them. We must be mindful that their sacrifices are great because they leave their families and civilian occupations behind and become citizen soldiers. They serve proudly on behalf of our Nation. When called upon, they do not complain. They did not question the need to act. They did not ask why.

However, we must explain that these brave men and women are the reason for making this life-and-death decision. Therefore, I rise today to explain to one man why I intend to vote and how I intend to vote. That man is President George W. Bush. I say, President Bush, your father may recall that a decade ago I was the first Democrat in this body to publicly support his request for congressional authorization to make war to free Kuwait. At that time, I compared Saddam Hussein to Benito Mussolini. My position has not changed, although I believe our continued efforts have degraded Hussein from a second-grade dictator to a third-rate thug.

In 1991, I said I thought the constitutional role of the Chief Executive is to make war. That is our role—halt or prevent an unjust or unwise conflict. I stated my strong belief that the President must be able to use the diplomatic corps and the Marine Corps with equal facility, subject only to our power to force a halt to actions taken contrary to the national interests.

President Bush, I intend once again to vote to give you that power on a geographically limited basis, but I do so with more reluctance because the situation has changed. We do not, as we did 10 years ago, face a dictator who successfully invaded a tiny and relatively defenseless neighbor.

We have not enlisted, as your father did so magnificently, the whole world to fight by our side. We have not yet convinced our people or the world that international law is on our side, or that we are champions of the new world order envisioned by your father in which the power of a nation is measured by the strength of its moral values and not by the size of its Armed Forces.

President Bush, the core ideal which motivated the Founding Fathers was that this would be a nation of laws not men. As such a decent respect to the opinions of mankind requires that we should declare the causes which impel our action. Our quarrel with Iraq is not about one two-bit tin-horn dictator. Rather, it is, and it ought to, be explained as a question of the rule of law.

I am voting you this power, Mr. President, because I know this nation would be justified in making war to enforce the terms we impose on Iraq in 1991, if we have to. But I am also voting you this power secure in the knowledge that no President of the United States of whatever political philosophy, will take this nation to war as a first resort alternative rather than as a last resort.

I found most encouraging your speech on Monday when you said war was not inevitable.

I urge you Mr. President to continue to make the case to the American people and to the world. The international coalition you have started to build is critical, not only for military and cost-sharing reasons, but also to assist in the rebuilding of Iraq.

Your father chose not to carry our fight into the cities of Iraq in 1991, and we have to live with his decision. He gave the Iraqi leadership a chance to reenter the community of peaceful nations. Saddam Hussein has squandered that opportunity.

We stopped the fighting based on an agreement that Iraq would take steps to assure the world that it would not engage in further aggression and that it would destroy its weapons of mass destruction. It has refused to take those steps. That refusal constitutes a breach of the armistice which renders it void and justifies resumption of the armed conflict. President Bush, if you believe the time has come to use force, this resolution authorizes you to do so. I trust you will use this force wisely.

I have no doubt that if Iraq continues to refuse to abide by its agreement the nations united in 1991 will again support enforcement in the United Nations. But Mr. President, the rule of law matters, and so does a decent respect for opinion of the rest of the world. As President of the United States you are the leader of the free world; you are not its ruler.

I will support the Lieberman amendment. But I have said enough, President Bush, and I have said it to explain my vote to you, to the people of Nevada, to the people of this Nation, and to the world. I have confidence, sir, that you will do the right thing.

Mr. FEINGOLD. Mr. President, what is the regular order?

The PRESIDING OFFICER. The regular order is for Senators to debate the Graham amendment to S.J. Res. 45. Senators will be recognized as they seek to speak, as they so appropriately do.

Mr. FEINGOLD. My understanding was there was an order entered whereby I would be recognized at this point.

The PRESIDING OFFICER. It was not a unanimous consent request, but the distinguished Senator from Virginia had mentioned others would be coming. Of course, the Senator from Wisconsin now has the floor and he is in control of his time.

Mr. FEINGOLD. I thank the Chair.

Mr. BYRD. Will the distinguished Senator yield for a question?

Mr. FEINGOLD. I yield for a question.

Mr. BYRD. This Senator has to go downtown and speak around noon. Does the Senator intend to speak a considerable length at this point?

Mr. FEINGOLD. Not that long. I will be concluded in time for the Senator to speak prior to that.

Mr. BYRD. Prior to that time?

Mr. FEINGOLD. Yes, sir.

Mr. BYRD. I wonder if I might ask unanimous consent to follow the Senator from Wisconsin?

Mr. WARNER. I say to my colleague that Senator REID, the assistant Democrat leader, working with us, established the order. In consultation with Senator REID, if he wishes to come back and suggest to us an amendment to what he had in mind, certainly we will take into consideration the desire of the Senator from West Virginia. But at this time, I feel the leadership has established this, and I would not be at liberty to agree to anything else.

Mr. BYRD. If the Senator will yield further without losing the floor?

Mr. FEINGOLD. Yes.

Mr. BYRD. If and when Senator REID comes back to the floor and attempts to change the list——

Mr. REID. I am here.

Mr. BYRD. I was about to say, I was hoping I might be considered on the list and be able to follow the statement by Mr. FEINGOLD.

Mr. REID. Without the Senator from Wisconsin losing his right to the floor, could we answer a few questions that are pending? I was watching the proceedings from my office.

It is my understanding there is an order that is now in effect. Could the Chair announce what that is?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. It is my understanding, under the order, we have four Senators who are set to speak, and they have been given time. Senator FEINGOLD is first. The Republican is Senator HUTCHISON of Texas, to speak for 30 minutes, as I recall. Then Senator LEAHY speaks for 30 minutes, and then Senator GRASSLEY speaks. That is as far as we went this morning.

Mr. MCCAIN. Is there a unanimous consent in effect?

Mr. REID. That order has already been entered.

The PRESIDING OFFICER. The Chair was in error before. There is a unanimous consent that was granted this morning before the present occupant took the chair, giving the allocated times to Senator FEINGOLD, Senator HUTCHISON, Senator LEAHY, and Senator GRASSLEY in the order as described by the senior Senator from Virginia.

Mr. REID. Yesterday, we tried to line up Senators and give specific times, but it did not work. So what we decided to do, with the consent of the two leaders, is to line up a couple on each side. We hope that works better than yesterday. Yesterday we had a little bit of downtime because some people did not speak long enough, some people spoke too long. So if the Senators from Arizona and West Virginia wish to get in the queue, I think that is totally appropriate.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. If the Senator from Nevada will yield, I stated earlier the pending business before the Senate is the Graham amendment. The Graham amendment should be dispensed with. That is why I hope any Senator who supports or opposes the Graham amendment would speak on it because I intend to move to table the Graham amendment, which is my right. So when we line up people to talk, I am all for that, but I would seek recognition at some time—sooner rather than later—so we could dispose of the Graham amendment. We need to move forward on this issue, I say to my friend from Nevada.

Mr. REID. The Senator from Arizona is totally correct. I have been in touch with the Senator from Florida, and he needs to come and speak. Otherwise, his motion is going to be tabled because it is not only the Senator from Arizona but others have the same thing in mind. As we all know, once that motion is made, it is nondebatable. From what I have been able to determine, it is likely that motion would prevail.

I would like to hear from the Senator from West Virginia. Does the Senator from West Virginia wish to speak after the four we have lined up?

Mr. BYRD. I have an engagement downtown. I had hoped to speak immediately following Mr. FEINGOLD. I would have to say to my friend from Arizona my remarks are on the general subject. They are not precisely on the point with respect to the Graham amendment.

May I make a parliamentary inquiry? I ask if the Senator will yield for that purpose?

The PRESIDING OFFICER. The Senator from Wisconsin has the floor.

Mr. FEINGOLD. I do not want to lose my right to the floor at this point. Can the Senator from West Virginia pose a question to me?

Mr. BYRD. I would like to make a parliamentary inquiry of the Chair.

The PRESIDING OFFICER. Does the Senator yield for that purpose?

Mr. FEINGOLD. If I retain my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from West Virginia.

Mr. BYRD. I thank the distinguished Senator for yielding for the inquiry. Is there a motion to invoke cloture before the Senate?

The PRESIDING OFFICER. Two cloture motions were filed yesterday, on the resolution itself and on the Lieberman substitute amendment.

Mr. BYRD. If I might ask, until what time today are Senators in a position to offer amendments in the first degree to the cloture motion on the Lieberman amendment?

The PRESIDING OFFICER. Under rule XXII, a 1 p.m. filing deadline is imposed on the first-degree amendments.

Mr. BYRD. I wonder if Senators would yield consent to allow Senators to file first-degree amendments until a later point today. For example, my own situation is such, I have so many things going on, including a conference on the Defense appropriations. I also have other problems that would impinge upon my ability to offer an amendment by 1 p.m.

Could all Senators have a little longer than that today?

Mr. REID. If I may, with the permission of the Senator from Wisconsin, I will respond to the Senator from West Virginia. I will be happy, while Senator FEINGOLD is speaking, to see if we can work with both sides to see if that is possible. We will do that.

You are scheduled to speak for how long, Senator?

Mr. FEINGOLD. Thirty minutes.

Mr. REID. And I say to my friend from Arizona, we have heard from Senator GRAHAM from Florida. He was ready to come anytime today, but because we lined up the speakers, he did not come. We will make sure he has an opportunity to speak on his amendment and that you are recognized.

Mr. WARNER. Mr. President, we can rearrange the Senators on our side because the Senator from Arizona made the point last night, Senator GRAHAM came in—we were here—unexpectedly, laid that amendment down, and indicated to this Senator that he was going to pursue it early in the morning.

Mr. REID. I say to my friend from Virginia it is not his fault. He is anxious to speak.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. REID. I ask unanimous consent that the time to which the Senator from Wisconsin is entitled still be in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the distinguished Senator from Wisconsin for his kindness and courtesy.

Mr. FEINGOLD. Mr. President, many have spent months reviewing the issue on advisability of invading Iraq in the near future, from hearings and meeting on the process and the very important role of Congress to the difficult questions of substance, including foreign policy and military implications. After my own review and carefully listening to hundreds of Wisconsin citizens in person, I spoke on the floor on Thursday, September 26. I indicated my opposition to the original draft use of force authorization by the President. I also used that opportunity to raise some very important questions to which I needed answers before supporting a narrower and more responsible resolution.

Now, after many more meetings and reading articles and attending briefings, listening to my colleagues' speeches, and especially listening to the President's speech in Cincinnati on Monday, I still do not believe the President and the administration have adequately answered the critical questions. They have not yet met the important burden to persuade Congress and the American people we should invade Iraq at this time.

Both in terms of the justifications for an invasion and in terms of the mission and the plan for the invasion, the administration's arguments do not add up. They do not add up to a coherent basis for a new major war in the middle of our current challenging fight against the terrorism of al-Qaida and related organizations. Therefore, I cannot support the resolution for the use of force before the Senate.

My colleagues, my focus today is on the wisdom of this specific resolution, vis-a-vis Iraq, as opposed to discussing the notion of an expanded doctrine of preemption, which the President has articulated on several occasions. However, I associate myself with the concerns eloquently raised by Senator KENNEDY and Senator BYRD and others that this could well represent a disturbing change in our overall foreign and military policy. This includes grave concerns about what such a preemption-plus policy will do to our relationship with our allies, to our national security, and to the cause of world peace in so many regions of the world where such a doctrine could trigger very dangerous actions with very minimal justification.

I want to be clear about something. None of this is to say that I don't agree with the President on much of what he has said about the fight against terrorism and even what he has said about Iraq. I agree, post-9/11, we face, as the President said, a long and difficult fight against terrorism. We must be very patient and very vigilant, and we must be ready to act and make some very serious sacrifices.

With regard to Iraq, I agree, Iraq presents a genuine threat, especially in the form of weapons of mass destruction, chemical, biological, and potentially nuclear weapons. I agree that Saddam Hussein is exceptionally dangerous and brutal, if not uniquely so, as the President argues. And I support the concept of regime change. Saddam Hussein is one of several despots whom the international community should condemn and isolate with the hope of new leadership in those nations.

Yes, I agree; if we do this Iraq invasion, I hope Saddam Hussein will actually be removed from power this time. I agree, we cannot do nothing with regard to Saddam Hussein in Iraq. We must act. We must act with serious purpose and stop the weapons of mass destruction and stop Saddam Hussein. I agree, a return to the inspections regime of the past alone is not a serious, credible policy.

I also believe and agree, as important and as preferable as U.N. action and multilateral solutions to this problem are, we cannot give the United Nations the ability to veto our ability to counter this threat to our people. We retain and will always retain the right of self-defense, including self-defense against weapons of mass destruction. When such a threat requiring self-defense would present itself—and I am skeptical that is exactly what we are dealing with here—then we could, if necessary, act alone, including militarily.

These are all areas where I agree with the administration. However, I am increasingly troubled by the seemingly shifting justifications for an invasion at this time. My colleagues, I am not suggesting there has to be only one justification for such a dramatic action, but when the administration moves back and forth from one argument to another, it undercuts the credibility of the case and the belief in its urgency. I believe this practice of shifting justifications has much to do with the troubling phenomenon of many Americans questioning the administration's motives in insisting on action at this time.

What am I talking about? I am talking about the spectacle of the President and senior administration officials citing a reported connection to al-Qaida one day, weapons of mass destruction the next day, Saddam Hussein's treatment of his own people on another day, and then on some days the issue of Kuwaiti prisoners of war.

For some of these, we may well be willing to send some 250,000 Americans into harm's way; for others, frankly, probably not.

These litanies of various justifications—whether the original draft resolution discussions or the new White House resolution, or, regrettably throughout the President's speech in Cincinnati—in my view set the bar for an alternative to a U.S. invasion so high I am afraid it almost locks in—it almost requires—a potentially extreme and reckless solution to these problems.

I am especially troubled by these shifting justifications because I and most Americans strongly support the President on the use of force in response to the attacks on September 11, 2001. I voted for S.J. Res. 23—the use of force resolution—to go after al-Qaida and the Taliban and those associated with the tragedies of September 11, and I strongly supported military actions pursuant to S.J. Res. 23. But the relentless attempt to link 9/11 and the issue of Iraq has been disappointing to me for months, culminating in the President's singularly unpersuasive attempt in Cincinnati to intertwine 9/11 and Iraq, to make the American people believe there are no important differences between the perpetrators of 9/11 and Iraq.

I believe it is dangerous for the world—and especially dangerous for us—to take the tragedy of 9/11 and the word "terrorism" in all their powerful emotion and then too easily apply them to many other situations—situations that surely need our serious attention, but are not necessarily the same as individuals and organizations who have shown a willingness to fly suicide planes into the World Trade Center and into the Pentagon.

Let me say the President is right, we have to view the world, the threats, and our own national security in a very different light since 9/11. There are shocking new threats. But it is not helpful to use virtually any strand or extreme rhetoric to suggest the new threat is the same as other preexisting threats.

I think common sense tells us they are not the same. They cannot so easily be lumped together as the President sought to do in Cincinnati.

I have reviewed the intermittent efforts to suggest a connection of 9/11 and Saddam Hussein, or suggest the possibility such a connection has developed since 9/11. I want to be very clear. In fact, if there was a connection in planning for the 9/11 attacks by Saddam Hussein or his agents and the perpetrators of 9/11 and al-Qaida, I have already voted for military action. I have no objection. But if it is not, if this is premised on some case that has supposedly been made with regard to a subsequent coalition between al-Qaida and the Iraqi government, I think the President has to do better. He has to do better than the shoddy piecing together of flimsy evidence that contradicts the very briefings we have received by various agencies. I am not hearing the same things at the briefings I am hearing from the President's top officials.

In fact, on March 11 of this year, Vice President CHENEY, following a meeting with Tony Blair, raised the possibility of weapons of mass destruction falling into the hands of terrorists. He said:

> We have to be concerned about the potential marriage, if you will, between a terrorist organization like al-Qaida and those who hold or are proliferating knowledge about weapons of mass destruction.

In March, there was a potential marriage.

Then the Vice President said on September 8, without evidence—and no evidence has been given since that time—that there are:

> "Credible but unconfirmed" intelligence reports that 9/11 ringleader Mohammad Atta met in Prague with senior Iraqi intelligence officials a few months before the 9/11 attacks.

We have seen no proof of that.

Finally, the Secretary of Defense follows on September 27 of this year, and says:

> There is "bulletproof evidence" of Iraqi links to al-Qaida, including the recent presence of senior al-Qaida members in Baghdad.

I don't know where this comes from. This so-called "potential marriage" in March is beginning to sound like a 25th wedding anniversary at this point.

The facts just aren't there. At least they have not been presented to me in the situations where they should have been presented to me as an elected Member of this body. In other words, the administration appears to use 9/11 and the language of terrorism and the connection to Iraq too loosely—almost like a bootstrap.

For example, I heard the President say in Cincinnati that Iraq and al-Qaida both regard us as a common enemy. Of course they do. Who else are we going to attack in the near future on that basis alone?

Or do we see an attempt to stretch the notion of harboring terrorists? I agree with the President, if any country is actively harboring and assisting terrorists involved in 9/11, we have to act against them. But I don't think you can bring to the definition of harboring terrorists the simple presence of some al-Qaida members somewhere in Iraq. After all, apparently we have al-Qaida agents active in our country as well. They are present in our Nation as well. How can this be a sufficient basis on its own?

Therefore, without a better case for an al-Qaida connection to Saddam Hussein, this proposed invasion must stand on its own merit—not on some notion that those who question this invasion don't thoroughly condemn and want to see the destruction of the perpetrators of 9/11 and similar terrorist attacks on the United States.

Invasion of Iraq must stand on its own—not just because it is different than the fight against the perpetrators of 9/11, but because it may not be consistent with and may even be harmful to the top national security issue of this country. And that is the fight against terrorism and the perpetrators of the crimes of 9/11.

In fact, I am so pleased to see one of the most eloquent spokesmen on this viewpoint here in the Senate Chamber, Senator GRAHAM, who has done a terrific job of trying to point out our top priorities in this area. He said:

> Our first priority should be the successful completion of the war on terrorism. Today, we Americans are more vulnerable to international terrorist organizations than we are to Saddam Hussein.

I ask: Is this war against terrorism going so terribly well when we see the possible explosion of the French tanker in Yemen, when we see the tremendous difficulties in trying to pursue stability in Afghanistan itself, and when we realize we are not certain at all whether Mr. Osama bin Laden is alive or dead? Will the invasion of Iraq encourage our allies and Islamic friends to help us in the fight against terrorism, or just make them extremely nervous?

I met with a group of African Ambassadors the other day in my role as chairman of the Africa Subcommittee of the Foreign Relations Committee. They told me various people were placing bets on what country would be next after Iraq under this new doctrine the President is putting forward. Will this idea of invading Iraq at this time, on this case, on these merits, help or hurt cooperation in our fight against terrorism, against the known murderers of Americans who are known to be plotting more of the same?

I am especially dismayed at the weak response to the potential drain on our military capability and resources in our fight against terrorism, if we go forward with this invasion at this time. The administration likes to quickly say, whenever asked whether we can do this and fight the war against terrorism—they just simply say we can do both. There is no proof. There is no real assurance of this.

I find these answers glib, at best.

When former Secretary of State Kissinger was asked in this regard, he said:

> It is not clear to me what measures that are required in the war against terrorism would be interrupted or weakened by the actions that may be imposed on us if it is not possible to do away with the stockpiles of weapons of mass destruction in Iraq by other means.

That is the only explanation the former Secretary of State gave us on this tough question.

But let's look at what the current Secretary of State, Colin Powell, said in response to a similar question. He said:

> So the campaign against terrorism is going in full swing. And I don't see why there is a suggestion that somehow, if we had to undertake this mission, it would be at the expense of the campaign against terrorism.

That is all he said. Now, that is a pretty weak reassurance, to me, that such an enormous undertaking will not call into question some of our other military efforts and priorities.

What about what we are doing in Bosnia? What about what we are doing in Kosovo? What about all the resources stretching from the Philippines all the way to portions of the former Soviet Union, to the Middle East, to parts of Africa, that are being employed in the fight against terrorism? What about the fact we are using our National Guards and Reserves, many times within our country, to protect our own citizens at public events with regard to the challenge of the fight against terrorism?

All of this, and an invasion of Iraq, too? I wonder. As mighty as we are, I wonder if we are not very close to being overextended. Invasion of Iraq in the next few weeks or months could, in fact, be very counterproductive. In fact, it could risk our national security.

In any event, I oppose this resolution because of the continuing unanswered questions, including the very important questions about what the mission is here, what the nature of the operation will be, what will happen concerning weapons of mass destruction in Iraq as the attack proceeds and afterward, and what the plan is after the attack is over.

In effect, we are being asked to vote on something that is unclear. We do not have the answers to these questions. We are being asked to vote on something that is almost unknowable in terms of the information we have been given.

In my judgment, the issue that presents the greatest potential threat to U.S. national security—Iraq's pursuit of weapons of mass destruction—has not been addressed in any comprehensive way by the administration to date. Of course, I know we don't need to know all the details, and we don't have to be given all the details, and we shouldn't be given all the details, but we have to be given some kind of a reasonable explanation.

Before we vote on this resolution, we need a credible plan for securing WMD sites and not allowing materials of concern to slip away during some chaotic course of action. I know that is a tall order, but it is a necessary demand.

As I said, I agree with the administration when it asserts that returning to the same restricted weapons inspection regime of the recent past is not a credible policy for addressing the WMD problem in Iraq. But there is nothing credible about the "we will figure that out later" approach we have heard to date.

What if actors competing for power in the post-Hussein world have access to WMD? What if there is chaos in the wake of the regime's fall that provides new opportunities for non-state actors, including terrorist organizations, to bid on the sinister items tucked away in Iraq?

Some would say those who do not unquestionably support the administration are failing to provide for our national security. But, I am sure of this: these issues are critical to that security, and I have yet to get any answers.

We need an honest assessment of the commitment required of America. If the right way to address this threat is through internationally supported military action in Iraq, and Saddam Hussein's regime falls, we will need to take action to ensure stability in Iraq and to help the country on the road to reconstruction.

This could be very costly and time-consuming. It could involve the occupation—the occupation—of a Middle Eastern country. Now, this is not a small matter: the American occupation of a Middle Eastern country. Consider the regional implications of that scenario: the unrest in moderate states, the calls for action against American interests, the difficulty of bringing stability to Iraq so we can extricate ourselves in the midst of regional turmoil.

We need much more information about how we propose to proceed so we can weigh the costs and benefits to our national security.

In Afghanistan, the Government of President Karzai works under constant threat, and instability plagues the country outside of Kabul. Many Afghan people are waiting for concrete indicators that they have a stake in this new Taliban-free future. The task is daunting, and we only have just begun that task.

What demands might be added in a post-Saddam Iraq?

I do believe the American people are willing to bear high costs to pursue a policy that makes sense. But right now, after all of the briefings, after all of the hearings, and after all of the statements, as far as I can tell, the administration apparently intends to wing it when it comes to the day after, or, as others have suggested, the decade after. I think that makes no sense at all.

So, Mr. President, I believe to date the administration has failed to answer the key questions to justify the invasion of Iraq at this time.

Yes, September 11 raises the emotional stakes and raises legitimate new questions. This makes the President's request understandable, but it does not make it wise.

I am concerned the President is pushing us into a mistaken and counterproductive course of action. Instead of, in his words, this action being "crucial to win the war on terrorism," I fear it could have the opposite effect.

So this moment—in which we are responsible for assessing the threat before us, the appropriate response, and the potential costs and consequences of military action—this moment is of grave importance. Yet there is something hollow in our efforts. In all of the administration's public statements, its presentations to Congress, and its exhortations for action, Congress is urged to provide this authority and approve the use of our awesome military power in Iraq without knowing much at all about what we intend to do with it.

We are about to make one of the weightiest decisions of our time within a context of confused justifications and vague proposals. We are urged to get on board and bring the American people with us, but we do not know where the ship is sailing.

On Monday night, the President said in Cincinnati: "We refuse to live in fear." I agree. But let us not overreact or get tricked or get trapped out of fear, either.

Mr. President, on the 11th of September, 2001, our country came under attack, and the world suddenly seemed shockingly small and unquestionably dangerous. What followed that horror continued to be frightening and disorienting: anthrax attacks, color-coded threat levels, report after report of terrorist cells seemingly everywhere.

In the weeks and months since September 11, Americans have had to contend with these changes and to come to grips with the reality this could happen again and there are forces planning to do us harm, and we cannot unconditionally guarantee our own safety.

In this new world, we cannot help but sense the future is uncertain, our world is disordered, unpredictable, up for grabs. So when our leaders propose taking action, Americans do not want to resist. But they are resisting this vague and worrisome proposal.

My constituents have voiced their concerns in calls, at town meetings, in letters, and through e-mails or faxes. They are not calling for Congress to bury its head in the sand. They are not naively suggesting Saddam Hussein is somehow misunderstood. But they are asking questions that bear directly on our national security, and they are looking for answers that make sense. They are setting the standard, just as they should do, in a great democracy.

Their standard is high. We should work together to develop a policy toward Iraq that meets it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. The Senator from Texas is present in the Chamber. My understanding is, she is next to be recognized.

The PRESIDING OFFICER. The Senator is right. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I thank the Senators from Virginia, Arizona, and Connecticut for all of the efforts being made to bring a full debate on this issue to the Senate.

Congress has no greater responsibility under the Constitution than to provide for our Nation's common defense. There is no decision we make that requires more careful consideration than a decision to authorize the use of armed forces and, in so doing, send America's sons and daughters into harm's way.

Shortly after I was elected to the Senate, our Nation suffered through the brutal battle in Mogadishu, Somalia. It left 18 of our soldiers dead. Our mission was vague. There was no clear American national security threat in Somalia. The President did not come to the American people and explain the rationale for continued military involvement.

The impact of this uncertainty became very clear to me soon after the tragedy when I met a constituent on a flight from Washington, DC, to Dallas.

He came up to me and said: Senator, my name is Larry Joyce. I am your constituent.

I said: Hi, Larry, how are you doing? What were you doing in Washington?

He said: I was burying my son in Arlington National Cemetery.

His son Casey had been killed in the street ambush that was depicted in the book "Black Hawk Down," also a movie.

Colonel Joyce said to me, with tears rolling down his face: Senator, I am a military man. I served two tours in Vietnam. And now my son Casey, on his first mission as an Army Ranger, is not coming home. Senator, I can't tell you why.

I vowed that day that I would never vote to send an American into battle unless I could answer that question. I want to be able to face any parent and say: This is the national security interest of our country, and that is why your child signed up and was willing to fight and was sent to do so.

Since Somalia, I have come to the Senate floor to express grave reservations about deployments to Haiti, Bosnia, and Kosovo. In each case, I called on the President to come to Congress, make the case to the American people, and outline the U.S. security interest.

After the tragic events of 9/11, President Bush sought and received the authorization to use force to find and destroy the terrorists who had launched that heinous crime. There was no question in my mind and in the minds of most Members of Congress that our national security demanded our support of the President.

Today, President Bush seeks congressional authorization to use military force to deal with the threat Saddam Hussein poses with weapons of mass destruction. We must answer the major question for America: What is the U.S. security interest? Why Saddam? Why now?

It is a question I thought about as I sat among the hushed crowds at the Pentagon's memorial service on September 11, 2002. It was a poignant moment. I was surrounded by those who had suffered so much and many who will ultimately bear the consequences of the decision we are about to make.

I doubt there is anyone in America who doesn't feel as I do. If we could have prevented 9/11, we certainly would have. We didn't have warning, and we paid a heavy price.

It is this experience that has led President Bush to think in a different way about protecting our homeland. I believe he doesn't want to wait until an enemy is finished building his deadly arsenal and ready to attack from a position of strength. It is one thing to turn three commercial airliners into weapons of mass destruction. It is another to have a nuclear missile ready to deploy or to arm an unmanned aerial vehicle with anthrax ready to ship anywhere in the world.

Each generation of Americans has been called to defend our freedom. Each time, our forefathers and mothers have answered the call. Our generation's time of national trial has come. We are being called to stop a new kind of enemy, different from any we have ever fought before. This enemy is not just contained in one country or two, it is spread throughout the world and even within our own borders. This enemy purposely kills itself in order to harm others.

This enemy is patient, building resources and striking when and where we are least prepared. This enemy uses a different method each time. This enemy requires a new kind of defense. That is what the President is attempting to build.

The cold war ended when the Iron Curtain and Berlin Wall came tumbling down. The post-cold-war era ended when the World Trade Center towers came crashing down. September 11 made it abundantly clear that the strategy of deterrence alone is not enough.

The President recently released a new national security strategy. It articulates a policy of preemption and dominance. Some fear that our new national security strategy is too bold. A bold defense does not cause calamities to occur, but a lack of action will. It is not our defense strategy that will provoke attacks on the United States. Rather, it is when we fail to act or fail to lead that our enemies strike. It is when they think we have become soft and complacent that they will kill innocent Americans again.

We have learned hard and valuable lessons these past few years. The first terrorist attack on the World Trade Center occurred in 1993, a bombing that killed 6 Americans and injured more than 1,000. What did we do? In 1996, Hezbollah extremists bombed the United States military barracks at Khobar Towers in Saudi Arabia, killing 19 American servicemembers and injuring 500 others. What did we do? In 1998, al-Qaida terrorists bombed the United States Embassies in Kenya and Tanzania, killing and injuring hundreds. What did we do? In 2000, al-Qaida terrorists again attacked Americans, this time bombing the U.S.S. *Cole* in Yemen, killing 17 American servicemembers and injuring scores more. What did we do?

Then came the devastating attacks of 9/11. Our Nation finally was awakened. We put the pattern together to see the threat to the very freedom that we cherish. We did do something. We took action against our enemy swiftly and boldly after 9/11. Now we must follow through.

The President has asked for authority to meet this threat. Congress gave him wide latitude to root out terrorism. We and our allies are doing that job in Afghanistan, the home base of al-Qaida.

We have liberated millions and millions of innocent Afghanis from the cruel Taliban regime.

Now the President is asking for authority to go into Iraq. Why Iraq? Why now? Because we have learned the lessons of complacency. We have learned the lessons of not being prepared.

The President has solid information that with a small amount of highly enriched uranium, Iraq could have a nuclear weapon in less than a year. We know Iraq already has the means to deliver it. He has hard intelligence that Iraq has chemical and biological weapons and small, unmanned aerial vehicles to disseminate them, potentially killing thousands of people anywhere in the world. The President is saying: "Do we wait for the attack, or do we take steps to prevent it?" Our post-9/11 defense strategy demands that we prevent it.

Saddam Hussein has fired on coalition aircraft patrolling the no-fly zones over Iraq 2,500 times since the Gulf War. Saddam Hussein has rewarded the families of Palestinian suicide bombers. He has attempted to assassinate the former U.S. President who led the international coalition that defeated him in the Gulf War. His No. 1 enemy is the United States of America.

So if all diplomatic efforts fail, and if the U.N. weapons inspectors are not allowed unfettered access to suspected sites, our President wants to be able to take away Saddam Hussein's means to destroy us and our allies.

It is our responsibility to give the President the authorization he needs. The question of whether the security of the United States is threatened has been answered. The answer is yes.

It is with a heavy heart and a realization of the consequences that I will vote yes. But it would be a burden I could not carry to vote no and then, a year or 2 from now, see a preventable attack kill thousands more innocent Americans or our allies.

Mr. President, we are going to meet this test of our generation. We are going to protect the freedom and the way of life that has become the beacon to the world of the way life should be. We can do no less.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Has the Senator completed her statement?

Mrs. HUTCHISON. Yes.

Mr. REID. Mr. President, I ask unanimous consent that following the statement of Senator GRASSLEY, Senator GRAHAM of Florida be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Reserving the right to object. Senator McCAIN will address the Chair.

Mr. McCAIN. Mr. President, I ask the Senator to repeat that.

Mr. REID. I said that following the statement of the Senator from Iowa, Mr. GRASSLEY, Senator GRAHAM be recognized. Based on our conversations, following that, the Senator from Arizona would like to be recognized.

Mr. McCAIN. That is fine.

Mr. REID. I add to the request, Mr. President.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. Mr. President, might I at this juncture complete my statement to express strong support for the remarks made by the distinguished Senator from Texas. She has been very much involved in the planning for this resolution, and I very much appreciate her remarks.

(Mr. REID assumed the Chair.)

Mrs. HUTCHISON. Thank you. I say to the Senator from Virginia that I appreciate that. We have worked together on this resolution to try to ensure that the President has the authorization he needs and that Congress plays its constitutional role. I appreciate all the cooperation on both sides of the aisle to make this happen.

Mr. McCAIN. Mr. President, pending the arrival of Senator LEAHY, I ask unanimous consent for a colloquy with Senator SPECTER and LIEBERMAN. I imagine Senator LEAHY will be here shortly.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I had discussed briefly with the Senator from Connecticut a couple of questions, and I would like to engage him in a colloquy. The first relates to the difference in language between the 1991 resolution authorizing then-President Bush to use force, which says in pertinent part:

> The President is authorized to use United States Armed Forces, pursuant to resolutions of the UN, in order to achieve implementation of those Security Council resolutions.

Now, that is different from the authorization in the current resolution, which says:

> The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate.

The current resolution might be called a subjective standard, which gives substantially greater latitude to President Bush to use force "as he determines to be necessary and appropriate." This language is very much subjective as contrasted with the 1991 language, which is more objective, authorizing the President to use force to achieve implementation of certain Security Council resolutions.

I ask the Senator from Connecticut if the intent here, in trying to develop some legislative history, notwithstanding the language in the present resolution, is really about the same—or is the same—as the 1991 resolution.

Mr. LIEBERMAN. Mr. President, I thank my colleague from Pennsylvania for his thoughtful question. The intent is the same, although we may have a different understanding of what that intent is. I will say that the operative language here may be somewhat different because the circumstances that engendered the resolution of Congress in 1991 are different than now. Then, we had a specific act, which was the Iraq invasion of Kuwait. Resolutions have been passed by the U.N. so that there was specifically reference in the authorizing resolution that Senator WARNER and I were privileged to cosponsor in 1991.

Now we have a totality of circumstances, including the repeated violation of some of those same resolutions, but others calling for inspections, calling for the destruction of weapons of mass destruction that Saddam Hussein has. In fact, in the initial suggestion of a resolution drafted by the White House, there was an enumeration of specific U.N. resolutions, and Members of Congress negotiating—I believe from the other body—preferred to have the term that we have in there now, giving the President the power to use the Armed Forces to enforce all relevant United Nations Security Council resolutions.

In either case, I think what is involved here is an understanding both in the 1991 resolution and in this one that Congress, using its authority under article I of the Constitution to declare war, authorize military action, does so and sets the parameters, but that ultimately, according to article II, it is the President who is the Commander in Chief of the Army, Navy, United States militia of the several States, when called into the actual service of the United States. Implicit in that has to be the understanding that the President will use the force that he determines to be necessary and appropriate.

As I said yesterday, with the authority to give the President comes accountability. So, bottom line: There are two different circumstances that engender slightly different resolutions. In each case, Congress is fulfilling its responsibility to authorize military action, ultimately, within the parameters set forth in both resolutions. You have to give the President, as Commander in Chief, the authority to make decisions that he deems to be necessary and appropriate in the defense of our national security, and then be held accountable for those decisions.

The PRESIDING OFFICER. Senator LEAHY is now recognized for up to 30 minutes.

Mr. LEAHY. Mr. President, was the Senator from Pennsylvania seeking further time?

Mr. SPECTER. I ask, Mr. President, the Senator from Vermont if I may pose one more question.

Mr. McCAIN. Mr. President, I suggest the regular order.

The PRESIDING OFFICER. The time will come off Senator LEAHY's time.

Mr. LEAHY. I will have no objection to that provided the time is not taken from the time the Senator from Vermont has reserved.

Mr. McCAIN. Reserving the right to object, how long will it take?

Mr. SPECTER. Probably less than the time to inquire about it. I will ask the question in a minute or less.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for up to 1 minute.

Mr. SPECTER. The question I have for the Senator from Connecticut is on the expansive whereas clauses. One of these clauses refers to repression of the civilian population of Iraq. I ask whether the resolution intends to give the President the power to use force to cure those kinds of matters, which are separate from the issues of weapons of mass destruction, and whether the issue on weapons of mass destruction is satisfied, so that the UN resolutions are satisfied, and whether the clause on authorization relating to defending the national security interests of the United States will be satisfied with the resolution of the weapons of mass destruction without picking up the whereas clause on regime change.

I think that is less than a minute, Mr. President.

Mr. LIEBERMAN. I probably should let the Senator from Arizona respond because he will do it much more quickly than I.

Mr. LEAHY. Again, Mr. President, I ask this not be deducted from the time available to the Senator from Vermont.

Mr. LIEBERMAN. Mr. President, I will try to do this within a minute and perhaps give time for Senator SPECTER to clarify this. The whereas clauses, the preamble, speak for themselves. It suggests a totality of circumstances that lead the sponsors of the resolution to want to authorize the President, if all else fails, to take military action against Iraq under Saddam Hussein.

Clearly—and what the President has said and what the sponsors of the resolution have said—the focus of our concern is the weapons of mass destruction and the means to deliver them. As we said yesterday, this resolution is intended to send a message to Saddam:

Disarm, as you promised to do 11 years ago at the end of the gulf war, or we will use force to disarm you with our allies and the international community.

Nonetheless, the other conditions describing the totality of Saddam's brutality—violation of international law, invasion of his neighbors, et cetera—are stated in the preamble and consistent with what I said in response to the earlier question.

The President, as Commander in Chief, is given the authority, the responsibility, and accountability to enforce all relevant U.N. Security Council resolutions regarding Iraq. I do not think anyone expects the President to take military action against Iraq if, hopefully, and in some sense miraculously, Saddam disarms, destroys his ballistic missiles, unmanned aerial vehicles, allows inspections without any restrictions. Under those circumstances, it is hard to imagine the President would authorize military action, for instance, in regard to some of the lesser U.N. resolutions as generally understood by this body.

Mr. SPECTER. I thank the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Vermont is recognized for up to 30 minutes.

Mr. LEAHY. Mr. President, I have enjoyed this colloquy and would yield further, but I know there are other Senators awaiting their turn to speak.

On September 26, I spoke at length in this Chamber about the important issue before us. I voiced my concerns and the concerns of a great many Vermonters—in fact, a great many Americans from whom I have heard. I spoke about the President's plan to send Americans into battle to overthrow Saddam Hussein.

Many Senators have also expressed their views on this difficult decision. As I prepared to speak 2 weeks ago, I listened to Senator BINGAMAN urge the administration to seriously consider a proposal for "coerced inspections." After I finished speaking, Senator JOHNSON voiced his support for providing the President with the broad authority he seeks to use military force against Iraq.

The opportunity and responsibility to have this debate is one of the cornerstones on which this institution, and indeed this country is built. Some have suggested that expressing misgivings or asking questions about the President's plan to attack Iraq is somehow unpatriotic. Others have tried to make it an election year issue on bumper stickers or in TV advertisements.

These attempts are misguided. They are beneath the people who make these attempts and they are beneath the issue. This is an issue of war. An issue of war should be openly debated. That is a great freedom of this Nation. We fought a revolution to have such debates.

As I and others have said over and over, declaring war is the single most important responsibility given to Congress. Unfortunately, at times like this, it is a responsibility Congress has often shirked. Too often, Congress has abdicated its responsibility and deferred to the executive branch on such matters. It should not. It should pause and read the Constitution.

In the Senate, we have a duty to the Constitution, to our consciences, and to the American people, especially our men and women in uniform, to ask questions, to discuss the benefits, the risks, the costs, to have a thorough debate and then vote to declare war or not. This body, the Senate, is supposed to be the conscience of the Nation. We should fulfill this great responsibility.

In my 28 years in the Senate, I can think of many instances when we asked questions and took the time to study the facts. It led to significant improvements in what we have done here.

I can also remember times when Senators in both parties wished they had taken more time to carefully consider the issues before them, to ask the hard questions, or make changes to the legislation, despite the sometimes overwhelming public pressure to pass the first bill that came along.

I know following the Constitution is not always politically expedient or popular. The Constitution was not designed to be politically expedient, but following the Constitution is the right course to take. It is what we are sworn to do, and there is no question that having this debate, which really began some months ago, has helped move the administration in the right direction.

Today, we are considering a resolution offered by Senator LIEBERMAN to authorize the use of force. Article I of the Constitution gives the Congress the sole power to declare war. But instead of exercising this responsibility and voting up or down on a declaration of war, what have we done? We have chosen to delegate this authority and this burden to the executive branch.

This resolution, like others before it, does not declare anything. It tells the President: Why don't you decide; we are not going to.

This resolution, when you get through the pages of whereas clauses, is nothing more than a blank check. The President can decide when to use military force, how to use it, and for how long. This Vermonter does not sign blank checks.

Mr. President, I suppose this resolution is something of an improvement. Back in August the President's advisors insisted that there was not even any need for authorization from Congress to go to war. They said past resolutions sufficed.

Others in the administration argued that the United States should attack Iraq preemptively and unilaterally, without bothering to seek the support of the United Nations, even though it is Iraq's violations of U.N. resolutions which is used to justify military action.

Eventually, the President listened to those who urged him to change course and he went to the United Nations. He has since come to the Congress. I commended President Bush for doing that.

I fully support the efforts of Secretary Powell to negotiate a strong, new Security Council resolution for the return of weapons inspectors to Iraq, backed up with force, if necessary, to overcome Iraqi resistance.

Two weeks ago, when the President sent Congress his proposed resolution authorizing the use of force, I said that I hoped his proposal was the beginning of a consultative, bipartisan process to produce a sensible resolution to be acted on at the appropriate time.

I also said that I could envision circumstances which would cause me to support sending U.S. Armed Forces to Iraq. But I also made it clear that I could never support the kind of blank check resolution that the President proposed. I was not elected to do that.

I commend Senator DASCHLE, Senator HAGEL, and others who tried hard to work with the administration to craft a bipartisan resolution that we could all support.

But while the resolution that we are considering today is an improvement from the version that the President first sent to Congress, it is fundamentally the same. It is still a blank check. I will vote against this resolution for all the reasons I have stated before and the reasons I will explain in detail now.

Mr. President, there is no dispute that Saddam Hussein is a menace to his people and to Iraq's neighbors. He is a tyrant and the world would be far better without him.

Saddam Hussein has also made no secret of his hatred of the United States, and should he acquire a nuclear weapon and the means to deliver it, he would pose a grave threat to the lives of all Americans, as well as to our closest allies.

The question is not whether Saddam Hussein should be disarmed; it is how imminent is this threat and how should we deal with it?

Do we go it alone, as some in the administration are eager to do because they see Iraq as their first opportunity to apply the President's strategy of preemptive military force?

Do we do that, potentially jeopardizing the support of those nations we need to combat terrorism and further antagonizing Muslim populations who already deeply resent our policies in the Middle East?

Or, do we work with other nations to disarm Saddam, using force if other options fail?

The resolution now before the Senate leaves the door open to act alone, even absent an imminent threat. It surrenders to the President authority which the Constitution explicitly reserves for the Congress.

And as I said 2 weeks ago, it is premature. I have never believed, nor do I think that any Senator believes, that U.S. foreign policy should be hostage to any nation, nor to the United Nations. Ultimately, we must do what we believe is right and necessary to protect our security, whenever it is called for. But going to war alone is rarely the answer.

On Monday night, the President spoke about working with the United Nations. He said:

> To actually work, any new inspections, sanctions, or enforcement mechanisms will have to be very different. America wants the U.N. to be an effective organization that helps keep the peace. That is why we are urging the Security Council to adopt a new resolution setting out tough, immediate requirements.

I could not agree more. The President is right. The status quo is unacceptable. Past U.N. resolutions have not worked. Saddam Hussein and other Iraqi officials have lied to the world over and over and over. As the President points out, an effort is underway in the U.N. Security Council—led by the United States—to adopt a strong resolution requiring unconditional, unimpeded access for U.N. weapons inspectors, backed up with force if necessary.

That effort is making steady progress. There is wide acceptance that a new resolution is necessary before the inspectors can return to Iraq, and this has put pressure on the other nations, especially Russia and France, to support our position.

If successful, it could achieve the goal of disarming Saddam without putting thousands of American and innocent Iraqi lives at risk or spending tens of billions, or hundreds of billions, of dollars at a time when the U.S. economy is weakening, the Federal deficit is growing, and the retirement savings of America's senior citizens have been decimated.

Diplomacy is often tedious. It does not usually make the headlines or the evening news. We certainly know about past diplomatic failures. But history has shown over and over that diplomatic pressure cannot only protect our national interests, it can also enhance the effectiveness of military force when force becomes necessary.

The negotiations are at a sensitive stage. By authorizing the use of force today, the Congress will be saying that irrespective of what the Security Council does, we have already decided to go our own way.

As Chairman and sometime Ranking Member of the Foreign Operations Subcommittee for over a decade, I have received countless letters from Secretaries of State—from both Democratic and Republican Administrations—urging Congress not to adopt legislation because it would upset ongoing negotiations. Why is this different?

Some say the President's hand will be strengthened by Congress passing this resolution. In 1990, when the United States successfully assembled a broad coalition to fight the gulf war, the Congress passed a resolution only after the UN had acted. The world already knows that President Bush is serious about using force against Iraq, and the votes are there in Congress to declare war if diplomatic efforts fail and war becomes unavoidable.

More importantly, the resolution now before the Senate goes well beyond what the President said on Monday about working through the United Nations. It would permit the administration to take precipitous, unilateral action without following through at the U.N.

Many respected and knowledgeable people—former senior military officers and diplomats among them—have expressed strong reservations about this resolution. They agree that if there is credible evidence that Saddam Hussein is planning to use weapons of mass destruction against the United States or one of our allies, the American people and the Congress would overwhelmingly support the use of American military power to stop him. But they have not seen that evidence, and neither have I.

We have heard a lot of bellicose rhetoric, but what are the facts? I am not asking for 100 percent proof, but the administration is asking Congress to make a decision to go to war based on conflicting statements, angry assertions, and assumption based on speculation. This is not the way a great nation goes to war.

The administration has also been vague, evasive and contradictory about its plans. Speaking here in Washington, the President and his advisors continue to say this issue is about disarming Saddam Hussein; that he has made no decision to use force.

But the President paints a different picture when he is on the campaign trail, where he often talks about regime change. The Vice President said on national television that "The President's made it clear that the goal of the United States is regime change. He said that on many occasions."

Proponents of this resolution argue that it does put diplomacy first. They point to section 4, which required the President to determine that further diplomatic or other peaceful means alone will not adequately protect the national security, before he resorts to military force. They say that this ensures that we will act only in a deliberative way, in concert with our allies.

But they fail to point out that the resolution permits the President to use unilateral military force if he determines that reliance on diplomacy alone.

> . . . is not likely to lead to enforcement of all relevant United Nations Security Council resolutions regarding Iraq. . . .

Unfortunately, we have learned that "not likely" is a wide open phrase that can be used to justify just about anything. So let us not pretend we are doing something we are not. This resolution permits the President to take whatever military action he wants, whenever he wants, for as long as he wants. It is a blank check.

We have the best trained, best equipped Armed Forces in the world, and I know they can defeat Iraq. I hope, as we all do, that if force is used the Iraqi military surrenders quickly.

But if we have learned anything from history, it is that wars are unpredictable. They can trigger consequences that none of us would intend or expect. Is it fair to the American people, who have become accustomed to wars waged from 30,000 feet lasting a few weeks with few casualties, that we not discuss what else could happen? We could be involved in urban warfare where large numbers of our troops are killed.

And what of the critical issue of rebuilding a post-Saddam Iraq, about which the Administration has said virtually nothing? It is one thing to topple a regime, but it is equally important, and sometimes far more difficult, to rebuild a country to prevent it from becoming engulfed by factional fighting.

If these nations cannot successfully rebuild, then they will once again become havens for terrorists. To ensure that does not happen, do we foresee basing thousands of U.S. troops in Iraq after the war, and if so, for how many years? How many billions of dollars will we spend?

Are the American people prepared to spend what it will take to rebuild Iraq even when the administration is not budgeting the money that is needed to rebuild Afghanistan, having promised to do so? Do we spend hundreds of billions in Iraq, as the President's Economic Adviser suggested, while not providing at home for homeland defense, drought aid for farmers, education for our young people, and other domestic priorities?

Who is going to replace Saddam Hussein? The leading coalition of opposition groups, the Iraqi National Congress, is divided, has questionable support among the Iraqi people, and has made little headway in overthrowing Saddam. While Iraq has a strong civil society, in the chaos of a post-Saddam Iraq another dictator could rise to the top or the country could splinter along ethnic or religious lines.

These are the questions the American people are asking and these are the issues we should be debating. They are difficult issues of war and peace, but the administration, and the proponents of this resolution, would rather leave them for another day. They say: vote now! and let the President decide. Don't give the U.N. time to do its job. Don't worry that the resolution is a blank check.

I can count the votes. The Senate will pass this resolution. They will give the President the authority he needs to send United States troops to Iraq. But before the President takes that step, I hope he will consider the questions that have been asked. I hope he considers the concerns raised by former generals, senior diplomats, and intelligence officials in testimony before Congress. I hope he listens to concerns raised privately by some of our military officers. Above all, I hope he will listen to the American people who are urging him to proceed cautiously and not to act alone.

Notwithstanding whatever disagreements there may be on our policy toward Iraq, if a decision is made to send troops into battle, there is no question that every Member of Congress will unite behind our President and our Armed Forces.

But that time has not yet come. Based on what I know today, I believe in order to solve this problem without potentially creating more terrorists and more enemies, we have to act deliberately and not precipitously. The way the United States responds to the threat posed by Iraq is going to have consequences for our country and for the world for years to come.

Authorizing a U.S. attack to overthrow another government while negotiations at the United Nations are ongoing, and before we exhaust other options, could damage our standing in the world as a country that recognizes the importance of international solutions. I am afraid that it would be what the world expects of a superpower that seems increasing disdainful of international opinion or cooperation and collective diplomacy, a superpower that seems more and more inclined to "go it alone."

What a dramatic shift from a year ago, when the world was united in its expressions of sympathy toward the United States. A year ago, the world would have welcomed the opportunity to work with us on a wide agenda of common problems.

I remember the emotion I felt when I saw "The Star Spangled Banner" sung by crowds of people outside Buckingham Palace in London. The leading French newspaper, Le Monde, declared, "We are all Americans." China's Jiang Zemin was one of the first world leaders to call Washington and express sympathy after September 11.

Why squander the goodwill we had in the world? Why squander this unity? If September 11 taught us anything, it is that protecting our security involves much more than military might. It involves cooperation with other nations to break up terrorist rings, dry up the sources of funding, and address the conditions of ignorance and despair that create breeding grounds for terrorists. We are far more likely to achieve these goals by working with other nations than by going it alone.

I am optimistic that the Administration's efforts at the U.N. will succeed and that the Security Council will adopt a strong resolution. If Saddam Hussein refuses to comply, then force may be justified, and it may be required.

But we are a great nation, with a wide range of resources available to us and with the goodwill of most of the world. Let us proceed deliberately, moving as close to our goal as we can by working with our allies and the United Nations, rather than writing a blank check that is premature, and which would continue the trend of abdicating our constitutional authority and our responsibility.

Mr. President, that trend started many years ago, and I have gone back and read some of the speeches the Senators have made. For example, and I quote:

> The resolution now pending is an expression of American unity in this time of crisis.
>
> It is a vote of confidence . . . but is not a blank check for policies that might in the future be carried on by the executive branch of the Government without full consultation by the Congress.

Do these speeches sound familiar? They were not about Iraq. They were spoken 38 years ago when I was still a prosecutor in Vermont. At the end of that debate, after statements were made that this resolution is not a blank check, and that Congress will always watch what the Executive Branch is doing, the Senate voted on that resolution. Do you know what the vote was? 88 to 2. It passed overwhelmingly.

In case everyone does not know what resolution I am talking about, I am talking about the Tonkin Gulf resolution. As we know all too well, the Tonkin Gulf resolution was used by both the Johnson and Nixon administrations as carte blanche to wage war on Vietnam, ultimately involving more than half a million American troops, resulting in the deaths of more than 58,000 Americans. Yet, even the Tonkin Gulf resolution, unlike the one that we are debating today, had a sunset provision.

When I came to the Senate, there were a lot of Senators, both Republicans and Democrats, who had voted for the Tonkin Gulf resolution. Every single Senator who ever discussed it with me said what a mistake it was to write that kind of blank check on the assurance that we would continue to watch what went on.

I am not suggesting the administration is trying to mislead the Congress about the situation in Iraq, as Congress was misled on the Tonkin Gulf resolution. I am not comparing a possible war in Iraq to the Vietnam war. They are very different countries, with different histories, and with different military capabilities. But the key words in the resolution we are considering today are remarkably similar to the infamous resolution of 38 years ago which so many Senators and so many millions of Americans came to regret.

Let us not make that mistake again. Let us not pass a Tonkin Gulf resolution. Let us not set the history of our great country this way. Let us not make the mistake we made once before.

I yield the floor.

Mr. WARNER. Madam President, late last night in a colloquy between myself and the Senator from Oregon, the Senator from Oregon read into the RECORD portions of a letter addressed to Senator GRAHAM, chairman, Select Committee on Intelligence, signed by George Tenet. I ask unanimous consent that that letter be printed in the RECORD today, followed by a statement issued by Mr. Tenet bearing on his interpretation and intent in writing that letter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CENTRAL INTELLIGENCE AGENCY,
Washington, DC, October 7, 2002.

Hon. BOB GRAHAM,
Chairman, Select Committee on Intelligence,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: In response to your letter of 4 October 2002, we have made unclassified material available to further the Senate's forthcoming open debate on a Joint Resolution concerning Iraq.

As always, our declassification efforts seek a balance between your need for unfettered debate and our need to protect sources and methods. We have also been mindful of a shared interest in not providing to Saddam a blueprint of our intelligence capabilities and shortcoming, or with insight into our expectation of how he will and will not act. The salience of such concerns is only heightened by the possibility for hostilities between the U.S. and Iraq.

These are some of the reasons why we did not include our classified judgments on Saddam's decisionmaking regarding the use of weapons of mass destruction (WMD) in our recent unclassified paper on Iraq's Weapons of Mass Destruction. Viewing your request with those concerns in mind, however, we can declassify the following from the paragraphs you requested.

Baghdad for now appears to be drawing a line short of conducting terrorist attacks with conventional or CBW against the United States.

Should Saddam conclude that a US-led attack could no longer be deterred, he probably would become much less constrained in adopting terrorist actions. Such terrorism might involve conventional means, as with Iraq's unsuccessful attempt at a terrorist offensive in 1991, or CBW.

Saddam might decide that the extreme step of assisting Islamist terrorists in conducting a WMD attack against the United States would be his last chance to exact vengeance by taking a large number of victims with him.

Regarding the 2 October closed hearing, we can declassify the following dialogue.

Senator Levin: . . . If (Saddam) didn't feel threatened, did not feel threatened, is it likely that he would initiate an attack using a weapon of mass destruction?

Senior Intelligence Witness: . . . My judgment would be that the probability of him initiating an attack—let me put a time frame on it—in the foreseeable future, given the conditions we understand now, the likelihood I think would be low.

Senator Levin: Now if he did initiate an attack you've . . . indicated he would probably attempt clandestine attacks against us . . . But what about his use of weapons of mass destruction? If we initiate an attack and he thought he was in extremis or otherwise, what's the likelihood in response to our attack that he would use chemical or biological weapons?

Senior Intelligence Witness: Pretty high, in my view.

In the above dialogue, the witness's qualifications—"in the foreseeable future, given the conditions we understand now"—were intended to underscore that the likelihood of Saddam using WMD for blackmail, deterrence, or otherwise grows as his arsenal builds. Moreover, if Saddam used WMD, it would disprove his repeated denials that he has such weapons.

Regarding Senator Bayh's question of Iraqi links to al-Qa'ida, Senators could draw from the following points for unclassified discussions:

Our understanding of the relationship between Iraq and al-Qa'ida is evolving and is based on sources of varying reliability. Some of the information we have received comes from detainees, including some of high rank.

We have solid reporting of senior level contacts between Iraq and al-Qa'ida going back a decade.

Credible information indicates that Iraq and al-Qa'ida have discussed safe haven and reciprocal non-aggression.

Since Operation Enduring Freedom, we have solid evidence of the presence in Iraq of al-Qa'ida members, including some that have been in Baghdad.

We have credible reporting that al-Qa'ida leaders sought contacts in Iraq who could help them acquire WMD capabilities. The reporting also stated that Iraq has provided training to al-Qa'ida members in the areas of poisons and gases and making conventional bombs.

Iraq's increasing support to extremist Palestinians, coupled with growing indications of a relationship with al-Qa'ida, suggest that Baghdad's links to terrorists will increase, even absent US military action.

Sincerely,

JOHN MCLAUGHLIN
(For George J. Tenet, Director).

STATEMENT BY DCI GEORGE TENET, October 8, 2002

There is no inconsistency between our view of Saddam's growing threat and the view as expressed by the President in his speech. Although we think the chances of Saddam initiating a WMD attack at this moment are low—in part because it would constitute an admission that he possesses WMD—there is no question that the likelihood of Saddam using WMD against the United States or our allies in the region for blackmail, deterrence, or otherwise grows as his arsenal continues to build. His past use of WMD against civilian and military targets shows that he produces those weapons to use not just to deter.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 20 minutes.

Mr. GRASSLEY. Madam President, before I give my reasons for my vote on this resolution, I would like to point out some ironies and inconsistencies in some positions of some of my colleagues.

It is not unusual for Senators to be inconsistent in positions taken, but in recent weeks we have had some colleagues blaming the administration for not responding to the pre-9/11 warnings of possible terrorist attacks on the United States. I am talking about the warnings of whether or not the CIA and the FBI had information about that and whether or not the President had access to that information. The insinuation is that maybe the President knew more than what he did and, why didn't he do something about 9/11?

It seems to me the same colleagues are now refusing to support the President's call to disarm Saddam Hussein. The President is trying to preempt Saddam Hussein from unleashing on Americans his weapons of mass destruction. Yet my colleagues who are inconsistent in this way apparently want the President to wait until we are attacked again. I ask, if you were expecting preemption before September 11, 2001, why wouldn't you expect the President to preempt an attack on the United States today?

I come to the floor today to share my thoughts concerning the resolution before the Senate. Again we find ourselves in the midst of an important debate with one of the most important decisions that many Senators will make in our lifetime. The issue of war and peace involves the threats to the lives of the men and women we send to battle. This issue may even involve threats to the American civilian population, as well.

It was just a little more than a decade ago that many Members were here making similar decisions in regard to the Persian Gulf war.

As many of my colleagues may remember, I was just one of two Senate Republicans who opposed the resolution authorizing military action against Iraq in 1991. I voted against that resolution because I questioned the timing of military action while diplomatic measures and economic sanctions had just been started. I felt they needed a chance to work. Opposing the resolution was a difficult decision, but one that I have never regretted.

While today's decision is not one to be taken lightly, it stands in stark contrast to that of 1991. While I opposed that resolution for the reasons I stated, I intend to support the compromise resolution before us because I believe the time to hold Saddam Hussein accountable is past due.

But, this is not the first time since 1991 that Congress has approved a resolution approving military action against Iraq.

In 1998, by unanimous vote by the Senate and an overwhelming 407-6 vote in the House, Congress approved a resolution, and subsequently President Clinton bombed Iraq in December of 1998.

Let us see how forthrightly the Senate spoke at that time about the dangers of Iraq and Saddam Hussein.

I speak from page 2 of the Iraq Liberation Act of 1998. It says in section 3:

> It should be the policy of the United States to support efforts to remove the regime headed by Saddam Hussein from power in Iraq and to promote the emergence of a democratic government to replace the regime.

It is pretty clear we knew about the threat of Saddam Hussein under a Democratic President—President Clinton—with a bipartisan action by consensus of this body. Why should anybody be surprised if President Clinton and the Senate, in a bipartisan way, would be expressing the same concern 4 years later?

What was the basis of that overwhelming vote? Primarily, it was because Iraq has kicked United Nations weapons inspectors out, as they did in 1998. Today we have a lot of intelligence information saying it is a far more dangerous situation today, and particularly for the United States.

Thousands of Americans were killed in that 9/11 attack by terrorists.

Iraq is aligned with those terrorists, and Iraq is building weapons of mass destruction. We must, therefore, respond appropriately.

One of the most pressing concerns expressed by my constituents over the past few months is that of timing. The question: Why now? The question: Why can't we continue to pursue inspections and other diplomatic measures? They are legitimate questions. Many of my colleagues will answer this differently than I will. But the response for me is quite simple. I believe the actions by Saddam Hussein over the past 10 years builds a strong case why firm action is needed and why we cannot afford as a Congress delaying a decision any longer.

None of this precludes inspections or diplomatic missions. But these alternatives demand full cooperation by Iraq if a military response is to be withheld.

However, during the past 10 years, the international community has worked with Iraq through diplomatic efforts, various inspection regimes, economic sanctions, and even limited military force in an effort to encourage Saddam Hussein to abide by the very resolutions he agreed to at the end of the gulf war. He agreed to follow these within the rule of law—the international rule of law. We can legitimately expect any person to agree to follow those agreements.

Yet Saddam Hussein has consistently and convincingly evaded and defied those obligations he agreed to.

In the spring of 1991, the United Nations Security Council agreed to Resolution 687, which required Saddam Hussein to destroy his chemical and biological weapons and to unconditionally agree not to acquire or develop nuclear weapons. That same resolution also demanded Iraq not develop or acquire any weapons of mass destruction. However, the CIA reported Iraq is continuing to develop and acquire chemical and biological weapons.

The report states since the United Nations weapons inspectors left in 1998, Iraq has maintained its chemical weapons effort and invested even more heavily in biological weapons.

In addition, the CIA estimated Iraq could develop nuclear weapons in the near term with the proper supply of material.

United Nations Resolution 687 also required Saddam Hussein to end his support for terrorism and to prohibit terrorist organizations from operating inside the borders of Iraq.

Yet there is clear evidence Iraq has provided safe haven to a number of prominent, international terrorists. Iraq has provided assistance to terrorist organizations whose sole purpose is to disrupt and prevent peace efforts in the Middle East.

Most importantly, fleeing al-Qaida members now reside in Iraq. Of course, it is only a matter of time before these two enemies of the United States join forces—and maybe they already have.

Altogether, Saddam has defied at least 16 United Nations resolutions during the past decade. He has manipulated U.N. weapons inspectors, tortured and repressed Iraqi people, supported international terrorists, and violated United Nations economic sanctions.

So he continues to thumb his nose at the world, and particularly the rule of law under the international regimes we all respect.

The issue is as much about protecting people as it is about enforcing the international rule of law. But enforcing international rule of law is one way to eliminate chaos so people can live peacefully.

Will the United Nations take a stand in defense of their very own resolutions and hold Saddam Hussein accountable? Will the United Nations resolutions, which seek to provide peace and security in the region, continue to be unenforced?

This resolution before the Senate then asks the United Nations: Does the organization want to be relevant during the 21st century, an instrument of peace in this century, or does it somehow want to fade away as the League of Nations did because of its failures in Abyssinia in the 1930s?

I want, and I hope all my colleagues want, the U.N. to be relevant. I want the U.N. to lead. Its moral leadership is important. We have to discourage tinhorn dictators from violating the rule of law. The time for accountability is right now.

According to former President Clinton, in a speech on December 16, 1998:

> Heavy as they are, the costs of action must be weighed against the price of inaction. If Saddam defies the world and we fail to respond, we will face a far greater threat in the future. Saddam will strike again at his neighbors. He will make war on his own people. And mark my words, he will develop weapons of mass destruction. He will deploy them, and he will use them.

That is what President Clinton said in a speech on December 16, 1998.

Former President Clinton's words are very applicable to the situation now, even 4 years later.

I have also heard concerns from people who question this resolution, saying that by supporting it, we are supporting preemptive military action against a sovereign nation. However, for the last decade, the United States and allied forces have patrolled no-fly zones in northern and southern Iraq to protect Kurdish and Shiite minority populations from Saddam Hussein, and all the while they have been fired upon by Iraq's military.

These are American pilots. Some of them have been Iowans because over the past 6 years the Iowa Air National Guard has completed five 90-day missions and will likely be needed for a sixth mission before the end of this year. And as the President stated earlier this week, the American and British pilots have been fired upon more than 750 times. In a sense, we have been involved in military action in Iraq since the 1991 gulf war. So what is contemplated by this resolution cannot be described as preemptive.

Some of my constituents have also questioned the effect this will have on our war on terrorism. I believe that forcing Iraq to disarm is part of the war against terrorism and is consistent with the war on terrorism. Iraq has already been labeled by previous administrations as a state sponsor of terrorism. Iraq is one of seven nations to be designated by our own State Department as a state sponsor of terrorism. And given Iraq's support for international terrorists and its support for efforts to provide safe haven for al-Qaida, it is clear that this effort should not be seen as separate from the war on terrorism but very much an integral part of the war on terrorism.

It is because of our obligations to enforce international law, and to disarm this threat to our national security and to the security of the entire world, that I have decided to support the resolution offered by Senator LIEBERMAN and Senator WARNER.

A decade ago, as I said, I opposed war with Iraq because I believed we had not exhausted all alternatives available at that time. Today, I support this resolution because we have exhausted all other remedies, unless somehow Saddam Hussein has a change of heart. After years of evasion, after years of defiance, the time has come to stand firm and enforce the resolutions to disarm Iraq. Or, on the other hand, it is time for Saddam Hussein to repent and fully cooperate. But his track record in that regard is not very promising.

It is important to keep in mind that this resolution before the Senate does not guarantee military action, nor do I think it should. But it does authorize the use of United States military forces to defend the national security of the United States against this continuing threat posed by Iraq and to enforce all relevant U.N. resolutions regarding Iraq. In other words, this is as much about enforcing the rule of law as a policeman in Washington, DC, would enforce the domestic rule of law to prevent chaos and to encourage law-abiding citizenry, as it is about military action, at least from my standpoint.

Most importantly, this resolution makes clear that if the United Nations fails to ensure full compliance with international law, we will not sit quietly and let this tinhorn dictator ignore the rule of law. At the same time, we will be sending the message to other tinhorn dictators around the world that they had better not violate the international rules of law.

The terrorist attacks on September 11, 2001, dispelled notions of America's invincibility, it placed greater demands on our Government to protect and defend American citizens, and it put more demand on American citizens themselves to look out for their own safety, as a Jerusalem-type terrorist bombing could happen in New York City or Washington, DC, as much as it happens in Jerusalem.

My resolve is stronger than ever to win the war on terrorism, protect U.S. citizens, secure the homeland, and, most importantly, defend American values and our way of life. By supporting this resolution, we will send a strong signal to the United Nations, as well as our friends and allies around the world, that we will not sit idly by and allow a ruthless dictator to violate international law and threaten the security of that region and, in fact, impact the whole world. This resolution says to the world community that America stands together, committed to the rule of law and the security of all nations.

So, Madam President, I urge my colleagues to support this resolution offered by our colleagues, Senator LIEBERMAN and Senator WARNER.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I believe there is an order. I ask unanimous consent that I be able to speak for a moment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LIEBERMAN. Madam President, I thank the Senator from Iowa for his strong and thoughtful statement and for his expression of intention to vote for this resolution—all the more significant, as he pointed out, because he was one of two Republican Members of the Senate to vote against the similar resolution prior to the gulf war. And I think his support—a respected and solid Member of the Senate, as he is—gives encouragement to those of us who are the sponsors of this resolution that when the final roll is called, we will enjoy the broad bipartisan support that I truly believe this resolution deserves and the moment requires.

I thank my colleague and the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I alert Members that at 1:30 or a quarter to 2, thereabouts, there will be a vote. Knowing that the Senator from Arizona usually does not speak for long periods of time, it will probably be closer to 1:30. There will be a vote on the Graham amendment, the pending amendment.

Mr. McCAIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAHAM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Madam President, I rise in support of an amendment which I have offered which will increase the authority of the President of the United States to use force to protect the people of the United States.

This amendment will designate a set of international terrorist organizations for whom the President does not now have the authority to use force as within the range of his authority.

There has been a lot of discussion over the past several months about connecting the dots, seeing a pattern out of what might appear to be isolated independent events. It is always easier to do that after the disaster, after September 11, than it is before. I consider us today as standing before the event has occurred, and I think we can begin to see the pattern of the dots today. What are those dots? What is that pattern?

First, a new element has been added to our assessment of national security risk. That is the element of what is the risk to Americans in the homeland. When we went to war in Korea, we did not ask the question: What will this mean to our people at home? We did not ask that question in Vietnam. We did not ask that question when we voted together to authorize the President to use force in the Persian Gulf. This is a new phenomenon in the paradigm of American and national security consideration.

The second dot is, who poses the greatest risk inside the homeland? In my judgment, it is those nations, organizations, and persons who possess three primary characteristics: One, access to weapons of mass destruction; two, a hatred for the United States; and three, a significant presence of trained operatives within the United States. It is that triumvirate which makes our enemy lethal.

The third dot, that we have the opportunity to reduce the risk of that triumvirate. We can do it by rolling up the terrorists here at home, or we can do it by cutting off the support which the terrorists are receiving from abroad. I suggest we ought to be doing both.

If we are going to effectively attack over there, it requires we have the resources, a strategy, and the authorization to use the force against our enemy over there.

The next dot is a surprising dot. It is essentially a void. Unlike many Members of this Chamber—and I will cite one who just a few moments ago gave a speech in which he implied the President of the United States today has the authority to take on international terrorists who meet these requirements: Access to weapons of mass destruction, hatred of the United States, and a significant presence inside the United States of America. The answer is, no, the President today does not have such authority. In my judgment, the Congress should grant this authority and do so concurrent with the granting to the President his power to use force in Iraq, because it is that act of giving the authority to commence war in Iraq that is going to raise the risk of those terrorists among us attacking.

Those are the dots I see. That is the sequence I think the dots lead us to.

There is one thing we agree upon, and that is that Saddam Hussein is an evil man. He is a tyrant. He has used chemical and biological weapons on his own people. He has disregarded United Nations resolutions calling for inspections of his capabilities and research and development programs. His forces regularly fire on American and British jet pilots enforcing the no-fly zones in the north and south of his country. And he has the potential to develop and deploy nuclear weapons, a potential that we need to monitor closely.

Saddam Hussein lives in a tough neighborhood. It is a neighborhood in which the United States has a number of commitments and threats. The underlying resolution suggests Saddam Hussein is the ultimate bully, the baddest dog in this rough neighborhood, and that taking him out now and for good is in the Nation's highest priority.

I respectfully disagree. And in so disagreeing, I am, or at least I was, joined by the President of the United States and the Secretary of Defense.

Less than 13 months ago, 9 days after the terrorist attack of September 11, the President declared our top national priority to be a war on terrorism. This is what he said:

> Our war on terror begins with al-Qaida but it does not end there. It will not end until every terrorist group of global reach has been found, stopped and defeated.

In his State of the Union speech on January 29 of this year, President Bush restated our priority:

> Our nation will continue to be steadfast and patient and persistent in the pursuit of two great objectives. First, we will shut down terrorist camps, disrupt terrorist plans, and bring terrorists to justice. And, second, we must prevent the terrorists and regimes who seek chemical, biological or nuclear weapons from threatening the United States and the world.

That is what the President said on January 29.

Just Monday of this week, on the anniversary of the commencement of the war in Afghanistan, Secretary of Defense Donald Rumsfeld recommitted himself to the war on terrorism. The Secretary repeated the statement he had made one year earlier:

> Our objective is to defeat those who use terrorism and those who house or support terrorists. The campaign will be broad, sustained, and we will use every element of American power.

The Secretary of Defense proceeded to say:

> Today, Afghanistan is no longer a safe haven for terrorists, but there is no question that free nations are still under threat. Thousands of terrorists remain at large in dozens of countries. They're seeking weapons of mass destruction that would allow them to kill not only thousands but tens of thousands of innocent people. Our objective in the global war on terror is to prevent another September 11th, or an attack that is far worse, before it happens.

The war on terrorism did not begin in Afghanistan. For us, it began in the United States of America on September 11th, 2001. It began and it continues in our homeland. As we assess the many challenges faced by the United States—and Saddam Hussein is clearly among those challenges—we must ask: What is our greatest responsibility? In my opinion, the answer is easy: Securing the peace and safety of the homeland or our great Nation.

And what is the most urgent threat to our peace and security? In my judgment, it is that shadowy group of international terrorists who have the capabilities, the materials, conventional and weapons of mass destruction, the trained core of zealots united by their hatred for the United States, and the placement of many of those bombthrowers so they are sleeping among us, waiting for the order to assault.

For the better part of 2 years, 19 of those killers took silent refuge in the sanctuary of the United States, silent refuge until they struck us on September 11. Three thousand twenty-five innocent lives later, we have learned the bitter lesson of the power of those who live dual lives in our communities. To the outside they were appearing to be unexceptional, while they were prepared to do the most unimaginable evil. Those who committed mass murder left behind a much larger number of terrorists, continuing their dual existence of duplicity.

How many of these are there, Mr. President? What are the skills they possess? What are their plans and intentions? Why are they so driven by hatred? The answer is we know only dimly.

Unfortunately, our ability to tear out these weeds from our home garden is limited because the attention we have paid to understanding this enemy next door has been grossly inadequate.

The Inspector General at the Department of Justice issued a report just last month, in September. That report concluded:

> The Federal Bureau of Investigation serves as the Federal Government's principal agency for responding to and investigating terrorism.

But the IG report went on:

> The FBI has never performed a comprehensive, written assessment of the risk of a terrorist threat facing the United States.

So we arm for battle with a shield of ignorance at home. Unfortunately, one of the realities of the startup of the proposed Department of Homeland Security is that, for at least a transition period, Americans will be even more vulnerable in the homeland. Agencies such as the Coast Guard, Border Patrol, Immigration Service, which will play a key role in protecting our perimeter defenses, will be distracted as organizational relationships of decades or more are reshuffled. And a final increased vulnerability is the likelihood that, if war starts and intensifies in Iraq, this very conflict thousands of miles away could spark a wake-up call to action from the sanctuaries of the Middle East and Central Asia to the sleepers in your hometown.

Mr. President, I refer you to the front-page story in today's Washington Post, which talks about the possibility of counterattacks in the United States after a war commences in Iraq.

The first prong of our defense here in the homeland, which is to root out the terrorists among us—both because of the instability of the days through which we are and will be living and our lack of preparation through the quality of intelligence we need—is not a shield that should give us great hope.

Thus, the importance of a second strategy for disrupting and decapitating the enemy among us—attacking them at their source, just as we have done with such devastating effectiveness against al-Qaida in Afghanistan. One of the reasons the anticipated second, third, and fourth wave of terrorist acts have not occurred since September 11 is the military assault we began on October 7, 2001, has largely dismantled the command-and-control operations of al-Qaida, making it more difficult for them to support and provide financing and logistics to their large number of operatives in the United States.

I believe we need to adopt a similar strategy of disruption and dismantlement. What is it going to take to do so? First, it is going to require the President of the United States have the authority to use that necessary force to dismantle, as he said in his State of the Union speech, the terrorist camps, terrorist plans, and the command-and-control centers of these organizations. Here we come to a point of widespread confusion, and that is the President already has this authority.

On Sunday afternoon, a prominent foreign policy spokesman appeared immediately after Senator SHELBY and myself on a talk show and, in passing in the hallway, she said, "I support the position that you have taken that we need to go after these international terrorists, but doesn't the President already have the authority to do so?" I quickly explained that the answer was no. I think she was stunned at the vulnerability we have and by the limited authority the President has.

Our colleague, the Senator from Texas, today in her remarks implied she thought the President of the United States had the authority to attack international terrorism broader than those who are directly linked to the events of September 11.

If I might say, the very language of the resolution we are considering today carries the same inference.

The language of the resolution states that:

> Acting pursuant to this resolution is consistent with the United States and other countries continuing to take the necessary actions against international terrorists and terrorist organizations, including those who planned, authorized, committed, or aided in the terrorist attack that occurred on September 11.

The fact is the only group the President has authority to use force against is those who planned, authorized, committed, or aided in the terrorist attack that occurred on September 11. The President specifically was denied the authority to take on the other terrorist groups who, in my judgment, represent the greatest threat inside the American homeland today.

Let me just give a little bit of history. On September 12, President Bush requested robust authority to launch a full-scale war on terror. He sent to the Congress a proposed resolution which stated:

> The President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, harbored, committed, or aided in the planning or commission of the attacks against the United States on September 11, 2001, and to deter and preempt any future acts of terrorism or aggression against the United States.

That is what the President asked for on September 12, 2001. But Congress demurred. They only granted the President the power to use necessary force related to those nations or organizations and persons which were determined to be connected to the tragedy of September 11. Al-Qaida was not only our bull's-eye, it was the totality of the target. Two days after the Congress gave the President this limited authority, President Bush, on September 20, expanded the scope of the war:

> In a joint session of Congress, our war on terror begins with al-Qaida, but it does not end there. It will not end until every terrorist group of global reach has been found, stopped, and defeated.

From that point until today, Mr. President, the stated mission of the United States in the war on terror has fallen well beyond the authority we have given to the President of the United States to deliver on that mission.

The President continues:

> . . . to be limited to those nations, organizations, and persons who can be indicted as conspirators and participants in September 11.

This limited authority to use force has made it possible for America and our allies to crush the Taliban and severely cripple al-Qaida. The amendment I offer would extend that power to the President to use necessary force through the next still vigorous and violent band of terrorists.

Against whom would the President by this amendment be given power to use force? The State Department has identified 34 international terrorist organizations, approximately two-thirds of which are in the region of the Middle East and central Asia. They list five, in addition to al-Qaida, that have these characteristics: They currently receive support from a state that possesses weapons of mass destruction; they have a history of hating and killing Americans; and they have the ability today to strike within the United States of America.

Who are these groups? I will name them and then talk about the A team: The Abu Nidal organization, Hamas, the Islamic Resistance Movement, the Palestine Islamic Jihad, and the Palestine Liberation Front.

Who is the A team? The A team is Hezbollah, "the party of God." Hezbollah was formed in 1982 in response to the Israeli invasion of Lebanon. This organization, which is based primarily in Lebanon and Syria and financed from Iran, is a radical Shi'a group which takes its ideological inspiration from the Iranian revolutions and teachings of Ayatollah Khomeni.

Hezbollah formally advocates the ultimate establishment of Islamic rule in

Lebanon and liberating all occupied Arab lands, including Jerusalem. It has expressed as a goal the elimination of Israel. Although closely allied with and closely directed by Iran, the group may have conducted operations that were even beyond those approved by the Government of Iran.

While Hezbollah does not share the Syrian regime's secular orientation, the group has been a strong tactical ally in helping Syria advance its political objectives in the region.

What are some of the activities of Hezbollah? It is known or suspect to have been involved in numerous anti-U.S. terrorist attacks, including the suicide truck bombing of the U.S. Embassy in Beirut in April of 1983; the U.S. Marine barracks in Beirut in October 1983; the U.S. Embassy annex in Beirut in September of 1984; three members of Hezbollah are on the FBI's list of the 22 most wanted terrorists for the hijacking of TWA flight 847 during which a U.S. Navy diver was murdered; elements of the group are responsible for the kidnaping and detention of U.S. and Western hostages.

The group also attacked the Israeli Embassy in Argentina in 1992 and is suspect in the 1994 bombing of the Israeli Cultural Center in Buenos Aires, and the Senator from Texas stated, in her judgment, they were also responsible for Khobar Towers.

This group receives a substantial amount of financial, training, weapons, explosives, diplomatic, and organizational aid from Iran and receives diplomatic, political, and logistical support from Syria. Hezbollah has a significant presence of its trained merchants of death placed in the United States of America.

Mr. President, you will note that several of these organizations gravitate around one axis of evil: Iran. And not surprisingly.

Yesterday, October 8, former FBI Director Louis Freeh testified before the joint inquiry on the attacks of September 11 which are being conducted by the House and Senate Intelligence Committee. Mr. Freeh cited the conclusions of the National Commission on Terrorism that:

> Iran remains the most active state supporter of terrorism. The Iranian Revolutionary Guard Corps and the Ministry of Intelligence and Security have continued to be involved in the planning and execution of terrorist acts. They also provide funding, training, weapons, logistical resources, and guidance to a variety of terrorist groups, including the Lebanese Hezbollah, Hamas, the Palestinian Islamic Jihad, and the Popular Front for the Liberation of Palestine.

My amendment says that those five groups should also be brought within the ambit of evil that the President of the United States should be entitled to use force against to protect the security of the people of the United States of America.

What strategy should be used against the designated international terrorist groups? The decision will be left to the President. The Congress invested its confidence in the judgment of the President on September 18 of last year when it gave him the power to use force against the Taliban and al-Qaida. If the underlying resolution is adopted, he will have the authority to use force against Iraq.

This amendment will give the President the next stage of powers which he will be required to have in order to wage war on terror and to do so to a successful conclusion. The President would have the authority and the subsequent accountability to use these three authorities in whatever sequence and with whatever impact he deems to be in our national interest.

In this stage on the war on terror, the President has already fashioned a war plan: To take out the training camps, the incubators from which in the 1990s thousands of youth were given the skills and the determination to be hardened assassins; to attack the terrorists' plans, to disrupt and dismantle.

Many of these operations, and particularly the training camps, are flourishing today in the orbit of Iran. We should empower the President to take those acts that are going to be necessary to protect the security of the United States.

Director Freeh, in his remarks yesterday, spoke of the need for a full arsenal of weapons to triumph over terrorists. Director Freeh said:

> We must recognize the limitations inherent in a law enforcement response. As we see at this very moment in history, others, to include Congress, must decide if our national will dictates a fuller response.

I am not prepared to say the only response I want against these five organizations that have access to weapons of mass destruction, that have a history of killing Americans and have a capability to do so here at home because of a significant presence of their operatives among us, that we are going to tell the President of the United States that he does not have the authority to attack with force these terrorists groups where they live and to disband and dismantle their capability of continuing to provide support to their agents in the United States.

I believe our national will and our obligation to the security of the American people, especially their security on our native soil, demand a fuller response to meet this fuller challenge.

I conclude by saying that I am not optimistic about the prospects for this amendment, but I am deeply concerned, and I am deeply saddened. I am concerned in part because I see us making life-and-death decisions without consideration because we do not have access to what might be critical, and I would suggest determinative, information. I believe the national security interests are being put at risk by this information not being available.

I am saddened because I fear the action we are going to take will increase the risk at home without increasing our capability to respond to that risk.

I have been described as a cautious man. I will accept that label. I do not see the world as a simple set of blacks and whites. I see the world as a complex of grays. That leads to caution. I believe that caution today is to recognize that we are not dealing with one evil, as evil as Saddam Hussein might be. We are dealing with a veritable army of evils.

We must be prepared to respond to that army of evils. I believe the step we can take today is to give to the President of the United States the opportunity to exercise his judgment as to whether he believes it would be appropriate to use U.S. force against these five international terrorist groups which represent, in my judgment, the most serious urgent threat to the interests of the United States of America, including a threat to Americans at home.

I urge the adoption of this amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my colleague from Florida for the thoughtful statement he has made. I agree with so much he has said, certainly about the threats that are represented by the terrorist groups cited in his amendment, but I want to explain why I have reluctance about the amendment. It is for reasons that are both procedural and substantive.

The resolution offered by Senator McCAIN, Senator WARNER, Senator BAYH, myself, and others—including the occupant of the Chair, the Senator from Georgia—is the result of a detailed, open, and sincere process of negotiation between Members of both Chambers, both parties, and the White House.

This is not to say it is a perfect document, but in responding to the threat to our national security posed by Iraq under the leadership of Saddam Hussein, it represents our best effort to find common ground to dispatch our constitutional responsibility and to provide an opportunity for the broadest bipartisan group of Senators to come together and express their support of action to enforce the United Nations resolutions that Saddam Hussein has constantly violated, and in so doing endangered his neighbors, his people and, of course, the rest of the world, including us. We have a well-worked-over and finely calibrated document.

In his amendment, the Senator from Florida has opened new territory, and I am reluctant to see that added to this resolution, all the more so since the new territory he opens up was considered in the immediate aftermath of the attacks against us on September 11 when the initial resolution in which the President sought to have authority to take action against terrorists generally—not just those who had planned, authorized, committed, or aided terrorist attacks that occurred on September 11 of last year—was rejected or was opposed by a large number of Members of the Senate, including particularly those on the Democratic side, and in that sense the amendment offered by the Senator from Florida may well reopen concerns expressed by many Senate Democrats about granting too much authority to the President at this point.

Let me get to the essence of what is said. Clearly, I agree with what the Senator has said, and I agree wholeheartedly with his description of the terrorist groups he has cited, specifically five in number, and the extent to which they represent a threat to the areas in which they operate, as well as the American people.

I respectfully disagree with him that the President of the United States would not be authorized, without this action, to take action against any of these groups—the Abu Nidal organization, Hamas, Hezbollah, Palestine Islamic Jihad, Palestinian Liberation Front—if the President, as Commander in Chief, concluded that any one of those groups or its members posed a threat to the security of the American people or any group of Americans. It seems to me that is inherent in the authority given to the President, as Commander in Chief, under article II, section 2 of the Constitution, followed by other descriptions of the authority that the President has in that regard, and not just the general constitutional authority but the specific acts of this Congress that have dealt with terrorism and have established a counterterrorism center at the Central Intelligence Agency, counterterrorism programs in the FBI, counterterrorism activities in the Department of Defense and the Department of State, all of them funded by Congress.

Implicit in that is not that the money was funded just to study or investigate but that there is a presumption that if all of those programs produce evidence that any one of those groups is seeking to do damage to any one of the American people or group of Americans, then the President is authorized implicitly, inherently, in his authority as Commander in Chief to take action against them. In fact, as has been testified to publicly, the Special Operations Forces of our military, an extraordinary group we are fortunate to have in our service, has been working on programs together with the intelligence community and various nations around the world to watch—using the term "watch" in the broadest sense of the term—and be prepared to take specific action; not just court action.

After September 11, we have made a transition to understanding that terrorists are at war with the United States so there are times when the best defense we can give is not to build a case in court but to take military action to stop the terrorists from striking before they ever do.

So while I appreciate and support the concerns of the Senator from Florida, my own conclusion is that they would do some damage to the broad support that otherwise will come together for the resolution that we have introduced that deals with the immediate problem of Saddam Hussein, and that in the end it is not necessary because the President, as Commander in Chief, has the inherent authority, under the Constitution and the laws of the United States, to take exactly the action that the Senator's amendment would specifically authorize him to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I associate myself with the remarks of our distinguished colleague from Connecticut and therefore I will not elaborate given the shortage of time.

I say to my colleague from Florida, I am very impressed by his statement today. I think there is merit to be found. I draw the Senator's attention to Public Law 107-40. As the Senator recalls, that is the amendment that the Congress adopted on September 14, 2001, and that dealt with the authorization for use of military force against those responsible for the recent attacks against the United States.

It seems to me that particular statute and that body of law is the place where an amendment like that of the Senator from Florida should be placed, and I say that with all due respect.

My further added observation is that our Secretary of State is now busily engaged at the United Nations with regard to the possible framework of a possible 17th resolution. The draft amendments before the Senate and the House of Representatives are indeed the subject of those discussions.

At this time, to broaden that base could well in some respects jeopardize the efforts on behalf of the United States and others to craft a tough resolution directed clearly at the weapons of mass destruction, Saddam Hussein, and those surrounding his regime.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. I will reserve a few moments to close when others who wish to speak on this motion to table have completed their remarks.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I inform my friend from Florida, under the normal procedures, as soon as I made a motion to table, the vote would begin. But if the Senator from Florida would like for me to ask unanimous consent for him to speak up to how many minutes he would like to before the vote, I would be pleased to propound that.

Does the Senator from Connecticut want to speak again?

Mr. LIEBERMAN. I ask for an additional 2 minutes.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senator from Connecticut be permitted to speak for 2 minutes without my losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut.

Mr. LIEBERMAN. From the text of the resolution we have submitted in section 4(b) after our authorization, we require, as soon as feasible, but not later than 48 hours after exercising such authority—that is, directly deploying forces of the United States—that the President has to make available to the Congress his determination that—and there are two sections he has to report. The material section is this: The President has to declare to Congress that pursuant to this resolution—which is to say deploying forces for the purpose of enforcing U.N. resolutions against Iraq in protecting the national security of the American people against Iraq—is consistent with the United States and other countries continuing to take the necessary actions against international terrorist and terrorist organizations, including those nations, organizations, or persons who planned, authorized, committed, or aided terrorists in the attacks that occurred on September 11, 2001.

I stress that this is not limited to those terrorists who acted against us on September 11.

I see in this further support for the end goal, which the Senator from Florida has, which is to make sure the war against Iraq does not deter our war against terrorism and not just against al-Qaida but against any terrorist group that threatens the people of the United States, including the five the Senator from Florida enumerated.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent that following my remarks and making the motion to table the Graham amendment, Senator GRAHAM be recognized for up to 10 minutes, and immediately following that, the vote occur on my motion to table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I commend the Senator from Florida for his thoughtful statement about the threat of terrorist organizations of global reach posed to American national security. The Senator from Florida has devoted much of his time and professional energies to investigating the terrorist threat in great detail as chairman of the Senate Intelligence Committee.

Again, I thank the Senator for the superb job he has done as chairman of the Intelligence Committee in probably the most trying times this country has experienced since World War II—from an intelligence standpoint, perhaps the most difficult times. And I am grateful we have a man of his caliber in a leadership role. He is an eloquent and thoughtful spokesman on these issues.

I agree that ultimately the war on terrorism will not be won until we have ended these groups' murderous activities and held them accountable for killing American citizens.

However, I must oppose the amendment because it provides our Commander in Chief with authority he has not requested. It is highly unusual for Congress to provide the President the authority to use military force to defend American security against a particular threat when the President himself has not requested such authority.

For the President to determine that the terrorist organizations listed in the Senator's amendment posed an imminent danger to the United States, and if the President requested congressional authorization to use military force to deal with that danger, I don't doubt Congress would have full consideration or debate to provide that authority.

It does seem unusual in a time of war, and in response to the President's request for congressional authorization to confront a threat he has identified as imminent, for Congress to identify and grant the President the authority to use military force to confront a different enemy.

The Graham amendment would increase beyond what was requested by the administration the scope of authority provided to the President. Including these groups in the resolution, unfortunately, muddies the strong message the United States must send to the United Nations Security Council and the world that we are intent on dealing with the threat posed by Iraq.

The President wants a strong statement authorizing the use of force against Iraq. He understands the value of an overwhelming congressional vote to American diplomacy and to demonstrating American seriousness to the world.

The pending resolution represents a carefully crafted, bipartisan, bicameral agreement on providing the President with the authority to use force against Iraq. This amendment is the product of negotiations between the Speaker of the House, Congressman GEPHARDT, the Democrat leader, and the White House. It was carefully crafted. We intentionally introduced the exact same language so that when the other body passes it and we pass it, it will be the exact same message. Modifying that agreement could reopen issues that otherwise have been resolved and would unnecessarily slow down consideration of a resolution that the President has requested and made clear is an urgent priority for his administration.

Yesterday, when asked about the amendment, Secretary Powell stated that Congress should focus in on the threat posed by Iraq. The Secretary also made clear the administration's desire that both Houses of Congress pass identical resolutions to send a message to the world that we are united in our resolve to confront Saddam Hussein and to send a message to Iraq that we are serious about doing so.

The administration opposes the Graham amendment on procedural grounds. The President has requested congressional authorization to use all means necessary to protect American national security against the threat posed by Iraq. For this body to supercede the President's request by identifying other threats to American national security—I could come up with a long list of such threats myself—would send a confused message to the American people and the world as we come together to end the threat posed by Saddam Hussein's regime.

Some have argued that the President's determination to hold Iraq to account would undermine the global war against al Qaeda. I believe this is a false argument, for as the president has said, Iraq and al Qaeda are two faces of the same evil. The Graham amendment would expand our global campaign to target not just al Qaeda but several of the most sophisticated terrorist organizations on earth. I would assume that anyone who worries about diversions from the war on terrorism would vote against expanding that war at this time.

I want to stress, however, that ultimately the war on terrorism will not be won until we have dealt with the threat posed by terrorist groups with global reach such as Hezbollah. Hezbollah and other organizations listed in the Graham amendment have killed Americans and deserve no quarter. They ultimately represent a grave threat to America—a threat that will not diminish until we have dismantled these organizations and held them accountable for murdering Americans.

The pending resolution is not the proper vehicle for this debate. I look forward to working with the Senator from Florida to address the threat posed by Hezbollah and the other terrorist organizations he has listed.

I urge my colleagues to support the request of our Commander in Chief by tabling the Graham amendment.

I ask unanimous consent to have printed in the RECORD a letter from the White House.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, October 9, 2002.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: Thank you for asking the Administration's position on the Graham amendment to the Iraq Resolution. The Administration opposes it.

The Lieberman-Warner-Bayh-McCain amendment represents a carefully crafted bipartisan, bicameral agreement on providing the President with use-of-force authority against Iraq. The Graham amendment would increase—beyond what was requested by the Administration—the scope of authority provided to the President, and introduce additional elements to the resolution. Modifying the agreement now, as the Graham amendment would, could reopen issues otherwise resolved and unnecessarily slow consideration of this important resolution.

Sincerely,

NICHOLAS E. CALIO,
Assistant to the President for Legislative Affairs.

Mr. MCCAIN. I say to my friend from Florida that the administration's message is very clear that they do not disagree with his assessment of the threat. He is held in the highest regard by all who have observed his distinguished work as chairman of the Intelligence Committee.

I thank my friend from Florida for his contributions. I know that in the days ahead he and I will be joining together with other Members of this body in addressing the serious threats to American national security which he has so eloquently described in his statement.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I appreciate the thoughtful remarks of the Senator from Connecticut and the Senator from Arizona. The Senator from Arizona concluded with the hope that we may soon be working together on expanding our efforts to reach those who threaten us here at home. I only hope we will not have another 3,025 Americans unnecessarily exposed to the risks that I see if we do not supplement this resolution with the immediate authority of the President to use force against those organizations which have access to weapons of mass destruction, which have killed Americans, and which have substantial numbers of operatives inside the United States of America at this hour. I invite anybody to say Iraq doesn't meet those standards.

We are not talking about a threat 90 days from now. We are not talking about a threat that may come a year from now if nuclear material is made available. I am talking about a threat that can happen this afternoon.

Let us trace the history of what Congress did. The President asked for this authority on September 12, 2001. We denied it.

When I was in law school, one read the legislative history to try to arrive at legislative intent. It seems to me, just as a first-year-law legislative interpretation, that probably doesn't mean giving the President authority beyond that which is specifically provided. Therefore, the President of the United States, in my judgment, does not have the authority today to use force against Hezbollah or these other groups.

But even beyond the legal limits, let us talk about the pragmatics. The President of the United States in his State of the Union Address on January 29 said our first priority was terrorists—our first priority. And do you know what the first priority of the first priority was? The training camps. Why did he say that? Because those who were responsible said if there was one major mistake we made in the 1990s, it was allowing al-Qaida training camps to be a sanctuary where every year thousands and thousands of young people were converted into hardened assassins.

If that is the criticism we are going to have, because in the 1990s we allowed that to go on month after month and year after year, what is going to be our excuse today when similar training camps are in operation in Iran, Syria, and Syrian-controlled areas of Lebanon? And we are not going to give the President of the United States the authority to use force against those camps? It is inconceivable to me. The very fact that the President, recognizing this, has not acted against those camps is, in my judgment, the strongest verification that he doesn't think he has the authority to do so.

I believe it is not in our national interest to leave this question ambiguous. We want to deter groups such as Hezbollah from continuing to aid, or to provide aid, comfort, and support to their operatives who are placed in the United States. Until we reach the point that we can domestically, through law enforcement means and domestic intelligence, locate and eradicate those operatives who are in this country, we must pursue as aggressively as possible to cut off their support system.

I cannot believe we are saying we are not prepared today to make an unambiguous decision. We don't want to have the Hezbollah going to their lawyers and asking the question, What is the legislative interpretation of what Congress did on September 18, 2001? Does it put us under the gun? I don't want them to have that in their mind. I want them to know, with the clearest method we can write in English and that can be interpreted in all the languages these people speak, that we mean they are under the gun, and they are under the gun now.

There has been a lot of discussion about urgency. Why do we need to do things now? Why can't we wait for 60 days?

Let me tell you why we cannot afford to wait. We are taking an action by authorizing the President to take action against Saddam Hussein. I will stand first in line to say he is an evil person. But we, by taking that action, according to our own intelligence reports—and, friends, I encourage you to read the classified intelligence reports which are much sharper than what is available in declassified form—we are going to be increasing the threat level against the people of the United States. I think we have a moral and legal obligation to at the same time be taking what reasonable steps we can to confront that increased vulnerability.

If you do not like what I am suggesting, if you do not think we ought to give the President authority to use force against groups such as Hezbollah, what do you think we ought to do? Or do you disagree with the premise that we are going to be increasing the threat level inside the United States?

If you disagree with that premise, what is the basis upon which your disagreement is predicated? If you reject that, and believe that the American people are not going to be at additional threat, then, frankly, my friends—to use the term—blood is going to be on your hands. I think we are going to be at substantially greater threat.

I think there are some things we ought to be doing now. We certainly should be escalating the FBI intelligence and other efforts to root out the terrorists who are among us. But we also ought to be attacking the terrorists where they live because it is on the offensive—not the defensive—in my judgment, that we are going to eventually win this war on terror.

My friends, as I said, I am not optimistic about the adoption of this. I recognize there are backroom deals made. This is what people have come together on and locked down on, and say: We are locking down on the principle that we have one evil, Saddam Hussein. He is an enormous, gargantuan force, and that is whom we are going to go after.

That, frankly, is an erroneous reading of the world. There are many evils out there, a number of which are substantially more competent, particularly in their ability to attack Americans here at home, than Iraq is likely to be in the foreseeable future.

But we are going to say we are going to ignore those and we are going to allow them to continue to fester among us. I do not wish to be part of that decision. I am concerned by those who see only one evil, who believe we must all commit ourselves to the arrangement that has been made by a few who have that view of the world. I urge my colleagues to open there eyes to the much larger array of lethal, more violent foes who are prepared today to assault us here at home.

I said in my closing remarks that I was concerned and saddened. I am saddened because I know my colleagues would not knowingly place U.S. lives in unnecessary peril. I am as sure as I have ever been of anything in my life, the peril here in America caused by the action we are about to take could be substantially reduced by giving to the President of the United States the additional powers to send the strongest possible message, and, if necessary, the force to eradicate those who are evil and who have placed evildoers among us, and who are prepared to awaken those evildoers to attack. The responsibility is ours.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I move to table the——

Mr. REID. Will the Senator yield for a question, first?

Mr. McCAIN. I am glad to yield to the Senator from Nevada.

Mr. REID. Mr. President, I have the greatest respect for the Senator from Florida, but the Senator from Arizona and I came to the Congress together. And I hope that my friend from Florida was not implying the Senator from Arizona was involved in any backroom deals because I have never known the Senator from Arizona to be involved in any backroom deals.

Mr. McCAIN. I have been singularly unsuccessful in orchestrating any backroom deals in the years I have served here, I say to my friend from Nevada. And I thank him.

Mr. President, I move to table the pending Graham amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question occurs on agreeing to the motion to table Graham amendment No. 4857.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Louisiana (Ms. LANDRIEU) is necessarily absent.

Mr. NICKLES. I announce that the Senator from Nevada (Mr. ENSIGN) is necessarily absent.

The result was announced—yeas 88, nays 10, as follows:

[Rollcall Vote No. 231 Leg.]

YEAS—88

Akaka
Allard
Allen
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Leahy
Levin
Lieberman

Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (NE)
Nickles
Reed
Reid
Roberts
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner
Wellstone
Wyden

NAYS—10

Baucus
Breaux
Byrd
Corzine
Dayton
Graham
Lincoln
Nelson (FL)
Rockefeller
Torricelli

NOT VOTING—2

Ensign
Landrieu

The motion was agreed to.

The PRESIDING OFFICER (Mr. JOHNSON). The majority leader is recognized.

Mr. DASCHLE. Mr. President, I wanted to inform my colleagues, after consultation with the distinguished Republican leader, that it is our intention, assuming we get cloture tomorrow—the cloture vote will be cast on the resolution tomorrow—it would be my intent to stay in for the full 30 hours, or whatever period of time would be required to complete our work on the resolution.

I said at the beginning of the week, it would be my determination to finish our debate on this resolution before the end of the week and that is still my determination. So if cloture is achieved, we would go for whatever length of time to accommodate Senators who wish to be heard under the rules of cloture.

We would expect, therefore, a vote on final passage on the resolution prior to the time we leave this week. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, shortly I will yield to my distinguished senior colleague, Mr. THURMOND, for not to exceed—what time does he want?

Mr. NICKLES. Five minutes.

Mr. BYRD. Mr. President, I ask unanimous consent that I may yield to my senior colleague, Mr. THURMOND, for not to exceed 5 minutes, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF JUDGE DENNIS SHEDD

Mr. THURMOND. Mr. President, I rise today to express my outrage at yesterday's proceedings in the Judiciary Committee. In an unprecedented move, Chairman LEAHY violated committee rules and removed the nomination of Judge Dennis Shedd from the agenda. On a procedural vote, the committee refused to consider Judge Shedd's nomination.

I am hurt and disappointed by this egregious act of destructive politics. Chairman LEAHY assured me on numerous occasions that Judge Shedd would be given a vote. I took him at his word.

Dennis Shedd is a fine judge who has received a rating of well qualified by the American Bar Association. President Bush nominated him to the Fourth Circuit Court of Appeals on May 9, 2001, but his hearing did not take place until June 27 of this year. Since that time, he has answered all questions asked of him.

For over 17 months, I have waited patiently. On July 31, Chairman LEAHY stated publicly before the Judiciary Committee that we had reached a solution regarding Judge Shedd that would be satisfactory. The chairman's recent actions are not only unsatisfactory, but they are unacceptable. In my 48 years in the Senate, I have never been treated in such a manner.

Mr. President, I hope this situation will be corrected and that Judge Shedd will soon be confirmed as a judge on the Fourth Circuit Court of Appeals.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. REID. Mr. President, may I ask the Senator from West Virginia if he will be kind enough to allow me to respond to the distinguished Senator from South Carolina, as the name of my friend, Senator LEAHY, was mentioned on several occasions.

Mr. BYRD. How much time does the Senator need?

Mr. REID. A few minutes; 6 or 7 minutes at most.

Mr. BYRD. Not to exceed 7 minutes. I make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we understand that Senator THURMOND is disappointed that the Judiciary Committee was not able to proceed on Judge Dennis Shedd's nomination at its meeting this week. We all have great respect for Senator THURMOND and I know that the committee is working toward a committee vote on the Shedd nomination.

The Judiciary Committee has continued to receive opposition from South Carolina and from African American and other civil rights organizations and leaders from around the country to the Shedd nomination. Senators are taking those concerns seriously and being thoughtful and deliberate in reaching their own conclusions.

Over the past weeks, the committee—led by Chairman LEAHY who has done such an outstanding job—has received hundreds of letters from individuals and organizations, both in and out of South Carolina, expressing concerns about elevating Judge Shedd, and these letters raise serious issues. Many of these letters have arrived in just the last week or so. The committee has just received a letter from the Mexican American Legal Defense and Educational Fund, citing the interests of the many Latinos living in the Fourth Circuit, and expressing opposition to Judge Shedd. A letter arrived recently from the Black Leadership Forum asking for more time to consider the nomination. It was signed by a number of well respected African American leaders, including the forum's chairman, Dr. Joseph Lowery, and over a dozen other nationally recognized figures. In recent weeks, State legislators from Delaware, North Carolina, South Carolina, and Maryland, have written with their misgivings about the elevation of Judge Shedd. And hundreds, probably thousands, of letters from South Carolina citizens have been arriving that urge a closer look at Judge Shedd's fitness for this job.

Senator LEAHY was correct in his judgment that beginning the debate on the nomination of Judge Shedd on Tuesday morning would not have resulted in a final vote, but might well have prevented committee action on 17 other judicial nominees of this President. Indeed, as it was, Republicans almost prevented those 17 judicial nominations and six executive branch nominations from being reported before the end of that business session.

Unfortunately, this partisan procedural maneuvering obstructed the committee from reaching any items on the legislative agenda, even the simplest consensus items of significant importance. Republican Senators even objected to granting consent to an amendment of the American Legion charter. I understand that today Republicans boycotted a business meeting of the Governmental Affairs Committee.

I understand that at Senator THURMOND's request, the Judiciary Committee held a hearing for Judge Shedd who has a lifetime appointment to the District Court in South Carolina. Judge Shedd's hearing was the second for a nominee to the Fourth Circuit since the reorganization of the committee in the summer of 2001.

In fact, no judge was confirmed to the fourth Circuit during the last 30 months of Republican majority control even though there were nominees of significant qualifications. Neither Judge James Beaty, Judge Rich Leonard, Judge James Wynn, Judge Roger Gregory, Judge Andre Davis or Elizabeth Gibson received a hearing or a vote from the Republican majority on their nominations to the Fourth Circuit.

In contrast, the first nominee on which the Judiciary Committee held a hearing in July 2001 and the first confirmed after the change in majority was a Fourth Circuit nominee, Judge Gregory.

In addition, the Committee worked hard to consider and report the nomination of Judge Terry Wooten to be a Federal district court judge in South

Carolina at the request of Senator THURMOND. Judge Wooten's nomination was not without controversy but with hard work and perseverance the committee was able to report that nomination to the Senate and the Senate confirmed Judge Wooten last November.

The committee also expedited consideration of Strom Thurmond, Jr., to be the U.S. Attorney for South Carolina last fall, under tremendous pressure to Senator LEAHY.

During the last 15 months, the Judiciary Committee has held hearings on over 100 judicial nominees, voted on 100 and reported 98. The Senate has confirmed 80 to date with 18 more on the calendar, as we speak. That is more hearings for more nominees and more votes on nominees and more confirmations of more nominees than in the last 30 months in which Republicans controlled the Senate.

The Judiciary Committee is doing a good job of helping reduce the judicial vacancies it inherited from the Republicans when they delayed and obstructed President Clinton's nominees.

I understand Senator THURMOND's disappointment, but he has to understand Senator LEAHY is doing an outstanding job. And I and the rest of the Democrat conference totally support this good man, the Senator from Vermont.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. HATCH. Mr. President, I ask the Senator from West Virginia to allow me 5 minutes to respond.

Mr. BYRD. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Utah, Mr. HATCH, for not to exceed 5 minutes—I hope this will be the last request—not to exceed 5 minutes, and that I retain my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I thank the Senator from West Virginia for his courtesy. I appreciate it.

I listened to these remarks, and I am outraged. I know they were not written by any staffer for Senator REID, and they are not accurate. I think we have had very disdainful treatment of one of the most prestigious and important Senators in the history of this body.

Let's think about it. Yesterday, Chairman LEAHY denied a vote on Dennis Shedd, President Bush's nominee for the Fourth Circuit Court of Appeals, the nominee from South Carolina. This action was outrageous because yesterday may very well have been the last markup Senator THURMOND, the former chairman of the Judiciary Committee, who cares very deeply about Judge Shedd's nomination, was able to attend.

The committee rules are very clear. They allow an agenda item held over from 1 week, which Judge Shedd was held over, to be brought up on the next agenda. He was held over on September 19 on that markup agenda by the Democrats.

Yesterday, Chairman LEAHY, in violation of committee rules, removed Judge Shedd from the agenda. This is not right. To my knowledge, that is the first time that has ever happened. It may have happened before, but I do not remember it.

What makes this even more unusual and has our Members outraged is that we operate in the Senate under a presumption that a Senator's word is as good as gold. Chairman LEAHY assured several Republican Senators—our leader, Senator THURMOND, Senator GRASSLEY, Senator BROWNBACK, and myself—that Judge Shedd would get a vote. He promised that to me, and all of these others. It is fair to say the entire Republican caucus expected a vote yesterday on Judge Shedd.

There is no doubt about Judge Shedd's qualifications. He has strong bipartisan support. One of his most ardent supporters from South Carolina is none other than my dear friend and colleague, Senator FRITZ HOLLINGS. The people of South Carolina support him. The ABA, long held to be the gold standard by the Democrats, gave him a well-qualified rating. So it is not Judge Shedd's qualifications that are standing in the way. Simply put, there is no good reason that Judge Shedd did not get a vote at yesterday's markup.

In accordance with the rules, I moved to have a vote. The chairman ruled it out of order. It was a 9-to-9 vote, not sustaining his position but basically not allowing the vote.

The real reason Judge Shedd was not on the agenda was there are liberal special interest groups in this city that seem to have lock-stock control over the Judiciary Committee. When I was chairman, I never ceded control to any of these outside groups. In fact, I told them to get lost. I have to say I paid a big price for it, too. It is atrocious that ceding of control is happening now.

With regard to the Fourth Circuit Court of Appeals and those nominees cited by the distinguished Senator from Nevada, they did not have home State senatorial support. We cannot do much about that when there is not home State senatorial support, which has always been a courtesy that has been extended.

Think about it. Judge Shedd has been waiting for almost 18 months. Now all of a sudden, at the last minute, we come up with all of these lame excuses to not give him a vote. All we were asking for was a vote in accordance with the rules of the Senate—a vote in the Judiciary Committee and then a vote on the floor—for a man who used to be chief of staff of the Judiciary Committee, who was sponsored by one of the most dignified and important Senators in the history of this body. Just one committee vote and a floor vote.

If they want to vote him down, they can do that, but Senator THURMOND deserved the benefit of the doubt. He deserved the privilege of having a vote on his nominee, especially since this nominee has waited for almost 18 months. He was peppered with all kinds of questions. He answered them. He did everything he possibly could. He has a wonderful reputation. He had it when he was on the committee. What is more, every member of that committee who sat when he was here knows it.

Now this is wrong. It is wrong to treat a senior Senator like this. It is wrong to treat a distinguished Federal district court judge like this. It is wrong to break the rules. It is wrong to break them with impunity. And I think it is wrong to treat the President's nominees this way.

To make a long story short, virtually everything that was said yesterday and even today was not very accurate. I would ask that this body reconsider, that my friends on the other side——

The PRESIDING OFFICER. The Senator has spoken for 5 minutes.

Mr. HATCH. I ask for 30 seconds more, and I will finish.

Mr. BYRD. Mr. President, I yield an additional minute to the Senator, under the same conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I am grateful to my colleague.

I ask for simple courtesy from the other side. Give us an up-or-down vote on Dennis Shedd. Everybody who is on the Judiciary Committee knows this man, and I think most others in the Senate know this man and know what a good person he is. But everybody knows Senator THURMOND, that he is an honest, decent man, and he deserves this kind of courtesy, especially at the end of the longest, most distinguished career in the Senate.

I thank my dear colleague from West Virginia.

AUTHORIZATION OF THE USE OF UNITED STATES ARMED FORCES AGAINST IRAQ—Continued

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I take the floor at this time to urge the joint leadership of the Senate to delay the vote on cloture which is set this moment for 10:15 tomorrow morning. I urge the leadership of this body to consider and to help bring about an order that will vitiate that vote on cloture tomorrow morning at 10:15.

I make my plea on behalf of the mothers, fathers, grandmothers, and grandfathers of this country, the fate of whose sons, daughters and grandchildren hinges upon the outcome of the vote on cloture; shutting off the debate of this Senate, shutting it down to 30 hours, with each Senator to have only 1 hour unless other Senators can be prevailed upon to seek unanimous consent to yield that Senator additional time, with the exception of the managers, the majority leader, and the minority leader, who have an additional 2 hours automatically.

What is involved is the fate of the service men and women in this country who may have to go to Iraq, the fate of the reserves, the fate of our National Guardsmen and Guardswomen in this country who may have to go to Iraq.

This decision is going to be made no later than 10:15 tomorrow morning unless it is changed. This is a fateful decision. It involves the treasure of this country. It involves the blood of our fighting men and women. It is too momentous and too far reaching a decision to be signed, sealed, and delivered by 10:15 tomorrow morning.

I know it is in accordance with the rules of the Senate. Nobody knows the rules of the Senate more than I do, and nobody has used the rules of the Senate more than I have in past years. But I say that this rule, which is perfectly within order, should be set aside because of the fateful, momentous, and far-reaching implications and ramifications of this vote.

If we go through with this vote, Senators are going to have 1 hour each, up to 30 hours, and only amendments which are germane can be offered. This is too much, and I appeal to the sense of justice, the sense of right, and the sense of our duties to our people. I appeal to all Senators and to the leadership that we seek to get unanimous consent to put off that vote, to delay it.

Mr. SARBANES. Mr. President, will the Senator yield for a question?

Mr. BYRD. Yes, I yield.

Mr. SARBANES. I ask the very able and distinguished Senator from West Virginia—it is my understanding that the motion to proceed to this resolution took place a week ago. Is that the Senator's understanding?

Mr. BYRD. Mr. President, I yield to the Senator for such a parliamentary inquiry.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SARBANES. Parliamentary inquiry. When did the Senate proceed to this resolution?

The PRESIDING OFFICER. It appears from the Journal, the Senate proceeded to this measure on October 4.

Mr. SARBANES. October 4, and today is October 9. October 4, I am told by the Chair. Today is October the 9th, on a resolution that may take the Nation into war.

Mr. BYRD. That includes Saturday and Sunday.

Mr. SARBANES. The distinguished Senator, I think I am correct in recalling, was the leader of the Senate at the time we did the Panama Canal treaties.

Mr. BYRD. The Senator is correct.

Mr. SARBANES. Did the Senator recall there were two treaties, the neutrality treaty and the canal treaty itself? We went to the neutrality treaty. Floor debate began on February 6 of 1978. We voted on March 16 of 1978. So we had a period from February the 6th until March 16 to consider that treaty.

We then went to the Panama Canal treaty. We began debate on March 17 of 1978 and we voted on that treaty on April 18 of 1978. In other words, roughly 6 weeks on one treaty and a month on the other treaty.

Mr. BYRD. Yes.

Mr. SARBANES. Neither of which involved the prospect of going to war.

Mr. BYRD. Exactly.

Mr. SARBANES. Now, as I understand it, we are facing the prospect of, in effect, terminating all debate, precluding a lot of potential amendments, and ending this matter in about one week's time, a matter of this grave import. I ask the Senator if that is correct.

Mr. BYRD. Absolutely correct. Absolutely correct.

Mr. SARBANES. I make this observation to my colleague. It seems to me it is a sad commentary.

Mr. WARNER. Might I make an observation along the lines of the distinguished colleague now debating this?

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD. Then I will be glad to yield.

Mr. SARBANES. The distinguished Senator from Virginia, I have been watching him. He is marshaling the war forces on the floor of the Senate.

Mr. McCAIN. Is this regular order?

Mr. SARBANES. I see as part of that process, any time anyone speaks, he wants to make an observation. I would be happy to hear it so I get an opportunity to respond.

The PRESIDING OFFICER. The regular order is the Senator from Maryland may ask a question of the Senator from West Virginia.

Mr. BYRD. Mr. President, I share that feeling, and in due time we will get that explanation.

At this moment I appeal, I appeal to the Members of the Senate to find a way to give unanimous consent to put aside this vote on tomorrow and delay it so as to give this Senate more time to debate and to act upon this resolution, which is so weighty, involving, as it does, the most serious, the most solemn question that can ever face this Senate, the question of peace or war. We are being hurried by the rules of the Senate, we are being hurried into reaching a decision that is premature.

I appeal to my colleagues. I appeal to my colleagues. The people out there in the country deserve better than this. They deserve a decision taken after due time, due consideration, ample consideration, ample opportunities to offer amendments and to have them decided.

As it is under the rules of the Senate, we will be forced tomorrow at 10:15 a.m. to vote on cloture. If enough Senators voted against cloture, that would be one thing. If 41 Senators opposed it—or put it this way: If those who support this resolution cannot get 60 votes tomorrow, then we would automatically have additional time.

I am concerned the way this Senate is being stampeded, stampeded. I don't blame any Senator in particular. Every Senator here is acting in accordance with the rules. I am asking that in this peculiar, unique situation involving so much of the country's treasury, in blood and in dollars, I am asking the Senators join with me in putting off this decision. It can be done. It can be done by unanimous consent. That is not asking too much. That is not asking too much.

We are talking about people who are in the military of this country who may have to go to war in a foreign country, depending on this vote tomorrow.

Mrs. BOXER. Will the Senator yield?

Mr. WARNER. Will the Senator yield?

Mr. BYRD. Let me first yield to the distinguished Senator from Virginia for a question, without losing my right to the floor.

Mr. WARNER. I thank my colleague and dear friend from West Virginia.

To both of my colleagues, the Senator from Maryland and the Senator from West Virginia, this debate, as stated, started on the 4th, which was last Friday.

The PRESIDING OFFICER. The Chair advises the Senator from Virginia and the Senator from Maryland that on further review of the Journal, this debate began on October 3, rather than October 4.

Mr. WARNER. Fine.

I had the privilege of being on the floor last Friday afternoon for over 5 hours with this debate on that side of that aisle, led by my distinguished colleague from West Virginia. The Senator from Massachusetts, Senator KENNEDY, participated. The Senator from Connecticut, Mr. DODD, participated. We had 5½ hours. I returned to the floor on Monday. We had another roughly 6 hours of debate. Tuesday is fresh in the minds of all. And here we are.

This is the point I wish to make. I share with my distinguished colleague the seriousness of this vote. It is a vote, hopefully, to ensure a resolution which will act as a deterrent, I say most respectfully, a deterrent, to the use of force, a resolution that will support the United Nations that is this very hour working to possibly craft a 17th resolution which would call for inspections. It is timely that the United Nations hear from not only our President, who gave a brilliant speech, but a unified Congress with these resolutions.

I can conclude my remarks by saying in 1990/1991, I and all of the Members here—most of us were involved in that debate—the record shows the debate began on January 10, 1991, on the Persian Gulf resolution. There were two resolutions, one submitted by myself and the distinguished Senator, Mr. LIEBERMAN, the other by the then-majority leader, Mr. Mitchell. That debate started on the 10th. It concluded 2 days later, just 2 days later, on January 12, 1991, concluding with 2 votes on both resolutions.

So that ended up sending men and women of the Armed Forces, ours and other nations', into harm's way. Let us hope we have had adequate time, having begun on the 3rd, as stated by the Chair, and now we are here today with 13 amendments which have just been submitted, which will be respectfully treated by this body in due course, I hope expeditiously.

The rule is being complied with. This is clear. But it is 13 amendments.

Mr. SARBANES. Will the Senator yield?

Mr. BYRD. I yield.

Mr. SARBANES. Will the Senator agree with me the timetables which the Senator from Virginia just set out, both in 1991 and now, show a deterioration in the Senate's level of commitment in terms of debate on important matters of State?

Now, we do not have to go back that far. The time period I cited was 24 years ago, just shy of a quarter of a century. We took up an important matter of foreign policy, the Panama Canal treaty—two of them, 4 weeks on one and 4 weeks on the other. Now we are here with a resolution to take us to war, and we are told, Well, you know, we have been on it not quite a week. As the Senator pointed out, there was an intervening weekend. Then we are cited as a precedent, Well, in 1991 we did it in a few days.

Not only, it seems to me, does it make my point in terms of the willingness of the Senate to carry on the great national debate that ought to take place on important issues of war and peace, but this is a matter of most fundamental importance.

I ask the Senator. It seems to me it would require the kind of attention and debate that is warranted by an issue of that magnitude.

Mr. BYRD. Mr. President, the distinguished Senator is indubitably correct. There can be no more solemn, no more serious, no more far-reaching a decision than the one which the Senate is approaching.

All of the talk about how many hours or how many days we spent on some previous resolution or subject is entirely aside the point; entirely aside the point.

What I am saying here—and every Senator here knows it—is tomorrow morning at 10:15, we will follow the rules of the Senate. We are going to vote on cloture on the Lieberman resolution, as modified. It has been modified. I don't know how many Senators know that. This resolution has been modified. I only learned about it today. It has been modified in such a way that there is no longer a preamble, or what is considered a preamble. The words "whereas"—I would like to discuss each of these whereas clauses. The whereas clauses have all been changed to "since," which means the preamble is now a part and parcel of the resolution. There is no separate preamble here.

So the wheels have been greased. The wheels of legislative action of debate have been greased.

So here we are now faced with a vote tomorrow morning at 10:15. How many of us are going to be here beyond 6:00 today? It is only 5 minutes to 3 now. How many of us will be here beyond 6:00 today? Then tomorrow, what time are we coming in? 9:00, 10:00?

So we see how little time this Senate is going to be able to focus its full attention on this far-reaching resolution which carries within its pages the fate, the possible fate of this Nation; the fate of hundreds or thousands, or tens of thousands, or hundreds of thousands of servicemen and our National Guardsmen throughout this country. We are holding their fate in our hands.

I say that the rules of the Senate in this instance are being utilized so strictly they are made more demanding.

Why do we have to rush these cloture motions on a matter of this great moment? Why couldn't we have waited and debated this? What is all the hurry?

I say to Senators, and I appeal to the people out there who are watching through those lenses, I appeal to the people in the 50 States and the territory and possessions of this country to rise up and to let themselves be heard. Don't vote for cloture. Let us put off this cloture vote. That is not asking too much. That is not asking too much.

I hope Senators will consider this seriously. Let's not vote on this tomorrow morning at 10:15.

Mrs. BOXER. Mr. President, will the Senator yield?

Mr. BYRD. Yes. I yield for a question.

Mrs. BOXER. I thank the Senator for putting this debate in the proper context and for pointing out what the solemn duty really is in the Senate.

I want to ask my friend a couple of questions.

Has my friend heard, as I have, the President himself and many of his representatives, including Colin Powell, Condoleezza Rice, and Ari Fleischer, repeat over and over again that the President has not yet made a decision to go to war? Has my friend heard that?

Mr. BYRD. There is no question. No farther back than August 21, I read in the newspapers that the President was concerned about the agitation, about all of the commotion—these are my words—that is taking place here concerning his—the President's—plan. Secretary Rumsfeld on that occasion referred to this agitation as a "frenzy". That is my recollection. Go back and check; no farther than August 23.

Here we were being told there were no such plans. As we approach it, the drive is on. We are being stampeded. They are saying, Oh, the vote will take place this week.

Why all the hurry?

I hope we will have an opportunity to debate this resolution. We haven't had a full opportunity to debate this resolution. It has just been modified overnight. Nobody has really had an opportunity to debate each whereas clause.

There are amendments that are going to be offered. We are not going to have a chance to debate those amendments. The distinguished Senator from Michigan has an important amendment.

Mrs. BOXER. If I might ask just a couple of questions—I wanted to say to my friend that not only did they say in August this was a frenzy, and the press was paying so much attention to it, and chastising the press for talking about Iraq—no. They were in a frenzy. But just two nights ago, our President said he has not made a decision to go to war. Colin Powell said that before the Foreign Relations Committee, on which I proudly serve. Condoleezza Rice repeated it. Ari Fleischer repeated it. I tried to check out the history where the President has not made the decision to go to war—over and over again through his operatives, and he himself said it—yet he is coming to this Congress and quickly wants to have a resolution, not just backing a new United Nations resolution, which I think we all feel is very important, and with tough inspections. In fact, most of us believe there should be enforcement of inspections, if need be, which is in Carl Levin's amendment, which I look forward to voting on.

But our President is asking us to give him the authority to go to war alone—alone, with no one else. Other Senators will say that is silly, Senator BOXER. We are not going it alone. Read the resolution of Senator McCAIN. He can go it alone. That is the deal.

Some say we are doing it because we want to force the U.N. to act. I agree with Senator LEVIN. I think it takes the heat off the United Nations.

But the question I ask of my friend is this: In closing, here we are being asked to give the President authority to take this country to war without any help, without any other nation, without any of our allies, before he has made a decision to do so. And I want to ask my friend this because I know he has been here a very long time. He is an Officer of the Senate.

Has my friend been briefed on how many of our military people, men and women, it will take to go to this war?

What will the casualties be? How much will it cost? How long will we have to stay there? What happens afterward? What is the impact in the region? Will Saddam Hussein use his weapons of mass destruction on the battlefield against our people? And what protections do they have?

Those are just a few questions. I want to ask my friend, have those questions been answered? I have asked them. They have not been answered. Perhaps my friend, having so many more years here, might have the privilege of a response to that before we are asked to take our people to war.

Mr. BYRD. Mr. President, there are many questions the American people want answered. There are many questions the American people are entitled to have answers to.

I am only pleading here that the Senate give itself time to explore these questions on behalf of the people whom we serve. Give ourselves time. We haven't had time. We have been rushed through this thing. Now, because of the rules of the Senate, we are going to have to vote tomorrow morning at 10:15 on a question that involves peace or war, a question that involves great sacrifices for this country.

Nobody knows how great those sacrifices may be. And there are many questions that need to be answered. What will we do once Iraq is defeated? What will we do with Iraq? Will our service men and women be required to go there? Will they have to stay there 2 months after the defeat of Iraq? 6 months? 1 year? 2 years? 5 years? 10 years?

Who is going to pay for reviving the economy of Iraq? Where are the moneys coming from to pay the costs of what may be a war of short duration? of what may be a war of long duration? What is the President's plan? What is the administration's plan? Are we going to use the heavy ground option or the heavy air option, or both the heavy ground option and the heavy air option?

Go over to the hospitals surrounding this Capitol and take a look at the emergency rooms. See how many people are in those emergency rooms. See how short on personnel those hospitals are. I know. I have had my wife in a hospital just recently with an appendectomy. Those hospitals are short on beds.

What about the veterans hospitals? What about an upsurge, if it comes, in casualties of Americans? Are we prepared for this? Are we prepared?

What is going to happen on the war here at home, homeland security, the security of our country? Look around us here. Just look at the morning papers. The television is full of it. The people of this area are concerned about their children, about the public schools, and they are being asked not to come to school, not to have recesses.

Here we are talking about war in Iraq, when the focus is being taken off the war here at home. The people's eyes are on home, what is happening around us. Here is a sniper in this area. He has already killed six people at least, and they don't know what he looks like, where he lives, nothing about him, except he is a marksman. He is sure a marksman.

Here we are being told: Tomorrow morning at 10:15 we are going to come to the moment of decision. I say it is not right to the American people that we do that.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. BYRD. I do not intend to hold the floor too much longer. I yield to this Senator, and then I will yield to my friend.

Mr. KENNEDY. Mr. President, I have been listening to the Senator over several days. One of the points he makes so effectively is the fact that even if we have been on the resolution a few days, we were, I was reminded, on the Elementary and Secondary Education Act 21 days, the energy bill 23 days, the trade bill 19 days, and the farm bill 18 days.

But even if we have been on this bill, would the Senator not agree with me that the principal debate has been on the resolutions, not the real impact of the war and what would happen to American troops who would be involved—the numbers of American troops who would be involved—what the impact is going to be on our battle with al-Qaida, what is going to be the impact in terms of the region, in terms of what Saddam may do?

I would be interested in the Senator's comments on that.

Secondly, I would be interested in the Senator's comments on the report this morning in the Washington Post—I am so glad it was declassified—in which the Central Intelligence Agency effectively has agreed that—quoting the paper——

> Unprovoked by a U.S. military campaign, Iraqi President Saddam Hussein is unlikely to initiate a chemical or biological attack against the United States, intelligence agencies concluded in a classified report. . . .

That is the first time we have seen that public. That has been classified. Those of us who have been briefed on it have been unable to use that or to say that. That is a major kind of factor, I think, if we are being asked to vote on a resolution of war: to find out, in our Intelligence Estimate, that the possibility of American troops being affected by the use of chemical warfare increases dramatically—dramatically—when we are putting Saddam Hussein's back against a wall.

This was a question that—I see in the Chamber the chairman of the committee, who was there at the time. I remember very clearly that moment.

But does not the Senator believe that this kind of statement is worth the opportunity for discussion and explanation, that we ought to hear at least what the reality is, that the American people ought to understand, and the parents of those servicemen ought to understand what their children are going to be faced with?

Does the Senator not agree with me that we have been talking about resolutions, and we ought to be talking about the whole issue of terror, the impact it is going to have on our society—whether we go to war—what the impact is going to be on our servicemen, on the region, and on our future?

I welcome the Senator's response to the general question about what this debate, to date, has been about, and then the specific issue that has been raised in the newspapers that has to be of central concern to people in relation to authorizing the President to engage in war and the chances of the use of chemical and biological weapons being increased dramatically if Saddam's back is up against a wall in a conflict.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Massachusetts. He has put his finger on several important points, one of which is this: The American people are just now awakening to the fact that the Senate and the House are about to pass a resolution that turns the power of the people, as measured by their elected representatives in Congress, over to a Commander in Chief—the power to determine when to go to war, the power to declare war. They are just now becoming awake to that fact.

The American people are just now beginning to focus on this. They have not been focused on this. They have not been focused on this. And they are just now beginning to.

Also, the article that the Senator raises, from today's newspaper, indicates there are many things that have a bearing upon this question that are just now coming to the surface. Organizations, persons, people with expertise, scientists, and so on, are just now beginning to focus, and their story is just now beginning to get through.

I think we owe it to ourselves. Why would we want to deny ourselves here in Congress the opportunity to have more facts, the opportunity to study this matter more seriously, the opportunity to debate it, the opportunity to draw up amendments?

Here we are faced, under rule XXII, with having to offer our amendments by 1 o'clock today, in the first-degree amendments. Now, I had to rush to get two amendments ready. I have many other matters that are demanding my time. And other Senators are in the same situation, or even worse situations.

So I plead with the Nation's representatives here in the Senate, with the leadership in the Senate, with the leadership in the other body. I plead with Senators to make every effort to try to get a unanimous consent request to waive this cloture vote on tomorrow.

We are shortchanging the American people. We are shortchanging ourselves as representatives of the American people. We are shutting ourselves out of the opportunity. And it is no fault of any particular Senator. It is the rule that we are up against here, and only by unanimous consent can we waive it.

But I plead in the name of the people of this country, in the name of the young men and women whose lives may be put on the line by the decision that this Senate will make tomorrow morning at 10:15. It is too weighty. It is too far-reaching. It is only fair to the people of America, who are going to be asked to give, in some instances, everything they have, if a war ensues. I tell you my friends, I don't want that on my conscience, not I. I apologize to Senators who have been standing here waiting.

I yield to the Senator from South Carolina.

Mr. HELMS. Will the Senator yield for no more than 5 minutes?

Mr. LEVIN. Will the Senator yield for a question?

Mr. BYRD. Of course, I am entitled to yield for a question, but I would like to yield to the Senator from South Carolina. He has been on his feet.

Mr. LEVIN. Is the Senator yielding his right to the floor? If so, I would ask that before he does that, he open himself to a question.

Mr. BYRD. I have no intention of holding the floor. I do intend to offer an amendment, however, before I yield the floor.

Mr. LEVIN. If the Senator intends to yield the floor before Senator HELMS speaks, would the Senator yield for a question first?

Mr. BYRD. Mr. President, I yield for a question.

Mr. LEVIN. My question is this: In addition to the fact that cloture, if invoked, will close off debate and have the effect which has been described here, it has another effect, does it not, which is that amendments following cloture must be strictly germane?

In preparation for the answer to that question, I want to say the following: The alternative amendment which I intend to offer is an amendment which says we should seek the U.N. to authorize force-to-force inspections, to authorize member states to use force-to-force inspections—in other words, to go multilaterally with force—but does not at this time authorize a go-it-alone approach. That is my alternative.

My alternative also specifically provides—this is the question——

Mr. HELMS. Will the Senator yield, please? Can there be an understanding, when you have completed, that I be recognized for 5 minutes? I won't take that long. Would that be agreeable with the Senator?

The PRESIDING OFFICER (Mr. CARPER). Is there objection to the unanimous consent request?

Mr. KERRY. Reserving the right to object, I would simply request that after the Senator from North Carolina has spoken, I be recognized.

Mr. McCAIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LEVIN. The rest of my question is this——

The PRESIDING OFFICER. Is there objection to the unanimous consent request of the Senator from North Carolina?

Without objection, it is so ordered.

Mr. LEVIN. The alternative resolution which I intend to offer has a provision in it which will be prohibited from being included if cloture is invoked because even though it is obviously relevant to this debate, it is not strictly germane under our rules. I want to ask the Senator about this.

Part of my alternative resolution says: Let us go to the U.N. Let us go together. Let us go multilaterally. Let's have the strength of the world community behind us because it avoids a lot of negative consequences and gives us great strength in proceeding against Saddam to go with the world. But part of my resolution is that Congress would not adjourn sine die so that the Congress could resume session, if necessary, to promptly consider proposals relative to Iraq if, in the judgment of the President, the U.N. Security Council does not promptly act on a resolution to enforce inspections. That is an important part of the resolution that I intend to offer.

But is it not true, I ask my good friend from West Virginia, if that part of the resolution is ruled not strictly germane, although it is obviously relevant, that means I would not be able to offer the resolution in that form? And is that also not a very negative result of cloture being invoked? Does that not deny us an opportunity to vote on something which is so important to this debate?

Mr. BYRD. It is, indeed, most unfortunate.

Mr. LEVIN. I will be offering the resolution in two forms: One that contains this important language which would fall if cloture is invoked; one that does not contain it, which it seems to me would then be denying the Senate an opportunity to consider, debate, deliberate a full alternative to the President's go-it-alone approach.

Mr. BYRD. That is one of the penalties this Chamber will pay, that the Senator will pay, that the American people will pay as a result of a rule, a rule which I support and have supported. But here we are, caught in a situation where without adequate debate, we have been pushed to a cloture vote in the drive—and I don't mean to criticize any person, it is a stampede—in the drive to have this decision made before the Members of Congress go home for the November elections.

Mr. WARNER. Could I reply to the Senator from Michigan?

Mr. BYRD. That is less than 4 weeks away. It is most unfortunate.

Mr. WARNER. May I ask the Senator from Michigan a simple question?

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. WARNER. Could I just ask the Senator from Michigan a simple question? Did you not have the right to offer an amendment on Friday, Monday, Tuesday? That question has been open to the Senator.

Mr. BYRD. I am going to give up the floor very shortly.

The PRESIDING OFFICER. Under the unanimous consent request earlier, the Senator from North Carolina is recognized for 5 minutes, once the Senator from West Virginia has concluded.

Mr. LEVIN. I believe there was only debate on Friday and Monday, no amendments. I am informed, debate only.

Mr. McCAIN. I would ask my colleagues, please, let's observe the rules of the Senate.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

AMENDMENT NO. 4868 TO AMENDMENT NO. 4856, AS MODIFIED

Mr. BYRD. Before I yield the floor, I call up amendment No. 4868 and ask that it be stated by the clerk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 4868 to amendment No. 4856, as modified:

(Purpose: To provide statutory construction that constitutional authorities remain unaffected and that no additional grant of authority is made to the President not directly related to the existing threat posed by Iraq).

At the appropriate place, insert the following:

SEC. 5. STATUTORY CONSTRUCTION.

Nothing in this joint resolution—

(1) is intended to alter the constitutional authorities of the Congress to declare war, grant letters of Marque and Reprisal, or other authorities invested in Congress by Section 8, Article I of the Constitution; or

(2) shall be construed as granting any authority to the President to use the United States Armed Forces for any purpose not directly related to a clear threat of imminent, sudden, and direct attack upon the United States, its possessions or territories, or the Armed Forces of the United States, unless the Congress of the United States otherwise authorizes.

Mr. BYRD. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. KERRY. Mr. President, point of inquiry?

The PRESIDING OFFICER. Will the Senator from North Carolina yield?

Mr. HELMS. I yield for that purpose.

Mr. KERRY. I ask unanimous consent that after the Senator from North Carolina, I be recognized, following the——

Mr. McCAIN. I object. I will seek and obtain recognition after the Senator from North Carolina.

The PRESIDING OFFICER. Objection is heard.

Mr. KERRY. I ask unanimous consent that the Senator from Arizona be recognized, after which I be recognized following the Senator from Nebraska, and I think the Senator from Connecticut.

Mr. REID. Mr. President, I would like to know what the request is. What is the request?

Mr. HELMS. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from North Carolina has the floor and he yielded to the Senator from Massachusetts for an inquiry.

Mr. HELMS. Mr. President, I used to be a sports writer. I know what freezing the ball is doing.

I ask that it be in order for me to make my short statement seated at my desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, the most fundamental and painful of decisions—whether to authorize the President to send U.S. military personnel to war—is being confronted by the Senate today, previous days, and maybe more days. I believe the decision is in good hands.

I have had the privilege of serving in this body for nearly 30 years. The men and women in this chamber are the respected servants of the American people. I have faith in my fellow Senators.

For 3 days in August and 2 days in September, the Foreign Relations Committee heard testimony on the possibility of American military action against Iraq. We heard 23 witnesses, including current and former Secretaries of State, former National Security Advisors, a number of experts on Iraq from academia and from prominent research institutes, an important defector from Iraq's nuclear weapons program, retired senior level military officers, and former members of U.N. inspections teams in Iraq.

The chairman of the committee, Senator BIDEN, deserves our thanks for conducting these hearings in a fair and comprehensive manner.

The hearings established some fundamental points that deserve repeating here on the floor.

First, the threat posed by the Iraqi regime to American national security is serious and growing. Former Secretary of State Madeleine Albright testified that after U.N. inspectors were banished by Iraq in 1998, ". . . the risk that Saddam Hussein will succeed in reconstituting deliverable weapons of mass destruction has increased. It is in the interest not only of the United States but also of the entire international community to act."

Former U.S. Ambassador to the United Nationals Richard Holbrooke similarly stated: "in my view, Saddam is even more dangerous than [former Serbian leader Slobodan] Milosevic, given his continuing quest for weapons of mass destruction. Left alone, he will only seek to become stronger."

Now, neither of these two eminent individuals share all of President Bush's foreign policy priorities. But both concede that the threat is real, and growing.

Second, three former high-ranking members of the U.N. Special Commission agreed that inspections will fail to stop Iraq's development of weapons of mass destruction. Charles Deulfer stated that, in his opinion, inspections "are only a short term palliative and do not address the fundamental problem. Saddam knows this."

Ambassador Robert Gallucci noted that "We can assume that any regime that appeared as though it would be effective in blocking Iraqi WMD acquisition would also be resisted by Iraq. Therefore, the only way to impose such a regime short of war would be to pose to Iraq the credible alternative of a prompt invasion and regime change if the inspection regime change if the inspection regime resisted."

Lastly, Ambassador Richard Butler, the former head of the inspections team, warned that inspections were doomed to fail if Saddam succeeds once again in what Butler calls the "shell game—phony inspections, more deceit, more concealment." "That would," he concluded, "be deeply dangerous, providing an illusion of security."

Third, a variety of witnesses, including Secretary Powell, agreed that containment of the Iraq threat, our policy since the end of Operation Desert Storm, is no longer suitable.

Secretary Powell told the committee that the box that contains Saddam Hussein's murderous ambitions cannot last much longer. Secretary Powell, said, "[Saddam] continues to bounce against the walls of that box. And one of these days he'll have a box cutter and he'll be out. And we don't want to wait and see that day."

Ambassador Butler also suggested that containment no longer works. He told the committee, "we also need a specific solution to the specific problems posed by this particular and, I suggest, unique outlaw." Former Secretary of Defense Caspar Weinberger, National Security Advisor Robert McFarlane, and Dr. Khidir Hamza, former Iraqi nuclear weapons designer, all noted Saddam's absolute commitment to the development of weapons of mass destruction, especially nuclear weapons.

Secretary Weinberger also noted that Saddam's ability to smuggle goods in and out of Iraq, despite U.N. sanctions, earns him billions of dollars per year—money that goes to develop weapons of mass destruction.

In hearings before other committees, our able Secretary of Defense, Donald Rumsfeld, has pointed out that the problem is not inspections but disarmament. Saddam has succeeded in circumventing sanctions and containment to the point where we no longer have the luxury of waiting idly by while he continues to develop the means to threaten us and our allies.

The President's policy is the only way to deal with Iraq today, and we are obliged to give him maximum flexibility to carry it out. Even as the President develops a coalition, we cannot yield to a few countries like China or Russia that would allow Saddam to evade full disarmament.

We can no longer countenance Saddam's delays and obfuscations. The President, in his speech to the Nation Monday night, articulated a series of options to deal with the Iraqi regime of Saddam Hussein. He displayed the essence of leadership, moving forward in the face of evil. Diplomacy absent demonstrated resolve—which was our policy too often in the past—will continue to prove absolutely ineffectual.

I do hope Senators will stand with the President today. He has shown the leadership necessary to rid the world of Saddam Hussein. We should demonstrate that same leadership and authorize the President to do what is now so clearly necessary.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, we are trying to set up a couple of speakers on that side, and we are not going to go any more in advance of that. We should tell everybody that, after cloture is invoked, people still will have an opportunity to speak. It is not as if this is the last train out of the station. If people feel inclined to speak, they can do so.

The leader will stay in session as long as people want to speak tonight. I ask unanimous consent that Senator McCAIN be recognized for 20 minutes; Senator KERRY, up to 45 minutes—he said he may not use all of that time—Senator HAGEL, for 25 minutes; Senator DODD, for 20 minutes.

Mr. WARNER. Mr. President, could we entertain the desire of the Senator from Kansas to speak?

Mr. REID. The Democrats have used 20 minutes more during this time than the Republicans, so how long would Senator ROBERTS speak?

Mr. ROBERTS. About 20 minutes.

Mr. REID. I ask unanimous consent that Senator ROBERTS may speak after Senator DODD for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, a lot of ground was covered in the time between the last vote and the time that I have been recognized, not necessarily in a structured fashion. I want to respond to some of the questions and comments that were made.

First of all, very importantly, the Senator from West Virginia made an impassioned plea that we not vote for cloture, not move forward with the disposition of this resolution supporting the President of the United States of America to take action, if necessary, to bring about an elimination of the threat to the U.S. national security.

I think it is worthy of a couple of observations, Mr. President. One is, in the recent past the Foreign Relations Committee has held numerous hearings and the Armed Services Committee has held numerous hearings. In reality, though, this issue has been with us for 11 years, and it is not possible to turn on your television set without seeing a discussion and debate over this issue. The night before last, the President of the United States spoke to the people of this country on this issue. Debate is taking place in the U.N. There are discussions in the U.N. Security Council as we speak. This issue, more than any other today, is known to the American people. As we, their representatives, debate and discuss it, it is to further inform them; but they are clearly aware of the major aspects of this issue.

Since the year 1992, we have begun to be aware that Saddam Hussein would not be overthrown.

We became even more aware over time that he was not going to comply with the cease-fire agreements he entered into and the Security Council resolutions requiring him to allow intrusive and comprehensive weapons inspections throughout his country.

His obfuscation, his delay, his outright refusal to allow these inspections culminated in 1998 in ejecting those inspectors, and that resulted in the passage of legislation on August 14, 1998, which President Clinton signed into law, S.J. Res. 54, which declared that the Government of Iraq was in material and unacceptable breach of its international obligations, and urged the President:

> to take appropriate action in accordance with the Constitution and relative laws of the United States to bring Iraq into compliance with its international obligations.

On October 31, 1998, then-President Clinton signed into law the Iraq Liberation Act, which stated:

> It should be the policy of the United States to support efforts to remove the regime headed by Saddam Hussein from power in Iraq and to promote the emergence of a domestic government to replace that regime.

That was October 31, 1998, the Iraq Liberation Act, signed into law by the President of the United States.

I have to say allegations or assertions that somehow the American people are not aware of this issue just do not ring true. Anyone who believes this issue is not being debated around kitchen tables and in restaurants and other social gathering places throughout America is simply not aware of what is going on in America.

Yes, they pay attention to this debate, but the issue is well known, and there is no reason why we should not invoke cloture.

It was interesting to me that my colleague from Virginia mentioned we really only spent 2 days of formal debate on the floor of the Senate in 1991. The Senator from Connecticut and I were heavily involved in that debate. But the fact is, that issue was debated far and wide. By the time that vote was taken, the American people and the Members of this body were very well aware—very well aware—as to what was at stake and what, at that time, was a far more controversial issue than this one is, if you accept our predictions of an overwhelming vote.

The Senator from Massachusetts asked the Senator from West Virginia if he knew about the stories carried in this morning's papers about Saddam Hussein being likely to use weapons of mass destruction if he is attacked.

Mr. President, I ask unanimous consent that a statement by George Tenet be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY DCI GEORGE TENET

There is no inconsistency between our view of Saddam's growing threat and the view as expressed by the President in his speech. Although we think the chances of Saddam initiating a WMD attack at this moment are low—in part because it would constitute an admission that the possesses WMD—there is no question that the likelihood of Saddam using WMD against the United States or our allies in the region for blackmail, deterrence, or otherwise grows as his arsenal continues to build. His past use of WMD against civilian and military targets shows that he produces those weapons to use not just to deter.

Mr. McCAIN. Mr. President, I do not want to go through the whole debate again, but here is the point. Saddam Hussein continues to acquire, amass, and improve on his arsenal of weapons of mass destruction. He continues to attempt to acquire a nuclear weapon. These are all well-known facts. So if you believe that Saddam Hussein, after we go through this expression of approval, national debate, Security Council resolutions, is not going to abandon his request for his weapons, then the longer we wait, the more dangerous he becomes. In other words, if we attack Iraq tomorrow—and that is not clear yet; we have Security Council resolutions to go through—perhaps Saddam Hussein in his desperation may want to use a weapon of mass destruction, but if Saddam Hussein does not comply and continues the clear record of violations he has amassed over the last 11 years, then if we have to remove these weapons of mass destruction, each day that goes by he becomes more dangerous, his capabilities become better, and, in the case of nuclear weapons, it is not a question of whether, it is a question of when.

Experts will debate whether it is 2 years when he acquires these weapons, whether it is 5 years, 7 years, 10 years, but there is no doubt over time he will acquire a nuclear weapon.

Why do I mention a nuclear weapon? We have equipment that can protect our men and women in the military against biological and chemical attack. It is tough to fight, it is bulky equipment, but we do have that equipment. We have not invented any equipment yet that can protect our troops from a nuclear weapon.

Mr. LIEBERMAN. Mr. President, will the Senator yield for a question?

Mr. McCAIN. I will be glad to yield to the Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I appreciate the comments the Senator has made. I think they are right on target. Is there any reason from history or evidence to believe Saddam Hussein is developing these weapons of mass destruction for defensive purposes? Isn't the thought he might use them against someone else if attacked indication he would use them offensively as soon as he feels the opportunity to do so?

Mr. McCAIN. I say to my friend, it is very clear he is not developing these weapons for defensive purposes. He has used them twice—once against his own people, once against troops of a neighboring country in a conflict.

The fundamental point that seems to be lost in this debate sometimes is at any time in the last 11 years, Saddam Hussein could have avoided any threat to Saddam Hussein's illegitimate, terrible regime. It is a terrible and odious regime, but there are lots of bad guys around the world. He could have eliminated any threat if he had just come clean, taken out these weapons of mass destruction, taken out the laboratories, stopped, allowed the inspectors in, so he must have some other agenda. The longer we delay when he is in noncompliance, the more dangerous that threat becomes.

There was no contradiction, in my view, of the comments of the Director of the CIA that were widely quoted in the media this morning. I can understand, by the way, without knowledge of Saddam Hussein, without the background we have of his record, without the knowledge of what he has tried to do over the last 11 years, why those comments might be misconstrued. But taken in the context of the history of this despot, I think it is very clear that if he fails to comply—and we are going to the United Nations and there will be a Security Council resolution or resolutions—then obviously the longer we delay, if he continues on this reckless path, the more dangerous it becomes and, frankly, the more casualties accrue, in response to the Senator from West Virginia.

I wish to make another comment about this debate. There is no Member of this body who has any priority or any franchise on the lives of American young men and women. All of us place that as our highest priority. All of us recognize the sacred obligation we have when we vote to send young men and women into harm's way, and no one's motives should be or will be impugned in this debate.

I think it is important for the Senator from West Virginia to appreciate that I and others will object to any unanimous consent agreement that would delay a cloture vote tomorrow morning. We believe the American people have been informed, and the Members of this body have been informed.

As the Senator from Virginia said, Friday we had debate, and we will, according to the majority leader, stay as late or as long as anybody in this body wants to talk or debate or discuss.

With all due respect to the Senator from West Virginia, we will object.

Mr. President, we are trying to dispose of 13 amendments. Obviously, people want to speak. I respect that, but I do feel compelled to comment on the amendment of the Senator from West Virginia briefly.

Mr. WARNER. Mr. President, could I ask a brief question before the Senator proceeds to the amendment?

Mr. McCAIN. I will be glad to yield to the Senator.

Mr. WARNER. Our colleague from Connecticut raises a very valuable question: Is he manufacturing these weapons of mass destruction for the defense of his sovereign nation? The clearest evidence this Senator finds to show that he is not doing that is the excessive amounts.

During the inspection regime, while it was somewhat functional in the early 1990s, they discovered records of clearly documented biological and chemical weaponry that had been made. To this day, it has never been unearthed, never been discovered, never been acknowledged by Saddam Hussein.

So the question is important, and the Senator from Arizona answered it very carefully. I suggest that those who have any doubt address the excess quantities of all of these weapons. And for what reason would he need a nuclear weapon? That is a question to which none of us have an answer.

Mr. McCAIN. I thank my friend from Virginia.

Mr. President, now I will make a few brief comments about the amendment of the Senator from West Virginia.

The amendment is to provide constitutional authorities to the President of the United States. In the heart of the amendment, it says the President of the United States cannot use the Armed Forces for any purposes not directly related to a clear threat of imminent, sudden, and direct attack upon the United States, its possessions or territories.

If this were 100 years ago, at the time of my hero, Theodore Roosevelt, who was ready to send the Great White Fleet around the world, I would vote for this amendment in a New York minute because 100 years ago we had two oceans to protect us. One hundred years ago, we did not have in this world weapons of mass destruction that could strike continents away, travel thousands of miles and strike with incredible accuracy. We did not have a threat from a group of people who are yet somewhat unknown to us, who want to destroy our culture, who want to destroy our values, and indeed everything about Western civilization. They travel sometimes in secret without us being able to detect them, in the case of September 11, until too late.

One hundred years ago, we had two oceans to protect us. We knew who our enemies might be, either real or potential, and we could afford to wait until there was an imminent, sudden, or direct attack upon the United States, its possessions or territories. Then I would have supported this amendment.

The fact is, we all know if we wait until there is a direct attack on the United States of America, we pay a very heavy price. I hope the Senator from West Virginia, who I am sorry is not in the Chamber, would have appreciated that lesson from September 11; that we cannot wait until there is a direct, imminent, or sudden attack upon the United States of America. That is why if this amendment were to pass, it would completely prevent the President of the United States of America from addressing a clear and present danger to the United States of America in the form of Saddam Hussein's inventory of weapons of mass destruction.

Mr. LIEBERMAN. Will the Senator yield for a question?

Mr. McCAIN. I will be glad to yield to the Senator from Connecticut.

Mr. LIEBERMAN. The Senator makes a good series of points about the pending amendment introduced by the Senator from West Virginia.

We have language in our resolution that authorizes the President to take action to protect the national security of the United States against the continuing threat from Iraq. I must say that in my opinion, and I ask the Senator for his reaction, the terms that the Senator from West Virginia has stated are literally being met now for this reason: As my friend from Arizona well knows, the Armed Forces of the United States are under direct attack from Iraq as they fly along with their British colleagues to enforce the no-fly zone.

Approximately 7,500 American men and women in uniform are dispatched there, costing the American taxpayer a billion or more dollars a year. This year alone, there have been more than 400 occasions on which Iraqi forces have fired at the Armed Forces of the United States.

Of course, I am opposed to this amendment, but I ask the Senator from Arizona if he would agree with me that there is a direct attack by Iraq going on right now, not on the United States or its possessions or territories but on the Armed Forces of our country?

Mr. McCAIN. I respond to my friend and say that, yes, if this amendment said a clear threat of imminent, sudden, or direct attack upon the Armed Forces of the United States, clearly that is the case. We saw it in the USS *Cole*. We saw it in the attacks on our embassies. We have seen it in many places.

If there has to be a clear threat of imminent, sudden, and direct attack upon the United States, its possessions, or territories, in all due respect, I think Saddam Hussein would be very pleased if we passed this kind of resolution because that would allow him to continue to build up his inventory, to build his weapons of mass destruction, perhaps acquire a missile with sufficient range to reach the United States, and only then could we respond. That is not what I think our responsibilities and duties are to the American people.

I am enjoying this debate. I think it is a good one. I look forward to hearing the next two speakers because both of them have played a very important and informative role, not only on the floor of the Senate but on talk shows and great programs throughout America, both written and in public.

In fact, some of them have been accused of what I have been accused of from time to time, and that is seeking a camera, which is, of course, never true of me or my two colleagues.

I certainly look forward to listening to their arguments. I think these next two speakers will contribute enormously to the debate. I think the American people, as well as our colleagues, will be better informed at the completion of their remarks.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for up to 45 minutes.

Mr. KERRY. Mr. President, I thank my good friend from Arizona for his introduction and for his generous comments about the role that Senator HAGEL and I have played.

My colleague, Senator HAGEL, and I share seats on the Foreign Relations Committee. We have both followed this issue for a long period of time.

Obviously, with respect to an issue that might take Americans to war, we deserve time, and there is no more important debate to be had on the floor of the Senate. It is in the greatest traditions of this institution, and I am proud to take part in that debate now.

This is a debate that should be conducted without regard to parties, to politics, to labels. It is a debate that has to come from the gut of each and every Member, and I am confident that it does. I know for Senator HAGEL, Senator McCAIN, and myself, when we pick up the newspapers and read about the residuals of the Vietnam war, there is a particular sensitivity because I do not think any of us feel a residual with respect to the choices we are making now.

I know for myself back in that period of time, even as I protested the war, I wrote that if my Nation was again threatened and Americans made the decision we needed to defend ourselves, I would be among the first to put on a uniform again and go and do that.

We are facing a very different world today than we have ever faced before. September 11 changed a lot, but other things have changed: Globalization, technology, a smaller planet, the difficulties of radical fundamentalism, the crosscurrents of religion and politics. We are living in an age where the dangers are different and they require a different response, different thinking, and different approaches than we have applied in the past.

Most importantly, it is a time when international institutions must rise to the occasion and seek new authority and a new measure of respect.

In approaching the question of this resolution, I wish the timing were different. I wish for the sake of the country we were not here now at this moment. There are legitimate questions about that timing. But none of the underlying realities of the threat, none of the underlying realities of the choices we face are altered because they are, in fact, the same as they were in 1991 when we discovered those weapons when the teams went in, and in 1998 when the teams were kicked out.

With respect to Saddam Hussein and the threat he presents, we must ask ourselves a simple question: Why? Why is Saddam Hussein pursuing weapons that most nations have agreed to limit or give up? Why is Saddam Hussein guilty of breaking his own cease-fire agreement with the international community? Why is Saddam Hussein attempting to develop nuclear weapons when most nations don't even try, and responsible nations that have them attempt to limit their potential for disaster? Why did Saddam Hussein threaten and provoke? Why does he develop missiles that exceed allowable limits? Why did Saddam Hussein lie and deceive the inspection teams previously? Why did Saddam Hussein not account for all of the weapons of mass destruction which UNSCOM identified? Why is he seeking to develop unmanned airborne vehicles for delivery of biological agents?

Does he do all of these things because he wants to live by international standards of behavior? Because he respects international law? Because he is a nice guy underneath it all and the world should trust him?

It would be naive to the point of grave danger not to believe that, left to his own devices, Saddam Hussein will provoke, misjudge, or stumble into a future, more dangerous confrontation with the civilized world. He has as much as promised it. He has already created a stunning track record of miscalculation. He miscalculated an 8-year war with Iran. He miscalculated the invasion of Kuwait. He miscalculated America's responses to it. He miscalculated the result of setting oil rigs on fire. He miscalculated the impact of sending Scuds into Israel. He miscalculated his own military might. He miscalculated the Arab world's response to his plight. He miscalculated in attempting an assassination of a former President of the United States. And he is miscalculating now America's judgments about his miscalculations.

All those miscalculations are compounded by the rest of history. A brutal, oppressive dictator, guilty of personally murdering and condoning murder and torture, grotesque violence against women, execution of political opponents, a war criminal who used chemical weapons against another nation and, of course, as we know, against his own people, the Kurds. He has diverted funds from the Oil-for-Food program, intended by the international community to go to his own people. He has supported and harbored terrorist groups, particularly radical Palestinian groups such as Abu Nidal, and he has given money to families of suicide murderers in Israel.

I mention these not because they are a cause to go to war in and of themselves, as the President previously suggested, but because they tell a lot about the threat of the weapons of mass destruction and the nature of this man. We should not go to war because these things are in his past, but we should be prepared to go to war because of what they tell us about the future. It is the total of all of these acts that provided the foundation for the world's determination in 1991 at the end of the gulf war that Saddam Hussein must:

> . . . unconditionally accept the destruction, removal, or rendering harmless under international supervision of his chemical and biological weapons and ballistic missile delivery systems . . . [and] unconditionally agree not to acquire or develop nuclear weapons or nuclear weapon-usable material.

Saddam Hussein signed that agreement. Saddam Hussein is in office today because of that agreement. It is the only reason he survived in 1991. In 1991, the world collectively made a judgment that this man should not have weapons of mass destruction. And we are here today in the year 2002 with an uninspected 4-year interval during which time we know through intelligence he not only has kept them, but he continues to grow them.

I believe the record of Saddam Hussein's ruthless, reckless breach of international values and standards of behavior which is at the core of the cease-fire agreement, with no reach, no stretch, is cause enough for the world community to hold him accountable by use of force, if necessary. The threat of Saddam Hussein with weapons of mass destruction is real, but as I said, it is not new. It has been with us since the end of that war, and particularly in the last 4 years we know after Operation Desert Fox failed to force him to reaccept them, that he has continued to build those weapons.

He has had a free hand for 4 years to reconstitute these weapons, allowing the world, during the interval, to lose the focus we had on weapons of mass destruction and the issue of proliferation.

The Senate worked to urge action in early 1998. I joined with Senator McCAIN, Senator HAGEL, and other Senators, in a resolution urging the President to "take all necessary and appropriate actions to respond to the threat posed by Iraq's refusal to end his weapons of mass destruction program." That was 1998 that we thought we needed a more serious response.

Later in the year, Congress enacted legislation declaring Iraq in material, unacceptable breach of its disarmament obligations and urging the President to take appropriate action to bring Iraq into compliance. In fact, had we done so, President Bush could well have taken his office, backed by our sense of urgency about holding Saddam Hussein accountable and, with an international United Nations, backed a multilateral stamp of approval record on a clear demand for the disarmament of Saddam Hussein's Iraq. We could have had that and we would not be here debating this today. But the administration missed an opportunity 2 years ago and particularly a year ago after September 11. They regrettably, and even clumsily, complicated their own case. The events of September 11 created new understanding of the terrorist threat and the degree to which every nation is vulnerable.

That understanding enabled the administration to form a broad and impressive coalition against terrorism. Had the administration tried then to capitalize on this unity of spirit to build a coalition to disarm Iraq, we would not be here in the pressing days before an election, late in this year, debating this now. The administration's decision to engage on this issue now, rather than a year ago or earlier, and the manner in which it has engaged, has politicized and complicated the national debate and raised questions about the credibility of their case.

By beginning its public discourse with talk of invasion and regime change, the administration raised doubts about their bona fides on the most legitimate justification for war—that in the post-September 11 world the unrestrained threat of weapons of mass destruction in the hands of Saddam Hussein is unacceptable, and his refusal to allow U.N. inspectors to return was in blatant violation of the 1991 cease-fire agreement that left him in power. By casting about in an unfocused, undisciplined, overly public, internal debate for a rationale for war, the administration complicated their case, confused the American public, and compromised America's credibility in the eyes of the world community. By engaging in hasty war talk rather than focusing on the central issue of Iraq's weapons of mass destruction, the administration placed doubts in the minds of potential allies, particularly in the Middle East, where managing the Arab street is difficult at best.

Against this disarray, it is not surprising that tough questions began to be asked and critics began to emerge.

Indeed over the course of the last 6 weeks some of the strongest and most thoughtful questioning of our Nation's Iraq policy has come from what some observers would say are unlikely sources: Senators like CHUCK HAGEL and DICK LUGAR, former Bush Administration national security experts including Brent Scowcroft and James Baker, and distinguished military voices including General Shalikashvili. They are asking the tough questions which must be answered before—and not after—you commit a nation to a course that may well lead to war. They know from their years of experience, whether on the battlefield as soldiers, in the Senate, or at the highest levels of public diplomacy, that you build the consent of the American people to sustain military confrontation by asking questions, not avoiding them. Criticism and questions do not reflect a lack of patriotism—they demonstrate the strength and core values of our American democracy.

It is love of country, and it is defined by defense of those policies that protect and defend our country.

Writing in the New York Times in early September, I argued that the American people would never accept the legitimacy of this war or give their consent to it unless the administration first presented detailed evidence of the threat of Iraq's weapons of mass destruction and proved that it had exhausted all other options to protect our national security. I laid out a series of steps that the administration must take for the legitimacy of our cause and our ultimate success in Iraq—seek the advice and approval of Congress after laying out the evidence and making the case, and work with our allies to seek full enforcement of the existing cease-fire agreement while simultaneously offering Iraq a clear ultimatum: accept rigorous inspections without negotiation or compromise and without condition.

Those of us who have offered questions and criticisms—and there are many in this body and beyond—can take heart in the fact that those questions and those criticisms have had an impact on the debate. They have changed how we may or may not deal with Iraq. The Bush administration began talking about Iraq by suggesting that congressional consultation and authorization for the use of force were not needed. Now they are consulting with Congress and seeking our authorization. The administration began this process walking down a path of unilateralism. Today they acknowledge that while we reserve the right to act alone, it is better to act with allies. The administration which once seemed entirely disengaged from the United Nations ultimately went to the United Nations and began building international consensus to hold Saddam Hussein accountable. The administration began this process suggesting that the United States might well go to war over Saddam Hussein's failure to return Kuwaiti property. Last week the Secretary of State and on Monday night the President made clear we would go to war only to disarm Iraq.

The administration began discussion of Iraq by almost belittling the importance of arms inspections. Today the administration has refocused their aim and made clear we are not in an arbitrary conflict with one of the world's many dictators, but a conflict with a dictator whom the international community left in power only because he agreed not to pursue weapons of mass destruction. That is why arms inspections—and I believe ultimately Saddam's unwillingness to submit to fail-safe inspections—is absolutely critical in building international support for our case to the world.

That is the way in which you make it clear to the world that we are contemplating war not for war's sake, and not to accomplish goals that don't meet international standards or muster with respect to national security, but because weapons inspections may be the ultimate enforcement mechanism, and that may be the way in which we ultimately protect ourselves.

I am pleased that the Bush administration has recognized the wisdom of shifting its approach on Iraq. That shift has made it possible, in my judgment, for the Senate to move forward with greater unity, having asked and begun to answer the questions that best defend our troops and protect our national security. The Senate can now make a determination about this resolution and, in this historic vote, help put our country and the world on a course to begin to answer one fundamental question—not whether to hold Saddam Hussein accountable, but how.

I have said publicly for years that weapons of mass destruction in the hands of Saddam Hussein pose a real and grave threat to our security and that of our allies in the Persian Gulf region. Saddam Hussein's record bears this out.

I have talked about that record. Iraq never fully accounted for the major gaps and inconsistencies in declarations provided to the inspectors of the pre-Gulf war weapons of mass destruction program, nor did the Iraq regime provide credible proof that it had completely destroyed its weapons and production infrastructure.

He has continually failed to meet the obligations imposed by the international community on Iraq at the end of the Persian Gulf the Iraqi regime provide credible proof war to declare and destroy its weapons of mass destruction and delivery systems and to forego the development of nuclear weapons. During the 7 years of weapons inspections, the Iraqi regime repeatedly frustrated the work of the UNSCOM—Special Commission—inspectors, culminating in 1998 in their ouster. Even during the period of inspections, Iraq never fully accounted for major gaps and inconsistencies in declarations provided to the inspectors of its pre-gulf war WMD programs, nor did the Iraqi regime provide credible proof that it had completely destroyed its weapons stockpiles and production infrastructure.

It is clear that in the 4 years since the UNSCOM inspectors were forced out, Saddam Hussein has continued his quest for weapons of mass destruction. According to intelligence, Iraq has chemical and biological weapons as well as missiles with ranges in excess of the 150 kilometer restriction imposed by the United Nations in the ceasefire resolution. Although Iraq's chemical weapons capability was reduced during the UNSCOM inspections, Iraq has maintained its chemical weapons effort over the last 4 years. Evidence suggests that it has begun renewed production of chemical warfare agents, probably including mustard gas, sarin, cyclosarin, and VX. Intelligence reports show that Iraq has invested more heavily in its biological weapons programs over the 4 years, with the result that all key aspects of this program—R&D, production and weaponization—are active. Most elements of the program are larger and more advanced than they were before the gulf war. Iraq has some lethal and incapacitating agents and is capable of quickly producing and weaponizing a variety of such agents, including anthrax, for delivery on a range of vehicles such as bombs, missiles, aerial sprayers, and covert operatives which could bring them to the United States homeland. Since inspectors left, the Iraqi regime has energized its missile program, probably now consisting of a few dozen Scud-type missiles with ranges of 650 to 900 kilometers that could hit Israel, Saudi Arabia and other U.S. allies in the region. In addition, Iraq is developing unmanned aerial vehicles UAVs, capable of delivering chemical and biological warfare agents, which could threaten Iraq's neighbors as well as American forces in the Persian Gulf.

Prior to the gulf war, Iraq had an advance nuclear weapons development program. Although UNSCOM and IAEA International Atomic Energy Agency inspectors learned much about Iraq's efforts in this area, Iraq has failed to provide complete information on all aspects of its program. Iraq has maintained its nuclear scientists and technicians as well as sufficient dual-use manufacturing capability to support a reconstituted nuclear weapons program. Iraqi defectors who once worked for Iraq's nuclear weapons establishment have reportedly told American officials that acquiring nuclear weapons is a top priority for Saddam Hussein's regime.

According to the CIA's report, all U.S. intelligence experts agree that Iraq is seeking nuclear weapons. There is little question that Saddam Hussein wants to develop nuclear weapons. The more difficult question to answer is when Iraq could actually achieve this goal. That depends on its ability to acquire weapons-grade fissile material. If Iraq could acquire this material from abroad, the CIA estimates that it could have a nuclear weapon within 1 year.

Absent a foreign supplier, it might be longer. There is no question that Saddam Hussein represents a threat. I have heard even my colleagues who oppose the President's resolution say we have to hold Saddam Hussein accountable. They also say we have to force the inspections. And to force the inspections, you have to be prepared to use force.

So the issue is not over the question of whether or not the threat is real, or whether or not people agree there is a threat. It is over what means we will take, and when, in order to try to eliminate it.

The reason for going to war, if we must fight, is not because Saddam Hussein has failed to deliver gulf war prisoners or Kuwaiti property. As much as we decry the way he has treated his people, regime change alone is not a sufficient reason for going to war, as desirable as it is to change the regime.

Regime change has been an American policy under the Clinton administration, and it is the current policy. I support the policy. But regime change in and of itself is not sufficient justification for going to war—particularly unilaterally—unless regime change is the only way to disarm Iraq of the weapons of mass destruction pursuant to the United Nations resolution.

As bad as he is, Saddam Hussein, the dictator, is not the cause of war. Saddam Hussein sitting in Baghdad with an arsenal of weapons of mass destruction is a different matter.

In the wake of September 11, who among us can say, with any certainty, to anybody, that those weapons might not be used against our troops or against allies in the region? Who can say that this master of miscalculation will not develop a weapon of mass destruction even greater—a nuclear weapon—then reinvade Kuwait, push the Kurds out, attack Israel, any number of scenarios to try to further his ambitions to be the pan-Arab leader or simply to confront in the region, and once again miscalculate the response, to believe he is stronger because he has those weapons?

And while the administration has failed to provide any direct link between Iraq and the events of September 11, can we afford to ignore the possibility that Saddam Hussein might accidentally, as well as purposely, allow those weapons to slide off to one group or other in a region where weapons are the currency of trade? How do we leave that to chance?

That is why the enforcement mechanism through the United Nations and the reality of the potential of the use of force is so critical to achieve the protection of long-term interests, not just of the United States but of the world, to understand that the dynamic has changed, that we are living in a different status today, that we cannot sit by and be as complacent or even negligent about weapons of mass destruction and proliferation as we have been in the past.

The Iraqi regime's record over the decade leaves little doubt that Saddam Hussein wants to retain his arsenal of weapons of mass destruction and, obviously, as we have said, grow it. These weapons represent an unacceptable threat.

I want to underscore that this administration began this debate with a resolution that granted exceedingly broad authority to the President to use force. I regret that some in the Congress rushed so quickly to support it. I would have opposed it. It gave the President the authority to use force not only to enforce all of the U.N. resolutions as a cause of war, but also to produce regime change in Iraq, and to restore international peace and security in the Persian Gulf region. It made no mention of the President's efforts at the United Nations or the need to build multilateral support for whatever course of action we ultimately would take.

I am pleased that our pressure, and the questions we have asked, and the criticisms that have been raised publicly, the debate in our democracy has pushed this administration to adopt important changes, both in language as well as in the promises that they make.

The revised White House text, which we will vote on, limits the grant of authority to the President to the use of force only with respect to Iraq. It does not empower him to use force throughout the Persian Gulf region. It authorizes the President to use Armed Forces to defend the "national security" of the United States—a power most of us believe he already has under the Constitution as Commander in Chief. And it empowers him to enforce all "relevant" Security Council resolutions related to Iraq. None of those resolutions or, for that matter, any of the other Security Council resolutions demanding Iraqi compliance with its international obligations, calls for a regime change.

In recent days, the administration has gone further. They are defining what "relevant" U.N. Security Council resolutions mean. When Secretary Powell testified before our committee, the Foreign Relations Committee, on September 26, he was asked what specific U.N. Security Council resolutions the United States would go to war to enforce. His response was clear: the resolutions dealing with weapons of mass destruction and the disarmament of Iraq. In fact, when asked about compliance with other U.N. resolutions which do not deal with weapons of mass destruction, the Secretary said:

> The President has not linked authority to go to war to any of those elements.

When asked why the resolution sent by the President to Congress requested authority to enforce all the resolutions with which Iraq had not complied, the Secretary told the committee:

> That's the way the resolution is currently worded, but we all know, I think, that the major problem, the offense, what the President is focused on and the danger to us and to the world are the weapons of mass destruction.

In his speech on Monday night, President Bush confirmed what Secretary Powell told the committee. In the clearest presentation to date, the President laid out a strong, comprehensive, and compelling argument why Iraq's weapons of mass destruction programs are a threat to the United States and the international community. The President said:

> Saddam Hussein must disarm himself, or, for the sake of peace, we will lead a coalition to disarm him.

This statement left no doubt that the casus belli for the United States will be Iraq's failure to rid itself of weapons of mass destruction.

I would have preferred that the President agree to the approach drafted by Senators BIDEN and LUGAR because that resolution would authorize the use of force for the explicit purpose of disarming Iraq and countering the threat posed by Iraq's weapons of mass destruction.

The Biden-Lugar resolution also acknowledges the importance of the President's efforts at the United Nations. It would require the President, before exercising the authority granted in the resolution, to send a determination to Congress that the United States tried to seek a new Security Council resolution or that the threat posed by Iraq's WMD is so great he must act absent a new resolution—a power, incidentally, that the President of the United States always has.

I believe this approach would have provided greater clarity to the American people about the reason for going to war and the specific grant of authority. I think it would have been a better way to do this. But it does not change the bottom line of what we are voting for.

The administration, unwisely, in my view, rejected the Biden-Lugar approach. But, perhaps as a nod to the sponsors, it did agree to a determination requirement on the status of its efforts at the United Nations. That is now embodied in the White House text.

The President has challenged the United Nations, as he should, and as all of us in the Senate should, to enforce its own resolutions vis-a-vis Iraq. And his administration is now working aggressively with the Perm 5 members on the Security Council to reach a consensus. As he told the American people Monday night:

> America wants the U.N. to be an effective organization that helps keep the peace. And that is why we are urging the Security Council to adopt a new resolution setting out tough, immediate requirements.

Because of my concerns, and because of the need to understand, with clarity, what this resolution meant, I traveled to New York a week ago. I met with members of the Security Council and came away with a conviction that they will indeed move to enforce, that they understand the need to enforce, if Saddam Hussein does not fulfill his obligation to disarm.

And I believe they made it clear that if the United States operates through the U.N., and through the Security Council, they—all of them—will also bear responsibility for the aftermath of rebuilding Iraq and for the joint efforts to do what we need to do as a consequence of that enforcement.

I talked to Secretary General Kofi Annan at the end of last week and again felt a reiteration of the seriousness with which the United Nations takes this and that they will respond.

If the President arbitrarily walks away from this course of action—without good cause or reason—the legitimacy of any subsequent action by the United States against Iraq will be challenged by the American people and the international community. And I would vigorously oppose the President doing so.

When I vote to give the President of the United States the authority to use force, if necessary, to disarm Saddam Hussein, it is because I believe that a deadly arsenal of weapons of mass destruction in his hands is a threat, and a grave threat, to our security and that of our allies in the Persian Gulf region. I will vote yes because I believe it is the best way to hold Saddam Hussein accountable. And the administration, I believe, is now committed to a recognition that war must be the last option to address this threat, not the first, and that we must act in concert with allies around the globe to make the world's case against Saddam Hussein.

As the President made clear earlier this week, "Approving this resolution does not mean that military action is imminent or unavoidable." It means "America speaks with one voice."

Let me be clear, the vote I will give to the President is for one reason and one reason only: To disarm Iraq of weapons of mass destruction, if we cannot accomplish that objective through new, tough weapons inspections in joint concert with our allies.

In giving the President this authority, I expect him to fulfill the commitments he has made to the American people in recent days—to work with the United Nations Security Council to adopt a new resolution setting out tough and immediate inspection requirements, and to act with our allies at our side if we have to disarm Saddam Hussein by force. If he fails to do so, I will be among the first to speak out.

If we do wind up going to war with Iraq, it is imperative that we do so with others in the international community, unless there is a showing of a grave, imminent—and I emphasize "imminent"—threat to this country which requires the President to respond in a way that protects our immediate national security needs.

Prime Minister Tony Blair has recognized a similar need to distinguish how we approach this. He has said that he believes we should move in concert with allies, and he has promised his own party that he will not do so otherwise. The administration may not be in the habit of building coalitions, but that is what they need to do. And it is what can be done. If we go it alone without reason, we risk inflaming an entire region, breeding a new generation of terrorists, a new cadre of anti-American zealots, and we will be less secure, not more secure, at the end of the day, even with Saddam Hussein disarmed.

Let there be no doubt or confusion about where we stand on this. I will support a multilateral effort to disarm him by force, if we ever exhaust those other options, as the President has promised, but I will not support a unilateral U.S. war against Iraq unless that threat is imminent and the multilateral effort has not proven possible under any circumstances.

In voting to grant the President the authority, I am not giving him carte blanche to run roughshod over every country that poses or may pose some kind of potential threat to the United States. Every nation has the right to act preemptively, if it faces an imminent and grave threat, for its self-defense under the standards of law. The threat we face today with Iraq does not meet that test yet. I emphasize "yet." Yes, it is grave because of the deadliness of Saddam Hussein's arsenal and the very high probability that he might use these weapons one day if not disarmed. But it is not imminent, and no one in the CIA, no intelligence briefing we have had suggests it is imminent. None of our intelligence reports suggest that he is about to launch an attack.

The argument for going to war against Iraq is rooted in enforcement of the international community's demand that he disarm. It is not rooted in the doctrine of preemption. Nor is the grant of authority in this resolution an acknowledgment that Congress accepts or agrees with the President's new strategic doctrine of preemption. Just the opposite. This resolution clearly limits the authority given to the President to use force in Iraq, and Iraq only, and for the specific purpose of defending the United States against the threat posed by Iraq and enforcing relevant Security Council resolutions.

The definition of purpose circumscribes the authority given to the President to the use of force to disarm Iraq because only Iraq's weapons of mass destruction meet the two criteria laid out in this resolution.

Congressional action on this resolution is not the end of our national debate on how best to disarm Iraq. Nor does it mean we have exhausted all of our peaceful options to achieve this goal. There is much more to be done. The administration must continue its efforts to build support at the United Nations for a new, unfettered, unconditional weapons inspection regime. If we can eliminate the threat posed by Iraq's weapons of mass destruction through inspections, whenever, wherever, and however we want them, including in palaces—and I am highly skeptical, given the full record, given their past practices, that we can necessarily achieve that—then we have an obligation to try that as the first course of action before we expend American lives in any further effort.

American success in the Persian Gulf war was enhanced by the creation of an international coalition. Our coalition partners picked up the overwhelming burden of the cost of that war. It is imperative that the administration continue to work to multilateralize the current effort against Iraq. If the administration's initiatives at the United Nations are real and sincere, other nations are more likely to invest, to stand behind our efforts to force Iraq to disarm, be it through a new, rigorous, no-nonsense program of inspection, or if necessary, through the use of force. That is the best way to proceed.

The United States, without question, has the military power to enter this conflict unilaterally. But we do need friends. We need logistical support such as bases, command and control centers, overflight rights from allies in the region. And most importantly, we need to be able to successfully wage the war on terror simultaneously. That war on terror depends more than anything else on the sharing of intelligence. That sharing of intelligence depends more than anything else on the cooperation of countries in the region. If we disrupt that, we could disrupt the possibilities of the capacity of that war to be most effectively waged.

I believe the support from the region will come only if they are convinced of the credibility of our arguments and the legitimacy of our mission. The United Nations never has veto power over any measure the United States needs to take to protect our national security. But it is in our interest to try to act with our allies, if at all possible. And that should be because the burden of eliminating the threat posed by weapons of mass destruction should not be ours alone. It should not be the American people's alone.

If in the end these efforts fail, and if in the end we are at war, we will have an obligation, ultimately, to the Iraqi people with whom we are not at war. This is a war against a regime, mostly one man. So other nations in the region and all of us will need to help create an Iraq that is a place and a force for stability and openness in the region. That effort is going to be long term, costly, and not without difficulty, given Iraq's ethnic and religious divisions and history of domestic turbulence. In Afghanistan, the administration has given more lipservice than resources to the rebuilding effort. We cannot allow that to happen in Iraq, and we must be prepared to stay the course over however many years it takes to do it right.

The challenge is great: An administration which made nation building a dirty word needs to develop a comprehensive, Marshall-type plan, if it will meet the challenge. The President needs to give the American people a fairer and fuller, clearer understanding of the magnitude and long-term financial cost of that effort.

The international community's support will be critical because we will not be able to rebuild Iraq singlehandedly. We will lack the credibility and the expertise and the capacity.

It is clear the Senate is about to give the President the authority he has requested sometime in the next days. Whether the President will have to use that authority depends ultimately on Saddam Hussein. Saddam Hussein has a choice: He can continue to defy the international community, or he can fulfill his longstanding obligations to disarm. He is the person who has brought the world to this brink of confrontation. He is the dictator who can end the stalemate simply by following the terms of the agreement which left him in power.

By standing with the President, Congress would demonstrate our Nation is united in its determination to take away that arsenal, and we are affirming the President's right and responsibility to keep the American people safe. One of the lessons I learned from fighting in a very different war, at a different time, is we need the consent of the American people for our mission to be legitimate and sustainable. I do know what it means, as does Senator HAGEL, to fight in a war where that consent is lost, where allies are in short supply, where conditions are hostile, and the mission is ill-defined.

That is why I believe so strongly before one American soldier steps foot on Iraqi soil, the American people must understand completely its urgency. They need to know we put our country in the position of ultimate strength and that we have no options, short of war, to eliminate a threat we could not tolerate.

I believe the work we have begun in this Senate, by offering questions, and not blind acquiescence, has helped put our Nation on a responsible course. It has succeeded, certainly, in putting Saddam Hussein on notice that he will be held accountable; but it also has put the administration on notice we will hold them accountable for the means by which we do this.

It is through constant questioning we will stay the course, and that is a course that will ultimately defend our troops and protect our national security.

President Kennedy faced a similar difficult challenge in the days of the Cuban missile crisis. He decided not to proceed, I might add, preemptively. He decided to show the evidence and proceeded through the international institutions. He said at the time:

> The path we have chosen is full of hazards, as all paths are . . . The cost of freedom is always high, but Americans have always paid it. And one path we shall never choose, and that is the path of surrender, or submission.

So I believe the Senate will make it clear, and the country will make it clear, that we will not be blackmailed or extorted by these weapons, and we will not permit the United Nations—an institution we have worked hard to nurture and create—to simply be ignored by this dictator.

I yield the floor.

The PRESIDING OFFICER (Ms. CANTWELL). Under the previous order, the Senator from Nebraska is recognized.

Mr. HAGEL. Madam President, the Senate is, by design, a deliberative institution. Over this past week, we have witnessed thoughtful debate and commentary on how to meet the challenge of Saddam Hussein's Iraq. Ours is not an academic exercise; debate informs our decision whether to authorize the President to use force if necessary to enforce U.N. Security Council resolutions dealing with Iraqi disarmament.

There are no easy answers in Iraq. The decision to commit our troops to war is the most difficult decision Members of Congress make. Each course of action we consider in Iraq leads us into imperfect, dangerous, and unknown situations. But we cannot avoid decision on Iraq. The President cannot avoid decision on Iraq. The risks of inaction are too high. We are elected to solve problems, not just debate them. The time has come to chart a new course in Iraq and in the Middle East.

History informs our debate and our decisions. We know tyranny cannot be appeased. We also know our power and influence are enhanced by both a nobility of purpose and the support of allies and institutions that reinforce an international commitment to peace and prosperity. We know war has its own dynamic, that it favors neither ideology, nor democracy, nor tyranny, that men and women die, and that nations and individuals who know war are never again the same.

President Bush has rightly brought the case against Iraq back before the United Nations. Our problems with Iraq, as well as terrorism and the worldwide proliferation of weapons of mass destruction, are not America's alone. Israel, Iran, Turkey, Saudi Arabia, Kuwait, Iraq's own Kurdish population, and other nations and peoples are on the front lines of Saddam Hussein's ambitions for weapons of mass death.

The United Nations, with American leadership, must act decisively to end Saddam Hussein's decade-long violations of U.N. Security Council resolutions.

America's best case for the possible use of force against Iraq rests with the American and international commitment to enforcing Iraq's disarmament. The diplomatic process is not easy, and we face the competing interests and demands of Russia, France, China, and others, whose interests in Iraq may not always be the same as ours. A regional and international coalition is essential for creating the political environment that will be required for any action we take in Iraq, and especially for how we sustain a democratic transition in a post-Saddam Iraq. We cannot do it alone.

America—including the Congress—and the world, must speak with one voice about Iraqi disarmament, as it must continue to do so in the war on terrorism.

Because the stakes are so high, America must be careful with her rhetoric and mindful of how others perceive her intentions. Actions in Iraq must come in the context of an American-led, multilateral approach to disarmament, not as the first case for a new American doctrine involving the preemptive use of force. America's challenge in this new century will be to strengthen its relationships around the world while leading the world in our war on terrorism, for it is the success of the first challenge that will determine the success of the second. We should not mistake our foreign policy priorities for ideology in a rush to proclaim a new doctrine in world affairs. America must understand it cannot alone win a war against terrorism. It will require allies, friends, and partners.

American leadership in the world will be further defined by our actions in Iraq and the Middle East. What begins in Iraq will not end in Iraq. There will be other "Iraqs." There will be continued acts of terrorism, proliferating powers, and regional conflicts. If we do it right and lead through the U.N., in concert with our allies, we can set a new standard for American leadership and international cooperation. The perception of American power is power, and how our power is perceived can either magnify or diminish our influence in the world. The Senate has a constitutional responsibility and an institutional obligation in this effort.

Federalist Paper No. 63 specifically notes the responsibilities of the Senate in foreign affairs as follows:

> An attention to the judgment of other nations is important to every government for two reasons: The one is that independently of the merits of any particular plan or measure, it is desirable, on various accounts, that it should appear to other nations as the offspring of a wise and honorable policy; the second is that, in doubtful cases, particularly where the national councils may be warped by some strong passion or momentary interest, the presumed or known opinion of the impartial world may be the best guide that can always be followed. What has not America lost by her want of character with foreign nations and how many errors and follies would she not have avoided, if the justice and propriety of her measures had, in every instance, been previously tried by the light in which they would probably appear to the unbiased part of mankind?

Remarkable words. The resolution before us today should be tried in that same light as the Federalist Papers points out. The original resolution proposed by the Bush administration, S.J. Res. 45, would have been a setback for this institution. It did not reflect the best democratic traditions of either Congressional-Executive relations, or the conduct of American foreign policy.

S.J. Res. 46, sponsored by Senators LIEBERMAN, WARNER, MCCAIN, and BAYH, is a far more responsible and accountable document than the one we started with 3 weeks ago. I congratulate my colleagues, especially Senators LUGAR, BIDEN, and DASCHLE, and the four sponsors of this resolution, for their efforts and leadership in getting it to this point.

S.J. Res. 46 narrows the authorization for the use of force to all relevant U.N. resolutions regarding Iraq, and to defending our national interests against the threats posed by Iraq. It includes support for U.S. diplomatic efforts at the U.N.; a requirement that, before taking action, the President formally determines that diplomatic or other peaceful means will not be adequate in meeting our objectives; reference to the war powers resolution requirements; and periodic reports to Congress that include those actions described in the section of the Iraq Liberation Act of 1998 regarding assistance and support for Iraq upon replacement of Saddam Hussein. This resolution recognizes Congress as a coequal partner in dealing with the threat from Saddam Hussein's Iraq.

If disarmament in Iraq requires the use of force, we need to consider carefully the implications and consequences of our actions. The future of Iraq after Saddam Hussein is also an open question. Some of my colleagues and some American analysts now speak authoritatively of Sunnis, Shiites, and Kurds in Iraq, and how Iraq can be a test case for democracy in the Arab world.

How many of us really know and understand much about Iraq, the country, the history, the people, the role in the Arab world? I approach the issue of post-Saddam Iraq and the future of democracy and stability in the Middle East with more caution, realism, and a bit more humility. While the people of the Arab world need no education from America about Saddam's record of deceit, aggression, and brutality, and while many of them may respect and desire the freedoms the American model offers, imposing democracy through force in Iraq is a roll of the dice. A democratic effort cannot be maintained without building durable Iraqi political institutions and developing a regional and international commitment to Iraq's reconstruction. No small task.

To succeed, our commitment must extend beyond the day after to the months and years after Saddam is gone. The American people must be told of this long-term commitment, risk, and costs of this undertaking.

We should not be seduced by the expectations of "dancing in the streets" after Saddam's regime has fallen, the kites, the candy, and cheering crowds we expect to greet our troops, but instead, focus on the great challenges ahead, the commitment and resources that will be needed to ensure a democratic transition in Iraq and a more stable and peaceful Middle East. We should spend more time debating the cost and extent of this commitment, the risks we may face in military engagement with Iraq, the implications of the precedent of United States military action for regime change, and the likely character and challenges of a post-Saddam Iraq. We have heard precious little from the President, his team, as well as from this Congress, with a few notable exceptions, about these most difficult and critical questions.

We need only look to Afghanistan where the Afghan people joyously welcomed our liberation force but, months later, a fragile transition government grapples with rebuilding a fractured political culture, economy, and country.

However, Iraq, because of its resources, geography, capabilities, history, and people, offers even more complications and greater peril and, yes, greater opportunities and greater promise. This is the vast unknown, the heavy burden that lies ahead.

The Senate should not cast a vote in the hopes of putting Iraq behind us so we can get back to our campaigns or move on to other issues next year. The decision to possibly commit a nation to war cannot and should not ever be considered in the context of either party loyalty or campaign politics. I regret that this vote will take place under the cloud and pressure of elections next month. Some are already using the Iraq issue to gain advantage in political campaigns. It might have been better for our vote to have been delayed until after the elections, as it was in 1990. Authorizing the use of force against Iraq or any country for any purpose should always be weighed on its own merits, not with an eye on the politics of the vote or campaign TV spots. War is too serious, the human price too high, and the implications unforeseen.

While I cannot predict the future, I believe that what we decide in this Chamber this week will influence America's security and role in the world for the coming decades. It will serve as the framework, both intentionally and unintentionally, for the future. It will set in motion a series of actions and events that we cannot now understand or control.

In authorizing the use of force against Iraq, we are at the beginning of a road that has no clear end. The votes in Congress this week are votes for an intensification of engagement with Iraq and the Middle East, a world of which we know very little and whose destiny will now be directly tied to ours.

America cannot trade a new focus on Iraq for a lesser effort in the Israeli-

Palestinian conflict. The bloodshed between Israel and the Palestinians continues, and the danger mounts. Stability in Afghanistan is not assured. We must carry through with our commitment. Stability in this region depends on it. America's credibility is at stake, and long-term stability in central and South Asia hangs in the balance.

We must also continue to pay close attention to North Korea where there is no guesswork about nuclear weapons. There on the Korean peninsula reside nuclear weapons, ballistic missiles, and 37,000 American troops. Despite setting the right course for disarmament in Iraq, the administration has yet to define an end game in Iraq or explain the extent of the American commitment if regime change is required, or describe how our actions in Iraq might affect our other many interests and commitments around the world.

I share the hope of a better world without Saddam Hussein, but we do not really know if our intervention in Iraq will lead to democracy in either Iraq or elsewhere in the Arab world. America has continued to take on large, complicated, and expensive responsibilities that will place heavy burdens on all of us over the next generation. It may well be necessary, but Americans should understand the extent of this burden and what may be required to pay for it and support it in both American blood and trade.

As the Congress votes on this resolution, we must understand that we have not put Iraqi issues behind us. This is just the beginning. The risks should not be understated, miscast, or misunderstood. Ours is a path of both peril and opportunity with many detours and no shortcuts.

We in the Congress are men and women of many parts. For me, it is the present-day Senator, the former soldier, or concerned father who guides my judgment and ultimate vote? It is pieces of all, for I am pieces of all. The responsibilities of each lead me to support the Lieberman-McCain-Warner-Bayh resolution, for which I will vote.

In the end, each of us who has the high honor of holding public office has the burden and privilege of decision and responsibilities. It is a sacred trust we share with the public. We will be held accountable for our actions, as it must be.

Madam President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Connecticut is recognized for 20 minutes.

Mr. DODD. Madam President, before he departs the floor, I commend my colleague from Nebraska. I regret—it is late in the day, and I am sure there is going to be more speechifying tomorrow on this subject matter—but I regret there were not more Members present to hear his comments.

Senator HAGEL is one of the most thoughtful Members of this body. When he talks about the sum of all our parts and talks about being a father and a soldier, it is always in our interest to listen to those who have worn the military uniform into combat when we debate the issues of war and peace because they know more than just intellectually and theoretically what the price can be.

I believe I should give my remarks because I have written these things out, but I can associate myself with the comments of my friend from Nebraska. He pretty much couches a lot of my thinking on how this has evolved, where we are, what we have come to this evening, the pace at which we are moving, the regrets I feel about how I wish this debate were being conducted under circumstances other than on the eve of an election in this country where already the campaign spots are running wildly one way or the other in terms of where people are. So I commend the Senator for his comments this afternoon on this subject matter.

I come this afternoon to speak about the subject which is on the minds not only of all of us but I think millions of our constituents across the country, the possibility of going to war against Iraq.

On Monday night, President Bush, I think, spoke for all of us. I know of no one who really disagrees at all. He described Saddam Hussein as a homicidal dictator who is addicted to weapons of mass destruction. It is that addiction that demands a strong response. We all agree on that. There is no question that Iraq possesses biological and chemical weapons and that he seeks to acquire additional weapons of mass destruction, including nuclear weapons. That is not in debate. I also agree with President Bush that Saddam Hussein is a threat to peace and must be disarmed, to quote President Bush directly. I suspect virtually every Member of this Chamber would not vary too much with those conclusions.

How imminent that threat is, unfortunately, has been extremely difficult to assess. This is because of a troubling new trend by the intelligence agencies to not just give us information and objective analysis but, in my opinion, too often to insert themselves into policymaking. That is not their job. It is not the job of the intelligence agencies to make policy. It is their job to provide others in the executive branch and the Congress with neutral information, with facts on which we will ultimately base our policy judgments.

This is a very troubling trend, in my view, which I believe ought to stop. If we are to go to war, it is even more important that we trust the information given by the intelligence agencies.

Nevertheless, this week we are debating because there are profound disagreements over how, when, and with whom we should act to deal with the threat posed by Iraq.

To have a different answer to these questions than the President should not be considered unpatriotic or partisan. Unfortunately, that is the kind of rhetoric we are hearing too often today.

Let's be honest. We are less than 30 days out from a national congressional election in this country. That is never an easy time for the Congress and the executive branch to come together on much of anything, let alone the question of war and peace.

Some in this Chamber have said the eve of an election is in fact the best time for Members of Congress to make decisions such as these. I could not disagree more. As my good friend and colleague, Senator BYRD, has passionately reminded us every day this week, forcing a vote on this issue so close to an election will, whether we like it or not, embroil the issue in politics more than usual.

The campaign ads running across this country speak for themselves. Forcing Congress's hand on this important matter does a disservice, I believe, to the American public and to this most profound and serious debate. But now we have no choice but to consider the matter and to vote on the issues of this utmost gravity, the issues of war and peace and of life and death, for those who will engage in it.

The President has asked Congress to grant him the authority to use force against Iraq, if he deems it necessary, and Congress will provide the President with the authority to respond effectively to the threat posed by Iraq. But we will do so only after careful consideration of all of the stakes involved.

My colleagues, Senator BYRD, Senator KENNEDY, Senator LEVIN, and others, have done an outstanding job of highlighting their questions and concerns, reflecting the questions and concerns raised by millions of Americans across political and economic lines, across geographic lines in this country; questions and concerns regarding the use of force and the resolution the President originally sent to Congress, a number of these concerns which I think many of us share.

Many of us believe the language of the President's original request was too far reaching, empowering the President to use all means necessary that he would determine appropriate, including force, to restore peace and stability to the region. That was an open invitation for an American military involvement in the broad context of the Middle East. And the language was far too unilateral. It did not even mention a role for the United Nations or our allies.

Thanks to the efforts of our congressional leaders—and I commend specifically Senator DASCHLE and others—we now have a compromise resolution, a modified resolution, correcting many of the evident flaws in the initial resolution that was sent to us.

The resolution now before us is limited to Iraq, and it contemplates the possibility of resolving this threat peacefully through the use of diplomacy. It also acknowledges the importance of maintaining our focus on our continuing war on terrorism as we consider what action to take in Iraq.

Despite these changes, of course, questions do remain. First and foremost, will the President use the authority granted by Congress to go it alone? Or will he take the time to build the international coalition that the overwhelming majority of Americans believe is the better course of action to follow?

If he chooses to go it alone, I believe that will be a terrible mistake, and I think millions of others in this country do as well. Given the geography and the politics of the region in the Middle East, I do not see how the United States could engage Iraq militarily, without the help of others, without seriously undermining our chances of success. And it would be terribly destabilizing to the entire region.

There are many reasons for acting with international support.

I have already commended the President for his decision to look first to the United Nations to answer these questions. On September 12, speaking before the United Nations General Assembly, President Bush enumerated Iraq's repeated failures to meet its international obligations.

The U.N. has been a valued body for the last one-half of the 20th century. It has not always done what we wanted. It has not always acted deliberately. It has not always acted with the kind of force and direction that many of us wish it would have. But think what the world would have looked like over the last 50 years had there not been a United Nations to have a forum where the world gathers to try to resolve the many conflicts that confront us.

It has not served our interests well to have national leadership ridicule this institution. We are the founders, in many ways, of the U.N. system. It was the great leaders in the post-World War II period who insisted we try to frame an international body where we might resolve disputes other than going through what we did throughout World War II. My hope would be that as dark as these clouds may seem as we debate and consider the issue of Iraq, that this may be an opportunity for the institution of the United Nations to mature into the 21st century role it must if we are going to succeed in the efforts against terrorism, the efforts against Iraq or other problems that will emerge, without any question, in the coming years.

My hope will be that this U.N. will look at what we are doing, listen to what we are saying as one nation, and consider how important its role must be in the coming weeks and months. If there ever were a set of circumstances that justified U.N. action, I believe it is now on Iraq, without any question.

If the framework of international law, developed at the U.N. over the last 50 years to protect peace and security, is to stand, then the U.N. must act with leadership. It is my sincere hope that the President has the patience and staying power to make the U.N. work in support of our interests.

There is also no question that the President's speech, in which he called for a more engaged U.N., got Saddam Hussein's attention. Iraq quickly announced its willingness to permit weapons inspections beginning as early as the middle of October.

At the end of the day, I suspect Iraq will accept whatever terms are ultimately contained in a final version of the U.N. resolution now under consideration. To be credible, however, that resolution must have teeth. It must be enforceable, by military means, if necessary, should Iraq fail to comply with any new disarmament regime.

I also have questions about the ultimate goal of U.S. strategy, what it is and what it ought to be. Is it the destruction of Iraqi weapons of mass destruction or the Iraqi regime itself? Secretary of State Colin Powell was definitive before the Senate Foreign Relations Committee in saying—and I quote him—regime change for its own sake was not the administration's goal.

Specifically, he stated:

> If Iraq was to disarm as a result of an inspection regime that gave us and the Security Council confidence that it had been disarmed, I think it unlikely that we would find a casus belli.

Many Members are still very concerned that President Bush has regime change on his mind. If anything, Monday night's speech clarified this position when he said that "regime change in Iraq is the only certain means of removing a great danger to our Nation."

I hope the President will heed the advice of his Secretary of State and keep our eye on the ball. Iraq's weapons of mass destruction should be our immediate threat or seen as our immediate threat, not some two-bit dictator that Saddam Hussein is. It is the weapons of mass destruction; but for those we would not be here debating or discussing the matter we are this evening.

Finally, I still have concerns about how the President intends to manage the war on terrorism if we confront Iraq militarily. September 11 revealed Saddam Hussein is not the only or perhaps even the greatest threat to our national security. Those who hold no allegiance to any state, who have no name or return address, are a far greater threat to America and the American way of life. As recent arrests in Buffalo, NY, and Portland, OR, remind us, these threats are not always in some distant land. The United States acting without global support could divert our military intelligence assets away from our global effort to combat terrorism and to uproot terrorist organizations. It could also weaken the multilateral coalition forged over the last 12 months to combat this international scourge.

I state for the record I do not hold some ironclad view that the United States should never use force or act alone. And I believe that the President of the United States already has the authority as Commander in Chief to deploy military force to protect America against all imminent threats. The pending resolution recognizes this reality. The fact is, unless force is a real option, our resolution will not have the credibility needed to, once and for all, get Saddam Hussein's full attention on this matter.

As I said earlier, I accept the proposition that we must deal with the Iraqi threat. I stand prepared, as almost all of our colleagues do, to support the unilateral use of force against Iraq but only if U.N. or other multinational efforts prove ineffective, or if Saddam Hussein is using them as a guise to rebuild his offensive weapons capabilities.

We still have time to do this right.

Mr. WARNER. At the appropriate time, could I pose a question on the United Nations to my colleague?

Mr. DODD. After I complete my remarks.

We still have time to do this right. We should have an opportunity to debate and vote on all meaningful alternatives to the pending resolution, regardless of parliamentary technicalities. For that reason, I join with my colleague, Senator BYRD, in opposing cloture when we vote on this issue tomorrow. I am not persuaded that the situation is so dire that a few more days or an additional week of deliberations at the U.N. will be harmful to our interests.

I have been in this body 22 years. The unique role of the Senate is the role of debate, unlimited debate. It is what makes us fundamentally different from the Chamber down the hall. If there are Members of this body who wish to be heard and wish to offer meaningful ideas to something as critical as this, then asking this body to take a few more days to weigh and discuss those matters ought not to be denied. We are invoking cloture too often. I know people are interested in efficiency, but if efficiency was the only goal of the Founding Fathers, they never would have created this body to begin with. They understood the importance of debate and discussion when a matter of this magnitude and this significance is before the American public.

I don't know how many others intend to support my colleague from West Virginia, but I do, not because I necessarily agree with him in his final conclusion, but I stand to defend his right to be heard and to see to it that he has the opportunity to exhaust his ideas, to share them not only with Senators but with the American people. I hope cloture will not necessarily be invoked prematurely.

Our own CIA Director states the likelihood of Iraq using weapons of mass destruction against the United States or passing them off to terrorists to do so is currently long. The real risk emerges should Saddam Hussein believe an attack by the United States is imminent. That is according to press accounts today.

I hope the President does not see the passage of a resolution in the Congress as a termination state for his efforts at the United Nations but rather as a sign of unity and support of continued effort by the United States to elicit further action by the United Nations.

Senators BIDEN, LUGAR, Senator HAGEL and others crafted an approach to this issue that I found extremely constructive. I regret the administration did not endorse their ideas. This week's debate would be far less contentious had they done so. Their idea was, of course, to focus on the weapons of mass destruction, a multilateral force, unilateral action if the U.N. efforts or multilateral efforts failed and serious thoughts about what you do to win the peace after the conflict is over. That idea will not be offered as an alternative. I regret that is the case. It is an idea that I found potentially rather attractive.

Some very important elements of the Biden-Lugar draft resolution have been incorporated in the White House compromise language. I commend the White House, those that have been involved in crafting this resolution for including this language.

First in this resolution there is an acknowledgment of U.S. efforts within the United Nations Security Council to forge international agreement on a prompt and decisive strategy to compel Iraqi compliance and the explicit congressional endorsement of such evidence.

Second, the requirement that the President make several important determinations before exercising any military option; namely, "that further diplomatic or other peaceful means alone will not adequately protect the national security of the United States." And that our efforts to fight international terrorism will not be undermined by military action against Iraq. Those determinations are going to be extremely important.

Third, and most importantly, the narrowing of the President's authority to use force to specifically defend the national security of the United States against a threat posed by Iraq's possession of weapons of mass destruction. As I noted earlier, Secretary Colin Powell made it clear in testimony before the Senate and in remarks elsewhere, that it is Iraq's weapons of mass destruction that is the threat to our national security. If Iraq disarms or is disarmed, then the immediate threat to our security would evaporate and force would not be necessary. The benefits of that outcome should be obvious to all.

Finally, the new language recognizes the need to have in place an effective exit strategy should military force prove unavoidable. These changes in the original text of the resolution are extremely important. Without them, I would not be able to consider support of this legislation.

Let me sum up where this Senator stands on this. I support Senator BYRD's motion because more time is needed. It is not a burden on this body to consider questions and to listen to Members. We should not be cut off in debate in being heard on a matter of this importance and significance. I regret Senators BIDEN and LUGAR and others have not moved forward with their proposal. It was the most comprehensive approach, in my view, to dealing with the questions of weapons of mass destruction, U.N. involvement in the aftermath of the conflict.

Third, I think every effort ought to be made to resolve this threat as peacefully as possible.

Fourth, that if military force becomes necessary, every effort must be made to do it multilaterally either through the U.N. or multilateral coalitions.

Fifth, I believe the more immediate threat is international terrorism, and that such a threat can only be contained through collective action.

Sixth, if we must act unilaterally, then the threat must be clear, grave, and imminent.

Last, in cases of preemptive action, we must be even more sure the threat is immediate and grave for the obvious reasons of setting precedent that other nations may model in conflicts that threaten everyone around the globe.

The context within which I deliberated over the difficult decision on how I would vote on this imperfect resolution has been hard, always being mindful of the dangers that could result from granting authority contained in this resolution. Ultimately, my main reason for supporting the resolution is that I believe the chances of avoiding war with Iraq are enhanced substantially if this country is united as a nation.

I know members of the United Nations Security Council are listening to this debate very intently and are going to watch this vote very carefully. American unity will strengthen, I believe, the President's hand in convincing members of the Security Council that the civilized world must act and must unite in its action.

Today, in joining with many of my colleagues in support of this resolution, I do so in the fervent hope that this show of unity in authorizing the President to use force will reduce the likelihood that force will ultimately be necessary.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Nevada is recognized.

Mr. WARNER. Mr. President, I see the distinguished assistant leader. I apologize to the Chair. I understand he has a unanimous consent request.

Mr. REID. Yes. Thank you. I know the Senator from Kansas is to be recognized next.

Mr. President, I ask unanimous consent that following the statement of the Senator from Kansas, Mr. ROBERTS, that Senator DAYTON be recognized for 15 minutes; following that, Senator FRIST be recognized for 15 minutes; following Senator FRIST, Senator DOMENICI be recognized for 20 minutes; and, following that, Senator LEVIN be recognized for 30 minutes.

Mr. WARNER. Mr. President, there is no objection.

While the leader is in the Chamber—I had the opportunity to speak with the leader just a minute ago—the pending amendment is by the distinguished Senator from West Virginia, Mr. BYRD. I hope, in order to keep the momentum going on this bill, that we can move forward towards debate on that amendment and its terms such that, should there be those on our side who wish to table or otherwise move along—we have 13 amendments here, and a number of them have been determined by the Parliamentarian to be germane. Given cloture tomorrow, of which the assistant leader is familiar, I am just suggesting strongly that the Byrd amendment be the pending amendment.

Is there a possibility in the assistant leader's mind that we might address that amendment tonight by way of a vote?

Mr. REID. I will be speaking to Senator BYRD momentarily.

I also say—to make sure everyone understands—that the majority leader, after the last vote, announced that we are going to finish this legislation tomorrow. Tomorrow takes us into Friday morning. But he has indicated we are going to finish this. There is a lot of work to do. But it can be done—it will be done. There is no question but that we are going to do it. If any Senators are waiting around until next week to give their speech, there will be no next week.

Mr. WARNER. Mr. President, it is obvious to the leader, but the amendments, I respectfully say, are on his side of the aisle. Therefore, his assistance is vital in helping us move these amendments along so that they can be given a proper amount of consideration, and before they are acted upon by a vote, for those that require a vote.

Mr. REID. The reason we have two Republicans is in order to balance out the time. The Senator from Massachusetts spoke for longer than others have spoken.

Mr. WARNER. Mr. President, the distinguished Senator from Nevada, the assistant leader, has been eminently fair in working with Senator McCAIN and myself in the management of this, as well as Senator LIEBERMAN who also has taken quite an active role in the management. I think we have had a good debate. The pending amendment laid down by the distinguished Senator from West Virginia is a matter that I think should be addressed as early as we can possibly arrange, and possibly dispose of it tonight, one way or the other, so that we can move on with this volume of some 13 amendments, many of which are germane.

Mr. REID. I will speak to Senator BYRD. Senator LIEBERMAN has an amendment on which he has talked for about a week or more. We will have to get consent to set Senator BYRD's amendment aside, or dispose of Senator BYRD's amendment prior to that time.

Mr. WARNER. Mr. President, I will work in consultation with leadership on that side.

Does the Senator think there is an option by which Senator LEVIN's amendment can be disposed of?

Mr. REID. Yes. He follows Senator DOMENICI.

Mr. WARNER. Just a rough calculation—would that be at approximately 8 o'clock?

Mr. REID. No. That will be approximately an hour from now, or an hour and twenty minutes from now. It would be about a quarter to 7.

Mr. WARNER. Give or take an hour here or there. Nevertheless, what the leader is indicating is that there is a possibility that amendment could be acted upon tonight by vote.

Mr. REID. Senator LEVIN has indicated he would like to dispose of that tonight.

Mr. WARNER. Once again, I think Senator LEVIN has several amendments. Do we know which one that might be in this batch of 13?

Mr. REID. It is the amendment he has spoken about for several days. I don't know how to identify it more than that. But it is the alternative—I think is a good way to put it—to the Lieberman amendment.

Mr. WARNER. Fine. Perhaps Senator LEVIN, through his staff or others, could indicate at the earliest possible time which of the several amendments it is so we can be prepared to reciprocate in an active debate and perhaps reach a conclusion.

Mr. President, I was going to direct a question to my colleague from Connecticut.

Mr. REID. Was the unanimous consent request agreed to?

The PRESIDING OFFICER. Without objection, the previous unanimous consent request is agreed to.

Mr. WARNER. Mr. President, I thank the leader for his assistance.

My respect for my colleague from Connecticut is predicated on many—

The PRESIDING OFFICER. The Chair reminds the distinguished Senator from Virginia that Senator ROBERTS is to speak next.

Mr. WARNER. That is right. We are trying to encourage some colloquy and questioning. I will not take a long time.

Mr. DODD. I will be brief in my answer.

Mr. WARNER. I thank the Senator. That will be a salutary moment. We will get quickly to it.

I read to my friend a quote by President John F. Kennedy in connection with the Cuban missile crisis of 1962:

> This Nation is prepared to present its case against the Soviet threat to peace and our own proposal for a peaceful world, at any time, in any forum, in the Organization of American States, in the United Nations, or in any other meeting that could be useful without limiting our freedom of action.

In looking at the amendments, certainly one of them proposed by the distinguished Senator from Michigan says very clearly that authorization for the use of armed forces is predicated on action by the United Nations. To me, that contravenes what President Kennedy laid down as a form of this.

Does the Senator think there is any basis for subordinating the right of our President to use the Armed Forces, if he deems it necessary, to action by the United Nations?

Mr. DODD. I do not know if my colleague was listening to my remarks.

Mr. WARNER. I listened very carefully.

Mr. DODD. I made the point. Certainly, my point is that we should try to resolve this matter without conflict, if possible.

There was some confusion about that, when I listened to the Secretary of State and the President, as to whether it is regime change or weapons of mass destruction. There is a lot of confusion in the American public about that as well.

Let us assume they are going to come together and try to resolve that without any conflict. It ought to be done. I think the President's father did it well and right back in 1991 with a coalition. It worked better than imagined. It certainly set a precedent for how we are going to deal or should deal with matters in the future.

I have said the reason I am supporting the resolution is that I believe it will strengthen our hand at the United Nations to get them to act with some assertiveness. But I also have said, at the end of the day, if the security interests of the United States are in jeopardy and there is nothing else to be done in the United Nations, or if other coalitions would not support us, we will never leave the security of this country, this Nation, vulnerable and solely dependent upon the willingness of the international organizations to support us.

Mr. WARNER. I thank my colleague. I share that view. I say to my good friend that acting on it now and not further delaying, with this Chamber and that of the House of Representatives, hopefully, acting on identical language, can in a strong voice say to the United Nations that we stand foursquare behind our President in his remarks and his request that the United Nations take strong action.

Mr. DODD. Let me respond very quickly on that.

I understand the management of bills here. I spent 9 days on election reform with 46 amendments; 100 were offered. I think election reform is a pretty important issue. But I don't think it is more important than the issue we are discussing today.

My point simply was to say, on matters such as this, that the role of the Senate is so critically important and the Founders intended it to be such that if Members of this body, elected to this body, feel strongly and passionately about being heard on this matter and have ideas they wish to contribute to the debate, we ought to be most reluctant to deprive a Member of this body of the opportunity to be heard.

I understand the significance of moving quickly. But it is dangerous indeed on a matter of this gravity to curtail debate to merely try to get a resolution adopted quickly. I want to hear what my colleagues have to say. I know we are going to come to a conclusion on this fairly quickly. But to cut off debate prematurely I think would be a mistake.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I share that sentiment. But I remind my colleague, this Senator was privileged to be on the floor last Friday for 5 hours. You were present. You recall that debate. Senator KENNEDY was present. And Senator BYRD was most active. And again there was debate another 5 or 6 hours on Monday and Tuesday. So there has been adequate opportunity. And there remains opportunity for Senators to be heard. I hope we do not cut off any Senator from the opportunity to speak to this important matter.

I thank the Chair and yield the floor. I know another Senator is about to speak.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I thank my colleagues for their very learned colloquy to make sure all Senators have an opportunity to speak on this extremely important issue.

As we debate whether to authorize the President, basically, to use military force to remove Saddam Hussein from power and to neutralize his emerging weapons of mass destruction capability, I would like to offer several observations.

The first is that the United Nations, as an institution, has completely and unequivocally failed to disarm Iraq consistent with its own resolutions—the resolutions agreed to also by Saddam Hussein—following the Persian Gulf war of 1991. The key word here is to "disarm."

During debate on this very crucial issue, I think we have concentrated too much on the concept of "inspections" and the possibility of trying to really somehow initiate a new inspections regime. As a matter of fact, if you read all of the newspaper accounts on this issue, and if you pay attention to the television, the radio, and the debate, it seems to me "inspections" becomes the key word. I don't think that is the case. The key issue is not inspections. The key issue is disarmament.

Again, both Iraq, under the heavy hand of Saddam Hussein, and the United Nations, have failed in the agreed-upon mandate to follow or take action consistent with resolutions following the Persian Gulf war over a decade ago. And we are talking about actual, transparent, real—real—disarmament.

The second observation I would like to make is that one of the crucial reasons both Houses of Congress should support the Warner and the Lieberman resolution, on behalf of the President, as opposed to, I guess, 13 amendments we are going to be considering—and I do not challenge or wish to impugn any intent on the part of any Member who has an amendment on this important issue—but basically one of the crucial reasons we should really do our business and support this resolution is that it will, I think, strengthen the hand of Secretary of State Powell—he told that to us as of this week, both sides of the body—in his efforts to convince the U.N. Security Council to adopt new resolutions, resolutions whose goal would be to produce tangible—again, not inspections—but inspections that would lead to disarmament. There is always that hope, and, obviously, that would be the preferred outcome as opposed to military action.

So it seems to me that is the goal of the resolution we are now considering.

In that regard, let me stress that we should act prior—prior—to the U.N. deliberations. We should act first. We should act in concert. To tie the hands of this President, or any future President with regard to matters of vital national security interests where war or peace hang in the balance, to subject him to U.N. approval or action, will constrain the freedom of action on the part of the United States by the very countries that are now responsible for a decade of U.N.—U.N.—inaction and almost irrelevance.

Let us be realistic. Let us be realistic. Saddam Hussein has demonstrated ad nauseam over the last 10 years that he will never permit the removal or destruction of his weapons of mass destruction capability. Here is my personal view on this. He cannot, and he will not. Now, why?

They are the very source of his authority in Iraq as well as the Persian Gulf. All of his ambitions—I perceive that he perceives himself as perhaps the heir apparent or maybe even the reincarnation of King Nebbuchadnezzar, Pan-Arabia. He has demonstrated a willingness to use weapons of mass destruction both against his own countrymen and against other nations. He is a student and protege and follows the example of Stalin. And he rules by fear.

So wishful thinking aside—and I have wishful thinking—but wishful thinking aside, I do not believe he is ever going to give up and disarm—ever.

Third, any notion that the United States itself is off limits to a massive attack by groups that are cooperating with or supported by Baghdad should now be gone. It is called sanctuary for further terrorist attacks against our homeland. We are not off limits. We are now terrorist targets, as proved by 9/11 and previous attacks.

Fourth, any notion that we have time left to coast along as governments in Iraq, Iran, or elsewhere continue to pursue their weapons of mass destruction programs with the possibility, if not intent, to distribute these technologies to fundamentalist terrorist cells should be gone as well.

I know, while "hard evidence" of an Iraqi role in the attacks of 9/11 may be hard to prove—the so-called smoking gun—I do not think we can afford to be naive. Particularly in the Middle East, terror groups and states work together when and where their interests are common. And their intent is the destruction of the United States, the murder of our citizens, and the elimination of our influence, real and perceived.

Just yesterday, in the continuing investigation of the September 11 attack, in an unclassified—let me stress, unclassified—and public hearing, I asked the panel of witnesses—the expert witnesses—what, after 9/11, still kept them up at night. And I asked them what policy drum they could or would beat to bring about a change in policy to safeguard our own country.

The answer was to take away the terrorists' sanctuary; that we mistakenly think that if we can only bring bin Laden to justice, render the al-Qaida harmless, then we can somehow go back to business as usual.

That simply is not the case. I think an error is being made in the debate on this most important topic when we say, now, on one hand, if we do not take action in regard to Iraq we can then continue the war against terrorism. The action against Iraq is to prevent further sanctuary for terrorism. It is inseparable.

The stark fact of the matter is that danger of another terrorist attack on this country is still not a matter of if, it is a matter of when. The distinguished then-chairman of the Armed Services Committee, Senator WARNER, remembers full well creating a subcommittee called the Subcommittee on Emerging Threats. Three years ago we predicted this would happen, citing past attacks. It is not a matter of if, but when. That condition still exists today. It is transnational in terms of the threat. It involves many terrorist organizations and cells. And, yes, it is ongoing.

Yesterday, under the heading of lessons learned from past terrorist attacks, the Intelligence Committee once again heard from experts citing a common thread of transnational, interconnected terrorism. At our peril, difficult connect-the-dots intelligence analyses did not meet the threshold of a threat warning and were ignored. We were risk averse. The terrorists who conducted past attacks attacked again. There were warnings. They were not heeded. They did not meet the criterion of a threshold of a threat warning, and we suffered the consequences. They attacked at the 1993 World Trade Center, Khobar Towers, our embassies, the thwarted—thank goodness—attack in regard to the Millennium, and, finally, the U.S.S. *Cole*. The attacks are a microcosm of the challenge we face.

If Iraq and, indeed, other regimes are left unchallenged, my colleagues, it is only a matter of time before they transfer the capability for weapons of mass destruction to a terrorist cell that will use that capability against the United States.

Now, remember, the criminal justice model of gathering evidence and presenting a case does not apply here. By the time you have evidence, it is too late. We will not lose buildings and thousands of people when that happens. We will lose whole cities and hundreds of thousands of people.

Iraq is absolutely a component in the war against terrorism. Let me try to make that point. In light of the events of September 11, 2001, I believe this body has more reason to support action against Iraq than it had in the winter of 1991. That is a pretty strong statement. Because preventing weapons of mass destruction from being acquired by terrorist cells should be the No. 1 policy priority of this Federal Government. This means neutralizing regimes that possess or seek such weapons and are predisposed to harboring, assisting, sympathizing with the bin Ladens of the world. That is a real priority for us.

Yes, there is more than one fundamentalist maniac with a significant and diverse following.

I support the resolution endorsed by the White House and sponsored by Senators LIEBERMAN and WARNER because I think our President realizes—most Senators realize—what leaders like Abraham Lincoln and Harry Truman realized: No matter what the short-term consequences would be in regards to politics, American survival must be assured. It is a first priority. It is our highest agenda.

There is reasonable concern about downside risk. You bet there is. I have those concerns. I share those concerns. I have been listening to these concerns during the debate on this subject. We have had several days of very good debate. The President and his national security team know that. All Members of the House and Senate and all thinking Americans know that. Yes, there is real concern.

I am a member of the Armed Services Committee and the Select Committee on Intelligence. I have asked question after question after question in the "what if" category. What if Saddam Hussein uses his weapons of mass destruction—of course, that means he has reconstituted his weapons of mass destruction capability, posing an ever-increasing threat—what if he uses those reconstituted weapons of mass destruction against our troops, against Gulf State partners that will support us, against Israel, or against his own people? He has done that before. Will Israel, if attacked, simply remain on the sidelines? Will we see prolonged combat? Will there be a violent upheaval in the Mideast, in the Arab nations?

What happens if we win? There has been a lot of discussion about that. How long will we have to stay? What kind of infrastructure improvements will we have to pay for if, in fact, that is the case? What do we win? How do you win a war against a tyrant who may well destroy his own country and kill his own people, blame us, or who would launch or sponsor a terrorist attack in the United States as a result of our involvement, all in the name of self-preservation?

Those are tough questions. Those are very real concerns. The distinguished Senator from West Virginia indicated we need more time to answer these concerns. How many casualties if, in fact, we go into military action against Iraq? Mrs. BOXER, the distinguished Senator from California, asked the question, how much will it cost? Maybe it was reversed. Maybe Senator BYRD asked that question, and Senator BOXER asked about casualties. What about military tactics? I must say that is probably the last thing I hope the Pentagon would share with the Congress, for obvious reasons. What about the sacrifices in regards to the American people? How much will it cost?

All of these concerns and all of these dangers are real. But, my colleagues, there are no specific and easy answers to these questions. As much as we would like otherwise, the intelligence community and the President and the administration, our military cannot provide absolute, specific answers. They can try to be specific, but absolute answers? I am sorry. They do provide estimates, based upon the best collection and analysis that is possible.

This debate and the issues at hand demand candor. President Bush has been candid. As the President said, the hope is we don't have to take military action. But if that becomes necessary, it will be difficult. Time after time in history, and in repeated testimony from those within our intelligence community, we see the greatest risk is to do nothing. We are not free unless we are free from fear. Americans have known fear—be it during the Cuban missile crisis or in the aftermath of Pearl Harbor or the attacks on the World Trade Center and Pentagon. We must not, however, accept fear as our destiny. We must be proactive in regards to national security.

We must be preemptive. Yes, preemptive, that new doctrine that is causing a rethink of our foreign policy, our military strategy, our politics, our foreign relations. It is a brand new world. It is an asymmetrical world. It is a world that was written about by Samuel P. Huntington when he wrote the book "The Clash of Civilizations and the Remaking of the World Order," the preemption doctrine. Here we are and we are debating it.

Make no mistake, this has nothing to do with partisan rivalry. This is about our future, both immediate and long term. This is the state of affairs we leave for our children and our grandchildren.

Senator WARNER just made a statement on the floor I am going to quote again, almost 40 years ago to this date, when President John F. Kennedy addressed the Nation in regard to the Cuban missile crisis. He said:

> This nation is prepared to present its case against the Soviet threat to peace, and our own proposals for a peaceful world, at any time and in any forum—in the Organization of American States, in the United Nations, or in any other meeting that could be useful—

Here is the key phrase:

> . . . without limiting our freedom of action.

In that regard, I hope we follow President Kennedy's advice. I urge my colleagues to support the resolution introduced by Senators WARNER and LIEBERMAN and to oppose the various 13 amendments that would weaken the resolution and our resolve.

I ask unanimous consent that an article entitled "A Chronology of Defiance" by Michael Kelly; an article called "The Myth of U.N. Support" by Charles Krauthammer; and an article, "The Weight of American Empire," which talks in detail about the new policy of preemption, by John Keegan, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 18, 2002]

A CHRONOLOGY OF DEFIANCE

(By Michael Kelly)

"U.N. Inspectors Can Return Unconditionally, Iraq Says," the headline reads. This, to put it mildly, and in the words of an old and apt phrase, shall not stand.

Consider the following darkly comic tale, mostly taken from the Congressional Research Service:

On March 3, 1991, the coalition forces of the Persian Gulf War signed the Safwan accords, ending hostilities in the insane conflict Iraq had forced. On April 3, the United Nations passed Security Council Resolution 687 requiring Iraq to end its weapons-of-mass-destruction programs, recognize Kuwait, account for missing Kuwaitis, return Kuwaiti property and end support for international terrorism. Iraq immediately began a decade-long pattern of defiance, alternating with stalling, tactical capitulation and more defiance. This was particularly so concerning what remains the central issue: the demand that it destroy its weapons of mass destruction and stop developing new ones.

To enforce and conduct inspections, the United Nations created a special commission, UNSCOM, which went to work in April 1991. Almost immediately, Iraq began impeding the inspections. The United Nations responded by passing its first resolution-to-enforce-the-resolution, Resolution 707, on Aug. 15, which ordered Iraq to comply with unfettered inspections of all sites and to make full disclosure of all of its suppliers to its program for weapons of mass destruction. On Oct. 11, the United Nations also passed Resolution 715, which established a long-term monitoring program.

Some success ensued, but Iraq resumed impeding inspections in March 1996. The Security Council responded with Resolution 1060, on June 12, 1996, demanding, again, Iraqi cooperation, which was not forthcoming. So, on June 21, 1997, the august body duly passed Resolution 1115, which threatened non-cooperating Iraqi government officials with travel restrictions. This was followed on Oct. 23, 1997, by Resolution 1134, which threatened travel restrictions—again—and which banned consideration of lifting the U.N. sanctions against Iraq until April 1998.

On Oct. 29, Iraq barred American inspectors assigned to UNSCOM from conducting any inspections. So, on Nov. 12, 1997, the United Nations went right darned ahead and imposed those mean old travel restrictions. The next day, Iraq expelled all the American inspectors. The U.S. House of Representatives passed a resolution authorizing the use of unilateral U.S. military action if necessary. But the measure died in the Senate, of inattention.

In November 1997, Russia brokered a compromise that allowed UNSCOM to resume some temporary and sharply limited inspections. In February 1998, U.N. Secretary General Kofi Annan put together a second compromise, by which Iraq agreed to allow inspections with the proviso that it be allowed to protect "presidential sites" from undue indignity. Iraq designated eight large tracts of land (containing more than 1,000 buildings) as "presidential sites." Inspectors could visit these sites only after announcing the visit in advance and informing the Iraqis of the composition of the visiting team—nuclear, chemical or biological inspectors. In appreciation of this joke, the Clinton administration supported lifting the travel ban on Iraq and resuming sanction reviews.

In August 1998, Iraq barred UNSCOM from inspecting any new facilities. The Senate and House passed a resolution, signed on Aug. 14, declaring Iraq to be in "material breach" of the cease-fire. On Sept. 9, the Security Council adopted Resolution 1194, suspending sanction reviews. On Oct. 30, the council offered Iraq yet another chance to have the sanctions lifted if it complied with inspections, but Iraq spurned the offer and announced the cessation of all cooperation with UNSCOM. A very angry Security Council passed the very fierce Resolution 1205, which called Iraq's action a "flagrant violation" of the February 1998 agreement. A very, very angry President Clinton very, very fiercely threatened airstrikes. On Nov. 14, Iraq agreed to cooperate. President Clinton promptly canceled the airstrikes.

On Dec. 15, 1998, UNSCOM announced that Iraq had refused to hand over key weapons-program documents and was, again, impeding inspections. UNSCOM inspectors withdrew from the country and the United States and Britain bombed Iraqi military and security targets for several days. UNSCOM never went back into Iraq. On Dec. 17, 1999, the Security Council passed Resolution 1284 establishing a new inspection body, UNMOVIC, and offering Iraq the suspension of most sanctions in exchange for a resumption of inspections. In February 2001, Iraq entered into talks with the U.N. secretary general on this basis, "but the talks made little progress."

I'd say the current Iraqi offer can be dispensed with, oh, now.

[From the Washington Post, Oct. 4, 2002]

The Myth of U.N. Support

(By Charles Krauthammer)

"This nation is prepared to present its case against the Soviet threat to peace, and our own proposals for a peaceful world, at any time and in any forum—in the Organization of American States, in the United Nations, or in any other meeting that could be useful—without limiting our freedom of action."—President John F. Kennedy, Cuban missile crisis, address to the nation, Oct. 22, 1962

"I'm waiting for the final recommendation of the Security Council before I'm going to say how I'm going to vote."—Sen. Edward M. Kennedy, Iraq crisis, address to the Johns Hopkins School of Advanced International Studies, Sept. 27, 2002

How far the Democrats have come. Forty years ago to the month, President Kennedy asserts his willingness to present his case to the United Nations, but also his determination not to allow the United Nations to constrain America's freedom of action. Today his brother, a leader of the same party, awaits the guidance of the United Nations before he will declare himself on how America should respond to another nation threatening the United States with weapons of mass destruction.

Ted Kennedy is not alone. Much of the leadership of the Democratic Party is in the thrall of the United Nations. War and peace hang in the balance. The world waits to see what the American people, in Congress assembled, will say. These Democrats say: Wait, we must find out what the United Nations say first.

The chairman of the Senate Armed Services Committee, Carl Levin, would enshrine such lunacy in legislation, no less. He would not even authorize the use of force without prior U.N. approval. Why? What exactly does U.N. approval mean?

It cannot mean the U.N. General Assembly, which is an empty debating society. It means the Security Council, Now, the Security Council has five permanent members and 10 rotating members. Among the rotating members is Syria. How can any senator stand up and tell the American people that before deciding whether America goes to war against a rogue state such as Iraq, it needs to hear the "final recommendation" of Syria, a regime on the State Department's official terrorist list?

Or maybe these senators are awaiting the wisdom of some of the other nonpermanent members. Cameroon? Mauritius? Guinea? Certainly Kennedy and Levin cannot be saying that we must not decide whether to go to war until we have heard the considered opinion of countries that none of their colleagues can find on a map.

Okay. So we are not talking about these dots on the map. We must be talking about the five permanent members. The United States is one. Another is Britain, which support us. That leaves three. So when you hear senators grandly demand the support of the "international community," this is what they mean: France, Russia and China.

As I recently asked in this space, by what logic does the blessing of these countries bestow moral legitimacy on American action? China's leaders are the butchers of Tiananmen Square. France and Russia will decide the Iraq question based on the coldest calculation of their own national interest, meaning money and oil.

Everyone in the Senate wants a new and tough inspection regime in Iraq: anytime, anywhere, unannounced. Yet these three countries, whose approval the Democrats crave, are responsible for the hopelessly diluted and useless inspection regime that now exists.

They spent the 1990s doing everything they could to dismantle the Gulf War mandate to disarm Saddam Hussein. The Clinton administration helplessly acquiesced, finally approving a new Security Council resolution in 1999 that gave us the current toothless inspections regime. France, Russia and China, mind you, refused to support even that resolution; they all abstained because it did not make yet more concessions to Saddam Hussein.

After a decade of acting as Saddam Hussein's lawyers on the Security Council, these countries are now to be the arbiters of America's new and deadly serious effort to ensure Iraqi disarmament.

So insist leading Democrats. Why? It has no moral logic. It has no strategic logic. Forty years ago, we had a Democratic president who declared that he would not allow the United Nations or any others to tell the United States how it would defend itself. Would that JFK's party had an ounce of his confidence in the wisdom and judgment of America, deciding its own fate by its own lights, regardless of the wishes of France.

Or Cameroon.

[From the Washington Post, Oct. 6, 2002]

The Weight of American Empire

(By John Keegan)

WARMINSTER, ENGLAND.—The statement of principles that will guide the national security strategy of the United States during the war on terrorism, and against states that acquire weapons of mass destruction for nefarious purposes, is presented in the language of American statecraft at its most traditional. The allusions from the past proliferate—allusions to the Four Freedoms, to the Atlantic Charter, even to President Woodrow Wilson's Fourteen Points. The values that President Bush promises to defend with all the power at his disposal are central to the American way—democratic self-government, free association, freedom of expression, equal rights for individuals. It is a very American, and very old-fashioned, document.

At the same time, it makes commitments that are unprecedented in the language of American national policy. To put it bluntly, the president makes threats. He warns terrorists that they will be opposed by every weapon and every means at America's disposal. That might be expected and is no more than terrorists deserve.

But he also warns that states that harbor terrorists—or are compromised by terrorism—will be held to account, by which he means military account. He goes on to say that enemies of the United States who are preparing weapons of mass destruction (enemies unspecified but by implication already identified by the Pentagon and State Department) will find themselves targets of U.S. action, even if—and this is a particularly menacing note—such preparations are not complete and the threats to American and its allies are not fully formed.

No doubt it is America's readiness to make threats that contributes to the anti-Americanism now rampant in Europe. Fifty years of peace have skewed the European outlook on the world. Apart from some minor Balkan troubles, Europeans have not known war since 1945, and they have fallen into the habit of viewing war as an alien activity to which they have found a superior alternative—the building of pan-European institutions, free trade and the convening of tedious international conferences. They conveniently forget the threat posed until 1990 by the vanished Soviet Union and they show no appreciation at all of the effort and expense undertaken by the United States in acting as the leading military member of NATO during the Cold War.

There can be no doubt that the American approach to the future is far more realistic than the European and would have been so, if stated, even before the Sept. 11 attacks. Indeed, the logic of President Bush's statement depends less on the emergence of terrorism as a serious threat to civilized states, or even on Saddam Hussein's specific defiance of U.N. resolutions requiring him to admit weapons inspectors, than it does on factors already apparent as the Cold War was drawing to its close.

Students of the Cold War perceived that it imposed, for all the rhetoric of nuclear threat and counter-threat, an artificial stability in international relations. The existence of two superpowers, and the confrontation between them, obliged almost all states to choose sides—and, having chosen, to accept a consequent restraint on their foreign military power. The superpowers offered protection to their clients. But they also expected and got a measure of obedience.

In no respect was that more true than in the acquisition of weapons of mass destruction, particularly nuclear weapons. On whatever else they did not agree, the United States and Soviet Union—as the world's only fully equipped nuclear powers—concurred that possession of nuclear weapons should be confined to the smallest possible number of states. From their points of view, the ideal number would have been two. But failing America's ability to constrain its wartime nuclear partner, Britain (which had acquired most of the necessary expertise to build bombs), and then France (which could not bear the indignity of nuclear inferiority to its ancient enemy), the United States reluctantly accepted a troika of Western nuclear powers. The Soviet Union would have preferred to remain the only communist nuclear power, but China's size and strength prevented Moscow from constraining Beijing.

Thus the nuclear balance of the Cold War years was established on a basis of five powers; and, as each was a stable state, experienced in the ways of the world, the tacit agreement between the superpowers to maintain world order worked. Indeed, it survived even unilateral superpower efforts to win local wars at the boundary between the spheres of influence—Vietnam, Afghanistan, Angola.

The more farsighted observers perceived, however, that, should the Cold War ever come to and end, so would the stability it had imposed. While most states, particularly the richer and longer-established ones, would choose to go on as before, a minority of others, those with grievances against their neighbors or with their standing in the world order, would rebel. They would try to become local superpowers and they would challenge the right of the United States and Russia, the Soviet Union's successor, to maintain the old Cold War order.

So it has turned out. The emergence of India and Pakistan as nuclear powers, though undesirable, was predictable and is containable. They deter each other. The dissidences of Iraq and of Chechnya are of a different order. Chechnya, traditionally disruptive of Russia's efforts to maintain order in its borderlands, is a menace and Moscow deserves Washington's support in its effort to bring the Chechens under control. Iraq is a far more serious problem, since it is a comparatively advanced state and potentially very rich. Under a regime that would cooperate with the international community, it would be nothing but a force for good in the Middle East. Its society is not Islamic and its population is well educated. But because power in Iraq has, lamentably, passed to a megalomaniac and his hometown clique, it has become exactly what students of post-Cold War politics feared the future might bring at its worst.

Unspoken in Bush's national security document is the idea that small, unstable, self-seeking states under dictatorial control must not be allowed to acquire nuclear weapons. Iraq happens merely to be the first in that category to appear. Its pretensions to nuclear power must be quashed. But—and this is the real import of the president's statement—so must similar pretensions, if and when they appear, forever. The president has committed his country to a fearsome duty. It will never go away.

Mr. ROBERTS. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the time that Senator DAYTON had under the order that had been entered be given to the chairman of the Foreign Relations Committee, Senator BIDEN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I have time tomorrow to speak, too. I will make a much longer speech on my views on this subject.

There used to be a trial lawyer I practiced law under. I used to sit in the counsel chair next to him and watch how he tried cases. He used to say to the jury, when he started the case, his opening statement, he would say: I want you to keep your eye on the ball. I want you to focus on the issue at hand.

He would turn to his client, who sometimes was not the most admirable of people, who may have been innocent but not admirable. And he would say: I want you to take a look at my client. You wouldn't invite my client home for dinner. You wouldn't want your daughter going out with my client. As a matter of fact, I wouldn't even go have a cup of coffee with him after this. The question is not whether or not he is a homely guy or a bad guy, or whether or not he is a guy who you would like to have as a friend.

The question is, did he kill Cock Robin? Keep your eye on the ball. What is going to happen here is you are going to have the State coming in saying this is a bad guy. He is an ugly guy. Look at him, he doesn't dress very well. Look at him, he is not very amiable. Keep your eye on the ball.

Just listening to my friend from Kansas and others today, I think we are kind of taking our eye off the ball. Tomorrow I will go into this in great detail. But let's remind ourselves why are we here right now. Why are we here, notwithstanding the fact Senator LIEBERMAN and Congressman GEPHARDT went down and stood with the President of the United States and said they adopted a resolution? That is not why we are here today. We are not here because of that. We are here because of what the President told us. Everybody remember, keep your eye on the ball.

The President said he has not decided whether or not we are going to go to war. He said it is his hope that we not go to war. It is his hope it can be avoided. Yet, for the first time in the history of the United States of America, in my judgment, the President of the United States is asking for the Congress to give him the equivalent of a declaration of war—to go to war—before the President has made up his mind. He has not made up his mind.

Keep your eye on the ball. Follow the bouncing ball like in the old Lawrence Welk days. A, the President has not decided whether or not to go to war; B, the President says give me the authority to go to war; C, we say on what basis do you want to go to war, Mr. President?

The details matter. If, for example, we leave here, setting a precedent, suggesting the reason we might go to war is because of this new doctrine of preemption, which no one has explained—no one has explained it. I sat at the White House, I say to my friend from Virginia, with Dr. Rice for hours. Dr. Rice said it is no different than what has always been the policy of the U.S.

Well, if that is the case, then I don't have any problem. The President always has the right to act preemptively if we are in imminent danger. If they are coming up over the hill, he can respond; if troops are coming out of Tijuana, heading north, we can respond; if they are coming down from Toronto, we can respond; if missiles are on their way, we can respond. But that is not the way I hear it being used here. We are talking about preemption, as if we are adopting a policy. As Dr. Kissinger said before our committee, that will undo an agreement the Western World made in the early 1640s at the end of the religious wars in Europe, which said no country has a right to preemptively move against another country because they think they are going to be bad guys.

So this is a pretty big deal. Words matter. And so I say to my friends, let's go back. Why did the President ask us for a resolution when he sent up the draft resolution? Why? He stated forthrightly why. He said: Because I need to demonstrate that I have support in order not to go to war. That is what he said. He said: You, the Congress, give me overwhelming support. Then the U.N. will know I mean it. Then the Security Council will say if we don't, he will, so we better. That is the reason why we are here. That is the reason, I remind my colleague from Connecticut and my friend from Virginia, why we are here. Otherwise, it is ridiculous—a President saying I don't know whether I want to go to war yet, but declare it.

So I hope people don't start confusing things on this floor. I may not be around here after November—I hope I am; I am up for reelection, but I don't want to be on this floor 6 years from now and have someone stand up and inaccurately say, by the way, back in the year 2002, in October, we adopted a policy of preemption. Therefore, even though we are in no imminent danger, even though there is no violation of any international rule, we think the country of Xanadu are bad guys and we are invading. That would be a serious mistake. Let me tell you why—not because as an American and as President, if I were President, or as a Senator, or as a Congressman, I would like to have that ability. But, guess what, I don't want Beijing waking up one morning and saying, you know, we have a right to preemptively attack Taiwan. I don't want India waking up one morning and saying, by the way, we have a right preemptively to attack Pakistan. In case you are all wondering—and I know my colleagues are not, because they know the score and they are thinking about both of those things—both of those countries could conceivably reach that conclusion. It's not an impossibility, if the most powerful Nation in the world establishes an unnecessary doctrine. So let's keep our eye on the ball.

Why are we being asked to do this—to give the President the kind of momentum he needs to allow the Secretary of State to convince the Security Council to do what they should do in the first place?

The second point I would like to make is this: We are, right now, talking about preemption, when there is no need for any doctrine of preemption to justify us going against Iraq with others, or alone, if need be. Let's get the facts straight. There is a guy named Saddam Hussein who, in the early 1990s, broke international law, invaded another country, violating every rule of international law. The world, under the leadership of a President named Bush, united and expelled him from that country. Upon expulsion, he said a condition for your being able to remain in power, Saddam Hussein, is you sue for peace and you agree to the following terms of surrender. Those terms of surrender, unlike with the Treaty of Versailles and other treaties where surrender comes about, were in the form of concessions to the U.N., to the world. So he signed onto a number of resolutions.

If the world decides it must use force for his failure to abide by the terms of surrender, then it is not preempting, it is enforcing. It is enforcing, it is finishing a war he reignited, because the only reason the war stopped is he sued for peace.

So, for Lord's sake, anybody who decides to vote for this resolution, please do not rest it on this cockamamie notion of preemption. You will rue the day. If that is the precedent we establish for our own safety's sake, you will rue the day.

The third point I want to make about keeping your eye on the ball here is—the fact of the matter is the President of the United States has not yet, A, made the decision about going to war and, B, if he decides to go to war, he has not made the case to the American people.

Let me explain what I mean by that before my colleagues jump all over it. He made a clear case to the U.N. that by the standards of the United Nations, this man, Saddam Hussein, has flouted the rules of the U.N.—absolutely an overwhelming case. Then he came along on Monday and he made a clear case, in the minds of many, to the American people that Saddam Hussein is a danger to the United States.

But there is one more case he has to make. Those of us out of the generation of Vietnam, and those who were in power during the generation of Vietnam, know that no matter how well articulated, no matter how well formulated a foreign policy is, it cannot be sustained without the informed consent of the American people. What is being asked of them? The American people do not know what is going to be asked of them yet.

I am fully confident if the President decides, in concert with others, war is necessary, he will have to inform them before he launches it. I say that because he personally told me that. I asked him. My friend from Virginia may have been at the leadership meeting 3 weeks ago in the cabinet room when the President turned to me after others had spoken and said, "Mr. Chairman, will you be with me?" I said, "Mr. President, I will be with you on the condition that you do two things: One, you make every effort possible to do this under the auspices of the U.N. or the coalition, like we did in Kosovo; and you inform the American people that it is going to require substantial American forces and substantial American money to stay in Iraq after Saddam Hussein is down." He looked at me in the presence of everybody and said, "I will do that." So I take him at his word.

I lay you 8 to 5, if you go home and ask your constituents who say they are for war—ask them the following question: How long do you think we are going to have to keep American forces in Iraq? I will lay you 8 to 5 that 90 percent will look at you with a blank stare and ask: What do you mean, stay in Iraq? What are you talking about, stay in Iraq? They have no notion. Senator DODD, Senator SARBANES, and I, and the Foreign Relations Committee held several very good hearings. At one hearing, we had the fellow who headed up the office in the Pentagon as to what we do after we win the war—planning. We had two other military experts.

Do my colleagues know what they told us? They probably told you the same thing in Armed Services Committee. It is probable we will have to keep at least 75,000 American forces in Iraq for at least 1 year at a cost of $19 billion. Maybe it will not be 75,000. Maybe it will be 25,000; maybe 105,000. I do not know. But we have an obligation to tell our constituents.

As I said to my good friend, Mr. BROWNBACK, who is on our committee, in one of our hearings: Everything may go smoothly. And I think there is a possibility it could happen. If we have to go to war, everything may go smoothly, and once he is down and does not use chemical weapons, the army surrenders and the Republican Guard crumbles, and he is assassinated on the way out of town, and we get our hands on the weapons of mass destruction quickly, we identify where they are, we destroy them, and the rest of the world comes in to help us with the burden of keeping Iraq from splitting into at least three separate pieces—that could all happen. That is possible.

What happens if it does not? Big nations cannot bluff. We should tell the American people straight up, and I am prepared to do it and support it: If, in fact, we are forced to go into Iraq with other nations, for his failure to comply, say goodbye for a while to the new permanent tax cut; say goodbye for a while to significant increases in health care funding; say goodbye for a while to a whole lot of issues for those who vote for this.

This is the time for a little honesty in advertising. This is the time the American people are strong, they are bright, and they are willing to take this on. The one thing I believe they will not stand for is being sold a bill of goods. We are not stopping 400 miles short of Baghdad this time if we go. We are not. The Senator from West Virginia has said repeatedly, this is a considerable undertaking.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BIDEN. As I said, I will tomorrow go into much greater detail. Again, keep your eye on the ball and level with the American people as we go through this process because I think if Saddam Hussein is around 5 years from now, we are in deep trouble as a country—we are in deep trouble.

The PRESIDING OFFICER. Under the previous order, the Senator from Tennessee is to be recognized.

Mr. SARBANES. Mr. President, can I inquire what the parliamentary situation is?

The PRESIDING OFFICER. The Senator from Tennessee is to speak for 15 minutes, followed by the senior Senator from New Mexico for 20 minutes, and the senior Senator from Michigan for 30 minutes.

Mr. SARBANES. For what?

The PRESIDING OFFICER. The senior Senator from Michigan for 30 minutes.

Mr. SARBANES. Is this all being done through unanimous consent requests?

The PRESIDING OFFICER. It is.

Mr. SARBANES. I ask unanimous consent that I be permitted to speak after the senior Senator from Michigan.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, I have to object at this time. I have been in consultation with the senior Senator from West Virginia who had expressed some interest in taking that slot. Without losing my right to the floor, does the senior Senator from West Virginia wish to speak to his desires? He has the pending amendment, and I think it is very important that the Senate have the opportunity tonight to vote on your amendment. Of course, the Senator will desire to speak for a period of time prior to, I anticipate, a motion to table.

I have the floor, but I yield for a question.

The PRESIDING OFFICER. The Senator from Maryland has the floor.

Mr. WARNER. Beg your pardon?

The PRESIDING OFFICER. The Senator from Maryland has the floor.

Mr. SARBANES. I am happy to yield to the Senator from Virginia for a comment or an observation he wants to make, but I do not yield the floor.

Mr. WARNER. I reserved the right to object to the Senator's unanimous consent request.

Mr. SARBANES. But that does not give the Senator the floor.

Mr. WARNER. No, I reserved the right to object.

The PRESIDING OFFICER. The Senator from Maryland is correct.

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

Mr. BYRD. He did not yield for that purpose.

The PRESIDING OFFICER. The Senator does not have the floor and cannot make that request.

Mr. BYRD. May I respond now?

Mr. REID. Mr. President, it is my understanding, under the order, the Senator from Tennessee is to be recognized.

The PRESIDING OFFICER. That is correct, under the unanimous consent agreement. The Senator from Maryland proposed a unanimous consent request. Is there an objection?

Mr. WARNER. Objection.

Mr. BYRD. Reserving the right to object.

The PRESIDING OFFICER. Objection is heard. The Senator from Tennessee has the floor and is recognized.

Mr. BYRD. Mr. President, will the Senator from Tennessee yield, without losing his right to the floor?

Mr. FRIST. I will be happy to yield.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I had indicated to the distinguished Senator from Virginia that I would like to be recognized after Mr. LEVIN. I believe he is last on the list. I have no problem with the Senator—if the Senator will agree to allow him—Mr. SARBANES to follow Mr. LEVIN and then I would like to be recognized at that time.

Mr. REID. If I can ask a question of the Senator from West Virginia, who proposed a unanimous consent request.

Mr. BYRD. Yes.

Mr. REID. If people have a question as to the position we are in today, yesterday we tried lining up speakers, and that did not work. Today we lined up two speakers on each side so people do not come to the Chamber and have to wait. That is what we did. That is the position we are in now. Both cloakrooms received requests from people who wanted to speak. That is what we have done.

There is a question as to who is going to be the next speaker. I will only say there is no requirement to do so. We have been going back and forth: Senator LEVIN and then I assume we will go to a Republican. After Senator LEVIN, anybody could get the floor.

Mr. SARBANES. Can I inquire who follows Senator FRIST?

Mr. REID. After Senator FRIST is Senator DOMENICI.

Mr. SARBANES. That does not strike me as going back and forth.

Mr. REID. We had Senator KERRY, who spoke for 45 minutes. These two Senators are speaking for a total of 35 minutes. That is the amount of time Senator KERRY had.

Mr. MCCAIN. Will the Senator from Nevada yield? I ask unanimous consent to speak with the Senator from Nevada.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Without interfering with the Senator from Tennessee, is it his predilection to continue this debate tonight until all speakers are finished, or is the desire of the majority leader and the majority whip to have a vote on the Byrd amendment, or put it off until tomorrow? We have 13 amendments pending.

Mr. REID. Mr. President, as we all know, I say to my friend, anyone who has the floor can move to table the amendment of the Senator from West Virginia.

Mr. MCCAIN. Yes.

Mr. REID. I assume that because of the respect people have for Senator BYRD, before that happens someone will give him the opportunity to speak. I am sure that will happen.

Mr. MCCAIN. If the Senator will yield further, it is not our desire to propose a motion to table until the Senator from West Virginia has had ample time to discuss his amendment. I do not think that would be appropriate. But at some point, I hope we can reach a point where we can have a motion to table or an up-or-down vote on the amendment. For the benefit of all Senators, perhaps we can try to ascertain that.

Mr. REID. The answer to your question, from my perspective, the best thing to do for an orderly process is to dispose of the Byrd amendment and then move to the Levin amendment for which we have been waiting a long time.

Before we dispose of the Byrd amendment, I am sure, as I indicated—whether it is Domenici, whoever it is—will give the Senator from West Virginia ample opportunity to discuss his amendment.

The Senator from Arizona asked me if that should happen. That is what should happen.

Mr. MCCAIN. If I can finish. So we will dispose of the Byrd amendment tonight, if it is agreeable with the Senator from West Virginia.

Mr. REID. I will put it another way. Senator BYRD's amendment, as he knows, being the mother of all parliamentarians, can be disposed of at any time.

Mr. MCCAIN. Yes.

Mr. REID. I think we would like to move this along. I hope Senator BYRD's amendment will be disposed of before we move to the Levin amendment. That is not a necessity, but it would make it a little more orderly.

Mr. MCCAIN. Finally, could I ask Senator BYRD's predilections on this issue?

Mr. BYRD. Mr. President, I thank the distinguished Senator from Arizona for his question. I say to the Senator, he has amendments, and he has already submitted his amendments. I would like to have a chance to vote on these amendments before the cloture vote. I hope we will get the cloture vote delayed at least a few hours tomorrow until Senators, such as Mr. LEVIN, who have amendments will have a fair shot at explaining their amendments and have a vote on them before cloture. I do not know whether the Senate will be disposed to do that or not.

Let me see if I can answer the distinguished Senator from Arizona. I have another amendment I would like to get voted on, too. I would like to offer it to the amendment that is pending. I say to the distinguished Senator from Arizona—and he is a very distinguished Senator—the other amendment would be to provide a sunset provision.

So if the Senate is going to waive its constitutional powers to the extent that I think would be required if the Lieberman amendment were to be agreed upon, I would like at least for the Senate to have a sunset provision so there would be a time limit when the Lieberman amendment would run its course. If the Congress wanted to renew that, Congress could do it, of course, but at least my amendment would say 12 months, and the President could extend that for 12 months.

That is a rough explanation of my amendment. So that would be 12 months for the President under my amendment, providing for the President on his own to extend that for an additional 12 months, but at the end of that time it is over unless the Congress renews or extends it. I would like to have that amendment also voted upon.

I am very willing to enter into some kind of an agreement, say, to vote up or down on both amendments. There would be a vote on the Lieberman amendment and then a vote on cloture tomorrow at some point.

Mr. WARNER. Mr. President, we have been endeavoring to accommodate the pending amendment with the time agreement such that it could be brought up as soon as possible.

The Senator from West Virginia and I have had no discussion about a second amendment, and I urge that we allow the Senator from Tennessee to speak, and in the interim let's gather and see whether or not we can reconcile honest differences and motives.

Mr. REID. If I could just suggest one thing, maybe we could have all of this taken care of by not having a cloture vote. Cloture is going to be invoked by a large margin. Maybe we would not need a cloture vote.

Mr. WARNER. There are Senators on this side who wish to leave intact this present procedure, which is working well. It has produced 13 amendments, 7 of which have been ruled germane thus far by the Parliamentarian. This debate is well underway, well structured, and can proceed.

At the moment, we have a pending amendment, and I urge that we allow the Senator from Tennessee——

Mr. REID. I ask unanimous consent that the 15 minutes allocated to the Senator from Tennessee be given in its entirety. We have taken most of that time. Then during that time, we will confer as to how we can proceed.

Mr. WARNER. I thank the Senator.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from Tennessee has the floor.

Mr. FRIST. Mr. President, the Members of this body will soon vote on authorizing the President to use the military might of this Nation against Saddam Hussein. This decision has weighed heavily on me, as it has on us all. No one takes lightly the prospect of young Americans risking their lives on the battlefield of war, but we and they swear an oath to defend our rights and freedoms against all enemies. And so our duty we must now do.

Saddam Hussein is a direct and deadly threat to the American people and to the people of the world. He holds the power to murder not just hundreds or thousands or tens of thousands, but millions. He defies all international efforts to restrain that power and keep world peace, and he disdains the value of human life, even the lives of his own people. This is an evil, lawless, and murderous man.

The resolution before the Senate is carefully constructed to encourage the widest possible international support for unified action against Saddam Hussein. The nations of the world need to show him they will no longer tolerate his arrogant contempt for United Nations resolutions, requiring him to give up his weapons of mass destruction and cease the gross human rights violations he has committed on his own people. I support the President's intensive efforts to build such a coalition, and I pray for his success.

No one wants to avoid a war more than I do. I am a physician. I have devoted my life to a profession that is centered on saving lives. Only when we have exhausted all reasonable efforts at keeping peace should we consider waging war. The President shares a firm commitment to this principle. I consider this resolution a strong statement of support for peace and, if the Nation must, for war as well. For if the safety of our people, the security of our Nation, and the stability of the world remain so threatened, we must risk war for peace. To do anything less would leave a grave and growing danger looming over the lives of millions.

This evening I will talk about Saddam Hussein's past, his present, and what I consider his greatest danger, a robust biological weapons program. More than chemical and nuclear weapons, Saddam's biological weapons pose a unique and immediate threat. Unlike other conventional weapons, they are easily made. They can be readily concealed and are beyond the reach of inspectors and can readily be delivered across borders and, yes, even across oceans. In the hands of a madman, biological weapons literally threaten us all.

I refer to the words on this chart concerning Iraq's weapons of mass destruction, excerpts from an October 2002 unclassified CIA report, which reads:

> Iraq has some lethal and incapacitating BW—

Biological weapon—

> agents and is capable of quickly producing and weaponizing a variety of such agents, including anthrax, for delivery by bombs, missiles, aerial sprayers and covert operatives, including potentially against the U.S. homeland.

Indeed, these biological weapons literally threaten us all—"potentially against the U.S. homeland."

Saddam Hussein has pursued the most deadly weapons known to man, with brutal determination. His arsenal has included tens of thousands of tons of chemical agents and biological agents. He has come within months of acquiring nuclear weapons, and he has developed many means, both in number and type, to deliver his desired destruction.

History shows that dictators do not amass such weapons without the intent to use them. Indeed, Saddam Hussein has accumulated chemical weapons and used them to attack his neighbors and even murder his own people. During the Iran-Iraq war, which lasted from 1980 to 1988, Saddam Hussein inflicted 20,000 casualties by striking with chemicals—mustard gas, sarin, and tabun. He also used mustard and nerve agents to murder as many as 5,000 Iraqi Kurds and inflict the misery of chemical warfare on another 10,000.

I show this chart briefly to demonstrate the impact of these chemicals. Saddam Hussein used the chemicals on his own people. We can see the effects of this tragedy among the victims, who are women and children in this picture.

Saddam Hussein was fully prepared to use biological weapons during the gulf war. In 1995, Iraq admitted it had produced 19,000 liters of botulinum toxin, 8,500 liters of anthrax, and 2,200 liters of aflatoxin. That is enough botulinum toxin—remember, that is the most potent poison known to man—to kill every man, woman and child on Earth.

Iraq also admitted it had loaded thousands of liters of agents into bombs, into munitions, into dozens of warheads and aircraft spray tanks, just as American and allied forces prepared to liberate Kuwait. Before the gulf war, intelligence experts believed Saddam Hussein was at least 8 to 10 years from having a nuclear weapon. That estimate was way off. Iraq had already assembled many of the pieces needed to build a nuclear weapon. What it lacked was fissile material that makes up the explosive core of a nuclear device. If Saddam Hussein had been able to obtain that material, either by making it or buying it, he would likely have had a nuclear bomb by no later than 1993.

Indeed, Iraq has gone to great lengths to acquire weapons of mass destruction. Its efforts to hide the weapons have been equally ambitious. Saddam Hussein has defied the international community almost from the moment he came to power in 1979. His rule has been a constant threat to peace among the Iraqi people, in the Middle East, and throughout the world.

Saddam Hussein has twice invaded sovereign nations. In 1980, he launched the Iran-Iraq war solely for territorial gain. Eight years, one million casualties and hundreds of billions of dollars later, the war ended with Iraq gaining nothing. In 1990, Saddam Hussein started the gulf war by invading Kuwait. His objective? Seize control of his neighbor's oil fields. We expelled him. As we did, he fired dozens of Scud missiles into Israel and into Saudi Arabia and the waters off Qatar.

Iraq has shown as much contempt for the international community as it has shown aggression toward its neighbors. Since 1990, Iraq has violated 16 United Nations Security Council resolutions. Inspectors charged with enforcing those resolutions have been deceived, they have been obstructed, they have been intimidated by Saddam Hussein and his henchmen.

Saddam Hussein has funneled as much as $9 billion from the United Nations Oil-for-Food program into his weapons of mass destruction program and other illegal activities, starving his people and strangling the economy.

To Saddam Hussein international treaties are worth less than the paper on which they are written. Iraq is the only nation publicly cited for violating the Geneva Convention ban on using chemical weapons. Its biological weapons program has directly violated the Biological and Toxin Weapons Convention. And Iraq has utterly ignored the Nuclear Non-Proliferation Treaty, which has been signed by 187 countries since its inception in 1968.

Saddam Hussein said in a recent speech, "The present of any nation or people cannot be isolated from its past . . ." Indeed. What Saddam has done in the past is reckless, lawless and appalling. But what he is doing now should frighten us all and compel the world to action. Not only does he continue to develop and produce weapons of mass destruction, but he's more likely to use them than ever before. I am particularly concerned about the unique and immediate threat Saddam's biological weapons program presents.

Iraq has lethal and incapacitating biological weapons agents potentially to use against the United States homeland.

Iraq likely produced two to four times more biological agents than it publicly admitted in 1995. United Nations inspection teams could not account for biological culture growth media that would have easily tripled Saddam's stocks of anthrax—a bacteria that can be rapidly and easily produced as a weapon of mass destruction. Mr. President, 30,000 munitions designed solely for chemical and biological agents were also unaccounted for. Missing biological agents, missing biological munitions and Iraq's pattern of deception lead to only one conclusion: Saddam Hussein today retains a large arsenal of deadly living microorganisms available as weapons of mass destruction.

That arsenal likely contains stocks of live viruses and bacteria produced not only before the Gulf War, but also after, especially since weapons inspectors left Iraq in 1998. Saddam has expanded so-called "dual-use" facilities—laboratories, research centers and manufacturing plants that have civilian or commercial uses, but are likely used to build his arsenal of microbiological terror, as well.

Iraq has rebuilt known biological weapons facilities that were destroyed during the Gulf War, by our military, or after, by weapons inspectors. Also, Saddam retains the equipment and, even more crucial, the human expertise to continue building his biological weapons capability. Unlike nuclear weapons, which take years and massive resources to make, biological weapons are inexpensive, can be made easily, within weeks, in a small room, with minimal equipment and manpower. That is what makes biological weapons so unique and capable of causing such death and destruction.

To that end, our intelligence community believes Iraq has built mobile germ warfare production laboratories. Iraq has learned a lot about weapons inspections since the Gulf War. Saddam hid his biological weapons program from inspectors for 4 years. Mobile biological labs are the ideal weapon of deception. They can be quickly moved in inconspicuous trailers and hidden in very small spaces, including, for example, in a single room in one of Saddam Hussein's presidential palaces. Such laboratories would be almost invisible to the outside world.

There is also evidence that Iraq may be developing and producing a new generation of more virulent biological agents. Defectors allege that Iraq is developing an agent called "Blue Nile"—which may be a code name for the ebola virus. Ebola is a deadly virus for which there is no treatment and there is no vaccine. And many experts believe Saddam Hussein may have stocks of the smallpox virus. One of the last naturally occurring smallpox outbreaks occurred on Iraqi soil in the early 1970s, which is precisely when Iraq launched its weapons of mass destruction program.

Though U.S. defenses against smallpox are now much stronger, a 2001 study by Johns Hopkins University found that a smallpox attack launched at three locations in the United States could kill in a worst case scenario one million and infect another two million Americans within two months.

Saddam has invested not only in developing and producing new viruses and bacteria, but also new means to deliver those agents. Iraq has experimented with a variety of unmanned aerial vehicles as part of its longstanding weapons of mass destruction program. But intelligence experts believe Iraq has vastly improved its designs and now has a drone aircraft that can carry and spray up to 80 gallons of anthrax. Such an airplane would be the most effective way to deliver biological weapons over a vast area and would represent a dire threat to the Iraqi people, its neighbors and the international community.

The danger of germ weapons is not merely that Saddam Hussein has them, but that he would use them . . . even against the United States. Biological agents are ideal terrorist weapons. Unlikely other weapons of mass destruction, one cannot hear them or taste them or smell them. They can be invisible to the human eye.

They can be transported long distances without detection in, for example, a terrorist's pocket. They can take hours and even days to take effect, allowing a terrorist to be long gone—to escape.

Thus, Saddam's robust biological weapons program, combined with the support of terrorism, is a deadly force capable of exceeding the death and destruction of even a nuclear bomb.

Saddam does support terrorism. Iraq harbors several terrorist groups that have targeted and murdered American citizens. The Iraqi regime has been in contact with al-Qaida for at least a decade and, as recently as this year, allowed a senior leader to receive medical treatment in Baghdad.

I am hopeful that inspectors will return to Iraq with totally unfettered access to all suspected biological weapons sites. But, remember, such a site can be an 8-by-12-foot room deep in the basement of a huge Presidential palace.

I am hopeful that Saddam Hussein will disarm and destroy his ability to develop and produce such weapons in the future. But I am not optimistic. Saddam Hussein knows his chemical and biological stocks are the source of his power at home and in his region and can be a tool of blackmail. Weapons of mass destruction are as much a part of Saddam Hussein as freedom and democracy are of America.

The test of our resolve in the war on terror was Afghanistan. There we fought the terrorist group and its supporting regimes that murdered more than 3,000 of our own citizens. We were attacked, and, as any capable nation would do, we responded.

Now we face a second test. Saddam Hussein has not yet struck, and we hope he doesn't. We hope he disarms his weapons of mass destruction and chooses peace over war. It is his choice. But should he force us to war, we will fight for a noble and a just cause—to prevent a future and far worse attack than that of September 11, 2001. America will be victorious in this next phase of the war on terror, for the worst of a dictator cannot defeat the will of a free people.

Saddam Hussein will fight to preserve his grip on power and protect weapons that murder millions. But if we must fight, we will do so for love of country, for respect of humanity, and for the rights and freedoms that all people deserve to enjoy, including the Iraqi people.

The PRESIDING OFFICER. The Senator from New Mexico, under the previous order, is to be recognized.

The Chair wants to say that it is his view that the subject matter is of enormous gravity, and the subject matter and statement of the Senator is most compelling. So anyone who does not share that view will leave the Chamber. And that will be pursued by those officers. And the Sergeants at Arms in the galleries are requested to ensure the gallery follows the same.

The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. Mr. President, before I proceed, I would like to congratulate the distinguished Senator from Tennessee. When he writes his name uses the title "Senator" followed by "M.D." I think you will always be a doctor even if you are not always a Senator. I am happy to know you in both capacities—as a member of the medical profession—and among our ranks as senators. We in the Senate are very fortunate that a few years ago at the peak of your profession you decided to come here, and your people there in Tennessee sent you. I have been here 30 years—roughly five times, I think, that you have been here. I have gotten to know you very well. I consider you among one of my very best friends—not only here but in the world. I am very proud of what you had to say here tonight.

I am not going to speak about the technical matters. If anybody wants proof about the quantity and the tremendous damage that the weapons which Saddam probably possesses can cause humankind, they can read Senator BILL FRIST's statement just ahead of mine.

I have difficulty when speaking on a subject such as this to disengage from being a full-blooded American and try to see the issue from a global perspective. It is very hard for me to see the world and see this issue in any way other than from the eyes of an American who grew up here and has lived here for the years I have been on this Earth. I am prejudiced by my great confidence in America being the right country to see that the Middle East stops being a tinderbox. I think we are the right country, and probably the only country that can keep Saddam Hussein from using those weapons of mass destruction. We are the only country that will see to it that he brings minimal damage to this world.

I have concluded, after much study, that we must give our President this authority—not because he is going to use it, but quite to the contrary: to raise hopes he won't have to use it.

I am voting aye on giving the President this authority because I am convinced that the one and only way to prevent Saddam Hussein from doing tremendous damage to humankind and to the Earth is to say to our President, You have the full strength of the American military to keep him from doing anything of great harm.

That sounds like a terribly simple proposition, but I don't think it is. I think if one wanted to write a 30- or 40-page speech about what I just said, one could devote 5 pages just to the history of the United States. They could about how our country started and what our first wars were all about. They could talk about the First World War and the horror of chemical weapons used in that conflict.

Do you know I had an uncle in the First World War in 1919? I wondered when I was growing up how come an' aunt of mine used to get a little check in the mail—$19.80, or something. Finally, I said to my mother: What does my auntie do with that money? She said: She gets it for all of the life of her husband—she then told me in Italian—because your uncle, mio ziò, was gassed by the Kaiser in the First World War with mustard gas.

You see, how many years ago was that?—80 or 90?

The PRESIDING OFFICER. The Senators on the floor will kindly take their conversations off the floor so the Senator from New Mexico may have the full attention of the Senate.

The Senator from New Mexico.

Mr. DOMENICI. Thank you very much.

So one could write at length about the parallels in our country's history and how it relates to today. Then follow every war we have been in, and then ask, What country is the most just throughout its history? Would there be any question? It would be the United States. Yet, we have people saying we shouldn't get involved in this, as if we are some big bamboozling country wrought on doing damage. History will tell us and tell the world that that is not why America would get involved in this situation. Isn't that right? Historically, the United States has only used military force when we can do some good. We stand for some principle or concept that we really think is tremendous—in this case, democracy versus dictatorship, democracy and freedom versus the kind of despicable character about whom our President has been speaking to us for a long time. The world is seeing a new kind of war that started with the destruction of our towers and our Pentagon.

This war has its origins right there in that Middle East where, if action is not taken, humankind is going to have some big problems. And I concluded that if we want to make sure our military personnel are safe, we would have to get them out of the Middle East, bring them all home. But guess what? If we did that there would be a war in the Middle East without question. It would not take Saddam Hussein very long before he would attack Israel. And if he wasn't successful, who else might join to help him? Perhaps two or three other nations who would be willing to take up arms against Israel. So I believe there is a real reason for us to work through the United Nations to try to bring peace to that area.

So I do not intend to go into all the details about the threat Iraq poses, rather, I just want to talk about the conclusions I tried to draw about dealing with that threat. One that I just talked to Senator FRIST about, is that we are probably as good a nation as any in the world to decide that action needs to be taken. I have also concluded that to be successful, we had better give our President the authority he needs to act. In this way can better negotiate so as to maintain the peace.

I guess I am going to stop for a minute and ask, is something going on I should know about? I have 20 minutes to speak. If people are not waiting, I am going to speak for 20 minutes.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Parliamentary inquiry, Mr. President: The Senator from New Mexico has the floor; is that right?

The PRESIDING OFFICER. That is correct.

Mr. BIDEN. How much time does the Senator have left?

The PRESIDING OFFICER. The Senator has 12 minutes remaining, and he is followed by the Senator from Michigan for 30 minutes.

Mr. BIDEN. I thank the Chair.

Mr. DOMENICI. Mr. President, I think we are 32 minutes away from someone on that side being recognized.

The PRESIDING OFFICER. The Senator from New Mexico has the floor.

Mr. DOMENICI. Mr. President, I say to the Senator from Tennessee, I am delighted to have found you on the floor just before my remarks. As always, you eloquently in describing what terrible things this man can wrought on this world and how we need to be careful. If we are going to get involved, we ought to be prepared. And what I added tonight, is that if we are going to do anything about it, we have to give our President the authority he needs. And he may well need our Army, our military to do it.

So, Mr. President, I rise today in support of the Lieberman-Warner-Bayh-McCain amendment because I am convinced that without clear authority to act decisively, it is not possible for the President of the United States to effectively confront the growing threat in Iraq.

As I just said in talking with my friend from Tennessee, I do not think it is going to be very effective for us to say: Mr. President, stay involved, go to the U.N., talk to everybody about the despicable character who is now the head of Iraq.

I don't think that is going to do anything if the President is not backed up with real authority to take military action. I don't want our President to engage in an effort that, from the onset, will not allow him to achieve intervention by the U.N. with a resolution of consequence.

What I want for the American people is for our President to be able to effectively work with the U.N. to the maximum extent, as this resolution allows.

This resolution makes certain that if the United States is involved, our President, after trying negotiations—and the words are voluminous on how hard he must try to resolve this matter peacefully and to keep Congress informed, he must give us reports—that he has the strength of the U.S. military if that does not work. And, frankly, I repeat, I think that is more apt to preserve peace than if we do not give the President the power.

I am concerned that the world is already set up for a major war in the Middle East. And the only way to prevent it is to give our President the authority he needs to negotiate effectively, to go to the U.N., to go to our friends, to use diplomacy, but to be ready to say: The people of the United States, through our Congress, gave me authority to do more than that. They gave me authority to intervene and use the full power of the United States.

The PRESIDING OFFICER. The Senator will please suspend.

Will Senators kindly take their conversations off the floor.

I thank the Senator from New Mexico.

Mr. DOMENICI. Maybe while they are gone, and the only one here is Senator BYRD, I could ask unanimous consent that I have an additional hour.

I am just joking, so you don't have to object.

In any event, it is clear to me that in the absence of this authority, Saddam Hussein will continue to assume that America's warnings are not serious. He will continue with all manner of delay and defiance, and he will continue to buy time for further development of weapons of mass destruction. And that is what we are talking about.

Mr. President, while I will associate myself with the technical remarks of my friend, the doctor from Tennessee, I know a little bit about nuclear weapons. It is my subcommittee on appropriations that funds them, and has for the last 6½ years. So I know a little bit about that.

But I also remember when we went and talked to groups about weapons of mass destruction, and we described gas and biological weapons of mass destruction by holding up a jar. It was not like this glass I hold in my hand, but what we actually used was a mayonnaise jar, the size jar that most people associate with a jar of mayonnaise that you would have in a refrigerator.

And we held that up and said: If you know how to make real poisonous gas, and real biological killers, you can put them in a bottle this small. The chemistry needed to produce these poisons could be accomplished in a little room about the size of a kitchen. And the destruction that could be caused is beyond perception.

So we will find that it is not as easy as to deter these weapons as were nuclear weapons for all the years we were standing head to head and toe to toe with the Soviet Union. We knew everything about their nuclear weapons; they knew everything about ours. But this batch of terrorists, who are bent on mass destruction, have us much more over a barrel than the Soviet Union did with nuclear weapons when we faced mutual assured destruction, sometimes called MAD, as the premise that would prevent war.

So it is clear that weapons of mass destruction are going to continue, under the auspices and direction of the scientists who have been brought into Iraq, and be shipped around the world by Iraqi leaders, to put these terrible kinds of things in the hands of others, who are the "minutemen" of Saddam around the world.

So I say again, by enacting the resolution that is before us, we emphasize our resolve to act in the event that Saddam impedes the work of U.N. weapons inspections. We will emphasize by this our resolve to act. So let's be clear. Saddam Hussein only understands the language of force. This resolution provides unambiguous authority for the President to use force. It is this authority, and Congress's support, that gives us the best hope of avoiding confrontation in pursuit of Iraq's disarmament.

So it is the expectation of New Mexicans and all Americans that wherever their President considers sending U.S. troops to battle, that he does so in full consultation with the Congress and our allies in the war on terrorism. The American people also expect that the President will commit U.S. forces only after diplomatic avenues have been exhausted. And this resolution says that.

This resolution underscores those concerns by imposing unambiguous responsibilities on our President.

I am sure that resolution has been read to the American people and those watching us more than once.

But let me just state a couple of them. Prior to using force or within 48 hours after exercising the authority, the President is required to certify to Congress that diplomatic and other peaceful means cannot protect our national security against the threat posed by Iraq. Also, he must certify that such means are not likely to bring Iraq into compliance with all relevant U.N. resolutions.

Second, only in the event that diplomatic efforts fail and Iraq continues to breach its international obligations and the inspectors are given every opportunity for unimpeded access, then our President can use the military. He doesn't have to come back to us under those circumstances.

Believe me, Saddam Hussein and his military and his scientists will immediately understand what it means if we give our President the authority to use force. There is no longer the delay in communications. Iraq will know we are serious, and we can be more effective in our diplomacy. If it doesn't work, we leave it in the hands of our President.

Some observers think this resolution gives the President too much authority. In fact, the resolution gives the President no more authority than he already has as Commander in Chief to provide for the national security for the United States. What the resolution does is to recognize the clear and present danger of Saddam Hussein with weapons of mass destruction. It says he is a weapon of mass destruction. It calls the President to exercise this authority as a last resort, and only in the event that all negotiations are fruitless, and with the added condition that he explain his actions to the Congress.

I believe the best way to prevent the Middle East, in this moment of history, from exploding into a war is for us to recognize how important we are to achieving peace, how important it is that we ask our President to be our instrument of peace in this very troubled part of the world.

Even a person as culpable and as lacking in human decency as Saddam Hussein will understand that our President, once given the proper authority, will take all necessary action to ensure the security of America and humankind against the destruction of weapons of mass destruction. I believe he is far less likely to unleash weapons of mass destruction when he knows that the American military, with the full support of Congress, is poised to stand in his way.

We have just today approved the biggest Defense bill ever in the history of America. We have given the President most of what he asked for in that bill. I believe it could not be worse news for Saddam Hussein than to learn that the U.S. Congress has approved the money needed to bolster our military and then, to learn shortly thereafter, that it has approved a resolution giving our President the real authority he needs to use military force to disarm Iraq. I believe this is the best way to secure peace.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, let me just say we have spent a lot of time, and we have a plan. It is not one that is going to finish quickly. We have a lot of work to do tonight. But this is a tremendous step forward. I ask everybody to listen. We have worked with a number of Senators for some time. I will just say I also have permission from the minority to allow Senator SARBANES to speak for up to 30 minutes following the statement of the Senator from Michigan, Senator LEVIN. I ask unanimous consent that that be the case.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that immediately after the pledge tomorrow morning, following the 9:15 a.m. convening of the Senate, Senator BYRD be recognized to offer an amendment No. 4869; that there be a time limitation of 20 minutes, with the opposition controlling 5 minutes and Senator BYRD controlling 15 minutes; that following the use or yielding back of that time, the Senate vote on the amendment; that following the disposition of that amendment, there be 30 minutes of debate equally divided between the leaders, with Senator LOTT controlling the first 15 minutes and Senator DASCHLE controlling the final 15 minutes, and upon completion of that time, the Senate vote on Senator LIEBERMAN's amendment, and that will be cloture on the Lieberman amendment; that following that vote, there be a time limitation of 45 minutes on Senator BYRD's amendment No.

4868, with Senator BYRD controlling 30 minutes, Senator LIEBERMAN, or his designee—the only change would be Senator BIDEN would control the 15 minutes in opposition. Upon the use or yielding back of that time, the Senate vote on Senator BYRD's amendment; further, that no second-degree amendments be in order to either of the above-listed amendments.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object. I am perfectly agreeable to everything that has been said with reference to my amendments. I wonder if we can get a little more time for debate on the motion to invoke cloture. We have nothing but 15 minutes for Mr. LOTT and 15 minutes for Mr. DASCHLE. I would like to have a few minutes to express opposition to cloture. I know it will be futile, but can we work out an additional 30 minutes? The two leaders can close, but this agreement only gives the two leaders a chance to talk on cloture. That is a key vote. I would like to have a few minutes on that, and perhaps other Senators would like time on either side.

Mr. REID. The question is, prior to the cloture vote, would the minority have objection—or would anybody object to Senator BYRD having more time? How about 10 minutes, because the leaders only get 15?

Mr. BYRD. Is the time so short?

Mr. REID. Senator BYRD, I say respectfully the two leaders have indicated they are going to finish this tomorrow. Each minute we stall means that much later we have to go.

Mr. BYRD. I am not stalling.

Mr. REID. No one said the Senator is stalling. Each minute that we do not move forward means it will be that much later. Will the Senator agree to 10 minutes?

Mr. BYRD. This is a question of life or death. Can I not get more than 10 minutes?

Mr. SARBANES. If the Senator will yield, does each leader get 15 minutes?

Mr. REID. That's right.

Mr. SARBANES. Why don't we give Senator BYRD 15 minutes?

Mr. WARNER. Senator McCAIN is going to handle the Byrd amendment—

Mr. REID. This is on cloture. Prior to cloture. Why don't we do that.

Mr. WARNER. Our leader will speak prior to cloture.

Mr. REID. I modify the request to that effect.

Mr. WARNER. Mr. President, I ask the distinguished Senator to recast what he is now seeking to achieve.

Mr. REID. Yes. In the morning, at 9:15, we are going to come in. Senator BYRD would be recognized to offer amendment No. 4869, and there will be 20 minutes. He has 15 minutes and the opposition has 5 minutes.

Mr. WARNER. Could Mr. McCAIN's name be put next to that?

Mr. REID. Yes, 5 minutes to Senator McCAIN. And then following that, there would be a vote on that amendment. Then there will be a vote on cloture. Prior to vote on cloture, Senator DASCHLE would have the last 15 minutes, Senator LOTT would be the middle speaker, and Senator BYRD would be recognized for the first 15 minutes prior to the cloture vote. After that, Senator BYRD's other amendment would be brought up, with the time as indicated.

Mr. WARNER. Will the Senator repeat the time.

Mr. REID. There will be 45 minutes for Senator BYRD and 15 minutes for Senator McCAIN.

Mr. WARNER. Make that McCain-Warner.

Mr. REID. Senator DAYTON wants to speak for 15 minutes on the Byrd amendment after cloture.

Mr. WARNER. How about the Senator from Michigan?

Mr. REID. We are going to work that out further. Please don't go any further.

Mr. WARNER. I say to the leader that the Senator from Michigan is a vital part of the UC.

Mr. REID. We are going to work on him, Senator DURBIN and Senator BOXER.

Mr. WARNER. That would be along the lines we agreed to in our conference.

Mr. REID. Yes.

Mr. WARNER. I have no objection to the Senator's request.

Mr. LEVIN. Reserving the right to object, and I will not object. Pursuant, then, to this unanimous consent agreement, I understand it would then be in order for me to proceed and to lay down my amendment tonight.

Mr. REID. The amendment we have spoken about, that's right. The Senator is next in order, anyway.

Mr. LEVIN. The Byrd amendment has not been disposed of.

Mr. REID. There is a gentlemen's agreement that will be set aside for you to offer your amendment because there is a time—I guess you would say a gentlemen's and ladies' agreement.

Mr. BYRD. Reserving the right to object. I have no intention of objecting. Following the cloture vote, if cloture is invoked, what—

Mr. REID. We go immediately to your amendment. You have 45 minutes on that, and there are 15 minutes in opposition.

Mr. BYRD. On that amendment. And then—

Mr. REID. Then we are going to work things out after that. We have talked to Senator LEVIN and we will talk to Senators BOXER and DURBIN. I think we can work something out per the conversation we all had in the cloakroom.

Mr. BYRD. Assuming cloture is invoked on this serious question—which it will be—there will be 30 hours for debate.

Mr. REID. Yes. As I indicated, we will work with the Senator tomorrow on the time the Senator can have.

Mr. BYRD. I beg the Senator's pardon.

Mr. REID. We will work with the Senator on time so he can have some time yielded to him.

Mr. BYRD. I hope so.

Mr. REID. I indicated I will work on that.

Mr. BYRD. The Senator is an honorable man and I thank him for all of his good work. I hope I am not limited tomorrow to 3 hours and 4 hours. I hope whatever Senators want to yield time to me may be allowed to do so.

Mr. REID. I respectfully say to my friend, I would love to get over this hurdle, and we will worry about that tomorrow. I will do my best.

Mr. BYRD. I know about getting over the hurdles. I was always afraid something would crawl out of the woodwork before I would get the Chair to put the question. I have nothing further.

Mr. SARBANES. Will the Senator yield for a question.

Mr. REID. Yes.

Mr. SARBANES. Upon the disposition of the second Byrd amendment, which would be after cloture—

Mr. REID. We are working on that now, what will happen on that.

Mr. SARBANES. How about the Levin amendment?

Mr. REID. We tentatively have that worked out. I need to get off the floor and we can work that out. I am certain we have an agreement.

Mr. SARBANES. I understand that now the Byrd amendment will be laid aside so that the Levin amendment can be called up.

Mr. REID. Following his statement, the Senator from Maryland would be recognized.

Mr. WARNER. Did the Chair enter the order? I don't know if the Chair entered the order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The PRESIDING OFFICER. Under the previous order, the Senator from Michigan is recognized for a period of 30 minutes. The Senator from Michigan.

AMENDMENT NO. 4862 TO AMENDMENT NO. 4856, AS MODIFIED

Mr. LEVIN. Mr. President, on behalf of myself, Senator REED, Senator BINGAMAN, Senator BOXER, Senator MIKULSKI, and Senator STABENOW, I call up amendment No. 4862, which is at the desk.

The PRESIDING OFFICER. Is there objection to laying aside the pending amendment?

Mr. BYRD. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. REED, Mr. BINGAMAN, Mrs. BOXER, Ms. MIKULSKI, and Ms. STABENOW, proposes an amendment numbered 4862 to amendment No. 4856, as modified.

Mr. LEVIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize the use of the United States Armed Forces, pursuant to a new resolution of the United Nations Security Council, to destroy, remove, or render harmless Iraq's weapons of mass destruction, nuclear weapons-usable material, long-range ballistic missiles, and related facilities, and for other purposes)

In lieu of the matter proposed to be inserted by the amendment, insert the following:

SECTION. 1. SHORT TITLE.

This joint resolution may be cited as the "Multilateral Use of Force Authorization Act of 2002".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) In accordance with United Nations Security Council Resolution 687 (1991), Iraq made a commitment—

(A) to destroy, remove, or render harmless all chemical and biological weapons and stocks of agents and all related subsystems and components and all research, development, support, and manufacturing facilities related thereto;

(B) to destroy, remove, or render harmless all ballistic missiles with a range greater than 150 kilometers, and related major parts and production facilities;

(C) not to acquire or develop any nuclear weapons, nuclear-weapons-usable material, nuclear-related subsystems or components, or nuclear-related research, development, support, or manufacturing facilities; and

(D) to permit immediate on-site inspection of Iraq's biological, chemical, and missile capabilities, and assist the International Atomic Energy Agency in carrying out the destruction, removal, or rendering harmless of all nuclear-related items and in developing a plan for ongoing monitoring and verification of Iraq's compliance.

(2) The regime of Saddam Hussein consistently refused to cooperate with United Nations Special Commission weapons inspectors in Iraq between 1991 and 1998 by denying them access to crucial people, sites, and documents.

(3) On October 31, 1998, Iraq banned the United Nations weapons inspectors despite its agreement and obligation to comply with United Nations Security Council Resolution 687 (1991).

(4) Iraq continues to develop weapons of mass destruction, in violation of its commitments under United Nations Security Council Resolution 687 (1991) and subsequent resolutions, and the regime of Saddam Hussein has used weapons of mass destruction against its own people and other nations.

(5) The development of weapons of mass destruction by Iraq is a threat to the United States, to the friends and allies of the United States in the Middle East, and to international peace and security.

SEC. 3. CONGRESSIONAL POLICY FOR UNITED NATIONS SECURITY COUNCIL ACTION ON IRAQ.

Congress—

(1) supports the President's call for the United Nations to address the threat to international peace and security posed by Saddam Hussein's continued refusal to meet Iraq's obligations under resolutions of the United Nations Security Council to accept the destruction, removal, or rendering harmless of its weapons of mass destruction, nuclear weapons-usable material, ballistic missiles with a range in excess of 150 kilometers, and related facilities, and to cease the development, production, or acquisition of such weapons, materials, and missiles;

(2) urges the United Nations Security Council to adopt promptly a resolution that—

(A) demands that Iraq provide immediate, unconditional, and unrestricted access of the United Nations weapons inspectors so that Iraq's weapons of mass destruction, nuclear weapons-usable material, ballistic missiles with a range in excess of 150 kilometers, and related facilities are destroyed, removed, or rendered harmless; and

(B) authorizes the use of necessary and appropriate military force by member states of the United Nations to enforce such resolution in the event that the Government of Iraq refuses to comply;

(3) affirms that, under international law and the United Nations Charter, the United States has at all times the inherent right to use military force in self-defense; and

(4) will not adjourn sine die this year and will return to session at any time before the next Congress convenes to consider promptly proposals relative to Iraq if in the judgment of the President the United Nations Security Council fails to adopt or enforce the resolution described in paragraph (2).

SEC. 4. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES PURSUANT TO A NEW UNITED NATIONS SECURITY COUNCIL RESOLUTION.

(a) AUTHORIZATION.—Pursuant to a resolution of the United Nations Security Council described in section 3(2) that is adopted after the enactment of this joint resolution, and subject to subsection (b), the President is authorized to use the Armed Forces of the United States to destroy, remove, or render harmless Iraq's weapons of mass destruction, nuclear weapons-usable material, ballistic missiles with a range greater than 150 kilometers, and related facilities, if Iraq fails to comply with the terms of the Security Council resolution.

(b) REQUIREMENTS.—Before the authority granted in subsection (a) is exercised, the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that the United States has used appropriate diplomatic and other peaceful means to obtain compliance by Iraq with a resolution of the United Nations Security Council described in section 3(2) and that those efforts have not been and are not likely to be successful in obtaining such compliance.

(c) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution (22 U.S.C. 1544(b)).

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this joint resolution supersedes any requirement of the War Powers Resolution.

SEC. 5. REPORTS TO CONGRESS.

Not later than 60 days after the date of enactment of this joint resolution, and at least once during every 60-day period thereafter, the President shall submit to Congress a report containing a summary of the status of efforts—

(1) to have the United Nations Security Council adopt the resolution described in section 3(2); or

(2) in the case of the adoption of such resolution, to obtain compliance by Iraq with the resolution.

Mr. LEVIN. Mr. President, this amendment will provide an alternative to the Lieberman amendment. This amendment will authorize the President to use military force supporting the U.N. resolution that he seeks, but then provides that if he seeks to go it alone, if he wants authority to proceed unilaterally, he would then call us back into session.

This amendment provides that if the President then seeks authority to unilaterally go it alone without the authority of the United Nations, not in support of a U.N. resolution, he would then call us back into session and seek that authority from the Congress.

This is an alternative to the unilateral approach which is in the White House-supported resolution. This gives the same authority to the President to use military force of the United States in support of the U.N. resolution that he seeks, but does not at this time address the issue of going it alone and authorizing unilateral action or saving that for a later time should the United Nations not act.

President Bush described in Cincinnati in detail the threat that Saddam Hussein's regime poses.

Mr. WARNER. Mr. President, I wonder if my friend will yield for a moment. I just discovered in the haste of activities that the distinguished chairman of the Armed Services Committee has 30 minutes to present his amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. And then there is no time reserved for the Senator from Virginia to do any rebuttal following that amendment, but there is now time given to the Senator from Maryland, Mr. SARBANES, immediately following the Senator from Michigan; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. WARNER. How much time is that?

The PRESIDING OFFICER (Mr. NELSON of Florida). Thirty minutes.

Mr. WARNER. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, President Bush described in Cincinnati in detail the threat that the Saddam Hussein regime poses. I have relatively few differences with that description, and I believe if Saddam Hussein continues to refuse to meet his obligation to destroy his weapons of mass destruction and his prohibited missile delivery systems, that the United Nations should authorize member states to use military force to destroy those weapons and systems and that the United States Armed Forces should participate in and lead a United Nations authorized force. That is what my amendment provides.

The issue that is in dispute is whether unilateral force should be authorized by Congress at this time in case the United Nations does not act—whether we should authorize the President now to go it alone without U.N. authorization if the United Nations does not act. How we answer that question could have a profound and lasting effect on the safety of our children and grandchildren for decades to come because the difference between attacking a nation with the support of the world community or attacking it without such support is fundamental.

The President answers the question by seeking a resolution from Congress that gives him the authority to use force under the auspices of the United Nations or to go it alone if the United Nations fails to act. He seeks this unilateral authority even though he does not condition its use on the threat to the United States by Saddam as being imminent.

Indeed, the President stated in the national security strategy that was released by the White House last month that preemptive attacks to forestall or prevent hostile acts by our adversaries can now be undertaken although a threat is not imminent.

The new strategy the President has adopted explicitly states:

> We just adapt the concept of imminent threat to the capabilities and objectives of today's adversaries. Rogue states and terrorists do not seek to attack us using conventional means.

The President's Iraq resolution and the national security strategy, therefore, both take the position that an imminent threat is no longer required as a basis for our military action in self-defense. The President is explicitly seeking to modify the traditional concept of preemption by deleting the need for "imminent" and substituting that of "sufficient threat" in the strategy document and "continuing threat" in the proposed resolution—dropping the requirement for "imminent"—that the threat be imminent—and substituting something far less—"sufficient" or "continuing."

That the President is seeking authorization for a unilateral preemptive attack without U.N. authorization or requirement of imminent threat is at the heart of the Senate debate that is presently taking place.

Under the traditional international law concept of preemption in self-defense, the United States would be justified in acting alone in the case of a serious threat to our Nation that is imminent. In a case where a threat is not imminent, military action would also be justified if it were carried out pursuant to the authorization for the use of force by member states of the United Nations.

The choice facing the Senate is whether Congress should now, at this time, give the President the authority to go it alone, to act unilaterally against Iraq if the United Nations fails to act.

Congress is being presented with this issue at the very same time our Secretary of State is trying to get the United Nations to back a tough new resolution authorizing member states to use military force to enforce Iraqi compliance with inspections and disarmament.

On Monday, the President said:

> I have asked Congress to authorize use of America's military if it proves necessary to enforce U.N. Security Council demands.

That sounds like my alternative, but in fact the White House resolution asks for much more.

The resolution the White House seeks is not limited to the use of force if the United Nations authorizes it. On the contrary, it specifically authorizes now the use of force on a unilateral, go-it-alone basis, that is, without Security Council authorization. The President's rhetoric does not match the resolution before us.

The White House approach also authorizes the use of force beyond dealing with Iraq's weapons of mass destruction and their means of delivery, which is also a difference from my resolution.

The resolution which I offer on behalf of those cosponsors and myself is consistent with how I think most Americans want us to proceed. It emphasizes the importance of dealing with Iraq on a multilateral basis, and it withholds judgment at this time on the question of whether the United States should go it alone, that is, whether we should act unilaterally against Iraq if the United Nations fails to act.

This resolution I am offering does the following: First, it urges the United Nations Security Council to adopt a resolution promptly that demands unconditional access for U.N. inspectors so Iraq's weapons of mass destruction and prohibited ballistic missiles may be located and destroyed, and within that same U.N. resolution authorizes the use of necessary and appropriate force by U.N. member states as a means of enforcement in the event that Iraq refuses to comply.

Our resolution also specifically authorizes use of United States Armed Forces pursuant to that U.N. Security Council resolution if Iraq fails to comply with its terms and the President informs the Congress of his determination that the United States has used appropriate diplomatic and other peaceful means to obtain Iraqi compliance with such a U.N. resolution. Our resolution affirms that under international law and under the U.N. charter, especially article 51, the United States has at all times the inherent right to use military force in self-defense. This affirms the fact that there is no U.N. veto over U.S. military action.

I repeat that because some of our colleagues have suggested otherwise about our resolution. The resolution we are offering explicitly affirms the fact there is no U.N. veto over U.S. military action because we state explicitly the United States has at all times an inherent right to use military force in self-defense. Our resolution also provides Congress will not adjourn sine die so that Congress can return to session, if necessary, and promptly consider proposals relative to Iraq if, in the judgment of the President, the U.N. Security Council does not promptly act on the resolution I have described above.

Our resolution therefore supports the President's appeal to the United Nations and it approves now the use of our Armed Forces to support the action of the United Nations to force compliance by Saddam Hussein with inspections and disarmament. However, it does not authorize now, before we know whether or not we have the world community on our side, U.S. Armed Forces going alone. Should we need to consider that possibility at a future time, the resolution provides for the immediate recall of Congress to do so.

Our resolution does not, on the matter of war and peace, life and death, exceed the grant of authority needed by the President at this time.

If Congress instead endorses the White House approach, allowing the unilateral use of force at this time, even in the absence of a U.N. authorization, we will be sending an inconsistent message. We will be telling the United Nations that if they do not act, we will, at the same time we are urging them to act. We would be taking the U.N. off the hook if we adopt the go-it-alone resolution. We would be telling the United Nations they are not particularly relevant at the same time we are urging them to be very relevant. If we want the United Nations to be relevant and credible, if we want the United Nations to succeed, if we want the United Nations not to be limited to humanitarian and disaster relief and other tasks that are mighty useful but not essential—and I think most of us do—then we have to focus our efforts there and give those efforts a chance to succeed.

If we act wisely, authorizing the use of our forces pursuant to a U.N. resolution authorizing member States to use force, we will not only unite the Congress, ultimately we will unite the world community on a course of action that will seek the elimination of Saddam Hussein's ability to threaten the world with weapons of mass destruction. That is where our focus should be, uniting the world, not dividing it. Moreover, a going-alone approach, in which we attack Iraq without the support and participation of the world community, entails serious risks and could have serious consequences for us in the Middle East and around the world. It makes a difference, when deciding to use force, whether that use of force has the support of the world community. It makes a difference for us in the current situation involving a possible attack on Iraq. If we go it alone, will we be able to use air bases, ports, supply bases, overflight rights in the region? Those rights and capabilities are important to the success of a military operation against Saddam.

The Saudis have said publicly that without the U.N. authorization, we will not have access to important bases, and that is just one country. Others have said something very similar. If we go it alone, will there be a reduction in the broad international support for the war on terrorism, including the law enforcement, financial and intelligence cooperation that is so essential? If we go it alone, will that destabilize an already volatile region and undermine governments such as Jordan and Pakistan? Could we possibly end up with a radical regime in Pakistan, a country which has nuclear weapons? If we go it alone, will Saddam Hussein or his military commanders be more likely to use weapons of mass destruction against other nations in the region and against our military forces in response to our attack? That would be the case if he faced a U.N.-authorized coalition, particularly if that coalition included Muslim nations as the coalition did during the gulf war.

If we go it alone, will we be undercutting efforts to get other countries to help us with the expensive and lengthy task of stabilizing Iraq after Saddam is removed? Beyond the current situation relative to using force in Iraq, going it alone without U.N. authorization, based on a modified concept of preemption that no longer requires the threat to be imminent, will lead to a serious risk to international peace and security. If we act unilaterally, without U.N. authority or an imminent threat, that will create a dangerous situation for international peace and stability in the long term. We will be inviting other nations to forego an important rule of international law requiring a serious and imminent threat before one nation can attack another nation in the name of self-defense.

India and Pakistan have a continuing threat, in their view, from each other. Even Greece and Turkey at times view each other as a continuing threat. If that becomes the test, and if we set the precedent in this resolution to authorize that kind of attack, in the absence of an imminent threat, we will be setting the world on a very different course, and we must consider a long time before doing that. That is what we should be called back into session to consider if the U.N. does not authorize force.

By seeking a U.N. resolution that will authorize U.N. member States to use force if Iraq does not comply with its terms, we are not giving the United Nations a veto over the conduct of our foreign policy. What we are doing is getting from the United Nations strength and international support should military force be necessary. We should be seeking to unite the world against Saddam Hussein, not dividing it. Our immediate objective should be to get the United Nations to act, locate, and destroy Iraq's weapons of mass destruction and the means of delivering them. The threat Saddam presents is real and we should deal with it. But authorization for preemptive, unilateral U.S. action in Iraq does not need to, and should not be granted at this time. If the U.N. does not act, Congress can be called back promptly to consider a request to authorize force unilaterally and to consider the serious and different risks involved in pursuing the unilateral course.

Last Monday's Washington Post carried a story in which a senior European official's response to the U.S. going it alone was:

> A lot of Europeans would feel they had been put in an intolerable position.

For those who would agree to participate militarily:

> . . . it would be less a coalition of the willing than of the dragooned.

Javier Solana, former NATO Secretary-General, currently the EU's top foreign policy official, in an address at NATO headquarters last week stated:

> Ad hoc coalitions of docile followers to be chosen or discarded at will is neither attractive nor sustainable.

Just last week, after hearing from Prime Minister Blair and Foreign Minister Straw, the ruling Labor Party's conference in Britain issued a formal position on Iraq that included the following:

> The conference believes that the authority of the U.N. will be undermined unless it is enforced, and recognizes that in the last resort this could involve military action but considers that this should be taken within the context of international law and with the authority of the U.N.

Just last Friday, Turkey's Presidential spokesman said his nation would participate in a campaign against Iraq only if the world body blessed them, stating "an operation not based on international law cannot be accepted."

The best chance of having Saddam Hussein comply with U.N. Security Council resolutions is to make sure when he looks down the barrel of a gun that he sees the world at the other end, not just the United States. I believe he will not open up to inspections without looking down the barrel of a gun. I think only the credible threat of force will, indeed, disarm Saddam Hussein. But the question remains whether or not we want that force to be the world's authorized, supported force, or whether or not we at this time want to say, well, if they don't, we will. We will go it alone. When we do not need to address that issue at this time when the President is going to the United Nations, when it undermines our argument at the United Nations that we want them and need them to adopt a strong resolution, to enforce it, to authorize member states to use military force to enforce it. That is the direction we should be going, that is the focus we should have, and it should be strong and undiluted, the question of whether we authorize at this time a go-it-alone approach, when that is not what is needed at this time.

Congress should give the President what he said in Cincinnati he was asking for: The authority to use U.S. military force to enforce U.S. Security Council demands; not what the resolution that is supported by the White House provides, which is going-it-alone authority. Our focus then would be where it belongs, securing a United Nations resolution that can unite the world; that has the best chance of forcing compliance and avoiding war; that reduces the risk to our forces and to our interests throughout the world; that avoids to the maximum extent possible the negative consequences if force is required, including the loss of cooperation on the war on terrorism. That is the best chance of isolating Saddam Hussein, rather than isolating the United States.

I wonder how much time I have remaining?

Ms. STABENOW. Will the Senator yield?

The PRESIDING OFFICER. The Senator has 10 minutes.

Mr. LEVIN. I am happy to yield 4 minutes to my colleague from Michigan.

Ms. STABENOW. Mr. President, I thank my colleague and friend from Michigan for his thoughtful approach. I believe what Senator LEVIN has put forward is the right approach. It minimizes the risk to our country, to our troops, and maximizes the ability for the world community, including the United States, to come together, to make sure that Saddam Hussein does not have the opportunity to use weapons of mass destruction against us or against anyone else in the world.

I would, just to support Senator LEVIN, quote again as I did last week on the floor of the Senate in my own statement, Brent Scowcroft, former National Security Adviser to President Bush, who wrote in the Wall Street Journal: An attack on Iraq at this time would seriously jeopardize, if not destroy, the global counterterrorism campaign we have undertaken. Ignoring that clear world sentiment against an attack would result in a serious degradation in international cooperation with us against terrorism. And make no mistake, we simply cannot win that war without enthusiastic international cooperation, especially on intelligence.

I believe Senator LEVIN's approach guarantees we keep our focus on the coalition that has come together to fight terrorism in the world and at the same time gives us the opportunity to build that same coalition to turn attention to the threats of Saddam Hussein. We can do both. We can do it correctly. And we can minimize the risk that I believe will be there if we, in fact, rush to act alone.

I thank Senator LEVIN, again, certainly as Chair of the Armed Services Committee, for his continual service to our country and his understanding of what it takes to make sure we are able to keep our focus on terrorism and take the time and the opportunity to build that same coalition to address the threats of Saddam Hussein's weapons of mass destruction.

I urge my colleagues to support the Levin approach. I believe this is the approach that will allow us to make sure we do this right. I urge its adoption.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan has 6 minutes remaining.

Mr. BYRD. Mr. President, I ask unanimous consent to modify my amendment No. 4868 to remove paragraph 2, and further I ask consent to modify my amendment No. 4869 to change the references to Sec. 3(a) to 4(a).

Mr. REID. Reserving the right to object, could the Senator from West Virginia tell us what these changes mean?

Mr. BYRD. Yes. The second one is just a technical change in paragraphs, from 3(a) to 4(a). It makes no change in the substance of the amendment.

The other change, I asked unanimous consent to modify my amendment No. 4868 to remove paragraph 2. This amendment is not affected by germaneness, no matter what happens. As submitted to the desk earlier, paragraph 2 is as follows—I want to take this out. Here is what I am moving to do. I can best clarify it by reading the entire amendment, and then I will state to the Senate where I want it cut off.

My amendment would be Sec. 5. Statutory Construction.

> Nothing in this Joint Resolution—
>
> (1) is intended to alter the constitutional authorities of the Congress to declare war, grant letters of Marque and Reprisal, or other authorities invested in Congress by Section 8, article I of the Constitution; or that is straightforward.

Now, the part I wanted to take out says:

> Or, (2) shall be construed as granting any authority to the President to use the United States Armed Forces for any purpose not directly related to a clear threat of imminent, sudden, and direct attack upon the United States, its possessions or territories, or the Armed Forces of the United States, unless the Congress of the United States otherwise authorizes.

I am asking to lop off that second paragraph. I had some concerns expressed by several of my colleagues on this side with respect to that part.

Mr. WARNER. Mr. President, respectfully and regrettably, I object.

The PRESIDING OFFICER. Objection is heard.

Is there objection to both requests?

Mr. WARNER. The Chair is correct, to both requests.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. Mr. President, I hope the Senator will reconsider that.

I withdraw my request for the moment.

Mr. REID. Mr. President, it is my understanding the time of the Senator from West Virginia has not been off the time of the Senator from Michigan.

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. The Senator from Michigan now has 6 minutes. Is that right?

The PRESIDING OFFICER. That is correct.

Mr. LEVIN. I understand my friends have some questions which I would be happy to try to answer on my 6 minutes.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. WARNER. Mr. President, I thank my distinguished colleague for permitting my colleague from Connecticut and myself to ask questions. I think the Senator from Connecticut can go first with his question.

Mr. LIEBERMAN. I thank my friend from Michigan.

Let me ask this question. The Senator's amendment provides the Senate not adjourn this year and return to session at any time before the next Congress convenes to consider promptly proposals relative to Iraq if, in the judgment of the President, the United Nations Security Council fails to adopt or enforce the resolution described in paragraph 2.

My question to the Senator from Michigan is whether he has decided under those circumstances whether he would support a resolution authorizing the President to use force and the Armed Forces of the United States to enforce the United Nations resolutions.

Mr. LEVIN. I think the circumstances would determine the answer to that question that exists at the time. But the risks of going it alone are so much greater than going multilateral support. It seems to me we should consider those risks before reaching a decision. Tonight I have laid out some of those risks which I believe are serious risks of going it alone. That is what I think we would all need to consider at great length before authorizing going-it-alone authority.

Mr. WARNER. Mr. President, I say to my good friend, regrettably we have to very forcefully object to your amendment before the vote. But I say that our President, at the urging of everybody who said go to the United Nations, went to the United Nations. He gave a brilliant speech. The Secretary of State met with us yesterday. I met with him personally. The Secretary of State is doing everything possible to avoid a two-step process. I say regrettably to my good friend, were we to adopt this amendment, it would completely dislodge the efforts ongoing at this time in the United Nations to get, if possible, one single No. 17 resolution and put it in place.

Mr. LEVIN. I turn that into a question, whether or not I agree. It seems to me the opposite is true. We are asking the United Nations to take action. We want them to do it with one step. My resolution urges one step—impose the obligation on Saddam Hussein, and authorize force to enforce that mandate. It is one step in my resolution.

If we go to the U.N., as we are now doing, and say we really need you, it is really important we have United Nations support, that is what we are saying, the President said we want you to be credible, it is totally inconsistent at the same time in your resolution to say, by the way, if you do not do it, we will. It just takes the United Nations off the hook. It sends the opposite message to the U.N. from what we should be saying to the United Nations and I thought the President was saying to the United Nations: We want you to be credible. We need the world to come together for Saddam Hussein.

The resolution that the Senator from Virginia and the Senator from Connecticut supports is basically to say, if you do not do it, we will go it alone.

That is the wrong message to the world for many reasons.

Mr. LIEBERMAN. Will the Senator yield?

Mr. LEVIN. I would be happy to do that.

Mr. LIEBERMAN. I thank the Senator.

My friend from Michigan knows one of the reasons I cosponsored the resolution underlying it is I believe the best way for us to get the United Nations to act to enforce its own resolutions is if we make clear we are prepared to do so ourselves, although that is not our preference.

Here is my question: In section 3(3) of the Senator's amendment, you do affirm under international law the U.S. has at all times the inherent right to use military force itself. You argued tonight that is an indication that those who have said your amendment gives a veto to U.N. over U.S. actions are not correct. But isn't it true the section just below, section 4(a), of your amendment, says the President is authorized to use the Armed Forces of the U.S. to destroy, remove, or render harmless

Iraq's weapons of mass destruction, nuclear weapons material, ballistic missiles, et cetera, only pursuant to a resolution of the United Nations Security Council as described above?

So while you recognize the inherent right of the U.S. to defend itself, to take military action in self-defense, isn't it true your amendment does give the United Nations a veto over the authority of the United States to take action to enforce the resolutions of the United Nations?

Mr. LEVIN. It is quite the opposite. The good Senator from Connecticut read the language which makes it clear there is no veto. We can always have the inherent right to use military force in self-defense, period. We never will yield that to the United Nations or to anyone else.

My good friend from Connecticut was the author of a resolution back in 1991. He led the way on this authorization in the gulf war. The Senator was correct in his analysis, that we should move in the gulf war, and my good friend from Virginia was as well. That resolution the Senator from Connecticut offered to support military action in the gulf war said the following: The President is authorized, subject to subsection (b), to use United States Armed Forces pursuant to United Nations Security Council Resolution 678.

The Senator from Connecticut and the Senator from Virginia in the gulf war resolution had language which was adopted by a close majority, but nonetheless adopted, which said the President is authorized to use United States Armed Forces pursuant to the United Nations Security Council resolution. Nobody suggested then that the Senator from Connecticut was giving the United Nations a veto over U.S. military force. That was a grant of authority to enforce a United Nations resolution. That is the same language we are using.

Mr. LIEBERMAN. The Senator from Michigan is quite correct. The difference, I want to respectfully suggest, is in the context—in the historical context. There was an invasion by Iraq of Kuwait. There had already been a United Nations Security Council resolution. That is why the authority was as described.

Here, this resolution by Senators WARNER, MCCAIN, BAYH, and I have introduced is based on a record now of 11 years in which everything else has been tried to get Iraq to comply with those resolutions, and they haven't.

I think the difference here—I ask the Senator if he would react—is that the Senator has acknowledged the obvious inherent right of the United States to act in self-defense. That is a higher standard than the question of acting to enforce United Nations Security Council resolutions. In other words, it may be I might argue that is not in self-defense because I believe if we do not disarm Saddam Hussein, he will eventually strike us and our allies. But, in any case, in affirming a right of self-defense, the Senator has set a standard that is not carried out in a later section which makes our ability to enforce those resolutions pursuant to United Nations authorization.

So to that extent, your amendment would give the United Nations a veto over whether the President of the United States could take action against Iraq to enforce outstanding U.N. resolutions.

Mr. LEVIN. I will put that in the form of a question.

I vehemently disagree. I urge the Senator from Connecticut to read the language, which flat out says: We affirm "the United States has at all times the inherent right to use military force in self-defense. . . ." We affirm that.

The Senator from Connecticut, in the resolution in 1991, did not even affirm that. It just simply authorized the President to use military force pursuant to the United Nations Security Council resolution. No one suggested then that anyone was ceding the power to use our force to the United Nations. Yet in our resolution, the alternative resolution, the multilateral resolution, for some reason, the folks who are supporting the go-it-alone resolution are suggesting we are ceding something to the U.N. when we explicitly reaffirm our right to self-defense.

Mr. LIEBERMAN. I do not think we will ever go it alone because we are going to the United Nations. But how then does the Senator read section 4(a) of his amendment, which says clearly that the President can only use the Armed Forces of the United States to destroy, disarm Iraq's weapons of mass destruction if there is U.N. permission?

Mr. LEVIN. Where does the word "only" appear in that resolution?

Mr. LIEBERMAN. I will read it:

> Pursuant to a resolution of the United Nations Security Council described in section 3(2) that is adopted after the enactment of this joint resolution . . . the President is authorized to use the Armed Forces of the United States. . . .

Mr. LEVIN. Where does the word "only" appear in this resolution? That is my question to my dear friend from Connecticut. The Senator added a word that is not in the resolution and ignores a paragraph, saying we have an inherent right of self-defense, that is in the resolution.

Mr. LIEBERMAN. Now we have joined the issue.

Then I ask the Senator this final question: Would it be the Senator's opinion that enforcement of outstanding U.N. Security Council resolutions would amount to an act of self-defense and, therefore, the President of the United States could do that without an authorizing resolution from the United Nations?

Mr. LEVIN. We have an inherent right to use military force in self-defense, and that means, under law which is well established, that if there is an imminent threat to the United States, we do not have to wait for that threat to be implemented. We can act against any imminent threat whether or not there is a U.N. resolution covering that threat. If it is an imminent threat, we may act in self-defense.

Mr. LIEBERMAN. In that case, is it not true the Senator from Michigan is adding a word, which is the word "imminent"?

Mr. LEVIN. No. You have asked me to interpret the words "inherent right of self-defense." What I am saying is, under international law, self-defense requires that a threat be imminent.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LIEBERMAN. I thank the Senator.

Mr. LEVIN. I thank my friend from Connecticut.

Mr. SARBANES. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. SARBANES. What is the parliamentary situation?

The PRESIDING OFFICER. Under the previous order, the Senator from Maryland is to be recognized for up to 30 minutes.

Mr. SARBANES. I thank the Chair.

Mr. REID. Mr. President, if the Senator will yield, I ask unanimous consent that the time not run against the Senator from Maryland for a unanimous consent request that we would like to have adopted.

Mr. SARBANES. Mr. President, I yield to the Senator for the purposes of his unanimous consent request, with the understanding I not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I would also say we have a number of people who want to speak. It is a little bit difficult because we have Senator LEVIN and Senator SARBANES for an hour. So I know that some of my colleagues on this side have been waiting a long time. But we have also had people over here waiting a long time.

So this would be my suggestion as to the time: That following the statement of Senator SARBANES, Senator HUTCHINSON be recognized for 25 minutes; following that, Senator THOMPSON be recognized for 20 minutes; following that, Senator MURRAY be recognized for 20 minutes; Senator ENZI for 20 minutes; Senator REED for 40 minutes; Senator CHAFEE for 7 minutes; and then Senator DURBIN for 30 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Now, if my friend from Maryland would withhold, we have a unanimous consent request that I gave to be copied, and it has not shown up. Here it comes. I would really like to get that done.

Mr. SARBANES. Mr. President, I understand, under the unanimous consent agreement, this time is not being charged against my time.

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. I suggest the absence of a quorum. As soon as the quorum call is called off, I will do the unanimous consent request and give the time to the Senator that he is entitled to anyway.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, let me, just as a background, indicate that Senators LEVIN, BOXER, and DURBIN have been most cooperative. They have amendments that have been filed in the appropriate form. They have indicated they will offer each amendment tomorrow. Senator LEVIN's is pending tonight. We will dispose of these amendments, and they will offer no other amendments tomorrow.

Senator BOXER's is going to be disposed of at some length. She is always very deliberate in what she does. She recognizes this amendment is good, recognizes that the best way to handle this, though, is to have a colloquy tomorrow. I have spoken to the minority manager on this matter. He has agreed to enter into a colloquy with her. We have discussed what that would be.

Mr. WARNER. That is correct. Senator MCCAIN and I will engage in a colloquy.

Mr. REID. I therefore ask unanimous consent that following the disposition of Senator BYRD's amendment No. 4868, the Senate resume consideration of Senator LEVIN's amendment No. 4862; that the amendment be in order notwithstanding the provisions of rule XXII; that there be 50 minutes under the control of Senator LEVIN and 45 minutes in opposition divided as follows: 15 minutes for Senator BIDEN, 15 minutes for Senator WARNER, and 15 minutes for Senator MCCAIN—this would be in opposition to the Levin amendment—that upon the use or yielding back of that time, the Senate vote without any intervening action on, or in relation to, Senator LEVIN's amendment; that upon disposition of his amendment, Senator DURBIN be recognized to call up amendment No. 4865; that Senator DURBIN control 40 minutes for debate and 10 minutes for Senator BIDEN and 15 minutes for Senators WARNER and MCCAIN in opposition, a total of 35 minutes, plus the 10 minutes for Senator BIDEN—it would be 10 minutes for Senator BIDEN, 15 minutes combined for Senators WARNER and MCCAIN—that upon the use or yielding back of that time, the Senate vote without any intervening action on or in relation to Senator DURBIN's amendment; that no second-degree amendments be in order to either of these above-listed amendments.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. The only change I would make in the request I just made is that Senator DURBIN have an up-or-down vote on his amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, having done that, I really appreciate very much Senator SARBANES yielding. I would ask that after Senator SARBANES finishes his statement, Senator CHAFEE, who has agreed to speak for only 7 minutes—rather than his waiting at the bottom of the list, I wonder if we could get him up at the top of the list to speak, and hopefully maybe Senators HUTCHINSON or THOMPSON may not use all their time. That may work out OK anyway.

My question is, Does anyone object to Senator CHAFEE speaking first?

Mr. MCCAIN. Reserving the right to object—I won't object—I wanted to take a second to thank Senator REID for arranging the disposition of this very difficult issue in an equitable fashion to all. I thank him for a masterful job that a few hours ago did not seem likely.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. May I join Senator MCCAIN. Also, there is reference in here to time allocated to Senator MCCAIN and myself. We will assure our distinguished Senator from Connecticut that that time will be given to him as allotted between Senator MCCAIN and myself.

Lastly, Mr. President, we still have a number of Members who have been attempting to make statements relative to the underlying bill. I assure Senators DEWINE, COLLINS, SPECTER, and others that we will be working with them with regard to scheduling tomorrow.

Mr. REID. I would also say, I appreciate very much the cooperation of everyone. But before we start doing too much back slapping here, tomorrow is going to be a really difficult day. We have to be prepared for that.

Mr. WARNER. Mr. President, we recognize that.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Reserving the right to object, would the Senator clarify the list of speakers following Senator SARBANES with the change regarding Senator CHAFEE?

Mr. REID. Senators CHAFEE, HUTCHINSON, and THOMPSON would be before you, and Senator CHAFEE has 7 minutes. Senator HUTCHINSON has 25, and Senator THOMPSON has 20. I would say to my friend from Washington, you have been here for at least 4 hours that I know of. But the point is, we are using up a lot of time with Senator LEVIN and Senator SARBANES. They are really entitled to that time only from an equitable standpoint, not from the fact that anyone could object to it.

The PRESIDING OFFICER. Is there objection?

Mr. REED. Reserving right to object——

Mr. REID. You are already in the queue.

Mr. REED. You did agree to the list?

Mr. REID. Following Senator THOMPSON, Senator REED is recognized for 40 minutes, Senator ENZI, 20 minutes, and then Senator DURBIN for 30 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Maryland is recognized under the previous order.

Mr. LEVIN. Will the Senator yield for a unanimous consent request?

Mr. SARBANES. I yield to the Senator.

Mr. LEVIN. I ask unanimous consent that Senator AKAKA be added as a cosponsor of our amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maryland.

Mr. SARBANES. Mr. President, I first want to commend, in the very strongest terms, the very able Senator from Michigan, chairman of the Armed Services Committee, for the powerful statement he just made and for the analysis he has brought to this critically important issue.

In my judgment, he has drawn the essential lines of distinction and differentiation. They are reflected in the amendment that is now before us, which I hope will be adopted tomorrow when it is offered as a substitute to the pending Lieberman proposal.

At the end of World War II, the United States stood astride the world like a colossus. We were preeminently the most powerful nation—in some respects, more powerful even than we are today, although we are once again certainly the most powerful nation. At the end of World War II, the United States had an overwhelming military capacity and overwhelming economic strength, but at that time we chose to act multilaterally, to make our way in the world on the basis of cooperation, to help found the United Nations. The United States played a leading role in creating the U.N. framework and has exercised extraordinary influence within it ever since.

The question of how we are to exercise our power is a critically important question. We need to recognize that, for it is at issue here. We face a real dividing line: are we going to seek to exercise our power in cooperation, in coordination with others, which in the current context means working through the United Nations; or are we going to move down the path of asserting a unilateral preemptive prerogative, in effect, asserting our right to do what we want anywhere, anytime, to anyone. The comprehensive strategic doctrine that the administration issued only a short while ago would take us down that unilateral path.

It goes without saying, as the able Senator from Michigan pointed out, that the United States has an inherent right of self-defense; this right is recognized in his amendment. In fact, international law and the United Nations Charter both recognize that inherent right to use military force in self-defense.

But as the Senator very carefully pointed out in his most thoughtful statement, under international law that inherent right to use military force in self-defense is justified in response to an imminent threat. Now we have an effort to change that standard. I think such a change is fraught with danger both for our position in the world and for our leadership status.

We have to re-affirm the long-standing principle that the most effective way to accomplish our goals is to work in concert with others. No one is proposing to give away our ultimate authority to act. The President can always come back to us to seek such an authorization. In fact, if the Senator from Michigan will yield for a question——

Mr. LEVIN. Yes.

Mr. SARBANES. As I read the amendment, the Senator provides that the President could come back to Congress to seek authority if he decided it was necessary to proceed on the unilateral path; is that correct?

Mr. LEVIN. The Senator is correct.

Mr. SARBANES. On the other hand, his amendment provides an authority to act in support of multilateral action, as reflected in the adoption of a U.N. resolution, which would seek to deal with the threat Saddam Hussein presents to the region and to the world; is that correct?

Mr. LEVIN. The Senator is absolutely correct.

Mr. SARBANES. Mr. President, this is an extremely important point. It is not enough to be strong; you have to be smart as well. You have to be both strong and smart. If we insist on acting alone, the potential consequences are obviously very great.

First of all—although it has been asserted by some to the contrary—many believe it will impede and adversely affect the war against terrorism. Why do they believe that? Because the war against terrorism, as Brent Scowcroft has pointed out in a number of articles, requires the cooperation of other nations, the broadest possible coalition of nations. We need the contributions of their intelligence services. We need their cooperation in tracing and cutting off money that is going to fund terrorist activities. We need other nations to help us monitor and control the movement of people across frontiers and borders. If the United States says to the rest of the world that we are just going to go our own way, we will be hard put to turn around and expect a high degree of cooperation and participation when we need it badly. We have to work with others. There is no question about that.

Efforts are underway at the U.N. now to develop a very strong resolution as the basis for sending the inspectors back into Iraq. I support that effort. I don't understand those who seem to just dismiss the possibility of what the inspectors might accomplish. Others have said that the inspection system was futile, that Saddam played games with the inspectors and made it impossible for them to see the total picture. I don't differ with that. But I want to emphasize that the inspectors did a very good job. They discovered and destroyed a lot of weaponry, and they very substantially reduced Saddam's capabilities.

I fail to understand why, if we have the opportunity to send them back under terms that will enable them to do their job, we would not pursue that option before resorting to military force. Why would we not do that? Why would we not explore to the limit the possibility of resolving the situation without having to resort to war?

Think of the experience of the past fifty-plus years. International cooperation has worked brilliantly for the United States for over half a century. President Truman, President Eisenhower, and their successors, faced grave provocations at critical turning points but refrained from taking unilateral military action. There were some who argued at the end of World War II that the United States should attack the Soviet Union, at a time when the United States had a nuclear capability and the Soviet Union did not. That argument was rejected, rightly, by President Truman.

We had the foresight and the wisdom at the time to see the importance of cooperative international relationships to protecting our security broadly defined. Our security is not one-dimensional: it encompasses military matters, of course, but also economic and political matters. The United States must work in a world environment in which we seek to maximize cooperation. We run great dangers if we proceed unilaterally.

This amendment says, in effect, that at the present time the Congress is not going to provide an authority for unilateral action. It also says that if the President concludes that such action is necessary, he can come back to the Congress and request the necessary authority. This is an effort to support a multilateral effort.

Does anyone seriously contest the proposition that if we act in concert with other nations, if the U.S. action has the support of the international community, then the possibility of turbulence in other countries in the region, with which we have had important longstanding relationships, will be much less, and the support that will come from elsewhere in the world will be much greater?

Furthermore, consider for a moment the precedent we are setting if we adopt this model of unilateral preemptive action.

We have worked very hard to try to develop international law in the United Nations institutions which can check the danger that countries will seek to attack others, but if we assert our right to undertake preemptive action on a unilateral basis, act and do a unilateral preemption, what will keep other countries from doing the same, and using our action as their justification?

A very tense situation exists between India and Pakistan, and in other parts of the world. What message do we send by acting unilaterally? This is a very important question for us, especially as we are now so powerful.

Interestingly enough, the more powerful you are, the more urgent this question becomes. Stanley Hoffmann has made this point in a very thoughtful and provocative article, and I ask unanimous consent the article be printed in the RECORD at the end of my remarks——

The PRESIDING OFFICER (Mr SCHUMER). Without objection, it is so ordered.

(See exhibit 1.)

Mr. SARBANES. Stanley Hoffmann has pointed out it is precisely the most powerful state that has the greatest interest in links of reciprocity, international law, and mutual restraint; that a superpower must take special care not to provoke the united resistance of lesser powers. The challenge, and it is a challenge, is to work cooperatively, through the international institutions. In doing so we join with others to register a judgment of the entire international community, and we can then use our strength to carry out this judgment of the international community, again in cooperation with others. Failure to do that, I think, is fraught with dangers for our continued leadership position in the world.

It seems to me the distinction made in this amendment is a critical one. It reserves to the United States the power to act in self-defense. It provides authority to back a U.N. action and it leaves open, of course, the possibility of the President's coming back to the Congress to request an authority to act unilaterally, which would then enable us to assess the circumstances and the consequences under those circumstances of granting such an action.

We have an opportunity here to achieve our ends—the destruction of this program of weapons of mass destruction, assuming that is our end—without resorting to unilateral military action, and I think that is the option we should pursue at this time.

As a matter of fact, the authority contained in the underlying resolution cites Iraq's violation of all previous U.N. resolutions as a basis for acting. Some of those previous resolutions did not deal with the issue of weapons of mass destruction at all. One dealt with violations of the oil embargo. Another dealt with accounting for missing prisoners of war. Is it intended that we authorize the use of military force to achieve the objectives of these and other resolutions not directed to the issue of weapons of mass destruction? I would hope not. But in fact that is precisely what the underlying resolution, the Warner-Lieberman resolution, provides, and what the administration supports.

I am not going to address the very broad resolution that the President originally sent here. I find it difficult to understand the administration's reasoning in sending such a proposal to the Congress, given the thinking it represented about the role of the Congress in making a decision with respect to the use of military force. On a matter as grave and momentous as this, it is a matter of great concern.

That resolution was apparently written in the White House counsel's office. It was not written at the State Department. It was not written by those who have had to deal with these difficult and complex issues. It created such concern when it was first sent to the Hill that efforts were subsequently made to modify it somewhat. But the basic difficulty remains: like its predecessor, the revised resolution posits unilateral and not multilateral action.

I think the United States at this point needs to focus all its energies on acting in concert with the international community to send a very strong message to Saddam Hussein. That message will be much stronger for having the support of the international community and representing the judgement of the international community. To those who say, Suppose they don't act? I would respond that we will consider the matter in the light of that circumstance. But the chances are better, I think, that the international community will act through the United Nations if the U.S. makes its case and calls upon other nations to join in the effort.

To those who say that by seeking multilateral, U.N. action we are giving the U.N. a veto over the right of the U.S. to use its military power to defend itself, I say that is absolutely not the case. Under international law the inherent right to self-defense is precisely defined and recognized. We seek a U.N. resolution to reflect the judgement of the international community, and through that resolution we seek to accomplish our objectives.

Congressman HOUGHTON of New York had an interesting statement on the floor of the House last night. He said: The right decision at the wrong time is the wrong decision. I think we should keep that in mind as we think about how the United States ought to proceed.

Mr. President, I strongly urge my colleagues to think through very carefully the implications of a go-it-alone strategy. We need to work with others. We ought to join in a common effort. Other nations can be supportive in numerous ways. Anyone who talks about the situation knows that if force is eventually used against Iraq, there will have to be major reconstruction afterwards. Everyone acknowledges this. Who will do it? Will the U.S. do it alone? We can hardly draw much comfort from what we are doing in Afghanistan. We had an amazing, very successful military action, and yet we now run the risk of having success turn into failure. Afghanistan is in the very earliest stages of reconstruction: its entire infrastructure needs to be rebuilt; the central government has no effective control of the country and barely of the capital. Its elected President Hamid Karzai is a man of great courage. He has asked for continuing international support. He said over the weekend:

> I believe the presence of the international forces here should be for as long as the Afghan people need them. The essential thing here is to help Afghanistan stand back on its feet to defend itself and defend against terrorism and radicalism.
>
> And then the rest of the world can go and we will be able to manage on our own."

International forces are in Afghanistan, and the world has registered a judgment there. I frankly think the United States could and should be doing more than it currently is to assure the progress of the Afghan reconstruction. We have an important stake there, much too important to relegate to a back seat. On the contrary, we must remain focused, to make sure that it is carried through to success.

Mr. LIEBERMAN. Will the Senator yield for a question?

Mr. SARBANES. How much time do I have?

The PRESIDING OFFICER. The Senator from Maryland has 6 minutes and 56 seconds.

Mr. SARBANES. I will yield briefly.

Mr. LIEBERMAN. First, I want to say I agree with the Senator totally concerning his comments about Afghanistan, and I hope if the time comes, as I hope and pray it will, that there is a post-Saddam Iraq, we will learn from the mistakes that were made in post-Taliban Afghanistan and devote ourselves to broad peacekeeping which will be necessary in the economic and political redevelopment of the country internationally. But my question——

Mr. SARBANES. Let us keep the focus on the situation in Afghanistan. That chapter is far from finished. We have an opportunity to correct at least some of the mistakes we have made in Afghanistan, but unfortunately we are not doing so. The administration is very resistant.

Mr. LIEBERMAN. In Afghanistan?

Mr. SARBANES. In Afghanistan, absolutely.

Mr. LIEBERMAN. I agree with the Senator from Maryland. And, of course, I agree with his——

Mr. SARBANES. If we do not meet our commitments in Afghanistan, what lessons will we draw with respect to our obligations in Iraq?

Mr. LIEBERMAN. That we must do it in Iraq.

Mr. SARBANES. By ourselves? Is it your view that we do not need the efforts of the international community alongside our own?

Mr. LIEBERMAN. We do, and that is the question. I view the underlying resolution I have introduced with Senators Warner, McCain, and Bayh as an international resolution. It is all about enforcing the resolutions of the United Nations. It acknowledges, appreciates, encourages the President to go forward at the United Nations, but it is based on the premise that if we indicate a willingness to lead, even in leading an international coalition, to enforce U.N. resolutions if someone exercises a veto against doing that at the Security Council, that others will follow. I think the strength in our underlying resolution is the best way to guarantee that either through the U.N. or after——

Mr. SARBANES. My perception of the underlying resolution is that it says to the world the following: we are here, we want to get this resolution, we want to work together, but if you will not do it our way, then we are going to do it unilaterally, and in any event we assert the right to act unilaterally. It is part and parcel of the new strategic doctrine that has just been announced.

For the life of me I do not understand why the administration chose this particular moment to proclaim this doctrine, which obviously raises all sorts of additional red flags about what their intentions with respect to the U.S. role around the world.

There is no question that the United States is the most powerful country in the world. I do not recall the precise figure, but the American military budget is more than the sum of I do not know how many countries that follow along behind us. Yes, we have incredible military resources and power. We can go around the world and whack anybody we choose. We can brush almost anyone aside.

But is that what we want for our nation? Is that the way we choose to conduct ourselves? Why would we make such a choice when we have an opportunity, if we are smart and skillful and have the underlying military strength, to work in a way that brings the rest of the international community into concert with us?

We have an opportunity to help formulate the judgement of the international community against someone who has clearly violated international norms and standards, and to have that judgement carried out. Why would we not seek to do so?

That is the path the Levin proposal lays out. It avoids the downside of having the United States asserting a unilateral right as the basis for its action. We should not throw away the opportunity to work through the United Nations and in concert with others to accomplish our objectives with respect to disarming Iraq, and also to set very important precedents and standards for the international community in dealing with problems of this kind. It is frustrating to think that we might not avail ourselves of this opportunity.

What will we say when some other country decides to engage in preemptive action on a unilateral basis? If we condemn the action, arguing that it aggravates tensions and creates chaos in the international world, the response will be that we have no basis for criticism—if we did it, why should other countries be kept from doing it? What message will our actions send to countries in other parts of the world where tensions run very high?

I close with a plea to my colleagues to recognize the fundamental distinction between unilateral and multilateral action. I ask my colleagues to consider how important it is for our future, in so many ways—not just in military and security terms, but also for our economic and political and indeed the whole range of our interests—that we seek to work with others and not set out on a path of unilateral action. That the U.S. has such great military resources at its command makes the decision that much more urgent. It may seem paradoxical, as Stanley Hoffman has observed, so powerful a nation should choose to work in concert with other nations rather than through willful imposition of its power on others. But that principle has served our national interests well, and that is where our long-term interests lie.

I yield the floor.

EXHIBIT 1

[From the American Prospect, Sept. 23, 2002]

AMERICA ALONE IN THE WORLD

(By Stanley Hoffmann)

The horrors of September 11 confronted the United States with an extraordinary challenge and an extraordinary opportunity. The challenge was to increase our "homeland security" by measures that might have averted disaster, had they been implemented before the attacks, and that would minimize the risk of similar assaults in the future. The opportunity was to build on the sympathy and shock of other nations in order to construct a broad coalition against the sort of terrorism the United States had suffered.

Alas, it cannot be said that the year was well used. As the great Oxford and Yale historian of war Sir Michael Howard predicted, the notion of a "war" on terrorism proved a pernicious one. The very word "war" suggests military measures and, of course, victory—rather than the difficult, slow and partly clandestine operations that fighting terrorism entails. So, too, does war allow for suspending or violating citizens' liberties, holding foreigners without due process and resorting to other arbitrary new forms of justice.

Moreover, by defining the fight as one against global terrorism—including the supposed axis of evil—President George W. Bush was able to endow his controversial and highly partisan agenda with a heroic dimension. Using his new popularity and his global war, he sought to silence or enlist the opposition. It's not exactly the newest trick in politics. The problem, however, was twofold. Conceptually, global terrorism is the sum of many individual terrorist acts (most of them local) with very different inspirations, dynamics and scopes. One size does not fit all. Indeed, some of our allies against al-Qaeda had been terrorists or had encouraged terrorists in the past—or even the present. Useful as it was against the Taliban, the idea of taking action against not only terrorists but also the states that harbored them posed insoluble political problems with some allies (such as Pakistan and Saudi Arabia) that had supported terrorism. It also posed problems with democratic countries that had tolerated terrorists on their soil (Germany, Spain and the United States itself).

The strategy posed yet another set of problems with nations that used the American war and its rhetoric as a pretext for getting dangerously tougher with their own enemies. These enemies were charged (often correctly) with terrorism, but their circumstances were radically different from those under which Osama bin Laden deployed his rabid theological and anti-Western global network. In the case of Kashmir, the cynical exploitation of the antiterrorist cause put the United States in an embarrassing position, especially given Pakistani President Gen. Pervez Musharraf's indispensable role in the assault on Afghanistan. In the case of the Palestinian intifada, the logic of antiterrorism pushed Bush into supporting Ariel Sharon—a stance that shored up Israeli repression and helped justify Sharon's clever policy of destroying the Palestinian Authority while accusing it at once of impotence and of encouraging extremists.

By the end of the Clinton era, Palestinian and Israeli negotiators in Taba, Egypt, had been very close to an agreement on all important issues. Indeed, the Israel-Palestine conflicts is one that cannot be resolved without strong American input and pressure. Washington's post-9–11 tilt toward Sharon, however, has rendered the United States ineffectual on this crucial issue—one that many friendly Muslims regard as a test of American goodwill. The ability to resolve the Palestinian issue was one casualty of the relentless anti-terrorism priority. But there were at least two others that Harvard professor and journalist Michael Ignatieff has noted. An administration that had already declared its distaste for "nation building" and for humanitarian interventions (except on narrow calculations of national interest) has become even more indifferent toward humanitarian considerations. To be sure, the administration spouts pro-democracy rhetoric. But it views humanitarian concerns as mere distractions from the war on terrorism. Similarly, the concern for human rights that has occasionally animated U.S. foreign policy would have embarrassed or annoyed many of our allies in the war, including Pakistan, Saudi Arabia, Syria and Egypt. A foreign policy that took human rights seriously might have helped, in the long run, to limit the appeal of terrorism; but human rights are no longer even an ornament of U.S. diplomacy.

The coherence and consistency that the war was supposed to lend U.S. foreign policy have not materialized. The attempts to link Saddam Hussein's regime to 9–11 and other terrorist plots have failed; a rational for attacking him and had to be sought elsewhere. The administration is still looking for a convincing one.

Iraq's quest for weapons of mass destruction is not unique. But the new doctrine of preventive action against countries that work on acquiring such weapons and are hostile to the United States is very different from other breaches of state sovereignty as sanctioned by modern international law. In the past, collective efforts to curb excessive aggression on the part of sovereign powers have been pursued with the benediction of the United Nations. In the current instance, we risk acting on our own and creating a dangerous moral and political precedent.

Deterrence worked well against the Soviet Union, a much more potent and, at one point, malevolent adversary. If applied consistently, energetically and with the support of allies, deterrence could still work against Iraq. Replacing deterrence and collective humanitarian efforts with unilateral, preemptive intervention is a license for chaos. Henry Kissinger's acrobatics in his Washington Post article of Aug. 12, which attempts to reconcile a U.S. doctrine of preventive attack with the notion of world order, can only be described as pitiful.

This brings us to the most distressing aspect of the year since 9–11: America's growing isolation in the world. The war against terrorist networks that threaten the United States, its allies and even non-allies such as Russia, cannot be won by the United States alone. For one thing, we need the cooperation of other governments in arresting, trying or delivering to use suspects and possible plotters. And if military action becomes necessary, as it did last year in Afghanistan, we need the participation and endorsement of as many countries as possible. Bush Senior succeeded in obtaining that kind of cooperation in the Gulf War. A coalition is both a help and a constructive source of restraint. For a short while immediately after 9–11, the current Bush administration seemed to understand that it unilateralism was an obstacle. This did not last.

Instead, the administration has alienated allies and inflamed adversaries repeatedly over the last year. The multiple, half-baked rationales for action against Iraq have confused and disturbed even old allies such as Germany and Britain. The notion that the United States retains a prerogative to act alone in its own purported interests or those of the whole "world community" is clearly incompatible with the UN charter and international law. The self-perception of a unique and benevolent American empire charged with maintaining order in the world irritates allies and adversaries alike. And the oft-expressed contempt for international institutions except those controlled by the United States—the view that only weak powers should be constrained by them or could benefit from them—has alienated and exasperated many of our best friends.

The fact is that the United States took the lead in creating these institutions of collective security after 1945, precisely when it was the strongest superpower. That generation understood that it is the hegemonic state, paradoxically, that has the greatest interest in links of reciprocity, international law and mutual restraint.

Imperial hubris on issues such as the Anti-Ballistic Missile Treaty, the Kyoto Protocol and the International Criminal Court have further isolated the United States just when it needs allies most. The administration's case against the court is based on an offensive assumption that a UN institution will necessarily be unfair to the United States—and on an interpretation of the U.S. Constitution that places it above international law. Worse, we have bullied other countries to prevent them from signing or applying the protocol establishing the court.

This "we don't need you" posture is very risky for the United States, insulting to others and mistakenly based on the premise that others can never really proceed without us. A superpower must take special care not to provoke the united resistance of lesser powers. But the Bush administration fails to appreciate the importance of what Harvard professor Joseph Nye calls America's "soft power"—a power that emanates from the deep sympathies and vast hopes American society has inspired abroad.

The shift from beacon to bully is rife with potential disaster. Because a hegemon cannot rule by force alone, it is vital for the United States to take an interest in other societies and cultures. Since 9–11, that interest has grown only with regard to Islam and terrorism. But an American foreign policy guided exclusively by narrow self-interest is not one our allies find terribly reassuring; and it is downright offensive to assert that the United States alone can decide what is good for others.

Particularly frightening to outside observers is the impression that U.S. foreign policy has been captured by a small group of hawks who, frustrated in 1991, are now ideologically committed to changing "evil" regimes—even in countries that have no past experience of democracy and where repressive regimes face no experienced or cohesive opposition. There were comparable fears after the election of Ronald Reagan, but divisions within his administration preserved a kind of balance. Today's pragmatists are singularly weak and seem to lack the president's ear.

Bush continually describes himself as a patient man who will consult and listen. Let us hope that he means what he says and isn't just trying to prevent a real debate until all the important decisions have been made. Because one year after 9–11, three things are clear: First, the war against terrorism cannot be the alpha and omega of a foreign policy; second, it cannot be waged by military means alone; and finally, even a state endowed with overwhelming superiority in all the ingredients of "hard" force cannot substitute that for eyes, ears and brains. Decisions based on dubious assumptions, overconfidence and intelligence reports risk ending in imprudence and fiasco.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 7 minutes.

Mr. CHAFEE. Mr. President, the American people need and deserve a thorough, reasoned discussion on the question of going to war against Iraq. I appreciate the opportunity to share with my colleagues my thoughts during this momentous debate.

A great deal of the justification for a United States military intervention in Iraq centers on the threat posed by Saddam Hussein. I recognize that there are international criminals capable of unspeakable horrors and Saddam Hussein is one of those. President Bush has urged us to believe the threat from Saddam Hussein is urgent and immediate, and thus this impending vote. I have listened carefully to every shred of evidence presented by the administration.

And I have also listened carefully to other world leaders. Of particular concern to me is the position of those nations that share a border with Iraq—Turkey, Syria, Jordan, Saudi Arabia, Kuwait, and Iran.

The Turkish Prime Minister said, "We're trying to dissuade the American Administration from a military operation."

King Abdullah of Jordan said, "In all the years I have been in the international community, everybody is saying this is a bad idea. Our concern is . . . that a miscalculation in Iraq would throw the whole area into turmoil."

The Kuwaiti Defense Minister said, "Kuwait will participate in the military campaign to remove the Iraqi regime only if the military action came in compliance with a United Nations' resolution." This in Kuwait, a country that suffered greatly under the hands of the Iraqi dictator. These nations share a border with Iraq. Their leaders know their neighborhood and they have expressed their opposition to our intervention at this time.

I would also like to quote President Mubarak of Egypt who said, "If you strike Iraq . . . not one Arab leader will be able to control the angry outburst of the masses." And President Mussh""raf of Pakistan said, "this will have very negative repercussions around the Islamic world." I believe it is wise to heed the concerns of our friends. And our friends are telling us that we are ratcheting up the hatred.

In two nations' recent elections the defining issues seemingly revolved around American arrogance. The fact that the two countries are our friends, Germany and Brazil, is alarming.

What Congress does this week and next will have very serious implications throughout the world.

Demagogues in the Middle East and elsewhere are surely ready and willing to exploit a U.S. invasion of Iraq. And today the CIA is warning Americans of the connection between a rise in terrorism and military activity in Iraq. Certainly it is preferable to address the threat posed by any international criminal in concert with our allies and within the confines of the United Nations. This is the preference outlined in the amendment offered by Senator LEVIN—an amendment I support.

We need to provide people susceptible to anti-Americanism with a positive message that respects international cooperation and friendship. The LEVIN substitute upholds the values I have heard in discussions with the people of Rhode Island; it recognizes the benefit of an international coalition in taking on the tremendous challenge of disarming the Iraqi regime. It authorizes military force against Iraq only as part of a new UN-approved resolution, and failing that, allows Congress to return to session to consider an alternative approach.

As a nation, we are united in opposing the tyranny and repression of Saddam Hussein. But there are real disagreements both here at home and abroad as to how best to ensure that this man cannot threaten world peace. Adoption of the LEVIN amendment would not give Saddam Hussein a chance to further obstruct and delay—it is the prudent idea most consistent with the values that have made the United States a great nation. I urge all of my colleagues to support the LEVIN amendment.

The PRESIDING OFFICER. Under the previous order, the Senator from Arkansas is recognized for 25 minutes.

Mr. HUTCHINSON. Mr. President, I am pleased this evening to rise in strong support of the underlying resolution. I am pleased this bipartisan resolution Senators LIEBERMAN and MCCAIN and Senator WARNER have introduced is before the Senate. I am pleased to be able to cosponsor that. I believe after a full debate, the Senate will pass this resolution in its current version, and I urge it to do that.

The decision to authorize the use of force is a very serious, grave decision. I will further acknowledge that some Members of Congress, men and women of good conscience, have very significant concerns about this resolution. They have been articulated well. They have been argued well. I also acknowledge that when we take a vote on anything that deals with war and peace and life and death, that it must be done in the most sober and serious manner. I have had a number of moms and dads who have come to me concerned about what this might mean for their children, their young men and women who may face war. I see the tears in their eyes. I have heard their anxieties and worries. I approach this with a great deal of serious contemplation and prayer.

However, I believe this resolution is not only warranted but necessary in order to protect our Nation. We are rapidly reaching a point at which the risk of utilizing military force is far outweighed by the danger that Saddam Hussein poses to the American people. I have heard that we are setting a dangerous precedent. There are concerns about what this new strategic policy might mean, and how other nations might interpret it.

I respond, with all respect, the case of Saddam Hussein, the case of Iraq, is in every way unique. It is unique in law because here is a man and here is a nation that has stood now for a decade in defiance of the world community; that is in violation and defiance of resolution after resolution from the United Nations. They are, as they have rightly been called this evening, an international outlaw. How is it that enforcing the resolutions of the United Nations, and in doing so defend our Nation, set a dangerous precedent?

Not only is Iraq in violation of resolutions, and in defiance of the civilized world, but Iraq is also unique in the threat it poses to the civilized world in amassing weapons of mass destruction.

It is not at all that the United States is some kind of international bully wanting to throw its weight around the world. It is, rather, we are the one Nation in the world that is capable of doing something about this threat to the civilized world. Not only do we have the ability to do it, but we have the will to do it.

The President has come to Congress as he was asked. He believed, I believe, that he had the legal authority already from previous resolutions from this Congress to have acted without coming to us. But Congress said: We want to be involved in this, we want to be consulted. So he came to Congress and laid out his case.

Administration officials have appeared before the Senate Armed Services Committee and the Senate Foreign Affairs Committee. Briefings have been provided for all Senators. Certainly, this issue has been a matter of public discourse now for months.

It is time now for this distinguished body to act. As we continue debate on this resolution, we must remember this debate is not about arms inspectors, it is not primarily about United Nations resolutions, and it is not about assuaging the international community. History has not looked well upon those who fail to act for fear of provoking a tyrant.

What this debate is about is the protection of the American people, the protection of our national security. The best way for the Senate to do that is to provide the President with the authority he has requested.

It is helpful to recount what has brought us to this point, to the brink of being forced to use military force. For over a decade, the United States has pursued diplomatic and economic avenues to deal with the threat that Saddam Hussein poses.

We have tried to contain, we have tried to deter. But in truth, we have been in a virtually unbroken state of conflict with Iraq since the beginning of the gulf war in 1991. After the American military along with coalition allies routed the Iraqi military, the international community pledged to ensure that Saddam Hussein would never have the capability to threaten the region again.

Toward that end, the United Nations Security Council passed Resolution 687. This resolution, which Iraq accepted as part of the cease-fire, required Iraq to end its pursuit of weapons of mass destruction, destroy its stockpile of chemical and biological weapons, and end its support of terrorism.

As we convene this evening, more than a decade later, Saddam Hussein stands in violation of this agreement in virtually every point. To ensure that Iraq was complying with its commitments, the United Nations established a weapons inspection program. In recent times, there has been a great deal of discussion about the inspectors. Forgotten in the debate is the original purpose of the inspectors. Inspections were only supposed to confirm that Iraq was living up to its commitment to cease the development of weapons of mass destruction. Inspectors were not sent in to play a cat-and-mouse game. Saddam Hussein used every means at his disposal to thwart the inspections.

In the past decade, Iraq has stood in violation of 16 different resolutions. The world community has spoken strongly and frequently against Saddam Hussein. Saddam's response has been continual deception and defiance. Saddam Hussein has made every attempt to accelerate his development of weapons, biological and nuclear weapons.

Based on intelligence we have a very frightening picture of Iraq's capabilities. We have had the briefings. I had the most recent briefing this afternoon. We have solid information, public information, that Iraq currently has a large stockpile of chemical weapons. In the initial aftermath of the gulf war, the U.N. inspectors were able to ensure that some chemical weapons were destroyed. A disturbing amount were not uncovered. In fact, 31,600 chemical munitions, 550 mustard gas bombs, and 4,000 tons of chemical precursors were unaccounted for by the U.N. inspectors. Even more disturbing is the likelihood that Iraq retained the means to produce chemical weapons. The U.N. has stated Iraq has imported enough raw materials to produce 200 tons of the VX gas.

Since inspectors were ejected from Iraq in 1998, there is a substantial body of evidence that Saddam Hussein has reconstituted his ability to produce VX and other chemical weapons. People question whether there is an imminent threat? People question the currency of the threat that faces us? They think we have time to burn? Time to delay? Perhaps even more terrifying, Iraq continued virtually unabated to produce biological weapons. Senator FRIST spoke of this earlier today. In fact, the Iraqi Government has admitted in the past to the weaponization of anthrax, botulism, and aflatoxin on Scuds and on aircraft.

United Nations inspectors never accounted for at least 4 tons of raw material that can be used to produce biological weapons. Recent reports are that the Iraqis are testing unmanned vehicles that could be used to deliver these weapons over wide territories.

I am told these unmanned vehicles would be almost impossible to be detected or to be shot down.

We also have reason to believe that Saddam Hussein has developed mobile biological weapon laboratories that would be virtually impossible for inspectors, were they to get back in, to detect, to locate, and to destroy.

In this debate, it is important that we have an appreciation for the terrible power of these kinds of weapons. VX nerve gas is one of the most dangerous chemicals known to man. It operates by cutting off a person's nervous system, making it impossible for them to breath. Exposure to only a few drops can kill in minutes.

The danger of anthrax was made shockingly clear during last year's attacks. Over 20 Americans were infected, and 7 were killed, and it could have been much, much worse. The letter that was sent to Senator LEAHY's office contained enough spores to kill tens of thousands of people, in one single envelop. There is every indication that Saddam Hussein has enough anthrax to kill millions of Americans.

Iraq has accelerated work on its missile development program. In fact, some of his chemical and biological weapons are deployable with 45 minutes warning.

According to the dossier recently released by the British Government, Iraq currently has ballistic missiles capable of reaching Israel, Turkey, and Saudi Arabia. He is actively working to extend the range of his armaments, with the ambition of being able to strike as far as Europe in the coming years.

Even with his success in developing chemical and biological weapons, Saddam Hussein continues to pursue the ultimate weapon of mass destruction . . . a nuclear bomb.

He has scoured the world attempting to procure enriched uranium to finalize his development of a nuclear weapon. Estimates are that, should Iraq be successful in getting this material, a nuclear weapon would take no longer than a few months to produce. We can't be sure he hasn't succeeded already.

It is evident that Saddam Hussein has the capabilities to inflict great devastation. His intentions are even clearer.

His hatred of the United States is only matched by his hunger for power. The Iraqi Government has repressed its own people, committed acts of aggression against its neighbors, and been an active supporter of international terrorism. In a very unstable region, Saddam Hussein has taken every opportunity to add to the turmoil in the Middle East.

He has plotted to assassinate a former U.S. President. In 1993, the Iraqi Government plotted to kill former President George Bush during his trip to Kuwait.

American pilots are taking fire from the Iraqi military virtually every day during patrols of the no-fly zones. Unprovoked? Hardly. It does not set a dangerous precedent to act in a preemptive way in light of his violations of international law and his continual firing upon American aircraft.

So far this year, American and British aircraft have been fired on over 406 times. In the past 2 weeks alone they have been fired on over 60 times.

Until his recent death, Iraq harbored Abu Nidal, who masterminded terrorist attacks in 20 countries, resulting in the deaths of 900 people.

There are credible reports that members of al-Qaida have found sanctuary in Iraq. It is becoming increasingly clear that Iraq has provided training to al-Qaida, including instruction on the use of chemical weapons.

Earlier this year, Saddam Hussein offered $25,000 to each of the families of Palestinian suicide bombers. The only condition is that the bomber has a full belt of explosives when he blows himself up. This despicable offer essentially provides a bounty for the deaths of innocent Israelis and establishes a perverse incentive program for terror.

His invasion of Kuwait is well-documented. However, I would like to take a moment to discuss the atrocities he has committed against his own people. I believe that it will shed further light on the horrors of which Saddam is capable.

The U.N. Commission on Human Rights and the U.N. General Assembly has issued a report criticizing "systematic, widespread, and extremely grave violations of human rights," and cited "all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror."

That is the diplomatic language of the U.N. Commission on Human Rights.

In "The Threatening Storm," Kenneth Pollack puts it a little plainer. He said:

> This is a regime that will gouge out the eyes of children to force confessions from their parents and grandparents. This is a regime that will crush all of the bones in the feet of a two-year-old girl to force her mother to divulge her father's whereabouts. This is a regime that will hold a nursing baby at arm's length from his mother and allow the child to starve to death to force the mother to confess. This is a regime that will burn a person's limbs off to force him to confess or comply. This is a regime that will slowly lower its victims into huge vats of acid, either to break their will or simply as a means of execution. This is a regime that applies electric shocks to the bodies of its victims, particularly their genitals, with great creativity. This is a regime that in 2000 decreed that the crime of criticizing the regime, which can be as harmless as suggesting Saddam's clothing would not be matched, would be punished by cutting off the offender's tongue.

And on and on it goes.

I ask unanimous consent that this citation from "The Threatening Storm" by Kenneth Pollack be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> This is a regime that will gouge out the eyes of children to force confessions from their parents and grandparents. This is a regime that will crush all of the bones in the feet of a two-year-old girl to force her mother to divulge her father's whereabouts. This is a regime that will hold a nursing baby at arm's length from its mother and allow the child to starve to death to force the mother to confess. This is a regime that will burn a person's limbs off to force him to confess or comply. This is a regime that will slowly lower its victims into huge vats of acid, either to break their will or simply as a means of execution. This is a regime that applies electric shocks to the bodies of its victims, particularly their genitals, with great creativity. This is a regime that in 2000 decreed that the crime of criticizing the regime (which can be as harmless as suggesting that Saddam's clothing does not match) would be punished by cutting out the offender's tongue. This is a regime that practices systematic rape against its female victims. This is a regime that will drag a man's wife, daughter, or other female relative and repeatedly rape her in front of him. This is a regime that will force a white-hot metal rod into a person's anus or other orifices. This is a regime that employs thalium poisoning, widely considered one of the most excruciating ways to die. This is a regime that will behead a young mother in the street in front of her house and children because her husband was suspected of opposing the regime. This is a regime that used chemical warfare on its own Kurdish citizens—not just on the fifteen thousand killed and maimed at Halabja but on scores of other villages all across Kurdistan. This is a regime that tested chemical and biological warfare agents on Iranian prisoners of war, using the POWs in controlled experiments to determine the best ways to disperse the agents to inflict the greatest damage.

Mr. HUTCHINSON. Mr. President, freedom of speech does not exist in Iraq, and summary executions are commonplace.

Torture is seen as a legitimate tool of control, and violence against women is not just condoned but perpetrated by the Iraqi government.

Political opponents of Saddam Hussein are subject to unimaginable cruelty. They are jailed without cause. Amnesty International reports "Detainees have been threatened with bringing in a female relative, especially the wife or the mother, and raping her in front of the detainee. Some of these threats have been carried out."

In 1997, the U.N. reported that Iraq executed more than 1,500 people for political reasons. There are even reports that the victims families are forced to pay the cost of the execution.

Saddam stays in power through fear. It is terror—sheer terror—that sustains his evil regime.

Saddam Hussein has never been called to account for the Kuwaitis that are still missing from the Gulf War. There are still 609 cases of missing Gulf War POW/MIAs.

Included in that number is one American Navy Pilot. The Iraqi government continues to refuse to provide full information about his fate.

The passage of this resolution will provide the President with authority he requires in order to address the grave threat posed by Iraq.

I fully support his efforts to rally the international community, and believe that a strong vote on this resolution will strengthen his case before the United Nations.

It is the hope of all of us that military action will not be necessary. However, after a full decade of effort, we have almost completely exhausted diplomacy.

There are some who believe that preemptive military action against Iraq represents a break from our nation's traditions.

My colleagues, unfortunately, we are facing untraditional threats. We have tried containment. It was built upon the idea of inspection and sanction. The inspectors were thrown out, and the sanctions have been broken.

Again, from Kenneth Pollack and from "The Threatening Storm," he says:

> Unfortunately, it is difficult to know exactly what is going into Iraq. This is the main problem; if the United States and United Nations knew, they might be able to stop it. As it is, we know only that between the smuggling and the surcharges Saddam is making $2 billion to $3 billion per year that he can spend as he likes. In addition, we have been able to intercept some shipments and get intelligence on others that give at least a sense of what Saddam is using his illegal revenues to import. For instance, in June 2002, the Indian government brought charges against the executives of an Indian company for selling atomized aluminum powder and titanium engine parts to Iraq in such quantity and of such quality that India's Defense and Research Development Organization concluded they could only have been intended for chemical warfare and ballistic missile production.

We tried inspections. The sanctions have been eroded, and deterrence only works with a rational person. It assumes rationality. And the fact that he can transmit weapons of mass destruction to terrorists who could inflict enormous damage upon the United States with no fingerprints—with Saddam's fingerprints not even being on it—is evidence that the idea of containment to no longer be a workable approach.

The attacks of 9/11 tore our hearts and left us with a grief that will never be forgotten. At the same time, those acts of evil have brought forth a new resolve and a new commitment.

It is the responsibility of the U.S. Government, and it is the responsibility of this Senate to ensure that the heartbreak of September 11 is not repeated.

Our enemies have grown more cunning and their methods more sinister. We must move swiftly and decisively to deny them the opportunity to attack us. When the threat is real, preemption is not just tactically critical, but, I believe, it is a moral imperative.

In Saddam Hussein we are facing a menace that has long expressed hatred of the United States, established links to international terrorists, and has amassed large stockpiles of weapons of mass destruction. He has been accorded every opportunity to cooperate with the international community, and he has refused.

Every day that goes by, the threat grows. He continues to amass his stockpile and strengthens his ties to terrorists. We cannot—we must not—stand by and allow this to continue. And we must not delay. There have been many people quoted in this debate, so let me add one more to the record. Winston Churchill said:

> There is no merit in putting off a war for a year if, when it comes, it is a far worse war or one much harder to win.

The world is watching us. And freedom-loving people across the globe are waiting to see if America will answer the challenge that history has put before us. They are waiting to see if our Nation will assume the mantle of leadership in dealing with a tyrant with maniacal ambitions.

Our enemies are hoping we falter. They hope we will continue to be mired in the web of deception spun by Saddam Hussein. They need to be shown that our resolve to protect the American people has never been stronger.

While my greatest hope is that military action will not be necessary, it may be unavoidable. Others have come to this floor to talk about the cost of such an operation. They rightly cite estimates ranging in the tens of billions of dollars. Some may discuss the damage that might be done to our relationships with other nations. More gravely, some have spoken about the cost of human life that any military action would entail. These risks are real, but these risks must be weighed against the very real risks of delay.

The price of inaction is far too high. Mr. President, 9/11 taught us that. We will never know the complete economic damage of the terrorist attacks of last year. Some have estimated it at more than $600 billion, but the true cost can only be seen by looking in the eyes of those who lost loved ones. The true impact is only realized with the understanding that over 3,000 families are still grieving.

Saddam Hussein has the capacity to wreak even more destruction than that which we saw last year. He has weapons that could kill millions, and he consorts with terrorists who would unflinchingly do so if they had the means.

So again, I remind you, opponents say this resolution sets a dangerous precedent of preemption. I remind my colleagues of sixteen U.N. resolutions defied, rejected, ignored by Saddam Hussein. The dangerous action would be to do nothing. The dangerous precedent would be to back down in the face of a tyrant who dares us.

The resolution put forth by Senator LIEBERMAN, and endorsed by our President, is a statement by this body that the risk posed by Iraq is unacceptable. It is a statement that we will not allow international outlaws to threaten our Nation. It is a statement that we will not sit back in the face of the growing danger that our country faces.

Thus, I call on my colleagues for their support of S.J. Res. 46.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. REED). The Senator from Tennessee is recognized under the previous order for 20 minutes.

Mr. THOMPSON. Mr. President, I congratulate my friend, the Senator from Arkansas, for an excellent presentation covering all the points. And if I had not been persuaded before I listened to him tonight, I would have been persuaded tonight.

This Nation has spent many dollars and many lives in defense of others around the world. Tonight, we are considering a resolution that has to do with the defense of ourselves.

People say that because our country does not go against another country without provocation that we should make the case of the need to take action, and that is true. We need to make that case before the world and before the American people.

I believe that case has been made. It is a case that has been made upon, basically, facts we have known for a long time and have chosen to ignore and sweep under the rug. It is based on a shared history that we have had together now for many years. And looking back on it, we must ask ourselves, How were we able to ignore what is so obvious and pending for so long?

We know Saddam's willingness to attack sovereign nations. We know Saddam's willingness to murder innocent individuals. We know he is in possession of weapons of mass destruction. We know he is developing missile capability that is beyond what is allowable by the United Nations resolutions and will rapidly be able to reach further and further. The only thing we do not know is how soon it is going to take him to develop nuclear weapons.

I think that is essentially, from a factual standpoint, what this entire debate is about, because if, in fact, it is true that he, in the foreseeable future, will have nuclear weapons, do any of these other points that we have been discussing really stand?

I think I have listened to many valid points and valid arguments of problems connected with moving against Saddam Hussein. I think the points that were made that the aftermath is going to be very difficult are very valid. I think the point that he might lash back against us in some way is a very valid concern. I think the point that in some places in the world they will be taking to the streets against us is a valid considerations.

But if, in fact, it is true that in the foreseeable future he might or probably will develop nuclear weapons of mass destruction, do any of these other considerations really stand up or do they together stand up to that consideration? Can we afford not to defend ourselves against that consideration?

What is the evidence pertaining to that? We are debating, again, not over whether or not he is going to have it, but how soon he is going to have it.

Unfortunately, when we have made estimates in times past with regard to Saddam's nuclear capability in the early 1990s, with regard to missile capabilities of rogue nations, when we have gone back and thoroughly examined the situation—where, in Saddam's case, we have gotten inspectors in there because of defectors' information—we have found that we have grossly underestimated the capability of our adversaries, time and time again.

Yet we are told by the entire world, those who have looked at this, that it is just a matter of time, a few years, if he has to develop his own fissile material, and perhaps as early as a few months or a year if he can buy it on the open market.

I was privileged to listen to some of the weapons inspectors who went down to Iraq. I listened to some of the experiences they had. It caused me great concern to hear their lament about the way they were thwarted before and how hopeless their mission turned out to be because of what Saddam was doing, and how inspections in the future really will not work unless you actually get active cooperation from the people you are inspecting. I am talking about a country, what, the size of California, with an ability to hide anything almost anywhere.

And they talked about the fact that when they went in before, they did not think Saddam had much in the way of nuclear. And they even were almost to the point of being able to certify that when a defector gave them some information. They went back. They found that not only had Saddam developed nuclear infrastructure, but he had a virtual "Manhattan Project" is the way they put it, a virtual "Nuclear Manhattan Project" when they went in there before.

They said they had a facility there that was based on the facility down in Tennessee in Oak Ridge in terms of enriching uranium.

This is what was there before. We do not know what he has now because he has made the decision to keep out inspectors. And we know from the CIA—a letter has been introduced in this RECORD—that the likelihood of Saddam using weapons of mass destruction for blackmail, deterrence, or otherwise grows as his arsenal builds.

Now he has been down there for 4 years. We know he has the science. We know he has the know-how. We know he has the scientists. We know he has the desire. We know he has a history of knowing how to build facilities that will ultimately produce results for him. And we are standing here debating as to whether or not we should do something about that because we might have a little more time and we don't have eyewitness testimony as to precisely where he is at precisely this particular time.

Those are things that have been on the record along with his violation of U.N. demands for many years. We have taken them for granted. We have taken for granted that hundreds of times our airmen have been shot at in the no-fly zone during all of this time. I have always wondered what the parents of someone shot down under those circumstances must feel like, being that far away, defending the interests of your country. Nobody knows about it. Nobody talks about it. Nobody seemingly cares that much about it. That has been going on continually ever since we left the gulf.

These are things that are on the public record. They have been on the public record for a long time. We now have some additional facts that have not been on the public record that long, such as the fact he is busily trying to obtain dual-use equipment that can be used for uranium enrichment.

We know more about his relationship with al-Qaida than we knew in times past.

Again, according to the CIA director:

> We have solid reporting of senior level contacts between Iraq and al-Qaida going back a decade.

He says:

> Credible information indicates that Iraq and al-Qaida have discussed safe havens and reciprocal nonaggression.

He says:

> Since Operation Enduring Freedom, we have solid evidence of the presence in Iraq of al-Qaida members, including some that have been in Baghdad.

He goes further and says:

> We have credible reporting that al-Qaida leaders sought contacts in Iraq who could help them acquire [weapons of mass destruction] capabilities. The reporting also stated that Iraq has provided training to al-Qaida members in the areas of poison and gases and making conventional bombs.

These are recent things that are not as well known, have not been known over the years. Put all of that information together and you have a consensus on many things. As usual, we are spending a lot of time arguing over the things we disagree on. They are important. But I think we all agree the leader of Iraq is dangerous; that he is a threat; that that threat is growing, not diminishing; and that he is in violation of international law.

The real issue is whether or not it is going to be easier to deal with this situation once he gets stronger than he is today. The question answers itself.

The other question is whether or not we will show a reluctance to defend our own interests. We are rightfully concerned about acting precipitously. But did we act precipitously after the first World Trade Center bombing? Did we act precipitously after our men and women were killed in the Khobar Towers bombing? What was the message we sent after our two embassies were bombed and hundreds of people were killed? Were we acting precipitously after that? What did we do to avenge that or to set an example? What did we do after the *Cole* incident? Were we acting precipitously there? Or have we announced to the world, basically, or led Osama bin Laden to believe that we can be attacked that the response will not be commensurate with the attack? That is Osama bin Laden. We are talking about Saddam Hussein here, but the lesson is the same for tyrants throughout the world who pose a threat to this country. It has been a bad lesson that we have given for well over a decade now.

Some say we should wait until there is an imminent danger; that we should calibrate carefully as to when that danger we know is growing becomes imminent; that we should tell Saddam Hussein on the front end we will not attack him until we know he poses not only a danger but an imminent threat. That, of course, is basically consistent with the United Nations charter. It has been the law of nations for a long time. We have to recognize that. The Treaty of Westphalia was mentioned, back in the 1600s, where the sovereign nations got together and decided that sovereign nations would not be attacked. We have perfected that somewhat.

We have talked about imminent danger because traditionally we lived in a world where armies amassed on a border and that was the imminent danger. September 11 changed all that. That is not the kind of world we live in anymore. The imminent danger facing this country now does not amass itself on the border and give everybody time to debate and make up their minds as to what they are going to do. The threats we face today hide their activities. The threats we face today are not always apparent.

Let there be no mistake about it, the United States is the target. It is the primary target. No one likes the sound of the word unilateralism. But is there anyone who disagrees with the action the Israelis took in 1981, when they took out the Osiraq nuclear plant in Iraq? I am really curious. There is a case of unilateralism if there ever was one. Was there any imminent threat? I don't even know if the plant was finished yet. But either way, there was no imminent threat that I know of that they were getting ready to produce material out of there to put in a bomb to attack Israel.

They took it out. The United Nations condemned them. We condemned them. But is there anyone today who is really regretful the Israelis took that action?

I would think under that theory, if we had to wait for imminent danger, we would have to ask ourselves, imminent with regard to our allies, would that count? With regard to our troops in the area, would that count? With regard to the homeland only? Those would be questions we would have to ask.

We would have to ask ourselves: Does that not mean, under the philosophy of waiting for the imminent threat, we would have to wait not only until we had ironclad proof Saddam had nuclear capability and the means to deliver it, but that he was planning on actually hitting us with it? I don't think we have thought that fully through. Surely that is not what we are suggesting, that we almost have to have a missile in the air before we could act.

It is somewhat of a precedent. It would be, if it comes to that. But we are in a position no other country has ever been in, as the Senator from Arkansas pointed out. We are living in a world no one has ever lived in before, where a handful of people can take modern technology and create a mortal threat to millions of people on the other side of the world. We simply have to address the fact that is the world we live in.

Some say we should wait on the United Nations. That essentially goes to the heart of the amendment we are considering. I respectfully suggest if we pass this amendment, it would be a guarantee the United Nations would never act, because they would know they didn't have to. And so many who would rather avoid this because the United States is the target, and for other reasons, would never, ever face up to it, if they knew they didn't have to. Then I would ask: Where would we be? Some say, come back to the Senate in that weakened condition.

Would we be in better shape having been turned down by the U.N. if we then went ahead in contravention of what they said or would it be better to stand tall on the front end, with the assurance that many countries in the United Nations are going to support us in our effort?

The President has gone there and he has made the case. He has talked to our allies. The Secretary of State has been busy around the world. When people say we are going it alone, do not the British count? Does not Spain count? Does not Italy count? Do not the Arab nations I read about today in the paper, who are reluctantly coming along, count?

I think we should go back and look at where former President Bush was at this stage of the proceedings. I think the first thing that happened there was he said this will not stand. Then he went internationally, and then the British came first, and then there was a period of time before very many people came forward after the British.

Speaking of the British, I think it is ironic that the head of that government, in many respects, sees things more clearly than many of us do.

The problem—as difficult as it is to acknowledge, but it is the plain truth—is we have lost the coalition we had before. We would like to go right back and say: Remember how we were together before, and remember how we made such progress, military progress, and there for a while we had Saddam Hussein on the ropes and we laid down all these requirements. In order for us to go home, he had to make all these agreements, and he did make those agreements. Remember how we were together then before he violated each and every one of them, and gradually, year by year, we not only allowed that to happen, but one ally after another started doing business with him. We are now asked to go before a Security Council containing the country of China, which is now furnishing fiberoptics communications systems to Saddam to help shoot our airplanes down. Are they the ones we are supposed to ask permission to defend our self-interests?

We are looking at a Security Council with our friends, the Russians and the French, who want to do business with Saddam, and Saddam owes them money and they want that money back. Sure, the Arabs are kind of reluctant right now. And we are dealing with our now German friends who are led by an individual who will demagog his way to reelection on the backs of our country and, presumably, international relations.

It is not an easy thing to say, but it is a true thing to say. We want our friends, our allies, and especially our NATO partners; but as they continue to let their defense budgets slide and the American taxpayer continues to have to foot the bill for the free world, essentially, should they be given a veto when our interests are so directly involved? I think not.

I think we have to learn the lessons of the past, as difficult as it is. My friend from Arkansas mentioned Churchill. They didn't listen to Churchill after World War I. The result of their not listening to him was called World War II. Back when Hitler was on the move everything he did was not sufficient in and of itself to act. The allies thought they could always act later, and other countries should do other things—excuse after excuse.

That is not the message we want to send this time, Mr. President. I think it is clear that strength is the only hope we have for peace, and if we cannot have peace, we must do what is in the vital interest of this country.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I rise this evening to address the President's request for authority for military action in Iraq. I have spent weeks thinking about this issue and listening. I have sat across the table from Defense Secretary Rumsfeld, National Security Advisor Rice, Governor Ridge, CIA Director Tenet, FBI Director Mueller, Secretary of State Colin Powell, and Vice President CHENEY. I have listened closely to the President's speeches and I have listened openly to the many questions my constituents have raised over the past few weeks.

Mr. President, I understand the consequences of war and I don't shrink from them. My father was among the first to land on Okinawa as a GI. Growing up, we always knew that our country may need to project force to defend our freedoms. I know we have high obligations to the men and women of our Armed Forces who undertake the hard work of securing our freedom. In college, I volunteered at the Seattle Veterans Hospital. Most of the patients were young men, my age, who had returned from Vietnam. I carry that experience with me as the first woman on the Senate Veterans Affairs Committee.

When I look at decisions like this one, I take the time to consider all sides, with the full knowledge this decision will have serious consequences for our country, our world, and our future.

This evening, I want to share with my colleagues and my constituents my thoughts and my decision on this difficult issue. But most of all, I want to share my reasoning because I want everyone to know how I arrived at this conclusion. First, I looked to the threat posed by Saddam Hussein. Then I looked at the many questions that must be considered before our country begins military action. Then I looked at the President's case, the role of the U.N. and our allies, the impact war could have on the Middle East, and the impact it would have on the war on terrorism. Finally, I looked at the context in which we are being asked to make this decision, including our economy and the political climate.

Mr. President, let me first address the threat. There is no doubt Saddam Hussein poses a serious threat to our interests, to his own people, and to the world. Under his rule, Iraq has been an aggressor nation. It has started conflict with its neighbors and it has sought to stockpile conventional weapons and weapons of mass destruction.

Over the years, Iraq has worked to develop nuclear, chemical, and biological weapons. During 1991 through 1994, despite Iraq's denials, U.N. inspectors discovered and dismantled a large network of facilities Iraq was using to develop nuclear weapons. Various reports indicate Iraq is still actively pursuing nuclear weapons capability. There is no reason to think otherwise.

Beyond nuclear weapons, Iraq has actively pursued biological and chemical weapons. U.N. inspectors have said Iraq's claims about biological weapons is neither credible nor verifiable. In 1986, Iraq used chemical weapons against Iran and later against its own Kurdish population.

While weapons inspections have been successful in the past, there have been no inspections since the end of 1998. There can be no doubt Iraq has continued to pursue its goal of obtaining weapons of mass destruction.

Mr. President, we know from history and experience that Iraq poses a danger to the region, to our interests, and perhaps to ourselves. It will continue its aggression and its pursuit of weapons of mass destruction.

This leads us to a second set of questions. What should we do about this threat? The President has now asked Congress to authorize him to make war on Iraq. The goals of military action have shifted from regime change one day to disarmament, to enforcing any number of U.N. resolutions. The list of crimes to which the administration says Iraq must be held accountable varies widely. They include: attempting to assassinate a former President; holding prisoners of war after the gulf war, including one American; firing on aircraft enforcing the no-fly zone; seeking weapons of mass destruction; and violating U.N. resolutions.

All of these are serious crimes; not all of them deserve the same response; not all of them call for war.

Without a clear objective, victory cannot be measured. Indeed, it appears the administration established a solution—going to war—before it defined the problem or the goal.

Our most important goal is disarmament. Given Iraq's history and

Saddam's madness, there can be no doubt the world will be safer if we dismantle Iraq's ability to produce and use weapons of mass destruction. On this goal, the President receives complete support from the American people, the Congress, and the world community.

Disarmament of Iraq is unquestionably the right thing to do. The means of achieving this goal are what is up for debate.

In the past few weeks, the Bush administration unveiled its new preemption doctrine. This marks a shift from our longstanding national policy, and so far we have not been told how it applies to the world beyond Iraq. Obviously, if troops or tanks are amassing at the border, we have the right to defend ourselves, but to strike on the basis of suspicion alone is another matter. It is something this Congress and the American people need to fully explore and debate before we endorse the preemption doctrine.

The United States is not alone in facing the threat of Saddam Hussein, but unfortunately our Government is acting that way. I am very concerned that a unilateral race to make war on Iraq will weaken the support we need worldwide to win the war on terrorism.

In the aftermath of September 11, the international community helped us heal and supported our efforts to respond. Their support has provided critical intelligence keys to disrupting international terrorist networks. But today our allies are as confused about America's objectives in Iraq as the American people are. Like the American public, our allies woke up one day to find that the administration was making plans for war. Like the Congress, they were not consulted. Like the American people, they had nothing explained to them. They saw, as did the rest of us, that a course of action had apparently been determined before the reasons were clear.

Recently, the administration has done a better job working with our allies. Secretary of State Powell is to be commended for his work, but we still have a long way to go. It would greatly benefit the Congress and the American people to know where our allies stand and what they are willing to do before we take action.

While we welcome the support of our allies and the United Nations, we do not hand them or anyone else the ultimate power to decide America's security demands. Only the United States can determine our interests and what steps are required to defend them.

That said, before we jump into a fight, we should know who is with us and what we are getting into, and today we do not.

Another key part of the international response to the Iraqi threat is the United Nations. Efforts at the U.N. have been met with both success and failure. To date, our greatest failure has been the ending of weapons inspections in 1998 and the U.N.'s failure to hold Iraq responsible for its obligations.

Today, the United States is working with our ally Britain to pass through the U.N. Security Council a new, tough resolution regarding Iraqi weapons inspections. I believe we need a new, strong U.N. resolution that provides for complete transparency of Iraq's weapons of mass destruction programs. This new resolution must allow inspectors to search all sites without roadblocks. Iraq should know that the U.N. and the international community are serious about enforcing this resolution even with force, if necessary.

One of the reasons U.N. support is critical is that it shapes how other nations will look upon our action in Iraq. There is a difference between going it alone and having the support of a broad coalition. We have a stated goal of working to achieve peace in the Israeli-Palestinian conflict. We have strong ties to other states in the region—Jordan, Egypt, Saudi Arabia, and other gulf states. What action we take and how we take it will have a direct impact on our other stated foreign policy goals of achieving peace in the Middle East, maintaining friendly relations with our allies in the region, and contributing to the stability of the region.

In addition to the impact of war on the Middle East, we must understand how action in Iraq will affect the war on terrorism.

On September 11 last year, we were reminded again of the dangerous world in which we live. After bombing our embassies in Kenya and Tanzania and attacking the U.S.S. *Cole* in Yemen, al-Qaida has pulled off the most horrific crime our Nation has ever known.

In the aftermath of these tragic events, the President declared war on terrorism. We dispatched our troops to Afghanistan and its neighbors. We worked closely with our allies. We even got help from some unexpected quarters. Most of the world joined our effort, but there are places where we do not have relations where terrorists hide, and to reach those dark corners we rely on intermediaries. Today, those intermediaries are providing us with intelligence information to help our efforts.

We have to ask: Will unilateral action in Iraq undermine the support we need from other countries in the war on terrorism? The answer to that question should help inform us on our decision on military action in Iraq.

If we do take action in Iraq, there is no doubt that our Armed Forces will prevail. We will win a war with Iraq decisively, and, God willing, will win it quickly. But what happens after the war? That will have just as big an impact on our future peace and our security. Will we be obligated to rebuild Iraq, and, if so, how? Our economy at home is reeling, our budget is in deficit, and we have no estimate of the cost of rebuilding. And with whom?

As New York Times columnist Tom Friedman points out, there is a retail store mentality that suggests to some: If you break it, you buy it.

How will the Iraqis get back on their feet? Iraq's leadership has led its people through two decades of misery. The people of Iraq have paid a terrible price for Saddam Hussein's military campaigns. What promises is the international community prepared to make to help restore the health of the Iraqi people? What promise is implicit in a unilateral attack?

If we must disarm Iraq by force, we will, but we cannot achieve peace through occupation alone. It costs money and energy and time, and like building anything else, it is better as a shared responsibility than a solo effort.

Again, the answers to these questions should not be the only factors in play as we make decisions on how to protect our security interests, but they are not insignificant and they have not been answered.

We do not have a clear policy. We do not have a clear path to implementing that policy. We do not yet know what level of assistance we are going to get from our allies and the broader international community. We have not factored in all of the implications this may have on our other foreign policy objectives. We have not factored in all the implications this may have on our own economy.

Not having a well-defined policy or proper preparations for contingencies that may result from whatever action we take is a dangerous situation on the eve of the war this administration says we must have.

With all of these unanswered questions, how do we get here today? The administration has said it wants a vote on this resolution "before the election." In this debate, many in Congress and many of our citizens are asking: What is special about November 5 in deciding this question?

The question of war should not be placed in the context of trying to influence the outcome of an election, and surely that cannot be the case today. The question is too grave for that to be the motivation, even for that to be a motivation. The question of war should be placed squarely in the context of what is the right policy to achieve our Nation's security goals.

With all of these questions in mind, I look to the resolution that is before us. Does this resolution address the question this Nation must answer in order to succeed? Does it clearly articulate a policy objective? What course of action does it sanction in our Nation's pursuit of that goal?

While this resolution is a marked improvement over the President's original proposal, S.J. Res. 46 does not provide the information—and the objectives—needed at this time.

It is overly broad in defining the objectives of military action.

After considering the threat, the cost, and the unanswered questions, I have reached a decision. I will vote against the underlying resolution; I will vote against going to war at this time.

I am committed to fighting and winning the war on terrorism, including eliminating Saddam Hussein's weapons of mass destruction.

I support wholeheartedly our men and women in uniform. I admire their heroism. And I will continue to do all I can to provide them with the resources they need for whatever mission they are asked to carry out on our behalf.

Today we are being told we have no choice; that we have to grant the President war-making authority immediately, without knowing the ultimate goal or the ultimate cost, and without knowing whether we are going it alone.

It may well be that someday our country needs to take military action in Iraq, but the decision right now to give the President this broad authority, without focusing it narrowly on weapons of mass destruction, without the support of our allies, without defining the costs to our country today and tomorrow, is not something I can support given what we know today.

The constituents I hear from want to know:

Why are we racing to take this action right now, alone, with so many questions unanswered?

The administration could answer those questions with clear, compelling facts and goals, but so far we have not heard them.

We are being asked to endorse a policy that has not been thought out, and one that could have dramatic consequences for our citizens and our future.

While we may need to take action in Iraq down the road, today I cannot support sending our men and women into harm's way on an ill-defined, solo mission with so many critical questions unanswered.

If, in the coming weeks or months, we learn that Saddam's capabilities are more advanced than we now realize, or if Saddam defies U.N. resolutions, we will certainly have the right to take appropriate action.

Looking back over the past year, it is clear that we can respond to September 11 several ways.

We can act out of fear, casting aside our principles, and taking action without sufficient planning. Or we can stick to our principles and draw strength from them in tough times. That is the course I advocate today.

In closing, let me be clear. Despite my reservations today, I will always stand with and support those who serve our country, wherever and whenever their Commander in Chief sends them.

If American troops are called to fight in Iraq, I will stand with the President and I will support our troops not only during the conflict, but afterward.

The international community, and those who would do us harm, need to know without exception that while we may have our disagreements before military action, once our troops are on the ground, we are all on the same side.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I want to answer some of these questions about why we are now considering a resolution and what proof we have about Iraq. Senator SARBANES and I are the two delegates to the United Nations this year for the House and Senate. I was on the floor of the United Nations General Assembly when the President made his speech and presented his case to the General Assembly. I have to say I was so proud of him.

Before he even gave the speech, there had been a lot of hype in the papers that was unfavorable to him. When he was introduced, the tension in the crowd could be felt, and there was no applause. I did learn later that there is seldom applause when a head of state is introduced.

When he gave his speech the body language could be seen on the other delegates. At the end of the speech—also untypical—they gave him applause.

I also want to tell my colleagues what happened after that. As we wandered about and met other delegates, we heard lots of positive comments about what the President said. Not only that, virtually every head of state who followed him had the same message for the U.N.: Be useful or be done. That is the message that the President delivered.

Why now? Right now because we are trying to strengthen the resolve of the United Nations. Discussions are going on right now in the Senate and throughout the nation about what should be done with Iraq. We are the ones who provide the leadership in this country. We are the ones who set the tone. We are the ones who have to approve what the President is doing.

What proof do we have? I hope everyone is attending the classified briefings that are available. The things that are not classified are enough to scare us. The reports of Iraq that gave to the United Nations show many chemical weapons they had left at the end of the war—their report, their numbers, their chemicals, their weapons of bioterrorism. Subtract out the numbers that they destroyed, and we wind up with a huge supply of chemical and biological weapons. Weapons that could be used against us now.

One of the things the other countries of this world appreciate is the patience our President had after September 11. Bombs were going off in Afghanistan that very night, and the press covering it said: The United States is retaliating. But it was not us. The President was busy sending envoys to nations all over the world, setting up a coalition—the same kind of coalition we are being asked about now. Some have asked: Shouldn't we see if there is a coalition first? No. First we should show our resolve, and then we can build coalitions.

This is the President who built coalitions. This is the President who went into Afghanistan with war plans, with a method, with cooperation, and he did in 1 month what Russia was not able to do in 7 years. It is a President who knows what he is doing. It is a President with patience. Now he is asking us to pass a resolution.

How strange and unheard of is this request to pass a resolution? In 1998, a Republican-controlled Senate for a Democrat President recognized that this was not Democrat versus Republican. We then said that it was very important to bring up a resolution that would show our resolve. That is exactly what a resolution does—show resolve. We passed a resolution in 1 day. We passed a resolution with no amendments. The President asked us. We did it. We showed unity. We showed the country we were behind the President and we were ready to do whatever was necessary for the same despot we are talking about now.

Do we think he has gotten better? No. He has gotten worse. Do we think he has gotten less prepared? No. He has gotten more prepared. It is time we did something about it, and time we did it through the right channels—that is exactly what the President is doing. Part of that process is to ask us, ask Congress, to help.

In 1998, we did it with no questions. We did it with no amendments. We did it with no filibuster. What do we have in the Senate today? We have a filibuster. We have amendments. We have people giving all kinds of excuses so they can vote against an amendment that is necessary to get the resolve of the Security Council. That way the United Nations will have the backbone to say to this despot, this tyrant, this killer of babies, that it is time he straightened out, got rid of his chemical weapons, got rid of his biological weapons, and let us in to make sure there were not any nuclear weapons. It is time he becomes part of the community of nations or gets out of office. It is that simple.

If we could do pass a resolution for Bill Clinton, we ought to be able to do it for President Bush. Again, I want to remind my colleagues of the patience and resolve we had going into Afghanistan. I think parts of this discussion came up from the fact that somebody heard that we had plans for attacking Iraq. Well, we better have. We have a Defense Department that we pay a lot of money to plan for events so that they never happen. They have a plan on Iraq, and they have a plan on another dozen countries.

Every once in awhile, we even have exercises or war games so our Defense Department can see how to move people and have the right equipment in the right place at the right time. That way we know that the training is good for the people we have in the armed services. Anybody who commits to the service of this country must be assured that we are also committed to providing them with the training and everything under the Sun we can give them to keep them safe. Keep them safe so they can do their job and to com home alive. That is absolutely essential.

Today we have half a dozen amendments, we have substitutes amendments to substitute amendment. We do have a resolution, a resolution the President asked us to pass. It is one that is considerably more detailed and one that has more hoops to jump through than the one we approved in 1998. This is the resolution we need to pass. We must give President Bush the authority we gave President Clinton in 1998 without limiting authority or amendments.

In July of 1998, as I mentioned, we considered a resolution urging the President to take appropriate action to bring Iraq in compliance with international obligations. The Senate debated that for one day, without amendments. We approved the resolution by unanimous consent. That means no one objected and no one wanted to add an amendment. We just said yes. The House debated that one for day, had no amendments, and approved it by a vote of 407 to 6.

In October of 1998, we considered legislation that, in addition to authorizing the President to provide assistance to the Iraqi democratic opposition, declared it should be the policies of the United States to seek the removal of Saddam Hussein's regime and replace it with a democratic government. What did we do on that? The Senate debated that legislation for one day without amendments and we approved it by unanimous consent. Once again, no one wanted to amend it, no one disagreed. We gave President Clinton the authority. The House debated that legislation for one day and approved it by a vote of 360 to 38. One day in each Chamber—one day in each Republican-controlled Chamber giving authority to a Democratic president. One day in 1998. How many days will it take in 2002? We are already days into debate. How many days are needed by my colleagues to undermine the ability of the United States to address a security threat?

The President has been criticized for asking for a Congressional resolution prior to achieving a United Nations Security Council resolution. I believe the United Nations does have an important role in the future of Iraq. If the UN does its job, and member states do what is right, we can address the threat within the realm of the United Nations, which I am sure would be everyone's preference. As an independent nation, however, the United States cannot sit idly by while the Security Council debates the validity of pledges made by a known liar. If the General Assembly and Security Council are not prepared to defend the security of the world and the legitimacy of this organization, the United States must be prepared to act. A strong resolution with strong support is the best effort to prevent a war later. Afghanistan made the U.S. credible. It proved our patience and capability. Those traits go a long way to moving Saddam—as long as Congress shows resolve and then the UN shows resolve.

It is also important to note that the passage of a Congressional Resolution would not prevent the Administration from continuing its work at the United Nations. Rather, I believe it will help the President gain support for an appropriate Security Council resolution. As Congress, our actions must show a united front with the strong resolve of the American people. We will not wait to be attacked. We will not wait for inaction and discord. We will not tolerate an Iraqi President who flouts the authority of an organization only to cower under its umbrella when convenient.

Saddam Hussein is not crazy or an idiot. He is dangerous because he is cunning and very calculated. Repeatedly, he pushes the international community to the brink point and then backs down and says—sure, let the weapons inspectors come back. How many times are we going to let him play this game? Do we wait for him to attack with nuclear, chemical, or biological weapons? Do we wait for yet another international inspector team to be denied access to weapons stockpiles? Do we wait for another attack on the United States? Iraq has a despot leader, chemical and biological weapons, and a proven willingness to use anything. Iraq is the only country in the world with all three components. We must have changes immediately or regret it soon.

Many have asked why now, and I must ask why have we not acted sooner? We have considered action in Iraq before. We decided in 1991 that we should defend Kuwait. We sent in planes and bombs in 1998 and brought the inspectors home, but we have been silent since then. It is worthwhile to look at a few of the 16 Security Council resolutions that Saddam has chosen to ignore:

Resolution 687, adopted April 3, 1991, called for Iraq to accept the destruction, removal or rendering harmless of all chemical and biological weapons and unconditionally agree not to acquire or develop nuclear weapons or nuclear-weapons useable material;

Resolution 707, adopted August 15, 1991, condemned Iraq's violation of Resolution 687, adopted only four months before;

Resolution 1051, adopted March 27, 1996, called for Iraq to comply with weapons inspectors;

Resolution 1115, adopted June 21, 1997, condemned the repeated refusal of Iraqi authorities to allow access to UN inspectors; and

Resolution 1194, adopted September 9, 1998, condemned the decision by Iraq to suspend cooperation with inspectors and oppose its obligations under Security Council resolutions.

In 1991, we knew Saddam Hussein was producing weapons of mass destruction. We knew it in 1995. We knew it in 1998. We know now—he has these weapons today. There is no reason he would stop producing them—no one has been there to stop him. The United States and Great Britain have been enforcing the no-fly zones, but no one has been enforcing Saddam's commitments to disarm. No one can believe he would simply stop producing these evil weapons out of the goodness of his heart.

When and if we do use our armed forces, we must show one of the vast differences between the US and Saddam: a value for human life. To him, soldiers are expendable. To us, each and every life has value and worth. Any military action inherently puts the lives of our brave soldiers at risk, and the American people know this far too well, but we must explore all possibilities and attempt to act with as little American and even Iraqi lives lost as possible.

When Congress approved authorization for forays into Iraq in 1998, in one days debate, no amendments, former President Clinton, said, "Let there be no doubt, we are prepared to act." This is the same message we are again debating today. We must allow this President—President George Bush—to stand up and say "We are prepared to act." He must be able to state that to our allies with the authority and Congressional support, without limitation, that we gave in 1998.

When we act with our allies or through the United Nations, we should go into Iraq with a plan—actually, several plans: a plan for how to disarm Saddam and his guard; a plan for how to remove Saddam from power; a plan for when and how American troops should leave Iraq. The United States, however, should not have a plan for installation of a hand-picked successor.

The Iraqi people must ultimately choose their leader. The United States and the international community must work with the people of Iraq just as we worked with the people of Afghanistan. If we choose a leader for Iraq, we will not be allowing the Iraqis to form an independent and democratic nation. The United States should have a plan for encouraging the various factions to work together, but we cannot choose a future leader before the battle begins.

The President and Congress have both been accused of trying to politicize the issue of Iraq. This is not a political issue. It wasn't in 1998 and should not be now. It is an issue of national security and international stability. The truth is respected individuals from both parties have expressed support for taking action and, more importantly, support having a plan for action. On September 12 this year, former Senator Bob Kerry, a Democrat from Nebraska, wrote in the Wall Street Journal, "The real choice is between sustaining a military effort designed to contain Saddam Hussein and a military effort designed to replace him." He also pointed out that the United States has spent more than a billion dollars in the last 11 years on simply containing Saddam. What return have the American people received from that investment? Saddam is still in power, the Iraqi people are still oppressed, and the security and stability of the region are still threatened.

This is the choice we have today. Do we keep the status quo and continue to spend money without any change in Iraq or do we authorize the President to take action and make some changes? I support change. Without any serious action by either the United States or the international community, we are telling Saddam that his game can go on. He stays where he is and continues his shell game. We lose again. Saddam is more than willing to keep the game going as long as the United States and the world are willing to lose.

The people of Iraq, the people of the United States, and the people of the world have not need for the leadership of Saddam Hussein—we can all agree on that. If he cannot abide by his international obligations and if he will not disarm then, simply put, he needs to go. We need to be rid of him and the President needs the authority to use armed forces to remove Saddam if necessary.

I firmly believe that firm resolve under this resolution—this resolution that does give some pretty broad powers—will keep us from having to go to war.

Without it, I think we may have to go to war.

I hope my colleagues will join me in supporting the language included in the Lieberman-Warner substitute without any amendments—just as we did for President Clinton in 1998—with the same resolve, with the same unity, and with the same straightforwardness we had then.

We can't quite do that, though, can we? We have already debated a couple of days. We have already had amendments put in. But we can still have the kind of unity we need to show our resolve so we can get the U.N. to do something which will keep us from going to war.

I yield the floor.

The PRESIDING OFFICER (Mr. CORZINE). The Senator from Rhode Island is recognized for 40 minutes.

Mr. REED. Mr. President, The Senate is engaged in a momentous and historic debate. The President seeks the authority to use force in our on-going confrontation with Iraq.

The Constitution entrusts the Congress with the exclusive power to "declare War." It is our Constitutional obligation to consider the President's request carefully and conscientiously, to review the evidence thoroughly, to weigh the costs and the consequences. We are called upon by the Constitution to make an independent judgment, not an automatic acquiescence.

I begin this debate acknowledging several unassailable conclusions.

First, we are already in a confrontation with Iraq. Since the Persian Gulf War, we have maintained military forces in support of international sanctions against the regime of Saddam Hussein. Our pilots are routinely fired upon as they enforce the "No Fly" Zones. Thus, the question is not whether we should confront Iraq. The question is how best to thwart this outlaw regime and for what ultimate purpose.

Second, Saddam Hussein is a despicable person who oppresses his people as he threatens his neighbors. Despite his military defeat in the Persian Gulf War and the imposition of sanctions, Saddam continues to defy United Nations resolutions and, of most concern, continues to develop and attempts to acquire weapons of mass destruction. But, our judgment cannot rest simply on his unalloyed evil. We must consider our actions more broadly. Will we enhance the stability and security of the region? Will we strengthen our security not just for the moment, but for the future as well? What kind of precedent will we establish?

Third, we will decisively defeat Iraqi military forces in any conflict. The skill and courage of our forces, aided by superb technology, will overwhelm Iraqi resistance. The military outcome is certain, but the costs and the consequences are uncertain and could be quite grave.

As I consider the proper course of action, as I weigh the uncertainties as well as recognize what is apparent, I return again and again to one further conclusion. Whatever we do will be better done with others. Thus, it is imperative that we commit all of our energies to encourage the United Nations to live up to its founding principles: to be more than just an international forum for discussion; indeed, to be a force for collective action in the face of common dangers. President Bush said it very well when he addressed the United Nations' General Assembly:

> We created a United Nations Security Council so that, unlike the League of Nations, our deliberations would be more than talk, our resolutions would be more than wishes. After generations of deceitful dictators and broken treaties and squandered lives, we've dedicated ourselves to standards of human dignity shared by all and to a system of security defended by all.

Acting alone will increase the risk to our forces and to our allies in the region. Acting alone will increase the burden that we must bear to restore stability in the region. Acting alone will invite the criticism and animosity of many throughout the world who will mistakenly dismiss our efforts as entirely self-serving. Acting alone could seriously undermine the structure of collective security that the United States has labored for decades to make effective. Acting alone today against the palpable evil of Saddam may set us on a course, charted by the newly announced doctrine of preemption, that will carry us beyond the limits of our power and our wisdom.

For these reasons, I will vote against the Lieberman-Warner resolution granting the President the permission to take unilateral military action against Iraq regardless of the immediacy of the threat. And I will support the resolution proposed by Senator LEVIN.

The Levin resolution recognizes the inherent right of the President to use our military forces to defend the United States. This resolution supports the President's demands that the United Nations promulgate a tough, new framework of inspections to disarm Iraq, and this resolution gives the President the right to use American military forces to enforce the resolve of the United Nations. The Levin resolution recognizes Congress' responsibility to promptly consider the President's request to unilaterally employ American forces if the United Nations fails to take effective action.

On Monday in Cincinnati, President Bush said, "Later this week the United States Congress will vote on this matter. I have asked the Congress to authorize the use of America's military, if it proves necessary, to enforce U.N. Security Council demands." That is what the Levin resolution provides.

Those who advocate unilateral action assume that time has run out in dealing with Iraq. They see an immediate threat that will yield only to immediate military action. Thus, it is important to assess the Iraqi threat as best we can.

Iraqi conventional forces have been seriously degraded since the Gulf War. Saddam does have a cadre of Republican Guards that are capable and fought with determination in the Gulf War. One cannot totally discount Iraq's conventional forces, but they are not capable of defeating United States forces. The most dangerous aspect of Saddam's military power is the possession of chemical and biological weapons and his aspiration to develop or acquire nuclear weapons.

Today, Iraq has the capability to use chemical and biological weapons within the region to augment conventional forces that have been seriously degraded since the Gulf War. These capabilities, however, must be viewed in terms of intentions in order to fully evaluate the threat

An assessment of Iraq intentions reveals areas of consensus and areas of disagreement. It seems clear that Saddam is intent on rebuilding his military and acquiring weapons of mass destruction including nuclear devices. His expulsion of U.N. inspectors certainly supports this view. Moreover, it may suggest that the inspectors posed a very difficult obstacle to his plans and their future utility cannot be summarily dismissed. Saddam continues to aspire to be a regional power. Unchecked, Saddam would threaten his neighbors and endeavor to claim the mantel of leadership in the Gulf and, perhaps, in the greater Muslim world.

There is, however, a lack of consensus on two significant points. Will Saddam risk the survival of his regime by threatening or conducting attacks on his neighbors? Will Saddam provide weapons of mass destruction to terrorist groups who can or will use them against the United States or any other nation?

At the heart of discussions of Saddam's possible plans is the general question of whether deterrence and containment will work against Iraq as it did in the Cold War. Saddam certainly has a lot to lose in any conflict with the United States. Both his life and his lifestyle would be in great jeopardy. Saddam also seems to be devoid of any ideology other than self-preservation and self-aggrandizement. Saddam is a secular thug, not a messianic leader. There is evidence that he will not put his regime at risk. During the Gulf war, the United States clearly signaled that any use by Iraq of chemical or biological weapons against Coalition forces would result in his destruction. Saddam accepted a humiliating defeat rather than risk losing power.

Of course, there are many who accurately point out that Saddam has already attacked his neighbors, Iran and Kuwait. He has used chemical weapons against the Iranians and the Kurds. Still, one is left with the question whether even this despicable behavior is a product of calculation rather than delusion.

And complicating the record of his actions against Iran is mounting evidence of our covert support both before and after he had begun to employ chemical weapons.

The second issue involves Saddam's willingness and ability to cooperate with terrorists. After September 11, this issue takes on a new and powerful emphasis. Despite extraordinary and justifiable efforts to establish a connection between the Iraqi regime and the attacks on New York City and the Pentagon and the downed aircraft in Pennsylvania, no such links have been established. Indeed, if credible links exist, the President, in my view, could employ unilateral force under the terms of the congressional resolution passed on September 14, 2001.

Recently, however, administration officials are publicly, but cryptically, trying to make the case that there is a definite connection between the Iraqi regime and al-Qaida. Secretary Rumsfeld and Condolezza Rice have asserted at various times that Iraq is harboring al-Qaida fighters in Iraq, that information from detainees indicates that Iraq provided chem-bio weapons training to al-Qaida, and that senior-level contacts between the Iraq regime and al-Qaida have increased since 1998. They have offered few details beyond Secretary Rumsfeld's claims that the information is "factual," "extremely accurate" and "bulletproof."

But according to the Philadelphia Inquirer, these claims are disputed by "a growing number of military officers, intelligence professionals and diplomats." The article quotes an unnamed official declaring:

> analysts at the working level in the intelligence community are feeling very strong pressure from the Pentagon to cook the intelligence books.

The Inquirer article examined some of these administration claims and found that "the facts are much less conclusive."

Mr. President, I ask unanimous consent to have this article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Philadelphia Inquirer, Oct. 8, 2002]

OFFICIALS' PRIVATE DOUBTS ON IRAQ WAR

(By Warren P. Strobel, Jonathan S. Landay and John Walcott)

WASHINGTON.—While President Bush marshals congressional and international support for invading Iraq, a growing number of military officers, intelligence professionals and diplomats in his own government privately have deep misgivings about the administration's double-time march toward war.

These officials say administration hawks have exaggerated evidence of the threat that Iraqi leader Saddam Hussein poses, including distorting his links to the al-Qaeda terrorist network; have overstated the amount of international support for attacking Iraq; and have downplayed the potential repercussions of a new war in the Middle East.

They say that the administration squelches dissenting views and that intelligence analysts are under intense pressure to produce reports supporting the White House's argument that Hussein poses such an immediate threat to the United States that preemptive military action is necessary.

"Analysts at the working level in the intelligence community are feeling very strong pressure from the Pentagon to cook the intelligence books," said one official, speaking on condition of anonymity.

A dozen other officials echoed his views in interviews with the Inquirer Washington Bureau. No one who was interviewed disagreed.

They cited recent suggestions by Defense Secretary Donald H. Rumsfeld and National Security Adviser Condoleezza Rice that Hussein and Osama bin Laden's al-Qaeda network working together.

Rumsfeld said Sept. 26 that the U.S. government had "bulletproof" confirmation of links between Iraq and al-Qaeda members, including "solid evidence" that members of the terrorist network maintained a presence in Iraq.

The facts are much less conclusive. Officials said Rumsfeld's statement was based in part on intercepted telephone calls in which an al-Qaeda member who apparently was passing through Baghdad was overheard calling friends or relatives, intelligence officials said. the intercepts provide no evidence that the suspected terrorist was working with the Iraqi regime or that he was working on a terrorist operation while he was in Iraq, they said.

Rumsfeld also suggested that the Iraqi regime had offered safe haven to bin Laden and Taliban leader Mullah Mohammed Omar.

While technically true, that, too, is misleading. Intelligence reports said the Iraqi ambassador to Turkey, a longtime Iraqi intelligence officer, made the offer during a visit to Afghanistan in late 1998, after the United States attacked al-Qaeda training camps with cruise missiles to retaliate for the bombings of the U.S. embassies in Kenya and Tanzania. But officials said the same intelligence reports said bin Laden rejected the offer because he did not want Hussein to control his group.

In fact, the officials said, there is no ironclad evidence that the Iraqi regime and the terrorist network are working together. or that Hussein has ever contemplated giving chemical or biological weapons to al-Qaeda, with whom he has deep ideological differences.

None of the dissenting officials, who work in a number of different agencies, would agree to speak publicly, out of fear of retribution. Many of them have long experience in the Middle East and South Asia, and all spoke in similar terms about their unease with the way that U.S. political leaders were dealing with Iraq.

All agreed that Hussein was a threat who eventually must be dealt with, and none flatly opposed military action. But, they say, that U.S. government has no dramatic new knowledge about the Iraqi leader that justifies Bush's urgent call to arms.

Some lawmakers have voiced similar concerns after receiving CIA briefings. Sen. RICHARD J. DURBIN (D., Ill.) said some information he had seen did not support Bush's portrayal of the Iraqi threat. "It's troubling to have classified information that contradicts statements made by the administration," DURBIN said. "There's more they should share with the public."

Several administration and intelligence officials defended CIA Director George Tenet,

> saying Tenet was not pressuring his analysts but was quietly working to include dissenting opinions in intelligence estimates and congressional briefings.
>
> In one case, a senior administration official said, Tenet made sure that a State Department official told Congress that the Energy and State Departments disagreed with an intelligence assessment that said hundreds of aluminum tubes Iraq tried to purchase were intended for Baghdad's secret nuclear-weapons program. Analysts in both departments concluded that the Iraqis probably wanted the tubes to make conventional artillery pieces.
>
> Other examples of questionable statements include: Vice President Cheney said in late August that Iraq might have nuclear weapons "fairly soon." A CIA report released Friday said it could take Iraq until the last half of the decade to produce a nuclear weapon, unless it could acquire bomb-grade uranium or plutonium on the black market.
>
> Also in August, Rumsfeld suggested that al-Qaeda operatives fleeing Afghanistan were taking refuge in Iraq with Hussein's assistance. "In a vicious, repressive dictatorship that exercises near-total control over its population, it's very hard to imagine that the government is not aware of what's taking place in the country," he said. Rumsfeld apparently was referring to about 150 members of the militant Islamic group Ansar al Islam ("Supporters of Islam") who have taken refuge in Kurdish areas of northern Iraq. However, one of America's would-be Kurdish allies controls that part of this country, not Hussein.

Mr. REED. In addition, a full assessment of the assertions of Secretary Rumsfeld and National Security Advisor Rice is hampered by the failure of the Central Intelligence Agency to provide an updated National Intelligence Estimate of the current situation in Iraq.

Given the subjective nature and inherent difficulty of evaluating the intentions of such an opaque structure as the Iraqi regime, much more weight must be given to their capabilities. Saddam does not deserve the benefit of the doubt. But looking at Iraqi capabilities alone, the threat is not immediate. If unchecked, the threat is inevitable and dangerous. But, at time have the opportunity to pursue a collective solution to Iraq. This is an approach that offers a greater chance of success and a greater chance of long-term stability.

Whatever course of action that we choose, we cannot absolutely ignore or disregard the views and opinions of other countries. With the exception of Great Britain, there are few nations that are supportive of unilateral action.

The nations that surround Iraq are critical to the success of any military operation and to the long-term success of our policy. And, regional support for unilateral American military operations is equivocal at best.

Turkey seems likely to allow use of its airbases but without great enthusiasm and with great concern about the Kurds. Saudi Arabia opposes toppling Saddam and has stated it will allow the use of its bases only if the operation is authorized by the United Nations. The potential loss of Saudi bases and overflight rights will limit our flexibility. King Abdullah of Jordan has described a military confrontation with Iraq as a "catastrophe" for the region. His reluctant support is based on our commitment not to seek permission to introduce American forces into Jordan.

The Iranians have declared their intentions to remain aloof from the conflict. Iran is a bitter foe of Iraq, but its government is no friend to America. The gulf states seem resigned to the possibility of war. Mubarak of Egypt has repeatedly spoken out against a unilateral attack, and it is unclear whether Egypt will allow the use of its airfields.

As the New York Times pointed out with regard to the Gulf Region and the Middle East:

> The support for the United States is not enthusiastic, and is based on any American military action having the backing of a United Nations resolution.

As we debate, the Iraqis are preparing their responses to our diplomatic and military initiatives. Their options are shaped by their capabilities and, I believe, the lessons learned in their disastrous defeat in the gulf war and their study of the success of American military forces in Bosnia, Kosovo, and Afghanistan.

Their first option is the one that they are currently pursuing; the admission of U.N. weapon inspectors under the most lenient conditions possible. The Iraqis are not unmindful that inspectors in Baghdad are the best insurance that they can have against a military attack by the United States. Even if this Congress authorized the President to use military force against Iraq at his sole discretion without regard to the United Nations, it is difficult to conceive of the President ordering an attack with U.N. inspectors in Iraq carrying out a U.N. resolution and presumably telling CNN that their mission is proceeding.

The State Department is engaged in difficult negotiations to broker a new resolution while at the same time delaying the entry of inspectors into Iraq. If these negotiations fail, the United States would find itself in a precarious position. Not only will we be deprived of a new and strengthened enforcement mechanism, we likely will be exerting all our formal and informal influence to prevent the reintroduction of inspectors. Blocking the reentry of inspectors would further isolate us in the world. If we succeed in brokering a new and more effective inspection scheme, there is a significant probability that Iraq, despite it repeated defiance and rejection of tougher standards, will initially comply. Saddam has consistently practiced the politics of survival. Accepting inspectors, even inspectors with unconditional and unconstrained access, will buy time. If Saddam refuses to accept inspectors in accord with a more robust U.N. resolution, he seals his fate.

The recognition by the administration that Iraq may capitulate in the face of a strong Security Council resolution might tempt them to half-hearted pursuit of United Nations authority. They should resist those temptations. It is clearly preferable to operate with a U.N. authorization whether it is contained in one resolution that promulgates a new inspection scheme backed by the explicit authorization of force or a two-staged process that introduces inspectors with enhanced powers but defers the question of enforcement until Iraqi non-compliance is established.

If inspectors are not reintroduced into Iraq and Iraq is convinced of a pending American-led attack, then the possibility of terrorist attacks by Iraq within the United States must be considered. In a letter read before a hearing of the Senate and House Intelligence Committees, CIA Director, George Tenet, stated that:

> Baghdad for now appears to be drawing a line short of conducting terrorist attacks with conventional or chemical or biological weapons.

But, Tenet went on to warn:

> Should Saddam conclude that a U.S.-led attack against his country could not be deterred "he probably would become much less constrained in adopting terrorist action."

And, if Iraq is contemplating terror in America, then Iraqis are more than likely to be considering preemptive strikes on our forces as we build up prior to an attack. One of the most compelling lessons of the gulf war and subsequent American military operations is that letting the United States build up its military forces is tantamount to victory for the United States. If we can assemble in sufficient numbers the best warfighters in the world with the best military technology in the world, we will win the military battle every time and certainly in the case of Iraq.

If Hussein's goal is to kill U.S. soldiers and slow down an invasion, he might strike in the early days of a campaign at regional ports or airfields when those facilities are filled to capacity with U.S. forces gathering for the fight. In 1997, a Pentagon team of 18 generals and admirals projected different ways such an attack could take place. In one scenario, small teams of Iraqi infiltrators unleashed mustard gas from an old bread truck outfitted with agricultural sprayers. In the projected scenario, the truck was mistakenly let on base by troops who thought it was delivering food. In another scenario, a helicopter took off from a barge floating about 15 miles from the Indian Ocean island of Diego Garcia and sprayed cholera into the air, infecting thousands of U.S. Marines preparing to board ships. The Marines didn't fall ill until they were at sea. Finally, the generals envisioned speedboats, loaded with chemical and biological weapons, ramming into docks near key U.S. ports in Bahrain and Kuwait. Added to these scenarios is the possibility of a missile attack similar to the one launched against our rear areas during the gulf war.

A chemical or biological attack on our forces as they assemble would disrupt our operations but not ultimately defeat them. It would increase our casualties and costs. It also has the potential to sow panic in civilian ranks and make our presence a greater burden on supportive governments.

If Saddam does not choose to launch preemptive attacks on our build-up, there is increasing evidence that he will use chemical and biological weapons against our forces as they commence the attack. Last Tuesday Prime Minister Blair released a report, which stated that Saddam might have already delegated authority to employ chemical and biological weapons to his youngest son, Qusai, who leads the Republican Guard. Reportedly, Saddam had, prior to the start of the 1991 Persian Gulf ground war, issued specific orders for the use of WMD if the allies were winning the ground war and crossed a line 200 miles south of Baghdad.

Once again, Iraqi chemical or biological attacks against United States forces will not halt our attack. American units are trained and equipped to operate in chemical or biological environments. However, such attacks can cause delay, disruption and increased casualties. General Hoar, former CENTCOM Commander, testified before the Armed Services Committee that prior to offensive operations in 1991, he was briefed on a simulation conducted at Quantico that indicated the possibility of 10,000 casualties to the assaulting Coalition forces due principally to the potential use of chemical and biological weapons. We have improved our protective equipment and monitors since the gulf war. We have devoted great effort to developing techniques to target and suppress opposing systems that could deliver chemical and biological weapons. Nevertheless, chemical and biological attacks would pose serious risks to our forces and to the civilian population.

It is important to note that both General John Shalikashvili and General Wesley Clark in testimony before the Armed Services Committee agreed that operating under United Nations authority would tend to raise the threshold for the Iraqis to use weapons of mass destruction. Operating alone, the United States runs the risk of Iraqi gambling that international opinion will not be as critical of Iraq in the employment of these weapons.

If the first lesson of the gulf war is don't let the United States build up its forces, the second lesson is don't fight the United States at long range in open terrain. Our troops, training and technology give us decisive advantages to locate and destroy targets with integrated fires at great range. The deserts of Iraq are ideally suited for our forces and will be the graveyard of the Iraqi army if they chose to fight us there.

Unless the Iraqis learned nothing from their defeat, they will not fight our forces in the open. They likely will conduct a strategic withdrawal to Baghdad., fighting at choke points like rivers and urban areas. But, they may also conduct a scorched earth policy as they withdraw to slow us down and deny us speedy avenues of approach to Baghdad. Suddam ordered the oil fields of Kuwait destroyed as his army fled. He may do the same as his forces withdraw. Moreover, since our major avenue of approach is through Southern Iraq, the traditional home of Iraqi Shiites, Saddam is unlikely to have any reluctance to inflict damage on a community that he has always suppressed.

If Iraq forces can maintain any coherence in the face of our assault, particularly our air assaults, then they will most likely make their major stand in Baghdad. In the streets and alleys of Baghdad, our technological advantages are reduced. It would become a more difficult battle.

The International Institute of Strategic Studies reports that Iraq's "wisest course would be to hunker down in cities, distribute and hide its forces, and fight from those places. It cannot be assumed that the Iraqi Army would deploy armour in the open desert, as in 1990–91, firing from static positions and presenting an immobile target for airpower, as the Taliban did. Many Iraqi weapons and command and control centers will be placed near apartments, hospitals, schools, and mosques."

General Hoar testified at the Armed Services Committee of a "nightmare scenario" that needs to be planned for—six Iraqi Republican Guard divisions and six heavy divisions reinforced with several thousand antiaircraft artillery pieces defending the city of Baghdad, resulting in urban warfare with high casualties on both sides, as well as the civilian populace.

We are all mindful that, during the Gulf War, Saddam launched 39 Scud missiles against Israel as a means to provoke the Israelis to retaliate. It was a desperate attempt to change the dynamic of a war that was leading to a humiliating defeat. He hoped that Israel could be drawn into the war and their involvement would cause the Muslim world to abandon the international coalition and rally to Saddam. The Israelis did not take the bait. They endured missile attacks, refrained from retaliation and watched as coalition forces dictated terms to a defeated Iraq.

Given Saddam's history and his options, it is highly probable that he will once again seek to draw Israel into the conflict as a means of rallying the Muslim world to his cause. He has a limited number of missiles to fire at Israel. However, it is likely that Palestinian forces like Hamas and Hezbollah will launch either sympathetic or explicitly coordinated attacks against Israel. This later dimension was not such a formidable factor in 1991. Today, the potential for suicide attacks and widespread violence in the West Bank and elsewhere in Israel is more pronounced.

According to Western and Israeli intelligence sources, Hezbollah militants in southern Lebanon are reported to have amassed thousands of surface-to-surface rockets with ranges sufficient to strike cities in northern Israel.

The administration hopes that the government of Israel will exercise the same restraint that it showed in 1991. That might be a forlorn hope. On September 26, Prime Minister Sharon said, "If Iraq attacks Israel, but does not hit population centers of cause casualties, our interest will be not to make it hard on the Americans. If on the other hand, harm is doneto Israel, if we suffer casualties or if non-conventional weapons of mass destruction are used against us, then definitely Israel will take the proper action to defend its citizens." We all recognize the right of Israel to defend itself. The Prime Minister's first responsibility is to his people.

But we also understand that Israeli retaliation would put great pressure on Muslim countries to either end any support for United States efforts or to actively oppose our efforts. Here again, a strong argument can be made that an operation sanctioned by the United Nations might give these countries sufficient justification to participate with the international community rather than oppose efforts to decisively deal with Saddam.

We are prepared militarily to counter all of these Iraqi threats. Our first priority will be to establish an air defense system to protect our forces as they enter the region. Our ground based air defense batteries and active aerial patrolling will help mitigate any potential Iraqi threat from the air. We have had extensive collaboration with Israel on the development of their Arrow air defense system. This collaboration and other collaborative efforts will be accelerated to help ensure that any potential Iraqi attack on Israel will be frustrated.

In the conduct of offensive operations, we will prepare the battlefield with intensive air strikes. But, one of the factors that must be considered in this air campaign is the inadvertent release of chemical or biological agents as a result of our bombing. Press stories suggest that the Iraqis have placed sensitive installations in urban areas as a way to protect them from the expected air campaign. We could discover that we have unwittingly created a chemical or biological release that would be exploited by the Iraqi government not as confirmation of their treachery but as an attack on our conduct of the operation.

Indeed, the potential use of chemical and biological weapons is one of the great uncertainties of a battle against Iraq. The President and Secretary Rumsfeld are trying to dissuade Iraqi field commanders from deploying these weapons by sternly and correctly warning them that they will be held accountable for war crimes.

It is an open question whether this warning will be effective with individuals who owe their position and lives to Saddam and who would likely face swift and fatal retribution from Saddam before they would be subject to international law.

We are prepared to counter Iraqi responses to our military operations. But, there are certainly no guarantees that we can do so without significant casualties to our forces and to the civilian population. Much of the Iraqi response turns on the willingness of his forces to resist and to follow his supposed orders to employ weapons of mass destruction. It is difficult to predict these dimensions of loyalty and morale. But, this battle seems likely to produce more causalities and costs than the Persian Gulf war for the simple reason that the President has repeatedly associated our use of force with regime change. In a battle to remove Saddam from power, his desperation and the desperation of his loyalists will cast this as a battle to the death. Unfortunately, one of the hallmarks of dictators is that many people suffer and die, many innocent people, before they meet their demise.

We will prevail in any battle against Iraq. But, military victory brings with it a host of other problems. Again, an examination of these issues strongly suggests that our tasks would be immensely aided if we initiated our operations with the broadest possible international coalition vested with the authority of the United Nations.

The Administration's avowed policy of "regime change" combined with the discretion to wage a unilateral attack on Iraq will inevitably lead to the indefinite occupation of Iraq by United States forces. Such an occupation will be expensive and will impose significant stress on our military forces that are already "stabilizing" Afghanistan, Bosnia, Kosovo, and other areas across the Globe.

Moreover, governing Iraq is not one of the easiest tasks. It is a country with at least three major factions; the Kurds in the North, Sunni Muslims in the Center and Shiite Muslims in the South. The potential for disintegration along ethnic and religious lines is significant.

Our tasks in Iraq will be immensely complicated by the probable damage resulting from the military campaign. Although we will deploy precision missions and will be acutely conscious of minimizing collateral damage, a "scorched earth" policy by the Iraqis compounded by the possible release of toxic agents and the possibility of extensive combat in built-up areas may lead to significant damage and significant civilian casualities.

Again, after the battle, we would look for international assistance to rebuild Iraq. That assistance would be more forthcoming if we initiated operations with international support rather than without it.

Even before calculating the costs of postwar reconstruction of Iraq, we must recognize that military operations in Iraq will be expensive in direct costs and could have significant and detrimental effects on our economy.

Estimates of the direct cost of an attack on Iraq range from $50 billion to $200 billion. For perspective, the gulf war cost about $80 billion in direct incremental costs, and our allies paid much of this expense.

Indirect effects on our economy are hard to estimate, but there is great concern that military operations in Iraq will further complicate a fragile economy.

One of the most potentially volatile economic aspects of a war in Iraq will be its effect on the price of oil. According to the Congressional Research Service, "the effect of a sudden and sustained increase in the price of oil could deepen an existing recession or push an already weak economy into recession."

Our occupation of Iraq will place us in control of the world's second largest oil reserves. Directly or indirectly, we will become a major force in the international politics of oil. That fact will not be lost on other producing nations and the world at large. There is a real danger that our motivation to remove Saddam will be ignored or quickly forgotten, and our attack on Iraq will be seen as old fashion imperialism. Once again, this perception is most likely to develop if we conduct our operations unilaterally.

To date, the administration has not publicly suggested how they intend to deal with Iraqi oil. This is a major issue of international importance touching the economic, diplomatic and security priorities of the world.

A unilateral attack by the United States will engender worldwide criticism as already suggested by the comments of many leaders around the world and reflected in public opinion in many countries. A swift victory without significant casualties or damage will mute this criticism in many quarters, but it will not easily extinguish the resentment of our "go it alone" policy. A difficult and costly struggle will accelerate this criticism and create problems that will inhibit diplomatic and economic progress on other fronts.

One of the unintended consequences of a unilateral assault on Iraq may be our efforts on the War on Terror; the unfinished business of completely destroying Al Qaida before they strike us again. Despite all the good faith assurances of military leaders that they will not lose focus on the War on Terrorism, the scale of the proposed operation, the notoriety and the huge risks involved will inevitably draw resources and attention from the War on Terror. Further complicating our efforts on the War of terror is the real possibility that many countries that are now assisting us will greet future requests with studied indifference or denial.

The President asks for the authority to use force unilaterally. This request must be viewed in the context of the newly promulgated National Security Strategy. The core of this new strategy rejects deterrence and embraces preemption.

According to this strategy, the United States has long maintained the option of preemptive actions to counter a sufficient threat to our national security. The greater the threat, the greater the risk of inaction—and the more compelling the case for taking anticipatory action to defend ourselves, even if uncertainty remains as to the time and place of the enemy's attack. To forestall or prevent such hostile acts by our adversaries, the United States will, if necessary, act preemptively.

There is no argument that the United States, like every nation, retains the right to defend itself from an imminent hostile act. But, this strategy goes much further. It appears to be based not on the immediacy of a hostile act but simply on the "sufficiency" of the threat. It fails to make any distinction based on the nature or timing of the threat. As such, it can be applied or misapplied to a wide range of adversaries.

There is no question that the United States must act preemptively against terrorist like al-Qaida. The nature of the threat and the immediacy of the threat leave no other option. Al-Qaida has no significant and identifiable institutions, resources or assets to hold hostage as a means of changing behavior. Al-Qaida has no significant and identifiable institutions, resources or assets to hold hostage as a means of changing behavior. Al-Qaida makes on pretense of attempting to participate in the international system of nation states. Al-Qaida is not motivated by calculated self interest as much as it is motivated by an apocalyptic impulse for the destruction of its enemies and the ritual sacrifice of its adherents. There is no choice but to seek out these terrorists and destroy them before they attack us again.

But al-Qaida is different that many threats that face us. And, extending this notion of preemption and bolstering it in resolutions that give the President authority at his discretion to conduct unilateral military operations starts us down a potentially dangerous path.

We are debating Iraq today, but will we apply this preemptive doctrine to Iran or North Korea tomorrow? How do we prevent others from adopting this same strategy if we have enshrined it as the centerpiece of our policy? For example, how to we counsel the Indians to refrain from preemptively attacking Pakistan or vice versa? From New Delhi or Islamabad, the threat looks "sufficient" and striking first is enticing.

In this first test of the President's new National Security Strategy, we should be very careful to define the scope of his authority to avoid being swept up in a doctrine that appears to have few limits.

Our continuing confrontation with Iraq is fraught with danger and challenge. Much is uncertain, but I believe that one point is quite clear. Leading an international coalition to enforce United Nations resolutions, as the President spoke of in Cincinnati, is the surest way to reduce the dangers and ensure the long-term success of our policy. It is for this reason that I support the Levin resolution.

Great events will turn on our deliberations. But, at this moment, my thoughts are not on historic forces. Rather, I think about the young Americans who will carry out our policies. They are prepared to sacrifice everything. We owe them more than we can ever repay. One thing that we certainly owe them is our best judgment. I have tried to give them mine.

I yield the floor.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORZINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. REED). Without objection, it is so ordered.

Mr. CORZINE. I thank the Chair. I thank the distinguished Senator from Oklahoma for the opportunity to go forward.

I rise tonight to express my views on what has become the overriding issue before the Senate and our Nation as we close out the 107th Congress: the authorization of the use of military force against Iraq and in what context and under what circumstances such an operation might take place.

This issue has been one on which I have given much thought and careful analysis. This decision quite literally has life-and-death implications, not just for our courageous men and women in uniform but for all Americans across our homeland, for your family and mine.

No decision we take can weigh more heavily on our hearts and minds, particularly in light of the exposed vulnerabilities and tragic events of September 11, 2001. This is as important an issue as any of us will ever face. It requires a sober and calculating weight of the costs and benefits to our Nation.

Ultimately, our decision will shape the nature of the U.S. leadership as the first among equals in the post-cold-war world, and our decision sets a precedent for ourselves and for those who take our lead in the 21st century for good or evil.

No one argues that Saddam Hussein's brutal and criminal regime should be tolerated. He and his regime are evil. We all accept that Hussein uses torture and terrorism to advance his political goals. He constructs palaces while his people starve. He stockpiles biological and chemical weapons. At times, these weapons of mass destruction have been unleashed against the Iraqi people and his enemies.

All of us are concerned that the Iraqi regime is seeking to develop nuclear weapons contrary to international law and U.N. resolutions. With deference to these circumstances and probable facts, the United Nations and the world community must act swiftly and decisively in response to the Iraqi threat.

As my colleague Senator KERRY said earlier today: The question is not whether Saddam Hussein should be held accountable to disarm; the question is how. Should disarmament be imposed by the United States alone or with the weight of global public opinion behind it? To answer the question how, one needs to consider the context of the broader role America plays as a single remaining superpower.

As I see it, America should make every effort to build a global coalition to achieve our objective of disarming Iraq. This effort should be considered our first priority in these grave circumstances. Building an international coalition will give moral authority to our challenge, share the sacrifices that will be incurred, and set a positive precedent for the future in foreign relations among nations.

The benefits of working cooperatively with other countries have been a cornerstone of U.S. foreign policy since the end of World War II. That is why the United States worked to create the United Nations in the very first instance.

Strangely, this administration has sometimes appeared to consider multilateral support for a military campaign to be an unnecessary inconvenience. Even in light of our unprecedented international support and cooperation following the tragedy of 9/11—some 90 nations if I am not mistaken—it was only after the President delivered his September 12 speech at the United Nations that he began visible and serious outreach to the global community.

This week, the President in his speech in Cincinnati went further to embrace a multilateral approach. I support what he expressed in that speech. In my view, we must reinforce his recent instincts. We all know at the end of the day the United States always retains the inherent right to act unilaterally in self-defense. With that understanding, I believe strongly we must not stop pursuing, however, the support of the world community before acting alone.

The United States may be the strongest country in the world militarily. We still need allies. We need help with logistics. We need intelligence cooperation and overflight rights to help us succeed. That is in the short run. And after the military campaign is over, we will need help in the long run reconstructing Iraq and rebuilding a civil society. But if the world community is not with us when we take off, it will be hard to ask for their help when we land.

Our Nation has been well served if we share the human and financial sacrifices required to prosecute the war and keep the peace, and we will be well served in the future if we follow that pattern. Unless we have the support of our allies, it will be difficult to ask them for humanitarian assistance in helping to feed, clothe, and heal the Iraqi people or reestablishing the rule of law.

It will be difficult to ask for assistance for peacekeeping and nationbuilding activities. In the past, the current administration has been somewhat reticent to support these kinds of operations. As a case in point, we relied on the armed forces of other countries, for example, to restore law and order in Afghanistan. Yet if other countries had not been committed from the beginning, they would have been much less likely to participate once the fighting was over.

Unilateralism also brings with us great costs—most importantly, costs in the precious lives of our men and women in uniform, people who serve us bravely.

It also brings us costs as we saw in the gulf war. The United States had relatively low out-of-pocket expenses. The reason was, we had a coalition of nations. Although the Congressional Research Service notes that war cost about $80 billion; much of that was covered by allied contributions.

Without allies, the United States, it is projected, will have to shoulder by itself the $100 billion to $200 billion pricetag suggested by the administration for the current war. I have seen higher estimates. It really depends on how long our participation in the peacekeeping and nationbuilding efforts will go on afterwards.

It should not be lost on the American people that we are still in Korea, 50 some years after our intervention. In other words, unilateralism is expensive and its cost—crowd out other priorities on the Nation's agenda from our first responders to our first graders.

Unfortunately, by authorizing force before a multilateral approach has been devised, the President's resolution provides no assurance that the world community will be actively involved in either the military campaign or, more importantly, the reconstruction efforts.

In the long run, the Bush doctrine of unilateral preemption embedded in the underlying resolution would set an awful example for the world community—a precedent based on the concept of survival of the fittest.

For generations, the United States has decried the aggression of foreign governments across the globe. We fought the patriotic and just fights against the Nazis and Communists who sought world domination. How in the future can we criticize Russia for attacking Georgia or stop India from taking action against Pakistan or believe Taiwan will be safe from China? Many countries may feel threats, continuing or imminent. They, too, could argue preemptive rights. The underlying resolution would codify the Bush preemption doctrine in precedent and could undermine our moral authority and leadership credibility in limiting future conflicts around the globe.

Furthermore, by advancing a policy of unilateral preemption, we could be encouraging state sponsors of terrorism such as Iran and Syria to form unholy alliances with just the kinds of agents of terror that caused the horrific events of September 11. Iran, Iraq's mortal enemy, actually opposes a U.S. invasion of Iraq. Why is that? Perhaps because Iran fears that if the U.S. attacks Iraq today, we might attack Iran tomorrow. Clearly, the thawing of relations between these two U.S. adversaries should give us pause. One can only wonder what Iran's instructions to their agents of terror will be in a world where they feel threatened under a preemption doctrine.

Earlier this week, Senator GRAHAM introduced an amendment which authorized the President to use force against several identified dangerous terrorist groups, including Iranian-linked Hezbollah and Hamas. I supported that amendment because I believe that those foreign terrorist organizations represent an even higher order risk to American security than Iraq.

Like al-Qaida, these organizations have the clear means of delivery. These terrorist groups may already be operating in our homeland. I am concerned that, at some level, Iraq may be a dangerous distraction from America's war on terrorism. While the United States military has certainly disrupted the activities of the al-Qaida network, no one should doubt that al-Qaida and its sympathizers continue to operate. The administration tells the American people this almost every week.

These groups continue to plot ways to undermine the American way of life and our security. As the United States considers its future course of action with respect to Iraq, a potential threat, we must assure the American people that we will not be distracted from the effort to destroy a proven threat, al-Qaida and these other terrorist organizations. That should be our No. 1 priority. It certainly has been in repeated statements by the President. I am also concerned that the resolution we have before us is structured with an overly broad scope. It refers to UN Security Council resolutions that are unrelated to the primary goal of disarming Iraq and eliminating its delivery capacity of weapons of mass destruction.

We must remember that the threat we feel is not from the Iraqi people but from the criminal regime's control of weapons of mass destruction. And second, because the underlying resolution refers to UN Security Council Resolution 678, a resolution that discusses the importance of returning security to the "area," we may inadvertently be permitting military action beyond Iraq. Potentially, some of these structural concerns were addressed by other resolutions that were circulated including one drafted by Senators BIDEN AND LUGAR.

There were attempts to define away some of the broader aspects of the concerns I relate to in the underlying Lieberman-Warner resolution, but I am fearful, as I have suggested, that by their reference to other U.N. resolutions that may not be the case.

I certainly believe we could have done better through the Biden-Lugar approach.

Finally, I am troubled my the fact that Congress is being asked to make a decision on a matter of this gravity without being fully informed with all relevant intelligence. It is an unfortunate fact but many of us, and I can speak for myself, have often learned more by reading the New York Times and the Washington Post than by attending the secret briefings provided to Senators.

Even today, we hear about a conflict between what it is the CIA says is the likely response of the Saddam Hussein regime when they no longer have other options and would be the case as presented by the administration.

In the future, I hope that the administration will be more open earlier with secure briefings in the process so that Members of Congress can make fully informed decisions. I think they should be built upon true intelligence.

It is in this overarching context, that I will cosponsor and strongly support the Levin amendment which authorizes the use of force pursuant to a new UN security council resolution demanding swift council resolution demanding swift, certain, and unconditional inspections and Iraqi disarmament. The Levin amendment in no way comprises the US' inherent right to self-defense or Congress' ability to authorize unilateral actions if the UN fails to act. But it embraces the multilateral approach as a first priority.

This course of action, will bring with it all the benefits I have sought to outline, a multilateral approach, without giving up the right of unilateral approach as a last resort. In my judgment, the Levin amendment embraces the need for the U.S. to lead a dangerous world to disarm Saddam Hussein today with a multilateral approach, while setting a pattern and precedent that provides for greater security to the people of the United States and around the world.

That security will be in today's circumstances but it will equally be true as a guide to the future by its precedent. As a matter of conscience, barring substantive changes, I intend to oppose the underlying Lieberman-Warner resolution.

I yield the floor.

Mr. REED. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I do think our distinguished Senator from New Jersey stressed the sense of urgency that is upon us right now when he said perhaps the greatest decision we will have to make during the terms we are serving is going to be tomorrow. I think that is probably right. Even though I disagree with many of the things he stated, I certainly respect him for the commitment and belief he has in his interpretation of the facts and the course we should take.

I have been listening for quite a number of hours now, and I quite frankly have to say it has not been all that easy. I believe tomorrow we will give the President of the United States the full support of this body in order to send the right message to Saddam Hussein and to terrorists all over the world, and that message is this: The United States of America will not live in fear.

I have ended every speech I have made since 1995 with one sentence, and I feel compelled to start this speech with that sentence. That sentence is that we today are in the most vulnerable and threatened position we have been in in our Nation's history.

In January 2002, our President gave a magnificent State of the Union address. He said:

> Our enemies send other people's children on missions of suicide and murder. They embrace tyranny and death as a cause and a

> creed. We stand for a different choice, made long ago, on the day of our founding. We affirm it again today. We choose freedom and the dignity of every life.

The handwringers have already marshaled their special interest groups to delay this body from giving our President the homeland security bill he asked for way back in June. And just like the homeland security bill, they are trying to weaken the President's ability to protect this Nation with a hollow resolution against Iraq.

We are going to have to give the President the flexibility he needs to protect this Nation. Making the potential use of U.S. military force contingent upon the current deliberations of the U.N. Security Council is absurd. Our national security must not be tied to the actions of the "mother of all handwringers," the United Nations.

I keep hearing a grinding noise. It is our forefathers turning over in their graves. Can they really believe this Nation would get into the position where we would have to ask some multinational organization before our President had the right to defend America? I think not. And why are we letting the same groups of individuals that have prevented us from getting a homeland security bill, during a time of war, by the way, from supporting the President of the United States? What is next? Do they want us to go to the United Nations to get a homeland security bill?

The American people have to wonder about this one simple question: Why do those who oppose the President's resolution trust the United Nations more than they trust the President of the United States?

The United Nations did not stop in 1992 the threat of 100 servicemen in Yemen. The United Nations did not stop the 18 rangers from dying in Somalia or their naked bodies from being dragged through the streets of Mogadishu. The United Nations did not stop the World Trade Center, the first bombing in 1993. They did not stop Khobar Towers in 1996. They did not stop the Embassy bombings of Kenya and Tanzania in 1998. They did not stop or prevent the loss of 17 sailors' lives in Yemen in 2000. The United Nations did not stop the airplanes from flying into the World Trade Center, into the Pentagon, and the field in Pennsylvania. The United Nations will not stop Saddam Hussein from giving a nuclear device to a terrorist, putting it on an airplane and flying it into an American city. Of course, this time, instead of 3,000 deaths, there could be hundreds of thousands of deaths.

I often remember the television scenes, the horrible scenes from New York City of the airplanes hitting into the World Trade Center. Then I thought, if that had been the weapon of choice of a terrorist—in other words, a nuclear warhead on a missile—there would be nothing left but a piece of charcoal. We would not be talking about 3,000 lives, we would be talking about 2 or 3 million lives.

Why should the President of the United States delegate his responsibility of protecting this Nation to the United Nations? We made a similar mistake back in 1998. Look where it has gotten us. In 1998, in an attempt to get the Iraqi regime to comply with the U.N. resolutions—doesn't that sound familiar—the administration blessed Secretary Annan's trip to Baghdad, and in doing so let the United Nations negotiate on behalf of the United States, which proved to be a very serious mistake. Part of that particular agreement was the recognition of the eight palaces as special sites. And that compromise continues to haunt us today. The administration should not have let the United Nations negotiate and compromise for the United States in 1998. And the current administration should not do it now and will not do it now.

My distinguished colleague, the chairman of the Armed Services Committee, likes to say: Saddam is looking down the barrel of a gun. He should be looking at the international community at the other end, not the United States.

While I respect my friend and colleague and admire his passion behind his convictions, I could not disagree more. Saddam Hussein has been looking down the gun barrel of the international community for 11 years. The problem is that he knows the gun is full of blanks. The Iraqi regime knows the United States does not shoot blanks, which is why they continue to manipulate and deceive the United Nations.

I know our Secretary of State is working very closely with the members of the Security Council in order to get a U.N. resolution against Iraq that is not full of blanks. I hope he has already expressed to the Security Council this Nation is united, and with the overwhelming support of the American people and this Congress in the form of support of the President's resolution, we choose to exercise our right to defend ourselves. How unreasonable of us.

We have the right under international law to defend ourselves. Article 51 of the United Nations Charter states: Nothing in the present charter shall impair the inherent right of an individual or collective self-defense if an armed attack occurs against a member of the United Nations.

The current Iraqi regime has been harboring and supporting terrorist networks since the early 1990s. We know that, maybe before that. We have been under attack ever since. I challenge any of my colleagues to tell any of our brave soldiers who fly combat planes over Iraq every day that the surface-to-air missiles Iraq has been firing is not a hostile act. Iraq forces have fired on U.S. and British pilots 1,600 times since 2000. Since September 18—remember what happened on September 18 of this year—hours after Saddam Hussein promised to allow the return of U.N. inspectors without conditions, he fired on American and British pilots 67 times. That is 67 times since September 18 when he made the promise. Is anyone home? What message are we sending our brave men and women in uniform if we only consider it a hostile act when one of those missiles hits an aircraft?

The message we must send our military, our allies, the United Nations, and those who support the current Iraqi regime is that the United States of America chooses not to live in fear and we will defend ourselves. That message will be sent with the overwhelming passage of the President's resolution.

The Armed Services Committee recently had a series of hearings with former civilian and military leaders regarding the Iraqi issue. My fellow colleagues on the other side of the aisle have been using some of the testimony of witnesses to make their case that the United States must wait for the United Nations to make a decision. A lot of people do not realize, but there are over 4,000 retired generals floating around the country today. They have only found three who would agree with them. So they went out and found the three who said we have to continue to wait for the United Nations to solve the Iraqi issue.

The fourth member of that panel, not quoted by any of my fellow colleagues, disagreed with the other three generals. Lieutenant General McInerney had the following comments about the suggestion of weakening the President's authority. Members have not heard this from anyone, just the other three generals.

He said: If you water this down—talking about the President's Iraqi resolution—you are going to send a signal to al-Qaida. You may not want to, but you are going to send it to Saddam and say, well, we don't quite trust them. The signal you want to send is this nation is united. You want to send that to the U.N. because I happen to believe—which is different than General Clark—I happen to believe this strong signal will ensure that we have a better chance of getting it through the United Nations.

That is what General McInerney said at the same time the other three generals said we need to decide what fate the United Nations will give this great country.

Saddam Hussein is an evil man. He butchered his own people. Everyone agrees. He butchered members of his own family, two of his own sons-in-law. He must be stopped. He will be stopped. Each day that goes by he gets stronger. There are those who believe the President has not made a strong enough case. They say: Where is the evidence? Why now? Additional inspections will work, and we do not want another Vietnam.

To them I ask, Are they more concerned about a war that took place over 30 years ago, or the tragic events that took place on September 11?

As I stand here today, is there more likely to be another Vietnam or another September 11?

The President asked a critical question the other night. He said, if we know Saddam has dangerous weapons today, and we do, does it make any sense for the world to wait to confront him as he grows even stronger and develops even more dangerous weapons? I know what the people of Oklahoma are more concerned about. The people of Oklahoma are well aware of what can happen when evil people unleash weapons of terror.

Go back and listen to the speeches the President gave to the U.N. on September 12 and in Cincinnati on October 7. He has made his case. He has made it to the United Nations, the Congress, and most importantly to the people of the United States. The threat is real. And with every day of delay and deceit the menace grows stronger.

The current Iraqi regime will continue to use the United Nations as his tool until he gets what he may be close to having—a nuclear weapon. It may have been the right decision not to go after Saddam Hussein in 1991, just like it may have been the right decision for the previous administration not to go after Osama bin Laden in the 1990s when they had the opportunity to do so. But is it right to go after them both today? I believe it is.

The big question is does he have a nuclear weapon? The scary thing is, no one is able to say that he does not. Does he have a delivery system? Nobody is in a position to say that he doesn't. This Congress is going to do the right thing. This Nation is united. We will defend ourselves. This Congress must once again unite as we did following the tragic events of 9/11.

There is another statement a President made following another tragic event in our history. Some of you may remember. The President was motored from the White House to the Capitol under heavy security. The American people were full of emotions, from apprehension to anger. After being greeted by rounds of loud applause, the President of the United States addressed the Joint Session of Congress. Here is a quote from that speech. You have to listen to this, Mr. President. This is a long quote. This is what the President said:

> The facts . . . speak for themselves. The people of the United States have already formed their opinion and well understand the implications to the very life and safety of our Nation. As Commander in Chief, I have directed that all measures be taken for our defense. Always will we remember the character of the onslaught against us. No matter how long it may take us to overcome this premeditated invasion, the American people in their righteous might will win through to absolute victory. I believe I interpret the will of Congress and of the people when I assert that we will not only defend ourselves to the uttermost but will make very certain that this form of treachery shall never endanger us again. Hostilities exist. There is no blinking at the fact that our people, our territory, and our interests are in danger. With confidence in our armed forces—with the unbounded determination of our people—we will gain the inevitable triumph—so help us God.

The date of that speech was December 8, 1941. President Franklin Roosevelt gave the speech. Pearl Harbor and the war that followed led to the restructuring of our national security structure.

Today, more than 1 year since 9/11, an ongoing war against terror, and a possible conflict with Iraq, we, the Congress, have not given the American people a homeland security bill and some Members of Congress want to put the security of this country in the hands of the United Nations.

I repeat, did our forefathers ever believe we would have to go to a multinational organization in order to defend America?

The President of the United States during a time of war has asked Congress to give him support to show the world that this Nation is united. He has requested the Congress give him the necessary flexibility to protect the homeland, to protect the Nation. Telling the President that he must first bow to the will of the United Nations is the wrong message. Here we are today, just like with the homeland security issue, letting the hand wringers drive the debate in a direction that has nothing to do with the task at hand.

We are going to have to and will give the President an Iraqi resolution that does not tie his hands. The Secretary of Defense has said—and I think this is so important for us to understand today, for all of us, for all Americans to understand. He said:

> If the worst were to happen, not one of us here today will be able to honestly say it was a surprise. Because it will not be a surprise.

Mr. President, I remember so well—I am old enough to remember World War II. I was a very small child. I remember going to a country schoolhouse named Hazel Dell. It was way out in the country. We had eight grades in one room with a pot-bellied stove there and a schoolteacher named Harvey Beam. He was a giant of a man, but I suspect he wasn't quite as big as I thought he was at the time.

I remember studying American history and studying about how we won a war and won the freedom in this country against impossible odds, and how the greatest army on the face of this Earth was coming over from Great Britain and marching toward Lexington and Concord, and here we were, a handful of hunters and trappers with homemade weapons. We fired that shot heard round the world.

A speech was made that I remember so well, in the House of Burgesses, when a tall redhead stood up and said:

> Sir, we are not weak, if we make a proper use of those means which the God of nature has placed in our power. Three millions of people, armed in the holy cause of liberty, and in such a country as that which we possess, are invincible by any force which our enemy can send against us. Besides, sir, we shall not fight our battles alone. There is a just God who presides over the destinies of nations; and who will raise up friends to fight our battles for us.

At that time, we fired the shot heard around the world. We knew we were one nation depending on God to give us the strength to win a battle that now historians say could not have been won. That was the sublime courage we had in this country, and now the hand wringers are back.

In 1996, we had an opportunity to end this whole thing, to get Saddam Hussein. I suggest to you, if George W. Bush had been President in 1996, we would not be here today. It is a no-brainer. It would have been done.

We had the opposition, including about 100,000 troops, well trained, and the Kurds in the north ready to join us, and we implied to them that we would do that and we would together take out Saddam Hussein. What did we do? We turned our backs on them, and we walked away. Several thousand Kurds died as a result of that. Now they are back. They are willing to join us again.

I wonder about this. Why is it that so many of the people I have heard on the floor of this Senate objecting to giving the President the recognition he needs to do what he has to do, what is his constitutional obligation—where were they in 1998, back when we had another President, President Clinton, and he wanted to go after Saddam Hussein? They were in line, saying: That's fine; let's go get him. Our distinguished majority leader Senator DASCHLE said:

> Saddam Hussein must understand that the United States has the resolve to reverse that threat by force if force is required. And I must say it has the will.

Senator BIDEN—I have the utmost respect for him. He came down to the floor, and he is now saying we don't want to move too fast. Then he said we risk sending a dangerous signal to other proliferators if we do not respond decisively to Iraq's intransigence. That was 1998. What is different now? Nothing, except Saddam Hussein is stronger.

Does he have the weaponry? Does he have the weapons of mass destruction? Does he have a nuclear warhead? We don't know for sure, but we don't know he does not.

Let's go back to the Rumsfeld Commission. This is 1998. The Rumsfeld Commission was made up of, I don't know, 16 or 18 of the very top military experts in this country. They said that U.S. intelligence was shocked by a 1990 Iraqi test of a long-range booster rocket, showing Iraq was involved in an extensive, undetected, covert program to develop nuclear capability ballistic missiles with intercontinental range. That was 1990.

People keep saying: Oh, no, this is not going to happen; they don't have this. I remember in 1998, it was August 24 when our intelligence said that it would be something like 5 to 15 years before North Korea would have a multiple-stage rocket. That was August 24, 1998.

Seven days later, on August 31, North Korea fired one. We know when the weapons inspectors came back in 1998 after Saddam Hussein kicked them out, they came before our committee. I can tell you exactly—I have the transcript over here—what they said. By and large, this was it. For the sake of time, I say in response to our question, in 1998—this is the weapons inspectors who were over there:

> How long would it be until Saddam Hussein has the weapons of mass destruction capability, including nuclear, and a missile with intercontinental range to deliver those?

The answer was he could have it in 6 months. That was 1998. George Tenet at that time said:

> I agree with that testimony.

Unclassified intelligence told us that China was transferring technology of chemical, biological, and nuclear weapons and missiles to Iraq.

On August 24, in the Washington Times, it was revealed the intelligence community warned President Bush that weapons of mass destruction could be on their way in a very short period of time.

Just 2 weeks ago, 3 weeks ago, from a satellite image, we were able to photograph trucks, 60 trucks that were moving around—a biological lab that we knew was a weapons lab. They are up to something. Every day something has happened. The intelligence report to the administration was that Saddam Hussein is preparing to use weapons of mass destruction.

On September 27, Rumsfeld said there is solid evidence that Saddam Hussein is negotiating for weapons of mass destruction with al-Qaida—they are negotiating with each other, I mean.

With all these things that we know are going on today, why is it that we are sitting around, wringing our hands? We don't know that he doesn't already have it, but we do know this. Every day that goes by, every week that goes by, he has a greater opportunity to have these.

So, I look at this and I think that we have to remember what Secretary Rumsfeld said when he talked about the consequences. He said:

> The consequences of making a mistake during the days of conventional warfare meant that we might lose 100, maybe 200 lives. But the consequences of making a mistake now could mean hundreds of thousands of lives.

I think tonight we have the Churchills and the Chamberlains. Tomorrow we are going to have a lot more Churchills than Chamberlains and we are going to stop the hand wringing. It will all stop tomorrow, and we are going to give the President of the United States the resolution that he knows he needs in order to have the full support of Congress and the American people behind him to do what he knows he must do in defending America.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORZINE). Without objection, it is so ordered.

MODIFICATION TO SUBMITTED AMENDMENT NO. 4869

Mr. REID. Mr. President, this has been cleared with the minority.

Mr. President, on behalf of Senator BYRD, I ask unanimous consent to modify his amendment No. 4868 to remove paragraph 2, and further I ask consent to modify amendment No. 4869 to change references to section 3(a) to 4(a).

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4869), as modified, is as follows:

At the appropriate place, insert the following:

SEC. 5. TERMINATION OF THE AUTHORIZATION FOR THE USE OF THE UNITED STATES ARMED FORCES.

(a) IN GENERAL.—The authorization in section 3(a) shall terminate 12 months after the date of enactment of this joint resolution, except that the President may extend, for a period or periods of 12 months each, such authorization if—

(1) the President determines and certifies to Congress for each such period, not later than 60 days before the date of termination of the authorization, that the extension is necessary for ongoing or impending military operations against Iraq under section 4(a); and

(2) the Congress does not enact into law, before the extension of the authorization, a joint resolution disapproving the extension of the authorization for the additional 12-month period.

(b) CONGRESSIONAL REVIEW PROCEDURES.—

(1) IN GENERAL.—For purposes of subsection (a)(2), a joint resolution described in paragraph (2) shall be considered in the Senate and the House of Representatives in accordance with the procedures applicable to joint resolutions under paragraphs (3) through (8) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98–473; 98 Stat. 1936-1937), except that—

(A) references in those provisions to the Committee on Appropriations of the House of Representatives shall be deemed to be references to the Committee on International Relations of the House of Representatives; and

(B) references in those provisions to the Committee on Appropriations of the Senate shall be deemed to be references to the Committee on Foreign Relations of the Senate.

(2) JOINT RESOLUTION DEFINED.—For purposes of paragraph (1), the term "joint resolution" means only a joint resolution introduced after the date on which the certification of the President under subsection (a)(1) is received by Congress, the matter after the resolving clause of which is as follows: "That, pursuant to section 5 of the Authorization for the Use of Military Force Against Iraq, the Congress disapproves the extension of the authorization under section 4(a) of that joint resolution for the additional 12-month period specified in the certification of the President to the Congress dated   .", with the blank filled in with the appropriate date.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELIEF FOR VICTIMS OF SEPTEMBER 11

Mr. KENNEDY. Mr. President, in the USA PATRIOT Act, we provided temporary immigration relief for lawful nonimmigrants who are survivors of the September 11 attacks. This relief ended last month, and it has proved to be too short. A single year is not sufficient time for these families to sort out their affairs before returning to their native lands.

Senator CORZINE has introduced legislation to help these people, most of whom are the spouses and children of H–1B and other highly skilled temporary workers killed in the terrorist attacks. S. 2845 would allow these family members to remain in the United States for an additional year to deal with the very real challenges these families face.

They have been in mourning for a year. Many have not recovered the remains of their loved ones and are waiting for DNA analyses of the samples collected from the attack site. Some families have children enrolled in American schools. Many of these families are still waiting for awards from the Victims' Compensation Fund. Some have homes that must be sold or other financial matters that need to be settled. Many of them are participating in support groups with other September 11 survivors groups that simply do not exist in their native lands.

Consider the case of Tessie Forsythe. Tessie's husband Christopher worked for Cantor Fitzgerald. He had an H–1B visa, which expired in April. The rest of the family received H-4 visas, so their lawful status in the U.S. was dependent on him.

Christoper left behind two children, Jose and Kirsten. Tessie is not Kirsten's mother, but she is seeking to adopt Kirsten because Kirsten's birth mother has had extensive mental health problems and has no contact with Kirsten. The judicial process began in the United States, and if the family leaves the country now, the adoption proceeding could be jeopardized. In addition, shortly after her husband's death, Tessie was mugged and hospitalized for 3 months with extensive injuries.

Christopher's remains have not been recovered, though DNA samples from Kirsten have been submitted and are being analyzed. Like many of the survivors, Tessie has not yet received an award from the Victims' Compensation Fund.

Consider the case of Sonia Gawas. Her husband Ganesh Ladkat was also employed by Cantor Fitzgerald. The couple had been married just 9 months when the terrorist attacks killed Ganesh. Sonia suffers from a condition know as "delayed grief," where the death of a loved one is not accepted until long after the event took place. In this case, without any remains or proof that here husband was dead, Sonia's grieving period did not begin until it became clear to her that Ganesh was in fact a victim of the attack. Acceptance of his death plunged Sonia into a severe depression.

The catastrophic nature of the terrorist attacks had made the recovery process far more difficult. Sonia is receiving counseling and attends support groups that are not available in her native country. This unusually long grieving period has taken a toll on Sonia's ability to make arrangements for her return. She is still waiting to receive compensation from the Victims' Fund.

These brave families should not have to face the specter of deportation while still in the process of grieving for their loved ones and settling their affairs. An additional year will provide an opportunity to attend to their affairs and undertake the sad task of dismantling their lives in the United States. We need to help these deserving families by enacting this legislation as soon as possible, so that these families will not face deportation.

HOLD TO NOMINATION OF GROVER J. REES

Mr. GRASSLEY. Mr. President, I would like to inform my colleagues that I have requested to be notified of any unanimous consent agreement before the Senate proceeds to the consideration of the nomination of Grover J. Rees to be Ambassador to the Democratic Republic of East Timor. I need further time to examine the qualifications of this nominee.

REDUCING AMERICA'S VULNERABILITY TO ECSTASY ACT

Mr. BIDEN. Mr. President, in June I introduced S. 2633, the Reducing America's Vulnerability to Ecstasy Act, also known as the RAVE Act. Since that time there has been a great deal of misinformation circulating about this legislation. I rise today to correct the record. Simply stated, my bill provides technical corrections to an existing statute, one which has been on the books for 16 years and is well established.

Critics of my bill have asserted that if the legislation were to become law "there would be no way that someone could hold a concert and not be liable" and that the bill "holds the owners and the promoters responsible for the actions of the patrons." That is simply untrue. We know that there will always be certain people who will bring drugs into musical or other events and use them without the knowledge or permission of the promoter or club owner. This is not the type of activity that my bill would address. The purpose of my legislation is not to prosecute legitimate law-abiding managers of stadiums, arenas, performing arts centers, licensed beverage facilities, and other venues because of incidental drug use at their events. In fact, when crafting this legislation, I took steps to ensure that it did not capture such cases. My bill would help in the prosecution of rogue promoters who not only know that there is drug use at their event but also hold the event for the purpose of illegal drug use or distribution. That is quite a high bar.

I am confident that the overwhelming majority of promoters are decent, law-abiding people who are going to discourage drug use, or any other illegal activity, at their venues. But there are a few promoters out there who are taking steps to profit from drug activity at their events. Some of these folks actually distribute drugs themselves or have their staff distribute drugs, get kickbacks from drug sales at their events, have thinly veiled drug messages on their promotional flyers, tell their security to ignore drug use or sales, or send patients who need medical attention because of a drug overdose to a hospital across town so people won't link emergency room visits with their club. What they are doing is illegal under current law. My bill would not change that fact. Let me be clear. Neither current law nor my bill seeks to punish a promoter for the behavior of their patrons. As I mentioned, the underlying crack house statute has been on the books since 1986, and I am unaware of this statute ever being used to prosecute a legitimate business.

The RAVE Act simply amends the current crack house statute in two minor ways. First, it clarifies that Congress intended for the law to apply not just to ongoing drug distribution operations, but to single-event activities, such as a party where the promoter sponsors the event with the purpose of distributing Ecstasy or other illegal drugs. After all, a drug dealer can be arrested and prosecuted for selling one bag of drugs, and the government need not show that the dealer is selling day after day, or to multiple sellers. Likewise, the bill clarifies that a one-time event where the promoter knowingly distributes Ecstasy over the course of an evening, for example, violates the statute the same as a crack house which is in operation over a period of time. Second, the bill makes the law apply to outdoor as well as indoor venues, such as where a rogue rave promoter uses a field to hold a rave for the purpose of distributing a controlled substance. Those are the only changes the bill makes to the crack house statute. It does not give the Federal Government sweeping new powers as the detractors have asserted.

Critics of the bill have also claimed that it would provide a disincentive for promoters to take steps to protect the public health of their patrons including providing water or air-conditioned rooms, making sure that there is an ambulance on the premises, et cetera. That is not my intention. And to underscore that fact, I plan to remove the findings, which is the only place in the bill where these items are mentioned, from the bill. Certainly there are legitimate reasons for selling water, having a room where people can cool down after dancing, or having an ambulance on hand. Clearly, the presence of any of these things is not enough to signify that an event is "for the purpose of" drug use.

The reason that I introduced the RAVE Act was not to ban dancing, kill the "rave scene" or silence electronic music, all things of which I have been accused. Although this legislation grew out of testimony I heard at a number of hearings about the problems identified at raves, the criminal and civil penalties in the bill would also apply to people who promoted any type of event for the purpose of drug use or distribution. If rave promoters and sponsors operate such events as they are so often advertised, as places for people to come dance in a safe, drug-free environment, then they have nothing to fear from this law. In no way is this bill aimed at stifling any type of music or expression—it is only trying to deter illicit drug use and protect kids.

I appreciate the opportunity to correct the record about what my legislation does and does not do. I hope that all of my colleagues will join me in supporting this bill.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred August 8, 2000 in Providence, RI. Two young gay men were severely beaten by two strangers. The assailants drove by the young men, shouting vulgarities and anti-gay slurs. After making two passes, the perpetrators got out of the car, shouted more anti-gay slurs, and proceeded to punch and kick the victims in the head and body. The attackers fled after witnesses called for help.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

A HOLD ON EXTENDING CHAPTER 12 BANKRUPTCY

Mr. GRASSLEY. Mr. President, I would like to inform my colleagues that I have requested to be notified of any unanimous consent agreement before the Senate proceeds to the consideration of H.R. 5472 or any other legislation extending chapter 12 bankruptcy. While I am a strong supporter of chapter 12—in fact I was the author of chapter 12—I believe that these changes should be enacted as part of the comprehensive bankruptcy reform conference report, which includes provisions making permanent chapter 12 and extending other important family farmer protections in bankruptcy. Chapter 12 will be in effect until the end of this year, and I expect that the comprehensive bankruptcy reform conference report will be passed by the House and Senate by then. Consequently, an extension is not necessary at this time. So I urge my colleagues in the House and Senate to pass the comprehensive bankruptcy reform conference report as soon as possible to extend these protections to our family farmers.

NOMINATION OF DR. MARK McCLELLAN

Mr. FRIST. Mr. President, just a few moments ago, I joined my colleagues on the Health, Education, Labor, and Pensions Committee in unanimously approving the nomination of Mark McClellan to be Commissioner of the Food and Drug Administration. I rise now to strongly urge the Senate to immediately act on the nomination.

Dr. McClellan is not a stranger to the Senate. During his service on the Council of Economic Advisors, many of us have benefitted from his expertise, clear-headed analysis, and sound advice concerning health policy matters. Dr. McClellan has served the President well and I know that he will continue to serve the Nation well as the next Commissioner of the Food and Drug Administration.

Mark McClellan is an excellent choice to lead the FDA. He is a talented academician and economist who has helped challenge conventional thinking about important health policy matters through groundbreaking research. He is a gifted health policy analyst who has worked to improve the Nation's health care system for all Americans. Perhaps most importantly, he is also a physician who has cared for patients and knows first hand that there are few greater callings than helping to heal one's fellow man.

Mark McClellan is uniquely qualified to lead this important agency at this critical time.

The challenges confronting the next Commissioner of the FDA are great, perhaps greater than at any other time in our Nation's recent history.

Of course, the FDA has an important, ongoing role to play in ensuring the safety and efficacy of drugs, biologics, food, cosmetics, blood products, and devices, goods and products accounting for nearly one-quarter of all consumer spending in the United States. But the FDA Commissioner must be more than simply the head of a large, regulatory Government agency. He must also provide strong leadership on a broad range of critical health policy issues that directly affect the lives and well-being of every American.

I would like to highlight some of the issues on which it is critical that the FDA Commissioner provide leadership at this time. The most significant issue we have faced over the past year is terrorism. On September 11 we endured the most horrendous attack on American soil since Pearl Harbor. This week, we mark the 1-year anniversary of the worst attack of biological terrorism in this country. We cannot know when, where, or in what form the next attack will happen, but we must be prepared. This includes speeding the review and approval of rapid assays, vaccines, and other necessary bioterrorism countermeasures. Numerous scientists and research facilities are working to meet the call of the President and Congress to protect our homeland from outside threats. The FDA must help fashion an environment in which these discussions are encouraged and translated to medical practice.

At the same time, we cannot ignore naturally emerging threats to the safety and sustainability of our blood, tissue and organ supply. Last week, it was reported that 40 people were exposed to hepatitis C from a single organ and tissue donor and salmonella was transmitted through blood transfusions. This is in addition to the growing body of knowledge we are amassing on West Nile virus. Considered together with the existing shortage of blood, tissue and organ donors, the need to speed the development of new screening and purification products is clearly illustrated.

Finally, I would like to highlight the importance of promoting a regulatory environment that values innovations to improve patient care and consumer safety, while at the same time safeguarding the public health. But this must be done without contributing unnecessarily to overall rising health care costs or allowing basic medical treatments to be forgotten. We presently face just this situation with our Nation's vaccine supply. Currently, only four manufacturers produce vaccines and they face the multiple challenges of a growing litigation crisis and changes in the FDA's regulatory oversight. While most of the recent childhood vaccine shortages have been alleviated, our system remains vulnerable to future shortages if we fail to act.

Mark has my full support, the full support of the HELP Committee, and I believe the full support of the Senate. It is in not only in our best interest to see that his nomination is acted on quickly, but it is in the best interest of the entire Nation for the Senate to confirm him as the next Commissioner of the Food and Drug Administration. We cannot wait or allow the nomination to be delayed.

THE ACCOUNTABILITY OF TAX DOLLARS ACT OF 2002

Mr. FITZGERALD. Mr. President, I rise today to urge my colleagues to support S. 2644, the Accountability of Tax Dollars Act, which was approved today by unanimous vote by the Governmental Affairs Committee. Earlier this week, the House of Representatives approved by voice vote the companion measure, H.R. 468, sponsored by Congressman TOOMEY of Pennsylvania.

I thank Chairman LIEBERMAN and Ranking Member THOMPSON for their support of this legislation, and Congressman TOOMEY for his leadership in the House on this significant issue.

This important legislation will increase the effectiveness of the Chief Financial Officers' Act by expanding to all executive agencies the requirement that Federal agencies conduct independent financial audits. This bill will also subject agencies audited records to review by Congress and the administration.

As my colleagues well know, fiscal mismanagement by Federal agencies costs taxpayers billions of dollars each year. The total amount of taxpayer losses is probably much greater than we know, however, because many agencies do not subject their budget reviews to the scrutiny of outside accountants. By requiring independent audits of all executive agencies, this bill will help make our Government more accountable to the taxpayers. The agencies covered by this bill have a combined annual budget of tens of billions of dollars—budgets that represent taxpayer dollars that should be accounted for more rigorously.

I was dismayed to learn that under current law, only the 24 largest departments and agencies—and a few others specified by Congress—are required to submit their books to outside auditors. The Accountability of Tax Dollars Act of 2002 would require all executive agencies to prepare audited financial statements and subject those statements to an independent audit.

I was especially surprised to learn that current Federal law does not require the Securities and Exchange Commission—the entity with which publicly held companies are required to file their audited financial statements—to subject its own books to the scrutiny of outside auditors. Other Government agencies, including the Federal Trade Commission, the Consumer Product Safety Administration, the Federal Election Commission, the National Endowments for the Arts and Humanities, the National Labor Relations Board, and the Federal Communications Commission—agencies that spend billions of taxpayer dollars every year—have also been exempt from this legal requirement.

I, along with many of my colleagues, have been very critical of the alleged accounting abuses by some of this Nation's largest corporations that have recently been brought to light. Particularly in light of these recent revelations, it is incumbent on Congress to ensure that the Federal Government, at the very least, meets the same standards that we set for the private sector.

It is my hope that subjecting Federal agencies to congressional and executive oversight will provide an incentive for agencies to improve their financial performance or risk possible elimination. Independent audit opinions should contribute to increased Government efficiency by providing information that can be used to strengthen integral accountability, better monitor assets and liabilities, enhance cost controls, identify inefficiencies and weaknesses, and curb Government waste.

S. 2644, the Accountability of Tax Dollars Act of 2002, would extend the Chief Financial Officers' Act requirements currently imposed on the major agencies to all executive branch agencies.

The act gives the Office of Management and Budget the authority to waive the audit requirement for smaller agencies that have annual budgets of less than $25 million. In order to allow agencies some additional time to meet this new standard of accountability, the bill allows the OMB Director discretion during the first 2 years of the act's implementation to waive the application of the new requirements to any agency.

This bill has bipartisan support as well as the support of the Government Accounting Office and the administration.

Again, I urge my colleagues to support this important good Government legislation.

NOMINATION OF MAURA HARTY

Mr. GRASSLEY. Mr. President, I rise today to place a hold on the nomination of Ms. Maura Harty to be Director of the Office of Consular Affairs within the Department of State. Ms. Harty was voted out of the Committee on Foreign Relations today by voice vote. My reason for placing a hold on this nomination is to hear from Ms. Harty regarding a number of controversial cases that were under her jurisdiction as an employee of the Office of Consular Affairs.

First, I am seeking to know more about cases of international child abductions, which have left many parents frustrated with our Government. Many parents do not believe that Ms. Harty, in her capacity as the Managing Director of the Office of Overseas Citizens Services, vigorously pursued the interest of American abducted children.

Second, I wish to convey my concerns about personal appearance waiver programs, such as Visa Express. I am seeking assurance from the nominee that visa issuing procedures will be improved, and future recommendations from the inspector general will be seriously considered by the Office of Consular Affairs.

Finally, I intend to question the nominee on allegations that she fired an employee for blowing the whistle on a Foreign Service national who committed visa fraud. I have been a longtime champion for protecting the rights of those who shed light on the problems in our Government, so I take these allegations very seriously and look forward to hearing from Ms. Harty regarding this matter.

DECOMMISSIONING OF THE U.S. COAST GUARD CUTTER "SEDGE"

Mr. MURKOWSKI. Mr. President, I rise today to commemorate the distinguished history of the U.S. Coast Guard Cutter *Sedge* which will be decommissioned November 15, 2002, after serving 50 years in Alaskan waters, and to honor the many men and women who have served aboard her.

The *Sedge*, a 180-foot seagoing buoy tender with a complement of 7 officers and 54 enlisted personnel, was the 35th of the original 39 buoy tenders built for the U.S. Coast Guard. Commissioned on July 5, 1944, the *Sedge* began her long service with an assignment in Hawaii. Shortly after arriving in her new home port of Honolulu, she was called into service to support wartime operations. She served in the Pacific theater from 1944 to 1945, tending navigation aids in Guam, Okinawa, Anguar, Midway, Pearl Harbor, and Shanghai.

On February 26, 1947, the *Sedge* was decommissioned and mothballed. But the old girl's life was not over. She was recommissioned in Seattle, Washington on April 14, 1950, with orders making Boston, MA, her new homeport. However, on May 1, new orders sent the *Sedge* to Kodiak, AK, instead.

After 7 years of service in Kodiak, the *Sedge* was transferred to Cordova, AK on July 15, 1957, serving there for almost 16 years. In the spring of 1973, the *Sedge* shaped a course for the Coast Guard Yard in Curtis Bay, MD, for major renovation. She came out of the yard with a new lease on life—updated propulsion machinery, a new hydraulic buoy handling system, a bow thruster and improved quarters.

After about a year of work, the *Sedge* was recommissioned and departed for yet another new homeport: Homer, AK. She arrived in Homer on November 8, 1974.

The *Sedge*'s primary duty is to maintain aids to navigation that make maritime travel possible and safe. For the last 28 years, she has maintained 73 shore aids and 19 buoys in and around Alaska's Cook Inlet, and she has done it well. But throughout her history she has also done her duty on other matters: national defense, search and rescue, maritime law enforcement, and environmental protection.

In the early 1950s, radar stations in the Arctic—the DEW Line—needed regular servicing and supplies. Convoys would meet in Nome, AK, for the voyage, and the *Sedge* was there. This included the year she was locked in the ice pack for 3 days, and the year she was called on to rescue an LST that was in severe danger in an Arctic storm.

In 1962, she rescued six people who had been adrift in a life raft for 5 days.

After the gigantic Alaska earthquake of 1964, the *Sedge* helped evacuate people from stricken towns and villages in Prince William Sound. She braved many difficulties including the unpredictable seas and tides after the earthquake, including one unheard of minus 30-foot tide that put her hard aground in Prince William Sound.

In 1989, she was back in the Prince William Sound for another disaster. She was the first Coast Guard cutter to respond to the *Exxon Valdez* oilspill. The *Sedge* helped skim 4,000 barrels of oil off the water soon after the incident. Afterwards, the crew of the *Sedge* constructed a lighted tower on Bligh Reef, the shoal on which the *Exxon Valdez* ran aground.

The history of the *Sedge* contains too many such stories of lives saved and lives touched to relate them all. Suffice it to say that the men and women who have served on board the *Sedge* have earned the many accolades and honors they have received, including the Coast Guard Meritorious Unit Commendation, the World War II Victory Medal, the Navy Occupation Service Medal, the Coast Guard Special Operations Service Ribbon, the Department of Transportation Outstanding Unit Award, the Coast Guard Unit Commendation, the Coast Guard "E" Ribbon, the Coast Guard Bicentennial Unit Commendation, the National Defense Service Medal, the Coast Guard Arctic Service Medal, and the Humanitarian Service Medal.

The *Sedge* will work her last aid to navigation on November 5, 2002, before her scheduled decommissioning on November 15, 2002. She will be replaced next summer by the USCGC *Hickory*, a brand-new seagoing buoy tender, but she will not be forgotten.

I am proud to commemorate the decommissioning of this great ship, the *Sedge*, and to honor the distinguished achievements of the officers and enlisted personnel who have served our Nation so well.

ADDITIONAL STATEMENTS

ON THE WORK OF ANNE AND KIRK DOUGLAS, HONOREES, TREE-PEOPLE'S EVENING UNDER THE HARVEST MOON EVENT

• Mrs. BOXER. Mr. President, I would like to take this moment to reflect on the exceptional work of Anne and Kirk Douglas, who will be honored by TreePeople on October 19 for their extraordinary commitment to children.

In 1997, Anne and Kirk Douglas established the Anne and Kirk Douglas Playground Award to improve Los Angeles school campuses. Collaborating with TreePeople's Campus Forestry Program, community members and organizations, Anne and Kirk have helped fund new playground equipment, tree planting, outdoor classrooms, and other worthy projects throughout Los Angeles County.

Improving schools is a wonderful community service. Because of Anne and Kirk's work, many children can play on safe equipment, enjoy the beauty and shade trees provide, and admire the natural environment. Anne and Kirk have every reason to be proud of their dedication to improving the lives of countless children.

The Anne and Kirk Douglas Playground Award not only makes schools better, but also strengthens the bond among community members. Parents, students, school staff and local businesses work together for the betterment of the community. This is truly a win-win situation for all involved.

I am proud to extend my sincere congratulations to Anne and Kirk on this special honor from TreePeople, and wish them much continued success.●

IN RECOGNITION OF SHEB WOOLEY

• Mr. THOMPSON. Mr. President, today I rise to honor and recognize a fine American treasure. This talented individual has enjoyed a remarkable career in the entertainment industry spanning from the hills of Hollywood to the recording labels of Nashville.

This gentleman's name is Mr. Sheb Wooley. Mr. Wooley is currently in poor health and I would like to take this opportunity to wish him well and reflect upon his many accomplishments.

Sheb Wooley is a genuine American cowboy who throughout his early years earned a living on the rodeo circuit. Born in Erick, OK, in 1921, Sheb, who grew up facing the harsh realities of the Dust Bowl during the 1930s, turned to entertainment after his father traded a shotgun for a guitar.

Sheb's first encounter with the music industry occurred in Nashville in 1945 when he signed a deal with the Bullet record label and WSM. He then ventured west to Fort Worth, TX, for a regular radio spot. While in Texas, upon the advice of a friend at WSM, Sheb decided to try his luck as an actor in California. Soon after his arrival in Hollywood, Sheb appeared in several western films and worked with such film heroes as Errol Flynn and John Wayne. His most notable film was "High Noon" in which he played an outlaw gang leader opposite the town sheriff, Gary Cooper. During his movie career he appeared in several more films including "The War Wagon," "Outlaw Josie Wales," "Rio Bravo," "Seven Brides for Seven Brothers," and "Hoosiers."

In 1958, Sheb was cast in the role of Pete Nolan on the popular television series "Rawhide," and later made many television appearances including the "Ed Sullivan Show," "Lone Ranger," "American Bandstand," "Hee Haw," and "Murder She Wrote," writing several scripts along the way.

While Sheb was enjoying his time on the screen, he was also working on writing country music. After several attempts, Sheb landed a smash hit with "Purple People Eater." In 1959 this tune climbed the pop charts and eventually became one of MGM's most successful singles of all time.

And then there was Ben Colder, the drunken persona that Sheb created and ultimately played as a cast member on the television series, "Hee Haw." Under the guise of Colder, Sheb performed many hit parodies of the country music artists of the 1960s, including "Don't Go Near the Eskimos." In 1969, Sheb wrote and recorded the theme song for "Hee Haw."

The career of Sheb Wooley has been as colorful as the characters he has played on and off the screen. He has won many accolades over the years, including the Western Heritage Award for 9 consecutive years and Songwriter of the Year in 1992. He never strayed far from his roots and always knew how to rope in an audience. I wish him well and pray that his health returns to him soon.●

CONGRATULATIONS TO KEVIN DILLON

• Mr. BUNNING. Mr. President, I rise today to congratulate Kevin Dillon of Prospect, KY, for winning the top honor in a recently held national essay competition sponsored by the American Psychiatric Association. This competition was judged by Members of Congress, authors, and national health reporters.

The American Psychiatric Association accepted up to five essays from each State; 14 States participated in this year's competition. This year's essay topic was "When not to keep a secret." In his essay, Kevin provides his readers with a very real and very frightening scenario. The story describes a scenario in which someone is feeling down and confides in a friend that he plans to commit suicide. Kevin offers two possible endings to his essay. In the first instance, the friend reports the suicide plan to the police, who intervene and save the boy's life. In the other scenario, no one intervenes, the boy kills himself and his friend is left with an enormous amount of guilt and regret.

Mr. President, Kevin Dillon, a sophomore at St. Xavier High School, deserves to be applauded for tackling such a difficult and important issue in such an elegant and stylistic manner. His story depicts the ideal situation when keeping a secret becomes a detrimental and dangerous act for all parties involved. Once again, I congratulate Kevin Dillon for this distinction and urge him to continue to take on the tough issues this Nation faces today.●

IN RECOGNITION OF MR. ALBERT JOHNSON

• Mr. THOMPSON. Mr. President, I rise to recognize the ongoing efforts of my friend and fellow Tennessean, Mr. Albert Wm. Johnson of Nashville. Mr. Johnson is chairman and CEO of Dobson & Johnson Financial, a leading national mortgage banking advisory firm since its founding in 1955.

Let me say that Albert Johnson continues to enjoy a remarkable life. Upon graduation from college, he entered the military service as an aviation cadet en route to a distinguished military career. Mr. Johnson flew 49 missions against German bombing targets in WW II before being shot down in Austria and becoming a prisoner of war, POW, until the end of the conflict. During his World War II service, Al Johnson accumulated numerous decorations, citations, and commendations, including the Distinguished Flying Cross, DFC, with two Oak Leaf Clusters. After the war, Mr. Johnson was a senior instructor assigned to assist the Tennessee Air National Guard until returning to Europe to again serve with notable commendation on the NATO staff responsible for planning Germany's integration into NATO.

Upon leaving active military service, Albert Johnson returned to Nashville and cofounded Dobson & Johnson, thereby embarking on a brilliant business career that has featured the holding of billions of dollars in residential mortgage loans in trust for State mutual saving banks, insurance companies, pension funds, and private investors. His remarkable leadership in the mortgage banking and real estate industry has received well-deserved national acclaim and his firm has been recognized as one of the largest private business enterprises in Nashville.

In 1994, for his "commitment to free enterprise, limited government, traditional American values and strong National Defense," Albert Johnson received the Medal of Freedom from the National Republican Senatorial Campaign Committee thereby joining the ranks of other distinguished recipients of that award, including former President Ronald Reagan, former British Prime Minister Margaret Thatcher and Retired General Norman Schwarzkopf.

Recently, I have been advised that Mr. Johnson has embarked on a new undertaking that features a joint venture whose mission is to build 20,000 private homes in Kabul, Afghanistan, using imported capital, local Afghanistan labor and materials, and fully funded mortgage loans with no down payment and long-term rates to assist that country in developing their infrastructure. This sounds like a daunting task. Nevertheless, Albert Johnson of Nashville has a track record to suggest he is the right man for the job.

There is very little that Mr. Johnson, an embodiment of American values, has not been able to achieve. To the extent that his ongoing efforts foster stability and peace in strife torn Afghanistan, I wish him well.●

RECOGNIZING THE AMERICAN HUMANE ASSOCIATION'S 125th ANNIVERSARY

● Mr. ALLARD. Mr. President, animals and small children do not have an adequate voice to speak for themselves. They often cannot tell a parent or an owner that they don't like what they are doing or let them know that they are unhappy or in pain. That is why organizations that aid such vulnerable members of our society are so important. For this reason, I rise today to recognize the American Humane Association.

Today marks the 125th anniversary of the founding of that organization. I could not be more proud to report that the American Humane Association, a Colorado organization, has made a solid career of furthering the welfare of children and animals.

The American Humane Association is the only organization in the country that is dedicated to the protection and support of both animals and children. They have organized events such as Be Kind to Pets Week and Tag Day, to educate the public about the need to treat animals humanely and the need to be sure that pets can be easily identified if they are lost, to the Front Porch Project, a program to educate the public on how to protect children in their communities from abuse. American Humane also works to educate the public about the link between violence to people and violence to animals.

For 125 years, the American Humane Association has worked, through programs such as these and others, to assure that the interest and well-being of children and animals are fully, effectively, and humanely guaranteed. I, for one, am grateful to the American Humane Association for the work that they do, and have done, and wish them another 125 years of success.●

REPORT ENTITLED "CONTINUED PRODUCTION OF THE NAVAL PETROLEUM RESERVES BEYOND APRIL 5, 2003"—PM 115

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services:

To the Congress of the United States:

In accordance with section 201(3) of the Naval Petroleum Reserves Production Act of 1976 (10 U.S.C. 7422(c)(2)), I am informing you of my decision to extend the period of production of the Naval Petroleum Reserves for a period of 3 years from April 5, 2003, the expiration date of the currently authorized period of production.

Enclosed is a copy of the report investigating the necessity of continued production of the reserves as required by section 201(3)(c)(2)(B) of the Naval Petroleum Reserves Production Act of 1976. In light of the findings contained in the report, I certify that continued production from the Naval Petroleum Reserves is in the national interest.

GEORGE W. BUSH.

THE WHITE HOUSE, *October 9, 2002.*

MESSAGE FROM THE HOUSE

At 1:20 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 3580. An act to amend the Federal Food, Drug, and Cosmetic Act to make improvements in the regulation of medical devices, and for other purposes.

H.R. 5422. An act to prevent child abduction, and for other purposes.

H.R. 5542. An act to consolidate all black lung benefit responsibility under a single official, and for other purposes.

H.R. 5557. An act to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services and Foreign Service in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes.

H.J. Res. 113. A joint resolution recognizing the contributions of Patsy Takemoto Mink.

The message also announced that the House has passed the following bill, with an amendment:

S. 2690. An act to reaffirm the reference to one Nation under God in the Pledge of Allegiance.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 5427. An act to designate the Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, as the "Joe Skeen Federal Building".

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Small Business and Entrepreneurship, without amendment:

H.R. 2666: A bill to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a vocational and technical entrepreneurship development program. (Rept. No. 107–307).

By Mr. KERRY, from the Committee on Small Business and Entrepreneurship, with an amendment:

S. 2483: A bill to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns, and for other purposes. (Rept. No. 107–308).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LIEBERMAN for the Committee on Governmental Affairs.

*Tony Hammond, of Virginia, to be a Commissioner of the Postal Rate Commission for the remainder of the term expiring October 14, 2004.

*Ruth Y. Goldway, of California, to be a Commissioner of the Postal Rate Commission for the term expiring November 22, 2008.

By Mr. KENNEDY for the Committee on Health, Education, Labor, and Pensions.

*Mark B. McClellan, of the District of Columbia, to be Commissioner of Food and Drugs, Department of Health and Human Services.

By Mr. INOUYE for the Committee on Indian Affairs.

*Quanah Crossland Stamps, of Virginia, to be Commissioner of the Administration for Native Americans, Department of Health and Human Services.

*Philip N. Hogen, of South Dakota, to be Chairman of the National Indian Gaming Commission for the term of three years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. FRIST (for himself and Mr. KENNEDY):

S. 3083. A bill to amend the Public Health Service Act to extend the Advisory Council on Graduate Medical Education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FRIST:

S. 3084. A bill to provide for the conduct of a study concerning health services research; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEVIN (for himself and Ms. STABENOW):

S. 3085. A bill to provide for expansion of Sleeping Bear Dunes National Lakeshore; to the Committee on Energy and Natural Resources.

By Mrs. LINCOLN (for herself and Mr. BINGAMAN):

S. 3086. A bill to amend title XVIII of the Social Security Act to provide coverage under the medicare program for diabetes laboratory diagnostic tests and other services to screen for diabetes; to the Committee on Finance.

By Mr. JOHNSON (for himself and Mr. DASCHLE):

S. 3087. A bill to make adjustments to the method of determining eligibility for impact aid funds for heavily impacted local educational agencies, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. LANDRIEU:

S. 3088. A bill to provide pay protection for members of the Reserve and the National Guard, and for other purposes; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD (for himself and Mr. STEVENS):

S. Res. 337. A resolution authorizing the printing with illustrations of a document entitled "Committee on Appropriations, United States Senate, 135th Anniversary, 1867–2002"; considered and agreed to.

By Mr. HUTCHINSON:

S. Con. Res. 151. A concurrent resolution expressing the sense of Congress that the Federal Government and the States should make it a priority to ensure a stable, quality direct support workforce that provides services and supports for individuals with mental retardation and other developmental disabilities; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 321

At the request of Mr. GRASSLEY, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 321, a bill to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicaid program for such children, and for other purposes.

S. 724

At the request of Mr. BOND, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 724, a bill to amend title XXI of the Social Security Act to provide for coverage of pregnancy-related assistance for targeted low-income pregnant women.

S. 913

At the request of Ms. SNOWE, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 913, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of all oral anticancer drugs.

S. 1966

At the request of Mr. BIDEN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1966, a bill to educate health professionals concerning substance abuse and addiction.

S. 2122

At the request of Mrs. CARNAHAN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2122, a bill to provide for an increase in funding for research on uterine fibroids through the National Institutes of Health, and to provide for a program to provide information and education to the public on such fibroids.

S. 2821

At the request of Mr. FRIST, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2821, a bill to establish grants to provide health services for improved nutrition, increased physical activity, obesity prevention, and for other purposes.

S. 2903

At the request of Mr. JOHNSON, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 2903, a bill to amend title 38, United States Code, to provide for a guaranteed adequate level of funding for veterans health care.

S. 2922

At the request of Ms. LANDRIEU, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from New Hampshire (Mr. SMITH), and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 2922, a bill to facilitate the deployment of wireless telecommunications networks in order to further the availability of the Emergency Alert System, and for other purposes.

S. 2968

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 2968, a bill to amend the American Battlefield Protection Act of 1996 to authorize the Secretary of the Interior to establish a battlefield acquisition grant program.

S. 3009

At the request of Mr. WELLSTONE, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of S. 3009, a bill to provide economic security for America's workers.

S. 3018

At the request of Mr. BAUCUS, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 3018, a bill to amend title XVIII of the Social Security Act to enhance beneficiary access to quality health care services under the medicare program, and for other purposes..

S. 3032

At the request of Mr. SARBANES, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 3032, a bill to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance programs under those Acts, and for other purposes.

S. 3054

At the request of Mr. LIEBERMAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 3054, a bill to provide for full voting representation in Congress for the citizens of the District of Columbia, and for other purposes.

S. 3070

At the request of Mr. AKAKA, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 3070, a bill to authorize appropriations for the Merit Systems Protection Board and the Office of Special Counsel, and for other purposes.

S. 3081

At the request of Mr. JOHNSON, the name of the Senator from Montana

(Mr. BAUCUS) was added as a cosponsor of S. 3081, a bill to amend the Internal Revenue Code of 1986 to suspend the tax-exempt status of designated terrorist organizations, and for other purposes.

S.J. RES. 46

At the request of Mr. LIEBERMAN, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S.J. Res. 46, a joint resolution to authorize the use of United States Armed Forces against Iraq.

S.J. RES. 49

At the request of Mr. AKAKA, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S.J. Res. 49, a joint resolution recognizing the contributions of Patsy Takemoto Mink.

S. RES. 266

At the request of Mr. JEFFORDS, his name was added as a cosponsor of S. Res. 266, a resolution designating October 10, 2002, as "Put the Brakes on Fatalities Day".

S. RES. 307

At the request of Mr. TORRICELLI, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. Res. 307, a resolution reaffirming support of the Convention on the Prevention and Punishment of the Crime of Genocide and anticipating the commemoration of the 15th anniversary of the enactment of the Genocide Convention Implementation Act of 1987 (the Proxmire Act) on November 4, 2003.

S. CON. RES. 3

At the request of Mr. FEINGOLD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Con. Res. 3, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S. CON. RES. 138

At the request of Mr. REID, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. Con. Res. 138, a concurrent resolution expressing the sense of Congress that the Secretary of Health and Human Services should conduct or support research on certain tests to screen for ovarian cancer, and Federal health care programs and group and individual health plans should cover the tests if demonstrated to be effective, and for other purposes.

S. CON. RES. 148

At the request of Mr. BROWNBACK, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from North Dakota (Mr. DORGAN), the Senator from California (Mrs. FEINSTEIN), the Senator from Missouri (Mr. BOND), and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. Con. Res. 148, a concurrent resolution recognizing the significance of bread in American history, culture, and daily diet.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FRIST (for himself and Mr. KENNEDY):

S. 3083. A bill to amend the Public Health Service Act to extend the Advisory Council on Graduate Medical Education; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRIST. Mr. President, I rise today to introduce legislation with Senator KENNEDY to extend the authorization time for an advisory council for graduate medical education. The Council on Graduate Medical Education, COGME, was created by Congress in 1986 to provide an ongoing assessment of physician workforce trends, training issues and financing policies, and to recommend appropriate Federal and private sector efforts to address identified needs. The legislation calls for COGME to advise and make recommendations to the Secretary of the U.S. Department of Health and Human Services, the Senate Committee on Health, Education, Labor and Pensions, and the House of Representatives Committee on Commerce. In 1998, when we re-authorized Title 7 programs, we re-authorized the Council through September 30, 2002.

Unfortunately, we have not been able to fully review all of the programs outlined in Title 7, including COGME. To give our Committee the additional time to review this council, I am introducing legislation today with Senator KENNEDY to extend the time period for its authorization until the end of fiscal year 2003.

By Mr. FRIST:

S. 3084. A bill to provide for the conduct of a study concerning health services research; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRIST. Mr. President, I rise today to introduce legislation to authorize an Institute of Medicine study to examine the field of health services research. The health services research is the primary source of information for policy makers, payers, managers, providers and the public concerning the organization, financing and performance of the American health care system. the Agency for Healthcare Research and Quality, AHRQ, is the lead Federal agency in this effort. However, many other federal partners, most institutes at the National Institutes of Health, the Centers for Disease Control and Prevention, the Health Resources and Services Administration, the Centers for Medicare & Medicaid Services, the Department of Veterans Affairs and the Department of Defense, fund and use health services research extensively to advance their mission. The American health care system is facing significant problems with rapidly rising costs, a staggering number of uninsured, racial and ethic disparities, and a compelling need for safer, higher quality care. In the post-September 11 environment, we add the need to assure adequate public health systems and emergency response capacity in hospitals. In this challenging environment, I am increasingly concerned that the information needed from research to address current and future problems in the American health care system may not be available when needed. Therefore, I am introducing legislation today that requests AHRQ to contract with the Institute of Medicine for a report on the adequacy of the organization and financing of the field of health services research for meeting the nation's future information needs. The report should focus on the Federal role in supporting health services research, and in particular, the role of AHRQ in leading the federal effort and coordinating the complementary roles of other Federal agencies, as well as the private foundations and corporations, that conduct and fund health services research.

By Mrs. LINCOLN (for herself and Mr. BINGAMAN):

S. 3086. A bill to amend title XVIII of the Social Security Act to provide coverage under the Medicare program for diabetes laboratory diagnostic tests and other services to screen for diabetes; to the Committee on Finance.

Mrs. LINCOLN. Mr. President, I am pleased to introduce the Access to Diabetes Screening Services Act of 2002. My colleague Senator BINGAMAN joins me in introducing this important legislation. This bill will provide Medicare coverage for laboratory diagnostic tests and other services which are used to screen for diabetes.

Diabetes has reached epidemic proportions among adults in the United States. Trend data indicate that by the year 2010 more than 10 percent of all Americans will have diabetes. Even today our Nation is feeling the effects of this disease, diabetes is the Nation's sixth leading cause of death.

My own home State of Arkansas has had first-hand experience with the rising diabetes rates. Arkansas ranks fifth in the Nation for diabetes incidence. According to recent health statistics, diabetes is the seventh leading cause of death for Arkansans. Recent studies show that 6.5 percent of all Arkansas adults have diagnosed diabetes, and over 1 million Arkansans are at risk for undiagnosed diabetes.

These rising rates are especially evident among our aging population. Currently almost 7 million Americans age 65 and older, or 20 percent of seniors, have diabetes. Roughly 20 percent of seniors age 65 and older have a newly identified condition called pre-diabetes. If left untreated, pre-diabetes will develop into diabetes. An additional 40,000 people living with diabetes and end-stage renal disease under the age of 65 participate in the Medicare program.

Even more distressing is the fact that approximately one third of the 7 million seniors with diabetes, or 2.3 million people, are undiagnosed. They simply do not know that they have this very serious condition—a condition whose complications include heart disease, stroke, vision loss and blindness, amputations, and kidney disease.

Those in the medical community and the federal government are only too aware of the rising prevalence and serious nature of diabetes. The Centers for Disease Control, National Institutes of Health, and the Department of Health and Human Services have recently joined together in a national education campaign to inform people about diabetes and encourage people age 45 and older to get screened for diabetes.

Unfortunately, current law does not allow Medicare to reimburse for diabetes testing, even if a patient presents a physician with serious risk factors for diabetes such as obesity, high blood pressure, or high cholesterol. Most shockingly, even if a patient is experiencing early evidence of diabetes complications like blindness and kidney disease, Medicare still cannot reimburse for diabetes testing.

This nonsensical omission of diabetes screening coverage is even more shocking in light of the fact that about 25 percent of the Medicare budget currently is devoted to providing medical care to seniors living with diabetes. In 1999, Arkansas spent $1.6 billion on direct and indirect costs of diabetes. Why would we continue to constantly react to the disease in this manner, instead of proactively providing screening for our Medicare beneficiaries? This screening can identify the disease, even before any symptoms have appeared, and has the potential to save and improve thousands of lives.

The American Association of Clinical Endocrinologists strongly believes that patients with diabetes should be identified as early as possible in their illness. We have the technology to do this through screening.

I cannot overstate the need for this legislation. When faced with the rising prevalence of diabetes, the high percentage of seniors who already have the disease, the alarmingly high number of seniors who have diabetes but do not know it yet, and the high cost associated with its treatment, it is obvious that Medicare should provide coverage for diabetes screening.

The American Diabetes Association has identified Medicare screening coverage as their top legislative priority, and I have worked closely with them to craft this legislation. I urge all of my colleagues to give serious consideration to the Diabetes Screening Act of 2002.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 337—AUTHORIZING THE PRINTING WITH ILLUSTRATIONS OF A DOCUMENT ENTITLED "COMMITTEE ON APPROPRIATIONS, UNITED STATES SENATE, 135TH ANNIVERSARY, 1867-2002"

Mr. BYRD (for himself and Mr. STEVENS) submitted the following resolution; which was considered and agreed to:

S. RES. 337

Resolved, That there be printed with illustrations as a Senate document a compilation of materials entitled "Committee on Appropriations, United States Senate, 135th Anniversary, 1867-2002", and that there be printed two thousand additional copies of such document for the use of the Committee on Appropriations.

SENATE CONCURRENT RESOLUTION 151—EXPRESSING THE SENSE OF CONGRESS THAT THE FEDERAL GOVERNMENT AND THE STATES SHOULD MAKE IT A PRIORITY TO ENSURE A STABLE, QUALITY DIRECT SUPPORT WORKFORCE THAT PROVIDE SERVICES AND SUPPORTS FOR INDIVIDUALS WITH MENTAL RETARDATION AND OTHER DEVELOPMENTAL DISABILITIES

Mr. HUTCHINSON submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 151

Whereas there are more than 8,000,000 Americans who have mental retardation or other developmental disabilities;

Whereas individuals with developmental disabilities include those with mental retardation, autism, cerebral palsy, Down's syndrome, epilepsy, and other related conditions;

Whereas individuals with mental retardation or other developmental disabilities have a continuous need for individually planned and coordinated services due to substantial limitations on their functional capacities, including limitations in at least 2 of the areas of self-care, receptive and expressive language, learning, mobility, self-direction, independent living, and economic self-sufficiency;

Whereas for the past 2 decades individuals with mental retardation or other developmental disabilities and their families have increasingly expressed a desire to live and work in their communities and to join the mainstream of American life;

Whereas the Supreme Court, in *Olmstead* v. *L.C.*, 527 U.S. 581 (1999), affirmed the right of individuals with mental retardation or other developmental disabilities to receive community-based services as an alternative to institutional care;

Whereas the demand for community supports and services is rapidly growing, as States comply with *Olmstead* and continue to move more individuals from institutions into the community;

Whereas the demand for community supports and services will also continue to grow as family caregivers age, waiting lists grow, individuals with mental retardation or other developmental disabilities live longer, and services for such individuals expand;

Whereas our Nation's long-term care delivery system is dependent upon a disparate array of public and private funding sources, and is not a conventional industry, but rather is financed primarily through third-party insurers;

Whereas Medicaid financing of supports and services to individuals with mental retardation or other developmental disabilities varies considerably from State to State, causing significant disparities across geographic regions, among differing groups of consumers, and between community and institutional supports;

Whereas aside from families, private providers that employ direct support professionals deliver the majority of supports and services for individuals with mental retardation or other developmental disabilities in the community;

Whereas direct support professionals provide a wide range of supportive services to individuals with mental retardation or other developmental disabilities on a day-to-day basis, including habilitation, health care, personal care and hygiene, employment, transportation, recreation, housekeeping, and other home management-related supports and services that enable these individuals to live and work in their communities;

Whereas direct support professionals generally assist individuals with mental retardation or other developmental disabilities to lead a self-directed family, community, and social life;

Whereas private providers and the individuals for whom they provide supports and services are in jeopardy as a result of the growing crisis in recruiting and retaining a direct support workforce;

Whereas providers of supports and services to individuals with mental retardation or other developmental disabilities typically draw from a labor market that competes with other entry-level jobs that provide less physically and emotionally demanding work as well as higher pay and other benefits, and therefore these direct support jobs are not currently competitive in today's labor market;

Whereas annual turnover rates of direct support workers range from 40 to 75 percent;

Whereas high rates of employee vacancies and turnover threaten the ability of providers to achieve their core mission, which is the provision of safe and high-quality supports to individuals with mental retardation or other developmental disabilities;

Whereas direct support staff turnover is emotionally difficult for the individuals being served;

Whereas many parents are becoming increasingly afraid that there will be no one available to take care of their sons and daughters with mental retardation or other developmental disabilities who are living in the community; and

Whereas this workforce shortage is the most significant barrier to implementing the *Olmstead* decision, undermines the expansion of community integration as called for by President George W. Bush's New Freedom Initiative, and places the community support infrastructure at risk: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SHORT TITLE.

This resolution may be cited as the "Direct Support Professional Recognition Resolution".

SEC. 2. SENSE OF CONGRESS REGARDING SERVICES OF DIRECT SUPPORT PROFESSIONALS TO INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.

It is the sense of Congress that the Federal Government and the States should work to advance our Nation's commitment to community integration for individuals with mental retardation or other developmental disabilities and to advance personal security for such individuals and their families by making it a priority to ensure a stable, quality direct support workforce that provides services and supports for such individuals.

AMENDMENTS SUBMITTED & PROPOSED

SA 4858. Mr. LEVIN submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq; which was ordered to lie on the table.

SA 4859. Mr. LEVIN submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, supra; which was ordered to lie on the table.

SA 4860. Mr. LEVIN submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, supra; which was ordered to lie on the table.

SA 4861. Mr. LEVIN submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, supra; which was ordered to lie on the table.

SA 4862. Mr. LEVIN (for himself, Mr. Reed, Mr. Bingaman, Mrs. Boxer, Ms. Mikulski, Ms. Stabenow, Mr. Akaka, and Mr. Jeffords) submitted an amendment intended to be proposed to amendment SA 4856 proposed by Mr. Lieberman (for himself, Mr. Warner, Mr. Bayh, Mr. McCain, Ms. Landrieu, Mr. McConnell, Mr. Miller, Mr. Domenici,. Mr. Edwards, Mr. Hutchinson, Mr. Johnson, Mr. Allard, Mr. Baucus, Mr. Helms, Mr. Bunning, Mr. Lott, Mr. Shelby, Mr. Thompson, and Mr. Nickles) to the joint resolution S.J. Res. 45, supra.

SA 4863. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 4586 submitted by Mr. Specter and intended to be proposed to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

SA 4864. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 4586 submitted by Mr. Specter and intended to be proposed to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4865. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 4586 submitted by Mr. Specter and intended to be proposed to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4866. Mrs. BOXER submitted an amendment intended to be proposed by her to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq; which was ordered to lie on the table.

SA 4867. Mrs. BOXER submitted an amendment intended to be proposed by her to the joint resolution S.J. Res. 45, supra; which was ordered to lie on the table.

SA 4868. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 4856 proposed by Mr. Lieberman (for himself, Mr. Warner, Mr. Bayh, Mr. McCain, Ms. Landrieu, Mr. McConnell, Mr. Miller, Mr. Domenici, Mr. Edwards, Mr. Hutchinson, Mr. Johnson, Mr. Allard, Mr. Baucus, Mr. Helms, Mr. Bunning, Mr. Lott, Mr. Shelby, Mr. Thompson, and Mr. Nickles) to the joint resolution S.J. Res. 45, supra.

SA 4869. Mr. BYRD submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, supra; which was ordered to lie on the table.

SA 4870. Mr. DAYTON submitted an amendment intended to be proposed to amendment SA 4856 proposed by Mr. Lieberman (for himself, Mr. Warner, Mr. Bayh, Mr. McCain, Ms. Landrieu, Mr. McConnell, Mr. Miller, Mr. Domenici, Mr. Edwards, Mr. Hutchinson, Mr. Johnson, Mr. Allard, Mr. Baucus, Mr. Helms, Mr. Bunning, Mr. Lott, Mr. Shelby, Mr. Thompson, and Mr. Nickles) to the joint resolution S.J. Res. 45, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4858. Mr. LEVIN submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq; which was ordered to lie on the table; as follows:

Strike the matter proposed to be inserted and insert the following:

SECTION. 1. SHORT TITLE.

This joint resolution may be cited as the "Multilateral Use of Force Authorization Act of 2002".

SEC. 2. CONGRESSIONAL POLICY FOR UNITED NATIONS SECURITY COUNCIL ACTION ON IRAQ.

Congress—

(1) supports the President's call for the United Nations to address the threat to international peace and security posed by Saddam Hussein's continued refusal to meet Iraq's obligations under resolutions of the United Nations Security Council to accept the destruction, removal, or rendering harmless of its weapons of mass destruction, nuclear weapons-usable material, ballistic missiles with a range in excess of 150 kilometers, and related facilities, and to cease the development, production, or acquisition of such weapons, materials, and missiles;

(2) urges the United Nations Security Council to adopt promptly a resolution that would—

(A) demand that Iraq provide immediate, unconditional, and unrestricted access of the United Nations weapons inspectors so that Iraq's weapons of mass destruction, nuclear weapons-usable material, ballistic missiles with a range in excess of 150 kilometers, and related facilities are destroyed, removed, or rendered harmless; and

(B) authorize the use of necessary and appropriate military force by member states of the United Nations to enforce such resolution in the event that the Government of Iraq refuses to comply; and

(3) affirms that, under international law and the United Nations Charter, the United States has at all times the inherent right to use military force in self-defense.

SEC. 3. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES PURSUANT TO A NEW UNITED NATIONS SECURITY COUNCIL RESOLUTION.

(a) Authorization.—Pursuant to a resolution of the United Nations Security Council described in section 2(2) that is adopted after the enactment of this joint resolution, and subject to subsection (b), the President is authorized to use the Armed Forces of the United States to destroy, remove, or render harmless Iraq's weapons of mass destruction, nuclear weapons-usable material, ballistic missiles with a range greater than 150 kilometers, and related facilities, if Iraq fails to comply with the terms of the Security Council resolution.

(b) Requirements.—Before the authority granted in subsection (a) is exercised, the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that the United States has used appropriate diplomatic and other peaceful means to obtain compliance by Iraq with a resolution of the United Nations Security Council described in section 2(2) and that those efforts have not been and are not likely to be successful in obtaining such compliance.

(c) War Powers Resolution Requirements.—

(1) Specific statutory authorization.—Consistent with section 8(a)(1) of the War Powers Resolution, Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution (22 U.S.C. 1544(b)).

(2) Applicability of other requirements.—Nothing in this joint resolution supersedes any requirement of the War Powers Resolution.

SEC. 4. REPORTS TO CONGRESS.

Not later than 60 days after the date of enactment of this joint resolution, and at least once during every 60-day period thereafter, the President shall submit to Congress a report containing a summary of the status of efforts—

(1) to have the United Nations Security Council adopt the resolution described in section 2(2); or

(2) in the case of the adoption of such resolution, to obtain compliance by Iraq with the resolution.

SA 4859. Mr. LEVIN submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq; which was ordered to lie on the table; as follows:

Strike the matter proposed to be inserted and insert the following:

SECTION. 1. SHORT TITLE.

This joint resolution may be cited as the "Multilateral Use of Force Authorization Act of 2002".

SEC. 2. CONGRESSIONAL POLICY FOR UNITED NATIONS SECURITY COUNCIL ACTION ON IRAQ.

Congress—

(1) supports the President's call for the United Nations to address the threat to international peace and security posed by Saddam Hussein's continued refusal to meet Iraq's obligations under resolutions of the United Nations Security Council to accept the destruction, removal, or rendering harmless of its weapons of mass destruction, nuclear weapons-usable material, ballistic missiles with a range in excess of 150 kilometers, and related facilities, and to cease the development, production, or acquisition of such weapons, materials, and missiles;

(2) urges the United Nations Security Council to adopt promptly a resolution that would—

(A) demand that Iraq provide immediate, unconditional, and unrestricted access of the

United Nations weapons inspectors so that Iraq's weapons of mass destruction, nuclear weapons-usable material, ballistic missiles with a range in excess of 150 kilometers, and related facilities are destroyed, removed, or rendered harmless; and

(B) authorize the use of necessary and appropriate military force by member states of the United Nations to enforce such resolution in the event that the Government of Iraq refuses to comply;

(3) affirms that, under international law and the United Nations Charter, the United States has at all times the inherent right to use military force in self-defense; and

(4) will not adjourn sine die this year and will return to session at any time before the next Congress convenes to consider promptly proposals relative to Iraq if in the judgment of the President the United Nations Security Council fails to adopt or enforce the resolution described in paragraph (2).

SEC. 3. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES PURSUANT TO A NEW UNITED NATIONS' SECURITY COUNCIL RESOLUTION.

(a) AUTHORIZATION.—Pursuant to a resolution of the United Nations Security Council described in section 2(2) that is adopted after the enactment of this joint resolution, and subject to subsection (b), the President is authorized to use the Armed Forces of the United States to destroy, remove, or render harmless Iraq's weapons of mass destruction, nuclear weapons-usable material, ballistic missiles with a range greater than 150 kilometers, and related facilities, if Iraq fails to comply with the terms of the Security Council resolution.

(b) REQUIREMENTS.—Before the authority granted in subsection (a) is exercised, the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that the United States has used appropriate diplomatic and other peaceful means to obtain compliance by Iraq with a resolution of the United Nations Security Council described in section 2(2) and that those efforts have not been and are not likely to be successful in obtaining such compliance.

(c) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution (22 U.S.C. 1544(b)).

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this joint resolution supersedes any requirement of the War Powers Resolution.

SEC. 4. REPORTS TO CONGRESS.

Not later than 60 days after the date of enactment of this joint resolution, and at least once during every 60-day period thereafter, the President shall submit to Congress a report containing a summary of the status of efforts—

(1) to have the United Nations Security Council adopt the resolution described in section 2(2); or

(2) in the case of the adoption of such resolution, to obtain compliance by Iraq with the resolution.

SA 4860. Mr. LEVIN submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq; which was ordered to lie on the table; as follows:

Strike the matter proposed to be inserted and insert the following:

SECTION. 1. SHORT TITLE.

This joint resolution may be cited as the "Multilateral Use of Force Authorization Act of 2002".

SEC. 2. CONGRESSIONAL POLICY FOR UNITED NATIONS SECURITY COUNCIL ACTION ON IRAQ.

Congress—

(1) supports the President's call for the United Nations to address the threat to international peace and security posed by Saddam Hussein's continued refusal to meet Iraq's obligations under resolutions of the United Nations Security Council to accept the destruction, removal, or rendering harmless of its weapons of mass destruction, nuclear weapons-usable material, ballistic missiles with a range in excess of 150 kilometers, and related facilities, and to cease the development, production, or acquisition of such weapons, materials, and missiles;

(2) urges the United Nations Security Council to adopt promptly a resolution that—

(A) demands that Iraq provide immediate, unconditional, and unrestricted access of the United Nations weapons inspectors so that Iraq's weapons of mass destruction, nuclear weapons-usable material, ballistic missiles with a range in excess of 150 kilometers, and related facilities are destroyed, removed, or rendered harmless; and

(B) authorizes the use of necessary and appropriate military force by member states of the United Nations to enforce such resolution in the event that the Government of Iraq refuses to comply;

(3) affirms that, under international law and the United Nations Charter, the United States has at all times the inherent right to use military force in self-defense; and

(4) will not adjourn sine die this year and will return to session at any time before the next Congress convenes to consider promptly proposals relative to Iraq if in the judgment of the President the United Nations Security Council fails to adopt the resolution described in paragraph (2).

SEC. 3. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES PURSUANT TO A NEW UNITED NATIONS SECURITY COUNCIL RESOLUTION.

(a) AUTHORIZATION.—Pursuant to a resolution of the United Nations Security Council described in section 2(2) that is adopted after the enactment of this joint resolution, and subject to subsection (b), the President is authorized to use the Armed Forces of the United States to destroy, remove, or render harmless Iraq's weapons of mass destruction, nuclear weapons-usable material, ballistic missiles with a range greater than 150 kilometers, and related facilities, if Iraq fails to comply with the terms of the Security Council resolution.

(b) REQUIREMENTS.—Before the authority granted in subsection (a) is exercised, the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that the United States has used appropriate diplomatic and other peaceful means to obtain compliance by Iraq with a resolution of the United Nations Security Council described in section 2(2) and that those efforts have not been and are not likely to be successful in obtaining such compliance.

(c) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution (22 U.S.C. 1544(b)).

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this joint resolution supersedes any requirement of the War Powers Resolution.

SEC. 4. REPORTS TO CONGRESS.

Not later than 60 days after the date of enactment of this joint resolution, and at least once during every 60-day period thereafter, the President shall submit to Congress a report containing a summary of the status of efforts—

(1) to have the United Nations Security Council adopt the resolution described in section 2(2); or

(2) in the case of the adoption of such resolution, to obtain compliance by Iraq with the resolution.

SA 4861. Mr. LEVIN submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq; which was ordered to lie on the table; as follows:

Strike the matter proposed to be inserted and insert the following:

SECTION. 1. SHORT TITLE.

This joint resolution may be cited as the "Multilateral Use of Force Authorization Act of 2002".

SEC. 2. CONGRESSIONAL POLICY FOR UNITED NATIONS SECURITY COUNCIL ACTION ON IRAQ.

Congress—

(1) supports the President's call for the United Nations to address the threat to international peace and security posed by Saddam Hussein's continued refusal to meet Iraq's obligations under resolutions of the United Nations Security Council to accept the destruction, removal, or rendering harmless of its weapons of mass destruction, nuclear weapons-usable material, ballistic missiles with a range in excess of 150 kilometers, and related facilities, and to cease the development, production, or acquisition of such weapons, materials, and missiles;

(2) urges the United Nations Security Council to adopt promptly a resolution that—

(A) demands that Iraq provide immediate, unconditional, and unrestricted access of the United Nations weapons inspectors so that Iraq's weapons of mass destruction, nuclear weapons-usable material, ballistic missiles with a range in excess of 150 kilometers, and related facilities are destroyed, removed, or rendered harmless; and

(B) authorizes the use of necessary and appropriate military force by member states of the United Nations to enforce such resolution in the event that the Government of Iraq refuses to comply; and

(3) affirms that, under international law and the United Nations Charter, the United States has at all times the inherent right to use military force in self-defense.

SEC. 3. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES PURSUANT TO A NEW UNITED NATIONS SECURITY COUNCIL RESOLUTION.

(a) AUTHORIZATION.—Pursuant to a resolution of the United Nations Security Council described in section 2(2) that is adopted after the enactment of this joint resolution, and subject to subsection (b), the President is authorized to use the Armed Forces of the United States to destroy, remove, or render harmless Iraq's weapons of mass destruction, nuclear weapons-usable material, ballistic missiles with a range greater than 150 kilometers, and related facilities, if Iraq fails to comply with the terms of the Security Council resolution.

(b) REQUIREMENTS.—Before the authority granted in subsection (a) is exercised, the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that the United States has used appropriate diplomatic and other peaceful means to obtain compliance by Iraq with a resolution of the United Nations Security Council described in section 2(2) and that those efforts have not been and are not likely to be successful in obtaining such compliance.

(c) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution (22 U.S.C. 1544(b)).

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this joint resolution supersedes any requirement of the War Powers Resolution.

SEC. 4. REPORTS TO CONGRESS.

Not later than 60 days after the date of enactment of this joint resolution, and at least once during every 60-day period thereafter, the President shall submit to Congress a report containing a summary of the status of efforts—

(1) to have the United Nations Security Council adopt the resolution described in section 2(2); or

(2) in the case of the adoption of such resolution, to obtain compliance by Iraq with the resolution.

SA 4862. Mr. LEVIN (for himself, Mr. REED, Mr. BINGAMAN, Mrs. BOXER, Ms. MIKULSKI, Ms. STABENOW, Mr. AKAKA, and Mr. JEFFORDS) submitted an amendment intended to be proposed to amendment SA 4856 proposed by Mr. LIEBERMAN (for himself, Mr. WARNER, Mr. BAYH, Mr. MCCAIN, Ms. LANDRIEU, Mr. MCCONNELL, Mr. MILLER, Mr. DOMENICI, Mr. EDWARDS, Mr. HUTCHINSON, Mr. JOHNSON, Mr. ALLARD, Mr. BAUCUS, Mr. HELMS, Mr. BUNNING, Mr. LOTT, Mr. SHELBY, Mr. THOMPSON, and Mr. NICKLES) to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq; as follows:

In lieu of the matter proposed to be inserted by the amendment, insert the following:

SECTION. 1. SHORT TITLE.

This joint resolution may be cited as the "Multilateral Use of Force Authorization Act of 2002".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) In accordance with United Nations Security Council Resolution 687 (1991), Iraq made a commitment—

(A) to destroy, remove, or render harmless all chemical and biological weapons and stocks of agents and all related subsystems and components and all research, development, support, and manufacturing facilities related thereto;

(B) to destroy, remove, or render harmless all ballistic missiles with a range greater than 150 kilometers, and related major parts and production facilities;

(C) not to acquire or develop any nuclear weapons, nuclear-weapons-usable material, nuclear-related subsystems or components, or nuclear-related research, development, support, or manufacturing facilities; and

(D) to permit immediate on-site inspection of Iraq's biological, chemical, and missile capabilities, and assist the International Atomic Energy Agency in carrying out the destruction, removal, or rendering harmless of all nuclear-related items and in developing a plan for ongoing monitoring and verification of Iraq's compliance.

(2) The regime of Saddam Hussein consistently refused to cooperate with United Nations Special Commission weapons inspectors in Iraq between 1991 and 1998 by denying them access to crucial people, sites, and documents.

(3) On October 31, 1998, Iraq banned the United Nations weapons inspectors despite its agreement and obligation to comply with United Nations Security Council Resolution 687 (1991).

(4) Iraq continues to develop weapons of mass destruction, in violation of its commitments under United Nations Security Council Resolution 687 (1991) and subsequent resolutions, and the regime of Saddam Hussein has used weapons of mass destruction against its own people and other nations.

(5) The development of weapons of mass destruction by Iraq is a threat to the United States, to the friends and allies of the United States in the Middle East, and to international peace and security.

SEC. 3. CONGRESSIONAL POLICY FOR UNITED NATIONS SECURITY COUNCIL ACTION ON IRAQ.

Congress—

(1) supports the President's call for the United Nations to address the threat to international peace and security posed by Saddam Hussein's continued refusal to meet Iraq's obligations under resolutions of the United Nations Security Council to accept the destruction, removal, or rendering harmless of its weapons of mass destruction, nuclear weapons-usable material, ballistic missiles with a range in excess of 150 kilometers, and related facilities, and to cease the development, production, or acquisition of such weapons, materials, and missiles;

(2) urges the United Nations Security Council to adopt promptly a resolution that—

(A) demands that Iraq provide immediate, unconditional, and unrestricted access of the United Nations weapons inspectors so that Iraq's weapons of mass destruction, nuclear weapons-usable material, ballistic missiles with a range in excess of 150 kilometers, and related facilities are destroyed, removed, or rendered harmless; and

(B) authorizes the use of necessary and appropriate military force by member states of the United Nations to enforce such resolution in the event that the Government of Iraq refuses to comply;

(3) affirms that, under international law and the United Nations Charter, the United States has at all times the inherent right to use military force in self-defense; and

(4) will not adjourn sine die this year and will return to session at any time before the next Congress convenes to consider promptly proposals relative to Iraq if in the judgment of the President the United Nations Security Council fails to adopt or enforce the resolution described in paragraph (2).

SEC. 4. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES PURSUANT TO A NEW UNITED NATIONS SECURITY COUNCIL RESOLUTION.

(a) AUTHORIZATION.—Pursuant to a resolution of the United Nations Security Council described in section 3(2) that is adopted after the enactment of this joint resolution, and subject to subsection (b), the President is authorized to use the Armed Forces of the United States to destroy, remove, or render harmless Iraq's weapons of mass destruction, nuclear weapons-usable material, ballistic missiles with a range greater than 150 kilometers, and related facilities, if Iraq fails to comply with the terms of the Security Council resolution.

(b) REQUIREMENTS.—Before the authority granted in subsection (a) is exercised, the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that the United States has used appropriate diplomatic and other peaceful means to obtain compliance by Iraq with a resolution of the United Nations Security Council described in section 3(2) and that those efforts have not been and are not likely to be successful in obtaining such compliance.

(c) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution (22 U.S.C. 1544(b)).

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this joint resolution supersedes any requirement of the War Powers Resolution.

SEC. 5. REPORTS TO CONGRESS.

Not later than 60 days after the date of enactment of this joint resolution, and at least once during every 60-day period thereafter, the President shall submit to Congress a report containing a summary of the status of efforts—

(1) to have the United Nations Security Council adopt the resolution described in section 3(2); or

(2) in the case of the adoption of such resolution, to obtain compliance by Iraq with the resolution.

SA 4863. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 4586 submitted by Mr. SPECTER and intended to be proposed to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted by the amendment, insert the following:

SECTION. 1. SHORT TITLE.

This joint resolution may be cited as the "Multilateral Use of Force Authorization Act of 2002".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) In accordance with United Nations Security Council Resolution 687 (1991), Iraq made a commitment—

(A) to destroy, remove, or render harmless all chemical and biological weapons and stocks of agents and all related subsystems and components and all research, development, support, and manufacturing facilities related thereto;

(B) to destroy, remove, or render harmless all ballistic missiles with a range greater than 150 kilometers, and related major parts and production facilities;

(C) not to acquire or develop any nuclear weapons, nuclear-weapons-usable material, nuclear-related subsystems or components, or nuclear-related research, development, support, or manufacturing facilities; and

(D) to permit immediate on-site inspection of Iraq's biological, chemical, and missile capabilities, and assist the International Atomic Energy Agency in carrying out the destruction, removal, or rendering harmless of all nuclear-related items and in developing a plan for ongoing monitoring and verification of Iraq's compliance.

(2) The regime of Saddam Hussein consistently refused to cooperate with United Nations Special Commission weapons inspectors in Iraq between 1991 and 1998 by denying them access to crucial people, sites, and documents.

(3) On October 31, 1998, Iraq banned the United Nations weapons inspectors despite its agreement and obligation to comply with United Nations Security Council Resolution 687 (1991).

(4) Iraq continues to develop weapons of mass destruction, in violation of its commitments under United Nations Security Council Resolution 687 (1991) and subsequent resolutions, and the regime of Saddam Hussein has used weapons of mass destruction against its own people and other nations.

(5) The development of weapons of mass destruction by Iraq is a threat to the United States, to the friends and allies of the United States in the Middle East, and to international peace and security.

SEC. 3. CONGRESSIONAL POLICY FOR UNITED NATIONS SECURITY COUNCIL ACTION ON IRAQ.

Congress—

(1) supports the President's call for the United Nations to address the threat to international peace and security posed by Saddam Hussein's continued refusal to meet Iraq's obligations under resolutions of the United Nations Security Council to accept the destruction, removal, or rendering harmless of its weapons of mass destruction, nuclear weapons-usable material, ballistic missiles with a range in excess of 150 kilometers, and related facilities, and to cease the development, production, or acquisition of such weapons, materials, and missiles;

(2) urges the United Nations Security Council to adopt promptly a resolution that—

(A) demands that Iraq provide immediate, unconditional, and unrestricted access of the United Nations weapons inspectors so that Iraq's weapons of mass destruction, nuclear weapons-usable material, ballistic missiles with a range in excess of 150 kilometers, and related facilities are destroyed, removed, or rendered harmless; and

(B) authorizes the use of necessary and appropriate military force by member states of the United Nations to enforce such resolution in the event that the Government of Iraq refuses to comply; and

(3) affirms that, under international law and the United Nations Charter, the United States has at all times the inherent right to use military force in self-defense.

SEC. 4. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES PURSUANT TO A NEW UNITED NATIONS SECURITY COUNCIL RESOLUTION.

(a) AUTHORIZATION.—Pursuant to a resolution of the United Nations Security Council described in section 3(2) that is adopted after the enactment of this joint resolution, and subject to subsection (b), the President is authorized to use the Armed Forces of the United States to destroy, remove, or render harmless Iraq's weapons of mass destruction, nuclear weapons-usable material, ballistic missiles with a range greater than 150 kilometers, and related facilities, if Iraq fails to comply with the terms of the Security Council resolution.

(b) REQUIREMENTS.—Before the authority granted in subsection (a) is exercised, the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that the United States has used appropriate diplomatic and other peaceful means to obtain compliance by Iraq with a resolution of the United Nations Security Council described in section 3(2) and that those efforts have not been and are not likely to be successful in obtaining such compliance.

(c) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution (22 U.S.C. 1544(b)).

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this joint resolution supersedes any requirement of the War Powers Resolution.

SEC. 5. REPORTS TO CONGRESS.

Not later than 60 days after the date of enactment of this joint resolution, and at least once during every 60-day period thereafter, the President shall submit to Congress a report containing a summary of the status of efforts—

(1) to have the United Nations Security Council adopt the resolution described in section 3(2); or

(2) in the case of the adoption of such resolution, to obtain compliance by Iraq with the resolution.

SA 4864. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 4586 submitted by Mr. SPECTER and intended to be proposed to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, strike lines 19 through 23 and insert the following:

(1) defend the national security of the United States against an imminent threat posed by Iraq's weapons of mass destruction; and

(2) enforce paragraphs (8) through (13) of United Nations Security Council Resolution 687 (1991).

SA 4865. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 4586 submitted by Mr. SPECTER and intended to be proposed to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, line 20, strike "the continuing threat posed by Iraq" and insert "an imminent threat posed by Iraq's weapons of mass destruction".

SA 4866. Mrs. BOXER submitted an amendment intended to be proposed by her to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq; which was ordered to lie on the table; as follows:

On page 8, line 10, strike "or" and insert "and".

SA 4867. Mrs. BOXER submitted an amendment intended to be proposed by her to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq; which was ordered to lie on the table; as follows:

At the end, insert the following:

SEC. . TWO-PARENT FAMILIES IN COMBAT.

In families with minor children where both parents serve on active duty in the Armed Forces or where both parents are members of the National Guard or Reserves, the Secretary of Defense shall make every effort to ensure that not more than one of the parents is deployed in combat.

SA 4868. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 4856 proposed by Mr. LIEBERMAN (for himself, Mr. WARNER, Mr. BAYH, Mr. MCCAIN, Ms. LANDRIEU, Mr. MCCONNELL, Mr. MILLER, Mr. DOMENICI, Mr. EDWARDS, Mr. HUTCHINSON, Mr. JOHNSON, Mr. ALLARD, Mr. BAUCUS, Mr. HELMS, Mr. BUNNING, Mr. LOTT, Mr. SHELBY, Mr. THOMPSON, and Mr. NICKLES) to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq; as follows:

At the appropriate place, insert the following:

SEC. 5. STATUTORY CONSTRUCTION.

Nothing in this joint resolution—

(1) is intended to alter the constitutional authorities of the Congress to declare war, grant letters of Marque and Reprisal, or other authorities invested in Congress by Section 8, Article 1 of the Constitution; or

(2) shall be construed as granting any authority to the President to use the United States Armed Forces for any purpose not directly related to a clear threat of imminent, sudden, and direct attack upon the United States, its possessions or territories, or the Armed Forces of the United States, unless the Congress of the United States otherwise authorizes.

SA 4869. Mr. BYRD submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 5. TERMINATION OF THE AUTHORIZATION FOR THE USE OF THE UNITED STATES ARMED FORCES.

(a) IN GENERAL.—The authorization in section 3(a) shall terminate 12 months after the date of enactment of this joint resolution, except that the President may extend, for a period or periods of 12 months each, such authorization if—

(1) the President determines and certifies to Congress for each such period, not later than 60 days before the date of termination of the authorization, that the extension is necessary for ongoing or impending military operations against Iraq under section 3(a); and

(2) the Congress does not enact into law, before the extension of the authorization, a joint resolution disapproving the extension of the authorization for the additional 12-month period.

(b) CONGRESSIONAL REVIEW PROCEDURES.—

(1) IN GENERAL.—For purposes of subsection (a)(2), a joint resolution described in paragraph (2) shall be considered in the Senate and the House of Representatives in accordance with the procedures applicable to joint resolutions under paragraphs (3) through (8) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98–473; 98 Stat. 1936–1937), except that—

(A) references in those provisions to the Committee on Appropriations of the House of Representatives shall be deemed to be references to the Committee on International Relations of the House of Representatives; and

(B) references in those provisions to the Committee on Appropriations of the Senate shall be deemed to be references to the Committee on Foreign Relations of the Senate.

(2) JOINT RESOLUTION DEFINED.—For purposes of paragraph (1), the term "joint resolution" means only a joint resolution introduced after the date on which the certification of the President under subsection (a)(1) is received by Congress, the matter after the resolving clause of which is as follows: "That, pursuant to section 5 of the Authorization for the Use of Military Force Against Iraq, the Congress disapproves the extension of the authorization under section 3(a) of that joint resolution for the additional 12-month period specified in the certification of the President to the Congress dated .", with the blank filled in with the appropriate date.

SA 4870. Mr. DAYTON submitted an amendment intended to be proposed to amendment SA 4856 proposed by Mr. LIEBERMAN (for himself, Mr. WARNER, Mr. BAYH, Mr. MCCAIN, Ms. LANDRIEU, Mr. MCCONNELL, Mr. MILLER, Mr. DOMENICI, Mr. EDWARDS, Mr. HUTCHINSON, Mr. JOHNSON, Mr. ALLARD, Mr. BAUCUS, Mr. HELMS, Mr. BUNNING, Mr. LOTT, Mr. SHELBY, Mr. THOMPSON, and Mr. NICKLES) to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq; which was ordered to lie on the table; as follows:

Strike all after "SECTION 1." and insert the following:

SHORT TITLE.

This joint resolution may be cited as the "Disarm Iraq Act of 2002".

SEC. 2. FINDINGS.

(1) Since in 1990 in response to Iraq's war of aggression against and illegal occupation of Kuwait, the United States forged a coalition of nations to liberate Kuwait and its people in order to defend the national security of the United States and enforce United Nations Security Council resolutions relating to Iraq.

(2) Since after the liberation of Kuwait in 1991, Iraq entered into a United Nations sponsored cease-fire agreement pursuant to which Iraq unequivocally agreed, among other things, to eliminate its nuclear, biological, and chemical weapons programs and the means to deliver and develop them, and to end its support for international terrorism.

(3) Since the efforts of international weapons inspectors, United States intelligence agencies, and Iraqi defectors led to the discovery that Iraq had large stockpiles of chemical weapons and a large scale biological weapons program, and that Iraq had an advanced nuclear weapons development program that was much closer to producing a nuclear weapon than intelligence reporting had previously indicated.

(4) Since Iraq, in direct and flagrant violation of the cease-fire, attempted to thwart the efforts of weapons inspectors to identify and destroy Iraq's weapons of mass destruction stockpiles and development capabilities, which finally resulted in the withdrawal of inspectors from Iraq on October 31, 1998.

(5) Since in 1998 Congress concluded that Iraq's continuing weapons of mass destruction programs threatened vital United States interests and international peace and security, declared Iraq to be in "material and unacceptable breach of its international obligations" and urged the President "to take appropriate action, in accordance with the Constitution and relevant laws of the United States, to bring Iraq into compliance with its international obligations" (Public Law 105–235).

(6) Since Iraq both poses a continuing threat to the national security of the United States and international peace and security in the Persian Gulf region and remains in material and unacceptable breach of its international obligations by, among other things, continuing to possess and develop a significant chemical and biological weapons capability, actively seeking a nuclear weapons capability, and supporting and harboring terrorist organizations.

(7) Since Iraq persists in violating resolutions of the United Nations Security Council by continuing to engage in brutal repression of its civilian population thereby threatening international peace and security in the region, by refusing to release, repatriate, or account for non-Iraqi citizens wrongfully detained by Iraq, including an American serviceman, and by failing to return property wrongfully seized by Iraq from Kuwait.

(8) Since the current Iraqi regime has demonstrated its capability and willingness to use weapons of mass destruction against other nations and its own people.

(9) Since the current Iraqi regime has demonstrated its continuing hostility toward, and willingness to attack, the United States, including by attempting in 1993 to assassinate former President Bush and by firing on many thousands of occasions on United States and Coalition Armed Forces engaged in enforcing the resolutions of the United Nations Security Council.

(10) Since members of al Qaida, an organization bearing responsibility for attacks on the United States, its citizens, and interests, including the attacks that occurred on September 11, 2001, are known to be in Iraq.

(11) Since Iraq continues to aid and harbor other international terrorist organizations, including organizations that threaten the lives and safety of American citizens.

(12) Since the attacks on the United States of September 11, 2001, underscored the gravity of the threat posed by the acquisition of weapons of mass destruction by international terrorist organizations.

(13) Since Iraq's demonstrated capability and willingness to use weapons of mass destruction, the risk that the current Iraqi regime will either employ those weapons to launch a surprise attack against the United States or its Armed Forces or provide them to international terrorists who would do so, and the extreme magnitude of harm that would result to the United States and its citizens from such an attack, combine to justify action by the United States to defend itself.

(14) Since United Nations Security Council Resolution 678 authorizes the use of all necessary means to enforce United Nations Security Council Resolution 660 and subsequent relevant resolutions and to compel Iraq to cease certain activities that threaten international peace and security, including the development of weapons of mass destruction and refusal or obstruction of United Nations weapons inspections in violation of United Nations Security Council Resolution 687, repression of its civilian population in violation of United Nations Security Council Resolution 688, and threatening its neighbors or United Nations operations in Iraq in violation of United Nations Security Council Resolution 949.

(15) Since Congress in the Authorization of Use of Military Force Against Iraq Resolution (Public Law 102–1) has authorized the President "to use United States Armed Forces pursuant to United Nations Security Council Resolution 678 (1990) in order to achieve implementation of Security Council Resolutions 660, 661, 662, 664, 665, 666, 667, 669, 670, 674, and 677".

(16) Since in December 1991, Congress expressed its sense that it "supports the use of all necessary means to achieve the goals of United Nations Security Council Resolution 687 as being consistent with the Authorization of Use of Military Force Against Iraq Resolution (Public Law 102–1)," that Iraq's repression of its civilian population violates United Nations Security Council Resolution 688 and "constitutes a continuing threat to the peace, security, and stability of the Persian Gulf region," and that Congress, "supports the use of all necessary means to achieve the goals of United Nations Security Council Resolution 688".

(17) Since the Iraq Liberation Act (Public Law 105–338) expressed the sense of Congress that it should be the policy of the United States to support efforts to remove from power the current Iraqi regime and promote the emergence of a democratic government to replace that regime.

(18) Since on September 12, 2002, President Bush committed the United States to "work with the United Nations Security Council to meet our common challenge" posed by Iraq and to "work for the necessary resolutions," while also making clear that "the Security Council resolutions will be enforced, and the just demands of peace and security will be met, or action will be unavoidable".

(19) Since the United States is determined to prosecute the war on terrorism and Iraq's ongoing support for international terrorist groups combined with its development of weapons of mass destruction in direct violation of its obligations under the 1991 cease-fire and other United Nations Security Council resolutions make clear that it is in the national security interests of the United States and in furtherance of the war on terrorism that all relevant United Nations Security Council resolutions be enforced, including through the use of force if necessary.

(20) Since Congress has taken steps to pursue vigorously the war on terrorism through the provision of authorities and funding requested by the President to take the necessary actions against international terrorists and terrorist organizations, including those nations, organizations or persons who planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001, or harbored such persons or organizations.

(21) Since the President and Congress are determined to continue to take all appropriate actions against international terrorists and terrorist organizations, including those nations, organizations or persons who planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001, or harbored such persons or organizations.

(22) Since the President has authority under the Constitution to take action in order to deter and prevent acts of international terrorism against the United States, as Congress recognized in the joint resolution on Authorization for Use of Military Force (Public Law 107-40).

(23) Since Congress, under the Constitution, has the sole authority to declare war.

SEC. 3. SUPPORT FOR UNITED STATES DIPLOMATIC EFFORTS.

The Congress of the United States supports the efforts by the President to—

(1) strictly enforce through the United Nations Security Council all relevant Security Council resolutions applicable to Iraq and encourages him in those efforts; and

(2) obtain prompt and decisive action by the Security Council to ensure that Iraq abandons its strategy of delay, evasion, and noncompliance and promptly and strictly complies with all relevant Security Council resolutions.

SEC. 4. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION.—The President is designated by the Constitution as the Commander in Chief, and is empowered to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to defend the national security of the United States against an imminent threat posed by Iraq.

(b) PREPARATION.—Congress urges the President, as Commander in Chief, to undertake all steps necessary to prepare the Armed Forces of the United States for use against Iraq, if reliance by the United States on further diplomatic or peaceful means alone either—

(1) will not adequately protect the national security of the United States against the continuing threat posed by Iraq; or

(2) is not likely to lead to enforcement of all relevant United Nations Security Council resolutions regarding Iraq.

SEC. 5. ADJOURNMENT.

The One Hundred Seventh Congress shall, upon adjournment sine die, adjourn conditionally, to reconvene immediately if the President requests a declaration of war to be voted upon.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, October 10, 2002, at 11:00 a.m. in Room 485 of the Russell Senate Office Building to conduct a Hearing on S. 2986, a bill to provide for and approve the settlement of certain land claims of the Bay Mills Indian Community, Michigan.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, October 9, 2002, at 9:30 a.m. in Executive Session to discuss pending military nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, October 9, 2002, at 10:00 a.m., to hear testimony on "The Financial War on Terrorism: New Money Trails Present Fresh Challenges."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 9, 2002, at 10 a.m., to hold a nomination hearing.

Agenda

Nominees: The Honorable John R. Hamilton, of North Carolina, to be Ambassador to the Republic of Guatemala; Mr. John F. Keane, of Virginia, to be Ambassador to the Republic of Paraguay; and the Honorable David N. Greenlee, of Maryland, to be Ambassador to the Republic of Bolivia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 9, 2002, at 10:15 a.m., to hold a hearing on 10 +10 over 10.

Agenda

Witnesses

Panel 1: The Honorable John R. Bolton, Under Secretary for Arms Control and International Security Affairs, Department of State, Washington, DC.

Panel 2: Representative from the Department of State; Representative from the Department of Defense; Representative from the Department of Energy; and Representative from the Department of the Treasury.

Panel 3: Mr. Kenneth Luongo, Executive Director, The Russian-American Nuclear Security Advisory Council, Princeton, NJ.

Additional witnesses to be announced.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in Executive Session after the first floor vote of the day during the session of the Senate on Wednesday, October 9, 2002, in SC-216. The committee will consider the nomination of Mark B. McClellan, of District of Columbia, to be Commissioner of Food and Drugs, Department of Health and Human Services.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, October 9, 2002, at 10 a.m., in room 485 of the Russell Senate Office Building to conduct a hearing on S. 2694, the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2002.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary Subcommittee on Technology, Terrorism and Government Information be authorized to meet to conduct a hearing on "Tools Against Terror: How the Administration is Implementing New Laws in the Fight To Protect Our Homeland" on Wednesday, October 9, 2002, at 10 a.m., in room 226 of the Dirksen Senate Office Building.

Witness list.

Panel I: Glenn Fine, Inspector General, Department of Justice; Alice Fisher, Deputy Assistant Attorney General, Criminal Division, Department of Justice; and Dennis Lormel, Chief, Financial Crimes Section, Federal Bureau of Investigation.

Panel II: Scott Hastings, Associate Commissioner for the Office of Information Resources Management, Immigration and Naturalization Service; Michael Cronin, Assistant Commissioner for Inspections, Immigration and Naturalization Service; Steven Edson, Acting Deputy Assistant Secretary of State for Visas, Department of State; and Benjamin Wu, Under Secretary for Technology, Department of Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, October 9, 2002, at 9:30 a.m., to hold an open hearing on the nomination of Scott M. Miller to be General Counsel at the Central Intelligence Agency.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, October 9, 2002, at 2 p.m., to hold a closed hearing with the House Permanent Select Committee on Intelligence concerning the joint inquiry into the events of September 11, 2001.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, October 9, 2002, at 2:30 p.m., to conduct an oversight hearing on "Affordable Housing Preservation."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. REID. Madam President, I ask unanimous consent that Rich Verma be granted access to the floor during the consideration of S.J. Res. 45.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I ask unanimous consent that Ed Danielson, a fellow in the office of Senator REED of Rhode Island, be granted floor privileges during the debate on S.J. Res. 45.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE

REGISTRATION OF MASS MAILINGS

The filing date for 2002 third quarter mass mailings is October 25, 2002. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510-7116.

The Public Records office will be open from 8 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224-0322.

48 HOUR NOTIFICATIONS

The Office of Public Records will be open on three successive Saturdays and Sundays from 12 noon until 4 p.m. for the purpose of accepting 48 hour notifications of contributions required by the Federal Election Campaign Act, as amended. The dates are October 19th and 20th, October 26th and 27th, November 2nd and 3rd. All principal campaign committees supporting Senate candidates in 2002 must notify the Secretary of the Senate regarding contributions of $1,000 or more if received after the 20th day, but more than 48 hours before the day of the general election. The 48 hour notifications may also be transmitted by facsimile machine. The Office of Public Records FAX number is (202) 224-1851.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar No. 10, the 1997 amendment to the Montreal Protocol; that the amendment be advanced through its parliamentary stages up to and including the presentation of the resolution of ratification, and that the Senate now vote on the resolution of ratification.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the resolution.

All of those in favor will rise and stand until counted. (After a pause.) Those opposed will rise and stand until counted.

In the opinion of the Chair, two-thirds of the Senators present and voting having voted in the affirmative, the resolution is agreed to.

The resolution of ratification reads as follows:

Resolved (two-thirds of the Senators present concurring therein),

That the Senate advise and consent to the ratification of the Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, Adopted at Montreal on September 15-17, 1997, by the Ninth Meeting of the Parties to the Montreal Protocol (Treaty Doc. 106-10).

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Executive Calendar No. 11, the amendment to the Montreal Protocol—the Beijing amendment—that amendment be advanced through its parliamentary stages up to and including the presentation of the resolution of ratification, and the Senate now vote on the resolution of ratification.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the resolution.

All those in favor of the resolution will rise and stand until counted. (After a pause.) Those opposed will rise and stand until counted.

In the opinion of the Chair, two-thirds of the Senators present and voting having voted in the affirmative, the resolution is agreed to.

The resolution of ratification reads as follows:

Resolved (two-thirds of the Senators present concurring therein),

That the Senate advise and consent to the ratification of the Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, Adopted at Beijing on December 3, 1999, by the Eleventh Meeting of the Parties to the Montreal Protocol (Treaty Doc. 106-32).

LEGISLATIVE SESSION

Mr. REID. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—H.R. 5427

Mr. REID. Mr. President, it is my understanding that H.R. 5427 is at the desk. If that is the case, I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 5427) to designate the Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, as the "Joe Skeen Federal Building."

Mr. REID. I would now ask for its second reading but object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will have its second reading on the next legislative day.

SUDAN PEACE ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 5531, which has been received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5531) to facilitate famine relief efforts and a comprehensive solution to the war in Sudan.

There being no objection, the Senate proceeded to the consideration of the bill.

Mr. REID. Mr. President, I ask unanimous consent that the act be read a third time, passed, and the motion to reconsider be laid upon the table, with no intervening action or debate; and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5531) was read the third time and passed.

AUTHORIZING THE PRINTING OF A DOCUMENT ENTITLED "COMMITTEE ON APPROPRIATIONS, UNITED STATES SENATE, 135TH ANNIVERSARY, 1867-2002"

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 337, submitted early today by Senators BYRD and STEVENS.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 337) authorizing the printing with illustrations of a document entitled "Committee on Appropriations, United States Senate, 135th Anniversary, 1867-2002."

There being no objection, the Senate proceeded to the consideration of the resolution.

Mr. REID. Mr. President, I ask unanimous consent the resolution be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 337) was agreed to, as follows:

S. RES. 337

Resolved, That there be printed with illustrations as a Senate document of compilation of material entitled "Committee on Appropriations, United States Senate, 135th Anniversary, 1867-2002", and that there be printed two thousand additional copies of such document for the use of the Committee on Appropriations.

EXPRESSION OF APPRECIATION

Mr. REID. Mr. President, first of all, I express my appreciation and that of the Senate to the Presiding Officer for being so patient and staying so late and doing double duty. We appreciate that very much. And for all the staff, we appreciate your hard work today, but get ready for tomorrow.

UNANIMOUS CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 3295

Mr. REID. Mr. President, I ask unanimous consent that, notwithstanding rule XXII, when the Senate considers the conference report to accompany H.R. 3295, election reform, it be considered under the following limitations: there be 2 hours for debate on the conference report, with the time equally divided and controlled between the chairman and ranking member of the Rules Committee, or their designees; that upon the use or yielding back of time, without further intervening action or debate, the Senate proceed to vote on adoption of the conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, OCTOBER 10, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:15 a.m., Thursday, October 10; that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceeding be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of S.J. Res. 45, under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, the next rollcall vote will occur tomorrow at 9:40 a.m. on the Byrd amendment No. 4869.

ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. REID. Mr. President, I am aware of no further business to come before the Senate. I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 11:17 p.m., adjourned until Thursday, October 10, 2002, at 9:15 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, October 9, 2002*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. ISAKSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 9, 2002.

I hereby appoint the Honorable JOHNNY ISAKSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Robert A. Thrift, St. Bernice Baptist Church, Terre Haute, Indiana, offered the following prayer:

Heavenly Father, it is indeed a privilege to share in the opening ceremony of a daily session of the Congress of the United States of America.

Yet it is an awesome privilege to come confidently into Your presence to ask for help in times like these.

We give You praise and thanksgiving for who You are, what You are like, and all You have done for us individually and collectively.

Thank You for the heritage we have as one Nation under God. Forgive us in departing from You. May we return and remain true to that heritage.

For the Members of Congress we pray that wisdom would enter each heart, that understanding would be their delight and that discretion would guard and guide them in all their deliberations.

We bring these petitions and praise You because the kingdom, all power, and all glory truly belong to You.

In Thy name, Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Washington (Mr. INSLEE) come forward and lead the House in the Pledge of Allegiance.

Mr. INSLEE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will receive 10 one-minute speeches on each side after the gentleman from Indiana (Mr. KERNS) is recognized for 1 minute.

WELCOMING THE REVEREND ROBERT A. THRIFT

(Mr. KERNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KERNS. Mr. Speaker, I am pleased today to welcome Robert A. Thrift from St. Bernice, Indiana, as our guest chaplain.

Reverend Thrift has been pastor of St. Bernice Baptist Church for 8 years. He has four wonderful children: Paul, Janie, Ann, Carrie; and seven beautiful grandchildren: Mason, Tyler, Paige, Carson, Claire, Courtney, and Cole. His son Paul and grandson Carson are, in fact, with us today.

Reverend Thrift graduated from Houston Baptist University where he received his BA. He is also a graduate of Southwestern Baptist Theological Seminary. He has been a pastor both in Texas where he was born and in Indiana where he resides with his family.

Reverend Thrift has always helped those who are less fortunate. He has assisted juveniles who had drug problems and alcohol problems, and he also spends his time giving comfort to those who have been hospitalized.

Mr. Speaker, it is a great honor for all of Indiana and myself to have Reverend Thrift present the prayer today in the United States House of Representatives.

CHILD ABDUCTION PREVENTION

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, on Monday, the House passed H.R. 5422, the Child Abduction Prevention Act. As the founder of the Congressional Caucus on Missing and Exploited Children, I would like to thank my colleagues for coming together to pass this important piece of legislation.

The provisions of a bill that I introduced, the Secret Service Child Protection Act, were included in the bill. Many people do not know this, but the Secret Service does more than protect the President. They help find missing kids. I wanted to make sure that they are able to continue assisting investigators, and I worked hard to have the Secret Service bill included in this overarching bill. The Secret Service is a key player in the effort to reunite families and to protect children.

The U.S. Secret Service provides resources, expertise, and other assistance to local law enforcement agencies and to the National Center for Missing and Exploited Children in cases involving missing and exploited children. However, even though the partnership is strong, there was a clear need to provide explicit statutory jurisdiction to the Secret Service to continue this forensic and investigative support upon request from local law enforcement or the National Center for Missing and Exploited Children. The bill that we passed on Monday will do just that.

Mr. Speaker, I thank my colleagues for working together so that we may hopefully help prevent further abduction and exploitation of children across America.

EXHAUST ALL OUR OPTIONS BEFORE WAR

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, this week I will vote against a unilateral, ill-timed, go-it-alone war on another nation.

We do not owe Saddam Hussein any more time. We do not owe him anything. But we do owe our soldiers and our Marines, our sons and our daughters, every effort to try every means before war; and it is clear that we have not yet exhausted all of our options before opening the door to war.

We will not allow the pain of last September to spread a cloud of fear that would shroud our judgment, our sense of international justice; and we must not be distracted from the war on terrorism in which we are already engaged.

We will equal the power of our Armed Forces with the force of our principles; and one of those principles is that America should lead an international coalition, not just go it alone. This is the American way.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

THE ECONOMY

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Mr. Speaker, the war debate this week is one that deserves our careful attention, but our economy does, too.

While Republicans in Congress focus on drumming up support for a preemptive strike on Iraq, our economy is faltering. The statistics tell the story, and they are staggering.

The number of Americans without health insurance rose by 1.4 million last year. It is up to 41 million now. The poverty rate rose last year for the first time since 1992. Twenty-one percent of Hispanic families are now living in poverty, and more than 2 million jobs have been lost under President Bush.

I understand that because in my own district unemployment rates are as high as 11 percent. Utility bills and the price of gasoline are increasing. Thousands of hardworking men and women have seen their retirement savings evaporate before our eyes.

Congressional Republicans are ignoring these problems. Democrats understand that we need to take charge of our economy now. Let us do it before we adjourn. Let us raise the minimum wage, and we need to pass a Medicare prescription drug benefit that lowers drug prices and covers all seniors. We need to extend unemployment benefits for those people that have lost their jobs and are now seeking some relief from our government. Let us do the right thing before we adjourn. Let us help working families.

REMARKS MADE DURING IRAQ DEBATE

(Mr. WU asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WU. Mr. Speaker, the gentleman from Indiana (Mr. HOSTETTLER) made remarks at 10:30 last night which I think are deserving of being brought back to this House in the light of day. He said, Today a novel case is being made that the best defense is a good offense, but is this a power that the Framers of the Constitution meant to pass down to their posterity when they sought to secure for us the blessings of liberty? I think not.

Then he went on to quote from the founding of our country, the very beginning, the Minutemen facing the British and the Commander John Parker, Do not fire lest fired upon, but if they mean to have a war, let it begin here.

It is a notion that is as least as old as Saint Augustus' war thesis, and it finds agreement with the Minutemen and the Framers of the Constitution. We should not turn our back today on the millennia of wisdom by proposing to send America's beautiful sons and daughters into harm's way for what might be.

These words spoken late last night deserve consideration by this body and this Nation.

ANNOUNCEMENT OF INTENTION TO OFFER A MOTION TO INSTRUCT CONFEREES ON H.R. 4546, BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

Mr. TAYLOR of Mississippi. Mr. Speaker, pursuant to clause 7(c)(1) of rule XXII, I hereby notify the House of my intention to offer a motion to instruct conferees on the national defense authorization bill which has been in conference since July 26, 2002.

The form of the motion is as follows:

Mr. TAYLOR of Mississippi moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to the bill H.R. 4546 be instructed to agree to the provisions contained in section 641 of the Senate amendment (relating to payment of retired pay and compensation to disabled military retirees).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on motions to suspend the rules on which further proceedings were postponed on Monday, October 7, in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 5542, by the yeas and nays;

H.J. Res. 113, by the yeas and nays;

H.R. 3580, by the yeas and nays;

H.R. 5557, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

BLACK LUNG CONSOLIDATION OF ADMINISTRATIVE RESPONSIBILITY ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 5542, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and pass the bill, H.R. 5542, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 404, nays 0, not voting 27, as follows:

[Roll No. 448]

YEAS—404

Abercrombie
Ackerman
Aderholt
Allen
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne

Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez
Sanders
Sandlin
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—27

Akin
Andrews
Blagojevich
Bono
Cannon
Conyers
Cooksey
Cummings
Diaz-Balart
Doggett
Doolittle
Ehrlich
Gordon
Hilleary
Houghton
Istook
Kaptur
LaFalce
Lofgren
Manzullo
Mascara
Quinn
Roukema
Sawyer
Sessions
Stump
Young (AK)

☐ 1036

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISAKSON). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic votes on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

RECOGNIZING THE CONTRIBUTIONS OF PATSY T. MINK

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the joint resolution, H.J. Res. 113, as amended.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. ISAKSON) that the House suspend the rules and agree to the joint resolution, H.J. Res. 113, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 410, nays 0, not voting 21, as follows:

[Roll No. 449]

YEAS—410

Abercrombie
Ackerman
Aderholt
Akin
Allen
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—21

Andrews
Blagojevich
Bono
Cooksey
Diaz-Balart
Ehrlich
Herger
Hilleary
Houghton
Istook
LaFalce
Leach
Lofgren
Manzullo
Mascara
Quinn
Roukema
Stump
Tiahrt
Wicker
Young (AK)

☐ 1045

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the joint resolution was amended so as to read: "Joint resolution recognizing the contributions of Patsy Takemoto Mink."

A motion to reconsider was laid on the table.

MEDICAL DEVICE USER FEE AND MODERNIZATION ACT OF 2002

The SPEAKER pro tempore (Mr. ISAKSON). The unfinished business is the question of suspending the rules and passing the bill, H.R. 3580, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. BURR) that the House suspend the rules and pass the bill, H.R. 3580, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 406, nays 3, not voting 22, as follows:

[Roll No. 450]

YEAS—406

Abercrombie
Ackerman
Aderholt
Akin
Allen
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Costello
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—3

Flake
Paul
Sensenbrenner

NOT VOTING—22

Andrews
Armey
Blagojevich
Bono
Cooksey
Cox
Davis, Tom
Diaz-Balart
Ehrlich
Hilleary
Houghton
Istook
LaFalce
Larson (CT)
Lofgren
Manzullo
Mascara
McKinney
Quinn
Roukema
Stump
Young (AK)

□ 1054

So (two-thirds have voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. LARSON of Connecticut. Mr. Speaker, on rollcall No. 450, I was unavoidably detained. Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Mr. ANDREWS. Mr. Speaker, I was unavoidably detained for the first two votes on October 9, 2002.

Had I been present, I would have voted in favor of H.R. 3580, to amend the Federal Food, Drug, and Cosmetic Act to make improvements in the regulation of medical devices, and also in favor of H.J. Res. 113, recognizing the contributions of Patsy T. Mink.

ARMED FORCES TAX FAIRNESS ACT OF 2002

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 5557.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. WELLER) that the House suspend the rules and pass the bill, H.R. 5557, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 0, not voting 19, as follows:

[Roll No. 451]

YEAS—412

Abercrombie
Ackerman
Aderholt
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McGovern
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McInnis
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McKeon
McKinney
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Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
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Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
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Peterson (PA)
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Phelps
Pickering
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Platts
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Wolf
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NOT VOTING—19

Armey
Blagojevich
Bono
Cooksey
Davis, Tom
Diaz-Balart
Ehrlich
Hilleary
Houghton
Istook
LaFalce
Lofgren
Manzullo
Mascara
Quinn
Roukema
Stump
Velázquez
Young (AK)

☐ 1104

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANAITON

Mr. MANZULLO. Mr. Speaker, please excuse my absence from the votes this morning. Had I been present I would have voted: "Yes" on H.R. 5557 (rollcall 451); "yes" on H.R. 3580 (rollcall 450); "yes" on H.J. Res. 113 (rollcall 449); and "yes" on H.R. 5542 (rollcall 448).

HOUR OF MEETING ON TOMORROW

Mr. LAHOOD. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourned to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore (Mr. ISAKSON). Is there objection to the request of the gentleman from Illinois?

There was no objection.

AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002

The SPEAKER pro tempore. Pursuant to section 3 of House Resolution 574, proceedings will now resume on the joint resolution (H.J. Res. 114) to authorize the use of United States Armed Forces against Iraq.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. When proceedings were postponed on the legislative day of Tuesday, October 8, 2002, 5 hours 50½ minutes of debate remained on the joint resolution, as amended.

The gentleman from Illinois (Mr. HYDE) has 1 hour 47 minutes remaining, the gentleman from California (Mr. LANTOS) has 1 hour 42½ minutes remaining, the gentleman from New Jersey (Mr. PAYNE) has 1 hour 21 minutes remaining, and the gentleman from Florida (Mr. GOSS) has 60 minutes remaining.

PARLIAMENTARY INQUIRY

Mr. GOSS. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. GOSS. Would the Speaker explain the rotation in the time allotments just announced?

The SPEAKER pro tempore. The Chair will first recognize the gentleman from Florida (Mr. GOSS). The Chair will then recognize whoever is ready to yield time, and then continue in the same order.

The Chair recognizes the gentleman from Florida (Mr. GOSS).

Mr. GOSS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from California (Mr. CUNNINGHAM), a member of the Permanent Select Committee on Intelligence.

Mr. CUNNINGHAM. Mr. Speaker, my colleagues and I and the other Members quite often get in very emotional debates, each believing in their position. I think that is the case with the subject that we are breaching now. I would hope to bring some light as far as to why my feelings are as strong as they are.

In New York, the Pentagon, Pennsylvania, over 3,000 men, women, and children died. That is horrific and remains a bitter taste in all Americans' lives. But imagine New York, Chicago, or Los Angeles like Nagasaki or Hiroshima. Think of the pain and the agony that we would go through. Imagine millions of Americans dying with ebola, with smallpox, anthrax, or even nerve gas, which would render generations with genetic problems.

Is it possible? Yes. Is it probable? Yes. As a member on the Committee on Intelligence, I would say it is highly probable if we wait and do nothing.

Fact: In 1981, the Israelis destroyed a nuclear plant in Iraq ready to develop weapons-grade plutonium. In 1990, right in my hometown in San Diego, Iraqis were caught with nuclear triggers on their way to Iraq.

Fact: In 2002, a small amount of weapons-grade plutonium was intercepted heading for Iraq.

Fact: Saddam Hussein does have chemical and biological weapons, and even today he denies that. We know 100 percent that he has them, and he is working towards nuclear weapons.

Saddam Hussein has been expanding the delivery systems, including pilotless aircraft. Guess what is in range of those pilotless aircraft: Turkey, Saudi Arabia, Israel, where thousands of Americans and citizens of other nations reside.

Saddam Hussein is dispersing, as we speak, and it is not just his capability with chemical and biological weapons, but he is dispersing those weapons of mass destruction to other terrorist groups.

Saddam really does not care for al Qaeda, but they have a common goal, and that is to hurt the United States.

It is a fact that Saddam pays $700 for a Palestinian that is wounded; and he pays $1,500 for a Palestinian that is wounded in a terrorist attack; and Saddam Hussein pays $25,000 to the family of someone that straps a bomb on themselves and blows up men, women, and children. Americans have been killed in Israel from suicide bombers.

Mr. Speaker, my eyes tear even 30 years later from friends that I saw die in combat. This is no simple thing. My mother was rushed to a hospital when she learned that I was shot down.

I know the horrors brought on the men and women that we will ask to go to war, but I also know the heartache and the pain of the families that are left behind. I would say to my colleagues, do we want to subject them to the horrors of war in our own country?

That is why I have this resolve. I think it is highly probable that terrorists would act against the U.S. if we do not act; and I ask my colleagues, do not let it happen.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama (Mr. CALLAHAN).

Mr. CALLAHAN. Mr. Speaker, I rise in support of the resolution.

Mr. Speaker, in doing so, I cannot minimize the gravity of its ultimate outcome—the potential deployment of American Service men and women to engage in war against our enemy. There is no more solemn responsibility, or burden, for a Member of Congress than acting to put our troops in harm's way.

I am supporting this resolution because I believe President Bush has made a solid case for acting to remove weapons of mass destruction from Iraq. He has taken the appropriate steps to achieve United Nations' support through a new Security Council resolution, and I remain hopeful this initiative will be successful. However, it is imperative that Congress give consensus to our commander in chief as he navigates through difficult diplomatic channels, and so we must give this measure a strong, favorable vote.

During my service here, I have joined my colleagues too many times to send our military personnel to war—from the gulf war to Bosnia to Afghanistan. Despite reservations, I have supported former Presidents Bush and Clinton because it is their constitutional role to make decisions involving war. We must all be nonpartisan on these issues and not support only the President of our party. To act in a partisan manner damages our Nation's credibility abroad and harms the reputation of Congress.

This will be one of my final votes in the House and it does not get any easier to act on matters of war. This vote late in my 18-year career will be one of the hardest. I am confident it is the right vote.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me first say that I know I speak for all of my colleagues across the political aisle in paying tribute to the gentleman from California (Mr. CUNNINGHAM), one of the true military heroes serving currently in the Congress of the United States.

Here is a man who participated in battles, knows the tragedy of war, but also understands that while war is horrible, appeasement brings far greater tragedies.

□ 1115

Before yielding to one of our most distinguished Members, I would like to pay tribute to every colleague yesterday who participated in this debate. The debate, Mr. Speaker, took place in a dignified, statesman-like, serious manner as befits the topic; and I want to pay tribute to every single Republican and Democratic colleague who took part in yesterday's debate, and I know today's debate will be similar in tone and tenor.

Mr. Speaker, I yield 7 minutes to the gentleman from Maryland (Mr. HOYER), my dear friend and one of the most distinguished Members of this body and one of the leaders on the Democratic side.

Mr. HOYER. Mr. Speaker, I thank my friend, the ranking member of the Committee on International Relations, for yielding me time.

Mr. Speaker, yesterday, today and tomorrow the Members of this House consider our most solemn constitutional obligation, a resolution that authorizes our Commander in Chief to use our Nation's Armed Forces. We do not savor this awesome responsibility, but we will not shrink from it either. The seriousness of this occasion dictates that we debate today not as Democrats, not as Republicans, but as Americans, Americans of conscience and principle who love their country and who are committed to the security of this Nation and its people.

This resolution in my view does not sound the drumbeat of war. Rather, it provides Saddam Hussein with his last chance for peace. I will support it. The resolution reflects the concerns and judgment of Members of this House from both sides of the aisle. It supports our diplomatic efforts, limits and defines the scope of authorization and requires the President to notify Congress before using force and to consult with Congress throughout the process.

Saddam Hussein's malevolence and expansionist designs are not in dispute. He used mustard gas and attacked civilians during his 8-year war with Iran. He attacked Kurdish villages in northern Iraq with chemical weapons. He invaded Kuwait before an international coalition repulsed him. He fired missiles at Saudi Arabia and Israel. He attempted to assassinate our own President, former President George Bush. And he has and continues to savage and enslave his own people.

Saddam Hussein is a vanquished tyrant who owes his existence to the fact that the international community did not effect his ouster in 1991. In hindsight, the cause of peace and regional stability, as well as the well-being of the Iraqi people who toil under his boot, dictated that result. Yet, like the long line of aggressors who pockmark history, Hussein has preyed on international irresolution. He disdains and refuses to submit to weapons inspections.

He continues his efforts to develop and acquire weapons of mass destruction, and he sponsors international terrorism. Saddam Hussein continues to be an unacceptable threat whose duplicity requires action, action now. Reverting to a failed inspection regime would permit hope to ignore history. Hussein is in no position to negotiate. He must provide unrestricted access to all Iraqi sites with no single compensation acceptable. And if he refuses, he must realize the consequences and realize as well that he is solely responsible for those consequences.

The United States must continue to seek the widest support for a tough inspection regime that ensures Hussein is disarmed. Unilateral action carries tremendous risk. Yet we know that international vacillation has often emboldened tyrants and compounded bloodshed and instability. In just the last decade, a halting, indecisive United Nations bore witness to genocide in the former Yugoslavia and tragically did little to stop it.

The reign of terror perpetuated by Slobodan Milosovic blazed until NATO extinguished it. Thus, in the face of tyranny, we must not allow our commitment to secure the imprimatur and participation of the international community to become the sine qua non of American policy.

The risk of inaction today in my opinion poses previously unfathomed dangers for tomorrow. The proliferation of weapons of mass destruction and the most virulent strain of terrorism which targets innocents and glories in suicidal mass murder could render national inaction a virtual death sentence to far too many.

Let there be no mistake, the United States must continue to be a leading proponent of multilateral institutions and the peaceful resolutions of disputes. However, in the absence of international unity in confronting Hussein and his criminal regime, we must not be frozen into inaction in the face of a clear and present danger.

Let me add, with all due respect to my colleagues who have expressed their sincere concern that this resolution authorizes the President to use Armed Forces preemptively, that I see a clear distinction here. We have had an ongoing engagement in Iraq since that nation agreed to terminate its hostility towards its neighbors in 1991.

Our pilots who have been fired on by Iraqi military can attest that our engagement continues. Thus, I do not agree that we are setting a possibly dangerous precedent.

Mr. Speaker, we have given and should continue to give diplomacy and international coalition-building efforts every opportunity. Saddam Hussein has chosen to ignore his obligations and to continue his dangerous designs. If he fails to seize this last chance for peace, then he will bear sole responsibility for his own destruction.

Mr. Speaker, we have no quarrel with the Iraqi people. Our purpose is not territorial acquisition. Our purpose is the protection and security of our people, and the promotion of peace, stability and the rule of law in Iraq, the Middle East and the international community. We must not shrink from this responsibility.

Mr. GOSS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Illinois (Mr. LAHOOD), a member of the Permanent Select Committee on Intelligence.

Mr. LAHOOD. Mr. Speaker, before I begin my prepared statement, I just wanted to say a word about the extraordinary leadership that we have on the Permanent Select Committee on Intelligence from our chairman. The gentleman from Florida (Mr. GOSS) is an extraordinary chairman. He has done so much. He has done a great job for our committee and for America since 9–11, and he deserves an awful lot of praise for the work he has done with the administration for all the Members of this House in really just doing an extraordinary job as chairman of the Permanent Select Committee on Intelligence.

Mr. Speaker, I rise today in support of H.J. Res. 114, a bipartisan resolution that authorizes the use of our Armed Forces against Iraq. I want to take a moment to applaud the President and his team for continuing to work to garner international support to bring Iraq into compliance with U.N. resolutions, for continuing to update the Congress on the situation in Iraq, and for continuing to work with Members on both sides of the aisle in formulating the resolution we are discussing today.

We do not take lightly what we are voting on here today. The decision to authorize the potential use of our Nation's Armed Forces is very difficult. However, this resolution is not a rush to war. Our immediate goal is to allow weapons inspectors complete and unrestricted accesses to determine Iraq's compliance with disarmament requirements. This resolution explicitly expresses support for the President's ongoing efforts to work with the U.N. Security Council to quickly and decisively act to ensure Iraqi compliance with all Security Council resolutions. However, the resolution also provides for the authorization of the use of military force that may be needed to protect U.S. national security and enforce Security Council resolutions if diplomatic efforts alone are no longer effective. Congress will be kept informed.

Saddam Hussein knew what was required to end the Persian Gulf War: destroying all existing weapons of mass destruction, discontinuing any development of these weapons, and allow United Nations' weapons inspectors unrestricted access so compliance with these demands could be ensured. Iraq has failed to comply with each and every U.N. resolution and has continued to stockpile and develop weapons that are a threat to not only its neighbors in the Middle East, but also the entire world.

Iraq's history of violations, combined with its present policy of working to acquire weapons while continuing to restrict U.N. access, led to a future where the United States and the United Nations must be able to commit whatever resources are necessary to ensure Iraqi disarmament.

I am proud to serve on the Permanent Select Committee on Intelligence and have had the opportunity to carefully study the ongoing weapons activity in Iraq. And I am convinced that this resolution is needed to allow us to use every option at our disposal to deal with Iraq. We know what Iraq is capable of, and we know that Saddam Hussein is striving to expand that capability. The people of Iraq are not safe. American military personnel who serve in the Persian Gulf are not safe. And, in fact, the world is not safe if Iraq does not begin to comply with U.S. and U.N. resolutions and disarmament demands.

I believe it is important for the Iraqi people to know that the United States and the United Nations will not allow the continued development and buildup of the stockpile of weapons in their country. Saddam Hussein has turned these terrible weapons against his own people who continue to suffer repression at the hands of this dictator's persistent and willful violations of his international obligations.

I am pleased that this is a bipartisan resolution. The security of the United States and the security of the world rise above partisan points of view. This resolution shows Iraq that we are united in its condemnation of its continued flagrant violation of all U.N. resolution, and in our determination to achieve Iraqi disarmament.

Mr. Speaker, I want to thank the President for his ongoing efforts to work with the international community and the Congress. And I want to thank my colleagues for this opportunity to use this to thoroughly discuss this resolution, which is one of the most significant pieces of legislation many of us will ever vote on during our time in Congress. Most importantly, I want to thank the men and women who serve in our Nation's Armed Forces, continually working to achieve and maintain peace, in the Persian Gulf region and around the world. And they deserve our devoted and unrestrained thanks for the wonderful, wonderful service that they provide to our country.

Mr. Speaker, I urge all my colleagues to support this bipartisan resolution.

Mr. PAYNE. Mr. Speaker, I would like to, first of all, commend both sides on this very important issue and the manner in which this discussion has moved forward for close to 12 hours. From about 1 p.m. to 1 a.m. on yesterday we had all views expressed, and that is really what makes this a great House, and that is what makes this a great country. That is what makes me proud and privileged to be a part of this institution.

□ 1130

I would like to certainly commend the gentleman from Illinois (Mr. HYDE) who has conducted himself with tremendous leadership, a true gentleman from Illinois who has shown his leadership in so many capacities. During the 14 years I have been in Congress, this is certainly one of the most important issues that I have been involved in, and it will be a very important vote.

I would also like to commend the gentleman from California (Mr. CUNNINGHAM), because all of us feel proud of what he has done to make our Nation a stronger place, and it is great to have heroes in our body.

Also, let me commend again the gentleman from California (Mr. LANTOS) who continues his eloquence, his vision. He is one of the most expressive persons that I know in the House, and, for that, this place is a better place.

Let me say that I would like to briefly share with my colleagues a front page article in today's Washington Post which states that unprovoked by a U.S. military campaign, Saddam Hussein is "unlikely to initiate a chemical or biological attack against the United States." This was contained in a report provided by intelligence agencies to senators last week. If a U.S.-led attack could not be stopped, Saddam might launch a chemical/biological counterattack, the analysts forewarned.

The report said that Saddam might decide that the extreme step of assisting Islamic terrorism in conducting a war, in conducting a weapons of mass destruction attack against the United States would be his last chance to exact vengeance by taking a large number of victims with him.

This appears to suggest that an attack on Iraq could trigger the very thing that our President has said that he is trying to prevent, the use of chemical or biological weapons by Hussein.

In view of this report, the policy of a preemptive strike is troublesome. Haste in attacking Iraq would place untold numbers of people in harm's way.

In Ecclesiastes it says that there is a season for all things; there is a time to laugh and a time to cry, a time to plan and a time to pluck up that which has been planted, a time of peace and a time of war. The question before us is whether this is a time for peace or a time for war. The question is whether we can continue to use diplomacy, whether we have exhausted all means to try to have peace, whether we have maximized the use of the United Nations and other international agencies.

Let us give peace a chance. Let us try to get our inspectors in, identify weapons of mass destruction, have them destroyed and then move forward.

Mr. Speaker, I yield 5 minutes to the gentlewoman from Connecticut (Ms. DELAURO) a very key leader in our Democratic Caucus, a person who has served her people in Connecticut so well, a member of the Committee on Appropriations.

Ms. DELAURO. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, the responsibility for authorizing the use of America's military weighs heavily on all of us today, and I have no doubt that we each rise knowing that the Constitution and the Nation now call on each of us and no one else.

Nearly all assembled today, including myself, voted to authorize force and empower our war on terrorism. Our response was immediate and unified. The Taliban government had to fall. Al Qaeda had to be confronted in Afghanistan and all across the globe, and we carried into battle the full moral authority of a world stirred to action.

I oppose the resolution today reluctantly because I fully anticipate that we will need to act against Iraq before very long. I have no illusions about Saddam Hussein. Saddam Hussein and his regime threaten the safety of our country and his neighbors, many of whom are our allies. He has invaded and occupied neighboring countries and launched deadly missiles at civilian populations. This is a regime that has used and intends to use chemical and biological weapons and has done its best to develop a nuclear weapons program.

This is a murderous regime that has slaughtered its own people. Saddam Hussein is a war criminal who should be on trial, along with Slobodan Milosevic in The Hague.

I rise in opposition reluctantly but no less certain of the importance of a no vote. Because of the nature of this regime and because of the war on terrorism, we must marshal the moral authority and strategic resources that can end this grave threat and secure America's long-term interests. This resolution does not meet that historic requirement, in my view.

While it is an improvement over the original proposal, it represents a nod to the U.N., our allies and our long-term interests but requires almost nothing before America goes to war. It does not require that we seek to operate under a U.N. resolution or to seek unfettered U.N. inspection or to build broad support from allies before America goes to war. In doing so, we weaken our moral authority, our military effectiveness and our ability to keep events under control afterwards.

And if we go it alone against Iraq, as this resolution permits, I am concerned that our efforts will lack the legitimacy that an operation of this magnitude requires. I am concerned that the United States will have to carry the full burden of renewal and policing Iraq, which will surely be high.

Without U.N. sanction, I believe this action could increase instability in the region and indeed throughout the world. It could very well undermine the war on terrorism, alienating countries the United States will need to achieve the broader objective of uncovering and dismantling al Qaeda cells across the world.

I support the Spratt substitute because I believe it fully accepts the goal of eliminating weapons of mass destruction from Iraq. It accounts for Saddam Hussein's record of deceit, of lying to the world and forestalling the inspection process by anticipating the use of force, but the Spratt substitute rightly considers force something that is multiplied in effectiveness when the right stage is set.

It requires the President to certify that the U.N. Security Council has not acted or acted insufficiently to achieve Iraqi disarmament. The substitute requires that he certify that unilateral force is the only option, that military force is necessary to make Iraq comply and that the United States is forming as broad-based a coalition as possible.

Having taken every possible diplomatic action, it requires the President to certify that military action in Iraq will not interfere with the broader war on terrorism.

The Spratt substitute takes the responsible course of action, exhausting diplomatic efforts and building an international coalition first, while acknowledging that military action may be inevitable. I believe this path both ensures that we will be able to continue our success in the war on terrorism in the long term without compromising our safety in the short term.

Mr. Speaker, the President has asked that we pass the resolution to send the message to the U.N. I hope we pass the Spratt substitute so that we can send a message that our war on terrorism will not be compromised, and I hope that a no vote will urge the President to act with the force of nations to achieve our noble and our essential goals.

Mr. GOSS. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from New York (Mr. BOEHLERT), the distinguished chairman of the Committee on Science and a member of the House Permanent Select Committee on Intelligence.

Mr. BOEHLERT. Mr. Speaker, what is the rush? That question was asked of me Monday evening following the President's speech. It was asked of me last week and the week before and the week before. As a matter of fact, it was first posed to me by a thoughtful questioner at a League of Women Voters candidates forum in Cortland, New York, some 7 weeks ago.

My answer to him then was the same answer I give to everyone now. There is no rush. The President is prudent, measured and firm in dealing with a decade of defiance, deception and bad faith on the part of Saddam Hussein, who has repeatedly ignored U.N. resolutions and turned his back on agreements that he himself embraced. There is widespread agreement with the President. The time for denying, deceiving and delay is over.

Iraq has a chemical and biological weapons capability which can be launched at a moment's notice and is in the process of acquiring a nuclear capability. From my vantage point as chairman of the Committee on Science, I am familiar with the havoc that can be wreaked with chemical and biological weapons; and as a senior member of the Permanent Select Committee on Intelligence, I am most familiar with the evidence that Saddam Hussein has an accelerated program to acquire a nuclear capability.

The case has been made. The question is, what do we do about it?

In my view, the President is going about it in the correct way. He is not some rogue cowboy from Texas, acting as the Lone Ranger, but a thoughtful, international leader, rising to the occasion with calm and reason and resolve.

The case has indeed been made, and it is up to us to respond. The President went to the United Nations and in a very orderly, methodical way outlined the evidence to that body and to the international community.

The President has repeatedly consulted with the Congress, not just with a few leaders, but all of us. There have been meetings at the White House. Just yesterday, for example, I started my day at 7:30 at the Pentagon with a briefing by the Secretary of Defense and his top people, followed by a return to Capitol Hill for several hours of meetings with the Permanent Select Committee on Intelligence, followed by a luncheon meeting with a group of us with Condoleeza Rice, the National Security Adviser.

The Congress is involved. It has been presented the evidence, and the President is engaging the American people with a thoughtful, sober, analytical presentation. And I have to confess great disappointment because if my colleagues turned on the television set Monday night, on the three national channels they found their usual programming, not to be interrupted by something so minor as the President of the United States addressing the world on one of the most serious subjects of the moment.

I think overlooked in that speech to the American people Monday night was this fact, and the speech made it abundantly clear. Approving this resolution does not mean that immediate action is imminent or unavoidable. I am comforted by the fact that the President has advisers like Colin Powell and Dick Cheney and Don Rumsfeld and Condoleeza Rice. They are going about this in the correct way, and I urge support for the Commander-in-Chief.

Mr. CROWLEY. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Ms. HARMAN), the ranking member of the Permanent Select Committee on Intelligence Subcommittee on Terrorism and Homeland Security.

Ms. HARMAN. Mr. Speaker, I thank the gentleman for yielding me the time, and I rise in support of this resolution.

The threat from Iraq is very real and increasingly dangerous. Saddam Hussein's belligerent intentions, and his possession and ongoing development of weapons of mass destruction to fulfill those intentions, make him a clear and present danger to the United States and the world.

Particularly worrisome is the evidence of Iraq's UAV capability. Iraq's ability to use uninhabited aerial vehicles to deliver biological and chemical weapons far outside its national borders represents a qualitative increase in the danger it poses. History demonstrates Saddam Hussein's willingness to use such weapons against unarmed civilians, including his own people; and it demonstrates his unhesitating instincts to invade his neighbors, Iran and Kuwait, and to attack Israel.

That he appears to quote Director Tenet's recent letter, "to be drawing a line short of conducting terrorist attacks" does not persuade me that he will not. He is impulsive, irrational, vicious and cruel. Unchecked, he will only grow stronger as he develops capability to match his disdain for America and his Middle East neighbors.

History shows that had Israel not destroyed Iraq's nuclear reactor in 1981, Saddam Hussein would now have nuclear capability, but he did not cease his nuclear ambitions. Had coalition military forces not swept through Iraq in 1991, he would have possessed nuclear weapons by 1993.

□ 1145

The CIA now reports that Iraq is 1 year away from a functional nuclear device once it acquires fissile material. Waiting 1 hour, 1 day, 1 month in such an environment, as some suggest, is too risky.

The resolution we are considering is greatly improved from the draft the administration proposed, and I commend Leader GEPHARDT for negotiating these improvements. This resolution narrows the scope of action to the threats to national security posed by Iraq and enforcing compliance with U.N. resolutions.

This resolution stresses a strong preference for peaceful and diplomatic action, authorizing the use of force only if peaceful options have failed.

This resolution requires the President to comply with the War Powers Act and report regularly to Congress should military action become necessary, as well as after the use of force is completed.

This resolution addresses post-disarmament Iraq and the role of the United States and the international community in rebuilding.

And of crucial importance, this resolution requires the President to certify to Congress that action in Iraq will not dilute our ability to wage the war on terrorism.

Removing WMD from Iraq is an important priority, but it cannot replace our counterterrorism efforts at home and abroad. We must ensure we do not divert attention from protecting our homeland, beginning with the creation of a Department of Homeland Security.

We must also strengthen and expand programs and policies aimed at stopping the proliferation of weapons of mass destruction and their components.

Sentiment in my district is high, both in favor and in opposition to this resolution. I thank my constituents for sharing their views with me. I have listened carefully, learned as much as I could; and now it is time to lead. Like all my colleagues, I fervently hope that the U.S. will not need to use force, but the best chance to avoid military action is to show the U.N. and Iraq that we will not flinch from it.

Giving diplomatic efforts every chance is the right policy, and this resolution gives diplomacy its maximum chance to succeed.

Mr. PAYNE. Mr. Speaker, I yield 6 minutes to the gentlewoman from Michigan (Ms. KILPATRICK), a member of the Committee on Appropriations, who has done a great job not only regarding foreign operations, but also for her State of Michigan.

Ms. KILPATRICK. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, the 435 who serve in this body, and the 100 in the other body, will shortly cast the most important vote of our career, should we send our young men and women to war. It is a decision not to be taken lightly, and I highly respect both sides of the argument. But I stand here today with a heavy heart because I am not able to support the resolution before us.

September 11, 2001, the most dastardly deed ever imagined on a people was committed in this country. The terrorist threat is alive and well. It ought to be the number one priority of this country, of this President, to root out terrorism, to make sure we bring the culprit who planned, organized, and attacked our Nation to justice. We have not done that. Nothing should divert us from that.

There has been no intelligence, no information given to this Member, and I might add my ranking member on the Permanent Select Committee on Intelligence, that would say Saddam Hussein is an imminent threat to America at this time. No information to the highest ranking Democrat on the Permanent Select Committee on Intelligence.

Does he have weapons? Can he harm? Yes, he can. The President went to the United Nations and spoke before 189 nations of the world not long ago, and the U.N. Security Council, which is composed of many countries, China, Russia, Germany, France and others, whose responsibility it is to act. And if a unilateral strike were necessary right now, do any of us believe that China, Russia, France, Germany, who are also a part of this world, would join with the United States? They have chosen not to do so. Therefore, that leaves the United States alone.

Yes, we are the most powerful. Yes, this is a great country, and we want to remain that. I am very concerned that a unilateral first strike will upset the global economy, will upset the world. And what about the other 20-plus countries that have weapons of mass destruction? Can China then attack Taiwan? Can India then attack Pakistan? North Korea? South Korea? Where does it stop?

The United States is the leader in the world, and we must show that leadership; and we do that by multilaterally acting with our allies, working together so we do not have the loss of 50,000, so that we will not have to spend $200 billion-plus of taxpayers' money, and so that we can then use it for health care and housing and prescription drugs.

Mr. Speaker, I implore the American citizens to look at the issue and to get to their Congressperson and Senator. Yes, we have to disarm Saddam Hussein. Yes, we have to go after the weapons of mass destruction. But we are the leaders of the free world, and we have no allies with us on this first strike.

We ought to ask some questions here. What will be the consequences in the Middle East when America makes this first strike? What will be the cost to the world? How many lives will be lost? What resources are we going to pledge as we strike and then as we rebuild that part of the world? What will happen with Iran and Saudi Arabia? Will they sit idly by?

If we pass this resolution in October and not go to war until February or March, what will happen in the interim to American businesses all over the world? Will they be safe?

I urge my colleagues to look at some of these questions. There is no plan. Attack and then what? We have not been given a plan for striking nor a plan for exiting. I think that is wrong. And as Members of Congress who have pledged to represent over 600,000 people apiece, we owe our constituents that answer, these very same constituents whose sons and daughters will be on the front line risking their lives in a war where there has not yet been proven to be an imminent threat to our country.

Mr. Speaker, over the next several hours I ask my constituents to please listen to the comments of our colleagues. And, again, I respect both sides; but I think my constituents sent this Member here to represent and to report to them, and what I am reporting today is that there is no information, no intelligence presented that either this Member or our ranking member on our Permanent Select Committee on Intelligence that Saddam Hussein is an imminent threat to our country today.

Let the U.N. process work. Go in with unfettered inspections, and then let us make an intelligent response. Then multilaterally put the coalition together that we have to have to rid Iraq of weapons of mass destruction. But then also invest in America to save our health care institutions, to build new schools. I am telling my colleagues, and America, to rise up, to speak out. The time is now.

Mr. GOSS. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Michigan (Mr. HOEKSTRA), a member of the Permanent Select Committee on Intelligence.

Mr. HOEKSTRA. Mr. Speaker, I thank the chairman of the Permanent Select Committee on Intelligence for yielding me this time.

Mr. Speaker, I rise today to talk about what will be the most difficult vote many of us will ever cast. The decision to authorize our President to use force is never an easy one. Leadership is never easy. Like many people in my district, I struggled with this decision. Just as I do not believe any of my constituents wants to go to war, I do not believe any person in this Chamber wants to go to war. But there are those in this world who may leave us no choice. They have already declared war on America. That is where we find ourselves today.

Much has changed in our country since the attacks of September 11. We have awakened to a world in which the threats that existed before only outside of our borders are now very real inside of them. None of us will ever forget that day, the horror, and then explaining to our children how the most powerful Nation in the world, in a matter of seconds, became one of its most vulnerable.

On September 11 we lost over 3,000 people. They were ordinary Americans going about the business of their lives when they became victims of the global war that terrorists have launched against America. They were not the first victims. Throughout the 1990s, al Qaeda and other terrorist organizations attacked our Nation. We did not heed the warning signs. We see these warning signs in Iraq now.

Saddam Hussein has already used weapons of mass destruction against his own people and the people of Iran. He has systematically thwarted every attempt by the United Nations to conduct thorough inspections of his chemical, biological and nuclear arms-making capabilities. He has ignored a decade-plus of U.N. resolutions.

The question now is how long do we wait? Do we wait for a dictator who has shown no limits in his willingness to flaunt international law, to killing innocent people? Do we wait to give al Qaeda or some other terrorist group a weapon of mass destruction that Saddam Hussein has provided to them?

Mr. Speaker, there is no doubt that Saddam Hussein is a threat to our Nation and to the peace of this planet. He is a rogue leader seeking the world's deadliest weapons, and there is little doubt he will use them for his own evil purposes. Now is the time for the U.S. to lead, to demonstrate real leadership at the United Nations, to demonstrate our conviction and resolve to the dissidents in Iraq that we stand with them.

By exercising leadership in the world community, we will send a powerful message to Saddam and terrorists that peace-loving nations and peace-loving people will not stand by silently as they threaten the values that we stand for. In times of crisis, America has always led. Now is the time for the President, for this Congress, and for America to once again show leadership in a dangerous world.

Mr. CROWLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, today I rise not as a Democrat, but as an American who shares the belief with President Bush that, once and for all, the time has come to end the threat of Saddam Hussein and his weapons of mass destruction. For that reason, I intend to support the authorization of military force against Iraq, even as I hope and pray for peace.

Saddam Hussein has been responsible for the murder and deaths of hundreds of thousands of men, women, and children. How many more people, how many more innocent victims must die at his hands before the world finally says enough is enough?

Saddam Hussein has built chemical and biological weapons. He has pursued the ultimate weapon of terror, a nuclear bomb. How many more weapons of mass destruction must he build before the world finally says enough is enough?

There comes a time when a tyrant's repeated disdain for the rules of civilized society makes it necessary for society to protect itself. I say that time is now.

Some of my colleagues in Congress say, in good faith, let us continue to try diplomacy with Saddam Hussein, and I respect their right to that view. Eleven years ago, I too had hoped diplomacy would have worked, in that case to stop Saddam Hussein from his unprovoked aggression against his neighbor, Kuwait. The Arab League tried diplomacy and failed. The European Community tried diplomacy and failed. The United Nations tried diplomacy and failed. And for 11 long years since, the world community, acting through the United Nations, has tried to use diplomacy to convince Saddam Hussein to destroy his weapons of mass destruction.

□ 1200

Once again, the world community and diplomacy have failed.

Is that failure the fault of the United States, the United Nations? Absolutely not. The fault lies squarely with one person and one person alone, Saddam Hussein. He is the guilty one, not us.

The reality is that Saddam Hussein is a terrorist of historic proportions who has gassed his own citizens and killed his own neighbors. Now with his weapons of mass destruction he is a genuine threat to his declared enemy, the United States. Nothing, absolutely nothing Saddam Hussein has done since his invasion of Kuwait would suggest that his disrespect for the rules of civilized society has changed one iota. If anything, that disrespect has grown as he has arrogantly ignored U.N. resolution after resolution, year after year.

Do I hope for peace without war? Fervently so. Because I represent 40,000 soldiers in my district who may be sent off to that war, and I represent their families. Yet, sadly, 11 years of his actions suggest Saddam Hussein has no respect for the principles of diplomacy and peace.

The responsibility to only use war as a last resort does not negate the profound obligation of the President and Congress to protect American citizens from weapons of mass destruction. The United States as the one superpower in the world has an abiding responsibility to ensure that the terrorist attacks of September 11 do not become a prelude for biological, chemical or nuclear terrorism either here or anywhere in the world.

I respect President Bush, as I do his father, for standing up to the menace of Saddam Hussein. I applaud the President's recent challenge to the United Nations. The interest of our Nation and all nations will be served if the U.N. enforces its resolutions against Saddam Hussein and Iraq. But if the U.N. does not take decisive action, the threat posed by Saddam Hussein and Iraq does not go away.

Tigers do not change their stripes, and Saddam Hussein has not changed his. Not in 11 years, and not now. He was a brutal dictator, a dangerous dictator over 11 years ago; and he is a brutal, dangerous dictator today. The reality is diplomacy has failed and delay could be dangerous. The time to act is now.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentlewoman from Florida (Mrs. MEEK), a member of the Committee on Appropriations, and a teacher for over 50 years. This is the gentlewoman's last term, and we appreciate her service to our country.

Mrs. MEEK of Florida. Mr. Speaker, I thank the gentleman for yielding me this time.

As a woman of peace, I am compelled to rise in opposition to this resolution. I oppose this resolution as someone who loves this country very deeply. Perhaps one would have had to have grown up under segregation in the deep South, as I did, to truly appreciate how much this Nation means to me and how honored I am to serve my country in Congress.

As one of the most senior Members of Congress, few have seen what I have seen in this Nation's history. I remember clearly the Japanese preemptive attack, or first strike, against the United States that plunged us into World War II. We called it a sneak attack and an act of cowardice. They called it a preemptive attack against a foreign enemy that threatened their interests.

I also remember clearly when we went to war in South Korea, and after 50 years we are still in Korea. Since I have been in Congress these past 10 years, I have supported every Defense authorization and Defense appropriations bill, every one of them. I feel very strongly that we need a strong national defense, and we need to be prepared, and indeed we are.

We are the strongest Nation in the world, and number two is not even close to us. I believe that our Nation sets the standard for the world. What we do and how we do it has a huge impact on the actions and things that other nations do. I also believe that we need a strong Presidency. I felt that way under President Clinton, and I feel that way under President Bush. However, we must use our power very carefully. We must set standards for other nations and promote our security, our interests and our goals. A strong chief executive should not be an all-powerful chief executive; strong, but not all-powerful.

It is for these reasons I oppose this resolution.

Are we in imminent danger of attack? The claims of proof are lacking. The media has reported today that the consensus of all relevant U.S. military intelligence agencies is that Saddam Hussein is unlikely to initiate an attack upon us. In fact, the relevant U.S. intelligence agencies have concluded that the major threat to the United States is not a first strike but the weapons of mass destruction against our invading troops.

Is Saddam Hussein an enemy? Yes, he is. Is Saddam Hussein interested in military conquests? Unquestionably. Do we need to take action against him to dismantle any existing weapons and prevent the construction of others? Emphatically yes. But is he an imminent threat to the United States? The answer is, no. Such a serious threat that we have no choice but to immediately attack him? The President simply has not even come close to proving his case on that to me, representing over 600,000 people, or to the American people, nor have those who are promoting this war.

Under such shaky justifications when we have other options, why are we in such a hurry to start a war? Why are there so many people beating the drums of war? My answer to this resolution is that we do not have clear evidence, we do not have a demonstrated imminent threat, and so we do not have a compelling reason to pass this resolution.

As I said, I believe in a strong chief executive, but I also believe in a strong constitutional government. Only Congress has the authority under the Constitution to declare war. This resolution authorizes the use of force immediately regardless of our efforts to gain the support and assent of the other nations that share the world with us. I am certainly not willing to approve this blank check to give such power to any President, whether he be Democrat or Republican.

As a leading member of the international community, the United States must live and get along with and set example for the other nations of the world. If we claim the right to attack other nations on our own, what would we do when other nations claim that same right and then act upon it? The world is filled with nations that already have weapons of mass destruction and that already have hate and fear their neighbors. How would we contain the preemptive attacks by other countries that would be justified by our own actions? Such attacks could even be directed against us.

Finally, I believe we should fully and aggressively utilize every diplomatic option available to us. We have worked with the United Nations in the past, and we can do it again.

Mr. Speaker, this is not the world of President William McKinley. The real and imminent threat to our Nation is from terrorism, not from other nations.

Mr. Speaker, I include the following for the RECORD.

ANALYSTS DISCOUNT ATTACK BY IRAQ

COUNTERATTACK IS CALLED POSSIBLE

(By Dana Priest)

Unprovoked by a U.S. military campaign, Iraqi President Saddam Hussein is unlikely to initiate a chemical or biological attack against the United States, intelligence agencies concluded in a classified report given to select senators last week.

However, the report added, "should Saddam conclude that a US-led attack could no longer be deterred," he might launch a chemical-biological counterattack. Hussein might "decide that the extreme step of assisting Islamist terrorists in conducting a WMD [weapons of mass destruction] attack against the United States would be his last chance to exact vengeance by taking a large number of victims with him."

The assessment was first made in a classified National Intelligence Estimate, which includes the analysis and opinions of all relevant U.S. intelligence agencies, that was given to the Senate intelligence committee last week. A declassified "white paper" on Iraq was released days later. At the urging of the committee, which is controlled by Democrats, additional portions of the classified intelligence report were declassified by the CIA Monday and released last night.

With lawmakers poised to vote this week on a resolution giving President Bush authority to attack Iraq, the new intelligence report offers grist both for supporters and critics of the administration's policy. The CIA assessment appears to suggest that an attack on Iraq could provoke the very thing the president has said he is trying to forestall; the use of chemical or biological weapons by Hussein.

But the CIA also declassified other elements of analysis that seem to back up the president's assertion that Iraq has active ties to al Qaeda—a growing feature of the administration's case for considering military action.

Among the intelligence assessments linking Iraq with al Qaeda is "credible reporting" that the group's "leaders sought contacts in Iraq who could help them acquire WMD capabilities," according to a letter to senators from CIA Director George J. Tenet.

Tenet added: "Iraq's increasing support to extremist Palestinians, coupled with growing indications of a relationship" with al Qaeda "suggest Baghdad's links to terrorists will increase, even absent U.S. military action."

In his speech to the nation Monday night, Bush said: "Iraq could decide on any given day to provide a biological or chemical weapon to a terrorist group or individual terrorists. Alliance with terrorists could allow the Iraqi regime to attack America without leaving any fingerprints."

The letter's release shed light on a behind-the-scenes battle over Iraq-related intelligence. The CIA's detailed, unvarnished view of the threat posed by Iraq is central, say many lawmakers, to how they will vote on the matter. Yet an increasing number of intelligence officials, including former and current intelligence agency employees, are concerned the agency is tailoring its public stance to fit the administration's views.

The CIA works for the president, but its role is to provide him with information untainted by political agendas.

Caught in the tug of war over intelligence, say former intelligence officials familiar with current CIA intelligence and analysis on Iraq, has been the CIA's rank and file, and to some extent, Tenet.

"There is a tremendous amount of pressure on the CIA to substantiate positions that have already been adopted by the administration," said Vincent Cannistraro, former head of counterterrorism at the CIA.

Tenet last night released a statement that was meant to dispel assertions that the letter contained new information that would undercut the case Bush made in his speech.

"There is no inconsistency between our view of Saddam's growing threat and the view as expressed by the President in this speech," the statement read. "Although we think the chances of Saddam initiating a WMD attack at this moment are low—in part because it would constitute an admission that he possesses WMD—there is no question that the likelihood of Saddam using WMD against the United States or our allies in the region for blackmail, deterrence, or otherwise grows as his arsenal continues to build."

In explaining why the items in the letter were not also released before, Tenet said he did not want to provide "Saddam a blueprint of our intelligence capabilities and shortcomings, or with insight into our expectations of how he will and will not act."

Still, he noted, the agency could nevertheless declassify further information not previously disclosed. Included in his letter were snippets of an Oct. 2 closed-door session.

Included in that was questioning by Sen. Carl M. Levin (D-Mich.), in which he asked an unnamed intelligence official whether it "is likely that [Hussein] would initiate an attack using a weapon of mass destruction?

The official answered: ". . . in the foreseeable future, given the conditions we understand now, the likelihood I think would be low."

Levin asked: "If we initiate an attack and he thought he was in extremis . . . what's the likelihood in response to our attack that he would use chemical or biological weapons?"

The answer came: "Pretty high, in my view."

In his letter, Tenet responded to senators' questions about Iraq's connections to al Qaeda. "We have sold reporting of senior level contacts between Iraq and Al Quada going back a decade," Tenet wrote. "Credible information" also indicates that Iraq and al Qaeda "have discussed safe haven and reciprocal non-aggression."

Mr. GOSS. Mr. Speaker, I would like to inquire about the division of time.

The SPEAKER pro tempore (Mr. ISAKSON). The gentleman from Illinois (Mr. HYDE) has 1 hour 47 minutes remaining; the gentleman from California (Mr. LANTOS) has 1-hour 25 minutes remaining; the gentleman from New Jersey (Mr. PAYNE) has 1 hour 2 minutes remaining; and the gentleman from Florida (Mr. GOSS) has 44½ minutes remaining.

Mr. GOSS. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina (Mr. BURR), a member of the Permanent Select Committee on Intelligence.

Mr. BURR of North Carolina. Mr. Speaker, I thank the gentleman from Florida (Mr. GOSS) for not only his leadership as chairman of the Permanent Select Committee on Intelligence but also for the gentleman's leadership in the debate on this issue on this floor.

Mr. Speaker, I rise in support of the resolution, but I want to take a moment to thank my colleagues who seek a peaceful solution to this crisis. I, too, would prefer peace to war.

As Thomas Jefferson wrote to Andrew Jackson in 1806, "Always a friend to peace, and believing it to promote the happiness and prosperity of mankind, I am ever unwilling that it should be disturbed, as long as the rights and interests of the Nation can be preserved."

Jefferson went on to say in this letter, when our rights and interests are threatened, "we must meet our duty and convince the world that we are just friends and brave enemies."

Mr. Speaker, the rights and the interests of our Nation are threatened today. Voting to send our military into battle, even potential battle, is among the hardest things we will do as Members of Congress. It is not a duty to take lightly. However, I have come to the realization that there are times when such votes are necessary. This is one of those times.

The threat to our Nation from Saddam Hussein's weapons programs and his growing ties to the networks of international terror cannot be underestimated and should not be ignored. Willful blindness to this threat will not make it go away.

In a little more than a decade, we have sent our Armed Forces to war on behalf of the Kuwaitis, the Saudis, the Somalis, the Bosnians, and the Kosovars. Some in our military made the ultimate sacrifice.

It may soon prove necessary to send our troops to war on behalf and in defense of the American people. I cannot in good conscience ignore the dangers posed by Iraq to my constituents, including the servicemen and women who call North Carolina home. Inaction on our part may very well be more costly to our Nation than action. The threat is real.

As a member of the Committee on Energy and Commerce, I have heard testimony from countless officials on the status of our Nation's preparation for chemical and biological attacks. I know firsthand the need to eliminate this threat while we continue with our preparation.

As a member of the Permanent Select Committee on Intelligence, I have reviewed the evidence of Iraqi's weapons programs and its increasing ties to international terror. I have participated in countless hearings on the terror threat and the state of the war against terrorism. I have seen, heard and read things that keep me awake at night.

Iraq brings the dangers of chemical and biological weapons, their use, and international terrorism together in one clear, defined threat. Addressing this threat is mandated by our duty to protect our Nation's rights and interests.

The reason for my support of this resolution, Mr. Speaker, is simple. No matter how well we protect our borders, increase our military spending and strengthen our intelligence community, we cannot secure our homeland without eliminating the threat Saddam Hussein's weapons present to America and to the world. We must find them. We must destroy them. We must be prepared to take action when the international community will not, and we must fulfill our duty.

I will conclude with President Jefferson's letter to John Adams in September 1821. "The flames kindled on the 4th of July, 1776, have spread over too much of the globe to be extinguished by the feeble engine of despotism; on the contrary, they will consume these engines and all who work them."

One wonders what President Jefferson would say about the weapons available to our enemies on this day at this time. Today, the bright flames of July 4th find themselves in struggle with the dark fires of September 11. Those fires, lit by the enemies of freedom, cannot be allowed to prevail. Will we allow them to advance, possibly in the ashes of a nuclear holocaust, or will we extinguish them before they gain a foothold? Those dark fires may not have been lit in Baghdad, but they are certainly fanned from that city.

It is time to extinguish those fires. The evidence is clear, the cause is just, and timing is of the essence. We must give our President the tools he needs to protect our Nation, our interests, and our citizens.

Mr. Speaker, I urge my colleagues to support this resolution.

Mr. CROWLEY. Mr. Speaker, I yield 7 minutes to the gentleman from Iowa (Mr. BOSWELL).

□ 1215

Mr. BOSWELL. Mr. Speaker, I thank the gentleman from New York (Mr. CROWLEY), for yielding me this time, and the chairman of our committee. We have had an interesting several months together and not all fun; but it is a very, very serious thing.

I would like to start off my comments by saying that this Member, although I am a veteran, as many are here, I am not a hawk, I am not a dove. I am a concerned American who wants our country and our people to be safe. I have had some of those sleepless nights. I think of the gentleman from California (Mr. CUNNINGHAM). I think of the gentleman from Texas (Mr. SAM JOHNSON), the price he paid. I think of the gentleman from Florida (Mr. BOYD) and the gentleman from California (Mr. THOMPSON) and many others who have served and know something as well as I what it is like to face war. It is not a good thing.

I am a member of the Permanent Select Committee on Intelligence, and I have tried to prepare myself with knowledge and information, and some things I am convinced of and I would share with you today. I am convinced that Saddam Hussein has weapons of mass destruction. I am convinced that he has the chemical and biological and he wants very badly to have the nuclear; and given a chance, he will have them. I am convinced that he would use them. He is a despot. No question about it in my mind. But he would not only use them, I think he would make them available to others if they came to buy or he would even give them to them.

So I am very concerned about this, and I have had my sleepless nights. It almost reminds me of some of the times going into a major operation when I was in Vietnam. It was pretty hard to sleep when we knew that lives would be lost that next day and we might have to write the letters to the next of kin, the moms, the dads and the husbands, the spouses about how their son paid the supreme sacrifice that day.

I served 20 years, served a couple of tours over in NATO. I know something about the international relationship that needs to be there as we go into this world that we live in today. It is a very, very serious matter, and I have no quarrel with those that have spoken just as the last speaker. I respect that. But I am concerned about the tomorrow for my children and my grandchildren.

I know that when I went to Vietnam, I settled my family there in a little farm there in southern Iowa the night before I was to leave. My little daughter, who now has a teen-age child, came out to the yard where my wife and I were sitting and having kind of a quiet moment as the sun was going on. She said, Daddy don't go. So I said, Sweetheart, I'm a soldier. I have to go. She said, Please don't go. I am afraid. Think about this, your own child: I am afraid you may not come back. So I tried to give her assurance as I had the first time I had gone that I would come back. Lucky for me, I did; but everybody did not come back. So I understand that this is one of the most serious things we deal with.

I had the occasion to get invited over to the White House 2 weeks ago tomorrow with several of my colleagues. Some of my colleagues might be listening. And I was one of the four or five that the gentleman from Missouri (Mr. BLUNT), the gentleman from Texas (Mr. EDWARDS), a few were there and others to have dialogue with the President. And I said to the President I think that he is right, that the U.N. ought to lead on this. That is their charter and their responsibility. But they might not. If he really believes hard facts that Saddam has had his finger on the trigger or he may have, we have to deal with this, but let us have the American people behind this.

I will give a contrast. When we sent our troops off to Desert Storm, the communities were behind the troops when they left, when they were there, and they brought them back. By contrast I said, Mr. President, I went to Vietnam twice. The American people were not behind us. It was pretty tough to go and give everything we had to fulfill the commitment that we were given, the mission to give all we had and not have the American people behind us. And they were not.

And I said, Mr. President, remember how we left Vietnam? We were thrown out. I remember the scene, people falling off the helicopters trying to get out of the embassy. But what did we bring back? We brought back 56,000 body bags, and some of us have put people in those body bags and carried them back to the collection point. But the American people were not with us.

So if he commits our troops, have good cause, have his facts straight and tell the American people. He has been doing that. I think there has been a constant stream, Mr. Speaker, going over to the White House to talk about this; and I think that his speech and the other things he has done, his trip to the United Nations, he is making the efforts to do what is right, and I hope he is being straightforward and honest about it. I accept his statement that he said to us, to me, "The last thing I want to do is to send our troops into harm's way."

I am accepting that and I am also saying to the President that it is up to him in his position as leader, President, Commander in Chief, that he keep the American people informed that they understand and that they know that this country is doing this because we want to preserve it safely for our future, for our children, my grandchildren, my teen-age grandchild. Cindy who was so worried about her dad going, of course, is concerned about her son and others across this country.

If he is the person we think he is, then we have to be ready to tell him do not do it or the consequences will be severe, and that is what has brought me from this point today from undecided and walking the floor to say that I will support this resolution. It is a hard decision, but it is one we have to make. And I am proud to have served with the gentleman from California (Mr. CUNNINGHAM), as I see him on the floor now, and the others I have mentioned. But our country is a precious thing, and we have to save it for the future; and this is our moment to deal with this now.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentlewoman from New York (Ms. VELÁZQUEZ). She is the ranking member on the Committee on Small Business, a spokesperson for women and minority businesses.

Ms. VELÁZQUEZ. Mr. Speaker, I rise in strong opposition to House Joint Resolution 114. This so-called compromise resolution on Iraq is not compromise at all, but a blank check to give President Bush unprecedented power to launch preemptive war on Iraq. There is no justification for such an action, and the case that the administration has made is suspect at best. Even though we are engaged in a war on terrorism, here we are today, no mention of Osama bin Laden, no mention of how this resolution accomplishes the goal we all stood unified on 1 year ago.

Not only has the case not been made to the American people, we have not made the case to the international community, and we cannot go it alone. We cannot act unilaterally. We must work closely with the United Nations and other countries in the global community. Without them we cannot move towards a new, more peaceful world.

We need to be mindful that we were able to act quickly and decisively during the Gulf War because we stood as a world community. Today we stand alone. Is Saddam Hussein evil? Absolutely. But we have not been shown that there is an imminent threat compelling us to act. We know what an imminent threat looks like. We saw it during the Cuban Missile Crisis, in the buildup to the Six-Day War in the Middle East, and when Iraqi tanks poised on the border with Kuwait in 1990. By contrast, the evidence here looks more like the Gulf of Tonkin.

War is our last resort, not our first option. The United States must exhaust all diplomatic channels before waging another war. The President needs to work closely with the international community to demand completely unfettered inspections of Iraq's weapons of mass destruction programs. With continued pressure from the world's only superpower, we can pressure the Iraqi Government to allow United Nations inspectors in so we can know exactly what Saddam Hussein has in his weapons arsenal before we act. At this time we do not have such firm information, only the past record of the Iraqi regime. If we did have this information and if this government consults with, rather than dictates to, our allies and the international community, only then could we act against the threat that Iraq poses.

We do need to act, but we do not need to rush into war. War is one answer, but it is not the only answer. Will war solve the Iraqi problem and wipe out terrorism in the world as we know it? Maybe, but probably not. Our actions may simply spur greater resentment against our increasingly imperial power, producing an endless stream of new enemies finding new and terrifying ways to attack us.

What we must do at this critical juncture in our Nation's history is to affirm American values of peace, justice, and democracy. These values are what brought this country to the preeminent position as the "indispensable Nation," and they are the reason why we embody the hopes and aspirations of people around the world. We must not let them down. We demonstrate our peaceful intent by pursuing diplomatic means to pressure the Iraqi regime. We may pursue justice by seeking an indictment of Saddam Hussein for war crimes in the International Criminal Court, and we must affirm our democratic values by consulting allies and working with the United Nations to resolve this crisis. But the enumeration of Iraq's past crimes, concerns over preemption and our place in the world, pale when compared to the reality of sending our young men and women into harm's way. We know that some of them will die.

Before we vote to send them to war, we must be able to look in the eyes of the mothers and fathers whose sons and daughters have died for us and tell them that their sacrifice was worth it. I cannot do that today in good conscience, and that is why I will vote "no."

Mr. GOSS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Georgia (Mr. CHAMBLISS), chairman of the Subcommittee on Human Intelligence, Analysis and Counterintelligence of the Permanent Select Committee on Intelligence.

Mr. CHAMBLISS. Mr. Speaker, I strongly support President Bush and this resolution to authorize the use of force to defend the national security of the United States against the continuing threat posed by Iraq. It is important to note that the thrust of the resolution is to remove the capability from Saddam Hussein to deliver weapons of mass destruction. The oppressive regime of Iraqi dictator Saddam Hussein is a clear and present danger to international peace and stability, particularly to the United States. The threat to the national security of the United States is real.

For 11 years Saddam has systematically violated United Nations Security Council resolutions. We know that Iraq is aggressively pursuing the development of weapons of mass destruction, supporting international terrorism, including harboring terrorists and repressing minorities within Iraq.

However, I am most troubled by the Iraqi regime's persistent efforts to acquire biological, chemical, and nuclear weapons, as well as long-range missiles. In a report released by the CIA last week, the intelligence community confirmed that since U.N. inspections ended in 1998, Iraq has continued its determined efforts to maintain a chemical weapons capability, invested heavily in developing biological weapons, rebuilt missile facilities, and is working to build unmanned aerial vehicles as a lethal means to deliver biological and chemical agents. Moreover, it is clear that Saddam Hussein is intent on acquiring nuclear weapons. Experts believe that if the Iraq regime can get its hands on highly enriched uranium, it is very likely that Iraq could build a nuclear weapon in less than a year. This is a threat we cannot allow to mature.

☐ 1230

Iraq's obstruction of U.N. inspectors and extensive efforts to hide its mass destruction efforts seem to make it obvious that the current regime cannot be trusted. Let there be no mistake about it. As the number one target of Saddam Hussein's wrath, there is no question as to who these dangerous weapons would be used against; that is, the United States and our friends. The cost of inaction will be paid for with the blood of innocent Americans.

In addition to the fact that our military is targeted almost daily by the Iraqi military in the no-fly zones, the Iraqi regime has engaged in despicable acts. They attempted to assassinate former President George Bush and the Emir of Kuwait and have offered rewards to the families of suicide bombers. Not only does Iraq harbor international terrorist organizations such as al Qaeda, Abu Nidal and the MEK, the Iraqi regime has direct links to international terrorist groups and continues to provide support, training and resources to terrorists.

President Bush has demonstrated unambiguous and forceful leadership in addressing the Iraqi threat. He has clearly explained the threat the current Iraqi dictator poses in the world and made a very strong case for the need for a regime change in Iraq. The President stated his case before the United Nations and has reached out to an international coalition of partners who share our concerns about the current regime in Iraq.

The American people can show by support of this resolution that we stand 100 percent behind the President of the United States to remove the capability of delivery of weapons of mass destruction from Saddam Hussein. I urge support of this resolution.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. CHAMBLISS. Mr. Speaker, I yield to my distinguished friend from California, a Vietnam decorated veteran, the Top Gun.

Mr. CUNNINGHAM. I thank the gentleman for yielding.

Mr. Speaker, a few minutes ago I was unable to finish my discussion. I hate not being in control. But I would like to finish it at this time.

Mr. Speaker, if you take every emotion you have ever felt, of love, anger, hate, it swells up in a person. If you can imagine what it is like to see a friend or friends go down in flames, and even more know how that is going to affect the families, this vote rips my heart out.

But, yet, being on the Permanent Select Committee on Intelligence and the Committee on Armed Services, I would tell my friends that disagree, I believe with every fiber in my heart that it is necessary to give the President the flexibility to stop not only terrorists but Saddam Hussein, because I believe that threat will reach the shores of the United States.

Mr. CROWLEY. Mr. Speaker, I yield 6 minutes to the gentleman from Georgia (Mr. BISHOP), the ranking member of the Subcommittee on Technical and Tactical Intelligence of the Permanent Select Committee on Intelligence.

Mr. BISHOP. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, today the Members of this body are called to face an awesome challenge and a very perplexing dilemma. We must decide whether or not to authorize the President to use the Armed Forces of the United States as he determines to be necessary and appropriate to defend the national security of the United States against the continuing threat posed by Iraq and enforce all relevant United Nations Security Council resolutions regarding Iraq.

The measure requires that before military action is begun or as soon thereafter as feasible, but not later than 48 hours, the President must report to Congress that all diplomatic efforts to protect the security of the United States against the threat posed by Iraq or to enforce all relevant U.N. resolutions regarding Iraq have been exhausted.

The resolution also requires that the President must report to the Congress that military action against Iraq is consistent with our continued actions against international terrorists, including those responsible for 9/11.

The resolution states that it is consistent with the War Powers Act and constitutes specific authorization within the meaning of the War Powers Act.

It states that Congress supports the President's efforts to strictly enforce through the United Nations Security Council all relevant Security Council resolutions applicable to Iraq and encourages him in those efforts, supports his efforts to obtain prompt and decisive action by the Security Council to ensure that Iraq abandons its strategy of delay, evasion, noncompliance and promptly and strictly complies with all of the relevant Security Council resolutions.

It requires the President at least once every 60 days to report to the Congress on the matters relevant to this resolution, including the use of force and on efforts to support Iraq's transition to democracy after Saddam Hussein is gone.

I intend to support the resolution. It is a fact, Mr. Speaker, that Saddam Hussein has produced thousands of tons of chemical agents and used them against Iran and 40 Iraqi villages. He has rebuilt facilities that were used to manufacture chemical and biological weapons in violation of the truce that ended the Persian Gulf War. He possesses ballistic missiles with a range great enough to strike Saudi Arabia, Israel, Turkey and other nations in the region, where more than 135,000 American civilians and service personnel now live and work.

He has a fleet of manned and unmanned aerial vehicles that could be used to disperse chemical and biological weapons across broad areas. It would not take sophisticated delivery systems to deliver these chemical and biological agents to harm the 135,000 Americans I have cited.

We do not know the extent of his nuclear weapons development since he threw out the inspectors 4 years ago, but we do know he was just months away from success; and in spite of U.N. prohibitions, he has continued his quest. He has had 4 years of unrestricted freedom to pursue his nasty goals.

We know that, as good as our intelligence community is, 9/11 and numerous inquiries thereafter have proven that our intelligence community is not perfect. We need unfettered, unrestricted international inspections to get accurate information on compliance or noncompliance.

History is replete with evidence that, without a show of force, Saddam will not respond. I believe that empowering the President to use Armed Forces to assure that Saddam has no weapons of mass destruction to threaten the lives of American civilians and service members and innocent neighbors or to give terrorists, this will give Secretary Powell the strength that he needs to get a strong U.N. resolution.

When he goes to the Security Council, he needs to be carrying a big stick, speaking with unquestioned resolve of the Congress and the American people.

I do not take lightly the risks that our sons and daughters will be sent into harm's way. I do not take lightly the unprecedented probability of unilateral action by the United States, but we live in a new and different and dangerous time, and the threat of weapons of mass destruction demand that we take unprecedented actions to protect America, her people and civilized nations from the death and destruction of a Saddam Hussein.

Mr. Speaker, I support the adoption of the resolution. I support the Spratt substitute, but there must be verification, there must be inspections; and the time to assure the safety of Americans, and the safety of the world, is now.

Mr. PAYNE. Mr. Speaker, I yield 5¾ minutes to the gentlewoman from Georgia (Ms. MCKINNEY), the ranking member on the Subcommittee on Human Rights of the Committee on International Relations.

Ms. MCKINNEY. Mr. Speaker, I share the same revulsion that many others have toward Saddam Hussein. We all know that he is brutal and that his regime has terrorized the Iraqi people and the peoples of nearby countries.

But there was a time not so long ago when, despite all of this, we chose to allow him to be our friend. There was a time when we supplied him with chemical weapons and other military technology.

If our Nation really cared about Iraq's neighbors, we would never have supplied him the military arsenal that we did. And if we really cared about his people, we would have done something to alleviate the suffering of the Kurds, who for years have been brutalized by the Iraqi military. If we cared about the Iraqi people, we would have done something to lift the burdens imposed on them by U.N. sanctions, which to date have claimed in excess of an estimated 500,000 Iraqi children. But the truth is we did not really care about any of that suffering. Madeline Albright even said that the price of 500,000 dead Iraqi children was worth it.

Now, however, we claim to care.

Now, Saddam Hussein has just become another name on a long list of other tyrants who we once aided and abetted but now oppose.

But what to do? In the past, other tyrants we have grown tired of were assassinated, like Jonas Savimbi; or charged with war crimes, like Slobodan Milosevic; or forced from power through U.S.-backed uprisings, like Mobutu Sese Seko.

President Bush is confronted with the "what to do question." He appears to be choosing war to get rid of this tyrant; and, of course, he has to justify it. That is the public relations part of the equation.

The words "Gulf of Tonkin" have echoed around Washington this last month, with many people concerned that the Bush Administration is now manufacturing an international crisis in order to launch a preemptive military strike against Saddam Hussein.

In 1964, there were some courageous Members of this House who knew that the Gulf of Tonkin incident was a political ruse being used by the Johnson administration in order to justify the United States going to war in Vietnam. For their courage to speak out and resist, they suffered a tidal wave of public ridicule. But we now know that they were right and that the Vietnam War was a monumental mistake that cost the lives of some 60,000 brave young Americans and hundreds of thousands of Vietnamese.

And, still, we have many Americans and Vietnamese who suffer the health effects of Agent Orange and other toxins faced on the battlefield. And all across the American and European landscape today, veterans still suffer from Gulf War Syndrome and exposure to depleted uranium.

Will we let this President create yet another generation of veterans to whom we have broken our promise? I see too many of these veterans sleeping on our streets. The President can see them, too, if he would just look. They sleep on the sidewalks, the benches and the heating vents just across the street from the White House. And, sadly, one of the first things our President did after he declared this war on terrorism was to deprive our young men and women who are now fighting on the front lines of their high deployment overtime pay. He does not even want to pay them.

Mr. Speaker, do we give this President the green light to go to war with Iraq based on evidence which many weapons experts believe to be exaggerated? Are we now turning a blind eye to another Gulf of Tonkin-type incident? Should we not trust the legal and diplomatic means of the United Nations?

Do we give the President the green light to go to war in Iraq because it has refused to comply with U.N. Security Council weapons inspections resolutions? At the same time, Israel refuses to comply with U.N. resolutions with respect to the occupied territories. Do we have different standards for different countries?

Mr. Speaker, the Cuban missile crisis and the Gulf of Tonkin, if they taught us anything, they taught us the dangers of choosing the military option over diplomatic and legal alternatives.

The current terrorist crisis confronting our Nation is so much bigger and more complicated than this call for war on Iraq. Should we miscalculate our military actions in Iraq, we could cause many American servicemen and women to lose their lives. Needless to say, we could also cause untold numbers of Iraqis to be killed or injured. Worse still, instead of solving the current threat of terrorism against us, going to war in Iraq might well make things far worse for us, both at home and abroad.

I hope and pray that we choose our options carefully; and, for that reason, I will be voting no on this resolution to go to war in Iraq.

□ 1245

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. Mr. Speaker, I rise in support of our national security and in support of this resolution.

Mr. Speaker I rise today to join my colleagues that are in support of this resolution.

Last year there were two very significant events in my life—one was the birth of my first grandchild, Emerson Ann. The second was the September 11th attack on our Nation. both of these events had a deep impact on me personally.

I want for Emerson Ann what every parent wants for their children, and what every grandparent wants for their grandchildren, an environment where she is able to grow up secure and safe, living the experience of freedom upon which our Nation was founded. September 11th reminded us that in order to protect freedom we must not turn a blind eye to the real dangers around the World in hopes that they will not affect us.

After numerous briefings on Iraq and the activities of its leader—Saddam Hussein—there is no doubt in my mind that he is clear and present danger to the United States and freedom loving people around the World.

The evidence mounts with each passing day. Many analysts believe that Iraq may be, or become, a breeding ground and source of support for terrorism. Iraq retains its arsenal of chemical and biological weapons, and there is strong evidence that it is also developing nuclear weapons. There is no way of knowing for sure the extent of Iraq's plans or capabilities, since U.N. weapons. There is no way of knowing for sure the extent of Iraq's plans or capabilities, since U.N. weapons inspectors were forced out of the country in 1998, and since Iraq's current government seems committed to hiding weapons of mass destruction, delaying the return of inspectors, and making inspection efforts ineffective.

Saddam Hussein governs his country by de facto dictatorship, and has a long history of human rights abuses against his own people. And, based on the actions of Iraq's current government under Hussein, it would be shortsighted and naïve to assume that Iraq's intentions through his actions are benign.

I believe that a regime change in Iraq is in the best interest of the United States and our allies. And, I believe that, as we have done throughout our history, the United States must once again display our leadership in the fight against terrorism throughout the World and eliminate the threat to security imposed by Iraq.

While this resolution authorizes military action, I will hold out hope that it will be used only as a last resort.

History has taught us that freedom is not free.

Mr. GOSS. Mr. Speaker, I yield 4 minutes to the gentleman from Alabama (Mr. EVERETT), a distinguished member of the committee.

Mr. EVERETT. Mr. Speaker, when I was elected to the United States House of Representatives, I took an oath to protect and defend the United States against all enemies, foreign and domestic. Fortunately, in my 10 years in Congress, we have had few opportunities to vote on authorizing the use of military force to protect our country from these enemies. Authorization of military force is one of the most solemn decisions that we can make as Members of Congress, and it is a decision that must be made only after thoughtful and prayerful consideration.

Our Nation now faces a clear and present danger from the regime of Iraqi President Saddam Hussein. Saddam has been without international supervision; and I have received information, both from public and from classified hearings, that suggests that the Iraqi regime could be merely months away from attaining the necessary resources to complete his mission of developing nuclear weapons.

Saddam has made it clear that he will do whatever is necessary to prohibit inspections of his compounds for the purpose of determining the extent to which he has stockpiled the necessary components to produce these weapons. He has the technology and the know-how to build such a device. All that he lacks is materials. The Intelligence community says that Iraq is 3 to 5 years away from developing a nuclear device if it has to produce its own nuclear bomb material, and months away if it acquires this material from outside sources. The problem is, we do not know when the clock started on either scenario.

Additionally, Saddam's government has repeatedly violated the 1991 ceasefire agreement that ended the Persian Gulf War and Iraq's obligation to unconditionally disarm its weapons of mass destruction. Not only does Saddam Hussein continue to halt the will of the international community with regard to inspections, he continues to shoot at coalition aircraft patrolling the northern and southern no-fly zones daily.

For us not to recognize the clear and present danger that the Iraqi regime of Saddam Hussein represents to our country would be tragically wrong. We must protect and defend our Nation against this madman and his ability to destroy tens of thousands of Americans.

The resolution authorizing the use of military force that we are considering today gives the President the flexibility and authority he needs to protect the American people while, at the same time, preserving the prerogatives of Congress.

The findings at the beginning of this resolution offer more than enough evidence of Saddam Hussein's crimes. The authorization in section 3 has been appropriately modified in a bipartisan manner. It authorizes the use of military force as the President determines necessary and appropriate to: "(1), defend the national security of the United States against the continuing threat posed by Iraq; and (2), enforce all relevant United Nations Security Council resolutions regarding Iraq."

The resolution also requires a timely "presidential determination" that all means short of war have been exhausted, and that acting pursuant to this authorization is consistent with ongoing activities in the war against terrorism.

Finally, this resolution contains reporting requirements to ensure that Congress and the American people are fully apprised on all matters relevant to this resolution and that both are full partners in an effort to rid the United States of the Iraqi threat.

Mr. Speaker, September 11 changed our country and the world forever. For all of these reasons, I intend to vote in favor of the resolution and encourage my colleagues to do the same.

Mr. CROWLEY. Mr. Speaker, I yield 6 minutes to the gentleman from Indiana (Mr. ROEMER), a member of the Permanent Select Committee on Intelligence.

Mr. ROEMER. Mr. Speaker, I want to thank my friend, the gentleman from New York (Mr. CROWLEY), for yielding me this time.

I want to begin by quoting General William Sherman in the Civil War who simply stated, "War is hell." And I can also say, having visited the Pentagon the night of the attacks on September 11 and visiting New York City at Ground Zero just a few days after the attacks, that terrorism is hell; and the pain and agony that that has inflicted on our country, on men and women and children and families, has been excruciating. And this resolution that we debate in this Chamber today and will vote on tomorrow is one of the most difficult, heart-stabbing, gut-wrenching votes that one can cast.

My first vote as a freshman was on the Persian Gulf War, which had something to do with Saddam Hussein invading Kuwait, and now one of my last votes will be on war. And in between, we have had votes on Somalia and Kosovo and Bosnia, and we have had a vote to declare war on terrorism. These are difficult, excruciating votes that I think every Member in this body takes extremely seriously.

I will vote in favor of the President's resolution for three reasons. One is because of the chemical and biological and nuclear threat that Saddam Hussein poses with these weapons. I have to say that I do not think the administration has made the case with connections to al Qaeda, nor have they made the case with connections to 9–11. But I think in a compelling and convincing fashion, we must, in post-9–11 concern, be very aware of how these weapons can be used against the United States, even in America, against our allies in the region, and all over the world.

When airplanes filled with people and gasoline can be commandeered and flown into our buildings in America, we can only imagine what can be done, not just with a vial of smallpox that Saddam Hussein or some other terrorist group may have, but we are talking about a few hundred metric tons of chemical weapons that Iraq possesses. We are talking about, and I quote from a declassified CIA report: "Baghdad has begun renewed production of chemical warfare agents, probably including mustard, sarin, cyclosarin, and VX." It goes on to say, "Saddam probably has stocked a few hundred metric tons of CW agents." Finally, "All key aspects: research and development, production, and weaponization, of Iraq's offensive BW program are active and most elements are larger and more advanced than they were before the Gulf War."

Mr. Speaker, this is a compelling concern, this is a present danger, this is grave and growing.

Now, I think that is the evidence that we are voting on today. I think that is the reason for our resolution going forward.

Secondly, I am voting for this because this resolution has gone in a more positive direction from when the Bush administration first introduced it. It is narrowed in scope to Iraq instead of broadly applying to the region. It applies to try to put together diplomatic and multilateral efforts. These, Mr. President, should be exhaustive before we engage in war in Baghdad or in Iraq. I think this resolution has moved in a positive direction in terms of engagement and consultation with Congress and the War Powers Act. So that is the second reason I intend to vote for this.

Mr. Speaker, thirdly, 15 days after Desert Storm ended in 1991, the U.N. started passing one of its 16 resolutions to say we must look into Iraq and inspect the sites where they are developing these weapons. That has been ignored for the past 10 years. Not only has it been ignored, but Saddam Hussein said, you will not look, you will not investigate, you will not inspect these compounds, presidential palaces, so-called compounds, some of which are 12.5 square miles. The city of D.C. is 67 square miles. That is a fifth of the size of our Nation's Capital of one compound that Saddam Hussein does not want our inspectors or the world community anywhere near.

Mr. Speaker, the Democrats said in their policy platform of the year 2000, we did not talk about preemptive strikes; we talked about forward engagement as part of our foreign policy to try to stop, whether it be in the environment or in war, bad things from happening. Let us exhaust our diplomatic means, but let us use the force of war and the threat of war with Saddam Hussein to open up these compounds and these presidential palaces and have the world look at these sites and rid Iraq of the weapons of mass destruction.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. REYES), a member of the Permanent Select Committee on Intelligence and the ranking member of the Subcommittee on Benefits of the Committee on Veterans' Affairs.

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding me time on this very important issue that we debate.

There are many things that make me proud to be an American. One of them is to be here today to be able to debate this issue. As my previous colleague stated when he quoted a general that said that war is hell, take it from somebody that has been there. Thirty-five years ago, I found myself half a world away in a place called Vietnam. I can tell my colleagues that war is hell. There are a lot of us here today that have had that same experience, but are taking different positions on this resolution. Some of my colleagues have asked why, when they hear my friend and colleague, the gentleman from California (Mr. CUNNINGHAM), talk about his experience and his favoring in support of the resolution.

I will tell my colleagues that I intend to vote against this resolution. I intend to do so because in meetings I have held in my district, mothers and fathers and veterans come to me and tell me, please, do not let us get back into a war without exhausting all other avenues. I think every one of us in this House brings our own experiences as we represent our constituents. Every one of us here wrestles with a very tough decision as to whether or not to go forward with a resolution on war. Every one of us understands that we are a nation of laws, that we lead the world by example, that we have a great respect for process and to protect the rights of everyone.

That is why, Mr. Speaker, I reluctantly today rise in opposition against this resolution, because I think that the President has not made a case as to why Iraq and why attack Saddam Hussein. As a member of the Committee on Intelligence, I have asked consistently the questions to those that have come before us with information, I have asked the question of what is the connection between 9–11 and Iraq and Saddam Hussein. None.

□ 1300

What is the connection between Iraq and Saddam Hussein and al Qaeda? Very little, if any.

As to the weapons of mass destruction, the delivery systems and all of these things, we have clearly heard that there is a lot of speculation about those capabilities.

Last week, I was part of a group of colleagues that met with a retired general that was in charge of this conflicted area of our world. He was asking the same question that we were: Why Iraq, and why Saddam Hussein?

In fact, when we asked him to list in priority order a war against Iraq and Saddam Hussein, he listed it as his seventh priority. When we asked him, what would you do in our situation, he was as perplexed as we are being in this situation.

September 11 changed things. I concede that. More than that, for me personally being a first-time grandfather changed things as well. I bring to this position and to this decision the experience that I brought as a Member of Congress.

My staff asked me, Congressman, what are you going to say to the troops? Because I have taken the opportunity to go out and visit our troops in Afghanistan three times since Easter. I know the conditions they are living in, and I know the conditions they are fighting in. Those are similar to the same conditions of some 35 years ago. War is hell, and we ought to exhaust every single possible remedy before going to war, before subjecting our troops, our men and women in uniform, to those kinds of consequences.

So I tell my staff, I will tell the troops the same thing that I will tell the American people on the floor of Congress, that I oppose this resolution because I think that the case has not been made. I do not take giving my support for war lightly, as neither do my colleagues on both sides of the aisle. But each one of us has to wrestle with his or her own conscience.

I want to make sure that my granddaughter, Amelia, maybe 35 years from now, can look and say, my grandfather made his decision on the information that he had. He opposed the resolution because he did not think it was the right thing to do.

But I will tell the Members this: When and if the President makes a decision to commit troops, when and if the President commits us to a war, I intend to be there. Because my experience in coming to this Congress, my experience of some 35 years ago, returning from Vietnam and seeing all the protests and seeing all the signs and seeing all the things that they were calling us, was very divisive.

So it is inherent upon us to do what our conscience dictates on this issue today. I oppose it reluctantly under those circumstances, but I will support whatever decision our President and our country makes.

Mr. GOSS. Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from Delaware (Mr. CASTLE), the former Governor and a member of our committee and the chairman of our Subcommittee on Technical and Tactical Intelligence.

Mr. CASTLE. Mr. Speaker, I thank the distinguished chairman of the Permanent Select Committee on Intelligence not only for yielding to me but for the extraordinary work he does for this country on a day-in-and-day-out basis in a very difficult circumstance right now.

The vote on the resolution to authorize the use of force to disarm Saddam Hussein is one of the most important decisions we will ever have to make as Members of the House of Representatives. Every Member of Congress wants to do what is right, not only for America but for the entire world.

Today I speak both as the Representative of the people of Delaware and as a member of the Permanent Select Committee on Intelligence. Like many, I have been traveling throughout my State over the past few weeks, and Iraq is on everyone's minds. Individuals have crossed the street to give me their opinions, and seniors have approached me at our annual beach day event.

I have received many personal letters, e-mails, and phone calls from people who have taken the time to sit down and really think about this very difficult issue. They know Saddam Hussein is a tyrannical dictator and would like to see him go. They hope war can be avoided but also want to support the President.

They want to know if immediate military action is necessary and if the risks to our young men and women in uniform are necessary; how will other nations respond if the United States decides to enter the conflict without United Nations' support; what could be the effect on the stability of the Middle East and the fate of the Iraqi people.

I share many of their concerns. That is why I have tried to gather as much information as possible by reading reports, attending briefings, and talking with other Members of Congress. Here is what I have learned: the security of our Nation is at risk.

For the past several months, I have participated in intelligence hearings on the September 11 terrorist attacks and have studied the hatred some nations and groups have toward America. Saddam Hussein is encouraging and promoting this hatred by openly praising the attacks on the United States. The Director of Central Intelligence recently published an unclassified summary of the evidence against Saddam Hussein, and it is substantial.

We know that Iraq has continued building weapons of mass destruction, energized its missile program, and is investing in biological weapons. Saddam Hussein is determined to get weapons-grade material to develop nuclear weapons. Its biological weapons program is larger and more advanced than before the Gulf War. Iraq also is attempting to build unmanned vehicles, UAVs, to possibly deliver biological warfare agents. All of this has been done in flagrant violation of the U.N. Security Council resolutions.

Some may react to this evidence by saying that, in the past, other countries have had similar arsenals and the United States did not get involved. But as President Bush has told us and as Secretary of Defense Rumsfeld reiterated yesterday in a meeting, Saddam Hussein's Iraq is different. This is a ruthless dictator whose record is despicable. He has waged war against his neighbors and on his own people. He has brutalized and tortured his own citizens, harbored terrorist networks, engaged in terrorist acts, lied, cheated, and defied the will of the international community.

Mr. Speaker, I have examined this information and some of the more specific classified reports. The bottom line is, we do not want to get caught off guard. We must take all precautions to avoid a catastrophic event similar to September 11.

In recent meetings, the National Security Adviser, Dr. Condoleezza Rice, rightly called this coercive diplomacy. It is my hope that through forceful diplomacy, backed by clear resolve, we can avoid war. Unfortunately, Saddam Hussein's history of deception makes a new attempt to disarm him difficult. Additionally, our goal to disarm him must also be connected to a plan to end his regime, should he refuse to disarm.

For all these reasons, I would encourage all of us to support this resolution as the best resolution to make this happen.

Mr. CROWLEY. Mr. Speaker, I yield 5 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, when it comes to Iraq, it is time for the United States of America to state forcefully and without equivocation: Enough is enough. Either Saddam Hussein yields to the resolutions of the United Nations, providing for completely unrestricted inspection and disarmament, or the United States and other nations will use military force against his government to enforce his compliance.

This is terribly, terribly serious business, Mr. Speaker, potentially one of life and death for those that will be involved in prosecuting this action. Therefore, I, like so many others, have expressed the view that this vote is one of the most important votes that I will ever cast in this Chamber on behalf of the people of North Dakota.

I reached the conclusion that the resolution authorizing the President to use force should pass, and I do that based upon the following undeniable and uncontroverted facts:

First, Saddam Hussein is a uniquely evil and threatening leader. His past is absolutely replete with nonstop belligerence and aggression, as well as atrocities.

Two, he has been determined to have developed weapons of mass destruction, biological and chemical. He continues to seek nuclear capacity and is believed to be within mere months of having that capacity, in the event he could get his hands on the requisite materials.

Three, he now continues to produce weapons of mass destruction, having effectively completely thwarted the inspection and disarmament requirements of the United Nations; and he has made it increasingly difficult to detect his production facilities, even as he continues to add to his arsenals.

Four, he is harboring and has well-developed relationships with terrorists, including senior al Qaeda operatives.

Five, he certainly has demonstrated that he is not above using weapons of mass destruction. Indeed, he has used them on his own people.

Now, under these terrible circumstances, I have concluded that doing nothing is simply not acceptable for the United States of America. We need to act, and determining exactly how to act is the question before this Chamber.

I believe that we should support the President as he builds an international consensus to reinstitute completely unfettered inspections, or to use force in the event it is not forthcoming. In dealing with Saddam Hussein, I believe our only hope of enlisting the cooperation of his government is if he knows for an absolute certainty there will be terrible consequences if he does not comply.

Therefore, in looking at the resolutions before this body, I think we can only conclude that the President needs the authorization to act if he is to have any hope of enlisting the cooperation from Saddam Hussein. A two-vote alternative in my view sends a mixed signal: Go try and enlist his cooperation, and we will evaluate what to do if you do not succeed.

The administration has made it very, very clear, and I have heard the President express this personally, that the use of force would be his absolute last wish. I believe, therefore, we need to give him the resolution and the authority from this body that, first, seek disarmament and under terms that are unlike any other imposed upon Iraq any time, anywhere, by any person; and in the event that is not forthcoming, there shall be force to insist on his cooperation, or to replace the regime and obtain cooperation from a new government.

I understand, Mr. Speaker, the difficulty of this decision. But, again, the facts are clear, and doing nothing is not acceptable. I urge adoption of the resolution.

Mr. PAYNE. Mr. Speaker, I yield 5½ minutes to the gentleman from Wisconsin (Mr. KLECZKA), a member of the Committee on Ways and Means, a leader on health issues.

Mr. KLECZKA. Mr. Speaker, although we all know this war resolution will pass, I nevertheless must question the wisdom and morality of an unprovoked attack on another foreign nation. The guiding principle of our foreign policy for over 50 years has been one of containment and deterrence. This is the same strategy that kept the former Soviet Union in check, a power whose possession of weapons of mass destruction had been proven and not speculated, and in fact led to its downfall.

The administration asserts that this time-tested policy is not sufficient to deal with this, yes, dangerous but small, economically weakened Middle Eastern nation. Instead, they support a new policy of a unilateral preemptive attack against Iraq, citing the unproven possibility that Saddam Hussein might be a risk to the security of the United States.

The long-term effects of this go-it-alone, shoot-first policy will be to lose the high moral ground we have exercised in the past to deter other nations from attacking militarily when they felt their security was at stake. The next time Pakistani and Indian troops mass at their borders with both nations' fingers on nuclear triggers, what moral authority will we have to prevent a potential catastrophe? They would justifiably ignore our pleas for diplomatic or negotiated approaches and instead simply follow our lead.

The administration continues to assert that Iraq is an urgent threat to our national security and that we are at risk of an Iraqi surprise attack. But the resolution before us offers no substantiation of these allegations, speaking only of hunches, probabilities, and suspicions. That is not sufficient justification to start a war.

Further, there is reference to the 9/11 terrorism we suffered and the assertion that members of al Qaeda are in Iraq. After extensive investigation, our intelligence community could find no link between the Iraqi regime and the plot that led to last year's deadly terrorist attacks.

□ 1315

Also it has become reported that al Qaeda members are in Iran, Pakistan and Saudi Arabia. Do we attack them next?

The resolution further asserts also without any evidence that there is a great risk that Iraq could launch a surprise attack on the United States with weapons of mass destruction. It is fact that Saddam does not possess a delivery system that has the throw power of 8,000 miles or anything even close. And if there is such a great risk that he has and will use biological and chemical weapons against us, why did he not do so in the Gulf War? The answer is because he knew that our response would be strong, swift, and fatal. Hussein is not a martyr; he is a survivalist.

Similarly, the evidence does not show that Iraq has any nuclear capabilities. General Wesley Clark, former commander of NATO forces in Europe, contends that "despite all the talk of 'loose nukes,' Saddam does not have any," or the highly enriched uranium or plutonium to enable him to construct them.

Air Force General Richard B. Myers, chairman of the Joint Chiefs of Staff, recently concurred, admitting that the consensus is that Saddam Hussein "does not have a nuclear weapon, but he wants one."

One of the goals of the President is to force a regime change in Iraq. Who are we to dictate to another country that their leadership must be changed? What would be our reaction if another country demanded or threatened to remove President Bush? All of us, Republicans and Democrats alike and each and every American, would be infuriated by such an inference and rise up against them. Changes in regimes must come from within.

The result of voting for this resolution will be to give the President a blank check with broad authority to use our Armed Forces to unilaterally attack Iraq. He merely has to tell us why he believes that continued diplomatic efforts will fail and does not have to give that information to Congress until 48 hours after he has begun the war.

The more meaningful provision would be to provide for a two-step process where after all diplomatic efforts have failed, the President would come back to Congress and make the case that military force is now necessary.

Our colleague, the gentleman from South Carolina (Mr. SPRATT), has that provision in his alternative and it deserves our careful consideration. Let us make no mistake about it, Hussein is a brutal dictator who has flagrantly defied the will of the world community. But the case has simply not been made either by this resolution or by the administration that there is a clear and present danger to the security of the United States which would warrant this Nation embarking on its first unprovoked preemptive attack in our 226-year history.

The President must continue to work together with our allies in the U.N. Security Council to ensure that the Iraqi regime is disarmed. Mr. Speaker, war should always be the last resort and not the first. For all these reasons, I cannot support this resolution and must vote "no."

Mr. GOSS. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. GALLEGLY), the distinguished chairman of the Subcommittee on Europe of the Committee on International Relations.

Mr. GALLEGLY. Mr. Speaker, I rise in support today of H.J. Res. 114. I want to commend the gentleman from Illinois (Mr. HASTERT) and House leadership for working in a bipartisan manner with the White House to develop what I believe is a very strong, but balanced, resolution.

Last week by a strong vote the Committee on International Relations passed this resolution. As part of its responsibility to carry out its role in helping shape United States foreign policy toward Iraq, our chairman, the gentleman from Illinois (Mr. HYDE), and our ranking member, the gentleman from California (Mr. LANTOS), deserve a great deal of credit for their efforts in guiding this effort through the committee process.

September 11 has tragically taught us the price of not acting when faced with a clear and present danger, and there should be no doubt today we face a clear and present danger in the form of weapons of mass destruction in the possession of Saddam Hussein. We know after the 1991 liberation of Kuwait, Iraq unequivocally agreed to eliminate its nuclear, biological, and chemical weapons programs and agreed to allow international weapons inspectors to ensure that be accomplished.

But as we all know, Iraq has willfully and in direct violation of its own agreement and those of the United Nations Security Council thwarted over and over again the efforts of the inspectors to find and destroy those weapons. This can only mean one thing, Mr. Speaker. Saddam intends to hold on to these weapons and use them at the appropriate time and in the manner he deems necessary.

As early as 1998, U.N. Secretary General Kofi Annan in a letter to the Security Council stated, "No one can doubt or dispute that Iraq's refusal to honor its commitments under Security Council resolutions regarding its weapons of mass destruction constituted a threat."

These words remain even more true today in light of the scourge of global terrorism. Today the threat to the national security of the United States and to international peace and security continues to grow. It is especially serious because we know that Saddam Hussein supports terrorist organizations such as al Qaeda and could very well be working with these agents at this very moment providing them with the expertise to use chemical and biological weapons against the United States and others.

In 1991 in the aftermath of the Iraq invasion of Kuwait, I led a group of our colleagues in the House in introducing a resolution authorizing then-President Bush the use of all necessary means to force Iraq from Kuwait. There were dissenters who felt we should not go to war, but in the end there is no question we were proven right. In 1998 I strongly supported the House resolution which declared Iraq to be in breach of its international obligations, and we urged the President to take appropriate actions to bring Iraq into compliance.

However, at that time significant penalties for noncompliance were not invoked, and so here we are again today, confronting the same issue without an inch of change in Saddam's attitude or actions.

Today we are faced with the same proposition and very similar arguments on both sides; but with the passage of this resolution, we will again provide the President the authority he may need to take the appropriate actions necessary to protect the national security of this great Nation.

Mr. Speaker, this time around we must have an absolute commitment to not allow Saddam Hussein to have chemical or biological weapons anymore. But the enforcement of Security Council resolutions this time must include significant penalty for noncompliance which are immediate and automatic. The resolution we are debating today is forceful in that it again gives the President the authority to use whatever means, including force, to rid Iraq of its weapons of mass destruction. But this resolution is balanced in that it encourages the President to pursue diplomatic avenues to achieve international support of enforcing U.N. mandates and provide for an important role in the Congress.

I believe the gravity of this issue mandates that we act now to give the President the tools he should have to deal with this significant threat. The potential terror of weapons of mass destruction in the hands of a madman to the world must be addressed, and it must be addressed decisively and now.

Mr. Speaker, I urge the support of this resolution.

Mr. CROWLEY. Mr. Speaker, I yield 6 minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I thank the gentleman from New York (Mr. CROWLEY) for yielding me time.

Mr. Speaker, it should be stated at the outset that not one Member of this body wants war. We all want peace. The decision whether to send American soldiers into battle is the most agonizing vote we will cast in Congress. It is a choice between confronting the horrors of war versus allowing a potentially devastating attack on our homeland, one that could kill tens of thousands of Americans.

But make no mistake, the threat posed by Saddam Hussein also ultimately threatens world peace and stability. It is for this reason that we must consider the resolution before us today, allowing the President to take unilateral military action to disarm Iraq in the interest of long-term peace.

First, I believe we must consider this issue in the context of the post-September 11 world. Our enemies and their supporters have demonstrated their willingness to strike at us in covert and highly-destructive ways. As a result of briefings I have received from military experts, former weapons inspectors and colleagues in the intelligence community, I am convinced that Iraq does indeed possess weapons of mass destruction.

First, chemical and biological threats. Saddam Hussein has VX nerve gas, mustard gas, and anthrax. These toxins are deadly and could kill thousands.

Second, we know that Saddam has a growing fleet of manned and unmanned aerial vehicles, UAVs, that could be used to disburse chemical and biological weapons across broad areas. Intelligence data suggests that Iraq may be exploring ways of using these UAVs for missions targeting the United States.

Third, as we learned from last fall's anthrax attacks, sophisticated delivery systems are not required. For chemical and biological attacks, all that is required is a small container and one willing adversary.

Next consider the nuclear threat. Iraq can develop nuclear capabilities in 1 to 2 years. We know that Iraq has already experimented with dirty bombs. There is nothing to suggest that they have discontinued this program. With enriched uranium and subsequently an atomic bomb, Iraq could use nuclear blackmail to conquer other countries in the region and threaten U.S. national security.

Now, some people that say that our focus should be on the war against terrorism. In my view, the Iraqi threat is part and parcel of the war against terrorism. There is ample evidence of al Qaeda and Iraqi contacts in the development of chemical and biological weapons. Additionally, Saddam has harbored known terrorists such as Abu Nidal, who, prior to his mysterious death, was connected to at least 90 attacks throughout the world.

Iraq poses a threat to the Persian Gulf and the Middle East as well as 110,000 United States American troops and civilians.

As a representative from the Washington, D.C. suburbs, I am particularly concerned about the threat to our homeland and the Washington metropolitan region. We learned on September 11 that the D.C. area is indeed a terrorist target, and a prime target.

Now, many ask why is Iraq unique? Other countries have weapons of mass destruction and hostile intentions. This is true. But none have the unique history of Iraq. I submit to you some of Iraq's prior aggressions and violations:

First, Saddam's invasion of Iran.

Second, Saddam's invasion of Kuwait.

Third, Saddam's use of chemical and biological weaponry against his own people as well as his enemies.

Fourth, Saddam has continued to obstruct U.N. weapons inspections. We cannot continue to ignore these violations. And in his most recent gambit, he tells us yes, we will accept inspections, but you can not inspect my palaces, some of which are as big as small cities. This is unacceptable.

I believe that actions speak louder than words and that past is prologue. In Saddam Hussein we are dealing with a shrewd and diabolical aggressor who must be thwarted.

However, despite all of this, what we want is inspections and disarmament, not war. I agree with those who believe war should be our last option. Thus, we must consider the viability of diplomatic measures. Although Saddam has defied 16 U.N. resolutions over the past decade, the President has asked the United Nations to pass another resolution requiring complete, unconditional inspections of all sites. The U.N, can do this.

To those who can say we only act multilaterally with our allies, I say yes, and I hope they will support us in the United Nations Security Council. Unfortunately, some of our allies are willing to appease Saddam Hussein.

Winston Churchill said, "An appeaser is one who would feed a crocodile, hoping it will eat him last."

Like a crocodile, the longer Saddam Hussein is left unchecked, the stronger and hungrier he will get.

This resolution sends Saddam Hussein the type of clear message aggressors understand, that we will no longer stand idly by while he threatens U.S. interests and American lives. Disarm or bear the consequences of your actions.

Many of my colleagues believe that this resolution will start war. However, as the President said about the resolution now before us during his speech 2 days ago, "Approving this resolution does not mean that military action is imminent or unavoidable. The resolution will tell the United Nations and all nations that America speaks with one voice, and it is determined to make the demands of the civilized world mean something."

Thus, I believe this resolution can be used to apply maximum leverage on the United Nations to step up to the plate and avoid war.

As provided in an amendment I introduced to this resolution, I urged the President to give the United Nations a reasonable opportunity to pass and implement a new resolution for unfettered and unconditional weapons inspections.

□ 1330

If the President takes his prudent approach, allowing a reasonable opportunity for the U.N. to act, it would demonstrate our desire for international support and cooperation and a peaceful resolution to the Iraqi problem. I believe our patience could garner further support.

Finally, should military force be necessary, I believe nation building is a requirement. Some of my colleagues across the aisle have opposed nation building. I am pleased to see the President say we must have nation building if we implement a military action.

Finally, this end game strategy is as important as military action if we are to achieve our long-term goal of peace in the region. In the final analysis, we all want peace, we all want a diplomatic solution or a multinational military effort. If we can achieve these things, fine.

However, being a world leader means more than just waving flags and saying that we are the greatest country in the world and waiting for others to be willing to act. Sometimes we have to make difficult decisions and sacrifices in order to stand for principles and against aggression. Sometimes the willingness to fight a war avoids the necessity to fight.

I support this bipartisan resolution, and I urge my colleagues to do so.

Mr. PAYNE. Mr. Speaker, I yield 6 minutes to the gentleman from Michigan (Mr. DINGELL), ranking Democrat on the Committee on Energy and Commerce, longest serving Democrat in the House.

Mr. DINGELL. Mr. Speaker, I rise in opposition to the resolution now before the Congress. I supported the father of the current President on his resolution and was one of the few Democrats who did. I was right. There was a strong, present imperative by this country and by the nations of the world. It made sense, it was good, and it was something which was accepted and followed by the people of the world.

There is no evidence that our allies in Europe support the efforts that are described by the President to be made by the United States. The people and the countries in the area do not support this undertaking; and, overwhelmingly, the American people oppose this kind of effort, an effort intelligently, wisely and necessary to be made to achieve the purposes of everybody, that is, elimination of weapons of mass destruction from within the country of Iraq.

Mr. Saddam Hussein has no friends in the world. Everybody fears him and most despise him, but the President has chosen the wrong course. He has given us a request for a blank check. There has been inadequate or no discussion with our allies and friends. There has not been sufficient discussion with the Congress or the people of the United States, and the countries in the area are troubled because they feel that they do not understand what it is the United States intends to do, when, how or why.

We are embarking upon a unique and new doctrine. We will engage in a unilateral preemptive strike, if the early pronouncements of the administration are to be believed, and our purpose there is the removal of Saddam Hussein, obviously a desirable change. But, more recently, the President has said our purpose now is to disarm Mr. Hussein and Iraq of their weapons of mass destruction. I am not clear what course it is that the President has in mind, but I am convinced that proceeding into this situation without allies, without bases, without proper and adequate logistic support is an act of great folly. It poses enormous risks to the troops that we would be sending, and it poses enormous risk to this country and to our foreign policy.

Not only is it novel and dangerous to talk about preemptive strikes, but it is something which need not be done. A proper exercise of leadership in the U.N. will cause that institution to follow the United States; and I would urge us, as the remaining superpower, to exercise leadership and have enough confidence in ourselves and our capacity to lead to proceed to embark upon that course. I do not see this resolution before us as being a device which stimulates or encourages that. Perhaps the President would exercise that kind of leadership. I see no evidence that such, however, is to be the case.

I was here during the time of the missile crisis, and I remember that the President at that time observed that the worst course to be taken was a preemptive war. Our policy succeeded. We forced the missiles out. And when the matter was discussed in the United Nations, our ambassador there, Mr. Stevenson, showed them a photograph of what was transpiring and that the Soviets had moved missiles into Cuba. The world accepted, approved and followed the United States.

We have not seen that the people of the world are convinced that we have made the case that Mr. Saddam Hussein would embark immediately or at a time of risk to the United States on the use of weapons of mass destruction. Perhaps he would, and I do not trust him, but I would note to my colleagues that there is a sensible way of achieving the following and the support of the people of the world.

George Herbert Walker Bush chose it, and I supported him. He went around the world and he assembled not just the countries in the area, not just our allies, but the whole world. And but for the fact that we pulled out too soon, the matter would have been disposed of completely and satisfactorily then.

We have not taken the steps that are necessary to assure either that the nations of the world, our friends and allies in Europe or the nations in the area would support this undertaking. I am not a dove, and I am not a hawk. I am a very sensible Polish American, and it is my view that the game here is to win, and we best win by using the resources of the United Nations and the following of the whole world as we assemble a coalition to disarm or dispose of Saddam Hussein. To take some other course is to accept foolish risks, including the risk of failure.

Mr. Speaker, I rise in opposition to the resolution now before the Congress. I supported the father of the current President on his resolution and was one of the few Democrats who did. I was right. There was a strong, present imperative by this country and by the nations of the world. It made sense, it was good, and it was something which was accepted and followed by the people of the world.

There is no evidence that our allies in Europe support the efforts that are described by the President to be made by the United States. The people and the countries in the area do not support this undertaking; and, overwhelmingly, the American people oppose this kind of effort, because it is not made intelligently, wisely and in ways necessary to achieve its purpose. The basic purpose is the elimination of weapons of mass destruction from within the country of Iraq.

Mr. Saddam Hussein has no friends in the world. People fear him and most despise him. But the President has chosen the wrong course. He has given us a request for a blank check. There has been inadequate or no discussion with our allies and friends. There has not been sufficient discussion with the Congress or the people of the United States, and the countries in the area are troubled because they feel that they do not understand what it is the United States intends to do, when, how or why.

We are embarking on a unique and new doctrine. We propose to engage in a unilateral preemptive strike, if the early pronouncements of the administration are to be believed. Our purpose there is the removal of Saddam Hussein, obviously a desirable change, but again done unilaterally—a great strategic and tactical error. More recently, the President has said that our purpose now is to disarm Mr. Hussein and Iraq of their weapons of mass destruction. I am not clear what course it is that the President has in mind, but I am convinced that proceeding into this situation without allies, without bases, without proper and adequate logistical support is risky, indeed, it is an act of great folly. It poses enormous risks to the troops that we would be sending, and it poses enormous risk to this country, to the success of the undertaking, and to our foreign policy.

Not only is it novel and dangerous to talk about preemptive strikes, but it is something which need not be done. A proper exercise of leadership in the U.N. will cause that institution and its members to follow the United States. I would urge us, as the remaining superpower, to exercise leadership and have enough confidence in ourselves, and in our capacity to lead, to embark upon that wiser and more propitious course. I do not see this resolution before us as being a device which stimulates or encourages other nations to follow the United States. Perhaps the President would exercise that kind of leadership. He certainly should. I would support him in that. I see no evidence that such, however, is to be the case.

I was here during the time of the missile crisis, and I remember that President Kennedy at that time observed that the worst course to be taken was a preemptive war. His policies succeeded. We forced the missiles out, peace was maintained, and when the matter was discussed in the United Nations, our ambassador there, Mr. Stevenson, showed them a photograph of what was transpiring and that the Soviets had moved missiles into Cuba. The world accepted, approved and followed the United States.

We have not seen that the people of the world are convinced that we have made the case that Mr. Saddam Hussein would embark immediately or at some early time to use weapons of mass destruction. I do not trust him, and he might, but losing to him in this matter would make such use of weapons of mass destruction more certain. I would note to my colleagues that there is a sensible way of achieving the following of the world and the support of the nations of the world.

President George Herbert Walker Bush chose it, and I supported him. That President went around the world and assembled not just the countries in the Middle East, not just our allies, but the whole world. And but for the fact that we pulled out too soon, the matter would have been disposed of completely and satisfactorily then.

We have not taken the steps that are necessary to assure either that the nations of the world, our friends and allies in Europe, or the friendly nations in the Middle East will support this undertaking. I am not a dove, and I am not a hawk. I am a very sensible Polish American, and it is my view that the game here is to win. And we best win by using the resources of the United Nations and the following of the whole world as we assemble a coalition to disarm or dispose of Saddam Hussein. To take some other course is to accept foolish risks, including the risk of failure. Let us do it right. If we do, we will win.

Mr. Speaker, at this point, I insert into the RECORD, a letter I sent the President outlining my views and questions to be addressed before we embark on this risky endeavor.

HOUSE OF REPRESENTATIVES,
Washington, DC, September 5, 2002.
THE PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: In recent weeks there has been much debate, public and private, over the possibility of a United States military campaign against Iraq. I agree with the notion that Saddam Hussein is an evil man who continues to pose a serious threat to the stability of the Middle East. However, as one who voted in favor of authorizing the use of force prior to the Persian Gulf War in 1991, and supported George H. W. Bush through the duration of that conflict, I write to express my deep reservations over launching an attack against Iraq. Without a clear purpose or strategy, I question whether you have established that waging a war at this time would be advantageous to the United States.

Mr. President, most of the world agrees that Saddam Hussein is a menace to the region, the international community, and the Iraqi people. Iraq refuses to comply with its obligations regarding weapons of mass destruction (WMD), nor does it observe U.N.-imposed no-flight zones. Saddam Hussein's Iraq has rejected its neighbors calls for reconciliation, repeatedly threatened to attack Kuwait, failed to account for 600 missing Kuwaiti citizens and as recently as last year conducted raids into Saudi Arabian territory.

Saddam Hussein's repressive policies have resulted in the deaths of countless Iraqi citizens. While defying the international community, Saddam Hussein has manipulated public opinion by blaming the United States and the United Nations for the intense hardships faced by the people of Iraq. The U.N. has repeatedly found that the Iraqi government supports massive and systematic human rights abuses, and has demonstrated in act and deed that it would rather manipulate the suffering of innocent civilians for propaganda effect result than take full advantage of humanitarian relief efforts, such as the oil-for-food program.

That being said, there is great concern in the United States and around the globe over the possibility of the U.S. launching a unilateral, sustained military operation against Iraq. To date, the United States has not clearly stated its rationale for attacking Iraq, nor have we answered questions pertaining to the possible consequences of opting for military confrontation. This has triggered intense criticism of U.S. policy vis-a-vis Iraq at home and abroad. Without outlining the objectives and rationale for an attack or obtaining the necessary domestic and international support, a U.S. military campaign would be unwise. Accordingly, I firmly believe the Administration must meet the following conditions pertaining to Iraq in order to justify and guarantee the success of a military campaign:

(1) The Bush Administration must consult and obtain approval from Congress before launching a sustained attack on Iraq.

Congress must be provided with any and all facts justifying the need for military action, and must be offered a clear explanation as to the goals of a military campaign, including an exit strategy. The Administration must also explain to Congress why military action against the Iraqi regime is vital to the security of the United States, and why it is necessary now.

The Administration must make a clear and convincing case that Iraq has weapons of mass destruction—biological, chemical, or nuclear—and the means to deliver such agents. The Administration must explain why it believes Iraq will employ these kinds of weapons in imminent attacks on other nations.

(2) Any sustained military campaign must have the support of the international community.

We must first be certain that our nation's traditional allies in Europe and elsewhere support a military operation against Iraq.

The Administration must secure the support of our regional allies, and gain access to military bases in those nations bordering Iraq which are vital to the success of a military operation.

The United States must have the support of, and/or be able to coordinate with, the armed forces of our regional and other allies necessary to guarantee success militarily and diplomatically.

The matter of Iraq must be fully debated by the United Nations. An attack on Iraq must have the support of the U.N., and must be carried out under U.N. auspices.

(3) The Administration must formulate and explain its strategy for post-war Iraq. The U.S. must answer questions as to how it will assist in reconstituting a united Iraq, maintain Iraqi territorial integrity, and build a peaceful government and stable society that does not pose a threat to the U.S., our allies, or the region.

(4) Congress and the American people must be informed of the anticipated cost of opting for military action, both in lives and dollars. The Administration must fully explain the cost of waging a war in Iraq, economically, militarily, and diplomatically. It must demonstrate that the considerable cost of a military endeavor justify an attack on Iraq.

Again, I would caution against unilaterally unleashing U.S. military might on Iraq until a compelling case is made to the American people, Congress, and the international community. Needless to say, we must also have clear objectives in the short and long term, less we risk suffering unintended consequences.

Sincerely yours,

JOHN D. DINGELL,
Member of Congress.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the blue sky times of the past peace have clearly clouded over, and we have now come to realize that as Americans that our part of the world is not sheltered from global storms either. Our country was hit a terrible blow on September 11, one that was delivered by depraved men, not by Mother Nature, and unlike the forces of nature, the destructive power of man can and must be stopped before it surges and reaches our shores again. It is time we go straight to the eye and dismantle the elements from which the storm of brutal, repressive tyranny and oppression radiate.

Saddam Hussein, Osama bin Laden and their radical ilk are at the epicenter of terrorist activity in the Middle East. Nobody doubts that. It is not debatable. President Bush, Prime Minister Blair and others have made convincing cases about the threats the despotic Iraqi regime poses to world peace and stability today, today, as well as tomorrow. The list of offenses is long, and it has been much discussed.

Briefly, Iraq has not lived up to the terms of peace it agreed to at the end of the Gulf War. So we are in a continuation of the Gulf War. It has illegally sold oil and fired missiles repeatedly at U.S. aircraft in no-fly zones. I am sorry that CNN does not run every night the aerial combat that goes on in the no-fly zones. The Iraqis are trying to kill our troops over there who are enforcing the sanctions the Iraqi regime agreed to. The policemen we put there, with their agreement, they are trying to take out.

Iraq has expanded its weapons of mass destruction capabilities against its pledge not to. It still has deadly chemical weapons hidden throughout the country, and it has tried to develop nuclear devices as well.

It is certain that Iraq has ties to many Islamic terror groups in the region, including al Qaeda. Evidence supports Iraq's involvement in the first and probably the second World Trade Center bombing.

The ultimate goal of an Iraq invasion is clear. It is the removal of weaponry and the Saddam Hussein regime. Saddam Hussein, as we all know, is aggressive, he is a rogue leader, he ruthlessly crushes his political dissent. He ignores the most basic tenets of human dignity and uses fear and brutality to stay in power. He has not been truthful. There is no reason for anyone to believe him.

He is known from our intelligence sources to be a master of deceit and deception in word and in deed. He would not be missed by his friends in that region, and no one, no one is defending him in this body that I have heard yet.

Debate now, followed by unlimited inspection and full, effective enforcement of the sanctions are the best way to achieve his removal and reduction of weapons of mass destruction and the threat they represent. Now is not the time to sit back and observe the storm.

As the chairman of the Permanent Select Committee on Intelligence, I can attest to the evilness of Saddam Hussein. There is no doubt. I can attest to the capabilities of his dreadful arsenal of weaponry and the inventory that that danger will grow geometrically the longer we wait to disable him. Those are undeniable realities that we have to live with and deal with.

We know about him. What about us? What are we going to do about it? That is what this debate really is, the how and the when of dealing with something we have to deal with.

President Bush asked in this resolution that we give him flexibility and support to handle this in the most effective way with the least risk to our troops, the least risk to further dangers for the people of this great Nation and our allies and friends around the world.

We should support our President. I will support him with my vote; and I hope others will, too.

Mr. Speaker, I yield the balance of my time to the distinguished gentleman from Illinois (Mr. HYDE), the Chairman of the Committee on International Relations, for the purposes of control.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Illinois (Mr. HYDE) will control the remainder of the gentleman's time.

Mr. CROWLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. KANJORSKI).

Mr. KANJORSKI. Mr. Speaker, today I rise with a heavy heart because the decision to go to war is the greatest vote a Member of Congress can make. I take my sworn constitutional duty in this matter very seriously. Accordingly, I have conducted a thorough analysis of this situation since the President indicated discussions several months ago about the possible need for American military action in Iraq. The examination and analysis has resulted in my conclusion to support this resolution.

Ultimately, we must do what is right for the security of our Nation. Before the United States agrees to commit troops abroad, we must first determine that Iraq represents an imminent and serious threat to the American interests.

We have known for some time that Iraq possesses biological and chemical weapons of mass destruction and material, an unacceptable breach of its international obligations. Additionally, Iraq seeks to produce nuclear weapons. Moreover, we have evidence that Iraq has worked to build the delivery systems and now has the capacity to deliver these weapons all over the world.

After considerable deliberations, I have, therefore, determined that a convincing case has been made that Iraq presents an imminent threat to our national security. Without question, we know that we cannot trust Saddam Hussein. Other nations might have the same deadly capacities as Iraq, but none has a leader like Saddam Hussein, who is a vicious and dangerous man.

At this critical junction, we must, therefore, act quickly to safeguard our national security and the security of our allies. If we do not, millions may die. Let us err on the side of national security.

□ 1345

Further, we have before us a well-crafted compromise resolution to authorize the use of force against Iraq. This resolution imposes some appropriate checks on the President's authority to use force against Iraq. It also represents a reasonable compromise between what the President had initially requested and what the Congress felt was wise to allow. After all, under our Constitution, only Congress has the power to declare war.

We must additionally consider the consequences of military intervention for our diplomatic relations with other nations. In my mind, the President has made a convincing case to Congress about the need for such action in this instance. His administration in recent weeks has made progress in educating the rest of the world about the need for such action. Furthermore, the resolution before us today prioritizes U.S. diplomatic efforts in the United Nations for resolving this escalating situation. As a result, it is my hope we will resolve the situation through diplomatic means. But should those efforts fail, we must and we need to ensure that the President has the tools he needs to protect our national security.

Further, if we must use force against Iraq, it is imperative that we not leave a vacuum of power so that one dangerous regime replaces another dangerous regime. If we fail in the second part of our mission in Iraq, we will not have accomplished much.

If we ultimately pursue military action, we must therefore commit this Congress and the American people to provide assistance, as we did after the war in Europe. Consequently, I am pleased that the President has expressed his support for rebuilding Iraq's economy and creating institutions of liberty in a unified Iraq at peace with its neighbors.

Mr. Speaker, Congress must act swiftly to pass this resolution so that the United States can fully protect the national security of the American people. The resolution now before us represents a reasonable compromise between the desires of the administration and the goals of Congress to protect the American people. We should, as a result, support this resolution and support the President as he upholds the duties he was sworn to do.

Mr. PAYNE. Mr. Speaker, I yield 5½ minutes to the gentleman from Pennsylvania (Mr. DOYLE), a member of the Committee on Energy and Commerce dealing with trade energy and air quality.

Mr. DOYLE. Mr. Speaker, tomorrow, we will all have to cast one of the most difficult votes of our careers. I know this will be the most difficult vote I will have to cast in the 8 years that I have had the privilege of representing the people of Pittsburgh, Pennsylvania. It is a vote that I have given much thought to because, Mr. Speaker, we are talking about the possibility of sending America's sons and daughters to war; and that is something that we must never take lightly.

Now, all of us here in the Congress have been to many briefings. I have talked to the Director of the CIA, the DIA, the National Security Adviser. We have heard from many people from the administration, all of us, I believe, in an effort to get the facts, to seek the truth, to help us make a decision that we think is in the best interest of our country.

And I want to say at the beginning that I think we are going to reach different conclusions tomorrow. There are basically three different ways we can vote tomorrow, and I do not question anyone's vote tomorrow. I think everyone in the House is a patriot and will vote in a manner which they think is the best way for our country to proceed. I want to say that up front.

But we do have three choices and we are confronted with some realities. I think all of us would agree that Iraq poses a threat. They have biological and chemical weapons. We know that. We know they have designs on reconstituting their nuclear arsenal. They are not there yet. They may not be there for a year or so. But we know they have intentions to do that. So we agree there is a threat. Some of us would observe that the threat is equal to or certainly no greater than the threats posed by many other countries, Iran, North Korea, China, Syria. But I think we all agree that it is in the interest of the United States and the world community that Iraq be disarmed.

So the question is what is the best way to do that, and tomorrow we are going to have three choices. The gentlewoman from California (Ms. LEE) would have us do this exclusively through the United Nations; that we would just work through the U.N. to try to effect disarmament of Iraq. The President's resolution gives broad authority to the President to do whatever he sees fit to disarm Iraq and protect this country. And then there is a third alternative, the Spratt amendment, which seeks to limit the broad authority given to the President, but nothing to the point that it ties the President's hands.

I really believe, in looking at all three proposals, that the Spratt amendment makes the most sense. First of all, it makes it clear that the primary aim that we have is disarming Iraq from all weapons of mass destruction. It keeps the Congress engaged.

Whatever happened to keeping the Congress engaged in what goes on in our country? I have watched trade agreements where we have abdicated our responsibilities in trade agreements to the executive branch, no oversight with these fast track agreements. And now we are talking about maybe sending our sons and daughters to war; and the Congress is ready to, once again, just abdicate its oversight to the executive branch. I think we need to be engaged, and the Spratt amendment allows us to be engaged.

The Spratt amendment commends the President for taking the case against Iraq to the United Nations. It encourages him to persist in his efforts to obtain Security Council approval. And it calls on him to seek and also for the Security Council to approve a new resolution mandating tougher rounds of arms inspections. We think this is an important first step that thinks that the first order of business should be to get compliance through the Security Council first.

It also authorizes the use of force if sanctioned by the Security Council. If Iraq resists the weapons inspectors and the new rounds of inspections fail, then the Security Council is going to have to confront the use of military force against Iraq. And if they authorize such force, as they did in 1990, the President does not need any further approval from Congress. He need not come back to us.

But if the Security Council does not adopt the new resolution, or if the President considers its resolution too weak to wipe out Iraq's weapons of mass destruction, then the President can seek, on an expedited basis, an up-or-down vote by the Congress to use military force to eliminate Iraq's weapons of mass destruction.

Now, we ask that the President certify that he has sought a new resolution from the Security Council and that it has either failed to pass that resolution or it is insufficient; that military force is necessary to make Iraq comply; that the U.S. is forming as broad based a coalition as it can; and that military action against Iraq will not interfere with the war on terrorism.

Security Council approval is in the interest of the United States in the long term, because it is going to help persuade neighboring countries, especially countries like Saudi Arabia and Turkey, to grant us basing and overflight rights and other means of support. It allows moderate Arab and Muslim states to support the U.S. action, deflecting the resentment an attack on Iraq by the U.S. alone would generate in the Arab and Muslim populations, and it enhances the chances of postwar successes. Allies with us on the takeoff are far more likely to be with us after the conflict.

Mr. Speaker, this is something we need to think through. What is a post-Saddam Iraq going to look like? How many years and how many troops will we have to station there? Mr. Speaker, I think the answer is simple. In the last few speeches, the President has made it clear by saying he will not attack Iraq without first attempting to build an international coalition of support from our allies. And I appreciate that because I think that is the right way to go.

The Spratt amendment deals with Iraq in the right way by providing for a more thorough and narrowly focused process that I believe increases significantly our chances of success in this delicate and difficult situation.

Mr. Speaker, I intend to support the Spratt resolution. I think it is the right way to go. I intend to vote against the President's resolution.

Mr. HYDE. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding me this time to speak, and I rise today with a heavy heart over one of the most difficult decisions that we as elected officials are called upon to make. It is literally a decision of life or death.

As a mother who has raised nine children, I cannot help but think about this issue on a personal basis. Can I or can any parent look into the eyes of an 18-year-old boy and with a clear mind and clear conscience say that we have exhausted every other option before sending him into the perils of conflict? Are we certain that the strongest possible case has been made that the threat posed by Iraq rises to the level of risking the lives of tens of thousands of our young citizens? Can we say to that young man with sufficient moral certainty that the time must be now, and that we can afford to work no longer on an alternative to war?

Mr. Speaker, the world is watching us today as we show how the world's last remaining superpower sees fit to use its great influence. We are looked to as we set an example for the world. Are we a Nation that will work within the world community, or will we go it alone? Are we willing to exhaust every possible chance for a peaceful resolution, or are we ready now to commit to war? Have we made the strongest case for action that we can make to the world? And do we honestly have a plan for a post-war Iraq?

This great struggle against evil is not a Christian struggle, a Jewish struggle, or a Muslim struggle. It is a common struggle among people of all faiths. But as a Nation of Christians, Jews, Muslims and Hindus, and as a Member who represents a district of all of these faiths, we should look toward the common thread of all our beliefs that it is our responsibility to win this struggle through peace, through negotiation, through coalition building, and as an international, not unilateral, effort.

As the world's last superpower, I believe that we must have a better plan for our Nation and for the world for a post-war Iraq. We must reassure those neighbors in the Middle East that we are committed first to peace and stability and second to regime change. And we must not give our friends and foes in the region more reason to distrust our sincerity and desire for peace by ignoring the world community's role in addressing this problem.

I commend our President for his commitment to protecting our national security and his honest heartfelt desire to do what he thinks is right to make our world safe for democracy and safe for future generations. I know that in his heart he will continue to do what is right. But I believe as a Nation we owe it to ourselves and to those of other nations who would fall victim to the horror of this war to make sure that every other option has been exhausted before we take this final and irrevocable step of authorizing full-scale military action.

I will follow my conscience and vote against House Joint Resolution 114.

Mr. CROWLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Speaker, this debate is occurring at an auspicious anniversary in our Nation's history. Forty years ago this month, our Nation stood at the brink of nuclear annihilation. Offensive nuclear weapons were being placed 90 miles from Miami. A dictator stood ready to launch a missile strike against this Nation. And the United States, while supported by the world community, stood alone in confronting the menace.

Mr. Speaker, there are ominous parallels to the missiles of October 1962 and the Iraqi threat of 2002. While we debate this resolution, I believe it is illuminating to go remember what President Kennedy faced 40 Octobers ago. President Kennedy did not want to go to war. He knew what war meant. But he also knew the dangers of inaction far outweighed the risk of action.

We are faced with a similar situation today. A tyrant is building a nuclear, chemical, and biological weapons capability designed only for offensive use.

□ 1400

International mediation is preferred, but not an absolute method of engagement. The threat is real, and inaction on our part today will put us at greater risk tomorrow.

This resolution is not a blank check to go to war. It is not defiant of the world community to pass this resolution. No one wants to go to war and see lives lost. No one wants our blood and treasures spent in far-off lands. But just as President Kennedy acted with threat of force of our military to end a threat 40 years ago, we must not remove this option from President Bush today. I urge support of this bipartisan resolution.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. DOGGETT), a leader in the battle against this resolution, and a member of the Committee on Ways and Means.

Mr. DOGGETT. Mr. Speaker, today, we must speak not with one voice, but as one democracy—giving voice to the millions of Americans increasingly concerned with an Administration's deliberate choice to make the terrible weapon of war a predominant instrument in its foreign policy.

Among the more than three thousand communications I have received from my neighbors in Central Texas concerned with this rush to inflame a region that is as volatile as the oil it holds, is that of Bill Hilgers, a World War II veteran with 30 bombing missions over Germany and a Purple Heart. He writes, "No one can foresee the potential damage [to] our troops or citizens. . . . We stake our future on an unprecedented breach of our moral principles . . . and our past commitment to peace. [W]e should . . . use every diplomatic strategy . . . to see that Iraq's weapons are destroyed before [using] military force."

A more recent veteran, General Norman Schwarzkopf, writing of the Gulf War, was more direct: "I am certain that had we taken all of Iraq, we would have been like the dinosaur in the tar pit." ["It Doesn't Take a Hero, Bantam Books, 1992, page 498]

The house-to-house urban warfare that would likely result from a land invasion would endanger our soldiers, detract from our ongoing war on terrorism, and expose our families to terrorism for years to come, in what to many in that part of the world would perceive as a war on Islam.

Many Americans are asking, "how best do we protect our families?" And, "do they know something in Washington that we do not know?"

From our briefings in Congress, we do know something about which the public is uncertain and fearful. We have been shown no evidence that Iraq is connected to 9/11. We have been shown no evidence that Iraq poses an imminent threat to the security of American families today. From Central Intelligence Agency reports, secret until very recently and finally released, we know that terrorism, not Iraq, is the real threat. The CIA has concluded that an American invasion of Iraq is more likely to drive our enemies together against us and certainly more likely to make Saddam Hussein use any weapons of mass destruction that he may possess.

How do we make our families safe at this time? Certainly, through a military second to none, yes. Through effective law enforcement here at home, yes. But arms alone are insufficient protection, as the tragedy of September 11 demonstrated all too well.

True security means working together with nations, large and small. It means that we must be wise enough to rely on America's other strengths to rid the world of Iraq's danger, rather than unilaterally imposing our will by force that will only unite our enemies while dividing our natural allies.

Overreliance on packing the biggest gun and on having the fastest draw, will not make us safer. Rather, it is a formula for international anarchy. A quick draw may eliminate the occasional villain, but only at the cost of destabilizing the world, disrupting the hope for international law and order, and, ultimately endangering each of our families.

President Bush has correctly said, I would not trust Saddam Hussein with one American life. What fool would trust him? But that is not our choice today. Nor is it a choice between "war" and "doing nothing," or between "war" and "appeasement."

The better choice today is for effective, comprehensive, international inspections and the disarmament of Iraq of any weapons of mass destruction that we believe it possesses. The better choice is to follow the prudent, indeed the conservative approach, a firm policy of containment that kept the threat to American families at bay.

Abandoning that successful policy, a policy which Ronald Reagan used against another "evil empire," abandoning that policy which avoided nuclear Armageddon, abandoning that policy which we used successfully against Muammar Qadhafi—that abandonment will place America on a truly perilous path.

Containment and disarmament may not end all wars, but they are clearly superior to the new "first-strike" formula that risks wars without end.

America has the might and right to defend itself against imminent threats to its security, even unilaterally. If in fact the quality of the President's evidence matched the quality of his oratory, I would be "ready to roll." The President does not need us to consent to saber rattle, but let him return to Congress if he has any clear evidence, not yet provided, to show us it is time to let the saber strike.

With this daily talk of war overshadowing all our hopes and dreams for this country and world, I would address my final remarks to those who are struggling with how to respond. Continue to thoughtfully, respectfully but forcefully voice your opposition. Do not lose hope. Petition for peace. Pray for peace. Do not give up on peace. Let us work together for an America that remains, indeed, a beacon for the world, that joins with its allies in ensuring the collective security of families here and around the globe.

Mr. HYDE. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. RAMSTAD).

Mr. RAMSTAD. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, decisions involving war and peace are by far the most difficult and agonizing as they potentially involve putting America's sons and daughters in harm's way. That is why I focused heavily on the Iraq resolution for weeks, attending every possible briefing from the CIA, National Security Council, Joint Chiefs, and the State Department. I have examined the classified data made available by our intelligence officials.

I have also listened to the people of Minnesota. I realize there are people of goodwill and good conscience who will disagree with my conclusion.

My fundamental principles approaching this resolution are several:

First, the highest responsibility of the Federal Government is to keep the American people safe.

Second, the greatest danger to our national security is terrorists with weapons of mass destruction.

Third, diplomacy should always be exhausted and proven unworkable prior to the use of force.

Fourth, war should always be the last option.

Consistent with these beliefs, my oath of office, and my conscience, and based on all of the briefings and classified data I have seen, I have decided to vote for this bipartisan resolution for several reasons.

First, Saddam Hussein's weapons of mass destruction and links to terrorists pose a clear and present danger to our national security.

Second, this resolution is the last best chance for a peaceful outcome with Iraq, because diplomacy not backed by the threat of force will not work with Saddam Hussein.

Third, this resolution puts maximum pressure on the United Nations to enforce its own resolutions and on Saddam Hussein to comply.

Fourth, this resolution requires the President to exhaust all possible diplomatic efforts and certify that diplomacy is unworkable prior to the use of force.

I am hopeful that diplomacy backed by the threat of force will work to get the United Nations weapons inspectors back into Iraq to disarm Saddam Hussein's weapons of mass destruction. As history has taught us, diplomacy without the threat of force does not work with dictators.

Since September 11, the world has changed. Protecting our national security now means preventing terrorists from getting weapons of mass destruction. Our highest duty is to assure that no weapons of mass destruction are used to harm the people of the United States.

The overwhelming evidence is that Iraq continues to possess and develop a significant chemical and biological weapons capability and is actively developing a nuclear weapons capability. Moreover, declassified intelligence reports document ties between al Qaeda and the Iraqi government, including the presence of senior members of al Qaeda in Baghdad. We also know from high-ranking terrorist prisoners at Guantanamo Bay that Iraq has provided training to al Qaeda in developing chemical and biological weapons.

In conclusion, I believe the gentleman from Missouri (Mr. GEPHARDT) summed it up best when he said, "Iraq presents a problem after September 11 that it did not before, and we should deal with it diplomatically if we can, militarily if we must. And I think this resolution does that."

Like the gentleman from Missouri (Mr. GEPHARDT), I believe this resolution will strengthen our diplomatic efforts to disarm Saddam Hussein and enhance the prospect of a peaceful outcome.

I ask all Members to vote their conscience, as I will in supporting this resolution.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentlewoman from Minnesota (Ms. McCOLLUM), a member of the Committee on Education and the Workforce and a spokesperson for children.

Ms. McCOLLUM. Mr. Speaker, we live in a dangerous world. We always have. But every day, the greatest democracy on earth wakes. All of us from Minnesota, we get up every day. We take our children to school. We go to work. We enjoy the hope, opportunity and freedom of this great Nation. We know that our democracy provides hope and opportunity not only for our own families here in America but for nations around the world.

Nevertheless, we do live in a dangerous world. We always have. I am 48 years old. There has never been a time in my life when the United States was not targeted by another country or countries with nuclear weapons, or when another nation has not had the capacity to attack us with chemical and biological weapons. How many nations today have the capacity to strike us within our borders? How many actually have targeted us today?

The world is filled with dangers, and Saddam Hussein and his regime pose a real danger to America, to the global community. Osama bin Laden and al Qaeda remain free and continue to pose a real danger to America. The anonymous assassin who 1 year ago murdered five Americans with anthrax remains free and is a real danger. How many other rogue states, terrorist organizations, drug cartels or pandemics pose a real security threat to the United States, our citizens and the millions of people around the world? If Saddam Hussein is today's threat, who or what is the next?

Today, I rise in opposition to this resolution because I do not believe we should provide a blank check to this administration to unilaterally attack Saddam Hussein. The world looks to America to promote freedom and justice, not alone but in concert with the global community. In the past decades, we have had models of this success. Let us build again a global coalition.

In 1991, the senior President Bush collectively and carefully assembled a broad coalition against Iraq, unified in purpose and in action. We succeeded, and we brought freedom back to the Kuwaiti people.

After September 11, President Bush tapped the collective will of the international body to respond to terrorism around the world; and with the support of our allies, we rid Afghanistan of the Taliban. We sent operatives of the al Qaeda network scrambling, and we restored freedom to the Afghani people.

But, today, the President seeks to engage the American people in another conflict, void of broad-based international support and lacking a cohesive international voice. Today, some of our allies are beginning to move forward, begrudgingly, to join us, spurred more by a threat of a weakened relationship with the United States than by an immediate threat of Saddam Hussein.

□ 1415

While I believe Saddam is a threat, I do not believe we should take offensive military action, the first strike, without broad-based international coalition support. I ask why are we not standing side by side with our neighbors in the region, Saudi Arabia, Turkey, Jordan, Egypt, our allies around Europe and around the world? The United States possesses the intelligence capacity to assess potential threats to our security. A diplomatic corps capable of diffusing tensions and a potent military force prepared to take appropriate action if necessary. Why have been unable to convince our closest allies to join us in this military undertaking against Iraq? This is a question that the families in my district have been asking me. This is a question that no one in this administration has been able to answer.

Mr. Speaker, as I said, we live in a dangerous world; and I want to be very clear if Iraq possesses an immediate threat to the American people, the President has all the authority he needs to take military action to protect our Nation without this resolution. The brave men and women of our Armed Forces must not be sent into harm's way alone. America's duty is to build a coalition of allies, seize the moral high ground, and act as part of a community of nations against Saddam's regime. When this administration convinces our allies in the region and around the world the need for joint military action, then the President will have my full support to take every action necessary to eliminate the danger in Iraq.

Mr. ACKERMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, there is no question that Iraq's President, Saddam Hussein, is a dangerous individual. Under his control Iraq has violated United Nations resolutions on the development of weapons of mass destruction. Iraq possesses significant quantities of chemical and biological weapons and is attempting to develop nuclear and radiological weapons all in contravention of the U.N. resolutions.

Iraq has shown a disposition to use weapons of mass destruction when the regime used chemical weapons against its own citizens. Iraq has had 4 years to rebuild its weapons of mass destruction program without U.N. oversight or inspection. The current regime has also supported terrorism. It is in the interest of the United States to take action against Iraq to enforce the U.N. resolutions, mandating that Iraq destroy its weapons of mass destruction. The preferred course for the United States is to pursue that action through the United Nations. The use of force should be a matter of last resort if all other diplomatic means prove ineffective.

I support President Bush's efforts to secure a resolution in the United Nations Security Council along with a time schedule for enforcement. I also support President Bush's stated intent that force should only be used as a matter of last resort and that it is in the best interest of our Nation to avoid the use of force.

The question before Congress is how we should best address the threat posed by Saddam Hussein as he seeks to strengthen his arsenal of weapons of mass destruction. We all agree that the United States must exercise leadership at this critical time in world history. It is unfortunate that H.J. Res. 114 goes well beyond the President's statements. Under the resolution the President could take unilateral military action against Iraq without seeking the support of the United Nations. The President could also take unilateral military action against Iraq to enforce U.N. resolutions unrelated to weapons of mass destruction. The President has indicated that he will use his authority more narrowly but that it is useful to have broader legislative authority. However, the Congress has the responsibility under the War Powers Act to be very cautious on the authorization of the use of force.

The gentleman from Florida (Mr. DAVIS) and I presented a substitute resolution to the Committee on Rules. That resolution was originally proposed by Senators BIDEN and LUGAR of the Committee on Foreign Relations. It would have limited the use of force to the specific threat against our Nation. Unfortunately, the Republican leadership in the House refused to allow that resolution to be considered. The only other option on the use of force to the President's resolution is the substitute resolution offered by the gentleman from South Carolina (Mr. SPRATT). That resolution allows the President to use force if authorized by the United Nations to eliminate Iraq's weapons of mass destruction. If the United Nations does not approve a resolution authorizing force, then the President could seek an immediate vote of Congress if he still believed the use of force by the United States is necessary.

Mr. Speaker, I shall support the Spratt substitute resolution because when compared to the President's resolution, I believe it most closely reflects the proper authorization from Congress. It is important that we speak as a united country in our determination to eliminate Iraq's weapons of mass destruction. I urge the President to follow the path he has announced in seeking U.N. action, limiting our forces to the elimination of weapons of mass destruction and working with the international community.

I have grave concerns about the consequences of unilateral preemptive military attack by the United States. Such a course of action could endanger our global coalition against terrorism, particularly from our moderate Arab allies. It also may increase terrorism activities around the world. The United States could also set a dangerous precedent in international law which could be invoked, for example, by India against Pakistan, Russia against Georgia, or China against Taiwan. In addition, we must not overlook the massive cost and effort that the United States would have to undertake in a post-Saddam Hussein regime. The United States will need the help of its allies as it attempts to transition Iraq from a dictatorship to a democracy which has the full respect of religious freedom and minority rights of the Kurds, Shiites, and Sunnis.

Ultimately, Mr. Speaker, by working through the United Nations we create an international coalition that will be critical in any future military campaign against Iraq or in any effort to stabilize and rebuild Iraq.

Mr. GREEN of Wisconsin. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SMITH), someone who has a great deal of experience in leadership in the area of antiterrorism, the chairman of the Subcommittee on Crime, Terrorism and Homeland Security.

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman from Wisconsin for yielding me this time and for that nice introduction.

Mr. Speaker, soon each Member of Congress will vote on a historic resolution to authorize the President to use military force against Saddam Hussein. This is not a declaration of war, and war is not inevitable. Saddam Hussein may yet yield to international pressure and reveal his weapons of mass destruction and destroy them, or the Iraqi people might still install a new regime.

No President wants to send our sons and daughters into combat, but a President should be able to take action he deems necessary to respond to terrorist threats and protect American lives. I know that given all the facts, President Bush will make the right decision.

Saddam Hussein is a dangerous man with dangerous weapons, weapons of mass destruction. His regime has stockpiled large amounts of chemical and biological weapons and is attempting to acquire nuclear weapons, has repeatedly violated United Nations Security Council resolutions, has repeatedly fired missiles at U.S. aircraft, has aided known terrorist organizations, and has openly praised the attacks of September 11, 2001, which killed 3,000 people.

Mr. Speaker, hoping that Saddam Hussein will not use his weapons or wishing that his threat to world peace will go away is not a responsible policy and certainly not a guarantee of success. Hope is not a strategy. Mr. Speaker, evil must be confronted and condemned. Either it will destroy itself or it must be neutralized. Avoiding the task only makes the future more dangerous and difficult. We should always pray for peace, but if the use of force becomes necessary, we must pray for victory.

Mr. PAYNE. Mr. Speaker, I yield 6 minutes to the gentleman from Oregon (Mr. WU), a person who exemplifies the struggle and fight for human rights, a member of the Committee on Education and the Workforce.

Mr. WU. Mr. Speaker, I thank the gentleman from New Jersey for yielding me this time.

Mr. Speaker, I was at home this weekend; and on Saturday morning at my very first town hall meeting, the first speaker or questioner got up and said, You know, I don't understand all this talk about Iraq in Washington, D.C. I have been out of work for over a year. I work in high tech. I have been looking hard and I have not been able to find a job, and all I hear about in Washington is this talk of war in Iraq. What are you going to do about the economy?

I gave the man the best answer I could, the things that I have been trying to do, some of which have been passed, some of which have not. This Congress owes that Oregonian that answer about that economy, and this government ultimately owes that Oregonian an answer also.

But we are here today on the most serious of topics, whether to send American men and women to war, and I oppose the resolution to grant the President's unilateral authority to go to war. Make no mistake about it, I would not hesitate to use force if there were sufficient evidence of an imminent threat to the United States, our allies, or our military forces; but in all the briefings that I have attended, in all of my study and research, I have not found sufficient evidence of an imminent threat to us, our allies, or our military. And if there were, the main resolution that we are considering delegates so much war-making power to one person, I believe that if the Founders of this Republic were to read this resolution, they would tremble at the thought that one individual ever in America would have such terrible power in his or her hands no matter how much we trust that person or no matter how much we like that person. That is not the American way, to put so much unilateral power into one person's hands.

The gentleman from South Carolina's (Mr. SPRATT) resolution is a much better solution to this problem. It requires the President to take all steps and then to come back after exhausting diplomatic and other means.

I want to also seriously address the new first-strike doctrine which is being advocated by this administration. It is not a preemption doctrine because preemption assumes that there is an imminent danger and that is what we are preempting. This doctrine allows for first strikes even absent imminent danger.

Where will we draw the line? Will we strike next at the other nations of the Axis of Evil? What about Pakistan with a nuclear capacity and known ties to terrorists? Where will other countries draw the line? There are at least half a dozen hot spots around the world where conflicts could be of a conventional or a nuclear nature.

For over 200 years we have rarely been the first to shoot. For over 200 years American Presidents have taken a united America to war. Lincoln, Wilson, Roosevelt, Kennedy, they all made their public case that war was necessary and that there was an imminent threat. The exceptions: President Madison, President Johnson. I do not think that we want to fall into the historic situations in which those two Presidents ultimately found themselves. This first-strike doctrine puts us on the edge of a terrible, terrible precipice.

The vote on this resolution is a foregone conclusion. I think it is a foregone conclusion that we will be at war in January. We are fighting against the second war, the third war, the fourth war, the fifth war. We are trying to cut that chain of wars off as soon as we can. But make no mistake about it, with this first strike, with this first war, we will lose the high moral ground that has taken Americans 200 years to build. We will no longer be in a position through moral suasion or otherwise to be an example to the world, for democracy, human rights, and the rule of law. We will not be able to have others stay their hand by the example of us staying ours.

From the Lexington Green to Fort Sumpter, from the submarine campaign in the north Atlantic before our entry into World War I to the Cuban Missile Crisis, American Presidents have been restrained in their use of power.

□ 1430

Let not the innocent 3,000 of September 11 die in vain. If we lash out, if we strike blindly, if we start a series of wars because of September 11, we will have given Osama bin Laden what he wanted. Let us stop as soon as we can.

Mr. GREEN of Wisconsin. Mr. Speaker, obviously, we are in the midst of a great and historic debate. In fulfilling the pledge that the gentleman from Illinois (Chairman HYDE) made yesterday, I ask unanimous consent that the time for debate on this resolution be extended for 4 hours, to be equally divided between the majority and the minority.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. ACKERMAN. Mr. Speaker, I thank the gentleman. This is in accordance with the agreement set prior to the beginning of the debate, and I appreciate the cooperation.

Mr. Speaker, I ask unanimous consent to yield 1 hour of my time to the gentleman from New Jersey (Mr. PAYNE), and that he be allowed to control that time and yield it to others.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GREEN of Wisconsin. Mr. Speaker, it is my great honor to yield 2 minutes to the gentleman from Florida (Mr. FOLEY), a Member of the Committee on Ways and Means.

Mr. FOLEY. Mr. Speaker, I rise in support of the resolution.

Americans are a peace-loving people. While we desire a diplomatic resolution to the Iraqi crisis, we must be prepared to support the President if military force becomes necessary.

Saddam Hussein is a dangerous and unpredictable despot who has committed genocide, including the use of chemical weapons to slaughter his own people. It is estimated that Saddam has butchered over 200,000 of his own citizens in the past decade. He led his country into an 8-year war with Iran, a disastrous conflict with the U.S.-led coalition in 1991, and is open about his financial and technical support for Hamas and Islamic Jihad.

Saddam has always overestimated his military capabilities and underestimated the resolve of the civilized world. He surrounds himself with "yes men" who reinforce his ego and ambition and fail to warn him of the consequences of his actions. This makes Saddam an immediate threat to America who can neither be trusted nor dealt with rationally, in spite of the testimonials provided by two Members of Congress who recently visited Iraq.

We cannot wait for Saddam to develop a nuclear device and the missiles to threaten our troops, allies, and our own territory.

We cannot ask what will happen if we act, but, rather, what will happen if we do not. We must not only remove Saddam's weapons of mass destruction, but Saddam himself.

We cannot wait for Saddam to arm terrorist groups with weapons of mass destruction, nor can we allow him to use these weapons to blackmail his neighbors. He has proven himself to be a menace to the stability of the entire Gulf region.

In Afghanistan, U.S. forces worked with the anti-Taliban opposition to free the country. We also reversed an impending famine in that country. The U.S. is working with the new Afghan government to build the foundation for a civilized society that respects human rights and international law. No less should be expected for the people of Iraq.

Mr. Speaker, we cannot allow the world to be tormented by terrorists or tyrants. The problem is the regime. The problem is Saddam. We know who the enemy is, we know what he does, and we know what we must now do.

Mr. ACKERMAN. Mr. Speaker, it is my pleasure to yield 5 minutes to the gentlewoman from Nevada (Ms. BERKLEY), a member of the Committee on International Relations.

Ms. BERKLEY. I thank the gentleman from New York for yielding.

Mr. Speaker, I rise today in support of this resolution.

Iraq, under the tyrannical dictatorship of Saddam Hussein, has been in violation of 16 different United Nations' resolutions over the past decade, resolutions passed to ensure that Iraq dismantle its chemical, biological and nuclear weapons programs and destroy any remaining weapons of mass destruction.

Ensuring compliance with these U.N. resolutions, which represent the will of the international community, is essential. Iraq has demonstrated its willingness to use these horrific weapons in battle and against its own people.

One particularly gruesome example occurred in the late 1980s when Saddam Hussein unleashed deadly chemical gas attacks over entire villages in Iraq, killing thousands of innocent men, women and children, so he could experiment, experiment, with finding the most efficient ways to spread nerve, blister and mustard gas.

Given Saddam Hussein's 11-year record of defying and misleading the international community, I believe the United States, our allies and the United Nations are justified in their efforts to rid Iraq of biological and chemical weapons.

Just this week, a new CIA report exposed Saddam's vigorous concealment record as further proof that he has no intention whatsoever of honoring his U.N. commitments by giving up his ever-expanding stockpile of weapons of mass destruction.

Month by month, Saddam Hussein increases his arsenal of chemical and biological weapons, while he aggressively works to build nuclear capacity. The CIA now believes that Iraq could make a nuclear weapon within a year if it manages to obtain weapons-grade material from abroad.

The CIA further reports that Saddam is intent on acquiring nuclear weapons, and Iraq's expanding international trade provides growing access to the necessary materials.

Given these developments, we simply cannot wait any longer.

September 11 taught us that there are those who would use any means to harm Americans. I am increasingly concerned about weapons of mass destruction being transferred from Iraq to terrorists like Osama bin Laden's al Qaeda network, bent on destroying Americans, or being used by Saddam himself against his neighbors, our allies, or against the United States.

The United States should seek to achieve our objective with as little risk to Americans and Iraqi civilians as possible. However, we must act to permanently disarm Saddam Hussein, because the cost in lives and misery if we do not act will be incalculable.

Before any action is taken, the President is right in seeking approval of Congress, and I commend him for that. The more information the American people have, the stronger our Nation will be.

Further, it is important that we continue to make every effort to marshal international support. I would prefer to work in concert with the United Nations. Saddam Hussein is, after all, a threat to international security. But, in the final analysis, my responsibility is to protect my constituents and protect the national security of our Nation, so I will be voting in favor of this resolution.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from New Mexico (Mr. UDALL), a member of the Committee on Resources and a great addition to this House.

Mr. UDALL of New Mexico. Mr. Speaker, the House is engaged in a great and serious debate on an issue of incredible importance; and, given the strong arguments on both sides, we may have missed the fact that we actually agree on many points.

We all agree with the President that Saddam Hussein is a brutal dictator. We all agree with the President that both Iraq and the world would be better off without him. We all agree with the President that Iraq must be rid of its weapons of mass destruction. So, as the President said on Monday night, we all agree on the goal. The issue is how best to achieve it.

Right now, we have two choices. We can vote for the resolution before us, or we can vote against it. If we vote for it we are, in effect, granting the President unprecedented authority to launch a unilateral, preemptive strike against Iraq.

Much has been made of the fact that the resolution is not the blank check originally submitted by the President, that concessions have been made, that under the current resolution the President is required to exhaust all diplomatic measures before launching an attack on Iraq, that the President is required to give Congress prior notice of such an attack.

Rhetoric and semantics aside, this is still a blank check. The President alone makes the final determination of exhaustion of diplomatic remedies. This resolution simply adds a step to the process. It will not have an impact on the final decision. It will not give Congress a greater role in the decision making. Notice to Congress is a mere formality.

Sadly, proper deference has not been given to the authority vested in the Congress by the Constitution to exercise the power to declare war. The Founders must have believed, as I do now, that the power to wage war is too awesome a power to vest in the executive. War is too dangerous and too important a matter to be left to the discretion of one man or woman.

This war would be especially dangerous. We would be acting alone, not only without allies but also with the hostile condemnation of the rest of the Arab world. We would undermine the war against terrorism and, indeed, increase the risk of future terrorist attacks against our own country. We would undermine the authority and mission of the United Nations, our best hope for a peaceful solution.

It is dangerous to go forward without knowing how long this war will take; without knowing how many lives will be lost, military and civilian; how much it will cost; how much of a drain it will be on our already dangerously weak economy; how long it will take to rebuild a devastated Iraq; and whether Iraq will ever be a viable democracy.

So, before we vote, we must ask, why now? Why the rush? There is too much danger lurking in the unknown and the untried. With the election only weeks away, there is too much of the taint of political expediency to gain the trust of our international friends.

I cannot support this resolution. I will support the United Nations leading an international coalition to disarm Iraq. At the very least, we should give the U.N. a chance before we embark on the dangerous path this resolution takes us.

I will vote against H.J. Res. 114.

Mr. GREEN of Wisconsin. Mr. Speaker, it is my great honor to yield 2 minutes to the gentleman from Louisiana (Mr. VITTER), a Member of the Committee on Appropriations.

Mr. VITTER. Mr. Speaker, I thank my friend from Wisconsin for yielding me time.

Mr. Speaker, I rise today in strong support of the resolution granting President Bush the authority he seeks to take decisive action against Saddam Hussein. Clearly, this decision is one of the most sobering I have had to make during my time in public service. It is a decision that no Member of Congress considers lightly. It is also one that I take confidently and with great moral clarity.

The President's critics urge dealing with this threat through diplomatic and U.N. efforts, but passage of this resolution is the only way Saddam will take those ongoing efforts at the U.N. seriously. It is, in fact, the only hope for those continuing efforts.

Many of those same critics say that our government should have connected the dots and better understood the terrorist threat before September 11. Well, that is exactly what we are doing here now, connecting the dots and better understanding a closely-related threat.

Saddam Hussein has proved time and again that his totalitarian regime threatens America, our allies and even his own people. He is a known exporter of terrorism. He causes regional instability. He actively pursues weapons of mass destruction. He has proven he is willing to use them. So inaction, or the mere return to the old frustrated U.N. resolutions, is clearly the riskiest path of all.

My constant prayers are for the members of our Armed Forces around the world as they embark on their missions. May God bless them, and may God bless America.

□ 1445

Mr. ACKERMAN. Mr. Speaker, I yield 6 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, I just returned this morning from a 16-hour flight from my district, hoping very much that I would be able to participate in some small way in this most important debate now pending before this body.

In the course of the weekend, I had the opportunity of participating in the dedication of the opening of the construction of the brand-new U.S. Army Reserve Center that we are establishing in my district for the purpose of accommodating some 450 of our men and women in military uniform; also, in essence, sharing with my people the historical aspects of our participation in our unit as part of the famous 100th battalion 442nd infantry Army Reserve organization out of the State of Hawaii. I did this, in observing these men and women in uniform, as I reflected on the fact that in a couple of days I would be here before my colleagues expressing my opinion of what we should do in the aftermath of the President asking us to make a decision on this important issue.

As a member of the Committee on International Relations, Mr. Speaker, I voted in favor, in support of the proposed resolution now under consideration by this body. In principle, House Joint Resolution 114 embodies our Nation's efforts to work with our allies and work with the United Nations Security Council and the United Nations General Assembly to seriously consider the demands and the dangers that are now posed by the current regime ruled by dictator Saddam Hussein.

I am happy to observe that our President's initial rhetoric on this most serious matter is now more realistically applied. The fact is that our President must come to the Congress not just to consult, but must come to the Congress to justify himself on whether or not we should commit our men and women in military uniform and put them in harm's way. I am sure my colleagues need not be reminded of the wisdom of how the Founding Fathers established our system of government as plainly written, clearly written in the Constitution, where, this power in this most serious matter, is given to the Congress and not to the President, the power to declare war.

I think another matter that also needs to be restated in the aspects of how our government functions, Congress also is given the important responsibility of raising an Army and a Navy, not the President. I think it shows quite well how our Founding Fathers said, we do not want another emperor or another king; we want to make sure that there is a checks and balance system. I think this is how we came out with such an excellent way of proceeding to make sure that this kind of authority or power is not given exclusively just to the President.

When our Secretary of State Powell appeared before our Committee on International Relations, I asked Secretary Powell some questions that were very dear to my heart. I asked, "Secretary Powell, if and when our Nation should ever declare war, are we going to go there to win and nothing less? Secretary Powell, I don't want another Vietnam War. I don't want to hear another bunch of half-baked plans and objectives being done by some bureaucrats in the Pentagon, and then a policy where the enemy soldiers can shoot at you, but you can't shoot back." Secretary Powell's response was, "Yes, if we are going to go to war, we are going to go to win."

I also asked Secretary Powell, "Are we going to be working with the Security Council and the United Nations?" Again he responded and said, "Yes, exactly. This is our objective as far as the administration is concerned."

I also asked Secretary Powell, "Will our Nation take up the responsibility as well to provide for some millions of Iraqi refugees who will be fleeing from these horrible consequences of war which, I believe, will also cause serious economic and social conditions to the surrounding Arab countries in the Middle East?" And he said, "Yes, we will also have to take up that responsibility."

Mr. Speaker, as we consider this matter now before us, I am reminded of an incident that occurred years ago in the Middle East where a terrorist bombing of the U.S. Marine barracks in Beirut, Lebanon, where hundreds of Marines were needlessly killed as a result of that incident. At that time our Secretary of Defense, Casper Weinberger, was literally tortured by this incident. As a result, he proposed six principles or criteria or tests that I think our Nation must answer positively before our Nation should commit its sons and daughters to war. I want to share these six principles with my colleagues here this afternoon.

Test number one, "Commit only if our allies and our vital interests are at stake. Number two, if we commit, do so with all of the resources necessary to win. Number three, go in only with clear political and military objectives. Number four, be ready to change the commitment if the objectives change, since war is rarely standstill. Number five, only take on commitments that gain the support of the American people and the Congress. And, number six, commit U.S. forces only as a last resort."

Mr. Speaker, I want to share with my colleagues a statement made by a general some 2,500 years ago named General Sun Tzu. He said, "The art of war is of vital importance to the State. It is a matter of life and death, a road either to safety or to ruin. Hence, under no circumstances can it be neglected."

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. STARK), ranking member on the Subcommittee on Health of the Committee on Ways and Means, but known as the fierce fighter for Medicare and Medicaid.

Mr. STARK. Mr. Speaker, I rise in opposition to this resolution. I am deeply troubled that lives may be lost without a meaningful attempt to bring Iraq into compliance with U.N. resolutions through careful and cautious diplomacy.

The bottom line is that I do not trust the President and his advisors.

Make no mistake. We are voting on a resolution that grants total authority to a President who wants to invade a sovereign nation without any specific act of provocation. This would authorize the United States to act as the aggressor for the first time in our history. And it sets a precedent for our Nation or any nation to exercise brute force anywhere in the world without regard to international law or international consensus. Congress must not walk in lockstep behind a President who has been so callous as to proceed without reservation as if the war is of no real consequence.

Mr. Speaker, 3 years ago, in December, Molly Ivins, an observer of Texas politics wrote, "For an upper-class white boy, Bush comes on way too hard, at a guess, to make up for being an upper-class white boy. Somebody," she wrote, "should be worrying about how all this could affect his handling of future encounters with some Saddam Hussein." Pretty prophetic, Ms. Ivins.

Let us not forget that our President, our Commander in Chief, has no experience or knowledge of war. In fact, he admits that he was at best ambivalent about the Vietnam War. He skirted his own military service and then failed to serve out his time in the National Guard; and he reported years later that, at the height of the conflict in 1968, he did not notice any "heavy stuff" going on.

So we have a President who thinks foreign territory is the opponent's dugout and Kashmir is a sweater. What is most unconscionable is that there is not a shred of evidence to justify the certain loss of life. Do the generalized threats and half-truths of this administration give any one of us in Congress the confidence to tell a mother or father or family that the loss of their child or loved one was in the name of a just cause? Is the President's need for revenge for the threat once posed to his father enough to justify the death of any American? I submit the answer to these questions is no.

Aside from the wisdom of going to war as Bush wants, I am troubled by who pays for his capricious adventure into world domination. The Administration admits to a cost of around $200 billion. Now, wealthy individuals will not pay; they have big tax cuts already. Corporations will not pay; they will just continue to cook the books and move overseas and send their contributions to the Republicans. Rich kids will not pay; their daddies will get them deferments as Big George did for George W.

Well, then, who will pay? School kids will pay. There will be no money to keep them from being left behind, way behind. Seniors will pay. They will pay big time as the Republicans privatize Social Security and continue to rob the trust fund to pay for this capricious war. Medicare will be curtailed and drugs will be more unaffordable, and there will not be any money for a drug benefit because Bush will spend it on a war. Working folks will pay through loss of jobs, job security, and bargaining rights. And our grandchildren will pay, through the degradation of our air and water quality, and the entire Nation will pay as Bush continues to destroy civil rights, women's rights, and religious freedom in a rush to phoney patriotism and to courting the messianic Pharisees of the religious right.

The questions before the Members of this House and to all Americans are immense, but there are clear answers. America is not currently confronted by a genuine, proven, imminent threat from Iraq. The call for war is wrong.

What greatly saddens me at this point in our history is my fear that this entire spectacle has not been planned for the well-being of the world, but for the short-term political interests of our President.

Now, I am also greatly disturbed that many Democratic leaders have also put political calculation above the President's accountability to truth and reason by supporting this resolution.

But I conclude that the only answer is to vote "no" on the resolution before us.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The Chair would remind the Member that it is not in order to refer to the President in personal terms. Although remarks in debate may include criticism of the President's official actions or policies, they may not include criticism on a personal level.

Mr. GREEN of Wisconsin. Mr. Speaker, I thank the Chair for that reminder. I think it is an important reminder, especially when we are debating such serious matters here.

It is my honor, Mr. Speaker, to yield 2 minutes to the gentleman from Nebraska (Mr. TERRY), a member of the Committee on Energy and Commerce.

Mr. TERRY. Mr. Speaker, I rise in support of this resolution. In dealing with Iraq, we must act in the best interests of our national security. Based on the evidence against Saddam Hussein, we no longer wonder if he has weapons of mass destruction or if he will use them, but when.

Defectors have reported the existence of mobile germ warfare laboratories. Dump trucks purchased through the U.N. humanitarian aid program have been converted into military vehicles. Saddam Hussein is an expert in dual technologies. Computers used in hospitals can also generate designs for nuclear weapons. Saddam imports dual-use technologies and then diverts them to military use.

□ 1500

His regime is founded upon the hatred of America and Israel, his loathing for freedom and liberty, and his fear for democracy. Saddam is driven by the fantasy to triumph over the free world. We must implement a long-term solution to neutralize this threat that Saddam poses to America, to the free world, and to his own people.

Military action is not the desired means of resolving the Iraqi situation. I do not take lightly the prospect of sending our young Americans to war. Force, however, may be an eventuality for which we must prepare. This resolution permits the use of force to prevent a ruthless dictator from using deadly weapons of mass destruction.

Without regard to U.N. resolutions or international law he has sought, obtained, and used weapons of mass destruction even on his own people. Unless the U.N. resolutions are backed by action, he will brazenly frustrate similar attempts to inspect and disarm his arsenal. Military consequences are the only way to stop Saddam Hussein's games and force legitimate inspections.

Mr. ACKERMAN. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Pennsylvania (Mr. HOLDEN).

Mr. HOLDEN. Mr. Speaker, I thank my friend, the gentleman from New York, for yielding time to me.

Mr. Speaker, I rise to offer my support for the resolution before us and to offer my support for our President.

There is no task that any of us faces that is more serious than making the decision to commit our military to danger abroad. Mr. Speaker, I do not take this task lightly, but with the decision that currently faces us, I feel we have no choice.

Above all, it is our responsibility as Members of Congress to work with the President to protect our citizens from danger. While it is my hope that continued diplomatic efforts ultimately prove this resolution unnecessary, history has shown that we should not and cannot take that chance.

As our esteemed colleague, the chairman of the Committee on International Relations, reminded us yesterday, 66 years ago another brutal dictator terrorized his own people, instigated religious and ethnic persecution on a massive scale, and declared his aggressive intent against his neighbors. The world still bears the scars from the mistake of ignoring the threat of evil posed by Adolf Hitler.

History has shown that Saddam Hussein, too, is a brutal dictator and he needs to be held in check. We know what he has done to the Kurds. We know what he has done to his own people. We cannot turn our backs as the threat of Saddam Hussein continues to plague our Nation and the world.

Iraq's use and its continued development of weapons of mass destruction, as well as its connections with terrorist organizations that wish to do the United States harm, demand that we act prudently to protect our citizens from danger.

While it is necessary for us to make the preparations to go to war, we should not be going at it alone. I encourage President Bush to work hard for the passage of a U.N. resolution acknowledging the threat that Iraq poses to the world. The United States does not suffer alone from the threat that Saddam poses. We should not go at it alone in combatting that threat either. Just as we did during the Gulf War, this administration should work to build a multinational coalition to share the burden of any possible military action against Iraq.

In conclusion, let me reiterate my support for this resolution.

Mr. GREEN of Wisconsin. Mr. Speaker, I yield 2 minutes to the gentleman from New Hampshire (Mr. SUNUNU), a member of the Committee on Appropriations and vice-chairman of the Committee on the Budget.

Mr. SUNUNU. Mr. Speaker, I rise today in support of the resolution, a resolution which I believe will send a clear and an unmistakable message to our own citizens, our allies, and our enemies, as well, that Congress stands behind our President in defense of America's national security interests.

Mr. Speaker, there is no more serious an issue for Congress to debate than the question of authorizing the use of America's Armed Forces. We are a peaceful Nation, preferring instead to rely on diplomacy in our relations with other countries.

On the question of Iraq in particular, the United States and the United Nations have been exceedingly patient, working steadily to integrate Iraq into the community of law-abiding nations, but to date we have failed. In the decades since Desert Storm, Iraq has chosen a very different path. Iraq has worked to develop weapons of mass destruction, including chemical and biological agents; and Saddam Hussein has repeatedly ignored U.N. resolutions demanding that he disarm. He has refused to allow weapons inspectors access to potential sites. Thus, the threat of obtaining stocks of these terrible weapons continues to grow.

Most troubling of all, Saddam Hussein has shown, has demonstrated, his willingness to use such horrible weapons against other nations and against his own people. Only when military action is imminent does the Iraqi regime begin to discuss allowing inspectors to return, but the restrictions they wish to place on these inspectors would effectively render their mission useless and, instead, simply delay action and allow a covert weapons program to begin to bear terrifying results.

If we wait until Iraq succeeds in achieving these goals, we will have waited too long.

The resolution we are debating today encourages a diplomatic solution to the threat that Iraq poses to our national security. The President has called on the U.N. to act effectively to enforce Iraq's disarmament and ensure full compliance with Security Council resolutions. But if the U.N. cannot act effectively, this resolution will provide the President with full support to use all appropriate means.

Mr. Speaker, neither I nor any Member of this body want to see a renewed conflict in Iraq. We must be prepared to give the President flexibility that he needs to respond to this gathering threat to protect American lives and address the threat to global peace.

I urge my colleagues to support the resolution.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentlewoman from Florida (Ms. BROWN), the ranking member of the Subcommittee on Coast Guard and Maritime Transportation and a fighter for the people of her district.

Ms. BROWN of Florida. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I stand before the Members today, one of three African Americans sent to the United States Congress 10 years ago, the first time in 129 years that Florida sent an African American to Congress from the great State of Florida; the scene of the crime of the 2000 Presidential election, where thousands of African American votes were not counted, over 27,000 thrown out in my district, with the Supreme Court selecting the President in a 5–4 decision.

Many of my colleagues say that the President is the only person elected by all of the people. Did I miss something? This President was selected by the Supreme Court, and that fateful decision was over 600 days ago. Now this President, who runs our country without a mandate, has pushed us to the brink of war.

The President is asking Congress to give him a blank check. I say today to the President, his account has come back overdrawn. This blank check gives him too much power: a blank check that forces Congress to waive its constitutional duties to declare war, a blank check that lets the President declare war and not consult Congress until 48 hours after the attack begins. Let me repeat that, a blank check that lets the President declare war and not even consult with Congress until 48 hours after the attack has begun.

Not only has the President given us an economic deficit, but there is a deficit in his argument. Why Iraq, and why today?

In the 10 years that I served in Congress, this is the most serious vote I will take. I have to say, the resolution on Iraq the White House drafted is intentionally misleading. It misleads the American people, the international community and, yes, the United States Congress.

This is a sad day, almost as sad as it was 627 days ago when the Supreme Court selected George W. Bush as the President. The White House talks about dictators, but we have not done anything to correct what has happened right here in the United States. It amazes me that we question other governments when in our country we did not have a fair election.

I recently traveled to Russia, China, and South Korea; and I believe it would be unfortunate to damage the goodwill our Nation was receiving after September 11. But there is a song, "You are on your own." Mr. Speaker, we are on our own with this. No one in the international community is behind us.

I have not seen any information demonstrating that Iraq poses a threat to our country any more than it did 10 years ago, and certainly I do not have reason to believe we should attack unilaterally without the support of the U.N. In fact, recent poll numbers suggest that many Americans do not support the way that the President is handling the situation and, indeed, the way Congress handles the situation. They think we are spending too much time talking about Iraq and not discussing problems like health care, education and, yes, their pensions.

Many also say they do not want the United States to act without support by allies and, by a 2 to 1 margin, do not want the United States to act before the U.N. weapons inspectors have had an opportunity to enter Iraq and conduct further investigations.

Although the administration is attempting to convince the American public otherwise, they have not shown any evidence of a connection between 9/11 and Iraq. Iraq's government is not a democracy, but neither are many other countries on the State Department terrorist list.

In closing, Mr. Speaker, it is in the hands of my colleagues. I do believe that there is good and evil in the world, and what we are about to do here in the next couple of days will tilt it in a negative direction. I do hope that I am wrong, but I do believe what we will do here today will not only affect our children, but our children's children will pay for what we are about to do:

May God have mercy on America, and God bless America.

Mr. GREEN of Wisconsin. Mr. Speaker, as part of this great debate, I yield 2 minutes to the gentleman from Florida (Mr. CRENSHAW), a member of the Committee on Appropriations and the Committee on Veterans' Affairs.

Mr. CRENSHAW. Mr. Speaker, I rise in support of this resolution.

No person of common sense wants war. Rational people agree that war should be the last resort. But there is a real, dangerous, and deadly threat posed by Iraq; and we must face this challenge head on or suffer the consequences of inaction.

Saddam Hussein ignores repeated demands to stop accumulating weapons of mass destruction. These are not our demands, they are the demands of the world.

In an ideal world, Saddam Hussein would disarm immediately. In an ideal world, Saddam Hussein would stop manufacturing, stockpiling, and pursuing weapons of mass destruction. In an ideal world, Saddam Hussein would tell us what happened to Captain Scott Speicher, a young man, a Navy pilot from my hometown of Jacksonville, who was the first man shot down behind enemy lines during the Gulf War. In an ideal world, Iraq would honor the 16 United Nations resolutions that he has thumbed his nose at for the last 11 years.

But we do not live in an ideal world. The reality demands that we act. We must act because the danger is grave and growing. We must act because Saddam Hussein is a man with no moral limits. He is uniquely evil, and the only ruler in power today, and the only one since Hitler, to commit a campaign of chemical genocide against his own people.

We must act because the worst thing we could do is turn our heads and pretend that Saddam Hussein does not exist. We must not allow this dictator to arm himself with nuclear capabilities and position himself further as the world's bully, blackmailing those within his nuclear grasp, blindsiding regional stability, and threatening our national security through his dealings with terrorists.

There is nothing desirable about breaching the bounds of civility to forge peace. Even so, I believe there are situations that cause a nation to rise with certainty and defend itself.

I urge my colleagues to send a clear message to Saddam Hussein: disarm, or face the consequences. There is no middle ground.

Mr. ACKERMAN. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Washington (Mr. SMITH).

Mr. SMITH of Washington. Mr. Speaker, I rise in support of this resolution because I believe that the threat of force is required if we are to have any hope of disarming Saddam Hussein and removing the threat that he presents to our Nation and to the world.

Just about everybody agrees that Saddam Hussein does in fact pose a threat. The debate seems to be about how large that threat is, how imminent it is, and how much it is directed at us. I think the evidence makes it clear that we face a threat.

I am sympathetic to those who would like to wish away that threat because of the hard choice that we have to face when we realize that we do have a threat against us, but it does not change the facts. Saddam Hussein has a long history of trying to develop the most deadly weapons possible: chemical, biological, and nuclear. He was first thwarted in 1981 by Israel, then in 1991 by the Gulf War, and now all evidence points to the fact that he is trying to develop those weapons again. That makes him a threat right off the bat.

Plus he has a proven propensity for violence, a proven propensity to use those weapons. As bad as we think Iran and North Korea are, and the Soviet Union was, none of those countries have ever used chemical weapons. They drew the line; Saddam Hussein did not. He crossed over it, and he used chemical weapons against his own people.

He also has clearly expressed his disdain for the United States of America ever since the Gulf War, so clearly he is a threat to us.

□ 1515

The presence of international terrorism changes the nature of this threat. Many have said we have not proven a link to 9–11, we have not proven a link between Saddam Hussein and al Qaeda, but there is ample evidence that some degree of connection is there. And there is certainly ample reason that tells us that Saddam Hussein coming together with the international terrorists who oppose us is quite likely and quite possible; and that makes the threats both imminent and to the U.S. because terrorism would enable Saddam Hussein to deliver these weapons through means other than having to develop an intercontinental missile. He could deliver them in any manner of different ways and has shown a certain willingness towards violence against the U.S.

We face a threat. We cannot wish away that threat because of consequences of acknowledging it. We face that threat, and we must stand up to it, and the threat of force against him is necessary to meet it.

Now, I want to deal with the preemptive argument because many have said we are becoming a rogue nation by doing this. And I regret what the President has said about a policy of preemptive strike because I think it has muddied the waters. We do not have to violate international law to go to war with Saddam Hussein. We are in an armistice with Saddam Hussein and Iraq. We went to war with them in 1991. That war was only ended by an armistice, an armistice which everyone knows Saddam Hussein is in violation of. We are clearly within the bounds of international law to use force to enforce that armistice. We do not have to get into a debate about first strikes and preemptive action. We are clearly within the bounds of the international law.

It has also been said that we should work multilaterally. I completely agree that we should. Again, I regret the approach the President took earlier this year when stories were leaked about how he could do it without congressional approval. He did not want to go to the U.N. He wanted to do it unilaterally. I think that was a mistake. I think he should have learned from his father's example when Iraq invaded Kuwait. The first thing the first George Bush did was to call the U.N. and say let us work together. We should have taken that approach, but now we are.

It has been said, How can we give this power to the President who wants to go right over our heads and totally ignore Congress? We are here talking about it. He is not going over our heads. He is asking us for that support. So that too is not an issue.

We should act multilaterally. We are. It is my profound hope that we will not go to war, that Saddam Hussein faced with this threat will allow for the disarmament to happen. But absent this threat, rest assured he will not react in the way that we want him to.

I also regret that politics has been brought into this. During the time when we were trying to deal with the crises in Kosovo and Bosnia and even Iraq in 1998, I was deeply angered by Republican colleagues who attacked the President's character as he tried to deal with this threat.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LINDER). The gentleman will suspend.

The Chair requests the doormen in the gallery to take care of that cellphone noise and remove it. Will the Sergeant at Arms find that and have it removed from the gallery?

The gentleman will continue.

Mr. SMITH of Washington. Mr. Speaker, the criticisms of President Clinton were that in trying to deal with Saddam Hussein, when he finally so thwarted the U.N. inspectors that they were forced to leave because they could not do their job, criticism was that the President was "wagging the dog," he was dealing with his personal problems. We undercut our own President at a time when he needed us most. And now when I see Democrats doing the same thing by questioning the President's motives at a time when we need to come together as a country, I similarly destain that partisanship.

There is plenty of room to disagree here about whether or not we should go to war. We do not need to question the personal motives of our President now any more than we should have back in 1998 when it was Republicans doing it to Democrats instead of Democrats doing it to Republicans.

Lastly, I would like to deal with the issue of how this affects the people of Iraq. There has been much criticism of the sanctions regime on Iraq, much criticism of the effect that has had on the Iraqi people. Ironically, that criticism has come from some of the same people who now criticize our threat to use force against Iraq. I think the criticism was this is harming the Iraqi people and doing nothing to Saddam Hussein.

So if we do not threaten to use force and back it up if necessary to disarm Saddam Hussein and remove that threat, what are we left with? Do we simply remove the economic sanctions and say it is okay for Saddam Hussein to make a mockery of international law, to make a mockery of the same multilateralism that we claim to support, to continue to develop weapons of mass destruction that threaten us and the world and simply say we will do nothing?

I fully admit this is a hard choice. Going to war is not easy, but we cannot wish away the threat and pretend somehow this is simply motivated by personal motivations of the President. There is a clear threat here we must deal with. I hope the threat of force deals with it; but if the threat does not, we must follow through in order to protect ourselves and protect the world.

Mr. GREEN of Wisconsin. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. FLETCHER), a veteran of the U.S. Air Force, someone who understands the dangers of war very well.

Mr. FLETCHER. Mr. Speaker, before 9-11 the threat of terrorists and those states that harbored them was unfortunately not taken as seriously.

In the 1990's, terrorists bombed the World Trade Center, two American embassies, an American barracks, and the USS *Cole*. We took only limited action then, but now we cannot let the deaths of nearly 3,000 Americans on September 11 be in vain. We vowed after that to do our best to rid the world of terrorists and fear.

Over the past 12 years, the United Nations has issued numerous warnings about the blatant defiance of Iraq. Additionally, we know that Saddam Hussein's brutal regime has used biological and chemical weapons against even his own citizens. Hussein has violated the Oil for Food Program, diverting uncounted millions to fund a military buildup and develop weapons of mass destruction, all the while allowing a reported 1 million children to die of starvation.

The oppressed citizens of Iraq are not our enemy, only the evil regime of Saddam Hussein. This resolution is a grave, but necessary, step in confronting the danger of his regime. It does not inevitably lead us to war. It encourages the United Nations to live up to its true purpose.

President John F. Kennedy described courage as "doing what is right even in the face of unrelenting pressure." The time has come for the U.N. to take decisive action, but we cannot let the U.N.'s inaction keep us from defending our national security.

President Bush is effectively building an international coalition, but for those countries afraid or unwilling to join our coalition, this resolution encourages them to help in our effort to preserve peace and democracy.

A few weeks after September 11, I personally visited Ground Zero. I will never forget the smouldering rubble where innocent thousands lost their lives. There I spoke with the New York City firefighter who lost so many of his heroic colleagues. And before I departed, he passionately challenged me, saying, "Don't you ever let them forget what happened here."

I now have the honor to speak on behalf of that brave firefighter and challenge this Congress. We must not forget those who lost their lives on 9-11, and we must overwhelmingly support this resolution to defend our freedom.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina (Mr. PRICE), a leading member of the Committee on Appropriations and the Committee on the Budget.

Mr. PRICE of North Carolina. Mr. Speaker, I rise in support of the substitute resolution offered by the gentleman from South Carolina (Mr. SPRATT) and in opposition to the Hastert-Gephardt resolution.

The Spratt-Allen-Price-Snyder-Clyburn-Matsui-Larson-Moran-Reyes-Levin resolution recognizes the danger posed by Iraq's possession and development of weapons of mass destruction, and it recognizes the need to enforce United Nations resolutions providing for the destruction of these weapons and of the capacity to produce them.

It authorizes the President to utilize armed forces to protect and support arms inspectors and to undertake enforcement actions under U.N. auspices. It does not, however, give the President open-ended authorization to use force unilaterally or preemptively. For that he would have to come to Congress for a specific vote after other means had been exhausted.

As the gentleman from South Carolina (Mr. SPRATT) has testified, "A second vote is not an imposition on the President's powers. It is the age-old system of checks and balances and one way Congress can say that we prefer for any action against Iraq to have the sanction of the Security Council and the support of a broadbased coalition."

An up-or-down congressional vote on a resolution authorizing force is a blunt instrument at best. And regardless of which resolution passes, the President and Congress and the country will still face critical decisions down the road. The Iraqi threat, as grave as it is, must be assessed in the context of other antiterrorist and diplomatic objectives. After all, the war against al Qaeda is hardly won. It is critical, as the Spratt resolution states, that action against Iraq not imperil international cooperation in the fight against terrorism or displace related diplomatic endeavors such as pursuit of an Israeli-Palestinian settlement.

Moreover, a complex of policies is either already in place or is envisioned in the resolutions before us: a regime of coercive inspections; U.N. enforcement of the mandate to disarm; readiness for a devastating response to any aggressive Iraqi military action; no-fly zones; intense surveillance; a tight embargo on strategic and dual-use materials. Could these policies contain, deter, and ultimately disarm Iraq, making a military invasion unnecessary and enabling us to attend to other equally important antiterrorist priorities?

We cannot answer that question now. But should we not know that answer before we authorize a massive military invasion which surely represents an extreme option?

We should not make this congressional vote any blunter an instrument than it needs to be. We are being asked to line up behind an open-ended resolution that has been improved by hortatory language but still authorizes the President to invade unilaterally or preemptively under circumstances, weeks or months hence, that we cannot possibly foresee. This, we are told, will help the administration influence the U.N. Security Council and apply maximum pressure on Iraq. Now, that is not a negligible argument; but it does not do justice to our duty, as members of a coordinate branch of government, to help set national policy.

Our job is to provide a responsible and rational guide to policy, should compliance and enforcement fail. The open-ended resolution requested by the President would represent an abdication of that responsibility.

The Spratt resolution with its required second vote would give us the means to exercise our constitutional role more fully and with better command of the facts. And, no less than the Hastert-Gephardt resolution, it would serve notice now of our resolve to see United Nations resolutions upheld and Iraq disarmed.

Our concern about granting open-ended authority to make war should be heightened as we consider the administration's recently enunciated "doctrine" of the right of one country to take preemptive or even preventative military action against hostile states.

This doctrine goes far beyond the recognized right of anticipatory self-defense.

A unilateral attack on Iraq would be difficult to justify under existing standards, for even the Bush administration has not consistently argued that the threat to the U.S. from Iraq is imminent. But we must ask how this new doctrine would play out as other nations eagerly adopt it and act on it for their own purposes.

As former Secretary of State Henry Kissinger recently stated, "It cannot be either in the American national interest or in the world's interest to develop principles that grant every nation an unfettered right of preemption against its own definition of threats to its security."

Mr. Speaker, the question before us is not whether but how best to address the threats posed by Iraq's weapons programs and its continued defiance of the world community.

A purely military response, particularly one taken unilaterally or preemptively, would have costs and risks that should lead us to regard it as a last resort. We must deal with the threat in ways that do not compromise our broader war on terrorism and that maintain the support and engagement of our allies.

The Spratt substitute resolution keeps these priorities straight. It upholds Congress' role in authorizing military operations, not indiscriminately, but under specific conditions for specific purposes. It is vastly preferable to the open-ended Hastert-Gephardt resolution, and I urge its adoption.

Mr. GREEN of Wisconsin. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. COLLINS), a veteran of the National Guard and a member of the Committee on Ways and Means.

Mr. COLLINS. Mr. Speaker, I rise in support of this resolution to give the President of the United States the authority to exercise his sworn duty to protect the people of this Nation.

There is no question that Saddam Hussein is a threat to the United States and other parts of the world. He has used weapons of mass destruction against his own people, killing and maiming thousands upon thousands of innocents, including women and children. He has deceived weapons inspectors and violated the conditions of the 1991 cease-fire agreement with the United Nations. He has continued to stockpile chemical and biological weapons, and recent intelligence tells us he is much closer than we previously thought possible to developing and constructing a usable nuclear weapon.

Over the past few years, we have learned many painful lessons regarding the Middle East and terrorism: the Marine barracks in Beirut; the airmen we lost in the bombing of the Khobar Towers in Saudi; the foreign service personnel we lost in Tanzania and Kenya; and then the sailors weapon lost in Yemen; and, finally, Mr. Speaker, the people we lost in New York and in D.C.

□ 1530

Intelligence tells us that Saddam Hussein has massive stockpiles of weapons and he has missiles, the capability of delivering those weapons.

Our President does not easily want to go to war. He has even stated this repeatedly on many occasions, but it is a difficult situation that he is in and we are in, Mr. Speaker. But this resolution demonstrates the resolve of the American people to force Saddam Hussein to comply with U.N. regulations which, until now, he has flagrantly abused.

This resolution will send a clear message to the Middle East, to the oppressive dictator, the Butcher of Baghdad, and to the rest of the world that we will not live in fear; that we will not tolerate terrorism; and that we will use the force necessary to protect our people, our freedoms and our way of life from those who seek only to destroy such.

It goes without saying this President has sworn to do a duty. We must give him the power and the necessary authorization to do so.

I strongly support this resolution and ask my colleagues to do the same.

Mr. Speaker, today we are debating whether or not to support the President of the United States in his efforts to exercise his sworn duty to protect the nation.

That there is a gathering threat to America from the dictator Saddam Hussein goes without saying, but let me reiterate some of the past actions that demonstrate that threat.

Saddam Hussein invaded neighboring Kuwait without provocation. He has used weapons of mass destruction against his own people, killing and maiming thousands upon thousands of innocents, including women and children. In 1993. Saddam sent a Land Cruiser loaded with 400 pounds of explosives into Kuwait to attempt to assassinate former President George Bush. He has deceived weapons inspectors and violated the conditions of the 1991 Cease-fire agreement with the United Nations. He has continued to stockpile chemical and biological weapons, and recent intelligence tells us, is much closer than we previously thought possible to developing and constructing a usable nuclear weapon.

Over the past 12 years we have learned many painful lessons regarding the Middle East and terrorism. Our citizens have been attacked and killed repeatedly. The 1996 bombing of the Khobar Towers by Saudi dissidents funded and organized by Iranian Leadership killed 19 of our servicemen and women. In 1998, the coordinated bombing of American embassies in Tanzania and Kenya killed 224 people; including 12 Americans. In 2000, 17 American Sailors were killed in the Port of Yemen when terrorists bombed the U.S.S. *Cole*.

And our nation still reels from the effects of September 11, 2001 when thousands of our countrymen were tragically lost to us in devastating attacks.

And yet, as painful as each of these incidents has been, nothing can compare to the destructive and deadly capability of Saddam Hussein's arsenal of terror. Imagine for a moment the complete destruction of a city the size of Atlanta, with its entire population of 4.1 million people suddenly silenced in a nuclear blast. Imagine New York City and its 19 million residents dead from the effects of Sarin or VX Nerve gas. Imagine Washington, DC and its half million residents, sick or dying from Anthrax, Botulism, or one of the other deadly biological agents in Saddam's arsenal.

And can there be any doubt that he would fully use such weapons in American if given the chance. If you doubt it, I ask you to consider the Kurds who opposed Saddam and the horrid fate they met at his bloody hands.

Our President does not eagerly anticipate war. He is not bent on sending young men and women into harm's way. He has even stated repeatedly his desire to avoid a conflict. But this resolution demonstrates the resolve of the American people to force Saddam Hussein to comply with UN Resolutions which, until now he has flagrantly disregarded. Without the teeth provided by this resolution, nothing will change. This resolution will send a clear message to the Middle East; to the oppressive dictator—the Butcher of Baghdad; and to the rest of the world that we will not live in fear, that we will not tolerate terrorism, and that we will use the force necessary to protect our people, our freedoms, and our way of life from those who seek only to destroy.

Mr. Speaker, this resolution before us today is not about whether we will go to war against Iraq, it is about whether we will take the necessary precautions to protect American citizens from a cruel dictator, and while doing so, remove the yoke of oppression from the necks of the people of Iraq. It is about empowering the President to do the job he has sworn to do. It is about enforcing the United Nations mandates against a nation that has repeatedly disregarded them. It is about assuring our safety, security, and freedom. And it is a necessary tool to ensure the disarmament of Iraq and the removal of Saddam Hussein and his regime of terror.

I support this resolution and urge my colleagues to pass it.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), a member of the House Committee on Resources and a leader in health care, and she has brought attention to the U.S. Virgin Islands.

Mrs. CHRISTENSEN. Mr. Speaker, I thank my colleague for yielding me the time.

Mr. Speaker, I must preface my remarks by reminding my colleagues that as the representative of the people of the Virgin Islands, who serve in some of the highest per capita numbers in our Armed Forces, I do not get to directly influence this decision because I am not allowed to cast a vote on the resolution we are debating today.

Nevertheless, I rise because it is important that I speak on behalf of my constituents on this critical issue which affects them, as it does all Americans, despite the fact that neither do we vote for our Commander-in-Chief.

Mr. Speaker, I come to the floor today with a heavy heart, preferring that I could do so having sufficient information to justify the President's request so that I could support it. Instead, I must come to express my opposition to H.J. Res. 114 which would, in effect, preauthorize the use of unlimited military force against Iraq and invest this awesome authority in one person, the President of the United States.

As many of my colleagues before me have stated, the decision that is ours by the authority bestowed upon us as Members of Congress by the writers of the Constitution, the Founders of this great country, to send our brave young men and women to war is the most solemn and serious choice we are ever called on to make.

I hold to the principle that war should be a last resort. This resolution makes it the first resort.

The President is asking for authority to wage a preemptive strike. I have attended many briefings, and, to date, nothing has been forthcoming to justify such an action at this time. The case has yet to be made that Iraq poses an imminent threat to our safety and national security.

In adopting H.J. Res. 114 without amendment, we would be setting a dangerous precedent, embarking upon a course which could allow nations to determine, without international support, who among their neighbors pose a threat to their national security and, upon that assertion, wage a first strike offensive attack, plunging the world once again into the dangerous era of unilateral preemptive use of force by nations. We should not be charting such a course.

While most Americans share the President's view, as do I, that Saddam Hussein is a dangerous man and the world would be better off without his brand of tyranny, we are gravely concerned about the repercussions of such a war if we have to fight it alone. The American people are concerned that, absent the endorsement of the U.N. Security Council, a unilateral first strike by us would lead to more terror at home and a wider war in the Middle East.

So, Mr. Speaker, taking heed of the reluctance and the concerns of my constituents and the American public at large, I also join with those who hold that we must exhaust all diplomatic efforts and fully utilize all options available to us through the United Nations first as proposed in the Lee amendment.

Mr. Speaker, the Spratt-Moran amendment, which I also support, which closely mirrors the statement of principles adopted by the Congressional Black Caucus, authorizes the President to use military force pursuant to a new U.N. Security Council resolution that mandates the elimination of weapons of mass destruction and ballistic missiles. The Spratt-Moran amendment would also provide that if the Security Council does not adopt such a resolution, the President should seek authorization from Congress to use military force.

This threat of force included in the Spratt-Moran amendment clearly gives the Secretary of State and the administration the clout they need and they seek to pressure Iraq into full compliance.

Mr. Speaker, I remember one of our colleagues lamenting the possibility immediately after September 11 that the Constitution would be the first casualty of the war on terrorism. It has unfortunately been gravely wounded, but the mortal blow would come should we forfeit our constitutional authority to declare war and grant unlimited authority to the President at any time, and under whatever circumstances he sees fit, to take this country into war and too many of our young people to an untimely death.

To relinquish such an important constitutional authority sets another dangerous precedent that could endanger other provisions of the body of laws that has guided this Nation so well for over 226 years.

Finally, this yet-to-be-justified war would not only commit thousands of lives but would also commit resources that this country needs to improve and save the lives of people right here at home. This proposed war, which again we have not been convinced we need to undertake now, will undermine the war against terrorism, our homeland security and further threaten the very fabric of our society.

Mr. Speaker, let us not take action that would undermine the constitutional authority of the Congress. Vote no on H.J. Res. 114 and support both the Lee and Spratt-Moran amendment.

Mr. GREEN of Wisconsin. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DAN MILLER), a member of the Committee on Appropriations and Committee on Government Reform.

Mr. DAN MILLER of Florida. Mr. Speaker, a little over a year ago, this country saw evil demonstrated as we had never imagined possible. Last year's attacks on our Nation showed us all too well the immorality of evil persons who are determined to attack us, our way of life and the freedom we cherish. We must act to ensure that no such attack ever occurs again, and it is today more imperative than ever that Iraq's weapons programs be brought to light, halted and terminated. The consequences of not acting to prevent Iraq from continuing its weapons development are simply too great to be ignored.

For over a decade, Saddam Hussein and the Iraqi regime has defied and deceived the international community. In its blatant and deliberate violation of international will and its development of weapons of mass destruction, Iraq has continued to pose a real and significant threat to the security of its neighbors and the entire Persian Gulf region, the national security of the United States and, indeed, the security of the civilized world.

Saddam Hussein is a ruthless and evil dictator of a regime that has again and again showed no respect for international norms and the rule of law or respect for human life, just like the terrorists responsible for the murder of 3,000 innocent Americans last year. As such, Saddam Hussein is as much a terrorist and a threat to our Nation as those directly responsible for last September's heinous acts.

What we know about Saddam Hussein and the Iraqi regime is unquestionably troubling, and, as President Bush said, what we do not know is even more so. His continued research and development of chemical weapons and other weapons of mass destruction, the extent of which is unknown due to his flagrant violation of international mandates, is a tremendous threat to the security of this Nation and must be stopped.

The power to declare war and authorize the use of military force is one of the most significant powers the Constitution gives this body. It is a responsibility that every Member of Congress takes seriously, and there is no more difficult decision that we can make than to choose to send our military into action. Ensuring the security of this Nation and the safety of the citizens is a responsibility that we all take seriously, and I provide my support to President Bush as he makes the tough decisions ahead.

Mr. Speaker, I rise today in support of this resolution to provide the President authorization to use the United States Armed Forces against Iraq.

A little over a year ago, this country saw evil demonstrated as we had never before imagined. Last year's attacks on our nation showed us all too well the immorality of evil persons who are determined to attack us, our way of life, and the freedom that we cherish. We must act to ensure that no such attack ever occurs again, and it is today more imperative than ever that Iraq's weapons programs be brought to light, halted, and terminated. The consequences of not acting to prevent Iraq from continuing its weapons development are simply too great to be ignored.

For over a decade now, Saddam Hussein and the Iraqi regime has defied and deceived the international community. In its blatant and deliberate violation of international will and its development of weapons of mass destruction, Iraq has continued to pose a real and significant threat to the security of its neighbors and the entire Persian Gulf region, the national security of the United States, and indeed the security of the civilized world.

When Iraq accepted the provisions of the United Nations Security Council Resolution 687 in 1991, it unconditionally accepted the inspection, destruction, and removal of its weapons of mass destruction and missile programs under international supervision. Unfortunately, however, the United Nations Special Commission's (UNSCOM) inspectors were repeatedly impeded and prevented from carrying out their mission, and were ultimately banned from Iraq in October 1998. Since then, Iraq has indisputably been in breach of its obligations, and its weapons of mass destruction programs have gone completely unchecked.

Saddam Hussein is an evil person who cannot be trusted. Under his leadership, the Iraqi regime has had a repeated history of aggression against its neighbors, repression of its people, and hostility toward the international community and the United States of America. The facts speak for themselves:

When Iraq invaded its neighbor Iran in 1980, the ensuing eight year war saw over one million casualties;

Just ten years later, Iraq's brutal invasion of Kuwait in August 1990 was followed by the detention and use of foreign nationals as human shields, the torture of Kuwaiti citizens and coalition servicemen including Americans;

A year after the close of the Persian Gulf War, the Iraqi regime plotted a foiled assassination attempt on President George H. W. Bush during his visit to Kuwait in 1993; and

International coalition warplanes patrolling and enforcing the UN designated "no-fly zones" over Iraq—zones agreed to by the Iraqi regime—have continuously and repeatedly come under attack from Iraqi anti-aircraft installations.

But most troubling is Iraq's capability and capacity to use weapons of mass destruction:

45,000 Iranians were killed when Iraq used chemical weapons during the Iran-Iraq War;

5,000 Kurdish civilians were killed and another 7,000 injured when Saddam Hussein used chemical weapons on his own people in 1988; and

Iraq again threatened to use chemical weapons against international coalition forces during the Persian Gulf War.

Saddam Hussein is a ruthless and evil dictator of a regime that has again and again shown no respect for international norms and the rule of law, or respect for human life—just like those terrorists responsible for the murder of 3,000 innocent Americans last year. As such, Suddam Hussein is as much a terrorist and a threat to our nation as those directly responsible for last September's heinous acts.

What we know about Saddam Hussein and the Iraqi regime is unquestionably troubling, and as President Bush said, what we don't know is even more so. His continued research and development of chemical weapons and other weapons of mass destruction—the extent of which is unknown due to his flagrant violation of international mandates—is a tremendous threat to the security of this nation and must be stopped.

The power to declare war and authorize the use of military force is one of the most significant powers the Constitution gives this body. It is a responsibility that every Member of Congress takes very seriously, and there is no more difficult decision that we can make than to choose to send our military into action. Ensuing the security of this nation and the safety of her citizens is also a responsibility that I and the other members of this body take very seriously, and that is why I will vote in support of this resolution. I know that President Bush shares this concern for the security of this nation, and I have the utmost confidence that he will continue to demonstrate the leadership necessary to protect this nation, just as he has in our war on terrorism.

I urge passage of this resolution, to give the President the necessary flexibility to provide for the security of this great nation by authorizing the use of force against Iraq.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. TIERNEY), a member of the House Committee on Education and the Workforce and a real reformer.

Mr. TIERNEY. Mr. Speaker, as the previous colleague just said, the decision of whether or not to send our young men and women to danger and to possibly kill or harm others is certainly the most solemn and serious decision the Members of Congress will have to make.

There was no ambiguity between Congress and the President with respect to our response to the events of September 11, 2001, but now the issue is how to deal with a nation under control of an undeniably dangerous and treacherous individual, Saddam Hussein.

The administration seeks to go it alone, seeks a resolution that would allow the President alone to decide and determine whether or not it is necessary to attack Iraq. It also seeks authorization to act for reasons beyond Iraq's failure to disarm after inspections. I believe there is a better way, a way recommended by other past commanders and present, names like Admiral Clark, Zinni and others. We should work within the international framework to create a consensus to impose inspections and disarmament and authorize the United States to participate in that U.N. Security Council effort to enforce those inspections and disarmament.

That resolution should also say that if efforts are honestly and diligently pursued and they prove unsuccessful, then the administration should return to Congress for the determination of what appropriate action the United States, and other countries choosing to act with it, should then take.

If Iraq were attacking the United States now, Congress would undoubtedly act with the same speed it did on September 14, 2001. If Iraq were doing that, we would act, but it is not attacking the United States at this point in time.

The administration presents the case that, as the world's remaining superpower, it is justified in using its global military superiority to preempt perceived threats before they occur. We all know that America always knows that it can act to prevent disaster, but elevation of that unilateral preemptive policy to a new norm would mean that any militarily stronger nation may perceive a not-yet-established imminent threat and act preemptively. That would conjure up thoughts of India and Pakistan, Russia and Chechnya, and China and Taiwan.

This would turn decades of international law and norms on their head, years in which the United States was a leader in establishing international entities and laws, just so that nations would not act presumptuously and attack others, and instead we set up an international system within which differences could be resolved without preemptive attacks being the first resort.

The administration says that Hussein is bad, and no one disagrees, nor do we disagree with the notion that the U.N. resolutions must be enforced by the U.N. Security Council action. The administration, though, asserts that the United States must act peremptorily and right now because Iraq is an imminent threat, but the truth be told, it has not met the burden of proof with respect for that claim.

Yes, Iraq has biological and chemical weapons and has had them for some time. Yes, they may have been trying unsuccessfully to get nuclear capabilities, but we have stopped them from doing that. In fact, the inspections were successful in inhibiting those attempts, and Iraq does not have nuclear capability nor does it have the means to deliver weapons of mass destruction against the United States.

We have kept those materials from Iraq and from terrorists. And the irony is that, while the administration cavalierly talks about a $100 to $200 billion cost of attack and rebuilding Iraq, it fails to come to this body and push for legislation that would be far less costly under the Nunn-Lugar cooperative threat reduction to safeguard weapons of mass destruction materials from getting into the hands of terrorists or Iraq or anyone else; and that simply is the path we should take.

There is currently insufficient evidence of Iraq's complicity with terrorists, and today we learned through declassified CIA reports that Iraq is not likely to use biological/chemical weapons against the United States unless we send people in and provoke it in that region, and a number of reports so indicate.

Given the absence of a direct threat to the United States and the absence of an imminent threat to the United States, we should proceed, but first, the United States, as a founder and a leader of the Security Council, should lead the international council to enforce inspection and disarmament, and we should seek further to get rid of weapons of mass destruction throughout that Middle East region and not stop with just Iraq. We should also use our diplomatic efforts to do that for every country, particularly in that region.

We should also use the time that we would have by going the international route to disclose fully to the United States the cost of action, if it is necessary, in people and in treasuries. As the senior Senator from Massachusetts said, what casualties would there be if we fight in the desert or if we fight door to door in the city or biological/chemical weapons are used on our troops? What will happen with Iraqi civilian victims and what are our intentions to minimize those victims' problems? What about the sacrifice in terms of our economy? What will people be asked to forego in terms of education and health care and prescription drugs and infrastructure and getting people back to work? What about our plans for reoccupying and restabilizing Iraq?

Mr. Speaker, as I close, if we go it alone, how will we deal with maintaining the cooperation of other nations, especially Arab and Muslim countries, and our number one threat of terrorism, should we lose our leadership? Countries look to us for that.

Mr. GREEN of Wisconsin. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida (Mr. JEFF MILLER), a member of the Committee on Armed Services and the Committee on Veterans' Affairs.

Mr. JEFF MILLER of Florida. Mr. Speaker, no Member of this body ever wants to put our men and women in harm's way in a war, a war that will undoubtedly cost lives and inflict anxiety on the families of the loved ones who are in harm's way.

My community hosts the Navy's future force in schoolhouses, in the Air Force's current command and wing commands and special operation units. It is these brave men and women who will fight this war.

□ 1545

These are the men and women who will put their lives on the line for us and defend freedom.

I do not question the need for this action. I do not question the risk that is presented. But I do not wish for this war. I wish with all my soul that this monster could be removed from power without firing a single shot. I wish the people of Iraq would rise up and put their lives on the line, as our military personnel will. I wish we did not have to send America's sons and daughters to liberate their sons and daughters from a man who murders his own people. I wish our European partners would see the threat as we do. I wish they would use their tools to unite a common response to Iraq rather than sow the seeds of division seen in the parliaments and personal political campaigns of our allies. But most of all, we see that the world is content to ride our backs to prosperity and to freedom, a weight that we have carried before and, apparently, will carry again.

Mr. Speaker, I know this task must be carried out by the United States of America. We must face this continued threat of terrorism head on, alone, or with our friends. And this position is no different than our position in the past. As leaders of the free world, we have always walked point. Mr. Speaker, we must trust our values, protect our freedom, and let liberty be our guide. This strategy has served us well over the past 200 years, and I can think of no reason to turn our back on it today.

I support the President of the United States, and I support this resolution.

Mr. PAYNE. Mr. Speaker, I yield 5½ minutes to the gentleman from Ohio (Mr. KUCINICH), a person who has proposed a peace committee; a person who has been a strong advocate against this resolution

Mr. KUCINICH. Mr. Speaker, I thank the gentleman from New Jersey for yielding me this time and for his leadership and his work with all of us here.

Mr. Speaker, yesterday students held a peace rally on the west front of the Capitol. It may have been the first rally on the Capitol grounds in opposition to war with Iraq I attended, and I heard representatives of America's youth asking questions. Why? Why war against the people of Iraq? Why assert military power, which threatens innocent civilians? Why war to settle differences? Why separate our Nation from the world community? Why not give peaceful resolution a chance?

I looked into the eyes of our youth. I looked at their fresh faces, faces hopeful and optimistic yet challenging, asking why. Soon the voices of our youth will be heard across this Nation, and we should pay them heed. They will be heard on campuses, in town halls, and many marches. They will be raised to challenge and to confront senseless violence, mindless war, the death of innocents, the destruction of villages to save villages.

Voices will be lifted up in urgency because the future knows when the place it needs to build could be destroyed. The future knows and is skeptical about promises of peace that are wrapped in fire and brimstone. Our young people opposing war represent a message from the future America, the America that can be, and with the upwardly-spiraling aspirations of millions of Americans of all ages, the America that will be.

The future America works to make nonviolence an organizing principle in our society. The future America works to make war archaic. It is a Nation that lives courageously in peace, working to settle differences at home and abroad, without killing. The future America comprehends the world as an interconnected whole. It understands that changes in transportation, communication, and trades have made people throughout the world neighbors.

The future America believes that each person is sacred, that each person makes a difference, that each choice we make affects others, that an injury to one person is an injury to all, that justice ought to be international, and that vengeance is reserved to the Lord. It is an America where human rights and workers' rights and environmental quality principles are within the arc of the human covenant. It is a Nation where each life is given an opportunity to unfold, where all have access to health care, to higher education, to jobs, and to a secure retirement; where quality of life matters, where people build families, build communities, build an American community of our dreams; where our highest aspirations light the way to a better Nation and to a better world.

The future America is a Nation which works to sustain life on Earth. It champions protection of the global environment. It works with all nations to abolish nuclear weapons, chemical weapons, and biological weapons. It is a Nation which preserves the heavens for the restless human soul, and it rejects putting weapons in space because it knows that the kingdom that will come from the stars should bring eternal peace and not war. While some voices clamor for war, a future America looks for deeper unity of all people worldwide and seeks not empire but harmony.

So to you, young America protesting this war, I sing a hymn of praise. Because while some may want to send you marching off to fight yesterday's wars, you are advancing from the future, reminding us that our Nation has a higher calling, reminding us of an America that can be, reminding us that there has to be a better way, reminding us to find that better way, joining with us to make straight the path of democracy.

This is a time for caution as we would face war; but it is also a cause for joy, because the same revelry that sounds a battle cry and clangs the toxins of war brings forth legions of others enlisted in a holy cause to relight the lamp of freedom in our own land. So come forth young and old, prepare for America's future.

Mr. GREEN of Wisconsin. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. GOODLATTE), a member of the Committee on the Judiciary.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for yielding me this time.

On the eve of potential military action abroad, I am reminded of President Reagan's speech before the British House of Commons when he said, "If history teaches anything, it teaches self-delusion in the face of unpleasant facts is folly." Reagan was speaking to a people who knew well the ravages of war and the terrible price of appeasement.

Churchill called World War II the unnecessary war. He did not mean that it was unnecessary to rise to the occasion and defeat Nazism, he meant that had we taken early notice of Hitler's clearly stated intentions rather than naively drifting through the 1930s, a world war may not have been necessary. Weary of conflict, some of the allies adopted a policy of peace at any price, but no peace that a freedom-loving people could tolerate.

While the circumstances are different, there are lessons to be drawn from the annals of history. Just because we ignore evil does not mean that it ceases to exist. Appeasement invites aggression. Dictators, tyrants and megalomaniacs should not be trusted.

Saddam Hussein has used weapons of bioterror against his own countrymen. He has committed genocide, killing between 50,000 and 100,000 people in northern Iraq. His regime is responsible for widespread human rights abuses, including imprisonment, executions, torture and rape. Just in the past 12 years, he has invaded Kuwait, he has launched ballistic missiles at Israel, Saudi Arabia, Bahrain, and previously at Iran.

Following the Gulf War, he arrogantly defied the international community, violating sanctions and continued in the development of weapons of mass destruction while evading international inspectors. His regime has violated 16 U.N. resolutions devoid of consequences.

Most ominously, in the wake of the September 11 terrorists' attacks, Saddam has quantifiable links to known terrorists. Iraq and al Qaeda have had high-level contacts stretching back a decade.

We know based on intelligence reports and satellite photos that Saddam is acquiring weapons of mass destruction. He possesses stockpiles of biological and chemical weapons, and he is aggressively seeking nuclear weapons. Every weapon he possesses is a violation of the Gulf War truce. A crazed man in possession of these instruments of death is a frightening prospect, indeed.

Had Saddam possessed nuclear capabilities at the time of the Gulf War, we may not have gone into Kuwait. Should he acquire nuclear capabilities, his aggressions would be virtually unchecked. Deterrence can no longer be relied upon.

President Bush was accurate to characterize Saddam as a grave and gathering danger. The President challenged the U.N., calling into question their relevance should they leave unchecked Saddam's blatant disregard for their authority. He consulted Congress and made a case to the American people. The President should continue to push for a U.N. resolution with uncompromising and immediate requirements for the Iraqi regime, thereby rejecting the tried course of empty diplomacy, fruitless inspections, and failed containment.

Americans looked on in horror as the events of September 11 unfolded. At the end of the day, the skyline of one of our greatest cities was forever changed; the Pentagon, a symbol of America's military might, was still smoldering; and a previously indistinguishable field in western Pennsylvania had suddenly and terribly become an unmarked grave for America's newest heroes.

In the aftermath, Americans have been asking questions, some of which we may never have satisfying answers to. But today we know that a sworn enemy is pursuing weapons of mass destruction. It is incumbent upon the free world, led by the United States, to dismantle these destructive capabilities. We have before us a resolution which will authorize, if necessary, the use of America's military to enforce the demands of the U.N. Security Council.

There is no greater responsibility for us as elected officials than to provide for the common defense of our fellow countrymen. In voting for this resolution, we send a message to a tyrant that he should not rest easy; that those who would venture to strike at our Nation will encounter consequences. We send a message to the Iraqi people that the world has not forgotten them and their suffering at the hands of a madman. We send a message to the world community that we are unified as a Nation; that the President possesses the full faith and backing of this distinguished body; that we are committed to defending the liberties which are the very foundation of our Republic; and that we are steadfast in our resolve in the war on terror.

Mr. ACKERMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. LAMPSON), the conscience of the Congress on the issue of finding lost children.

Mr. LAMPSON. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, we have heard many times over the course of yesterday and today that this is the most important vote that we will be asked to make in our service in Congress. And I, as all the rest of my colleagues, take it very seriously.

There is absolutely no doubt in my mind that Saddam Hussein poses a clear danger to the United States and to the world and he must be dealt with quickly and decisively.

□ 1600

It is my hope that this resolution will send a message to Saddam Hussein that America means business, and in return we will hear that U.N. inspectors will be granted unfettered access to any location deemed necessary with no exceptions.

I am pleased that the House leadership listened to the concerns of Members of both parties and developed a bipartisan resolution that does not give blanket approval to the President to carry this battle across the globe without consulting the American people, Congress, or our allies. I am also pleased that the President is continuing to enlist the support of other nations and that our action will not be unilateral.

The intent of Congress must be clear that this is not an endorsement of a foreign policy of preemptive strikes, but instead a resolution authorizing the President to take specific action against a specific, demonstrated threat, Saddam Hussein.

Action against Saddam Hussein is not a preemptive strike, it is a response to Saddam Hussein's blatant attacks, ranging from firing on our aircraft to the attempted assassination of a former President. Foreign policy is not an exact science. What we as Members of Congress must do is weigh the evidence and at some point we must trust the President, Colin Powell, Condoleezza Rice and others in the administration to use this resolution as a tool, not just as a club.

After countless hours of briefings, soul searching and prayer, I am confident that this is our best course of action. I ask our President that, as I reach across this aisle to support him on this resolution, I must express in the strongest possible terms my disappointment with the President's handling of our economy. It is a disaster. Layoffs are occurring as we speak. The stock market is in a ditch, and the people of the 9th Congressional District of Texas and in this Nation are concerned for their family's future. There is a growing concern that the administration is asleep at the wheel on domestic issues.

This cannot continue. Just as I have reached across the aisle to support the President on foreign policy, I am urging the President to reach back across this aisle to help me and my colleagues address the economic problems facing this Nation, because that, too, poses a clear and present danger to the United States of America.

God bless America and all of the peoples of this world.

Mr. GREEN of Wisconsin. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HORN), a member of the Committee on Government Reform.

Mr. HORN. Mr. Speaker, last night the gentleman from Wisconsin (Mr. RYAN) gave a very fine statement on this matter.

In his remarks, the gentleman from Wisconsin (Mr. RYAN) quoted the book "The Threatening Storm" by Kenneth Pollack, who served as the Clinton administration's expert on Iraq. This quotation cuts to the very heart of this debate by laying out the horrific nature of Saddam Hussein.

It paints a picture that no civilized person can find acceptable: the torture of children, the rape of women, the fiendish maiming of opponents, the gassing of entire Kurdish villages to spread terror.

Mr. Speaker, these crimes are well documented. We have eyewitness accounts, news photographs and videotapes of gas attacks against the Kurdish villages. We have first-person testimony on Saddam Hussein's reign of terror within Iraq. It is estimated that Saddam Hussein has murdered more than 200,000 of his own countrymen, generals and relatives included.

Given his record of brutality, there should be no question what Saddam Hussein will do once he obtains nuclear weapons. We must face squarely the true nature of this tyrant. We must act to deal with the threat he poses.

Mr. Speaker, I urge all of my colleagues to vote for this resolution. It is the right thing for America and humanity.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Ms. LOFGREN), a member of the Committee on the Judiciary and a member of the Committee on Standards of Official Conduct.

Ms. LOFGREN. Mr. Speaker, should Congress authorize the President to use the Armed Forces of the United States to attack Iraq? The President is asking us to pass this resolution now, but he has not yet made the case for war.

I cannot support the President's request that we authorize military force against Iraq. I make this very difficult decision for three important reasons: The United States is not acting in self-defense or from an imminent threat from Iraq, the United States should not be pursuing unilateral action without international support, and the President has not stated an exit strategy.

I believe there are times when countries must resort to war, and indeed international law recognizes the rights of nations to defend themselves. I strongly support our campaign against terrorism. But are we voting this week on a case of self-defense? It would certainly be self-defense if Iraq supported the al Qaeda attack on September 11, but the evidence of such support is lacking.

I have listened to the administration and met with top officials. I have yet to see any credible evidence that Iraq is connected with al Qaeda. The experts readily admit that there is no real connection.

I can believe that Iraq is a threat to the region and to some American interests overseas, but I do not believe the threat is imminent or must be handled with a unilateral military strike.

The President is now choosing a new and dangerous policy, the America Strikes First Doctrine, when he argues we can attack any time we feel threatened.

I am the mother of a 17-year-old son. Maybe that is why I understand when mothers ask me about Iraq. A life lost to save America is a stinging pain that will always be with a Gold Star Mother. But the knowledge that the loss was necessary to protect the home of the brave and the land of the free gives both comfort and cause.

Is America prepared to sacrifice lives when the cause is not to defend America but to start a war unilaterally without a threat? I have not heard the American people say so.

We would be having a far different debate had President Bush come to Congress leading the world community and the United Nations or NATO. As of this moment, Great Britain is the only other nation dedicated to military action with us in Iraq. When even Canada is not prepared to march by our side, we have cause to pause and reflect. The United States should be leading the world, working with the world community to resolve an international issue. We should be here, Mr. Speaker, debating a resolution because all other efforts have failed. Sadly, we are here discussing an end result with no end game in mind.

This resolution is an unwise step for America that will in the end weaken America. We are at our best when we are first among allies, standing tall for the free world. Let us be at our best when we deal with Iraq.

For these reasons, Mr. Speaker, I will not vote to authorize the President to carry out a unilateral and costly ground war against Iraq.

Mr. CANTOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first, I would like to thank the gentleman from Illinois (Mr. HYDE) for his tremendous leadership in bringing this resolution to the floor. In addition, I would like to commend President Bush for providing courageous leadership during this time of national crisis.

As America continues to wage a world war against terrorism, the time has come to weigh the dangers of confrontation against the risks of inaction.

A year ago on September 11, the United States, our people, and our institutions were attacked. That day the war began. I respond to those of my colleagues posing the question: Where is the imminent threat? Why must we confront Iraq now? I ask simply: How many more innocent Americans must die in order for the threat to be imminent?

We face an enemy that will stop at nothing to kill Americans, including taking their own lives. This enemy could not survive without the state sponsorship it receives from Saddam Hussein, an oppressive dictator who is a sworn enemy of the United States. In order to win the war on terror, we must effect a regime change in Baghdad.

As we consider the resolution before us, we must consider two fundamental questions: Does Saddam Hussein have the desire to harm the United States of America? And does Saddam Hussein have the ability to carry out that objective?

In answering the first question, we must be mindful that he has aligned his regime with the world's most unsavory characters who continue to seek the destruction of freedom and democracy around the world. He has openly praised the attacks of September 11, attempted to assassinate a former U.S. President, and directly ordered acts of terror against innocent civilians. Our national security requires us to conclude that he aims to threaten the lives of American citizens.

Saddam Hussein is an oppressive tyrant who, with each passing day, increases his ability to terrorize the world with the most destructive weapons known to man. He currently has chemical and biological weapons and is actively pursuing a nuclear capability. The accumulation of these weapons is transforming Saddam Hussein from a regional threat into a global menace. Whether we act to prevent him from acquiring such weapons, or act to prevent him from using them once he has them, action is required.

Although the United States is a peace-loving Nation, there will never be peace and security so long as Saddam Hussein is in power. Effecting a regime change and liberating the people of Iraq is the official policy of the United States Government. President Bush has demonstrated a willingness to pursue peace, yet he must also have the authority to present Saddam Hussein with the absolute certainty that the full force of the United States military is ready to act.

This resolution gives the President this necessary authority, and I wholeheartedly urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. ACKERMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Speaker, we confront in this Chamber today a decision of utmost gravity, to authorize the President to use military force if necessary to remove the threat of chemical, biological, and nuclear weapons from the hands of Saddam Hussein.

To risk the lives of our sons and daughters for this cause burdens the hearts and minds of every Member of Congress. For the past several weeks, we have weighed this decision in the balance. People of goodwill have had their differences of opinion. We know that military action by its nature is an assumption of risk, risk to the lives and safety of our military forces, risk of outcome and duration of battle, and risk of economic and political dislocations.

In spite of these dangers, the greatest danger is to do nothing. The failure to act will leave an international outlaw undeterred and will sacrifice a freedom that President Franklin Roosevelt called fundamental, the freedom from fear.

On a clear autumn morning on September 11 we were awakened to the reality of a new and growing threat to our security. We saw all too vividly how vulnerable our Nation can be to unconventional warfare. We were forced to face the stark reality that an international terrorist organization named al Qaeda exists and is dedicated to the destruction of America and our way of life.

Our time-honored policy of security through deterrence backed by our overwhelming military superiority is no longer sufficient to protect our Nation from a weapon of mass destruction in the hands of a single terrorist on a suicide mission.

Opinions differ on the question of whether Saddam Hussein will engage in a terrorist act against our Nation or place weapons of mass destruction in the hands of terrorists, but there is no debate that the motive and the means are present; and, in my judgment, the threat is unacceptable.

Much of what we know, we have known for a long time. We know Saddam Hussein has developed biological weapons. We know that Saddam has developed chemical weapons. We know that he has used them in war and against helpless civilians, and we know that he is working feverishly to acquire nuclear weapons. We know he has launched ballistic missiles at his neighboring countries of Bahrain, Saudi Arabia, Iran and Israel; and he continues to develop missiles that can hit American bases. We know he invaded Iran in 1980, causing the deaths of over 1 million people.

□ 1615

We know he invaded Kuwait in 1990 and ordered the torture and murder of tens of thousands of civilians. We know this man and we know his works. He has the capability and he has the motive to bring great harm to our Nation. We have been at war with him for over 10 years. His hatred for the United States has no limits, and his cruelty and atrocities committed against his own people, his closest associates, and even his family leave no room to doubt his murderous nature.

For 10 years the United Nations Security Council passed resolutions to open Iraq to weapons inspectors, to disarm Saddam, to take away his weapons of mass destruction. For 10 years he has avoided, evaded, and escaped the rules we tried to use to secure the peace. Saddam Hussein is in material breach of international law.

Mr. Speaker, knowing these things to be true, to protect our homeland, to take weapons of mass destruction out of the hands of a tyrant, and to uphold the rule of law, I support the President in his request for authorization to use force, if necessary, to accomplish these goals in Iraq. Saddam Hussein is an international outlaw who is a clear and present danger to our country, and time is not on our side. To meet this threat, we will work with the United Nations, but we will not wait for the United Nations. We do not seek war, and the best way to avoid it is to be clear with our intent and be prepared to act. Saddam must have no doubt about our course. He can disarm or his days are numbered.

Some have suggested that we adopt a two-step resolution that would assure our allies that we seek U.N. approval; and if approval is denied, the President would seek a second resolution from this Congress authorizing the use of unilateral force. This could weaken our President's hand in the effort to secure Security Council support and work contrary to our very interest of securing multilateral cooperation. If the U.N. declined to act and then we had a subsequent resolution on this floor, we would be in a position that we all seek to avoid; and in addition, a two-step resolution would detract from the effort to send a clear message to Saddam to give up his weapons of mass destruction without delay.

The quest for America's security in the 21st century begins with us. The Bible tells us to whom much has been given, much is required. Our duty and our responsibility to future generations of Americans leave us no option but to act with resolve, with courage, and the will to win.

America is a special place. God has blessed us beyond measure; and while a few pursue hatred and destruction and can bring us harm, there are millions every day who seek to come to this land of promise because we stand for peace, for justice, and for democracy.

Mr. CANTOR. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Speaker, the value of this resolution is cast in a way that its failure to be enacted by this Congress would make havoc reign in the House of Representatives. What do I mean by that? If we should fail to adopt this resolution and some new terror strike visits our land and kills more of our people, God forbid, then we will be rushing back to this floor. Remember now, if this resolution fails, we will be rushing back to this floor eager to give new powers to the President to do something about the new terror attack. That is what the value of this resolution is.

We are preparing the President, we are preparing the Congress of the United States, we are preparing the people of the United States, and more vitally we are preparing the Armed Forces of the United States in a stalwart resolution which outlines the resolve of the United States to prepare for any kind of action that might be required not just to stabilize the region in which Iraq lies but also to stabilize the entire civilized world with respect to the threat and fear of terror.

And so if we forget everything else about what the resolution may do, if we recognize that our national security is the matter that atmospheres across every single word of the resolution, then we have additional rationale for adopting the resolution. The Armed Forces always look to the Commander in Chief for guidance, for leadership, as they will within this case; but they also look to see are the people of the United States, our people, our families, our neighborhoods at home, are they backing us? Are they supporting us?

This resolution crosses through all the lines of communication right to the barracks of our Armed Forces and gives indication to them that the people of the United States, the people they are sworn to serve and for whom they would risk their life and limb that they are behind their actions.

I remember as a member of the Armed Forces myself in our own company that the words of the then-Commander in Chief were very important to us as to where and what direction we should go and whether or not the whole thing was worth it; it is to the Armed Forces once they know that this resolution will pass and will guide them, in the words of the Commander in Chief, in the interest of national security.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. HINOJOSA), member of the Committee on Education and the Workforce and a diligent fighter for Hispanic-serving institutions to increase funding.

Mr. HINOJOSA. Mr. Speaker, I rise today in opposition to House Joint Resolution 114, giving authorization for military force against Iraq. I am determined to convince my colleagues to pass the substitute amendment that will be offered by the gentleman from South Carolina (Mr. SPRATT). I agree with my colleague that the resolution reported by the Committee on International Relations authorizing the use of force against Iraq is an amendment and an improvement over the original House draft; and, yes, I also agree with him that we must limit the broad authority it grants to our President.

While no one in this House believes that Saddam Hussein should be allowed to develop weapons of mass destruction, my fellow colleagues should see the need to encourage the President to persist in his efforts to obtain Security Council approval for any action taken against Iraq. The President should also be required to seek a Security Council resolution mandating a new and tougher round of arms inspection.

When the Gulf War ended, Iraq agreed to destroy all of its chemical, biological, and nuclear weapons; and, yes, Iraq should be held to that commitment. The safety of America and the world depends on Iraq's compliance with the United Nations resolutions. Because the Spratt substitute would call on the United Nations to approve the use of force, if necessary, to ensure that Iraq meets its obligations to disarm, the United Nations Security Council's approval of action in Iraq would provide several crucial benefits. It would encourage all allies to fall in line and support our efforts. It would allow moderate Arab states to use the council's approval as a guide to support our troops' presence in Iraq, consequently enhancing the chances of post-war democracy and economic success in Iraq. If Saddam Hussein's regime is toppled, a new government will have to be formed to revive Iraq's economy and bring together the various ethnic factions to form a viable government.

Nation-building should be the work of the United Nations, not the U.S. military. As I have said, U.N. approval of our efforts would improve our ties with our allies, both European and Arab, and would likely lead to a fledgling, yet strong, democracy. If the United Nations decides not to impose additional sanctions or to cooperate, then America should take unilateral action against Iraq within the guidelines of the Constitution.

Everyone in this Congress has sworn to uphold the Constitution. It was in 1787 that the founders of our country gave Congress, not the President, the power and the responsibility of declaring war and sending American troops oversees. The Spratt substitute would require the President to come to Congress and ask for the support through an expedited process after it is determined that the United Nations will not act. I think this is the appropriate manner in which to conduct such a serious endeavor as another war. We need to remind ourselves that we are not just entering and referring to a congressional resolution, we are talking about the potential loss of American troops and the lives of civilian Iraqis.

Life is too precious a gift to grant such broad powers even to our President without a thorough discourse with the United Nations or with the United States Congress. I do not question our President's authority to protect our national security. I am asking that our President work through the United Nations and consult Congress prior to engaging in what will become a serious international conflict.

In closing, over the last few weeks I have talked to many of my constituents from all walks of life: farmers, ranchers, veterans, educators, parents, students, doctors, businessmen, and businesswomen. I have listened carefully to all of their views and concerns; and as a result, I will vote against House Joint Resolution 114. I respectfully urge my colleagues to support the Spratt amendment.

Mr. CANTOR. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Mississippi (Mr. WICKER).

Mr. WICKER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of this resolution because it provides an opportunity for peace through diplomacy while preserving the President's flexibility to engage the full force of our military to protect national security. The resolution before us does not preordain a path for our President to choose. Rather, this resolution provides the President with all possible options.

Enacting the resolution does not mean that an attack is imminent. It does mean that an escalation of our current military conflict with Iraq is a real possibility. Enacting this resolution does not mean that the President will stop pursuing diplomatic and peaceful means to a solution. It does mean that there can be consequences to continued inaction by the Iraqi regime. Enacting this resolution will show the world, our traditional allies, our potential allies, the Iraqi people, and most importantly Saddam Hussein, that the United States speaks with one voice in our determination to bring peace and stability to the world.

The resolution references the continuing threat posed by Iraq. Make no mistake, this threat is real and it is growing. It is not just that Saddam Hussein has weapons of mass destruction, Mr. Speaker. He has used them. He used them against Iran. He used chemical weapons against his country's own people, the Kurds of northern Iraq. And we have to ask ourselves this question, Mr. Speaker: Since Saddam Hussein has no greater opponent than the United States and our people and since he continues to develop more and more weapons, where will he use them next?

In the aftermath of September 11, 2001, countless voices asked this question: Did we do everything we could do to prevent this tragedy? To answer that question in the world that exists today, in a world in which an enemy can inflict damage with an army of one, we must be willing to change fundamentally our security strategy by accepting that intervention is a necessary part of protecting our safety.

With the passage of this resolution, Mr. Speaker, Saddam Hussein will be able to choose his destiny. Either Saddam Hussein's regime must change the way it acts or the regime itself must change.

Mr. SHERMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Kentucky (Mr. LUCAS).

Mr. LUCAS of Kentucky. Mr. Speaker, I rise in strong support of the resolution before us. This is one of the most important votes I ever expect to cast on this House floor, and I make it after much serious thought and deliberation.

The events of the past year have affected every single person in America. Our lives will never be the same. The terrorists on September 11 tried to break the spirit of America, but they failed. The spirit of our Nation is unbreakable and unwaivering. As a Nation, we will work together to fight the war on terrorism, to preserve our own lives and the lives of our peace-loving friends all around the world.

□ 1630

During his address to the United Nations on September 12, and again on Tuesday in Cincinnati, the President outlined a powerful case as to why pursuing regime changes by military means, if necessary, in Iraq, is in the vital national interests of America and all freedom-loving people everywhere. I feel that the President provided a clear and compelling case that will lead to broad international support of our objectives.

The President told us that Iraq possesses the physical infrastructure required to build nuclear weapons and maintains stockpiles of chemical and biological agents for the purpose of killing literally thousands of people. U.N. inspectors have stated that they believe Iraq has produced as much as four times the amount of biological agents it claims to possess and has failed to account for more than three metric tons of material that could be used to produce biological weapons. Along with this threat, Iraq possesses a force of SCUD-type missiles with ranges beyond the 94-mile limit permitted by the U.N. resolutions.

Last week, I stood with the President and congressional leadership in the White House Rose Garden in support of this resolution authorizing the use of force against Iraq, and I am proud to rise to the support of that resolution today. All the while, I fervently hope and pray that force will not be necessary. However, I strongly believe that American foreign policy, especially with regard to eradicating weapons of mass destruction and terrorism, must be a top priority.

Our actions do not come without sacrifice or consequence; and I want to personally recognize our young men and women, these brave young men and women who are currently engaged in the war on terrorism and who may be called to service in Iraq. As a parent, I know firsthand the sacrifice that military personnel and their families are making.

I was a pilot in the Air Force, and nothing made my wife Mary and me more proud than our son Lance as he served his country as an Air Force pilot in the Desert Storm conflict. We know firsthand what it is like to have a loved one in harm's way.

However, once again, America is forced to defend herself against forces that do not respect human life, freedom or the American way.

We cannot wait until Saddam Hussein or one of his terrorist allies strikes first. We cannot let another horrific event like September 11 happen again while we stand idly by.

Mr. Speaker, I ask all my colleagues to join with me in support of this important resolution.

CONFERENCE REPORT ON H.R. 5011, MILITARY CONSTRUCTION APPROPRIATION ACT, 2003

Mr. HOBSON submitted the following conference report and statement on the bill (H.R. 5011) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes.

CONFERENCE REPORT (H. REPT. 107–731)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5011) "making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for military construction, family housing, and base realignment and closure functions administered by the Department of Defense, for the fiscal year ending September 30, 2003, and for other purposes, namely:

MILITARY CONSTRUCTION, ARMY

(INCLUDING RESCISSION)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $1,683,710,000, to remain available until September 30, 2007: Provided, That of this amount, not to exceed $163,135,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: Provided further, That of the funds appropriated for "Military Construction, Army" in previous Military Construction Appropriation Acts, $49,376,000 are rescinded.

MILITARY CONSTRUCTION, NAVY

(INCLUDING RESCISSION)

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $1,305,128,000, to remain available until September 30, 2007: Provided, That of this amount, not to exceed $87,043,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: Provided further, That of the funds appropriated for "Military Construction, Navy" in previous Military Construction Appropriation Acts, $1,340,000 are rescinded.

MILITARY CONSTRUCTION, AIR FORCE

(INCLUDING RESCISSION)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $1,080,247,000, to remain available until September 30, 2007: Provided, That of this amount, not to exceed $72,283,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: Provided further, That of the funds appropriated for "Military Construction, Air Force" in previous Military Construction Appropriation Acts, $13,281,000 are rescinded.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $874,645,000, to remain available until September 30, 2007: Provided, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided further, That of the amount appropriated, not to exceed $50,432,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: Provided further, That of the funds appropriated for "Military Construction, Defense-wide" in previous Military Construction Appropriation Acts, $2,976,000 are rescinded.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts; $241,377,000, to remain available until September 30, 2007.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $203,813,000, to remain available until September 30, 2007.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $100,554,000, to remain available until September 30, 2007.

MILITARY CONSTRUCTION, NAVAL RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United

States Code, and Military Construction Authorization Acts, $74,921,000, to remain available until September 30, 2007.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $67,226,000, to remain available until September 30, 2007.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized in Military Construction Authorization Acts and section 2806 of title 10, United States Code, $167,200,000, to remain available until expended.

FAMILY HOUSING CONSTRUCTION, ARMY

(INCLUDING RESCISSION)

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration, as authorized by law, $280,356,000, to remain available until September 30, 2007: Provided, That of the funds appropriated for "Family Housing Construction, Army" in previous Military Construction Appropriation Acts, $4,920,000 are rescinded.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $1,106,007,000.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

(INCLUDING RESCISSION)

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension and alteration, as authorized by law, $376,468,000, to remain available until September 30, 2007: Provided, That of the funds appropriated for "Family Housing Construction, Navy and Marine Corps" in previous Military Construction Appropriation Acts, $2,652,000 are rescinded.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $861,788,000.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

(INCLUDING RESCISSION)

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration, as authorized by law, $684,824,000, to remain available until September 30, 2007: Provided, That of the funds appropriated for "Family Housing Construction, Air Force" in previous Military Construction Appropriation Acts, $8,782,000 are rescinded.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $863,050,000.

FAMILY HOUSING CONSTRUCTION, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration, as authorized by law, $5,480,000, to remain available until September 30, 2007.

FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, $42,395,000.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, $2,000,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing, and supporting facilities.

BASE REALIGNMENT AND CLOSURE ACCOUNT

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101–510), $561,138,000, to remain available until expended.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in Military Construction Appropriations Acts shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 105. No part of the funds provided in Military Construction Appropriations Acts shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or his designee; (3) where the estimated value is less than $25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds appropriated in Military Construction Appropriations Acts shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Military Construction Appropriations Acts.

SEC. 107. None of the funds appropriated in Military Construction Appropriations Acts for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 108. No part of the funds appropriated in Military Construction Appropriations Acts may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds appropriated in Military Construction Appropriations Acts may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

SEC. 111. None of the funds appropriated in Military Construction Appropriations Acts may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any NATO member country, or in countries bordering the Arabian Sea, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds appropriated in Military Construction Appropriations Acts for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Sea, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: Provided, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: Provided further, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense is to inform the appropriate committees of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

SEC. 114. Not more than 20 percent of the appropriations in Military Construction Appropriations Acts which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(TRANSFER OF FUNDS)

SEC. 118. During the 5-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense" to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 119. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization, Japan, Korea, and United States allies bordering the Arabian Sea to assume a greater share of the common defense burden of such nations and the United States.

(TRANSFER OF FUNDS)

SEC. 120. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to be merged with, and to be available for the same purposes and the same time period as that account.

SEC. 121. (a) No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

(b) No funds made available under this Act shall be made available to any person or entity who has been convicted of violating the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SEC. 122. (a) In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

(TRANSFER OF FUNDS)

SEC. 123. Subject to 30 days prior notification to the Committees on Appropriations, such additional amounts as may be determined by the Secretary of Defense may be transferred to the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: Provided, That appropriations made available to the Fund shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169, title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing and supporting facilities.

SEC. 124. None of the funds appropriated or made available by this Act may be obligated for Partnership for Peace Programs in the New Independent States of the former Soviet Union.

SEC. 125. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the congressional defense committees the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(c) In this section, the term "congressional defense committees" means the following:

(1) The Committee on Armed Services and the Military Construction Subcommittee, Committee on Appropriations of the Senate.

(2) The Committee on Armed Services and the Military Construction Subcommittee, Committee on Appropriations of the House of Representatives.

(TRANSFER OF FUNDS)

SEC. 126. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 127. Notwithstanding this or any other provision of law, funds appropriated in Military Construction Appropriations Acts for operations and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: Provided, That not more than $35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days advance prior notification to the appropriate committees of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: Provided further, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations all operations and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

SEC. 128. Notwithstanding any other provision of law, the Secretary of the Navy is authorized to use funds received pursuant to section 2601 of title 10, United States Code, for the construction, improvement, repair, and maintenance of the historic residences located at Marine Corps Barracks, 8th and I Streets, Washington, D.C.: Provided, That the Secretary notifies the appropriate committees of Congress 30 days in advance of the intended use of such funds: Provided further, That this section remains effective until September 30, 2004.

SEC. 129. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 130. Amounts appropriated for a military construction project at Camp Kyle, Korea, relating to construction of a physical fitness center, as authorized by section 8160 of the Department of Defense Appropriations Act, 2000 (Public Law 106–79; 113 Stat. 1274), shall be available instead for a similar project at Camp Bonifas, Korea.

SEC. 131. (a) REQUESTS FOR FUNDS FOR ENVIRONMENTAL RESTORATION AT BRAC SITES IN FUTURE FISCAL YEARS.—In the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year after fiscal year 2003, the amount requested for environmental restoration, waste management, and environmental compliance activities in such fiscal year with respect to military installations approved for closure or realignment under the base closure laws shall accurately reflect the anticipated cost of such activities in such fiscal year.

(b) BASE CLOSURE LAWS DEFINED.—In this section, the term "base closure laws" means the following:

(1) Section 2687 of title 10, United States Code.

(2) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(3) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

This Act may be cited as the "Military Construction Appropriation Act, 2003".

And the Senate agree to the same.

DAVID L. HOBSON,
JAMES T. WALSH,
DAN MILLER,
ROBERT B. ADERHOLT,
KAY GRANGER,
VIRGIL H. GOODE, Jr.,
JOE SKEEN,
DAVID VITTER,
C.W. BILL YOUNG,
JOHN W. OLVER,
CHET EDWARDS,
SAM FARR,
ALLEN BOYD,
NORMAN D. DICKS,
DAVID R. OBEY,
Managers on the Part of the House.

DIANNE FEINSTEIN,
DANIEL K. INOUYE,
TIM JOHNSON,
MARY L. LANDRIEU,
HARRY REID,
ROBERT C. BYRD,
KAY BAILEY HUTCHISON,
CONRAD R. BURNS,
LARRY E. CRAIG,
MIKE DEWINE,
TED STEVENS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5011) making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes, submit the following joint statement to the House of Representatives and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The Senate deleted the entire House bill after the enacting clause and inserted the Senate bill (S. 2709). The conference agreement includes a revised bill.

ITEMS OF GENERAL INTEREST

Matters Addressed by Only One Committee.—The language and allocations set forth in House Report 107–533 and Senate Report 107–202 should be complied with unless specifically addressed to the contrary in the conference report and statement of the managers. Report language included by the House which is not changed by the report of the Senate or the conference, and Senate report language which is not changed by the conference is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases where the House or the Senate have directed the submission of a report from the Department of Defense, such report is to be submitted to both House and Senate Committees on Appropriations.

Foreign Currency Fluctuation Savings.—The conference agreement rescinds funds from the following accounts in the specified amounts to reflect savings from favorable foreign currency fluctuations:

Account	*Amount*
Military Construction, Army	$13,676,000
Military Construction, Navy	1,340,000
Military Construction, Air Force	10,281,000
Military Construction, Defense-wide	2,976,000
Family Housing Construction, Army	4,920,000
Family Housing Construction, Navy and Marine Corps	2,652,000
Family Housing Construction, Air Force	8,782,000
Total	44,627,000

Revised Economic Assumptions.—The conference agreement includes reductions totaling $57,000,000, which result from the Office of Management and Budget's (OMB's) re-estimation of inflation in its mid-session review of the budget request. The conferees direct the Department to distribute these reductions proportionally against each project and activity in each account as follows:

Account	*Amount*
Military Construction, Army	$8,000,000
Military Construction, Navy	5,000,000
Military Construction, Air Force	5,000,000
Military Construction, Defense-wide	3,000,000
Military Construction, Army National Guard	1,000,000
NATO Security Investment Program	1,000,000
Family Housing Construction, Army	2,000,000
Family Housing Operation and Maintenance, Army	8,000,000
Family Housing Construction, Navy and Marine Corps	3,000,000
Family Housing Operation and Maintenance, Navy and Marine Corps	6,000,000
Family Housing Construction, Air Force	5,000,000
Family Housing Operation and Maintenance, Air Force	6,000,000
Base Realignment and Closure	4,000,000
Total	57,000,000

United States Army South.—In the statement of the managers accompanying the Fiscal Year 2002 Department of Defense Appropriations Act (Public Law 107–117), the conferees directed the Department of the Army to provide information to the House and Senate Committees on Appropriations by February 28, 2002, regarding the relocation of the headquarters of U.S. Army South. The Army failed to comply with this direction for several reasons, some of which were not within its control. Nonetheless, the conferees remind the Department of the Army that it expects compliance with specific direction included in committee reports. If the Army is unable to comply with that direction or changes the manner in which the direction is to be implemented, the committees should be given the courtesy of an explanation.

Sustainment, Restoration, and Modernization: Reporting Requirement.—The conferees agree to the following general rules for repairing a facility under operation and maintenance funding:

Components of the facility may be repaired by replacement, and such replacement can be up to current standards or code;

Interior arrangements and restorations may be included as repair, but additions, new facilities, and functional conversions must be performed as military construction projects;

Such projects may be done concurrent with repair projects, as long as the final conjunctively funded project is a complete and usable facility; and

The appropriate Service Secretary shall notify the appropriate Committees 21 days prior to carrying out any repair project with an estimated cost in excess of $7,500,000.

In future budget requests, the Department is directed to provide the sustainment, restoration, and modernization backlog at all installations for which there is a requested construction project. This information is to be provided on the form 1390. In addition, for all troop housing requests, the form 1391 is to show all sustainment, restoration, and modernization conducted in the past two years and future requirements for such housing at the installation.

Family Housing Operation and Maintenance: Financial Management.—The conferees agree to continue the restriction on the transfer of funds between the family housing operation and maintenance accounts. The limitation is ten percent to all primary accounts and subaccounts. Such transfers are to be reported to the appropriate Committees within thirty days of such action.

Erosion Study.—The conferees direct the General Accounting Office to conduct a study of Alaska Native villages affected by flooding and erosion including but not limited to Kaktovik, Barrow, Point Hope, Kivalina, Unalakleet, and Bethel.

The General Accounting Office should consult with the following agencies: (a) the Secretary of the Army to determine: (1) which villages can reasonably be protected through construction of seawalls, rip rap, and other engineered structures and at what cost, and; (2) which villages cannot reasonably be protected and will be required to relocate; (b) the Secretary of the Interior to identify possible relocation sites including federal lands and existing villages; (c) the Secretary of Housing and Urban Development to determine the cost of constructing housing and water and sewer systems in relocated villages; (d) the Secretary of Health and Human Services to determine the cost of constructing health facilities in relocated villages; (e) the Secretary of Agriculture to determine the cost of constructing power systems in relocated villages; and (f) the Secretary of Transportation to determine the cost of constructing airports, roads, and dock facilities in relocated villages. This report should be submitted to the House and Senate Committees on Appropriations no later than October 1, 2003.

MILITARY CONSTRUCTION, ARMY
(INCLUDING RESCISSION)

The conference agreement appropriates $1,683,710,000 for Military Construction, Army, instead of $1,514,557,000 as proposed by the House and $1,679,212,000 as proposed by the Senate. This amount reflects $8,000,000 in savings that result from the re-estimation of inflation. Within this amount, the conference agreement earmarks $163,135,000 for study, planning, design, architect and engineer services, and host nation support instead of $158,664,000 as proposed by the House and $136,835,000 as proposed by the Senate. The conference agreement rescinds $49,376,000 from funds provided to this account in previous Military Construction Appropriation Acts. The rescission includes $13,676,000 to reflect savings from favorable foreign currency fluctuations as proposed by the Senate. The House bill proposed rescinding these savings in section 128 of the General Provisions. In addition, the rescission includes $5,000,000 from a project that is no longer needed at Fort Bliss in Texas as proposed by the House, and $30,700,000 from three projects that are no longer needed at Fort Buchanan in Puerto Rico.

Kansas—Fort Leavenworth: U.S. Disciplinary Barracks.—The conferees are concerned that the Department of the Army is planning to relinquish its current mission of confining level III military inmates convicted under the Uniformed Code of Military Justice by transferring the mission to the Bureau of Prisons. This decision appears to have been made despite the Army's recent completion of the new maximum security U.S. Disciplinary Barracks at Fort Leavenworth, Kansas. The conferees direct the Army to submit a report to the congressional defense committees no later than December 15, 2002, on the rationale for this proposal as well as the impact a policy change will have on the operation of the new U.S. Disciplinary Barracks at Fort Leavenworth, Kansas.

New Mexico—White Sands Missile Range: Anechoic Chamber.—Of the additional funds provided for planning and design in this account, the conferees direct that not less than $1,000,000 be made available for the planning and design of this facility.

Puerto Rico—Fort Buchanan: Rescission of Funds.—The conferees agree to rescind $30,700,000 from unobligated balances in this account. The National Defense Authorization Act, 2001 (Public Law 106–398) established a construction moratorium in Puerto Rico due to concern over long-term stationing requirements. This moratorium halted three previously appropriated construction projects totaling $30,700,000 at Fort Buchanan in Puerto Rico. As a result of the recent decision to relocate the headquarters of U.S. Army South from Fort Buchanan to Fort Sam Houston, Texas, these projects are no longer needed and the conferees agree to rescind the funds.

Stryker Brigade Combat Team (SBCT) Initiative.—The conference agreement includes $25,000,000 above the budget request to assist in the Army's transformation effort. The Senate proposed $100,000,000 for this initiative. The House did not include a similar proposal. This funding is to support infrastructure requirements relating to fielding of the Stryker Brigade Combat Teams (SBCTs). It is the intent of the conferees that the Army has the discretion to determine how these funds will be allocated in support of transformation, subject to notification to the congressional defense committees 15 days prior to the obligation of these funds.

MILITARY CONSTRUCTION, NAVY

(INCLUDING RESCISSION)

The conference agreement appropriates $1,305,128,000 for Military Construction, Navy, instead of $1,245,765,000 as proposed by the House and $1,216,643,000 as proposed by the Senate. This amount reflects $5,000,000 in savings that result from the re-estimation of inflation. Within this amount, the conference agreement earmarks $87,043,000 for study, planning, design, architect and engineer services instead of $94,825,000 as proposed by the House and $91,620,000 as proposed by the Senate. The conference agreement rescinds $1,340,000 from funds provided to this account in previous Military Construction Appropriation Acts to reflect savings from favorable foreign currency fluctuations as proposed by the Senate. The House bill proposed rescinding these funds in section 128 of the General Provisions.

MILITARY CONSTRUCTION, AIR FORCE

(INCLUDING RESCISSION)

The conference agreement appropriates $1,080,247,000 for Military Construction, Air Force, instead of $964,302,000 as proposed by the House and $1,175,617,000 as proposed by the Senate. This amount reflects $5,000,000 in savings that result from the re-estimation of inflation. Within this amount, the conference agreement earmarks $72,283,000 for study, planning, design, architect and engineer services instead of $78,951,000 as proposed by the House and $87,555,000 as proposed by the Senate. The conference agreement rescinds $13,281,000 from funds provided to this account in previous Military Construction Appropriation Acts. The rescission includes $10,281,000 to reflect savings from favorable foreign currency fluctuations as proposed by the Senate. The House bill proposed rescinding these savings in section 128 of the General Provisions. In addition, the rescission includes $3,000,000 from funds appropriated in Public Law 107-64 for the civil engineer maintenance complex at Osan Air Base in Korea. The Defense Department has informed Congress that this project was canceled due to the U.S.-Korea Land Partnership Plan signed on March 29, 2002.

Air Mobility Modernization Program.—The conference agreement includes $25,000,000 above the budget request to assist in the Air Force's mobility modernization program. The Senate proposed $100,000,000 for this initiative. The House did not include a similar proposal. This funding is to support infrastructure requirements related to the implementation of this program. It is the intent of the conferees that the Air Force has the discretion to determine how these funds will be allocated in support of transformation, subject to notification to the congressional defense committees 15 days prior to the obligation of these funds.

Arizona—Luke Air Force Base: Land Acquisition.—The conferees agree to provide $13,000,000 to be used for a land acquisition to preserve access to the Barry M. Goldwater Range (BMGR), to prevent incompatible land uses and encroachment, and to increase the margin of safety in the Live Ordnance Departure Area (LODA) southwest of Luke Air Force Base.

North Dakota—Minot Air Force Base: Cruise Missile Storage Facility, Phase I.—Although the conferees were able to fund only Phase I of this project due to funding constraints, the conferees recognize the importance of this facility and strongly urge the Air Force to include full funding to complete the project in its fiscal year 2004 budget submission.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

The conference agreement appropriates $874,645,000 for Military Construction, Defense-wide, instead of $901,066,000 as proposed by the House and $927,242,000 as proposed by the Senate. This amount reflects $3,000,000 in savings that result from the re-estimation of inflation. Within this amount, the conference agreement earmarks $50,432,000 for study, planning, design, architect and engineer services instead of $45,432,000 as proposed by the House and $57,789,000 as proposed by the Senate. The conference agreement rescinds $2,976,000 from funds provided to this account in previous Military Construction Appropriation Acts to reflect savings from favorable foreign currency fluctuations as proposed by the Senate. The House bill proposed rescinding these funds in section 128 of the General Provisions.

California—Presidio of Monterey: Medical Clinic Expansion.—The conferees are aware that the current medical clinic located at the Presidio of Monterey, which serves both the Defense Language Institute and the Naval Postgraduate School, must annually turn away 10,000 active duty family members and a large retiree population of 20,000 because of insufficient clinic space for primary care and selected specialty care. This situation is further exacerbated by the increased student enrollment at the Defense Language Institute to meet the language training demands of Operation Enduring Freedom. Therefore, the conferees encourage the Department to make this project a priority and program the requirement within the Future Years Defense Plan.

Chemical Demilitarization.—The conference agreement reduces the budget request for the Ammunition Demilitarization Facility (Phase V) project at Aberdeen Proving Ground, Maryland by $10,000,000 rather than a general reduction to the chemical demilitarization program as proposed by the Senate. The House did not include a similar reduction. The reduced amount reflects revised facility requirements resulting from the acceleration initiative for the destruction of chemical agents at Aberdeen Proving Ground.

The conferees are pleased with the Army's proposal to accelerate the neutralization of chemical agents and urge the Department of Defense to execute it as quickly as possible. The chemicals stored at these sites create health and environmental hazards.

As a result of revisions to accelerate the chemical demilitarization program, several military construction projects at Aberdeen Proving Ground have been terminated, leaving partially-completed structures. The conferees support the Department of the Army efforts to redesign and complete these partially-constructed buildings to meet other military construction needs. The conferees urge the Department of Defense to reach firm decisions on the re-use of these buildings without further delay. The Department is directed to submit a report to the congressional defense committees no later than December 31, 2002, on plans for re-use of existing and partially-constructed chemical demilitarization buildings at Aberdeen Proving Ground that are not needed as a result of the accelerated program. The conferees encourage the use of available funds to complete planning and design for re-use of the partially-constructed buildings during fiscal year 2003, and urge the Department to include the redesigned projects in the fiscal year 2004 budget submission.

In addition, the conferees agree to delete language proposed by the House and not included by the Senate, that makes $84,400,000 contingent upon the program meeting milestones agreed upon by the Secretary of Defense and the Office of Management and Budget. This language is not necessary and potentially could cause Chemical Weapons Convention Treaty compliance issues.

Energy Conservation Improvement Program.—The conferees agree to reduce this program by $15,000,000 due to substantial prior year unobligated balances.

Texas—Kingsville Naval Air Station: Replace Fuel Farm.—The conferees agree this project should be executed with funds made available for planning and design in this account rather than with funds in the "Military Construction, Navy" account, as proposed by the Senate.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

The conference agreement appropriates $241,377,000 for Military Construction, Army National Guard, instead of $159,672,000 as proposed by the House and $208,482,000 as proposed by the Senate. This amount reflects $1,000,000 in savings that result from the re-estimation of inflation.

Indiana—Gary: Army Aviation Support Facility and Readiness Center.—In response to the additional needs of homeland security and the protection of metropolitan areas, the conferees encourage the Army National Guard to include this project in its fiscal year 2004 budget submission.

Iowa—Waterloo: Readiness Center Addition.—Of the funds provided for unspecified minor construction in this account, the conferees urge the Army National Guard to provide $1,388,400 for an addition to the Readiness Center at Waterloo, Iowa.

Mississippi—Tupelo: Army Aviation Support Facility.—Of the amount provided for planning and design in this account, the conferees direct that not less than $891,000 be made available to design this facility instead of $879,000 for design of the Readiness Center at Tupelo, Mississippi as proposed by the House.

Pennsylvania—Fort Indiantown Gap: Multipurpose Training Range.—Of the funds provided for planning and design in this account, the conferees direct that not less than $1,400,000 be made available to design this project.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

The conference agreement appropriates $203,813,000 for Military Construction, Air National Guard, instead of $119,613,000 as proposed by the House and $217,988,000 as proposed by the Senate.

Massachusetts—Otis Air National Guard Base: Fire Crash Rescue Station/Control Tower.—The conferees agree this project should be executed with funds made available for planning and design in this account as proposed by the House rather than with funds in the "Military Construction, Air Force" account, as proposed by the Senate.

Minnesota—Duluth International Airport: Aircraft Maintenance Complex and Shops, Phase II.—The conferees were unable to fully fund the final phases of this project due to funding constraints. Mindful of the importance of the facility, the conferees strongly urge the Air National Guard to provide full funding to complete the project in its fiscal year 2004 budget submission.

Ohio—Toledo Express Airport: Replace Logistics Complex.—Of the funds provided for planning and design in this account, the conferees direct that not less than $472,000 be made available for the design of this facility.

MILITARY CONSTRUCTION, ARMY RESERVE

The conference agreement appropriates $100,554,000 for Military Construction, Army Reserve, instead of $99,059,000 as proposed by the House and $66,487,000 as proposed by the Senate.

MILITARY CONSTRUCTION, NAVAL RESERVE

The conference agreement appropriates $74,921,000 for Military Construction, Naval Reserve, instead of $75,821,000 as proposed by the House and $58,671,000 as proposed by the Senate.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

The conference agreement appropriates $67,226,000 for Military Construction, Air Force Reserve, instead of $75,276,000 as proposed by the House and $58,209,000 as proposed by the Senate.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Due to savings that result from the re-estimation of inflation, the conferees agree to reduce this appropriation from $168,200,000 to $167,200,000.

The conferees agree to clarify Senate report language directing the Department to identify the level of funding anticipated for NATO enlargement and Partnership for Peace. This report should be provided to the Committees on Appropriations no later than June 15, 2003.

FAMILY HOUSING CONSTRUCTION, ARMY

(INCLUDING RESCISSION)

The conference agreement appropriates $280,356,000 for Family Housing Construction, Army, instead of $283,346,000 as proposed by the House and $282,856,000 as proposed by the Senate. This amount reflects $2,000,000 in savings that result from the re-estimation of inflation. The conference agreement rescinds $4,920,000 from funds provided to this account in previous Military Construction Appropriation Acts to reflect savings from favorable foreign currency fluctuations as proposed by the Senate. The House bill proposed rescinding these funds in section 128 of the General Provisions.

Germany-Stuttgart: General Officer Quarters.—In light of the symbolic importance of the Deputy Commander-in-Chief's European Command residence in Stuttgart, the conferees deny the budget request for $990,000 to build the new on-post General Officer Quarters (GOQ). The House proposed to fully fund the project. The Senate proposed to reduce the project by $490,000.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

Due to savings that result from the re-estimation of inflation and a $5,000,000 reduction for excessive housing privatization consulting costs, the conferees agree to reduce this appropriation from $1,119,007,000 to $1,106,007,000.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

(INCLUDING RESCISSION)

The conference agreement appropriates $376,468,000 for Family Housing Construction, Navy and Marine Corps, instead of $380,268,000 as proposed by the House and $374,468,000 as proposed by the Senate. This amount reflects $3,000,000 in savings that result from the re-estimation of inflation. The conference agreement rescinds $2,652,000 from funds provided to this account in previous Military Construction Appropriation Acts to reflect savings from favorable foreign currency fluctuations. The House bill proposed rescinding these funds in section 128 of the General Provisions.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

Due to savings that result from the re-estimation of inflation, the conferees agree to reduce this appropriation from $867,788,000 to $861,788,000.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

(INCLUDING RESCISSION)

The conference agreement appropriates $684,824,000 for Family Housing Construction, Air Force, instead of $689,824,000 as proposed by the House and $676,694,000 as proposed by the Senate. This amount reflects $5,000,000 in savings that result from the re-estimation of inflation. The conference agreement rescinds $8,782,000 from funds provided to this account in previous Military Construction Appropriation Acts to reflect savings from favorable foreign currency fluctuations as proposed by the Senate. The House bill proposed rescinding these funds in section 128 of the General Provisions.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

Due to savings that result from the re-estimation of inflation and a $5,000,000 reduction for excessive housing privatization consulting costs, the conferees agree to reduce this appropriation from $874,050,000 to $863,050,000.

BASE REALIGNMENT AND CLOSURE ACCOUNT

The conference agreement appropriates $561,138,000 for the Base Realignment and Closure Account, instead of $545,138,000 as proposed by the House and $645,138,000 as proposed by the Senate. This amount reflects $4,000,000 in savings that result from the re-estimation of inflation.

Environmental Cleanup Acceleration Initiative.—The conference agreement includes $20,000,000 above the budget request to accelerate the pace of environmental cleanup at closed or realigned military installations. The Senate proposed $100,000,000 for this initiative. The House did not include a similar proposal. Based on requirements identified by the services, the conferees direct that, of the additional funding provided, $11,000,000 be made available for the Navy, $6,000,000 for the Air Force, and $3,000,000 for the Army.

GENERAL PROVISIONS

The conference agreement includes general provisions (sections 101–120) that were not amended by either the House or Senate in their versions of the bill.

The conference agreement includes a provision, section 121, as proposed by the House, which prohibits the expenditure of funds except in compliance with the Buy American Act. The Senate bill contained no similar provision.

The conference agreement includes a provision, section 122, as proposed by the House, which states the recipients of equipment or products purchased with funds provided in this Act should be notified that they must purchase American-made equipment and products. The Senate bill contained no similar provision.

The conference agreement includes a provision renumbered section 123, as proposed by the Senate, permitting the transfer of funds from Family Housing Construction accounts to the Family Housing Improvement Fund. The House bill contained a similar provision with additional language permitting the transfer of funds from unaccompanied housing projects in the Military Construction accounts to the Family Housing Improvement Fund to support barracks privatization. Without prejudice to the concept, the conferees agree to delete language as proposed by the House allowing the service components to intermingle family housing and unaccompanied housing funds for the purpose of privatizing barracks projects. Rather than authorizing these expenditures, the conferees prefer to wait for policy guidance from the authorizing committees.

Areas of concern, however, are the unknown consequences of co-mingling these funds to the integrity of the audit trail. Specifically, the conferees are concerned that the Department of Defense and Congress must be able to clearly identify and track the financial advantages of privatizing unaccompanied barracks versus the traditional military construction approach. Especially during this pilot program, a merger of family housing and unaccompanied housing funding would not allow for a true comparison. Without that analysis, the Congress will not be able to determine the best approach to provide funds for unaccompanied housing.

The conference agreement includes a provision renumbered section 124, as proposed by the Senate, to prohibit the obligation of funds for Partnership for Peace programs in the New Independent States of the former Soviet Union. The House bill contained no similar provision. The Administration requested eliminating this limitation on providing NATO Security Investment Program (NSIP) funds for non-NATO countries that participate in Partnership for Peace programs. The conferees are concerned that NSIP funds are already oversubscribed and that expanding the scope of the program beyond NATO membership would compound an already serious problem. However, the conferees agree that the matter can be re-addressed should the Department have compelling and specific reasons to make NSIP funds available beyond the alliance.

The conference agreement includes a provision renumbered section 125, as proposed by the House and the Senate, which requires the Secretary of Defense to notify Congressional Committees sixty days prior to issuing a solicitation for a contract with the private sector for military family housing.

The conference agreement includes a provision renumbered section 126, as proposed by the Senate, which provides transfer authority from the Base Realignment and Closure (BRAC) account to the Homeowners Assistance Program. The House bill contained a similar provision with additional language providing transfer authority from the operation and maintenance accounts in the Department of Defense Appropriations Bill to the Homeowners Assistance Program.

The conference agreement includes a provision renumbered section 127, as proposed by the Senate, regarding funding for operation and maintenance of general officer quarters. The House provision did not authorize after-the-fact notification for costs associated with environmental remediation.

The conference agreement includes a provision renumbered section 128, as proposed by the House, authorizing the use of private funds for the construction, improvement, repair, and maintenance of historic residences at 8th and I Marine Barracks in Washington, D.C. The conferees agree to modify the provision by changing the authorization expiration from September 30, 2006 to September 30, 2004. The conferees direct the Secretary of the Navy to submit a report no later than February 28, 2003, outlining: (1) the current status of renovation efforts at 8th and I; (2) the total funds expended to date on renovation efforts (appropriated funds and private funds); (3) the current balance of the Friends of the Home of the Commandant's Fund, Fund activities to date, and future activities planned for the Fund; and (4) the overall projected cost of the renovation efforts at 8th and I.

The conference agreement includes a provision renumbered section 129, as proposed by the House, which limits funds from being transferred from this appropriation measure into any new instrumentality without authority from an appropriation Act. The Senate bill contained no similar provision.

The conference agreement includes a provision renumbered section 130, as proposed by the House, which transfers amounts appropriated for a physical fitness center at Camp Kyle, Korea, to a similar project at Camp Bonifas, Korea. The Senate bill contained no similar provision.

The conference agreement includes a provision renumbered section 131, as proposed by the Senate, which directs the Department of Defense to accurately reflect the cost of environmental remediation activities in its future budget submissions for the Base Realignment and Closure (BRAC) account. The House bill contained no similar provision.

Those general provisions not included in the conference agreement are as follows:

The conference agreement deletes the House provision rescinding funds from various accounts to reflect savings from favorable foreign currency fluctuations.

The conference agreement deletes the House provision limiting funds from being expended to prepare conveyance documents at the former Fort Ord in California.

The conference agreement deletes the House provision limiting funds provided in this Act from being used to relocate the headquarters of U.S. Army, South.

The conference agreement deletes Senate sections 127 through 131. The projects provided in these provisions were considered within the full scope of projects in conference. Projects included in the conference agreement are provided in the state list accompanying this report.

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
ALABAMA		
ARMY		
ANNISTON ARMY DEPOT		
AMMUNITION CONTAINERIZATION DOORS	1,900	1,900
FORT RUCKER		
CANTONMENT FENCING (DERF)	9,258	9,258
PHYSICAL FITNESS CENTER	---	3,500
UH-60 PARKING APRON	---	3,050
REDSTONE ARSENAL		
CAFETERIA ADDITION	---	1,950
ARMY NATIONAL GUARD		
GADSEN		
ADD/ALTER READINESS CENTER	1,781	2,261
TOTAL, ALABAMA	12,939	21,919
ALASKA		
ARMY		
FORT GREELY		
FENCING (DERF)	2,700	2,700
FORT RICHARDSON		
BARRACKS COMPLEX - D STREET (PHASE II)	21,000	21,000
COMMUNITY CENTER	---	15,000
PERIMETER FENCING (DERF)	5,011	5,011
FORT WAINWRIGHT		
ANTI-TERRORISM/FORCE PROTECTION WINDOWS (DERF)	910	910
AUTOMATED SNIPER FIELD FIRE RANGE	1,600	1,600
BATTALION HEADQUARTERS	18,000	18,000
FENCING INSTALLATION BOUNDARY (DERF)	6,896	6,896
INFANTRY PLATOON BATTLE COURSE	24,000	24,000
MISSION SUPPORT TRAINING FACILITY	50,000	50,000
VEHICLE MAINTENANCE FACILITY	16,500	16,500
AIR FORCE		
CLEAR AIR STATION		
UPGRADE POWER PLANT	14,400	14,400
EIELSON AFB		
BLAIR LAKES RANGE MAINTENANCE COMPLEX	---	19,500
CENTRAL HEAT PLANT BAG HOUSES	21,600	21,600
DEFENSE-WIDE		
ELMENDORF AFB		
HOSPITAL CONSTRUCTION CLAIM PAYMENT	10,400	10,400
FORT WAINWRIGHT		
HOSPITAL REPLACEMENT (PHASE IV)	53,000	53,000
TOTAL, ALASKA	246,017	280,517
ARIZONA		
ARMY		
FORT HUACHUCA		
UNMANNED AERIAL VEHICLE TRAINING FACILITIES	---	10,400
YUMA PROVING GROUND		
AIRCRAFT ARMAMENT TEST/MAINTENANCE FACILITIES	---	4,500
NAVY		
YUMA MARINE CORPS AIR STATION		
COMBAT AIRCRAFT LOADING APRON (PHASE II)	3,000	3,000
AIR FORCE		
DAVIS-MONTHAN AFB		
DORMITORY	9,110	9,110
HH-60 APRON/TAXIWAY AND SHOULDERS	3,720	3,720
HH-60 MAINTENANCE HANGAR	6,440	6,440
LUKE AFB		
LAND ACQUISITION	---	13,000
TOTAL, ARIZONA	22,270	50,170

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
ARKANSAS		
ARMY		
PINE BLUFF ARSENAL		
NON-STOCKPILE AMMUNITION DEMOLITION SHOP	18,937	---
AIR FORCE		
LITTLE ROCK AFB		
ADD/ALTER FUSELAGE TRAINER FACILITY	2,500	2,500
ENGINE/PROPELLER STORAGE FACILITY	2,100	2,100
MAINTENANCE TRAINING FACILITY	8,100	8,100
MAINTENANCE HANGAR	12,900	12,900
DEFENSE-WIDE		
PINE BLUFF ARSENAL		
NON-STOCKPILE AMMUNITION DEMOLITION SHOP	---	18,937
AIR NATIONAL GUARD		
LITTLE ROCK AFB		
OPERATIONS AND TRAINING FACILITY	---	5,100
FORT SMITH MAP		
OPERATIONS AND TRAINING FACILITY	---	6,000
TOTAL, ARKANSAS	44,537	55,637
CALIFORNIA		
ARMY		
FORT IRWIN		
FENCING (DERF)	2,522	2,522
NAVY		
BARSTOW MARINE CORPS LOGISTICS BASE		
COMBAT VEHICLE WELDING SHOP	---	4,450
CAMP PENDLETON MARINE CORPS BASE		
ADVANCED AMPHIBIOUS ASSAULT VEHICLE TRAINING CMPLX	28,810	28,810
AVIATION ARMAMENT SHOP	6,610	6,610
BACHELOR ENLISTED QUARTERS	23,230	23,230
FIRE PROTECTION PIPELINE	5,320	5,320
FORCE INTELLIGENCE OPERATIONS CENTER (DERF)	20,000	20,000
WATER TREATMENT, RESERVOIR AND DISTRIBUTION	12,000	12,000
CHINA LAKE NAVAL AIR WARFARE CENTER		
PROPELLANTS AND EXPLOSIVES LAB (PHASE II)	---	10,100
LEMOORE NAVAL AIR STATION		
AIR PASSENGER TERMINAL	8,070	8,070
AIRCRAFT PARKING APRON	8,450	8,450
SECURITY UPGRADES (DERF)	19,335	19,335
MIRAMAR MARINE CORPS AIR STATION		
CONSTRUCTION EQUIPMENT SHOP	5,540	5,540
HIGH EXPLOSIVE MAGAZINE	3,160	3,160
REFUELING VEHICLE SHOP	---	3,510
MONTEREY NAVAL POSTGRADUATE SCHOOL		
EDUCATIONAL FACTLITY REPLACEMENT (PHASE I)	---	7,000
REPLACE PERIMETER SECURITY FENCE (DERF)	2,020	2,020
POINT MUGU NAVAL AIR WARFARE CENTER		
EXTEND AIRCRAFT PARKING APRON	6,760	6,760
PORT HUENEME NAVAL CONSTRUCTION BATTALION CENTER		
SEABEE TRAINING FACILITY	---	10,170
SAN DIEGO		
PERIMETER SECURITY LIGHTING (DERF)	1,580	1,580
PIER 2 ELECTRICAL UPGRADE	3,530	3,530
REPLACE PIER (SAN CLEMENTE ISLAND)	6,150	6,150
SECURITY LIGHTS, PIERS AND QUAYWALLS (DERF)	7,100	7,100
TWENTYNINE PALMS		
AIRCRAFT SURVEILLANCE RADAR (PHASE I)	---	13,700
BACHELOR ENLISTED QUARTERS	25,770	25,770
AIR FORCE		
BEALE AFB		
GLOBAL HAWK DINING FACILITY	3,470	3,470
GLOBAL HAWK SQUADRON OPS/MAINTENANCE FACILITY	3,670	3,670
GLOBAL HAWK UPGRADE MAINTENANCE DOCK	4,600	4,600

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
TRAVIS AFB		
C-17 FLIGHT SIMULATOR............................	---	4,600
C-17 PARTS STORE.................................	---	8,000
ELECTRICAL/UTILITIES AND SUPPORTING INFRASTRUCTURE	---	11,269
SQUADRON OPERATION/AIRCRAFT MAINTENANCE UNIT......	---	9,600
VANDENBERG AFB		
INSTALL STORMWATER DRAINAGE......................	3,100	3,100
UPGRADE WATER DISTRIBUTION SYSTEM (PHASE II)......	7,400	7,400
DEFENSE-WIDE		
TRAVIS AFB		
REPLACE BULK FUEL STORAGE TANKS..................	16,000	16,000
ARMY NATIONAL GUARD		
MORENA VALLEY		
READINESS CENTER.................................	12,044	12,044
SAN DIEGO		
ORGANIZATIONAL MAINTENANCE SHOP..................	6,774	6,774
AIR NATIONAL GUARD		
SEPULVEDA		
COMMUNICATIONS AND ELECTRONICS TRAINING FACILITY..	---	7,000
ARMY RESERVE		
VALLEJO		
ORGANIZATIONAL MAINTENANCE SHOP/MARINE AMSA.......	6,501	6,501
AIR FORCE RESERVE		
MARCH ARB		
C-17 ALTER SQUADRON OPERATIONS FACILITY...........	---	1,700
C-17 ALTER CO-LOCATED LIFE SUPPORT BUILDING.......	---	3,000
C-17 ALTER GENERAL MAINTENANCE SHOPS..............	---	2,000
RUNWAY REPAIR....................................	---	2,550
TOTAL, CALIFORNIA.............................	259,516	358,165
COLORADO		
ARMY		
FORT CARSON		
BARRACKS COMPLEX - NELSON BLVD (PHASE II).........	42,000	42,000
FENCING (DERF)...................................	4,348	4,348
FIRE STATION.....................................	---	4,250
TRUCK LOADING/UNLOADING DOCKS....................	1,100	1,100
PUEBLO DEPOT		
AMMUNITION DEMILITARIZATION FACILITY (PHASE IV)...	38,000	---
AIR FORCE		
BUCKLEY AFB		
ADD/ALTER SBIRS MISSION CONTROL STATION...........	6,900	6,900
WING HEADQUARTERS/ADMINISTRATIVE FACILITY.........	10,800	10,800
PETERSON AFB	---	---
AT/FP SITE IMPROVEMENTS FOR HQ COMPLEX (DERF).....	2,000	2,000
NORAD BATTLE MANAGEMENT CENTER (DERF).............	3,500	3,500
SCHRIEVER AFB		
VISITORS CENTER/ENTRY CONTROL GATES (DERF)........	5,700	5,700
U.S. AIR FORCE ACADEMY		
PERIMETER FENCE - CADET AREA (PHASE I) (DERF).....	4,200	4,200
DEFENSE-WIDE		
PETERSON AFB		
FAC REFURBISHMENT HOMELAND SECURITY CINC (DERF)...	25,000	25,000
PUEBLO DEPOT		
AMMUNITION DEMILITARIZATION FACILITY (PHASE IV)...	---	38,000
AIR NATIONAL GUARD		
BUCKLEY AFB		
CONTROL TOWER....................................	---	5,900
AIR FORCE RESERVE		
SCHRIEVER AFB		
CONSOLIDATED SPACE GROUP OPERATIONS FACILITY......	---	6,900
TOTAL, COLORADO...............................	143,548	160,598

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
CONNECTICUT		
NAVY		
NEW LONDON NAVAL SUBMARINE BASE		
GATE 1 SECURITY IMPROVEMENTS (DERF)	4,080	4,080
GATE 7 TRUCK ACCESS SECURITY IMPROVEMENTS (DERF)	3,800	3,800
TOTAL, CONNECTICUT	7,880	7,880
DELAWARE		
AIR NATIONAL GUARD		
NEW CASTLE COUNTY AIRPORT		
PARKING APRON AND TAXIWAY	---	10,800
DISTRICT OF COLUMBIA		
ARMY		
WALTER REED ARMY MEDICAL CENTER		
ELECTRICAL SWITCH STATION (DERF)	7,400	7,400
PHYSICAL SECURITY IMPROVEMENTS/FOREST GLEN (DERF)	2,550	2,550
PHYSICAL SECURITY, MAIN SECTION (DERF)	3,844	3,844
NAVY		
8TH AND I MARINE BARRACKS		
SITE IMPROVEMENTS	3,700	3,700
WASHINGTON NAVAL YARD		
O STREET VISITOR PROCESS CENTER (DERF)	2,690	2,690
AIR FORCE		
BOLLING AFB		
PERIMETER WALL, NORTH GATE TO NAVY LINE (DERF)	1,500	1,500
SECURITY FORCES OPERATIONS FACILITY (DERF)	3,500	3,500
DEFENSE-WIDE		
BOLLING AFB		
DEFENSE INTELLIGENCE ANALYSIS CENTER	121,958	111,958
DISTRICT OF COLUMBIA		
PARKING GARAGE	2,500	2,500
TOTAL, DISTRICT OF COLUMBIA	149,642	139,642
FLORIDA		
NAVY		
EGLIN AFB		
ADVANCED EXPLOSIVE ORDNANCE DISPOSAL TRAINING FAC.	6,350	6,350
JACKSONVILLE NAVAL AIR STATION		
AVIATION SUPPORT EQUIP MAINT TRAINING FACILITY	---	6,572
BIRMINGHAM GATE SECURITY IMPROVEMENTS (DERF)	1,890	1,890
COMMERCIAL GATE SECURITY IMPROVEMENTS (DERF)	2,680	2,680
YORKTOWN GATE SECURITY IMPROVEMENTS (DERF)	2,200	2,200
MAYPORT NAVAL STATION		
PERIMETER SECURITY UPGRADES (DERF)	1,900	1,900
PANAMA CITY NAVAL SURFACE WARFARE CENTER		
SPECIAL OPERATIONS FACILITY	---	10,700
PENSACOLA NAVAL AIR STATION		
RUNWAY APPROACH LIGHTS	990	990
AIR FORCE		
AVON PARK AIR FORCE RANGE		
DEFENSE ACCESS ROAD, ARBUCKLE CREEK BRIDGE	---	2,000
EGLIN AFB		
BARRIERS AND INTRUSION DETECTION SYSTEM (DERF)	1,050	1,050
SECURITY FENCING (DERF)	3,200	3,200
HURLBURT FIELD		
DORMITORY	9,000	9,000
FORCE PROTECTION IMPROVEMENTS (PHASE I) (DERF)	3,500	3,500
FORCE PROTECTION IMPROVEMENTS (PHASE II) (DERF)	2,500	2,500
MACDILL AFB		
ANTI-TERRORISM/FORCE PROTECTION GATES (DERF)	7,000	7,000
CONTROL TOWER/FIRE CRASH RESCUE STATION	---	13,000

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
DEFENSE-WIDE		
EGLIN AFB		
ADD/ALTER COMMAND AND OPERATIONS FACILITY	9,000	9,000
ALTER FACILITIES FOR CV-22	2,100	2,100
ARMY NATIONAL GUARD		
CAMP BLANDING		
COMBINED SUPPORT MAINTENANCE SHOP (PHASE I)	---	5,000
AIR FORCE RESERVE		
HOMESTEAD ARB		
INSTALLATION PERIMETER FENCE (DERF)	1,100	1,100
SERVICES COMPLEX	---	2,500
TOTAL, FLORIDA	54,460	94,232
GEORGIA		
ARMY		
FORT BENNING		
AT/FP ACCESS CONTROL POINTS (DERF)	8,000	8,000
BARRACKS COMPLEX - MAIN POST (PHASE I)	45,000	45,000
CANTONMENT FENCING (DERF)	11,986	5,500
CHAPEL	---	6,500
URBAN ASSAULT COURSE	3,250	3,250
FORT STEWART		
SABER HALL COMPLEX	26,000	26,000
NAVY		
KINGS BAY NAVAL SUBMARINE BASE		
STIMSON GATE SECURITY IMPROVEMENTS (DERF)	1,580	1,580
AIR FORCE		
ROBINS AFB		
BASE ENTRANCE/VISITORS FACILITY (DERF)	5,400	5,400
CORROSION PAINT/DE-PAINT FACILITY	---	24,000
AIR NATIONAL GUARD		
SAVANNAH IAP		
BASE ENTRANCE ROAD (DERF)	1,450	1,450
NAVY RESERVE		
ATLANTA NAVAL AIR STATION		
BACHELOR ENLISTED QUARTERS	6,730	6,730
SAVANNAH MARINE CORPS RESERVE CENTER		
RESERVE TRAINING BUILDING	5,900	5,900
AIR FORCE RESERVE		
DOBBINS ARB		
VISITORS CENTER (DERF)	2,000	2,000
TOTAL, GEORGIA	117,296	141,310
HAWAII		
ARMY		
POHAKULOA TRAINING AREA		
ACCESS ROAD, SADDLE ROAD (PHASE I)	---	13,000
SCHOFIELD BARRACKS		
BARRACKS COMPLEX - CAPRON AVENUE (PHASE I)	49,000	49,000
BARRACKS COMPLEX - QUAD C	42,000	42,000
NAVY		
FORD ISLAND		
SITE IMPROVEMENTS (UTILITY SYSTEMS)	---	19,400
KANEOHE BAY MARINE CORPS AIR STATION		
RELIGIOUS MINISTRY FACILITY (CHAPEL)	---	9,500
PEARL HARBOR NAVAL SHIPYARD		
WATERFRONT/MECHANICAL SHOP (BRAVO PIER)	---	18,500
PEARL HARBOR NAVAL STATION		
RECAPITALIZE BRAVO WHARFS	10,490	10,490
SECURITY LIGHTING (DERF)	4,200	4,200
AIR FORCE		
HICKAM AFB		
FLIGHTLINE SECURITY FENCING/GATES (PHASE I) (DERF)	1,350	1,350

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
DEFENSE-WIDE		
HICKAM AFB		
LIFE SKILLS CLINIC REPLACEMENT	2,700	2,700
KAUAI PACIFIC MISSILE RANGE FACILITY		
THAAD TEST FACILITY	23,400	23,400
ARMY NATIONAL GUARD		
BARBERS POINT		
ADD/ALTER ADMINISTRATIVE BUILDING (PHASE I)	22,473	22,473
TOTAL, HAWAII	155,613	216,013
IDAHO		
ARMY NATIONAL GUARD		
GOWEN FIELD/BOISE		
READINESS CENTER	---	1,500
AIR NATIONAL GUARD		
GOWEN FIELD/BOISE		
AIR SUPPORT OPERATIONS SQUADRON (BEDDOWN)	---	6,700
TOTAL, IDAHO	---	8,200
ILLINOIS		
NAVY		
GREAT LAKES NAVAL TRAINING CENTER		
COMMERCIAL TRUCK INSPECTION FACILITY (DERF)	1,620	1,620
INTRUSION RESISTANT GATES (DERF)	6,470	6,470
RECRUIT BARRACKS	43,360	38,360
RECRUIT BARRACKS	41,740	36,740
AIR NATIONAL GUARD		
SPRINGFIELD (CAPITOL AIRPORT)		
COMPOSITE SUPPORT FACILITY	---	10,000
TOTAL, ILLINOIS	93,190	93,190
INDIANA		
ARMY		
NEWPORT ARMY AMMUNITION PLANT		
AMMUNITION DEMILITARIZATION FACILITY (PHASE V)	61,494	---
NAVY		
CRANE NAVAL SURFACE WARFARE CENTER		
ELECTROCHEMISTRY ENGINEERING FACILITY	---	11,610
DEFENSE-WIDE		
NEWPORT ARMY AMMUNITION PLANT		
AMMUNITION DEMILITARIZATION FACILITY (PHASE V)	---	61,494
ARMY NATIONAL GUARD		
CAMP ATTERBURY		
BATTLE SIMULATION CENTER	---	8,327
TOTAL, INDIANA	61,494	81,431
IOWA		
ARMY NATIONAL GUARD		
BOONE		
READINESS CENTER	---	4,252
AIR NATIONAL GUARD		
DES MOINES IAP		
AIRFIELD FACILITIES UPGRADE (PHASE I)	---	6,000
SIOUX GATEWAY AIRPORT		
KC-135 UPGRADE AIRCRAFT MAINT. HANGAR AND SHOP	6,900	6,900
KC-135 UPGRADE SHOPS AND OPERATIONS FACILITY	4,800	4,800
TOTAL, IOWA	11,700	21,952

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
KANSAS		
ARMY		
FORT LEAVENWORTH		
ACCESS CONTROL POINTS (DERF)	3,150	3,150
CANTONMENT FENCING (DERF)	4,829	4,829
FORT RILEY		
ACCESS CONTROL GATES (DERF)	6,000	6,000
BARRACKS COMPLEX - INFANTRY DRIVE EAST	41,000	41,000
CANTONMENT FENCING (DERF)	7,095	7,095
COMBINED ARMS COLLECTIVE TRAINING FAC (PHASE I)	---	13,800
AIR FORCE		
MCCONNELL AFB		
CORROSION CONTROL FACILITIES (PHASE I)	---	7,500
ARMY NATIONAL GUARD		
FORT RILEY		
ADD/ALTER ORGANIZATIONAL MAINTENANCE SHOP	770	770
KANSAS CITY		
ADD/ALTER ORGANIZATIONAL MAINTENANCE SHOP	771	771
TOPEKA		
ARMED FORCES RESERVE CENTER	14,607	14,607
TOTAL, KANSAS	78,222	99,522
KENTUCKY		
ARMY		
BLUE GRASS ARMY DEPOT		
AMMUNITION DEMILITARIZATION FACILITY (PHASE III)	10,300	---
AMMUNITION DEMILITARIZATION SUPPORT (PHASE III)	8,300	---
RAILYARD INFRASTRUCTURE	5,500	5,500
FORT CAMPBELL		
BARRACKS COMPLEX - RANGE ROAD (PHASE I)	49,000	49,000
PURCHASE RESTRICTIVE EASEMENTS	---	7,300
FORT KNOX		
ACCESS CONTROL (DERF)	2,529	2,529
CANTONMENT FENCING (DERF)	3,344	3,344
DEFENSE-WIDE		
BLUE GRASS ARMY DEPOT		
AMMUNITION DEMILITARIZATION FACILITY (PHASE II)	---	10,300
AMMUNITION DEMILITARIZATION SUPPORT (PHASE III)	---	8,300
TOTAL, KENTUCKY	78,973	86,273
LOUISIANA		
ARMY		
FORT POLK		
DIGITAL MULTI-PURPOSE TRAINING RANGE	31,000	31,000
FENCING (DERF)	6,620	6,620
AIR FORCE		
BARKSDALE AFB		
DORMITORY	10,900	10,900
PARKING APRON	---	12,000
DEFENSE-WIDE		
NEW ORLEANS NAVAL AIR STATION/JOINT RESERVE BASE		
REPLACE BULK FUEL STORAGE TANKS	9,500	9,500
NAVY RESERVE		
NEW ORLEANS NAVAL AIR STATION/JOINT RESERVE BASE		
ENGINE MAINTENANCE SHOP ADDITION	1,500	1,500
HAZARDOUS MATERIAL STORAGE	2,690	2,690
JOINT RESERVE CENTER (PHASE III)	---	7,400
PERIMETER ROAD AND FENCING (DERF)	1,510	1,510
RUNWAY AND TAXIWAY EXTENSION	14,600	14,600
TOTAL, LOUISIANA	78,320	97,720

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
MAINE		
NAVY		
BRUNSWICK NAVAL AIR STATION		
CONTROL TOWER	---	9,830
PORTSMOUTH NAVAL SHIPYARD		
ANTI-TERRORISM/FORCE PROTECTION IMPROVEMENTS	11,600	11,600
GATE 1 SECURITY IMPROVEMENTS (DERF)	3,600	3,600
TOTAL, MAINE	15,200	25,030
MARYLAND		
ARMY		
ABERDEEN PROVING GROUND		
AMMUNITION DEMILITARIZATION FACILITY (PHASE V)	30,600	---
FORT DETRICK		
ADD/ALTER FIRE STATION	---	2,800
BARRACKS COMPLEX - PORTER STREET SOUTH	16,000	16,000
COMMUNITY SUPPORT CENTER	3,700	3,700
NAVY		
ANDREWS AFB		
BACHELOR ENLISTED QUARTERS REPLACEMENT	9,680	9,680
CARDEROCK NAVAL SURFACE WARFARE CENTER		
NATIONAL MARITIME TECHNICAL INFORMATION CENTER	---	12,900
U.S. NAVAL ACADEMY		
ETHICAL CENTER CLASSROOM	---	1,800
AIR FORCE		
ANDREWS AFB		
ANTI-TERRORISM/FORCE PROTECTION POV GATES (DERF)	4,100	4,100
ANTI-TERRORISM/FORCE PROT REMAINING GATES (DERF)	5,500	5,500
DEFENSE-WIDE		
ABERDEEN PROVING GROUND		
AMMUNITION DEMILITARIZATION FACILITY (PHASE V)	---	20,600
FORT MEADE		
PERIMETER SECURITY	1,896	1,896
OPERATIONS BUILDING 1 STAIR TOWERS	2,588	2,588
ARMY NATIONAL GUARD		
PATUXENT RIVER		
READINESS CENTER	---	6,740
TOTAL, MARYLAND	74,064	88,304
MASSACHUSETTS		
ARMY		
NATICK SOLDIER SUPPORT CENTER		
FOOD ENGINEERING LAB	---	4,100
AIR FORCE		
HANSCOM AFB		
ADD/ALTER FITNESS CENTER	7,700	7,700
AIR FORCE RESERVE		
WESTOVER ARB		
SECURITY FORCES OPERATIONS COMPLEX	---	3,850
TOTAL, MASSACHUSETTS	7,700	15,650
MICHIGAN		
ARMY NATIONAL GUARD		
LANSING		
JOINT/MULTI-UNIT READINESS CENTER (PHASE I)	---	16,928
AIR NATIONAL GUARD		
SELFRIDGE ANGB		
ADD PERIMETER FENCING (DERF)	1,000	1,000
JOINT DINING FACILITY	---	8,500
W.K. KELLOGG AIRPORT		
VEHICLE MAINTENANCE SHOP	---	3,800
TOTAL, MICHIGAN	1,000	30,228

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
MINNESOTA		
AIR NATIONAL GUARD		
DULUTH IAP		
AIRCRAFT MAINTENANCE COMPLEX AND SHOPS (PHASE II)..	---	6,100
NAVY RESERVE		
DULUTH NAVAL RESERVE CENTER		
HARDEN RESERVE BUILDING (DERF)....................	1,450	1,450
AIR FORCE RESERVE		
MINNEAPOLIS-ST PAUL ARS		
CONSOLIDATED LODGING FACILITY (PHASE IV)..........	---	6,300
TOTAL, MINNESOTA..............................	1,450	13,850
MISSISSIPPI		
NAVY		
GULFPORT NAVAL CONSTRUCTION BATTALION CENTER		
COMMUNICATIONS/INSTRUCTION FACILITY...............	5,460	5,460
MERIDIAN NAVAL AIR STATION		
CONTROL TOWER AND BEACON TOWER....................	---	2,850
PASCAGOULA NAVAL STATION		
BACHELOR ENLISTED QUARTERS, SHIPBOARD ASHORE (PHASE I)......................................	---	10,500
CONSTRUCT NEW NAVY CHANNEL........................	4,160	4,160
AIR FORCE		
KEESLER AFB		
STUDENT DORMITORY.................................	22,000	22,000
DEFENSE-WIDE		
STENNIS SPACE CENTER		
LAND/WATER RANGES.................................	---	5,000
ARMY NATIONAL GUARD		
KOSCIUSKO		
READINESS CENTER..................................	---	2,300
AIR NATIONAL GUARD		
JACKSON IAP		
C-17 CONSTRUCT MAINTENANCE TRAINING FACILITY......	4,100	4,100
C-17 REPLACE FUEL CELL HANGAR/SHOP................	25,000	25,000
TOTAL, MISSISSIPPI............................	60,720	81,370
MISSOURI		
ARMY		
FORT LEONARD WOOD		
ACCESS CONTROL POINTS 4 LOCATIONS (DERF)..........	9,493	9,493
TACTICAL VEHICLE SIMULATOR BUILDING...............	15,500	15,500
ARMY NATIONAL GUARD		
FORT LEONARD WOOD		
AVIATION SUPPORT FACILITY.........................	---	14,767
TOTAL, MISSOURI...............................	24,993	39,760
MONTANA		
AIR NATIONAL GUARD		
GORE HILL/GREAT FALLS		
MUNITIONS LOAD CREW TRAINING FACILITY.............	---	3,500
NAVY RESERVE		
BILLINGS NAVAL RESERVE CENTER		
RESERVE CENTER WITH LAND..........................	5,905	5,905
TOTAL, MONTANA................................	5,905	9,405

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
NEBRASKA		
AIR FORCE		
OFFUTT AFB		
FIRE/CRASH RESCUE STATION	---	11,000
ARMY NATIONAL GUARD		
LINCOLN		
ADD/ALTER READINESS CENTER	757	757
NORFOLK		
ORGANIZATIONAL MAINTENANCE SHOP	3,666	3,666
ARMY RESERVE		
LINCOLN		
RESERVE CENTER/MAINT SHOP/UNHEATED STORAGE	8,732	8,732
TOTAL, NEBRASKA	13,155	24,155
NEVADA		
AIR FORCE		
NELLIS AFB		
DORMITORY	12,280	12,280
EXPLOSIVE ORDNANCE DISPOSAL FACILITY (DERF)	6,900	6,900
F-22 MUNITIONS MAINTENANCE FACILITY	3,170	3,170
LAND ACQUISITION	15,000	15,000
LAND ACQUISITION	---	19,500
TOTAL, NEVADA	37,350	56,850
NEW JERSEY		
ARMY		
PICATINNY ARSENAL		
HIGH-ENERGY PROPELLANT FORMULATION FAC (PHASE II)	---	7,500
NAVY		
EARLE NAVAL WEAPONS STATION		
WATERFRONT MAIN GATE SECURITY IMPROVEMENTS (DERF)	5,600	5,600
LAKEHURST NAVAL AIR WARFARE CENTER		
COMBINED STRUCTURAL/ AIRCRAFT FIRE RESCUE STATION	---	5,200
AIR FORCE		
MCGUIRE AFB		
C-17 FLIGHTLINE OPERATIONS FACILITIES	24,631	24,631
ARMY RESERVE		
FORT DIX		
ADD/ALTER PARKING APRON/TAXIWAY	---	10,000
VEHICLE/PALLET FACILITY	---	4,012
TOTAL, NEW JERSEY	30,231	56,943
NEW MEXICO		
AIR FORCE		
CANNON AFB		
SECURITY FORCES OPERATIONS FACILITY (DERF)	4,650	4,650
HOLLOMAN AFB		
SURVIVAL EQUIPMENT SHOP	---	4,650
KIRTLAND AFB		
VISITING QUARTERS	---	8,400
RELOCATE TRUMAN GATE (DERF)	2,500	2,500
UPGRADE MUNITIONS MAINT STORAGE COMPLEX SEC (DERF)	11,000	11,000
TOTAL, NEW MEXICO	18,150	31,200
NEW YORK		
ARMY		
FORT DRUM		
BARRACKS EXPANSION	---	8,000
SHOOT HOUSE	1,500	1,500
TAXIWAY CONSTRUCTION	---	8,800
WEST POINT		
FENCING WEST POINT PROPER (DERF)	4,991	4,991

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
DEFENSE-WIDE		
WEST POINT		
ELEMENTARY SCHOOL CLASSROOM ADDITION.............	3,898	3,898
ELEMENTARY SCHOOL CLASSROOM ADDITION (DERF).......	449	449
AIR NATIONAL GUARD		
HANCOCK FIELD		
UPGRADE BASE FORCE PROTECTION AND INFRASTRUCTURE..	---	8,600
ARMY RESERVE		
OSWEGO		
RESERVE CENTER/MAINT SHOP/UNHEATED STORAGE........	5,492	5,492
NAVY RESERVE		
SYRACUSE MARINE CORPS RESERVE CENTER		
VEHICLE MAINTENANCE FACILITY......................	2,030	2,030
TOTAL, NEW YORK................................	18,360	43,760
NORTH CAROLINA		
ARMY		
FORT BRAGG		
BARRACKS COMPLEX - ARMISTEAD STREET..............	50,000	50,000
BARRACKS COMPLEX - BUTNER ROAD (PHASE III)........	50,000	50,000
CONSOLIDATED FUEL FACILITY........................	17,500	17,500
FENCING (DERF)....................................	4,732	4,732
FORCE PROTECTION PLAN (PHASE II) (DERF)...........	18,000	18,000
SOLDIER SUPPORT CENTER............................	---	9,400
NAVY		
CAMP LEJEUNE MARINE CORPS BASE		
FITNESS CENTER ADDITION...........................	5,370	5,370
LAND ACQUISITION..................................	---	4,200
CHERRY POINT MARINE CORPS AIR STATION		
T-56 TEST CELL....................................	6,040	6,040
NEW RIVER MARINE CORPS AIR STATION		
PROPERTY CONTROL FACILITY.........................	6,920	6,920
AIR FORCE		
POPE AFB		
DORMITORY...	9,700	9,700
DEFENSE-WIDE		
CAMP LEJEUNE MARINE CORPS BASE		
REPLACE ELEMENTARY SCHOOL.........................	10,884	10,884
REPLACE ELEMENTARY SCHOOL (DERF)..................	1,254	1,254
FORT BRAGG		
ELEMENTARY SCHOOL CLASSROOM ADDITION.............	900	900
ELEMENTARY SCHOOL CLASSROOM ADDITION (DERF).......	104	104
ELEMENTARY SCHOOL CLASSROOM ADDITION.............	925	925
ELEMENTARY SCHOOL CLASSROOM ADDITION (DERF).......	107	107
RENOVATE BRYANT HALL..............................	11,600	11,600
WEAPONS TRAINING FACILITY.........................	19,200	19,200
ARMY NATIONAL GUARD		
ELIZABETH CITY		
MOTOR VEHICLE STORAGE COMPOUND....................	208	208
AIR NATIONAL GUARD		
CHARLOTTE/DOUGLAS IAP		
RELOCATE ROAD AND GATE HOUSE (DERF)..............	2,500	2,500
ARMY RESERVE		
FORT BRAGG		
ADD/ALTER ARMY RESERVE CENTER.....................	1,624	1,624
TOTAL, NORTH CAROLINA..........................	217,568	231,168
NORTH DAKOTA		
AIR FORCE		
MINOT AFB		
CRUISE MISSILE STORAGE FACILITY (PHASE I).........	---	5,000

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
OHIO		
AIR FORCE		
WRIGHT-PATTERSON AFB		
ALTER GRADUATE EDUCATION FACILITY	---	13,000
DORMITORY	10,400	---
FULLY CONTAINED SMALL ARMS RANGE COMPLEX (DERF)	12,000	12,000
DEFENSE-WIDE		
COLUMBUS DEFENSE SUPPLY CENTER		
PHYSICAL FITNESS FACILITY	5,021	---
AIR NATIONAL GUARD		
MANSFIELD LAHM AIRPORT		
VEHICLE MAINTENANCE COMPLEX	---	3,500
SPRINGFIELD-BECKLEY MUNICIPAL AIRPORT		
FIRE STATION	---	6,100
RICKENBACKER ANGB		
FIRE STATION	---	6,000
ARMY RESERVE		
NORTH CANTON		
RESERVE CENTER/OMS/AMSA/STORAGE	---	11,998
NAVY RESERVE		
COLUMBUS NAVAL AND MARINE CORPS RESERVE CENTER		
HARDEN RESERVE BUILDING (DERF)	1,040	1,040
AIR FORCE RESERVE		
YOUNGSTOWN ARS		
VISITORS CENTER (DERF)	2,500	---
TOTAL, OHIO	30,961	53,638
OKLAHOMA		
ARMY		
FORT SILL		
CANTONMENT FENCING (DERF)	4,652	4,652
LOGISTICS MAINTENANCE FACILITY (PHASE I)	---	10,000
AIR FORCE		
ALTUS AFB		
CONSOLIDATE BASE ENGINEER COMPLEX (PHASE I)	---	7,700
VANCE AFB		
ROAD REPAIR (ELAM ROAD)	---	4,800
TOTAL, OKLAHOMA	4,652	27,152
OREGON		
AIR NATIONAL GUARD		
KLAMATH FALLS AIRPORT-KINGSLEY FIELD		
REPLACE PERIMETER FENCING (DERF)	1,000	1,000
AIR FORCE RESERVE		
PORTLAND IAP		
ALTER MAINTENANCE HANGAR	525	525
ALTER MAINTENANCE SHOPS	2,650	2,650
CONSOLIDATED TRAINING FACILITY (PHASE I)	1,609	1,609
HYDRANT REFUELING SYSTEM (PHASE I)	6,400	6,400
TOTAL, OREGON	12,184	12,184
PENNSYLVANIA		
ARMY		
LETTERKENNY ARMY DEPOT		
AMMUNITION ROAD INFRASTRUCTURE	1,550	1,550
ARMY NATIONAL GUARD		
CONNELSVILLE		
READINESS CENTER (PHASE II)	---	1,700
AIR NATIONAL GUARD		
FORT INDIANTOWN GAP		
BASE ENTRY, RELOCATE ROAD AND FENCING (DERF)	2,300	2,300

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
PITTSBURGH IAP		
SQUADRON OPERATIONS AND SUPPORT FACILITIES	---	7,700
ARMY RESERVE		
JOHNSTOWN		
UPGRADE AIRCRAFT PARKING/RAMP	---	12,270
TOTAL, PENNSYLVANIA	3,850	25,520
RHODE ISLAND		
NAVY		
NEWPORT NAVAL STATION		
CHILD DEVELOPMENT CENTER	---	6,870
CONSOLIDATED POLICE/FIRE/SECURITY FACILITY	---	9,030
TOTAL, RHODE ISLAND	---	15,900
SOUTH CAROLINA		
ARMY		
FORT JACKSON		
BASIC COMBAT TRAINING COMPLEX (PHASE II)	39,000	39,000
CANTONMENT FENCING (DERF)	3,051	3,051
NAVY		
BEAUFORT MARINE CORPS AIR STATION		
AIRCRAFT ACOUSTICAL ENCLOSURE	13,700	13,700
CHARLESTON NAVAL WEAPONS STATION		
SECURITY CONSOLIDATION (DERF)	5,740	5,740
PARRIS ISLAND MARINE CORPS RECRUIT DEPOT		
ALL WEATHER TRAINING FACILITY	7,410	7,410
RECRUIT TRAINING FACILITY ADDITION	3,080	3,080
AIR FORCE		
SHAW AFB		
FIGHTER SQUADRON MAINTENANCE FACILITIES	---	6,800
DEFENSE-WIDE		
FORT JACKSON		
ELEMENTARY SCHOOL CLASSROOM ADDITION	865	865
ELEMENTARY SCHOOL CLASSROOM ADDITION (DERF)	100	100
ELEMENTARY SCHOOL CLASSROOM ADDITION	1,382	1,382
ELEMENTARY SCHOOL CLASSROOM ADDITION (DERF)	159	159
AIR FORCE RESERVE		
CHARLESTON AFB		
MEDICAL TRAINING FACILITY	---	2,150
TOTAL, SOUTH CAROLINA	74,487	83,437
SOUTH DAKOTA		
AIR FORCE		
ELLSWORTH AFB		
OPERATIONS FACILITY	---	13,200
ARMY NATIONAL GUARD		
CAMP RAPID		
BARRACKS/DINING/ADMINISTRATION & PARKING (PHASE I)	---	10,593
TOTAL, SOUTH DAKOTA	---	23,793
TEXAS		
ARMY		
FORT BLISS		
CANTONMENT FENCING (DERF)	4,291	---
UPGRADE WATER SYSTEMS	---	10,200
FORT HOOD		
ACCESS CONTROL BUILDING (DERF)	24,000	24,000
BARRACKS COMPLEX - CLEAR CREEK ROAD	45,000	45,000
FENCING (DERF)	2,461	2,461
BRIGADE COMMAND AND CONTROL FACILITIES (PHASE I)	---	11,600

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
NAVY		
CORPUS CHRISTI NAVAL AIR STATION		
PUBLIC SAFETY FACILITY	---	7,150
INGLESIDE NAVAL STATION		
MINE WARFARE TRAINING CENTER	---	5,000
KINGSVILLE NAVAL AIR STATION		
UPGRADE AIRFIELD LIGHTING AND CONTROLS	6,210	6,210
AIR FORCE		
CAMP BULLIS		
MOUT TRAINING FACILITY (DERF)	6,000	6,000
VISITING QUARTERS (DERF)	4,000	4,000
GOODFELLOW AFB		
WING SUPPORT COMPLEX	---	10,600
LACKLAND AFB		
STUDENT DORMITORY	18,500	18,500
MILITARY OPERATIONS IN URBAN TERRAIN (MOUT) (DERF)	13,000	13,000
PHYSICAL FITNESS CENTER	---	5,800
LAUGHLIN AFB		
CONSOLIDATED WING SUPPORT FACILITY	---	8,000
SHEPPARD AFB		
DORMITORY	10,000	10,000
EURO-NATO JOINT PILOT TRAINING, FLIGHT SIMULATOR	6,000	6,000
AIR NATIONAL GUARD		
FORT BLISS		
BASE DEFENSE TRAINING CENTER	---	8,000
ARMY RESERVE		
GRAND PRAIRIE		
RESERVE CENTER/MAINTENANCE SHOP	9,113	9,113
NAVY RESERVE		
FORT WORTH NAVAL AIR STATION/JOINT RESERVE BASE		
AIRCRAFT ENGINE MAINTENANCE SHOP	---	8,850
BASE PASS, ID AND VISITORS CENTER (DERF)	1,500	1,500
WACO MARINE CORPS RESERVE CENTER		
VEHICLE MAINTENANCE FACILITY	4,140	4,140
TOTAL, TEXAS	154,215	225,124
UTAH		
AIR FORCE		
HILL AFB		
DEPOT MAINTENANCE HANGAR (PHASE 1B)	---	14,500
VERMONT		
ARMY NATIONAL GUARD		
SOUTH BURLINGTON		
READINESS CENTER (PHASE I)	---	11,241
VIRGINIA		
ARMY		
FORT EUSTIS		
FENCING AND ACCESS ROADS (DERF)	4,133	4,133
FORT LEE		
CANTONMENT FENCING (DERF)	1,903	1,903
FIRE AND EMERGENCY SERVICES CENTER (PHASE I)	---	5,200
NAVY		
DAHLGREN NAVAL SURFACE WEAPONS CENTER		
CHEMICAL/BIOLOGICAL WARFARE DETACHMENT FAC (DERF)	6,600	6,600
THEATER WARFARE INTEGRATION CENTER	9,230	9,230
LITTLE CREEK NAVAL AMPHIBIOUS BASE		
INFORMATION WARFARE OPERATIONAL CONTROL CTR (DERF)	5,370	5,370
NEW TRUCK ACCESS GATE (DERF)	4,400	4,400
NORFOLK NAVAL SHIPYARD		
SHIP COMPONENT SERVICE FACILITY	---	16,810
NORFOLK NAVAL STATION		
AIRCRAFT MAINTENANCE FACILITIES	34,450	34,450
AIRFIELD RECAPITALIZATION	11,290	11,290

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
BACHELOR ENLISTED QRTS, SHIPBOARD ASHORE (PHASE I)	37,310	37,310
GATE 2 SECURITY IMPROVEMENTS (DERF)	4,400	4,400
GATE 3A SECURITY IMPROVEMENTS (DERF)	4,005	4,005
GATE 5 SECURITY IMPROVEMENTS (DERF)	2,260	2,260
MAIN GATE SECURITY IMPROVEMENTS (DERF)	2,200	2,200
PIER REPLACEMENT (PHASE II)	33,520	33,520
SHORELINE SECURITY FENCING	2,030	2,030
UPGRADE ELECTRICAL DISTRIBUTION (PHASE II)	25,160	25,160
OCEANA NAVAL AIR STATION		
AIRFIELD APPROACH LIGHTING	2,000	2,000
AIRFIELD PERIMETER SECURITY (DERF)	10,500	10,500
POST 1 SECURITY IMPROVEMENTS (DERF)	3,990	3,990
PORTSMOUTH NAVAL SHIPYARD		
ANTI-TERRORISM/FORCE PROTECTION IMPROVEMENTS	19,660	19,660
QUANTICO MARINE CORPS BASE		
ARMORY/FLEET WEAPONS SUPPORT FACILITY	4,234	4,234
BACHELOR ENLISTED QUARTERS	10,280	10,280
BACHELOR ENLISTED QUARTERS ADDITION	5,040	5,040
CANDIDATE INSTRUCTION FACILITY	---	5,310
YORKTOWN NAVAL WEAPONS STATION		
BACHELOR ENLISTED QUARTERS REPLACEMENT	15,020	15,020
AIR FORCE		
LANGLEY AFB		
AIR COMBAT COMMAND OPERATIONS SUPPORT CTR (DERF)	24,000	23,000
DORMITORY	8,320	8,320
F-22 FLIGHT SIMULATOR	8,120	8,120
F-22 INFRASTRUCTURE AND UTILITIES	10,700	10,700
F-22 SQUADRON OPS/AIRCRAFT MAINTENANCE UNIT	20,800	20,800
DEFENSE-WIDE		
ARLINGTON		
LAND ACQUISITION	18,000	---
DAM NECK		
SPECIAL OPERATIONS BUILDING	---	3,900
RICHMOND DEFENSE SUPPLY CENTER		
RENOVATE OPERATIONS CENTER	5,500	5,500
FORT BELVOIR		
DEFENSE THREAT REDUCTION CENTER	50,188	50,188
LITTLE CREEK		
OPERATIONS TRAINER	4,400	4,400
SEAL TEAM OPERATIONS FACILITY	9,900	9,900
QUANTICO MARINE CORPS BASE		
ELEMENTARY SCHOOL CLASSROOM ADDITION	1,272	1,272
ELEMENTARY SCHOOL CLASSROOM ADDITION (DERF)	146	146
ARMY NATIONAL GUARD		
FORT PICKETT		
MANUEVER AREA TRAINING EQUIPMENT SITE	---	8,957
ARMY RESERVE		
FORT STORY		
RESERVE CENTER/MAINT SHOP/UNHEATED STORAGE	12,385	12,385
NAVY RESERVE		
NORFOLK		
RESERVE CENTER ADDITION	4,770	4,770
TOTAL, VIRGINIA	437,486	458,663
WASHINGTON		
ARMY		
FORT LEWIS		
BARRACKS COMPLEX - 17TH & B STREET (PHASE II)	50,000	50,000
BATTLE SIMULATION CENTER	24,000	24,000
COMBINED ARMS COLLECTIVE TRAINING FACILITY	29,800	29,800
FENCING (DERF)	2,395	2,395

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

		BUDGET REQUEST	CONFERENCE AGREEMENT
15480	NAVY		
15500	BANGOR		
15520	MISSILE SPARES STORAGE BUILDING	7,340	7,340
15540	RELOCATE ENCUMBERED WATERFRONT SHOPS	5,900	5,900
15560	SMALL ARMS TRAINING CENTER (DERF)	16,410	16,410
15580	BREMERTON NAVAL STATION		
15600	BACHELOR ENLISTED QUARTERS, SHIPBOARD ASHORE	35,120	35,120
15620	SHIP MOVEMENTS OFFICE WITH CONTROL TOWER (DERF)	2,200	2,200
15640	WATERFRONT REVITALIZATION	8,550	8,550
15660	KEYPORT NAVAL UNDERSEA WARFARE CENTER		
15680	UNDERSEA WATER SYSTEMS DEPENDABILITY CTR (PHASE I)	---	7,500
15700	PORT HADLOCK NAVAL MAGAZINE		
15720	AMMUNITION WHARF IMPROVEMENTS	4,030	4,030
15740	PUGET SOUND NAVAL SHIPYARD		
15760	ANTI-TERRORISM/FORCE PROTECTION IMPROVEMENTS	21,670	24,670
15780	INDUSTRIAL WASTE TREATMENT FACILITY	11,390	11,390
15800	WATERFRONT SUPPORT FACILITIES	21,072	21,072
15820	WHIDBEY ISLAND NAVAL AIR STATION		
15840	AIRCRAFT DIRECT REFUELING FACILITY	9,180	9,180
15860	AULT FIELD SECURITY FENCING (DERF)	8,400	8,400
15880	ARMY NATIONAL GUARD		
15900	SPOKANE		
15920	READINESS CENTER (PHASE I)	---	8,800
15940	TOTAL, WASHINGTON	257,457	276,757
15960	WEST VIRGINIA		
15962	ARMY NATIONAL GUARD		
15965	LEWISBURG		
15967	READINESS CENTER	---	5,715
16000	SUMMERSVILLE		
16020	READINESS CENTER	6,800	6,800
16025	AIR NATIONAL GUARD		
16027	MARTINSBURG AIRBASE		
16030	SITE IMPROVEMENT AND UTILITIES	---	12,200
16040	TOTAL, WEST VIRGINIA	6,800	24,715
16060	WISCONSIN		
16080	ARMY NATIONAL GUARD		
16100	CAMP WILLIAMS		
16120	UNITED STATES PROPERTY AND FISCAL OFFICE WAREHOUSE	6,045	6,045
16140	MADISON		
16160	UNITED STATES PROPERTY AND FISCAL OFFICE	5,245	5,245
16180	ARMY RESERVE		
16200	FORT MCCOY		
16220	BATTALION DINING FACILITY	5,117	5,117
16240	TOTAL, WISCONSIN	16,407	16,407
16260	WYOMING		
16280	NAVY RESERVE		
16300	CHEYENNE NAVAL RESERVE CENTER		
16320	HARDEN RESERVE BUILDING (DERF)	1,240	1,240
16360	BAHRAIN		
16380	NAVY		
16400	BAHRAIN NAVAL SUPPORT ACTIVITY		
16420	INSTALLATION SERVICE SUPPORT CENTER	25,970	25,970
16460	BELGIUM		
16480	ARMY		
16500	SHAPE HEADQUARTERS		
16520	BARRACKS COMPLEX - CHIEVRES	13,600	13,600

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
DEFENSE-WIDE		
SHAPE HEADQUARTERS		
ELEMENTARY SCHOOL CLASSROOM ADDITION	1,410	1,410
ELEMENTARY SCHOOL CLASSROOM ADDITION (DERF)	163	163
TOTAL, BELGIUM	15,173	15,173
CUBA		
NAVY		
GUANTANAMO BAY		
SECURITY UPGRADES (DERF)	4,280	4,280
DIEGO GARCIA		
NAVY		
DIEGO GARCIA NAVAL SUPPORT FACILITY		
PHYSICAL READINESS CENTER	8,370	8,370
WATERFRONT OPERATIONS SUPPORT FACILITY	2,720	2,720
AIR FORCE		
DIEGO GARCIA		
B-2 AIRCRAFT PARKING APRON	17,100	17,100
TOTAL, DIEGO GARCIA	28,190	28,190
GERMANY		
ARMY		
BAMBERG		
BARRACKS COMPLEX - WARNER BUILDING 7002	10,200	10,200
CHILD DEVELOPMENT CENTER	7,000	7,000
DARMSTADT		
MODIFIED RECORD FIRE RANGE, AUTOMATED	3,500	3,500
CAMPBELL BARRACKS		
AT/FP BLAST MITIGATION WINDOWS (DERF)	8,300	8,300
COLEMAN BARRACKS		
ACCESS CONTROL FACILITY/PERIMETER SECURITY (DERF)	1,350	1,350
GRAFENWOEHR		
BRIGADE COMPLEX - UTILITIES INFRASTRUCTURE	46,666	46,666
BRIGADE COMPLEX-BARRACKS	13,200	13,200
BRIGADE COMPLEX-SITE PREPARATION	10,000	10,000
LANDSTUHL		
ACCESS CONTROL FACILITIES (DERF)	1,100	1,100
ACCESS CONTROL/PERIMETER SECURITY (DERF)	1,300	1,300
MANNHEIM		
BARRACKS COMPLEX - COLEMAN BUILDING 18	42,000	42,000
SCHWEINFURT		
CENTRAL VEHICLE WASH FACILITY	2,000	2,000
AIR FORCE		
RAMSTEIN AB		
COMBINED FLEET SERVICE/IN-FLIGHT KITCHEN	7,500	7,500
KMC CENTER SUPPORT	21,300	21,300
LARGE VEHICLE SECURITY INSPECTION STATION (DERF)	1,600	1,600
PASSENGER TERMINAL ANNEX	17,683	17,683
RAMP 1 (PHASE I)	23,700	23,700
DEFENSE-WIDE		
RAMSTEIN AB		
ELEMENTARY SCHOOL CLASSROOM ADDITION	858	858
ELEMENTARY SCHOOL CLASSROOM ADDITION (DERF)	99	99
SPANGDAHLEM AB		
HOSPITAL REPLACEMENT	39,629	39,629
ELEMENTARY SCHOOL CLASSROOM ADDITION	894	894
ELEMENTARY SCHOOL CLASSROOM ADDITION (DERF)	103	103
TOTAL, GERMANY	259,982	259,982

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
GREECE		
NAVY		
LARISSA		
BACHELOR ENLISTED QUARTERS	14,800	6,800
GUAM		
NAVY		
GUAM		
BACHELOR ENLISTED QUARTERS REPLACEMENT	13,400	13,400
AIR FORCE		
ANDERSEN AFB		
FITNESS CENTER	16,000	16,000
REPLACE OFF-BASE WATER SUPPLY SYSTEM (DERF)	15,000	15,000
DEFENSE-WIDE		
ANDERSEN AFB		
REPLACE HYDRANT FUEL SYSTEM (PHASE IV)	17,586	17,586
GUAM		
MARINE LOADING ARMS	6,000	6,000
ARMY NATIONAL GUARD		
BARRIGADA		
READINESS CENTER	---	6,968
TOTAL, GUAM	67,986	74,954
ICELAND		
NAVY		
KEFLAVIK NAVAL AIR STATION		
COMBINED DINING FACILITY	14,920	14,920
ITALY		
ARMY		
VICENZA		
BARRACKS COMPLEX-CAMP EDERLE	31,000	31,000
CHILD DEVELOPMENT CENTER	3,700	3,700
NAVY		
SIGONELLA NAVAL AIR STATION		
OFF BASE ACCESS ROAD IMPROVEMENTS (DERF)	11,300	---
PARKING GARAGE AND PERIMETER SECURITY UPGRADE	19,560	19,560
QUALITY OF LIFE SUPPORT (PHASE II)	33,530	33,530
AIR FORCE		
AVIANO AB		
CONSOLIDATE AREA A-1/AREA A-2 FOR FORCE PRT (DERF)	5,000	5,000
LARGE VEHICLE SECURITY INSPECTION STATION (DERF)	1,600	1,600
DEFENSE-WIDE		
NAPLES NAVAL SUPPORT ACTIVITY		
MEDICAL/DENTAL FACILITY REPLACEMENT	41,449	41,449
VICENZA		
ELEMENTARY SCHOOL CLASSROOM ADDITION	1,898	1,898
ELEMENTARY SCHOOL CLASSROOM ADDITION (DERF)	219	219
TOTAL, ITALY	149,256	137,956
JAPAN		
AIR FORCE		
KADENA AB		
VISITOR AND TRAFFIC CNTRL FAC/SEC FENCING (DERF)	6,000	6,000
DEFENSE-WIDE		
YOKOTA AB		
BULK FUEL STORAGE TANKS	23,000	23,000
TOTAL, JAPAN	29,000	29,000
KOREA		
ARMY		
CAMP CARROLL		
BARRACKS COMPLEX	20,000	20,000

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
CAMP CASTLE		
PHYSICAL FITNESS TRAINING CENTER	6,800	6,800
CAMP HOVEY		
BARRACKS COMPLEX	25,000	25,000
CAMP HUMPHREYS		
BARRACKS COMPLEX	36,000	36,000
CAMP HENRY		
BARRACKS COMPLEX	10,200	10,200
K-16 AIRFIELD, YONGSAN		
BARRACKS COMPLEX	40,000	40,000
YONGSAN ARMY GARRISON		
C4I HARDENING, CAMP TANGO (DERF)	12,600	12,600
AIR FORCE		
OSAN AB		
DORMITORY	15,100	15,100
DEFENSE-WIDE		
SEOUL		
MIDDLE SCHOOL REPLACEMENT	28,409	28,409
MIDDLE SCHOOL REPLACEMENT (DERF)	3,274	3,274
TOTAL, KOREA	197,383	197,383
PORTUGAL		
DEFENSE-WIDE		
LAJES FIELD		
REPLACE HYDRANT FUEL SYSTEM	19,000	---
ELEMENTARY SCHOOL CLASSROOM ADDITION	1,069	1,069
ELEMENTARY SCHOOL CLASSROOM ADDITION (DERF)	123	123
TOTAL, PORTUGAL	20,192	1,192
QATAR		
ARMY		
QATAR		
UNACCOMPANIED PERSONNEL HOUSING	8,600	8,600
SPAIN		
NAVY		
MADRID		
NAVY EXCHANGE/MORALE, WELFARE, RECREATION FAC	2,890	---
ROTA NAVAL STATION		
SECURITY COMPLEX (DERF)	18,700	18,700
AIR FORCE		
ROTA NAVAL STATION		
AIRCRAFT PARKING APRON (PHASE I)	31,818	31,818
DEFENSE-WIDE		
ROTA NAVAL STATION		
HYDRANT FUEL SYSTEM	23,400	23,400
TOTAL, SPAIN	76,808	73,918
TURKEY		
AIR FORCE		
INCIRLIK AB		
LARGE VEHICLE SECURITY INSPECTION STATION (DERF)	1,550	1,550
UNITED KINGDOM		
AIR FORCE		
RAF FAIRFORD		
B-2 MAINTENANCE HANGAR/APRON	19,000	19,000
RAF LAKENHEATH		
ADD/ALTER FITNESS CENTER	10,800	10,800
MOBILITY PROCESSING FACILITY	2,600	2,600

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
DEFENSE-WIDE		
RAF FAIRFORD		
REPLACE HYDRANT FUEL SYSTEM	17,000	17,000
TOTAL, UNITED KINGDOM	49,400	49,400
WAKE ISLAND		
AIR FORCE		
WAKE ISLAND AIRFIELD		
REPAIR AIRFIELD PAVEMENT (PHASE I)	24,900	24,900
NATO		
NATO SECURITY INVESTMENT PROGRAM	168,200	168,200
REVISED ECONOMIC ASSUMPTIONS (MID-SESSION REVIEW)	---	-1,000
WORLDWIDE CLASSIFIED		
AIR FORCE		
CLASSIFIED LOCATION		
C-17 VARIOUS FACILITIES	30,569	---
CLASSIFIED MILCON PROJECT	1,993	1,993
VARIOUS FACILITIES/UTILITIES/INFRASTRUCTURE	23,000	23,000
TOTAL, WORLDWIDE CLASSIFIED	55,562	24,993
WORLDWIDE UNSPECIFIED		
ARMY		
UNSPECIFIED WORLDWIDE LOCATIONS		
CIVILIAN PERSONNEL ACCRUAL ACCOUNTING ADJUSTMENT	-26,083	-26,083
CLASSIFIED PROJECT	4,000	4,000
HOST NATION SUPPORT	23,700	23,700
SBCT TRANSFORMATION, VARIOUS FACILITIES	---	25,000
PLANNING AND DESIGN	119,824	124,714
PLANNING AND DESIGN (DERF)	5,340	5,340
PLANNING & DESIGN (DERF)	9,381	9,381
UNSPECIFIED MINOR CONSTRUCTION	20,500	26,975
RESCISSION (FOREIGN CURRENCY FLUCTUATION)	---	-13,676
RESCISSION	---	-35,700
REVISED ECONOMIC ASSUMPTIONS (MID-SESSION REVIEW)	---	-8,000
NAVY		
UNSPECIFIED WORLDWIDE LOCATIONS		
CIVILIAN PERSONNEL ACCRUAL ACCOUNTING ADJUSTMENT	-10,470	-10,470
PLANNING AND DESIGN	68,573	69,413
PLANNING AND DESIGN (DERF)	17,630	17,630
UNSPECIFIED MINOR CONSTRUCTION	23,262	26,187
HOST NATION INFRASTRUCTURE	1,000	1,000
RESCISSION (FOREIGN CURRENCY FLUCTUATION)	---	-1,340
REVISED ECONOMIC ASSUMPTIONS (MID-SESSION REVIEW)	---	-5,000
AIR FORCE		
VARIOUS WORLDWIDE LOCATIONS		
AIR MOBILITY MODERNIZATION, VARIOUS FACILITIES	---	25,000
PLANNING AND DESIGN	41,496	51,486
PLANNING AND DESIGN (DERF)	21,797	20,797
UNSPECIFIED MINOR CONSTRUCTION	11,500	12,620
RESCISSION (FOREIGN CURRENCY FLUCTUATION)	---	-10,281
RESCISSION	---	-3,000
REVISED ECONOMIC ASSUMPTIONS (MID-SESSION REVIEW)	---	-5,000
DEFENSE-WIDE		
UNSPECIFIED WORLDWIDE LOCATIONS		
CONTINGENCY CONSTRUCTION	10,000	10,000
ENERGY CONSERVATION IMPROVEMENT PROGRAM	49,531	34,531
RESCISSION (FOREIGN CURRENCY FLUCTUATION)	---	-2,976
REVISED ECONOMIC ASSUMPTIONS (MID-SESSION REVIEW)	---	-3,000
PLANNING AND DESIGN		
TRICARE MANAGEMENT ACTIVITY	14,200	18,500
SPECIAL OPERATIONS COMMAND	4,932	4,932

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	5,000	5,000
UNDISTRIBUTED	20,000	20,000
PLANNING AND DESIGN (DERF)	---	2,000
SUBTOTAL, PLANNING AND DESIGN	44,132	50,432
UNSPECIFIED MINOR CONSTRUCTION		
TRICARE MANAGEMENT ACTIVITY	3,363	3,363
SPECIAL OPERATIONS COMMAND	2,000	2,000
DEFENSE FINANCE AND ACCOUNTING SERVICE	1,500	1,500
JOINT CHIEFS OF STAFF	6,430	6,430
UNDISTRIBUTED	3,000	3,000
SUBTOTAL, UNSPECIFIED MINOR CONSTRUCTION	16,293	16,293
ARMY NATIONAL GUARD		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	14,724	32,183
UNSPECIFIED MINOR CONSTRUCTION	4,930	13,985
REVISED ECONOMIC ASSUMPTIONS (MID-SESSION REVIEW)	---	-1,000
AIR NATIONAL GUARD		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	8,273	16,680
PLANNING AND DESIGN (DERF)	683	683
UNSPECIFIED MINOR CONSTRUCTION	4,400	5,900
ARMY RESERVE		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	6,965	10,460
UNSPECIFIED MINOR CONSTRUCTION	2,850	2,850
NAVY RESERVE		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	2,509	2,509
PLANNING AND DESIGN (DERF)	377	377
UNSPECIFIED MINOR CONSTRUCTION	780	780
AIR FORCE RESERVE		
UNSPECIFIED WORLDWIDE LOCATIONS		
JUDGMENT FUND PAYMENT	11,900	11,900
PLANNING AND DESIGN	3,656	3,656
PLANNING AND DESIGN (DERF)	476	476
UNSPECIFIED MINOR CONSTRUCTION	5,160	5,960
TOTAL, WORLDWIDE UNSPECIFIED	519,089	537,372
FAMILY HOUSING, ARMY		
ALASKA		
FORT WAINWRIGHT (38 UNITS)	17,752	17,752
ARIZONA		
YUMA PROVING GROUND (33 UNITS)	6,100	6,100
GERMANY		
STUTTGART (1 UNIT)	990	---
KOREA		
YONGSAN (10 UNITS)	3,100	3,100
CONSTRUCTION IMPROVEMENTS	239,751	239,751
PLANNING AND DESIGN	15,653	15,653
RESCISSION (FOREIGN CURRENCY FLUCTUATION)	---	-4,920
REVISED ECONOMIC ASSUMPTIONS (MID-SESSION REVIEW)	---	-2,000
SUBTOTAL, CONSTRUCTION	283,346	275,436
OPERATION AND MAINTENANCE		
MANAGEMENT ACCOUNT	91,567	91,567
SERVICES ACCOUNT	41,846	41,846
FURNISHINGS ACCOUNT	48,673	48,673

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
MISCELLANEOUS ACCOUNT	1,321	1,321
UTILITIES ACCOUNT	212,432	212,432
LEASING	215,251	215,251
MAINTENANCE OF REAL PROPERTY	485,257	485,257
INTEREST PAYMENT	1	1
HOUSING PRIVATIZATION SUPPORT COSTS	25,926	20,926
CIVILIAN PERSONNEL ACCRUAL ACCOUNTING ADJUSTMENT	-3,267	-3,267
REVISED ECONOMIC ASSUMPTIONS (MID-SESSION REVIEW)	---	-8,000
SUBTOTAL, OPERATION AND MAINTENANCE	1,119,007	1,106,007
TOTAL, FAMILY HOUSING, ARMY	1,402,353	1,381,443
FAMILY HOUSING, NAVY AND MARINE CORPS		
CALIFORNIA		
TWENTYNINE PALMS (76 UNITS)	19,425	19,425
LEMOORE (178 UNITS)	40,981	40,981
CONNECTICUT		
NEW LONDON (100 UNITS)	24,415	24,415
FLORIDA		
MAYPORT (1 UNIT)	329	329
HAWAII		
KANEOHE BAY (65 UNITS)	24,797	24,797
MAINE		
BRUNSWICK (22 UNITS)	---	5,000
MISSISSIPPI		
MERIDIAN (56 UNITS)	9,755	9,755
NORTH CAROLINA		
CAMP LEJEUNE (317 UNITS)	43,650	43,650
VIRGINIA		
QUANTICO (290 UNITS)	41,843	41,843
GREECE		
LARISSA (2 UNITS)	1,232	---
UNITED KINGDOM		
ST MAWGAN (62 UNITS)	18,524	18,524
CONSTRUCTION IMPROVEMENTS	139,468	139,468
PLANNING AND DESIGN	11,281	11,281
RESCISSION (FOREIGN CURRENCY FLUCTUATION)	---	-2,652
REVISED ECONOMIC ASSUMPTIONS (MID-SESSION REVIEW)	---	-3,000
SUBTOTAL, CONSTRUCTION	375,700	373,816
OPERATION AND MAINTENANCE		
FURNISHINGS ACCOUNT	30,344	30,344
MANAGEMENT ACCOUNT	82,114	82,114
MISCELLANEOUS ACCOUNT	913	913
SERVICES ACCOUNT	62,583	62,583
UTILITIES ACCOUNT	174,219	174,219
LEASING	129,085	129,085
MAINTENANCE OF REAL PROPERTY	381,388	377,061
INTEREST PAYMENT	71	71
HOUSING PRIVATIZATION SUPPORT COSTS	7,071	11,398
REVISED ECONOMIC ASSUMPTIONS (MID-SESSION REVIEW)	---	-6,000
SUBTOTAL, OPERATION AND MAINTENANCE	867,788	861,788
TOTAL, FAMILY HOUSING, NAVY AND MARINE CORPS	1,243,488	1,235,604
FAMILY HOUSING, AIR FORCE		
ARIZONA		
LUKE AFB (140 UNITS)	18,954	18,954

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
CALIFORNIA		
TRAVIS AFB (110 UNITS)	24,320	24,320
COLORADO		
PETERSON AFB (2 UNITS)	959	959
U.S. AIR FORCE ACADEMY (71 UNITS)	12,424	12,424
DELAWARE		
DOVER AFB (112 UNITS)	19,615	19,615
FLORIDA		
EGLIN AFB (HOUSING OFFICE)	597	597
EGLIN AFB (134 UNITS)	15,906	15,906
MACDILL AFB (96 UNITS)	18,086	18,086
HAWAII		
HICKAM AFB (96 UNITS)	29,050	29,050
IDAHO		
MOUNTAIN HOME AFB (95 UNITS)	24,392	24,392
KANSAS		
MCCONNELL AFB (MAINTENANCE BUILDING AND ROADS)	1,514	1,514
MARYLAND		
ANDREWS AFB (53 UNITS)	9,838	9,838
ANDREWS AFB (52 UNITS)	8,807	8,807
MISSOURI		
WHITEMAN AFB (22 UNITS)	3,977	3,977
WHITEMAN AFB (70 UNITS)	---	13,130
MISSISSIPPI		
COLUMBUS AFB (MANAGEMENT OFFICE)	412	412
KEESLER AFB (117 UNITS)	16,505	16,505
MONTANA		
MALMSTROM AFB (18 UNITS)	4,717	4,717
NORTH CAROLINA		
POPE AFB (HOUSING MAINTENANCE BUILDING)	991	991
SEYMOUR JOHNSON AFB (126 UNITS)	18,615	18,615
NORTH DAKOTA		
GRAND FORKS AFB (150 UNITS)	30,140	30,140
MINOT AFB (112 UNITS)	21,428	21,428
MINOT AFB (102 UNITS)	20,315	20,315
NEW MEXICO		
HOLLOMAN AFB (101 UNITS)	20,161	20,161
OKLAHOMA		
VANCE AFB (59 UNITS)	11,423	11,423
SOUTH DAKOTA		
ELLSWORTH AFB (HOUSING MAINTENANCE FACILITY)	447	447
ELLSWORTH AFB (22 UNITS)	4,794	4,794
TEXAS		
DYESS AFB (85 UNITS)	14,824	14,824
RANDOLPH AFB (HOUSING MAINTENANCE OFFICE)	447	447
RANDOLPH AFB (112 UNITS)	14,311	14,311
VIRGINIA		
LANGLEY AFB (HOUSING MAINTENANCE OFFICE)	1,193	1,193
GERMANY		
RAMSTEIN AB (19 UNITS)	8,534	8,534
KOREA		
OSAN AB (FURNISHINGS MANAGEMENT OFFICE)	834	834
OSAN AB (113 UNITS)	35,705	35,705
UNITED KINGDOM		
RAF LAKENHEATH (HOUSING MAINTENANCE FACILITY)	2,203	2,203
CONSTRUCTION IMPROVEMENTS	226,068	226,068
PLANNING AND DESIGN	34,188	34,188
RESCISSION (FOREIGN CURRENCY FLUCTUATION)	---	-8,782
REVISED ECONOMIC ASSUMPTIONS (MID-SESSION REVIEW)	---	-5,000
SUBTOTAL, CONSTRUCTION	676,694	676,042

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
OPERATION AND MAINTENANCE		
AT/FP FACILITY UPGRADES (DERF)	29,631	29,631
FURNISHINGS ACCOUNT	35,619	35,619
MANAGEMENT ACCOUNT	48,473	48,473
SERVICES ACCOUNT	25,178	25,178
UTILITIES ACCOUNT	132,945	132,945
MISCELLANEOUS ACCOUNT	1,511	1,511
LEASING	103,690	103,690
MAINTENANCE OF REAL PROPERTY	476,485	476,485
INTEREST PAYMENT	36	36
HOUSING PRIVATIZATION SUPPORT COSTS	20,482	15,482
REVISED ECONOMIC ASSUMPTIONS (MID-SESSION REVIEW)	---	-6,000
SUBTOTAL, OPERATION AND MAINTENANCE	874,050	863,050
TOTAL, FAMILY HOUSING, AIR FORCE	1,550,744	1,539,092
FAMILY HOUSING, DEFENSE-WIDE		
CONSTRUCTION IMPROVEMENTS	5,480	5,480
OPERATION AND MAINTENANCE		
FURNISHINGS ACCOUNT (NSA)	120	120
FURNISHINGS ACCOUNT (DIA)	3,689	3,689
FURNISHINGS (DLA)	26	26
MANAGEMENT ACCOUNT (NSA)	15	15
MANAGEMENT ACCOUNT (DLA)	308	308
MISCELLANEOUS ACCOUNT (NSA)	58	58
SERVICES ACCOUNT (NSA)	339	339
SERVICES ACCOUNT (DLA)	76	76
UTILITIES ACCOUNT (NSA)	407	407
UTILITIES ACCOUNT (DLA)	410	410
LEASING (NSA)	9,643	9,643
LEASING (DIA)	26,220	26,220
MAINTENANCE OF REAL PROPERTY (NSA)	611	611
MAINTENANCE OF REAL PROPERTY (DLA)	510	510
CIVILIAN PERSONNEL ACCRUAL ACCOUNTING ADJ (DLA)	-37	-37
SUBTOTAL, OPERATION AND MAINTENANCE	42,395	42,395
TOTAL, FAMILY HOUSING, DEFENSE-WIDE	47,875	47,875
DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND		
DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND	2,000	2,000
BASE REALIGNMENT AND CLOSURE ACCOUNT		
BASE REALIGNMENT AND CLOSURE ACCOUNT	545,138	565,138
REVISED ECONOMIC ASSUMPTIONS (MID-SESSION REVIEW)	---	-4,000
TOTAL, BASE REALIGNMENT AND CLOSURE ACCOUNT	545,138	561,138
GRAND TOTAL	9,664,041	10,499,000

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2003 recommended by the Committee of Conference, with comparisons to the fiscal year 2002 amount, the 2003 budget estimates, and the House and Senate bills for 2003 follows:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2002	$10,604,400
Budget estimates of new (obligational) authority, fiscal year 2003	9,664,04
House bill, fiscal year 2003	10,083,000
Senate bill, fiscal year 2003	10,622,000
Conference agreement, fiscal year 2003	10,499,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2002	−105,400
Budget estimates of new (obligational) authority, fiscal year 2003	+834,959
House bill, fiscal year 2003	+416,000
Senate bill, fiscal year 2003	−123,000

DAVID L. HOBSON,
JAMES T. WALSH,
DAN MILLER,
ROBERT ADERHOLT,
KAY GRANGER,
VIRGIL H. GOODE, Jr.,
JOE SKEEN,
DAVID VITTER,
C.W. BILL YOUNG,
JOHN W. OLVER,
CHET EDWARDS,
SAM FARR,
ALLEN BOYD,
NORMAN D. DICKS,
DAVID R. OBEY,
Managers on the Part of the House.

DIANNE FEINSTEIN,
DANIEL K. INOUYE,
TIM JOHNSON,
MARY L. LANDRIEU,
HARRY REID,
ROBERT C. BYRD,
KAY BAILEY HUTCHISON
CONRAD BURNS,
LARRY CRAIG,
MIKE DEWINE,
TED STEVENS,
Managers on the Part of the Senate.

FURTHER CONSIDERATION OF H.J. RES. 114, AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002

Mr. CANTOR. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Missouri (Mr. HULSHOF).

Mr. HULSHOF. Mr. Speaker, "When in the course of human events it becomes necessary for the people to dissolve the political bonds which have connected them with another, a decent respect to the opinions of mankind requires that they should declare the causes which impel them."

When the delegates to the Second Continental Congress began to debate those immortal words in July of 1776, they did not have the long lens of history to guide them. These bold men adopted the radical idea of independence based upon deeply-held convictions and beliefs that bloodshed, though unwanted, was a probable course. Indeed, when the document declaring independence was executed in August of that year, 30,000 British and Hessian troops were assembled at Staten Island, New York, a 3 days' journey from Philadelphia.

At first blush, those of you reminded of this narrative would quickly make the distinction that those Philadelphia delegates and the colonists they represented were in imminent peril, and we are not. Is that in fact the case after September 11? America's enemies today do not dispatch columns of infantrymen "across the green" or battleships upon the high seas. Instead, we face a deadlier threat in chemical and biological weapons willing to be dispersed by an army of anonymous killers. This 107th Congress, as our forefathers before, must face this difficult issue without the benefit of history's clarity.

I have been contacted by a number of Missourians with wide-ranging opinions, and some have proclaimed, "Let us not wage war with Iraq." Would that I could will it so, possessing the knowledge as I do of the threat Iraq poses. Would that Saddam Hussein lay down his arms, those weapons designed to commit mass murder against the defenseless.

Now, time does not permit me to make my case, but there has been a lot of discussion about the case that has been made, and I am convinced that Iraq continues to possess and manufacture weapons of mass destruction in defiance of 12 years of Security Council resolutions.

My colleague, the gentlewoman from California (Ms. LOFGREN), a good friend, a moment ago said there is no definitive link between Iraq and the attacks of September 11, 2001; and I acknowledge that. However, our United States intelligence services have detected that Saddam's regime has begun efforts to reach out to terrorist groups with global reach.

I acknowledge that Saddam Hussein's regime is largely secular and has often clashed with fanatical religious fundamentalist groups. However, I am mindful of a disquieting adage, the enemy of my enemy is my friend.

The resolution I support today suggests a variety of means to disarm Iraq without immediately resorting to the end of open warfare. It is imperative that the United Nations take strong action to implement a comprehensive and unfettered regime of weapons inspections. It is deeply troubling to me, however, that the only thing that seems to compel Saddam Hussein into compliance is the threat of military force. Certainly many questions remain. However, the risks of inaction are greater, in my mind, than the risks of action.

Ironically, a number of family members who lost loved ones last September have come to Capitol Hill and have questioned the inability of our intelligence agencies to foresee those attacks prior to September 11. Why did we not act upon those threads of information, they ask plaintively? Why did we not prevent the horrific attacks of that crisp, clear morning?

Mr. Speaker, let us not allow that tragic history to be repeated. We have a moral responsibility to defend our Nation from harm. This conflict has been brought to us, and we have provoked it only by being free. We must move forward decisively, confident in the knowledge that our voices, which cry out so desperately for a lasting peace, have been and will be heard by the rest of the world.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to my good friend, the gentleman from Arizona (Mr. PASTOR), a member of the House Committee on Appropriations, a top member of the Committee on Energy and Water and on the Committee on Standards of Official Conduct.

Mr. PASTOR. Mr. Speaker, I am committed to the war against terrorism and believe that stopping Saddam Hussein from developing weapons of mass destruction is a necessary part of that effort. But at this time, however, I believe it is premature to authorize a unilateral attack on Iraq.

Working with the international community is the surest means of addressing this threat effectively, sharing costs and resources and ensuring stability in Iraq and throughout the Middle East in the event of a regime change. While the President has spoken of the value of a coalition effort, the resolution before the House today undermines the importance of our allies and of maintaining the momentum of international cooperation in the wider war on terrorism.

I support the Spratt amendment to this resolution. This amendment would authorize the use of U.S. forces in support of a new U.N. Security Council resolution mandating the elimination, by force, if necessary, of all Iraqi weapons of mass destruction and means of producing such weapons. Should the Security Council fail to produce such a resolution, the amendment calls on the President then to seek authorization for unilateral military action. In this way, the amendment emphasizes our preference for a peaceful solution and coalition support, while recognizing that military force and unilateral action may be appropriate at some point.

We should not rush into war without the support of our allies. We should not send American troops into combat before making a full-faith effort to put U.N. inspectors back into Iraq under a more forceful resolution. We should not turn to a policy of preemptive attack, which we have so long and so rightly condemned, without first providing a limited-time option for peaceful resolution of the threat.

America has long stood behind the principles of exhausting diplomacy before resorting to war; and, at times like this, we must lead by example.

Mr. CANTOR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Missouri (Mr. GRAVES).

Mr. GRAVES. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in support of House Joint Resolution 114, authorization of use of force against Iraq.

After the attacks of September 11, Congress reaffirmed our commitment to keep the American people safe from international threats. That commitment faces its first true test as we debate this resolution.

We are faced with clear evidence of a threat against the security of the American people. We have several options to deal with this threat. This resolution will provide all necessary options to the President for protecting the security interests of the American people.

By giving the President the needed flexibility, Iraq and the rest of the world will know that we are prepared to enforce our demands for disarmament with the use of force.

By giving the President this flexibility, the American people can be fully defended from the threat Iraq poses to our national security.

It is clear that Saddam Hussein constitutes a grave threat to the security of the United States through his motives, history, technological capabilities and his support for international terrorism. Saddam Hussein is a ruthless dictator who has sworn eternal hostility to the United States. There is evidence that this same dictator has financed and supported international terrorism, including harboring members of al Qaeda. Despite agreeing to fully disarm by ridding itself of weapons of mass destruction, Iraq has worked to actually enhance its weapons program, increasing its stockpiles of biological and chemical weapons and working to build nuclear weapons.

Saddam Hussein has used weapons of mass destruction against his neighbors and his own people. He has attempted assassinations of foreign leaders, including an American president.

Alone, these facts are very troubling. Together, they present a clear and present danger to the national security of the United States. Saddam Hussein has the motive, has the capabilities and the absence of humanity that is all too clear. Ignoring this evidence would be abandoning our duty to the security of the American people.

Now we are faced with this question: How do we deal with this threat? The answer is to leave all options at the President's disposal on the table, including military options. Like everyone in this Chamber, I sincerely hope and pray it will never come to that. Nevertheless, I believe the evidence justifies the President to act in the interests of our national security. This resolution gives the President the necessary authority to deal with this threat.

Mr. SHERMAN. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the resolution that will come before us for final passage has already been written at the White House. I very much wish that it had a different phraseology, but that is not the choice of individual Members. The only question that will come before us that we can influence as individual Members is by what margin does that resolution pass. Does it get 325 votes, or 375, or somewhere in between?

□ 1645

Saddam Hussein does not fully understand our political process. He sees a nation in the throes of an election where we speak quite harshly to each other on domestic issues, and we will be doing more of that in the coming weeks. There is no better way to assure that Saddam capitulates on the issue of inspectors, no better way to assure that this war does not have to be fought, no better way to assure a peaceful resolution of this conflict than for us to pass this resolution by the largest possible margin and make sure that Saddam understands that America is united and capitulation on the issue of inspectors is the only rational course and the only course that will assure his own personal safety.

Mr. CANTOR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in strong support of this most balanced resolution. Like most of my colleagues who support the President in this important matter, I am not voting for this resolution because I have any wish to speed to war; I am voting for this resolution because I hold out hope for peace, a peace that can still come, but only if the United Nations will apply decisive pressure to Iraq to open itself to unconditional, unfettered weapons inspection.

Unfortunately, the last decade has shown that without the use of force as a threat, Saddam Hussein will continue to stonewall and ignore every resolution issued by the United Nations, all the while amassing weapons of terror. The resolution before us today does not send us to war, but it does provide a powerful incentive for Hussein to finally comply with the dictates of the United Nations. With the threat of force, the United Nations and President Bush will be able to negotiate from a position of strength.

Nobody, no legislator, Republican or Democrat, takes this responsibility of sending our children off to war lightly, but nor can we stand by as Saddam Hussein and his regime continue to work to amass stockpiles of the world's most deadly weapons. My deepest fears lay in the thought that he could soon supply terrorists with nuclear weapons. We simply cannot ignore our responsibility to protect our country, democracy, and our lone democratic ally in the Middle East, the State of Israel.

Mr. Speaker, again, I hold out my hope for peace; but to rely upon a dictatorial madman with little respect for the life of even his own people, let alone American life, to bring about a peaceful resolution to this crisis would be foolhardy. It is for that reason I strongly believe that we must strengthen the President's hand. With a hopeful heart, but realistic concern over this threat, I will cast my vote in support of this resolution as a last chance for peace.

Mr. PAYNE. Mr. Speaker, I yield 6 minutes to the gentlewoman from California (Ms. WATSON), a member of the Committee on International Relations and former ambassador to Micronesia.

Ms. WATSON of California. Mr. Speaker, I stand to oppose H.J. Res. 114, the authorization for military force against Iraq.

Mr. Speaker, I have attended numerous administrative hearings on Iraq where not one bit of new evidence was offered to demonstrate that presently Saddam Hussein is more of a menace than that proven diabolical character, Osama bin Laden. Why are we not still focusing our attention on him? I remember so well the declaration made by the President: "Wanted, dead or alive." We have painfully experienced his capacity to wreak havoc on thousands of our people from thousands of miles from his own perch. And now, he appears to be an afterthought.

We have given Saddam Hussein the power to force the greatest country on Earth to abandon its domestic agenda, to potentially violate the U.N. charter, and possibly take unilateral and preemptive action before exhausting all diplomatic efforts. I am not convinced that Saddam Hussein warrants the daily headlines and the extraordinary amount of time and resources given to him. We are equating his power with ours and, in some ways, ascribing it to be beyond our ability to detect.

While we are monitoring his every move, I have no doubt that if he were to plan an attack on the United States or on our allies, we would be able to stop him in his tracks. But what we cannot do is to provide the proof of Osama bin Laden's whereabouts or whether he is dead or alive, or who spread anthrax and, currently, right here in this country, who is killing innocent Americans in a close radius of the White House. But our focus remains thousands of miles away on a villain who cowardly goes after the weakest. It is beneath us to choose war over diplomacy, and not only carry a big stick, but beat our perceived enemy over the head with it.

The United Nations is being diminished with our rhetoric of the last few weeks. As a charter member, we are not giving it credit for trying to uphold the principle of sovereign equality of all its members. The U.N. charter states that in recognition of the sovereignty of all nations, all shall settle their international disputes by peaceful means. The U.N. charter also states that all members shall refrain in their international relations from the threat or the use of force against the territorial integrity or political independence of any State.

Chapter VI of the charter empowers the Security Council to investigate any disputes and to recommend appropriate procedures for the settlement of the dispute. If the dispute is not resolved, it is then referred to the Security Council for action. Under Chapter VII, the U.N. Security Council shall determine the existence of threats to peace. Article 46 provides that plans for the application of armed force shall be made by the Security Council. The U.N. charter does not provide for preemptive or first-strike options of member states against a perceived threat.

Too little in this House has been made of peace. When will we mature to a point when we will find noncombative ways to settle our differences? When are we ready to use our higher selves to find ways to be nonviolent? To effect a regime change, we are threatening an invasion of a territorial foe to enhance our own security; but such an invasion will, in fact, degrade and diminish us.

This resolution offers only the incessant drumbeat of war. During the Vietnam War, it was often said that ever every time we kill a Viet Cong guerrilla, we create two more. Our invasion of Iraq will be watched by millions of Muslim men and women. Many governments around the world will become less cooperative in helping us track down terrorist operatives in their countries. Hundreds, if not thousands, of American men and women may perish in the streets of Baghdad. Our invasion will engender a bottomless well of bitterness and resentment towards the United States that will haunt us for decades to come. We now have a choice to maintain the moral high ground or sink to the depths of our tormentors. History will record this moment.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF CONFERENCE REPORT ON H.R. 3295, HELP AMERICA VOTE ACT OF 2002

Mr. NEY. Mr. Speaker, I ask unanimous consent that it be in order at any time to consider the conference report to accompany H.R. 3295; that all points of order against the conference report and against its consideration be waived; and that the conference report be considered as read when called up.

The SPEAKER pro tempore (Mr. LINDER). Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CANTOR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Mississippi (Mr. PICKERING).

Mr. PICKERING. Mr. Speaker, today I rise in support of the resolution before us.

The most grave responsibility any Member of Congress ever undertakes or considers is the vote to give the President of the United States the authority to use force if necessary.

On September 11, I drove past the Pentagon. I came in to my congressional office building, and I was informed that a plane had just struck the Pentagon. We left our offices, we went to a place, we tried to call our families, the communications systems were jammed. It took 3 hours until I could finally talk to my wife and I have five sons, and I began talking to each of my boys. I got to my second son, Ross, and he was crying, and he asked me, Daddy, are we safe?

In my lifetime, I never asked that question. I never asked that question, Are we safe, of my mother and daddy, of my father, because the generations that went before us gave us the blessings of liberty. They protected and defended our safety and security when a threat, a challenge emerged; when we were at risk, they answered the call. So many times in our Nation's history, we have had the strong voices that have given us warnings and called us to action, and so many times we did not listen. Winston Churchill called on the world to look and to act at the threat that Hitler posed, and the world did not listen; and because of that, more death and more destruction and world war came.

Today, we have an opportunity, backed by a clear and convincing threat, and backed by a leader of character, to hear the warnings, to know that nuclear capability is around the corner in the hands of a dictator, in the hands of a tyrant; and he could use it, and the death and the destruction that it could cause would be devastating. It would be overwhelming. But if we act now, we can stop it. We can prevent it. We can preempt it.

For those reasons, we have the moral obligation to act. I support the resolution, and I urge my colleagues to do the same.

Mr. SHERMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. BOYD).

Mr. BOYD. Mr. Speaker, I thank the gentleman for yielding me this time. I rise in support of H.J. Res. 114.

Mr. Speaker, I rise today in support of giving the President the authority to go to war with Iraq if it becomes necessary. I came to this difficult decision only after considering the threat to our national security that allowing Saddam Hussein to acquire long range missiles and nuclear weapons represents. While we should continue to seek a diplomatic solution, inaction is not an option. I feel that we must give the president the option of using force to remove this threat to our nation if diplomacy does not work.

No one in the United States wants another war with Iraq if it can be avoided. However, we know that Iraq has chemical and biological weapons, and is frantically working to develop nuclear weapons and a way to deliver them to the United States. This presents a serious threat to our national security and has the potential to destroy any chance for peace in the Middle East.

I believe our first step should be to develop a new, tougher weapons inspection resolution which would allow the U.N. inspectors unfettered access to all sights in Iraq, including the presidential palaces. If it is implemented successfully, the resolution would serve to disarm Iraq and would not require an armed confrontation. However, as President Bush has noted, the track record of Iraq's compliance with U.N. resolutions is abysmal, and this time we must give him the tools necessary to ensure that Iraq is truly disarmed.

In addition, I believe that before we use military force against Iraq that the administration should work to reassemble the coalition that was so successful during the Gulf War or like the one we developed to combat terrorism. While we could defeat Iraq without a coalition, policing and rebuilding Iraq will take years, and we will need allies to undertake this long and difficult task.

Those of us in this chamber who have worn the military uniform of this great country, understand the ravages and consequences of war, and do not take this vote lightly. All diplomatic options should be exhausted before the use of military force, but I believe the option of force must be available to the President as a last resort. Giving the authority to use force does not mean war, it only gives our commander-in-chief the maximum flexibility to protect our nation.

If it comes to war, many of our nation's sons and daughters will be put in harms way in order to protect our freedoms from Saddam Hussein's reign of terror and to keep him from acquiring nuclear weapons and the means of delivering them to the United States. I would never send our young men and women into combat unless it was absolutely necessary; and unless Iraq allows weapons inspectors into the country with unfettered access it will be necessary. Congress needs to give the President the authority he needs to protect America while encouraging the use of diplomacy and negotiations to try and arrive at a peaceful solution to this problem before turning to military force and this is why I will vote to give him the ability to eliminate this threat to American security.

Mr. SHERMAN. Mr. Speaker, I yield 6 minutes to the gentleman from Wisconsin (Mr. KIND), who has just arrived and is now available to convince the entire House of Representatives.

Mr. KIND. Mr. Speaker, I thank the gentleman for yielding me this time.

We have before us today one of the most important issues that a democracy must decide, whether to potentially go to war against another nation. It is a vote of conscience, and I believe reasonable people can disagree while looking at the same set of facts.

□ 1700

September 11, however, has changed the psyche of our Nation forever. We witnessed in horror what a few suicidal terrorists can accomplish in a low-tech operation, and now we shudder to imagine what suicidal terrorists can accomplish if they gain access to high-tech weapons of mass destruction.

I believe Saddam Hussein has biological and chemical weapons of mass destruction and that he is aggressively seeking to develop nuclear capability. But I also believe that he can be deterred because, as New York Times columnist Thomas Friedman puts it, Saddam loves his life more than he hates us.

It is, however, irrefutable that Saddam is in blatant violation of numerous U.N. resolutions that call for his disarmament of these weapons. Now the question becomes: How do we enforce these resolutions and accomplish the universal goal of disarming his weapons of mass destruction?

I have come to the conclusion that my two sons' futures and the future of all our children across the globe will be made a little safer if Saddam disarms, on his own or with our help; militarily, if necessary. I pray that it is done peacefully. I pray that he blinks.

But I have also concluded that we are dealing with a person who will not do the right thing unless, literally, he has a gun pointing at his head. Therefore, I support the resolution before us today.

But I also support the Spratt amendment, because how we accomplish our goals and with whom can make all the difference. We need to do this with the help and the support of the international community. I believe that it would be disastrous if we try to accomplish disarmament through unilateral military action.

The process we take will determine whether the rest of the world views us as a beacon or as a bully. We could remain a beacon of hope and optimism as the leader of the free world, promoting economic progress for all, respecting human rights, and ensuring democratic values such as freedom, political pluralism, religious tolerance, free speech, and respect for the rule of law; or we could be viewed as the superpower bully, imposing our military power whenever we want and wherever we want.

I give the President the benefit of the doubt when he now says that the use of military force will be a last resort, not a first option; that regime change can also mean attitude change of Saddam's; and that we will work hard to gather international support for disarming him before military action is taken.

That is what the administration should have been saying from day one, and it is now reflected in the new resolution before us today.

We need to do this the right way because U.N. engagement and international support is essential. I subscribe to the Thomas Friedman "crystal store" theory of U.S. foreign policy: If you break it, you own it. If we break Iraq, we will have the responsibility to rebuild it, just as we need to rebuild Afghanistan today. This is another vital reason why international support is critical for our action in Iraq, for what happens the day after.

We have never been good at nation building. We can accomplish military goals with little help, but our democracy does not have the experience or the sustainability for successful nation building. Therefore, we must approach the aftermath of any conflict in the region with the greatest degree of humility.

In addition, I am concerned that the administration is developing a blind spot. They are becoming overly intoxicated with the use of our military power. I am glad that we have the world's most powerful military; but this is not just a battle of military might, it is also a battle of values and ideas in the region. Our message to the outside world needs to be better than: You are either for us or you are against us; and if you are against us, we are going to kill you.

Instead, we need to send a message through words and deeds that we are interested in being good global citizens as well. Unfortunately, the unilateralist message this administration has sent from day one has now come back to haunt us in our attempt to secure support against Iraq: No to the global climate treaty, no to the biological treaty, no to the land mines treaty, no to the ABM treaty, no to an international crimes tribunal. If the rest of the world does not like it, that is just tough.

Instead, the world needs to hear from us that we are concerned about our global environment; we are concerned about their economic progress; we are concerned that 2 billion people must survive on just $1 a day; that 1.5 billion people, most of them children, cannot even get a clean glass of water; and that we want to help eradicate the scourge of AIDS.

Furthermore, the world needs to hear that we are truly interested in being honest brokers in finding a peaceful solution to the conflict in the Middle East. We need to recognize that the real battleground for peace throughout the world ultimately lies in education. We cannot just keep looking at the Arab world as a great gas station, indifferent to what happens inside their countries, because the gas now is leaking, and there are people starting to throw matches around.

If we have learned anything from September 11, it is that if we do not visit and help in a bad neighborhood, that bad neighborhood can come and visit us.

So for the sake of our young military troops, for the sake of the Iraqi people, and for the sake of our Nation as it is perceived by the rest of the world in the 21st century, I pray that we can accomplish Saddam's disarmament peacefully and, if not, then with international support.

But today we need to give the President this tool in his diplomatic arsenal, and also pray that he uses it wisely.

May God continue to bless these United States of America.

Mr. CANTOR. Mr. Speaker, I yield such time as he may consume to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Speaker, I rise in strong support of House Joint Resolution 114.

Mr. Speaker, I appreciate the opportunity to address the House today in support of the resolution before us. The decision to allow our military to use force against Iraq will be one of the most important votes we cast in this Congress, but the responsible choice to support the resolution is clear.

Over the past few weeks, we have labored over the proper scope and limitations for this significant measure. The compromise language has been drafted by key House and Senate leaders, and the President.

This resolution is in the best interest of America's national security. After a decade of deceit and deception, in which we have permitted a hostile dictator to repeatedly violate every agreement we have in good faith put before him, the use of force has become a necessary option. I think I speak for all members of this Congress when I say that I hope and pray that military force does not become required; however, we must prepare for all possible outcomes.

This resolution protects the Congress' ability to remain fully involved in future decisions and actions in Iraq. It provides the resources for the United States to act ion the best interest of our national security, while remaining committed to generating support for a multilateral coalition.

I support our President and commend his efforts to ensure that the citizen's of American do not live in fear of another tragic terrorist attack or of harm from rogue nations. With passage of this resolution, we will provide our Commander in Chief with the resources necessary to carry out his greatest task of all—providing for the continued safety of our citizens.

This resolution to authorizer military action against Iraq is one that has been seriously deliberated by the President, his policy makers, and this Congress.

Mr. CANTOR. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Mr. Speaker, "does this body have the will and resolve to commit this Nation to a future of peace, or will we leave for our children an inheritance of uncertainty and world instability? I do not want to see our Nation at war, and I pray that this crisis will be resolved peacefully. But I cannot in good conscience deny to the President of the United States every power and tool that he is entitled to in his efforts to resolve this crisis."

Mr. Speaker, I spoke these words right here in this very spot on the floor of the House of Representatives during my first speech as a Member of this body. One day later, on January 12, 1991, I cast my first vote, one to give the President the authority to use the Armed Forces in removing Saddam Hussein from Kuwait.

As a freshman Member of Congress, I could not ever have imagined that more than a decade later this body again would be faced with the challenge of dealing with Saddam Hussein's outlaw regime. But here we are in 2002, and Saddam is once again at the heart of our national security concerns.

The September 11 terrorist attacks have changed this Nation forever. Those tragic events increased our appreciation of our vulnerability to terrorist attacks, particularly from weapons of mass destruction. Saddam Hussein has actively developed a deadly biological and chemical weapons program, and he is actively pursuing the development of nuclear weapons. We cannot ignore this reality.

What has changed since the last time I voted to use our Armed Forces against Iraq has not been a new identification of our enemy, but the reassessment of our national security risk. The last 11 years have proven that attempting to contain Saddam through an ineffective weapons inspection regime does not alter his intentions nor force him to disarm. We must resolve to stand firm against Hussein's regime to guarantee security for Americans and the international community and justice for the Iraqi people.

I commend President Bush for his consistent consultation with the international community and with the congressional leadership on both sides as he develops a strategy for confronting this grave threat. The resolution before us today is a result of those consultations, and its passage is the United States government's opportunity to speak with one voice in its efforts to protect American interests at home and abroad.

We cannot expect the United Nations Security Council to take action to protect not only our interests but the interests of the international community without sending it a strong signal of our own resolve.

Looking back on the vote that this House cast to authorize force back in 1991, I can recall how somber my colleagues and I were as we contemplated the consequences of our actions. Today, I sense a similar mood in the House. Whenever Congress votes to authorize the use of the greatest Armed Forces in the world, it is destined to be one of the most serious and difficult votes ever cast by our Members. It is not a decision we relish, but it is one that we must make.

I pray and hope that the need to use military force to disarm Hussein's regime is not imminent. However, I stand ready to support such an action should the President deem it necessary.

The famous legislator and philosopher, Sir Edmond Burke from England, once said, "All that is needed for evil to exist is for good men to do nothing." I also recall the words of our great President Ronald Reagan when he said "If not now, when? If not us, who?"

It is time for us to act, it is time to support our President, and it is time to tell the rest of the world that the American people speak with just one voice.

Mr. CANTOR. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, today the Committee on Government Reform and Oversight unanimously approved the report of the Subcommittee on Criminal Justice, Drug Policy, and Human Resources titled "Federal Law Enforcement at the Borders and Ports of Entry," the most comprehensive report ever on our Nation's border security.

As chairman of this subcommittee, I would like to discuss some of the findings and how I feel they impact the debate on the resolution regarding Iraq that is before us.

There are 130 official ports of entry on the northern border at which it is legal to cross, whether by vehicle or foot. There are an additional over 300 unofficial crossing areas along the northern border, roads which are unmonitored and allow for individuals or groups to cross undetected.

Near Blaine, Washington, the only barrier is a narrow ditch easily stepped over and containing no water between two roads. In northwest North Dakota, it is even easier: It is flat for miles, and there is no ditch. As for the southern border, it is not exactly known as impenetrable. If we cannot stop tens of thousands of illegal immigrants, it does not breed a lot of confidence that we can stop all terrorists.

Our subcommittee has also begun to study port security. The challenges in our largest harbors, Long Beach and Los Angeles, are overwhelming. But by the time a nuclear device has slipped into L.A., we are already in deep trouble. Preclearance at point of origin, or at a point prior to coming into the U.S., is a probable method to reduce risk; but shipments could have chemical, biological, or nuclear weapons added en route at the receiving harbor or in transit to the next shipping point.

I have not even discussed airport security.

The point of my comments is this: If those opposed to this resolution somehow think we are going to stop terrorists from crossing our borders, that by itself is an incredibly high-risk strategy doomed to probable failure. As chemicals come across in different forms or nuclear weapons in parts, even with dramatically improved security we will not catch it all.

We need a multifaceted approach. We need a vastly improved intelligence collection and information-sharing. That is obvious to everyone. We are working to improve border security, port security, and airport security. But when we can see the chemical and biological facilities that have manufactured, can manufacture, and probably are manufacturing weapons of mass destruction intended for us, we need to act to destroy those facilities. When we get solid intelligence that someone intends to kill Americans and that they have the weapons to do so, we need to eliminate their capacity to do so.

If this leader and nation have already demonstrated, as Saddam Hussein has, a willingness to use such weapons of mass destruction to terrorize, like Iraq, alone in the world in demonstrating such willingness, then the need to act becomes urgent.

The American people do not want to burn while the politicians fiddle. We need to strengthen our borders. We need to monitor suspected terrorists and arrest those who become active. We need to take out the capacity of those bent on terrorizing our Nation.

If we implement all of these strategies, we have a chance of success. Partial, timid strategies against people bent upon killing Americans will not save lives. They will cost lives.

Mr. CANTOR. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Tennessee (Mr. JENKINS).

Mr. JENKINS. Mr. Speaker, I rise in support of this resolution.

The preamble of this resolution sets out in detailed chronological order the obligations that were imposed upon and accepted by the regime of Saddam Hussein as the result of a United Nations-sponsored ceasefire in 1991. They were clear obligations for Saddam Hussein to end his nuclear, biological, and chemical weapons programs and the means to deliver them and to end his support for international terrorism. I have heard no one deny the existence of these obligations. I have heard no credible denial of their breach.

Since our country has been attacked by terrorists and we continue to be threatened, at least in part, due to the breach of these obligations, it becomes the duty of the President and this Congress to chart a course of action that will protect our country and all its citizens. This resolution in my opinion charts such a course.

□ 1715

It provides that the President is authorized to use the Armed Forces as he deems necessary and appropriate to defend the national security of the United States, and, secondly, to enforce all relevant United Nations Security Council resolutions regarding Iraq.

In the final analysis, it boils down to a matter of judgment, whether we should vote "yes" or "no." My judgment is unless I vote "yes," I have failed to meet the obligation that I have to the more than 630,000 men, women and children who constitute the First Congressional District of Tennessee who are at risk today because of the failures of Saddam Hussein.

Is there any question in anybody's mind what the votes of any of those brave leaders who founded or helped perpetuate our Nation would be? Leaders like President Washington, President Lincoln, President Truman, or President Eisenhower, all who demonstrated during their time in office the good judgment to chart and the courage to complete a difficult course.

Can we not agree all of us in this Chamber that mankind would have been spared terrible agony and death if the judgment of Winston Churchill had been heard and heeded and adopted as a course of action in the 1930's?

The eyes of all our great leaders of the past and the eyes of all who have laid down their lives for our freedom are upon us today to see if we are proper stewards of the freedom and the opportunities that they afforded us with their sacrifices. This decision is vital, not only to the future of Americans, but to the future of the world community and to all who would throw off the yoke of tyranny and oppression and escape the horrors of chemical, bacteriological, and nuclear warfare.

If we are forced to action following this resolution, and it is everybody's hope that we will not be, it will be easier in proportion to our accord for those who represent us on the battlefield.

Mr. Speaker, I urge passage.

Mr. BROWN of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, over the last 6 weeks, the President has changed long-standing policy that prohibits a unilateral American first strike and has argued that his new policy should be imposed upon Iraq.

President Bush, to his credit, has decided to include Congress in this process and to seek international support for his positions, although he will not wait for such support to enforce his new policy.

The process is important, but it is not the most important aspect of his efforts. For me, the most important question in this entire matter is what happens after Saddam Hussein is dethroned. Forty years ago we amended our policies to state that America will no longer allow long-range nuclear weapons to be installed in our hemisphere, a precise policy that applied only to Cuba at that time.

Twenty years ago we amended our policy to state that America will not allow foreign leaders to enrich themselves by using their governmental structure to ship illegal drugs into America. Again, a precise policy which applied only to Panama at the time. Although the President has changed some of his arguments, there do seem to be three constant points that he uses.

Number one, Iraq has weapons of mass destruction. Number two, Iraq has supported terrorists even if the link to al Qaeda cannot be proven. Number three, Iraq has a history of aggression and brutality against its own people and against its neighbors. We all agree on all of those points. They are not subject to debate. Based on constant repetition of these factors, we must conclude these are the criteria America will use to implement our new unilateral strike policy. But is this reaction to Iraq's threat comparable to previous reactions to such threats? Is it clear and precise? Who else violates this new policy and, therefore, who would be next to have our new policy implemented against them?

Let us start with Iran. They have weapons of mass destruction. Iran has certainly supported terrorists and does so today. In fact, many people believe that this country, Iran, now is home to more al Qaeda members than any other country in the world. Finally, Iran has a history of aggression and brutality against its own people and its neighbors. When do we attack Iran?

What about China? They certainly have very powerful weapons of mass destruction, including nuclear weapons. They are the leading sellers of both weapons of mass destruction and, more importantly, the industrial means to produce such weapons around the world. They have ignored all calls to withdraw from Tibet or to treat Tibetans fairly. They brutalize the Falun Gong. They brutalize Christians. They threaten Taiwan and the peace in all of Asia. When do we attack China?

When do we attack the Sudan? When do we attack North Korea? When do we attack Russia itself?

Each of these countries meets all of the criteria the President is now using to say we should attack Iraq unilaterally.

Most Americans want Saddam Hussein gone. So do I. Most Americans want the United States to remain the strongest Nation in the world. So do I. But most Americans also want the United States of America to continue to be the world's moral leader while we accomplish both of these goals.

President Bush's unclear, imprecise new policy in support of a unilateral force first strike does not do it.

Not long ago another American stated, "Our purpose is peace. The United States intends no rashness and seeks no wider war. We seek the full and effective restoration of international agreements." This House reacted by voting, "The United States is prepared as the President determines to take all necessary steps including the use of armed forces."

I am sure some of you recognize these words from the 1963 Gulf of Tonkin Resolution that led to the Vietnam debacle. We all know the results of that resolution. We all know that this House had to repeal this resolution 6 years later.

This resolution before us tonight uses virtually the same language and grants the President comparable authority to the Gulf of Tonkin resolution. But I think our actions here today may actually prove to be more dangerous because we base them on a new policy of unilateral first strike. At a minimum, the President needs to refine his new policy before we implement. Until we do so, America must adhere to the long-standing policies in existence now. Those policies require international agreement on war and peace, and they require war to be the last alternative, not the first.

As of today, the United States, and we know it, has not exhausted our peaceful options; and by tomorrow when we vote on this, we will have set America and the world on a new course that has not yet been fully thought out or debated. We owe it to ourselves and to our children to go slow.

Others have cited history as well. Let me be clear, no one has forgotten September 11. Everyone wants to avoid another such incident. But no one has divine insight as how to best accomplish that goal. Let me ask those who have cited World War II and to remind them that when Iraq did try to expand its borders, the world did react. This Congress reacted, unlike Europe in the 1930's. The comparison is not valid.

If necessary there will be plenty of time to wage war against Iraq, and I may support it. But if an unnecessary war is waged, we risk forfeiting America's well-deserved reputation as humanity's best hope for a long-lasting worldwide peace.

Mr. Speaker, I urge this Congress to vote "no" on this resolution.

Mr. CANTOR. Mr. Speaker, I yield 4½ minutes to the distinguished gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise in strong support of the resolution and want to focus on what this debate is all about.

This debate is all about whether Saddam continued to build weapons of mass destruction after 1991 and would he use them. Well, I think everyone is in agreement in the second question, that he will use them because he has already done that. He has done it with the Kurds. He has done it with his own population a number of times.

Let us talk about whether or not he has weapons of mass destruction and how he got them. Mr. Speaker, I have given no less than 12 speeches on the floor of this House about the proliferation that occurred to Saddam Hussein in the 1990s.

Mr. Speaker, I insert two documents that I have inserted in the CONGRESSIONAL RECORD five times in the past.

Mr. Speaker, these are chronologies of weapons-related transfers of technology to Saddam by Chinese interests and Russian interests.

[Los Angeles Times Editorials, May 21, 1998]

INDIGNATION RINGS SHALLOW ON NUKE TESTS

(By Curt Weldon)

Escalating tensions between India and Pakistan should come as no surprise to the Clinton administration. Since the president took office, there have been dozens of reported transfers of sensitive military technology by Russia and China—in direct violation of numerous international arms control agreements—to a host of nations, including Pakistan and India.

Yet the Clinton administration has repeatedly chosen to turn a blind eye to this proliferation of missile, chemical-biological and nuclear technology, consistently refusing to impose sanctions on violators. And in those handful of instances where sanctions were imposed, they usually were either quickly waived by the administration or allowed to expire. Rather than condemn India for current tensions, the blame for the political powder keg that has emerged in Asia should be laid squarely at the feet of President Clinton. It is his administration's inaction and refusal to enforce arms control agreements that have allowed the fuse to grow so short.

In November 1992, the United States learned that China had transferred M–11 missiles to Pakistan. The Bush administration imposed sanctions for this violation but Clinton waived them a little more than 14 months later. Clearly, the sanctions did not have the desired effect: Reports during the first half of 1995 indicated that M–11 missiles, additional M–11 missile parts, as well as 5,000 ring magnets for Pakistani nuclear enrichment programs were transferred from China. Despite these clear violations, no sanctions were imposed. And it gets worse.

Not to be outdone by its sworn foe, India aggressively pursued similar technologies and obtained them, illicitly, from Russia. From 1991 to 1995, Russian entities transferred cryogenic liquid oxygen-hydrogen rocket engines and technology to India. While sanctions were imposed by President Bush in May 1992, the Clinton administration allowed them to expire after only two years. And in June 1993, evidence surfaced that additional Russian enterprises were involved in missile technology transfers to India. The administration imposed sanctions in June 1993, and then promptly waived them for a month, never following up on this issue.

Meanwhile, Pakistan continued to aggressively pursue technology transfers from China. In August 1996, the capability to manufacture M–11 missile or missile components was transferred from China to Pakistan. No sanctions. In November 1996, a special industrial furnace and high-tech diagnostic equipment were transferred from China to an unprotected Pakistani nuclear facility. No sanctions. Also during 1996, the director of the Central Intelligence Agency issued a report stating that China had provided a "tremendous variety" of technology and assistance for Pakistan's ballistic missile program and was the principal supplier of nuclear equipment for Pakistan's program. Again, the Clinton administration refused to impose sanctions.

Finally, in recent months we have learned that China may have been responsible for the transfer of technology for Pakistan's Ghauri medium-range ballistic missile. Flight tested on April 6, 1998, the Ghauri missile has been widely blamed as the impetus for India's decision to detonate five nuclear weapons in tests earlier this month. Again, no sanctions were imposed on China.

Retracing the history of these instances of proliferation, it is obvious that Pakistan and India have been locked in an arms race since the beginning of the decade. And the race has been given repeated jump-starts by China and Russia, a clear violation of a number of arms control agreements. Yet rather than enforce these arms control agreements, the Clinton administration has repeatedly acquiesced, fearing that the imposition of sanctions could either strain relations with China and Russia or potentially hurt U.S. commercial interests in those countries.

Now the Clinton administration has announced a get-tough policy, threatening to impose sanctions on India for testing its nuclear weapons. But what about Russia and China, the two nations that violated international arms agreements? Shouldn't they also be subject to U.S. sanctions for their role in this crisis? Sadly, the Clinton administration is likely to ignore the proliferators and impose sanctions solely on India. In the meantime, China and Russia will continue their proliferation of missile and nuclear technology to other nations, including rogue states such as Iran, Iraq and Syria.

CHRONOLOGY OF CHINESE WEAPONS-RELATED TRANSFERS

Date of transfer or report	Reported transfer by China	Possible violation	Administration's response
Nov. 1992	M–11 missiles or related equipment to Pakistan (The Administration did not officially confirm reports that M–11 missiles are in Pakistan.).	MTCR—Arms Export Control Act, Export Administration Act	Sanctions imposed on Aug. 24, 1993, for transfers of M–11 related equipment (not missiles); waived on Nov. 1, 1994.
Mid-1994 to mid-1995	Dozens or hundreds of missile guidance systems and computerized machine tools to Iran.	MTCR—Iran-Iraq Arms Nonproliferation Act, Arms Export Control Act, Export Administration Act.	No sanctions.
2nd quarter of 1995	Parts for the M–11 missile to Pakistan	MTCR—Arms Export Control Act, Export Administration Act	No sanctions.
Dec. 1994 to mid-1995	5,000 ring magnets for an unsafeguarded nuclear enrichment program in Pakistan.	NPT—Export-Import Bank Act, Nuclear Proliferation Prevention Act, Arms Export Control Act.	Considered sanctions under the Export-Import Bank Act; but announced on May 10, 1996, that no sanctions would be imposed.
July 1995	More than 30 M–11 missiles stored in crates at Sargodha Air Force Base in Pakistan.	MTCR—Arms Export Control Act, Export Administration Act	No sanctions.
Sept. 1995	Calutron (electromagnetic isotope separation system) for uranium enrichment to Iran.	NPT—Nuclear Proliferation Prevention Act, Export-Import Bank Act, Arms Export Control Act.	No sanctions.
1995–1997	C–802 anti-ship cruise missiles and C–801 air-launched cruise missiles to Iran.	Iran-Iraq Arms Nonproliferation Act	No sanctions.
before Feb. 1996	Dual-use chemical precursors and equipment to Iran's chemical weapon program.	Arms Export Control Act, Export Administration Act	Sanctions imposed on May 21, 1997.
summer 1996	400 tons of chemicals to Iran	Iran-Iraq Arms Nonproliferation Act,[1] Arms Export Control Act, Export Administration Act.	No sanctions.
Aug. 1996	Plant to manufacture M–11 missiles or missile components in Pakistan.	MTCR—Arms Export Control Act, Export Administration Act	No sanctions.
Aug. 1996	Gyroscopes, accelerometers, and test equipment for missile guidance to Iran.	MTCR—Iran-Iraq Arms Nonproliferation Act, Arms Export Control Act, Export Administration Act.	No sanctions.
Sept. 1996	Special industrial furnace and high-tech diagnostic equipment to unsafeguarded nuclear facilities in Pakistan.	NPT—Nuclear Proliferation Prevention Act, Export-Import Bank Act, Arms Export Control Act.	No sanctions.
July-Dec. 1996	Director of Central Intelligence (DCI) reported "tremendous variety" of technology and assistance for Pakistan's ballistic missile program.	MTCR—Arms Export Control Act, Export Administration Act	No sanctions.
July-Dec. 1996	DCI reported "tremendous variety" of assistance for Iran's ballistic missile program.	MTCR—Iran-Iraq Arms Nonproliferation Act, Arms Export Control Act, Export Administration Act.	No sanctions.
July-Dec. 1996	DCI reported principal supplies of nuclear equipment, material, and technology for Pakistan's nuclear weapon program.	NPT—Nuclear Proliferation Prevention Act, Export-Import Bank Act, Arms Export Administration Act.	No sanctions.
July-Dec. 1996	DCI reported key supplies of technology for large nuclear projects in Iran.	NPT—Iran-Iraq Arms Nonproliferation Act, Nuclear Proliferation Prevention Act, Export-Import Bank Act, Arms Export Administration Act.	No sanctions.
July-Dec. 1996	DCI reported "considerable" chemical weapon-related transfers of production equipment and technology to Iran.	Iran-Iraq Arms Nonproliferation Act, Arms Export Control Act, Export Administration Act.	No sanctions.
Jan. 1997	Dual-use biological items to Iran	BWC—Iran-Iraq Arms Nonproliferation Act, Arms Export Control Act, Export Administration Act.	No sanctions.
1997	Chemical precursors, production equipment, and production technology for Iran's chemical weapon program, including a plant for making glass-lined equipment.	Iran-Iraq Arms Nonproliferation Act, Arms Export Control Act, Export Administration Act.	No sanctions.
Sept. to Dec. 1997	China Great Wall Industry Corp. provided telemetry equipment used in flight-tests to Iran for its development of the Shahab-3 and Shahab-4 medium range ballistic missiles.	MTCR—Iran-Iraq Arms Nonproliferation Act, Arms Export Control Act, Export Administration Act.	No sanctions.

CHRONOLOGY OF CHINESE WEAPONS-RELATED TRANSFERS—Continued

Date of transfer or report	Reported transfer by China	Possible violation	Administration's response
Nov. 1997/April 1998	May have transferred technology for Pakistan's Ghauri medium-range ballistic missile that was flight-tested on April 6, 1998.	MTCR—Arms Export Control Act, Export Administration Act	No sanctions.

[1] Additional provisions on chemical, biological or nuclear weapons were not enacted until February 10, 1996.

BWC: Biological Weapons Convention; MTCR: Missile Technology Control Regime; and NPT: Nuclear Nonproliferation Treaty.

CHRONOLOGY OF SUSPECTED RUSSIAN WEAPONS-RELATED TRANSFERS

Date of transfer or report	Reported Russian transfers that may have violated a regime or law	Possibly applicable treaties, regimes, and/or U.S. laws	Administration's response
early 1990s	Russians sold drawings of a sarin plant, manufacturing procedures, and toxic agents to a Japanese terrorist group.	AECA sec. 81, EAA sec. 11C	No publicly known sanction.
1991	Transferred to China three RD–120 rocket engines and electronic equipment to improve accuracy of ballistic missiles.	MTCR, AECA sec. 73, EAA sec. 11B	No publicly known sanction.
1991–1995	Transferred Cryogenic liquid oxygen/hydrogen rocket engines and technology to India.	MTCR, AECA sec. 73, EAA sec. 11B	Sanctions against Russia and India under AECA and EAA imposed on May 6, 1992; expired after 2 years.
1992–1995	Russian transfers to Brazil of carbon-fiber technology for rocket motor cases for space launch program.	MTCR, AECA sec. 73, EAA sec. 11B	Sanctions reportedly secretly imposed and waived.
1992–1996	Russian armed forces delivered 24 Scud-B missiles and 8 launchers to Armenia.	MTCR, AECA sec. 73, EAA sec. 11B	No publicly known sanction.
June 1993	Additional Russian enterprises involved in missile technology transfers to India.	MTCR, AECA sec. 73, EAA sec. 11B	Sanctions imposed on June 16, 1993 and waived until July 15, 1993; no publicly known follow-up sanction.
1995-present	Construction of 1,000 megawatt nuclear reactor at Bushehr in Iran.	IIANPA sec. 1604 and 1605, FOAA, NPPA sec. 821, FAA sec. 620G	Refused to renew some civilian nuclear cooperation agreements; waived sanctions on aid.
Aug. 1995	Russian assistance to Iran to develop biological weapons	BWC, AECA sec. 81, EAA sec. 11C, IIANPA sec. 1604 and 1605, FAA sec. 620G and 620H.	No publicly known sanction.
Nov. 1995	Russian citizen transferred to unnamed country technology for making chemical weapons.	AECA sec. 81, EAA sec. 11C	Sanctions imposed on Nov. 17, 1995.
Dec. 1995	Russian gyroscopes from submarine launched ballistic missiles smuggled to Iraq through middlemen.	United Nations Sanctions, MTCR, AECA sec. 73, EAA sec. 11B, IIANPA sec. 1604 and 1605, FAA sec. 620G and 620H.	No publicly known sanction.
July-Dec. 1996	DCI reported Russia transferred to Iran "a variety" of items related to ballistic missiles.	MTCR, AECA sec. 73, EAA sec. 11B, FAA sec. 620G and 620H, IIANPA sec. 1604 and 1605, FOAA.	No publicly known sanction.
Nov. 1996	Israel reported Russian assistance to Syria to build a chemical weapon plant.	AECA sec. 81, EAA sec. 11C, FAA sec. 620G and 620H	No publicly known sanction.
1996–1997	Delivered 3 Kilo diesel-electric submarines to Iran	IIANPA sec. 1604 and 1605, FAA sec. 620G and 620H	No publicly known sanction.
Jan.-Feb. 1997	Russia transferred detailed instructions to Iran on production of the SS–4 medium-range missile and related parts.	MTCR, AECA sec. 73, EAA sec. 11B, FAA sec. 620G and 620H, IIANPA sec. 1604 and 1605, FOAA.	No publicly known sanction.
April 1997	Sale of S–300 anti-aircraft/anti-missile missile system to Iran to protect nuclear reactors at Bushehr and other strategic sites.	IIANPA sec. 1604 and 1605, FAA sec. 620G and 620H	No publicly known sanction.
Oct. 1997	Israeli intelligence reported Russian technology transfers for Iranian missiles developed with ranges between 1,300 and 10,000 km. Transfers include engines and guidance systems.	MTCR, AECA sec. 73, EAA sec. 11B, IIANPA sec. 1604 and 1605, FAA sec. 620G and 620H, FOAA.	No publicly known sanction.

Regimes:
BWC: Biological Weapons Convention; and MTCR: Missile Technology Control Regime.
U.S. Laws:
AECA: Arms Export Control Act; EAA: Export Administration Act; FAA: Foreign Assistance Act; FOAA: Foreign Operations Appropriations Act; IIANPA: Iran-Iraq Arms Non-Proliferation Act; and NPPA: Nuclear Proliferation Prevention Act.

Mr. Speaker, during the 1990s, I would remind my colleagues, 37 times we had evidence of China and Russia transferring weapon technology to Hussein. Every one of those should have required a response, should have required sanctions. The previous administration imposed sanctions a total of four times out of 37. In nine of those cases, it was chemical and biological weapon technology, the very technology today that we are worried about. We saw it being transferred, and we did nothing about it. In fact, only in two of those nine cases did we impose the required sanctions.

Mr. Speaker, we have evidence which I will submit in the RECORD also of Iraq's policy on their defense system and offensive capabilities, both a 1984 document and a 1987 document. In the document Saddam's military talks about the use of chemical and biological weapons.

In President Bush's speech this past week he said, "All that might be required of Saddam are a small container and one terrorist or Iraqi intelligence operative to deliver it."

Well, here it is. Mr. Speaker, this is a biological disbursing device. You can build it for less than $100. If I would not offend the Parliamentarian, I would turn it on and you would have a plume in this room. If you put that device in the Metro station subway in D.C. and activate it, based on a study by the Office of Technology Assessment, you would have 150,000 people in the D.C. commuter system killed by the dispersion of 4.5 kilograms of anthrax.

Just like we saw back in the 1990s when we had evidence that Russian entities transferred these devices, a Soviet accelerometer and a Soviet gyroscope, which the previous administration did nothing about, never imposed the required sanctions. Now we have to pay the price.

Does Saddam have chemical and biological weapons? Absolutely. Where did he get it from? He got it from those 37 transfers that we knew about that are now in the record that we did nothing about. Does he have a nuclear weapon like the one I have in front of me that General Alexander Lebed told my delegation in 1997 that they built? And the previous administration when it became public said, we deny the Russians ever built them.

The previous administration sided with the Russian Ministry of Foreign Affairs and said we have no reason to doubt them, even though two top Russian leaders said there was reason to believe 80 of these devices were missing.

The reason why we have to support the President is because the failures of our policies in the past decade have given Saddam Hussein biological and chemical weapon capability, nuclear weapon capability, missile capability, none of which should have occurred during the 1990s if we would have enforced the very arms control agreements that the other side now talks about. Thirty-seven times we had evidence, nine cases of chemical and biological weapons going from Russian and China to Iraq. And what did we do? We went like this and like that. And now we are faced with the consequence.

So what President Bush has said is we must stand up and we must show the world that we will not tolerate what went on in the 1990s. We will not sit back and allow 37 violations to go unchecked. We will not pretend we do not see them because we want to keep Yeltsen in power. We will not pretend we do not want to see them because we want to protect the financial interests of the PLA for our fund-raising purposes.

We should have done this during the 1990s, but we did not. I say to my colleagues, support this resolution. Give the President a unanimous voice that says to the U.N., we will act to finally do what we did not do in the 1990s, and that is enforce the requirements of the six resolutions that were passed back then.

And if my colleagues want to see what a biological disbursement weapon looks like, come see me. I will activate it for them in the cloak room.

Mr. CANTOR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Kentucky (Mr. LEWIS).

Mr. LEWIS of Kentucky. Mr. Speaker, I rise in support of the resolution.

As I have listened to this thorough debate and thought about the resolution we are about to vote on, it seems to me the Persian Gulf War has never really ended. In 1991 Saddam Hussein agreed to a conditional surrender. He has not met the conditions of his surrender. Iraq is still fighting, and we need to respond.

I have heard some of my colleagues say that use of force against Iraq would be a preemptive strike. I disagree. In 1991 Saddam Hussein said Iraq would comply with all United Nations resolutions. Iraq has not done so. Iraq agreed to eliminate nuclear, chemical and biological weapons programs. Today Iraq still has weapons of mass destruction and the will to use them.

Hussein agreed to allow unfettered weapons inspection in this country. However, Iraq has done everything possible to obstruct those inspections. Iraq pledged to keep planes out of the no-fly zone. In the past few years, his pilots have fired on U.S. and British troops 1,600 times. They have shot at us 460 times this year alone.

Iraq continues to be a threat to the area. In 1993 Iraqi troops moved toward the Kuwaiti border. Iraqi planes continued to fly in the no-fly zone. When Iraq banned U.N. inspections in 1998, President Clinton responded by launching missiles into the country.

□ 1730

Was that a preemptive strike? Along with the British, we dropped more than 600 bombs on Iraqi military targets. We have continued strikes against Iraq air defense installations and in response to Iraq shots at our planes in the no-fly zone.

Iraq must be held to the conditions it agreed to. This Congress authorized action to bring Iraq into compliance in 1998. We must do so again. Until Iraq complies with the terms of its conditional surrender, there has been no surrender. The Persian Gulf War is ongoing.

Further, U.S. action against Iraq is not a preemptive strike, but is our responsibility to bring Saddam Hussein's continued plotting of his international obligations to an end. President Bush wants the commitment that Congress stands with him in dealing with Iraq.

I urge that Congress stand with President Bush and support the resolution to finally end the Gulf War once and for all.

Mr. CANTOR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, I rise in support of the resolution, but we are engaged in debating the most difficult decision that Members of Congress are called upon to make.

Notwithstanding that, Saddam Hussein is uniquely evil, the only ruler in power today, and the first one since Hitler, to commit chemical genocide. I believe there is reason for the long term to remove him from power. This resolution is the first step.

My colleagues, remember that Israel absorbed the world's hatred and scorn for its attack on and destruction of Iraq's Osirak nuclear reactor in 1981. Today it is accepted by most arms control experts that had Israel not destroyed Osirak, Hussein's Iraq would have had nuclear power by 1990, when his forces pillaged their way through Kuwait.

We can see on this chart all the resolutions that were passed and that Saddam Hussein did not comply with. In fact, there were 12 immediately after the war; 35 after those 12. All together, 47 resolutions, of which he scarcely complied.

Now, let us take the resolution on this chart, which is 687, governing the cease-fire in 1991. It required that Iraq unconditionally accept the destruction, removal or rendering harmless its chemical and biological weapons. Within 15 days after the passage of the resolution, Iraq was to have provided the locations, the amounts, and types of those specified items. Over a decade later, we still have little information on that.

That is why I applaud President Bush for taking his case to the United Nations and placing the burden of action upon the organization to enforce its own resolutions passed on Iraq. We owe diplomacy and peaceful opportunities the due diligence necessary to rid this despotic regime of weapons of mass destruction and terrorism sponsorship. However, if the U.S. is not credible in alternatives for noncompliance, we will again be at the crossroads asking the same question: If not now, when?

Let us move forward with this resolution, develop a consensus, and work together with other nations to remove this evil dictator.

Mr. Speaker, our vote this week will be whether or not to authorize the President of the United States to use necessary and appropriate force to defend the national security of the United States against the continuing threat posed by Iraq. I would like to emphatically state that no decision weighs heavier on the mind of a President, or a Member of Congress, than the decision to send our men and women of the Armed Forces into action.

And I want to thank the President for working hard to make the case for possible—and I want my colleagues and the public to understand this—possible action against Iraq. The President stated last night that he hopes military action is not required. Iraq can avoid conflict by adhering to the security resolutions requiring "declaring and destroying all of its weapons of mass destruction, ending support for terrorism and ceasing the persecution of its civilian population. And, it must release or account for all gulf war personnel, including an American pilot, whose fate is still unknown."

To quote a recent article from the "Weekly Standard":

> There are, of course, many repugnant dictators in the world; a dozen or so in the Middle East alone. But Saddam Hussein is a figure of singular repugnance, and singular danger. To review: There is no dictator in power anywhere in the world who has, so far in his career, invaded two neighboring countries; fired ballistic missiles at the civilians of two other neighboring countries; tried to have assassinated an ex-president of the United States; harbored al-Qaida fugitives . . . attacked the soldiers of an enemy country with chemical weapons; conducted biological weapons experiments on human subjects; committee genocide; and there is, of course, the matter of the weaponized aflatoxin, a tool of mass murder and nothing else.

And lastly, my colleagues, President Bush is not alone in calling for a regime change. Congress made the need for regime change clear in 1998 with the passage of the Iraq Liberation Act. The congress specifically stated "It should be the policy of the United States to support efforts to remove the regime headed by Saddam Hussein from power in Iraq and to promote the emergence of a democratic government to replace that regime." In that legislation we also called upon the United Nations to establish an international criminal tribunal to prosecute Saddam Hussein and those in his regime for crimes against humanity and criminal violation of international law.

Mr. SHERMAN. Mr. Speaker, I yield myself 30 seconds to respond to the comments made by the gentleman from Pennsylvania (Mr. WELDON), who pointed out that our actions against Saddam during the 1990s were not as aggressive as they should have been.

I would point out that we were also not aggressive until September 11 of the prior year. Both administrations failed to grasp the importance of Saddam Hussein's weapons program until September 11 of last year.

I would also point out that when the prior administration did take military action against Saddam Hussein, it did not receive the level of support and unified support that it should have.

Mr. Speaker, I yield 5½ minutes to the extremely distinguished and thoughtful gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Speaker, I thank the gentleman for yielding me this time, and I join the gentleman from California and associate myself with his remarks. I would hope my friend, the gentleman from Pennsylvania (Mr. WELDON), who I believe is right on this issue, would refrain from politicizing. If there is blame to go around, there is certainly enough blame to go around here in this town today, yesterday, and even a few days ago.

After careful consideration, Mr. Speaker, I rise in support of this resolution. This vote is the most important and difficult one I have cast since coming to Congress some 6 years ago. I sincerely hope, as I imagine most of my colleagues do, that we will never have to cast another one like it.

I have listened carefully to the concerns and objections of many of my colleagues and constituents; and having never served in the Armed Forces, I have sought the counsel of those who have. I have reviewed the available intelligence about the threat from Iraq and weighed the risk of a potential conflict with Iraq in the context of our ongoing war on terrorism; and I have reached the conclusion, as many have, that the risk of inaction and delay far outweigh the risk of action.

Saddam Hussein has stockpiled chemical and biological weapons, as all have mentioned today, and is seeking the means to deliver them, if he does not already have the capacity now. He is developing missile delivery systems that could threaten American citizens, service members, and our own allies in the region. But in today's world, a sworn enemy of America does not need a missile to deliver weapons of mass destruction. All he needs is a suitcase, a small plane, a cargo ship, or a single suicidal terrorist.

The most compelling case for action, however, Mr. Speaker, is the nuclear threat. Let us be clear. We do not have the intelligence suggesting that an imminent nuclear threat is upon us. I would urge Secretary Rumsfeld to cease suggesting to Americans that there is some connection between Saddam Hussein and al Qaeda unless he has evidence to present to this Congress and to this public.

What we do have evidence of is that Saddam Hussein continues to desire to obtain a nuclear weapon. And we know that should he obtain the raw materials, which may be available to him in any number of ways, he could build a nuclear bomb in less than a year. The Iraqi regime's efforts to obtain nuclear weapons are coupled with the recklessness of the Iraqi dictator. We know that Saddam is capable of murder and untold cruelty. We know that Saddam is capable of aggression and also capable of miscalculating his adversary's response to his aggression.

Weapons of mass destruction in the hands of a cruel, reckless, and misguided dictator pose a clear and present danger to our security. I could not vote to authorize military action abroad if I did not believe that Saddam Hussein poses a growing threat to our security, one that will not recede just because we hope it goes away. That is why I support giving the President the authority to achieve our fundamental goal: disarming the Iraqi regime of all weapons of mass destruction.

As we consider this resolution, every Member should read it carefully so we do not mischaracterize what we are voting on here today. So what is this resolution for? First, it is a resolution stating Congress' support for our diplomatic efforts. This resolution must not be taken as an endorsement of unilateralism. It explicitly affirms Congress' support for the President's efforts to work through the U.N. Security Council to address Iraq's "delay, evasion and noncompliance." It calls for prompt and decisive action by the U.N. Security Council to enforce its own mandates on Iraq.

Second, this resolution is not a declaration of war. The resolution forces the President to affirm that all diplomatic and peaceful means have proven inadequate to protect our Nation's security. This gives the President the flexibility to dangle a stick with that carrot.

At the same time, it affirms that military action must be used only as a last resort. If it were up to some of us in this Congress, we would have done it another way, perhaps building international support before coming to Congress, but this President chose to do it another way.

Third, the resolution more defines our purpose in authorizing the use of force. The use of force has two clearly defined purposes: one, to defend the national security of the United States against the continuing threat posed by Iraq; and, two, to enforce all relevant United Nations Security Council resolutions regarding Iraq.

Unlike the White House's draft language, the resolution carefully limits its authorization to Iraq and only Iraq. And it is clear that our purpose is to protect against the threat to the United States. This resolution authorizes military action to disarm Iraq but does not mention regime change. The goal is Iraq's disarmament and full compliance with U.N. mandates.

I applaud Leader GEPHARDT and others, including Republicans and Democrats in the Senate, for helping to negotiate such language.

Although I strongly support the President in addressing the threat from Iraq, I believe the President must be more candid with us and the American people about the long-term commitment that is going to be needed in Iraq. It has been a year since we began the campaign in Afghanistan; and our efforts there politically, economically, and militarily are nowhere close to concluding. I visited Afghanistan in February and March and witnessed firsthand how fragile the peace is there. It will take years to forge stability in Afghanistan and years in Iraq.

War is the last outcome that I want, and the last outcome I believe the President wants; but when America's national security is at stake, the world must know that we are prepared to defend our Nation from tyrants and from terrorists. With that, I ask every Member of Congress to support this resolution supporting our President and supporting our Nation.

Mr. CANTOR. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding me this time, and I stand in support of Joint Resolution 114.

Mr. Speaker, the way I see it is this way. Let us just say, hypothetically, if it was August 2001, and I stood before this House and said, listen, there is a guy out there named Osama bin Laden who is associated with a terrorist group named al Qaeda, and this terrorist group has found safe haven inside the corrupt Taliban government of Afghanistan. And, my colleagues, I think we should do something about it because our intelligence is not necessarily absolute, but this guy is up to no good and we need to strike before he strikes us.

Now, if I had said that in August of 2001, people would have said, that war monger, that jingoistic guy from Georgia. What is he talking about? Yet before September 11, would it not have been nice if we could have had that speech and maybe prevented the tragedy of September 11?

Well, here we are. We know Saddam Hussein has violated treaty after treaty which happened after Desert Storm, starting with U.N. Resolution 660, U.N. Resolution 678, U.N. Resolution 686, 687, 688, 701, all of them. In fact, 16 total of very significant matters going back to Resolution 660. All of them violated, Mr. Speaker.

And then here is the situation with the weapons. We know that they have VX. It is a sticky, colorless liquid that interferes with nerve impulses of the body, causes convulsions and paralysis. U.N. inspectors estimate that Iraq has the means to make 200 tons of VX. Sarin Gas. And, of course, we know that it causes convulsions and paralysis as well. It was used in a small quantity in a Tokyo subway in 1995. Again, inspectors estimate that they have maybe as high as 800 tons of sarin gas. It goes on. Mustard gas, anthrax, and other great worrisome chemical and biological weapons in their stockpile. We also know that he is trying to become nuclear capable.

Finally comes the question of terrorism. We know that the State Department has designated Iraq as a state that sponsors international terrorism. We know that they shelter the Abu Nidal terrorist organization that has carried out terrorist attacks in 20 different countries and killed over 900 people.

We also know that Iraq shelters several prominent terrorist Palestinian organizations, including the Palestine Liberation Front, which is known for its attacks on Israel, including one on the Achille Lauro ship that killed the United States citizen, Leon Klinghoffer.

My colleagues, the time to act is now. If we could just think for a minute what the price of action is versus inaction. Had Todd Beamer and the other passengers of Flight 93 elected a course of inaction on September 11, the price would have been significantly different for particularly those of us in this building. This is a time that calls for action. And in the great words of Todd Beamer, let me close with this: "Let's roll."

It is time to do something. Let us pass this resolution.

Mr. Speaker, I rise in strong support of House Joint Resolution 114, Authorizing the Use of Military Force Against Iraq.

Here's how I view the situation: Suppose last August (2001), I gave a speech announcing, "There's a guy named Osama Bin Laden who is involved in a terrorist group called Al Quida, which has found a safe haven and training opportunities inside the corrupt Taliban government of Afghanistan. Bin Laden and his terrorist allies probably were involved in the 1993 bombing of the WTC, the bombing of the USS *Cole* in Yemen, and the bombing of our embassies in Africa. We know Bin Laden hates America and it is likely his group will attack our country in the future. Therefore we need to eliminate him. I suggest we start bombing his hideouts in Afghanistan immediately."

Had I given that speech, I would have been laughed at and called a warmonger, even though action against Al Quida in August 2001 could have saved thousands of lives in both America and Afghanistan. But this, in fact, is our situation today. Saddam Hussein hates us. He harbors terrorist groups, possesses chemical and biological weapons, and may become nuclear capable in a short period of time. America traditionally does not do preemptive strikes, but the events of September 11th change everything. Americans will not tolerate the threat of another horrific attack against the United States. Although no American desires a war, the best way to ensure Hassein's compliance with UN resolutions, and reduce the threat he poses to our national security, is for Congress to confirm the United State's willingness to use force if necessary.

Mr. Speaker, let me give you an account of all the reasons why I support this resolution.

The whole world knows that Saddam Hussein has repeatedly violated all 16 of the United Nations Security Council Resolutions (UNSCRs) for more than a decade. These violations should not be taken lightly and are worthy of review. The list is substantial:

UNSCR 678—NOVEMBER 29, 1990—VIOLATED

Iraq must comply fully with UNSCR 660 (regarding Iraq's illegal invasion of Kuwait) "and all subsequent relevant resolutions."

Authorizes U.N. Member States "to use all necessary means to uphold and implement resolution 660 and all subsequent relevant resolutions and to restore international peace and security in the area."

UNSCR 686—MARCH 2, 1991—VIOLATED

Iraq must release prisoners detained during the Gulf War.

Iraq must return Kuwaiti property seized during the Gulf War.

Iraq must accept liability under international law for damages from its illegal invasion of Kuwait.

UNSCR 687—APRIL 3, 1991—VIOLATED

Iraq must "unconditionally accept" the destruction, removal or rendering harmless "under international supervision" of all "chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support and manufacturing facilities."

Iraq must "unconditionally agree not to acquire or develop nuclear weapons or nuclear-weapons-usable material" or any research, development or manufacturing facilities.

Iraq must "unconditionally accept" the destruction, removal or rendering harmless "under international supervision" of all "ballistic missiles with a range greater than 150 KM and related major parts and repair and production facilities."

Iraq must not "use, develop, construct or acquire" any weapons of mass destruction.

Iraq must reaffirm its obligations under the Nuclear Non-Proliferation Treaty.

Creates the United Nations Special Commission (UNSCOM) to verify the elimination of Iraq's chemical and biological weapons programs and mandated that the International Atomic Energy Agency (IAEA) verify elimination of Iraq's nuclear weapons program.

Iraq must declare fully its weapons of mass destruction programs.

Iraq must not commit or support terrorism, or allow terrorist organizations to operate in Iraq.

Iraq must cooperate in accounting for the missing and dead Kuwaitis and others.

Iraq must return Kuwaiti property seized during the Gulf War.

UNSCR 688—APRIL 5, 1991—VIOLATED

"Condemns" repression of Iraqi civilian population, "the consequences of which threaten international peace and security."

Iraq must immediately end repression of its civilian population.

Iraq must allow immediate access to international humanitarian organizations to those in need of assistance.

UNSCR 707—AUGUST 15, 1991—VIOLATED

"Condemns" Iraq's "serious violation" of UNSCR 687.

"Further condemns" Iraq's noncompliance with IAEA and its obligations under the Nuclear Non-Proliferation Treaty.

Iraq must halt nuclear activities of all kinds until the Security Council deems Iraq in full compliance.

Iraq must make a full, final and complete disclosure of all aspects of its weapons of mass destruction and missile programs.

Iraq must allow U.N. and IAEA inspectors immediate, unconditional and unrestricted access.

Iraq must cease attempts to conceal or move weapons of mass destruction, and related materials and facilities.

Iraq must allow U.N. and IAEA inspectors to conduct inspection flights throughout Iraq.

Iraq must provide transportation, medical and logistical support for U.N. and IAEA inspectors.

UNSCR 715—OCTOBER 11, 1991—VIOLATED

Iraq must cooperate fully with U.N. and IAEA inspectors.

UNSCR 949—OCTOBER 15, 1994—VIOLATED

"Condemns" Iraq's recent military deployments toward Kuwait.

Iraq must not utilize its military or other forces in a hostile manner to threaten its neighbors or U.N. operations in Iraq.

Iraq must cooperate fully with U.N. weapons inspectors.

Iraq must not enhance its military capability in southern Iraq.

UNSCR 1051—MARCH 27 19961—VIOLATED

Iraq must report shipments of dual-use items related to weapons of mass destruction to the U.N. and IAEA.

Iraq must cooperate fully with U.N. and IAEA inspectors and allow immediate, unconditional and unrestricted access.

UNSCR 1060—JUNE 12, 1996—VIOLATED

"Deplores" Iraq's refusal to allow access to U.N. inspectors and Iraq's "clear violations" of previous U.N. resolutions.

Iraq must cooperate fully with U.N. weapons inspectors and allow immediate, unconditional and unrestricted access.

UNSCR 1115—JUNE 21, 1997—VIOLATED

"Condemns repeated refusal of Iraqi authorities to allow access" to U.N. inspectors, which constitutes a "clear and flagrant violation" of UNSCR 687, 707, 715, and 1060.

Iraq must cooperate fully with U.N. weapons inspectors and allow immediate, unconditional and unrestricted access.

Iraq must give immediate, unconditional and unrestricted access to Iraqi officials whom U.N. inspectors want to interview.

UNSCR 1134—OCTOBER 23, 1997—VIOLATED

"Condemns repeated refusal of Iraqi authorities to allow access" to U.N. inspectors, which constitutes a "flagrant violation" of UNSCR 687, 707, 715, and 1060.

Iraq must cooperate fully with U.N. weapons inspectors and allow immediate, unconditional and unrestricted access.

Iraq must give immediate, unconditional and unrestricted access to Iraqi officials whom U.N. inspectors want to interview.

UNSCR 1137—NOVEMBER 12, 1997—VIOLATED

"Condemns the continued violations by Iraq" of previous U.N. resolutions, including its "implicit threat to the safety of" aircraft operated by U.N. inspectors and its tampering with U.N. inspector monitoring equipment.

Reaffirms Iraq's responsibility to ensure the safety of U.N. inspectors.

Iraq must cooperate fully with U.N. weapons inspectors and allow immediate, unconditional unrestricted access.

UNSCR 1154—MARCH 2, 1998—VIOLATED

Iraq must cooperate fully with U.N. and IAEA weapons inspectors and allow immediate, unconditional and unrestricted access, and notes that any violation would have the "severest consequences for Iraq."

UNSCR 1194—SEPTEMBER 9, 1998—VIOLATED

"Condemns the decision by Iraq of 5 August 1998 to suspend cooperation" with U.N. and IAEA inspectors, which constitutes "a totally unacceptable contravention" of its obligations under UNSCR 687, 7078, 715, 1060, 1115, and 1154.

Iraq must cooperate fully with U.N. and IAEA weapons inspectors, and allow immediate, unconditional and unrestricted access.

UNSCR 1205—NOVEMBER 5, 1998—VIOLATED

"Condemns the decision by Iraq of 31 October 1998 to cease cooperation" with U.N. inspectors as "a flagrant violation" of UNSCR 687 and other resolutions.

Iraq must provide "immediate, complete and unconditional cooperation" with U.N. and IAEA inspectors.

UNSCR 1284—DECEMBER 17, 1998—VIOLATED

Created the United Nations Monitoring, Verification and Inspections Commission

(UNMOVIC) to replace previous weapon inspection team (UNSCOM).

Iraq must allow UNMOVIC "immediate, unconditional and unrestricted access" to Iraqi officials and facilities.

Iraq must fulfill its commitment to return Gulf War prisoners.

Calls on Iraq to distribute humanitarian goods and medical supplies to its people and address the needs of vulnerable Iraqis without discrimination.

While all these violations are extremely serious, there are 3 or 4 items that stand out in my mind.

His blatant refusal to allow U.N. weapons inspectors to oversee the destruction of his weapons of mass destruction.

His continued development of new biological and chemical weapons.

His continued pursuit of nuclear weapons, and

His support and harboring of terrorist organizations inside Iraq (including Al Quida).

Mr. Speaker, some people have said, "why are we doing this now?" They say there is no "clear and present danger." I don't know how much clearer it has to be. The facts of the matter are documented, and undoubtedly pose a clear and present danger to our national security.

Documented U.N. weapons inspector reports show that Iraq continually deceived the inspectors and never provided definitive proof that they destroyed their stockpiles of biological and chemical weapons.

Iraq has admitted producing the world's most dangerous biological and chemical weapons, but refuses to give proof that they destroyed them. Examples of Iraq's chemical weapons include VX, Sarin Gas and Mustard Gas.

VX, the most toxic of chemical weapons, is a sticky, colorless liquid that interferes with the body's nerve impulses, causing convulsions and paralysis of the lungs and blood vessels. Victims essentially chock to death. A dose of 10 milligrams on the skin is enough to kill.

Iraq acknowledged making nearly 4 tons of VX, and "claimed" they destroyed it, but they never provided any definitive proof. U.N. inspectors estimate that Iraq has the means to make more than 200 tons of VX, and Iraq continues to rebuild and expand dual-use facilities that it could quickly adapt to chemical weapons production.

Sarin gas, a nerve agent like VX, causes convulsions, paralysis and asphyxiation. Even a small scale Sarin Gas attack such as the one used in the Tokyo subway in 1995 can kill and injure vast numbers of people.

Iraq acknowledged making approximately 800 tons of Sarin gas and thousands of rockets, artillery shells and bombs containing Sarin, but they have not accounted for hundreds of these weapons. Iraq willingly used these weapons against Iran during the Iran-Iraq war, and it also used them against Kurdish Iraqi civilians.

Mustard Gas, a colorless liquid that evaporates into a gas and begins dissolving upon contact with the skin causes injuries similar to burns and damages the eyes and lungs.

Iraq acknowledged making thousands of tons of mustard gas and using the chemical during it's war with Iran, but told U.N. inspectors they "misplaced" 550 mustard filled artillery shells after the Gulf war.

Examples of Iraq's biological weapons include Anthrax, Botulimun Toxin and Aflatoxin

Anthrax, as we all know, is a potentially fatal bacterium that causes flu like symptoms before filling the lungs with fluid and causing death. Just a few tiny spores are enough to cause the deadly infection.

Iraq has acknowledged making 2,200 gallons of anthrax spores—enough to kill millions, but U.N. inspectors determined that Iraq could have made three times as much. Inspectors say that at least 16 missile warheads filled with Anthrax are missing, and Iraq is working to produce the deadlier powdered form of Anthrax that could be sprayed from aircraft, put into missile warheads, or given to terrorists.

Botulimun Toxin, is a poison that is one of the deadliest substances known to man. Even in small doses it causes gastrointestinal infection and can quickly advance to paralysis and death. A mere 70 billionths of a gram is enough to kill if inhaled.

Iraq acknowledged making 2,200 gallons of Botulimun Toxin, most of which was put into missile warheads and other munitions. At least five missile warheads with Botulimun Toxin are missing according to U.N. inspectors.

Aflatoxin, is a poison that can cause swelling of the abdomen, lungs and brain resulting in convulsion, coma and death.

Iraq acknowledged making more than 520 gallons of Aflaxtoxin and putting it into missile warheads and bombs. At least four Aflatoxin—filled missile warheads are missing according to U.N. inspectors.

It is also a fact (and a clear and present danger) that Saddam Hussein continues his work to develop a nuclear weapon.

We know he had an advanced nuclear weapons development program before the Gulf War, and the independent Institute for Strategic Studies concluded that Saddam Hussein could build a nuclear bomb within months if he were able to obtain fissile material.

We now know that Iraq has embarked on a worldwide hunt for materials to make an atomic bomb. In the last 14 months, Iraq has sought to buy thousands of specially designed aluminum tubes, which are believed to be intended for use as components of centrifuges to enrich uranium.

As if weapons of mass destruction in the hands of a ruthless dictator were not enough, we now know that Saddam Hussein harbors terrorist organizations within Iraq.

Iraq is one of seven countries that have been designated by the State Department as "state sponsors of international terrorism." UNSUR 687 prohibits Saddam Hussein from committing or supporting terrorism, or allowing terrorist organizations to operate in Iraq. Saddam continues to violate these UNSUR provisions.

Iraq shelters the Abu Nidal Terrorist Organization that has carried out terrorist attacks in twenty countries, killing or injuring almost 900 people. These terrorists have offices in Baghdad and received training, logistical assistance, and financial aid from the government of Iraq.

Iraq also shelters several prominent Palestinian terrorist organizations in Baghdad, including the Palestine Liberation Front (PLF), which is known for attacks against Israel and is headed by Abu Abbas, who carried out the 1985 hijacking of the cruise ship *Achille Lauro* and murdered U.S. citizen Leo Klinghoffer.

Hussein increased from $10,000 to $25,000 the money he offers to families of Palestinian suicide/homicide bombers who blow themselves up with belt explosives.

Several former Iraqi military officers have described a highly secret terrorist training facility in Iraq known as Salman Pak, where both Iraqis and non-Iraqi Arabs receive training on hijacking planes and trains, planting explosives in cities, sabotage, and assassinations.

And in 1993, the Iraqi Intelligence Service (IIS) attempted to assassinate former U.S. President George Bush and the Emir of Kuwait. Kuwaiti authorities thwarted the terrorist plot and arrested 17 suspects, led by two Iraqi nationals.

Mr. Speaker, I don't know how much clearer it needs to be. The American people will not understand if we ignore these facts, sit back, and wait for the unacceptable possibility of Saddam Hussein providing a weapon of mass destruction to a terrorist group for use against the United States.

Saddam Hussein was the only world leader to fully condone the September 11 attacks on America. His media even promised the American people that if their government did not change its policies toward Iraq, it would suffer even more devastating blows. He has even endorsed and encouraged acts of terrorism against America.

The case is clear. We know Saddam Hussein has weapons of mass destruction, we know he harbors terrorists including al-Qaida, and we know he hates America, so the case against Saddam really isn't the issue. The question is what are we going to do about it.

Cearly, we must authorize the use of military force against Iraq in case it becomes necessary. The President has said that military action is a last resort, and our bipartisan resolution calls for the same tact, but Saddam Hussein must know that America is prepared to use force if he continues to defy UN Security Council resolutions and refuses to disarm.

As the President said, approving this resolution does not mean that military action is imminent or unavoidable. The resolution will tell the United Nations, and all nations, that America speaks with one voice and is determined to make the demands of the civilized world mean something. Congress, will be sending a message to Saddam Hussein that his only choice is full compliance—and the time remaining for that choice is limited.

Mr. Speaker, the price of taking action against this evil dictator may be high, but history has shown that the price of inaction is even higher. Had Todd Beamer and the passengers of flight 93 elected a course of inaction on September 11th, the price may have been far higher for those of us in this building. There comes a time when we must take action. A time when we must risk lives in order to save lives. This resolution authorizes action, if necessary, to protect America.

Mr. Speaker, I am confident that I speak for every member of this House when I say I hope we can avoid war & that Saddam Hussein will allow unfettered access to all sites and willingly disarm. But if he does not, then the Congress will have done its duty and given the President the authority he needs to defend our great nation. The authority to take action if Iraq continues to delay, deceive and deny. If Hussein complies, our resolution will have worked, but if he does not, then in the words of that brave American Todd Beamer, "Let's Roll!"

□ 1745

Mr. CANTOR. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Mr. Speaker, in this body our first and highest responsibility is protecting our homeland, and that responsibility may from time to time require us to embrace unpopular policies and justify them to our constituents when we recognize a transcendent danger to our country.

Mr. Speaker, I realize my vote for this resolution authorizes a military action that may put at risk thousands of American lives in Iraq. However, the tragedies of September 11 have vividly highlighted the danger that inaction may risk tens, if not hundreds of thousands of innocent American lives here at home from terrorism.

This bipartisan resolution was drafted in recognition of this fact and, therefore, presents our President with the initiative in continuing the global war against terrorism.

Mr. Speaker, we know that Saddam Hussein, like Osama bin Laden, hates America and has called for the murder of Americans everywhere. We know that Saddam Hussein even in the face of crippling economic sanctions has found the resources to reconstruct his chemical and biological weapons programs, even at great painful expense to his people.

We know that Saddam Hussein is directing an aggressive program to procure components necessary for building nuclear devices and that he actively supports terror in other nations, including Israel. So the question before us is, do we wait for Saddam Hussein to become a greater threat, or do we address that threat now?

CIA Director Tenet has told us in recent days that al Qaeda has sought cooperation from Iraq. I cannot stand here and trust that Saddam Hussein will not supply al Qaeda and other terrorist networks with weapons that could be used to massacre more Americans. On the contrary, we have every reason to believe that the Iraqi dictator would share his growing arsenal of terror with agents willing to strike at the United States.

With this in mind, and given other revelations from captured members of al Qaeda, it is clear that time is not on our side. That is why I support this balanced and nuanced resolution providing our President with the powerful backing of Congress in an effort to disarm Iraq. It is my sincere hope that this resolution will stimulate intrusive and decisive action by the United Nations and at the same time lead to a full disarmament of Saddam Hussein. But if it does not, the United States of America must stand willing to act in order to prevent more events like those of September 11.

Mr. BROWN of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. THOMPSON), a member of the Committee on Armed Services and a combat veteran from Vietnam.

Mr. THOMPSON of California. Mr. Speaker, the vote we are debating today will be the most significant vote that we cast during this Congress and perhaps during our entire careers. I say that for two reasons.

First, this vote may very well send our American soldiers into what has been called on this floor "harm's way." Make no mistake about it, it is important to note that is a very nice and sanitary way of saying that our soldiers will be going to war. They will face combat conditions that our forces have not seen during most of our lifetimes. According to the military experts and the generals I have heard from, the casualty rates may be high.

If, as some expect, Saddam Hussein uses chemical and biological weapons to defend Baghdad, the results will be horrifying.

Mr. Speaker, I have been in combat; and I am not willing to vote to send another soldier to war without clear and convincing evidence that America or our allies are in immediate danger and not without the backup and support of allied forces.

The President delivered a good speech on Monday evening. I agree with him that Saddam Hussein is a ruthless dictator and that he is trying to build an arsenal of weapons of mass destruction. However, he showed us no link between Iraq and September 11, nor did he produce any evidence that even suggests that America or our allies are in immediate danger.

This morning we learned from the CIA that Saddam Hussein is unlikely to use chemical or biological weapons if unprovoked by a U.S. military campaign. Most alarming about that news today is the report concludes by saying that, if we attack, the likelihood of him using weapons of mass destruction to respond would be "pretty high."

Second, this vote is a radical departure from the foreign policy doctrine that has served us honorably for the past 200 years. This radical departure to an unprovoked, preemptive first-strike policy creates what I believe will be a grave new world. This new foreign policy doctrine will set an international precedent that tells the world, if they think their neighbor is a threat, attack them.

This, I believe, is precisely the wrong message for the greatest Nation, the only true superpower Nation and the most wonderful democracy our planet has known, to send to Russia and Chechnya, to India and Pakistan, to China and Taiwan, and to whomever else is listening. And one thing we know, everyone is listening.

For these two reasons, I cannot support a resolution that does not first require that all diplomatic options be exhausted, that we work with the United Nations Security Council, and that we proceed to disarm Iraq with a broad base of our allies.

I appreciate the President's new position that war is the last option and that he will lead a coalition in our effort in Iraq. But, unfortunately, that is not what this resolution says. This resolution is weak at best on exhausting the diplomatic options and relinquishes to the executive branch Congress' constitutional charge to declare war. I believe that is wrong.

We must address the potential danger presented by Saddam Hussein. The first step should be the return of the U.N. weapons inspectors; and they must have unrestricted and unfettered access to every square inch of Iraq, including the many presidential palaces. We must then work with the Security Council to ensure the strictest standards, protocols, and modalities are in place to make certain that Hussein cannot weasel out of any of these inspections.

Finally, we need to amass the allied support necessary to carry out the inspections in a manner that will guarantee Iraq is completely stripped of all weapons of mass destruction and left unable to pursue new weapons of this type.

We had great success in building a coalition to fight terrorism, and we should do no less when it comes to disarming Saddam Hussein. We must respect international order and international law in our efforts to make this world a safer place.

With our military might, we can easily gain superiority over anyone in the world. However, it takes more than military might to prevail in a way that provides hope and prosperity, two ingredients that make it less likely for terrorism to breed and impossible for repressive dictators to rule.

Mr. Speaker, if it is the decision of this Congress to go to war, I will support our troops 1,000 percent. However, I saw Baghdad and I know fighting a war there will be ugly and casualties may be extremely high. Let us exhaust the diplomatic options, return the weapons inspectors, continue to build an international coalition so Saddam Hussein sees the world, not just the U.S. at the end of the gun. By doing this, we can avoid sending our soldiers into combat in Baghdad unless it is absolutely the last option.

Mr. CANTOR. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. YOUNG), chairman of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Speaker, I rise in support of the resolution.

Mr. Speaker, voting to authorize sending young Americans to war is a serious decision. Members will make that decision in this Chamber tomorrow.

Yesterday and today we have heard very impressive debate, most of which favors the resolution; some did not. We have heard over and over again the threat that Saddam Hussein and his regime is not only to the United States and our interests but to many other parts of the world.

I am not going to restate those issues that have already been stated yesterday and today, but as one of the many cosponsors of House Joint Resolution 114, I do rise in support of this resolution to authorize the use of United States military force against Saddam Hussein's regime.

Much like the first hours and days after September 11, the world, our friends and our foes, wondered how would the United States respond to that attack on our Nation? They wanted to know if we as a Nation would follow through with a serious response to bring the terrorists to justice. They wanted to see if we would respond with a token strike, as we did following the attack on U.S. troops in Somalia, at Khobar Towers in Saudi Arabia, against our embassies in Kenya and Tanzania, and in the attack on our sailors aboard the USS *Cole*. The world watched. Our credibility was at stake. Before joining us, many of our friends were waiting to see if we were serious this time. Our enemies were not concerned because they believed they could absorb another token response, as they had in past years.

But the message became clear just 3 days after September 11. A response was certain when Congress, with a strong bipartisan vote, stood and unanimously approved a $40 billion emergency supplemental appropriations bill to allow the President of the United States to lead not only a recovery effort in those parts of our country that were attacked in New York City and at the Pentagon but to pursue the war against the Taliban and against al Qaeda and against any terrorist, wherever they might be hiding. It was to fund the war against terrorism, wherever they were waiting to attack again.

When Congress spoke, almost immediately, with unity and with force, our friends knew we were serious this time, and it was with confidence that they joined our cause. And our enemies knew right away that America was serious; and when President Bush said what it was we were going to do, they knew that we had the resolve to fight the battle, no matter how long it would take or where it would lead.

Today, we are in a similar situation. There is no question about the threat to our Nation from Saddam Hussein's regime, to our allies, and to world peace. As has been pointed out here many times today, he has defied one United Nations resolution after another for more than a decade.

Remember, he lost the war. He lost the war in Desert Storm, and he signed up to certain rules and regulations which go along with losing a war, and he has ignored all of them. He has developed and stockpiled chemical and biological weapons. We know that he is seeking nuclear weapons. We know that he has aided and abetted terrorists who have struck international targets around the world. But now it is time for Congress to speak again with a firm and resolute voice, just as we did on September 14, 3 days after the cowardly attacks on innocent Americans.

Many of our friends are watching and they are waiting today, as they were last year. Are they going to join with us, or not? Is this a serious effort, or not? Is Congress speaking for the American people to support the President of the United States as he seeks to protect this Nation and our interests?

President Bush needs Congress to act to convince our allies, our friends, and our enemies that we are serious. They need to know that our Nation is resolved to continue this battle against terrorism into Iraq if necessary.

Many have said that Saddam Hussein is not a real threat to the United States because he is so far away, and he is far away. It is a long distance.

□ 1800

Many have said that the President's speech Monday night did not address a lot of new subjects. He compiled and organized very well, many of the existing arguments. But he did say something new for those who paid really close attention. The President discussed for the first time publicly information that many of our colleagues who work with intelligence issues have been aware of for quite some time. That involves Saddam Hussein's aggressive efforts to develop and use unmanned aerial vehicles, UAVs, as a delivery method for his weapons of mass destruction. The SCUDs did not have a very long range. The SCUDs were not very accurate. I can attest to that because one night visiting with General Schwarzkopf during Desert Storm in Saudi Arabia, a SCUD was launched near our site, and it landed not too far away; but it was far enough away that it did not hurt anybody. So we know that the SCUDs were not that accurate. UAVs are a different story. UAVs have a much longer range; UAVs are able to be piloted and trained specifically on a target. UAVs are dangerous. And if my colleagues do not think UAVs have a long range, we ourselves have flown a UAV from the United States to Australia and back. Saddam is aggressively seeking ability to use those long-range UAVs to put so many more targets in his sights. We cannot let that happen.

Mr. Speaker, with this resolution Congress reaffirms our support for the international war against terrorism. It continues to be international in nature, as this resolution specifically expresses support for the President's efforts to strictly enforce, through the United Nations Security Council, and I will repeat that, through the United Nations Security Council, all relevant Security Council resolutions applicable to Iraq. It also expresses support for the President's efforts to obtain prompt decisive action by the Security Council to ensure that Iraq abandons its strategy of delay, evasion, and noncompliance with those resolutions.

One of the lessons of September 11 is that terrorism knows no boundaries. Its victims are men and women, children and adults. It can occur here; it can occur abroad. It can occur anywhere. Terrorists strike without warning. If we are to fight and win the war on terrorism, we must remain united, united in the Congress, united with the President of the United States, and united with the American people. President Bush told the Nation last September that victory would not come quickly or easily. It would be a battle unlike any our Nation has ever waged. Now is not the time to send a mixed message to our friends and allies. Now is not the time to show our enemies any weakness in our resolve.

Mr. Speaker, as we prepare to record our votes on this important resolution, we should remember the victims of terrorism, September 11 and other examples, and our promise last year to seek out and destroy the roots of terrorism whether it be its sponsors, planners, or the perpetrators of these cowardly missions. We should remember the unity of our Nation and the world. The battle continues, the stakes remain high, and the cause remains just. America must again speak one more time with unity, with force, and with clarity. This resolution does that.

Mr. CANTOR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. CAMP).

Mr. CAMP. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, the Iraqi regime has posed a threat to peace, to the United States, and to the world for too long. In order to protect America against this very real and growing threat, I support giving the President the authority to use force, to use military action if necessary against Iraq. Without a doubt this is one of the most difficult decisions I have had to make as a Member of Congress. But after briefings from the administration, testimony from congressional hearings, I am convinced the threat to our Nation's safety is real. After repeatedly failing to comply with U.N. inspections, Saddam Hussein's efforts to build weapons of mass destruction, biological, chemical and nuclear, have gone unchecked for far too long. The world cannot allow him to continue down this deadly path. Saddam Hussein must comply with U.N. inspections; but if not, America and our coalition must be prepared to meet this threat.

After the Gulf War, in compliance with U.N. resolutions, a no-fly zone was implemented. The purpose was to protect Iraqi Kurds and Shiite Muslims from Saddam Hussein's aggressions and to conduct aerial surveillance. But since its inception, pilots patrolling the zones have come under repeated attack from Iraqi missiles and artillery.

The connection between Iraq's weapons of mass destruction and its longstanding ties to terrorist networks such as al Qaeda has significantly altered the U.S. security environment. The two linked together pose a clear and present danger to our country. Consider that Saddam Hussein could supply the terrorists who have sleeper cells in our land with weapons of mass destruction to attack the U.S. while concealing his responsibility for the action. It is a very real and growing threat. The Iraqi regime has been building a case against itself for more than 10 years, and if we fail to heed the warning signs and allow them to continue down this path, the results could be devastating, but they would not be a surprise.

After September 11, we are on notice. If Saddam Hussein refuses to comply with U.N. resolutions and diplomatic efforts, we have only one choice in order to ensure the security of our Nation and the safety our citizens.

Mr. ISSA. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. PITTS), a member of the Committee on International Relations.

Mr. PITTS. Mr. Speaker, years ago when I was a world away fighting to contain the scourge of communism in Southeast Asia, a movement grew up here at home to protest what we were doing. Late in the war, one of the anthems of that movement was a song by John Lennon called "Give Peace a Chance." We are not here to debate the Vietnam War, but we are discussing war and peace. Peace is a very precious thing, and we should defend it and even fight for it. And we have given peace a chance for 11 long years.

We gave peace a chance through diplomacy, but Saddam Hussein has broken every agreement that came out of that diplomacy. We gave peace a chance through weapons inspections, but Saddam Hussein orchestrated an elaborate shell game to thwart that effort. We gave peace a chance through sanctions, but Saddam Hussein used those sanctions as an excuse to starve his own people. We gave peace a chance by establishing no-fly zones to prevent Saddam Hussein from killing more of his own citizens, but he shoots at our planes every day. We gave peace a chance by allowing him to sell some oil to alleviate the suffering of the Iraqi people, but instead he used the revenue to build more weapons of mass destruction.

Mr. Speaker, we have given peace a chance for more than a decade, and it has not worked. Even now our President is actively working to achieve a diplomatic solution by getting the United Nations to pass a resolution with teeth; and while the United Nations has an important role to play in this, no American President and no American Congress can shirk our responsibility to protect the American people. If the U.N. will not act, we must.

If we go down to the other end of the national Mall, we will see on the Korean War Memorial the words "Freedom is not free." Peace is not free either. What some of those who are protesting the President's request for military authority do not understand is that our freedoms were not won with poster paint. Antiwar protestors do not win our freedoms or our peace. The freedom to live in peace was won by men and women who gave their lives on the battlefields of history.

As the world's only remaining superpower, we now even have an even greater responsibility to stand up to prevent mass murder before it happens. No world organization can override the President's duty and our duty to protect the American people. If Mohammed Atta had had a nuclear weapon, he would have used that weapon in New York and not an airplane. By all accounts Saddam Hussein is perhaps a year away from having nuclear weapons. He already has chemical and biological weapons capable of killing millions.

When police detectives investigate a crime, they look for three things: means, motive, and opportunity. Clearly Saddam Hussein has the means, he has the weapons, and he has the motive. He hates America, he hates the Kurds, he hates Kuwaitis, he hates Iran, he hates Israel, he hates anyone who gets in his way. And we know that when he hates people, he kills them, sometimes by the thousand. He has shown the propensity to use his weapons and so he has the means and the motive. But does he have the opportunity? Saddam Hussein could easily pass a suitcase with a nuclear weapon off to an al Qaeda terrorist with a one-way ticket to New York. No fingerprints, no evidence, and several million dead Americans.

Mr. Speaker, this is a very real danger. Before September 11 we might have thought this could never happen. Today we are too wise to doubt it, and it is a danger that grows every day. Every day Saddam Hussein grows stronger. Every day Saddam Hussein builds more chemical and biological weapons. Every day Saddam Hussein comes a little closer to achieving nuclear weapons capability. Every day that passes, America grows more vulnerable to a Saddam-sponsored terrorist attack.

In this case inaction is more costly than action. The price of delay is a greater risk. The price of inaction could be catastrophic, even worse than September 11. We must disarm Saddam Hussein.

Mr. Speaker, we are not advocating war. We are calling for peace, but peace might only be possible if we are willing to fight for it, and the President needs that authority to do that. I urge support for the resolution.

Mr. SCHIFF. Mr. Speaker, I ask unanimous consent to yield 15 minutes to the gentleman from Ohio (Mr. BROWN) and that he be able to control and yield that time to others.

The SPEAKER pro tempore (Mr. GILCHREST). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SCHIFF. Mr. Speaker, I yield 6 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, this is a very difficult vote for me. If there is ever one vote that should be made in the national interest, a vote that transcends politics and where Members must vote their conscience, it is the one that is before us tonight.

I have received thousands of letters against the resolution, and just this past weekend over 15,000 gathered in Central Park in my district to protest. But what is at stake are not our political careers or an election, but the future of our country and our way of life. I believe there is a more compelling case now against Saddam than 12 years ago. Then the threat was of a geopolitical nature, a move to change the map of the Middle East. But I never saw it as a direct threat to our Nation.

The main question before us today is whether Saddam is a threat to the United States and our allies. No one doubts that he has chemical and biological weapons. No one doubts that he is trying to stockpile weapons of mass destruction. No one doubts that he has thwarted inspections in the past and has developed UAVs. No one doubts that he has consistently worked to develop nuclear power. No one doubts that he has twice invaded his neighbors. The question is, Will he use these weapons against the United States and our allies, and can we deter him without using force?

As Lincoln said in the beginning days of the Civil War: "The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise to the occasion. As our case is new, so must we think anew and act anew."

I would be for deterrence if I thought it would work. We are in a new era and no longer in the Cold War. Deterrence depends on the victim knowing from where the aggression will come and the aggressor knowing the victim will know who has attacked him. It has been a year since the anthrax attacks in our Nation, and we still do not know where the attacks came from. Saddam has likely taken notice that we were unable to tie evidence of attacks to their source, and if he believes he can give weapons of mass destruction to terrorists to use against us without our knowing he has done so, our ability to deter him from such a course of action will be greatly diminished.

□ 1615

Opponents of our war talk about the unintended consequences of war. They do not talk about the unwanted consequences of not disarming Saddam. In today's environment, it is very possible he could supply weapons to terrorists who will attack the United States or our allies around the world.

I am pleased the resolution has been improved with congressional input. We should proceed carefully, step by step, and use the United Nations and the international community to disarm Saddam so that we are safer in the United States and New York and in our respective States and clear around the world.

Just today I spoke with British Permanent Representative to the United Nations, Sir Jeremy Greenstock, on this issue. Ambassador Greenstock told me that the members of the Security Council, both permanent and otherwise, will approve a robust inspection resolution; and if this fails to disarm Iraq, he expects a second resolution that may authorize force.

I come from a family of veterans. Most recently, my brother served in the 101st Airborne in Vietnam. It happens to be his birthday today. He told me that he parachuted many times behind enemy lines to acquire enemy intelligence. He saw many of his friends machine gunned down. This searing experience left deep wounds. So it is my deepest hope that we will not have to send our men and young women into harm's way.

So it is with a very heavy heart, but a clear resolve, that I will be voting to support this resolution. The accumulation of weapons of mass destruction by Saddam and the willingness of terrorists to strike innocent people in the United States and our allies across the world have, unfortunately, ushered in a dangerous new era. It is a danger that we cannot afford to ignore.

I will be voting yes. I will be supporting the President on this resolution.

Mr. ISSA. Mr. Speaker, I yield 2½ minutes to the gentleman from South Carolina (Mr. BROWN).

Mr. BROWN of South Carolina. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise today in strong support of this resolution to authorize the use of military force against Iraq. I stand behind the Commander-in-Chief and our men and women in uniform who may be called upon to defend America's freedom again.

The War Powers Resolution was passed to ensure that the collective judgment of both the Congress and the President will apply before the introduction of our Armed Forces into hostilities. I want to commend the President for working with Congress on crafting this critical resolution.

Time and time again, Mr. Speaker, Saddam Hussein and the Iraqi regime have refused to comply with the sanctions imposed by the United States and its international community. In 1990, Iraq committed an unprovoked act of aggression and occupation against its Arab neighbor Kuwait, a peace-loving nation.

After the Gulf War, the Iraqi government continually violated the terms of the United Nations-sponsored ceasefire agreement. They refused to provide access to weapons inspectors to investigate suspected weapon production facilities.

Americans and coalition force pilots have been fired upon thousands of times while lawfully enforcing the no-fly zone crafted by the United Nations Security Council. In 1993, they attempted to assassinate former President Bush. As we speak here today, members of al Qaeda are known to be within the borders of Iraq.

Mr. Speaker, history has proven that Saddam Hussein and his government cannot be dealt with through diplomatic channels or peaceful means. He only understands death, destruction and trampling on the human rights of others, as evidenced by his treatment of the Kurdish people in Northern Iraq and anyone in his government who questions his power.

Some may argue that America is acting as the aggressor and planning a preemptive strike without justification. To the contrary, this is anticipatory self-defense against evil forces and weapons that threaten our national security and peace and stability throughout the Persian Gulf and the world.

We do not want to see another day like September 11 ever again in America, or anywhere else on God's great Earth. If we do not put an end to Iraq's development of its weapons of mass destruction program, the future could be worse.

America must act forcefully and with great resolve because the costs are too high. The time has come for America once again to set the example for the rest of the free world. Our children and our grandchildren should not have to face this threat again.

I ask all of my colleagues to vote in favor of this joint resolution.

Mr. ISSA. Mr. Speaker, I yield 2½ minutes to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Mr. Speaker, I rise today to express my support for the President in his policy regarding Iraq. Resolutions regarding war are not something we consider without much thought, and this should be very serious business for this House and each Member of it.

The last few months, there has been much talk about Iraq being given the opportunity to respond to weapons inspections. Sometimes this is said as if it were a new idea. However, when a defiant Saddam Hussein has repeatedly rejected inspections and threatened inspectors, there is little reason to believe that he will cooperate.

You may have seen the movies in which a prison is going to be inspected. The warden replaces the spoiled food with fresh vegetables and maybe even a meat entree. If Saddam Hussein allows inspectors in, it will only be at specific locations and not the unlimited, surprise inspections that we need in order to have our questions answered.

The fact that our President would consider any additional form of inspection is a testimony of his desire to avoid conflict. Saddam Hussein's actions in the past show a lack of regard, both for his own people and for his neighboring nations.

I remember back about 10 years ago as a young man preparing to practice law. It was about that time that the U.S. and our allies spent an enormous time and effort freeing the Kuwaiti people and hoped that the Iraqi people would also be able to free themselves from the dictator.

In World War II, Hitler introduced a concept of blitzkrieg, a high-speed attack by land and air. Today's increasingly long-range and accurate rockets, armed with warheads of mass destruction, makes blitzkrieg look like slow motion.

The President's top advisers and the Secretary of Defense, along with other members of the President's Cabinet, have briefed Members of Congress repeatedly and in a timely manner. I went down to Pennsylvania Avenue to the White House just last week, and back on September 19 met with the Secretary of Defense along with several other Members of Congress at the Pentagon to discuss and be briefed on the situation in Iraq.

Now, the President needs our support so that he can act quickly and decisively against the threat of Iraq should he deem that action necessary.

Again, let me stress, the action that we take this week is not just another vote for the United States Congress. It is, indeed, one of those landmark votes that will be long remembered and recorded in the history books. The action that we take this week might just, and certainly we pray, negate the need to send our troops into harm's way.

I would urge all the Members to support our President and vote yes on this resolution.

Mr. ISSA. Mr. Speaker, it is my great pleasure to yield 2 minutes to the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, it is appropriate that we fully discuss here the most serious responsibility that is entrusted to Congress, and that is authorizing the President to use force in the defense of our Nation. The decision by Congress to authorize the deployment of the U.S. military requires somber analysis and sober consideration, but it is not a discussion that we should delay.

The President has presented to the American people a compelling case for intervening in Iraq, and this body has acted deliberately in bringing to the House floor a resolution that unequivocally expresses our support for our Commander-in-Chief.

The threat to our national security from Iraq could not be more apparent. After the 1991 Persian Gulf War, the United Nations Special Commission on Iraq succeeded in destroying thousands of chemical munitions, chemical agents and precursor chemicals. Iraq admitted to developing offensive biological weapons, including botulinum, anthrax, aflatoxin, clostridium and others.

Yet this list of poisons describes only what the U.N. inspectors were able to detect in the face of official Iraqi resistance, deception and denial. They could not account for thousands of chemical munitions, 500 mustard gas bombs and 4,000 tons of chemical weapons precursors. In the intervening period, development efforts have continued unabated, and accelerated following the withdrawals of U.N. inspectors.

Iraq has repeatedly demonstrated a resolve not only to develop deadly weapons of mass destruction but to use them on their own people: 5,000 killed, 20,000 Iranians killed through mustard gas clouds and the most deadly agents that were inflicted on human beings. Perhaps in different hands the deadly arsenal possessed by Saddam Hussein's Iraq would be less of an imminent threat.

This authorization of force that we will vote on soon is at some level also a recognition of the ongoing state of war with Iraq. In the last 3 weeks, 67 attempts have been made to down collision aircraft. Four hundred and six attempts have been made this year.

The U.S. has struggled against the tepid resolutions and general inactivity of the international community for a decade. Regime change cannot happen through domestic posturing. Disarmament requires more than fervent hopes and good wishes.

On December 9, 1941, President Roosevelt said, "There is no such thing as impregnable defense against powerful aggressors who sneak up in the dark and strike without warning. We cannot measure our safety in terms of miles on any map."

In 1941, Congress stood with the President and promised full support to protect and defend our Nation. I urge our colleagues today to do the same.

Mr. DELAHUNT. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. BROWN), who serves with distinction on the Committee on International Relations and is the ranking Democrat on the Subcommittee on Health Care of the Committee on Energy and Commerce.

Mr. BROWN of Ohio. Mr. Speaker, I thank my friend for yielding me time.

Mr. Speaker, for years our policy in this country has been one of containment, of deterrence, of collective security, of diplomacy. We contained and we deterred Joseph Stalin and the Soviets for decades. We have contained and deterred Fidel Castro and the Cubans for 40 years. We have contained and deterred Communist China in its expansionist tendencies for 5 decades.

Now this President wants to radically change our decades-old foreign policy of containment and deterrence to a policy of first strike. What does that tell the world? Does it embolden Russia to attack Georgia to better deal with Chechnya? Does it set an international precedent for China to go into Taiwan or deal even more harshly with Tibet? Does it embolden India or Pakistan, or both, each with nuclear weapons, from going to war in Kashmir?

The whole point of the Security Council is to prevent member states, including veto-wielding permanent members, perhaps especially veto-wielding permanent members, to prevent those member states from launching first strike, unilateral, unprovoked war.

Resolution 678, which authorized the Gulf War, called explicitly for countries cooperating with the exiled Kuwaiti loyals to create a coalition to use force. No country, no country in international law, has the unilateral right to decide Iraq has not complied with U.N. requirements, let alone what the U.N. response should be.

A couple of weeks ago, three retired four-star generals testified in the other body, stating that attacking Iraq without a United Nations' resolution supporting military action could limit aid from allies, would supercharge, in the general's words, supercharge recruiting for al Qaeda and undermine our war on terrorism.

□ 1830

There are too many questions the administration has yet to answer. If we strike Iraq on our own, what happens to our campaign against terrorism? Most of our allies in the war on terror oppose U.N. unilateral action against Iraq. Will our coalition against terrorism fracture? And if we win a unilateral war, will we be responsible for unilaterally rebuilding Iraq?

I am not convinced this administration possesses the political commitment to reconstruct the damage after we defeat Saddam Hussein to bring democracy to that country. It will entail appropriations of hundreds of millions of dollars a year, year after year after year. Do we have the political will and the financial commitment to do that in that country, in that region? Should a new enemy arise while we are paying for the campaign against al Qaeda and the reconstruction of Iraq, will our resources be so overextended that we will not be able to address this new threat?

This Congress should not authorize the use of force unless the administration details what it plans to do and how we will deal with the consequences of our actions, namely, what will the U.S. role be after military action is completed? We should set stronger conditions before any military action is permitted.

The President should present to Congress a comprehensive plan that addresses the full range of issues associated with action against Iraq: a cost estimate for military action, a cost estimate for reconstruction of Iraq, along with a proposal for how the U.S. is going to pay for these costs. We are going more into debt. Will there ever be a prescription drug benefit? Will we continue to underfund education? Will the economy continue to falter if we do this war?

We should do an analysis of the impact on the U.S. domestic economy of the use of resources for military action and the use of resources for reconstruction of Iraq. We should answer the questions.

We should have a comprehensive plan for U.S. financial and political commitment to long-term cultural, economic, and political stabilization in a free Iraq if the President is going to talk about Iraq being a model of democracy in the Middle East.

We should have a comprehensive statement that details the extent of the international support for military operations in Iraq and what effect a military action against Iraq will mean for the broader war on terrorism.

We should have a comprehensive analysis of the effect on the stability of Iraq, and the region, of any regime change in Iraq that may occur as a result of U.S. military action.

And, finally, we should have a commitment that the U.S. will take necessary efforts to protect the health, safety, and security of the U.S. Armed Forces and Iraqi civilians.

Mr. Speaker, before we send our young men and women to war, before we put our young men and women in harm's way, we must make certain in every way that this is the best course of action.

Mr. ISSA. Mr. Speaker, could I inquire as to the time remaining on both sides.

The SPEAKER pro tempore (Mr. GILCHREST). The gentleman from California (Mr. ISSA) has 2 hours and 26 minutes remaining; the gentleman from California (Mr. SCHIFF) has 39 minutes remaining; and the gentleman from Massachusetts (Mr. DELAHUNT) has 20 minutes remaining.

Mr. ISSA. Mr. Speaker, I would like to ask the gentleman on the other side of the aisle if we could agree to a 2- or 3-to-1 split in order to normalize the time, since there is such a disparity in the amount consumed.

Mr. DELAHUNT. Mr. Speaker, I would agree to a 2-to-1 split, I would say to my friend from California.

Mr. ISSA. Mr. Speaker, I thank the gentleman. We will proceed with two in a row and then yield.

Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, if there is anything that 9–11 and the events of that day taught us, it is that our policy of containment and deterrence does not work against terrorists who are willing to blow themselves up and, at the same time, innocent civilians.

I rise in support of this historic resolution, fully aware that this may be one of the most important votes this body casts.

We all hope that we can disarm Iraq without bloodshed. That is our goal. We all hope and pray that risking the lives of the women and men of our Armed Forces will prove unnecessary. We hold out hope that this time, against the recent tide of history, Saddam will allow U.N. inspectors full access, free of deception and delay. But if the events of 9–11 and ongoing intelligence-gathering have shown us anything, Mr. Speaker, it is that we must remain ever vigilant against the new and growing threat to the American way of life. Terrorists who are willing to commit suicide to murder thousands of innocents will not be halted by the conventional means and policies of deterrence we have deployed.

The greatest danger we face is in not acting, in assuming the terrorists who are committed to destroying our Nation will remain unarmed by Saddam. The first strike could be the last strike for too many Americans.

Mr. Speaker, we know enough at this point about the specific dangers posed by Iraq to make this resolution unavoidable: large stockpiles of chemical and biological weapons, an advanced and still-evolving nuclear weapons production program, support for and the harboring of terrorist organizations, the brutal repression and murder of its own civilian population, and the utter disregard for U.N. resolutions and dictates.

Mr. Speaker, we know enough.

We all applaud and support the President's commitment to working with the U.N. Security Council to deal with the threat that Iraq poses to the United States and our allies. I continue to hope and pray for a peaceful, internationally driven resolution to this crisis, but I believe that passing this resolution strengthens the President's hand to bring this about.

But with the events of September 11 still fresh in our minds and in our hearts, we cannot rest our hopes on the possibility that Iraq will comply with U.N. resolutions. Iraq has defied the United Nations openly for over a decade.

Today we are being asked to fulfill our responsibilities to our families, our constituents, and our Constitution; and I think we have to give the President the appropriate tools to proceed if Saddam does not cooperate with the arms inspectors and comply with existing U.N. resolutions.

While we should seek the active support of other nations, we must first and foremost protect our homeland, our people, and our way of life.

Mr. Speaker, I pray for the best as we prepare for the worst. Today, we recognize that there may come a time in a moment when we realize that we are involved in a profound global struggle in which Saddam's regime is clearly at the epicenter on the side of evil; when it becomes clear there are times when evil cannot be appeased, ignored, or simply forgotten; when confrontation remains the only option.

There are moments in history when conscience matters, in fact, when conscience is the only thing that matters. I urge my colleagues to vote their conscience and acknowledge the danger confronting us, by not entrusting our fate to others, by demonstrating our resolve to rid the world of this menace. I urge this with a heavy heart, but a heart convinced that if confrontation should be required, we are ready for the task.

Mr. ISSA. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I rise in strong support of this resolution.

Defending America against all enemies, foreign and domestic, is the first and fundamental purpose of the Federal Government. Once, it took countries of great economic wealth to field a powerful military, to threaten the United States, and to place our people in fear. The threat of this new century has now changed, because we have individuals that truly hate us and can use something as simple as box cutters to place our people in fear and terror.

With regard to the threat of Saddam Hussein, it must be recognized for what it is: a deliberate and patient campaign by Saddam to terrorize free people and undermine the very foundations of liberty.

I am sufficiently convinced without hesitation that Saddam represents a clear and present danger. As a Gulf War veteran, I am filled with emotion to contemplate that my comrades will once again be upon the desert floor. I submit that it is easier to be ordered to war than to vote that someone else may go in my place. However, now is the time for our Nation to in fact be vigilant and to authorize the President to preserve freedom through military action, if necessary, and to take our foreign policy as defense in depth.

In many respects, this resolution represents a continuation of the Gulf War. Saddam Hussein agreed to provisions of the cease-fire. He has violated his cease-fire, he has been flagrant in his violations, and the hostility is now open and notorious. After a decade of denial, deception, and hostility toward the world, it is time to seek Iraq's compliance and, if necessary, remove this despotic dictator, his weapons of mass destruction, and the terrorists he supports and harbors.

Saddam Hussein and the Ba'ath Party rule Iraq through terror and fear. I will share some personalized stories.

Through interrogations at the enemy prisoner of war camp during the Gulf War, having done these interviews with Iraqi high command conscripts, I learned several things: number one, the Iraqi people do not like Saddam because he, in fact, keeps the great wealth to himself, keeps different tribes in ignorance, to the pleasure of his own tribe. In fact, one of the conscripts that I interrogated was scared to death of an American soldier. Why? Because they had been told that if you are captured by Americans, that you, in fact, would be quartered, your body would be quartered. Over 90,000 Iraqis that were held in two prisoner of war camps, I say to my colleagues, have had the opportunity to tell the stories of how well they were treated by Americans and, in fact, they called the prisoner of war camps "the hotel."

Let me tell about their leadership. Before the interrogation of a two-star Iraqi general, he was sitting with his legs crossed on the desert floor with his hands in his face weeping like a child. I had an interpreter with me. When I walked up, I kicked the bottom of his boot and, through the interpreter, I asked him to stand at attention. He stood up and I asked him if he was an Iraqi general. He responded and said yes, he was. Here I am, an American captain in the Army, and I told him, then if you are an Iraqi general, then act like one.

Mr. Speaker, why would an Iraqi general be weeping upon the desert floor? Because Saddam hand-selects his general officers. They do not earn it. The men who serve in their military have not earned the trust and confidence.

Also, what will be told is the lethality of American combat troops. They know exactly what happened in the short war of the gulf. The operations with regard to any military action that may occur in the Gulf War, I say to my colleagues, is so completely different than the operations of 10 years ago.

Mr. Speaker, I have faith in the Iraqi people because I also remember them. Do my colleagues know what their request was at the prisoner of war camp to bring calm? They just wanted to listen to Madonna. So that is what we did. We piped in Madonna. They wanted to listen to "The Material Girl." Their culture is far more Westernized than we could ever imagine, and they like Americans.

This is not against the Iraqi people. This is any action to get Saddam Hussein to comply with the cease-fire to disarm; and if, in fact, he does not, then force is the means of last resort. And the soldiers, while they prepare to fight and win the Nation's wars, they are the ones who have taken the oath to lay down their life for the Constitution, and they do not want to fight. In fact, they want peace. But if called upon, they, in fact, will serve.

So I will vote for this resolution, and I will think about my comrades who may be placed in harm's way, and I also will think of the children that are left behind and the spouses who will keep the watch fires burning for their loved ones. Support the resolution.

Mr. SCHIFF. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Oklahoma (Mr. CARSON).

Mr. CARSON of Oklahoma. Mr. Speaker, for more than a decade, American foreign policy has struggled to define its role in the post-Cold War world. Unsure of when to use military force, how to use it, and with which allies, we have stumbled from engagement to ad hoc engagement from Somalia to Kosovo. We have at times acted hastily in the world; more often, far too late.

Our recent fecklessness points up the foreign policy confusion that the welcome end of the long war with totalitarianism has left with us. Confronted with the Soviet Union, Democrats and Republicans were united in the goals of containment and deterrence, this latter purpose backed up by the threat of nuclear annihilation. Such strategies are, of course, still not outdated, as we face an unstable Russia and a growing China, both armed with significant nuclear arsenals. But the primacy of these doctrines has no doubt receded with the Peace of Paris and with the difficult challenges that have arisen since.

As our Nation enters the 21st century, we are confronted by some of these challenges, like humanitarian crises in Somalia which are brought into our homes through the global reach of communications technology, and world opinion demands action to bring relief. Ethnic cleansing, with its echoes of the Holocaust, insist that the United States and its Western allies make good on the promise of "never again." And the spread of weapons of mass destruction, which means that, for the first time in history, a nonstate actor can inflict lethal harm on a State, compels us to develop new doctrines of defense.

□ 1845

It is amidst this intellectual muddle that the current crisis with Iraq arises. There are certain undeniable facts about Saddam Hussein, who has so ruthlessly ruled Iraq for more than 20 years. He alone in the world has used chemical weapons, against his own people. He has a sophisticated biological weapons program. Most importantly, he has an insatiable appetite for nuclear weapons, which, but for the foresight of Israel and the success of the Gulf War, he would already possess. With these capabilities, Saddam Hussein has repeatedly tried to dominate the Middle East, a region of critical importance to the United States.

These facts alone dictate immediate action to disarm Iraq. If Saddam Hussein were to acquire a nuclear weapon, he would be able to muscle surrounding states, as he attempted to do with Kuwait in 1990, with relative impunity, for the threat of nuclear reprisal would deter all but the most determined vindicators of international law and Middle East stability.

Were Saddam Hussein to control not only his own mighty oil fields but also those of his neighbors, the havoc to the world economy could not be overestimated, as would the danger to our long-standing ally, Israel.

Many people over the last 2 days have spoken eloquently of the need for United Nations approval before any American action against Iraq. President Bush was wise to recently address the U.N., and I am confident that the United Nations will acknowledge the need to enforce its own resolutions demanding the disarmament of Iraq; and recognize, too, that only the threat of military force can make those demands understood.

But if the United Nations itself has so little self-regard as to not demand compliance by Iraq, then that body's impotence should not forestall the United States from making the world's demands on its own.

While consistency is not always valued highly in Congress, my own party would well remember that President Bill Clinton chose to take action in Kosovo without any approval from the Security Council; indeed, against the opposition of at least one permanent Security Council member, but with the approval of most Democrats in the House of Representatives.

Still others of my colleagues have suggested that we must wait for further provocation by Iraq. Somehow, they argue, it is against the American tradition to take preventative military action; or they argue that Iraq can be deterred in the same manner as was the Soviet Union. Grenada, Panama, and Haiti rebut the notion that the United States is a stranger to unilateral preventative action, as does the commonsense realization that times have changed, and it is not so much the detonation of a nuclear bomb that threatens the United States but Iraq's mere possession of such a weapon.

Deterrence works well when it must, but the assumption that all are deterrable is, in the wake of September 11, on very shaky footing indeed.

There is, in the end, no choice about disarmament. The only alternatives are between forced agreement or nonconsensual military force. Paradoxically, it is the threat of force which we authorize in this resolution that offers the best chance for a peaceful disarmament.

The authorization of force, which has in recent years taken the place of formal declarations of war, is the most grave and momentous decision anyone in Congress can make, but we will authorize force against Iraq tomorrow, and we will be right to do so. We will be right not because we desire war with Iraq, but because we desire to prevent it; right not because we lead this cause, but because no one else will; and right not because war is our first resort, but, unlike Iraq, it is always our last.

Mr. ISSA. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from Florida (Mr. MICA), Chair of the Subcommittee on Aviation.

Mr. MICA. I thank the gentleman for yielding time to me, Mr. Speaker.

Mr. Speaker, in a perfect world, if given a simple choice, no rational human being would advocate war over peace. No father and no mother would ever want to send their daughter or son into harm's way. No truly civilized people would ever want to sit idly by and let their friends and allies be annihilated.

Unfortunately, Mr. Speaker, these are principled beliefs, all of which confront us at this difficult time. Unfortunately, Mr. Speaker, today we do not live in a perfect world. Tonight, however, as we debate the question of giving our President and Commander-in-Chief Congress' authorization to conduct war, we must remember the lessons of history. More than 60 years ago, many closed their eyes, many covered their ears, or chanted the same chorus for peace that we now hear. Mr. Speaker, when will we learn that we cannot trust, we cannot pacify, and we cannot negotiate with a mass murderer?

Mr. Speaker, humanity cannot afford ever to experience another Holocaust as a cruel reminder. Israel is not an expendable commodity.

Tonight, just a few miles from here near our Nation's Capitol, a mad killer lurks. Think of the terror tonight of those in range of that single madman. Think also of the terror in Israel, never knowing true security. I ask the Members, is that the kind of world we want our children and grandchildren to live in? I say no, a thousand times no.

That is why tonight I will support this resolution. I rise in support of the resolution and our President to ensure that we do not repeat history, or that we do not have our children live in that kind of world.

Mr. ISSA. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. CRANE).

Mr. CRANE. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of House Joint Resolution 114 to provide authorization for the use of military force against Iraq. While I hope and pray President Bush does not have to commit our troops to such action, I believe that he must have the authority he needs to protect U.S. national security interests.

The events of September 11 showed that we are not protected from an attack on our homeland. There can be no doubt that Saddam Hussein possesses and continues to cultivate weapons of mass destruction. The U.N. weapons inspectors were thrown out of Iraq 4 years ago for a reason. A first strike made with weapons of mass destruction can result in millions dead, and the U.S. must be prepared to act preemptively.

Some ask why we must act against this threat in particular. The answer is that this threat is unique. I need not remind anyone that Hussein has used weapons of mass destruction already against his own people. In addition, he has tried to dominate the Middle East and has struck other nations in the region, including our ally, Israel, without warning.

Keeping this in mind, it seems to me that we, as guardians of freedom, have an awesome responsibility to act to ensure that Saddam Hussein cannot carry out a first strike against the United States or our allies.

Mr. Speaker, while there is no doubt that unqualified support for military intervention from the U.N. is preferable, we must be prepared to defend ourselves alone. We must never allow the foreign policy of our country to be dictated by those entities that may or may not have U.S. interests at heart.

The resolution before us does not mandate military intervention in Iraq. It does, however, give President Bush clear authority to invade Iraq should he determine that Hussein is not complying with the conditions we have laid before him. Chief among these is full and unfettered weapons inspections. If he fails to comply, we will have no choice but to take action. Our security demands it.

Mr. Speaker, the world community watching this debate ought not conclude that respectful disagreements on the floor of this House divide us. On the contrary, we find strength through an open airing of all views. We never take this privilege for granted, and we need look no further than to Iraq to understand why.

At the end of this debate, Congress will speak with one voice. I find comfort in the knowledge that this unity represents a promise that we will never back down from preserving our freedoms and protecting our homeland from those who wish to destroy us.

Mr. DELAHUNT. Mr. Speaker, I yield 5 minutes to the gentlewoman from Ohio (Mrs. JONES), who serves on the Committee on Financial Services and whose career has been earmarked by respect for the rule of law.

Mrs. JONES of Ohio. Mr. Speaker, I want to thank the gentleman for that kind yielding of time to me.

Mr. Speaker, this is a quote: "I'm concerned about living with my conscience, and searching for that which is right and that which is true, and I cannot live with the idea of being just a conformist following a path that everybody else follows. And this has happened to us. As I've said in one of my books, so often we live by the philosophy 'Everybody's doing it, it must be alright,' we tend to determine what is right and wrong by taking a sort of Gallup poll of the majority opinion, and I don't think this is the way to get at what is right.

"Arnold Toynbee talks about the creative minority and I think more and more we must have in our world that creative minority that will take a stand for that which conscience tells them is right, even though it brings about criticism and misunderstanding and even abuse."

That is excerpted from a 1967 interview of Dr. Martin Luther King, Jr.

Mr. Speaker, I stand here today as a part of a creative minority in Congress who oppose this apparently inevitable resolution granting the President the authority to use force to remove Saddam Hussein from power. But I will not be a silent minority.

I know who Saddam Hussein is. I know he has viciously killed hundreds of thousands of Kurds in northern Iraq with chemical and biological weapons. I know he has murdered members of his own cabinet; in fact, his own family. I remember vividly his aggressions in Iran and Kuwait and the SCUD missiles he launched into Israel in the Gulf War. I know the contempt he has shown toward the U.N. and its weapons inspectors as they attempted to enforce post-Gulf War resolutions; and I know that the world, and particularly the Gulf region, would be a better and safer place without Saddam Hussein in power and those of his ilk in power.

But I also know that the resolution before us is a product of haste and hubris, rather than introspection and humility. I have seen President Bush confront the Iraq question with arrogance and condescension, initially bullying this Congress, our international allies, and the American people with accusations and threats and tales of terror eliciting fear in their hearts and minds.

President Bush has told us that war is not inevitable, but does anyone really believe that? For months, this administration has marched inexorably towards an attack on Iraq, changing its rationale to suit the circumstances. I have no doubt that, regardless of what we do here or what Saddam does there, we will go to war. I pray I am wrong.

The CIA today said Saddam is unlikely to initiate a chemical or biological attack against the United States and presented the alarming possibility that an attack on Iraq could provoke him into taking the very actions this administration claims an invasion would prevent.

I know, too, who we are. America has never backed down from a just war. From the Revolutionary era to the Civil War, across Europe, Asia, and Africa, in two world wars, just a dozen years ago in the Persian Gulf, and countless missions to faraway places like Bosnia, Kosovo, Liberia, and Afghanistan, America fought. We fought with righteousness, determination, and vision. We fought because principles and freedoms were threatened. We fought because fighting was our last choice.

America has always fought with a vision to the future and has been merciful and generous in our victories.

But the White House has not offered any vision for post-Saddam Iraq. As a Nation founded on moral principles, we have a moral obligation to prepare a plan for rebuilding Iraq before we declare war. Iraq, like Afghanistan and many of the other nations in the Gulf region, is made up of many ethnic groups that will compete for power in the vacuum that is created by Saddam Hussein's ouster. But as important as the tactical plans to overthrow Saddam Hussein are, we must address how we intend to help the Iraqi people institute a democratic government.

I ask the President, can he not answer a few simple questions: Have we completed the war on terrorism? What happened to Osama bin Laden? Do we know how long a war in Iraq would last? Has there been any assessment for the American people of how much a war in Iraq will cost our economy? Does he have any idea of the human loss we should expect in a war with Iraq?

Instead of answers, he gives us bombast. Yes, we have all heard the rhetoric: Saddam is evil, Saddam hates America, Saddam must be stopped, and you are either with us or against us. If you are not with us, we don't need you.

□ 1900

But when the rhetoric is peeled away, truth emerges.

Mr. Speaker, I cannot go on but I say to all of my colleagues, let us be the creative minority. Vote against allowing force against Iraq.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GILCHREST). Members are reminded to address their remarks to the Chair and not to the President.

Mr. ISSA. Mr. Speaker, I ask unanimous consent that the time for debate on this resolution be extended for 2 hours to be equally divided between the majority and minority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The Chair grants an additional hour to be controlled by the gentleman from California (Mr. ISSA) and by the gentleman from California (Mr. SCHIFF).

Mr. ISSA. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, I thank my friend from California (Mr. ISSA) for yielding me time.

Mr. Speaker, as Members of Congress we face no more important issues than those of war and peace, and for that reason I agree wholeheartedly with my colleague from Ohio (Mrs. JONES) who just spoke that this must be a vote of Congress. For that reason this extended debate on the House floor is very appropriate and the views expressed by Members of Congress are deserving of respect. Having read it closely, my view is that the carefully crafted resolution before us is the right approach.

On Monday in my hometown of Cincinnati, the President of the United States clearly explained to the country what is at stake. He not only made the case that inaction is not an option, but that given the dangers and defiance of the Iraqi regime, the threat of military action must be an available option. Time and time again, Saddam Hussein has proven to be a threat to the peace and security of the region. That is why the international community through the United Nations has repeatedly called on the Iraqi regime to keep its word and open all facilities to weapons inspections. Yet repeatedly Iraq has refused, defying the United Nations. There is no reason to believe that without the threat of force, the disarmament the Iraqi regime agreed to as part of the disarmament after the Gulf War more than 10 years ago will ever occur.

And there is other gathering danger and risk to America and all freedom-loving people. The horror of September 11, Mr. Speaker, awakened us to that reality. We know that the Iraqi regime is producing and stockpiling chemical and biological weapons. We know they are in the process of obtaining a nuclear weapon. We know that this regime has a consistent record of aggression of supporting terrorist activities. Once the Iraqi regime possesses a nuclear weapon, it, or the technology that creates it, could easily be passed along to a terrorist organization. Already chemical and biological weapons could be provided. We must not permit this to happen.

The resolution will authorize military action but only if it is necessary. I would hope that every Member in this Chamber would pray that it would not be necessary. But the choice is clear, and it is a choice for the Iraqi regime to make. If the regime refuses to disarm, our military and our coalition partners will be compelled to make a stand for freedom and security against tyranny and terrorism. And if we take this course, it will not be unilateral as others on this floor have said. The United States will not be alone.

I commend the President for his diplomatic initiatives, for continuing to try to work through the United Nations, and for an impressive array of coalition partners already assembled. I do not take lightly the fact that the course laid out by this resolution may put at risk the lives of young men and women in uniform. But I believe not authorizing the possible use of force would put even more innocent Americans at risk.

This is a solemn debate and a tough vote of conscience. Mine will be a vote for an approach that I believe faces up to the very real dangers we face and maximizes the chance that these dangers can be addressed with a minimum loss of life. I will strongly support our President, Mr. Speaker, and I support the resolution.

Mr. SCHIFF. Mr. Speaker, I ask unanimous consent to yield 30 minutes to the gentleman from Massachusetts (Mr. DELAHUNT) and that he be able to control and yield that time to others.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SCHIFF. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Speaker, I thank the gentleman for yielding me time.

September 11, 2001, is a day that will rank with December 7, 1941, as a day of infamy in the history of the United States. That one event, 9-11, changed the world we live in forever. I serve as a delegate to the NATO Parliamentary Assembly from the Congress and never have I seen the outpouring of good will and support from our NATO allies as we experienced in the aftermath of 9-11.

For the first time in the 50-plus-year history of the mightiest military alliance in modern times, article 5 of the NATO charter was invoked stating in essence that when one member nation comes under attack, all consider themselves under attack and each pledges to the other member nations all military, diplomatic, and territorial assets they individually and collectively possess.

This past summer, less than a year from 9-11, the President and Vice President began to talk about a regime change in Iraq. The philosophy was this: Saddam Hussein is a despot and a threat to develop and perfect weapons of mass destruction including nuclear capabilities; and, therefore, he must be removed. Further, we, the United States, were going to effectuate that change with or without our allies, save the British. Suddenly the good will and support for America began to erode, particularly among our European allies and even here at home.

In fact, some with good reason, in my view, think an election in Germany turned on this one issue. The United States, led by President Bush and Vice President CHENEY's rhetoric, was boxing herself into a very dangerous and potentially disastrous position. Should that policy have continued, I would have voted "no" on this resolution.

Why do I say that? The best offense we have available to us to protect our country and our citizens is accurate, timely intelligence information so that we know what al Qaeda or others are planning, how they are planning it, when they are planning to attack us again so that we can stop it. In this war of terrorism, all of the United States military might and every weapon our country possesses is of little or no value in the defense of our homeland without these intelligence resources.

This unilateral approach by the administration threatened to jeopardize cooperation from those around the world who may be in a position to give us such intelligence information. World support, world opinion and the good will of every nation, no matter how small or militarily insignificant, has never been more important to us. A whisper in one ear from Kabul to Bagdad to the Philippines to Germany or even to Oregon can be more important in this war than all of the military might on Earth, for it may give us the warning we need to stop another event in this country as occurred on 9-11.

Thankfully, the President's appearance at the United Nations last month and his speech in Cincinnati Monday night sent a signal to our allies and to many of our own citizens who do not and did not support the "lone cowboy" approach, that the administration finally recognized the importance of international cooperation and the role of all civilized people as expressed by the United Nations in this war against humanity. Again, I refer not to the military resources offered by our global allies, but to the intelligence information which is vital or perhaps more vital to our national defense.

The gentleman from South Carolina (Mr. SPRATT) has an amendment which I believe does no harm to the substance of the resolution and in my view is much preferable and more compatible with our constitutional powers as Congress. I hope every Member will seriously consider its adoption. But should that fail, I believe that passage of this resolution is in the best interest of our country at this time. Such action on our part will hopefully spur movement in the international arena to enforce the United Nations resolutions when violated, with civilization as the prosecutor and humanity as the victor.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join my many esteemed colleagues today in support of the resolution authorizing the President to use force against Iraq. This is a historic moment in our country, and it should not be taken lightly. But it is not the first historic moment when it comes to Saddam Hussein's regime. This is hopefully the last chapter in a long saga of our dealings with Saddam Hussein.

More than 20 years ago he began to endanger his neighbors. More than 12 years ago he invaded Kuwait. His cruel regime has had a long history of the kind of practices that are not tolerated anywhere on this globe, and yet they persist.

Mr. Speaker, Saddam Hussein is in fact writing the last chapter as we speak in a 12-year war. We are not considering action which would be preemptive or a strike to begin a war. We are, in fact, dealing with an absence of peace which has cost America lives and time and effort for more than a decade. Over the past 10 years he has made a mockery of the United Nations and the multi-national diplomacy that we have in fact participated in. He has systematically undermined the United Nations resolutions that were designed to disarm and reform his regime. He threw out weapons inspectors in 1998 and has rebuilt his weapons of mass destruction; and there is no question he intends to target America. In fact, in 1993 he targeted President George Herbert Bush for assassination.

Each of those events was more than sufficient for us to do what we now must do. But the United States was patient. The United Nations was patient. We have all been patient for more than a decade. I believe that we need not look for the proverbial straw that breaks the camel's back; but in fact we need to simply ask, Why did we wait so long? Why did we tolerate this dictator so long? Even why in 1998 when the last administration rightfully so called for a regime change did we not act?

I hope that this body in its consideration of this resolution does not ask why should we act today, but in fact should ask why should we not act and why did we take so long?

Mr. Speaker, I reserve the balance of my time.

Mr. DELAHUNT. Mr. Speaker, I yield 6 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), who serves as the ranking member on the Subcommittee on Immigration, Border Security and Claims on the House Committee on the Judiciary, as well as a member of the Subcommittee on Crime, Terrorism and Homeland Security, who recently returned from Afghanistan where she conducted a fact-finding mission.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished member of the Committee on International Relations for his kindness in yielding me time.

As many of us who have come to this floor, I come with a heavy heart but a respect for my colleagues and the words that they have offered today.

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As I stand here, I sometimes feel the world is on our shoulders, but I also think that my vote is a vote for life or death—I have chosen life and so I take the path of opposition to this resolution in order to avoid the tragic path that led former Secretary of Defense Robert MacNamara to admit, in his painful mea culpa regarding the Vietnam War, we were wrong, terribly wrong.

He saw the lost lives of our young men and women, some 58,000 who came home in body bags; and after years of guilt stemming from his role in prosecuting the war in Vietnam, MacNamara was moved to expose his soul on paper with his book, "In Retrospect; , The Tragedy and Lessons of Vietnam." He noted the words of an ancient Greek philosopher that "the reward of suffering is experience," and concluded solemnly, let this be the lasting legacy of Vietnam; that we never send our young men and women into war without thoughtful, provocative analysis and an offer of diplomacy.

I stand in opposition for another reason, and that is because I hold the Constitution very dear. I might suggest to my colleagues that when our Founding Fathers decided to write the Constitution over 4 months of the hot summer of 1787, they talked about the distribution of authority between legislative, executive and judicial branches, and they said it was a bold attempt to create an energetic central government at the same time that the sovereignty of the people would be preserved.

Frankly, the people of the United States should make the determination through this House of a declaration of war. And as the Constitution was written, it said, "We the people of the United States, in order to form a more perfect union, establish justice, provide for the common defense, establish the Constitution of the United States of America." For that reason, I believe that this Nation, that suffered a war in Vietnam, should understand the importance of having the Congress of the United States declare war.

The reason I say that is we continue to suffer today as countless veterans of that generation from Vietnam have never recovered from the physical and mental horrors of their experiences, many reliving the nightmares, plagued by demons as they sleep homeless on our streets at night. What a price we continue to pay for that mistake. Can we afford to make it again?

Mr. Speaker, I am opposed to this resolution because it so clearly steers us towards a treacherous path of war while yielding sparse efforts to guide us to the more navigable road to peace. As Benjamin Franklin said in 1883, "There never was a good war or a bad peace." Mr. Speaker, we have yet to give the power of diplomacy a chance and the power of the moral rightness of the high ground the chance that civilization deserves. Do we not deserve as well as the right to die the right to live? We have had the experience of Vietnam to see the alternatives. So if the unacceptable costs of war come upon us, why not use diplomacy? It is time to use diplomacy now.

The resolution before us is unlikely to lead to peace now or in the future because of the dangerous precedent that it would set. The notion of taking a first strike against another sovereign nation risks upsetting the already tenuous balance of powers around the world. In a time when countless nations are armed with enough weaponry to destroy their neighbors with the mere touch of a button, it can hardly be said that our example of attacking another country in the absence of self-defense is an acceptable way to go. The justification would sow the seeds of peace if we decided to follow peace.

It is important to note that rather than the President's proposed doctrine of first strike, we would do well to look to diplomacy first. The first strike presumption of the President would represent an unprecedented departure from a long-held United States policy of being a nonaggressor. We would say to the world that it is acceptable to do a first strike in fear instead of pursuing all possible avenues to a diplomatic solution.

Imagine the world in chaos with India going after Pakistan, China opting to fight Taiwan instead of negotiating, and North Korea going after South Korea and erupting into an all-out war. Because actions always speak louder than words, the United States' wise previous admonitions to show restraint to the world would go to the winds, and then, of course, would fall on deaf ears.

There is another equally important reason I must oppose this resolution. It is because to vote for it would be to effectively abdicate our constitutional responsibility as a Member of Congress to declare war when conditions call for such action. The resolution before us declares war singly by the President by allowing a first strike without the knowledge of imminent danger and without the input of Congress. It is by article 1, section 8 of the Constitution of the United States that calls for us to declare war.

Saddam Hussein is evil. He is a despot. We know that. And I support the undermining of his government by giving resistance to the United States, to be able to address these by humanitarian aid, by military support in terms of training, and also by providing support to the resistance. Yet I think we can do other things. Diplomacy first, unfettered robust United States weapons inspections, monitored review by United Nations Security Council, Soviet Union model of ally-supported isolation, support of democratization, and developing a more stringent United States containment policy.

This resolution is wrong. We must not abdicate our responsibility. And most importantly, Mr. Speaker, as I go to my seat, I stand here on the side of saving the lives of the young men and women of this Nation.

As I stand on the House floor today with great respect for the heartfelt positions of my colleagues, I must take the path of opposition to this resolution in order to avoid following the tragic path that led former Secretary of Defense Robert McNamara to admit in his painful mea culpa regarding the Vietnam war, "We were wrong, terribly wrong." After years of guilt stemming from his role in prosecuting the war in Vietnam, McNamara was moved to expose his soul on paper with his book: "In Retrospect: The Tragedy and Lessons of Vietnam". He noted the words of the ancient Greek dramatist Aeschylus who said "The reward of suffering is experience," and concluded solemnly, "Let this be the lasting legacy of Vietnam." Therefore this legacy should remind us that war is deadly and the Congress must not abdicate its responsibility.

This Nation did suffer as result of that war, and we continue to suffer today as countless veterans of that generation have never recovered from the physical and mental horrors of their experiences, many reliving the nightmares, plagued by demons as they sleep homeless on our streets at night. What a price we continue to pay for that mistake. Can we afford to make it again? I think not.

Mr. Speaker, I am opposed to this resolution because it so clearly steers us toward a treacherous path of war, while yielding sparse efforts to guide us to the more navigable road to peace. And as Benjamin Franklin said in 1883, "there never was a good war or a bad peace"—but we have yet to give the power of diplomacy and the power of the moral high ground the chance that civilization itself deserves. We have had the experience of Vietnam to see the alternatives, so if there were ever a time for diplomacy, it has got to be now.

The resolution before us is unlikely to lead to peace now or in the future because of the dangerous precedent that it would set. The notion of taking a first strike against another sovereign nation risks upsetting the already tenuous balance of powers around the world. In a time when countless nations are armed with enough weaponry to destroy their neighbors with the mere touch of a button, it can hardly be said that our example of attacking another country in the absence of a self defense justification would sow the seeds of peace around the world. Rather, the President's proposed doctrine of first strike, which would represent an unprecedented departure from a long-held United States' policy of being a non-aggressor, would say to the world that it is acceptable to do a first strike in fear, instead of pursuing all possible avenues to a diplomatic solution. Imagine the chaos in the world if India and Pakistan abandoned all notions of restraint, if China and Taiwan opted to fight instead of negotiate, and if North Korea and South Korea erupted into all-out war. Because actions always speak louder than words, the United States' wise previous admonitions to show restraint in the aforementioned conflicts would fall upon deaf ears as the nations would instead follow our dangerous lead.

There is another equally important reason that I must oppose this resolution. It is because to vote for it would be to effectively abdicate my Constitutional duty as a Member of Congress to delcare war when conditions call for such action. The resolution before us does authorize the President to declare war without the basis of imminent threat. Congress may not choose to transfer its duties under the Constitution to the President. The Constitution was not created for us to be silent. It is a body of law that provides the roadmap of democracy and national security in this country, and like any roadmap, it is designed to be followed. Only Congress is authorized to declare war, raise and support armies, provide and maintain a navy, and make the rules for these armed forces. There is nothing vague or unclear about the language in Article I, section 8, clauses 11–16 of our Constitution. In it, we are told that Congress has the power:

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces; and

To provide for calling forth the militia to execute the laws of the union, suppress insurrections and repel invasions.

This system of checks and balances, which is essential to ensuring that no individual or branch of government can wield absolute power, cannot be effective if one individual is impermissibly vested with the sole discretionary authority to carry out what 535 Members of Congress have been duly elected by the people to do. It is through the process of deliberation and debate that the views and concerns of the American people must be addressed within Congress before a decision to launch our country into war is made. The reason that we are a government of the people, for the people and by the people is because there is a plurality of perspectives that are taken into account before the most important decisions facing the country are made. Granting any one individual, even the President of the United States, the unbridled authority to use the Armed Forces of the United States as he determines to be necessary and appropriate is not only unconstitutional, but is also the height of irresponsibility.

Saddam Hussein is indeed an evil man. He has harmed his own people in the past, and cannot be trusted in the future to live peacefully with his neighbors in the region. I fully support efforts to disarm Iraq pursuant to the resolutions passed in the aftermath of the gulf war, and I do not rule out the possibility that military action might be needed in the future to see that those efforts come to fruition. I voted for the Iraqi Liberation Act in 1998 and still stand behind my decision to support the objective of helping the people of Iraq change their government. But that legislation contained an important caveat that precluded the use of United States armed forces to remove the government from power, and instead provided for various forms of humanitarian assistance. That Act, now has the effect of law, and unlike Iraq, we are a nation that respects the rule of law. And our Constitution, the supreme law of the land, sets forth the duties and responsibilities of Congress in clear, unambiguous language.

The indictment against Saddam Hussein is nothing new. He is a despot of the worst kind, and I believe that when the United Nations Security Council passes a resolution determining his present status and outlining a plan for the future, that will provide further documentation for Congress to act on a military option in Iraq. Right now, however, we are moving too far too quickly with many alarmist representations yet undocumented.

Some of us have begun to speculate about the cost that a war in Iraq might be. And while our economy now suffers because of corporate abuse and 2 years of a declining economy with high unemployment, I cannot help but to shudder when I think of what the cost might be—not only in dollars—but in human lives as well. My constituents, in flooding my offices with calls and e-mails all vehemently opposed to going to war, have expressed their concerns about the unacceptable costs of war. One Houston resident wrote, "This is a war that would cost more in money and lives that I am willing to support committing, and than I believe the threat warrants. Attacking Iraq is a distraction from, not a continuation of the 'war on terrorism'." I truly share this woman's concerns. In World War II, we lost 250,000 brave Americans who responded to the deadly attack on Pearl Harbor and the ensuing battles across Europe and Asia. In the Korean war, nearly 34,000 Americans were killed, and we suffered more than 58,000 casualties in Vietnam. The possible conflict in Iraq that the President has been contemplating for months now risks incalculable deaths because there is no way of knowing what the international implications may be. Consistent talk of regime change by force, a goal not shared by any of the allies in the United Nations, only pours fuel on the fire when you consider the tactics that a tyrant like Saddam Hussein might resort to if he realized that had nothing to lose. If he does possess chemical, biological or nuclear weapons, we can be assured that he would not hesitate to use them if the ultimate goal is to destroy his regime, instead of to disarm it. With that being the case, there can be little doubt that neighboring countries would be dragged into the fray—willingly or otherwise—creating an upheaval that would dwarf previous altercations in the region or possibly in the world. The resolution, as presently worded, opens the door to all of these possibilities and that is why I cannot support it.

Because I do not support the resolution does not mean that I favor inaction. To the contrary, I believe that immediate action is of the highest order. To that end, I would propose a five-point plan of action:

1. Diplomacy first;
2. Unfettered, robust United Nations weapons inspections to provide full disarmament;
3. Monitoring and review by United Nations Security Council;
4. Soviet Union model of allied supported isolation—support of democratization through governance training and support of resistance elements; and
5. Developing a more stringent United States containment policy.

What I can and will support is an effort for diplomacy first, and unfettered U.N. inspections. As the most powerful nation in the world, we should be a powerful voice for diplomacy—and not just military might. Since we are a just nation, we should wield our power judiciously—restraining where possible for the greater good. Pursuing peace means insisting upon the disarmament of Iraq. Pursuing peace means insisting upon the immediate return of the U.N. weapons inspectors. Pursuing peace and diplomacy means that the best answer to every conflict and crisis is not always violence.

Passing this resolution, and the possible repercussions that it may engender, will not enhance the moral authority of the United States in the world today and it will not set the stage for peace nor ensure that are providing for a more peaceful or stable world community.

Instead, as we ensure that Iraq does not possess illegal weapons, we should make good on the promise to the people that we made in the passage of the 1998 Iraqi Liberation Act. We should do all that we can to assist the people of Iraq because as President Dwight Eisenhower said, "I like to believe that people in the long run are going to do more to promote peace than our governments. Indeed, I think that people want peace so much that one of these days, governments had better get out of the way and let them have it." I oppose this resolution—H.J. Res. 114.

Mr. ISSA. Mr. Speaker, it is my pleasure to yield such time as he may consume to the distinguished gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for yielding me this time, and I am pleased and privileged to join this serious debate.

I want to talk on a number of issues that I think are very, very important to us as we confront the decision we must make and the vote we must take tomorrow. I want to talk about the seriousness of this issue. I want to talk about the question of preemption and why America might even contemplate striking under these circumstances. I want to address the concerns of those who say they simply do not want to go to war and talk about why I do not want to go to war either, but sometimes war is necessary. I want to talk about the issue of why now, because I think that is a very pressing issue. And I want to talk, most importantly, about how I believe this resolution is the most certain way, indeed perhaps the only way, we have to avoid war.

Let me begin with the seriousness of this issue. Beyond a shadow of a doubt, this will be the most solemn, most serious vote I believe I will cast in my tenure in the United States Congress. I have been here for some pretty serious votes. I have seen us balance a budget, I have seen us impeach a President, but nothing comes close to the vote on a resolution of force such as the one we will consider tomorrow. I approach that vote with the grave appreciation of the fact that lives are in the balance: lives of American soldiers, lives of innocent Iraqis, lives of people throughout the world.

I also approach that vote with the grave knowledge that while my son is 16 years old and would not likely serve in this war, I have many constituents and many friends with sons and daughters who are 18 years old or 19 or 20, and who may be called upon to go to war. This is, indeed, I believe, the most serious issue this Congress can contemplate, and it is one that has weighed on me for weeks.

Some of those amongst my constituents who are deeply worried about this issue say why should we act and why should we act under these circumstances? They argue that we should pursue deterrence. They argue that we should pursue containment; and then they argue that if neither deterrence nor containment work, we should wait until a first strike is launched and then we should respond.

Well, I would respond by saying history has proven sadly over the history of the Saddam Hussein regime that deterrence does not work. This is a man who has proven by his conduct over and over again that he cannot be deterred. This is a man who will not respond to the kind of signals that the rest of the world sends in hopes that a world leader would respond. Although we have attempted containment, this is a man who has proven he will not respond to containment.

At the end of the Gulf War, he agreed to a number of things that we are all now painfully aware of and that have been covered in this debate. He agreed to end his efforts to procure chemical and biological weapons. He agreed to end his efforts to obtain nuclear weapons. He agreed to end his efforts to have and to develop long-term missiles and other delivery systems. And yet none of those have worked.

At the end of the day, deterrence and containment simply have proven, over a pattern of 11 years, not to work. His deceit, his deception, his continued pattern of forging ahead show us beyond a question of a doubt that he will not be deterred and he will not be contained.

We know some things. We know that because of the nature of the weapons that he has, and because of his willingness to use those weapons and to use them perhaps secretly, we cannot wait. I listened to the debate last night, and I was very impressed with it. One of my colleagues in this institution came to the floor and made an impassioned speech against this resolution and said, we absolutely should wait, and he cited the Revolutionary War and the command to our troops to wait until fired upon. I would suggest to my colleagues that when we have an enemy who has chemical and biological weapons of the nature of those that this enemy has, we simply cannot wait.

VX nerve gas kills by paralyzing the central nervous system and can result in death in 10 minutes. Sarin nerve gas, cyclosarin nerve gas, mustard gas. I am afraid the words "chemical weapons" have lost their meaning; but they should not, because they are abhorrent weapons, and he has them. There is no doubt.

Biological weapons. He has anthrax. He has botulism toxin. He has aflatoxin and he has resin toxin. It would be bad enough if he simply had those, but we know more. He has them and he has tried to develop strains of them that are resistent to the best drugs we have, resistent to our antibiotics. That is to say he has them, he could use them, and not until they had been used could we discover that the best our science has cannot match them.

Now, why can we not wait, given that type of history and that type of chemical? Because the reality is we do not know when he will strike. He could indeed strike and we would not know it for days or weeks, until it began to manifest itself.

But let us talk also about the whole possibility of him using terrorists. We talk a lot about him, and we get deceived by this discussion of he does not have a long-range missile that can reach the United States, because he does not have aircraft that can reach the United States, we ought not to worry about those. We talk about the issue that it could be months or a year before he could develop a nuclear weapon. All of those are false pretexts. All of those are serious mistakes.

The reality is that if he chooses to deliver those weapons through any of the means that we know he possibly could. By handing them in a backpack to a terrorist, we might never know that it was Saddam Hussein that delivered the weapon. And if he chooses to use chemical or biological weapons for such an attack, we might not know until hundreds, indeed until thousands, perhaps tens of thousands, perhaps millions of Americans were infected and fatally wounded and would die, and we would not know until afterwards.

I would suggest that the old doctrine of wait until they fire is simply no longer applicable under these circumstances.

Now, I have conscientious colleagues and I have constituents who come to me and say, I am not ready for war; I do not want war. I want to make it clear that no one wants war. Not a single Member of this body would choose war. And this resolution, as the President said the other night, does not mean that war is either imminent or unavoidable. The President made it clear he does not want war. But I would urge my colleagues that there are some certainties. One of those is that the best way to prevent war is to be prepared for war.

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The best way to prevent such a war is to send clear and unmistakable signals. He has unarmed aerial vehicles. That is to say, he has model airplanes, and he has larger airplanes which can be operated by remote control.

It has been pointed out that, given his lack of trust, an unmanned aerial vehicle, an unmanned airplane, is the perfect weapon for this leader, this insane leader, to use, because he does not have to trust a pilot who might not follow orders. He has the operator of a remote-controlled vehicle standing next to him. If, in fact, the pilot were to choose to not drop his load, there would be little he could do in a manned aircraft to that pilot. But in an unmanned aerial vehicle, equipped with a chemical or biological weapon, he remains in control; and it could easily be done.

He could bring that kind of weapon to our shores in a commercial ship like the hundreds lined up right now off the coast of California and launch them from there, and we would not know about the attack until after it was done.

It seems to me that we cannot wait under these circumstances; and it seems to me that he has proven beyond a doubt that deterrence and containment, although we have tried them, simply will not work.

One colleague pointed out he has chemical and biological weapons; and in time, because he is seeking them, he will have nuclear weapons. It was also pointed out that if we want to rely upon a scheme of inspections, and my constituents back home would hope that we could rely on inspections. I would hope that also. But make no mistake about it, there are two serious flaws.

An inspection regime that relies on inspecting a country where hundreds of acres are off limits, cannot be gone into, the presidential palaces that are there, an inspection regime that relies on that is not an inspection regime at all. But an inspection regime where we know to a moral certainty that he has mobile production facilities is an inspection regime that will give us false hope.

I was in the Middle East when the first weapons inspectors were kicked out of Iraq. I was on a CODEL with the gentleman from Illinois (Mr. HASTERT) and four or five other Members of Congress. They left Baghdad and went by ground to Jordan and flew to Bahrain. We had an opportunity to meet with them in Bahrain the first night they reached there. One of my colleagues who was there is here tonight on the other side of the aisle. We spent 2 to 2½ hours talking with weapons inspectors who had just been kicked out of Baghdad.

They made some serious impressions upon me which I will never forget. One was echoed in the President's speech last night, and that is the Iraq people are not our enemy. In fact, weapons inspectors explained to us that when individual Iraqis would learn that a given weapons inspector was an American, they would say, America, great place. I have a sister in San Francisco. I have a brother in Philadelphia.

The President said it right the other night. The Iraqi people are not our enemies, but they delivered another message to us and made another impression. That is, they explained to us carefully, six congressmen in a hotel room in Bahrain, now 7 years ago, they said, make no mistake about it, every time they got close to making a real discovery, every time they were at the door of a facility that they were convinced was producing chemical and biological weapons, there would be a stall, there would be a delay. They would be forced to stand outside the gates of that building for hours and hours while the inside was obviously being cleaned up.

Indeed, they would sometimes, when they got savvy to this, the inspectors would send somebody around to the back gate and watch the equipment, watch the trucks roll out the back door.

There is no question but that an inspection regime where they are determined to deceive you, where they are determined to deny you access to some locations, and where they have mobile facilities is no inspection regime at all.

I do not want war. No one wants war. But I am convinced that the risk of waiting is indeed too high.

I do not believe, and I agree with one of my colleagues on the other side of the aisle who said, I do not believe that Saddam Hussein will ever submit to a legitimate inspection regime. But I know this much, he will never submit to such an inspection regime until and unless it is backed by credible threat of force. That is what we are talking about here tonight.

We also on that trip went and visited our American troops enforcing the no-fly zone, both the southern and the northern no-fly zone. The American people deserve to know that we have been at a state of war with this regime for 11 years. He has fired on our pilots over and over and over again. He probably fired on them today. He has certainly fired on them within the last month. He has fired hundreds of times, and he has declared war against us. He has declared a holy war against us.

We know some other facts. We know over time Saddam Hussein's weapons regime will grow, and the threat will become worse. We do not want war, but it would appear doing nothing is the one way to ensure war.

I believe to the depth of my soul that this resolution is a measured and thoughtful proposal to achieve one thing, and that is the disarmament of Iraq and the Saddam Hussein regime, hopefully by peace, but if necessary by force.

I think we know that it has the potential of creating the coalition we all want. If America sends a weak signal and says we are not sure of our course, we are not sure of our path, how can we even hope to bring into our ranks and to our side allies in a battle against an insane leader such as Saddam Hussein?

I think we also know, those of us who intend to vote for this resolution, it holds a second potential and that is it could lead the United Nations, indeed, I am prayerful, as is the President, that it will lead the United Nations to rise to its obligations, to make its resolutions meaningful, to remove itself from the irrelevancy that it currently has by not enforcing its resolutions, and to stand with strength and to say once and for all to this vicious dictator, we will not let you flaunt the rule of law and the requirements imposed by the U.N.

It could indeed cause Saddam Hussein to come to his senses. I hope it will.

I know failing to act involves too great a risk. Failing to act exposes not just the people of his nation, whom he has terrorized and butchered and tortured, to suffer longer.

We know the dimensions to which he will go. We know the threat. We know he will in fact and has used violence of every dimension against his own people, and we know for a moral certainty he will bring that aggression against the rest of the world if not stopped.

No one is happy about this moment, but I believe it is the right course and, for those who truly want peace, the only course.

Mr. Speaker, I include for the RECORD a column from the New Yorker written by Jeffrey Goldberg. It is called "The Great Terror." It is an interview of the people who were the victims of Saddam Hussein's attack on his own people. It documents his murder of some 50,000 to 200,000 Kurds.

[From the New Yorker, Mar. 25, 2002]

THE GREAT TERROR

(By Jeffrey Goldberg)

In northern Iraq, there is new evidence of Saddam Hussein's genocidal war on the Kurds—and of his possible ties to Al Qaeda.

In the late morning of March 16, 1988, an Iraqi Air Force helicopter appeared over the city of Halabja, which is about fifteen miles from the border with Iran. The Iran-Iraq War was then in its eighth year, and Halabja was near the front lines. At the time, the city was home to roughly eighty thousand Kurds, who were well accustomed to the proximity of violence to ordinary life. Like most of Iraqi Kurdistan, Halabja was in perpetual revolt against the regime of Saddam Hussein, and its inhabitants were supporters of the peshmerga, the Kurdish fighters whose name means "those who face death."

A young woman named Nasreen Abdel Qadir Muhammad was outside her family's house, preparing food, when she saw the helicopter. The Iranians and the peshmerga had just attacked Iraqi military outposts around Halabja, forcing Saddam's soldiers to retreat. Iranian Revolutionary Guards then infiltrated the city, and the residents assumed that an Iraqi counterattack was imminent. Nasreen and her family expected to spend yet another day in their cellar, which was crude and dark but solid enough to withstand artillery shelling, and even napalm.

"At about ten o'clock, maybe closer to ten-thirty, I saw the helicopter," Nasreen told me. "It was not attacking, though. There were men inside it, taking pictures. One had a regular camera, and the other held what looked like a video camera. They were coming very close. Then they went away."

Nasreen thought that the sight was strange, but she was preoccupied with lunch; she and her sister Rangeen were preparing rice, bread, and beans for the thirty or forty relatives who were taking shelter in the cellar. Rangeen was fifteen at the time. Nasreen was just sixteen, but her father had married her off several months earlier, to a cousin, a thirty-year-old physician's assistant named Bakhtiar Abdul Aziz. Halabja is a conservative place, and many more women wear the veil than in the more cosmopolitan Kurdish cities to the northwest and the Arab cities to the south.

The bombardment began shortly before eleven. The Iraqi Army, positioned on the main road from the nearby town of Sayid Sadiq, fired artillery shells into Halabja, and the Air Force began dropping what is thought to have been napalm on the town, especially the northern area. Nasreen and Rangeen rushed to the cellar. Nasreen prayed that Bakhtiar, who was then outside the city, would find shelter.

The attack had ebbed by about two o'clock, and Nasreen made her way carefully upstairs to the kitchen, to get the food for the family. "At the end of the bombing, the sound changed," she said. "It wasn't so loud. It was like pieces of metal just dropping without exploding. We didn't know why it was so quiet."

A short distance away, in a neighborhood still called the Julakan, or Jewish quarter, even though Halabja's Jews left for Israel in the nineteen-fifties, a middle-aged man named Muhammad came up from his own cellar and saw an unusual sight: "A helicopter had come back to the town, and the soldiers were throwing white pieces of paper out the side." In retrospect, he understood that they were measuring wind speed and direction. Nearby, a man named Awat Omer, who was twenty at the time, was overwhelmed by a smell of garlic and apples.

Nasreen gathered the food quickly, but she, too, noticed a series of odd smells carried into the house by the wind. "At first, it smelled bad, like garbage," she said. "And then it was a good smell, like sweet apples. Then like eggs." Before she went downstairs, she happened to check on a caged partridge that her father kept in the house. "The bird was dying," she said. "It was on its side." She looked out the window. "It was very quiet, but the animals were dying. The sheep and goats were dying." Nasreen ran to the cellar. "I told everybody there was something wrong. There was something wrong with the air."

The people in the cellar were panicked. They had fled downstairs to escape the bombardment, and it was difficult to abandon their shelter. Only splinters of light penetrated the basement, but the dark provided a strange comfort. "We wanted to stay in hiding, even though we were getting sick," Nasreen said. She felt a sharp pain in her eyes, like stabbing needles. "My sister came close to my face and said, 'Your eyes are very red.' Then the children started throwing up. They kept throwing up. They were in so much pain, and crying so much. They were crying all the time. My mother was crying. Then the old people started throwing up."

Chemical weapons had been dropped on Halabja by the Iraqi Air Force, which understood that any underground shelter would become a gas chamber. "My uncle said we should go outside," Nasreen said. "We knew there were chemicals in the air. We were getting red eyes, and some of us had liquid coming out of them. We decided to run." Nasreen and her relatives stepped outside gingerly. "Our cow was lying on its side," she recalled. "It was breathing very fast, as if it had been running. The leaves were falling off the trees, even though it was spring. The partridge was dead. There were smoke clouds around, clinging to the ground. The gas was heavier than the air, and it was finding the wells and going down the wells."

The family judged the direction of the wind, and decided to run the opposite way. Running proved difficult. "The children couldn't walk, they were so sick," Nasreen said. "They were exhausted from throwing up. We carried them in our arms."

Across the city, other families were making similar decisions. Nouri Hama Ali, who lived in the northern part of town, decided to lead his family in the direction of Anab, a collective settlement on the outskirts of Halabja that housed Kurds displaced when the Iraqi Army destroyed their villages. "On the road to Anab, many of the women and children began to die," Nouri told me. "The chemical clouds were on the ground. They were heavy. We could see them." People were dying all around, he said. When a child could not go on, the parents, becoming hysterical with fear, abandoned him. "Many children were left on the ground, by the side of the road. Old people as well. They were running, then they would stop breathing and die."

Nasreen's family did not move quickly. "We wanted to wash ourselves off and find water to drink," she said. "We wanted to wash the faces of the children who were vomiting. The children were crying for water. There was powder on the ground, white. We couldn't decide whether to drink the water or not, but some people drank the water from the well they were so thirsty."

They ran in a panic through the city, Nasreen recalled, in the direction of Anab. The bombardment continued intermittently, Air Force planes circling overhead. "People were showing different symptoms. One person touched some of the powder, and her skin started bubbling."

A truck came by, driven by a neighbor. People threw themselves aboard. "We saw people lying frozen on the ground," Nasreen told me. "There was a small baby on the ground, away from her mother. I thought they were both sleeping. But she had dropped the baby and then died. And I think the baby tried to crawl away, but it died, too. It looked like everyone was sleeping."

At that moment, Nasreen believed that she and her family would make it to high ground and live. Then the truck stopped. "The driver said he couldn't go on, and he wandered away. He left his wife in the back of the truck. He told us to flee if we could. The chemicals affected his brain, because why else would someone abandon his family?"

As heavy clouds of gas smothered the city, people became sick and confused. Awat Omer was trapped in his cellar with his family; he said that his brother began laughing uncontrollably and then stripped off his clothes, and soon afterward he died. As night fell, the family's children grew sicker—too sick to move.

Nasreen's husband could not be found, and she began to think that all was lost. She led the children who were able to walk up the road.

In another neighborhood, Muhammad Ahmed Fattah, who was twenty, was overwhelmed by an oddly sweet odor of sulfur, and he, too, realized that he must evacuate his family; there were about a hundred and sixty people wedged into the cellar. "I saw the bomb drop," Muhammad told me. "It was about thirty metres from the house. I shut the door to the cellar. There was shouting and crying in the cellar, and then people became short of breath." One of the first to be stricken by the gas was Muhammad's brother Salah. "His eyes were pink," Muhammad recalled. "There was something coming out of his eyes. He was so thirsty he was demanding water." Others in the basement began suffering tremors.

March 16th was supposed to be Muhammad's wedding day. "Every preparation was done," he said. His fiancee, a woman named Bahar Jamal, was among the first in the cellar to die. "She was crying very hard," Muhammad recalled. "I tried to calm her down. I told her it was just the usual artillery shells, but it didn't smell the usual way weapons smelled. She was smart, she knew what was happening. She died on the stairs. Her father tried to help her, but it was too late."

Death came quickly to others as well. A woman named Hamida Mahmoud tried to save her two-year-old daughter by allowing her to nurse from her breast. Hamida thought that the baby wouldn't breathe in the gas if she was nursing, Muhammad said, adding, "The baby's name was Dashneh. She nursed for a long time. Her mother died while she was nursing. But she kept nursing." By the time Muhammad decided to go outside, most of the people in the basement were unconscious; many were dead, including his parents and three of his siblings.

Nasreen said that on the road to Anab all was confusion. She and the children were running toward the hills, but they were going blind. "The children were crying, 'We can't see! My eyes are bleeding!' " In the chaos, the family got separated. Nasreen's mother and father were both lost. Nasreen and several of her cousins and siblings inadvertently led the younger children in a circle, back into the city. Someone—she doesn't know who—led them away from the city again and up a hill, to a small mosque, where they sought shelter. "But we didn't stay in the mosque, because we thought it would be a target," Nasreen said. They went to a small house nearby, and Nasreen scrambled to find food and water for the children. By then, it was night, and she was exhausted.

Bakhtiar, Nasreen's husband, was frantic. Outside the city when the attacks started, he had spent much of the day searching for his wife and the rest of his family. He had acquired from a clinic two syringes of atropine, a drug that helps to counter the effects of nerve agents. He injected himself with one of the syringes, and set out to find Nasreen. He had no hope. "My plan was to bury her," he said. "At least I should bury my new wife."

After hours of searching, Bakhtiar met some neighbors, who remembered seeing Nasreen and the children moving toward the mosque on the hill. "I called out the name Nasreen," he said. "I heard crying, and I went inside the house. When I got there, I found that Nasreen was alive but blind. Everybody was blind."

Nasreen had lost her sight about an hour or two before Bakhtiar found her. She had been searching the house for food, so that she could feed the children, when her eyesight failed. "I found some milk and I felt my way to them and then I found their mouths and gave them milk," she said.

Bakhtiar organized the children. "I wanted to bring them to the well. I washed their heads. I took them two by two and washed their heads. Some of them couldn't come. They couldn't control their muscles. "

Bakhtiar still had one syringe of atropine, but he did not inject his wife; she was not the worst off in the group. "There was a woman named Asme, who was my neighbor," Bakhtiar recalled. "She was not able to breathe. She was yelling and she was running into a wall, crashing her head into a wall. I gave the atropine to this woman." Asme died soon afterward. "I could have used it for Nasreen," Bakhtiar said. "I could have."

After the Iraqi bombardment subsided, the Iranians managed to retake Halabja, and they evacuated many of the sick, including Nasreen and the others in her family, to hospitals in Tehran.

Nasreen was blind for twenty days. "I was thinking the whole time, Where is my family? But I was blind. I couldn't do anything. I asked my husband about my mother, but he said he didn't know anything. He was looking in hospitals, he said. He was avoiding the question."

The Iranian Red Crescent Society, the equivalent of the Red Cross, began compiling books of photographs, pictures of the dead in Halabja. "The Red Crescent has an album of the people who were buried in Iran," Nasreen said. "And we found my mother in one of the albums." Her father, she discovered, was alive but permanently blinded. Five of her siblings, including Rangeen, had died.

Nasreen would live, the doctors said, but she kept a secret from Bakhtiar: "When I was in the hospital, I started menstruating. It wouldn't stop. I kept bleeding. We don't talk about this in our society, but eventually a lot of women in the hospital confessed they were also menstruating and couldn't stop." Doctors gave her drugs that stopped the bleeding, but they told her that she would be unable to bear children.

Nasreen stayed in Iran for several months, but eventually she and Bakhtiar returned to Kurdistan. She didn't believe the doctors who told her that she would be infertile, and in 1991 she gave birth to a boy. "We named him Arazoo," she said. Arazoo means hope in Kurdish. "He was healthy at first, but he had a hole in his heart. He died at the age of three months."

I met Nasreen last month in Erbil, the largest city in Iraqi Kurdistan. She is thirty now, a pretty woman with brown eyes and high cheekbones, but her face is expressionless. She doesn't seek pity; she would, however, like a doctor to help her with a cough that she's had ever since the attack, fourteen years ago. Like many of Saddam Hussein's victims, she tells her story without emotion.

During my visit to Kurdistan, I talked with more than a hundred victims of Saddam's campaign against the Kurds. Saddam has been persecuting the Kurds ever since he took power, more than twenty years ago. Several old women whose husbands were killed by Saddam's security services expressed a kind of animal hatred toward him, but most people, like Nasreen, told stories of horrific cruelty with a dispassion and a precision that underscored their credibility. Credibility is important to the Kurds: after all this time, they still feel that the world does not believe their story.

A week after I met Nasreen, I visited a small village called Goktapa, situated in a green valley that is ringed by snow-covered mountains. Goktapa came under poison-gas attack six weeks after Halabja. The village consists of low mud-brick houses along dirt paths. In Goktapa, an old man named Ahmed Raza 'Sharif told me that on the day of the attack on Goktapa, May 3, 1988, he was in the fields outside the village. He saw the shells explode and smelled the sweet-apple odor as poison filled the air. His son, Osman Ahmed, who was sixteen at the time, was near the village mosque when he was felled by the gas. He crawled down a hill and died among the reeds on the banks of the Lesser Zab, the river that flows by the village. His father knew that he was dead, but he couldn't reach the body. As many as a hundred and fifty people died in the attack; the survivors fled before the advancing Iraqi Army, which levelled the village. Ahmed Raza Sharif did not return for three years. When he did, he said, he immediately began searching for his son's body. He found it still lying in the reeds. "I recognized his body right away," he said.

The summer sun in Iraq is blisteringly hot, and a corpse would be unidentifiable three years after death. I tried to find a gentle way to express my doubts, but my translator made it clear to Sharif that I didn't believe him.

We were standing in the mud yard of another old man, Ibrahim Abdul Rahman. Twenty or thirty people, a dozen boys among them, had gathered. Some of them seemed upset that I appeared to doubt the story, but Ahmed hushed them. "It's true, he lost all the flesh on his body," he said. "He was just a skeleton. But the clothes were his, and they were still on the skeleton, a belt and a shirt. In the pocket of his shirt I found the key to our tractor. That's where he always kept the key."

Some of the men still seemed concerned that I would leave Goktapa doubting their truthfulness. Ibrahim, the man in whose yard we were standing, called out a series of orders to the boys gathered around us. They dispersed, to houses and storerooms, returning moments later holding jagged pieces of metal, the remnants of the bombs that poisoned Goktapa. Ceremoniously, the boys dropped the pieces of metal at my feet. "Here are the mercies of Uncle Saddam," Ibrahim said.

2. THE AFTERMATH

The story of Halabja did not end the night the Iraqi Air Force planes returned to their bases. The Iranians invited the foreign press to record the devastation. Photographs of the victims, supine, bleached of color, littering the gutters and alleys of the town, horrified the world. Saddam Hussein's attacks on his own citizens mark the only time since the Holocaust that poison gas has been used to exterminate women and children.

Saddam's cousin Ali Hassan al-Majid, who led the campaigns against the Kurds in the late eighties, was heard on a tape captured by rebels, and later obtained by Human Rights Watch, addressing members of Iraq's ruling Baath Party on the subject of the Kurds. "I will kill them all with chemical weapons!" he said. "Who is going to say anything? The international community? Fuck them! The international community and those who listen to them."

Attempts by Congress in 1988 to impose sanctions on Iraq were stifled by the Reagan and Bush Administrations, and the story of Saddam's surviving victims might have vanished completely had it not been for the reporting of people like Randal and the work of a British documentary filmmaker named Gwynne Roberts, who, after hearing stories about a sudden spike in the incidence of birth defects and cancers, not only in Halabja but also in other parts of Kurdistan, had made some disturbing films on the subject. However, no Western government or United Nations agency took up the cause.

In 1998, Roberts brought an Englishwoman named Christine Gosden to Kurdistan. Gosden is a medical geneticist and a professor at the medical school of the University of Liverpool. She spent three weeks in the hospitals in Kurdistan, and came away determined to help the Kurds. To the best of my knowledge, Gosden is the only Western scientist who has even begun making a systematic study of what took place in northern Iraq.

Gosden told me that her father was a high-ranking officer in the Royal Air Force, and that as a child she lived in Germany, near Bergen-Belsen. "It's tremendously influential in your early years to live near a concentration camp," she said. In Kurdistan, she heard echoes of the German campaign to destroy the Jews. "The Iraqi government was using chemistry to reduce the population of Kurds," she said. "The Holocaust is still having its effect. The Jews are fewer in number now than they were in 1939. That's not natural. Now, if you take out two hundred thousand men and boys from Kurdistan"—an estimate of the number of

Kurds who were gassed or otherwise murdered in the campaign, most of whom were men and boys—"you've affected the population structure. There are a lot of widows who are not having children."

Richard Butler, an Australian diplomat who chaired the United Nations weapons-inspection team in Iraq, describes Gosden as "a classic English, old-school-tie kind of person." Butler has tracked her research since she began studying the attacks, four years ago, and finds it credible. "Occasionally, people say that this is Christine's obsession, but obsession is not a bad thing," he added.

Before I went to Kurdistan, in January, I spent a day in London with Gosden. We gossiped a bit, and she scolded me for having visited a Washington shopping mall without appropriate protective equipment. Whenever she goes to a mall, she brings along a polyurethane bag, "big enough to step into" and a bottle of bleach. "I can detoxify myself immediately," she said.

Gosden believes it is quite possible that the countries of the West will soon experience chemical and biological-weapons attacks far more serious and of greater lasting effect than the anthrax incidents of last autumn and the nerve-agent attack on the Tokyo subway system several years ago—that what happened in Kurdistan was only the beginning. "For Saddam's scientists, the Kurds were a test population," she said. "They were the human guinea pigs. It was a way of identifying the most effective chemical agents for use on civilian populations, and the most effective means of delivery."

The charge is supported by others. An Iraqi defector, Khidhir Hamza, who is the former director of Saddam's nuclear-weapons program, told me earlier this year that before the attack on Balabja military doctors had mapped the city, and that afterward they entered it wearing protective clothing, in order to study the dispersal of the dead. "These were field tests, an experiment on a town," Hamza told me. He said that he had direct knowledge of the Army's procedures that day in Halabja. "The doctors were given sheets with grids on them, and they had to answer questions such as 'How far are the dead from the cannisters?' "

Gosden said that she cannot understand why the West has not been more eager to investigate the chemical attacks in Kurdistan. "It seems a matter of enlightened self-interest that the West would want to study the long-term effects of chemical weapons on civilians, on the DNA," she told me. "I've seen Europe's worst cancers, but, believe me, I have never seen cancers like the ones I saw in Kurdistan."

According to an ongoing survey conducted by a team of Kurdish physicians and organized by Gosden and a small advocacy group called the Washington Kurdish Institute, more than two hundred towns and villages across Kurdistan were attacked by poison gas—far more than was previously thought—in the course of seventeen months. The number of victims is unknown, but doctors I met in Kurdistan believe that up to ten per cent of the population of northern Iraq—nearly four million people—has been exposed to chemical weapons. "Saddam Hussein poisoned northern Iraq," Gosden said when I left for Halabja. "The questions, then, are what to do? And what comes next?"

3. HALABJA'S DOCTORS

The Kurdish people, it is often said, make up the largest stateless nation in the world. They have been widely despised by their neighbors for centuries. There are roughly twenty-five million Kurds, most of them spread across four countries in southwestern Asia: Turkey, Iran, Iraq, and Syria. The Kurds are neither Arab, Persian, nor Turkish; they are a distinct ethnic group, with their own culture and language. Most Kurds are Muslim (the most famous Muslim hero of all, Saladin, who defeated the Crusaders, was of Kurdish origin), but there are Jewish and Christian Kurds, and also followers of the Yezidi religion, which has its roots in Sufism and Zoroastrianism. The Kurds are experienced mountain fighters, who tend toward stubbornness and have frequent bouts of destructive infighting

After centuries of domination by foreign powers, the Kurds had their best chance at independence after the First World War, when President Woodrow Wilson promised the Kurds, along with other groups left drifting, and exposed by the collapse of the Ottoman Empire, a large measure of autonomy. But the machinations of the great powers, who were becoming interested in Kurdistan's vast oil deposits, in Mosul and Kirkuk, quickly did the Kurds out of a state.

In the nineteen-seventies, the Iraqi Kurds allied themselves with the Shah of Iran in a territorial dispute with Iraq. America, the Shah's patron, once again became the Kurds' patron, too, supplying them with arms for a revolt against Baghdad. But a secret deal between the Iraqis and the Shah, arranged in 1975 by Secretary of State Henry Kissinger, cut off the Kurds and brought about their instant collapse; for the Kurds, it was an ugly betrayal.

The Kurdish safe haven, in northern Iraq, was born of another American betrayal. In 1991, after the United States helped drive Iraq out of Kuwait, President George Bush ignored an uprising that he himself had stoked, and Kurds and Shiites in Iraq were slaughtered by the thousands. Thousands more fled the country, the Kurds going to Turkey, and almost immediately creating a humanitarian disaster. The Bush Administration, faced with a televised catastrophe, declared northern Iraq a no-fly zone and thus a safe haven, a tactic that allowed the refugees to return home. And so, under the protective shield of the United States and British Air Forces, the unplanned Kurdish experiment in self-government began. Although the Kurdish safe haven is only a virtual state, it is an incipient democracy, a home of progressive Islamic thought and pro-American feeling.

Today, Iraqi Kurdistan is split between two dominant parties: the Kurdistan Democratic Party, led by Massoud Barzani, and the Patriotic Union of Kurdistan, whose General Secretary is Jalal Talabani. The two parties have had an often angry relationship, and in the mid-nineties they fought a war that left about a thousand soldiers dead. The parties, realizing that they could not rule together, decided to rule apart, dividing Kurdistan into two zones. The internal political divisions have not aided the Kurds' cause, but neighboring states also have fomented disunity, fearing that a unified Kurdish population would agitate for independence.

Turkey, with a Kurdish population of between fifteen and twenty million, has repressed the Kurds in the eastern part of the country, politically and militarily, on and off since the founding of the modern Turkish state. In 1924, the government of Atatürk restricted the use of the Kurdish language (a law not lifted until 1991) and expressions of Kurdish culture; to this day, the Kurds are referred to in nationalist circles as "mountain Turks."

Turkey is not eager to see Kurds anywhere draw attention to themselves, which is why the authorities in Ankara refused to let me cross the border into Iraqi Kurdistan. Iran, whose Kurdish population numbers between six and eight million, was not helpful, either, and my only option for gaining entrance to Kurdistan was through its third neighbor, Syria. The Kurdistan Democratic Party arranged for me to be met in Damascus and taken to the eastern desert city of El Qamishli. From there, I was driven in a Land Cruiser to the banks of the Tigris River, where a small wooden boat, with a crew of one and an outboard motor, was waiting. The engine sputtered; when I learned that the forward lines of the Iraqi Army were two miles downstream, I began to paddle, too. On the other side of the river were representatives of the Kurdish Democratic Party and the peshmerga, the Kurdish guerrillas, who wore pantaloons and turbans and were armed with AK-47s.

"Welcome to Kurdistan" read a sign at the water's edge greeting visitors to a country that does not exist.

Halabja is a couple of hundred miles from the Syrian border, and I spent a week crossing northern Iraq, making stops in the cities of Dahuk and Erbil on the way. I was handed over to representatives of the Patriotic Union, which controls Halabja, at a demilitarized zone west of the town of Koysinjaq. From there, it was a two-hour drive over steep mountains to Sulaimaniya, a city of six hundred and fifty thousand, which is the cultural capital of Iraqi Kurdistan. In Sulaimaniya, I met Fouad Baban, one of Kurdistan's leading physicians, who promised to guide me through the scientific and political thickets of Halabja.

Baban, a pulmonary and cardiac specialist who has survived three terms in Iraqi prisons, is sixty years old, and a man of impish good humor. He is the Kurdistan coordinator of the Halabja Medical Institute, which was founded by Gosden, Michael Amitay, the executive director of the Washington Kurdish Institute, and a coalition of Kurdish doctors; for the doctors, it is an act of bravery to be publicly associated with a project whose scientific findings could be used as evidence if Saddam Hussein faced a war-crimes tribunal. Saddam's agents are everywhere in the Kurdish zone, and his tanks sit forty miles from Baban's office.

Soon after I arrived in Sulaimanya, Baban and I headed out in his Toyota Camry for Halabja. On a rough road, we crossed the plains of Sharazoor, a region of black earth and honey-colored wheat ringed by jagged, snow-topped mountains. We were not travelling alone. The Mukhabarat, the Iraqi intelligence service, is widely reported to have placed a bounty on the heads of Western journalists caught in Kurdistan (either ten thousand dollars or twenty thousand dollars, depending on the source of the information). The areas around the border with Iran are filled with Tehran's spies, and members of Ansar al-Islam, an Islamist terror group, were said to be decapitating people in the Halabja area. So the Kurds had laid on a rather elaborate security detail. A Land Cruiser carrying peshmerga guerrillas led the way, and we were followed by another Land Cruiser, on whose bed was mounted an anti-aircraft weapon manned by six peshmerga, some of whom wore black balaclavas. We were just south of the American- and British-enforced no-fly zone. I had been told that, at the beginning of the safe-haven experiment, the Americans had warned Saddam's forces to stay away; a threat from the air, though unlikely, was, I deduced, not out of the question.

"It seems very important to know the immediate and long-term effects of chemical and biological weapons," Baban said, beginning, my tutorial. "Here is a civilian population exposed to chemical and possibly biological weapons, and people are developing many varieties of cancers and congenital abnormalities. The Americans are vulnerable to these weapons—they are cheap, and terrorists possess them. So, after the anthrax attacks in the States, I think it is urgent for scientific research to be done here."

Experts now believe that Halabja and other places in Kurdistan were struck by a combination of mustard gas and nerve agents, including sarin (the agent used in the Tokyo subway attack) and VX, a potent nerve agent. Baban's suggestion that biological weapons may also have been used surprised me. One possible biological weapon that Baban mentioned was aflatoxin, which causes long-term liver damage.

A colleague of Baban's, a surgeon who practices in Dahuk, in northwestern Kurdistan, and who is a member of the Halabja Medical Institute team, told me more about the institute's survey, which was conducted in the Dahuk region in 1999. The surveyors began, he said, by asking elementary questions; eleven years after the attacks, they did not even know which villages had been attacked.

"The team went to almost every village," the surgeon said. "At first, we thought that the Dahuk governorate was the least affected. We knew of only two villages that were hit by the attacks. But we came up with twenty-nine in total. This is eleven years after the fact."

The surgeon is professorial in appearance, but he is deeply angry. He doubles as a pediatric surgeon, because there are no pediatric surgeons in Kurdistan. He has performed more than a hundred operations for cleft palate on children born since 1988. Most of the agents believed to have been dropped on Halabja have short half-lives, but, as Baban told me, "physicians are unsure how long these toxins will affect the population. How can we know agent half-life if we don't know the agent?" He added, "If we knew the toxins that were used, we could follow them and see actions on spermatogenesis and ovogenesis."

Increased rates of infertility, he said, are having a profound effect on Kurdish society, which places great importance on large families. "You have men divorcing their wives because they could not give birth, and then marrying again, and then their second wives can't give birth, either," he said. "Still, they don't blame their own problem with spermatogenesis."

Baban told me that the initial results of the Halabja Medical Institute-sponsored survey show abnormally high rates of many diseases. He said that he compared rates of colon cancer in Halabja with those in the city of Chamchamal, which was not attacked with chemical weapons. "We are seeing rates of colon cancer five times higher in Halabja than in Chamchamal," he said.

There are other anomalies as well, Baban said. The rate of miscarriage in Halabja, according to initial survey results, is fourteen times the rate of miscarriage in Chamchamal; rates of infertility among men and women in the affected population are many times higher than normal. "We're finding Hiroshima levels of sterility," he said.

Then, there is the suspicion about snakes. "Have you heard about the snakes?" he asked as we drove. I told him that I had heard rumors. "We don't know if a genetic mutation in the snakes has made them more toxic," Baban went on, "or if the birds that eat the snakes were killed off in the attacks, but there seem to be more snakebites, of greater toxicity, in Halabja now than before." (I asked Richard Spertzel, a scientist and a former member of the United Nations Special Commission inspections team, if this was possible. Yes, he said, but such a rise in snakebites was more likely due to "environmental imbalances" than to mutations.)

My conversation with Baban was suddenly interrupted by our guerrilla escorts, who stopped the car and asked me to join them in one of the Land Cruisers; we veered off across a wheat field, without explanation. I was later told that we had been passing a mountain area that had recently had problems with Islamic terrorists.

We arrived in Halabja half an hour later. As you enter the city, you see a small statue modelled on the most famous photographic image of the Halabj massacre: an old man, prone and lifeless, shielding his dead grandson with his body.

A torpor seems to afflict Halabja; even its bazaar is listless and somewhat empty, in marked contrast to those of other Kurdish cities, which are well stocked with imported goods (history and circumstance have made the Kurds enthusiastic smugglers) and are full of noise and activity. "Everyone here is sick," a Halabja doctor told me. "The people who aren't sick are depressed." He practices at the Martyrs' Hospital, which is situated on the outskirts of the city. The hospital has no heat and little advanced equipment; like the city itself, it is in a dilapidated state.

The doctor is a thin, jumpy man in a tweed jacket, and he smokes without pause. He and Baban took me on a tour of the hospital. Afterward, we sat in a bare office, and a woman was wheeled in. She looked seventy but said that she was fifty; doctors told me she suffers from lung scarring so serious that only a lung transplant could help, but there are no transplant centers in Kurdistan. The woman, whose name is Jayran Muhammad, lost eight relatives during the attack. Her voice was almost inaudible. "I was disturbed psychologically for a long time," she told me as Baban translated. "I believed my children were alive." Baban told me that her lungs would fail soon, that she could barely breathe. "She is waiting to die," he said. I met another woman, Chia Hammassat, who was eight at the time of the attacks and has been blind ever since. Her mother, she said, died of colon cancer several years ago, and her brother suffers from chronic shortness of breath. "There is no hope to correct my vision," she said, her voice flat. "I was married, but I couldn't fulfill the responsibilities of a wife because I'm blind. My husband left me."

Baban said that in Halabja "there are more abnormal births than normal ones," and other Kurdish doctors told me that they regularly see children born with neural-tube defects and undescended testes and without anal openings. They are seeing—and they showed me—children born with six or seven toes on each foot, children whose fingers and toes are fused, and children who suffer from leukemia and liver cancer.

I met Sarkar, a shy and intelligent boy with a harelip, a cleft palate, and a growth on his spine. Sarkar had a brother born with the same set of malformations, the doctor told me, but the brother choked to death, while still a baby, on a grain of rice.

Meanwhile, more victims had gathered in the hallway; the people of Halabja do not often have a chance to tell their stories to foreigners. Some of them wanted to know if I was a surgeon, who had come to repair their children's deformities, and they were disappointed to learn that I was a journalist. The doctor and I soon left the hospital for a walk through the northern neighborhoods of Halabja, which were hardest hit in the attack. We were trailed by peshmerga carrying AK-47s. The doctor smoked as we talked, and I teased him about his habit. "Smoking has some good effect on the lungs," he said, without irony. "In the attacks, there was less effect on smokers. Their lungs were better equipped for the mustard gas, maybe."

We walked through the alleyways of the Jewish quarter, past a former synagogue in which eighty or so Halabjans died during the attack. Underfed cows wandered the paths. The doctor showed me several cellars where clusters of people had died. We knocked on the gate of one house, and were let in by an old woman with a wide smile and few teeth. In the Kurdish tradition, she immediately invited us for lunch.

She told us the recent history of the house. "Everyone who was in this house died," she said. "The whole family. We heard there were one hundred people." She led us to the cellar, which was damp and close. Rusted yellow cans of vegetable ghee littered the floor. The room seemed too small to hold a hundred people, but the doctor said that the estimate sounded accurate. I asked him if cellars like this one had ever been decontaminated. He smiled. "Nothing in Kurdistan has been decontaminated," he said.

4. AL-ANFAL

The chemical attacks on Halabja and Goktapa and perhaps two hundred other villages and towns were only a small part of the cataclysm that Saddam's cousin, the man known as Ali Chemical, arranged for the Kurds. The Kurds say that about two hundred thousand were killed. (Human Rights Watch, which in the early nineties published "Iraq's Crime of Genocide," a definitive study of the attacks, gives a figure of between fifty thousand and a hundred thousand.)

The campaign against the Kurds was dubbed al-Anfal by Saddam, after a chapter in the Koran that allows conquering Muslim armies to seize the spoils of their foes. It reads, in part, "Against them"—your enemies—"make ready your strength to the utmost of your power, including steeds of war, to strike terror into the hearts of the enemies of Allah and your enemies, and others besides, whom ye may not know, but whom Allah doth know. Whatever ye shall spend in the cause of Allah, shall be repaid unto you, and ye shall not be treated unjustly."

The Anfal campaign was not an end in itself, like the Holocaust, but a means to an end—an instance of a policy that Samantha Power, who runs the Carr Center for Human Rights, at Harvard, calls "Instrumental genocide." Power has just published "A Problem from Hell," a study of American responses to genocide. "There are regimes that set out to murder every citizen of a race," she said. "Saddam achieved what he had to do without exterminating every last Kurd." What he had to do, Power and others say, was to break the Kurds' morale and convince them that a desire for independence was foolish.

Most of the Kurds who were murdered in the Anfal were not killed by poison gas; rather, the genocide was carried out, in large part, in the traditional manner, with roundups at night, mass executions, and anonymous burials. The bodies of most of the victims of the Anfal—mainly men and boys—have never been found.

One day, I met one of the thousands of Kurdish women known as Anfal widows: Salma Aziz Baban. She lives outside Chamchamal, in a settlement made up almost entirely of displaced families, in cinder-block houses. Her house was nearly empty—no furniture, no heat, just a ragged carpet. We sat on the carpet as she told me about her family. She comes from the Kirkuk region, and in 1987 her village was uprooted by the Army, and the inhabitants, with thousands of other Kurds, were forced into a collective town. Then, one night in April of 1988, soldiers went into the village and seized the men and older boys. Baban's husband and her three oldest sons were put on trucks. The mothers of the village began to plead with the soldiers. "We were screaming, 'Do what you want to us, do what you want!'" Baban told me. "They were so scared, my sons. My sons were crying." She tried to bring them coats for the journey. "It was raining. I wanted them to have coats. I begged the soldiers to let me give them bread. They took them without coats." Baban remembered that a high-ranking Iraqi officer named Bareq orchestrated the separation; according to "Iraq's Crime of Genocide," the Human Rights Watch report, the man in charge of this phase was a brigadier general named Bareq Abdullah al-Haj Hunta.

After the men were taken away, the women and children were herded onto trucks. They were given little water or food, and were crammed so tightly into the vehicles that they had to defecate where they stood. Baban, her three daughters, and her six-year-old son were taken to the Topzawa Army base and then to the prison of Nugra Salman, the Pit of Salman, which Human Rights Watch in 1995 described this way: "It was an old building, dating back to the days of the Iraqi monarchy and perhaps earlier. It had been abandoned for years, used by Arab nomads to shelter their herds. The bare walls were scrawled with the diaries of political prisoners. On the door of one cell, a guard had daubed 'Khomeini eats shit.'. Over the main gate, someone else had written, 'Welcome to Hell.'"

"We arrived at midnight," Baban told me. "They put us in a very big room, with more than two thousand people, women and children, and they closed the door. Then the starvation started."

The prisoners were given almost nothing to eat, and a single standpipe spat out brackish water for drinking. People began to die from hunger and illness. When someone died, the Iraqi guards would demand that the body be passed through a window in the main door. "The bodies couldn't stay in the hall," Baban told me. In the first days at Nugra Salman, "thirty people died, maybe more." Her six-year-old son, Rebwar, fell ill. "He had diarrhea," she said. "He was very sick. He knew he was dying. There was no medicine or doctor. He started to cry so much." Baban's son died on her lap. "I was screaming and crying," she said. "My daughters were crying. We gave them the body. It was passed outside, and the soldiers took it."

Soon after Baban's son died, she pulled herself up and went to the window, to see if the soldiers had taken her son to be buried. "There were twenty dogs outside the prison. A big black dog was the leader," she said. The soldiers had dumped the bodies of the dead outside the prison, in a field. "I looked outside and saw the legs and hands of my son in the mouths of the dogs. The dogs were eating my son." She stopped talking for a moment. "Then I lost my mind."

She described herself as catatonic; her daughters scraped around for food and water. They kept her alive, she said, until she could function again. "This was during Ramadan. We were kept in Nugra Salman for a few more months."

In September, when the war with Iran was over, Saddam issued a general amnesty to the Kurds, the people he believed had betrayed him by siding with Tehran. The women, children, and elderly in Nugra Salman were freed. But, in most cases, they could not go home; the Iraqi Army had bulldozed some four thousand villages, Baban's among them. She was finally resettled in the Chamchamal district.

In the days after her release, she tried to learn the fate of her husband and three older sons. But the men who disappeared in the Anfal roundups have never been found. It is said that they were killed and then buried in mass graves in the desert along the Kuwaiti border, but little is actually known. A great number of Anfal widows, I was told, still believe that their sons and husbands and brothers are locked away in Saddam's jails. "We are thinking they are alive," Baban said, referring to her husband and sons. "Twenty-four hours a day, we are thinking maybe they are alive. If they are alive, they are being tortured, I know it."

Baban said that she has not slept well since her sons were taken from her. "We are thinking, Please let us know they are dead, I will sleep in peace," she said. "My head is filled with terrible thoughts. The day I die is the day I will not remember that the dogs ate my son."

Before I left, Baban asked me to write down the names of her three older sons. They are Sherzad, who would be forty now; Rizgar, who would be thirty-one; and Muhammad, who would be thirty. She asked me to find her sons, or to ask President Bush to find them. "One would be sufficient," she said. "If just one comes back, that would be enough."

5. WHAT THE KURDS FEAR

In a conversation not long ago with Richard Butler, the former weapons inspector, I suggested a possible explanation for the world's indifference to Saddam Hussein's use of chemical weapons to commit genocide—that the people he had killed were his own citizens, not those of another sovereign state. (The main chemical-weapons treaty does not ban a country's use of such weapons against its own people, perhaps because at the time the convention was drafted no one could imagine such a thing.) Butler reminded me, however, that Iraq had used chemical weapons against another country—Iran—during, the eight-year Iran-Iraq War. He offered a simpler rationale. "The problems are just too awful and too hard," he said. "History is replete with such things. Go back to the grand example of the Holocaust. It sounded too hard to do anything about it."

The Kurds have grown sanguine about the world's lack of interest. "I've learned not to be surprised by the indifference of the civilized world," Barham Salih told me one evening in Sulaimaniya. Salih is the Prime Minister of the area of Kurdistan administered by the Patriotic Union, and he spoke in such a way as to suggest that it would be best if I, too, stopped acting surprised. "Given the scale of the tragedy—we're talking about large numbers of victims—I suppose I'm surprised that the international community has not come in to help the survivors," he continued. "It's politically indecent not to help. But, as a Kurd, I live with the terrible hand history and geography have dealt my people."

Salih's home is not prime ministerial, but it has many Western comforts. He had a satellite television and a satellite telephone, yet the house was frigid; in a land of cheap oil, the Kurds, who are cut off the Iraqi electric grid by Saddam on a regular basis, survive on generator power and kerosene heat.

Over dinner one night, Salih argued that the Kurds should not be regarded with pity. "I don't think one has to tap into the Wilsonian streak in American foreign policy in order to find a rationale for helping the Kurds," he said. "Helping the Kurds would mean an opportunity to study the problems caused by weapons of mass destruction."

Salih, who is forty-one, often speaks bluntly, and is savvy about Washington's enduring interest in ending the reign of Saddam Hussein. Unwilling publicly to exhort the United States to take military action, Salih is aware that the peshmerga would be obvious allies of an American military strike against Iraq; other Kurds have been making that argument for years. It is not often noted in Washington policy circles, but the Kurds already hold a vast swath of territory inside the country—including two important dams whose destruction could flood Baghdad—and have at least seventy thousand men under arms. In addition, the two main Kurdish parties are members of the Iraqi opposition group, the Iraqi National Congress, which is headed by Ahmad Chalabi, a London-based Shiite businessman; at the moment, though, relations between Chalabi and the Kurdish leaders are contentious.

Kurds I talked to throughout Kurdistan were enthusiastic about the idea of joining, an American-led alliance against Saddam Hussein, and serving as the northen-Iraqi equivalent of Afghanistan's Northern Alliance. President Bush's State of the Union Message, in which he denounced Iraq as the linchpin of an "axis of evil," had had an electric effect on every Kurd I met who heard the speech. In the same speech, President Bush made reference to Iraq's murder of "thousands of its own citizens—leaving the bodies of mothers huddled over their dead children." General Simko Dizayee, the chief of staff of the peshmerga, told me, "Bush's speech filled our hearts with hope."

Prime Minister Salih expressed his views diplomatically. "We support democratic transformation in Iraq," he said—half smiling, because he knows that there is no chance of that occurring unless Saddam is removed. But until America commits itself to removing Saddam, he said, "we're living on the razor's edge. Before Washington even wakes up in the morning, we could have ten thousand dead." This is the Kurdish conundrum: the Iraqi military is weaker than the American military, but the Iraqis are stronger than the Kurds. Seven hundred Iraqi tanks face the Kurdish safe haven, according to peshmerga commanders.

General Mustafa Said Qadir, the peshmerga leader, put it this way: "We have a problem. If the Americans attack Saddam and don't get him, we're going to get gassed. If the Americans decided to do it, we would be thankful. This is the Kurdish dream. But it has to be done carefully."

The Kurdish leadership worries, in short, that an American mistake could cost the Kurds what they have created, however inadvertently: a nearly independent state for themselves in northern Iraq. "We would like to be our own nation," Salih told me. "But we are realists. All we want is to be partners of the Arabs of Iraq in building a secular, democratic, federal country." Later, he added, "We are proud of ourselves. We have inherited a devastated country. It's not easy what we are trying to achieve. We had no democratic institutions, we didn't have a legal culture, we did not have a strong military. From that situation, this is a remarkable success story."

The Kurdish regional government, to be sure, is not a Vermont town meeting. The leaders of the two parties, Massoud Barzani and Jalal Talabani, are safe in their jobs. But there is a free press here, and separation of mosque and state, and schools are being built and pensions are being paid. In Erbil and in Sulaimaniya, the Kurds have built playgrounds on the ruins of Iraqi Army torture centers. "If America is indeed looking for Muslims who are eager to become democratic and are eager to counter the effects of Islamic fundamentalism, then it should be looking here," Salih said.

Massoud Barzani is the son of the late Mustafa Barzani, a legendary guerrilla, who built the Democratic Party, and who entered into the ill-fated alliance with Iran and America. I met Barzani in his headquarters, above the town of Salahuddin. He is a short man, pale and quiet; he wore the red turban of the Barzani clan and a wide cummerbund across his baggy trousers—the outfit of a peshmerga.

Like Salih, he chooses his words carefully when talking about the possibility of helping America bring down Saddam. "It is not enough to tell us the U.S. will respond at a certain time and place of its choosing," Barzani said. "We're in artillery range. Iraq's Army is weak, but it is still strong enough to crush us. We don't make assumptions about the American response."

One day, I drove to the Kurdish front lines near Erbil, to see the forward positions of the Iraqi Army. The border between the Army-controlled territory and the Kurdish region is porous; Baghdad allows some Kurds—nonpolitical Kurds—to travel back and forth between zones.

My peshmerga escort took me to the roof of a building overlooking the Kalak Bridge and, beyond it, the Iraqi lines. Without binoculars, we could see Iraqi tanks on the hills in front of us. A local official named Muhammad Najar joined us; he told me that the Iraqi forces arrayed there were elements of the Army's Jerusalem brigade, a reserve unit established by Saddam with the stated purpose of liberating Jerusalem from the Israelis. Other peshmerga joined us. It was a brilliantly sunny day, and we were enjoying the weather. A man named Aziz Khader, gazing at the plain before us, said, "When I look across here, I imagine American tanks coming down across this plain going to Baghdad." His friends smiled and said, "Inshallah"—God willing. Another man said, "The U.S. is the lord of the world."

6. THE PRISONERS

A week later, I was at Shinwe, a mountain range outside Halabja, with another group of peshmerga. My escorts and I had driven most of the way up, and then slogged through fresh snow. From one peak, we could see the village of Biyara, which sits in a valley between Halabja and a wall of mountains that mark the Iranian border. Saddam's tanks were an hour's drive away to the south, and Iran filled the vista before us. Biyara and nine other villages near it are occupied by the terrorist group Ansar al-Islam, or Supporters of Islam. Shinwe, in fact, might be called the axis of the axis of evil.

We were close enough to see trucks belonging to Ansar al-Islam making their way from village to village. The commander of the peshmerga forces surrounding Biyara, a veteran guerrilla named Ramadan Dekone, said that Ansar al-Islam is made up of Kurdish Islamists and an unknown number of so-called Arab Afghans—Arabs, from southern Iraq and elsewhere, who trained in the camps of Al Qaeda.

"They believe that people must be terrorized," Dekone said, shaking his head. "They believe that the Koran says this is permissible." He pointed to an abandoned village in the middle distance, a place called Kheli Hama. "That is where the massacre took place," he said. In late September, forty-two of his men were killed by Ansar al-Islam, and now Dekone and his forces seemed ready for revenge. I asked him what he would do if he captured the men responsible for the killing. "I would take them to court," he said.

When I got to Sulaimaniya, I visited a prison run by the intelligence service of the Patriotic Union. The prison is attached to the intelligence-service headquarters. It appears to be well kept and humane; the communal cells hold twenty or so men each, and they have kerosene heat, and even satellite television. For two days, the intelligence agency permitted me to speak with any prisoner who agreed to be interviewed. I was wary; the Kurds have an obvious interest in lining up on the American side in the war against terror. But the officials did not, as far as I know, compel anyone to speak to me, and I did not get the sense that allegations made by prisoners were shaped by their captors. The stories, which I later checked with experts on the region, seemed at least worth the attention of America and other countries in the West.

The allegations include charges that Ansar al-Islam has received funds directly from Al Qaeda; that the intelligence service of Saddam Hussein has joint control, with Al Qaeda operatives, over Ansar al-Islam; that Saddam Hussein hosted a senior leader of Al Qaeda in Baghdad in 1992; that a number of Al Qaeda members fleeing Afghanistan have been secretly brought into territory controlled by Ansar al-Islam; and that Iraqi intelligence agents smuggled conventional weapons, and possibly even chemical and biological weapons, into Afghanistan. If these charges are true, it would mean that the relationship between Saddam's regime and Al Qaeda is far closer than previously thought.

When I asked the director of the twenty-four-hundred-man Patriotic Union intelligence service why he was allowing me to interview his prisoners, he told me that he hoped I would carry this information to American intelligence officials. "The F.B.I. and the C.I.A. haven't come out yet," he told me. His deputy added, "Americans are going to Somalia, the Philippines, I don't know where else, to look for terrorists. But this is the field, here." Anya Guilsher, a spokeswoman for the C.I.A., told me last week that as a matter of policy the agency would not comment on the activities of its officers. James Woolsey, a former C.I.A. director and an advocate of overthrowing the Iraqi regime, said, "It would be a real shame if the C.I.A.'s substantial institutional hostility to Iraqi democratic resistance groups was keeping it from learning about Saddam's ties to Al Qaeda in northern Iraq."

The possibility that Saddam could supply weapons of mass destruction to anti-American terror groups is a powerful argument among advocates of "regime change," as the removal of Saddam is known in Washington. These critics of Saddam argue that his chemical and biological capabilities, his record of support for terrorist organizations, and the cruelty of his regime make him a threat that reaches far beyond the citizens of Iraq.

"He's the home address for anyone wanting to make or use chemical or biological weapons," Kanan Makiya, an Iraqi dissident, said. Makiya is the author of "Republic of Fear," a study of Saddam's regime. "He's going to be the person to worry about. He's got the labs and the knowhow. He's hellbent on trying to find a way into the fight, without announcing it."

On the surface, a marriage of Saddam's secular Baath Party regime with the fundamentalist Al Qaeda seems unlikely. His relationship with secular Palestinian groups is well known; both Abu Nidal and Abul Abbas, two prominent Palestinian terrorists, are currently believed to be in Baghdad. But about ten years ago Saddam underwent something of a battlefield conversion to a fundamentalist brand of Islam.

"It was gradual, starting the moment he decided on the invasion of Kuwait," in June of 1990, according to Amatzia Baram, an Iraq expert at the University of Haifa. "His calculation was that he needed people in Iraq and the Arab world—as well as God—to be on his side when he invaded. After he invaded, the Islamic rhetorical style became overwhelming,"—so overwhelming, Baram continued, that a radical group in Jordan began calling Saddam "the New Caliph Marching from the East." This conversion, cynical though it may be, has opened doors to Saddam in the fundamentalist world. He is now a prime supporter of the Palestinian Islamic Jihad and of Hamas, paying families of suicide bombers ten thousand dollars in exchange for their sons' martyrdom. This is part of Saddam's attempt to harness the power of Islamic extremism and direct it against his enemies.

Kurdish culture, on the other hand, has traditionally been immune to religious extremism. According to Kurdish officials, Ansar al-Islam grew out of an idea spread by Ayman al-Zawahiri, the former chief of the Egyptian Islamic Jihad and now Osama bin Laden's deputy in Al Qaeda. "There are two schools of thought" in Al Qaeda, Karim Sinjari, the Interior Minister of Kurdistan's Democratic Party-controlled region, told me. "Osama bin Laden believes that the infidels should be beaten in the head, meaning the United States. Zawahiri's philosophy is that you should fight the infidel even in the smallest village, that you should try to form Islamic armies everywhere. The Kurdish fundamentalists were influenced by Zawahiri'."

Kurds were among those who travelled to Afghanistan from all over the Muslim world, first to fight the Soviets, in the early nineteen-eighties, then to join Al Qaeda. The members of the groups that eventually became Ansar al-Islam spent a great deal of time in Afghanistan, according to Kurdish intelligence officials. One Kurd who went to Afghanistan was Mala Krekar, an early leader of the Islamist movement in Kurdistan; according to Sinjari, he now holds the title of "emir" of Ansar al-Islam.

In 1998, the first force of Islamist terrorists crossed the Iranian border into Kurdistan, and immediately tried to seize the town of Haj Omran. Kurdish officials said that the terrorists were helped by Iran, which also has an interest in undermining a secular Muslim government. "The terrorists blocked the road, they killed Kurdish Democratic Party cadres, they threatened the villagers," Sinjari said. "We fought them and they fled."

The terrorist groups splintered repeatedly. According to a report in the Arabic newspaper Al-Sharq al-Awsat, which is published in London, Ansar al-Islam came into being, on September 1st of last year, with the merger of two factions: Al Tawhid, which helped to arrange the assassination of Kurdistan's most prominent Christian politician, and whose operatives initiated an acid-throwing campaign against unveiled women; and a faction called the Second Soran Unit, which had been affiliated with one of the Kurdish Islamic parties. In a statement issued to mark the merger, the group, which originally called itself Jund al-Islam, or Soldiers of Islam, declared its intention to "undertake Jiihad in this region" in order to carry out "God's will." According to Kurdish officials, the group had between five hundred and six hundred members, including Arab Afghans and at least thirty Iraqi Kurds who were trained in Afghanistan.

Kurdish officials say that the merger took place in a ceremony overseen by three Arabs trained in bin Laden's camps in Afghanistan, and that these men supplied Ansar al-Islam with three hundred thousand dollars in seed money. Soon after the merger, a unit of Ansar al-Islam called the Victory Squad attacked and killed the peshmerga in Kheli Hama.

Among the Islamic fighters who were there that day was Rekut Hiwa Hussein, a slender, boyish twenty-year-old who was captured by the peshmerga after the massacre, and whom I met in the prison in Sulaimaniya. He was exceedingly shy, never looking up from his hands as he spoke. He was not handcuffed, and had no marks on the visible parts of his body. We were seated in an investigator's office inside the intelligence complex. Like most buildings in Sulaimaniya, this one was warmed by a single kerosene heater, and the room temperature seemed barely above freezing. Rekut told me how he and his comrades in Ansar al-Islam overcame the peshmerga.

"They thought there was a ceasefire, so we came into the village and fired on them by surprise," he said. "They didn't know what happened. We used grenades and machine guns. We killed a lot of them and then the others surrendered." The terrorists trussed their prisoners, ignoring pleas from the few civilians remaining in the town to leave them alone. "The villagers asked us not to slaughter them," Rekut said. One of the leaders of Ansar al-Islam, a man named Abdullah a-Shafi, became incensed. "He said, 'Who is saying this? Let me kill them.' "

Rekut said that the peshmerga were killed in ritual fashion: "We put cloths in their mouths. We then laid them down like sheep, in a line. Then we cut their throats." After the men were killed, peshmerga commanders say, the corpses were beheaded. Rekut denied this. "Some of their heads had been blown off by grenades, but we didn't behead them," he said.

I asked Rekut why he had joined Ansar al-Islam. "A friend of mine joined," he said quietly. "I don't have a good reason why I joined. "A guard then took him by the elbow and returned him to his cell.

The Kurdish intelligence officials I spoke to were careful not to oversell their case; they said that they have no proof that Ansar al-Islam was ever involved in international terrorism or that Saddam's agents were involved in the attacks on the World Trade Center and the Pentagon. But they do have proof, they said, that Ansar al-Islam is shielding Al Qaeda members, and that it is doing so with the approval of Saddam's agents.

Kurdish officials said that, according, to their intelligence, several men associated with Al Qaeda have been smuggled over the Iranian border into an Ansar al-Islam stronghold near Halabja. The Kurds believe that two of them, who go by the names Abu Yasir and Abu Muzaham, are highranking Al Qaeda members. "We don't have any information about them," one official told me. "We know that they don't want anybody to see them. They are sleeping in the same room as Mala Krekar and Abdullah al-Shafi"—the nominal leaders of Ansar al-Islam.

The real leader, these officials say, is an Iraqi who goes by the name Abu Wa'el, and who, like the others, spent a great deal of time in bin Laden's training camps. But he is also, they say, a highranking officer of the Mukhabarat. One senior official added, "A man named Abu Agab is in charge of the northern bureau of the Mukhabarat. And he is Abu Wa'el's control officer."

Abu Agab, the official said, is based in the city of Kirkuk, which is predominantly Kurdish but is under the control of Baghdad. According to intelligence officials, Abu Agab and Abu Wa'el met last July 7th, in Germany. From there, they say, Abu Wa'el travelled to Afghanistan and then, in August, to Kurdistan, sneaking across the Iranian border.

The Kurdish officials told me that they learned a lot about Abu Wa'el's movements from one of their prisoners, an Iraqi intelligence officer named Qassem Hussein Muhammad, and they invited me to speak with him. Qassem, the Kurds said, is a Shiite from Basra, in southern Iraq, and a twenty-year veteran of Iraqi intelligence.

Qassem, shambling, and bearded, was brought into the room, and he genially agreed to be interviewed. One guard stayed in the room, along with my translator. Qassem lit a cigarette, and leaned back in his chair. I started by asking him if he had been tortured by his captors. His eyes widened. "By God, no," he said. "There is nothing like torture here." Then he told me that his involvement in Islamic radicalism began in 1992 in Baghdad, when he met Ayman al-Zawahiri.

Qassem said that he was one of seventeen bodyguards assigned to protect Zawahiri, who stayed at Baghdad's Al Rashid Hotel, but who, he said, moved around surreptitiously. The guards had no idea why Zawahiri was in Baghdad, but one day Qassem escorted him to one of Saddam's palaces for what he later learned was a meeting with Saddam himself.

Qassem's capture by the Kurds grew out of his last assignment from the Mukhabarat. The Iraqi intelligence service received word that Abu Wa'el had been captured by American agents. "I was sent by the Mukhabarat to Kurdistan to find Abu Wa'el or, at least, information about him," Qassem told me. "That's when I was captured, before I reached Biyara."

I asked him if he was sure that Abu Wa'el was on Saddam's side. "He's an employee of the Mukhabarat," Qassem said. "He's the actual decision-maker in the group"—Ansar al-Islam—"but he's an employee of the Mukhabarat." According to the Kurdish intelligence officials, Abu Wa'el is not in American hands; rather, he is still with Ansar al-Islam. American officials declined to comment.

The Kurdish intelligence officials told me that they have Al Qaeda members in custody, and they introduced me to another prisoner, a young Iraqi Arab named Haqi Ismail, whom they described as a middle- to high-ranking member of Al Qaeda. He was, they said, captured by the peshmerga as he tried to get into Kurdistan three weeks after the start of the American attack on Afghanistan. Ismail, they said, comes from a Mosul family with deep connections to the Mukhabarat; his uncle is the top Mukhabarat official in the south of Iraq. They said they believe that Haqi Ismail is a liaison between Saddam's intelligence service and Al Qaeda.

Ismail wore slippers and a blanket around his shoulders. He was ascetic in appearance and, at the same time, ostentatiously smug. He appeared to be amused by the presence of an American. He told the investigators that he would not talk to the C.I.A. The Kurdish investigators laughed and said they wished that I were from the C.I.A.

Ismail said that he was once a student at the University of Mosul but grew tired of life in Iraq under Saddam Hussein. Luckily, he said, in 1999 he met an Afghan man who persuaded him to seek work in Afghanistan. The Kurdish investigators smiled as Ismail went on to say that he found himself in Kandahar, then in Kabul, and then somehow—here he was exceedingly vague—in an Al Qaeda camp. When I asked him how enrollment in an Al Qaeda camp squared with his wish to seek work in Afghanistan, he replied, "Being a soldier is a job." After his training, he said, he took a post in the Taliban Foreign Ministry. I asked him if he was an employee of Saddam's intelligence service. "I prefer not to talk about that," he replied.

Later, I asked, the Kurdish officials if they believed that Saddam provides aid to Al Qaeda affiliated terror groups or simply maintains channels of communication with them. It was getting late, and the room was growing even colder. "Come back tomorrow," the senior official in the room said, "and we'll introduce you to someone who will answer that question."

7. THE AL QAEDA LINK

The man they introduced me to the next afternoon was a twenty-nine-year-old Iranian Arab, a smuggler and bandit from the city of Ahvaz. The intelligence officials told me that his most recent employer was bin Laden. When they arrested him, last year, they said, they found a roll of film in his possession. They had the film developed, and the photographs, which they showed me, depicted their prisoner murdering a man with a knife, slicing his ear off and then plunging the knife into the top of the man's head.

The Iranian had a thin face, thick black hair, and a mustache; he wore an army jacket, sandals, and Western-style sweatpants. Speaking in an almost casual tone, he told me that he was born in 1973, that his real name was Muhammad Mansour Shahab, and that he had been a smuggler most of his adult life.

"I met a group of drug traffickers," he said. "They gave us drugs and we got them weapons," which they took from Iran into Afghanistan. In 1996, he met an Arab Afghan. "His name was Othman," the man went on. "He gave me drugs, and I got him a hundred and fifty Kalashnikovs. Then he said to me, 'You should come visit Afghanistan.' So we went to Afghanistan in 1996. We stayed for a while, I came back, did a lot of smuggling jobs. My brother-in-law tried to send weapons to Afghanistan, but the Iranians ambushed us. I killed some of the Iranians."

He soon returned with Othman to Afghanistan, where, he said, Othman gave him the name Muhammad Jawad to use while he was there. "Othman said to me, 'You will meet Sheikh Osama soon.' We were in Kandahar. One night, they gave me a sleeping pill. We got into a car and we drove for an hour and a half into the mountains. We went to a tent they said was Osama's tent." The man now called Jawad did not meet Osama bin Laden that night. "They said to me, 'You're the guy who killed the Iranian officer.' Then they said they needed information about me, my real name. They told Othman to take me back to Kandahar and hold me in jail for twenty-one days while they investigated me."

The Al Qaeda men completed their investigation and called him back to the mountains. "They told me that Osama said I should work with them," Jawad said. "They told me to bring my wife to Afghanistan." They made him swear on a Koran that he would never betray them. Jawad said that he became one of Al Qaeda's principal weapons smugglers. Iraqi opposition sources told me that the Baghdad regime frequently smuggled weapons to Al Qaeda by air through Dubai to Pakistan and then overland into Afghanistan. But Jawad told me that the Iraqis often used land routes through Iran as well. Othman ordered him to establish a smuggling route across the Iraq-Iran border. The smugglers would pose as shepherds to find the best routes. "We started to go into Iraq with the sheep and cows," Jawad told me, and added that they initiated this route by smuggling tape recorders from Iraq to Iran. They opened a store, a front, in Ahvaz, to sell electronics, "just to establish relationships with smugglers."

One day in 1999, Othman got a message to Jawad, who was then in Iran. He was to smuggle himself across the Iraqi border at Fao, where a car would meet him and take him to a village near Tikrit, the headquarters of Saddam Hussein's clan. Jawad was then taken to a meeting at the house of a man called Luay, whom he described as the son of Saddam's father-in-law, Khayr Allah Talfah. (Professor Baram, who has long followed Saddam's family, later told me he believes that Luay, who is about forty years old, is close to Saddam's inner circle.) At the meeting, with Othman present, Mukhabarat officials instructed Jawad to go to Baghdad, where he was to retrieve several cannisters filled with explosives. Then, he said, he was to arrange to smuggle the explosives into Iran, where they would be used to kill anti-Iraqi activists. After this assignment was completed, Jawad said, he was given a thousand Kalashnikov rifles by Iraqi intelligence and told to smuggle them into Afghanistan.

A year later, there was a new development: Othman told Jawad to smuggle several dozen refrigerator motors into Afghanistan for the Iraqi Mukhabarat; a cannister filled with liquid was attached to each motor. Jawad said that he asked Othman for more information. "I said, 'Othman, what does this contain?' He said, 'My life and your life.' He said they"—the Iraqi agents—"were going to kill us if we didn't do this. That's all I'll say.

"I was given a book of dollars," Jawad went on, meaning ten thousand dollars—a hundred American hundred-dollar bills. "I was told to arrange to smuggle the motors. Othman told me to kill any of the smugglers who helped us once we got there." Vehicles belonging to the Taliban were waiting at the border, and Jawad said that he turned over the liquid-filled refrigerator motors to the Taliban, and then killed the smugglers who had helped him.

Jawad said that he had no idea what liquid was inside the motors, but he assumed that it was some type of chemical or biological weapon. I asked the Kurdish officials who remained in the room if they believed that, as late as 2000, the Mukhabarat was transferring chemical or biological weapons to Al Qaeda. They spoke carefully. "We have no idea what was in the cannisters," the senior official said. "This is something that is worth an American investigation."

When I asked Jawad to tell me why he worked for Al Qaeda, he replied, "Money." He would not say how much money he had been paid, but he suggested that it was quite a bit. I had one more question: How many years has Al Qaeda maintained a relationship with Saddam Hussein's regime? "There's been a relationship between the Mukhabarat and the people of Al Qaeda since 1992," he replied.

Carole O'Leary, a Middle Eastern expert at American University, in Washington, and a specialist on the Kurds, said it is likely that Saddam would seek an alliance with Islamic terrorists to serve his own interests. "I know that there are Mukhabarat agents throughout Kurdistan," O'Leary said, and went on, "One way the Mukhabarat could destabilize the Kurdish experiment in democracy is to link up with Islamic radical groups. Their interests dovetail completely. They both have much to fear from the democratic, secular experiment of the Kurds in the safe haven, and they both obviously share a hatred for America."

8. THE PRESENT DANGER

A paradox of life in northern Iraq is that, while hundreds, perhaps thousands, of children suffer from the effects of chemical attacks, the child-mortality rate in the Kurdish zone has improved over the past ten years. Prime Minister Salih credits this to, of all things, sanctions placed on the Iraqi regime by the United Nations after the Gulf War because of Iraq's refusal to dismantle its nonconventional-weapons program. He credits in particular the program begun in 1997, known as oil-for-food, which was meant to mitigate the effects of sanctions on civilians by allowing the profits from Iraq oil sales to buy food and medicine. Calling this program a "fantastic concept," Salih said, "For the first time in our history, Iraqi citizens—all citizens—are insured a portion of the country's oil wealth. The north is a testament to the success of the program. Oil is sold and food is bought."

I asked Salih to respond to the criticism, widely aired in the West, that the sanctions have led to the death of thousands of children. "Sanctions don't kill Iraqi children," he said. "The regime kills children."

This puzzled me. If it was true, then why were the victims of the gas attacks still suffering from a lack of health care? Across Kurdistan, in every hospital I visited, the complaints were the same: no CT scans, no MRIs, no pediatric surgery, no advanced diagnostic equipment, not even surgical gloves. I asked Salih why the money designated by the U.N. for the Kurds wasn't being used for advanced medical treatment. The oil-for-food program has one enormous flaw, he replied. When the program was introduced, the Kurds were promised thirteen per cent of the country's oil revenue, but because of the terms of the agreement between Baghdad and the U.N.—a "defect," Salih said—the government controls the flow of food, medicine, and medical equipment to the very people it slaughtered. Food does arrive, he conceded, and basic medicines as well, but at Saddam's pace.

On this question of the work of the United Nations and its agencies, the rival Kurdish parties agree. "We've been asking for a four-hundred-bed hospital for Sulaimaniya for three years," said Nerchivan Barzani, the Prime Minister of the region controlled by the Kurdish Democratic Party, and Salih's counterpart. Sulaimaniya is in Salih's territory, but in this case geography doesn't matter. "It's our money," Barzani said. "But we need the approval of the Iraqis. They get to decide. The World Health Organization is taking its orders from the Iraqis. It's crazy."

Barzani and Salih accused the World Health Organization, in particular, of rewarding with lucrative contracts only companies favored by Saddam. "Every time I interact with the U.N.," Salih said, "I think, My God, Jesse Helms is right. If the U.N. can't help us, this poor, dispossessed Muslim nation, then who is it for?"

Many Kurds believe that Iraq's friends in the U.N. system, particularly members of the Arab bloc, have worked to keep the Kurds' cause from being addressed. The Kurds face an institutional disadvantage at the U.N., where, unlike the Palestinians, they have not even been granted official observer status. Salih grew acerbic: "Compare us to other liberation movements around the world. We are very mature. We don't engage in terror. We don't condone extremist nationalist notions that can only burden our people. Please compare what we have achieved in the Kurdistan national-authority areas to the Palestinian national authority of Mr. Arafat. We have spent the last ten years building a secular, democratic society, a civil society. What has he built?"

Last week, in New York, I met with Benon Sevan, the United Nations undersecretary-general who oversees the oil-for-food program. He quickly let me know that he was unmoved by the demands of the Kurds. "If they had a theme song, it would be 'Give Me, Give Me, Give Me,'" Sevan said. "I'm getting fed up with their complaints. You can tell them that." He said that under the oil-for-food program the "three northern govemorates"—U.N. officials avoid the word "Kurdistan"—have been allocated billions of dollars in goods and services. "I don't know if they've ever had it so good," he said.

I mentioned the Kurds' complaint that they have been denied access to advanced medical equipment, and he said, "Nobody prevents them from asking. They should go ask the World Health Organization"—which reports to Sevan on matters related to Iraq. When I told Sevan that the Kurds have repeatedly asked the W.H.O., he said, "I'm not going to pass judgment on the W.H.O." As the interview ended, I asked Sevan about the morality of allowing the Iraqi regime to control the flow of food and medicine into Kurdistan. "Nobody's innocent," he said. "Please don't talk about morals with me."

When I went to Kurdistan in January to report on the 1988 genocide of the Kurds, I did not expect to be sidetracked by a debate over U.N. sanctions. And I certainly didn't expect to be sidetracked by crimes that Saddam is committing against the Kurds now—in particular—"nationality correction," the law that Saddam's security services are using to implement a campaign of ethnic cleansing. Large-scale operations against the Kurds in Kirkuk, a city southeast of Erbil, and in other parts of Iraqi Kurdistan under Saddam's control, have received scant press attention in the West; there have been few news accounts and no Security Council condemnations drafted in righteous anger.

Saddam's security services have been demanding that Kurds "correct" their nationality by signing papers to indicate that their birth records are false—that they are in fact Arab. Those who don't sign have their property seized. Many have been evicted, often to Kurdish-controlled regions, to make room for Arab families. According to both the

Kurdistan Democratic Party and the Patriotic Union of Kurdistan, more than a hundred thousand Kurds have been expelled from the Kirkuk area over the past two years.

Nationality correction is one technique that the Baghdad regime is using in an overall "Arabization" campaign, whose aim is to replace the inhabitants of Kurdish cities, especially the oil-rich Kirkuk, with Arabs from central and southern Iraq, and even, according to persistent reports, with Palestinians. Arabization is not new, Peter Galbraith, a professor at the National Defense University and a former senior adviser to the Senate Foreign Relations Committee, says. Galbraith has monitored Saddam's anti-Kurdish activities since before the Gulf War. "It's been going on for twenty years," he told me. "Maybe it's picked up speed, but it is certainly nothing new. To my mind, it's part of a larger process that has been under way for many years, and is aimed at reducing the territory occupied by the Kurds and at destroying rural Kurdistan."

"This is the apotheosis of cultural genocide," said Saedi Barzinji, the president of Salahaddin University, in Erbil, who is a human-rights lawyer and Massoud Barzani's legal adviser. Barzinji and other Kurdish leaders believe that Saddam is trying to set up a buffer zone between Arab Iraq and Kurdistan, just in case the Kurds win their independence. To help with this, Barzinji told me last month, Saddam is trying to rewrite Kirkuk's history, to give it an "Arab" past. If Kurds, Barzinji went on, "don't change their ethnic origin, they are given no food rations, no positions in government, no right to register the names of their new babies. In the last three to four weeks, hospitals have been ordered, the maternity wards ordered, not to register any Kurdish name." New parents are "obliged to choose an Arab name." Barzinji said that the nationality-correction campaign extends even to the dead. "Saddam is razing the gravestones, erasing the past, putting in new ones with Arab names," he said. "He wants to show that Kirkuk has always been Arab."

Some of the Kurds crossing the demarcation line between Saddam's forces and the Kurdish zone, it is said, are not being expelled but are fleeing for economic reasons. But in camps across Kurdistan I met refugees who told me stories of visits from the secret police in the middle of the night.

Many of the refugees from Kirkuk live in tent camps built on boggy fields. I visited one such camp at Beneslawa, not far from Erbil, where the mud was so thick that it nearly pulled off my shoes. The people at the camp—several hundred, according to two estimates I heard—are ragged and sick. A man named Howar told me that his suffering could not have been avoided even if he had agreed to change his ethnic identity.

"When you agree to change your nationality, the police write on your identity documents 'second-degree Arab,' which they know means Kurd," he told me. "So they always know you're a Kurd." (In a twist characteristic of Saddam's regime, Kurdish leaders told me, Kurds who agree to "change" their nationality are fined for having once claimed falsely to be Kurdish.)

Another refugee, Shawqat Hamid Muhammad, said that her son had gone to jail for two months for having a photograph of Mustafa Barzani in his possession. She said that she and her family had been in the Beneslawa camp for two months. "The police came and knocked on our door and told us we have to leave Kirkuk," she said. "We had to rent a truck to take our things out. We were given one day to leave. We have no idea who is in our house." Another refugee, a man named Ibrahim Jamil, wandered over to listen to the conversation. "The Arabs are winning Kirkuk," he said. "Soon the only people there will be Arabs, and Kurds who call themselves Arabs. They say we should be Arab. But I'm a Kurd. It would be easier for me to die than be an Arab. How can I not be a Kurd?"

Peter Galbraith told me that in 1987 he witnessed the destruction of Kurdish villages and cemeteries—"anything, that was related to Kurdish identity," he said. "This was one of the factors that led me to conclude that it is a policy of genocide, a crime of intent, destroying a group whole or in part."

9. IRAQ'S ARMS RACE

In a series of meetings in the summer and fall of 1995, Charles Duelfer, the deputy executive chairman of the United Nations Special Commission, or UNSCOM—the now defunct arms-inspection team—met in Baghdad with Iraqi government delegations. The subject was the status of Iraq's nonconventional-weapons programs, and Duelfer, an American diplomat on loan to the United Nations, was close to a breakthrough.

In early August, Saddam's son-in-law Hussein Kamel had defected to Jordan, and had then spoken publicly about Iraq's offensive biological, chemical, and nuclear capabilities. (Kamel later returned to Iraq and was killed almost immediately, on his father-in-law's orders.) The regime's credibility was badly damaged by Kamel's revelations, and during these meetings the Iraqi representatives decided to tell Duelfer and his team more than they had ever revealed before. "This was the first time Iraq actually agreed to discuss the Presidential origins of these programs," Duelfer recalled. Among the most startling admissions made by the Iraqi scientists was that they had weaponized the biological agent aflatoxin.

Aflatoxin, which is produced from types of fungi that occur in moldy grains, is the biological agent that some Kurdish physicians suspect was mixed with chemical weapons and dropped on Kurdistan. Christine Gosden, the English geneticist, told me, "There is absolutely no forensic evidence whatsoever that aflatoxins have ever been used in northern Iraq, but this may be because no systematic testing has been carried out in the region, to my knowledge."

Duelfer told me, "We kept pressing the Iraqis to discuss the concept of use for aflatoxin. We learned that the origin of the biological-weapons program is in the security services, not in the military—meaning that it really came out of the assassinations program." The Iraqis, Duelfer said, admitted something else: they had loaded aflatoxin into two Scud-ready warheads, and also mixed aflatoxin with tear gas. They wouldn't say why.

In an op-ed article that Duelfer wrote for the Los Angeles Times last year about Iraqi programs to develop weapons of mass destruction, he offered this hypothesis: "If a regime wished to conceal a biological attack, what better way than this? Victims would suffer the short-term effects of inhaling tear gas and would assume that this was the totality of the attack: Subsequent cancers would not be linked to the prior event."

United Nations inspectors were alarmed to learn about the aflatoxin program. Richard Spertzel, the chief biological-weapons inspector for UNSCOM, put it this way: "It is a devilish weapon. Iraq was quite clearly aware of the long-term carcinogenic effect of aflatoxin. Aflatoxin can only do one thing—destroy people's livers. And I suspect that children are more susceptible. From a moral standpoint, aflatoxin is the cruellest weapon—it means watching children die slowly of liver cancer."

Spertzel believes that if aflatoxin were to be used as a weapon it would not be delivered by a missile. "Aflatoxin is a little tricky," he said. "I don't know if a single dose at one point in time is going to give you the long-term effects. Continuous, repeated exposure—through food—would be more effective." When I asked Spertzel if other countries have weaponized aflatoxin, he replied, "I don't know any other country that did it. I don't know any country that would."

It is unclear what biological and chemical weapons Saddam possesses today. When he maneuvered UNSCOM out of his country in 1998, weapons inspectors had found a sizable portion of his arsenal but were vexed by what they couldn't find. His scientists certainly have produced and weaponized anthrax, and they have manufactured botulinum toxin, which causes muscular paralysis and death. They've made Clostridium perfringens, a bacterium that causes gas gangrene, a condition in which the flesh rots. They have also made wheat-cover smut, which can be used to poison crops, and ricin, which, when absorbed into the lungs, causes hemorrhagic pneumonia.

According to Gary Milhollin, the director of the Wisconsin Project on Nuclear Arms Control, whose Iraq Watch project monitors Saddam's weapons capabilities, inspectors could not account for a great deal of weaponry believed to be in Iraq's possession, including almost four tons of the nerve agent VX; six hundred tons of ingredients for VX; as much as three thousand tons of other poison-gas agents; and at least five hundred and fifty artillery shells filled with mustard gas. Nor did the inspectors find any stores of aflatoxin.

Saddam's motives are unclear, too. For the past decade, the development of these weapons has caused nothing but trouble for him; his international isolation grows not from his past crimes but from his refusal to let weapons inspectors dismantle his nonconventional-weapons programs. When I asked the Iraqi dissident Kanan Makiya why Saddam is so committed to these programs, he said, "I think this regime developed a very specific ideology associated with power, and how to extend that power, and these weapons play a very important psychological and political part." Makiya added, "They are seen as essential to the security and longevity of the regime."

Certainly, the threat of another Halabja has kept Iraq's citizens terrorized and compliant. Amatzia Baram, the Iraq expert at the University of Haifa, told me that in 1999 Iraqi troops in white biohazard suits suddenly surrounded the Shiite holy city of Karbala, in southern Iraq, which has been the scene of frequent uprisings against Saddam. (The Shiites make up about sixty percent of Iraq's population, and the regime is preoccupied with the threat of another rebellion.) The men in the white suits did nothing; they just stood there. "But the message was clear," Baram said. "What we did to the Kurds in Halabja we can do to you." It's a very effective psychological weapon. From the information I saw, people were really panicky. They ran into their homes and shut their windows. It worked extremely well."

Saddam's weapons of mass destruction clearly are not meant solely for domestic use. Several years ago in Baghdad, Richard Butler, who was then the chairman of

UNSCOM, fell into conversation with Tariq Aziz, Saddam's confidant and Iraq's deputy Prime Minister. Butler asked Aziz to explain the rationale for Iraq's biological-weapons project, and he recalled Aziz's answer: “He said, ‘We made bioweapons in order to deal with the Persians and the Jews.’ ”

Iraqi dissidents agree that Iraq's programs to build weapons of mass destruction are focussed on Israel. “Israel is the whole game,” Ahmad Chalabi, the leader of the Iraqi National Congress, told me. “Saddam is always saying publicly, ‘Who is going to fire the fortieth missile?’ ”—a reference to the thirty-nine Scud missiles he fired at Israel during the Gulf War. “He thinks he can kill one hundred thousand Israelis in a day with biological weapons.” Chalabi added, “This is the only way he can be Saladin”—the Muslim hero who defeated the Crusaders. Students of Iraq and its government generally agree that Saddam would like to project himself as a leader of all the Arabs, and that the one sure way to do that is by confronting Israel.

In the Gulf War, when Saddam attacked Israel, he was hoping to provoke an Israeli response, which would drive America's Arab friends out of the allied coalition. Today, the experts say, Saddam's desire is to expel the Jews from history. In October of 2000, at an Arab summit in Cairo, I heard the vice-chairman of Iraq's Revolutionary Command Council, a man named Izzat Ibrahim al-Douri, deliver a speech on Saddam's behalf, saying, “Jihad alone is capable of liberating Palestine and the rest of the Arab territories occupied by dirty Jews in their distorted Zionist entity.”

Amatzia Baram said, “Saddam can absolve himself of all sins in the eyes of the Arab and Muslim worlds by bringing Israel to its knees. He not only wants to be a hero in his own press, which already recognizes him as a Saladin, but wants to make sure that a thousand years from now children in the fourth grade will know that he is the one who destroyed Israel.”

It is no comfort to the Kurds that the Jews are now Saddam's main preoccupation. The Kurds I spoke with, even those who agree that Saddam is aiming, his remaining Scuds at Israel, believe that he is saving some of his “special weapons”—a popular euphemism inside the Iraqi regime for a return visit to Halabja. The day I visited the Kalak Bridge, which divides the Kurds from the Iraqi Army's Jerusalem brigade, I asked Muhammad Najar, the local official, why the brigade was not facing west, toward its target. “The road to Jerusalem,” he replied, “goes through Kurdistan.”

A few weeks ago, after my return from Iraq, I stopped by the Israeli Embassy in Washington to see the Ambassador, David Ivry. In 1981, Ivry, who then led Israel's Air Force, commanded Operation Opera, the strike against the Osirak nuclear reactor near Baghdad. The action was ordered by Prime Minister Menachem Begin, who believed that by hitting the reactor shortly before it went online he could stop Iraq from building an atomic bomb. After the attack, Israel was condemned for what the Times called “inexcusable and short-sighted aggression.” Today, though, Israel's action is widely regarded as an act of muscular arms control. “In retrospect, the Israeli strike bought us a decade,” Gary Milhollin, of the Wisconsin Project, said. “I think if the Israelis had not hit the reactor the Iraqis would have had bombs by 1990”—the year Iraq invaded Kuwait.

Today, a satellite photograph of the Osirak site hangs on a wall in Ivry's office. The inscription reads, “For General David Ivry—With thanks and appreciation for the outstanding job he did on the Iraqi nuclear program in 1981, which made our job much easier in Desert Storm.” It is signed “Dick Cheney.”

“Preemption is always a positive,” Ivry said.

Saddam Hussein never gave up his hope of turning Iraq into a nuclear power. After the Osirak attack, he rebuilt, redoubled his efforts, and dispersed his facilities. Those who have followed Saddam's progress believe that no single strike today would eradicate his nuclear program. I talked about this prospect last fall with August Hanning, the chief of the B.N.D., the German intelligence agency, in Berlin. We met in the new glass-and-steel Chancellery, overlooking the renovated Reichstag.

The Germans have a special interest in Saddam's intentions. German industry is well represented in the ranks of foreign companies that have aided Saddam's nonconventional-weapons programs, and the German government has been publicly regretful. Hanning told me that his agency had taken the lead in exposing the companies that helped Iraq build a poison-gas factory at Samarra. The Germans also feel, for the most obvious reasons, a special responsibility to Israel's security, and this, too, motivates their desire to expose Iraq's weapons-of-mass-destruction programs. Hanning is tall, thin, and almost translucently white. He is sparing with words, but he does not equivocate. “It is our estimate that Iraq will have an atomic bomb in three years,” he said.

There is some debate among arms-control experts about exactly when Saddam will have nuclear capabilities. But there is no disagreement that Iraq, if unchecked, will have them soon, and a nuclear-armed Iraq would alter forever the balance of power in the Middle East. “The first thing that occurs to any military planner is force protection,” Charles Duelfer told me. “If your assessment of the threat is chemical or biological, you can get individual protective equipment and warning systems. If you think he's going to use a nuclear weapon, where are you going to concentrate your forces?”

There is little doubt what Saddam might do with an atomic bomb or with his stocks of biological and chemical weapons. When I talked about Saddam's past with the medical geneticist Christine Gosden, she said. “Please understand, the Kurds were for practice.”

Mr. FALEOMAVAEGA. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. BORSKI).

Mr. BORSKI. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of this resolution.

We in Congress must stand behind the President in granting him the authority to use military force against Iraq. The only chance to prevent war is to be prepared to go to war. We will not rush to war, but we cannot stand by while Iraq's weapons of mass destruction program poses a growing threat to our national security. Over the past few weeks, many have voiced a number of questions, including why we must take action at this moment, how long our armed forces may be in Iraq, and what the humanitarian, economic, and political costs of a military response may be. These are all valid concerns and questions I have considered. Ultimately, we must decide whether the threats we face merit the risk of American lives. The consequences of this vote are serious, and I have not had to make a more difficult decision in my 20 years in Congress. I believe that support for this resolution will send a strong, decisive signal to Saddam Hussein that his continued violation of U.N. Security Resolutions will not be tolerated.

This vote is evidence that the challenges we face today are unique in the context of our history. We as a nation, could not have prevented the horrific acts of September 11th and I witnessed the destruction firsthand, at both the World Trade Center and at the Pentagon. Because of the events of September 11th, we cannot wait to act on a threat to our nation and to the American people, lest we allow ourselves to be victims once again. We are faced with a situation in which the lessons of history speak clearly of danger, and we face a threat unlike any other in history. Iraqi President Saddam Hussein has proven himself to be a ruthless and unpredictable enemy, and even the slightest threat posed by his regime is one that we are unable to ignore without great risk to our national security. The world has come to know a long and terrible list of grievances against Saddam Hussein, including the brutal repression and torture of his political opponents, the use of chemical weapons against his own people, and his tireless pursuit of weapons of mass destruction. It is this record of brutality and tendency toward violence that should focus our attention on Iraq. Intelligence reports from both the United States and Great Britain highlight Iraq's relentless drive to produce chemical, biological, and nuclear weapons, and there is mounting evidence that Saddam Hussein is only 1–5 years away from nuclear weapons capability. Knowing that containment and deterrence are ineffective against the Iraqi regime, we have no choice. Knowing that Saddam Hussein has consistently violated United Nations resolutions we must act. We must act in a timely fashion to avoid the possibility that Saddam Hussein will use these weapons or that he would transfer these weapons to a terrorist organization such as Al Qaeda, which would not hesitate to use them against us. We cannot wait to protect ourselves until it is too late to do so. Now more than ever we must be proactive to protect Americans, our country, and our way of life.

In 1991, after the United States and United Nations had demonstrated a willingness to peacefully resolve the crisis that followed the Iraqi invasion of Kuwait, and after Saddam Hussein refused to comply with several U.N. Security Council Resolutions, I cast my vote in favor of military action against Iraq. I voted for the resolution then because I believed that my support would help demonstrate that Congress, the President, and the American people stand together against Saddam Hussein's defiance.

Since the Persian Gulf War, Saddam Hussein has repeatedly demonstrated his disdain for the authority of international law by defying U.N. Security Council Resolutions that were designed to ensure that Iraq does not pose a threat to international peace and security. Inspections and sanctions have both failed in the past to address the threat posed by Iraq. We should work toward a viable U.N. Security Council Resolution and build an international coalition to support action to dismantle Iraq's weapons of mass destruction. If we do take military action with such broad support, it will not set a precedent for preemption, but will boldly state the necessity for any future disputes to be resolved first through diplomatic channels.

I firmly believe that diplomatic efforts should precede any military action before we commit our men and women to fight for peace and justice. At a recent briefing, Secretary of State Colin Powell assured me that every effort is being made to reach an agreement on a U.N. Security Council Resolution, so that if we act, we will not act alone. Military power must not be the basis of our strategy, but should be one of many options we have at our disposal. It is my hope that we will do all that we can to avoid armed conflict, but should we engage, we will do so to promote peace and protect our national security.

Our unity in this vote will deliver a message to the international community that we as Americans share the belief that the threat we face is real, and that our cause is just. It is my hope that this vote is the first step toward increased peace and stability in the Middle East and a more secure future for the United States and for the world.

I believe that a strong vote in favor of this resolution will prompt the American people, the United Nations, and the international community to join in support of action to neutralize the threat that is posed by Saddam Hussein and the proliferation of his program of weapons of mass destruction.

Mr. Speaker, a few years ago, when my youngest daughter, Maggie, was only 5 years old, she was here with my family for the swearing-in ceremony for Members of the House. Members were then casting their votes for our party leadership, and I tried to test her by asking her if we were Republicans or Democrats. "We're Americans, aren't we Dad?" was her reply. This is how I believe we, as Members of Congress, should view this vote. All of us want the best for the American people and I hope that partisanship can be put aside for the moment, as each of us vote our conscience. We have come together as a nation since September 11th, and we still must remain unified in the face of any threat to our nation. I urge a vote in favor of this resolution.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. COSTELLO).

Mr. COSTELLO. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I stand in opposition to this resolution.

Mr. Speaker, the most important and difficult decision a Member of Congress must make is the decision to send our troops—our sons, daughters, husbands and wives—in harm's way.

Each member must do as I have done—listen to the arguments on both sides of the issue, assemble and review all available information and then do what they believe is in the best interest of our nation.

Some people have questioned the President's motives and the timing of this resolution. A few members of this body traveled to Baghdad to meet with officials of the government of Iraq.

Frankly, I was appalled to see a Member of the Congress from my party in Baghdad questioning the motives of President Bush. I do not question the President's motives. I believe the President is doing what he believes is in the best interest of our nation.

After much though and deliberation, I have decided to vote against the resolution before us giving the President the discretion to send our troops to war in Iraq. I do so for the following reasons:

First, I believe we have a moral obligation and a responsibility to exhaust every possible resolution before sending our troops into harm's way. I do not believe that we have attempted to assemble an international coalition similar to the coalition that President George Herbert Walker Bush brought together to undertake the mission of Desert Shield and Desert Storm in 1990–1991.

Second, Iraq does not present a direct immediate threat to the United States. I have attended numerous briefings from the Bush administration on this topic, and I have yet to hear a good explanation as to why Saddam Hussein is a greater threat to us today than he was six months or a year ago. In fact, our intelligence agencies have concluded that Saddam Hussein is unlikely to attack the United States unprovoked, but there is a real change that Saddam Hussein will use weapons of mass destruction in response to an invasion.

Last and more importantly, the President's decision to change our military doctrine from containment to preemptive action could have major ramifications to the United States and may lead to war between other countries.

For the past 50 years, the United States has used our military troops to contain aggression against the U.S. and our allies. We have been able to persuade our allies to use restraint instead of their military under the most difficult circumstances and times. During the Persian Gulf war, the U.S. was able to persuade Israel to show great restraint while Saddam Hussein was deploying scud missiles toward Israel. Since the Persian Gulf war, the Israelis at the request of the United States have shown restraint in dealing with Arafat and the PLO.

If the U.S military attacks a country in order to counter a perceived future security risk, other countries may very well adopt the same preemptive policy. Those countries are more likely to follow the U.S. and less likely to show restraint, with serious potential consequences for Israel and the Palestinians, India and Pakistan, Russia and Chechnya, China and Taiwan, and the list goes on.

Secretary Colin Powell recently reminded us that other countries look to the United States for our leadership and example. I agree! I only hope that when looking to the United States that they do not adopt the new preemptive military policy and use that same policy against their enemies.

Mr. Speaker, this administration should follow the example of the President's father prior to Desert Shield and during Desert Storm. We should be putting together an international coalition to send in weapon inspectors and if necessary take military action to disarm Saddam Hussein. A "go it alone" attitude or policy could have devastating consequences on our troops, the people of Israel and other parts of the world.

Mr. Speaker, therefore, I will vote against this resolution and in favor of the Spratt substitute.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. STUPAK), a distinguished member of the Committee on Energy and Commerce.

Mr. STUPAK. Mr. Speaker, we are being asked to commit our young servicemen and women to a possible war in Iraq. It is important for everyone to understand the gravity of this vote and the legal, ethical and moral grounds for such a grave commitment of U.S. lives and resources.

To date, I have received nearly 900 communications opposed to the United States acting unilaterally against Iraq and approximately 16 communications in support of the President's position. No matter what the result of the vote on each proposed resolution, I am confident that every Member will rally around our brave young servicemen and women if or when they are committed to hostile action in Iraq or anywhere else in the world.

Over the past few weeks, I have attended classified briefings on Capitol Hill, at the Pentagon, and with the President. In reflecting upon the views, opinions, and concerns expressed by my constituents, and after a thorough review of international law, it is clear that war with another country should only be declared if your country is directly attacked; if another nation is an accomplice in the attack on your country; if there is an immediate pending attack on your country; and, finally, if there is defiance of international law in the community.

To rush headlong into war without world support under any one of these four conditions violates every principle and every ideal on which this great Nation is founded and on which a free and democratic world exists.

In review of these four principles, there is no question that Iraq did not directly attack America. The evidence is also clear that Iraq was not an accomplice with the al Qaeda attacks on America. If there was any complicity by Iraq and Saddam Hussein, I am confident the President would have addressed this complicity in his U.N. address or in Monday's speech to the American people. In the classified briefings, no one could document with any certainty Iraq's complicity in the attacks on America.

There is no dispute that Iraq is not an immediate imminent military threat to the United States at this time. Some people would argue Saddam Hussein will give biological, chemical or nuclear weapons when obtained to terrorist groups, but there has been no credible evidence provided to House Members of these weapons being supplied to terrorists.

Individuals may still argue that we must assume that Iraq must have an accomplice with the al Qaeda attacks of September 11. If we wish to make this assumption, and it is only an assumption, not fact, then the President already has the authority to use "all necessary and appropriate force against Iraq." If Saddam Hussein and Iraq are directly or indirectly responsible in any way with the attacks of September 11, the President has the authorization to take whatever means necessary to bring them to justice. The authority was given to the President just 3 days after the cowardly attacks on our country.

The link between the September 11 attacks and Saddam Hussein is so tangential even the President cannot justify military action against Saddam Hussein and Iraq based on complicity.

The strongest claim for military action against Iraq is its continued defiance of international law since the 1991 Gulf War cease-fire. It is on this principle that President Bush went to the U.N. to seek their approval to use the U.S. military to enforce U.N. resolutions against Iraq. The legal, ethical and moral justification to get rid of Saddam Hussein and invade Iraq is enforcement of international law, the U.N. resolutions.

The United States has never invoked a first strike invasion of another nation based on a fear of what might happen tomorrow. Now is not the time for a first strike policy based on fear, but let us strike with the support of the U.N. Security Council resolutions, with a multinational force to once and for all rid the world of Saddam Hussein.

If we now allow the U.S. military to invade a nation or change a regime because of fear, then the goals of terrorism have been accomplished. If we allow the U.S. to become a first-strike nation in the name of defeating terrorism because of the possibility of future terrorist attacks, this opens the world to a Pandora's box of selected conflicts around the world. The U.S. would lose its moral, ethical and legal grounds and its stature to protest or to prevent, for example, Russia from invading Georgia to hunt down Chechnya rebels, Pakistan from invading India, or China from invading Taiwan.

In our world, terrorism would now be defined and determined by the aggressor nation. The United States would lose its legal and moral ability to protest, as it did in 1979, the Soviet army's invasion of Afghanistan.

The situation in Iraq must be addressed, but we must not be seen as moving forward unilaterally, and we must not alienate our allies who support it and fought with us in the Persian Gulf War.

□ 1945

Therefore, firm in my beliefs, buoyed by the input from my constituents, and strong in my faith in the principles and ideals of America, I will vote for the Spratt-Moran substitute resolution.

Mr. ISSA. Mr. Speaker, I yield 6 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker this is the most important vote I will have cast in my 20 years in Congress. I was here to cast my vote to go to war against Iraq in 1991. That was a definable conflict involving an aggressor who had to be stopped by the international community. America provided the leadership both to develop the coalition effort and provided the military power needed to win the war decisively.

Now we face a far greater threat: the threat of a government dedicated to methodical, committed development, production, and stockpiling of chemical and biological weapons, and ultimately to the development of a small transportable nuclear weapon. This threat is spearheaded by Iraq, but not posed by Iraq alone. I firmly believe that if we fail to develop an international response to turn back this new threat of far more mobile and potent weapons, the cost will be extraordinary in the sacrifice of innocent lives and the crippling effect on the world's economy and on the stability of governments throughout the world.

We cannot allow nations, as a matter of their public policy, to develop chemical, biological, and nuclear weapons that can be delivered in lethal amounts all around the world. Whether it be delivery through terrorist organizations such as al Qaeda or hard-to-detect drones with sprayer nozzles, there are now the means to deliver these weapons of mass destruction into the very hearts of our cities and towns. The attack of September 11 was only the most vivid and terrible demonstration of the power of hate to deliver death and destruction of incredible dimensions by stealth means.

Make no mistake, for 4 years, ever since the arms inspectors left Iraq when they were prevented from doing their job, Iraq has been increasing its research, development, and production of chemical and biological weapons despite their international agreements not to do so. I believe the evidence on this matter is clear and convincing and that there is sufficient evidence of an accelerated effort to develop nuclear weapons to make action the only realistic course.

We and the international community must act, not only to stop Iraq, but to demonstrate to other nations that are starting down the same path as Iraq that are developing chemical and biological arsenals that the international community will not tolerate such a development because it poses such an extraordinary threat to all nations' economies, governments, and the very fabric of human communities.

I will vote "yes" on this resolution, and commend the President, Secretary Powell, and Secretary Rumsfeld for working to unify the international community in the face of this new and unprecedented threat. I firmly believe, as the President has said, that war is neither imminent nor unavoidable. But I believe that the passage of this resolution will make an effective peaceful multilateral response more likely because it represents the depth of our commitment to the goal of Iraqi disarmament and the elimination of the threat of chemical and biological weapons in tandem with the power of terrorist organizations and the stealthy delivery systems so clearly under development in Iraq.

Failure to act as we have for 4 years is no longer an option. We must prevent the accumulation of chemical and biological weapons and the development of increasingly stealthy means of delivery before these weapons are used against us and others.

I thank the Speaker for this opportunity to be heard on this historic occasion.

Mr. DELAHUNT. Mr. Speaker, I yield 6 minutes to the gentleman from Massachusetts (Mr. NEAL), my friend and colleague who serves on the Committee on Ways and Means and is a leader in the Massachusetts delegation.

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me this time.

Mr. Speaker, I come to the floor of the House to carry out one of the most important responsibilities that an elected Member of this institution has, to vote on a resolution authorizing the use of military force. It is a profound responsibility and one that I take most seriously.

Even Mr. Lincoln, as a Member of this House, wrestled with the issue of war-making powers when in 1848, in a letter to his law partner, William Herndon, voiced concern that Congress should not give unlimited powers to the executive. I share Mr. Lincoln's views on this important subject.

Everyone in this Chamber agrees that Saddam Hussein is a threat to his own people, his neighbors, and the entire civilized world. He is a tyrant intent on developing weapons of mass destruction and the means to deliver them. His many atrocities have been catalogued in this House and the Senate during this important debate, and his dictatorial regime is held in contempt around the globe. That is why any attempt to disarm or to replace him, and I support both, should be done with the support of our friends and allies in the international community.

Unilateralism and the doctrine of preemption are dangerous precedents that the United States may be setting. Such action is contrary to our country's core values and principles. Efforts to neutralize Iraq's chemical, biological, and nuclear threat should be done with the support of an international coalition and in accordance with international law. In my opinion and the opinion of many allies around the world, there are many compelling alternatives to acting alone and the immediate use of force as the first option. Here is one.

It is my belief that we need a new unambiguous resolution from the United Nations Security Council calling for the immediate and unfettered weapons inspectors to be allowed into Iraq. This new resolution should be unconditional, have clear time tables, and must exclude the unreasonable 1998 language that restricts inspectors from visiting Saddam Hussein's presidential palaces. Nothing should be off limits. It will hold Iraq permanently accountable to the international community. Saddam Hussein will have only two stark choices. He can accept robust inspections and begin to disarm or pay serious consequences, and I urge the United Nations to act immediately.

In preparation for this debate, Mr. Speaker, I have had an opportunity to talk and listen to many people about the merits of this resolution. I went to my constituents in Massachusetts, colleagues in Washington, and officials of administrations past and present. And each time I came away with more questions than answers. Important and timely questions about the wider implications of a unilateral war with Iraq should be answered.

The administration must tell the American people in clear and concise terms what impact a unilateral strike against Iraq would have on the already tenuous situation in the Middle East. In 1990 Saddam Hussein launched 39 SCUD missiles into the heart of Israel. Does anyone doubt that he would do it again? Twelve years ago the State of Israel showed restraint in the face of such attacks; but as we debate this resolution this evening, the Israeli Government has indicated it will defend itself against any Iraqi initiative.

What does this mean for the security of the region? Any attempt to restore the peace process between the Israelis and the Palestinians would be lost in the short term. What about Iran, Syria, and Libya, who are all engaged in active programs to develop weapons of mass destruction and the means to deliver them? How do we respond to a unilateral, preemptive American strike against Iraq?

We should not minimize the far-reaching implications of a first strike and a new doctrine of preemption. Indeed, it may have unintended consequences in other parts of the world, in conflicts between India and Pakistan, China and Taiwan, Russia and Georgia. On the verge of this historic vote, these questions need to be answered before we reach a decision to send our young Americans into harm's way.

Mr. Speaker, if we suddenly turn our attention to a unilateral war with Iraq, what are the implications for the ongoing war on terrorism? Since the attacks of September 11, we have waged a war on terrorism with the support of friends and allies around the globe. I have supported President Bush and commended his leadership time and again for his war on terrorism. But will the United States continue to receive the same level of support and cooperation from countries that do not support a unilateral preemptive strike on Iraq?

Ironically, there is one aspect of this debate where there are definitive answers, and I ask this tonight: How much is this war going to cost the American people? The Congressional Budget Office has estimated that the incremental cost of deploying a force to the Persian Gulf would be between $9 billion and $13 billion. Prosecuting a war would cost between $6 billion and $9 billion a month. After hostilities end, and we do not know how long they are going to last, the cost to return our troops home would range between $5 billion and $7 billion. If, as President Bush insisted, we intend to rebuild Iraq, the costs to the American taxpayer will rise exponentially.

In the Gulf War with the support of an international coalition, the costs of the war was shared by our friends and allies. This will not be the case with unilateral action. The burden conceivably will rise to $200 billion, and it will not be ours alone if we do this with the support of the Security Council.

Mr. Speaker, I have not been persuaded that unilateralism and the doctrine of preemption is the best course of action against Iraq. From my perspective, a preferable course of action is to enlist the support of the international community and demand a strict review by U.N. inspectors. We should take the diplomatic and political route before bringing this Nation to war, and I plan to vote against this resolution.

I thank the gentleman for yielding me this time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 5 minutes to the gentlewoman from Florida (Mrs. THURMAN), a distinguished member of the Committee on Ways and Means.

Mrs. THURMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, this is the most important vote that I ever will cast in this House. Deciding when to send our troops into harm's way is never easy and must not be made without serious consideration.

My father was a career Air Force sergeant and B-52 tail gunner, and I remember worrying every time he left for a flight that he would not return. So I have some idea of what is going through the hearts and the minds of the families of our troops. And growing up on military bases, I personally knew the people willing to put their lives on the line to protect our great Nation. I see my late father in all of them, and I remain committed to making sure if we have to send our troops into battle that they will have all the support and resources they need.

Threat from international terrorism is real. The threat from weapons of mass destruction is real. That is why it was so important to stress that we have moved away from unilateral action. My colleagues and I stood strong on our principles and got the administration to agree to the changes in the Iraq resolution. We felt that these changes were necessary to protect our Nation and the world from Saddam Hussein and ensure that military force would be used as a last resort.

On Monday President Bush told the Nation and the world that approving this resolution does not mean that military action is imminent or unavoidable. He has asked Congress to authorize the use of America's military, if it proves necessary. The American people are taking him at his word. We in Congress are taking him at his word. I hope that military action will not be necessary, but I am prepared to support our troops if all other efforts fail.

This resolution does not indicate abandonment but rather, I believe, an extension of the fight against terrorists. We will continue to improve homeland security and to find terrorist organizations wherever they may hide. This resolution retains the constitutional power of Congress in defense and foreign affairs. It does not justify unilateral military action by any country anywhere.

☐ 2000

It is limited to Iraq, a nation that has made promises and then deliberately refused to live up to them.

This resolution retains the constitutional power in defense and foreign affairs. This is not the Gulf of Tonkin Resolution. We will be kept informed and can, if necessary, restrain any abuse of power.

It also seeks to compel the entire international community to back efforts to compel Iraq to comply with the world's will as expressed in various U.N. resolutions. International support is vital. It will show the world that this is not a dispute between the United States and Iraq. It is not a dispute between American and Arab. It is not a dispute between cultures. If conflict occurs, the blame rests solely with Saddam Hussein, who first invaded Kuwait and then refused to accept the consequences of his actions.

We have the best-trained and best-equipped Armed Forces in the world. I have no doubt that they will do whatever is asked of them and that they will succeed.

But war is not cheap, in blood or treasure. Sacrifices will be made by our troops and their families. But the rest of us will have to shoulder our fair share of the burden. We will have to pay for this action, just as my parents paid for World War II and my grandparents paid for World War I, because we must not pass the cost of this war on to our children and our grandchildren. Our country needs to be prepared for the cost of the war, in both human life and limited government resources.

I have promised our troops that they will not go wanting. I now promise the rest of America that I will not forget your needs. Each of us knows what needs those are, because we hear about them from people every day.

We must provide for our common defense abroad or else we will never be secure at home. But we will not lose sight of our priorities at home. We will prevail. We will execute our constitutional duty to provide for the common defense, and we will provide for the general welfare at home.

I, therefore, will support the resolution on final passage.

Mr. PAYNE. Mr. Speaker, it is a pleasure to yield 6 minutes to the gentlewoman from Ohio (Ms. KAPTUR), a voice for justice that we have heard for many, many years, a member of the Committee on Appropriations.

Ms. KAPTUR. Mr. Speaker, I thank the distinguished gentleman from New Jersey for yielding me time.

Mr. Speaker, 3 weeks before election seems to be an odd time to be authorizing war. It is especially odd when President Bush himself said at the United Nations that Iraq represents a "grave and gathering threat," not an imminent threat. For a month, this debate has frozen off the front pages Social Security, prescription drugs, rising unemployment, growing deficits, robbery of pension accounts, corporate abuses and the inaction of this Congress itself.

The generals have not weighed in either. Retired General Norman Schwartzkopf, who headed the Persian Gulf War campaign, called on President Bush "not to go it alone." Retired General Wesley Clark, who headed up the Balkans campaign, called on President Bush "not to go it alone." Former National Security Adviser Brent Scowcroft said an attack on Iraq without addressing the problems of the Israeli-Palestinian conflict "could turn the whole region into a cauldron, and thus destroy the war on terrorism."

Last weekend, Israel's Chief of Military Intelligence, speaking on television, disputed contentions that Iraq is 18 months away from nuclear capability. He concluded Iraq's time frame was more like 4 years, and he said Iran's nuclear threat was as great as Iraq's.

Yes, Congress, on behalf of the American people must decide whether the United States incursion now into Iraq will make our country more secure and whether it will make that region more stable. On both counts, my conclusion is no.

It will not make America safer, because unilateral military action without broad international support will isolate America further. It will thrust us into the position of becoming a common enemy in a volatile region where anti-western terrorism grows with each passing year.

It will not make the region more stable either. The Bush approach will yield more terrorism and instability, not less.

We should insist on rigorous inspections in concert with our allies and enforce all U.N. resolutions relating to the Middle East.

Indeed, if the politics of the oil regimes and lethal force had been successful over the past 25 years, America's citizens would not be the victims of escalating terrorist violence at home and abroad.

Since 1975, more American diplomats and military personnel have been killed or taken hostage as a result of Middle Eastern tumult than in the first 187 years of our Nation's history, and it worsens with each decade. After 9/11, 13,025 additional names of civilians here at home were added to that growing list.

Look more deeply at the roots of the rising levels of hatred and terrorism toward our people. Even if Iraq were able to serve as an instrument of global terrorism, the causes of that terrorism will not disappear with the demise of Saddam Hussein. The enemy has many fresh faces. They spring daily from the growing resentment of western influence over an Islamic world that is awakening to its own political destiny. America must not wed itself to the past but to the rising aspirations of subjugated people; and we must do it in concert with our friends, both inside the Arab world and outside it.

What propels the violence? A deep and powerful undercurrent moving people to violence in that region. It is the unresolved Israeli-Palestinian conflict.

The other major destabilizing force is America's utter and dangerous dependence on imported oil, whose purchases undergird repressive regimes. We must address both.

Think about it. Modern terrorism dawned in our homeland in June, 1968, with the assassination of Robert F. Kennedy. The unresolved Israeli-Palestinian conflict lay at the basis of that tragic loss. His disgruntled assassin, a Jordanian Arab, revealed in his diary that loss of his homeland in East Jerusalem lay at the root of his discontent. Sirhan Sirhan is one such face.

The intifada now proceeding in the West Bank and Gaza proves the lingering tragedy of the Holy Land resists peaceful resolution until today, and its irresolution instructs the street and produces sacred rage.

Now, let us look at oil, the one word the President left out of his address in Cincinnati. As the 1970s proceeded, America's economic security became to be shaped more and more by events abroad. Thrust into two deep recessions due to the Arab oil embargoes as petroleum prices shot through the roof, our economy faltered. And the current recession, too, has been triggered by rising oil prices.

Meanwhile, America, rather than becoming energy independent at home, sinks deeper into foreign oil dependence, from the undemocratic regimes of Saudi Arabia, Kuwait and Iraq, to also include the state-owned monopolies of Nigeria and Venezuela and Mexico. While our military enforces the no-fly zones over Iraq, we import 8 percent of our oil from her. America has become more and more hostage to the oil regimes, with our future intertwined with the politics that Islamic fundamentalism breeds in the Muslim world.

Al Qaeda, led by Osama bin Laden, a Saudi national, is but the latest face of international terrorism. Al Qaeda's goal is expulsion of western influence in the Gulf and the creation of a religious, unified Islamic caliphate.

Mohammed Atta grew up in the undemocratic oil regimes of Saudi Arabia where 17 of the 19 hijackers originated.

By contrast, the goal of Saddam Hussein and his Baath Party has been control of the vast oil deposits in Iraq and access to waterborne shipping in the Persian Gulf. Hussein has been a fairly predictable foe. In the 1990s, he conventionally invaded Kuwait; and the raw truth is he never got what he expected, which was access through Kuwait to the Gulf.

When Iraq invaded Kuwait in 1990, the dispute not only involved Iraq's belief that Kuwait was part of its historic territory, but essentially the struggle involved who within OPEC would control that oil. Is defending oil reserves worthy of one more American life?

Before launching another war, Congress must vote to place our priorities where they belong, security here at home and a valued partner in the global community of nations.

Please vote for the Spratt-Skelton resolution and no on the Hastert-Gephardt resolution.

Three weeks before election seems an odd time to be authorizing war.

It is especially odd when President Bush himself said at the United Nations that Iraq represents a "grave and gathering threat," not an "imminent threat." For a month, this debate has frozen off the front pages Social Security, prescription drugs, rising unemployment, growing deficits, robbery of pension accounts, corporate abuses and the inaction of this Congress.

The generals have not weighed in either. Retired General Norman Schwartzkopf, who headed the Persian Gulf War campaign, called on President Bush "not to go it alone." Retired General Wesley Clark, who headed up the Balkans campaign, called on President Bush "not to go it alone." Former National Security Advisor Brent Scowcroft said an attack on Iraq without addressing the problems of the Israeli-Palestinian conflict "could turn the whole region into a cauldron and thus destroy the war on terrorism."

In Cincinnati, President Bush said Iraq is seeking nuclear capability. He did not say Iraq had such a capability. And never has Saddam Hussein risked his regime's annihilation, which would be a certainty if he exhibits any adventurism.

The Philadelphia Inquirer reported yesterday (Tuesday) that a Central Intelligence Agency report, which was released last Friday, concluded that it could take Iraq until the last half of this decade to produce a nuclear weapon, unless it could acquire bomb grade uranium or plutonium on the black market.

Intelligence sources confirm chemical capabilities have been substantially reduced as a result of inspectors and Iraq's armed forces are 40% of their strength prior to the Gulf War.

The President claimed Iraq had acquired smooth aluminum tubes for its secret nuclear weapons program. But analysts at the Energy and State Departments concluded that the Iraqis probably wanted the tubes to make conventional artillery pieces. On chemical and biological weapons, all the evidence indicates the inspection regime of the 1980s worked and that civilized nations are effective in dismantling rogue states' arsenals when they join in common cause.

Last weekend, Israel's chief of military intelligence, speaking on television, disputed contentions that Iraq is 18 months away from nuclear capability. He concluded Iraq's time frame was more like four years, and he said Iran's nuclear threat was as great as Iraq's. I daresay Israel's chief of military intelligence is not the type of person who would engage in self-delusion.

Yet, Congress, on behalf of the American people, must decide: whether U.S. military incursion now into Iraq will make our country more secure, whether it will make that region more stable.

On both counts, my conclusion is "No."

It won't make America safer because unilateral military action, without broad international support, will isolate America further. It will thrust us into the position of becoming a "common enemy" in a volatile region where anti-Western terrorism grows with each passing year.

It won't make the region more stable, either. The Bush approach will yield more terrorism and instability, not less. We should insist on rigorous inspections in concert with our allies and enforce all U.N. resolutions relating to the Middle East. Indeed, if the politics of the oil regimes and lethal force had been successful over the past 25 years, America's citizens would not be the victims of escalating terrorist violence at home and abroad. Since 1975, more American diplomats and military personnel have been killed or taken hostage abroad as a result of Middle Eastern tumult than in the first 187 years of our nation's history. And it worsens with each decade. After 9/11, 3025 additional names of civilians here at home were added to that growing list.

Look more deeply at the roots of the rising levels of hatred and terrorism toward our people. Even if Iraq were able to serve as an instrument of global terrorism, the causes of that terrorism would not disappear with the demise of Saddam Hussein. Terrorists are being molded every day.

Look at the enemy. It is not conventional. It is not faceless. The enemy has many fresh faces. They spring daily from the growing resentment of Western influence over an Islamic world that is awakening to its own political destiny. America must not wed itself to the past but to the rising aspirations of subjugated people, and we must do so in concert with our friends both inside the Arab world and outside it.

What propels the violence?

A deep and powerful undercurrent moving people to violence in that region is the unresolved Palestinian-Israeli conflict. The other major destabilizing force is America's utter and dangerous dependence on imported oil whose purchases undergird repressive regimes. We must address both.

Think about it. Modern terrorism dawned in our homeland in June 1968. with the assassination of Robert F. Kennedy. The unresolved Israel-Palestinian conflict lay at the basis of that tragic loss. His disgruntled assassin, a Jordanian Arab, revealed in this diary that loss of his homeland in East Jerusalem lay at the root of his discontent. Sirhan Sirhan is one such face.

The intifada now proceeding in the West Bank and Gaza proves the lingering tragedy of the Holy Land resists peaceful resolution event until today and its irresolution instructs the street and produces sacred rage.

Now, let's look at oil . . . the one word the President left out of his address in Cincinnati. As the 1970's proceeded, America's economic security came to be shaped by events abroad. Thrust into two deep recessions due to Arab oil embargoes as petroleum prices shot through the roof, our economy faltered. The current recession too has been triggered by rising oil prices.

In 1980, Jimmy Carter lost his bid for reelection because economic conditions at home so deteriorated. Carter had dubbed Arab oil price manipulation as the "moral equivalent of war." He had launched a major effort to restore America's energy independence.

Ronald Reagan and George Bush were elected in a campaign that highlighted the "misery index," the combination of unemployment and interest rates exploding over 20 percent.

By the 1980's, OPEC's cartel had realized that it lost revenue when America caught economic pneumonia. So OPEC learned something it practices to this very day: how to dance a clever pirouette of price manipulation rather than outright price gouging.

Meanwhile, America, rather than becoming energy independent at home, sinks deeper into foreign oil dependence—from the undemocratic regimes of Saudi Arabia, Kuwait, and Iraq to also include the state-owned monopolies of Nigeria and Venezuela and Mexico. While our military enforces the no-fly zone over Iraq, we import 8% of our oil from her.

America has become more and more an economic hostage to the oil regimes, with our future intertwined with the politics that Islamic fundamentalism breeds in the Muslim world.

America's ill-fraught alliances with unpopular Middle East regimes was vividly revealed in 1979 when Iran, though not an oil state, fell despite the fact the U.S. and our CIA had supported its Shah and his secret police, purportedly to assure regional stability. It produced exactly the opposite—a revolution.

Recall 1983, in the thick of Lebanon's civil war, when suicide bombers attacked the U.S. Marine compound in Beirut, killing 241 Americans. They were caught in the crossfire of that civil war. From that point forward, U.S. casualties escalated every year, as more and more U.S. citizens were killed abroad and at home. If you travel to Lebanon today, our U.S. embassy is built like a bunker, underground. This is happening to U.S. facilities around the world.

Here is our nation's capital—barricades, concrete barriers, truck-bomb checks have become commonplace. A citizen can no longer drive down Pennsylvania Avenue in front of the White House. It is blocked off. We now have red, orange, yellow warning lights across the land. It is harder for our people to access their institutions of government. Block by block, our freedom is being circumscribed. In 1993, at the World Trade Center, six people died and one thousand were injured here at home in a bombing masterminded by a Pakistani trained in Afghanistan. In 1996, a truck bomb killed 19 Americans in Saudi Arabia at Khobar Towers, a residence for American military personnel. Last week a Green Beret was killed in Manila by a terrorist bomb, and yesterday in Kuwait two U.S. military personnel were fired upon—one died. Dozens of such tragedies now happen each year, and the body count mounts.

Al Qaeda, led by Osama bin Laden, a Saudi national, is but the latest face of international terrorism. Al Qaeda's goal is expulsion of Western influence in the Gulf and the creation of a religious, unified Islamic caliphate. But Al Qaeda and Osama are not Iraqi.

Mohammed Atta grew up in the undemocratic oil regimes of Saudi Arabia where 17 of 19 hijackers originated. They believed in the religious fundamentalism of the Wahhabi sect, but not its economic imperative that holds power through billions earned from vast oil reserves. Despite oil wealth, the king has become less and less able to control the disgruntled in that society, who resent the secular nature of the religious kingdom.

By contrast, the goal of Saddam Hussein and his Baath Party has been control of the vast oil deposits in Iraq and access to waterborne shipping in the Persian Gulf. Hussein has been a fairly predictable foe. In 1990, he conventionally invaded Kuwait. The raw truth is he received his early encouragement and support from the first Reagan-Bush Administration, in the early 1980s. That administration engaged Saddam Hussein and provided him with resources, and credits to depose Iran's Ayatollah Khomeini, who had just deposed the CIA-supported Shah in 1979. Through his U.S. contacts, Hussein assumed Iraq's quid pro quo would be access to the Persian Gulf on Bubiyan Island. Kuwait, however, never agreed.

When Iraq invaded Kuwait in 1990, the dispute not only involved Iraq's belief that Kuwait was part of its historic territory. Iraq also surmised that Kuwait was asking too low a price for oil sold to the West. Yes, America went to war to defend Kuwait's border. But essentially the struggle involved who within OPEC would control that oil. Subsequent to the Persian Gulf War, America began stationing more and more troops in Saudi Arabia, ostensibly to guard the oil flow out of the Persian Gulf. Is defending oil reserves worthy of one more life?

Of course, these forces also conveniently offered some threat to unwelcome enemies of the Saudi regime, at home and abroad. Anti-western resentment in the region continues to rise. In 2000, our destroyer USS *Cole* was suicide bombed in Yemen harbor guarding the oil flows. Thirteen U.S. service members were killed and 39 wounded.

Over the last quarter century, it is interesting to reflect upon the intimate connection between the George Bush family, oil, and the shaping of foreign policy towards the Middle East. During the 1950s and 1960s, George Herbert Walker Bush, an oilman from Midland, Texas sought international exploration and investments as Texas oil wells were depleted prior to seeking office. In the 1960s and early 1970s, George Herbert Walker Bush served in the U.S. House, Senate, U.S. Ambassador to China, and was appointed head of the CIA in 1976 and served until March 1977.

Simultaneous with George Herbert Walker Bush's service in the CIA, Syria sent troops to Lebanon to stem the civil war, the Iranian Revolution gained steam, and Egyptian President Anwar Sadat traveled to Jerusalem and became the first Arab leader to recognize Israel.

George Herbert Walker Bush served as Vice President from 1981 to 1989 and as President from 1989 until 1993. During this period, the U.S. was drawn more directly into a central role in Middle East security.

In 1990, with the invasion of Kuwait by Iraq, President George Herbert Walker Bush fashioned a U.S.-led coalition of nations to push Saddam Hussein out of Kuwait. More than 400,000 U.S. troops were involved in that war. One hundred forty Americans died in that war, thousands have sustained war injuries and tens of thousands of Iraqis died.

With each succeeding decade, wars involving terrorism and America escalated. Now George Bush's son is serving as President and a second war resolution is being contemplated. It is fair to say that the Bush view of the Middle East literally has dominated U.S. policy for 75 percent of the past two decades.

9/11 was but the latest chapter in the expanding violence.

It is also important to inquire as to what private oil interests in the Middle East are held, or were held, by key officials in the current Bush Administration and how that might influence their views of U.S. "vital interests."

In the past, according to the Arabian Peninsula and Gulf Studies Project (supported by the Kuwait Foundation for the Advancement of Sciences). George W. Bush sat on the board of Harken Oil of Grand Prairie, Texas, as a private citizen, and held major oil company involvement in Bahrain both professionally and personally.

Halliburton, the firm that hired Vice-President DICK CHENEY as its CEO subsequent to the Persian Gulf War, had previously operated in Iraq. During the early 1980's, Vice-President CHANEY served as U.S. Secretary of Defense and Donald Rumsfeld as one of his Assistant Secretaries of Defense.

Newspaper reports now indicate that during that same period, biological and chemical germ samples were transferred to Iraq from the government of the United States through the Centers for Disease Control and Prevention (CDC) to several Iraqi sites that U.N. weapons inspectors determined were part of Saddam Hussein's biological weapons program. Indeed, the U.S. government provided agricultural credits to Iraq to finance these transactions and the purchase of large amounts of fertilizer and chemicals to be used in Iraq's protracted war with Iran.

Congressional records and CDC documents for that period show Iraq ordered the samples, and claimed them for legitimate medical research. The CDC and a biological sample company called the American Type Culture Collection sent strains of several germs. The transfers were made in the 1980's.

Included among these strains: anthrax, the bacteria that make botulinum toxin, and the germs that cause gas gangrene. Iraq also got samples of other deadly pathogens, including the West Nile virus. Senator ROBERT BYRD has questioned Secretary Rumsfeld, as President Reagan's envoy to the Middle East at that time, inquiring about how contacts were made with Iraq to transfer chemical and biological agents from the U.S. to Iraq as it launched its attacks on Iran.

Before launching another war, this one unilaterally, Congress must vote to place U.S. priorities where they belong—security here at home and a valued partner in the global community of nations.

Three policy prescriptions deserve greater weight.

First, inspection now, rigorous and full, in legion with the world community.

Second, America must restore energy independence here at home. If we could land a man on the moon in 10 years, surely we can gather ourselves to master this scientific imperative. No longer should oil become a proxy for America's foreign policy. Our economic relations should not reward dictatorships.

Third, the U.S. must regain momentum to find a solution to the Israeli-Palestinian conflict. President Bush should dispatch former U.S. Senators George Mitchell and Warren Rudman to the Middle East as ambassadors without portfolio to exercise their considerable talents.

In closing, let me re-emphasize:

What is the "imminent threat" to the United States that justifies going to war now?

Where is the hard evidence of the new threat?

With unilateral action, how will the United States avoid being viewed in the Islamic world as a "common enemy?"

What specific threat justifies abandoning 50 years of strategic policy in favor of a unilateral policy of pre-emption?

Who would succeed Saddam Hussein in power in Iraq? How would a partitioned Iraq be a stabilizing force?

Does the United States want to engage in nation building in Afghanistan and Iraq simultaneously?

Who will pay for this nation building?

When will the United States wean itself from its dangerous dependence on foreign oil, which takes money from our people and distorts our foreign policy?

Why should the U.S. military be asked to serve as an occupying force in Afghanistan and Iraq?

What makes Iraq's threat to the United States so much more serious today that it was four months ago or even two years ago?

In closing, let not America be perceived as the "bully on the block" in the most oil-rich region of the world, where not one democratic state exists. Vote for security. Vote for stability. Vote for energy independence. Vote for resolving the Israeli-Palestinian conflict. Vote for Spratt-Skelton. Vote "no" on the Hastert-Gephardt resolution.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, I thank the kind gentleman for his leadership on human rights and on safety throughout the world.

You have to ask yourself at a serious time like this, was not 9/11 enough? Was not 9/11 enough to spur America's resolve to defend our own country?

I support this resolution because the first responsibility of our government is to defend American citizens. The government of Iraq, like our terrorist nations, presents a grave threat to the safety, to the security, to the well-being of every American that hears this debate tonight.

We are in the early stages of what is likely to be a very long war against terrorism. In his September 20th, 2001, address to a Joint Session of Congress here in this Chamber, President Bush vowed that America would not rest until we had rooted out terrorism around the world. He said the countries harboring terrorists would be treated as terrorist nations themselves; that the coming war would be a long one, to be measured in years, rather than months.

The Afghanistan campaign is the first step in putting that pledge into action, and much remains to be done. Does anyone seriously believe that terrorism began and ended in Afghanistan?

Disarming Iraq and its support for state-sponsored terrorism is the next logical step to secure peace for our families and for this world. As we were reminded again this afternoon with the released audiotape of bin Laden's second in command predicting yet more terrorist attacks on America, the question is not if America will be attacked again here at home, but when and by whom.

Instead of crashing airplanes into our downtown office buildings or into our Pentagon, the terrorists of the future will turn to dangerous chemical and biological weapons, attempts to poison our air and water, disrupt our energy supply, our economy, our electronic commerce, destroy the jobs we rely upon each day.

Yes, they will direct these weapons of terrible destruction toward America, because standing as the world's lone superpower means standing as the world's biggest target. Our homeland, our communities, our schools, our neighborhoods and millions of American lives are at risk as we speak tonight.

It is clear to me we are going to fight this war on terrorism in one of two ways: either overseas at its source, or here at home when it lands in our neighborhoods. I choose overseas at its source.

America's security at home depends upon largely our strength in the world. Terrorism expands according to our willingness to tolerate it. For too long the world has turned a blind eye to terrorism, afraid to confront it; and terrorism has flourished because the actions of our world leaders never matched their harsh words.

Well, that is all over now. That all changed September 11. That all changed with President Bush.

For the sake of our homeland, we must mean what we say. For the sake of our children, we must follow through on our vow to end terrorism. If the United Nations efforts should fail, if Saddam Hussein chooses to continue to arm himself and harbor terrorists, then America must act. Words alone are not enough. And when we send U.S. troops overseas, it must be to win and to return home as planned.

Our first President said there is nothing so likely to produce peace as to be well-prepared to meet an enemy. We know the enemy, we know the difficulty, we know the duty, and we know the strength of America's military men and women.

The resolution before the House tonight is not a question of the President's persuasiveness. It is a question of Congress's resolve to whip this terrible war on terrorism.

We know where the President stands. The question is, where does Congress stand, and do we stand with him? I do, and I am proud to do so. Make it clear, our resolve is not for war today; it is for peace tomorrow.

□ 2015

Our resolve is not for security for America alone, but for security for the world, a world free of fear from horror, from the incredible weapons of mass destruction, from all of that terrorism spawns.

All I seek and all Americans seek is a simple request: when our families leave our homes each morning, that they return home safely each night. Was not 9–11 enough for America to act to protect our citizens? It is.

Mr. FALEOMAVAEGA. Mr. Speaker, I gladly yield 5½ minutes to the gentleman from New Jersey (Mr. ROTHMAN), a distinguished member of the House Committee on Appropriations.

Mr. ROTHMAN. Mr. Speaker, on September 11, 2001, America's view of the world changed. On that day, many Americans learned, for the first time, that there were people in the world who hated America so much that they would cross the oceans to come here to kill thousands of American men, women, and children, even if it meant they would die themselves.

In considering the resolution before us, I have weighed all of the pros and cons, all the risks of action and the risks of inaction, with September 11 very much in my mind. I believe that any close question on matters of national security must now be resolved in favor of erring on the side of being proactive and not reactive in protecting our people and our homeland.

I have spent a tremendous amount of time and study over the past several months on what to do about Saddam Hussein. I have engaged in dialogue with many of my constituents, spoken with experts on every side of this issue, and read literally thousands of pages of analysis. I can delineate as well as any opponent of this resolution all of the possible and considerable risks associated with military action against Saddam Hussein. However, in the end, I conclude, beyond any reasonable doubt, that America must join forces with our allies, hopefully under the express authorization of the United Nations, but that we must take action to prevent Saddam Hussein from using his weapons of mass destruction against us.

Now, especially in the light and shadow of September 11, there is a new immediacy and power to Saddam Hussein's long-standing and often-stated threats against America.

For years, Saddam Hussein has been a well-known patron and financier of some of the world's most lethal anti-American terrorists and terrorist organizations. Now, al Qaeda has joined them. After being driven from Afghanistan, al Qaeda has now sought and received safe haven from Saddam Hussein. Saddam is now training al Qaeda in bomb-making and the manufacture and delivery of poisonous and deadly gases.

We know that for years al Qaeda has been trying to get their hands on chemical, biological, or nuclear weapons to use against America and Americans. The thought of Saddam Hussein now infecting willing al Qaeda "martyrs" with his smallpox virus and sending them into America's major cities, causing hundreds of thousands of Americans to die of smallpox, is truly terrifying. The thought of Saddam Hussein sending these same al Qaeda martyrs to America to spray chemical or biological poisons over America's reservoirs or in our most populated cities is a thought so horrifying, yet so real a possibility, that I cannot, in good conscience, especially after the surprise attack of September 11, permit this to happen.

I, therefore, endorse this resolution. I do so, however, with a heavy heart. I do so yet with no reasonable doubt that preventing Saddam Hussein from using his weapons of mass destruction against us is necessary now if we are to avoid another 9–11 or worse.

Mr. Speaker, I pray that military action is not necessary and that alone, passage of this resolution will result in Saddam Hussein's compliance with all existing U.N. resolutions to disarm and to permit unconditional inspections. But in the end, that is Saddam Hussein's choice.

Mr. Speaker, as we pass this resolution, let us pray for the safety of all Americans, including the brave men and women in our military, law enforcement, and all other branches of our government who are today protecting us here at home and in countries around the world and who will be called upon to do so tomorrow or in the days ahead. God bless them and God bless America.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. Mr. Speaker, tonight we discuss giving the President the authority to use military force against Iraq. As the Congressman from the first district of Kentucky, I have the privilege of representing the fine men and women of Fort Campbell, Kentucky, home of the 101st Airborne, Air Assault Division, the 5th Special Forces Group, and the 160th Special Operations Aviation Regiment, better known as the Night Stalkers.

These soldiers were among the first to engage the Taliban in Afghanistan and, unfortunately, the first to suffer casualties.

If we go to war with Iraq, they will again be the tip of the spear thrusting at our enemies, and they will again, sadly, be among the first to suffer casualties. Hopefully, that will not occur.

When I vote later this week, I may be putting my friends and neighbors on the frontline of combat. It is not a decision that any of us takes lightly. Therefore, after much deliberation, I have reluctantly concluded that Saddam Hussein has proven himself to be a threat that we cannot ignore.

For 11 years Saddam Hussein has defied U.N. resolution after resolution, while continuing his drive to acquire weapons of mass destruction. For years, he hindered and toyed with U.N. weapons inspectors in defiance of the cease-fire that ended the Gulf War. He has consorted with terrorists who are willing and eager to target innocent civilians in their war of hatred against the civilized world. He controls biological and chemical weapons, and we know he is trying to develop nuclear capability as well.

We are the world's only remaining superpower; yet a small band of terrorists were able to cause unprecedented death and destruction here in America. We cannot wait for another attack to take more American lives before finally deciding to act.

Another dead American man, woman, or child, struck down in their home or workplace by terrorist violence, would be an indictment of this Congress's failure to act while we had the chance. I firmly believe that granting the President the authority he needs to continue to combat the menace of Saddam's regime is the best way to preserve peace, and I firmly believe that granting the President the authority he needs to combat the menace of Saddam's regime is the best way to help the Iraqi people.

Our allies in the U.N., many of whom have explored reestablishing beneficial economic ties with Saddam Hussein's regime, are unlikely to take the necessary steps or approve our taking those steps to end Saddam's threat unless the U.S. leads the way.

Since the President's speech to the United Nations, we have witnessed the rest of the civilized world awakening from its slumber and stealing itself for this necessary confrontation with Saddam Hussein. By uniting behind our President, we can send the world an indication of our resolve. If we show our allies that we consider the threat worth risking the lives of our soldiers, I believe our allies will support us in our endeavor.

Mr. Speaker, my hometown newspaper recently noted that 60 million people died in World War II to teach the world that allowing tyranny to go unchecked was wrong. Let us not make that same mistake with Saddam Hussein.

Mr. PAYNE. Mr. Speaker, it is a pleasure to yield 5 minutes to the gentleman from Illinois (Mr. EVANS), a person who is a senior member of the Committee on Armed Services and has worked for persons in uniform for many years.

Mr. EVANS. Mr. Speaker, I rise in opposition to this resolution.

I believe that taking action against Iraq at this time will take vital resources away from an even more pressing and dangerous threat: the war on al Qaeda. And this action, including the occupation and stabilization of the nation after the invasion, could drain our military resources for over a decade.

I do believe that Saddam Hussein and his possession and development of weapons of mass destruction does pose a threat to our Nation. But we already have a policy that is containing the threat and positions us well if we have to move forcefully.

I think our greater responsibility is to assess threats to our national security and then decide how to deal with them. I believe we have an even greater challenge that we must not divert precious resources from the global war on terrorism.

The greatest danger facing our Nation comes from al Qaeda, the terrorist network that perpetrated the acts of September 11. And while a year has passed and we have prosecuted a successful war against al Qaeda in Afghanistan, the infrastructure of terror, however, remains in place. Our forces are still searching for bin Laden and his followers, and while these people remain at large, our Nation still focuses on the possibility of attacks from this group on an even larger scale than September 11.

I am deeply concerned that prosecuting a war on Iraq will divert precious resources from this war. A campaign against Saddam Hussein could tie up 200,000 military personnel. Diverting these forces and the assets that will be needed to support them will stretch our military perilously thin. To do this while we are conducting an intense worldwide anti-terror operations is unwise. I believe it puts the lives of American citizens at risk. It will keep us from exerting the full range of military options we need to neutralize terrorist cells and to interrupt planned terrorist operations. And it could continue to weigh down our military for a number of years.

It has been estimated that we will need up to 50,000 to remain behind for a period of years to help guarantee as much as can be possibly done for the civility of Iraq.

□ 2030

No one knows how long this will take or what type of resources we will need. Add to this the potential for conflict between ethnic and political rivals in Iraq, and we could be entering a quagmire that we may not be able to get out of. The administration has not clearly outlined our exit strategy, and this is another thing that bothers my constituents.

The war that the administration is entering into is a war on terror. Yet the case has not been made that links Iraq to support to al-Qaeda. The evidence to this point is sketchy, at best. In fact, the evidence really suggests that Iraq is a greatly weakened nation and that the threat posed by it has been deterred or reduced by the U.S. presence in the Gulf and the enforcement of the no-fly zones.

The strategy of containment has kept Iraq at bay. It has worked and continues to work. We can continue this policy as well as allow the U.N. weapons inspectors to go in to do their jobs. If all of this ends in the conclusion that Iraq is in violation of U.N. resolutions and is near a real nuclear weapons capability, we can reevaluate our options. Until then, we should continue with the present policy.

I think we have a great responsibility to our men and women who are going to fight this war and to the people who have, time and time again, come before this body and talked about how their sons or daughters and relatives have served in the Persian Gulf War and suffered from, let us say, Agent Orange disability. Because those that saw combat went over to the Persian Gulf healthy and came back ill. Many of them still suffer from the illnesses, the causes of which we still do not know.

Before we send these young men and women off to war and expose them not only to the hazards of conflict but to a lifetime of dealing with the physical and emotional costs of combat, we must do everything to achieve our goals without resorting to force.

In the case of Iraq, we can do this. If not, we face losing the war we must win, the fight against al Qaeda.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. DEUTSCH), a distinguished member of the Committee on Energy and Commerce.

Mr. DEUTSCH. Mr. Speaker, there is no more important thing that this Congress does, and, in fact, this country does, than protect our national security.

For many years, the most significant threat to us as a Nation was ballistic missiles from the former Soviet Union. That threat does not exist today; and, in fact, we are living in a new world.

I think what the President has acknowledged, and is trying to lead the American people and this Congress to an understanding of, is that the greatest threat to this country today is the threat of weapons of mass destruction by both terrorist states and terrorists.

That is the unthinkable, weapons of mass destruction against our homeland. What could that mean? It is the unthinkable. We do not want to think about it, but it is a potential reality. Had a nuclear weapon been on one of the planes that hit the World Trade Center, it would not have been 4,000 people who died. I think it is impossible for any of us to really feel or really understand what it means for 4,000 people to die in an instant. It literally would have meant at least 4 million people dying in an instant, and many more dying subsequent to that.

This is not an unthinkable possibility. The reality is we live in a world where to build a nuclear weapon takes about 7 pounds of enriched uranium, not much larger than a softball. In fact, it can be carried without detriment to a carrier of it. The technology to build the weapon, unfortunately, is not that sophisticated today.

One of the issues in terms of Iraq that is worth pointing out, in 1981, when the Israelis blew up the Iraqi military nuclear reactor, in 1981, they were 6 months away from having a nuclear weapon. That was over 20 years ago. If we think about a sense of how much the world and technology has changed in 20 years, personal computers did not exist 20 years ago when that nuclear reactor was blown up. Obviously, technology has gone a long way from that point; as well, the effort of the Iraqis to acquire those weapons since that period of time and in the approximately 4 years that there have been no weapons inspectors at all in Iraq.

When the weapons inspectors left 4 years ago, about 4 years ago, 4 years and a short period of time, in the public domain we have the information that the Iraqis had smallpox and anthrax at that time, and we know they have used it against their own citizens and other countries.

What does it mean? What is the issue? Iraq is not the only country in the world that has weapons of mass destruction. Why are we addressing this issue? Why am I supporting the resolution of use of force against Iraq? I think there is a policy that the President has articulated that it is just not enough that they have the weapons, but, really, the intent to use them.

Clearly, Iraq does not have the ability to send ballistic missiles to the United States. We understand that. But they do have the ability today to attack us with biological and chemical weapons, today. We do not know how far off they are from nuclear weapons, but 20 years ago they were 6 months away. We know they are aggressively trying to seek those weapons today.

I think we need to acknowledge this is really a change in policy, but a change in policy for this country that is needed in terms of weapons of mass destruction in the 21st century. The downside of not stopping these weapons is, in fact, the unthinkable.

One of the things we do not talk about often is, once the sort of code of both equipment and delivery of these weapons is broken, why would a country, why would Iraq, have one nuclear weapon? Would they not have five, 10, or for that matter, 15, to be able to use in terrorist ways?

We talk about the fact they have the ability today to build a weapon. The only restriction potentially is their lack of material, of enriched uranium, 7 pounds of enriched uranium. Effectively, we have no way of stopping that from entering the United States today. We acknowledge that, effectively, we cannot.

We have thousands of pounds of cocaine, and our war on drugs, as effective as it is, it literally lets in thousands of pounds of cocaine a year into the United States.

I urge my colleagues, I urge the country to support this effort. We have a country that literally wants to kill us. They do not want to kill the French. They do not want to kill the Swedish. The action is directed at us.

This is an issue, as I started this evening, of national security, national defense, national survival for the United States of America. I urge the adoption of the resolution.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say to all the Members on this side who will be coming up, because of the large number of Members who would like to speak, we are asking if their remarks can be contained in the 5 minutes, because from this point on we will be unable to yield extra time.

Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. BACA), who is a new Member, but his mark has been made in agriculture and science.

Mr. BACA. Mr. Speaker, I come before this Chamber with a heavy heart, because I know that I am making one of the most difficult decisions in my life.

Like my colleagues in Congress and every American, I have debated whether unilateral military action in Iraq is the best thing to do. I have carefully weighed and considered all options. I pray to God that I am making the right decision.

I have not been able to sleep. I think about the mothers and fathers I have met who have asked me, how long will this war last? How many lives will be lost? Could our children be drafted? How many of those children will come back with deformities, with cancer or mental illness?

I think about our many sons and daughters that will be affected by our decision. I wonder how many will not make it home to their parents.

I think about the many veterans that already have served our Nation but still have not received access to the benefits of our country that has promised them that.

I think about the innocent Iraqi children who will be caught in the crossfire.

I think about how this war could make us more suspicious of others based on the color of their skin.

I have talked to bishops, clergy, community leaders. All of my constituents have written and voiced their concern about the war. Is the price we will pay in lives worth the security we might gain by eliminating only one of countless threats? In our Nation's history, we have never fired the first shot, so why now?

One thing is clear: We must exhaust every alternative before we send our sons and daughters into harm's way. We all want to keep our families and our Nation safe from terrorists and weapons of mass destruction, but I also want to make sure that I can look into my children's eyes and tell them that we have done everything we can to avoid a war.

War should also be the last resort, not the first option. I do not believe the President has made the case clear to the American people that now is the best time, or that unilateral action is the best option.

That is why I will vote in favor of the Spratt substitute. The Spratt substitute supports the President's proposal for intrusive weapons inspections and still gives the President the power to use our military if Iraq refuses to comply.

Let me be clear: I support the President in his efforts to protect and defend this Nation, but we must do so with the support of the United Nations and the international community.

The Spratt amendment says that the President has to get congressional approval before he unilaterally invades Iraq. Does that not make sense? Should the President come to Congress before he leads this Nation into war? That is what our Constitution demands.

Like the rest of the Nation, I am concerned that Saddam Hussein could transfer weapons of mass destruction to terrorist organizations, but we must not act in haste and not without the support of the United Nations and the world community. That is why I reluctantly will vote against H.R. 114.

Mr. Speaker, I want to make one thing clear: Do not confuse my vote against the resolution as a vote against our troops. As a veteran, as a Congressman, as a patriotic American, I stand 100 percent for our troops. I remember how our brave men and women were treated when they returned home from Vietnam. They were treated with scorn and hate. We must not repeat our mistakes of the past. Regardless of what we think of the war, we must all support our soldiers, and we should protect their lives by winning support of our allies.

Acting alone will increase our economic burden and leave us with few resources to rebuild Iraq. It would raise the question about the legitimacy of our action in the eyes of the world. It would create more instability in the region and turn a mere threat into our worst nightmare.

Mr. Speaker, has the Bush administration answered all of our questions? What will happen if we go to war and Saddam Hussein uses chemical or biological weapons against our troops?

Our troops must have the equipment and resources they need to fight the war. Do we know what Saddam will throw at us? That is why we must provide them with all possible protection and treatment and benefits they need.

When our children come back to us sick with cancer, horribly disfigured, we must not turn our backs on them or their families.

What will happen with this regime? We must make sure that a new Iraq is democratic and respects human rights. A post-Saddam Iraq must be a beacon of hope to the Arab world and not a tool of American foreign policy.

What effect will this have on our war on terrorism? Would going to war with Iraq add fuel to the fire of the war on terrorism?

What effects would this have on our economy? The Bush administration tries to paint a rosy picture of the state of our economy, but we have gone from a record surplus to crippling deficits. My constituents are concerned about their savings, their jobs, prescription drugs, Social Security, the schools. How will this war affect them?

The President must not forget the economic problems of the American people. I am placing my trust, and our country is placing its trust, in this President to heed these concerns.

I know the President's resolution will likely pass this body with little effort. I oppose it because more of our men and women will die if we go to war. I pray to God that I have made the right decision.

☐ 2045

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri (Mr. CLAY), a member of the Committee on Financial Services.

Mr. CLAY. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PAYNE) for yielding me time.

Mr. Speaker, over the last few weeks my constituents in St. Louis have made their opinions clear to me regarding the President's positions regarding Iraq, and I hear great opposition to war against Iraq. I hear mothers, fathers, seniors, college students and veterans opposing any action in the region. Their voices are black, white, Asian and Hispanic. And while the reasons for their opposition vary, the one common question they all seem to have is this: How does this conflict serve America's best interest?

I, along with many Americans, believe that the state of our sagging domestic economy has to be considered our Nation's greatest concern at this time. In the past year and a half this country has experienced increasing unemployment, growing national debt, tumbling economic growth, and a floundering stock market which has lost all consumer confidence.

Despite all this, our domestic issues have been pushed aside as we debate a possible preemptive attack against Iraq. Important issues like education, Social Security, unemployment, and affordable health care have been almost completely ignored by this diversion. Another question my constituents frequently ask is this: How will this war affect our young men and women serving in the Armed Forces?

When one looks at the make-up of our Armed Forces, African Americans make up more than 25 percent of the U.S. Army and over 38 percent of our Marine Corps. And since African Americans comprise more than 50 percent of my district, my constituents are justifiably concerned that instead of making their lives more secure, this war will likely expose them to even greater dangers.

Mr. Speaker, if my constituents are any gauge of the American public's concern regarding possible military action against Iraq, then I hope all Americans will contact their elected officials here in Congress at 202-225-3121 and voice their opposition to this resolution.

Neither my constituents nor I have forgotten September 11. We are still asking questions about the magnitude of this country's loss, but debating unprovoked unilateral action against a country whose ties to terrorism are suspect at best is not providing any answers. I for one believe that our military's top priority should be fighting al Qaeda and finishing the war against terrorism that we started in Afghanistan. Those who support this resolution have not yet come close to proving to me that Iraq represents a big enough military threat to take our focus off of bin Laden.

In addition, the stability of the Middle East is in danger. Jordan, Saudi Arabia, and Egypt would be subject to extreme internal pressure and unrest that would disrupt and threaten American interests in the region.

The concerns of my constituents echo voices heard more than 200 years ago. The men and women who founded our country imagined a Nation based on liberty and republican principals. One of these principals was that no country had the unilateral right to attack another without just cause. And President George Washington went so far as to suggest that America should keep its hands out of most foreign affairs. Washington stated, "The great rule of conduct for us in regards to foreign nations is in extending our commercial relation to have as little political connection as possible."

It appears that now, 200 years later, we have strayed quite far from our Founding Fathers' vision. And I cannot in good faith subject my constituents to this military conflict. I urge my fellow Members of Congress to also vote against this resolution.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. DAVIS), a member of the Committee on Government Reform.

Mr. DAVIS of Illinois. Mr. Speaker, I rise in opposition to this resolution, and I am opposed not because I do not believe that we need to protect our national security. I am not in opposition because Saddam Hussein does not need to be checkmated and stopped. And I am not opposed because I do not recognize the need for a strong military, and I am not in opposition because this resolution has been put forth by President Bush.

However, I am opposed because after all of the information I have seen and after all I have heard, neither am I nor a majority of residents of my district, the Seventh Congressional District of Illinois, convinced that the war is our only and most immediate option. We are not convinced that every diplomatic action has been exhausted. Therefore, I am not convinced that this resolution would prevent us, the United States of America, from acting without agreement and involvement of the international community.

I oppose a unilateral first-strike action by the United States without a clearly demonstrated and imminent threat of attack against the United States. We are now asked to vote on a resolution which will likely culminate in a war with Iraq, a war which may involve the entire Mid East region.

As the American people are attempting to make sense of this complex situation, no one doubts the evil of the current Iraqi regime. No one doubts the eventuality that the United States would prevail in armed conflict with Iraq.

What then are the central issues which confront us? One, is there an immediate threat to the United States? In my judgment the answer is no. We have not received evidence of immediate danger. We have not received evidence that Iraq has the means to attack the United States, and we have not received evidence that the danger is greater today than it was last year or the year before.

Two, will the use of military force against Iraq reduce or prevent the spread or use of weapons of mass destruction? In my judgment, the answer is no. All evidence is that Iraq does not possess nuclear weapons today. The use of chemical or biological weapons or the passage of such weapons to terrorist groups would be nothing less than suicide for the current Iraqi leadership. However, as the CIA reports have indicated, faced with invasion and certain destruction, there would be nothing for the Iraqi regime to lose by using or transferring any such weapons they may still possess. Other states in the region which fear they could be attacked next could be moved to rash action.

Finally, three, have we exhausted all nonmilitary options to secure the elimination of all weapons of mass destruction in Iraq in accordance with United Nations resolutions? In my judgment, the answer is no. We have not exhausted the potential for a collective action with our allies. We have not yet exhausted the potential for inspections and for a strict embargo on technologies which could be used for weapons of mass destruction. The use of armed force should be a last resort to be used only when all other options have failed.

In my judgment that commitment to the peaceful solution of problems and conflict is an important part of what our democracy should stand for, and that does not necessitate or demand invasion or an attack on Iraq at this time.

I was at church on Sunday and the pastor reminded us of Paul as he talked about our problems with Saddam Hussein. He reminded us that as Paul instructed the Philippians on how to deal with conflict, at one point he wrote to the Philippians, "Brethren, I count myself not to have apprehended, but this one thing I do, forgetting those things which are behind, and reaching forth unto those things which are before. I press forth towards the mark for the prize of the high calling of Jesus Christ."

I trust, Mr. Speaker, that as we press forward, I trust that we will press forward towards the mark of a high calling, that we will take the high road, that we will take the road that leads to peace and not to war, the road that lets us walk by faith and not alone by sight or might. Let us Mr. Speaker, walk by the Golden Rule. Let us do unto others as we would have them do unto us. Let us walk the road that leads to life and not to death and destruction. Let us walk the road to peace.

Mr. Speaker, I rise in opposition to this resolution, which authorizes the President of the United States to use armed forces of the United States against Iraq, and I am opposed to H.J. Res. 114, not because I don't believe we need to protect our national security, I am not in opposition because Saddam Hussein does not need to be checkmated and stopped, I am not opposed because I don't recognize the need for a strong military, and I am not in opposition because this resolution has been put forth by President Bush.

However, I am opposed because after all the information that I have seen and after all that I have heard, neither am I, nor a majority of the residents of my district, the 7th Congressional District of Illinois, convinced that war is our only and most immediate option. We are not convinced that every diplomatic action has been exhausted. Therefore, I am not convinced that this resolution will prevent us, the United States of America from acting without agreement and involvement of the international community. I oppose a unilateral first strike action by the United States without a clearly demonstrated and imminent threat of attack against the United States.

We are now being asked to vote on a resolution which will likely culminate in war with Iraq—a war which may involve the entire Mideast region.

The American people are attempting to make sense of this complex situation. No one doubts the evil of the current Iraqi regime. No one doubts that eventually the United States would prevail in armed conflict with Iraq. What then are the central issues which confront.

(1) Is there an immediate threat to the United States?

In my judgment the answer is NO. We have not received evidence of immediate danger. We have not received evidence that Iraq has the means to attack the United States. We have not received evidence that the danger is greater today than it was last year or the year before.

(2) Will the use of military force against Iraq reduce or prevent the spread or use of Weapons of Mass Destruction?

In my judgment the answer is NO. All evidence is that Iraq does not possess nuclear weapons today. The use of chemical or biological weapons, or the passing of such weapons to terrorist groups would be nothing less than suicide for the current Iraqi leadership. As the CIA report has indicated we know that when backed up against the wall people sometimes lash out blindly and without careful thought.

(3) Have we exhausted all non-military options to secure the elimination of Weapons of Mass Destruction in Iraq in accordance with United Nations resolutions?

In my judgment, the answer is no. We have not exhausted the potential for collective action with our allies. We have not yet exhausted the potential for inspections and for a strict embargo on technologies which could be used for Weapons of Mass Destruction. The use of armed force should be a last resort, to be used only when all other options have failed. In my judgment, that commitment to the peaceful solution of problems and conflicts is an important part of what our Democracy should stand for, and that does not necessitate or demand invasion or an attack on Iraq at this time.

I was at church on Sunday and the pastor reminded us of Paul as he talked about our problems with Saddam Hussein. He reminded us that as Paul instructed the Philippians on how to deal with conflict—

Phillipians 3–13–14

Paul wrote to the Phillipians—

"Brethren, I count myself not to have apprehended, but this one thing I do, forgetting those things which are behind, and reaching forth unto those things which are before.

I press toward the mark for the prize of the high calling of God in Jesus Christ."

I trust, Mr. Speaker, that as we press forward, I trust that we will press forward toward the mark of the high calling toward the high road, the road which leads to peace and not to war, the road that lets us walk by faith and not alone by sight or might. Let us walk by the Golden Rule—let us do unto others as we would have them do unto us. Let us walk the road that leads to life and not to death and destruction. Let us walk the road that leads to peace. I urge a no vote on this resolution.

Mr. Speaker, I urge a "no" vote on this resolution.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. STRICKLAND), a member of the Committee on Energy and Commerce, the Subcommittee on Energy and Health.

Mr. STRICKLAND. Mr. Speaker, all of us agree that Saddam Hussein is a bloodthirsty dictator and must be contained. But before we send young Americans into the deserts of Iraq, all diplomatic possibilities to avert war must be exhausted, and they have not been.

In times like these amid all of the swirling difference of opinion, what we need more than anything else is a good dose of common sense. Just today the Columbus Dispatch offered an editorial opinion which presents a commonsense approach to the challenge we face. I would like to share that editorial as a commonsense message from Ohio, the Heartland of America.

The editorial begins, "In his speech on Monday, President Bush made an excellent case for renewed United Nations weapons inspections in Iraq. He did not, however, make a case for war. Though the President continues to paint Iraq as an imminent threat to peace, he offered no new evidence to back that assessment. Iraq appears to be neither more nor less a threat than it was in 1998 when the last U.N. weapons inspectors left the country; nor does it appear to be a bigger threat than Iran, Libya or North Korea, all of whom are developing long-range missiles and weapons of mass destruction and are hostile to the United States.

The speech was a hodgepodge of half-plausible justifications for war with the President hoping that if he strings together enough weak arguments, they will somehow add up to a strong one. For example, the President failed to demonstrate any significant link between Iraqi dictator Saddam Hussein and the al Qaeda terrorism network. The truth is it would be far easier to demonstrate links between Iran and al Qaeda or Saudi Arabia and al Qaeda. But President Bush is not proposing military action against those states whose support for terrorism and terrorist organizations is practically overt. In fact, less than a day after the President's speech, CIA Director George Tenet told Congress that Saddam apparently has a policy of not supporting terrorism against the United States.

The backhanded admission came as Tenet warned that Saddam might change his mind if he believes the United States is serious about attacking Iraq.

Next, the President cited the 11-year history of Iraqi attempts to deceive U.N. weapons inspectors as proof that inspectors have failed. But have they? For 11 years Saddam has not fielded a nuclear weapon, nor has he deployed any chemical or biological weapons. This suggests that in spite of Iraqi attempts to thwart inspectors, inspections have thwarted Saddam's ability to build the weapons he seeks.

The President also points out that removing Saddam from power would be a blessing to the people from Iraq who have endured his totalitarian boot on their necks for decades. This is true.

Saddam idolizes Soviet dictator Josef Stalin and certainly will be skewered on an adjacent spit in hell. But if removing oppressive regimes justifies war, the United States is in for a long, long battle against half of the world that is ruled by bloodthirsty dictators.

The weaknesses of the President's arguments only heighten suspicions that the proposed attack on Iraq is intended to divert attention from the so-so progress of the genuine war on terrorism and the sputtering economy. Still, President Bush is correct to demand that the inspectors resume and that inspectors have unimpeded access to all Iraqi sites including the so-called presidential palaces. All diplomatic means now should be deployed to achieve that end.

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As it stands, Iraq has agreed to re-admitting the inspectors, and the United Nations is preparing to send them in.

Sure, the United States and the United Nations have been down this road with Saddam before. But, last time, neither Washington nor the world community chose to do anything significant about it. There is time to give peaceful processes one more try. If, as many expect, Saddam intends to block the new inspections, the United States and the United Nations will have all the justifications they need for stronger measures; and at that point the President would have little problem in enlisting the support of the American people and the aid of the international community.

This concludes the editorial. And, Mr. Speaker, I stand today in support of the Spratt amendment because I cannot support H.J. Res. 114. We may have to eventually use military force to disarm Saddam Hussein, but this resolution is too open, too far-reaching. It is wrong. It should be rejected.

Mr. FALEOMAVAEGA. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey (Mr. PAYNE) be granted an additional 60 minutes, and that he be permitted to control the time and yield to other Members of our body.

The SPEAKER pro tempore (Mr. HAYES). Is there objection to the request of the gentleman from American Samoa?

There was no objection.

The SPEAKER pro tempore. The gentleman from New Jersey (Mr. PAYNE) is recognized for 60 minutes.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. CONYERS), the second longest serving Democrat in the House and ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, I would like to thank the gentleman from New Jersey (Mr. PAYNE) for yielding me this time, and I am proud to be a part of this discussion tonight.

Passage of a resolution authorizing the President to commence war at a time and place of his choosing would set a dangerous precedent and risk unnecessary death. The proposal of this resolution has already been called a grand diversion of America's political focus as elections approach. Worse, it would create a grand diversion of our already depleted resources, those that are so desperately needed for the pressing problems at home.

The American people are not bloodthirsty. We never want to go to war unless we have been convinced that it is absolutely necessary. That is as true of Americans whether in Maine or West Virginia or Texas or Michigan, whether they are black, brown or white, young or old, rich or poor. The mail and phone calls I have received have been overwhelmingly opposed to a preemptive attack against Iraq.

Is war necessary now? We keep coming back to one stubborn irrefutable fact: There is no imminent threat to our national security. The President has not made the case. Senators and Congressmen have emerged from countless briefings with the same question: Where is the beef? There is no compelling evidence that Iraq's capability and intentions regarding weapons of mass destruction threaten the U.S. now, nor has any member of the Bush administration, the Congress, the intelligence community shown evidence linking the al Qaeda attacks last year on New York and the Pentagon with either Saddam Hussein or Iraqi terrorists. Indeed, if President Bush had such proof of Iraq's complicity, he would need no further authorization to retaliate. That is the law. He could do so under the resolution we passed only 3 days after al Qaeda's infamous attacks.

What is it we do now about Iraq? We know Saddam is a ruthless ruler who will try to maintain power at all costs and who seeks to expand his weapons of destruction. We have known that for some time. We do know that Iraq has some biological and chemical weapons, but none with a range to reach the United States.

Therefore, the President paints two scenarios:

The first is that Iraq would launch biological or chemical weapons against Israel, Arab allies, or our deployed forces. But during the Gulf War, Saddam did not do so. Why not? Because he knew he would be destroyed in retaliation, and we were not then threatening his destruction as President Bush is now doing. Thus, attacking Iraq will increase rather than decrease the likelihood of Saddam Hussein's launching whatever weapons he may have.

Now, under the administration's second scenario, Iraq would give weapons of destruction to al Qaeda, who might bring them to our shores. But that scenario, too, is not credible.

Perhaps the most significant intelligence assessment we have was revealed publicly only last night and has been raised repeatedly on the floor during this debate. The Central Intelligence Agency states that Iraq is unlikely to initiate chemical or biological attacks against the United States, and goes on to warn that "Should Saddam conclude that a U.S.-led attack could no longer be deterred, he might decide the extreme step of assisting Islamist terrorists in conducting a weapons of mass destruction attack against the United States would be his last chance to exact vengeance by taking a number of victims with him."

Passage of a resolution authorizing the President to commence war at a time and place of his choosing would set dangerous precedents and risk unnecessary death. The proposal of this resolution has already created a "grand diversion" of America's political focus as elections approach, and worse, it would create a "grand diversion" of our already depleted resources, so desperately needed for pressing problems at home.

The American people are not bloodthirsty. We never want to go to war, unless we have been convinced that it is absolutely necessary. That is as true of Americans whether in Maine, West Virginia, Texas or Michigan—whether they are black, brown or white; young or old, rich or poor. The mail and phone calls I receive have been overwhelmingly opposed to a pre-emptive attack against Iraq.

Is war necessary now? We keep coming back to one stubborn irrefutable fact: There is no imminent threat to our national security. The President has not made the case. Senators and Congressmen have emerged from countless briefing with the same question: "Where's the beef?" There is no compelling evidence that Iraq's capability and intentions regarding weapons of mass destruction threaten the U.S. now. Nor has any member of the Bush Administration, the Congress or the intelligence community shown evidence linking the Al Qaeda attacks last year on New York City, and the Pentagon with either Saddam Hussein or Iraqi terrorists. Indeed, if President Bush had such proof of Iraq's complicity, he would need no further authorization to retaliate. He could do so under the resolution we passed only three days after Al Qaeda's infamous attacks.

What is it that we do now about Iraq? We know Saddam is a ruthless ruler who will try to maintain power at all costs and who seeks to expand his weapons of destruction. We have known that for some time. We do know that Iraq has some biological and chemical weapons, but none with range to reach the U.S. Therefore, President Bush paints two scenarios:

The first is that Iraq would launch biological or chemical weapons against Israel, Arab allies or our deployed forces. But during the Gulf War, Saddam did not do so. Why not? Because he knew he would be destroyed in retaliation, and we were not then threatening his destruction, as President Bush is now doing. Thus, attacking Iraq will increase rather than decrease the likelihood of Saddam Hussein's launching whatever weapons he does have.

Under the Administration's second scenario, Iraq would give weapons of destruction to Al Qaeda, who might bring them to our shores. But that scenario, too, is not credible. Perhaps the most significant intelligence assessment we have is one revealed publicly only last night. The CIA states that Iraq is unlikely to initiate chemical or biological attack against the U.S., and goes on to warn that, and I quote:

> Should Saddam conclude that a U.S.-led attack could no longer be deterred, [Hussein might] decide that the extreme step of assisting Islamist terrorist in conducting a [weapons of mass destruction] attack against the United States would be his last chance to exact vengeance by taking a number of victims with him.

In other words, the CIA warns that an attack on Iraq could well provoke the very tragedy the President claims he is trying to forestall—Saddam's use of chemical or biological weapons.

President Bush and his supporters now cite some "evidence of contacts between Al Qaeda representatives and Baghdad." So what? We have had high level contracts with North Korea, Afghanistan when the Taliban ruled it, and other ruthless despots. That did not mean we were allies. The intelligence community has confirmed that Al Qaeda and Saddam's secular Baathist regime are enemies. As a religious fanatic, Bin Laden has been waging underground war against the secular governments of Iraq, Egypt, Syria and the military rulers of other Arabic countries. Saddam would be very unlikely to give such dangerous weapons to a group of radical terrorists who might see fit to turn them against Iraq.

We are fairly certain that Iraq currently has no nuclear weapons. Even with the best luck in obtaining enriched uranium or plutonium, the official intelligence estimate is that Iraq will not have them for some time. If Iraq must produce its own fissile material, it would take three to five years, according to those estimates. In a futile effort to mirror the prudent approach of President Kennedy during the Cuban Missile Crisis, President Bush recently released satellite photographs of buildings, as evidence that Saddam has resumed a nuclear weapons development. This is hardly headline news. We knew that he had resumed them.

Another thing we know is that:

Iraq's vast oil reserves have been a major tool in the Administration's pressuring other countries to support our rush to war against their better judgment; and

Those oil reserves will be controlled and allocated by the U.S. if we install or bless a new regime in Baghdad.

These implications are explored in an excellent Washington Post article, which I ask unanimous consent to insert in the RECORD immediately following remarks. Let me read just two paragraphs here:

> A U.S.-led ouster of Iraqi President Saddam Hussein could open up a bonanza for American oil companies long banished from Iraq, scuttling oil deals between Baghdad and Russia, France and other countries, and reshuffling world petroleum markets, according to industry officials and leaders of the Iraqi opposition.
>
> Although senior Bush administration officials say that they have not begun to focus on the issues involving oil and Iraq, American and foreign oil companies have already begun maneuvering for a stake in the country's huge proven reserves of 112 billion barrels of crude oil, the largest in the world outside Saudi Arabia.

Mr. Speaker, there has been a discernible and disconcerting rhythm to the Administration's arguments. Every time one of their claims has been rebutted, they have reverted to the mantra that, after September 11, 2001, the whole world has changed. Indeed it has. But they cannot wave that new international landscape like a magic wand in order to transform Iraq into an imminent threat to the United States when it is not.

Moreover, discussing whether Iraq presents such a threat only deals with half of the equation before us. What are all the costs of war? While Iraq poses no imminent threat to us, unleashing war against Iraq would pose many terrible threats to America.

It would dilute our fight against Al Qaeda terrorists. That is why families of the victims of "9/11" have angrily told me and some of you that they oppose a pre-emptive war precisely because it would undermine our war on terrorism. Administration assurances that war against Iraq would not dilute our war on terrorism are pleasing, but cannot change the facts. Space satellites, aircraft, ships and special forces simply cannot be in two places at the same time.

America's attacking Iraq alone would ignite a firestorm of anti-American fervor in the Middle East and Muslim world and breed thousands of new potential terrorists.

As we see in Afghanistan, there would be chaos and inter-ethnic conflict following Saddam's departure. A post-war agreement among them to cooperate peacefully in a new political structure would not be self-executing. Iraq would hardly become overnight a shining "model democracy" for the Middle East. We would need a U.S. peacekeeping force and nation-building efforts there for years. Our soldiers and aid workers could be targets for retribution and terrorism.

American has never been an aggressor nation. If we violate the U.N. Charter and unilaterally assault another country when it is not yet a matter of necessary self-defense, then we will set a dangerous precedent, paving the way for any other nation that chooses to do so, too, including those with nuclear weapons such as India and Pakistan and China.

We will trigger an arms-race of nations accelerating and expanding their efforts to develop weapons of destruction, so that they can deter "pre-emptive" hostile action by the U.S. Do we really want to open this Pandora's box?

Mr. Speaker, of all the consequences I fear, perhaps the most tragic is that war, plus the need to rebuild Iraq, would cost billions of dollars badly needed at home. For millions of Americans, the biggest threat to their security is the lack of decent wage jobs, health insurance or affordable housing for their families. Senior citizens having to choose between buying enough food and buying prescription drugs is an imminent threat. Unemployment reaching 6 million people is an imminent threat to America's well-being. Forty-one million American without health insurance is an imminent threat.

The huge cost of war and nation building, which will increase our deficit, along with the impact of the likely sharp rise in oil prices, will deal a double-barreled blow to our currently fragile economy.

What then should we do at this time? We should face the many clear and present dangers that threaten us here at home; we should seek peaceful resolution of our differences with Iraq.

Mr. Speaker, I include for the RECORD an article from the Washington Post from Sunday, September 15, 2002.

[From the Washington Post, Sept. 15, 2002]

In Iraqi War Scenario, Oil Is Key Issue

(By Dan Morgan and David B. Ottaway)

A U.S.-led ouster of Iraqi President Saddam Hussein could open a bonanza for American oil companies long banished from Iraq, scuttling oil deals between Baghdad and Russia, France and other countries, and reshuffling world petroleum markets, according to industry officials and leaders of the Iraqi opposition.

Although senior Bush administration officials say they have not begun to focus on the issues involving oil and Iraq, American and foreign oil companies have already begun maneuvering for a stake in the country's huge proven reserves of 112 billion barrels of crude oil, the largest in the world outside Saudi Arabia.

The importance of Iraq's oil has made it potentially one of the administration's biggest bargaining chips in negotiations to win backing from the U.N. Security Council and Western allies for President Bush's call for tough international action against Hussein. All five permanent members of the Security Council—the United States, Britain, France, Russia and China—have international oil companies with major stakes in a change of leadership in Baghdad.

"It's pretty straighforward," said former CIA director R. James Woolsey, who has been one of the leading advocates of forcing Hussein from power. "France and Russia have oil companies and interests in Iraq. They should be told that if they are of assistance in moving Iraq toward decent government, we'll do the best we can to ensure that the new government and American companies work closely with them.

But he added: "If they throw in their lot with Saddam, it will be difficult to the point of impossible to persuade the new Iraqi government to work with them."

Indeed, the mere prospect of a new Iraqi government has fanned concerns by non-American oil companies that they will be excluded by the United States, which almost certainly would be the dominant foreign power in Iraq in the aftermath of Hussein's fall. Representatives of many foreign oil concerns have been meeting with leaders of the Iraqi opposition to make their case for a future stake and to sound them out about their intentions.

Since the Persian Gulf War in 1991, companies from more than dozen nations, including France, Russia, China, India, Italy, Vietnam and Algeria, have either reached or sought to reach agreements in principle to develop Iraqi oil fields, refurbish existing facilities or explore undeveloped tracts. Most of the deals are on hold until the lifting of U.N. sanctions.

But Iraqi opposition officials made clear in interviews last week that they will not be bound by any of the deals.

"We will review all these agreements, definitely," said Faisal Qaragholi, a petroleum engineer who directs the London office of the Iraqi National Congress (INC), an umbrella organization of opposition groups that is backed by the United States. "Our oil policies should be decided by a government in Iraq elected by the people."

Ahmed Chalabi, the INC leader, went even further, saying he favored the creation of a U.S.-led consortium to develop Iraq's oil fields, which have deteriorated under more than a decade of sanctions. "American companies will have a big shot at Iraqi," Chalabi said.

The INC, however, said it has not taken a formal position on the structure of Iraq's oil industry in event of a change of leadership.

While the Bush administration's campaign against Hussein is presenting vast possibilities for multi-national oil giants, it poses major risks and uncertainties for the global oil market, according to industry analysts.

Access to Iraqi oil and profits will depend on the nature and intentions of a new government. Whether Iraq remains a member of the Organization of Petroleum Exporting Countries, for example, or seeks an independent role, free of the OPEC cartel's quotas, will have an impact on oil prices and the flow of investments to competitors such as Russia, Venezuela and Angola.

While Russian oil companies such as Lukoil have a major financial interest in developing Iraqi fields, the low prices that could result from a flood of Iraqi oil into world markets could set back Russian government efforts to attract foreign investment in its untapped domestic fields. That is because low world oil prices could make costly ventures to unlock Siberia's oil treasures far less appealing.

Bush and Vice President Cheney have worked in the oil business and have longstanding ties to the industry. But despite the buzz about the future of Iraqi oil among oil companies, the administration, preoccupied with military planning and making the case about Hussein's potential threat, has yet to take up the issue in a substantive way, according to U.S. officials.

The Future of Iraq Group, a task force set up at the State Department, does not have oil on its list of issues, a department spokesman said last week. An official with the National Security Council declined to say whether oil had been discussed during consultations on Iraq that Bush has had over the past several weeks with Russian President Vladimir Putin and Western leaders.

On Friday, a State Department delegation concluded a three-day visit to Moscow in connection with Iraq. In early October, U.S. and Russian officials are to hold an energy summit in Houston, at which more than 100 Russian and American energy companies are expected.

Rep. Curt Weldon (R–Pa.) said Bush is keenly aware of Russia's economic interests in Iraq, stemming from a $7 billion to $8 billion debt that Iraq ran up with Moscow before the Gulf War. Weldon, who has cultivated close ties to Putin and Russian parliamentarians, said he believed the Russian leader will support U.S. action in Iraq if he can get private assurances from Bush that Russia "will be made whole" financially.

Officials of the Iraqi National Congress said last week that the INC's Washington director, Entifadh K. Qanbar, met with Russian Embassy officials here last month and urged Moscow to begin a dialogue with opponents of Hussein's government.

But even with such groundwork, the chances of a tidy transition in the oil sector appear highly problematic. Rival ethnic groups in Iraq's north are already squabbling over the giant Kirkuk oil field, which Arabs, Kurds and minority Turkmen tribesmen are eyeing in the event of Hussein's fall.

Although the volumes have dwindled in recent months, the United States was importing nearly 1 million barrels of Iraqi oil a day at the start of the year. Even so, American oil companies have been banished from direct involvement in Iraq since the late 1980s, when relations soured between Washington and Baghdad.

Hussein in the 1990s turned to non-American companies to repair fields damaged in the Gulf War and Iraq's earlier war against Iran, and to tap undeveloped reserves, but U.S. government studies say the results have been disappointing.

While Russia's Lukoil negotiated a $4 billion deal in 1997 to develop the 15-billion-barrel West Qurna field in southern Iraq, Lukoil had not commenced work because of U.N. sanctions. Iraq has threatened to void the agreement unless work began immediately.

Last October, the Russian oil services company Slavneft reportedly signed a $52 million service contract to drill at the Tuba field, also in southern Iraq. A proposed $40 billion Iraqi-Russian economic agreement also reportedly includes opportunities for Russian companies to explore for oil in Iraq's western desert.

The French company Total Fina Elf has negotiated for rights to develop the huge Majnoon field, near the Iranian border, which may contain up to 30 billion barrels of oil. But in July 2001, Iraq announced it would no longer give French firms priority in the award of such contracts because of its decision to abide by the sanctions.

Officials of several major firms said they were taking care to avoiding playing any role in the debate in Washington over how to proceed on Iraq. "There's no real upside for American oil companies to take a very aggressive stance at this stage. There'll be plenty of time in the future," said James Lucier, an oil analyst with Prudential Securities.

But with the end of sanctions that likely would come with Hussein's ouster, companies such as ExxonMobil and ChevronTexaco would almost assuredly play a role, industry officials said. "There's not an oil company out there that wouldn't be interested in Iraq," one analyst said.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. FILNER), a member of the Committee on Transportation and Infrastructure and a strong fighter for the environment.

Mr. FILNER. Mr. Speaker, I rise in opposition to this resolution to grant unilateral authority to the President of the United States for a preemptive strike on Iraq. I cannot believe that the Members of this body are ceding our constitutional authority to this President. And they can give me all the fancy whereases and phrases, and put on the fig leafs, and write all the report language they want, but this is a blank check. This is a Gulf of Tonkin resolution. This is a violation not only of our Constitution but will lead to a violation of the United Nations Charter.

Wake up, my colleagues. Why would anyone vote to do that? That is not our constitutional responsibility. And when we vote on this resolution, will America be more safe? No, I think America will be less safe. We will dilute the war against terrorism. The destabilization of the area will lead to the increased probability of terrorists getting nuclear weapons, say, in Pakistan. The al Qaeda are probably cheering the passage of this resolution. Now is their chance to get more weapons.

We should not risk American lives. We should be working with the United Nations. We should get the inspectors in there. We should disarm Saddam Hussein. And if they cannot do their work, if the U.N. authorizes force, we will be a much stronger and efficient force working with the United Nations.

Imminent threat. There is an imminent threat. I will tell my colleagues what the imminent threat is, it is our failing economy and the rising unemployment. It is kids not getting a quality education. It is 401(k)s that are down to zero. It is corporate theft. It is the obscene cost of prescription drugs. That is the imminent threat to America, Mr. Speaker. That is what we ought to be working on here.

I have heard all my colleagues on the other side of this issue calling us appeasers, those who are going to vote against this resolution. We are wishful thinkers. We have our eyes closed. We sit on our hands. And, of course, that phrase, the risk of inaction is greater than the risk of action.

No one on this side, Mr. Speaker, is suggesting inaction. Making peace is hard work. Just ask Martin Luther King, Jr. Ask Ghandi. Ask Norman Mandela. They were not appeasers. They were not inactive. They were peacemakers. And they changed the history of this world.

So let us not hear talk of appeasement. Let us not hear talk that we favor inaction. We want action for peace in this world, and we want the United States to be part of that action.

Finally, Mr. Speaker, there is a whiff of Vietnam in the air. I had a constituent call me and say, "You know, if you enjoyed Vietnam, you are really going to love Iraq." The mail is running 10 to 1 against this war. Protests have already begun around the Nation and around the world.

I say to the President, of course through the Speaker, that you came to office as a uniter, not a divider. Yet we are going round the road of division in this Nation. You can see it, you can smell it, you can hear it, and we are going to hear more.

Let us not go down this road, Mr. President. Rethink this policy. A country divided over war is not a country that is going to make any progress. Let us have a rethinking of this resolution. Let us not vote for a preemptive unilateral strike. Let us work through the United Nations. Let us become a peacemaking Nation. Let us vote "no" on this resolution.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Ms. ROYBAL-ALLARD), a member of the Committee on Appropriations.

Ms. ROYBAL-ALLARD. Mr. Speaker, like my colleagues of both parties and in both Chambers and as the wife of a Vietnam veteran, the national debate on whether or not to go to war with Iraq and under what circumstances has weighed heavily on my mind and my heart. For, clearly, sending the young men and women of our Armed Forces into harm's way is one of the most serious and far-reaching decisions a Member of Congress will ever have to make.

Like all Americans, I take pride in the fact that we are a peaceful Nation but one that will defend itself if needed against real and imminent dangers. Like all Americans, I take very seriously our responsibilities as the world's global superpower and realize how our words and actions can have huge repercussions throughout the world.

For that reason, I attended meetings and studied the materials provided us. I have listened to the administration, my constituents, my colleagues on both sides of the issue, both sides of the aisle, and both sides of the Congress; and I remain deeply concerned about our march to war without a supportive coalition or a clear and moral justification.

Before making a final decision on my vote, I also asked myself, as a wife and mother, what would I want our Nation's leaders to do before sending my son, my daughter, any loved one to war? While I support our President's efforts to keep our Nation and our world safe, I firmly believe the President has not made the case for granting him far-reaching power to declare preemptive and unilateral war against Iraq.

There is no question that Saddam Hussein is a dangerous and unconscionable dictator with little regard for human life, and there is no question that he must be disarmed and removed from power. The facts presented thus far, however, do not support the premise that Saddam Hussein is an immediate danger to our country.

It is for that reason that I believe it is in the best interest of our Nation and our American troops to make every possible effort now to prevent war by exhausting diplomatic efforts, by giving the U.N. weapons inspectors the resources and opportunity to perform their work, and by establishing a U.N. Security Council multilateral coalition to use force, if necessary.

□ 2115

If that fails, the President can then bring his case to Congress on the need for a unilateral preemptive strike against Iraq. At this time, however, a blank check authorization for military force is not acceptable.

I cannot, therefore, in good conscience support the administration's request for a near carte blanche authority to wage war when the case to do so has not been justified.

I will, however, support the resolutions of my colleagues, the gentlewoman from California (Ms. LEE) and the gentleman from South Carolina (Mr. SPRATT).

The Lee resolution urges Congress to work with the United Nations using all peaceful means possible to resolve the issue of Iraqi weapons of mass destruction.

The Spratt resolution includes similar requirements with regards to the United Nations but also authorizes the use of force if the U.N. efforts fail. The Spratt resolution brings responsibility and accountability to our effort to protect our country from Saddam Hussein, and it makes the administration and the Congress partners in any military action against Iraq.

The Spratt proposal honors our Nation's fundamental system of checks and balances. It makes it possible for me to say to my constituents and our Nation's sons and daughters, including my stepson who proudly serves in the U.S. Army, I did everything in my power to keep you from harm's way.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina (Mr. WATT), a member of the Committee on the Judiciary and a constitutional expert.

Mr. WATT of North Carolina. Mr. Speaker, Article I of the United States Constitution states that the Congress shall have power to declare war. Article II of the Constitution provides that the President shall be the Commander-in-Chief. Over the years, these provisions of the Constitution have been the subject of a virtually endless tug of war between the legislative branch and the executive branch, as well as the subject of virtually endless debate among constitutional scholars.

In general I believe, and many constitutional scholars agree, that these two provisions reserve to Congress the sole authority to declare war when there is time for Congress to make a 'deliberative' determination to invade another country and allow the President, as Commander-in-Chief to engage the United States in war only in response to an attack upon the United States or its citizens or in the event of direct and imminent threat of such an attack.

I believe the resolution before us today crosses the line, delegating to the President the authority our Constitution gives solely to Congress. While we most certainly may delegate our authority, to do so would, in my opinion, be an abdication of our responsibility as Members of Congress.

If, as the President asserted in his speech to the American people, an imminent threat exists, it seems to me that this resolution is unnecessary. There is ample precedent for the President to act under those circumstances without a declaration of war or of authorization from Congress. No such imminent threat has been shown to exist.

Of course, Saddam Hussein is a thug and probably all the other things he has been called in the course of this debate. That, however, does not mean that Iraq poses any imminent threat that would justify the President proceeding to war without authorization from Congress.

Further, nothing the President said in his speech and nothing I have seen apart from his speech has led me to conclude that we should be delegating to the President the authority the Constitution gives to Congress, certainly not in the one-step manner in which the resolution we are considering would do. Nor do I believe that refusing to give that authority over to the President places the United States in any imminent danger.

If the President and the United States fail in their efforts to have Iraq comply with U.N. resolutions and if the President fails in his efforts to mobilize a coalition of nations in support of the United States, I believe that would be the appropriate time for the Congress to consider the advisability of declaring war.

This resolution, instead, requires us to make that decision today by delegating the decision to the President without the authority to bring it back to us. To do so now, in fact, would put us ahead of the President since he insisted in his speech that he had not yet decided whether war is necessary.

Unfortunately, despite the President's assurance, the contents of the President's speech left me with the sinking feeling that giving him a blank check to invade Iraq without seeking further authorization from Congress will virtually assure war. In my opinion, war should always be the last resort and in this case will almost certainly increase, not decrease, the risk of biological, chemical, or other terrorist retaliations. In fact, that is exactly what the CIA told Senator LEVIN in testimony in the Senate.

We are called upon, as Members of Congress and as citizens of the world, to ask ourselves today, where and when would it end? The risks are too great to proceed to war without a satisfactory answer to that question and without pursuing every conceivable peaceful option short of war.

For these reasons, I will vote against the resolution; and I encourage my colleagues to vote against it, too.

Mr. ISSA. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I thank the gentleman who attended the same alma mater I attended in Cleveland Heights, Ohio, for yielding me this time.

Mr. Speaker, I have to admit to a great deal of confusion tonight. A number of my colleagues are convinced that war is the only action; some believe it should never be an option; and most, I think, join with me and think that it should be an issue of last resort.

Like most of my colleagues, I have received volumes of mail from my constituents, and their opinions mirror the confusion which exists in this body tonight.

What troubles me is I have heard members of my party indicate in the press that the issue of war with Iraq has sucked the air out of Democratic message; and, sadly, I have heard Members on the other side of the aisle complain of the same thing.

The thought that this issue where we are talking about certain casualties, Iraqi, American, and those of our coalition partners, that those would be used for an advantage by either side in midterm elections is repugnant to me and the people I represent in Ohio.

When I have an 84-year-old Republican grandmother in Ashtabula, Ohio, grab my arm and say, Congressman, we have never attacked another sovereign country in our history without first being attacked, I am moved.

When I hear former Prime Minister Netanyahu tell our Committee on Government Reform that Israel has dealt with terrorists like Saddam Hussein since 1948, and if you do not get him, he will get you, I am moved as well.

At the end of it all, I will say that I have concluded if we were on the floor of this House on September 10, 2001, and we knew what we know today, every Member in this body, Republican and Democrat, would do whatever it took to protect the people of this Republic, and we should do that tonight.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. FARR), a member of the Committee on Appropriations and an environmentalist.

Mr. FARR of California. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise tonight on the issue of war with Iraq. I rise not only as a House Member from California, but as a father and about-to-be grandfather, and as a person who in his youth responded to a call for action by serving in the United States Peace Corps.

I have to ask myself in casting the votes before us, what is the best way to achieve peace in Iraq, not only for its own diverse ethnic people living in Iraq, but also for the people in the rest of the world?

The House leadership has adopted a closed rule on the debate so only three resolutions can be voted on. I think the gentlewoman from California (Ms. LEE) has the preferred alternative because it speaks to the issue of putting all our efforts into working with the world community through the United Nations Security Council to get inspectors into Iraq. We should let that process run its course before determining that it will fail.

The Lee resolution calls upon the United States to "work through the United Nations to seek to resolve the matter of insuring that Iraq is not developing weapons of mass destruction through mechanisms such as resumption of weapons inspectors, negotiation, inquiry, mediation, regional arrangements and other peaceful means."

The President has done a good job in making the point that the U.N. Security Council must resolve the Iraq violation of U.N. resolutions. He should have stopped there, using all of the power of the President of the United States, the State Department, the Commerce Department, and the Department of Defense to help the U.N. inspectors into Iraq but not to threaten war. Why? Because, first, according to the U.N. Charter, only the U.N. Security Council has the power to enforce U.N. resolutions.

I find it ironic that the President who seems to be committed to holding Iraq accountable to the U.N. is requesting an authorization that circumvents the Security Council and runs counter to the authority of the U.N. Charter.

Second, the people's House should not give a blank check to declare war to the President of the United States. According to Article I Section 8 of the Constitution, Congress is given the power to declare war. The President is asking Congress to abrogate its constitutional responsibility. The President's resolution authorizes him to use force as he determines to be necessary. This is not the responsibility of the President. The President is the Commander-in-Chief. He shall execute as determined by Congress.

The Constitution clearly makes a separation of powers to stop the President from going on foreign adventures without the express consent of the American people.

Third, I think leaping into war before we get all of the facts could threaten world security, especially our own. Think about it. Striking preemptively without gathering sufficient intelligence will put U.S. troops in harm's way. We need U.N. inspectors in Iraq to gather information.

How will the U.S. military carry out surgical strikes of Iraq weapons depots and laboratories if it does not know where these facilities are? We need to know how many weapons Iraq has and what types of weapons. Striking before knowing creates an unintended consequence which could further threaten the world.

□ 2130

A preemptive strike will set an extremely damaging precedent to the future of international affairs. The U.S. will entirely lose its moral authority on preventing conflict. What will we say if Russia moves to attack Georgia, if China invades Taiwan, if India or Pakistan makes a decisive move into Kashmir? Lastly, a unilateral attack could alienate the U.S. from the rest of the world community including our traditional allies, our allies in the region, and our new allies in the war against terrorism. Far from strengthening the U.N., a unilateral strike before the U.N. acts will undermine the international body and lead the world to believe that the U.S. views the U.N. as a rubber stamp at best.

A unilateral attack makes it less likely that the rest of the international community will support the U.S. in postconflict reconstruction of Iraq. The U.S. will bear most of the costs if not all the costs of the war and postwar, and remember the Persian Gulf War cost approximately $70 billion. Our allies paid all but $7 billion, which the U.S. took responsibility for. This new war against Iraq is estimated to cost between 100 and $200 billion. If we go it alone, the U.S. will have to pay it all. What will happen to other priorities? What will happen to Social Security, to Medicare, to education? Will we have enough resources to spend on our domestic priorities?

Last, let us not forget that the power we have as Members of Congress is to cast these important votes from the consent of the people. My constituents have responded 5,000 to 24, approximately two to one.

If one has to vote, let us vote on the side of peace before we vote on the side of war.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentlewoman from Michigan (Ms. RIVERS), a member of the Committee on Education and the Workforce and a spokesperson for women.

Ms. RIVERS. Mr. Speaker, I rise in opposition to the resolution before us. There is a saying in the practice of law that tough cases make bad law. I believe that that is also true in the creation of laws and history tells us that when we are frightened and angry we are also more likely to make bad law.

I believe we are poised today to approve some very bad law and tread on some very important principles as we do it. While I share the concerns raised by many of my colleagues regarding the lack of substance in the administration's arguments, I am most concerned about the damage this proposal would do to our Constitution. James Madison wrote: "In no part of the Constitution is more wisdom to be found than in the clause which confides the question of war or peace to the legislature and not to the executive department . . . The trust and the temptation would be too great for any one man."

The Founding Fathers were explicit that the awesome power to commit the United States people and resources to waging of war should lie not with a single individual but rather in the collective judgment of the Congress. It was the hope of the Founders that reserving this decision to Congress would in fact make it harder to move the country to war. I applaud that sentiment. Historians note that Congress exclusively possesses the constitutional power to initiate war, whether declared or undeclared, public or private, perfect or imperfect, de jure or defacto, with the only exception being the President's power to respond self-defensively to sudden direct attack upon the United States. There is no constitutionally recognized authorized use of force.

In the book "War, Foreign Affairs and Constitutional Power," Abraham Sofaer points out that the Constitution says Congress shall declare war, and it seems unreasonable to contend that the President was given the power to make undeclared war. He concludes that nothing in the framing or ratification debates gives the President as Commander in Chief an undefined reservoir of power to use the military in situations unauthorized by Congress.

The U.S. Constitution requires the expressed declaration of war by Congress to execute any military operations in Iraq. Authorizing military action is our job, not the President's. We, not he, must determine when and if the fearsome power of our country should be turned to war. I understand the political and military risks associated with sending Americans into harm's way, but fear of public reaction does not justify the dereliction of Congress's constitutional duty. Similarly, the fact that many Presidents and Congresses over the years have engaged in the unconstitutional transfer of war powers does not make our obligation any less binding. Congress is not free to amend the Constitution through avoidance of its duties, and a President is not free to take constitutional power through adverse possession.

The Congressional Research Service points out that the power to commence even limited acts of war against another nation belongs exclusively to Congress. We may not shirk this responsibility. We may not abdicate it, and we may not pretend it does not exist. We must meet our constitutional obligation to decide if or when America will go to war, whether our sons and daughters should be put in harm's way, and whether the country's purse should be opened to pay a bill as high as $200 billion. This decision cannot be handed over to the President. If the Founding Fathers had wanted that, they would have explicitly provided so in the Constitution. They did not.

Should the United States go to war with Iraq? I do not believe the case has been made to do so. Can the Congress leave it to the President to decide whether or not we should attack Iraq? Any such transfer of congressional authority to the President is forbidden by the Constitution and would move us toward an upset of the delicate balance of powers between the Congress and the United States.

I urge my colleagues to exercise great care as we consider these questions. Tough cases can make for very bad law. Let us not let them make us trample very good laws that have existed since the dawn of the Republic. Vote "no."

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Texas (Mr. SANDLIN), a senior member of the House Committee on Financial Services.

Mr. SANDLIN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, we are poised today on the brink of armed conflict, not knowing what the future may hold but confident in our position and in our resolve. We sincerely pray that war is not necessary. We realize that it may be. These closing hours and minutes of the 107th Congress may be our last chance for true and meaningful debate and deliberation. Can we as a reasonable people, supported by the international community, avoid the horrors of war, the stench of death, or rather does the protection of our country and the belief of the unalienable rights of all people, does common human decency require us to press forward in the face of certain American casualties?

Two questions face the American people: Is Iraq's threat imminent? Is an unprecedented first strike the proper course to take? On a positive note, the President has indicated that approval of the resolution does not mean war is imminent or unavoidable. Additionally the U.S. has indicated support for a three-pronged resolution: number one, Iraq must reveal and destroy all weapons of mass destruction under U.N. supervision; two, witnesses must be allowed to be interviewed outside of Iraq; and, thirdly, any site the U.N. wants to inspect must be open without delay, without preclearance, without restriction, without exception. These are reasonable and rational rules that are required to maintain international peace. Absent Iraqi compliance, it appears necessary to vest in the President the flexibility and authority to protect the American public and international community by military action if necessary.

But there is also a responsibility to exhaust all other options prior to risking the lives of young American sons and daughters. That is why we must use the most powerful military weapon that we have, diplomacy. That is why we must use all resources at our disposal to encourage the international community to pressure Hussein into compliance. But if all reasonable efforts fail, we must answer our duty to ensure the security of our country and those that we represent.

Certainly questions remain. It is particularly important to have a clear goal, a clear plan, and a clear exit strategy when American lives are at risk. Additionally, the President must address the issue of sacrifice. There is no short-term solution to the long-term problem, and there will be a cost to be paid in dollars and in American lives lost.

Presently, another cost is being assessed, the cost of waiting, the cost of allowing Saddam Hussein to build an international killing force, the cost of world instability. As the President has indicated, the riskiest of all options is to wait.

So let us exhaust all diplomatic efforts. Let us make every reasonable effort to avoid conflict. But at the end of the day we may be called on to make a tremendous sacrifice by using our might to preserve what is right. Our cause is clearly just. Our responsibility is clear. We will have to walk by faith and not by sight, trusting that in the end we will choose the right course.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Ms. SOLIS), a member of the Committee on Education and the Workforce.

Ms. SOLIS. Mr. Speaker, there is no matter that comes before this Congress that is more serious than whether or not our Nation should enter into war. The implications of such a decision are so profound and will have worldwide impact. It could jeopardize U.S. relations with countries around the world. It would escalate the vulnerability of our Nation to a biological and chemical attack. And, of course, its most painful and lasting impact would be on the many American families who watch their sons and daughters go to war only to never see them again and maybe even return with lifetime illnesses.

This is not a decision that I take lightly. I recognize the gravity of it. And this is why I remain concerned about the timing of this resolution of the President's effort to send troops into Iraq. I do not doubt that Saddam Hussein is a menace to the United States and to the world and even to his own people. I echo concerns that we must ensure greater security for our people here at home and abroad. But I cannot support authorizing our President to send troops in harm's way without the support of our allies and concrete compelling evidence of imminent or nuclear threats that demand military action. We must eliminate weapons of mass destruction and the threat they pose to our Nation and others around the world. But unilateral military action against Iraq or any other foreign nation is not the most effective short-term strategy to accomplish this goal.

Over 90 percent of the calls that I received in my own district tell me that they are opposed to this war. They ask, What is the rush, Congresswoman? Why is it that we have to take action so immediate? They want to know why we cannot wait for the support of the U.N. and our allies. Some of these calls have come from my very own veterans in my district, many who have already made the ultimate sacrifices through their families, many of them who look like me and speak Spanish and are of Hispanic decent. They understand the extreme price of war and caution against using force without first gathering ally support and using diplomatic means to find peace. They also recognize the implications that a war would have on our community, and I represent a largely Hispanic community.

Our military is a volunteer force. Most often it is the people of low-income families that answer that call to duty to serve our Nation. The young men and women on the frontlines would disproportionately be Latino, African American, and people of color. These communities will lose so much if the U.S. attacks Iraq.

I am concerned about the price of the war. It has been estimated that the cost of this war against Iraq would be between 100 and $200 billion. How is the U.S. going to pay for this war? We are always told that we cannot afford a prescription drug benefit plan, that we cannot extend unemployment insurance to workers laid off after the wake of September 11. We need to think about these costs before we rush into a war, and we should exhaust tough, rigorous U.N. inspections before going into war. We should seek support from the U.N. Security Council. As the first President Bush's advisers of Operation Desert Storm have warned, by attacking Iraq we give Saddam Hussein both the excuse and the incentive to use the biological and chemical weapons that he already has.

I oppose this resolution and urge my colleagues to give serious consideration on this crucial matter.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 8 minutes to the gentleman from New Jersey (Mr. PASCRELL), my good friend.

□ 2145

Mr. PASCRELL. Mr. Speaker, for 2 days Members have marched to the floor to offer their support for or opposition to this resolution, good Americans every one. Soon the hours of debate will come to an end. The House Chamber has echoed with the sentiments of almost every Member. Yet, many questions remain unanswered.

To be sure, there is one thing we all agree upon: Saddam Hussein is a tyrant, is a threat. He is the epitome of malevolence. Plato must have had visions of Hussein, a Hussein character, when he described evil in The Allegory of the Cave.

Mr. Speaker, I include for the RECORD The Allegory of the Cave from Plato's Republic.

The material referred to is as follows:

[From Plato's Republic]

THE ALLEGORY OF THE CAVE

And now, I said, let me show in a figure how far our nature is enlightened or unenlightened:, Behold! human beings living in an underground den, which has a mouth open towards the light and reaching all along the den; here they have been from their childhood, and have their legs and necks chained so that they cannot move, and can only see before them, being prevented by the chains from turning round their heads. Above and behind them a fire is blazing at a distance, and between the fire and the prisoners there is a raised way; and you will see, if you look, a low wall built along the way, like the screen which marionette players have in front of them, over which they show the puppets.

I see, he said.

And do you see, I said, men passing along the wall carrying all sorts of vessels, and statutes and figures of animals made of wood and stone and various materials, which appear over the wall? Some of them are talking, other silent.

You have shown me a strange image, and they are strange prisoners.

Like ourselves, I replied; and they see only their own shadows, or the shadows of one another, which the fire throws on the opposite wall of the cave?

True, he said; how could they see anything but the shadows if they were never allowed to move their heads?

And of the objects which are being carried in like manner they would only see the shadows?

Yes, he said.

And if they were able to converse with one another, would they not suppose that they were naming what was actually before them? And suppose further that the prison had an echo which came from the other side, would they not be sure to fancy, when one of the passers-by spoke that the voice which they heard came from the passing shadow?

No question, he replied.

To them, I said, the truth would be literally nothing but the shadows of the images.

That is certain.

And now look again, and see what will naturally follow if the prisoners are released and disabused of their error. At first, when any of them is liberated and compelled suddenly to stand up and turn his neck round and walk and look towards the light, he will suffer sharp pains; the glare will distress him, and he will be unable to see the realities of which in his former state he had seen the shadows; and then conceive some one saying to him, that what he saw before was an illusion, but that now, when he is approaching nearer to being and his eye is turned towards more real existence, he has a clearer vision, what will be his reply?

And you may further imagine that his instructor is pointing and when to the objects as they pass and requiring him to name them, will he not be perplexed? Will he not fancy that the shadows which he formerly saw are truer than the objects which are now shown to him? Far truer. And if he is compelled to look straight at the light, will he not have a pain in his eyes which will make him turn away to take refuge in the objects of vision which he can see, and which he will conceive to be in reality clearer than the things which are now being shown to him?

True, he said.

And suppose once more, that he is reluctantly dragged up a steep and rugged ascent, and held fast until he is forced into the presence of the sun himself, is he not likely to be pained and irritated? When he approaches the light his eyes will be dazzled, and he will not be able to see anything at all of what are now called realities?

Not all in a moment, he said.

He will require to grow accustomed to the sight of the upper world. And first he will see the shadows best, next the reflections of men and other objects in the water, and then the objects themselves; then he will gaze upon the light of the moon and the stars and the spangled heaven; and he will see the sky and the stars by night better than the sun or the light of the sun by day?

Certainly.

Last of all he will be able to see the sun, and not mere reflections of him in the water, but he will see him in his own proper place, and not in another; and he will contemplate him as he is.

Certainly.

He will then proceed to argue that this is he who gives the season and the years, and is the guardian of all that is in the visible world, and in a certain way the cause of all things which he and his fellows have been accustomed to behold?

Clearly, he said, he would first see the sun and then reason about it.

And when he remembered his old habitation, and the wisdom of the den and his fellow-prisoners, do you not suppose that he would felicitate himself on the change, and pity them?

Certainly, he would.

And if they were in the habit of conferring honors among themselves on those who were quickest to observe the passing shadows and to remark which of them went before, and which followed after, and which were together; and who were therefore best able to draw conclusions as to the future, do you think that he would care for such honors and glories, or envy the possessors of them? Would he not say with Homer, Better to be the poor servant of a poor master, and to endure anything, rather than think as they do and live after their manner?

Yes, he said, I think that he would rather suffer anything than entertain these false notions and live in this miserable manner.

Imagine once more, I said, such a one coming suddenly out of the sun to be replaced in his old situation; would he not be certain to have his eyes full of darkness?

To be sure, he said.

And if there were a contest, and he had to compete in measuring the shadows with the prisoners who had never moved out of the den, while his sight was still weak, and before his eyes had become steady (and the time which would be needed to acquire this new habit of sight might be very considerable), would he not be ridiculous? Men would say of him that up he went and down he came without his eyes; and that it was better not even to think of ascending; and if any one tried to loose another and lead him up to the light, let them only catch the offender, and they would put him to death.

No question, he said.

This entire allegory, I said, you may now append, dear Glaucon, to the previous argument; the prison-house is the world of sight, the light of the fire is the sun, and you will not misapprehend me if you interpret the journey upwards to be the ascent of the soul into the intellectual world according to my poor belief, which, at your desire, I have expressed, whether rightly or wrongly God knows. But, whether true or false, my opinion is that in the world of knowledge the idea of good appears last of all, and is seen only with an effort; and, when seen, is also inferred to be the universal author of all things beautiful and right, parent of light and of the lord of light in this visible world, and the immediate source of reason and truth in the intellectual; and that this is the power upon which he who would act rationally either in public or private life must have his eye fixed.

I agree, he said, as far as I am able to understand you.

Moreover, I said, you must not wonder that those who attain to this beautific vision are unwilling to descend to human affairs; for their souls are ever hastening into the upper world where they desire to dwell; which desire of theirs is very natural, if our allegory may be trusted.

Yes, very natural.

And is there anything surprising in one who passes from divine contemplations to the evil state of man, when they returned to the den they would see much worse than those who had never left it himself in a ridiculous manner; if, while his eyes are blinking and before he has become accustomed to the surrounding darkness, he is compelled to fight in courts of law, or in other places, about the images or the shadows of images of justice, and is endeavoring to meet the conceptions of those who have never yet seen absolute justice?

Anything but surprising, he replied.

Any one who has common sense will remember that the bewilderments of the eyes are of two kinds, and arise from two causes, either from coming out of the light or from going into the light, which is true of the mind's eye, quite as much as of the bodily eye; and he who remembers this when he sees any one whose vision is perplexed and weak, will not be too ready to laugh; he will first ask whether that soul of man has come out of the brighter life, and is unable to see because unaccustomed to the dark, or having turned from darkness to the day is dazzled by excess of light. And he will count the one happy in his condition and state of being, and he will pity the other; or, if he has a mind to laugh at the soul which comes from below into the light, there will be more reason in this than in the laugh which greets him who returns from above out of the light into the den.

That, he said, is a very just distinction.

But then, if I am right, certain professors of education must be wrong when they say that they can put a knowledge into the soul which was not there before, like sight into blind eyes?

They undoubtedly say this, he replied.

Whereas, our argument shows that the power and capacity of learning exists in the soul already; and that just as the eye was unable to turn from darkness to light without the whole body, so too the instrument of knowledge can only by the movement of the whole soul be turned from the world of becoming into that of being, and learn by degrees to endure the sight of being, and of the brightest and best of being, or in other words, of the good.

Very true.

And must there not be some art which will effect conversion in the easiest and quickest manner; not implanting the faculty of sight, for that exists already, but has been turned in the wrong direction, and is looking away from the truth?

Yes, he said, such an art may be presumed.

And whereas the other so-called virtues of the soul seem to be akin to bodily qualities, for even when they are not originally innate they can be implanted later by habit and exercise, the virtue of wisdom more than anything else contains a divine element which always remains, and by this conversation is rendered useful and profitable; or, on the other hand, hurtful and useless. Did you never observe the narrow intelligence flashing from the keen eye of a clever rogue, how eager he is, how clearly his paltry soul sees the way to this end; he is the reverse of blind, but his keen eye-sight is forced into the service of evil, and he is mischievous in proportion to his cleverness?

Very true, he said.

But what if there had been a circumcision of such natures in the days of their youth; and they had been severed from those sensual pleasures, such as eating and drinking, which, like leaden weights, were attached to them at their birth, and which drag them down and turn the vision of their souls upon the things that are below, if, I say, they had been released from these impediments and turned in the opposite direction, the very same faculty in them would have seen the truth as keenly as they see what their eyes are turned to now.

Very likely.

Yes I said; and there is another thing which is likely, or Neither rather a necessary inference from what has preceded, that neither the uneducated and uninformed of the truth, nor yet those who never make an end of their education, will be able educated ministers of State; nor the former, because they have no single aim of duty which is the rule of all their actions, private as well as public; nor the latter, because they will not act at all except upon compulsion, fancying that they are already dwelling apart in the islands of the blest.

Very true, he replied.

Them, I said, the business of us who are the founders of the State will be to compel the best minds to attain that knowledge which we have already shown to be the greatest of all, they must continue to ascend until they arrive at the good; but when they have ascended and seen enough we must not allow them to do as they do now.

What do you mean?

I mean that they remain in the upper world: but this must not be allowed; they must be made to descend again among the prisoners in the den, and partake of their labors and honors, whether they are worth having or not.

But is not this unjust? he said; ought we to give them a worse life, when they might have a better?

You have again forgotten, my friend, I said, the intention of the legislator, who did not aim at making any one class in the State happy above the rest; the happiness was to be in the whole State, and he held the citizens together by persuasion and necessity, making them benefactors of the State, and therefore benefactors of one another; to this end he created them, not to please themselves, but to be his instruments in binding up the State.

True, he said, I had forgotten.

Observe, Glaucon, that there will be no injustice in compelling our philosophers to have a care and providence of others; we shall explain to them that in other States, men of their class are not obliged to share in the toils of politics: and this is reasonable, for they grow up at their own sweet will, and the government would rather not have them. Being self-taught, they cannot be expected to show any gratitude for a culture which they have never received. But we have brought you into the world to be rulers of the hive, kings of yourselves and of the other citizens, and have educated you far better and more perfectly than they have been educated, and you are better able to share in the double duty. That is why each of you, when his turn comes, must go down to the general underground abode, and get the habit of seeing in the dark. When you have acquired the habit, you will see ten thousand times better than the inhabitants of the den, and you will know what the several images are, and what they represent, because you have seen the beautiful and just and good in their truth. And thus our State, which is also yours will be a reality, and not a dream only, and will be administered in a spirit unlike that of other States, in which men fight with one another about shadows only and are distracted in the struggle for power, which in their eyes is a great good. Whereas the truth is that the State in which the rulers are most reluctant to govern is always the best and most quietly governed, and the State in which they are most eager, the worst.

Quite true, he replied.

And will our pupils, when they hear this, refuse to take their turn at the toils of State, when they are allowed to spend the greater part of their time with one another in the heavenly light?

Impossible, he answered; for they are just men, and the commands which we impose upon them are just; there can be no doubt that every one of them will take office as a stern necessity, and not after the fashion of our present rulers of State.

Yes, my friend, I said; and there lies the point. You must contrive for your future rulers another and a better life than that of a ruler, and then you may have a well-ordered State; for only in the State which offers this, will they rule who are truly rich, not in silver and gold, but in virtue and wisdom, which are the true blessings of life. Whereas if they go to the administration of public affairs, poor and hungering after their own private advantage, thinking that hence they are to snatch the chief good, order there can never be; for they will be fighting about office, and the civil and domestic broils which thus arise will be the ruin of the rulers themselves and of the whole State.

Most true, he replied.

And the only life which looks down upon the life of political ambition is that of true philosophy. Do you know of any other?

Indeed, I do not, he said.

And those who govern ought not to be lovers of the task? For, if they are, there will be rival lovers, and they will fight.

No question.

Who then are those whom we shall compel to be guardians? Surely they will be the men who are wisest about affairs of the state.

ENDNOTES

If you understand this first distinction, the much more difficult division of the intelligible world will make more sense. Think over this carefully: the visible world, that is, the world you see, has two kinds of visible objects in it. The first kind are shadows and reflections, that is, objects you see but aren't really there but derive from the second type of visible objects, that is, those that you see and are really there. The relation of the visible world to the intelligible world is identical to the relation of the world of reflections to the world of visible things that are real.

The lower region of the intelligible world corresponds to the upper region in the same way the lower region of the visible world corresponds to the upper region. Think of it this way: the lower region deals only with objects of thought (that are, in part, derived from visible objects), which is why it is part of the intelligible world. There have to be certain first principles (such as the existence of numbers or other mathematical postulates) that are just simply taken without question: these are hypotheses. These first principles, however, derive from other first principles; the higher region of the intelligible world encompasses these first principles.

So you can see that the lower region derives from the higher region in that the thinking in the lower region derives from the first principles that make up the higher region, just as the mirror reflects a solid object. When one begins to think about first principles (such as, how can you prove that numbers exist at all?) and derives more first principles from them until you reach the one master, first principle upon which all thought is based, you are operating in this higher sphere in intellection. Plato's line is also a hierarchy: the things at the top (first principles) have more truth and more existence; the things at the bottom (the reflections) have almost no truth and barely exist at all.

He wrote: "Did you never observe the narrow intelligence flashing from the keen eye of a clever rogue? How eager he is. How clearly his paltry soul sees the way to his end. He is the reverse of blind, but his keen eyesight is forced into the service of evil, and he is mischievous in proportion to his cleverness."

What a perfect description of Saddam Hussein in that allegory for all of us, distinguishing from falsehoods and reality of the cave, the shadows against the wall, the light behind us, like a puppeteer.

The record of this murderous regime has been outlined forcefully in this body and by our Commander-in-Chief. Saddam has used weapons of mass destruction against his own people, he waged war with Iran, he invaded Kuwait, and he even murdered his own people in the northern part of Iraq.

Two cities stand out in the northern part of Iraq in 1988, Halabja and Goktapa. We all, each and every one of us, need to read the stories from both of those towns of innocent people who were massacred, massacred.

The helicopters came over the day before in May, Mr. Speaker, taking pictures of the villages. People did not know what they were doing. Then, 2 days later, the same helicopters showed up and they dropped out of the sky mustard gases, lethal, lethal gases which left animals and plants and human beings dead. They did not need sophisticated state-of-the-art technology to deliver these gases.

Nothing like it was seen since the Holocaust, nothing came close. We need to think about this and who perpetuated these deaths.

For the last 11 years, he has defied the will of the entire planet, as expressed in the resolutions which we have heard over and over the last 2 days. Indeed, I know of no thinking person who argues against the profound necessity of eliminating Saddam's weapons technology.

But while we can all agree on the menace he poses and unite in the desire to live in a world where he is not a factor, there are still critically important lingering questions, questions about the process, about the timing and, ultimately, the unilateral nature of preemptive war that we seem to be accepting for the first time in the history of this great country.

Is the relative sudden frenzy to eliminate Saddam clouding the strategic vision of those who are most vociferous in the support of his ouster? My inquiry stems not from any kind of partisan agenda but out of a genuine confusion as to why key issues have not fully been discussed and debated.

We spend millions of dollars every day for 10 years protecting the no-fly zones in the north and south. The American people have a right to know what these actions will cost us. They have every right to know.

If we endorse this historic shift in our strategy that abandons our reliance on deterrence and arms control as the pillars of national security, will we open a Pandora's box of preemptive action throughout the world? What is our response when it comes?

If this is our Nation's new policy, then what is to prevent India from attacking Pakistan, or Russia from attacking the state of Georgia? If they do, what will we say? After war, then what? What happens on day three, as Thomas Friedman wrote?

After the intervention, how will the situation likely evolve? We have yet to hear any discussion on this. Surely in this great deliberative body we should give pause to this critical issue. Surely the administration must address this most comprehensively.

Let us remember, this is not a game of chess. These are our sons, these are our daughters who will execute this mission, many of whom may not return. Full debate is essential. Anything less is an abdication of the oath we all took together.

We also need to make absolutely certain that whatever is done in Iraq does not negatively impact the broader war that we authorized 12 months ago, the war on terrorism.

That said, a great many people predict that the Congress will pass the resolution, the joint resolution, House Joint Resolution 114, with an overwhelming majority. I do not dispute this, nor do I declare my opposition, but Congress must ensure that, through this process, no matter the duration, we are involved as explicitly as possible under article 1, Section 8. We must ensure that we constantly ask the appropriate questions and demand the pertinent answers.

I do believe that it is imperative that the United States speaks with one voice to Saddam Hussein. There can be no ambiguity in our resolve to protect and defend this greatest of all democracies and the families that make it great.

We all love America, not some more than others. When we leave this week, we must remember this: None of us love America more than anyone else in this room.

Mr. ISSA. Mr. Speaker, it is my pleasure to yield 5 minutes to the gentleman from Connecticut (Mr. SIMMONS).

Mr. SIMMONS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I am a Vietnam veteran. I served 18 months in uniform in that country. As someone who has seen the ugly face of war, I do not embrace it as a policy choice, nor is it my first choice, but as a choice we sometimes have to make.

I believe that preparation for war and a demonstration of national will to engage in war can be a way to avoid war, and I also believe that diplomacy without the threat of military action can be a hollow exercise in extreme cases. Right now, we are faced with an extreme case.

There is no doubt that Saddam Hussein is a menace. Our intelligence tells the story of brutality, savagery, patterns of aggression, deception, and defiance. It shows the danger that Saddam Hussein poses to our country, to his region, and to the world. His ouster could bring peace and stability, and it could also inflame further violence and instability. How we do what we do in this case is as important as what we do.

In dealing with the issue, I have asked myself a question: Does Iraq's intent and capability to use weapons of mass destruction pose a clear and present danger to the United States, to our allies, or to Israel? And based on a reading and hearing of information available to me, I believe that the danger to the United States is clear. Whether or not it is present is less certain.

For the continental United States, the danger may be 6 months away or it may be 6 years away, depending on a number of variables. For Israel, for some of our troops abroad, for our NATO ally Turkey, the danger is certainly clear and present.

Given this assessment, diplomacy and multilateral action are still reasonable options to use against Hussein, and they should be encouraged. That is why I intend to vote for the Spratt amendment, which maintains substantial focus on diplomacy and multilateral action.

My decision to support this amendment is not an easy one, but the stakes in this situation are very high. Over the past year, the intelligence community and committees of this Congress have tried to connect the dots on the vicious attack that took place on September 11, and the challenge for us today is to connect the dots once again but before another and potentially more lethal attack.

There are risks and consequences if we act; there are risks and consequences if we do not act. I lost friends in the Vietnam War, and I am reminded of that every time I go down to the Wall. But I lost neighbors on September 11, and I am reminded of that every time I see the World Trade Center.

On balance, I feel the greatest risk is through inaction, which is why, if the Spratt amendment fails on the floor tomorrow, I intend to vote for the bipartisan resolution.

A vote for the bipartisan resolution is not a vote for war, it is a vote for will. It is a statement of national unity that says to Saddam Hussein, you are a menace and a bully to your own people and to your neighbors. You must disarm. You have exhausted our patience. We will join the United Nations and the world community and work with them against you in this cause, but, at the 11th hour, we will be prepared to act.

We cannot wait for the smoking gun. A gun smokes only after it has been fired, and that may be too late for another American city, our troops abroad, a NATO ally, or Israel. When it comes to weapons of mass destruction, we must connect the dots before the next attack, not after it has occurred.

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Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Mrs. CAPPS), a member of the Committee on Energy and Commerce.

Mrs. CAPPS. Mr. Speaker, I rise in opposition to the resolution. There is no question that Saddam Hussein is a villain and a menace to his own people and to the rest of the world. He is a terrible dictator who has used chemical weapons in his own country and on other nations. He has likely biological weapons and is certainly seeking nuclear weapons. He has invaded his neighbors and defied the international community. He has worked to destabilize the Middle East in support of terrorism. We can all agree he is a threat to international peace and security. His own people and the rest of the world would be better off if he were not in power.

Mr. Speaker, it appears that the United States is going to use military force to reduce or eliminate this threat. It seems likely that the brave men and women of our Armed Forces will be sent to the region to disarm his regime and possibly remove Hussein from power. If that happens, I will support our country men as they do their duty and obey the orders of the Commander in Chief. But tomorrow, I will vote against the resolution authorizing the use of force now.

This is a hard decision. It is one of the most important votes that I cast. It is a vote of conscience for me, as I trust it is for all Members. And my conscience leads me to vote "no." After careful consideration, I have determined that the resolution before us does not advance our national security. The bottom line is that it authorizes the President to launch a unilateral preemptive attack if he so chooses. Our national security is not served by such an attack.

Mr. Speaker, I do not oppose the use of force in all circumstances. I voted to support military operations in Kosovo, and I stood on this floor and supported the President in the operations in Afghanistan. But I think an authorization to use force against Iraq before we have explored all of our options is premature and potentially dangerous.

First of all, international support, especially from the U.N., is critical. It allows us to share the risks and costs of our operations. It lends our efforts legitimacy. Recently, the United Nations has regained its focus on Iraq. It is on the verge of restarting inspections and international support for a stricter inspection regime is growing. The return of the inspectors should be our top priority. They can determine the extent of the threat Iraq represents, and their findings can help us build international support to check the Iraqi regime.

I will be supporting an alternative that continues those efforts. This alternative will only authorize force as a part of U.N. efforts to disarm Iraq. A unilateral preemptive attack on Iraq without U.N. support may undermine the multilateral war against global terror. It could drive a wedge between us and those allies whose support we need.

In addition, with or without international support, we will have to be committed to rebuilding Iraq or we may be left with a state that is just as dangerous as the current one or worse we could be dealing with a chaotic civil war where we are not sure who has what kind of weapons. Unfortunately, the administration has shown little interest in addressing this important issue. This is consistent with its lack of attention to post-Taliban Afghanistan. Both are troubling.

And a preemptive, unilateral strike on Iraq may lead to uprisings in the Middle East. Friendly regimes could be threatened by extremists who will openly support terrorism. And key moderate Islamic nations, like Egypt, Jordan, and the nuclear-armed Pakistan, could be destabilized.

A U.S. attack would certainly further inflame the cycle of violence between Israel and the Palestinians. And I cannot imagine the consequences if Iraq were to attack Israel and Israel were to respond as Prime Minister Sharon has declared it would.

An attack on Iraq could lead to the use of the very weapons we want to destroy. In an attempt to survive, Saddam Hussein may use all the weapons at his disposal against our servicemen and women.

Finally, a preemptive attack on Iraq turns 50 years of national security policy on its head. We have struggled for 5 decades to help build a world in which nations do not attack one another without specific provocation. In the face of an imminent threat to the U.S., with an obvious provocation, a preemptive attack might be justified. But I have not seen convincing evidence that Saddam Hussein is an immediate threat.

There is still time to try to resolve the situation using other tools of statecraft, such as diplomacy. The United States would win a war against Iraq. But that does not necessarily mean it is a war that should be waged at this time. At some point it may be necessary to use force. We may have to place our men and women in our Armed Forces in harm's way, but that should be the last resort, only after we have explored all other means and after other measures have failed.

For now I do not think the case has been made that force is the only option left to us. It is premature to launch a unilateral preemptive attack, and it would be premature for us to authorize one. I oppose this resolution, and I urge my colleagues to do the same.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have chosen to remain silent and our side has held their debate because we want to allow full time for those opposed to have their word; but sometimes as you listen to a series of words you begin to see a pattern. And I think the American people, Mr. Speaker, need to also hear maybe some of the realities that are not being mentioned.

This is not the beginning of a new war. In fact, President Herbert Bush, President Clinton, and now President George W. Bush have all, in fact, had to make strikes in Iraq to contain this evil dictator. In fact, President Clinton has made probably the largest strikes since the Gulf War during his administration. And at that time I do not believe that we heard in this body something about new preemptive acts of war. In fact, what we understood was we had a dictator who continued to use his remaining force and the ill-gotten revenues that he is getting from his clandestine selling of oil from outside the food program to, in fact, intimidate his neighbors and rebuild his weapons of mass destruction.

So as much as I certainly want to yield as much time to my colleagues who oppose this, I think the American people, Mr. Speaker, must understand that this is by no means a new war. The President is not asking for a new war. In fact, what he is asking for is a recognition that after 11-plus years of a war which has not ended because this dictator has not met his responsibilities, responsibilities he agreed with the United Nations to keep, that in fact the President has said, our President now has said, I must in fact have the tools to be able to go further to get the compliance. And I would hope that all of us in this body would very much understand the historic context in which I say the war has never ended.

We are only asking to continue a direction that President Herbert Bush started, President Clinton continued, and now President George W. Bush has on his desk; and we hold him responsible for our safety.

Mr. Speaker, I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. RODRIGUEZ), a member of the Committee on Armed Services and the Committee on Veterans' Affairs.

Mr. RODRIGUEZ. Mr. Speaker, today we are debating whether and under what considerations we will consider sending our young men and women into battle. That is an awesome responsibility, and I have given it much thought. I rise to offer my support of the Spratt substitute. It is a balanced, very careful approach to a serious problem.

I stand before you as a father, as a husband, as an American, and as an elected representative of the people who live in the 20th Congressional District of Texas. Since the terrible attacks of September 11, we, as a Nation, have felt a new vulnerability; and we set out on a war against terrorism to safeguard our future.

During this past year, I have listened to my constituents' concerns, sharing their fears and consoling those shaken by disruptions and the issue of security in our Nation. I offered my full support to the fight against terrorism, and I will continue to do so. We must not lose sense of the purpose, but we also must not lose our perspective. In recent months as the administration has begun to call for a war against Iraq, I have spoken with parents, brothers and sisters; and I have read heartfelt letters of young and old, and I have met with American men and women in uniform who proudly serve this Nation.

As I visited churches and restaurants, shops and homes throughout the San Antonio, South Texas region, I have heard patriotic voices, yet voices filled with concern about the war we are today asked to authorize. As the administration has tried to make its case for the unilateral war against Iraq, I have had many questions. I am troubled because many of these questions remain unanswered, even as we debate whether or how to put American troops in harm's way.

We have also heard mixed messages when we heard the Secretary call for a cut of 23,000 in the Army while at the same time we have heard our generals indicate that we need 40,000 in the Army, 20,000 in the Air Force and 8,000 Marines. Those mixed messages have not been helpful. But we also do not get the answers to our questions, questions such as, Who will pay for this war? We should have a tax bill on this House floor to pay for this war. What are our mission goals and our exit strategy?

The other reality is that there has been no dialogue and no real thrust in that with terrorism, also, it is a fight of ideology and ideas. One thing we are clear about is we know that Saddam Hussein and the government he controls brutally, Iraq, are without question a danger not only to the United States but also to the world community. We know that Saddam Hussein has gone to great lengths to seek, develop, and then conceal weapons of mass destruction. I believe I join my colleagues here today in stating that we must end Saddam Hussein's quest for these terrible weapons.

The issue before us is how we do so. It is crucial that we as representatives of the people translate the concerns about the execution of war against Iraq into a concrete plan to ensure the congressional representatives have a role in the decision to send our troops into harm's way.

The administration seeks a blank check from the Congress to authorize the use of force broadly. But the administration's proposal does not encourage multilateral cooperation and also does not anticipate further congressional input. The approach offered by the Spratt substitute offers a better option. We are today the world's greatest superpower; our military might and economic power reach around the globe. Our democracy is an example to which other nations aspire. We are a diverse Nation united by our love of liberty, our thirst for freedom, and our belief in justice and the rule of law.

That status as a world superpower brings with it great responsibilities. Yes, we have the power to go it alone, but I feel very strongly that the power to do exactly that would be the wrong thing to do. In the case of Iraq, I believe going it alone under the circumstances we now face is not the best approach. First, by working with the United Nations, we will act not only on our own behalf, but on behalf of the world community.

Let me ask that you support the substitute, the Spratt substitute, because it is also the best military option, because that would allow us an opportunity to seek out those biological and chemical weapons before our soldiers go in. And if they have to go in, at least we will identify those areas where they might be able to be hiding, and there is no doubt that that would be the best way to go at it.

Mr. UNDERWOOD. Mr. Speaker, I yield 5 minutes to the gentlewoman from New York (Mrs. LOWEY), the distinguished ranking member of the Committee on Appropriations, Subcommittee on Foreign Operations, Export Financing and Related Programs.

Mrs. LOWEY. Mr. Speaker, our decision to authorize the President to commit American men and women to overseas military action is the most difficult decision a Member of Congress will ever face.

Since September 11, 2001, when more than 100 of my constituents were killed in the terror attacks on our country, I have felt a new urgency to address the dangers to our national security that exist both here in the United States and abroad. Our government must act to secure our boarders and airways, protect nuclear power plants, safeguard our food and water supplies and more.

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We must face up to the very real possibility of a biological, chemical or even nuclear attack upon our country and take whatever action is necessary to prevent it.

I have spent a great deal of time, as have my colleagues, in recent weeks in classified briefings, with military and intelligence experts; and I have also paid close attention to the very real concerns of my constituents and even my family. We are living in a world far more dangerous today than we have ever known, and I have concluded that we must not wait for another terrorist attack before giving the President the authority to take the necessary action to protect our children and our grandchildren.

Throughout world history, inaction against tyrants has proven to be an ineffective strategy for averting catastrophe. We have every reason to believe that Saddam Hussein is continuing to build up his arsenal of weapons of mass destruction. He continues to defy the civilized world and United Nations Security Council resolutions ordering him to disarm. He has shown through brutality toward his own people his willingness to use these terrible weapons against innocent people.

Therefore, I have concluded that Saddam Hussein poses a serious danger to United States national security. We must stand up to this threat first by pursuing to the fullest all possible diplomatic means and then, only if we must, by the use of force.

As a strong believer in the United Nations, I have a long record of support for a robust United States role in the United Nations, and I believe that strong United States leadership in the United Nations is critical to achieve peace in the world.

But the United Nations must act. The crisis before us provides an important opportunity for the U.N. Security Council to show that there are consequences to ignoring the will of the international community. Failure to enforce the relevant resolutions will hurt the U.N.'s effectiveness as an organization, diminishing a potent force for stability around the world. And if all else fails, if we must pursue military action, I hope and I pray that the mission is successful and short and that it will pave the way to a better day for Iraq and the region and result in greater security for Americans here at home.

Mr. PAYNE. Mr. Speaker, I yield 5½ minutes to the gentleman from Rhode Island (Mr. LANGEVIN), a member of the Committee on Armed Services.

Mr. LANGEVIN. Mr. Speaker, as I take the floor this evening I am humbled by the task at hand and the paths that have led us to this point.

When I arrived in Congress last year, I never imagined that we would witness cruel attacks on our own soil, that we would lead a war against terrorism across the globe or that we would contemplate returning to Iraq to address the ongoing threat of Saddam Hussein, all in less than 2 years. Yet, we did not choose these circumstances. Instead, they found us; and it is our responsibility to act in a careful and appropriate manner to protect the United States, its people, its allies and our ideals.

Authorizing the use of military force is one of the most important decisions Congress can make; and as a member of the House Committee on Armed Services, I do not take it lightly.

Last month, I held a listening tour in Rhode Island to understand my constituents' concerns about military action in Iraq. I spent many hours being briefed in the Committee on Armed Services and in the White House by senior administration officials and other experts. From these conversations, I have grown increasingly alarmed by the widening body of evidence that Saddam Hussein poses a grave and expanding threat to the security of the United States.

His development of biological and chemical weapons, as well as his pursuit of nuclear capabilities, flaunts United Nations resolutions and threatens the stability of the region. His oppression of the Iraqi people, including his use of chemical weapons against civilians, strikes at the very core of our belief in protecting human rights. He has also made it clear that he will take action to harm us and our allies, even firing on aircraft and enforcing the Iraqi's no-fly zone 2,500 times since 1991.

While it may be difficult to imagine what horrors this tyrant is planning over 6,000 miles away, I am convinced that the threat is very real.

The question, therefore, becomes how best to deal with this danger. I have heard overwhelming concerns from constituents that the United States could endanger the international coalition against terror if we act against Iraq, if we act particularly unilaterally. Equally important, I share the concern that we will damage our moral authority as the world's sole remaining superpower if we do not proceed responsibly.

For this reason, we must engage the global community in our efforts to neutralize the threat of Saddam Hussein. Cooperation with the United Nations and our allies is critical, and I hope that we are collectively able to develop a strong mandate for the disarmament of Iraq.

In his speech Monday night, President Bush pledged to engage the U.N. Security Council in drafting a new resolution; and I fully expect him to pursue this strategy, not only to establish broader support and deeper confidence for our mission but also to protect the integrity of the United States. If new weapons inspections do not achieve total disarmament, we must not rule out using military action to force compliance with U.N. resolutions, eradicate Iraq's destructive capabilities and protect the American people.

Again, such action must be taken in conjunction with other Nations. President Bush stated that we would act with our allies at our side, and we must hold him to his promise. We cannot ignore that unilateral action against Iraq could have dangerous ramifications on the region and America's own efforts in the war on terrorism. Furthermore, the international coalition would also be essential in promoting a new government in Iraq, an effort that should be undertaken as seriously as the Marshall Plan.

Tomorrow, I will vote for the Spratt amendment, which would require cooperation with the United Nations to the greatest extent possible. In contemplating a preemptive attack against another nation, it is our responsibility to work with our friends and allies and rally them to our cause. If the Spratt amendment is unsuccessful, I cannot support the underlying resolution until we first go to the U.N. Security Council and attempt to get a vote authorizing the use of force. Though that vote may ultimately fail, the United States has been instrumental in shaping the guidelines and agreements that have fostered peace and cooperation throughout the world, and we must demonstrate our continued commitment to these goals.

The threat posed by Saddam Hussein is too great for us to remain inactive. We cannot sit idly by while the pieces of another September 11 fall into place. We cannot risk a single American life waiting for the promises from a madman.

We now have the opportunity to improve the safety of our citizens and the stability of the Middle East. However, there is a right way and a wrong way of approaching this complicated issue. Just as a prosecutor must lay out the facts to establish guilt, we must make our case before the world community.

I urge support for the Spratt amendment.

As I take the floor this afternoon, I am humbled by the task at hand and the path that has led us to this point. When I arrived in Congress last year, I never imagined that we would witness cruel attacks on our soil, that we would lead a war against terrorism across the globe, or that we would contemplate returning to Iraq to address the ongoing threat of Saddam Hussein—all in less than two years. Yet we did not choose these circumstances; instead, they found us, and it is our responsibility to act in a careful and appropriate manner to protect the United States, its people, its allies, and its ideals.

Authorizing the use of military force is one of the most important decisions Congress can make, and, as a member of the House Armed Services Committee, I do not take it lightly. Last month, I held a listening tour in Rhode Island to understand my constituents' concerns about military action in Iraq. I have spent many hours being briefed in the Armed Services Committee and at the White House by Administration officials and other experts. From these conversations, I have grown increasingly alarmed by the widening body of evidence that Saddam Hussein poses a grave and expanding threat to the security of the United States. His development of biological and chemical weapons, as well as his pursuit of nuclear capabilities, flaunts United Nations resolutions and threatens the stability of the region. His oppression of the Iraqi people, including his use of chemical weapons against civilians, strikes at the very core of our belief in protecting human rights. He has also made it clear that he will take action to harm us and our allies, firing on aircraft enforcing the Iraqi no-fly zones 2,500 times since 1991. And while it may be difficult for some to imagine what horrors this tyrant is planning over 6,000 miles away, I am convinced that the threat is real.

The question therefore becomes how best to deal with this danger. I have heard overwhelming concern from my constituents that the United States could endanger the international coalition against terror if we act unilaterally against Iraq. Equally important, I share their concern that we will damage our moral authority as the world's sole remaining superpower if we do not proceed responsibly. For this reason, we must engage the global community in our efforts to neutralize the threat of Saddam Hussein. Cooperation with the United Nations and our allies is critical, and I hope that we are collectively able to develop a strong mandate for the disarmament of Iraq. In his speech on Monday night, President Bush pledged to engage the U.N. Security Council in drafting a new resolution, and I fully expect him to pursue this strategy, not only to establish broader support and deeper confidence for our mission, but also to protect the integrity of the United States.

If new weapons inspections do not achieve total disarmament, we must not rule out using military action to force compliance with U.N. resolutions, eradicate Iraq's destructive capabilities, and protect the American people. Again, such action must be taken in conjunction with other nations. President Bush stated we would act "with allies at our side," and we must hold him to his promise. We cannot ignore that unilateral action against Iraq could have dangerous ramifications on the region and America's own efforts in the war on terrorism. Furthermore, an international coalition would also be essential in promoting a new government in Iraq—an effort that should be undertaken as seriously as the Marshall Plan. Tomorrow, I will vote for the Spratt amendment, which would require cooperation with the United Nations to the greatest extent possible. When contemplating a preemptive attack against another nation, it is our responsibility to work with our friends and allies and rally them to our cause.

If the Spratt amendment is unsuccessful, I cannot support the underlying resolution until we first go to the U.N. Security Council and attempt to get a vote authorizing the use of force. Though that vote may ultimately fail, the United States has been instrumental in shaping the guidelines and agreements that have fostered peace and cooperation throughout the world, and we must demonstrate our continued commitment to these goals.

The threat posed by Saddam Hussein is too great for us to remain inactive. We cannot sit idly by while the pieces of another September 11 fall into place. We cannot risk a single American life waiting for promises from a madman. We now have the opportunity to improve the safety of our citizens and the stability of the Middle East. However, there is a right way and a wrong way of approaching this complicated issue. Just as a prosecutor must lay out facts to establish guilt, we must make our case before the world community. This is the only approach to guarantee that our efforts to disarm Iraq will have the full force of international support and not undermine our greater war against terrorism.

I appreciate the opportunity to share in this debate and urge my colleagues to vote for the Spratt amendment.

Mr. PAYNE. Mr. Speaker, I must once again reiterate, although it seems rude and people do want to extend and it is difficult to end before my colleagues complete their statements, I must insist that we take no more than 5 minutes.

Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. TOWNS), a leading member of the Committee on Energy and Commerce.

Mr. TOWNS. Mr. Speaker, I am concerned that this resolution ignores the political realities that are present in a tinderbox like the Middle East. It is naive to think that unilateral American action in the Middle East will achieve lasting security, but it is downright foolish to ignore the United Nations' potential as a partner in eliminating Saddam's chokehold on world security.

This resolution merely pays lip service to any meaningful coalition building or endorsement of U.N. findings without establishing an international coalition. We leave the fate of the Iraqi people to uncertainty and without the hope of meaningful nation building or distribution of aid. America cannot achieve this alone or on its own.

The world is watching us to see how a superpower acts which has defeated its dragons and is now confronted by malignant dictators of developing powers. Make no mistake about it, Saddam Hussein is a dictator who resorts to the most heinous of atrocities to silence his opponents.

As the world's sole superpower, we must be careful that our allies do not grow resentful of us. We need to make certain that they are included in any sort of action that we as a Nation might decide to take. That has not happened, and I must vote no on the resolution.

Let me close by saying I am concerned as anyone in this Chamber about national and international security. I served in the United States Army, but I am not convinced that we should put our young people in harm's way. We should not do that; and, therefore, I will vote no on this resolution and hope that many of my colleagues would join us. This is the wrong way to go.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from Colorado (Mr. UDALL), a member of the Committee on Resources.

Mr. UDALL of Colorado. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in opposition to this resolution.

Like many of my colleagues, I have struggled with the question of whether to give the President the broad authority to take our Nation into a full-scale war with Iraq. I have also struggled with the question of how to support the President's objectives and also keep faith with my oath to uphold the Constitution.

I continue to have grave reservations about acting unilaterally, acting without evidence of an imminent threat and acting without considering the consequences for the war on terrorism or without a commitment to rebuilding a post-war Iraq. In my opinion, the resolution we are considering today would give the President authority to act without adequately addressing these crucial questions.

Congress has a solemn responsibility to join with the President in determining whether any path to war will be short or long, who will be on that path with us and ultimately what kind of war we intend to wage. This resolution does not allow Congress to answer these important questions. Instead, the resolution gives that power to one man, the President, and represents a dangerous erosion of congressional power and responsibility. That is why it should be defeated unless it is amended.

Absent new evidence that Saddam Hussein poses an imminent threat to our national security, I believe we should only go to war against Iraq as a part of a broad international coalition authorized by the United Nations. This is important not only to secure the peace and manage the costly and difficult nation building that must follow but also to avoid compromising our efforts to combat global terrorism, particularly in the Islamic world.

□ 2230

As a last resort, it may be necessary for American military forces to act without the support of the United Nations Security Council. But before we do so, I believe the President should come to Congress for a separate authorization. That is what the amendment I offered to the Committee on Rules called for.

My amendment was based on a resolution I introduced, House Joint Resolution 118, which would ensure that Congress, not the President, makes this awesome decision. Regrettably, my amendment was not made in order; so I am glad that tomorrow I will have the opportunity to vote for the Spratt amendment, which I believe is more consistent with the Constitution than the underlying resolution we are being asked to support.

Congress needs to know whether the United Nations is with us or on the sidelines before we launch a military invasion of Iraq on our own. Not having this information beforehand, with all of the implications it poses for our global war on terrorism, and the consequences for our security in this region, is simply irresponsible, in my view.

Do not misunderstand. I have no illusions about the duplicity of Saddam Hussein or the depths of his cruelty. Saddam Hussein is a dangerous tyrant and a threat to peace, and I fully support the goal of disarming him. I do not believe in a policy of appeasement towards Saddam Hussein. But I believe that ridding the world of Saddam Hussein is only part of the job we face. We have to remove Saddam Hussein's threat in the context of broader security goals, including crippling al Qaeda and sustaining and building the important global relationships we need for the war against terrorism and for solving other critical global problems.

My father, Morris Udall, who was serving in Congress in 1964, came to regret his support for the Gulf of Tonkin resolution when it became clear that it was being used as a substitute for the constitutional responsibility of Congress to declare war. I fear that this Congress, a generation later, is poised to make a similar mistake. To avoid that, we need to reject this resolution.

Mr. Speaker, I rise in opposition to this resolution.

Like many of our colleagues, I have struggled with the question of whether to give the president the broad authority to take our nation into a full-scale war against Iraq. I have also struggled with the question of how to support the president's objectives and also keep faith with my oath to uphold the Constitution. I continue to have grave reservations about acting unilaterally, acting without evidence of an imminent threat, and acting without considering the consequences for the war on terrorism or without a commitment to rebuilding a post-war Iraq. In my opinion, the resolution we are considering today would give the president authority to act without adequately addressing these crucial questions.

Congress has a solemn responsibility to join with the president in determining whether any path to war will be short or long, who will be on that path with us, and ultimately what kind of war we intend to wage. This resolution doesn't allow Congress to answer these important questions. Instead, the resolution gives that power to one man, the president, and represents a dangerous erosion of congressional power and responsibility. That is why it should be defeated unless it is amended.

Mr. Speaker, a few days ago the president told us that voting for this resolution would not mean that war was imminent or unavoidable. Many of my colleagues draw comfort from the vies that this resolution is not necessarily a call to arms. With respect, I find no such comfort. This resolution very clearly gives the president authority to take us to war.

I introduced a resolution, H.J. Res. 118, which would ensure that Congress makes this awesome decision. I also submitted to the Rules Committee an amendment based on my resolution. Regrettably, my amendment was not made in order. So I am glad that I will have the opportunity to vote for the Spratt amendment, which I believe is more consistent with the Constitution than the underlying resolution we are being asked to support.

Absent new evidence that Saddam Hussein poses an imminent threat to our national security, I believe we should only go to war against Iraq as part of a broad international coalition authorized by the United Nations. This is important not only to secure the peace and manage the costly and difficult nation-building that must follow, but also to avoid compromising our efforts to combat global terrorism, particularly in the Islamic world. As a last resort, it may be necessary for American military forces to act without the support of the United Nations Security Council, but before we do so, I believe the president should come to Congress to ask for a separate authorization.

Congress needs to know whether the United Nations is with us or on the sidelines before we launch a military invasion of Iraq on our own. Not having this information beforehand, with all of the implications it poses for our global war on terror and the consequences for our security in the region, is simply irresponsible in my view.

Don't misunderstand, I have no illusions about the duplicity of Saddam Hussein or about the depths of his cruelty. Saddam Huessin is a dangerous tyrant and a threat to peace, and I fully support the goal of disarming him. I do not believe in a policy of international amnesia toward Saddam Hussein. That's why I can't support the Lee amendment, which I believe does not adequately respond to the urgency of ending Saddam Hussein's decade of defiance and eliminating Iraq's weapons of mass destruction. The Lee amendment seems to rule out military action as a last resort, and I don't believe we can or should do that.

But I believe that ridding the world of Saddam Hussein is only part of the job we face. We have to remove Saddam Hussein's threat to the context of broader security goals, including crippling Al Qaeda and sustaining and building important global relationships we need for the war against terrorism and for solving other critical global problems.

My father was serving in Congress in 1964 when it passed the Gulf of Tonkin Resolution, which led to the eventual deployment of 500,000 American soldiers in Vietnam and the deaths of 55,000 American servicemen and women. My father came to regret his support for that resolution when it became clear that it was being used as a substitute for the Constitutional responsibility of Congress to declare war. I fear that this Congress, a generation later, is posed to make a similar mistake.

To avoid that, we need to reject this resolution.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are demonstrating to our Nation and to the world what American democracy is all about, where the duly elected representatives of this body have been given an opportunity to share with each colleague their best judgment on whether the Congress supports the President's request to place the men and women of our armed services in harm's way.

I have no doubt that our President has spent countless hours, perhaps even sleepless hours, and probably even thought a thousand times over as to whether or not this was the best course of action that our country should take at this time and for him to make such an important decision that will determine whether our soldiers, sailors and airmen are going to be sent into harm's way.

Mr. Speaker, I am glad our President does not have the constitutional authority to declare war against enemy nations. I am also glad that our President does not have the authority under the provisions of our Constitution to establish our Nation's armies and navies. That is the exclusive authority that has been given specifically to the Congress of the United States. Mr. Speaker, I respect our President; but I do not worship him, nor is he a king or an emperor. He is our President and is subject to the will of the American people.

My reason for supporting this resolution is that our President is properly authorized under the terms of this proposed resolution to seek out all diplomatic options, to make sure that there is substantive participation from our allies and from other nations in the world to confront the serious danger that is now before us and the world with the regime currently governed by the dictator Saddam Hussein.

Another critical factor in this whole debate, Mr. Speaker, is that we have not questioned the loyalty and patriotism of each of us or the integrity of each of us, of any Member of this body, especially under the climate we are now under to make a firm decision whether our Nation should commit her military forces against her enemies. I am convinced, Mr. Speaker, that sometime tomorrow, if as a result of a final vote by this body that vote is not overwhelming in support of the President's proposed resolution, that common sense would dictate that our President would seriously have to reconsider his position on this matter, go back to the drawing board and try again. I would rather deal with some bruised egoes in the White House and in the Congress than to end up fighting another war like Vietnam.

Again, in good faith and as a consequence of the deliberative efforts of the leadership of both sides of the aisle in this body, a proposed resolution has been offered for our consideration. But, Mr. Speaker, I make reference to my friend, the Chinese General Sun Tzu, who some 2,500 years ago made some very astute observations concerning the art of warfare, and I hope our Vice President and our leaders in the Department of Defense will take heed to General Tzu's advice.

General Tzu said, "If you know the enemy and know yourself, you need not fear the result of 100 battles. If you know yourself but not the enemy, for every victory gained, you will also suffer a defeat. But if you do not know your enemy nor yourself, you will absolutely lose in every battle."

Mr. Speaker, I ask unanimous consent to yield the remainder of my time to the gentleman from New Jersey (Mr. PAYNE) and ask that he be permitted to control the rest of that time.

The SPEAKER pro tempore (Mr. TERRY). Is there objection to the request of the gentleman from American Samoa?

There was no objection.

Mr. ISSA. Mr. Speaker, I would ask for the time remaining now on the two sides.

The SPEAKER pro tempore. The gentleman from California (Mr. ISSA) has 2 hours and 21 minutes remaining, and the gentleman from New Jersey (Mr. PAYNE) now has 24½ minutes remaining.

Mr. ISSA. Mr. Speaker, I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. SAWYER).

Mr. SAWYER. Mr. Speaker, I have with me a carefully prepared floor statement. It lays out my opposition to the Hastert-Gephardt-Bush resolution, although it is a meaningful improvement over the original proposal, and my support for the Spratt alternative. I commend it to my colleagues, and will place that statement in the RECORD for reference.

In truth, it covers ground already well covered, more eloquently and with deepest conviction, by both supporters and opponents many times in this important and serious debate. Instead, because these votes may well be my last of real import as a Member of Congress, I would like to share with colleagues a very specific thought. It is simple. We all remember the warning common from childhood: "Don't start something you cannot finish."

I do not mean to suggest that what we are doing here today is something we cannot finish. But my father said it a little bit differently, more as a matter of advice than childish threat. "Don't start anything you don't know how to finish." It is good advice about many things. And even though I will not be here to help at the finish of what we begin here today, it is good advice here nonetheless.

Now, I am not talking about war plans. I am confident that they will be well and professionally crafted; and, clearly, we should not share them with our adversaries. But I am talking about peace plans. We seem to have more trouble with them. And we need to make them very clear to adversaries and allies alike. It is a powerful tool.

For the second time in a year, we are talking about making war in order to rebuild a nation and its culture. The echo which that recalls from 40 years ago is a concern.

"Don't start anything you don't know how to finish," my father said.

It reminds me of 1991. And the events of the last year in Afghanistan are even more troubling, as rebuilding there hardly proceeds at all. And the message that sends to the oppressed people of Iraq and others whom we would make our friends throughout the Middle East, that message is a real problem.

"Don't start anything you don't know how to finish." my father said.

Because this will not be over when the bombs stop falling and the ground combat is over and the wounded are cared for and the dead are put to rest. It will not begin to be over until we have carried out a coherent and clearly stated plan for postwar Iraq. It is the single most important message we can send to the people of the region as they debate and choose a better future for themselves.

Middle East analyst Stephen Cohen has remarked, "We in the West cannot have that debate for them, but we can help create the conditions for it to happen. America's role is to show the way to incremental change, something that is not, presto, instant democracy, or fantasies that enlightened despotism will serve our interests. We cannot just go on looking at the Arab world as a giant gas station, indifferent to what happens inside. Because gas is now leaking and all around people are throwing matches."

"Don't start anything you don't know how to finish," my father said.

It is an important lesson. It is one that we might have thought the President's own father might have said to him. Or maybe not. And that is why I say it today.

Mr. Speaker, I believe Congress would achieve near unanimity if we were voting only on the overall purpose of this resolution, which is to eliminate Saddam Hussein's control over weapons of mass destruction. On that issue we are as unified as we are in the war against terrorism that we launched with the President a year ago. I, and many others, believe that the current Iraqi regime poses a long-term threat to the community of nations through its ongoing defiance of United Nations resolutions prohibiting Iraq from developing weapons of mass destruction. But I will not support the resolution before us because it provides the President with an open-ended authority that is far too broad for the task before us.

The President is asking for authorization of force even before he determines that force is necessary and before we have exhausted our other options short of force. Instead, Congress should pass a resolution that calls on the President to obtain the support of the United Nations and our allies and authorizes him to use force if it is so sanctioned by the United Nations. This approach is embodied in the Spratt substitute amendment to be offered tomorrow, which I will support. If the United Nations fails to take sufficient action, then we can pass another resolution of force at that time. But action by the United Nations Security Council offers the best chance to reintroduce meaningful inspections into Iraq. This would be the best way to resolve the threat from Iraq peacefully and without reducing our focus on eliminating al Qaeda, which remains the foremost immediate threat to America.

Given Saddam Hussein's record of obstruction over the past eleven years, the United Nations should authorize force against Iraq if Iraq interferes with the unconditional inspection and dismantling of its weapons of mass destruction. However, I cannot support a resolution that authorizes unilateral military force in the present circumstances.

I am concerned that if the U.S. were to act alone it would damage our wide international support in the war against terrorism and al Qaeda. This war depends on the cooperation of other governments to arrest terrorist suspects, monitor terrorist financial transactions, and share intelligence. We should not risk the goodwill of the international community by acting unilaterally while multilateral options still exist.

I am also concerned that if the U.S. were to act against Iraq without the support of the United Nations Security Council, it would set a dangerous precedent for other countries who might be tempted to use military intervention against the wishes of the international community in order to end long-simmering disputes. It is important that our policy toward Iraq be guided by our long-standing commitment to the principle of collective security, which the United States helped place in the Charter of the United Nations.

Let me close by saying that I believe that Congress and the Administration should make it crystal clear before any military action is taken that the U.S. will be committed to helping Iraq rebuild after a war. The U.S. cannot expect to make a quick exit from Iraq after a war. We would have to be committed to a substantial expenditure of time and money to revitalize Iraq, and we will need the support of our allies to succeed. Doing otherwise would risk leaving behind a dangerously unstable country in the Middle East that could be an even greater source of danger in the region than the current regime.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the gentleman from Ohio for his thoughtful comments. I may not agree with all of them, but the contribution that he has made in this body will be sorely missed with his departure. And I know that I share with my colleagues on the other side of the aisle in knowing that this body will be poorer for not having the kind of insight and the kind of caring that we have just heard.

I know this debate has gone on long, but some things are worth going on a little longer, and I once again would like to express my appreciation for his thoughtful comments.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume to also compliment the gentleman from Ohio, who has served this House so outstandingly; and we will certainly truly miss him.

Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. FRANK), one of the brightest persons in the House, who serves on the Committee on Financial Services and who has patiently waited.

Mr. FRANK. Mr. Speaker, I thank the gentleman from New Jersey for yielding me this time, and thank him as well for having undertaken this thankless, but very important, job and has done it well.

When I listened to the President's speech the other night, I found myself in agreement with much of it, but then I find myself in disagreement with his conclusion. I think the President made a pretty good case for a multilateral approach to making sure that Saddam Hussein is disarmed, but that is not what he is asking us to do.

The President is asking us to authorize a unilateral invasion of Iraq to overthrow Saddam Hussein because he is an immoral and evil ruler. I wish he were the only immoral and evil ruler in the world. Our job would be simpler.

But I do not see a rationale for a unilateral American invasion to overthrow Saddam Hussein that does not apply to a number of other governments, some of whom we are allied with. In fact, there will be a choice tomorrow for a very well-thought-out proposal that would empower the President with the full support of Congress to undertake a serious effort to get a multilateral approach, using force if necessary, to impose disarmament on Saddam Hussein. It is the resolution that will be offered by the gentleman from South Carolina.

And the President said, let us have unity, let us have a large majority here. He could get, I believe, more than 90 percent, if he were willing to throw his support behind a resolution that said let us use force in a multilateral context not to overthrow this government, because we cannot be in the position of, I think, invading every government that fails to meet our moral standards, as much as I believe those moral standards to be correct ones. He, instead, will choose a more divisive path.

Why? One reason is that we are told the policy of deterrence will not work with Saddam Hussein. We are told that deterrence, which has worked with the Soviet Union and with the People's Republic of China and with North Korea and with Iran and with other nations, uniquely will not work with Iraq because of the nature of Saddam Hussein. The problem with the argument that deterrence will not work, that is the policy that says the way to keep him from using chemical and biological and, ultimately, nuclear weapons, if he gets them, and we should try to stop him from getting them, but the way to keep him from doing it is to threaten him with overwhelming retaliation.

□ 2245

The President says it does not work. But American intelligence says it does.

Mr. Speaker, I include for the RECORD the Washington Post article from last Monday from which I want to read.

"Although Iraq's chemical artillery shells and warheads were deployed during the war of 1991, they were not used. U.S. officials now believe this was because the United States had repeatedly cautioned Iraq before the fighting started that use of such weapons would draw an immediate and possibly overwhelming response that would topple Hussein from power.

"One reason the Pentagon has adopted a plan to dissuade Iraqi officers from ordering the use of chemical and biological weapons is that, unlike in 1991, this deterrent has been rendered moot by the administration's decision to make removing Hussein the goal of any military action."

This is the conclusion of American military intelligence, not rebutted by the administration. It was recently reinforced by a letter released by the CIA, and the CIA said he is not likely to use the weapons because he is being deterred effectively by the threat of our force.

In a colloquy with a Senator from Michigan he was asked the question, What about his use of weapons of mass destruction? If we initiate an attack and he was an extremist or otherwise, what is the likelihood in response to our attack he would use chemical or biological weapons?

Senior intelligence witness: "Pretty high, in my view."

In other words, deterrence according to American intelligence analysis in 1991 and American intelligence analysis today works. So there is no need for this unilateral invasion.

Yes, I think it is useful for the international community to put maximum pressure on Saddam Hussein to disarm. I believe that the resolution offered by the gentleman from South Carolina is an authorization to do that.

I disagree with the President about this policy of a unilateral American invasion with us paying all of the costs and having all of the responsibility for the subsequent administration with Iraq. I disagree with it; but if one agrees with it, it is the height of irresponsibility to pretend that we can pay for it in the current situation without serious social harm.

This administration put through a major tax cut 2 years ago with the consent of Congress, over my objection and many others. Since that time, we have committed to spend on a war on Afghanistan, which I supported; reconstruction of Afghanistan, our moral obligation; significant increases to compensate the victims, both municipal and individual, of the mass murders of September 11; significant ongoing increases in expenditure of homeland security. Now add to that a war in Iraq and the subsequent responsibility to run Iraq and leave that tax cut in place. Members should understand the consequences: a deterioration in our environmental cleanup; a lack of transportation spending; indeed, a reduction of real spending for virtually every other domestic program.

Mr. Speaker, the fact that deterrence still works means that is unnecessary.

The previously referred to material is as follows:

[From the Washington Post, Sept. 30, 2002]

U.S. EFFORT AIMED AT IRAQI OFFICERS

(By Walter Pincus)

The Pentagon is preparing a campaign aimed at deterring Iraqi officers from firing chemical or biological weapons during a U.S. invasion because intelligence officials believe President Saddam Hussein has given field commanders conditional authority to use the weapons in the event of an attack, according to defense and intelligence officials.

The effort would include massive leafleting of Iraqi military positions—a tactic used by U.S. forces during the Gulf War in 1991—but also might employ covert techniques that would enable the U.S. message to reach Iraqi commanders, the officials said.

Final authority to use weapons of mass destruction has resided with Hussein. But the Iraqi president's knowledge that the United States would seek to take down Iraqi command centers and communications systems at the outset of any military strike means he has likely already given authority for firing chemical and biological weapons to his most loyal commanders in the field, the officials said. They said Hussein issued similar orders before the Gulf War.

As a result, the sources said, the Pentagon plans to appeal directly to these officers not to use the weapons. One of the biggest challenges before military planners is determining which Iraqi military units can be encouraged to defect in the event of a U.S. invasion and how to communicate with them, defense officials have said.

A British intelligence report released Tuesday by Prime Minister Tony Blair said Iraqis could deploy nerve gas and anthrax weapons on 45 minutes' notice. It also said Hussein may have already delegated authority to order use of such weapons to his youngest son, Qusai, who leads the Republican Guard—elite units that control deployed weapons for mass destruction.

The Pentagon's campaign was signaled recently by Defense Secretary Donald H. Rumsfeld. Testifying before the House Armed Services Committee, Rumsfeld said, "Wise Iraqis will not obey orders to use WMD [weapons of mass destruction].... The United States will make clear at the outset that those who are not guilty of atrocities can play a role in the new Iraq. But if WMD is used, all bets are off."

Rumsfeld added that if the order to use chemical or biological weapons were made by Hussein, "that does not necessarily mean his orders would be carried out. He might not have anything to lose, but those beneath him in the chain of command most certainly would have a great deal to lose."

A Pentagon official said Rumsfeld's comments "are at least the start of telling them we are serious."

After the Gulf War, coalition force interrogators learned that Hussein had decided ahead of time to give commanders the go-ahead to use chemical weapons if Baghdad's communications were interrupted.

One administration source said the Iraqi president issued specific orders to use the weapons if "the allies were winning the ground war and they had crossed a line due west of the city of Al-Amarah," which is 200 miles south of Baghdad. Iraqi unit commanders were also told they should employ the weapons against Iranian forces if they crossed the border during the war and moved into Iraq's Maysan Province, where Al-Amarah is located.

Although Iraq's chemical artillery shells and warheads were deployed during the war, they were not used. U.S. officials now believe this was because the United States had repeatedly cautioned Iraq before the fighting started that use of such weapons would draw a immediate and possibly overwhelming response that would topple Hussein from power.

One reason the Pentagon has adopted a plan to dissuade Iraqi officers from ordering the use of chemical or biological weapons is that, unlike in 1991, this deterrent has been rendered moot by the administration's decision to make removing Hussein the goal of any military action.

Whether a plan to deter Iraqi commanders from employing the weapons will work is a matter of disagreement among military experts. The Republican Guard units that control the weapons are run by Hussein's most loyal officers.

They will face a short-term or a long-term problem" one former senior intelligence official said. "We may come after them when the fighting is over. But there may be a Saddam loyalist with a gun who is threatening to kill him right away if he doesn't follow orders."

Judith Yaphe, an Iraq specialist at the National Defense University, said that in 1991, according to documents found after the war, Hussein had tried to persuade his commanders to use the weapons because they would be killed anyway. Also, Hussein had placed loyalists with the commanders to enforce his wishes. "The question is, are they still there?" she said.

Richard Russell, a CIA area analyst who specialized in Iraq and is now at the National Defense University, said the effort to deter individual commanders "makes sense as an attempt." But he noted that Iraqi operational security was very good in the Gulf War and "you have to assume it is much better now."

After Iraq's invasion of Kuwait in 1990, U.S. officials talked openly of American forces making preparations for waging combat in a chemical environment. Then-Secretary of State James A. Baker III told Iraqi Foreign Minister Tariq Aziz that Hussein's government would be endangered if such weapons were used. Then-Defense Secretary Richard B. Cheney hinted that if such an attack took place against Israel, that country might respond with nuclear weapons.

In the war's aftermath, U.S. intelligence officials learned that Iraq had been deterred from using chemical weapons by the threat of massive retaliation. Iraqi artillery units armed with chemical shells were segregated from the rest of the forces and chemical munitions were never moved to Kuwait and never moved toward the front as coalition forces approached, and in some cases breached, the Iraq-Kuwait border.

C.I.A. LETTER TO SENATE ON BAGHDAD'S INTENTIONS

Following is the text of a letter dated Oct. 7 to Senator Bob Graham, Democrat of Florida and chairman of the Intelligence Committee, by George J. Tenet, director of central intelligence, about decisions to declassify material related to the debate about Iraq:

In response to your letter of 4 October 2002, we have made unclassified material available to further the Senate's forthcoming open debate on a Joint Resolution concerning Iraq.

As always, our declassification efforts seek a balance between your need for unfettered debate and our need to protect sources and methods. We have also been mindful of a shared interest in not providing to Saddam a blueprint of our intelligence capabilities and shortcomings, or with sight into our expectation of how he will and will not act. The salience of such concerns is only heightened by the possibility of hostilities between the U.S. and Iraq.

These are some of the reasons why we did not include our classified judgments on Saddam's decision-making regarding the use of weapons of mass destruction (W.M.D.) in our recent unclassified paper on Iraq's Weapons of Mass Destruction. Viewing your request with those concerns in mind, however, we can declassify the following from the paragraphs you requested:

Baghdad for now appears to be drawing a line short of conducting terrorist attacks with conventional or C.B.W. [chemical and biological weapons] against the United States.

Should Saddam conclude that a U.S.-led attack could no longer be deterred, he probably would become much less constrained in adopting terrorist actions. Such terrorism might involve conventional means, as with Iraq's unsuccessful attempt at a terrorist offensive in 1991, or C.B.W.

Saddam might decide that the extreme step of assisting Islamist terrorists in conducting a W.M.D. attack against the United States would be his last chance to exact vengeance by taking a large number of victims with him.

Regarding the 2 October closed hearing, we can declassify the following dialogue:

Senator Levin [Carl Levin, Democrat of Michigan]: ... If (Saddam) didn't feel threatened, did not feel threatened, is it likely that he would initiate an attack using a weapon of mass destruction?

Senior Intelligence Witness: ... My judgment would be that the probability of him initiating an attack—let me put a time frame on it—in the foreseeable future, given the conditions we understand now, the likelihood I think would be low.

Senator Levin: Now if he did initiate an attack you've ... indicated he would probably attempt clandestine attacks against us ... But what about his use of weapons of mass destruction? If we initiate an attack and he thought he was in extremis or otherwise, what's the likelihood in response to our attack that he would use chemical or biological weapons?

Senior Intelligence Witness: Pretty high, in my view.

In the above dialogue, the witness's qualifications—"in the foreseeable future, given the conditions we understand now"—were intended to underscore that the likelihood of Saddam using W.M.D. for blackmail, deterrence, or otherwise grows as his arsenal builds. Moreover, if Saddam used W.M.D., it would disprove his repeated denials that he has such weapons.

Regarding Senator Bayh's [Evan Bayh, Democrat of Indiana] question of Iraqi links to al-Qa'ida. Senators could draw from the following points for unclassified discussions:

Our understanding of the relationship between Iraq and al-Qa'ida is evolving and is based on sources of varying reliability. Some of the information we have received comes from detainees, including some of high rank.

We have solid reporting of senior level contacts between Iraq and al-Qa'ida going back a decade.

Credible information indicates that Iraq and al-Qa'ida have discussed safe haven and reciprocal nonaggression.

Since Operation Enduring Freedom, we have solid evidence of the presence in Iraq of al-Qa'ida members, including some that have been in Baghdad.

We have credible reporting that al-Qa'ida leaders sought contacts in Iraq who could help them acquire W.M.D. capabilities. The reporting also stated that Iraq has provided training to al-Qa'ida members in the areas of poisons and gases and making conventional bombs.

Iraq's increasing support to extremist Palestinians coupled with growing indications of a relationship with al-Qa'ida, suggest that Baghdad's links to terrorists will increase, even absent U.S. military action.

Mr. ISSA. Mr. Speaker, in an effort to keep fairness in this body, I believe there are more speakers on the other side of the aisle, and I would like to inquire how much longer they would need in order to find a way to equalize time?

Mr. PAYNE. Mr. Speaker, we would need a minimum of at least one full hour. That would be the least amount of time. It is very difficult to predict. We will not let anyone speak over 5 minutes. However, we feel an obligation to every Member who was promised the opportunity to speak. We want to live up to our obligations, but we will try to move it along as quickly as possible.

Mr. ISSA. Mr. Speaker, certainly the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) had every intention in making sure that every Member got an opportunity to speak.

The SPEAKER pro tempore (Mr. TERRY). The gentleman from New Jersey (Mr. PAYNE) has 16 minutes remaining.

Mr. ISSA. Mr. Speaker, I ask unanimous consent to yield 44 minutes to the gentleman from New Jersey (Mr. PAYNE) and that he may control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. FRANK. Mr. Speaker, will the gentleman yield?

Mr. ISSA. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Speaker, I want to express my deep appreciation to the gentleman from California, and to the majority, for this very generous action. It is not always the norm, and I just want to express my appreciation.

Mr. ISSA. Mr. Speaker, I thank the gentleman and hope it will always be the norm on the Committee on International Relations.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. RUSH).

Mr. RUSH. Mr. Speaker, as a representative of the thousands in my district who are opposed to an ill-conceived war, I rise in opposition to this resolution on the use of force against Iraq.

Thousands of my constituents have spoken. Families of military personnel who reside in my district have spoken. They have all emphatically and resoundingly delivered an answer to the question of going to war with Iraq; and the answer is, no, no, and no. No against the war in Iraq. No against sending their sons and daughters to war for yet-unknown reasons. And no to the ignoring of the economic problems that still are plaguing our Nation.

The war that my constituents want us to wage is a war on poverty, a war on layoffs, a war on inadequate health care, a war on a lack of affordable housing and a war for economic opportunity and fairness.

Over the last several months, the President has been earnest in his efforts to inform the American public of what the risks are of not going to war and what they may be. But, to date, he has not convinced the people in my district why their sons and their daughters should be placed in harm's way.

If we are going to engage in an honest debate, we owe it to the American public to ask the right questions. Questions like: What will the number of military and civilian casualties be?

Questions like: How long will the conflict in Iraq be expected to last? And simple questions like: Does Saddam Hussein pose a clear and present threat to the United States?

Simply citing all the atrocities committed by Saddam Hussein, and there are many atrocities that have been ignored for a decade, and calling Saddam Hussein a bad name is simply not enough.

Mr. Speaker, during this incredible moment in American history, we should all be reminded of a quote by President James Madison, "The advancement and infusion of knowledge is the only guardian of liberty."

If we are sincere about bringing democracy to the people of Iraq, we should lead by example in every step of the way. We should lead by presenting the American public and the American people with clear, balanced and realistic information on the consequences of a war on Iraq.

Let us not insult our own citizens by ignoring the fact that all nations in the Middle East region and many of our long-standing allies around the world oppose this war. They see military action in Iraq as a glorified oil and land grab. Let us not ignore the fact that a strike against Iraq will not only have the effect of inflaming existing resentment of U.S. foreign policy and possibly provoking renewed terrorist attacks on Americans both here and abroad.

And despite the President's proclamation that America is a friend of the Iraqi people, we cannot insult the American people by ignoring the fact that U.S.-led sanctions have created a hotbed of disease and extreme poverty in Iraq, and war will only plunge the Iraqi people deeper into death and despair.

For those who are saber rattling, war mongering and unconcerned with America's place in the global community, let us not ignore the consequences that the American people will have to pay.

To this issue, some argue that a war with Iraq is worth the blood of young Americans. But as a Representative who may have to face mothers and fathers and brothers and sisters of fallen constituents, I will not disrespect and dishonor them with tough talk, tough talk that refuses to answer obvious questions, tough talk that only provides the American people with answers that do not answer, with explanations that do not explain, and conclusions that do not conclude.

While I am confident that we will win an armed conflict with Iraq, there must be a forthright discussion with the public about the impact of a war on the American people and the world in which we live.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Mrs. DAVIS), a member of the Committee on Armed Services.

Mrs. DAVIS of California. Mr. Speaker, with a deep appreciation for the gravity of our collective decision, I rise to oppose this resolution, not because I disagree with the goal of disarming Saddam Hussein, with force if necessary, but because I believe that this resolution is dangerously broad and counterproductive to America's greater goal of winning the war on terrorism.

Mr. Speaker, over the course of the history of our country and the Congress, relatively few issues have risen to the significance of a declaration of war. Like many of my colleagues, I have personally anguished over this decision because I am convinced that Saddam Hussein is a threat. It is clear that he has designs to amass weapons of mass destruction with the intent to exert control over the Middle East, if not a larger region. The core of our decision lies in the best way to address this threat.

I have tried to understand all perspectives. I have attended classified and public hearings, examined evidence, studied pages of material, and sought the counsel of many. I have listened intently to those who have fought wars and those who have prevented them. I have also listened attentively to the citizens of San Diego.

Mr. Speaker, looking back on the lessons of history, it is clear no one can predict the future. Those faced with difficult decisions must make the best judgment based on the information at hand. To be sure, in the words of Secretary Rumsfeld, "We do not know what we do not know." However, that is precisely the reason that I continue to have reservations about unilateral force.

Unilateral preemptive force may indeed win the battle for Iraq but cause us to lose the war by isolating America from its many allies, turning nations against us and reinforcing the cause of those who wish us harm.

In addition to these considerations, we must consider our young men and women in uniform. Before sending them into harm's way, we must fully explore every other avenue to achieve our goals without risking their lives. I do not believe we have done that.

I applaud the efforts of many to bring Congress to a place where there is more agreement than disagreement. While we may disagree on the manner, we agree that something must be done, and we agree that Saddam Hussein is a menace, and we agree that the United States must exercise its leadership.

To be a true leader, we must convince others to follow. Hubert Humphrey once said, "Leadership in today's world requires far more than a large stock of gunboats and a hard fist at the conference table." That is precisely why we must continue to seek options to unilateral force, to work with the United Nations and the world community, and to use force only when all other options are exhausted. If we do not, how can we expect others to do likewise?

In addition, we must be clear in our goal. Again, citing the Secretary of Defense, our goal is disarmament. To achieve this, we must insist on tough new rigorous U.N. inspections. If those inspections are thwarted, we may use force, first, if sanctioned by the U.N. Security Council, and then alone if necessary.

Based on these principles, I will support the Spratt substitute because it embodies the best way to address the threat posed by Saddam. It holds the U.N. accountable, and it retains Congress's prerogative to truly be the voice of the American people.

□ 2300

Mr. Speaker, I question the notion that we must speak with one voice because it is the collection of voices that grants us our strength. Mr. Speaker, tomorrow I will vote "no" because House Joint Resolution 114 is a premature de facto declaration of war that fails to recognize the fundamental tenet that leadership involves leading, not merely acting alone. But make no mistake. A "no" vote on the resolution does not restrict the President's power to act should an imminent threat arise. He already has that authority.

To conclude, let me say to the servicemen and women, especially those living in San Diego who will be called upon to enforce this policy, my admiration and respect for you is as strong as ever and it will never waiver. Just as you always do your duty to America regardless of how you personally feel about a particular mission, so will I do my duty to give you the support you need to complete your mission and get home safely. Along with my fellow Members of the House Committee on Armed Services, I will fight vigorously to get you every tool you need to do the job right.

To my colleagues on the committee and in Congress, I hope you will take my opposition to this resolution in the spirit in which it is offered, that of doing what I feel must be done to fight and win the war on terrorism and empower diplomacy. We may disagree over the strategy of addressing the threats posed by Iraq at this time, but we are united in the greater goal to free America and the world from the threat of terrorism.

To our enemies in Iraq and elsewhere, a warning: do not confuse democracy and debate with disunity or disarray. Our voices constitute our strength, and the United States of America is united in its resolve.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from Vermont (Mr. SANDERS), a member of the Committee on Government Reform and the Committee on Financial Services, a true leader in this government.

Mr. SANDERS. Mr. Speaker, I thank my friend from New Jersey for yielding me this time.

Mr. Speaker, I do not think any Member of this body disagrees that Saddam Hussein is a tyrant, a murderer, and a man who has started two wars. He is clearly someone who cannot be trusted or believed. The question, Mr. Speaker, is not whether we like Saddam Hussein or not. The question is whether he represents an imminent threat to the American people and whether a unilateral invasion of Iraq will do more harm than good.

Mr. Speaker, the front page of The Washington Post today reported that all relevant U.S. intelligence agencies now say despite what we have heard from the White House that "Saddam Hussein is unlikely to initiate a chemical or biological attack against the United States." Even more importantly, our intelligence agencies say that should Saddam conclude that a U.S.-led attack could no longer be deterred, he might at that point launch a chemical or biological counterattack. In other words, there is more danger of an attack on the United States if we launch a precipitous invasion.

• Mr. Speaker, I do not know why the President feels, despite what our intelligence agencies are saying, that it is so important to pass a resolution of this magnitude this week and why it is necessary to go forward without the support of the United Nations and our major allies including those who are fighting side by side with us in the war on terrorism.

But I do feel that as a part of this process, the President is ignoring some of the most pressing economic issues affecting the well-being of ordinary Americans. There has been virtually no public discussion about the stock market's loss of trillions of dollars over the last few years and that millions of Americans have seen the retirement benefits for which they have worked their entire lives disappear. When are we going to address that issue? This country today has a $340 billion trade deficit, and we have lost 10 percent of our manufacturing jobs in the last 4 years, 2 million decent-paying jobs. The average American worker today is working longer hours for lower wages than 25 years ago. When are we going to address that issue?

Mr. Speaker, poverty in this country is increasing and median family income is declining. Throughout this country family farmers are being driven off of the land; and veterans, the people who put their lives on the line to defend us, are unable to get the health care and other benefits they were promised because of government underfunding. When are we going to tackle these issues and many other important issues that are of such deep concern to Americans?

Mr. Speaker, in the brief time I have, let me give five reasons why I am opposed to giving the President a blank check to launch a unilateral invasion and occupation of Iraq and why I will vote against this resolution. One, I have not heard any estimates of how many young American men and women might die in such a war or how many tens of thousands of women and children in Iraq might also be killed. As a caring Nation, we should do everything we can to prevent the horrible suffering that a war will cause. War must be the last recourse in international relations, not the first. Second, I am deeply concerned about the precedent that a unilateral invasion of Iraq could establish in terms of international law and the role of the United Nations. If President Bush believes that the U.S. can go to war at any time against any nation, what moral or legal objection could our government raise if another country chose to do the same thing?

Third, the United States is now involved in a very difficult war against international terrorism as we learned tragically on September 11. We are opposed by Osama bin Laden and religious fanatics who are prepared to engage in a kind of warfare that we have never experienced before. I agree with Brent Scowcroft, Republican former National Security Advisor for President George Bush, Sr., who stated, "An attack on Iraq at this time would seriously jeopardize, if not destroy, the global counterterrorist campaign we have undertaken."

Fourth, at a time when this country has a $6 trillion national debt and a growing deficit, we should be clear that a war and a long-term American occupation of Iraq could be extremely expensive.

Fifth, I am concerned about the problems of so-called unintended consequences. Who will govern Iraq when Saddam Hussein is removed and what role will the U.S. play in an ensuing civil war that could develop in that country? Will moderate governments in the region who have large Islamic fundamentalist populations be overthrown and replaced by extremists? Will the bloody conflict between Israel and the Palestinian Authority be exacerbated? And these are just a few of the questions that remain unanswered.

If a unilateral American invasion of Iraq is not the best approach, what should we do? In my view, the U.S. must work with the United Nations to make certain within clearly defined timelines that the U.N. inspectors are allowed to do their jobs. These inspectors should undertake an unfettered search for Iraqi weapons of mass destruction and destroy them when found, pursuant to past U.N. resolutions. If Iraq resists inspection and elimination of stockpiled weapons, we should stand ready to assist the U.N. in forcing compliance.

Mr. ISSA. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. MCCRERY).

Mr. MCCRERY. Mr. Speaker, I rise in support of House Joint Resolution 114.

Mr. Speaker, I rise in support of House Joint Resolution 114, which would authorize the use of military force against Iraq.

The diplomatic and military situation in Iraq without question remains one of the most difficult security issues facing the United States and the international community. It has only been further complicated by the terrorist attacks on our country last year. Recently, the President's national security adviser said Saddam Hussein has sheltered al-Qaeda terrorists in Baghdad and helped train some in the development of chemical weapons. Also of concern is the revelation that there may have been a meeting between a senior Iraqi intelligence official and Mohammed Atta, the leader of the September 11 attacks.

The administration has stated on numerous occasions that the war on terrorism will continue to be fought against all countries that support or harbor terrorists. It appears that list must include Iraq.

Our national security depends on preventing other countries from developing weapons of mass destruction. Iraq has pursued an agenda to develop weapons of mass destruction including chemical, biological, and nuclear weapons for many years. Saddam Hussein has already demonstrated an unconscionable willingness to use chemical weapons on his own people, attacking ethnic Kurds in Northern Iraq. He also used them against Iranian troops during the Iran-Iraq War. Iraq's arsenal includes several delivery systems, including long-range missiles capable of carrying dangerous payloads to our allies in the Middle East and Europe, including U.S. military bases in Bahrain and Turkey.

The United Nations Security Council required Iraq to scrap all weapons of mass destruction and long-range missiles and to allow for weapons verification inspections. For the past four years, Iraq has prevented representatives of the United Nations from inspecting Iraq's weapon facilities. It is clear that the Iraqi government has undermined the authority of the United Nations by rebuilding many of its chemical, biological, and nuclear weapon manufacturing plants.

Iraq has a history of invading its neighbors and using any and all weapons at its disposal against its enemies. A nuclear weapon in the hands of Hussein's brutal regime would give him an unacceptable upper hand to expand control over the world's petroleum reserves and quite possibly give him the leverage he needs to expand the borders of tyranny.

Mr. Speaker, it is not an unlikely possibility that Iraq, as a state-sponsor of terrorism, would transfer weapons of mass destruction to terrorists intent on using them against the United States. September 11th showed us that America is not immune to terror attacks, and Iraq's ties to international terrorist groups are unquestioned.

I support the President's campaign against any state, including Iraq, which is found to support terrorism or seeks to develop weapons of mass destruction with the intent of attacking America or its allies. We cannot wait for a transparent threat to materialize. The longer we wait, the more we risk another unthinkable attack upon our soil. Simply put, the

United States cannot ignore the threat that Iraq poses to our way of life and that of our allies.

Saddam Hussein must be held accountable for years of noncompliance with United Nations resolutions. Failure to enforce the resolutions weakens the authority of the United Nations itself and sends a message to the foes of peace that future disobedience will be objected to solely through empty threats and resolutions without teeth.

I am hopeful that diplomatic efforts may yet succeed, and believe the United States must try to work with our allies and the international community towards a peaceful solution to our present situation. Every Member of Congress weighs this decision carefully, knowing the votes we cast may place the men and women of our armed forces in harm's way. Yet if it becomes necessary, we must be certain we do not embark upon a Sicilian Expedition. Any use of force should include clear goals. If we are to enter into conflict in Iraq, we must plainly establish our objectives and follow through on a commitment to purge terror and rebuild Iraq into a strong and stable nation.

Our first priority of any use of force should be to eliminate the ability of the Hussein regime to manufacture, distribute, or employ weapons of mass destruction. Hussein's goal has always been to obtain a weapon of such destructive force, that no other nation would be willing to resist his will. It would be fundamentally irresponsible to allow Iraq to obtain a weapon that could be used to deter allied forces from enforcing the internationally recognized authority of the United Nations. Saddam's arsenal of aggression and terror must be completely destroyed in order to encourage stability and prevent the proliferation of those weapons to other parts of the region. This action must be our first goal.

The second goal, is the removal of Saddam Hussein from power. Iraq has traditionally been a nation of commerce and prosperity, but Hussein hoards the resources of his country, starving her citizens into submission. His power is sustained by a 25,000-strong Republican Guard who, in return for maintaining Saddam's rule, are rewarded with Iraq's riches at the expense of her people. Hussein is not only guilty of some of the most heinous crimes against humanity, but he rules Iraq like a gangster by modeling his authority on the oppressive tyranny of Joseph Stalin and frequently and personally executes any who oppose his rule or stand in his way. We cannot continue to allow Hussein to cow the Iraqi people into living under an umbrella of terror. Hussein's sinister methodology of terror, assassination, and execution against all who oppose him must end. We must support a regime change.

Our third objective should include a plan to root out all elements of terror within Iraq and bring accountability to the war on terror within the borders of Iraq. Hussein's government has proven uncooperative and refuses to help in the identification and apprehension of those in terror networks. The Hussein regime is unable to control areas within Northern Iraq giving terrorist organizations like al-Qaeda free rein to operate within Iraq's borders. This stands in stark contrast to the other nations in the region who are working with the United States to eradicate terrorist networks.

Finally, the United States and the International Community must create a plan to rebuild Iraq and to restore a government that represents the interests of Iraqis and is dedicated to reconstructing an economy decimated by tyranny. New leadership will give the people of Iraq an opportunity to become a responsible member of the international community.

Mr. Speaker, President Bush has requested the Congress pass a resolution authorizing the use of military force to enforce the United Nations' Security Council Resolutions which Iraq continues to defy. We must defend the national security interests of the United States. We must eliminate the threat posed by Iraqi terror and we must work to restore international peace and security to Iraq.

Mr. Speaker, I urge my colleagues to join me in support of House Joint Resolution 114.

Mr. ISSA. Mr. Speaker, I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. JACKSON), a real spokesperson for justice in this country and a member of the Committee on Appropriations.

Mr. JACKSON of Illinois. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in opposition to this resolution. On September 11, 2001, our Nation changed. We were traumatized when al Qaeda terrorists attacked our Nation, killed nearly 3,000 Americans, wounded many others physically, emotionally, and spiritually; destroyed families and buildings and disrupted our economy. The President, the Congress, and the American people responded quickly, appropriately and with courage. All Americans support the war on terrorism, and they want homeland security.

However, terrorism not only changed our psyche; it changed our politics. Our politics shifted from hope to fear, and fear now clouds our thinking. September 11 and Iraq are two distinct issues. Nevertheless, President Bush is trying to take our legitimate fear following 9–11 and illegitimately link it to Iraq. The White House and some in this body have sought to link al Qaeda and September 11 to Iraq. That alleged link underscores the President's position that the Iraqi threat is imminent. However, congressional Permanent Select Committee on Intelligence members have said President Bush has presented no factual evidence proving that link. Even the President separates 9–11 from an imminent Iraqi threat, and here is the proof. President Bush sees 9–11 and Iraq as separate because just 2 weeks ago on September 24, he lowered the domestic risk of terrorist attacks from orange to yellow. He lowered it. If the Iraqi threat were imminent, would not the risk of terrorist attacks have at least remained the same, at orange, or even elevated and raised to red, a severe risk of terrorist attacks? But the President lowered it from orange to yellow.

Yes, Iraq's threat is real; and in light of 9–11, it is normal for Americans to be afraid, but the Iraqi threat is not imminent. We should not let it affect our politics over the next 3 weeks. We should not vote on the basis of fear of an imminent threat from Saddam Hussein. We must vote our hopes and not our fears. So far this debate has been about military sticks, whether, when or under what circumstances to use them. But why not try carrots too? Most Americans do not know that the United States would not lift economic sanctions on Iraq even if Saddam agreed to and fully implemented all U.N. resolutions.

In 1997 Secretary Albright said the U.S. would only lift sanctions when Saddam Hussein was gone, not when Iraq lived up to U.N. resolutions. President Clinton stated sanctions will be there until the end of time or as long as Hussein lasts. But economic sanctions are only hurting the people, making life miserable for the average Iraqi, causing an estimated 500,000 deaths, mainly women and children. The economic sanctions are not hurting Saddam Hussein. If they were, he would not be the threat that the President says he is. Insisting on a regime change before lifting economic sanctions goes beyond the legal mandate of U.N. policy and is not authorized by any U.N. resolution. We need to lure Iraqi compliance with a meaningful economic inducement, not merely threaten them with military force. Why does the United States not offer to lift economic sanctions in an orderly and progressive way in exchange for unfettered and comprehensive inspections? Without the carrot of lifting economic sanctions in exchange for removing weapons of mass destruction, the Iraqi government has no incentive to cooperate. Offering to lift economic sanctions in exchange for unfettered inspections will gain the support within Iraq and among our allies.

Before there is any authorization for the use of armed force against Iraq, we must make sure that all peaceful means containing and eliminating Iraq's weapons of mass destruction have been exhausted, including offering positive incentives, and the U.S. should lead this initiative. This positive incentive to get Saddam Hussein to comply has not and is not currently in play. But until we make this overture and change the policy of only lifting economic sanctions after a regime change, we will not have exhausted all peaceful alternatives to force.

We are a Nation united by our Constitution and committed to the rule of law. That commitment is now challenged by an outlaw. We must bring this outlaw to justice but not become outlaws ourselves. And while our attention is focused on a military threat overseas, we are drowning at home economically. I believe we can creatively insist on a peaceful resolution to eliminate Saddam's weapons of mass destruction without an invasion and the actual use of force. Our military might is unquestioned. Our wisdom, our compassion, our commitment to a nonviolent means of resolving conflict is not. By that and that alone will move us toward a genuine peace, justice and security for all.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. NADLER), member of the Committee on the Judiciary.

Mr. NADLER. Mr. Speaker, I thank the gentleman for the time. Mr. Speaker, I rise in opposition to this resolution. I take the threat of nuclear weapons in the hands of a hostile and aggressive Iraq very seriously. On September 11 when my district was attacked, I thanked God the terrorists did not have nuclear weapons. We all want to protect this Nation. The question before us today is not whether to protect America, but how best to do so.

Saddam Hussein unquestionably poses a real danger. He has consistently shown a virulent hostility to the United States and to Israel, a willingness to invade other countries without provocation, a willingness to use chemical and biological weapons against civilian populations, a relentless drive to obtain weapons of mass destruction including nuclear weapons and the means to deliver them, and a reckless aggressiveness.

□ 2315

The conclusion is inescapable that the acquisition of nuclear weapons by Iraq would pose an intolerable threat to the United States and to world peace. That threat must be met, if at all possible, through the United Nations and in accordance with international law, but war must be the last resort, not the first option.

The resolution before us is not a compromise. It is in all important respects still very much the original draft: a blank check, like the Gulf of Tonkin resolution. We must not grant the President a blank check.

Make no mistake, this resolution grants the President the power to go to war entirely at his discretion. While the resolution pays lip service to the need for international cooperation, it does not require the President to seek it. While the resolution mentions a desire to work through the United Nations, it does not require the President to exhaust our options at the U.N. before starting a war.

The resolution requires the President to inform Congress that efforts in the U.N. and the international community have failed, but he need not do so until after he starts a war. We must grant the President the power to take prudent action to meet the threat from Iraq but only action that does not itself threaten international peace and security.

The United States should seek a U.N. resolution providing for the immediate return to Iraq of beefed-up arms inspection teams and demanding that they be afforded unfettered and unconditional access to all sites they deem necessary to accomplish their task of locating and destroying all chemical, biological, and nuclear weapons and their production facilities.

The U.N. resolution should authorize the use of military force to the extent necessary to overcome any Iraqi attempts to interfere with the inspection teams, and Congress should authorize the President to use such military force only to enable the inspection teams to do their jobs.

We might this way be able to eliminate the threat of Iraq's chemical, biological, and nuclear weapons without military conflict. But if military conflict occurred, we would be better off as part of a multilateral effort enforcing a Security Council inspection and disarmament order, with the onus on Saddam Hussein for starting the conflict, than we would as the Lone Ranger invading Iraq on our own, with most of the world looking on in disapproval.

Let me remind my colleagues: Before they were ejected from Iraq, U.N. inspectors destroyed more weapons and more weapons facilities than did the coalition forces during the Gulf War. This proven, successful course of action should be fully utilized before we risk regional conflagration.

I believe the Security Council would adopt a resolution embodying such a specific limited approach, and that, working through the U.N. and with other nations, the U.S. could participate in successfully implementing it.

Finally, Mr. Speaker, the President insists that, in addition to disarming Saddam, we must overthrow his regime. Demanding regime change is extremely dangerous. It is one thing to tell Saddam he must disarm. It is quite another to demand the end of his regime.

Faced with such a threat, which in practical terms means his death, there would be nothing to deter Saddam Hussein from deciding, like Samson in the Philistine temple, that he might as well pull the world down with him. Why should he not go down in history as an Arab hero by attacking Israel with chemical or biological weapons of perhaps devastating lethality? Israel might then feel compelled to retaliate, and no one could calculate the course of escalation from there.

But Members do not need to take my evaluation of this threat. Just yesterday, the director of the CIA, George Tenet, told the other body that "Baghdad, for now, appears to be drawing a line short of conducting terrorist attacks with conventional or chemical or biological weapons." But, he continued, if Saddam concluded the survival of his regime was threatened, "he probably would become much less constrained in adopting terrorist action."

Mr. Speaker, we must constrain the administration from pursuing this perilous course. The substitute resolution offered by the gentleman from South Carolina (Mr. SPRATT) grants the President the authority to use military force as part of a multilateral effort to divest Saddam of his weapons of mass destruction.

That is as far as we should go. We must draw this line, Mr. Speaker, not because we are unconcerned with our country's security, but precisely because we care so very, very much for it.

CONFERENCE REPORT ON H.R. 5010, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2003

Mr. LEWIS of California, submitted the following conference report and statement on the bill (H.R. 5010) making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes:

CONFERENCE REPORT (H.R. 107-732)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5010) "making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $26,855,017,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $21,927,628,000.

Military Personnel, Marine Corps

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $8,501,087,000.

Military Personnel, Air Force

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $21,981,277,000.

Reserve Personnel, Army

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $3,374,355,000.

Reserve Personnel, Navy

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,907,552,000.

Reserve Personnel, Marine Corps

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $553,983,000.

Reserve Personnel, Air Force

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,236,904,000.

National Guard Personnel, Army

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $5,114,588,000.

National Guard Personnel, Air Force

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,125,161,000.

TITLE II

OPERATION AND MAINTENANCE

Operation and Maintenance, Army

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $10,818,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $23,992,082,000: Provided, That, of the funds appropriated in this paragraph, not less than $355,000,000 shall be made available only for conventional ammunition care and maintenance: Provided further, That of the funds made available under this heading, $2,500,000 shall be available for Fort Baker, in accordance with the terms and conditions as provided under the heading "Operation and Maintenance, Army", in Public Law 107–117.

Operation and Maintenance, Navy

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $4,415,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $29,331,526,000.

Operation and Maintenance, Marine Corps

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $3,585,759,000.

Operation and Maintenance, Air Force

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,902,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $27,339,533,000: Provided, That notwithstanding any other provision of law, that of the funds available under this heading, $750,000 shall only be available to the Secretary of the Air Force for a grant to Florida Memorial College for the purpose of funding minority aviation training: Provided further, That of the amount provided under this heading, $2,000,000 may be obligated for the deployment of Air Force active and Reserve aircrews that perform combat search and rescue operations to operate and evaluate the United Kingdom's Royal Air Force EH–101 helicopter, to receive training using that helicopter, and to exchange operational techniques and procedures regarding that helicopter.

Operation and Maintenance, Defense-Wide

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $14,773,506,000, of which not to exceed $25,000,000 may be available for the CINC initiative fund account; and of which not to exceed $34,500,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: Provided, That notwithstanding any other provision of law, of the funds provided in this Act for Civil Military programs under this heading, $750,000 shall be available for a grant for Outdoor Odyssey, Roaring Run, Pennsylvania, to support the Youth Development and Leadership program and Department of Defense STARBASE program: Provided further, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: Provided further, That $4,675,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: Provided further, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

Operation and Maintenance, Army Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,970,180,000.

Operation and Maintenance, Navy Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities *and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,236,809,000.*

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $187,532,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2.163,104,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $4,261,707,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things, hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $4,117,585,000.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For expenses directly relating to Overseas Contingency Operations by United States military forces, $5,000,000, to remain available until expended: Provided, That the Secretary of Defense may transfer these funds only to military personnel accounts; operation and maintenance accounts within this title; the Defense Health Program appropriation; procurement accounts; research, development, test and evaluation accounts; and to working capital funds: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained elsewhere in this Act.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $9,614,000, of which not to exceed $2,500 can be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $395,900,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $256,948,000, to remain available until transferred: Provided, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $389,773,000, to remain available until transferred: Provided, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $23,498,000, to remain available until transferred: Provided, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $246,102,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2547, and 2551 of title 10, United States Code), $58,400,000, to remain available until September 30, 2004.

FORMER SOVIET UNION THREAT REDUCTION

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $416,700,000, to remain available until September 30, 2005: Provided, That of the amounts provided under this heading, $10,000,000 shall be available only to support the dismantling and disposal of nuclear submarines and submarine reactor components in the Russian Far East.

SUPPORT FOR INTERNATIONAL SPORTING COMPETITIONS, DEFENSE

For logistical and security support for international sporting competitions (including pay and non-travel related allowances only for members of the Reserve Components of the Armed Forces of the United States called or ordered to active duty in connection with providing such support), $19,000,000, to remain available until expended.

TITLE III

PROCUREMENT

Aircraft Procurement, Army

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,285,574,000, to remain available for obligation until September 30, 2005: Provided, That of the funds made available under this heading, $39,100,000 shall be available only to support a restructured CH–47F helicopter upgrade program for the full fleet to facilitate increases in the planned production rate to an economically optimal rate by fiscal year 2005: Provided further, That funds in the immediately preceding proviso shall not be made available until the Secretary of the Army has certified to the congressional defense committees that the Army intends to budget for the upgrade of the entire CH–47 fleet required for the Objective Force at economically optimal production rates in order to complete this program within ten years after it is initiated.

Missile Procurement, Army

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,096,548,000, to remain available for obligation until September 30, 2005.

Procurement of Weapons and Tracked Combat Vehicles, Army

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,266,508,000, to remain available for obligation until September 30, 2005.

Procurement of Ammunition, Army

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,253,099,000, to remain available for obligation until September 30, 2005.

Other Procurement, Army

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; and the purchase of 6 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $180,000 per vehicle; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $5,874,674,000, to remain available for obligation until September 30, 2005.

Aircraft Procurement, Navy

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $8,812,855,000, to remain available for obligation until September 30, 2005.

Weapons Procurement, Navy

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $1,868,517,000, to remain available for obligation until September 30, 2005.

Procurement of Ammunition, Navy and Marine Corps

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,165,730,000, to remain available for obligation until September 30, 2005.

Shipbuilding and Conversion, Navy

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program, $90,000,000;
Carrier Replacement Program (AP), $403,703,000;
NSSN, $1,499,152,000;
NSSN (AP), $645,209,000;
SSGN, $404,305,000;
SSGN (AP), $421,000,000;
CVN Refuelings (AP), $221,781,000;
Submarine Refuelings, $435,792,000;
Submarine Refuelings (AP), $64,000,000;
DDG–51 Destroyer, $2,321,502,000;
LPD–17, $596,492,000;
LHD–8, $243,000,000;
LCAC Landing Craft Air Cushion, $89,638,000;
Mine Hunter SWATH, $7,000,000;
Prior year shipbuilding costs, $1,279,899,000;
Service Craft, $9,756,000; and

For outfitting, post delivery, conversions, and first destination transportation, $300,608,000;

In all: $9,032,837,000, to remain available for obligation until September 30, 2007: Provided, That additional obligations may be incurred after September 30, 2007, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: Provided further, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: Provided further, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

Other Procurement, Navy

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only, and the purchase of 3 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $240,000 per unit for one unit and not to exceed $125,000 per unit for the remaining two units; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $4,612,910,000, to remain available for obligation until September 30, 2005.

Procurement, Marine Corps

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger *motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $1,388,583,000, to remain available for obligation until September 30, 2005.*

Aircraft Procurement, Air Force

For construction, procurement, lease, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $13,137,255,000, to remain available for obligation until September 30, 2005: Provided, That amounts provided under this heading shall be used for the advance procurement of 15 C–17 aircraft.

Missile Procurement, Air Force

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $3,174,739,000, to remain available for obligation until September 30, 2005.

Procurement of Ammunition, Air Force

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,288,164,000, to remain available for obligation until September 30, 2005.

Other Procurement, Air Force

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, and the purchase of 2 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $232,000 per vehicle; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $10,672,712,000, to remain available for obligation until September 30, 2005.

Procurement, Defense-Wide

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; the purchase of 4 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $250,000 per vehicle; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $3,444,455,000, to remain available for obligation until September 30, 2005.

National Guard and Reserve Equipment

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, $100,000,000, to remain available for obligation until September 30, 2005: Provided, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.

Defense Production Act Purchases

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $73,057,000, to remain available until expended, of which, $5,000,000 may be used for a Processable Rigid-Rod Polymeric Material Supplier Initiative under title III of the Defense Production Act of 1950 (50 U.S.C. App. 2091 et seq.) to develop affordable production methods and a domestic supplier for military and commercial processable rigid-rod polymeric materials.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

Research, Development, Test and Evaluation, Army

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $7,669,656,000, to remain available for obligation until September 30, 2004.

Research, Development, Test and Evaluation, Navy

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $13,946,085,000, to remain available for obligation until September 30, 2004: Provided, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces.

Research, Development, Test and Evaluation, Air Force

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $18,822,569,000, to remain available for obligation until September 30, 2004.

Research, Development, Test and Evaluation, Defense-Wide

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $17,924,642,000, to remain available for obligation until September 30, 2004.

Operational Test and Evaluation, Defense

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $245,551,000, to remain available for obligation until September 30, 2004.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

Defense Working Capital Funds

For the Defense Working Capital Funds, $1,784,956,000: Provided, That during fiscal year 2003, funds in the Defense Working Capital Funds may be used for the purchase of not to exceed 315 passenger carrying motor vehicles for replacement only for the Defense Security Service, and the purchase of not to exceed 7 vehicles for replacement only for the Defense Logistics Agency.

National Defense Sealift Fund

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $942,629,000, to remain available until expended: Provided, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: Provided further, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: Provided further, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That, notwithstanding any other provision of law, $8,500,000 of the funds available under this heading shall be available in addition to other amounts otherwise available, only to finance the cost of constructing additional sealift capacity.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law, $14,843,542,000, of which $14,100,386,000 shall be for Operation and maintenance, of which not to exceed 2 percent shall remain available until September 30, 2004; of which $284,242,000, to remain available for obligation until September 30, 2005, shall be for Procurement; of which $458,914,000, to remain available for obligation until September 30, 2004, shall be for Research, development, test and evaluation, and of which not less than $7,000,000 shall be available for HIV prevention educational activities undertaken in connection with U.S. military training, exercises, and humanitarian assistance activities conducted primarily in African nations.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,490,199,000, of which $974,238,000 shall be for Operation and maintenance to remain available until September 30, 2004, $213,278,000 shall be for Procurement to remain available until September 30, 2005, and $302,683,000 shall be for Research, development, test and evaluation to remain available until September 30, 2004.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation, $881,907,000: Provided, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $157,165,000, of which $155,165,000 shall be for Operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which $2,000,000 to remain available until September 30, 2005, shall be for Procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $222,500,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, $163,479,000, of which $24,252,000 for the Advanced Research and Development Committee shall remain available until September 30, 2004: Provided, That of the funds appropriated under this heading, $34,100,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities, and of the said amount, $1,500,000 for Procurement shall remain available until September 30, 2005 and $1,000,000 for Research, development, test and evaluation shall remain available until September 30, 2004: Provided further, That the National Drug Intelligence Center shall maintain the personnel and technical resources to provide timely support to law enforcement authorities and the intelligence community by conducting document and computer exploitation of materials collected in Federal, State, and local law enforcement activity associated with counter-drug, counter-terrorism, and national security investigations and operations.

PAYMENT TO KAHO'OLAWE ISLAND CONVEYANCE, REMEDIATION, AND ENVIRONMENTAL RESTORATION FUND

For payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund, as authorized by law, $75,000,000, to remain available until expended.

NATIONAL SECURITY EDUCATION TRUST FUND

For the purposes of title VIII of Public Law 102–183, $8,000,000, to be derived from the National Security Education Trust Fund, to remain available until expended.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: Provided, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: Provided further, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: Provided further, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: Provided, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $2,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: Provided further, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: Provided further, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: Provided further, That a request for multiple reprogrammings of funds using authority provided in this section must be made prior to May 31, 2003: Provided further, That section 8005 of the Department of Defense Appropriations Act, 2002 (Public Law 107–117) is amended by striking "$2,000,000,000", and inserting "$2,500,000,000".

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: Provided, That transfers may be made between such funds: Provided further, That transfers may be made between working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the congressional defense committees.

SEC. 8008. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: Provided, That no part of *any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: Provided further, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: Provided further, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: Provided further, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement.*

Funds appropriated in title III of this Act may be used for multiyear procurement contracts as follows:

C–130 aircraft;

FMTV; and

F/A–18E and F engine.

SEC. 8009. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported to the Congress as of September 30 of each year: Provided, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: Provided further, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8010. (a) During fiscal year 2003, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2004 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2004 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2004.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8011. Notwithstanding any other provision of law, none of the funds made available by this Act shall be used by the Department of Defense to exceed, outside the 50 United States, its territories, and the District of Columbia, 125,000 civilian workyears: Provided, That workyears shall be applied as defined in the Federal Personnel Manual: Provided further, That workyears expended in dependent student hiring programs for disadvantaged youths shall not be included in this workyear limitation.

SEC. 8012. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8013. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: Provided, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: Provided further, That this subsection applies only to active components of the Army.

SEC. 8014. None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the House of Representatives and the Senate: Provided, That this section and subsections (a), (b), and (c) of 10 U.S.C. 2461 shall not apply to a commercial or industrial type function of the Department of Defense that: (1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Javits-Wagner-O'Day Act; (2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or (3) is planned to be converted to performance by a qualified firm under 51 percent ownership by an Indian tribe, as defined in section 450b(e) of title 25, United States Code, or a Native Hawaiian organization, as defined in section 637(a)(15) of title 15, United States Code.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2301 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: Provided, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): Provided further, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: Provided further, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) or TRICARE shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: Provided, That this limitation does not apply in the case of inpatient mental health services provided under the program for persons with disabilities under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8018. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may, by executive agreement, establish with host nation governments in NATO member states a separate account into which such residual value amounts negotiated in the return of United States military installations in NATO member states may be deposited, in the currency of the host nation, in lieu of direct monetary transfers to the United States Treasury: Provided, That such credits may be utilized only for the construction of facilities to support United States military forces in that host nation, or such real property maintenance and base operating costs that are currently executed through monetary transfers to such host nations: Provided further, That the Department of Defense's budget submission for fiscal year 2004 shall identify such sums anticipated in residual value settlements, and identify such construction, real property maintenance or base operating costs that shall be funded by the host nation through such credits: Provided further, That all military construction projects to be executed from such accounts must be previously approved in a prior Act of Congress: Provided further, That each such executive agreement with a NATO member host nation shall be reported to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate 30 days prior to the conclusion and endorsement of any such agreement established under this provision.

SEC. 8019. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols.

SEC. 8020. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8021. In addition to the funds provided elsewhere in this Act, $8,000,000 is appropriated *only for incentive payments authorized by Section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): Provided, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in 25 U.S.C. 1544 or a small business owned and controlled by an individual defined under 25 U.S.C. 4221(9) shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: Provided further, That notwithstanding 41 U.S.C. §430, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part by any subcontractor or supplier defined in 25 U.S.C. §1544 or a small business owned and controlled by an individual defined under 25 U.S.C. 4221(9).*

SEC. 8022. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A–76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 48 months after initiation of such study for a multi-function activity.

SEC. 8023. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8024. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8025. (a) Of the funds for the procurement of supplies or services appropriated by this Act, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable opportunity to participate as subcontractors and suppliers in the performance of contracts let by the Department of Defense.

(b) During the current fiscal year, a business concern which has negotiated with a military service or defense agency a subcontracting plan for the participation by small business concerns pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)) shall be given credit toward meeting that subcontracting goal for any purchases made from qualified nonprofit agencies for the blind or other severely handicapped.

(c) For the purpose of this section, the phrase "qualified nonprofit agency for the blind or other severely handicapped" means a nonprofit agency for the blind or other severely handicapped that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O'Day Act (41 U.S.C. 46–48).

SEC. 8026. During the current fiscal year, net receipts pursuant to collections from third party payers pursuant to section 1095 of title 10, United States Code, shall be made available to the local facility of the uniformed services responsible for the collections and shall be over and above the facility's direct budget amount.

SEC. 8027. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: Provided, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8028. Of the funds made available in this Act, not less than $21,188,000 shall be available for the Civil Air Patrol Corporation, of which $19,688,000 shall be available for Civil Air Patrol Corporation operation and maintenance to support readiness activities which includes $1,500,000 for the Civil Air Patrol counterdrug program: Provided, That funds identified for "Civil Air Patrol" under this section are intended for and shall be for the exclusive use of the Civil Air Patrol Corporation and not for the Air Force or any unit thereof.

SEC. 8029. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: Provided, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2003 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2003, not more than 6,321 staff years of technical effort (staff years) may be funded for defense FFRDCs: Provided, That of the specific amount referred to previously in this subsection, not more than 1,050 staff years may be funded for the defense studies and analysis FFRDCs.

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2004 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by $74,200,000.

SEC. 8030. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: Provided, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: Provided further, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8031. For the purposes of this Act, the term "congressional defense committees" means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8032. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: Provided, That the Senior Acquisition Executive of the military department or defense agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: Provided further, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8033. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2003. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8034. Appropriations contained in this Act that remain available at the end of the current fiscal year as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8035. Amounts deposited during the current fiscal year to the special account established under 40 U.S.C. 485(h)(2) and to the special account established under 10 U.S.C.

2667(d)(1) are appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 485(h)(2)(A) and (B) and 10 U.S.C. 2667(d)(1)(B), to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

SEC. 8036. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the defense agencies.

SEC. 8037. Notwithstanding any other provision of law, funds available for "Drug Interdiction and Counter-Drug Activities, Defense" may be obligated for the Young Marines program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8038. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8039. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota relocatable military housing units located at Grand Forks Air Force Base and Minot Air Force Base that are excess to the needs of the Air Force.

(b) PROCESSING OF REQUESTS.—The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota.

(c) RESOLUTION OF HOUSING UNIT CONFLICTS.—The Operation Walking Shield program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) INDIAN TRIBE DEFINED.—In this section, the term "Indian tribe" means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–1).

SEC. 8040. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $100,000.

SEC. 8041. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2004 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2004 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2004 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8042. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2004: Provided, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: Provided further, That any funds appropriated or transferred to the Central Intelligence Agency for agent operations and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2004.

SEC. 8043. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8044. Of the funds appropriated to the Department of Defense under the heading "Operation and Maintenance, Defense-Wide", not less than $10,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8045. Of the funds made available in this Act, not less than $68,900,000 shall be available to maintain an attrition reserve force of 18 B–52 aircraft, of which $3,700,000 shall be available from "Military Personnel, Air Force", $40,000,000 shall be available from "Operation and Maintenance, Air Force", and $25,200,000 shall be available from "Aircraft Procurement, Air Force": Provided, That the Secretary of the Air Force shall maintain a total force of 94 B–52 aircraft, including 18 attrition reserve aircraft, during fiscal year 2003: Provided further, That the Secretary of Defense shall include in the Air Force budget request for fiscal year 2004 amounts sufficient to maintain a B–52 force totaling 94 aircraft.

SEC. 8046. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8047. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8048. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to field operating agencies funded within the National Foreign Intelligence Program.

SEC. 8049. Notwithstanding section 303 of Public Law 96–487 or any other provision of law, the Secretary of the Navy is authorized to lease real and personal property at Naval Air Facility, Adak, Alaska, pursuant to 10 U.S.C. 2667(f), for commercial, industrial or other purposes: Provided, That notwithstanding any other provision of law, the Secretary of the Navy may remove hazardous materials from facilities, buildings, and structures at Adak, Alaska, and may demolish or otherwise dispose of such facilities, buildings, and structures.

(RESCISSIONS)

SEC. 8050. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

"Procurement of Weapons and Tracked Combat Vehicles, Army, 2001/2003", $9,500,000;

"Procurement of Ammunition, Army, 2001/2003", $4,000,000;

"Other Procurement, Army, 2001/2003", $8,000,000;

"Other Procurement, Navy, 2001/2003", $5,000,000;

"Missile Procurement, Air Force, 2001/2003", $93,600,000;

"Missile Procurement, Army, 2002/2004", $37,650,000;

"Procurement of Ammunition, Army, 2002/2004", $19,000,000;

"Other Procurement, Army, 2002/2004", $21,200,000;

"Missile Procurement, Air Force, 2002/2004", $114,600,000;

"Research, Development, Test and Evaluation, Navy, 2002/2003", $1,700,000;

"Research, Development, Test and Evaluation, Air Force, 2002/2003", $69,000,000; and

"Research, Development, Test and Evaluation, Defense-Wide, 2002/2003", $19,500,000.

SEC. 8051. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8052. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of North Korea unless specifically appropriated for that purpose.

SEC. 8053. During the current fiscal year, funds appropriated in this Act are available to compensate members of the National Guard for duty performed pursuant to a plan submitted by a Governor of a State and approved by the Secretary of Defense under section 112 of title 32, United States Code: Provided, That during the performance of such duty, the members of the National Guard shall be under State command and control: Provided further, That such duty shall be treated as full-time National Guard duty for purposes of sections 12602(a)(2) and (b)(2) of title 10, United States Code.

SEC. 8054. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Foreign Intelligence Program (NFIP), the Joint Military Intelligence Program (JMIP), and the Tactical Intelligence and Related Activities (TIARA) aggregate: Provided, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8055. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2002 level: Provided, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8056. (a) LIMITATION ON PENTAGON RENOVATION COSTS.—Not later than the date each year on which the President submits to Congress the budget under section 1105 of title 31, United States Code, the Secretary of Defense shall submit to Congress a certification that the total cost for the planning, design, construction, and installation of equipment for the renovation of wedges 2 through 5 of the Pentagon Reservation, cumulatively, will not exceed four times the total cost for the planning, design, construction, and installation of equipment for the renovation of wedge 1.

(b) ANNUAL ADJUSTMENT.—For purposes of applying the limitation in subsection (a), the Secretary shall adjust the cost for the renovation of wedge 1 by any increase or decrease in costs attributable to economic inflation, based on the most recent economic assumptions issued by the Office of Management and Budget for use in preparation of the budget of the United States under section 1104 of title 31, United States Code.

(c) EXCLUSION OF CERTAIN COSTS.—For purposes of calculating the limitation in subsection (a), the total cost for wedges 2 through 5 shall not include—

(1) any repair or reconstruction cost incurred as a result of the terrorist attack on the Pentagon that occurred on September 11, 2001;

(2) any increase in costs for wedges 2 through 5 attributable to compliance with new requirements of Federal, State, or local laws; and

(3) any increase in costs attributable to additional security requirements that the Secretary of Defense considers essential to provide a safe and secure working environment.

(d) CERTIFICATION COST REPORTS.—As part of the annual certification under subsection (a), the Secretary shall report the projected cost (as of the time of the certification) for—

(1) the renovation of each wedge, including the amount adjusted or otherwise excluded for such wedge under the authority of paragraphs (2) and (3) of subsection (c) for the period covered by the certification; and

(2) the repair and reconstruction of wedges 1 and 2 in response to the terrorist attack on the Pentagon that occurred on September 11, 2001.

(e) DURATION OF CERTIFICATION REQUIREMENT.—The requirement to make an annual certification under subsection (a) shall apply until the Secretary certifies to Congress that the renovation of the Pentagon Reservation is completed.

SEC. 8057. Notwithstanding any other provision of law, that not more than 35 percent of funds provided in this Act for environmental remediation may be obligated under indefinite delivery/indefinite quantity contracts with a total contract value of $130,000,000 or higher.

SEC. 8058. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(TRANSFER OF FUNDS)

SEC. 8059. Appropriations available in this Act under the heading "Operation and Maintenance, Defense-Wide" for increasing energy and water efficiency in Federal buildings may, during their period of availability, be transferred to other appropriations or funds of the Department of Defense for projects related to increasing energy and water efficiency, to be merged with and to be available for the same general purposes, and for the same time period, as the appropriation or fund to which transferred.

SEC. 8060. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: Provided, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That this restriction shall not apply to the purchase of "commercial items", as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8061. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa, and funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8062. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8063. Notwithstanding any other provision of law, the Naval shipyards of the United States shall be eligible to participate in any manufacturing extension program financed by funds appropriated in this or any other Act.

SEC. 8064. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State (as defined in section 381(d) of title 10, United States Code) which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: Provided, That the Secretary of Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.

SEC. 8065. (a) None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: Provided, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

(b) None of the funds in this or any other Act may be used to dismantle national memorials commemorating United States participation in World War I.

SEC. 8066. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) COVERED ACTIVITIES.—This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) REQUIRED NOTICE.—A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8067. To the extent authorized by subchapter VI of chapter 148 of title 10, United States Code, the Secretary of Defense may issue loan guarantees in support of United States defense exports not otherwise provided for: Provided, That the total contingent liability of the United States for guarantees issued under the authority of this section may not exceed $15,000,000,000: Provided further, That the exposure fees charged and collected by the Secretary for each guarantee shall be paid by the country involved and shall not be financed as part of a loan guaranteed by the United States: Provided further, That the Secretary shall provide quarterly reports to the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate and the Committees on Appropriations, Armed Services, and International Relations in the House of Representatives on the implementation of this program: Provided further, That amounts charged for administrative fees and deposited to the special account provided for under section 2540c(d) of title 10, shall be available for paying the costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under subchapter VI of chapter 148 of title 10, United States Code.

SEC. 8068. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

SEC. 8069. (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions or agents to the Johnston Atoll for the purpose of storing or demilitarizing such munitions or agents.

(b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition or agent of the United States found in the World War II Pacific Theater of Operations.

(c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8070. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading "Operation and Maintenance, Defense-Wide" may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8071. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): Provided, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: Provided further, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8072. Funds appropriated in title II of this Act and for the Defense Health Program in title VI of this Act for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects may be obligated at the time the reimbursable order is accepted by the performing activity: Provided, That for the purpose of this section, supervision and administration costs includes all in-house Government cost.

SEC. 8073. During the current fiscal year and hereafter, the Secretary of Defense may waive reimbursement of the cost of conferences, seminars, courses of instruction, or similar educational activities of the Asia-Pacific Center for Security Studies for military officers and civilian officials of foreign nations if the Secretary determines that attendance by such personnel, without reimbursement, is in the national security interest of the United States: Provided, That costs for which reimbursement is waived pursuant to this section shall be paid from appropriations available for the Asia-Pacific Center.

SEC. 8074. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8075. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: Provided, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: Provided further, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8076. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: Provided, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: Provided further, That this restriction does not apply to programs funded within the National Foreign Intelligence Program: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8077. None of the funds made available in this Act may be used to approve or license the sale of the F–22 advanced tactical fighter to any foreign government.

SEC. 8078. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8079. Funds made available to the Civil Air Patrol in this Act under the heading "Drug Interdiction and Counter-Drug Activities, Defense" may be used for the Civil Air Patrol Corporation's counterdrug program, including its demand reduction program involving youth programs, as well as operational and training drug *reconnaissance missions for Federal, State, and local government agencies; and for equipment needed for mission support or performance: Provided, That the Department of the Air Force should waive reimbursement from the Federal, State, and local government agencies for the use of these funds.*

SEC. 8080. (a) PROHIBITION.—None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) MONITORING.—The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) WAIVER.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) REPORT.—Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8081. The Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental equipment of the Department of Defense, at no cost to the Department of Defense, to Indian Health Service facilities and to federally-qualified health centers (within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

SEC. 8082. The total amount appropriated in this Act is hereby reduced by $338,000,000 to reflect savings from favorable foreign currency fluctuations, to be derived as follows:

"Military Personnel, Army", $80,000,000;

"Military Personnel, Navy", $6,500,000;

"Military Personnel, Marine Corps", $11,000,000;

"Military Personnel, Air Force", $29,000,000;

"Operation and Maintenance, Army", $102,000,000;

"Operation and Maintenance,, Navy", $21,500,000;

"Operation and Maintenance, Marine Corps", $2,000,000;

"Operation and Maintenance, Air Force", $46,000,000; and

"Operation and Maintenance, Defense-Wide", $40,000,000.

SEC. 8083. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T–AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8084. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8085. Notwithstanding any other provision of law, funds appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide" for any advanced concept technology demonstration project may only be obligated 30 days after a report, including a description of the project and its estimated annual and total cost, has been provided in writing to the congressional defense committees: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8086. Notwithstanding any other provision of law, for the purpose of establishing all Department of Defense policies governing the provision of care provided by and financed under the military health care system's case management program under 10 U.S.C. 1079(a)(17), the term "custodial care" shall be defined as care designed essentially to assist an individual in meeting the activities of daily living and which does not require the supervision of trained medical, nursing, paramedical or other specially trained individuals: Provided, That the case management program shall provide that members and retired members of the military services, and their dependents and survivors, have access to all medically necessary health care through the health care delivery system of the military services regardless of the health care status of the person seeking the health care: Provided further, That the case management program shall be the primary obligor for payment of medically necessary services and shall not be considered as secondarily liable to title XIX of the Social Security Act, other welfare programs or charity based care.

SEC. 8087. During the current fiscal year, refunds attributable to the use of the Government travel card, refunds attributable to the use of the Government Purchase Card and refunds attributable to official Government travel arranged by Government Contracted Travel Management Centers may be credited to operation and maintenance accounts of the Department of Defense which are current when the refunds are received.

SEC. 8088. (a) REGISTERING FINANCIAL MANAGEMENT INFORMATION TECHNOLOGY SYSTEMS WITH DOD CHIEF INFORMATION OFFICER.—None of the funds appropriated in this Act may be used for a mission critical or mission essential financial management information technology system (including a system funded by the defense working capital fund) that is not registered with the Chief Information Officer of the Department of Defense. A system shall be considered to be registered with that officer upon the furnishing to that officer of notice of the system, together with such information concerning the system as the Secretary of Defense may prescribe. A financial management information technology system shall be considered a mission critical or mission essential information technology system as defined by the Under Secretary of Defense (Comptroller).

(b) CERTIFICATIONS AS TO COMPLIANCE WITH FINANCIAL MANAGEMENT MODERNIZATION PLAN.—

(1) During the current fiscal year, a financial management major automated information system may not receive Milestone A approval, Milestone B approval, or full rate production, or their equivalent, within the Department of Defense until the Under Secretary of Defense (Comptroller) certifies, with respect to that milestone, that the system is being developed and managed in accordance with the Department's Financial Management Modernization Plan. The Under Secretary of Defense (Comptroller) may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1).

(c) CERTIFICATIONS AS TO COMPLIANCE WITH CLINGER-COHEN ACT.—(1) During the current fiscal year, a major automated information system may not receive Milestone A approval, Milestone B approval, or full rate production approval, or their equivalent, within the Department of Defense until the Chief Information Officer certifies, with respect to that milestone, that the system is being developed in accordance with the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.). The Chief Information Officer may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1). Each such notification shall include, at a minimum, the funding baseline and milestone schedule for each system covered by such a certification and confirmation that the following steps have been taken with respect to the system:

(A) Business process reengineering.

(B) An analysis of alternatives.

(C) An economic analysis that includes a calculation of the return on investment.

(D) Performance measures.

(E) An information assurance strategy consistent with the Department's Global Information Grid.

(d) DEFINITIONS.—For purposes of this section:

(1) The term "Chief Information Officer" means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to section 3506 of title 44, United States Code.

(2) The term "information technology system" has the meaning given the term "information technology" in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

(3) The term "major automated information system" has the meaning given that term in Department of Defense Directive 5000.1.

SEC. 8089. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: Provided, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8090. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of "armor penetrator", "armor piercing (AP)", "armor piercing incendiary (API)", or "armor-piercing incendiary-tracer (API–T)", except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8091. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under 10 U.S.C. 2667, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in 32 U.S.C. 508(d), or any other youth, social, or fraternal non-profit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8092. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: Provided, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: Provided further, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: Provided further, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8093. During the current fiscal year and hereafter, under regulations prescribed by the Secretary of Defense, the Center of Excellence for Disaster Management and Humanitarian Assistance may also pay, or authorize payment for, the expenses of providing or facilitating education and training for appropriate military and civilian personnel of foreign countries in disaster management, peace operations, and humanitarian assistance.

SEC. 8094. (a) The Department of Defense is authorized to enter into agreements with the Department of Veterans Affairs and federally-funded health agencies providing services to Native Hawaiians for the purpose of establishing a partnership similar to the Alaska Federal Health Care Partnership, in order to maximize Federal resources in the provision of health care services by federally-funded health agencies, applying telemedicine technologies. For the purpose of this partnership, Native Hawaiians shall have the same status as other Native Americans who are eligible for the health care services provided by the Indian Health Service.

(b) The Department of Defense is authorized to develop a consultation policy, consistent with Executive Order No. 13084 (issued May 14, 1998), with Native Hawaiians for the purpose of assuring maximum Native Hawaiian participation in the direction and administration of governmental services so as to render those services more responsive to the needs of the Native Hawaiian community.

(c) For purposes of this section, the term "Native Hawaiian" means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8095. Of the amounts appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide", $136,000,000 shall be made available for the Arrow missile defense program: Provided, That of this amount, $66,000,000 shall be available for the purpose of continuing the Arrow System Improvement Program (ASIP), and $70,000,000 shall be available for the purpose of producing Arrow missile components in the United States and Arrow missile components and missiles in Israel to meet Israel's defense requirements, consistent with each nation's laws, regulations and procedures: Provided further, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: Provided further, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

SEC. 8096. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8097. Of the amounts appropriated in this Act under the heading, "Operation and Maintenance, Defense-Wide", $68,000,000 shall remain available until expended: Provided, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government.

SEC. 8098. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2003.

SEC. 8099. In addition to amounts provided in this Act, $1,700,000 is hereby appropriated for "Defense Health Program", to remain available for obligation until expended: Provided, That notwithstanding any other provision of law, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

SEC. 8100. Notwithstanding any other provision of this Act, the total amount appropriated in this Act is hereby reduced by $850,000,000, to reflect savings to be achieved from business process reforms, management efficiencies, and procurement of administrative and management support, to be distributed as follows:

"Operation and Maintenance, Army", $26,000,000;

"Operation and Maintenance, Navy", $60,300,000;

"Operation and Maintenance, Marine Corps", $8,400,000;

"Operation and Maintenance, Air Force", $91,200,000;

"Operation and Maintenance, Defense-Wide", $199,000,000;

"Operation and Maintenance, Army Reserve", $5,900,000;

"Operation and Maintenance, Marine Corps Reserve", $900,000;

"Operation and Maintenance, Air Force Reserve", $1,000,000;

"Operation and Maintenance, Army National Guard", $4,300,000;

"Operation and Maintenance, Air National Guard", $2,600,000;

"Aircraft Procurement, Army", $3,700,000;

"Missile Procurement, Army", $1,100,000;

"Procurement of Weapons and Tracked Combat Vehicles, Army", $3,100,000;

"Other Procurement, Army", $17,700,000;

"Aircraft Procurement, Navy", $22,800,000;

"Weapons Procurement, Navy", $4,800,000;

"Procurement of Ammunition, Navy and Marine Corps", $1,000,000;

"Shipbuilding and Conversion, Navy", $15,700,000;

"Other Procurement, Navy", $7,200,000;

"Procurement, Marine Corps", $2,600,000;

"Aircraft Procurement, Air Force", $9,700,000;

"Missile Procurement, Air Force", $6,200,000;

"Other Procurement, Air Force", $6,200,000;

"Procurement, Defense-Wide", $1,200,000;

"Research, Development, Test and Evaluation, Army", $23,500,000;

"Research, Development, Test and Evaluation, Navy", $55,700,000;

"Research, Development, Test and Evaluation, Air Force", $66,200,000;

"Research, Development, Test and Evaluation, Defense-Wide", $154,000,000;

"Operational Test and Evaluation, Defense", $5,000,000;

"National Defense Sealift Fund", $1,000,000;

"Defense Health Program", $12,000,000;

"Chemical Agents and Munitions Destruction, Army", $20,000,000; and

"Drug Interdiction and Counter-Drug Activities, Defense", $10,000,000:

Provided, That these reductions shall be applied proportionally to each budget activity, activity group and subactivity group and each program, project, and activity within each appropriation account: Provided further, That none of the funds provided in this Act may be used for consulting and advisory services for legislative affairs and legislative liaison functions.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8101. Of the amounts appropriated in this Act under the heading "Shipbuilding and Conversion, Navy", $1,279,899,000 shall be available until September 30, 2003, to fund prior year shipbuilding cost increases: Provided, That upon enactment of this Act, the Secretary of the Navy shall transfer such funds to the following appropriations in the amounts specified: Provided further, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred:

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1996/03":

LPD–17 Amphibious Transport Dock Ship Program, $300,681,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1998/03":

DDG–51 Destroyer Program, $76,100,000;

New SSN, $190,882,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1999/03":

DDG–51 Destroyer Program, $93,736,000;

LPD–17 Amphibious Transport Dock Ship Program, $82,000,000;

New SSN, $135,800,000;

Under the heading, "Shipbuilding and Conversion, Navy, 2000/03":

DDG–51 Destroyer Program, $51,724,000;

LPD–17 Amphibious Transport Dock Ship Program, $187,000,000;

Under the heading, "Shipbuilding and Conversion, Navy, 2001/03":

DDG–51 Destroyer Program, $63,976,000; and

Under the heading, "Shipbuilding and Conversion, Navy, 2002/03":

DDG–51 Destroyer Program, $98,000,000.

SEC. 8102. The Secretary of the Navy may settle, or compromise, and pay any and all admiralty claims under 10 U.S.C. 7622 arising out of the collision involving the U.S.S. GREENEVILLE and the EHIME MARU, in any amount and without regard to the monetary limitations in subsections (a) and (b) of that section: Provided, That such payments shall be made from funds available to the Department of the Navy for operation and maintenance.

SEC. 8103. The total amount appropriated in title II of this Act is hereby reduced by $97,000,000, to reflect savings attributable to improved supervision in determining appropriate purchases to be made using the Government purchase card, to be derived as follows:

"Operation and Maintenance, Army", $24,000,000;

"Operation and Maintenance, Navy", $29,000,000;

"Operation and Maintenance, Marine Corps", $3,000,000;

"Operation and Maintenance, Air Force", $27,000,000; and

"Operation and Maintenance, Defense-Wide", $14,000,000.

SEC. 8104. Funds provided for the current fiscal year or hereafter for Operation and maintenance for the Armed Forces may be used, notwithstanding any other provision of law, for the purchase of ultralightweight camouflage net systems as unit spares.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8105. During the current fiscal year and for fiscal years 2004 and 2005, notwithstanding any other provision of law, the Secretary of Defense may transfer not more than $20,000,000 of unobligated balances remaining in a Research, Development, Test and Evaluation, Army appropriation account during the last fiscal year before the account closes under section 1552 of title 31 United States Code, to a current Research, Development, Test and Evaluation, Army appropriation account to be used only for the continuation of the Venture Capital Fund demonstration, as originally approved in Section 8150 of Public Law 107–117, to pursue high payoff technology and innovations in science and technology: Provided, That any such transfer shall be made not later than July 31 of each year: Provided further, That funds so transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: Provided further, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: Provided further, That no funds for programs, projects, or activities designated as special congressional interest items in DD Form 1414 shall be eligible for transfer under the authority of this section: Provided further, That any unobligated balances transferred under this authority may be restored to the original appropriation if required to cover unexpected upward adjustments: Provided further, That the Secretary of the Army shall provide an annual report to the House and Senate Appropriations Committees no later than 15 days prior to the annual transfer of funds under authority of this section describing the sources and amounts of funds proposed to be transfered, summarizing the projects funded under this demonstration program (including the name and location of project sponsors) to date, a description of the major program accomplishments to date, and an overall assessment of the benefits of this demonstration program compared to the goals expressed in the legislative history accompanying Section 8150 of Public Law 107–117.

SEC. 8106. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of 38 U.S.C. 7403(g) for occupations listed in 38 U.S.C. 7403(a)(2) as well as the following: Pharmacists, Audiologists, and Dental Hygienists.

(A) The requirements of 38 U.S.C. 7403(g)(1)(A) shall apply.

(B) The limitations of 38 U.S.C. 7403(g)(1)(B) shall not apply.

SEC. 8107. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2003 until the enactment of the Intelligence Authorization Act for fiscal year 2003.

SEC. 8108. In addition to funds made available elsewhere in this Act $7,750,000 is hereby appropriated and shall remain available until expended to provide assistance, by grant or otherwise (such as, but not limited to, the provision of funds for repairs, maintenance, construction, and/or for the purchase of information technology, text books, teaching resources), to public schools that have unusually high concentrations of special needs military dependents enrolled: Provided, That in selecting school systems to receive such assistance, special consideration shall be given to school systems in States that are considered overseas assignments, and all schools within these school systems shall be eligible for assistance: Provided further, That up to $2,000,000 shall be available for the Department of Defense to establish a non-profit trust fund to assist in the public-private funding of public school repair and maintenance projects, or provide directly to non-profit organizations who in return will use these monies to provide assistance in the form of repair, maintenance, or renovation to public school systems that have high concentrations of special needs military dependents and are located in States that are considered overseas assignments, and of which 2 percent shall be available to support the administration and execution of the funds: Provided further, That to the extent a federal agency provides this assistance, by contract, grant, or otherwise, it may accept and expend non-federal funds in combination with these federal funds to provide assistance for the authorized purpose, if the non-federal entity requests such assistance and the non-federal funds are provided on a reimbursable basis: Provided further, That $2,750,000 shall be available for a grant to the Central Kitsap School District, Washington.

SEC. 8109. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by $400,000,000, to reduce cost growth in information technology development, to be distributed as follows:

"Operation and Maintenance, Defense-Wide", $19,500,000;

"Other Procurement, Army", $53,200,000;

"Other Procurement, Navy", $20,600,000;

"Procurement, Marine Corps", $3,400,000;

"Other Procurement, Air Force", $12,000,000;

"Procurement, Defense-Wide", $3,500,000;

"Research, Development, Test and Evaluation, Army", $17,700,000;

"Research, Development, Test and Evaluation, Navy", $25,600,000;

"Research, Development, Test and Evaluation, Air Force", $27,200,000;

"Research, Development, Test and Evaluation, Defense-Wide", $36,600,000;

"Defense Working Capital Funds", $148,600,000; and

"Defense Health Program", $32,100,000: Provided, That these reductions shall be applied proportionally to each budget activity, activity group and subactivity group and each program, project, and activity within each appropriation account.

SEC. 8110. Notwithstanding section 1116(c) of title 10, United States Code, payments into the Department of Defense Medicare-Eligible Retiree Health Care Fund for fiscal year 2003 under section 1116(a) of such title shall be made from funds available in this Act for the pay of military personnel.

SEC. 8111. None of the funds in this Act may be used to initiate a new start program without prior notification to the Office of Secretary of Defense and the congressional defense committees.

SEC. 8112. The amount appropriated in title II of this Act is hereby reduced by $120,000,000, to reflect Working Capital Fund cash balance and rate stabilization adjustments, to be derived as follows:

"Operation and Maintenance, Navy", $120,000,000.

SEC. 8113. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by $48,000,000, to reduce excess funded carryover, to be derived as follows:

"Operation and Maintenance, Army", $48,000,000.

SEC. 8114. Of the amounts appropriated in title II of the Act, not less than $1,000,000,000 is available for operations of the Department of Defense to prosecute the war on terrorism.

SEC. 8115. (a) In addition to the amounts provided elsewhere in this Act, the amount of $3,400,000 is hereby appropriated to the Department of Defense for "Operation and Maintenance, Army National Guard". Such amount shall be made available to the Secretary of the Army only to make a grant in the amount of $3,400,000 to the entity specified in subsection (b) to facilitate access by veterans to opportunities for skilled employment in the construction industry.

(b) The entity referred to in subsection (a) is the Center for Military Recruitment, Assessment and Veterans Employment, a nonprofit labor-management co-operation committee provided for by section 302(c)(9) of the Labor-Management Relations Act, 1947 (29 U.S.C. 186(c)(9)), for the purposes set forth in section 6(b) of the Labor Management Cooperation Act of 1978 (29 U.S.C. 175a note).

SEC. 8116. (a) During the current fiscal year, funds available to the Secretary of a military department for Operation and Maintenance may be used for the purposes stated in subsection (b) to support chaplain-led programs to assist members of the Armed Forces and their immediate family members in building and maintaining a strong family structure.

(b) The purposes referred to in subsection (a) are costs of transportation, food, lodging, supplies, fees, and training materials for members of the Armed Forces and their family members while participating in such programs, including participation at retreats and conferences.

SEC. 8117. Section 8159 of the Department of Defense Appropriations Act, 2002 (division A of Public Law 107–117; 115 Stat. 2284), is revised as follows:

(1) in subsection (c) by inserting at the end of paragraph (1) the following new sentence: "Notwithstanding the provisions of Section 3324 of Title 31, United States Code, payment for the acquisition of leasehold interests under this section may be made for each annual term up to one year in advance."

(2) by adding the following paragraph (g):

"(g) Notwithstanding any other provision of law, any payments required for a lease entered into under this Section, or any payments made pursuant to subsection (c)(3) above, may be made from appropriations available for operation and maintenance or for lease or procurement of aircraft at the time that the lease takes effect; appropriations available for operation and maintenance or for lease or procurement of aircraft at the time that the payment is due; or funds appropriated for those payments.".

SEC. 8118. (a) LIMITATION ON ADDITIONAL NMCI CONTRACT WORK STATIONS.—Notwithstanding section 814 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–215) or any other provision of law, the total number of work stations provided under the Navy-Marine Corps Intranet contract (as defined in subsection (i) of such section 814) may not exceed 160,000 work stations until the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Chief Information Officer of the Department of Defense certify to the congressional defense committees that all of the conditions specified in subsection (b) have been satisfied.

(b) CONDITIONS.—The conditions referred to in subsection (a) are the following:

(1) The Commander of the Navy Operational Test and Evaluation Force conducts an operational assessment of the work stations that have been fully transitioned to the Navy-Marine Corps Intranet, as defined in the Test and Evaluation Strategy Plan for the Navy-Marine Corps Intranet approved on September 4, 2002.

(2) The results of the assessment are submitted to the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Chief Information Officer of the Department of Defense, and they determine that the results of the assessment are acceptable.

SEC. 8119. None of the funds in this Act, excluding funds provided for advance procurement of fiscal year 2004 aircraft, may be obligated for acquisition of more than 16 F–22 aircraft until the Under Secretary of Defense for Acquisition, Technology, and Logistics has provided to the congressional defense committees:

(a) A formal risk assessment which identifies and characterizes the potential cost, technical, schedule or other significant risks resulting from increasing the F–22 procurement quantities prior to the conclusion of Dedicated Initial Operational Test and Evaluation (DIOT&E) of the aircraft: Provided, That such risk assessment shall evaluate, based on the best available current information: (1) the range of potential additional program costs (compared to the program costs assumed in the President's fiscal year 2003 budget) that could result from retrofit modifications to F–22 production aircraft that are placed under contract or delivered to the government prior to the conclusion of DIOT&E; and (2) a cost-benefit analysis comparing, in terms of unit cost and total program cost, the cost advantages of increasing aircraft production at this time to the potential cost of retrofitting production aircraft once DIOT&E has been completed; and

(b) Certification that increasing the F–22 production quantity for fiscal year 2003 beyond 16 airplanes involves lower risk and lower total program cost than staying at that quantity, or he submits a revised production plan, funding plan and test schedule.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8120. Section 305(a) of the Emergency Supplemental Act, 2002 (division B of Public Law 107–117; 115 Stat. 2300), is amended by adding at the end the following new sentences: "From amounts transferred to the Pentagon Reservation Maintenance Revolving Fund pursuant to the preceding sentence, not to exceed $305,000,000 may be transferred to the Defense Emergency Response Fund, but only in amounts necessary to reimburse that fund (and the category of that fund designated as 'Pentagon Repair/Upgrade') for expenses charged to that fund (and that category) between September 11, 2001, and February 19, 2002, for reconstruction costs of the Pentagon Reservation. Funds transferred to the Defense Emergency Response Fund pursuant to this section shall be available only for reconstruction, recovery, force protection, or security enhancements for the Pentagon Reservation.".

SEC. 8121. FINANCING AND FIELDING OF KEY ARMY CAPABILITIES. The Department of Defense and the Department of the Army shall make future budgetary and programming plans to fully finance the Non-Line of Sight (NLOS) Objective Force cannon and resupply vehicle program in order to field this system in the 2008 timeframe. As an interim capability to enhance Army lethality, survivability, and mobility for light and medium forces before complete fielding of the Objective Force, the Army shall ensure that budgetary and programmatic plans will provide for no fewer than six Stryker Brigade Combat Teams to be fielded between 2003 and 2008.

SEC. 8122. (a) MANAGEMENT OF CHEMICAL DEMILITARIZATION ACTIVITIES AT BLUEGRASS ARMY DEPOT, KENTUCKY.—If a technology other than the baseline incineration program is selected for the destruction of lethal chemical munitions pursuant to section 142 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C. 1521 note), the program manager for the Assembled Chemical Weapons Assessment shall be responsible for management of the construction, operation, and closure, and any contracting relating thereto, of chemical demilitarization activities at Bluegrass Army Depot, Kentucky, including management of the pilot-scale facility phase of the alternative technology.

(b) MANAGEMENT OF CHEMICAL DEMILITARIZATION ACTIVITIES AT PUEBLO DEPOT, COLORADO.—The program manager for the Assembled Chemical Weapons Assessment shall be responsible for management of the construction, operation, and closure, and any contracting relating thereto, of chemical demilitarization activities at Pueblo Army Depot, Colorado, including management of the pilot-scale facility phase of the alternative technology selected for the destruction of lethal chemical munitions.

SEC. 8123. Of the total amount appropriated pursuant to this Act for any selected component of the Department of Defense that the Director of the Office of Management and Budget determines shall require audited financial statements under subsection (c) of section 3515 of title 31, United States Code, not more than 99 percent may be expended until the Inspector General of the Department of Defense certifies to the Congress of the United States that the head of the affected agency has made a formal decision as to whether to audit vouchers of the agency pursuant to section 3521(b) of title 31, United States Code: Provided, That such certification shall include a written assessment of the agency head's decision by the Inspector General.

SEC. 8124. Of the funds made available under the heading "Operation and Maintenance, Air Force", $8,000,000 shall be available to realign railroad track on Elmendorf Air Force Base and Fort Richardson.

(TRANSFER OF FUNDS)

SEC. 8125. Upon enactment of this Act, the Secretary of the Navy shall make the following transfers of funds: Provided, That the amounts transferred shall be available for the same purpose as the appropriations to which transferred, and for the same time period as the appropriation from which transferred: Provided further, That the amounts shall be transferred between the following appropriations in the amount specified:

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1994/2003":

DDG–51 Destroyer program, $7,900,000;

LHD–1 Amphibious Assault Ship program, $6,500,000;

Oceanographic Ship program, $3,416,000;

Craft, outfitting, post delivery, first destination transportation, $1,800,000;

Mine warfare command and control ship, $604,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1999/2003":

LPD–17 Amphibious Transport Dock Ship program, $20,220,000.

SEC. 8126. Of the amounts appropriated in Public Law 107–206 under the heading "Defense Emergency Response Fund", an amount up to the fair market value of the leasehold interest in adjacent properties necessary for the force protection requirements of Tooele Army Depot, Utah, may be made available to resolve any property disputes associated with Tooele Army Depot, Utah, and to acquire such leasehold interest as required: Provided, That none of these funds may be used to acquire fee title to the properties.

SEC. 8127. Up to $3,000,000 of the funds appropriated under the heading "Operation and Maintenance, Navy" in this Act for the Pacific Missile Range Facility may be made available to contract for the repair, maintenance, and operation of adjacent off-base water, drainage, and flood control systems critical to base operations.

SEC. 8128. Of the total amount appropriated by this Act under the heading "Operation and Maintenance, Defense-Wide", $3,000,000 may be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77).

SEC. 8129. In addition to the amounts appropriated or otherwise made available in this Act, $8,100,000, to remain available until September 30, 2003, is hereby appropriated to the Department of Defense: Provided, That the Secretary of Defense shall make grants in the amount of $2,800,000 to the American Red Cross for Armed Forces Emergency Services; $2,800,000 to the United Service Organizations, Incorporated; and $2,500,000 to the Intrepid Sea-Air-Space Foundation.

SEC. 8130. None of the funds appropriated in this Act under the heading "Overseas Contingency Operations Transfer Fund" may be transferred or obligated for Department of Defense expenses not directly related to the conduct of overseas contingencies: Provided, That the Secretary of Defense shall submit a report no later than 30 days after the end of each fiscal quarter to the Committees on Appropriations of the Senate and House of Representatives that details any transfer of funds from the "Overseas Contingency Operations Transfer Fund": Provided further, That the report shall explain any transfer for the maintenance of real property, pay of civilian personnel, base operations support, and weapon, vehicle or equipment maintenance.

SEC. 8131. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading "Shipbuilding and Conversion, Navy" shall be considered to be for the same purpose as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in any prior year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8132. The budget of the President for fiscal year 2004 submitted to the Congress pursuant to section 1105 of title 31, United States Code, and each annual budget request thereafter, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Overseas Contingency Operations Transfer Fund, the Operation and Maintenance accounts, and the Procurement accounts: Provided, That these budget justification documents shall include a description of the funding requested for each anticipated contingency operation, for each military service, to include active duty and Guard and Reserve components, and for each appropriation account: Provided further, That *these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for ongoing contingency operations, and programmatic data including, but not limited to troop strength for each active duty and Guard and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: Provided further, That these documents shall include budget exhibits OP–5 and OP–32, as defined in the Department of Defense Financial Management Regulation, for the Overseas Contingency Operations Transfer Fund for fiscal years 2002 and 2003.*

SEC. 8133. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by $59,260,000, to reduce cost growth in travel, to be distributed as follows:

"Operation and Maintenance, Army", $14,000,000;

"Operation and Maintenance, Navy", $9,000,000;

"Operation and Maintenance, Marine Corps", $10,000,000;

"Operation and Maintenance, Air Force", $15,000,000; and

"Operation and Maintenance, Defense-Wide", $11,260,000.

SEC. 8134. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

(INCLUDING RESCISSIONS)

SEC. 8135. (a) The total amount appropriated or otherwise made available in titles II, III, and IV of this Act is hereby reduced by $1,374,000,000 to reflect revised economic assumptions: Provided, That the Secretary of Defense shall allocate this reduction proportionately to each budget activity, activity group, subactivity group, and each program, project, and activity within each applicable appropriation account: Provided further, That appropriations made available in this Act for the pay and benefits of military personnel are exempt from reductions under this provision.

(b) Of the funds provided in the Department of Defense Appropriations Act, 2002, (division A of Public Law 107–117), $300,000,000 are rescinded from amounts made available under titles III and IV of that Act: Provided, That the Secretary of Defense shall allocate this rescission proportionately by program, project, and activity.

SEC. 8136. During the current fiscal year, section 2533a(f) of Title 10, United States Code, shall not apply to any fish, shellfish, or seafood product. This section is applicable to contracts and subcontracts for the procurement of commercial items notwithstanding section 34 of the Office of Federal Procurement Policy Act (41 U.S.C. 430).

SEC. 8137. None of the funds appropriated by this Act may be used to convert the 939th Combat Search and Rescue Wing of the Air Force Reserve until the Secretary of the Air Force certifies to the Congress the following: (a) that a functionally comparable search and rescue capability is available in the 939th Search and Rescue Wing's area of responsibility; (b) that any new aircraft assigned to the unit will comply with local environmental and noise standards; and (c) that the Air Force has developed a plan for the transition of personnel and manpower billets currently assigned to this unit.

SEC. 8138. NAVY DRY-DOCK AFDL–47 (a) REQUIREMENT FOR SALE.—Notwithstanding any other provision of law, the Secretary of the Navy shall sell the Navy Dry-dock AFDL–47, located in Charleston, South Carolina, to Detyens Shipyards, Inc., the current lessee of the dry-dock from the Navy.

(b) CONSIDERATION.—As consideration for the sale of the dry-dock under subsection (a), the Secretary shall receive an amount equal to the fair market value of the dry-dock at the time of the sale, as determined by the Secretary, taking into account amounts paid by, or due and owing from, the lessee.

SEC. 8139. From funds made available in this Act for the Office of Economic Adjustment under the heading "Operation and Maintenance, Defense-Wide", $100,000 shall be available for the elimination of asbestos at former Battery 204, Odiorne Point, New Hampshire.

SEC. 8140. The Secretary of Defense may, using amounts appropriated or otherwise made available by this Act, make a grant to the National D-Day Museum in the amount of $3,000,000.

SEC. 8141. (a) PRELIMINARY STUDY AND ANALYSIS REQUIRED.—The Secretary of the Army shall carry out a preliminary engineering study and environmental analysis regarding the establishment of a connector road between United States Route 1 and Telegraph Road in the vicinity of Fort Belvoir, Virginia.

(b) FUNDING.—Of the amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, ARMY", up to $5,000,000 may be available for the preliminary study and analysis required by subsection (a).

SEC. 8142. Of the amount appropriated by title V under the heading "NATIONAL DEFENSE SEALIFT FUND", up to $10,000,000 may be available for implementing the recommendations resulting from the Navy's Non-Self Deployable Watercraft (NDSW) Study and the Joint Chiefs of Staff Focused Logistics Study, which are to determine the requirements of the Navy for providing lift support for mine warfare ships and other vessels.

SEC. 8143. (a) Congress finds that—

(1) the Medal of Honor is the highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Forces of the United States;

(2) the Medal of Honor was established by Congress during the Civil War to recognize soldiers who had distinguished themselves by gallantry in action;

(3) the Medal of Honor was conceived by Senator James Grimes of the State of Iowa in 1861; and

(4) the Medal of Honor is the Nation's highest military honor, awarded for acts of personal bravery or self-sacrifice above and beyond the call of duty.

(b)(1) Chapter 9 of title 36, United States Code, is amended by adding at the end the following new section:

"§903. Designation of Medal of Honor Flag

"(a) DESIGNATION.—The Secretary of Defense shall design and designate a flag as the Medal of Honor Flag. In selecting the design for the flag, the Secretary shall consider designs submitted by the general public.

"(b) PRESENTATION.—The Medal of Honor Flag shall be presented as specified in sections 3755, 6257, and 8755 of title 10 and section 505 of title 14.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"903. Designation of Medal of Honor Flag.".

(c)(1)(A) Chapter 357 of title 10, United States Code, is amended by adding at the end the following new section:

"§3755. Medal of honor: presentation of Medal of Honor Flag

"The President shall provide for the presentation of the Medal of Honor Flag designated under section 903 of title 36 to each person to whom a medal of honor is awarded under section 3741 of this title after the date of the enactment of this section. Presentation of the flag shall be made at the same time as the presentation of the medal under section 3741 or 3752(a) of this title.".

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"3755. Medal of honor: presentation of Medal of Honor Flag.".

(2)(A) Chapter 567 of such title is amended by adding at the end the following new section:

"§6257. Medal of honor: presentation of Medal of Honor Flag

"The President shall provide for the presentation of the Medal of Honor Flag designated under section 903 of title 36 to each person to whom a medal of honor is awarded under section 6241 of this title after the date of the enactment of this section. Presentation of the flag shall be made at the same time as the presentation of the medal under section 6241 or 6250 of this title.".

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"6257. Medal of honor: presentation of Medal of Honor Flag.".

(3)(A) Chapter 857 of title 10, United States Code, is amended by adding at the end the following new section:

"§8755. Medal of honor: presentation of Medal of Honor Flag

"The President shall provide for the presentation of the Medal of Honor Flag designated under section 903 of title 36 to each person to whom a medal of honor is awarded under section 8741 of this title after the date of the enactment of this section. Presentation of the flag shall be made at the same time as the presentation of the medal under section 8741 or 8752(a) of this title.".

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"8755. Medal of honor: presentation of Medal of Honor Flag.".

(4)(A) Chapter 13 of title 14, United States Code, is amended by inserting after section 504 the following new section:

"§505. Medal of honor: presentation of Medal of Honor Flag

"The President shall provide for the presentation of the Medal of Honor Flag designated under section 903 of title 36 to each person to whom a medal of honor is awarded under section 491 of this title after the date of the enactment of this section. Presentation of the flag shall be made at the same time as the presentation of the medal under section 491 or 498 of this title.".

(B) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 504 the following new item:

"505. Medal of honor: presentation of Medal of Honor Flag.".

(d) The President shall provide for the presentation of the Medal of Honor Flag designated under section 903 of title 36, United States Code, as added by subsection (b), to each person awarded the Medal of Honor before the date of enactment of this Act who is living as of that date. Such presentation shall be made as expeditiously as possible after the date of the designation of the Medal of Honor Flag by the Secretary of Defense under such section.

SEC. 8144. (a) The conditions described in section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 22 U.S.C. 5952 note) shall not apply to the obligation and expenditure of funds for fiscal years

2000, 2001, 2002 and 2003 for the planning, design, or construction of a chemical weapons destruction facility in Russia if the President submits to Congress a written certification that includes—

(1) a statement as to why waiving the conditions is important to the national security interests of the United States;

(2) a full and complete justification for exercising this waiver; and

(3) a plan to promote a full and accurate disclosure by Russia regarding the size, content, status, and location of its chemical weapons stockpile.

(b) EXPIRATION OF AUTHORITY.—The authority under paragraph (a) shall expire on September 30, 2003.

SEC. 8145. Effecitve as of August 2, 2002, the 2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on United States (Public Law 107–206) is amended—

(1) in section 305(a) (116 Stat. 840), by striking "fiscal year 2002" and inserting "fiscal years 2002 and 2003"; and

(2) in section 309 (116 Stat. 841), by striking "of" after "instead".

SEC. 8146. The Secretary of Defense may modify the grant made to the State of Maine pursuant to section 310 of the 2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States (Public Law 107–206) such that the modified grant is for purposes of supporting community adjustment activities relating to the closure of the Naval Security Group Activity, Winter Harbor, Maine (the naval base on Schoodic Point, within Acadia National Park), and the reuse of such Activity, including reuse as a research and education center the activities of which may be consistent with the purposes of Acadia National Park, as determined by the Secretary of the Interior. The grant may be so modified not later than 60 days after the date of the enactment of this Act.

SEC. 8147. None of the funds appropriated by this Act may be used for leasing of transport/VIP aircraft under any contract entered into under any procurement procedures other than pursuant to the Competition and Contracting Act.

SEC. 8148. (a) Funds appropriated by title II under the heading "Operation and Maintenance, Defense-Wide" may be used by the Military Community and Family Policy Office of the Department of Defense for the operation of multidisciplinary, impartial domestic violence fatality review teams of the Department of Defense that operate on a confidential basis.

(b) Of the total amount appropriated by title II under the heading "Operation and Maintenance, Defense-Wide", $5,000,000 may be used for an advocate of victims of domestic violence to provide confidential assistance to victims of domestic violence at military installations.

(c) Not later than June 30, 2003, the Secretary of Defense shall submit to the Congress a report on the implementation of the recommendations included in the reports submitted to the Secretary by the Defense Task Force on Domestic Violence.

SEC. 8149. (a) LIMITATION ON NUMBER OF GOVERNMENT CHARGE CARD ACCOUNTS DURING FISCAL YEAR 2003.—The total number of accounts for government purchase charge cards and government travel charge cards for Department of Defense personnel during fiscal year 2003 may not exceed 1,500,000 accounts.

(b) REQUIREMENT FOR CREDITWORTHINESS FOR ISSUANCE OF GOVERNMENT CHARGE CARD.—(1) The Secretary of Defense shall evaluate the creditworthiness of an individual before issuing the individual a government purchase charge card or government travel charge card.

(2) An individual may not be issued a government purchase charge card or government travel charge card if the individual is found not credit worthy as a result of the evaluation under paragraph (1).

(c) DISCIPLINARY ACTION FOR MISUSE OF GOVERNMENT CHARGE CARD.—(1) The Secretary shall establish guidelines and procedures for disciplinary actions to be taken against Department personnel for improper, fraudulent, or abusive use of government purchase charge cards and government travel charge cards.

(2) The guidelines and procedures under this subsection shall include appropriate disciplinary actions for use of charge cards for purposes, and at establishments, that are inconsistent with the official business of the Department or with applicable standards of conduct.

(3) The disciplinary actions under this subsection may include—

(A) the review of the security clearance of the individual involved; and

(B) the modification or revocation of such security clearance in light of the review.

(4) The guidelines and procedures under this subsection shall apply uniformly among the Armed Forces and among the elements of the Department.

(d) REPORT.—Not later than June 30, 2003, the Secretary shall submit to the congressional defense committees a report on the implementation of the requirements and limitations in this section, including the guidelines and procedures established under subsection (c).

SEC. 8150. Notwithstanding any provision of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) or any other provision of law, the Secretary of the Navy shall transfer administrative jurisdiction of the portion of the former Charleston Naval Base, South Carolina, comprising a law enforcement training facility of the Department of Justice, together with any improvements thereon, to the head of the department of the Federal Government having jurisdiction of the Border Patrol as of the date of the transfer under this section.

TITLE IX—COMMERCIAL REUSABLE IN-SPACE TRANSPORTATION

SEC. 901. SHORT TITLE.

This title may be cited as the "Commercial Reusable In-Space Transportation Act of 2002".

SEC. 902. FINDINGS.

Congress makes the following findings:

(1) It is in the national interest to encourage the production of cost-effective, in-space transportation systems, which would be built and operated by the private sector on a commercial basis.

(2) The use of reusable in-space transportation systems will enhance performance levels of in-space operations, enhance efficient and safe disposal of satellites at the end of their useful lives, and increase the capability and reliability of existing ground-to-space launch vehicles.

(3) Commercial reusable in-space transportation systems will enhance the economic well-being and national security of the United States by reducing space operations costs for commercial and national space programs and by adding new space capabilities to space operations.

(4) Commercial reusable in-space transportation systems will provide new cost-effective space capabilities (including orbital transfers from low altitude orbits to high altitude orbits and return, the correction of erroneous satellite orbits, and the recovery, refurbishment, and refueling of satellites) and the provision of upper stage functions to increase ground-to-orbit launch vehicle payloads to geostationary and other high energy orbits.

(5) Commercial reusable in-space transportation systems can enhance and enable the space exploration of the United States by providing lower cost trajectory injection from earth orbit, transit trajectory control, and planet arrival deceleration to support potential National Aeronautics and Space Administration missions to Mars, Pluto, and other planets.

(6) Satellites stranded in erroneous earth orbit due to deficiencies in their launch represent substantial economic loss to the United States and present substantial concerns for the current backlog of national space assets.

(7) Commercial reusable in-space transportation systems can provide new options for alternative planning approaches and risk management to enhance the mission assurance of national space assets.

(8) Commercial reusable in-space transportation systems developed by the private sector can provide in-space transportation services to the National Aeronautics and Space Administration, the Department of Defense, the National Reconnaissance Office, and other agencies without the need for the United States to bear the cost of production of such systems.

(9) The availability of loan guarantees, with the cost of credit risk to the United States paid by the private-sector, is an effective means by which the United States can help qualifying private-sector companies secure otherwise unattainable private financing for the production of commercial reusable in-space transportation systems, while at the same time minimizing Government commitment and involvement in the development of such systems.

SEC. 903. LOAN GUARANTEES FOR PRODUCTION OF COMMERCIAL REUSABLE IN-SPACE TRANSPORTATION.

(a) AUTHORITY TO MAKE LOAN GUARANTEES.—The Secretary may guarantee loans made to eligible United States commercial providers for purposes of producing commercial reusable in-space transportation services or systems.

(b) ELIGIBLE UNITED STATES COMMERCIAL PROVIDERS.—The Secretary shall prescribe requirements for the eligibility of United States commercial providers for loan guarantees under this section. Such requirements shall ensure that eligible providers are financially capable of undertaking a loan guaranteed under this section.

(c) LIMITATION ON LOANS GUARANTEED.—The Secretary may not guarantee a loan for a United States commercial provider under this section unless the Secretary determines that credit would not otherwise be reasonably available at the time of the guarantee for the commercial reusable in-space transportation service or system to be produced utilizing the proceeds of the loan.

(d) CREDIT SUBSIDY.—

(1) COLLECTION REQUIRED.—The Secretary shall collect from each United States commercial provider receiving a loan guarantee under this section an amount equal to the amount, as determined by the Secretary, to cover the cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of the loan guarantee.

(2) PERIODIC DISBURSEMENTS.—In the case of a loan guarantee in which proceeds of the loan are disbursed over time, the Secretary shall collect the amount required under this subsection on a pro rata basis, as determined by the Secretary, at the time of each disbursement.

(e) OTHER TERMS AND CONDITIONS.—

(1) PROHIBITION ON SUBORDINATION.—A loan guaranteed under this section may not be subordinated to another debt contracted by the United States commercial provider concerned, or to any other claims against such provider.

(2) RESTRICTION ON INCOME.—A loan guaranteed under this section may not—

(A) provide income which is excluded from gross income for purposes of chapter 1 of the Internal Revenue Code of 1986; or

(B) provide significant collateral or security, as determined by the Secretary, for other obligations the income from which is so excluded.

(3) TREATMENT OF GUARANTEE.—The guarantee of a loan under this section shall be conclusive evidence of the following:

(A) That the guarantee has been properly obtained.

(B) That the loan qualifies for the guarantee.

(C) That, but for fraud or material misrepresentation by the holder of the loan, the guarantee is valid, legal, and enforceable.

(4) OTHER TERMS AND CONDITIONS.—The Secretary may establish any other terms and conditions for a guarantee of a loan under this section, as the Secretary considers appropriate to protect the financial interests of the United States.

(f) ENFORCEMENT OF RIGHTS.—

(1) IN GENERAL.—The Attorney General may take any action the Attorney General considers appropriate to enforce any right accruing to the United States under a loan guarantee under this section.

(2) FORBEARANCE.—The Attorney General may, with the approval of the parties concerned, forebear from enforcing any right of the United States under a loan guaranteed under this section for the benefit of a United States commercial provider if such forbearance will not result in any cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, to the United States.

(3) UTILIZATION OF PROPERTY.—Notwithstanding any other provision of law and subject to the terms of a loan guaranteed under this section, upon the default of a United States commercial provider under the loan, the Secretary may, at the election of the Secretary—

(A) assume control of the physical asset financed by the loan; and

(B) complete, recondition, reconstruct, renovate, repair, maintain, operate, or sell the physical asset.

(g) CREDIT INSTRUMENTS.—

(1) AUTHORITY TO ISSUE INSTRUMENTS.—Notwithstanding any other provision of law, the Secretary may, subject to such terms and conditions as the Secretary considers appropriate, issue credit instruments to United States commercial providers of in-space transportation services or system, with the aggregate cost (as determined under the provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.)) of such instruments not to exceed $1,500,000,000, but only to the extent that new budget authority to cover such costs is provided in subsequent appropriations Acts or authority is otherwise provided in subsequent appropriations Acts.

(2) CREDIT SUBSIDY.—The Secretary shall provide a credit subsidy for any credit instrument issued under this subsection in accordance with the provisions of the Federal Credit Reform Act of 1990.

(3) CONSTRUCTION.—The eligibility of a United States commercial provider of in-space transportation services or systems for a credit instrument under this subsection is in addition to any eligibility of such provider for a loan guarantee under other provisions of this section.

SEC. 904. DEFINITIONS.

In this title:

(1) SECRETARY.—The term "Secretary" means the Secretary of Defense.

(2) COMMERCIAL PROVIDER.—The term "commercial provider" means any person or entity providing commercial reusable in-orbit space transportation services or systems, primary control of which is held by persons other than the Federal Government, a State or local government, or a foreign government.

(3) IN-SPACE TRANSPORTATION SERVICES.—The term "in-space transportation services" means operations and activities involved in the direct transportation or attempted transportation of a payload or object from one orbit to another by means of an in-space transportation vehicle.

(4) IN-SPACE TRANSPORTATION SYSTEM.—The term "in-space transportation system" means the space and ground elements, including in-space transportation vehicles and support space systems, and ground administration and control facilities and associated equipment, necessary for the provision of in-space transportation services.

(5) IN-SPACE TRANSPORTATION VEHICLE.—The term "in-space transportation vehicle" means a vehicle designed—

(A) to be based and operated in space;

(B) to transport various payloads or objects from one orbit to another orbit; and

(C) to be reusable and refueled in space.

(6) UNITED STATES COMMERCIAL PROVIDER.—The term "United States commercial provider" means any commercial provider organized under the laws of the United States that is more than 50 percent owned by United States nationals.

This Act may be cited as the "Department of Defense Appropriations Act, 2003".

And the Senate agree to the same.

JERRY LEWIS,
BILL YOUNG,
JOE SKEEN,
DAVE L. HOBSON,
HENRY BONILLA,
GEORGE R. NETHERCUTT, Jr.,
RANDY "DUKE" CUNNINGHAM,
RODNEY P. FRELINGHUYSEN,
TODD TIAHRT,
JOHN P. MURTHA,
NORMAN D. DICKS,
MARTIN OLAV SABO,
PETER J. VISCLOSKY,
JAMES P. MORAN,
DAVE R. OBEY
(Except for sec. 8149 relating to corporate expatriates),

Managers on the Part of the House.

DANIEL K. INOUYE,
ERNEST F. HOLLINGS,
ROBERT C. BYRD,
PATRICK J. LEAHY,
TOM HARKIN,
BYRON L. DORGAN,
RICHARD J. DURBIN,
HARRY REID,
DIANNE FEINSTEIN,
HERB KOHL,
TED STEVENS,
THAD COCHRAN,
ARLEN SPECTER,
PETE V. DOMENICI,
CHRISTOPHER S. BOND,
MITCH MCCONNELL,
RICHARD C. SHELBY,
JUDD GREGG,
KAY BAILEY HUTCHINSON,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5010), making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on the Department of Defense Appropriations Act, 2003, incorporates some of the provisions of both the House and Senate versions of the bill. The language and allocations set forth in House Report 107-532 and Senate Report 107-213 should be complied with unless specifically addressed in the accompanying bill and statement of the managers to the contrary.

Senate Amendment: The Senate deleted the entire House bill after the enacting clause and inserted the Senate bill. The conference agreement includes a revised bill.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

The conferees agree that for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100-119) and by the Budget Enforcement Act of 1990 (Public Law 101-508), the term program, project, and activity for appropriations contained in this Act shall be defined as the most specific level of budget items identified in the Department of Defense Appropriations Act, 2003, the accompanying House and Senate Committee reports, the conference report and accompanying joint explanatory statement of the managers of the Committee of Conference, the related classified annexes and reports, and the P-1 and R-1 budget justification documents as subsequently modified by Congressional action. The following exception to the above definition shall apply: for the Military Personnel and the Operation and Maintenance accounts, the term "program, project, and activity" is defined as the appropriations accounts contained in the Department of Defense Appropriations Act.

At the time the President submits his budget for fiscal year 2004, the conferees direct the Department of Defense to transmit to the congressional defense committees budget justification documents to be known as the "M-1" and "O-1" which shall identify, at the budget activity, activity group, and subactivity group level, the amounts requested by the President to be appropriated to the Department of Defense for military personnel and operation and maintenance in any budget request, or amended budget request, for fiscal year 2004.

SPECIAL INTEREST ITEMS

Items for which additional funds have been provided as shown in the project level adjustment tables or items identified in paragraphs using the phrase "only for" or "only to" in this Statement, are congressional interest items for the purpose of the Base for Reprogramming (DD 1414). Each of these items must be carried on the DD Form 1414 at the stated amount, or a revised amount if changed during the conference or if otherwise specifically addressed in the conference report. These items remain special interest items whether or not they are repeated in a subsequent conference report or Statement.

CLASSIFIED ANNEX

Adjustments to classified programs are addressed in the classified annex accompanying this report.

TITLE I – MILITARY PERSONNEL

The conferees agree to the following amounts for the Military Personnel accounts:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
16250 RECAPITULATION				
16300 MILITARY PERSONNEL, ARMY	27,079,392	26,832,217	26,939,792	26,855,017
16350 MILITARY PERSONNEL, NAVY	22,074,901	21,674,395	21,975,201	21,927,628
16400 MILITARY PERSONNEL, MARINE CORPS	8,558,887	8,504,172	8,507,187	8,501,087
16450 MILITARY PERSONNEL, AIR FORCE	22,142,585	21,957,757	22,036,405	21,981,277
16500 RESERVE PERSONNEL, ARMY	3,398,555	3,373,455	3,402,055	3,374,355
16550 RESERVE PERSONNEL, NAVY	1,927,152	1,897,352	1,918,352	1,907,552
16600 RESERVE PERSONNEL, MARINE CORPS	557,883	553,983	554,383	553,983
16650 RESERVE PERSONNEL, AIR FORCE	1,243,904	1,236,904	1,237,504	1,236,904
16700 NATIONAL GUARD PERSONNEL, ARMY	5,128,988	5,070,188	5,128,588	5,114,588
16750 NATIONAL GUARD PERSONNEL, AIR FORCE	2,135,611	2,124,411	2,126,061	2,125,161
16800 GRAND TOTAL, MILITARY PERSONNEL	94,247,858	93,424,834	93,825,528	93,577,552

FORCE STRUCTURE CHANGES

The conferees recommend a total of $110,100,000 in the military personnel, operation and maintenance, and procurement accounts for force structure that was not included in the budget request, as follows:

[In thousands of dollars]

	Milpers	O&M	Proc.	Total
Air Force B–52 aircraft	2,600	28,000	17,700	48,300
Army Reserve Full-Time Support	11,400	4,000	....	15,400
Army National Guard Full-Time Support	35,100	11,300	....	46,400

ACTIVE END STRENGTH

[Fiscal Year 2003]

	Budget	Conference	Conference vs. budget
Army	480,000	480,000	....
Navy	375,700	375,700	....
Marine Corps	175,000	175,000	....
Air Force	359,000	359,000	....
Total, Active Personnel	1,389,700	1,389,700	....

MILITARY PERSONNEL, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

(In thousands of dollars)

	Budget	House	Senate	Conference
50 MILITARY PERSONNEL, ARMY				
100 ACTIVITY 1: PAY AND ALLOWANCES OF OFFICER				
150 BASIC PAY	4,138,217	4,138,217	4,138,217	4,138,217
200 RETIRED PAY ACCRUAL	1,133,871	1,133,871	1,133,871	1,133,871
250 DEFENSE HEALTH PROGRAM ACCRUAL	270,390	270,390	270,390	270,390
350 BASIC ALLOWANCE FOR HOUSING	832,483	832,483	832,483	832,483
400 BASIC ALLOWANCE FOR SUBSISTENCE	156,455	156,455	156,455	156,455
450 INCENTIVE PAYS	76,694	76,694	76,694	76,694
500 SPECIAL PAYS	218,677	218,677	218,677	218,677
550 ALLOWANCES	65,397	65,397	65,397	65,397
600 SEPARATION PAY	111,690	111,690	85,690	85,690
650 SOCIAL SECURITY TAX	313,641	313,641	313,641	313,641
700 TOTAL, BUDGET ACTIVITY 1	7,317,515	7,317,515	7,291,515	7,291,515
750 ACTIVITY 2: PAY AND ALLOW OF ENLISTED PERS				
800 BASIC PAY	9,277,977	9,278,940	9,278.940	9,278,940
825 RETIRED PAY ACCRUAL	2,542,166	2,542,430	2,542,430	2,542,430
850 DEFENSE HEALTH PROGRAM ACCRUAL	1,943,850	1,943,850	1,943,850	1,943,850
1000 BASIC ALLOWANCE FOR HOUSING	1,474,070	1,474,070	1,474,070	1,474,070
1050 INCENTIVE PAYS	67,866	67,866	67,866	67,866
1100 SPECIAL PAYS	547,812	497,812	531,312	510,812
1150 ALLOWANCES	409,382	409,382	409,382	409,382
1200 SEPARATION PAY	321,423	318,523	318,423	318,423
1250 SOCIAL SECURITY TAX	701,953	702,026	702,026	702,026
1300 TOTAL, BUDGET ACTIVITY 2	17,286,499	17,234,899	17,268,299	17,247,799
1350 ACTIVITY 3: PAY AND ALLOW OF CADETS				
1400 ACADEMY CADETS	47,352	47,352	47,352	47,352

(In thousands of dollars)

		Budget	House	Senate	Conference
1500	ACTIVITY 4: SUBSISTENCE OF ENLISTED PERS				
1550	BASIC ALLOWANCE FOR SUBSISTENCE	833,180	833,180	833,180	833,180
1600	SUBSISTENCE-IN-KIND	614,538	614,538	614,538	614,538
1625	FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE	5,198	5,198	5,198	5,198
1650	TOTAL, BUDGET ACTIVITY 4	1,452,916	1,452,916	1,452,916	1,452,916
1700	ACTIVITY 5: PERMANENT CHANGE OF STATION				
1750	ACCESSION TRAVEL	188,434	188,434	188,434	188,434
1800	TRAINING TRAVEL	46,250	46,250	46,250	46,250
1850	OPERATIONAL TRAVEL	179,001	179,001	179,001	179,001
1900	ROTATIONAL TRAVEL	525,754	525,754	525,754	525,754
1950	SEPARATION TRAVEL	152,926	152,925	152,926	152,926
2000	TRAVEL OF ORGANIZED UNITS	1,822	1,822	1,822	1,822
2050	NON-TEMPORARY STORAGE	28,105	28,105	28,105	28,105
2100	TEMPORARY LODGING EXPENSE	20,672	20,672	20,672	20,672
2200	TOTAL, BUDGET ACTIVITY 5	1,142,964	1,142,964	1,142,964	1,142,964
2250	ACTIVITY 6: OTHER MILITARY PERS COSTS				
2300	APPREHENSION OF MILITARY DESERTERS	611	611	611	611
2350	INTEREST ON UNIFORMED SERVICES SAVINGS	202	202	202	202
2400	DEATH GRATUITIES	3,360	3,360	3,360	3,360
2450	UNEMPLOYMENT BENEFITS	83,314	77,939	83,314	77,939
2500	SURVIVOR BENEFITS	7,204	7,204	7,204	7,204
2550	EDUCATION BENEFITS	19,163	19,163	19,163	19,163
2575	ADOPTION EXPENSES	252	252	252	252
2600	SPECIAL COMPENSATION FOR SEVERELY DISABLED RETIREES	20,200	---	20,200	20,200
2625	TRANSPORTATION SUBSIDY	2,092	2,092	2,092	2,092
2675	TOTAL, BUDGET ACTIVITY 6	136,398	110,823	136,398	131,023
2690	LESS REIMBURSABLES	-294,352	-294,352	-294,352	-294,352
2760	UNDISTRIBUTED ADJUSTMENT	-9,900	-9,900	-9,900	-9,900
2770	LEGISLATIVE PROPOSALS NOT ADOPTED	---	-9,300	---	---
2780	DHP ACCRUAL REESTIMATE	---	-110,700	-101,800	-110,700
2790	UNOBLIGATED BALANCES	---	-50,000	---	-50,000
2800	ADOPTED LEGISLATIVE PROPOSALS	---	---	6,400	6,400
2845	TOTAL, MILITARY PERSONNEL, ARMY	27,079,392	26,832,217	26,939,792	26,855,017

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Pay and Allowances of Officers:	
600 Separation Pay/$30,000 Lump Sum Bonus	−26,000
Budget Activity 2: Pay and Allowances of Enlisted Personnel:	
800 Basic Pay/CT–FP DERF Transfer—CINC Protective Services Detail	963
825 Retired Pay Accrual/CT–FP DERF Transfer—CINC Protective Services Detail	264
1100 Special Pays/Enlistment Bonuses	−24,000
1100 Special Pays/Selective Reenlistment Bonus	−13,000
1200 Separation Pays/$30,000 Lump Sum Bonus	−3,000
1250 Social Security Tax/CT–FP DERF Transfer—CINC Protective Services Detail	73
Budget Activity 6: Other Military Personnel Costs:	
2450 Unemployment Benefits	−5,375
Other Adjustments:	
2780 DHP Accrual Reestimate	−110,700
2790 Unobligated Balances	−50,000
2800 Adopted Legislative Proposals	6,400

SELECTIVE REENLISTMENT BONUS PROGRAM

The conferees direct the Army to transfer $13,000,000 from Selective Reenlistment Bonus initial payments to anniversary payments to cover the anticipated shortfall in anniversary payments during fiscal year 2003.

MILITARY PERSONNEL, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

(In thousands of dollars)

	Budget	House	Senate	Conference
2850 MILITARY PERSONNEL, NAVY				
2900 ACTIVITY 1: PAY AND ALLOWANCES OF OFFICER				
2950 BASIC PAY	2,887,210	2,887,210	2,887,210	2,887,210
3000 RETIRED PAY ACCRUAL	791,096	791,096	791,096	791,096
3100 DEFENSE HEALTH PROGRAM ACCRUAL	248,010	248,010	248,010	248,010
3150 BASIC ALLOWANCE FOR HOUSING	730,451	730,451	730,451	730,451
3200 BASIC ALLOWANCE FOR SUBSISTENCE	109,467	109,467	109,467	109,467
3250 INCENTIVE PAYS	177,881	177,881	177,881	177,881
3300 SPECIAL PAYS	257,016	257,016	257,016	257,016
3350 ALLOWANCES	55,443	55,443	55,443	55,443
3400 SEPARATION PAY	59,069	54,569	40,069	40,069
3450 SOCIAL SECURITY TAX	219,838	219,838	219,838	219,838
3500 TOTAL, BUDGET ACTIVITY 1	5,535,481	5,530,981	5,516,481	5,516,481
3550 ACTIVITY 2: PAY AND ALLOW OF ENLISTED PERS				
3600 BASIC PAY	7,434,536	7,434,536	7,434,536	7,434,536
3650 RETIRED PAY ACCRUAL	2,037,050	2,037,050	2,037,050	2,037,050
3700 DEFENSE HEALTH PROGRAM ACCRUAL	1,460,429	1,460,429	1,460,429	1,460,429
3800 BASIC ALLOWANCE FOR HOUSING	2,075,003	2,075,003	2,075,003	2,075,003
3850 INCENTIVE PAYS	100,889	100,889	100,889	100,889
3900 SPECIAL PAYS	911,110	888,110	906,110	897,110
3950 ALLOWANCES	386,850	386,850	386,850	386,850
4000 SEPARATION PAY	213,869	196,469	213,869	213,869
4050 SOCIAL SECURITY TAX	563,249	563,249	563,249	563,249
4100 TOTAL, BUDGET ACTIVITY 2	15,182,985	15,142,585	15,177,985	15,168,985
4150 ACTIVITY 3: PAY AND ALLOW OF MIDSHIPMEN				
4200 MIDSHIPMEN	47,294	47,294	47,294	47,294
4300 ACTIVITY 4: SUBSISTENCE OF ENLISTED PERS				
4350 BASIC ALLOWANCE FOR SUBSISTENCE	573,757	573,757	573,757	573,757

(In thousands of dollars)

	Budget	House	Senate	Conference
4400 SUBSISTENCE-IN-KIND	344,595	344,595	344,595	344,595
4425 FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE	2,640	2,640	2,640	2,640
4450 TOTAL, BUDGET ACTIVITY 4	920,992	920,992	920,992	920,992
4500 ACTIVITY 5: PERMANENT CHANGE OF STATION				
4550 ACCESSION TRAVEL	64,511	64,511	64,511	64,511
4600 TRAINING TRAVEL	58,287	58,287	58,287	58,287
4650 OPERATIONAL TRAVEL	180,140	180,140	180,140	180,140
4700 ROTATIONAL TRAVEL	268,923	268,923	268,923	268,923
4750 SEPARATION TRAVEL	105,254	105,254	105,254	105,254
4800 TRAVEL OF ORGANIZED UNITS	19,375	19,375	19,375	19,375
4850 NON-TEMPORARY STORAGE	11,390	11,390	11,390	11,390
4900 TEMPORARY LODGING EXPENSE	13,888	13,888	13,888	13,888
4950 OTHER	7,247	7,247	7,247	7,247
5000 TOTAL, BUDGET ACTIVITY 5	729,015	729,015	729,015	729,015
5050 ACTIVITY 6: OTHER MILITARY PERSONNEL COSTS				
5100 APPREHENSION OF MILITARY DESERTERS	825	825	825	825
5150 INTEREST ON UNIFORMED SERVICES SAVINGS	209	209	209	209
5200 DEATH GRATUITIES	1,470	1,470	1,470	1,470
5250 UNEMPLOYMENT BENEFITS	50,858	44,085	50,858	44,085
5300 SURVIVOR BENEFITS	2,748	2,748	2,748	2,748
5350 EDUCATION BENEFITS	6,746	6,746	6,746	6,746
5400 ADOPTION EXPENSES	236	236	236	236
5420 SPECIAL COMPENSATION FOR SEVERELY DISABLED RETIREES	10,433	---	10,433	10,433
5440 TRANSPORTATION SUBSIDY	4,391	4,391	4,391	4,391
5500 TOTAL, BUDGET ACTIVITY 6	77,916	60,710	77,916	71,143
5510 LESS REIMBURSABLES	-399,282	-399,282	-399,282	-399,282
5580 UNDISTRIBUTED ADJUSTMENT	-19,500	-19,500	-19,500	-19,500
5590 LEGISLATIVE PROPOSALS NOT ADOPTED	---	-3,000	---	---
5600 DHP ACCRUAL REESTIMATE	---	-85,400	-78,600	-85,400
5610 UNOBLIGATED BALANCES	---	-50,000	---	-25,000
5620 ADOPTED LEGISLATIVE PROPOSALS	---	---	2,900	2,900
5645 TOTAL, MILITARY PERSONNEL, NAVY	22,074,901	21,874,395	21,975,201	21,927,628

Adjustments to Budget Activities

Adjustments to the budget activities are as follows:

(In thousands of dollars)

Budget Activity 1: Pay and Allowances of Officers:	
3400 Separation Pay/$30,000 Lump Sum Bonus	-19,000
Budget Activity 2: Pay and Allowances of Enlisted Personnel:	
3900 Special Pays/Selective Reenlistment Bonus	-14,000
Budget Activity 6: Other Military Personnel Costs:	
5250 Unemployment Benefits	-6,773
Other Adjustments:	
5600 DHP Accrual Reestimate	-85,400
5610 Unobligated Balances	-25,000
5620 Adopted Legislative Proposals	2,900

MILITARY PERSONNEL, MARINE CORPS

The conference agreement on items addressed by either the House or the Senate is as follows:

(In thousands of dollars)

	Budget	House	Senate	Conference
5650 MILITARY PERSONNEL, MARINE CORPS				
5700 ACTIVITY 1: PAY AND ALLOWANCES OF OFFICER				
5750 BASIC PAY	953,611	953,611	953,611	953,611
5800 RETIRED PAY ACCRUAL	261,005	261,005	261,005	261,005
5850 DEFENSE HEALTH PROGRAM ACCRUAL	83,310	83,310	83,310	83,310
5950 BASIC ALLOWANCE FOR HOUSING	193,249	193,249	193,249	193,249
6000 BASIC ALLOWANCE FOR SUBSISTENCE	37,231	37,231	37,231	37,231
6050 INCENTIVE PAYS	46,651	46,651	46,651	46,651
6100 SPECIAL PAYS	2,451	2,451	2,451	2,451
6150 ALLOWANCES	19,727	19,727	19,727	19,727
6200 SEPARATION PAY	16,126	15,226	11,126	11,126
6250 SOCIAL SECURITY TAX	73,350	73,350	73,350	73,350
6300 TOTAL, BUDGET ACTIVITY 1	1,686,711	1,685,811	1,681,711	1,681,711
6350 ACTIVITY 2: PAY AND ALLOW OF ENLISTED PERS				
6400 BASIC PAY	3,297,782	3,298,382	3,298,382	3,298,382
6450 RETIRED PAY ACCRUAL	900,416	900,416	900,416	900,416
6500 DEFENSE HEALTH PROGRAM ACCRUAL	718,487	718,487	718,487	718,487
6600 BASIC ALLOWANCE FOR HOUSING	606,017	606,017	606,017	606,017
6650 INCENTIVE PAYS	8,356	8,356	8,356	8,356
6700 SPECIAL PAYS	118,988	118,988	118,988	118,988
6750 ALLOWANCES	163,489	163,489	163,489	163,489
6800 SEPARATION PAY	62,002	59,802	51,002	51,002
6850 SOCIAL SECURITY TAX	251,375	251,375	251,375	251,375
6900 TOTAL, BUDGET ACTIVITY 2	6,126,912	6,125,312	6,116,512	6,116,512
6950 ACTIVITY 4: SUBSISTENCE OF ENLISTED PERSONNEL				
7000 BASIC ALLOWANCE FOR SUBSISTENCE	269,393	269,393	269,393	269,393

(In thousands of dollars)

	Budget	House	Senate	Conference
7050 SUBSISTENCE-IN-KIND	189,268	189,268	189,268	189,268
7075 FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE	750	750	750	750
7100 TOTAL, BUDGET ACTIVITY 4	459,411	459,411	459,411	459,411
7150 ACTIVITY 5: PERMANENT CHANGE OF STATION				
7200 ACCESSION TRAVEL	39,258	39,258	39,258	39,258
7250 TRAINING TRAVEL	7,431	7,431	7,431	7,431
7300 OPERATIONAL TRAVEL	68,889	68,889	68,889	68,889
7350 ROTATIONAL TRAVEL	99,944	99,944	99,944	99,944
7400 SEPARATION TRAVEL	43,492	43,492	43,492	43,492
7450 TRAVEL OF ORGANIZED UNITS	3,124	3,124	3,124	3,124
7500 NON-TEMPORARY STORAGE	5,006	5,006	5,006	5,006
7550 TEMPORARY LODGING EXPENSE	10,985	10,985	10,985	10,985
7600 OTHER	2,191	2,191	2,191	2,191
7650 TOTAL, BUDGET ACTIVITY 5	280,320	280,320	280,320	280,320
7700 ACTIVITY 6: OTHER MILITARY PERSONNEL COSTS				
7750 APPREHENSION OF MILITARY DESERTERS	1,437	1,437	1,437	1,437
7800 INTEREST ON UNIFORMED SERVICES SAVINGS	16	16	16	16
7850 DEATH GRATUITIES	708	708	708	708
7900 UNEMPLOYMENT BENEFITS	28,753	19,738	28,753	25,753
7950 SURVIVOR BENEFITS	1,511	1,511	1,511	1,511
8000 EDUCATION BENEFITS	1,725	1,725	1,725	1,725
8020 ADOPTION EXPENSES	80	80	80	80
8040 SPECIAL COMPENSATION FOR SEVERELY DISABLED RETIREES	2,900	---	2,900	2,900
8060 TRANSPORTATION SUBSIDY	1,297	1,297	1,297	1,297
8150 TOTAL, BUDGET ACTIVITY 6	38,427	26,512	38,427	35,427
8160 LESS REIMBURSABLES	-32,294	-32,294	-32,294	-32,294
8240 UNDISTRIBUTED ADJUSTMENT	-600	-600	-600	-600
8250 LEGISLATIVE PROPOSALS NOT ADOPTED	---	-300	---	---
8260 DHP ACCRUAL REESTIMATE	---	-40,000	-36,900	-40,000
8265 ADOPTED LEGISLATIVE PROPOSALS	---	---	600	600
8295 TOTAL, MILITARY PERSONNEL, MARINE CORPS	8,558,887	8,504,172	8,507,187	8,501,087

Adjustments to Budget Activities

Adjustments to the budget activities are as follows:

(In thousands of dollars)

Budget Activity 1: Pay and Allowances of Officers:	
6200 Separation Pay/$30,000 Lump Sum Bonus..........	-5,000
Budget Activity 2: Pay and Allowances of Enlisted Personnel:	
6400 Basic Pay/CT-FP DERF Transfer--CINC Security Force Personnel....................................	600
6800 Separation Pay/$30,000 Lump Sum Bonus..........	-11,000
Budget Activity 6: Other Military Personnel Costs:	
7900 Unemployment Benefits	-3,000
Other Adjustments:	
8260 DHP Accrual Reestimate	-40,000
8265 Adopted Legislative Proposals..........................	600

MILITARY PERSONNEL, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

(In thousands of dollars)

	Budget	House	Senate	Conference
8300 MILITARY PERSONNEL, AIR FORCE				
8350 ACTIVITY 1: PAY AND ALLOWANCES OF OFFICER				
8400 BASIC PAY	3,872,634	3,872,634	3,872,634	3,872,634
8450 RETIRED PAY ACCRUAL	1,061,102	1,061,102	1,061,102	1,061,102
8500 DEFENSE HEALTH PROGRAM ACCRUAL	326,881	326,881	326,881	326,881
8600 BASIC ALLOWANCE FOR HOUSING	778,898	778,898	778,898	778,898
8650 BASIC ALLOWANCE FOR SUBSISTENCE	145,032	145,032	145,032	145,032
8700 INCENTIVE PAYS	284,327	284,327	284,327	284,327
8750 SPECIAL PAYS	261,119	203,536	261,119	222,436
8800 ALLOWANCES	58,222	58,222	58,222	58,222
8850 SEPARATION PAY	122,004	121,204	90,004	90,004
8900 SOCIAL SECURITY TAX	294,071	294,071	294,071	294,071
8950 TOTAL, BUDGET ACTIVITY 1	7,204,290	7,145,907	7,172,290	7,133,607
9000 ACTIVITY 2: PAY AND ALLOW OF ENLISTED PERS				
9050 BASIC PAY	7,105,972	7,105,972	7,105,972	7,105,972
9100 RETIRED PAY ACCRUAL	1,947,036	1,947,036	1,947,036	1,947,036
9200 DEFENSE HEALTH PROGRAM ACCRUAL	1,328,732	1,328,732	1,328,732	1,328,732
9250 BASIC ALLOWANCE FOR HOUSING	1,542,052	1,542,052	1,542,052	1,542,052
9300 INCENTIVE PAYS	33,250	33,250	33,250	33,250
9350 SPECIAL PAYS	444,437	442,539	439,437	437,539
9400 ALLOWANCES	359,219	359,219	359,219	359,219
9450 SEPARATION PAY	135,166	135,166	134,166	134,166
9500 SOCIAL SECURITY TAX	543,607	543,607	543,607	543,607
9550 TOTAL, BUDGET ACTIVITY 2	13,439,471	13,437,573	13,433,471	13,431,573
9600 ACTIVITY 3: PAY AND ALLOWANCES OF CADETS				
9650 ACADEMY CADETS	49,821	49,821	49,821	49,821

(In thousands of dollars)

	Budget	House	Senate	Conference
9750 ACTIVITY 4: SUBSISTENCE OF ENLISTED PERS				
9800 BASIC ALLOWANCE FOR SUBSISTENCE	722,407	722,407	722,407	722,407
9850 SUBSISTENCE-IN-KIND	124,086	124,086	124,086	124,086
9875 FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE	1,177	1,177	1,177	1,177
9900 TOTAL, BUDGET ACTIVITY 4	847,670	847,670	847,670	847,670
9950 ACTIVITY 5: PERMANENT CHANGE OF STATION				
10000 ACCESSION TRAVEL	95,779	95,779	95,779	95,779
10050 TRAINING TRAVEL	65,087	65,087	65,087	65,087
10100 OPERATIONAL TRAVEL	166,545	166,545	166,545	166,545
10150 ROTATIONAL TRAVEL	466,133	466,133	466,133	466,133
10200 SEPARATION TRAVEL	120,933	120,933	120,933	120,933
10250 TRAVEL OF ORGANIZED UNITS	6,614	6,614	6,614	6,614
10300 NON-TEMPORARY STORAGE	25,446	25,446	25,446	25,446
10350 TEMPORARY LODGING EXPENSE	42,226	42,226	42,226	42,226
10450 TOTAL, BUDGET ACTIVITY 5	988,763	988,763	988,763	988,763
10500 ACTIVITY 6: OTHER MILITARY PERS COSTS				
10550 APPREHENSION OF MILITARY DESERTERS	100	100	100	100
10600 INTEREST ON UNIFORMED SERVICES SAVINGS	595	595	595	595
10650 DEATH GRATUITIES	1,506	1,506	1,506	1,506
10700 UNEMPLOYMENT BENEFITS	26,456	19,709	26,456	19,709
10750 SURVIVOR BENEFITS	3,290	3,290	3,290	3,290
10800 EDUCATION BENEFITS	3,690	3,690	3,690	3,690
10820 ADOPTION EXPENSES	800	800	800	800
10840 SPECIAL COMPENSATION FOR SEVERELY DISABLED RETIREES	20,400	---	20,400	20,400
10860 TRANSPORTATION SUBSIDY	14,290	14,290	14,290	14,290
10950 TOTAL, BUDGET ACTIVITY 6	71,127	43,980	71,127	64,380
10960 LESS REIMBURSABLES	-443,957	-443,957	-443,957	-443,957
10980 B-52 FORCE STRUCTURE	---	---	3,700	2,600
11060 UNDISTRIBUTED ADJUSTMENT	-14,600	-14,600	-14,600	-14,600
11070 LEGISLATIVE PROPOSALS NOT ADOPTED	---	-14,600	---	---
11080 DHP ACCRUAL REESTIMATE	---	-82,800	-76,100	-82,800
11090 ADOPTED LEGISLATIVE PROPOSALS	---	---	4,220	4,220
11140 TOTAL, MILITARY PERSONNEL, AIR FORCE	22,142,585	21,957,757	22,036,405	21,981,277

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Pay and Allowances of Officers:	
8750 Special Pays/High Deployment Per Diem Allowances	−383
8750 Special Pays/Critical Skills Accession Bonus	−18,300
8750 Special Pays/Critical Skills Retention Bonus	−20,000
8850 Separation Pay/$30,000 Lump Sum Bonus	−32,000
Budget Activity 2: Pay and Allowances of Enlisted Personnel:	
9350 Special Pays/High Deployment Per Diem Allowances	−1,898
9350 Special Pays/Selective Reenlistment Bonus	−5,000
9450 Separation Pay/$30,000 Lump Sum Bonus	−1,000
Budget Activity 6: Other Military Personnel Costs:	
10700 Unemployment Benefits	−6,747
Other Adjustments:	
10980 B–52 Force Structure	2,600
11080 DHP Accrual Reestimate	−82,800
11090 Adopted Legislative Proposals	4,220

NATIONAL GUARD AND RESERVE FORCES

The conferees agree to provide $14,312,543,000 in Reserve personnel appropriations, $13,936,917,000 in Reserve operation and maintenance appropriations, and $100,000,000 in the National Guard and Reserve Equipment appropriation. These funds support a Selected Reserve end strength of 864,558 as shown below.

Selected Reserve End Strength

[Fiscal Year 2003]

	Budget	Conference	Conference vs. budget
Selected Reserve:			
Army Reserve	205,000	205,000	
Navy Reserve	87,800	87,800	
Marine Corps Reserve	39,558	39,558	
Air Force Reserve	75,600	75,600	
Army National Guard	350,000	350,000	
Air National Guard	106,600	106,600	
Total	864,558	864,558	864,558
AGR/TARS:			
Army Reserve	13,588	13,888	+300
Navy Reserve	14,572	14,572	
Marine Corps Reserve	2,261	2,261	
Air Force Reserve	1,498	1,498	
Army National Guard	23,768	24,662	+894
Air National Guard	11,697	11,727	+30
Total	67,384	68,608	+1,224
Technicians:			
Army Reserve	7,344	7,594	+250
Air Force Reserve	9,911	9,911	
Army National Guard	25,215	25,702	+487
Air National Guard	22,845	22,845	
Total	65,315	66,052	+737

RESERVE PERSONNEL, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

(In thousands of dollars)

	Budget	House	Senate	Conference
11150 RESERVE PERSONNEL, ARMY				
11200 ACTIVITY 1: UNIT AND INDIVIDUAL TRAINING				
11250 PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)	1,209,865	1,164,865	1,164,865	1,164,865
11300 PAY GROUP B TRAINING (BACKFILL FOR ACT DUTY)	39,372	39,372	39,372	39,372
11350 PAY GROUP F TRAINING (RECRUITS)	169,922	169,922	169,922	169,922
11400 PAY GROUP P TRAINING (PIPELINE RECRUITS)	10,117	10,117	10,117	10,117
11420 DEFENSE HEALTH PROGRAM ACCRUAL	339,788	339,788	339,788	339,788
11500 TOTAL, BUDGET ACTIVITY 1	1,769,064	1,724,064	1,724,064	1,724,064
11600 MOBILIZATION TRAINING	18,142	18,142	18,142	18,142
11650 SCHOOL TRAINING	100,610	100,610	108,110	108,110
11700 SPECIAL TRAINING	120,540	128,040	120,540	120,540
11750 ADMINISTRATION AND SUPPORT	1,134,589	1,155,589	1,193,089	1,155,589
11800 EDUCATION BENEFITS	51,378	51,378	51,378	51,378
11850 ROTC - SENIOR, JUNIOR	99,243	99,243	99,243	99,243
11900 HEALTH PROFESSION SCHOLARSHIP	29,556	29,556	29,556	29,556
11925 DEFENSE HEALTH PROGRAM ACCRUAL	62,614	62,614	62,614	62,614
11950 OTHER PROGRAMS	13,819	13,819	13,819	13,819
11960 TOTAL, BUDGET ACTIVITY 2	1,630,491	1,658,991	1,696,491	1,658,991
11970 UNDISTRIBUTED ADJUSTMENT	-1,000	-1,000	-1,000	-1,000
11980 ADDITIONAL FULL-TIME SUPPORT	---	11,500	---	11,400
11990 DHP ACCRUAL REESTIMATE	---	-20,100	-18,500	-20,100
12000 ADOPTED LEGISLATIVE PROPOSALS	---	---	1,000	1,000
12050 TOTAL RESERVE PERSONNEL, ARMY	3,398,555	3,373,455	3,402,055	3,374,355

Adjustments to Budget Activities

Adjustments to the budget activities are as follows:

(In thousands of dollars)

Budget Activity 1: Unit and Individual Training:	
11250 Pay Group A Training/Realignment to BA 2	-7,500
11250 Pay Group A Training/Annual Training Participation Rates	-37,500
Budget Activity 2: Other Training and Support:	
11650 School Training/Realignment from BA 1	7,500
11750 Administration and Support/CT-FP DERF Transfer--Threat Force Protection Condition Bravo	21,000
Other Adjustments:	
11980 Additional Full-Time Support	11,400
11990 DHP Accrual Reestimate	-20,100
12000 Adopted Legislative Proposals	1,000

RESERVE PERSONNEL, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
12100 RESERVE PERSONNEL, NAVY				
12150 ACTIVITY 1: UNIT AND INDIVIDUAL TRAINING				
12200 PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)........	704,404	704,404	704,404	704,404
12225 PAY GROUP B TRAINING (BACKFILL FOR ACT DUTY).........	3,854	3,854	3,854	3,854
12250 PAY GROUP F TRAINING (RECRUITS)......................	3,238	3,238	3,238	3,238
12275 DEFENSE HEALTH PROGRAM ACCRUAL.......................	128,212	128,212	128,212	128,212
12350 TOTAL, BUDGET ACTIVITY 1............................	839,708	839,708	839,708	839,708
12400 ACTIVITY 2: OTHER TRAINING AND SUPPORT				
12450 MOBILIZATION TRAINING................................	6,343	6,343	6,343	6,343
12500 SCHOOL TRAINING......................................	16,099	16,099	16,099	16,099
12550 SPECIAL TRAINING.....................................	53,151	53,151	53,151	53,151
12600 ADMINISTRATION AND SUPPORT...........................	877,719	877,719	877,719	877,719
12650 EDUCATION BENEFITS...................................	1,103	1,103	1,103	1,103
12700 ROTC - SENIOR, JUNIOR................................	38,242	38,242	38,242	38,242
12750 HEALTH PROFESSION SCHOLARSHIP........................	28,988	28,988	28,988	28,988
12775 DEFENSE HEALTH PROGRAM ACCRUAL.......................	65,899	65,899	65,899	65,899
12820 TOTAL, BUDGET ACTIVITY 2............................	1,087,544	1,087,544	1,087,544	1,087,544
12840 UNDISTRIBUTED ADJUSTMENT.............................	-100	-100	-100	-100
12850 LEGISLATIVE PROPOSALS NOT ADOPTED....................	---	-100	---	---
12860 DHP ACCRUAL REESTIMATE................................	---	-9,700	-8,900	-9,700
12870 UNOBLIGATED BALANCES.................................	---	-20,000	---	-10,000
12880 ADOPTED LEGISLATIVE PROPOSALS........................	---	---	100	100
12940 TOTAL, RESERVE PERSONNEL, NAVY.......................	1,927,152	1,897,352	1,918,352	1,907,552

Adjustments to Budget Activities

Adjustments to the budget activities are as follows:

(In thousands of dollars)

Other Adjustments:

12860	DHP Accrual Reestimate	-9,700
12870	Unobligated Balances	-10,000
12880	Adopted Legislative Proposals	100

RESERVE PERSONNEL, MARINE CORPS

The conference agreement on items addressed by either the House or the Senate is as follows:

(In thousands of dollars)

	Budget	House	Senate	Conference
12950 RESERVE PERSONNEL, MARINE CORPS				
13000 ACTIVITY 1: UNIT AND INDIVIDUAL TRAINING				
13050 PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)	172,881	172,881	172,881	172,881
13100 PAY GROUP B TRAINING (BACKFILL FOR ACT DUTY)	16,969	16,969	16,969	16,969
13150 PAY GROUP F TRAINING (RECRUITS)	72,473	72,473	72,473	72,473
13200 PAY GROUP P TRAINING (PIPELINE RECRUITS)	177	177	177	177
13225 DEFENSE HEALTH PROGRAM ACCRUAL	66,340	66,340	66,340	66,340
13300 TOTAL, BUDGET ACTIVITY 1	328,840	328,840	328,840	328,840
13350 ACTIVITY 2: OTHER TRAINING AND SUPPORT				
13400 MOBILIZATION TRAINING	2,304	2,304	2,304	2,304
13450 SCHOOL TRAINING	10,710	10,710	10,710	10,710
13500 SPECIAL TRAINING	29,874	29,874	29,874	29,874
13550 ADMINISTRATION AND SUPPORT	141,474	141,474	141,474	141,474
13600 EDUCATION BENEFITS	16,198	16,198	16,198	16,198
13650 ROTC - SENIOR, JUNIOR	5,282	5,282	5,282	5,282
13675 DEFENSE HEALTH PROGRAM ACCRUAL	10,801	10,801	10,801	10,801
13700 OTHER PROGRAMS	12,400	12,400	12,400	12,400
13710 TOTAL, BUDGET ACTIVITY 2	229,043	229,043	229,043	229,043
13740 DHP ACCRUAL REESTIMATE	---	-3,900	-3,500	-3,900
13840 TOTAL, RESERVE PERSONNEL, MARINE CORPS	557,883	553,983	554,383	553,983

Adjustments to Budget Activities

Adjustment to the budget activities is as follows:

(In thousands of dollars)

Other Adjustments:		
13740	DHP Accrual Reestimate…………………………………	-3,900

RESERVE PERSONNEL, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
13850 RESERVE PERSONNEL, AIR FORCE				
13900 ACTIVITY 1: UNIT AND INDIVIDUAL TRAINING				
13950 PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)........	520,875	520,875	520,875	520,875
14000 PAY GROUP B TRAINING (BACKFILL FOR ACT DUTY).........	105,332	105,332	105,332	105,332
14050 PAY GROUP F TRAINING (RECRUITS)......................	24,933	24,933	24,933	24,933
14075 DEFENSE HEALTH PROGRAM ACCRUAL.......................	132,127	132,127	132,127	132,127
14100 OTHER..	95	95	95	95
14150 TOTAL, BUDGET ACTIVITY 1............................	783,362	783,362	783,362	783,362
14200 ACTIVITY 2: OTHER TRAINING AND SUPPORT				
14250 MOBILIZATION TRAINING................................	3,058	3,058	3,058	3,058
14300 SCHOOL TRAINING......................................	71,351	71,351	71,351	71,351
14350 SPECIAL TRAINING.....................................	148,351	148,351	148,351	148,351
14400 ADMINISTRATION AND SUPPORT...........................	143,948	143,948	143,948	143,948
14450 EDUCATION BENEFITS...................................	7,700	7,700	7,700	7,700
14500 ROTC - SENIOR, JUNIOR................................	53,315	53,315	53,315	53,315
14525 HEALTH PROFESSION SCHOLARSHIP........................	26,189	26,189	26,189	26,189
14550 DEFENSE HEALTH PROGRAM ACCRUAL.......................	6,630	6,630	6,630	6,630
14600 TOTAL, BUDGET ACTIVITY 2............................	460,542	460,542	460,542	460,542
14610 DHP ACCRUAL REESTIMATE...............................	---	-7,000	-6,400	-7,000
14690 TOTAL, RESERVE PERSONNEL, AIR FORCE.................	1,243,904	1,236,904	1,237,504	1,236,904

Adjustments to Budget Activities

Adjustment to the budget activities is as follows:

(In thousands of dollars)

Other Adjustments:	
14610 DHP Accrual Reestimate	-7,000

NATIONAL GUARD PERSONNEL, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

(In thousands of dollars)

	Budget	House	Senate	Conference
14700 NATIONAL GUARD PERSONNEL, ARMY				
14750 ACTIVITY 1: UNIT AND INDIVIDUAL TRAINING				
14800 PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)	1,811,587	1,783,587	1,811,587	1,793,587
14850 PAY GROUP F TRAINING (RECRUITS)	246,397	246,397	246,397	246,397
14900 PAY GROUP P TRAINING (PIPELINE RECRUITS)	24,894	24,894	24,894	24,894
14925 DEFENSE HEALTH PROGRAM ACCRUAL	577,660	577,660	577,660	577,660
15000 TOTAL, BUDGET ACTIVITY 1	2,660,538	2,632,538	2,660,538	2,642,538
15050 ACTIVITY 2: OTHER TRAINING AND SUPPORT				
15100 SCHOOL TRAINING	229,609	229,609	229,609	229,609
15150 SPECIAL TRAINING	141,503	141,503	141,503	141,503
15200 ADMINISTRATION AND SUPPORT	1,926,099	1,926,099	1,954,499	1,926,099
15250 EDUCATION BENEFITS	66,158	66,158	66,158	66,158
15275 DEFENSE HEALTH PROGRAM ACCRUAL	107,181	107,181	107,181	107,181
15350 TOTAL, BUDGET ACTIVITY 2	2,470,550	2,470,550	2,498,950	2,470,550
15370 EMERGENCY SPILL RESPONSE PROGRAM	---	---	600	600
15380 UNDISTRIBUTED ADJUSTMENT	-2,100	-2,100	-2,100	-2,100
15390 ADDITIONAL FULL-TIME SUPPORT	---	28,400	---	35,100
15400 DHP ACCRUAL REESTIMATE	---	-34,200	-31,500	-34,200
15410 UNOBLIGATED BALANCES	---	-25,000	---	---
15420 ADOPTED LEGISLATIVE PROPOSALS	---	---	2,100	2,100
15445 TOTAL, NATIONAL GUARD PERSONNEL, ARMY	5,128,988	5,070,188	5,128,588	5,114,588

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Unit and Individual Training:	
14800 Pay Group A Training/AT Participation Rates	-18,000
Other Adjustments:	
15370 Emergency Spill Response Program	600
15390 Additional Full-Time Support	35,100
15400 DHP Accrual Reestimated	-34,200
15420 Adopted Legislative Proposals	$2,100

ACTIVE GUARD AND RESERVE PERSONNEL

The conferees recommend a total of $35,100,000 for additional Active Guard and Reserve (AGR) personnel, instead of $28,400,000 as proposed by the House and Senate. The additional $6,700,000, offset by a reduction in Research, Development, Test and Evaluation, Defense-Wide, line 74, will provide 52 AGRs for security at the Missile Defense Agency Test Bed site at Fort Greely, Alaska and 33 AGRs for emergency defensive operations at Fort Greely, Alaska and Colorado Springs, Colorado.

NATIONAL GUARD PERSONNEL, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
15450 NATIONAL GUARD PERSONNEL, AIR FORCE				
15500 ACTIVITY 1: UNIT AND INDIVIDUAL TRAINING				
15550 PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)	776,478	776,478	776,478	776,478
15600 PAY GROUP F TRAINING (RECRUITS)	41,453	41,453	41,453	41,453
15650 PAY GROUP P TRAINING (PIPELINE RECRUITS)	1,174	1,174	1,174	1,174
15675 DEFENSE HEALTH PROGRAM ACCRUAL	148,970	148,970	148,970	148,970
15750 TOTAL, BUDGET ACTIVITY 1	968,075	968,075	968,075	968,075
15800 ACTIVITY 2: OTHER TRAINING AND SUPPORT				
15850 SCHOOL TRAINING	130,702	130,702	130,702	130,702
15900 SPECIAL TRAINING	109,752	109,752	109,752	109,752
15950 ADMINISTRATION AND SUPPORT	817,601	817,601	818,351	818,351
16000 EDUCATION BENEFITS	33,569	33,569	33,569	33,569
16025 DEFENSE HEALTH PROGRAM ACCRUAL	75,912	75,912	75,912	75,912
16100 TOTAL, BUDGET ACTIVITY 2	1,167,536	1,167,536	1,168,286	1,168,286
16120 DHP ACCRUAL REESTIMATE	---	-11,200	-10,300	-11,200
16200 TOTAL, NATIONAL GUARD PERSONNEL, AIR FORCE	2,135,611	2,124,411	2,126,061	2,125,161

Adjustments to Budget Activities

Adjustments to the budget activities are as follows:

(In thousands of dollars)

Budget Activity 2: Other Training and Support:	
15950 Administration and Support/Additional AGR End Strength	750
Other Adjustments:	
16120 DHP Accrual Reestimate	-11,200

TITLE II – OPERATION AND MAINTENANCE

A summary of the conference agreement on the items addressed by either the House or the Senate is as follows:

(In thousands of dollars)

		Budget	House	Senate	Conference
50000	RECAPITULATION				
50050	O & M, ARMY	23,961,173	23,942,768	24,048,107	23,992,082
50150	O & M, NAVY	28,697,235	29,121,836	29,410,276	29,331,526
50250	O & M, MARINE CORPS	3,310,542	3,579,359	3,576,142	3,585,759
50300	O & M, AIR FORCE	26,772,768	27,587,959	27,463,678	27,339,533
50400	O & M, DEFENSE-WIDE	14,169,258	14,850,377	14,527,853	14,773,506
50500	O & M, ARMY RESERVE	1,880,110	1,976,710	1,963,710	1,970,180
50550	O & M, NAVY RESERVE	1,159,734	1,239,309	1,233,759	1,236,809
50600	O & M, MARINE CORPS RESERVE	185,532	189,532	185,532	187,532
50650	O & M, AIR FORCE RESERVE	2,135,452	2,165,604	2,160,604	2,163,104
50700	O & M, ARMY NATIONAL GUARD	4,049,567	4,231,967	4,266,412	4,261,707
50750	O & M, AIR NATIONAL GUARD	4,062,445	4,113,010	4,113,460	4,117,585
50790	OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND	50,000	---	50,000	5,000
50800	UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES	9,614	9,614	9,614	9,614
50850	ENVIRONMENTAL RESTORATION, ARMY	395,900	395,900	395,900	395,900
50900	ENVIRONMENTAL RESTORATION, NAVY	256,948	256,948	256,948	256,948
50950	ENVIRONMENTAL RESTORATION, AIR FORCE	389,773	389,773	389,773	389,773
51000	ENVIRONMENTAL RESTORATION, DEFENSE-WIDE	23,498	23,498	23,498	23,498
51050	ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES	212,102	212,102	252,102	246,102
51200	OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID	58,400	58,400	58,400	58,400
51300	FORMER SOVIET UNION THREAT REDUCTION	416,700	416,700	416,700	416,700
51460	SUPPORT OF INTERNATIONAL SPORTING COMPETITIONS	19,000	19,000	19,000	19,000
51470	DEFENSE EMERGENCY RESPONSE FUND	19,338,151	---	---	---
51480	RETIREMENT ACCRUALS	---	---	---	---
51490	TRAVEL	---	---	---	---
51600	GRAND TOTAL, O & M	131,553,902	114,780,366	114,821,468	114,780,258

MANAGEMENT RESERVE FUNDS

Each service headquarters retains a portion of its operation and maintenance appropriation as a reserve to meet emergent needs. From fiscal year 1999 through fiscal year 2002, the services set aside the following amounts in management reserve funds: Army, $278,000,000; Navy, $466,000,000; Air Force, $200,000,000; and, Marine Corps, $96,000,000. In fiscal year 2002 alone, the Army set aside $128,000,000; the Navy, $150,000,000; the Air Force, $50,000,000; and, the Marines, $30,000,000. These funds are used at the discretion of the service chiefs or service secretaries and, since fiscal year 1999, have been used for projects ranging in cost from $5,000 to $40,100,000.

The amount retained by the Army in the management reserve fund grew from $50,000,000 in fiscal year 2001 to $128,000,000 in fiscal year 2002. The Navy increased its management reserve from $81,000,000 in fiscal year 1999 to $150,000,000 in fiscal year 2002. The Marine Corps' management reserve historically has been between $30,000,000, and $40,000,000, significantly higher than the Army, Navy, and Air Force reserve funds when considered as a percentage of the operation and maintenance funding provided for each service. The Air Force management reserve fund has remained constant at $50,000,000 per year. The services have applied the reserve funds to address a broad range of requirements, ranging from employment kiosks at minority institutions, to funding for a North Atlantic Treaty Organization Meeting, to ship and aircraft depot maintenance.

The conferees acknowledge the utility of retaining a small amount of the operation and maintenance funds appropriate for each service in the service headquarters to address emergent requirements. the conferees are concerned, however, with the recent growth in the amounts retained in the management reserve funds. Further, the growing amounts that the service chiefs and service secretaries have chosen to withhold from distribution to field activities call into question the validity of the budget justification process.

The conferees direct that not more than the following amounts may be used for service chief/service secretary reserve funds:

Operation and Maintenance, Army	$50,000,000
Operation and Maintenance, Navy	50,000,000
Operation and Maintenance, Marine Corps	10,000,000
Operation and Maintenance, Air Force	50,000,000

Additionally, the conferees direct that not later than 60 days after the end of fiscal year 2003, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force shall each submit to the congressional defense committees a report detailing service chief/service secretary reserve fund expenditures during the fiscal year.

MIDWAY AIRFIELD

The conferees are aware of the continuing efforts to forge a long term solution for the operation and maintenance of the Midway Island airfield, and are aware that Department of Defense aircraft used the Midway facility 17 times in fiscal year 2002. The conferees encourage the Department of Defense, in conjunction with the Department of the Interior, to identify a long-term contracting solution to continue the availability of this airfield in a manner which meets the refueling and emergency divert airfield requirements of military aircraft.

OPERATION AND MAINTENANCE, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

(In thousands of dollars)

	Budget	House	Senate	Conference
100 OPERATION AND MAINTENANCE, ARMY				
150 BUDGET ACTIVITY 1: OPERATING FORCES				
200 LAND FORCES				
250 DIVISIONS	1,425,204	1,439,304	1,425,204	1,436,404
300 CORPS COMBAT FORCES	424,191	424,191	424,191	424,191
350 CORPS SUPPORT FORCES	361,001	361,001	361,001	361,001
400 ECHELON ABOVE CORPS SUPPORT FORCES	405,752	405,752	405,752	405,752
450 LAND FORCES OPERATIONS SUPPORT	1,115,776	1,123,776	1,165,776	1,162,276
500 LAND FORCES READINESS				
550 FORCE READINESS OPERATIONS SUPPORT	1,529,998	1,581,498	1,573,998	1,576,498
600 LAND FORCES SYSTEMS READINESS	491,947	491,947	481,947	481,947
650 LAND FORCES DEPOT MAINTENANCE	808,666	808,666	808,666	808,666
700 LAND FORCES READINESS SUPPORT				
750 BASE OPERATIONS SUPPORT	3,207,409	3,214,409	3,201,409	3,207,409
800 FAC SUSTAINMENT, RESTORATION & MOD (OP FORCES)	1,146,516	1,150,516	1,152,616	1,152,216
850 MANAGEMENT & OPERATIONAL HEADQUARTERS	297,834	307,234	306,834	305,234
900 UNIFIED COMMANDS	83,961	83,961	103,361	99,361
950 MISCELLANEOUS ACTIVITIES	1,607,610	1,622,610	1,622,610	1,622,610
1045 TOTAL, BUDGET ACTIVITY 1	12,905,865	13,014,865	13,033,365	13,043,565
1050 BUDGET ACTIVITY 2: MOBILIZATION				
1100 MOBILITY OPERATIONS				
1200 STRATEGIC MOBILIZATION	365,257	365,257	365,257	365,257
1250 ARMY PREPOSITIONED STOCKS	158,237	158,237	158,237	158,237
1300 INDUSTRIAL PREPAREDNESS	9,497	9,497	9,497	9,497
1325 FAC SUSTAINMENT, RESTORATION & MOD (OP FORCES)	11,473	11,473	11,473	11,473
1350 TOTAL, BUDGET ACTIVITY 2	544,464	544,464	544,464	544,464

(In thousands of dollars)

	Budget	House	Senate	Conference
1400 BUDGET ACTIVITY 3: TRAINING AND RECRUITING				
1450 ACCESSION TRAINING				
1500 OFFICER ACQUISITION	88,026	88,026	88,026	88,026
1550 RECRUIT TRAINING	20,197	20,197	20,197	20,197
1600 ONE STATION UNIT TRAINING	22,486	22,486	22,486	22,486
1650 SENIOR RESERVE OFFICERS' TRAINING CORPS	209,550	209,550	211,550	210,950
1700 BASE OPERATIONS SUPPORT (ACCESSION TRAINING)	89,214	89,214	89,214	89,214
1750 FAC SUSTAINMENT, RESTORATION & MOD (OP FORCES)	56,754	56,754	56,754	56,754
1800 BASIC SKILL/ ADVANCE TRAINING				
1850 SPECIALIZED SKILL TRAINING	365,041	400,941	399,941	401,641
1900 FLIGHT TRAINING	402,481	404,481	402,481	402,481
1950 PROFESSIONAL DEVELOPMENT EDUCATION	133,572	133,572	133,572	133,572
2000 TRAINING SUPPORT	431,508	432,508	419,508	419,608
2050 BASE OPERATIONS SUPPORT (BASIC SKILL/ADV TRAINING)	1,006,102	1,007,102	1,006,102	1,007,102
2100 FAC SUSTAINMENT, RESTORATION & MOD (OP FORCES)	351,864	356,364	351,864	354,164
2150 RECRUITING/OTHER TRAINING				
2200 RECRUITING AND ADVERTISING	458,788	458,788	453,788	453,788
2250 EXAMINING	87,568	87,568	87,568	87,568
2300 OFF-DUTY AND VOLUNTARY EDUCATION	208,860	208,860	208,860	208,860
2350 CIVILIAN EDUCATION AND TRAINING	99,193	100,193	99,193	100,193
2400 JUNIOR RESERVE OFFICERS' TRAINING CORPS	97,512	97,512	97,512	97,512
2450 BASE OPERATIONS SUPPORT (RECRUIT/OTHER TRAINING)	250,316	252,616	252,616	252,616
2500 TOTAL, BUDGET ACTIVITY 3	4,379,032	4,426,732	4,401,232	4,406,732
2550 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
2600 SECURITY PROGRAMS				
2650 SECURITY PROGRAMS	572,013	587,013	593,007	587,013
2700 LOGISTICS OPERATIONS				
2750 SERVICEWIDE TRANSPORTATION	608,608	590,608	592,508	592,608
2800 CENTRAL SUPPLY ACTIVITIES	547,994	552,494	547,994	551,194
2850 LOGISTICS SUPPORT ACTIVITIES	356,424	361,424	358,424	359,424
2900 AMMUNITION MANAGEMENT	311,789	311,789	311,789	311,789
2950 SERVICEWIDE SUPPORT				
3000 ADMINISTRATION	638,845	622,445	649,445	631,945
3050 SERVICEWIDE COMMUNICATIONS	655,796	631,596	663,796	629,796

(In thousands of dollars)

	Budget	House	Senate	Conference
3100 MANPOWER MANAGEMENT	245,901	235,901	245,901	242,901
3150 OTHER PERSONNEL SUPPORT	204,749	205,749	204,749	205,749
3200 OTHER SERVICE SUPPORT	623,408	613,408	627,408	616,808
3250 ARMY CLAIMS	112,215	112,215	112,215	112,215
3300 REAL ESTATE MANAGEMENT	54,282	54,282	51,282	52,282
3350 BASE OPERATIONS SUPPORT (SERVICEWIDE SUPPORT)	1,298,623	1,303,623	1,303,623	1,303,623
3400 FAC SUSTAINMENT, RESTORATION & MCD (OP FORCES)	257,333	261,333	277,633	277,808
3550 SUPPORT OF OTHER NATIONS				
3600 INTERNATIONAL MILITARY HEADQUARTERS	205,623	205,623	205,623	205,623
3650 MISC. SUPPORT OF OTHER NATIONS	58,091	58,091	58,091	58,091
3700 TOTAL, BUDGET ACTIVITY 4	6,751,694	6,707,594	6,803,488	6,738,869
3710 CLASSIFIED PROGRAMS UNDISTRIBUTED	---	5,994	41,760	42,153
3720 MEMORIAL EVENTS	---	800	---	800
3730 REPAIRS AT FT. BAKER	---	---	---	2,500
3870 RETIREMENT ACCRUALS	-612,382	-612,382	-612,382	-612,382
3880 UNDISTRIBUTED REDUCTION	-7,500	-7,500	-7,500	-7,500
3930 TRAVEL OF PERSONS	---	-14,000	---	---
3940 TRADOC TRANSFORMATION	---	-15,000	---	---
3960 FECA SURCHARGE	---	-8,799	---	-8,799
3970 UNOBLIGATED BALANCES	---	-50,000	---	-50,000
3980 CONOPS COSTS	---	-50,000	-50,000	-50,000
4035 ANTI-CORROSION PROGRAMS	---	---	1,000	1,000
4037 UTILITIES PRIVATIZATION	---	---	-9,000	-9,000
4040 DEPOT MAINTENANCE EXCESS CARRYOVER	---	---	-48,000	---
4045 PACOM INFRASTRUCTURE MODERNIZATION - TRANSFER TO OPA	---	---	-41,800	-41,800
4050 EUSA COMMAND AND CONTROL - TRANSFER TO OPA	---	---	-4,700	-4,700
4055 USARPAC COMMUNICATIONS EQUIPMENT FIELDING - TRANSFER	---	---	-3,200	-3,200
4060 PACOM INFRASTRUCTURE MODERNIZATION - TRANSFER TO OPA	---	---	-620	-620
4180 TOTAL, OPERATION AND MAINTENANCE, ARMY	23,961,173	23,942,768	24,048,107	23,992,082

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
250 All Terrain Military Utility Vehicles	2,900
250 Hydration on the Move System, Including Chem/Bio Sys	1,000
250 Modular Lightweight Load-Carrying Equipment (MOLLE)	3,600
250 Modular General Purpose Tent System (MGPTS)	1,200
250 Expendable Light Air Mobility Shelter	2,500
450 Camera Assisted Monitoring System (CAMS)	4,000
450 SBCT Implementation	42,500
550 Continuity of Operations DERF—Alt Nat Cmd Ctr	44,000
550 CT/FP DERF—Physical Security Equipment	76,900
550 CT/FP DERF—Physical Security Equipment trans to OPA	−76,900
550 ITAM Program at Army NTC	1,000
550 Corrosion Prevention and Control Program at CCAD and Fort Hood	1,500
600 Studies, analysis and headquarters growth	−10,000
750 USARSO headquarters growth	−1,000
750 Other Contracts, unjustified program growth	−5,000
750 Training and Support Facilities—Continue Ft. Irwin facility and road improvements	6,000
800 Airborne Barracks—Ft. Benning, Georgia	2,000
800 Ft. Lewis SRM, Vancouver Barracks preservation	3,700
850 USARPAC C41 PACMERS	4,300
850 USARPAC C4 shortfalls	5,100
850 Management and Operational Headquarters, unjustified program growth	−2,000
900 DERF transfer—CINC AT/FP staff	9,400
900 Hunter UAV	6,000
950 Nuclear Posture Review DERF—Info Systems Security	15,000
Budget Activity 3: Training and Recruiting:	
1650 SROTC—Air Battle Captain Program	1,400
1850 Sec, Comms & Info Opns DERF—Army Lang Pgm TIARA	19,500
1850 Sec, Comms & Info Opns DERF—Contr Linguists TIARA	9,400
1850 Sec, Comms & Info Opns DERF—Contract Linguists Interrogation	5,000
1850 Military Police MCTFT joint training	1,700
1850 SCOLA language training	1,000
2000 Defense Language Institute (DLI) LandNet	1,000
2000 TRADOC Transformation, unjustified program increase	−15,000
2000 Ft. Knox Distance Learning	2,100
2050 DoD Monterey Bay Center furniture and equipment	1,000
2100 Restoration and modernization of dining facilities	2,300
2200 Contract Recruiting Companies	−5,000
2350 Online Technology Training Pilot Program Ft. Lewis	1,000
2450 Sec, Comms & Info Opns DERF—PE0135197	2,300
Budget Activity 4: Administration and Servicewide Activities:	
2650 Continuity of Operations DERF—CONUS Support	2,000
2650 Sec, Comms & Info Opns DERF—Battle Space Character	2,000
2650 Sec, Comms & Info Opns DERF—Sec & Invest backlog	10,000
2650 Sec, Comms & Info Opns DERF—Information Dominance	1,000
2750 Second Destination Transportation, unjustified pgm growth	−18,000
2750 MTMC DRMEC demo project including RAPID	2,000
2800 Pulse Technology—Army Battery Management Program	3,200
2850 AIT/RFID Program at Sierra Army Depot	1,000
2850 Electronic Maintenance System (EMS)/Point-to-Point Wiring and Signal Tracing	1,000
2850 Logistics and Technology Program	1,000
3000 Sec, Comms & Info Opns DERF—Crit Infr Protect (CIP)	600
3000 Administration	−17,000
3000 Biometrics Support	9,500
3050 Continuity of Operations DERF—JMIP CONUS Support	5,000
3050 Sec, Comms & Info Opns DERF—Collaboration Planning/Enablers	2,500
3050 Sec, Comms & Info Opns DERF—CONUS Support, CIP	500
3050 Servicewide Communications	−22,000
3050 Army Information Systems	−6,000
3050 Army Enterprise Architecture	−6,000
3100 Manpower Management	−3,000
3150 Chaplain—Building Strong and Ready Families Pgm	1,000
3200 Other Service Support	−10,000
3200 Army Conservation and Ecosystem Management	3,400
3300 Real Estate Management—underexecution	−2,000
3350 Worker Safety Pilot Program at Fort Bragg, NC and Watervliet, NY expansion	2,500
3350 Innovative Safety Management	2,500
3400 Army Chapel Renovation Matching Funds Program	3,400
3400 Rock Island Bridge Repairs	1,700
3400 Yukon training infrastructure and access upgrades	1,700
3400 Ft. Richardson Bldg. 802 repairs	3,900
3400 Ft. Wainwright utilidors	8,500
3400 Tanana River bridge study	1,275
Undistributed:	
3710 Classified Programs	42,153
3720 Memorial Events	800
3730 Repairs at Fort Baker	2,500
3960 FECA Surcharge	−8,799
3970 Un-obligated Balance	−50,000
3980 CONOPS Costs	−50,000
4035 Anti-corrosion programs	1,000
4037 Utilities privatization	−9,000
4045 PACOM Infrastructure Modernization Program—transfer To OPA	−41,800
4050 EUSA command and control—transfer to OPA	−4,700
4055 USARPAC Comms equipment fielding—transfer to OPA	−3,200
4060 PACOM Infrastructure Modernization Program—transfer To OPA	−620

ARMY BUDGET JUSTIFICATION MATERIALS

The conferees recognize the importance of the budgetary management improvement process undertaken by the Under Secretary of the Army to provide more meaningful budget justification materials for future budget submissions. The conferees strongly encourage further efforts to ensure programmatic accountability, integrity, management, and oversight, which may continue to benefit from an independent third party experienced in federal assurance services to mitigate program and operational risk, and to ensure quality.

SOLDIER EQUIPMENT—ORGANIZATIONAL CLOTHING AND INDIVIDUAL EQUIPMENT

The conferees are aware that experience in Afghanistan showed once again that while the Army is continuing to invest significant sums in developing better soldier equipment, the system to get that equipment to soldiers still has major shortcomings. Consequently, the Army now estimates that its soldiers spend on average about $300 per year out of pocket to buy additional necessary equipment ranging from hydration systems to GPS receivers. Equipment shortages reported by American soldiers in Afghanistan and elsewhere include modern knee and elbow pads, hydration systems to replace canteens, GPS receivers, lensatic compasses, sunglasses, helmet pads, polypropylene underwear, assault packs, close combat optics, soldier intercoms, viper binoculars, black fleece and "bear suits", thermal weapons sights, body armor, and other important basic gear. In Afghanistan, some soldiers reported the loss of circulation in their arms in situations where they had to wear the new Interceptor Body Armor with the ALICE rucksack frame or the current Load Bearing Vest instead of the MOLLE pack for which it was designed. Many Reserve Components have a far worse equipment situation. For example, soldiers from the 1-151st Infantry of the Indiana Army National Guard personally purchased radios from local discount department stores to serve as soldier intercoms for their deployment to Bosnia. With the expected increased OPTEMPO of both active and reserve forces to sustain the war on terrorism, this problem is becoming evermore acute and unacceptable.

The conferees believe the Army leadership must take a fresh look at the entire system for issuing soldier equipment. It is unacceptable for American soldiers—both active and reserve—to be deployed with anything but the best equipment the Army has developed, and it must be a priority objective to dramatically improve the situation where soldiers deploy with lower quality gear that could cost their lives. In the short term this will require more investment in the Soldier Enhancement Program, the Centralized Funding and Fielding activity, and other accounts whose purpose is to field new equipment to soldiers expeditiously. In the long term, the Army must retool its practices and procedures for equipping its soldiers, in order to field the most advanced gear faster and to more soldiers. The Secretary of the Army is directed to submit a report to the congressional defense committees by May 1, 2003 assessing and identifying the major soldier equipment shortages in all major active and reserve component units, identifying the highest priority Army-wide soldier equipment items that require higher procurement rates and faster distribution, and explaining how the Army plans to address those needs. This report shall also present the Army's plan and timetable for transforming its practices and procedures for procuring and distributing soldier equipment in order to dramatically improve the distribution of modern soldier equipment across the board to all units—both active and reserve.

National Memorial Cemetery of the Pacific

The conferees are pleased that the Department of the Army has been able to accomplish the necessary research and coordination with the Department of Veterans Affairs in order to bring about the remarking of 178 graves at the National Memorial Cemetery of the Pacific, to properly denote service members killed on December 7, 1941 on United States Ships *Oklahoma*, *West Virginia*, *California*, *Utah*, *Nevada*, and *Curtis*, as well as Hickam Air Field. The Conferees understand that the new grave markers will be provided to the National Cemetery in Hawaii by approximately November 20, 2002 with the goal of replacing the 178 grave markers by December 7, 2002.

Internet Access Korea

The conferees direct that of the funds provided in Operation and Maintenance, Army, $2,500,000 shall be available only to accelerate the Army Knowledge Online pilot program to full implementation in order to provide access to internet and electronic mail services for soldiers stationed in the Republic of Korea.

Fort Baker

The conference agreement provides an additional $2,500,000 to continue infrastructure repairs at Fort Baker. The accompanying bill provides authority to transfer these funds under the same terms and conditions and to the same federal recipient as specified under Operation and Maintenance, Army, in P.L. 107-117

Lowry Bombing Range

The Conferees are aware of the unique environmental clean-up measures needed at the former Lowry Bombing and Gunnery Range, and recognize the importance of expediting restoration and containment activities to permit planned development in the surrounding area to proceed without delay. The conferees encourage the Corps of Engineers to provide sufficient resources, and select appropriate clean-up and containment methodologies, in a timely manner, to ensure that the Jeep demolition range and the 20-millimeter range areas are safe for future economic, educational and recreational activities.

Sustainment, Restoration and Modernization

The conferees direct that facilities sustainment, restoration and modernization funds recommended in this bill shall provide the following program baseline in fiscal year 2003. Any adjustments directed in the bill shall be applied to this baseline:

[In thousands of dollars]

AMC	126,000
ATEC	71,888
COE	8,050
EUSA	128,000
FORSCOM	400,206
MDW	57,674
MEDCOM	28,000
MTMC	22,229
OSA	14.275
TRADOC	358,430
USAREUR	332,702
USARPAC	207,420
USARSO	9,659
USMA	57,102
Site R	3,010
Total	1,823,945

Broadway Armory Project

The conferees direct the Secretary of the Army to provide funding, from within available funds under Operation and Maintenance, Army, for the Chicago Park District's Broadway Armory project, consistent with Section 8161 of Public Law 107-117.

OPERATION AND MAINTENANCE, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

(In thousands of dollars)

	Budget	House	Senate	Conference
4250 OPERATION AND MAINTENANCE, NAVY				
4300 BUDGET ACTIVITY 1: OPERATING FORCES				
4350 AIR OPERATIONS				
4400 MISSION AND OTHER FLIGHT OPERATIONS	3,247,197	3,247,197	3,247,197	3,247,197
4450 FLEET AIR TRAINING	1,030,024	1,030,024	1,030,024	1,030,024
4500 INTERMEDIATE MAINTENANCE	69,945	74,945	69,945	74,245
4550 AIR OPERATIONS AND SAFETY SUPPORT	109,072	109,072	109,072	109,072
4600 AIRCRAFT DEPOT MAINTENANCE	785,052	775,052	785,052	785,052
4650 AIRCRAFT DEPOT OPERATIONS SUPPORT	55,930	55,930	55,930	55,930
4800 SHIP OPERATIONS				
4850 MISSION AND OTHER SHIP OPERATIONS	2,442,911	2,442,911	2,442,911	2,442,911
4900 SHIP OPERATIONAL SUPPORT AND TRAINING	589,655	596,655	596,655	596,655
4950 INTERMEDIATE MAINTENANCE	406,251	406,251	406,251	406,251
5000 SHIP DEPOT MAINTENANCE	3,536,452	3,536,452	3,536,452	3,536,452
5050 SHIP DEPOT OPERATIONS SUPPORT	1,324,577	1,335,277	1,349,577	1,354,477
5200 COMBAT OPERATIONS/SUPPORT				
5250 COMBAT COMMUNICATIONS	424,042	424,042	424,042	424,042
5300 ELECTRONIC WARFARE	15,485	15,485	15,485	15,485
5350 SPACE SYSTEMS & SURVEILLANCE	205,001	205,001	205,001	205,001
5400 WARFARE TACTICS	166,186	166,186	186,186	183,186
5450 OPERATIONAL METEOROLOGY & OCEANOGRAPHY	273,412	273,412	276,912	275,912
5500 COMBAT SUPPORT FORCES	767,833	819,833	811,333	816,633
5550 EQUIPMENT MAINTENANCE	169,941	175,441	169,941	173,441
5600 DEPOT OPERATIONS SUPPORT	1,676	1,676	1,676	1,676

(In thousands of dollars)

	Budget	House	Senate	Conference
5750 WEAPONS SUPPORT				
5800 CRUISE MISSILE	162,185	162,185	162,185	162,185
5850 FLEET BALLISTIC MISSILE	806,150	813,150	813,150	813,150
5900 IN-SERVICE WEAPONS SYSTEMS SUPPORT	43,314	43,314	40,314	40,314
5950 WEAPONS MAINTENANCE	420,864	429,864	443,864	438,364
6200 BASE SUPPORT				
6210 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,153,732	1,378,432	1,375,432	1,378,032
6220 BASE SUPPORT	2,748,739	3,002,120	2,992,620	3,000,370
6230 TOTAL, BUDGET ACTIVITY 1	20,955,626	21,519,907	21,547,207	21,566,057
6250 BUDGET ACTIVITY 2: MOBILIZATION				
6300 READY RESERVE AND PREPOSITIONING FORCES				
6350 SHIP PREPOSITIONING AND SURGE	528,795	528,795	528,795	528,795
6400 ACTIVATIONS/INACTIVATIONS				
6450 AIRCRAFT ACTIVATIONS/INACTIVATIONS	3,432	3,432	3,432	3,432
6500 SHIP ACTIVATIONS/INACTIVATIONS	156,037	160,037	161,037	182,337
6550 MOBILIZATION PREPAREDNESS				
6600 FLEET HOSPITAL PROGRAM	25,561	29,561	29,561	29,561
6650 INDUSTRIAL READINESS	1,207	1,207	1,207	1,207
6700 COAST GUARD SUPPORT	18,759	18,759	18,759	18,759
6750 TOTAL, BUDGET ACTIVITY 2	733,791	741,791	742,791	764,091
6800 BUDGET ACTIVITY 3: TRAINING AND RECRUITING				
6850 ACCESSION TRAINING				
6900 OFFICER ACQUISITION	115,943	115,943	115,943	115,943
6950 RECRUIT TRAINING	10,413	10,413	10,413	10,413
7000 RESERVE OFFICERS TRAINING CORPS	83,461	85,461	83,461	85,461
7150 BASIC SKILLS AND ADVANCED TRAINING				
7200 SPECIALIZED SKILL TRAINING	351,114	353,114	353,114	353,114
7250 FLIGHT TRAINING	371,096	371,096	371,096	371,096
7300 PROFESSIONAL DEVELOPMENT EDUCATION	137,801	137,801	135,801	135,801
7350 TRAINING SUPPORT	218,765	228,265	218,765	226,765

(In thousands of dollars)

	Budget	House	Senate	Conference
7500 RECRUITING, AND OTHER TRAINING AND EDUCATION				
7550 RECRUITING AND ADVERTISING	257,292	257,292	257,292	257,292
7600 OFF-DUTY AND VOLUNTARY EDUCATION	102,643	104,503	102,643	103,643
7650 CIVILIAN EDUCATION AND TRAINING	75,178	75,178	75,178	75,178
7700 JUNIOR ROTC	35,358	36,358	37,358	36,358
7800 BASE SUPPORT				
7820 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	224,764	266,764	266,764	266,764
7830 BASE SUPPORT	375,698	377,698	377,198	377,698
7850 TOTAL, BUDGET ACTIVITY 3	2,359,526	2,419,886	2,405,026	2,415,526
7900 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
7950 SERVICEWIDE SUPPORT				
8000 ADMINISTRATION	669,509	665,109	673,609	667,609
8050 EXTERNAL RELATIONS	4,639	4,639	4,639	4,639
8100 CIVILIAN MANPOWER & PERSONNEL MGT	119,785	119,785	119,785	119,785
8150 MILITARY MANPOWER & PERSONNEL MGT	106,986	106,986	106,986	106,986
8200 OTHER PERSONNEL SUPPORT	199,531	199,531	199,531	199,531
8250 SERVICEWIDE COMMUNICATIONS	732,372	737,432	745,432	738,532
8450 LOGISTICS OPERATIONS AND TECHNICAL SUPPORT				
8500 SERVICEWIDE TRANSPORTATION	186,872	185,872	186,872	185,872
8550 PLANNING, ENGINEERING & DESIGN	393,563	382,063	378,563	381,063
8600 ACQUISITION AND PROGRAM MANAGEMENT	857,646	855,646	858,446	849,446
8650 AIR SYSTEMS SUPPORT	464,959	452,959	464,959	459,759
8700 HULL, MECHANICAL & ELECTRICAL SUPPORT	51,399	54,299	52,299	54,099
8750 COMBAT/WEAPONS SYSTEMS	43,907	43,907	43,907	43,907
8800 SPACE & ELECTRONIC WARFARE SYSTEMS	59,899	60,399	60,399	60,399
8950 SECURITY PROGRAMS				
9000 SECURITY PROGRAMS	767,090	781,290	781,290	781,290
9150 SUPPORT OF OTHER NATIONS				
9200 INTERNATIONAL HDQTRS & AGENCIES	9,349	9,349	9,349	9,349
9210 BASE SUPPORT				
9220 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	99,406	112,406	112,406	112,406
9230 BASE SUPPORT	212,958	214,958	212,958	213,958
9250 TOTAL, BUDGET ACTIVITY 4	4,979,870	4,986,630	5,011,430	4,988,630

(In thousands of dollars)

		Budget	House	Senate	Conference
9280	CLASSIFIED PROGRAMS UNDISTRIBUTED....................	---	13,064	29,400	41,664
9340	RETIREMENT ACCRUALS..................................	-324,278	-324,278	-324,278	-324,278
9350	UNDISTRIBUTED REDUCTION..............................	-7,300	-7,300	-7,300	-7,300
9390	TRAVEL OF PERSONS....................................	---	-9,000	---	---
9400	LEGISLATIVE PROPOSAL NOT ADOPTED.....................	---	-2,100	---	-2,100
9410	NON-NMCI IT SAVINGS..................................	---	-120,000	---	-20,000
9430	FECA SURCHARGE.......................................	---	-14,764	---	-14,764
9440	UNOBLIGATED BALANCES.................................	---	-82,000	---	-82,000
9510	ANTI-CORROSION PROGRAMS..............................	---	---	1,000	1,000
9520	STAINLESS STEEL SANITARY SPACES......................	---	---	5,000	---
9530	CINCPACFLT ULTRA-THIN CLIENT PILOT PROGRAM...........	---	---	---	5,000
		============	============	============	============
9750	TOTAL, OPERATION AND MAINTENANCE, NAVY.............	28,697,235	29,121,836	29,410,276	29,331,526

Adjustments to Budget Activities

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
4500 Sea Sparrow Test Set Upgrade	4,300
4900 Continuity of Operations DERF, software licenses CNSG	5,000
4900 Sec, Comms & Info Opns DERF—Cryptologic Direct Support	2,000
5050 Apprentice, Engineering Technician and CO-OP Program NUWC Keyport	1,400
5050 Apprentice, Engineering Technician and CO-OP Program IMF Bangor	700
5050 Improved Engineering Design Process	4,000
5050 Shipyard Apprentice Program	10,000
5050 PHNSY SRM	13,800
5400 Warfare Tactics PMRF	17,000
5450 Hydrographic Center of Excellence	2,500
5500 Continuity of Operations DERF—Office of Navy Intelligence Data Backup	2,000
5500 Sec, Comms & Info Opns DERF—Classified	1,000
5500 Sec, Comms & Info Opns DERF—Analysts	3,000
5500 Sec, Comms & Info Opns DERF—SCI GCCS I3	3,800
5500 Sec, Comms & Info Opns DERF—GENSER GCCS I3	5,400
5500 Sec, Comms & Info Opns DERF—JDIS/LOCE/CENTRIX	5,300
5500 Sec, Comms & Info Opns DERF—CMMA	1,500
5500 Sec, Comms & Info Opns DERF—CMMA	17,000
5500 Sec, Comms & Info Opns DERF—JWICS Connectivity	5,500
5500 Center of Excellence for Disaster Management and Humanitarian Assistance	4,300
5550 MROD testing, repair and replacement	1,000
5550 Central Command deployable HQ spares & tech supt	2,500
5850 CT/FP DERF—Strat Security Forces & Technicians	7,000
5900 In-service Weapons Systems Support, underexecution	−3,000
5950 Sec, Comms & Info Opns DERF—Pioneer	6,000
5950 Mark-45 Gun, 5″ Depot Overhauls	10,500
5950 Mark-245 Decoys	1,000
6210 CT/FP DERF—Site Improvement, SRM	219,200
6210 Homeland Security—Guantanamo Bay Operations	2,500
6210 NAS North Island CNAF Facility Renovation Projects	2,600
6220 CT/FP DERF—Security Forces and Technicians	143,096
6220 CT/FP DERF—Law Enforcement	32,573
6220 CT/FP DERF—Management and Planning	1,712
6220 CT/FP DERF—Shipyard Security Forces and Tech	28,000
6220 Homeland Security DERF—Base Supt Svcs—Guantanamo	38,500
6220 Critical Asset Vulnerability Assessment, Navy Region NW	1,100
6220 Northwest Environmental Resource Centers	4,200
6220 Combating Terrorism Data Base Sys (CDTS) Remote Data Repository	1,200
6220 Earle Naval Weapons Station, NJ	1,250
Budget Activity 2: Mobilization:	
6500 Ex-Oriskany Remediation, Demil and Disposal	2,800
6500 Ship Disposal Project	3,500
6500 Ship Disposal Program—James River	20,000
6600 Homeland Security—Medical Operations—Guantanamo	4,000
Budget Activity 3: Training and Recruiting:	
7000 ROTC Unit Operating Costs	2,000
7200 Sec, Comms & Info Opns DERF—Pre-deploy Training	1,000
7200 Sec, Comms & Info Opns DERF—Imagery Training Init	1,000
7300 NPS unjustified program growth	−2,000
7350 Center for Civil-Military Relations at NPS	1,000
7350 CNET Distance Learning	3,400
7350 Prototype System for Embedded Training and Performance Supt—CNET	1,000
7350 Navy Learning Network Program CNET	2,600
7600 Continuing Education Distance Learning	1,000
7700 Naval Sea Cadet Corps	1,000
7820 CT/FP DERF—Site Improvement	42,000
7830 CT/FP DERF—Security Forces and Tech	1,500
7830 Fire Fighter Protective Equipment Maintenance Pilot, Puget Sound Federal Fire Dept, NW Region	500
Budget Activity 4: Administration and Servicewide Activities:	
8000 CT/FP DERF—HQ Management and Planning	1,600
8000 Administration Unsupported Growth	−6,000
8000 Navy-wide PVCS Enterprise license	2,500
8250 Continuity of Opns DERF—Various/ONI Data Backup	3,000
8250 CT/FP DERF—HQ Management and Planning	3,920
8250 Sec, Comms & Info Opns DERF—Computer Network Def	3,800
8250 Sec, Comms & Info Opns DERF—Enclave Boundary	1,200
8250 Sec, Comms & Info Opns DERF—Intrusion Detection	1,140
8250 Servicewide Communications	−12,000
8250 Critical Infrastructure Protection Program	5,100
8500 Servicewide Transportation	−1,000
8550 Stainless Steel Sanitary Space System	2,500
8550 Planning, Engineering and Design	−15,000
8600 Sec, Comms & Info Opns DERF—Acquisition and PM	5,500
8600 Acquisition and Program Management	−16,000
8600 Space and Naval Warfare Info Tech Center (SITC)	1,500
8600 Naval Armory Inventory and Custody Tracking	800
8650 Air Systems Support	−8,000
8650 Configuration Management Info System (CMIS)	2,800
8700 Advanced Technical Information Support	1,800
8700 Flash Detection System	900
8800 Sec, Comms & Info Opns DERF—Carryon Cryptologic Sys	500
9000 Continuity of Operations DERF—Various/Navy Criminal Investigations	2,000
9000 CT/FP DERF—Intel Security & Invest Matters	3,500
9000 Sec, Comms & Info Opns DERF—HUMINT	3,700
9000 Sec, Comms & Info Opns DERF—Counter Surveillance and Law Enforcement	5,000
9220 CT/FP DERF—Site Improvement—SRM	13,000
9230 NAS Jacksonville and NAS Mayport Anti-Corrosion Init	1,000
Undistributed:	
9280 Classified Programs	41,664
9400 Legislative Proposals Not Adopted	−2,100
9410 Non-NMCI IT Savings	−20,000
9430 FECA Surcharge	−14,764
9440 Un-obligated Balance	−82,000
9510 Anti-corrosion programs	1,000
9530 CINCPACFLT Ultra-thin Client Pilot Program	5,000

Ex-Oriskany Disposal

The conferees recommend an additional $2,800,000 in Operation and Maintenance, Navy for the remediation, demilitarization and disposal of the Ex-Oriskany in the manner determined by the Secretary of the Navy to be most advantageous.

Naval Shipyard Apprentice Program

The conferees agree to provide an increase of $10,000,000 for the Shipyard Apprentice program. The conferees direct that during fiscal year 2003 the Navy shall induct classes of no fewer than 125 apprentices, respectively, at each of the Naval Shipyards. The conferees further direct the Navy to include the costs of the fiscal year 2004 class of apprentices in the budget request.

Navy Pilot Human Resources Call Center

The conferees direct that of the funds provided in Operation and Maintenance, Navy, not less than $1,000,000 shall be made available for the Navy Pilot Human Resources Call Center, Cutler, Maine.

Casualty Care Research Center

The conferees recommend $4,300,000 for the Center of Excellence for Disaster Management and Humanitarian Assistance (COE), of which $600,000 shall be made available for the Casualty Care Research Center.

Central Kitsap School

The conferees included a general provision, Section 8108, that includes $2,700,000 for a grant to the Central Kitsap School District for the construction and outfitting of the Central Kitsap School special needs learning center, to meet the needs of Department of Defense special needs students at Submarine Base Bangor, Washington.

Classification of Vessels

The American Bureau of Shipping has been expressly designated in 46 U.S.C. 3316(a) as the chosen instrument of the United States Government in classifying all vessels owned by the United States Government (including those leased or bareboat chartered) and in matters related to classification. The conferees therefore note with approval Military Sealift Command's compliance with those requirements in its recent request for proposal for a high speed vessel and expect continued compliance in all subsequent procurements, excluding experimental or service unique vessels, theater-assigned assets, or as designated by the service secretary. Congress designated the American Bureau of Shipping for those purposes in furtherance of the national interest in a strong merchant marine and industrial base, and the conferees expect all government agencies to comply with 46 USC 3316(a).

Navy Marine Corps Intranet

The conferees believe that the Navy has made significant progress in establishing an adequate test plan for the Navy Marine Corps Intranet. Accordingly, the conferees have included a general provision requiring that the next NMCI decision point include an evaluation of the Operational Assessment and a certification to the congressional defense committees that the results of the assessment are acceptable for additional seat orders.

The conferees remain concerned, however, about the legacy application challenges the program faces and believe that greater attention must be paid to innovative, commercially available secure technologies and solutions to address this problem. In an NMCI Stakeholders' Council Issue Paper dated more than one year ago, CINCPACFLT proposed the exploration of using ultra thin clients as a solution to both the security and software incompatibilities certain legacy applications present to the NMCI network. To date, these recommendations have not been acted on. The conferees recommend $5,000,000 to conduct a pilot program at CINCPACFLT using ultra thin clients integrated with a network security solution previously evaluated by the National Security Agency at a Level of Trust not less than B2, and currently at a minimum Common Criteria Evaluation Assurance Level (EAL) of not less than 4.

OPERATION AND MAINTENANCE, MARINE CORPS

The conference agreement on items addressed by either the House or the Senate is as follows:

(In thousands of dollars)

	Budget	House	Senate	Conference
9900 OPERATION AND MAINTENANCE, MARINE CORPS				
9950 BUDGET ACTIVITY 1: OPERATING FORCES				
10000 EXPEDITIONARY FORCES				
10050 OPERATIONAL FORCES	631,065	655,465	649,965	656,065
10100 FIELD LOGISTICS	289,401	289,401	289,401	289,401
10150 DEPOT MAINTENANCE	138,576	143,576	138,576	142,876
10200 BASE SUPPORT	907,624	1,165,324	1,148,824	1,160,824
10250 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	445,582	445,582	445,582	445,582
10300 USMC PREPOSITIONING				
10350 MARITIME PREPOSITIONING	80,743	80,743	80,743	80,743
10400 NORWAY PREPOSITIONING	3,813	3,813	3,813	3,813
10450 TOTAL, BUDGET ACTIVITY 1	2,496,804	2,783,904	2,756,904	2,779,304
10500 BUDGET ACTIVITY 3: TRAINING AND RECRUITING				
10550 ACCESSION TRAINING				
10600 RECRUIT TRAINING	10,516	10,516	10,516	10,516
10650 OFFICER ACQUISITION	355	355	355	355
10700 BASE SUPPORT	65,906	65,906	65,906	65,906
10750 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	29,122	29,122	29,122	29,122
10800 BASIC SKILLS AND ADVANCED TRAINING				
10850 SPECIALIZED SKILLS TRAINING	40,524	40,524	40,524	40,524
10900 FLIGHT TRAINING	175	175	175	175
10950 PROFESSIONAL DEVELOPMENT EDUCATION	8,912	8,912	8,912	8,912
11000 TRAINING SUPPORT	112,202	112,202	112,202	112,202
11050 BASE SUPPORT	80,141	80,141	80,141	80,141
11100 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	30,144	30,144	30,144	30,144

(In thousands of dollars)

	Budget	House	Senate	Conference
11150 RECRUITING AND OTHER TRAINING EDUCATION				
11200 RECRUITING AND ADVERTISING	121,345	121,345	121,345	121,345
11250 OFF-DUTY AND VOLUNTARY EDUCATION	34,695	34,695	34,695	34,695
11300 JUNIOR ROTC	13,312	13,312	13,312	13,312
11350 BASE SUPPORT	15,137	15,137	15,137	15,137
11400 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	2,507	2,507	2,507	2,507
11450 TOTAL, BUDGET ACTIVITY 3	564,993	564,993	564,993	564,993
11500 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
11550 SERVICEWIDE SUPPORT				
11650 SPECIAL SUPPORT	198,890	198,890	202,390	198,890
11700 SERVICEWIDE TRANSPORTATION	34,627	34,627	34,627	34,627
11750 ADMINISTRATION	39,262	39,262	39,262	39,262
11800 BASE SUPPORT	20,438	21,438	21,438	21,438
11850 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	2,938	2,938	2,938	2,938
11900 TOTAL, BUDGET ACTIVITY 4	296,155	297,155	300,655	297,155
11950 RETIREMENT ACCRUALS	-47,210	-47,210	-47,210	-47,210
11960 UNDISTRIBUTED REDUCTION	-200	-200	-200	-200
11980 TRAVEL OF PERSONS	---	-10,000	---	---
12000 FECA SURCHARGE	---	-1,283	---	-1,283
12010 UNOBLIGATED BALANCES	---	-8,000	---	-8,000
12020 ANTI-CORROSION PROGRAMS	---	---	1,000	1,000
12300 TOTAL, OPERATION & MAIN, MARINE CORPS	3,310,542	3,579,359	3,576,142	3,585,759

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
10050 Continuity of Operations DERF—Continuity of Intel	1,000
10050 Sec, Comms & Info Opns DERF—I-SURSS	700
10050 Sec, Comms & Info Opns DERF—TRSS	1,000
10050 Sec, Comms & Info Opns DERF—TCAC	500
10050 Sec, Comms & Info Opns DERF—RREP	200
10050 Sec, Comms & Info Opns DERF—TPC	700
10050 Sec, Comms & Info Opns DERF—MCIA Analytic Supt	2,400
10050 Sec, Comms & Info Opns DERF—TEG	1,000
10050 Sec, Comms & Info Opns DERF—TROJAN Lite	1,500
10050 Sec, Comms & Info Opns DERF—ISR	2,900
10050 Sec, Comms & Info Opns DERF—FLAMES/CESAS	2,000
10050 Sec, Comms & Info Opns DERF—Computer Network Def	2,000
10050 Sec, Comms & Info Opns DERF—Secure Wireless	800
10050 Sec, Comms & Info Opns DERF—Deployed Security Interdiction Devices	700
10050 Modular General Purpose Tent System (MGPTS)	4,200
10050 Joint Service NBC Defense Equipment Surveillance	2,400
10050 Polar Fleece shirts	1,000
10150 Depot Maintenance of Radar Systems	4,300
10200 CT/FP DERF—Physical Security Equipment	228,000
10200 CT/FP DERF—CINC AT/FP Staffs	3,200
10200 CT/FP DERF—Physical Security Upgrades	10,000
10200 Training and Support Facilities	12,000
Budget Activity 4: Administration and Servicewide Support:	
11800 Continuity of Operations DERF—Site R	1,000
Undistributed:	
12000 FECA Surcharge	−1,283
12100 Un-obligated Balance	−8,000
12020 Anti-corrosion programs	1,000

TRAINING AND SUPPORT FACILITIES

The conferees recommend an additional $12,000,000 in Operation and Maintenance, Marine Corps of which $7,500,000 is provided only for mission critical requirements at the Marine Air-Ground Task Force Training Center, and $4,500,000 is provided only for the seismic retrofit of buildings at Barstow Marine Corps Logistics Base.

OPERATION AND MAINTENANCE, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

(In thousands of dollars)

	Budget	House	Senate	Conference
12450 OPERATION AND MAINTENANCE, AIR FORCE				
12500 BUDGET ACTIVITY 1: OPERATING FORCES				
12550 AIR OPERATIONS				
12600 PRIMARY COMBAT FORCES	3,244,026	3,785,026	3,684,026	3,680,226
12650 PRIMARY COMBAT WEAPONS	336,234	336,234	336,234	336,234
12700 COMBAT ENHANCEMENT FORCES	248,367	251,867	248,367	248,367
12750 AIR OPERATIONS TRAINING	1,250,537	1,250,537	1,250,537	1,250,537
12775 DEPOT MAINTENANCE	1,382,953	1,382,953	1,382,953	1,384,353
12800 COMBAT COMMUNICATIONS	1,465,273	1,465,273	1,461,273	1,461,273
12850 BASE SUPPORT	2,357,450	2,413,650	2,421,650	2,420,450
12900 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	960,912	1,062,997	1,068,497	1,069,097
12950 COMBAT RELATED OPERATIONS				
13000 GLOBAL C3I AND EARLY WARNING	816,000	846,830	846,800	846,800
13050 NAVIGATION/WEATHER SUPPORT	187,671	187,671	191,671	191,071
13100 OTHER COMBAT OPS SUPPORT PROGRAMS	425,618	442,418	442,418	442,418
13150 JCS EXERCISES	39,406	39,406	39,406	39,406
13200 MANAGEMENT/OPERATIONAL HEADQUARTERS	221,692	240,542	234,542	238,842
13250 TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	251,806	265,506	265,506	265,506
13300 SPACE OPERATIONS				
13350 LAUNCH FACILITIES	281,022	281,022	281,022	281,022
13400 LAUNCH VEHICLES	133,478	133,478	133,478	133,478
13450 SPACE CONTROL SYSTEMS	244,626	244,626	239,626	239,626
13500 SATELLITE SYSTEMS	60,989	60,989	58,989	58,989
13550 OTHER SPACE OPERATIONS	251,191	261,191	256,191	256,191
13600 BASE SUPPORT	493,528	493,528	493,528	493,528
13650 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	157,715	157,715	157,715	157,715
13700 TOTAL, BUDGET ACTIVITY 1	14,810,494	15,603,459	15,494,429	15,495,129

	(In thousands of dollars)			
	Budget	House	Senate	Conference
13750 BUDGET ACTIVITY 2: MOBILIZATION				
13800 MOBILITY OPERATIONS				
13850 AIRLIFT OPERATIONS	2,147,117	2,147,117	2,147,117	2,147,117
13900 AIRLIFT OPERATIONS C3I	42,298	44,098	42,298	44,098
13950 MOBILIZATION PREPAREDNESS	175,023	175,023	175,023	175,023
13975 DEPOT MAINTENANCE	312,552	312,552	312,552	312,552
14000 PAYMENTS TO TRANSPORTATION BUSINESS AREA	470,700	470,700	355,043	355,043
14050 BASE SUPPORT	527,755	559,405	556,205	556,905
14100 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	159,896	217,150	220,150	219,750
14150 TOTAL, BUDGET ACTIVITY 2	3,835,341	3,926,045	3,808,388	3,810,488
14200 BUDGET ACTIVITY 3: TRAINING AND RECRUITING				
14250 ACCESSION TRAINING				
14300 OFFICER ACQUISITION	69,262	69,262	69,262	69,262
14350 RECRUIT TRAINING	6,879	6,879	6,879	6,879
14400 RESERVE OFFICER TRAINING CORPS (ROTC)	68,063	68,063	68,063	68,063
14450 BASE SUPPORT (ACADEMIES ONLY)	73,180	73,180	73,180	73,180
14500 FAC SUSTAINMENT, RESTORATION & MOD (OP FORCES)	82,672	99,013	82,672	99,013
14550 BASIC SKILLS AND ADVANCED TRAINING				
14600 SPECIALIZED SKILL TRAINING	307,625	307,625	307,625	307,625
14650 FLIGHT TRAINING	663,762	663,762	667,762	667,062
14700 PROFESSIONAL DEVELOPMENT EDUCATION	141,864	141,864	136,864	136,864
14750 TRAINING SUPPORT	92,646	92,646	92,646	92,646
14775 DEPOT MAINTENANCE	8,242	8,242	8,242	8,242
14800 BASE SUPPORT (OTHER TRAINING)	573,464	574,614	574,614	574,614
14850 FAC SUSTAINMENT, RESTORATION & MOD (OP FORCES)	160,638	160,638	176,979	160,638
14900 RECRUITING, AND OTHER TRAINING AND EDUCATION				
14950 RECRUITING AND ADVERTISING	152,289	152,289	152,289	152,289
15000 EXAMINING	3,222	3,222	3,222	3,222
15050 OFF DUTY AND VOLUNTARY EDUCATION	96,516	96,516	96,516	96,516
15100 CIVILIAN EDUCATION AND TRAINING	107,151	107,151	105,151	105,151
15150 JUNIOR ROTC	43,448	43,448	43,448	43,448
15200 TOTAL, BUDGET ACTIVITY 3	2,650,923	2,668,414	2,665,414	2,664,714

(In thousands of dollars)

	Budget	House	Senate	Conference
15250 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
15300 LOGISTICS OPERATIONS				
15350 LOGISTICS OPERATIONS	922,106	922,106	922,106	922,106
15400 TECHNICAL SUPPORT ACTIVITIES	429,543	429,543	425,543	425,543
15450 SERVICEWIDE TRANSPORTATION	237,503	235,503	237,503	235,503
15475 DEPOT MAINTENANCE	78,062	78,062	78,062	78,062
15500 BASE SUPPORT	1,154,363	1,161,863	1,168,263	1,171,363
15550 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	245,436	249,412	245,436	249,412
15600 SERVICEWIDE ACTIVITIES				
15650 ADMINISTRATION	224,882	217,882	224,882	217,882
15700 SERVICEWIDE COMMUNICATIONS	376,841	375,941	385,362	376,362
15750 PERSONNEL PROGRAMS	184,558	179,558	184,558	179,558
15800 RESCUE AND RECOVERY SERVICES	110,418	110,418	110,418	110,418
15900 ARMS CONTROL	33,092	33,092	32,092	32,092
15950 OTHER SERVICEWIDE ACTIVITIES	572,320	555,820	575,320	558,420
16000 OTHER PERSONNEL SUPPORT	44,716	44,716	44,716	44,716
16050 CIVIL AIR PATROL CORPORATION	19,668	19,668	19,668	19,668
16100 BASE SUPPORT	276,338	277,088	280,938	277,088
16150 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	23,816	25,816	27,792	25,816
16200 SECURITY PROGRAMS				
16250 SECURITY PROGRAMS	1,054,171	1,061,171	1,061,171	1,061,171
16300 SUPPORT TO OTHER NATIONS				
16350 INTERNATIONAL SUPPORT	20,032	20,032	20,032	20,032
16400 TOTAL, BUDGET ACTIVITY 4	6,007,865	5,997,691	6,043,862	6,005,212
16410 CLASSIFIED PROGRAMS UNDISTRIBUTED	---	17,422	81,440	27,462
16470 MTAPP	---	---	6,000	4,200
16510 RETIREMENT ACCRUALS	-531,055	-531,055	-531,055	-531,055
16520 UNDISTRIBUTED REDUCTION	-800	-800	-800	-800
16540 TRAVEL OF PERSONS	---	-15,000	---	---
16580 FECA SURCHARGE	---	-8,717	---	-8,717
16590 AERONAUTICAL SYS CTR ENTERPRISE INFOSTRUCTURE PROTYPE	---	6,500	---	4,600
16600 THREAT REPRESENTATION AND VALIDATION (TR&V)	---	1,000	---	1,000
16610 CLASSIFIED NAIC OPERATIONALIZING MASINT	---	4,500	---	3,200
16620 INFORMATION ASSURANCE INITIATIVE	---	1,500	---	1,100

(In thousands of dollars)

	Budget	House	Senate	Conference
16630 UNOBLIGATED BALANCES	---	-33,000	---	-33,000
16640 CONOPS COSTS	---	-50,000	-50,000	-50,000
16685 ANTI-CORROSION PROGRAMS	---	---	1,000	1,000
16690 UTILITIES	---	---	-55,000	-55,000
16910 TOTAL, O&M, AIR FORCE	26,772,768	27,587,959	27,463,678	27,339,533

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
12600 CONUS Combat Air Patrol DERF—Changed Alert Posture	380,000
12600 Unmanned Aerial Vehicles DERF—Predator O&M	9,000
12600 F–16 Distributed Mission Training System	8,500
12600 B–52 Attrition Reserve	28,000
12600 B–1 Bomber modifications	7,700
12600 B–52 Engine Modification Study	3,000
12775 Oklahoma City Air Logistics Center	1,400
12800 AFSAA HQ program growth	−4,000
12850 CT/FP DERF—AEF Force Prot Certification Tng	10,200
12850 CT/FP DERF—WMD 1st Responder	46,000
12850 PACAF server consolidation	6,800
12900 CT/FP DERF—AT/FP Facilities Upgrades	99,585
12900 Wright-Patterson AFB Dormitory Renovation	1,800
12900 11th AF Range upgrades—fiber optics and power	6,800
13000 CT/FP DERF—Geo Reach/Geo Base	25,800
13000 Nuclear Posture Review DERF—Info Warfare Support	5,000
13000 Sec, Comms & Info Opps DERF—Defense Recon Supt	68,630
13000 Sec, Comms & Info Opns DERF—Defense Recon Trans	−68,630
13050 University Partnership for Operational Support	3,400
13100 Continuity of Ops DERF—Nat'l Abn Cmd Ctr	10,000
13100 Continuity of Ops DERF—Aircraft Comms Mods	3,600
13100 Continuity of Ops DERF—UH–1 Support, NCR	700
13100 Continuity of Ops DERF—Comms Sys Operators Tng	500
13100 Sec, Comms & Info Opns DERF—Commercial Imagery	2,000
13200 CT/FP DERF—CENTCOM PSD and Forward HQ	700
13200 CT/FP DERF—CINC AT/FP Staff	5,500
13200 Nuclear Posture Review DERF—Mgt HQ STRATCOM	1,250
13200 Nuclear Posture Review DERF—Info Warfare Supt	4,000
13200 Nuclear Posture Review DERF—Tactical Deception	1,000
13200 Sec, Comms & Info Opns DERF—Critical Infrastructure Protection	400
13200 Management Supt for Air Force Battle Labs	4,300
13250 Continuity of Ops DERF—Combat Air Intel Sys	2,300
13250 Continuity of Ops DERF—Special Purpose Comms	2,000
13250 Continuity of Ops DERF—Tactical Info Program	5,000
13250 Sec, Comms & Info Opps DERF—SEP classified	1,200
13250 Sec, Comms & Info Opns DERF—DCGS Architecture	3,000
13250 Sec, Comms & Info Opns DERF—Integrated Broadcast Service	100
13250 Sec, Comms & Info Opns DERF—IBS Smart Pull Tech	100
13450 Space Control Systems, underexecution	−5,000
13500 Satellite Systems, underexecution	−2,000
13550 Continuity of Ops DERF—Recon Supt Activities	10,000
13550 Other Space Operations, headquarters growth	−5,000
Budget Activity 2: Mobilization:	
13900 Sec, Comms & Info Opns DERF—Critical Infrastructure Protection	1,800
14000 Transportation Business Area, program growth	−115,657
14050 CT/FP DERF—AEF Force Protection Certification Training	4,800
14050 CT/FP DERF—WMD 1st Responder	21,850
14050 Combined Air Crew System Tester (CAST)	2,500
14100 CT/FP DERF—AT/FP Facility Upgrades	57,254
14100 PACAF strategic airlift	2,600
Budget Activity 3: Training and Recruiting:	
14500 CT/FP DERF—AT/FP Facility Upgrades	16,341
14650 MBU-20/P Oxygen Mask	2,800
14650 AWACS Modeling and Simulation System	500
14700 Professional Development Education—underexecution, unjustified growth in other costs	−5,000
14800 CT/FP DERF—WMD 1st Responder	1,150
15100 Workforce Shaping—civilian manpower mispricing	−2,000
Budget Activity 4: Administration and Servicewide Activities:	
15400 Technical support activities—unjustified growth in other contracts	−4,000
15450 Servicewide Transportation	−2,000
15500 CT/FP DERF—AEF Force Protection Certification Training	2,900
15500 CT/FP DERF—WMD 1st Responder	4,600
15500 Hickam AFB Alternative Fuel Vehicle Program	1,000
15500 Eielson AFB Utilidors	8,500
15550 CT/FP DERF—AT/FP Facilities Upgrades	3,976
15650 Tanker Lease Pilot Program	3,000
15650 Administration	−10,000
15700 Sec, Comms & Info Opns DERF—Modernization, Sustainment and Dev	4,900
15700 Sec, Comms & Info Opns DERF—Modernization, Sustainment and Dev	1,700
15700 Sec, Comms & Info Opns DERF—Intrusion Detect Sys	1,500
15700 Servicewide Communications	−9,000
15700 ALCOM Wide Mobile Radio Network	421
15750 Personnel Programs	−5,000
15900 Arms control, underexecution	−1,000
15950 Other Servicewide Activities	−16,500
15950 Range residue recycling program	2,600
16100 William Lehman Aviation Center	750
16150 NAIC Foreign Materials Exploitation Facility	1,000
16150 Conformable Lithography System AFIT Wright-Patterson AFB	1,000
16250 Nuclear Posture Review DERF—Security and Investigative Activities/on-line threat collection	2,000
16250 Sec, Comms & Info Opns DERF—Def Security Service	5,000
Undistributed:	
16410 Classified Programs	27.462
16480 MTAPP	4.200
16580 FECA Surcharge	−8,717
16590 Aeronautical System Center Enterprise Infostructure Prototype	4,600
16600 Threat Representation and Validation (TR&V)	1,000
16610 Classified NAIC operationalizing MASINT	3,200
16620 Information Assurance Initiative for Air Force Material Command	1,100
16630 Un-obligated Balance	−33,000
16640 CONOPS Costs	−50,000
16685 Anti-corrosion programs	1,000
16690 Utilities	−55,000

EGLIN AFB BOS SIMULATION MODEL

The conferees recommend that of the funds provided in Operation and Maintenance, Air

Force, $1,000,000 shall be made available for the Eglin Air Force Base, Base Operations and Support simulation model.

COMBAT SEARCH AND RESCUE (CSAR) PLATFORM

The accompanying bill provides that of the funds made available in Operation and Maintenance, Air Force, $2,000,000 may be obligated for the deployment of Air Force active duty and Reserve CSAR air crews to the United Kingdom to participate in an Inter-fly program to train, operate, evaluate and exchange operational techniques and procedures on the EH–101. The Air Force has identified mission deficiencies with the current CSAR platform for future requirements, which include mission reaction time, inadequate range, insufficient cabin space, poor survivability, insufficient situational awareness, and inadequate adverse weather capability. Following the Inter-fly program, the Secretary of the Air Force shall report to the congressional defense committees on the suitability of this aircraft as the future CSAR platform.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
16950 OPERATION AND MAINTENANCE, DEFENSE-WIDE				
17000 BUDGET ACTIVITY 1: OPERATING FORCES				
17050 JOINT CHIEFS OF STAFF	398,341	399,404	398,341	405,341
17100 SPECIAL OPERATIONS COMMAND	1,531,330	1,532,330	1,533,330	1,534,030
17150 TOTAL, BUDGET ACTIVITY 1	1,929,671	1,931,734	1,931,671	1,939,371
17200 BUDGET ACTIVITY 2: MOBILIZATION				
17250 DEFENSE LOGISTICS AGENCY	41,420	41,420	41,420	41,420
17350 BUDGET ACTIVITY 3: TRAINING AND RECRUITING				
17375 AMERICAN FORCES INFORMATION SERVICE	11,232	11,232	11,232	11,232
17400 CLASSIFIED PROGRAMS	6,869	---	6,869	---
17460 DEFENSE ACQUISITION UNIVERSITY	103,514	108,014	103,514	107,489
17465 DEFENSE CONTRACT AUDIT AGENCY	4,865	4,865	4,865	4,865
17470 DEFENSE FINANCE AND ACCOUNTING SERVICE	9,160	9,160	9,160	9,160
17480 DEFENSE HUMAN RESOURCES ACTIVITY	89,161	45,756	65,411	46,256
17490 DEFENSE SECURITY SERVICE	9,889	9,889	9,889	9,889
17510 DEFENSE THREAT REDUCTION AGENCY	1,292	1,292	1,292	1,292
17600 SPECIAL OPERATIONS COMMAND	62,982	62,982	62,982	62,982
17650 TOTAL, BUDGET ACTIVITY 3	298,964	253,190	275,214	253,165
17700 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
17725 AMERICAN FORCES INFORMATION SERVICE	96,564	98,564	98,564	98,564
17750 CIVIL MILITARY PROGRAMS	97,006	99,506	107,006	106,756
17775 CLASSIFIED PROGRAMS	5,864,228	6,245,214	5,981,398	6,249,300
17800 DEFENSE CONTRACT AUDIT AGENCY	377,495	377,495	377,495	377,495
17825 DEFENSE CONTRACT MANAGEMENT AGENCY	1,070,567	1,070,567	1,070,567	1,070,567
17850 DEFENSE FINANCE AND ACCOUNTING SERVICE	2,282	8,682	8,182	8,182

(In thousands of dollars)

		Budget	House	Senate	Conference
17875	DEFENSE HUMAN RESOURCES ACTIVITY	256,042	236,542	256,542	236,542
17900	DEFENSE INFORMATION SYSTEMS AGENCY	956,644	961,144	921,644	909,244
17925	DEFENSE LOGISTICS AGENCY	201,171	191,771	206,771	195,271
17950	DEFENSE LEGAL SERVICES AGENCY	14,385	14,385	14,385	14,385
17975	DEPARTMENT OF DEFENSE DEPENDENTS EDUCATION	1,616,135	1,653,385	1,646,335	1,654,075
18000	DEFENSE POW /MISSING PERSONS OFFICE	15,974	15,974	15,974	15,974
18025	DEFENSE SECURITY COOPERATION AGENCY	67,927	67,927	65,927	65,927
18050	DEFENSE SECURITY SERVICE	170,447	170,947	170,947	170,947
18075	DEFENSE THREAT REDUCTION AGENCY	273,510	314,510	273,510	306,510
18100	OFFICE OF ECONOMIC ADJUSTMENT	14,740	46,240	33,740	50,915
18125	OFFICE OF THE SECRETARY OF DEFENSE	499,943	679,593	614,699	599,749
18150	SPECIAL OPERATIONS COMMAND	62,885	85,885	85,885	85,885
18175	SPECIAL ACTIVITIES	68,000	68,000	68,000	68,000
18200	JOINT CHIEFS OF STAFF	184,483	220,642	219,642	220,042
18225	WASHINGTON HEADQUARTERS SERVICES	332,821	350,821	350,821	350,821
18950	TOTAL, BUDGET ACTIVITY 4	12,245,249	12,977,794	12,588,034	12,857,151
19000	LEGACY	---	---	12,000	8,400
19005	CLASSIFIED PROGRAMS UNDISTRIBUTED	---	---	-14,440	---
19010	IMPACT AID	---	35,000	30,000	30,000
19015	IMPACT AID FOR CHILDREN WITH DISABILITIES	---	---	5,000	3,000
19110	RETIREMENT ACCRUALS	-346,046	-346,046	-346,046	-346,046
19150	TRAVEL OF PERSONS	---	-11,260	---	---
19210	FECA SURCHARGE	---	-6,455	---	-6,455
19220	UNOBLIGATED BALANCES	---	-25,000	---	-25,000
19245	OPERATION WALKING SHIELD	---	---	5,000	3,500
19250	NIMA COMMERCIAL IMAGERY	---	---	---	15,000
19450	TOTAL, OPERATION & MAIN, DEFENSE-WIDE	14,169,258	14,850,377	14,527,853	14,773,506

ADJUSTMENTS TO BUDGET ACTIVITIES

The adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
17050 (TJS—Combating Terrorism Readiness Initiative Fund (Transfer from DERF)	12,000
17050 (TJS—JCS Exercise Program	−5,000
17100 SOCOM—Hydration on the Move (Camel Bak)	1,000
17100 SOCOM—SPECWARCOM Mission Support Center	1,700
Budget Activity 3: Training and Recruiting:	
17400 Classified Programs	−6,869
17460 DAU—DCMS/IT Organizational Composition Research	1,000
17460 DAU—Distance Learning and Performance	2,975
17480 DHRA—DLAMP	−19,155
17480 DHRA—JRAP	−24,250
17480 DHRA—Joint Military Education Venture Forum	500
Budget Activity 4: Administration and Servicewide Activities:	
17750 Civil Military Program—Innovative Readiness Training	8,500
17750 Civil Military Program—Challenge Program	1,250
17775 Classified Programs	385,072
17850 DFAS—Financial Operations (Transfer from DERF)	5,900
17875 DHRA—Critical Infrastructure Protection (Transfer from DERF)	500
17875 DHRA—Civilian Personnel Data System	−20,000
17900 DISA—Secure Voice Teleconferencing System (Transfer from DERF)	2,500
17900 DISA—Defense Conferencing Enhancement Program (Transfer from DERF)	8,900
17900 DISA—DISA Continuity of Operations (Transfer from DERF)	2,500
17900 DISA—Bandwidth Expansion (Transfer from DERF)	7,600
17900 DISA—IA, Intell/Coalition Encrp (CWAN) (Transfer from DERF)	5,000
17900 DISA—IA, Intell/Coalition Encrp (CFBL) (Transfer from DERF)	1,600
17900 DISA—IA Computer Network Defense (Transfer from DERF)	3,500
17900 DISA—On-site administrators for primary sites (Transfer from DERF)	3,000
17900 DISA—White House Communications (Transfer from DERF)	3,000
17900 DISA—Wireless Priority Service Program	−73,000
17900 DISA—Travel Program Growth	−1,000
17900 DISA—CWIN Contract Savings	−1,000
17900 DISA—DISA Tier One and DERF Reductions	−10,000
17925 DLA—Critical Infrastructure Protection (Transfer from DERF)	600
17925 DLA—Information Technology Network Consolidation	−10,000
17925 DLA—PTAP	3,500
17975 DODEA—Enhanced Force Protection (Transfer from DERF)	24,200
17975 DODEA—GAVRT Project Expansion	2,550
17975 DODEA—Lewis Center for Educational Research	3,440
17975 DODEA—Family Support Services	2,500
17975 DODEA—UNI Math Teacher Leadership	1,000
17975 DODEA—Galena IDEA	4,250
18000 DSCA—Program Growth	−2,000
18050 DSS—Critical Infrastructure Protection (Transfer from DERF)	500
18075 DTRA—Chemical & Biological Defense Capabilities Assessment	1,000
18075 DTRA—Unconventional Nuclear Threat	34,000
18100 OEA—George AFB	2.125
18100 OEA—Norton AFB	2,550
18100 OEA—Bayonne Military Ocean Terminal	2,500
18100 OEA—Philadelphia Naval Business Center	3,500
18100 OEA—Cecil Field	2,500
18100 OEA—Charles Melvin Price Support Center	1,000
18100 OEA—East Bay Conversion and Reinvestment Commission Pilot	1,000
18100 OEA—CCAT	2,000
18100 OEA—Hunters Point NSY	1,400
18100 OEA—Relocate Barrow Landfill	4,000
18100 OEA—Fitzsimmons Army Hospital	6,000
18100 OEA—Port of Anchorage Intermodal Marine Facility Program	5,000
18100 OEA—Security Lighting for Platt Bridge	600
18100 OEA—Commonwealth of Pennsylvania—Reimbursement of extraordinary Quecreek Mine disaster rescue/recovery expenses	2,000
18125 OSD—OSD Continuity of Operations (COOP) (Transfer from DERF)	18,000
18125 OSD—NCR COOP (Transfer from DERF)	10,500
18125 OSD—NICP Reserve Support (Transfer from DERF)	4,000
18125 OSD—Hard and Deeply Buried Targets (Transfer from DERF)	3,050
18125 OSD—CIP—Biological Agent Security (Transfer from DERF)	2,000
18125 OSD—CIP—Nuclear Security Command and Control (Transfer from DERF)	400
18125 OSD—CIP Technology & Consequence Management (Transfer from DERF)	6,600
18125 OSD—Information Operations (Transfer from DERF)	1,500
18125 OSD—Horizontal Fusion Analysis (Transfer from DERF)	2,000
18125 OSD—CENTRIX (Transfer from DERF)	14,000
18125 OSD—Classified (Transfer from DERF)	9,500
18125 OSD—Classified Programs (Change to DERF)	52,600
18125 OSD—Program Growth	−17,000
18125 OSD—Management Headquarters	−11,600
18125 OSD—Information Technology Network Consolidation	−10,000
18125 OSD—Legacy—CSS Alabama	600
18125 OSD—Middle East Regional Security Issues Program	1,500
18125 OSD—ADUSD (MPP&R) Wearable Computers—Existing Program	3,400
18125 OSD—Commercial Technologies for Maintenance Activities (CTMA)	5,750
18125 OSD—Clara Barton Center	3,000
18125 OSD—Pacific Command Regional Initiative	5,100
18125 OSD—National Dedicated Fiber Optic Network Feasibility Study	1,250
18125 OSD—Studies and Analysis, SECDEF Study Fund	−1,200
18125 OSD—PA&E Long Range Planning	−5,300
18125 OSD—Logistics Systems Modernization	−2,000
18125 OSD—C31 Mission Analysis Fund	−4,894
18125 OSD—Intelligence Fusion Study continuation	4,250
18125 OSD—Command Information Superior Architectures	2,800
18150 SOCOM—Combat Development Activities (Transfer to DERF)	7,000
18150 SOCOM—Combat Development Activities—Classified (Change to DERF)	16,000
18200 TJS—Critical Infrastructure Protection (Transfer from DERF)	300

18200 TJS—CINC for Homeland Security (Transfer from DERF)	41,000
18200 TJS—Other Combating Terrorism Initiatives (Transfer from DERF)	1,459
18200 TJS—Vulnerability Assessments, AT/FP requirements (Transfer from DERF)	400
18200 TJS—Program Growth	−12,000
18200 TJS—Counter Terrorism Analysis Method for Adaptive Threats	1,000
18200 TJS—NDU XXI	3,400
18225 WHS—Classified Program (Transfer from DERF)	28,000
18225 WHS—Information Technology Network Consolidation	−10,000
Undistributed:	
19000 Legacy	8,400
19010 Impact Aid	30,000
19015 Impact Aid for Children with Disabilities	3,000
19210 FECA Reduction	−6,455
19220 Un-obligated Balance	−25,000
19245 Operation Walking Shield	3,500
19250 NIMA Commercial Imagery	15,000

LEGACY

The conference agreement provides $8,400,000 for continuation of the Legacy program. From within these funds, the conferees direct the Department to continue naval archaeology programs in the Lake Champlain basin. Of equal importance to the conferees are the reclamation of the C.S.S. *Alabama*, the recovery and preservation of the U.S.S. *Monitor*, the U.S.S. *Constitution* Museum, the Graveyard of the Atlantic Museum, the U.S.S. *Massachusetts* and other naval vessels of Battleship Cove, the preservation of the cruiser *Olympia* of the Independence Seaport Museum, the preservation of the LST 325 in the Port of Mobile and restoration of the Lincoln Cottage of the Armed Forces Retirement Home. The Undersecretary of Defense (Comptroller) shall report to the Appropriations Committees no later than March 15, 2003, on the allocation of Legacy funding, and the status of the projects named above.

MOTOR VEHICLE SAFETY INITIATIVES

The conferees are aware of Department of Defense data showing that the leading cause of death and serious injury for all military personnel is motor vehicle crashes as opposed to training accidents or combat. Between fiscal year 2001 and the first 10 months of fiscal year 2002, Department of Defense data show fatalities among military personnel in motor vehicle crashes have increased by 35 percent—from 191 to 258. Fiscal year 2002 would appear to be the highest motor vehicle fatality rate for military personnel in at least four years, with the Marine Corps experiencing an especially high death rate compared to the other services. The Marine Corps reports that of the 25 Marines killed in motor vehicle crashes in fiscal year 2001 and 46 killed in fiscal year 2002, well over half were not wearing seat belts. During the Thanksgiving holiday period, law enforcement officials across the nation will conduct special seat belt enforcement activities as part of the U.S. Department of Transportation Click It Or Ticket program. The conferees strongly encourage the Secretary of Defense to direct all services to join the Marine Corps in actively participating in this program and other similar seat belt usage efforts throughout the year. The Secretary is directed to submit a report to the congressional defense committees within 90 days of enactment of this Act summarizing personal motor vehicle safety statistics of each service for the last five fiscal years and outlining the plans of each service to increase efforts to reduce the level of deaths and injuries suffered by its personnel from motor vehicle accidents.

DLAMP

The conferees remain concerned about the focus and management of the Defense Leadership and Management Program (DLAMP). Though during fiscal year 2002 DLAMP restructured, the outcome of the restructure is unclear and the full costs of the program are poorly defined. The Department needs to ensure that the restructured program is more mission-oriented, focused, efficient, and effective. Additionally, the conferees direct that any reductions to this program cannot be applied to the leased facility in Southbridge, Massachusetts.

STARBASE

The conferees are aware of the high demand and strong support for the STARBASE civil-military program that has reached over 200,000 youths and their families at 39 locations. The conferees urge the Department to strengthen its management of this program in line with the recommendations made in the STARBASE program annual report. The conferees direct the Secretary of Defense to provide a report to the congressional defense committees by no later than March 1, 2003 summarizing the status of implementing program improvements in the areas of systematic assessment, core curriculum, host service component regulations, STARBASE resource/training center, startup program standardization, and quality control.

OPERATION AND MAINTENANCE, ARMY RESERVE

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
19500 OPERATION AND MAINTENANCE, ARMY RESERVE				
19510 BUDGET ACTIVITY 1: OPERATING FORCES				
19520 LAND FORCES				
19530 DIVISION FORCES	16,323	16,323	20,323	19,123
19540 CORPS COMBAT FORCES	33,211	33,211	33,211	33,211
19550 CORPS SUPPORT FORCES	281,583	281,583	281,583	281,583
19560 ECHELON ABOVE CORPS FORCES	128,348	128,348	128,348	128,348
19570 LAND FORCES OPERATIONS SUPPORT	461,173	461,173	461,173	461,173
19630 LAND FORCES READINESS				
19640 FORCES READINESS OPERATIONS SUPPORT	115,962	119,962	115,962	117,962
19650 LAND FORCES SYSTEM READINESS	62,255	93,755	93,755	95,255
19660 DEPOT MAINTENANCE	48,451	48,451	48,451	48,451
19670 LAND FORCES READINESS SUPPORT				
19680 BASE SUPPORT	361,907	412,607	412,607	412,777
19690 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	176,494	176,494	176,494	176,494
19700 ADDITIONAL ACTIVITIES	2,712	2,712	2,712	2,712
19900 TOTAL, BUDGET ACTIVITY 1	1,688,419	1,774,619	1,774,619	1,777,089
19950 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
19960 ADMINISTRATION AND SERVICEWIDE ACTIVITIES				
19980 ADMINISTRATION	48,752	48,752	43,752	43,752
19990 SERVICEWIDE COMMUNICATIONS	34,842	37,242	37,242	37,242
20000 PERSONNEL/FINANCIAL ADMIN (MANPOWER MGT)	50,044	50,044	50,044	50,044
20010 RECRUITING AND ADVERTISING	101,273	101,273	101,273	101,273
20075 TOTAL, BUDGET ACTIVITY 4	234,911	237,311	232,311	232,311
20150 RETIREMENT ACCRUALS	-43,220	-43,220	-43,220	-43,220
20160 ADDITIONAL MILITARY TECHNICIANS	---	8,000	---	4,000
20700 TOTAL, OPERATION AND MAINTENANCE, ARMY RESERVE	1,880,110	1,976,710	1,963,710	1,970,180

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
19530 Division Forces/ ECWCS	2,800
19640 Forces Readiness Operations Support/ Controlled Humidity Preservation	2,000
19650 Land Forces System Readiness/Homeland Security DERF Transfer—Enhanced Secure Communications	5,900
19650 Land Forces System Readiness/Homeland Security DERF Transfer—Enhanced Secure Communications	25,600
19650 Land Forces System Readiness/Information Operations Sustainment	1,500
19680 Base Support/CT-FP DERF Transfer—Access Control Program	20,000
19680 Base Support/ Homeland Security DERF Transfer—Enhanced Secure Communications	30,700
19680 Base Support/Salute our Services Pilot Project	170
Budget Activity 4: Administration and Servicewide Activities:	
19980 Administration/ Headquarters Program Growth	−5,000
19990 Servicewide Communications/Homeland Security DERF Transfer—Enhanced Secure Communications	2,400
Other Adjustments:	
20160 Additional Military Technicians	4,000

SECURE WIRELESS TECHNOLOGY

The conferees recommend that of the funds requested in the Defense Emergency Response Fund and transferred to Operation and Maintenance, Army Reserve, for enhanced secure communications, $4,500,000 may be available to increase the availability of current generation NSA-approved secure nationwide digital cell phones to meet urgent service needs. Furthermore, the conferees believe that significant development opportunities have arisen in this area since the submission of the budget request. An accelerated research and development investment strategy could realize advancements that would greatly benefit all defense community users of this technology. The conferees direct the Department to consider accelerating the National Security Agency's continued development of secure cellular wireless technology and multi-band functionality. To accomplish this the conferees would be supportive of a reprogramming of $10,000,000 to support development of a more robust secure nationwide cellular capability with multi-band functionality.

OPERATION AND MAINTENANCE, NAVY RESERVE

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
20850 OPERATION AND MAINTENANCE, NAVY RESERVE				
20900 BUDGET ACTIVITY 1: OPERATING FORCES				
20950 RESERVE AIR OPERATIONS				
21000 MISSION AND OTHER FLIGHT OPERATIONS	398,320	398,320	398,320	398,320
21100 INTERMEDIATE MAINTENANCE	18,003	18,003	18,003	18,003
21150 AIR OPERATION AND SAFETY SUPPORT	2,268	2,268	2,268	2,268
21200 AIRCRAFT DEPOT MAINTENANCE	129,532	134,532	129,532	132,032
21250 AIRCRAFT DEPOT OPS SUPPORT	366	366	366	366
21400 RESERVE SHIP OPERATIONS				
21450 MISSION AND OTHER SHIP OPERATIONS	68,219	68,219	68,219	68,219
21500 SHIP OPERATIONAL SUPPORT AND TRAINING	558	558	558	558
21550 INTERMEDIATE MAINTENANCE	11,712	11,712	11,712	11,712
21600 SHIP DEPOT MAINTENANCE	80,272	80,272	80,272	80,272
21650 SHIP DEPOT OPERATIONS SUPPORT	3,535	3,535	3,535	3,535
21700 RESERVE COMBAT OPERATIONS SUPPORT				
21800 COMBAT SUPPORT FORCES	69,864	69,864	69,864	69,864
21950 RESERVE WEAPONS SUPPORT				
22000 WEAPONS MAINTENANCE	5,668	5,668	5,668	5,668
22020 BASE SUPPORT				
22030 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	66,599	135,926	135,376	135,926
22040 BASE SUPPORT	146,119	146,367	146,367	146,367
22090 TOTAL, BUDGET ACTIVITY 1	1,001,035	1,075,610	1,070,060	1,073,110

	(In thousands of dollars)			
	Budget	House	Senate	Conference
22100 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
22150 ADMINISTRATION AND SERVICEWIDE ACTIVITIES				
22200 ADMINISTRATION	12,023	12,023	12,023	12,023
22250 CIVILIAN MANPOWER & PERSONNEL	2,161	2,161	2,161	2,161
22300 MILITARY MANPOWER & PERSONNEL	32,479	32,479	32,479	32,479
22350 SERVICEWIDE COMMUNICATIONS	111,766	116,766	116,766	116,766
22400 COMBAT/WEAPONS SYSTEM	5,766	5,766	5,766	5,766
22450 OTHER SERVICEWIDE SUPPORT	731	731	731	731
22600 TOTAL, BUDGET ACTIVITY 4	164,926	169,926	169,926	169,926
22670 RETIREMENT ACCRUALS	-6,227	-6,227	-6,227	-6,227
23150 TOTAL, OPERATION & MAIN, NAVY RESERVE	1,159,734	1,239,309	1,233,759	1,236,809

Adjustments to Budget Activities

Adjustments to the budget activities are as follows:

(In thousands of dollars)

Budget Activity 1: Operating Forces:		
21200	Aircraft Depot Maintenance	2,500
22030	Facilities Sustainment, Restoration and Modernization/CT-FP DERF Transfer-- Physical Security Site Improvement	68,777
22030	Facilities Sustainment, Restoration and Modernization/Grissom Navy Reserve Center Renovation	550
22040	Base Support/CT-FP DERF Transfer-- Management and Planning	61
22040	Base Support/CT-FP DERF Transfer-- Management and Planning	187
Budget Activity 4: Administration and Servicewide Activities:		
22350	Servicewide Communications/HS DERF Transfer—Continuity of Operations	5,000

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

The conference agreement on items addressed by either the House or the Senate is as follows:

(In thousands of dollars)

	Budget	House	Senate	Conference
23300 OPERATION AND MAINTENANCE, MARINE CORPS RESERVE				
23350 BUDGET ACTIVITY 1: OPERATING FORCES				
23400 MISSION FORCES				
23450 OPERATING FORCES	80,723	80,723	80,723	80,723
23500 DEPOT MAINTENANCE	12,571	12,571	12,571	12,571
23550 BASE SUPPORT	29,473	29,473	29,473	29,473
23600 TRAINING SUPPORT	20,641	20,641	20,641	20,641
23650 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	10,785	10,785	10,785	10,785
23700 TOTAL, BUDGET ACTIVITY 1	154,193	154,193	154,193	154,193
23750 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
23800 ADMINISTRATION AND SERVICEWIDE ACTIVITIES				
23850 SPECIAL SUPPORT	8,461	8,461	8,461	8,461
23900 SERVICEWIDE TRANSPORTATION	500	500	500	500
23950 ADMINISTRATION	9,977	9,977	9,977	9,977
24000 BASE SUPPORT	4,130	4,130	4,130	4,130
24050 RECRUITING AND ADVERTISING	8,271	8,271	8,271	8,271
24100 TOTAL, BUDGET ACTIVITY 4	31,339	31,339	31,339	31,339
24200 INITIAL ISSUE	---	4,000	---	2,000
24600 TOTAL, O&M, MARINE CORPS RESERVE	185,532	189,532	185,532	187,532

Adjustments to Budget Activities

Adjustment to the budget activities is as follows:

(In thousands of dollars)

Other Adjustments:	
24200 Initial Issue	2,000

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

The conference agreement on items addressed by either the House or the Senate is as follows:

(In thousands of dollars)

	Budget	House	Senate	Conference
24750 OPERATION AND MAINTENANCE, AIR FORCE RESERVE				
24800 BUDGET ACTIVITY 1: OPERATING FORCES				
24850 AIR OPERATIONS				
24900 PRIMARY COMBAT FORCES	1,346,055	1,346,055	1,346,055	1,346,055
24950 MISSION SUPPORT OPERATIONS	69,818	69,818	69,818	69,818
24970 DEPOT MAINTENANCE	337,113	342,113	337,113	339,613
25000 BASE SUPPORT	282,280	297,230	297,230	297,230
25050 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	48,463	54,665	54,665	54,665
25150 TOTAL, BUDGET ACTIVITY 1	2,083,729	2,109,881	2,104,881	2,107,381
25200 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
25250 ADMINISTRATION AND SERVICEWIDE ACTIVITIES				
25300 ADMINISTRATION	57,136	61,136	61,136	61,136
25350 MILITARY MANPOWER AND PERSONNEL MANAGEMENT	24,088	24,088	24,088	24,088
25400 RECRUITING AND ADVERTISING	18,683	18,683	18,683	18,683
25450 OTHER PERSONNEL SUPPORT	6,593	6,593	6,593	6,593
25500 AUDIOVISUAL	688	688	688	688
25520 TOTAL, BUDGET ACTIVITY 4	107,188	111,188	111,188	111,188
25630 RETIREMENT ACCRUALS	-55,365	-55,365	-55,365	-55,365
25650 UNDISTRIBUTED REDUCTION	-100	-100	-100	-100
25950 TOTAL, O&M, AIR FORCE RESERVE	2,135,452	2,165,604	2,160,604	2,163,104

Adjustments to Budget Activities

Adjustments to the budget activities are as follows:

(In thousands of dollars)

Budget Activity 1: Operating Forces:		
24970	Depot Maintenance	2,500
25000	Base Support/CT-FP DERF Transfer—WMD First Responders Program	14,950
25050	Facilities Sustainment, Restoration and Modernization/CT-FP DERF Transfer--Facility Upgrades	6,202
Budget Activity 4: Administration and Servicewide Activities:		
25300	Administration/Command Server Consolidation	4,000

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

The conference agreement on items addressed by either the House or the Senate is as follows:

(In thousands of dollars)

	Budget	House	Senate	Conference
26100 OPERATION & MAINTENANCE, ARMY NATIONAL GUARD				
26120 BUDGET ACTIVITY 1: OPERATING FORCES				
26140 LAND FORCES				
26180 DIVISIONS	592,730	592,730	602,480	599,830
26200 CORPS COMBAT FORCES	652,895	652,895	649,895	649,895
26220 CORPS SUPPORT FORCES	313,967	313,967	313,967	313,967
26240 ECHELON ABOVE CORPS FORCES	516,742	516,742	516,742	516,742
26260 LAND FORCES OPERATIONS SUPPORT	48,443	48,443	48,443	48,443
26280 LAND FORCES READINESS				
26320 FORCE READINESS OPERATIONS SUPPORT	75,746	75,746	75,746	75,746
26340 LAND FORCES SYSTEMS READINESS	107,925	107,925	107,925	107,925
26350 LAND FORCES DEPOT MAINTENANCE	178,733	178,733	178,733	178,733
26360 AZUR BLUE CANNON BORE CLEANING SYSTEM	---	1,000	---	1,000
26370 LAND FORCES READINESS SUPPORT				
26420 BASE OPERATIONS SUPPORT	561,967	706,667	561,967	696,667
26440 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	363,571	363,571	366,571	366,571
26460 MANAGEMENT & OPERATIONAL HEADQUARTERS	420,329	420,329	555,029	420,329
26480 MISCELLANEOUS ACTIVITIES	46,673	46,673	47,568	47,568
26580 TOTAL, BUDGET ACTIVITY 1	3,879,721	4,025,421	4,025,066	4,023,416

(In thousands of dollars)

	Budget	House	Senate	Conference
26600 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
26620 ADMINISTRATION AND SERVICEWIDE ACTIVITIES				
26660 STAFF MANAGEMENT	104,409	104,409	104,409	104,409
26680 INFORMATION MANAGEMENT	15,565	16,565	21,565	20,765
26720 PERSONNEL ADMINISTRATION	52,259	52,259	52,259	52,259
26740 RECRUITING AND ADVERTISING	84,868	84,868	84,868	84,868
26760 TOTAL, BUDGET ACTIVITY 4	257,101	258,101	263,101	262,301
26810 RETIREMENT ACCRUALS	-87,255	-87,255	-87,255	-87,255
26820 ANGEL GATE ACADEMY	---	2,000	---	2,500
26830 NATIONAL EMERGENCY AND DISASTER INFORMATION CENTER	---	3,000	---	2,600
26840 EMERGENCY SPILL RESPONSE	---	---	500	500
26850 DISTRIBUTED LEARNING PROJECT	---	---	50,000	30,000
26890 JOINT TRAINING AND EXPERIMENTATION PROGRAM	---	4,000	---	3,400
26940 RURAL ACCESS TO BROADBAND TECHNOLOGY	---	2,500	---	2,100
26960 ADDITIONAL MILITARY TECHNICIANS	---	11,300	11,300	11,300
26970 NATIONAL GUARD GLOBAL EDUCATION PROJECT	---	500	---	500
26980 ALL TERRAIN MILITARY UTILITY VEHICLE	---	3,100	---	2,170
26990 NORTHEAST CTR FOR HOMELAND SECURITY FEASIBILITY STUDY.	---	1,500	---	1,000
27000 COURSEWARE TO EDUCATE IT MANAGERS	---	2,000	---	1,700
27010 INFORMATION ASSURANCE	---	1,500	---	1,275
27030 WMD RESPONSE ELEMENT ADV LAB INTEGRATED TRAINING AND I	---	2,000	---	1,700
27050 COLD WEATHER CLOTHING	---	300	---	300
27055 NATIONAL GUARD YOUTH CHALLENGE AT CAMP MINDEN	---	---	1,700	---
27057 SE REGIONAL TERRORISM TRAINING	---	---	2,000	1,200
27060 LOUISIANA NG TERRORISM TRAINING	---	2,000	---	---
27070 COMMUNICATOR EMERGENCY NOTIFICATION SYSTEM	---	---	---	1,000
27350 TOTAL, O & M, ARMY NATIONAL GUARD	4,049,567	4,231,967	4,266,412	4,261,707

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
26180 Divisions/ECWCS	4,200
26180 Divisions/Homeland Security Training, Camp Gruber	2,900
26200 Corps Combat Forces/Unjustified Growth for Other Purchases	−3,000
26360 Azure Blue Cannon Bore Cleaning System	1,000
26420 Base Operations Support/Homeland Security DERF Transfer—Long-Haul Communications	86,200
26420 Base Operations Support/Homeland Security DERF Transfer—General Communications	48,500
26440 Facilities Sustainment, Restoration and Modernization/1st Bn, 118th Infantry Brigade Rifle Range	3,000
26480 Miscellaneous Activities/Distributed Battle Simulation Program Support	895
Budget Activity 4: Administration and Servicewide Activities:	
26680 Information Management/Interoperable Automation Continuity of Operations	1,000
26680 Information Management/Information Operations	4,200
Other Adjustments:	
26820 Angel Gate Academy	2,500
26830 National Emergency and Disaster Information Center	2,600
26840 Emergency Spill Response	500
26850 Distributed Learning Project	30,000
26890 Joint Training and Experimentation Program	3,400
26940 Rural Access to Broadband Technology	2,100
26960 Additional Military Technicians	11,300
26970 National Guard Global Education Project	500
26980 All Terrain Military Utility Vehicle	2,170
26990 Northeast Center for Homeland Security Feasibility Study	1,000
27000 Courseware to Educate IT Managers	1,700
27010 Information Assurance	1,275
27030 WMD Response Element Advanced Laboratory Integrated Training and Indoctrination	1,700
27050 Cold Weather Clothing	300
27057 Southeast Regional Terrorism Training	1,200
27070 Communicator Emergency Notification Center	1,000

INFORMATION ASSURANCE

The conferees recommend $1,275,000 for information assurance only for a local community education agency in a collaborative information effort with the Software Engineering Institute.

SECURE WIRELESS TECHNOLOGY CAPABILITY

The conferees remain concerned that the Army National Guard lacks a near-term capability or plan to ensure a secure cellular phone capability for use in the event of a domestic emergency. Accordingly, the conferees direct the Director of the Army National Guard to report to the congressional defense committees within 30 days of enactment of this legislation on its plans to achieve that objective and would be supportive of a reprogramming to increase this capability.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

The conference agreement on items addressed by either the House or the Senate is as follows:

(In thousands of dollars)

		Budget	House	Senate	Conference
27500	OPERATION & MAINTENANCE, AIR NATIONAL GUARD				
27550	BUDGET ACTIVITY 1: OPERATING FORCES				
27600	AIR OPERATIONS				
27650	AIRCRAFT OPERATIONS	2,637,374	2,637,374	2,641,374	2,640,174
27700	MISSION SUPPORT OPERATIONS	341,385	341,385	341,385	341,385
27750	BASE SUPPORT	407,751	407,751	407,751	407,751
27800	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	164,228	204,243	202,243	203,243
27850	DEPOT MAINTENANCE	565,224	570,224	565,224	567,724
27900	TOTAL, BUDGET ACTIVITY 1	4,115,962	4,160,977	4,157,977	4,160,277
27950	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
28050	ADMINISTRATION	24,871	24,871	29,871	28,371
28100	RECRUITING AND ADVERTISING	10,128	10,128	10,128	10,128
28110	TOTAL, BUDGET ACTIVITY 4	34,999	34,999	39,999	38,499
28160	NATIONAL GUARD STATE PARTNERSHIP PROGRAM	---	1,000	---	1,000
28170	PROJECT ALERT	---	2,750	---	1,375
28200	RETIREMENT ACCRUALS	-88,416	-88,416	-88,416	-88,416
28215	DEFENSE SUPPORT EVALUATION GROUP	---	---	4,000	2,800
28230	UNDISTRIBUTED REDUCTION	-100	-100	-100	-100
28250	SURVEYING TRAINING SYSTEMS	---	1,000	---	1,000
28260	INSTRUMENT LANDING SYSTEM AT RICKENBACKER	---	500	---	500
28270	COLD WEATHER CLOTHING	---	300	---	300
28280	MEDICAL EQUIPMENT	---	---	---	350
28550	TOTAL, O&M, AIR NATIONAL GUARD	4,062,445	4,113,010	4,113,460	4,117,585

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
27650 Aircraft Operations/ECWCS	2,800
27800 Facilities, Sustainment, Restoration and Modernization/CT–FP DERF Transfer—Facility Upgrades	38,015
27800 Facilities, Sustainment, Restoration and Modernization/Key Field Facility Renovation	1,000
27850 Depot Maintenance	2,500
Budget Activity 4: Administration and Servicewide Activities:	
28050 Administration/Information Operations	3,500
Other Adjustments:	
28160 National Guard State Partnership Program	1,000
28170 Project Alert	1,375
28215 Defense Support Evaluation Group	2,800
28250 Surveying Training Systems	1,000
28260 Instrument Landing System at Rickenbacker ANG Base	500
28270 Cold Weather Clothing	300
28280 Medical Equipment	350

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

The conference agreement provides $5,000,000 for the Overseas Contingency Operations Transfer Fund.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

The conference agreement provides $9,614,000 for the United States Court of Appeals for the Armed Forces.

ENVIRONMENTAL RESTORATION, ARMY

The conference agreement provides $395,900,000 for Environmental Restoration, Army.

ENVIRONMENTAL RESTORATION, NAVY

The conference agreement provides $256,948,000 for Environmental Restoration, Navy.

ENVIRONMENTAL RESTORATION, AIR FORCE

The conference agreement provides $389,773,000 for Environmental Restoration, Air Force.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

The conference agreement provides $23,489,000 for Environmental Restoration, Defense-Wide.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

The conference agreement provides $246,102,000 for Environmental Restoration, Formerly Used Defense Sites, instead of $212,102,000 as proposed by the House and $252,102,000 as proposed by the Senate.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

The conference agreement provides $58,400,000 for Overseas Humanitarian, Disaster, and Civic Aid.

FORMER SOVIET UNION THREAT REDUCTION

The conference agreement provides $416,700,000 for the Former Soviet Union Threat Reduction program.

SUPPORT FOR INTERNATIONAL SPORTING COMPETITIONS, DEFENSE

The conference agreement provides $19,000,000 for the Support for International Sporting Competitions, Defense account.

DEFENSE EMERGENCY RESPONSE FUND

The conference agreement provides amounts approved for those items requested in the Defense Emergency Response Fund in the appropriation accounts and line items identified by the Department.

TITLE III - PROCUREMENT

The conference agreement is as follows:

(In thousands of dollars)

	Budget	House	Senate	Conference
SUMMARY				
ARMY				
AIRCRAFT	2,061,027	2,214,369	2,249,389	2,285,574
MISSILES	1,642,296	1,112,772	1,585,672	1,096,548
WEAPONS, TRACKED COMBAT VEHICLES	2,248,558	2,248,358	2,242,058	2,266,508
AMMUNITION	1,159,426	1,207,560	1,258,599	1,253,099
OTHER	5,168,453	6,017,380	5,783,439	5,874,674
TOTAL, ARMY	12,279,760	12,800,439	13,119,157	12,776,403
NAVY				
AIRCRAFT	8,203,955	8,682,655	8,849,955	8,812,855
WEAPONS	1,832,617	2,384,617	1,856,617	1,868,517
AMMUNITION	1,015,152	1,167,130	1,169,152	1,165,730
SHIPS	8,191,194	8,127,694	9,151,393	9,032,837
OTHER	4,347,024	4,631,299	4,500,710	4,612,910
MARINE CORPS	1,288,383	1,369,383	1,357,383	1,388,583
TOTAL, NAVY	24,878,325	26,362,778	26,885,210	26,881,432
AIR FORCE				
AIRCRAFT	12,067,405	12,492,730	13,085,555	13,137,255
MISSILES	3,575,162	3,185,439	3,364,639	3,174,739
AMMUNITION	1,133,864	1,290,764	1,281,864	1,288,164
OTHER	10,523,946	10,622,660	10,628,958	10,672,712
TOTAL, AIR FORCE	27,300,377	27,591,593	28,361,016	28,272,870
DEFENSE-WIDE	2,688,515	3,457,405	2,958,285	3,444,455
NATIONAL GUARD AND RESERVE EQUIPMENT	---	---	130,000	100,000
DEFENSE PRODUCTION ACT PURCHASES	73,057	73,057	73,057	73,057
TOTAL PROCUREMENT	67,220,034	70,285,272	71,526,725	71,548,217

PROCUREMENT OF SECURITY VEHICLES

The conferees are concerned about the justification provided for the procurement of physical security vehicles. The services' budget requests provide little explanation for the number of vehicles requested or the fluctuation in costs from one year to the next. In fact, the current budget request presents a disparity in costs by service ranging from $180,000 to $250,000 per physical security vehicle. The conferees believe that a better presentation of the request for procurement of these vehicles is necessary. Accordingly, the conferees direct the Under Secretary of Defense (Comptroller) to be the central coordinator of all budget justification material for physical security vehicle procurement. The Under Secretary shall submit to the congressional defense committees a separate consolidated justification that clearly explains each service's requirement and the maximum purchase cost authority requested.

NATIONAL IMAGERY AND MAPPING AGENCY (NIMA)

NFIP/JMIP CONSOLIDATION

The House included language directing that all NIMA funding be consolidated within the National Foreign Intelligence Program (NFIP) account. The Senate did not include such language. In response to the House direction, the Secretary of Defense stated that he is working with the Director of Central Intelligence (DCI) to determine that most efficient resource strategy for NIMA and is committed to revising the NIMA budget appropriately in the fiscal year 2004 President's Budget Request. The conferees appreciate the commitment of the Secretary of Defense on this matter, and on the basis of this commitment, the House recedes.

SUPPORT TO SMALL BUSINESS

The conferees recognize the importance of small business to the Department's procurement chain. In order to effectively compete in federal procurement processes, small businesses require proficiency in electronic commerce and electronic business practices. As such, the conferees recommend the Department seek innovative methods for providing support to small business supply providers in these areas and full funding of the Supply Chain Management program.

AIRCRAFT PROCUREMENT, ARMY

The conference agreement on items addressed by either the House or Senate is as follows:

(In thousands of dollars)

	Budget	House	Senate	Conference
AIRCRAFT PROCUREMENT, ARMY				
AIRCRAFT				
FIXED WING				
UTILITY F/W (MR) AIRCRAFT	---	---	15,200	8,300
ROTARY				
UH-60 BLACKHAWK (MYP)	153,361	242,561	249,661	269,916
UH-60 BLACKHAWK (MYP) (AP-CY)	26,859	26,859	26,859	26,859
HELICOPTER NEW TRAINING	---	9,600	9,600	9,600
TOTAL, AIRCRAFT	180,220	279,020	301,320	314,675
MODIFICATION OF AIRCRAFT				
GUARDRAIL MODS (TIARA)	9,229	14,229	14,229	14,229
ARL MODS (TIARA)	20,873	20,873	20,873	20,873
AH-64 MODS	93,622	96,902	159,622	136,902
CH-47 CARGO HELICOPTER MODS	382,061	387,061	385,061	385,761
CH-47 CARGO HELICOPTER MODS (AP-CY)	21,185	71,185	21,185	64,535
UTILITY/CARGO AIRPLANE MODS	16,954	16,954	16,954	16,954
OH-58 MODS	460	460	460	460
AIRCRAFT LONG RANGE MODS	744	744	744	744
LONGBOW	865,781	865,781	865,781	865,781
LONGBOW (AP-CY)	29,713	29,713	29,713	29,713
UH-60 MODS	41,863	45,363	50,863	52,463
KIOWA WARRIOR	42,406	42,406	42,406	42,406
AIRBORNE AVIONICS	97,003	97,003	97,003	97,003
GATM ROLLUP	70,414	71,914	70,414	71,514
SPARE PARTS (AIR)	7,697	7,697	7,697	7,697
TOTAL, MODIFICATION OF AIRCRAFT	1,700,005	1,768,285	1,783,005	1,807,035

(In thousands of dollars)

	Budget	House	Senate	Conference
SUPPORT EQUIPMENT AND FACILITIES				
GROUND SUPPORT AVIONICS				
AIRCRAFT SURVIVABILITY EQUIPMENT......................	---	---	6,000	3,100
OTHER SUPPORT				
AIRBORNE COMMAND & CONTROL...........................	27,738	10,000	---	2,200
AVIONICS SUPPORT EQUIPMENT...........................	7,494	11,494	11,494	11,494
COMMON GROUND EQUIPMENT..............................	18,091	18,091	20,091	19,591
AIRCREW INTEGRATED SYSTEMS...........................	15,215	15,215	15,215	15,215
AIR TRAFFIC CONTROL..................................	64,410	64,410	64,410	64,410
INDUSTRIAL FACILITIES................................	704	704	704	704
LAUNCHER, 2.75 ROCKET................................	2,677	2,677	2,677	2,677
AIRBORNE COMMUNICATIONS..............................	44,473	44,473	44,473	44,473
TOTAL, SUPPORT EQUIPMENT AND FACILITIES............	180,802	167,064	165,064	163,864
TOTAL, AIRCRAFT PROCUREMENT, ARMY..................	2,061,027	2,214,369	2,249,389	2,285,574

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Budget Request	House	Senate	Conference
1	**UTILITY F/W (MR) AIRCRAFT**	**0**	**0**	**15,200**	**8,300**
	2 UC-35 aircraft		0	+15,200	+8,300
2	**UH-60 BLACKHAWK (MYP)**	**153,361**	**242,561**	**249,661**	**269,916**
	UH-60L AR (Note: only to complete fielding of D Company and A Company, 158 Aviation Regiment)		+34,000		+28,900
	HH-60L MEDEVAC		+40,200		+51,255
	UH-60L Blackhawk Flight Simulator (Note: only for a flight simulator for the 18th Airborne Corps that includes state-of-the-art image generators and motion queuing devices)		+15,000		+15,000
	Blackhawk helicopters			+96,300	+21,400
4	**HELICOPTER NEW TRAINING**	**0**	**9,600**	**9,600**	**9,600**
	TH-67 Creek		+9,600	+9,600	+9,600
5	**GUARDRAIL MODS (TIARA)**	**9,229**	**14,229**	**14,229**	**14,229**
	Guardrail Mods (TIARA)--Transfer from DERF		+5,000	+5,000	+5,000
7	**AH-64 MODS**	**93,622**	**96,902**	**159,622**	**136,902**
	Oil Debris Detection and Burn-off System		+2,000		+1,000
	Integrated Helmet and Display Sights for MO ARNG		+1,280		+1,280
	Apache engine spares			+64,000	+40,000
	Bladefold kits			+2,000	+1,000
8	**CH-47 CARGO HELICOPTER MODS**	**382,061**	**387,061**	**382,061**	**385,761**
	CH-47 Voice and Data Recorders		+5,000		+3,700
9	**CH-47 CARGO HELICOPTER MODS (AP-CY)**	**21,185**	**71,185**	**24,185**	**64,535**
	CH-47F Upgrade Program		+45,000		+39,100
	CH-47 crashworthy crew seats		+5,000	+1,000	+4,250
	Voice and data recorders			+2,000	0
17	**UH-60 MODS**	**41,863**	**45,363**	**50,863**	**52,463**
	Crashworthy Fuel Tanks--Active/ARNG		+3,500		+1,800
	Army NG Pacific CSAR Modifications			+3,000	+2,600
	Oregon NG CSAR Modifications				+2,000
	DCS-HUMS			+6,000	+4,200
22	**GATM ROLLUP**	**70,414**	**71,914**	**70,414**	**71,514**
	Longbow Photo Reconnaissance Intel Strike Module (PRISM)		+1,500		+1,100

P-1		Budget Request	House	Senate	Conference
24	**AIRCRAFT SURVIVABILITY EQUIPMENT**	0	0	6,000	3,100
	Laser detecting sets			+6,000	+3,100
26	**AIRBORNE COMMAND & CONTROL**	27,738	10,000	0	2,200
	Realignment to RDTE, Army PE 604818A		-17,738	-10,000	-17,738
	System not ready for LRIP			-17,738	-7,800
27	**AVIONICS SUPPORT EQUIPMENT**	7,494	11,494	11,494	11,494
	AN/AVS-6 Goggles		+4,000	+4,000	+4,000
28	**COMMON GROUND EQUIPMENT**	18,091	18,091	20,091	19,591
	HELO Maintenance Work Platform System (Note: only for the National Guard)		0	+2,000	+1,500

UH-60 BLACKHAWK HELICOPTERS

The conference agreement includes $269,916,000 to procure 19 UH-60 Blackhawk helicopters. This is an increase of $116,555,000, providing for an additional seven aircraft. Of the additional aircraft in the conference agreement, two UH-60L aircraft are available only for the Army Reserve as described in House Report 107-532. Of the additional aircraft, three shall be HH-60L Medical Evacuation (MEDEVAC) models available only for units of the Army National Guard, and two aircraft shall be UH-60L models available only for units of the Army National Guard.

CH-47F UPGRADE PROGRAM RESTRUCTURING

The conferees agree to provide an additional $39,100,000 to facilitate the restructuring of the CH-47F Chinook helicopter upgrade program. Given the critical importance of this improved helicopter to the Army's Objective Force, these funds should be used to facilitate a program restructuring in order to upgrade the full fleet of helicopters (which is currently 465) at the most efficient economic rate, which the conferees believe is between 36 and 48 helicopters per year. The Army is directed to ensure that out-year budgetary and program plans are implemented to meet 100 percent of the Army's CH-47F Objective Force helicopter requirement by no later than 2016.

ATIRCM

The conferees agree not to rescind $3,000,000 for ATIRCM as recommended by the House. These funds should have been reprogrammed to USSOCOM when responsibility for this program was moved to USSOCOM. The conferees direct the Army to expeditiously submit a reprogramming to the Congress in order to properly realign these funds to Procurement, Defense-Wide.

MISSILE PROCUREMENT, ARMY

The conference agreement on items addressed by either the House or Senate is as follows:

(In thousands of dollars)

	Budget	House	Senate	Conference
MISSILE PROCUREMENT, ARMY				
OTHER MISSILES				
SURFACE-TO-AIR MISSILE SYSTEM				
PATRIOT SYSTEM SUMMARY	471,670	---	471,670	---
STINGER SYSTEM SUMMARY	30,893	30,893	25,893	25,893
AIR-TO-SURFACE MISSILE SYSTEM				
HELLFIRE SYS SUMMARY	184,396	184,396	184,396	184,396
ANTI-TANK/ASSAULT MISSILE SYSTEM				
JAVELIN (AAWS-M) SYSTEM SUMMARY	250,506	223,052	250,506	223,052
LINE OF SIGHT ANTI-TANK (LOSAT) SYSTEM SUM	17,937	17,937	---	---
GUIDED MLRS ROCKET (GMLRS)	29,698	29,698	44,698	37,198
MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR)	15,924	15,924	15,924	15,924
MLRS LAUNCHER SYSTEMS	141,131	137,131	137,131	137,131
HIMARS LAUNCHER	128,402	128,402	133,402	130,902
ARMY TACTICAL MSL SYS (ATACMS) - SYS SUM	9,050	9,050	9,050	29,050
ATACMS BLKII SYSTEM SUMMARY	49,687	23,287	---	---
TOTAL, OTHER MISSILES	1,329,294	799,770	1,272,670	783,546
MODIFICATION OF MISSILES				
MODIFICATIONS				
PATRIOT MODS	151,307	151,307	151,307	151,307
STINGER MODS	1,492	1,492	1,492	1,492
ITAS/TOW MODS	59,962	59,962	59,962	59,962
MLRS MODS	31,734	31,734	31,734	31,734
TOTAL, MODIFICATION OF MISSILES	244,495	244,495	244,495	244,495

(In thousands of dollars)

	Budget	House	Senate	Conference
SPARES AND REPAIR PARTS	55,924	55,924	55,924	55,924
SUPPORT EQUIPMENT AND FACILITIES				
AIR DEFENSE TARGETS	3,408	3,408	3,408	3,408
ITEMS LESS THAN $5 MILLION (MISSILES)	907	907	907	907
MISSILE DEMILITARIZATION	4,895	4,895	4,895	4,895
PRODUCTION BASE SUPPORT	3,373	3,373	3,373	3,373
TOTAL, SUPPORT EQUIPMENT AND FACILITIES	12,583	12,583	12,583	12,583
TOTAL, MISSILE PROCUREMENT, ARMY	1,642,296	1,112,772	1,585,672	1,096,548

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Budget Request	House	Senate	Conference
1	**PATRIOT SYSTEM SUMMARY**	**471,670**	**0**	**471,670**	**0**
	Transfer of PAC-3 Program to MDA		-471,670		-471,670
	Command Launch System			-25,000	0
	Additional Missiles			+25,000	0
2	**STINGER SYSTEM SUMMARY**	**30,893**	**30,893**	**25,893**	**25,893**
	Program Cost Growth		0	-5,000	-5,000
5	**JAVELIN (AAWS-M) SYSTEM SUMMARY**	**250,506**	**223,052**	**250,506**	**223,052**
	Quantity Reduction		-27,454		-27,454
6	**LINE OF SIGHT ANTI-TANK (LOSAT) SYSTEM SUM**	**17,937**	**17,937**	**0**	**0**
	Premature Procurement		0	-17,937	-17,937
9	**GUIDED MLRS ROCKET (GMLRS)**	**29,698**	**29,698**	**44,698**	**37,198**
	Additional Missiles		0	+15,000	+7,500
11	**MLRS LAUNCHER SYSTEMS**	**141,131**	**137,131**	**137,131**	**137,131**
	Reduce Programmed Growth		-4,000		0
	Contract Savings			-4,000	-4,000
12	**HIMARS LAUNCHER**	**128,402**	**128,402**	**133,402**	**130,902**
	Additional Launchers		0	+5,000	+2,500
13	**ARMY TACTICAL MSL SYS (ATACMS) - SYS SUM**	**9,050**	**9,050**	**9,050**	**29,050**
	ATACMS Blk 1A Missiles (Note: only for the upgrade of Block IA missiles to the Quick Reaction Unitary variant--Transfer from DERF.)				+20,000
14	**ATACMS BLKII SYSTEM SUMMARY**	**49,687**	**23,287**	**0**	**0**
	Engineering Services/Production Engineering Support		-26,400		0
	Program Delay/Restructure			-49,687	-49,687

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

The conference agreement on items addressed by either the House or Senate is as follows:

(In thousands of dollars)

	Budget	House	Senate	Conference
PROCUREMENT OF WEAPONS & TRACKED COMBAT VEHICLES, ARMY				
TRACKED COMBAT VEHICLES				
ABRAMS TRNG DEV MOD	5,504	5,504	5,504	5,504
BRADLEY BASE SUSTAINMENT	397,053	457,053	395,253	444,903
BRADLEY FVS TRAINING DEVICES (MOD)	8,532	8,532	8,532	8,532
ABRAMS TANK TRAINING DEVICES	12,061	12,061	12,061	12,061
INTERIM ARMORED VEHICLE (IAV) FAMILY	811,831	772,031	788,031	788,031
MODIFICATION OF TRACKED COMBAT VEHICLES				
CARRIER, MOD	60,305	50,305	39,405	39,405
FIST VEHICLE (MOD)	6,966	6,966	6,966	6,966
MOD OF IN-SVC EQUIP, FIST VEHICLE	692	692	692	692
BFVS SERIES (MOD)	35,033	35,033	70,033	60,033
HOWITZER, MED SP FT 155MM M109A6 (MOD)	17,361	17,361	17,361	17,361
FAASV PIP TO FLEET	2,944	2,944	2,944	2,944
IMPROVED RECOVERY VEHICLE (M88 MOD)	50,311	50,311	50,311	50,311
ARMORED VEH LAUNCH BRIDGE (AVLB) (MOD)	10,021	10,021	10,021	10,021
M1 ABRAMS TANK (MOD)	191,413	179,213	191,413	179,213
SYSTEM ENHANCEMENT PGM: SEP M1A2	123,697	123,697	122,697	122,697
ABRAMS UPGRADE PROGRAM	376,268	376,268	376,268	376,268
SUPPORT EQUIPMENT AND FACILITIES				
ITEMS LESS THAN $5 MILLION (TCV-WTCV)	146	146	146	146
PRODUCTION BASE SUPPORT (TCV-WTCV)	9,900	9,900	9,900	9,900
TOTAL, TRACKED COMBAT VEHICLES	2,120,038	2,118,038	2,107,538	2,134,988

(In thousands of dollars)

	Budget	House	Senate	Conference
WEAPONS AND OTHER COMBAT VEHICLES				
ARMOR MACHINE GUN, 7.62MM M240 SERIES................	21,334	17,134	21,334	17,134
MACHINE GUN, 5.56MM (SAW)............................	---	6,000	---	3,000
GRENADE LAUNCHER, AUTO, 40MM, MK19-3.................	16,663	16,663	16,663	16,663
81MM MORTAR (ROLL)...................................	9,821	9,821	9,821	9,821
M16 RIFLE..	3,104	3,104	3,104	3,104
XM107, CAL .50, SNIPER RIFLE.........................	8,913	8,913	8,913	8,913
5.56 CARBINE M4......................................	9,155	9,155	9,155	9,155
MOD OF WEAPONS AND OTHER COMBAT VEH				
MARK-19 MODIFICATIONS................................	2,743	2,743	2,743	2,743
M4 CARBINE MODS......................................	9,267	9,267	9,267	9,267
SQUAD AUTOMATIC WEAPON (MOD)..........................	4,119	4,119	4,119	4,119
M119 MODIFICATIONS...................................	4,852	4,852	4,852	4,852
MODIFICATIONS LESS THAN $5 MILLION (WOCV-WTCV)........	817	817	817	817
SUPPORT EQUIPMENT AND FACILITIES				
ITEMS LESS THAN $5 MILLION (WOCV-WTCV)...............	1,265	1,265	1,265	1,265
PRODUCTION BASE SUPPORT (WOCV-WTCV)..................	5,832	5,832	5,832	5,832
INDUSTRIAL PREPAREDNESS..............................	3,246	3,246	9,246	7,446
SMALL ARMS (SOLDIER ENH PROG)........................	1,954	1,954	1,954	1,954
TOTAL, WEAPONS AND OTHER COMBAT VEHICLES...........	103,085	104,885	109,085	106,085
SPARES AND REPAIR PARTS (WTCV).......................	25,435	25,435	25,435	25,435
TOTAL, PROCUREMENT OF W&TCV, ARMY..................	2,248,558	2,248,358	2,242,058	2,266,508

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Budget Request	House	Senate	Conference
2	**BRADLEY BASE SUSTAINMENT**	**397,053**	**457,053**	**395,253**	**444,903**
	Bradley "AO" to "A2ODS"		+60,000		+51,000
	Excessive growth: unit fielding costs			-1,300	-1,300
	Excessive growth: engineering support			-5,000	-5,000
	Electronic obsolesence reduction			+4,500	+3,150
8	**INTERIM ARMORED VEHICLE (IAV) FAMILY**	**811,831**	**772,031**	**788,031**	**788,031**
	Transfer to Research & Development (MGS)		-39,800		0
	Transfer to R&D, Army for MGS			-23,800	-23,800
10	**CARRIER, MOD**	**60,305**	**50,305**	**39,405**	**39,405**
	Reduce Programmed Growth		-10,000		0
	Excessive growth: program management			-4,500	-4,500
	Track (T-150): buying ahead of need			-16,400	-16,400
13	**BFVS SERIES (MOD)**	**35,033**	**35,033**	**70,033**	**60,033**
	Bradley reactive armor		0	+35,000	+25,000
19	**M1 ABRAMS TANK (MOD)**	**191,413**	**179,213**	**191,413**	**179,213**
	Reduce Programmed Growth		-12,200		-12,200
21	**SYSTEM ENHANCEMENT PGM: SEP M1A2**	**123,697**	**123,697**	**122,697**	**122,697**
	Excessive growth: unit cost		0	-1,000	-1,000
26	**ARMOR MACHINE GUN, 7.62MM M240 SERIES**	**21,334**	**17,134**	**21,334**	**17,134**
	Reduce Programmed Growth		-4,200		-4,200
27	**MACHINE GUN, 5.56MM SAW**	**0**	**6,000**	**0**	**3,000**
	M249 Squad Automatic Weapon		+6,000		+3,000
44	**INDUSTRIAL PREPAREDNESS**	**3,246**	**3,246**	**9,246**	**7,446**
	Arsenal support program initiative		0	+6,000	+4,200

M113 Carrier Modifications

The Department of Defense's budget request for this program contained funding only for the fielding of current M113A3s and the purchase of new T-150 track to be used by the Counter Attack Corps. Unfortunately, the budget request contained no funding for upgrades of the M113A2 to the more modern, more survivable A3 variant. While the conferees support the Army's desire to fund those technologies and systems that best support the Army's goal of transformation, the conferees believe our current front line soldiers should not be denied the benefits of modern technology already in the industrial base. Therefore, in addition to funds requested for fielding current M113A3s, the conferees direct that up to $15,000,000 be used only for M113 upgrades.

PROCUREMENT OF AMMUNITION, ARMY

The conference agreement on items addressed by either the House or Senate is as follows:

(In thousands of dollars)

	Budget	House	Senate	Conference
PROCUREMENT OF AMMUNITION, ARMY				
AMMUNITION				
SMALL/MEDIUM CAL AMMUNITION				
CTG, 5.56MM, ALL TYPES	89,870	103,175	99,175	101,975
CTG, 7.62MM, ALL TYPES	15,975	18,174	18,174	18,174
CTG, 9MM, ALL TYPES	13,508	17,508	13,508	16,508
CTG, .50 CAL, ALL TYPES	50,575	58,696	58,596	58,596
CTG, 25MM, ALL TYPES	33,087	72,087	33,087	67,237
CTG, 30MM, ALL TYPES	9,795	9,795	9,795	9,795
CTG, 40MN, ALL TYPES	71,703	61,672	77,072	69,572
MORTAR AMMUNITION				
60MM MORTAR, ALL TYPES	31,696	31,696	31,696	31,696
81MM MORTAR, ALL TYPES	3,582	5,982	7,582	6,782
CTG, MORTAR, 120MM, ALL TYPES	50,425	50,425	63,425	56,925
TANK AMMUNITION				
CTG TANK 105MM: ALL TYPES	14,100	8,100	14,100	8,100
120MM TANK TRAINING, ALL TYPES	154,963	154,963	154,963	154,963
CTG, TANK, 120MM TACTICAL, ALL TYPES	43,254	43,254	43,254	43,254
ARTILLERY AMMUNITION				
CTG ARTY 75MM BLANK M337A1	4,201	4,201	4,201	4,201
CTG ARTY 105MM ILLUM M314 SERIES	5,208	5,208	5,208	5,208
CTG ARTY 105MM HE M1 W/O FUZE	25,200	26,837	26,837	26,837
PROJECTILE 155 MILLIMETER DP BASEBLED M864 P7	22,300	11,300	22,300	14,300
PROJ ARTY 155MN HE M107	30,200	32,700	31,200	32,450
MODULAR ARTILLERY CHARGE SYSTEM (MACS), ALL T	122,411	122,411	122,411	122,411

(In thousands of dollars)

	Budget	House	Senate	Conference
ARTILLERY FUZES				
ARTILLERY FUZES, ALL TYPES	69,180	69,180	69,180	69,180
MINES				
MINE, TRAINING, ALL TYPES	12,651	12,661	4,000	4,000
WIDE AREA MUNITIONS	12,466	---	---	---
ROCKETS				
BUNKER DEFEATING MUNITION (BDM)	7,795	12,795	12,795	12,795
ROCKET, HYDRA 70, ALL TYPES	22,400	22,400	62,400	52,400
OTHER AMMUNITION				
DEMOLITION MUNITIONS, ALL TYPES	28,001	33,001	30,001	31,901
GRENADES, ALL TYPES	37,552	40,773	40,773	40,773
SIGNALS, ALL TYPES	11,935	12,881	12,881	12,881
SIMULATORS, ALL TYPES	3,942	3,942	3,942	3,942
MISCELLANEOUS				
AMMO COMPONENTS, ALL TYPES	7,953	7,953	7,953	7,953
NON-LETHAL AMMUNITION, ALL TYPES	5,890	5,890	5,890	5,890
CAD/PAD ALL TYPES	4,800	4,800	4,800	4,800
ITEMS LESS THAN $5 MILLION	8,739	9,041	9,041	9,041
AMMUNITION PECULIAR EQUIPMENT	4,792	4,792	7,792	6,292
FIRST DESTINATION TRANSPORTATION (AMMO)	5,836	5,836	5,836	5,836
CLOSEOUT LIABILITIES	10,017	10,017	10,017	10,017
TOTAL, AMMUNITION	1,046,012	1,094,146	1,123,885	1,126,685
AMMUNITION PRODUCTION BASE SUPPORT				
PRODUCTION BASE SUPPORT				
PROVISION OF INDUSTRIAL FACILITIES	42,655	42,655	43,955	43,655
LAYAWAY OF INDUSTRIAL FACILITIES	6,990	6,990	6,990	6,990
MAINTENANCE OF INACTIVE FACILITIES	9,082	9,082	9,082	9,082
CONVENTIONAL AMMO DEMILITARIZATION	50,030	50,030	60,030	55,030
ARMS INITIATIVE	4,657	4,657	14,657	11,657
TOTAL, AMMUNITION PRODUCTION BASE SUPPORT	113,414	113,414	134,714	126,414
TOTAL, PROCUREMENT OF AMMUNITION, ARMY	1,159,426	1,207,560	1,258,599	1,253,099

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Budget Request	House	Senate	Conference
1	**CTG, 5.56MM, ALL TYPES**	89,870	103,175	99,175	101,975
	CTG, 5.56mm, All Types--Transfer from DERF		+9,305	+9,305	+9,305
	Lake City Production Line Upgrades		+4,000	0	+2,800
2	**CTG, 7.62MM, ALL TYPES**	15,975	18,174	18,174	18,174
	CTG, 7.62mm, All Types--Transfer from DERF		+2,199	+2,199	+2,199
3	**CTG, 9MM, ALL TYPES**	13,508	17,508	13,508	16,508
	9mm Ammunition		+4,000	0	+3,000
4	**CTG, .50 CAL, ALL TYPES**	50,575	58,696	58,596	58,596
	CTG, .50 Cal, All Types--Transfer from DERF		+4,021	+4,021	+4,021
	.50 Caliber SLAP		+4,100	+4,000	+4,000
6	**CTG, 25MM, ALL TYPES**	33,087	72,087	33,087	67,237
	Bradley Tracer Ammunition M793 Training Rounds		+15,000	0	+12,750
	M919		+24,000	0	+21,400
8	**CTG, 40MM, ALL TYPES**	71,703	61,672	77,072	69,572
	CTG, 40mm, All Types (Training)--Transfer from DERF		+5,369	+5,369	+5,369
	Reduce Programmed Growth		-15,400	0	-7,500
10	**81MM MORTAR, ALL TYPES**	3,582	5,982	7,582	6,782
	81MM M821A1 High Explosive Mortar Shells		+2,400		+1,200
	81MM Mortar, Infrared M816			+4,000	+2,000
11	**CTG, MORTAR, 120MM, ALL TYPES**	50,425	50,425	63,425	56,925
	White Phosphcrous Facility Equipment		0	+13,000	+6,500
12	**CTG TANK 105MM: ALL TYPES**	14,100	8,100	14,100	8,100
	Reduce Programmed Growth		-6,000	0	-6,000
20	**CTG ARTY 105MM HE M1 W/O FUZE**	25,200	26,837	26,837	26,837
	CTG Arty 105mm HE M1 w/o Fuze (Training)--Transfer from DERF		+1,637	+1,637	+1,637
21	**PROJECTILE 155 MILLIMETER DP BASEBLED M864 P7**	22,300	11,300	22,300	14,300
	Reduce Programmed Growth--DPICM		-11,000	0	-8,000
24	**PROJ ARTY 155MM HE M107**	30,200	32,700	31,200	32,450
	155mm M485 Illuminating Rounds-Projectile		+2,500		+1,250
	Additional funding			+1,000	+1,000
27	**MINE, TRAINING, ALL TYPES**	12,661	12,661	4,000	4,000
	Wide Area Munition Trainers		0	-8,661	-8,661
29	**WIDE AREA MUNITIONS**	12,466	0	0	0
	Program Termination		-12,466	-12,466	-12,466

P-1		Budget Request	House	Senate	Conference
30	**BUNKER DEFEATING MUNITION (BDM)**	7,795	12,795	12,795	12,795
	SMAW-D (Bunker Defeat Munition)		+5,000	+5,000	+5,000
31	**ROCKET, HYDRA 70, ALL TYPES**	22,400	22,400	62,400	52,400
	Additional funding		0	+40,000	+30,000
32	**DEMOLITION MUNITIONS, ALL TYPES**	28,001	33,001	30,001	31,901
	Linear Charges HE M58A4		+5,000		+2,500
	MDI Demolition Initiators			+2,000	+1,400
33	**GRENADES, ALL TYPES**	37,552	40,773	40,773	40,773
	Grenades, All Types (Training)--Transfer from DERF		+3,221	+3,221	+3,221
34	**SIGNALS, ALL TYPES**	11,935	12,881	12,881	12,881
	Signals, All Types (Training)--Transfer from DERF		+946	+946	+946
39	**ITEMS LESS THAN $5 MILLION**	8,739	9,041	9,041	9,041
	Items Less than $5 million (Training)--Transfer from DERF		+302	+302	+302
40	**AMMUNITION PECULIAR EQUIPMENT**	4,792	4,792	7,792	6,292
	Additional funding		0	+3,000	+1,500
43	**PROVISION OF INDUSTRIAL FACILITIES**	42,655	42,655	43,955	43,655
	Munitions Enterprise Technology Insertion (METI)		0	+1,300	+1,000
46	**CONVENTIONAL AMMO DEMILITARIZATION**	50,030	50,030	60,030	55,030
	Additional funding		0	+10,000	+5,000
47	**ARMS INITIATIVE**	4,657	4,657	14,657	11,657
	Additional funding		0	+10,000	+7,000

Hydra Rockets

The conferees strongly urge the Army to ensure that adequate funding is included in the fiscal year 2004-2009 Program Objectives Memorandum to sustain the industrial production base for Hydra Rockets until the Advanced Precision Kill Weapons System (APKWS) is in production in the fiscal year 2005-2006 timeframe.

Bradley Fighting Vehicle Ammunition

The conferees strongly urge the Army to ensure that adequate funding is included in the fiscal year 2004-2009 Program Objectives Memorandum to sustain the industrial production base for Bradley IFV KE rounds until a new round is in production in the fiscal year 2005-2006 timeframe.

OTHER PROCUREMENT, ARMY

The conference agreement on items addressed by either the House or Senate is as follows:

(In thousands of dollars)

	Budget	House	Senate	Conference
OTHER PROCUREMENT, ARMY				
TACTICAL AND SUPPORT VEHICLES				
TACTICAL VEHICLES				
TACTICAL TRAILERS/DOLLY SETS	8,690	12,190	12,190	12,190
SEMITRAILERS, FLATBED	39,095	39,095	39,095	39,095
SEMITRAILERS, TANKERS	7,862	7,862	7,862	7,862
HI MOB MULTI-PURP WHLD VEH (HMMWV)	196,783	204,783	261,783	240,783
TRUCK, DUMP, 20T (CCE)	17,079	17,079	17,079	17,079
FAMILY OF MEDIUM TACTICAL VEH (FMTV)	681,373	681,373	656,373	681,373
FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIPMEN	21,047	21,297	31,047	28,047
FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	242,768	252,768	242,068	241,568
ARMORED SECURITY VEHICLES (ASV)	14,438	14,438	19,438	17,438
TRUCK, TRACTOR, LINE HAUL, M915/M916	50,829	50,829	50,829	50,829
TOWING DEVICE, 5TH WHEEL	2,005	2,005	2,005	2,005
TRUCK, TRACTOR, YARD TYPE, M878 (C/S)	4,884	4,884	4,884	4,884
HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV P	119,854	119,854	144,854	137,354
MODIFICATION OF IN SVC EQUIP	73,320	73,320	73,320	73,320
ITEMS LESS THAN $5 MILLION (TAC VEH)	4,979	4,979	4,979	4,979
NON-TACTICAL VEHICLES				
HEAVY ARMORED SEDAN	581	11,281	581	581
PASSENGER CARRYING VEHICLES	295	295	295	295
NONTACTICAL VEHICLES, OTHER	1,753	1,753	1,753	1,753
TOTAL, TACTICAL AND SUPPORT VEHICLES	1,487,635	1,520,085	1,570,435	1,561,435
COMMUNICATIONS AND ELECTRONICS EQUIPMENT				
COMM - JOINT COMMUNICATIONS				
COMBAT IDENTIFICATION PROGRAM	---	---	1,000	1,000
JCSE EQUIPMENT (USREDCOM)	6,120	6,120	6,120	6,120

(In thousands of dollars)

	Budget	House	Senate	Conference
COMM - SATELLITE COMMUNICATIONS				
DEFENSE SATELLITE COMMUNICATIONS SYSTEM (SPAC.........	89,806	89,806	89,806	89,806
SHF TERM..	33,166	24,866	18,166	24,866
SAT TERM, EMUT (SPACE)................................	2,641	9,641	2,641	8,641
NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE).............	27,510	27,510	27,510	27,510
SMART-T (SPACE).......................................	24,467	24,467	---	12,267
SCAMP (SPACE)...	1,559	1,559	1,559	1,559
GLOBAL BRDCST SVC - GBS...............................	11,402	11,402	11,402	11,402
MOD OF IN-SVC EQUIP (TAC SAT).........................	11,002	11,002	11,002	11,002
COMM - C3 SYSTEM				
ARMY GLOBAL CMD & CONTROL SYS (AGCCS).................	21,149	21,149	21,149	21,149
COMM - COMBAT COMMUNICATIONS				
ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO)............	74,835	74,835	74,835	74,835
SINCGARS FAMILY.......................................	30,141	69,241	52,241	64,141
TRACTOR CAGE..	4,112	4,112	4,112	4,112
JOINT TACTICAL AREA COMMAND SYSTEMS...................	869	3,869	869	2,369
ACUS MOD PROGRAM......................................	75,905	82,905	105,905	102,905
COMMS-ELEC EQUIP FIELDING.............................	12,924	17,924	18,624	21,874
SOLDIER ENHANCEMENT PROGRAM COMM/ELECTRONICS..........	6,114	14,114	6,114	11,714
COMBAT SURVIVOR EVADER LOCATOR (CSEL).................	16,879	16,879	11,879	11,879
MEDICAL COMM FOR CBT CASUALTY CARE (MC4)..............	4,975	4,975	4,975	4,975
COMM - INTELLIGENCE COMM				
CI AUTOMATION ARCHITECTURE............................	1,755	1,755	1,755	1,755
INFORMATION SECURITY				
TSEC - ARMY KEY MGT SYS (AKMS)........................	10,150	10,150	10,150	10,150
INFORMATION SYSTEM SECURITY PROGRAM-ISSP..............	39,055	67,755	62,755	66,755
COMM - LONG HAUL COMMUNICATIONS				
TERRESTRIAL TRANSMISSION..............................	2,040	2,040	2,040	2,040
BASE SUPPORT COMMUNICATIONS...........................	36,725	40,725	44,419	46,419
ARMY DISN ROUTER......................................	6,039	6,039	6,039	6,039
ELECTROMAG COMP PROG (EMCP)...........................	461	461	461	461
WW TECH CON IMP PROG (WWTCIP).........................	2,991	2,991	2,991	2,991
COMM - BASE COMMUNICATIONS				
INFORMATION SYSTEMS...................................	279,592	459,592	427,592	406,092

	(In thousands of dollars)			
	Budget	House	Senate	Conference
DEFENSE MESSAGE SYSTEM (DMS)	26,829	26,829	26,829	26,829
LOCAL AREA NETWORK (LAN)	127,244	127,244	127,244	127,244
PENTAGON INFORMATION MGT AND TELECOM	14,501	14,501	14,501	14,501
ELECT EQUIP - NAT FOR INT PROG (NFIP)				
FOREIGN COUNTERINTELLIGENCE PROG (FCI)	1,624	1,624	1,624	1,624
GENERAL DEFENSE INTELL PROG (GDIP)	20,258	20,258	20,258	20,258
ELECT EQUIP - TACT INT REL ACT (TIARA)				
ALL SOURCE ANALYSIS SYS (ASAS) (TIARA)	57,886	62,886	57,886	60,886
JTT/CIBS-M (TIARA)	4,824	4,824	4,824	4,824
PROPHET GROUND (TIARA)	20,226	35,226	35,226	35,226
TUAV	84,290	95,290	105,290	101,790
ARMY COMMON GROUND STATION (CGS)	8,620	8,620	8,620	8,620
DIGITAL TOPOGRAPHIC SPT SYS (DTSS) (TIARA)	14,089	14,089	14,089	14,089
TACTICAL EXPLOITATION SYSTEM (TIARA)	17,576	17,576	17,576	17,576
DISTRIBUTED COMMON GRND SYSTEM (DCGS) (JMIP)	2,617	11,617	11,617	11,617
TROJAN (TIARA)	4,873	4,873	4,873	4,873
MOD OF IN-SVC EQUIP (INTEL SPT) (TIARA)	1,655	1,655	1,655	1,655
CI HUMINT INFO MANAGEMENT SYSTEM (CHIMS) (TIA	9,735	9,735	9,735	9,735
ITEMS LESS THAN $5 MILLION (TIARA)	3,675	8,175	8,175	8,175
ELECT EQUIP - ELECTRONIC WARFARE (EW)				
SHORTSTOP	---	6,000	---	3,000
COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	2,310	4,310	2,310	4,010
ELECT EQUIP - TACTICAL SURV (TAC SURV)				
FAAD GBS	31	31	31	31
SENTINEL MODS	26,519	26,519	46,519	40,519
NIGHT VISION DEVICES	60,475	60,475	57,775	55,975
LONG RANGE ADVANCED SCOUT SURVEILLANCE SYSTEM	49,927	49,927	49,927	49,927
LTWT VIDEO RECON SYSTEM (LWVRS)	14,318	14,318	---	14,318
NIGHT VISION, THERMAL WPN SIGHT	52,071	52,071	52,071	52,071
COMBAT IDENTIFICATION / AIMING LIGHT	---	---	---	7,000
ARTILLERY ACCURACY EQUIP	5,402	5,402	5,402	5,402
MOD OF IN-SVC EQUIP (MMS)	346	346	346	346
MOD OF IN-SVC EQUIP (MVS)	272	272	272	272
PROFILER	4,875	4,875	4,875	4,875

(In thousands of dollars)

	Budget	House	Senate	Conference
MOD OF IN-SVC EQUIP (TAC SURV)	33,283	33,283	33,283	33,283
FORCE XXI BATTLE CMD BRIGADE & BELOW (FBCB2)	65,294	72,294	65,294	93,794
LIGHTWEIGHT LASER DESIGNATOR/RANGEFINDER (LLD	8,962	10,962	8,962	9,962
MORTAR FIRE CONTROL SYSTEM	29,794	29,794	29,794	29,794
INTEGRATED MET SYS SENSORS (IMETS) - TIARA	7,230	7,230	7,230	7,230
ELECT EQUIP - TACTICAL C2 SYSTEMS				
TACTICAL OPERATIONS CENTERS	42,332	42,332	42,332	42,332
ADV FA TAC DATA SYS / EFF CTRL SYS (AFATDS/EC	74,723	79,723	74,723	77,223
MOD OF IN-SVC EQUIP, AFATDS	2,976	2,976	2,976	2,976
LIGHT WEIGHT TECNICAL FIRE DIRECTION SYS (LWT	12,413	12,413	12,413	12,413
CMBT SVC SUPT CONTROL SYS (CSSCS)	24,989	24,989	24,989	24,989
FAAD C2	24,779	24,779	24,779	24,779
AIR & MSL DEFENSE PLANNING & CONTROL SYS (AMD	9,750	9,750	9,750	9,750
FORWARD ENTRY DEVICE / LIGHTWEIGHT FED (FED/L	15,125	15,125	15,125	15,125
STRIKER FAMILY	28,543	28,543	32,043	30,293
LIFE CYCLE SOFTWARE SUPPORT (LCSS)	924	924	924	924
LOGTECH	7,701	7,701	7,701	7,701
TC AIMS II	11,496	11,496	11,496	11,496
GUN LAYING AND POS SYS (GLPS)	159	159	159	159
ISYSCON EQUIPMENT	31,366	31,366	31,366	31,366
JOINT NETWORK MANAGEMENT SYSTEM (JNMS)	6,868	6,868	6,868	6,868
TACTICAL INTERNET MANAGER	11,842	11,842	11,842	11,842
MANEUVER CONTROL SYSTEM (MCS)	7,584	7,584	7,584	7,584
STAMIS TACTICAL COMPUTERS (STACOMP)	61,304	51,304	61,304	61,304
STANDARD INTRGRATED CMD POST SYSTEM	29,535	29,535	29,535	29,535
ELECT EQUIP - AUTOMATION				
ARMY TRAINING MODERNIZATION	19,233	19,233	19,233	19,233
AUTOMATED DATA PROCESSING EQUIP	156,546	176,046	219,746	219,496
RESERVE COMPONENT AUTOMATION SYS (RCAS)	68,273	68,273	78,273	76,773
ELECT EQUIP - AUDIO VISUAL SYS (A/V)				
AFRTS	2,523	2,523	2,523	2,523
ITEMS LESS THAN $5 MILLION (A/V)	5,756	5,756	5,756	5,756
ITEMS LESS THAN $5 MILLION (SURVEYING EQUIPMENT)	1,002	1,002	1,002	1,002

(In thousands of dollars)

	Budget	House	Senate	Conference
ELECT EQUIP - SUPPORT				
PRODUCTION BASE SUPPORT (C-E)	417	417	417	417
TOTAL, COMMUNICATIONS AND ELECTRONICS EQUIPMENT	2,274,174	2,623,674	2,587,483	2,672,018
OTHER SUPPORT EQUIPMENT				
CHEMICAL DEFENSIVE EQUIPMENT				
SMOKE & OBSCURANT FAMILY: SOF (NON AAO ITEM)	25,953	25,953	25,953	25,953
BRIDGING EQUIPMENT				
TACTICAL BRIDGING	57,604	57,604	57,604	57,604
TACTICAL BRIDGE, FLOAT-RIBBON	51,237	51,237	55,237	54,037
ENGINEER (NON-CONSTRUCTION) EQUIPMENT				
DISPENSER, MINE M139	1,822	1,822	1,822	1,822
GRND STANDOFF MINE DETECTION SYSTEM (GSTAMIDS	17,425	19,425	22,425	20,925
WIDE AREA MUNITIONS (REMOTE CONTROL UNIT)	3,223	---	---	---
EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT)	10,965	10,965	10,965	10,965
ITEMS LESS THAN $5 MILLION, COUNTERMINE EQUIP	685	686	686	686
COMBAT SERVICE SUPPORT EQUIPMENT				
HEATERS AND ECU'S	14,824	14,824	14,824	14,824
LAUNDRIES, SHOWERS AND LATRINES	32,399	32,399	32,399	32,399
FLOODLIGHT SET, ELEC, TRL MTD, 3 LIGHTS	498	498	498	498
SOLDIER ENHANCEMENT	2,488	2,488	2,488	2,488
LIGHTWEIGHT MAINTENANCE ENCLOSURE (LME)	7,730	7,730	7,730	8,730
AUTHORIZED STOCKAGE LIST MOBILITY SYSTEM (ASL	2,838	2,838	2,838	2,838
FIELD FEEDING EQUIPMENT	21,177	23,777	21,177	23,377
ITEMS LESS THAN $5 MILLION (ENG SPT EQ)	7,918	7,918	7,918	7,918
ITEMS LESS THAN $5 MILLION (CSS EQ)	---	4,000	---	3,400
PETROLEUM EQUIPMENT				
QUALITY SURVEILLANCE EQUIPMENT	7,522	7,522	7,522	7,522
DISTRIBUTION SYSTEMS, PETROLEUM & WATER	35,280	35,280	35,280	35,280
INLAND PETROLEUM DISTRIBUTION SYSTEM	12,364	12,364	12,364	12,364
WATER EQUIPMENT				
WATER PURIFICATION SYSTEMS	18,204	18,204	18,204	18,204
MEDICAL EQUIPMENT				
COMBAT SUPPORT MEDICAL	21,003	28,003	35,003	36,603

(In thousands of dollars)

	Budget	House	Senate	Conference
MAINTENANCE EQUIPMENT				
SHOP EQ CONTACT MAINTENANCE TRK MTD (MYP)............	12,870	12,870	12,870	12,870
WELDING SHOP, TRAILER MTD............................	5,082	5,082	5,082	5,082
ITEMS LESS THAN $5 MILLION (MAINT EQ)................	1,075	6,075	1,075	5,575
CONSTRUCTION EQUIPMENT				
GRADER, ROAD MTZD, HVY, 6X4 (CCE)....................	3,854	8,854	3,854	7,354
SCRAPERS, EARTHMOVING................................	7,989	11,989	7,989	11,489
DISTR, WATER, SP MIN 2500G SEC/NON-SEC...............	---	4,000	---	2,500
MISSION MODULES - ENGINEERING........................	19,236	19,236	26,236	24,136
COMPACTOR..	299	299	299	299
LOADERS..	25,365	25,365	25,365	25,365
HYDRAULIC EXCAVATOR..................................	300	300	300	300
DEPLOYABLE UNIVERSAL COMBAT EARTH MOVERS.............	299	299	299	299
TRACTOR, FULL TRACKED................................	14,950	14,950	14,950	14,950
CRANES...	16,333	16,333	16,333	16,333
CRUSHING/SCREENING PLANT, 150 TPH....................	4,495	4,495	4,495	4,495
PLANT, ASPHALT MIXING................................	2,006	2,006	2,006	2,006
HIGH MOBILITY ENGINEER EXCAVATOR (HMEE)..............	5,014	5,014	5,014	5,014
CONST EQUIP ESP......................................	9,567	9,567	9,567	9,567
ITEMS LESS THAN $5 MILLION (CONST EQUIP).............	12,880	12,880	12,880	12,880
RAIL FLOAT CONTAINERIZATION EQUIPMENT				
LOGISTIC SUPPORT VESSEL (LSV)........................	---	3,000	8,100	11,100
CAUSEWAY SYSTEMS.....................................	29,673	29,673	29,673	29,673
ITEMS LESS THAN $5 MILLION (FLOAT/RAIL)..............	3,563	3,563	3,563	3,563
GENERATORS				
GENERATORS AND ASSOCIATED EQUIP......................	79,180	79,180	79,180	79,180
MATERIAL HANDLING EQUIPMENT				
ROUGH TERRAIN CONTAINER HANDLER (RTCH)...............	49,065	49,065	49,065	49,065
ALL TERRAIN LIFTING ARMY SYSTEM......................	21,963	26,963	21,963	25,463
MHE EXTENDED SERVICE PROGRAM (ESP)...................	2,304	2,304	2,304	2,304
ITEMS LESS THAN $5 MILLION (MHE).....................	495	495	495	495
TRAINING EQUIPMENT				
COMBAT TRAINING CENTERS (CTC) SUPPORT................	54,493	54,493	54,493	54,493
TRAINING DEVICES, NONSYSTEM..........................	111,682	134,682	162,482	160,782

(In thousands of dollars)

	Budget	House	Senate	Conference
CLOSE COMBAT TACTICAL TRAINER........................	52,472	52,472	52,472	52,472
AVIATION COMBINED ARMS TACTICAL TRAINER (AVCA.........	35,915	35,915	35,915	35,915
TEST MEASURE AND DIG EQUIPMENT (TMD)				
CALIBRATION SETS EQUIPMENT............................	16,366	16,366	16,366	16,366
INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)...........	59,596	59,596	59,596	68,096
TEST EQUIPMENT MODERNIZATION (TEMOD)..................	16,782	16,782	16,782	16,782
ARMY DIAGNOSTICS IMPROVEMENT PGM (ADIP)...............	7,982	17,982	7,982	7,982
OTHER SUPPORT EQUIPMENT				
PHYSICAL SECURITY SYSTEMS (OPA3)......................	227,402	571,902	327,402	302,402
BASE LEVEL COM'L EQUIPMENT............................	12,297	14,297	12,297	12,297
MODIFICATION OF IN-SVC EQUIPMENT (OPA-3)..............	49,181	49,181	49,181	49,181
PRODUCTION BASE SUPPORT (OTH).........................	2,522	2,522	2,522	2,522
SPECIAL EQUIPMENT FOR USER TESTING....................	14,311	24,311	14,311	24,311
MA8975..	4,256	43,356	43,356	43,356
TOTAL, OTHER SUPPORT EQUIPMENT......................	1,346,274	1,813,251	1,571,051	1,586,751
SPARE AND REPAIR PARTS				
INITIAL SPARES - C&E..................................	59,694	59,694	53,794	53,794
INITIAL SPARES - OTHER SUPPORT EQUIP..................	676	676	676	676
TOTAL, SPARE AND REPAIR PARTS.......................	60,370	60,370	54,470	54,470
TOTAL, OTHER PROCUREMENT, ARMY......................	5,168,453	6,017,380	5,783,439	5,874,674

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Budget Request	House	Senate	Conference
1	**TACTICAL TRAILERS/DOLLY SETS**	**8,690**	**12,190**	**12,190**	**12,190**
	M871A3 22.5 Ton Drop Deck Platform Trailer Army		+3,500	+3,500	+3,500
5	**HI MOB MULTI-PURP WHLD VEH (HMMWV)**	**196,783**	**204,783**	**261,783**	**240,783**
	M1114 Up-Armored HMMWV			+50,000	+27,000
	M1114 Up-Armored HMMWV for ARNG		+6,000		+6,000
	M1114 Up-Armored HMMWV for AR		+2,000		+2,000
	Additional Vehicles for NG			+7,500	+4,500
	Additional Vehicles for Reserve			+7,500	+4,500
7	**FAMILY OF MEDIUM TACTICAL VEH (FMTV)**	**681,373**	**681,373**	**656,373**	**681,373**
	Cost Savings/Program Support Growth		0	-25,000	0
8	**FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIPMENT**	**21,047**	**21,297**	**31,047**	**28,047**
	Portable Firefighting Equipment/Army Watercraft (Note: only to enhance Army watercraft firefighting capabilities)		+250		0
	Tactical Firefighting Equipment			+10,000	+7,000
9	**FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)**	**242,768**	**252,768**	**242,068**	**241,568**
	Movement Tracking System (MTS) FHTV for Army Reserve		+10,000		+8,500
	Driver Simulators			-9,700	-9,700
	Movement Tracking System (MTS)			+9,000	0
10	**ARMORED SECURITY VEHICLES (ASV)**	**14,438**	**14,438**	**19,438**	**17,438**
	Additional Vehicles		0	+5,000	+3,000
14	**HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV PROGRAM**	**119,854**	**119,854**	**144,854**	**137,354**
	Additional Vehicles		0	+25,000	+17,500
18	**HEAVY ARMORED SEDAN**	**581**	**11,281**	**581**	**581**
	Heavy Armored Sedan--Transfer from DERF		+10,700		0
21	**COMBAT IDENTIFICATION PROGRAM**	**0**	**0**	**1,000**	**1,000**
	Quick Fix Program (Note: only for the purchase of cloth thermal identification panels)		0	+1,000	+1,000
24	**SHF TERM**	**33,166**	**24,866**	**18,166**	**24,866**
	STAR-T		-8,300		-8,300
	Program Restructure			-15,000	0
25	**SAT TERM, EMUT (SPACE)**	**2,641**	**9,641**	**2,641**	**8,641**
	AN/PCS-5 Spitfire Radio		+7,000		+6,000
27	**SMART-T (SPACE)**	**24,467**	**24,467**	**0**	**12,267**
	Program Delays		0	-24,467	-12,200

P-1		Budget Request	House	Senate	Conference
33	**SINCGARS FAMILY**	**30,141**	**69,241**	**52,241**	**64,141**
	SINCGARS Family--Transfer from DERF		+22,100	+22,100	+22,100
	AN/GRM-122 SINCGARS Radio Test Kits		+2,000		+1,400
	SINCGARS Radios		+15,000		+10,500
35	**JOINT TACTICAL AREA COMMAND SYSTEMS**	**869**	**3,869**	**869**	**2,369**
	Electronics Sustainment Center--Upgrades of AYD-1 Communications		+3,000		+1,500
36	**ACUS MOD PROGRAM**	**75,905**	**82,905**	**105,905**	**102,905**
	AN/UXC-10 Digital Facsimile (TS-21 Blackjack)		+7,000		+6,000
	AN/TTC Single Shelter Switches			+30,000	+21,000
37	**COMMS-ELEC EQUIP FIELDING**	**12,924**	**17,924**	**18,624**	**21,874**
	Improved High Frequency Radio		+5,000		+4,500
	USARPAC Equipment Fielding--Transfer from Operation and Maintenance			+3,200	+3,200
	Virtual Patch Crisis Communication Coordination			+2,500	+1,250
38	**SOLDIER ENHANCEMENT PROGRAM COMM/ELECTRONICS**	**6,114**	**14,114**	**6,114**	**11,714**
	DISM, Army Digitization (Integration of DISM with SINCGARS Radio nets)		+8,000		+5,600
39	**COMBAT SURVIVOR EVADER LOCATOR (CSEL)**	**16,879**	**16,879**	**11,879**	**11,879**
	Program Delays		0	-5,000	-5,000
43	**INFORMATION SYSTEM SECURITY PROGRAM-ISSP**	**39,055**	**67,755**	**62,755**	**66,755**
	Information System Security Programs (ISSP)--Transfer from DERF		+26,700		+26,700
	Secure Terminal Equipment (STE)		+2,000		+1,000
	Transfer from DERF			+13,700	0
	Secure Terminal Equipment--Transfer from DERF			+10,000	0
45	**BASE SUPPORT COMMUNICATIONS**	**36,725**	**40,725**	**44,419**	**46,419**
	Upgrades of the Telecommunications Infrastructure-Ft. Monmouth		+4,000		+2,000
	AK Wide Mobile Radio Program			+7,694	+7,694
49	**INFORMATION SYSTEMS**	**279,592**	**459,592**	**427,992**	**406,092**
	Information Systems--Transfer from DERF		+215,000	+100,000	+120,000
	Army Information Systems		-41,000		-41,000
	C4 Requirements for PACOM		+6,000		0
	PACOM Infrastructure Modernization Program--Transfer from Operation and Maintenance			+42,400	+42,400
	USARPAC C4 Equipment			+6,000	+5,100
55	**ALL SOURCE ANALYSIS SYS (ASAS) (TIARA)**	**57,886**	**62,886**	**57,886**	**60,886**
	Procure and upgrade ASAS Communications Control Sets		+5,000		+3,000

P-1		Budget Request	House	Senate	Conference
57	**PROPHET GROUND (TIARA)**	20,226	35,226	35,226	35,226
	Prophet Ground (TIARA)--Transfer from DERF		+15,000	+15,000	+15,000
58	**TUAV**	84,290	95,290	105,290	101,790
	TUAV shelters/trailers--Transfer from DERF		+11,000	+9,500	+9,500
	Hunter upgrades--Transfer from DERF			+1,500	+1,500
	Shadow TUAV--Block II upgrades			+10,000	+6,500
64	**DISTRIBUTED COMMON GRND SYSTEM (DCGS) (JMIP)**	2,617	11,617	11,617	11,617
	DCGS--Data storage at selected sites--Transfer from		+9,000		+9,000
	DCGS--Transfer from DERF		0	+9,000	0
68	**ITEMS LESS THAN $5 MILLION (TIARA)**	3,675	8,175	8,175	8,175
	Items Less than $5 million (TIARA)--Transfer from DERF		+4,500		0
	TIARA COOP Support--Transfer from DERF			+2,000	+2,000
	JMEG--Transfer from DERF			+2,500	+2,500
69	**SHORTSTOP**	0	6,000	0	3,000
	Shortstop Electronic Protection System		+6,000		+3,000
70	**COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES**	2,310	4,310	2,310	4,010
	National Guard Vehicle Tracking System		+2,000		+1,700
72	**SENTINEL MODS**	26,519	26,519	46,519	40,519
	AN/MPQ-64		0	+20,000	+14,000
73	**NIGHT VISION DEVICES**	60,475	60,475	57,775	55,975
	AN/PVS-7		0	+6,000	+4,200
	Sniper Night Sight Program Delays		0	-8,700	-8,700
75	**LTWT VIDEO RECON SYSTEM (LWVRS)**	14,318	14,318	0	14,318
	Ltwt Video Recon System (Note: only for USASOC requirements)		0	-14,318	0
77	**COMBAT IDENTIFICATION / AIMING LIGHT**	0	0	0	7,000
	Advanced Aviation Institutional Training Simulator (Note: transferred from line 174)			0	+7,000
83	**FORCE XXI BATTLE CMD BRIGADE & BELOW (FBCB2)**	65,294	72,294	65,294	93,794
	Blue Force Tracking (Note: only for the Balkans Digitization initiative Ku-Band Second hub and additional Ku-Band units)		+7,000		+3,500
	C2 Common Operating Picture				+25,000
84	**LIGHTWEIGHT LASER DESIGNATOR/RANGEFINDER (LLDDR)**	8,962	10,962	8,962	9,962
	Lightweight Laser Designator/Rangefinder (LLDR)		+2,000		+1,000

P-1		Budget Request	House	Senate	Conference
89	**ADV FA TAC DATA SYS / EFF CTRL SYS (AFATDS/EC)**	**74,723**	**79,723**	**74,723**	**77,223**
	Advanced Field Artillery Tactical Data System/EFF Control System		+5,000		+2,500
96	**STRIKER FAMILY**	**28,543**	**28,543**	**32,043**	**30,293**
	Additional Units		0	+3,500	+1,750
105	**STAMIS TACTICAL COMPUTERS (STACOMP)**	**61,304**	**51,304**	**51,304**	**61,304**
	GCSS		-10,000	-10,000	0
108	**AUTOMATED DATA PROCESSING EQUIP**	**156,546**	**176,046**	**219,746**	**219,496**
	Automatic Identification Technology (AIT)--Ammunition and prepositioned stocks		+3,500		+2,500
	Army Knowledge Online		+5,000		+2,500
	National Guard Distance Learning Courseware		+3,000	+7,500	+5,300
	Virtual Mission Preparation Project		+3,500		+3,000
	Automated Maintenance Records Technology		+4,500		+3,250
	Rock Island Arsenal Automatic Identification Technology (AIT)			+3,000	+2,100
	Regional Medical Distributive Learning			+8,000	+5,600
	ADP Equipment--Transfer from Operation and			+4,700	+4,700
	Digitization of DoD Technical Manuals			+40,000	+34,000
109	**RESERVE COMPONENT AUTOMATION SYS (RCAS)**	**68,273**	**68,273**	**78,273**	**76,773**
	Pacific RCAS		0	+10,000	+8,500
117	**TACTICAL BRIDGE, FLOAT-RIBBON**	**51,237**	**51,237**	**55,237**	**54,037**
	Common Bridge Transporter		0	+4,000	+2,800
119	**GRND STANDOFF MINE DETECTION SYSTEM (GSTAMIDS)**	**17,425**	**19,425**	**22,425**	**20,925**
	Handheld Standoff Mine Detection System (HSTAMIDS) (Note: only for accelerated production of the Handheld Mine Detection System (HSTAMIDS))		+2,000		+3,500
	Handheld Standoff Mine Detection System			+5,000	0
120	**WIDE AREA MUNITIONS (REMOTE CONTROL UNIT)**	**3,223**	**0**	**0**	**0**
	Program Termination		-3,223	-3,223	-3,223
128	**LIGHTWEIGHT MAINTENANCE ENCLOSURE (LME)**	**7,730**	**7,730**	**7,730**	**8,730**
	Two-Sided Expandable International Standards Organization (ISO) shelters (transferred from line 184)		0	0	+1,000
131	**FIELD FEEDING EQUIPMENT**	**21,177**	**23,777**	**21,177**	**23,377**
	Sanitation Center, Field Feeding System for Army Reserve		+2,600		+2,200

P-1		Budget Request	House	Senate	Conference
135	**ITEMS LESS THAN $5 MILLION (CSS EQ)**	**0**	**4,000**	**0**	**3,400**
	Ultra-high Intensity Miniature Illumination Systems for the XVIII Airborne Corps		+4,000		+3,400
141	**COMBAT SUPPORT MEDICAL**	**21,003**	**28,003**	**35,003**	**36,603**
	Portable Low-Power Blood Cooling and Storage Devices		+1,500		+1,100
	Rapid Intravenous (IV) Infusion Pump		+2,500	+2,500	+2,500
	Life Support for Trauma Transport (LSTAT)		+3,000		+2,100
	Hemorrhage Control Dressings			+4,000	+2,800
	Deployable Medical Systems			+5,000	+5,000
	Surgical Shelters			+2,500	+2,100
144	**ITEMS LESS THAN $5 MILLION (MAINT EQ)**	**1,075**	**6,075**	**1,075**	**5,575**
	Aviation Classification Repair Depot Activity (AVCRAD) ARNG (Note: only for paint stripping equipment and storage systems)		+5,000		+4,500
145	**GRADER, ROAD MTZD, HVY, 6X4 (CCE)**	**3,854**	**8,854**	**3,854**	**7,354**
	Construction Equipment Service Life Extension Program (SLEP)		+5,000		+3,500
146	**SCRAPERS, EARTHMOVING**	**7,989**	**11,989**	**7,989**	**11,489**
	Scrapers AR		+4,000		+3,500
147	**DISTR, WATER, SP MIN 2500G SEC/NON-SEC**	**0**	**4,000**	**0**	**2,500**
	Water Distributor System		+4,000		+2,500
148	**MISSION MODULES - ENGINEERING**	**19,236**	**19,236**	**26,236**	**24,136**
	2 Additional Companies		0	+7,000	+4,900
163	**LOGISTIC SUPPORT VESSEL (LSV)**	**0**	**3,000**	**8,100**	**11,100**
	Small Tug		+3,000		+3,000
	Vessel Completion			+8,100	+8,100
169	**ALL TERRAIN LIFTING ARMY SYSTEM**	**21,963**	**26,963**	**21,963**	**25,463**
	All Terrain Lifting Army System (ATLAS) (Note: only for Army Reserve)		+5,000		+3,500
174	**TRAINING DEVICES, NONSYSTEM**	**111,682**	**134,682**	**162,482**	**160,782**
	EST 2000 (Engagement Skills Trainer) ARNG		+5,000		+2,500
	EST 2000 (Engagement Skills Trainer) AR		+5,000		+2,500
	EST 2000			+5,000	+2,500
	Guard Unit Armory Device Full-Crew Interactive Simulation Trainer (GUARDFIST II) RL		+3,000		+1,500
	Laser Marksmanship Training System for ARNG		+5,000		+4,300
	Laser Marksmanship Training System for AR		+5,000		+5,300
	Advanced Aviation Institutional Training Simulator (Note: transferred to line 77)			+10,000	0
	MOUT Instrumentation at Ft. Campbel			+4,000	+2,800
	MOUT Instrumentation at Ft. Richardson			+4,300	+4,300
	172nd SIB Army Range Improvement Program			+7,500	+6,400
	SBCT Equipment			+20,000	+17,000

P-1		Budget Request	House	Senate	Conference
179	**INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)**	**59,596**	**59,596**	**59,596**	**68,096**
	Integrated Family of Test Equipment (Transferred from line 181)		0		+8,500
181	**ARMY DIAGNOSTICS IMPROVEMENT PGM (ADIP)**	**7,982**	**17,982**	**7,982**	**7,982**
	Integrated Family of Test Equipment		+10,000		0
183	**PHYSICAL SECURITY SYSTEMS (OPA3)**	**227,402**	**571,902**	**327,402**	**302,402**
	Physical Security Equipment--Transfer from DERF		+4,500		0
	Physical Security Equipment--Realignment		+340,000	+100,000	+75,000
184	**BASE LEVEL COM'L EQUIPMENT**	**12,297**	**14,297**	**12,297**	**12,297**
	Two-Sided Expandable International Standards Organization (ISO) shelters		+2,000		0
187	**SPECIAL EQUIPMENT FOR USER TESTING**	**14,311**	**24,311**	**14,311**	**24,311**
	Artillery Hunting Radar (ARTHUR) (Note: only to procure one ARTHUR system and spares.)		+10,000		+10,000
188	**MA8975**	**4,256**	**43,356**	**43,356**	**43,356**
	MA8975--Transfer from DERF		+39,100	+39,100	+39,100
190	**INITIAL SPARES - C&E**	**59,694**	**59,694**	**53,794**	**53,794**
	SMART-T Spares		0	-5,900	-5,900

CONTINUITY OF OPERATIONS

The budget request included $215,000,000 in funding under the Defense Emergency Response Fund for activities associated with upgrades and improvements to alternate relocation sites. The conferees have provided $120,000,000 for these activities. The conferees note that the Army, which is the executive agent, has provided little justification for these funds, no plan for their execution, has not coordinated military construction requirements at the sites, and has not demonstrated a commitment to support funding for these activities in subsequent years. For these reasons, the conferees direct that none of the funds provided for alternate relocation sites may be obligated until 30 days after the Secretary of the Army provides a report to the congressional defense committees which provides, in detail, the proposed use of funding, a timeline for execution, a review of necessary improvements to infrastructure, and a plan for funding in subsequent years.

STRYKER BRIGADE COMBAT TEAMS

In order to enhance the Army's transformation initiatives, the conferees provide an additional $59,500,000 for fielding of the Stryker Brigade Combat Teams (SBAT). Of this amount, $42,500,000 is provided in the "Operation and Maintenance, Army" appropriation and $17,000,000 in the "Other Procurement, Army" appropriation. The conferees direct that the additional operation and maintenance funding be made available to the Army Materiel Command Transformation Support Office, specifically to support the fielding of the six brigade teams.

GENERATORS

The conference agreement provides $79,180,000, as provided in the budget request, for generators and associated equipment. Of this amount, the conferees direct that no less than $2,400,000 shall be available only for the procurement of 2kW Military Tactical Generators, as proposed in the budget request.

AIRCRAFT PROCUREMENT, NAVY

The conference agreement on items addressed by either the House or Senate is as follows:

(In thousands of dollars)

	Budget	House	Senate	Conference
AIRCRAFT PROCUREMENT, NAVY				
COMBAT AIRCRAFT				
AV-8B (V/STOL)HARRIER (MYP)	5,953	5,953	5,953	5,953
F/A-18E/F (FIGHTER) HORNET (MYP)	3,073,233	3,076,233	3,209,133	3,165,933
F/A-18E/F (FIGHTER) HORNET (MYP) (AP-CY)	86,259	86,259	86,259	86,259
V-22 (MEDIUM LIFT)	1,045,660	1,025,660	1,045,660	1,035,660
V-22 (MEDIUM LIFT) (AP-CY)	60,298	60,298	51,098	41,898
MH 60S (MYP)	284,155	279,155	284,155	279,155
MH-60S (MYP) (AP-CY)	88,000	88,000	78,000	78,000
MH-60R	86,871	86,871	91,871	90,371
MH-60R (AP-CY)	29,341	29,341	29,341	29,341
E-2C (EARLY WARNING) HAWKEYE (MYP)	267,851	267,851	253,351	263,851
E-2C (EARLY WARNING) HAWKEYE (MYP) (AP-CY)	27,600	27,600	27,600	27,600
TOTAL, COMBAT AIRCRAFT	5,055,221	5,033,221	5,162,421	5,104,021
AIRLIFT AIRCRAFT				
UC-35	---	8,300	---	8,300
C-40 A	---	---	126,000	63,000
TOTAL, AIRLIFT AIRCRAFT	---	8,300	126,000	71,300
TRAINER AIRCRAFT				
T-45TS (TRAINER) GOSHAWK	221,381	221,381	221,381	221,381
JPATS	---	15,000	42,500	26,000
TOTAL, TRAINER AIRCRAFT	221,381	236,381	263,881	247,381
OTHER AIRCRAFT				
KC-130J	---	334,000	315,200	315,200

(In thousands of dollars)

	Budget	House	Senate	Conference
MODIFICATION OF AIRCRAFT				
EA-6 SERIES	223,527	229,527	267,527	263,127
AV-8 SERIES	32,232	44,232	72,232	60,232
F-14 SERIES	3,712	3,712	3,712	3,712
ADVERSARY	10,475	10,475	10,475	10,475
F-18 SERIES	421,704	421,704	377,904	400,404
H-46 SERIES	67,193	67,193	67,193	67,193
AH-1W SERIES	10,211	17,211	22,711	20,211
H-53 SERIES	22,517	29,517	22,517	28,517
SH-60 SERIES	15,419	15,419	24,419	21,719
H-1 SERIES	1,825	8,825	1,825	5,325
EP-3 SERIES	26,061	60,561	53,561	59,061
P-3 SERIES	102,698	143,598	152,698	171,898
S-3 SERIES	45,130	45,130	20,430	30,630
E-2 SERIES	17,195	24,195	17,195	24,195
TRAINER A/C SERIES	2,844	2,844	2,844	2,844
C-2A	29,819	29,819	29,819	29,819
C-130 SERIES	6,263	6,263	6,263	6,263
FEWSG	606	606	606	606
CARGO/TRANSPORT A/C SERIES	3,819	3,819	3,819	3,819
E-6 SERIES	57,099	57,099	57,099	57,099
EXECUTIVE HELICOPTERS SERIES	10,157	16,157	16,157	16,157
SPECIAL PROJECT AIRCRAFT	---	6,500	9,000	8,600
T-45 SERIES	28,246	28,246	28,246	28,246
POWER PLANT CHANGES	13,673	13,673	13,673	13,673
COMMON ECM EQUIPMENT	28,006	34,506	20,306	29,406
COMMON AVIONICS CHANGES	63,228	63,228	63,228	63,228
V-22 (TILT/ROTOR ACFT) OSPREY	4,961	4,961	4,961	4,961
TOTAL, MODIFICATION OF AIRCRAFT	1,248,620	1,389,020	1,370,420	1,431,420
AIRCRAFT SPARES AND REPAIR PARTS				
SPARES AND REPAIR PARTS	1,116,535	1,116,535	1,091,535	1,091,535
AIRCRAFT SUPPORT EQUIPMENT & FACILITIES				
COMMON GROUND EQUIPMENT	442,330	442,330	400,630	430,630
AIRCRAFT INDUSTRIAL FACILITIES	18,112	18,112	18,112	18,112

(In thousands of dollars)

	Budget	House	Senate	Conference
WAR CONSUMABLES	12,079	15,079	12,079	13,579
INDUSTRIAL FACILITIES	25,309	25,309	25,309	25,309
SPECIAL SUPPORT EQUIPMENT	62,725	62,725	62,725	62,725
FIRST DESTINATION TRANSPORTATION	1,643	1,643	1,643	1,643
TOTAL, AIRCRAFT SUPPORT EQUIPMENT & FACILITIES	562,198	565,198	520,498	551,998
TOTAL, AIRCRAFT PROCUREMENT, NAVY	8,203,955	8,682,655	8,849,955	8,812,855

EXPLANATION of PROJECT LEVEL ADJUSTMENTS
(in thousands of dollars)

	Budget	House	Senate	Conference
2 F/A-18E/F (FIGHTER) HORNET (MYP)	**3,073,233**	**3,076,233**	**3,209,133**	**3,165,933**
Cost growth - Support Equipment		-15,000		-7,500
ALQ-214 Radio Frequency Countermeasures System		+4,000		+2,400
Tactical ISR (Note: Only for the acquistion of additional shared Airborne Reconnaissance Pods (SHARP))		+14,000		+12,000
Ancillary equipment: fleet bags			-21,000	-21,000
Excessive Growth: peculiar training equipment			-15,000	
Shared Reconnaissance Pod: Program Termination			-54,900	
Excessive Growth: production engineering			-13,200	-13,200
Purchase 2 additional aircraft			+240,000	+120,000
4 V-22 (MEDIUM LIFT)	**1,045,660**	**1,025,660**	**1,045,660**	**1,035,660**
Unjustified Cost Resolution Claim		-20,000		-10,000
5 V-22 (MEDIUM LIFT) (AP-CY)	**60,298**	**60,298**	**51,098**	**41,898**
Authorized Level			-9,200	-18,400
8 MH-60S (MYP)	**284,155**	**279,155**	**284,155**	**279,155**
Support Cost Growth		-5,000		-5,000
9 MH-60S Advanced Procurement (CY)	**88,000**	**88,000**	**78,000**	**78,000**
Excessive unit cost growth			-10,000	-10,000
10 MH-60R	**86,871**	**86,871**	**91,871**	**90,371**
AQS-22 Airborne Low Frequency Sonar (ALFS)			+5,000	+3,500
12 E-2C (EARLY WARNING) HAWKEYE (MYP)	**267,851**	**267,851**	**253,351**	**263,851**
Peculiar Training Equipment			-19,500	-7,500
On-Board oxgen retrofit			+5,000	+3,500
16 UC-35	**0**	**8,300**	**0**	**8,300**
Additional Aircraft		+8,300		+8,300
17 C-40A	**0**	**0**	**126,000**	**63,000**
Purchase 1 aircraft			+126,000	+63,000
21 JPATS	**0**	**15,000**	**42,500**	**26,000**
Additional Aircraft		+15,000	+39,000	+22,500
Operational flight trainers			+3,500	+3,500
22 KC-130J	**0**	**334,000**	**315,200**	**315,200**
4 Aircraft - Transfer from DERF		+334,000	+334,000	+334,000
Airframe unit cost growth			-13,800	-13,800
Excessive growth: production support			-5,000	-5,000
23 EA-6 SERIES	**223,527**	**229,527**	**267,527**	**263,127**
ALQ-99 Band-4 TWT Improvements		+4,000		+2,000
On-Board Oxygen Generating System (OBOGS)		+2,000		+1,000
USQ-113 jammers			+15,000	+10,500
Band 9/10 transmitters			+20,000	+14,000
Wing Center Sections			+9,000	+9,000
EA-6B Ready Room Mission Rehearsal System				+3,100
24 AV-8 SERIES	**32,232**	**44,232**	**72,232**	**60,232**
LITENING AT Precision Attack Targeting System		+12,000	+40,000	+28,000
27 F-18 Series	**421,704**	**421,704**	**377,904**	**400,404**
ECP-583 Upgrades			+25,000	+17,500
MIDS Installations: buying ahead of need			-8,800	-8,800
ATFLIR installation equipment (non-recurring)			-60,000	-30,000
29 AH-1W SERIES	**10,211**	**17,211**	**22,711**	**20,211**
AH-1W Super Cobra Night Targeting System - Enhanced		+7,000	+6,000	+6,000
Tailboom strakes			+6,500	+4,000
30 H-53 SERIES	**22,517**	**29,517**	**22,517**	**28,517**
M3M .50 caliber heavy machine gun		+7,000		+6,000

	Budget	House	Senate	Conference
31 SH-60 SERIES	**15,419**	**15,419**	**24,419**	**21,719**
Integrated Mechanical Diagnostics			+9,000	+6,300
32 H-1 SERIES	**1,825**	**8,825**	**1,825**	**5,325**
NTIS - AN/AQQ-22		+7,000		+3,500
34 EP-3 SERIES	**26,061**	**60,561**	**53,561**	**59,061**
EP-3E Upgrades - Transfer from DERF		+22,500	+22,500	+22,500
EP-3 Upgrades (Note: Only to design, build, integrate, install and flight test an upgraded Radio Frequency Distribution and Antenna System.)		+6,000		+3,800
JMOD Phase I upgrades		+6,000		+3,300
VME SIGINT Tuners			+5,000	+3,400
35 P-3 SERIES	**102,698**	**143,598**	**152,698**	**171,898**
FM Immune Multi-mode Receivers		+3,000		+2,100
AIP JSOW Modification		+7,000		+5,000
BMUP ALR-95 Upgrade		+4,000		+2,500
COTS Aircraft Health Monitoring System		+1,500		+1,100
Acoustic and Display Processor Upgrades		+7,500		+5,300
Advanced Multiband Optical Surveillance System		+5,000		+2,500
Acoustic Data Recorder / Data Replay Recorder		+4,000		+2,400
Digital Autopilot Upgrade		+1,900		+1,000
Digital Instantaneous Frequency Measurement (DIFM) Upgrade		+5,000		+4,300
P-3C Tactical Support Center (TSC) ALR-95 ESM System Upgrade Support		+2,000		+1,700
2 additional AIP Kits			+26,000	+26,000
CNS/ATM upgrades			+9,000	+6,300
AIP tactical common datalink			+15,000	+9,000
36 S-3 SERIES	**45,130**	**45,130**	**20,430**	**30,630**
Excess UHF radio mods			-24,700	-14,500
37 E-2 SERIES	**17,195**	**24,195**	**17,195**	**24,195**
CEC Equipment for Prior Year Hawkeye 2000 Upgrades		+7,000		+7,000
44 EXECUTIVE HELICOPTERS SERIES	**10,157**	**16,157**	**16,157**	**16,157**
VH-3D/VH-60D Upgrade - Transfer from DERF		+6,000	+6,000	+6,000
45 SPECIAL PROJECT AIRCRAFT	**0**	**6,500**	**9,000**	**8,600**
Transfer from DERF		+4,000	+4,000	+4,000
Block Modification to 1106 configuration		+2,500		+1,200
AMOSS			+5,000	+3,400
48 COMMON ECM EQUIPMENT	**28,006**	**34,506**	**20,306**	**29,406**
AN/AAR-47		+3,000		+2,600
AN/APR-39B (V) 2 Passive Threat Warning Systems for CH-53 helicopters		+3,500		+3,000
IDECM: development delays			-7,700	-7,700
AN/ALR-67 (V) 3&4 Countermeasures Set (moved from AP,AF)				+3,500
51 SPARES AND REPAIR PARTS	**1,116,535**	**1,116,535**	**1,091,535**	**1,091,535**
V-22 Initial Spares			-25,000	-25,000
52 COMMON GROUND EQUIPMENT	**442,330**	**442,330**	**400,630**	**430,630**
Fleet aircrew simulator			-15,000	
Excessive growth: other trainer mods			-31,700	-16,000
Direct Squadron Support Training (DSSRT)			+5,000	+4,300
54 WAR CONSUMABLES	**12,079**	**15,079**	**12,079**	**13,579**
Aerial Refueling Store Advanced Power System		+3,000		+1,500

WEAPONS PROCUREMENT, NAVY

The conference agreement on items addressed by either the House or Senate is as follows:

(In thousands of dollars)

	Budget	House	Senate	Conference
WEAPONS PROCUREMENT, NAVY				
BALLISTIC MISSILES				
TRIDENT II	585,916	585,916	161,336	161,336
TRIDENT II MODS	---	---	424,580	424,580
MISSILE INDUSTRIAL FACILITIES	1,318	1,318	1,318	1,318
	------------	------------	------------	------------
TOTAL, BALLISTIC MISSILES	587,234	587,234	587,234	587,234
OTHER MISSILES				
STRATEGIC MISSILES				
TOMAHAWK	145,820	664,820	248,820	248,820
ESSM	129,550	129,550	43,550	43,550
TACTICAL MISSILES				
AMRAAM	50,937	50,937	50,937	50,937
SIDEWINDER	53,250	53,250	53,250	53,250
JSOW	139,537	139,537	103,237	103,237
SLAM-ER	83,781	83,781	83,781	83,781
STANDARD MISSILE	156,423	156,423	156,423	156,423
RAM	58,379	58,379	68,379	65,379
AERIAL TARGETS	70,332	70,332	70,332	70,332
DRONES AND DECOYS	---	---	20,000	14,000
OTHER MISSILE SUPPORT	12,039	12,039	12,039	12,039
MODIFICATION OF MISSILES				
SIDEWINDER MODS	595	595	595	595
HARM MODS	4,959	4,959	4,959	4,959
STANDARD MISSILES MODS	56,163	56,163	56,163	56,163

(In thousands of dollars)

	Budget	House	Senate	Conference
SUPPORT EQUIPMENT AND FACILITIES				
WEAPONS INDUSTRIAL FACILITIES.........................	17,662	17,662	17,662	17,662
ORDNANCE SUPPORT EQUIPMENT............................				
ORDNANCE SUPPORT EQUIPMENT............................	5,422	5,422	5,422	5,422
TOTAL, OTHER MISSILES................................	984,849	1,503,849	995,549	986,549
TORPEDOES AND RELATED EQUIPMENT				
TORPEDOES AND RELATED EQUIP				
ASW TARGETS...	14,330	14,330	4,330	4,330
MOD OF TORPEDOES AND RELATED EQUIP				
MK-46 TORPEDO MODS....................................	38,783	38,783	20,083	38,783
MK-48 TORPEDO ADCAP MODS..............................	62,124	62,124	62,124	62,124
QUICKSTRIKE MINE......................................	2,025	2,025	2,025	2,025
SUPPORT EQUIPMENT				
TORPEDO SUPPORT EQUIPMENT.............................	25,132	25,132	25,132	25,132
ASW RANGE SUPPORT.....................................	14,477	18,477	14,477	17,277
DESTINATION TRANSPORTATION				
FIRST DESTINATION TRANSPORTATION......................	2,751	2,751	2,751	2,751
TOTAL, TORPEDOES AND RELATED EQUIPMENT.............	159,622	163,622	130,922	152,422
OTHER WEAPONS				
GUNS AND GUN MOUNTS				
SMALL ARMS AND WEAPONS................................	2,856	9,856	6,856	6,856
AIRBORNE MINE NEUTRALIZATION SYSTEMS..................	1,539	1,539	1,539	1,539
MODIFICATION OF GUNS AND GUN MOUNTS				
CIWS MODS...	32,226	39,226	70,226	60,626
GUN MOUNT MODS..	8,351	8,351	8,351	8,351
TACTICAL UAV - PIONEER................................	---	15,000	---	9,000
TOTAL, OTHER WEAPONS.................................	44,972	73,972	86,972	86,372
SPARES AND REPAIR PARTS...............................	55,940	55,940	55,940	55,940
TOTAL, WEAPONS PROCUREMENT, NAVY.....................	1,832,617	2,384,617	1,856,617	1,868,517

EXPLANATION of PROJECT LEVEL ADJUSTMENTS
(in thousands of dollars)

	Budget	House	Senate	Conference
1 TRIDENT II	**585,916**	**585,916**	**161,336**	**161,336**
Transfer to Mods Line			-424,580	-424,580
2A TRIDENT II MODS	**0**	**0**	**424,580**	**424,580**
4 TOMAHAWK	**145,820**	**664,820**	**248,820**	**248,820**
Block II/III Conversions -Transfer from DERF		+598,000		
Block II/III Conversions -Reduction to DERF		-103,000		
Additional Tooling - Block IV Production		+24,000		
Transfer from DERF - for Block IV only			+103,000	+103,000
5 ESSM	**129,550**	**129,550**	**43,550**	**43,550**
Full Rate Production Delay			-86,000	-86,000
8 JSOW	**139,537**	**139,537**	**103,237**	**103,237**
B variant			-36,300	-36,300
11 RAM	**58,379**	**58,379**	**68,379**	**65,379**
Additional Missiles		0	+10,000	+7,000
14 DRONES AND DECOYS	**0**	**0**	**20,000**	**14,000**
ITALD			+20,000	+14,000
23 ASW TARGETS	**14,330**	**14,330**	**4,330**	**4,330**
Mk 30 Mod 2 Program Delays			-10,000	-10,000
24 MK-46 TORPEDO MODS	**38,783**	**38,783**	**20,083**	**38,783**
Program delays			-18,700	
28 ASW RANGE SUPPORT	**14,477**	**18,477**	**14,477**	**17,277**
Pacific Northwest Undersea Range Support		+4,000		+2,800
30 SMALL ARMS AND WEAPONS	**2,856**	**9,856**	**6,856**	**6,856**
Coast Guard Small Arms - Transfer From DERF		+3,000		
Physical Security Equip. - Transfer From DERF		+4,000	+4,000	+4,000
32 CIWS MODS	**32,226**	**39,226**	**70,226**	**60,626**
Block 1B Upgrade OrdAlt Kits		+4,000	+38,000	+26,600
MK 45 5" Gun Upgrades		+3,000		+1,800
TACTICAL UAV	**0**	**15,000**	**0**	**9,000**
Pioneer Upgrades - Transfer from DERF		+15,000		+9,000

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

The conference agreement on items addressed by either the House or Senate is as follows:

(In thousands of dollars)

	Budget	House	Senate	Conference
PROCUREMENT OF AMMO, NAVY & MARINE CORPS				
PROC AMMO, NAVY				
NAVY AMMUNITION				
GENERAL PURPOSE BOMBS	243,395	304,695	304,695	304,695
JDAM	225,992	279,992	279,992	279,992
AIRBORNE ROCKETS, ALL TYPES	28,979	52,279	52,279	52,279
MACHINE GUN AMMUNITION	26,375	30,875	30,875	30,875
PRACTICE BOMBS	65,623	65,623	65,623	65,623
CARTRIDGES & CART ACTUATED DEVICES	26,355	26,355	26,355	26,355
AIRCRAFT ESCAPE ROCKETS	10,767	10,767	10,767	10,767
AIR EXPENDABLE COUNTERMEASURES	38,856	38,856	38,856	38,856
JATOS	4,536	4,536	4,536	4,536
5 INCH/54 GUN AMMUNITION	12,252	12,252	12,252	12,252
EXTENDED RANGE GUIDED MUNITIONS (ERGM)	4,022	---	4,022	---
76MM GUN AMMUNITION	8,342	8,342	8,342	8,342
OTHER SHIP GUN AMMUNITION	10,045	10,045	10,045	10,045
SMALL ARMS & LANDING PARTY AMMO	19,004	20,004	19,004	19,004
PYROTECHNIC AND DEMOLITION	10,338	10,338	10,338	10,338
MINE NEUTRALIZATION DEVICES	2,725	2,725	2,725	2,725
AMMUNITION LESS THAN $5 MILLION	1,212	1,212	3,112	3,112
TOTAL, PROC AMMO, NAVY	738,818	878,896	883,818	879,796

(In thousands of dollars)

	Budget	House	Senate	Conference
PROC AMMO, MARINE CORPS				
MARINE CORPS AMMUNITION				
5.56 MM, ALL TYPES	31,600	31,600	31,600	31,600
7.62 MM, ALL TYPES	7,078	7,078	7,078	7,078
LINEAR CHARGES, ALL TYPES	40,623	40,623	40,623	40,623
.50 CALIBER	10,514	10,514	10,814	10,814
40 MM, ALL TYPES	11,909	11,909	11,909	11,909
60MM, ALL TYPES	2,199	2,199	2,199	2,199
81MM, ALL TYPES	31,412	31,412	31,412	31,412
120MM, ALL TYPES	35,117	45,117	43,817	44,417
CTG 25MM, ALL TYPES	6,641	6,641	6,641	6,641
9 MM ALL TYPES	1,983	1,983	1,983	1,983
GRENADES, ALL TYPES	11,357	11,357	11,357	11,357
STINGER SLEP	1,577	1,577	1,577	1,577
ROCKETS, ALL TYPES	18,854	18,854	18,854	18,854
ARTILLERY, ALL TYPES	46,750	46,750	46,750	46,750
DEMOLITION MUNITIONS, ALL TYPES	4,089	4,089	4,089	4,089
FUZE, ALL TYPES	620	620	620	620
NON LETHALS	5,406	5,406	5,406	5,406
AMMO MODERNIZATION	6,990	6,990	6,990	6,990
ITEMS LESS THAN $5 MILLION	1,616	3,516	1,616	1,616
TOTAL, PROC AMMO, MC	276,335	288,235	285,335	285,935
ADJUSTMENT	-1	-1	-1	-1
TOTAL, PROCUREMENT OF AMMO, NAVY & MARINE CORPS	1,015,152	1,167,130	1,169,152	1,165,730

EXPLANATION of PROJECT LEVEL ADJUSTMENTS
(in thousands of dollars)

	Budget	House	Senate	Conference
1 GENERAL PURPOSE BOMBS	**243,395**	**304,695**	**304,695**	**304,695**
LGB Kits - Transfer from DERF		+25,000	+25,000	+25,000
LGB Kits (Training Rounds) - Transfer from DERF		+36,300	+36,300	+36,300
2 JDAM	**225,992**	**279,992**	**279,992**	**279,992**
Additional JDAM Kits - Transfer from DERF		+54,000	+54,000	+54,000
3 AIRBORNE ROCKETS, ALL TYPES	**28,979**	**52,279**	**52,279**	**52,279**
2.75" and 5" Rocket Motors - Transfer from DERF		+23,300	+23,300	+23,300
4 MACHINE GUN AMMUNITION	**26,375**	**30,875**	**30,875**	**30,875**
PGU 27 Link / Bulk - Transfer from DERF		+4,500	+4,500	+4,500
11 EXTENDED RANGE GUIDED MUNITIONS (ERGM)	**4,022**	**0**	**4,022**	**0**
Development Delay		-4,022		-4,022
14 SMALL ARMS & LANDING PARTY AMMO	**19,004**	**20,004**	**19,004**	**19,004**
Coast Guard Small Arms Ammo - Transfer from DERF		+1,000		
17 AMMUNITION LESS THAN $5 MILLION	**1,212**	**1,212**	**3,112**	**3,112**
MK-58 Marine Location Markers (Transfer from DERF)			+1,900	+1,900
22 .50 CALIBER	**10,514**	**10,514**	**10,814**	**10,814**
.50 Cal SLAP			+300	+300
26 120MM, ALL TYPES	**35,117**	**45,117**	**43,817**	**44,417**
Additional Ammunition		+10,000		
120 MM HEAT MP-T M830A1			+8,700	+9,300
37 ITEMS LESS THAN $5 MILLION	**1,616**	**3,516**	**1,616**	**1,616**
MK-58 Marine Location Markers (Transfer from DERF)		+1,900		

SHIPBUILDING AND CONVERSION, NAVY

The conference agreement on items addressed by either the House or Senate is as follows:

(In thousands of dollars)

	Budget	House	Senate	Conference
SHIPBUILDING & CONVERSION, NAVY				
OTHER WARSHIPS				
CARRIER REPLACEMENT PROGRAM	---	250,000	---	90,000
CARRIER REPLACEMENT PROGRAM (AP-CY)	243,703	243,703	472,703	403,703
VIRGINIA CLASS SUBMARINE	1,512,652	1,490,652	1,512,652	1,499,152
VIRGINIA CLASS SUBMARINE (AP-CY)	706,309	706,309	645,209	645,209
SSGN CONVERSION	404,305	404,305	404,305	404,305
SSGN CONVERSION (AP-CY)	421,000	421,000	421,000	421,000
CVN REFUELING OVERHAULS	---	---	24,000	---
CVN REFUELING OVERHAULS (AP-CY)	296,781	296,781	195,781	221,781
SUBMARINE REFUELING OVERHAULS	271,292	231,292	435,792	435,792
SUBMARINE REFUELING OVERHAULS (AP-CY)	88,257	88,257	---	64,000
DDG-51	2,295,502	2,273,002	2,321,502	2,321,502
DDG-51 (AP-CY)	74,000	74,000	---	---
TOTAL, OTHER WARSHIPS	6,313,801	6,479,301	6,432,944	6,506,444
AMPHIBIOUS SHIPS				
LHD-1 AMPHIBIOUS ASSAULT SHIP	243,000	---	243,000	243,000
LHD-1 AMPHIBIOUS ASSAULT SHIP (AP-CY)	10,000	---	---	---
LPD-17	596,492	596,492	596,492	596,492
LPD-17 (AP-CY)	8,000	8,000	---	---
TOTAL, AMPHIBIOUS SHIPS	857,492	604,492	839,492	839,492
AUXILIARIES, CRAFT, AND PRIOR-YEAR PROGRAM				
LCU(X)	6,756	9,756	---	---
OUTFITTING	300,608	300,608	300,608	300,608
LCAC SLEP	67,638	81,638	89,638	89,638
MINE HUNTER	---	7,000	---	7,000
COMPLETION OF PY SHIPBUILDING PROGRAMS	644,899	644,899	1,481,955	1,279,899
SERVICE CRAFT	---	---	6,756	9,756
TOTAL, AUXILIARIES, CRAFT, AND PRIOR-YEAR PROGRAM	1,019,901	1,043,901	1,878,957	1,686,901
TOTAL, SHIPBUILDING & CONVERSION, NAVY	8,191,194	8,127,694	9,151,393	9,032,837

EXPLANATION of PROJECT LEVEL ADJUSTMENTS
(in thousands of dollars)

	Budget	House	Senate	Conference
1 **CARRIER REPLACEMENT PROGRAM** (Note: Only	**0**	**250,000**	**0**	**90,000**
for the CVN-77 Integrated Warfare System (IWS))		+250,000		+90,000
2 **CARRIER REPLACEMENT PROGRAM (AP-CY)**	**243,703**	**243,703**	**472,703**	**403,703**
CVNX Schedule Restoral			+229,000	+160,000
3 **VIRGINIA CLASS SUBMARINE**	**1,512,652**	**1,490,652**	**1,512,652**	**1,499,152**
Technical Engineering Services - Cost Growth		-1,500		
Sonar, Combat Control Architecture		-15,000		
SRWS		-1,000		
C3I Major Hardware		-7,500		
General Reduction	0	0	0	-15,000
(Note: Only for a pilot demonstration at two commercial shipyards of manpower scheduling software that targets cost reduction in the shipbuilding process.)		+3,000		+1,500
4 **VIRGINIA CLASS SUBMARINE (AP-CY)**	**706,309**	**706,309**	**645,209**	**645,209**
Excessive Advance Procurement			-61,100	-61,100
8 **CVN REFUELING OVERHAULS**	**0**	**0**	**24,000**	**0**
9 **CVN REFUELING OVERHAULS (AP-CY)**	**296,781**	**296,781**	**195,781**	**221,781**
Excessive Advance Procurement			-101,000	-75,000
10 **SUBMARINE REFUELING OVERHAULS**	**271,292**	**231,292**	**435,792**	**435,792**
Mispricing of FY2002 Advanced Procurement		-40,000	-37,500	-37,500
1 Additional Refueling			+202,000	+202,000
11 **SUBMARINE REFUELING OVERHAULS (AP-CY)**	**88,257**	**88,257**	**0**	**64,000**
Excessive Advance Procurement			-88,257	-24,257
12 **DDG-51**	**2,295,502**	**2,273,002**	**2,321,502**	**2,321,502**
Design Plan Cost Growth		-5,000		
AIEWS Termination		-17,500		
DDG-51/LPD-17 Workload Exchange			+26,000	+26,000
13 **DDG-51(AP CY)**	**74,000**	**74,000**	**0**	**0**
Excessive Advance Procurement			-74,000	
14 **LHD-1 AMPHIBIOUS ASSAULT SHIP**	**243,000**	**0**	**243,000**	**243,000**
Prior year fund availability		-243,000		
15 **LHD-1 AMPHIBIOUS ASSAULT SHIP (AP-CY)**	**10,000**	**0**	**0**	**0**
Premature request prior to AOA		-10,000		
Transfer to R&D			-10,000	-10,000
17 **LPD-17 (AP-CY)**	**8,000**	**8,000**	**0**	**0**
Excessive Advance Procurement			-8,000	-8,000
20 **LCU(X)**	**6,756**	**9,756**	**0**	**0**
Yard Oilers	0	+3,000		
Transfer to new Service Craft line			-6,756	-6,756
22 **LCAC SLEP**	**67,638**	**81,638**	**89,638**	**89,638**
LCAC SLEP		+14,000	+22,000	+22,000
23 **MINE HUNTER**	**0**	**7,000**	**0**	**7,000**
Mine Hunter SWATH		+7,000		+7,000
24 **COMPLETION OF PRIOR YEAR SHIPBUILDING PROGR/**	**644,899**	**644,899**	**1,481,955**	**1,279,899**
Virginia Class Submarine			+213,132	+50,000
DDG-51 Prior Year			+167,724	+150,000
LPD-17 Prior Year			+150,000	+150,000
DDG-51 SWAP Costs			+119,200	+98,000
LPD-17 SWAP/PY			+187,000	+187,000
25 **SERVICE CRAFT**	**0**	**0**	**6,756**	**9,756**
Transfer from LCU(X) line			+6,756	+6,756
Yard Oilers				+3,000

CVN–77 INTEGRATED WARFARE SYSTEM (IWS)

The conferees agree to provide $90,000,000 for the CVN–77 Integrated Warfare System (IWS) instead of $250,000,000 as proposed by the House and no funding as proposed by the Senate. The conferees do not agree to the House restriction on the obligation of funds for the CVN–77 IWS contract data package.

It is the sense of the conferees that every opportunity should be taken to include potentially transformational technologies on the CVN–77 as it is being constructed. This will not only provide enhanced warfighting and defensive capabilities in the near-term, but also lay a cornerstone for risk and cost reduction on the CVN(X) program which is also strongly supported by the conferees.

To that end, the conferees direct that the additional funds provided are only for transformational technologies and initiatives for other CVN–77 IWS to include: (1) design and development of a common flexible island, (2) full service integrated networks to include data, voice, sensor, and HM&E monitoring and control, (3) multi-modal display workstation concepts using middleware and open system architectures, and (4) integrated advanced strike and mission planning capabilities for both the ship and embarked airwings.

The conferees also direct the Assistant Secretary of the Navy for Research, Development, and Acquisition to provide, no later than March 15, 2003, a revised program acquisition strategy for the CVN–77 which incorporates these transformational initiatives and establishes a foundation for regular technology refresh and product improvements during the life cycle of the ship.

ROPELESS ELEVATOR

The conferees understand the Department of the Navy is working on design concepts for ropeless elevator systems in aircraft carriers. The conferees support this effort and encourages the Navy to continue this development in future defense budgets.

OTHER PROCUREMENT, NAVY

The conference agreement on items addressed by either the House or Senate is as follows:

(In thousands of dollars)

	Budget	House	Senate	Conference
OTHER PROCUREMENT, NAVY				
SHIPS SUPPORT EQUIPMENT				
SHIP PROPULSION EQUIPMENT				
LM-2500 GAS TURBINE	9,402	9,402	9,402	9,402
ALLISON 501K GAS TURBINE	13,710	13,710	13,710	13,710
PROPELLERS				
SUBMARINE PROPELLERS	10,641	4,241	10,641	4,241
NAVIGATION EQUIPMENT				
OTHER NAVIGATION EQUIPMENT	25,828	25,828	25,828	25,828
UNDERWAY REPLENISHMENT EQUIPMENT				
UNDERWAY REPLENISHMENT EQUIPMENT	1,460	1,460	1,460	1,460
PERISCOPES				
SUB PERISCOPES & IMAGING EQUIP	31,401	31,401	31,401	31,401
OTHER SHIPBOARD EQUIPMENT				
FIREFIGHTING EQUIPMENT	21,534	21,534	21,534	21,534
COMMAND AND CONTROL SWITCHBOARD	7,377	7,377	7,377	7,377
POLLUTION CONTROL EQUIPMENT	67,502	67,502	67,502	67,502
SUBMARINE SUPPORT EQUIPMENT	18,195	18,195	18,195	18,195
SUBMARINE BATTERIES	13,996	13,996	13,996	13,996
STRATEGIC PLATFORM SUPPORT EQUIP	26,692	41,692	26,692	39,492
DSSP EQUIPMENT	21,215	21,215	21,215	21,215
LCAC	5,105	5,105	5,105	5,105
MINESWEEPING EQUIPMENT	3,865	3,865	3,865	3,865
ITEMS LESS THAN $5 MILLION	123,449	142,449	124,949	136,049
SUBMARINE LIFE SUPPORT SYSTEM	3,675	3,675	3,675	3,675
REACTOR PLANT EQUIPMENT				
REACTOR POWER UNITS	336,500	336,500	336,500	336,500
REACTOR COMPONENTS	211,020	211,020	211,020	211,020

(In thousands of dollars)

	Budget	House	Senate	Conference
OCEAN ENGINEERING				
DIVING AND SALVAGE EQUIPMENT	7,726	7,726	7,726	7,726
SMALL BOATS				
STANDARD BOATS	33,832	35,832	33,832	35,232
TRAINING EQUIPMENT				
OTHER SHIPS TRAINING EQUIPMENT	1,799	1,799	1,799	1,799
PRODUCTION FACILITIES EQUIPMENT				
OPERATING FORCES IPE	17,134	21,134	42,134	38,934
OTHER SHIP SUPPORT				
NUCLEAR ALTERATIONS	128,543	128,543	128,543	128,543
TOTAL, SHIPS SUPPORT EQUIPMENT	1,141,601	1,175,201	1,168,101	1,183,801
COMMUNICATIONS AND ELECTRONICS EQUIPMENT				
SHIP RADARS				
RADAR SUPPORT	---	10,000	---	13,700
SHIP SONARS				
AN/SQQ-89 SURF ASW COMBAT SYSTEM	24,247	24,247	24,247	24,247
SSN ACOUSTICS	251,909	231,009	236,909	237,909
UNDERSEA WARFARE SUPPORT EQUIPMENT	3,775	15,275	3,775	12,975
SONAR SWITCHES AND TRANSDUCERS	16,348	16,348	16,348	16,348
ASW ELECTRONIC EQUIPMENT				
SUBMARINE ACOUSTIC WARFARE SYSTEM	21,686	24,686	21,686	23,186
FIXED SURVEILLANCE SYSTEM	62,090	62,090	62,090	62,090
SURTASS	20,639	20,639	20,639	20,639
ASW OPERATIONS CENTER	5,109	5,109	5,109	5,109
ELECTRONIC WARFARE EQUIPMENT				
AN/SLQ-32	1,856	1,856	1,856	1,856
AIEWS	15,808	---	---	---
INFORMATION WARFARE SYSTEMS	5,158	7,158	7,158	7,158
RECONNAISSANCE EQUIPMENT				
SHIPBOARD IW EXPLOIT	77,066	87,066	87,066	87,066
SUBMARINE SURVEILLANCE EQUIPMENT				
SUBMARINE SUPPORT EQUIPMENT PROG	89,508	89,508	89,508	89,508
OTHER SHIP ELECTRONIC EQUIPMENT				
NAVY TACTICAL DATA SYSTEM	---	9,000	---	7,700

	(In thousands of dollars)			
	Budget	House	Senate	Conference
COOPERATIVE ENGAGEMENT CAPABILITY	66,736	74,736	66,736	72,736
GCCS-M EQUIPMENT	55,188	55,188	55,188	55,188
NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)	46,818	46,818	46,818	46,818
ATDLS	7,608	7,608	7,608	7,608
MINESWEEPING SYSTEM REPLACEMENT	1,974	1,974	1,974	1,974
NAVSTAR GPS RECEIVERS (SPACE)	11,402	11,402	11,402	11,402
ARMED FORCES RADIO AND TV	4,186	4,186	4,186	4,186
STRATEGIC PLATFORM SUPPORT EQUIP	21,353	21,353	21,353	21,353
TRAINING EQUIPMENT				
OTHER SPAWAR TRAINING EQUIPMENT	1,001	1,001	1,001	1,001
OTHER TRAINING EQUIPMENT	15,430	15,430	15,430	15,430
AVIATION ELECTRONIC EQUIPMENT				
MATCALS	14,318	14,318	14,318	14,318
SHIPBOARD AIR TRAFFIC CONTROL	7,815	7,815	7,815	7,815
AUTOMATIC CARRIER LANDING SYSTEM	17,447	17,447	11,747	11,747
NATIONAL AIR SPACE SYSTEM	20,000	20,000	5,000	5,000
AIR STATION SUPPORT EQUIPMENT	7,012	7,012	7,012	7,012
FACSFAC	4,356	4,356	4,356	4,356
ID SYSTEMS	32,633	31,833	32,633	31,833
TAC A/C MISSION PLANNING SYS(TAMPS)	6,597	6,597	6,597	6,597
OTHER SHORE ELECTRONIC EQUIPMENT				
NAVAL SPACE SURVEILLANCE SYSTEM	2,062	2,062	2,062	2,062
DIMHRS	4,675	4,675	4,675	4,675
COMMON IMAGERY GROUND SURFACE SYSTEMS	52,432	52,432	52,432	52,432
RADIAC	8,015	8,015	8,015	8,015
GPETE	6,700	6,700	6,700	6,700
INTEG COMBAT SYSTEM TEST FACILITY	4,498	8,498	4,498	7,898
EMI CONTROL INSTRUMENTATION	5,409	5,409	5,409	5,409
ITEMS LESS THAN $5 MILLION	9,037	13,037	9,037	12,437
SHIPBOARD COMMUNICATIONS				
SHIP COMMUNICATIONS AUTOMATION	161,235	165,235	161,235	163,635
COMMUNICATIONS ITEMS UNDER $5 MILLION	16,307	30,607	16,307	28,507
SUBMARINE COMMUNICATIONS				
SHORE LF/VLF COMMUNICATIONS	5,427	5,427	5,427	5,427

(In thousands of dollars)

	Budget	House	Senate	Conference
SUBMARINE COMMUNICATION EQUIPMENT	132,874	127,874	117,874	122,874
SATELLITE COMMUNICATIONS				
SATELLITE COMMUNICATIONS SYSTEMS	149,636	156,136	149,636	154,236
SHORE COMMUNICATIONS				
JCS COMMUNICATIONS EQUIPMENT	4,256	4,256	4,256	4,256
ELECTRICAL POWER SYSTEMS	1,270	1,270	1,270	1,270
NSIPS	12,281	12,281	12,281	12,281
JEDMICS	---	14,000	---	12,000
NAVAL SHORE COMMUNICATIONS	96,592	96,592	96,592	96,592
CRYPTOGRAPHIC EQUIPMENT				
INFO SYSTEMS SECURITY PROGRAM (ISSP)	78,473	89,873	86,873	88,373
CRYPTOLOGIC EQUIPMENT				
CRYPTOLOGIC COMMUNICATIONS EQUIP	18,659	24,159	20,159	22,159
OTHER ELECTRONIC SUPPORT				
COAST GUARD EQUIPMENT	39,789	43,789	---	---
TOTAL, COMMUNICATIONS AND ELECTRONICS EQUIPMENT	1,746,700	1,825,392	1,662,303	1,747,103
AVIATION SUPPORT EQUIPMENT				
SONOBUCYS				
SONOBUCYS - ALL TYPES	63,277	63,277	63,277	63,277
AIRCRAFT SUPPORT EQUIPMENT				
WEAPONS RANGE SUPPORT EQUIPMENT	7,733	7,733	27,533	23,233
EXPEDITIONARY AIRFIELDS	7,540	7,540	7,540	7,540
AIRCRAFT REARMING EQUIPMENT	11,894	11,894	11,894	11,894
AIRCRAFT LAUNCH & RECOVERY EQUIPMENT	19,355	19,355	19,355	19,355
METEOROLOGICAL EQUIPMENT	27,085	27,085	27,085	27,085
OTHER PHOTOGRAPHIC EQUIPMENT	1,572	1,572	1,572	1,572
AVIATION LIFE SUPPORT	25,676	29,676	10,176	19,076
AIRBORNE MINE COUNTERMEASURES	19,499	19,499	19,499	19,499
LAMPS MK III SHIPBOARD EQUIPMENT	5,488	5,488	5,488	5,488
OTHER AVIATION SUPPORT EQUIPMENT	12,440	14,440	27,440	23,940
TOTAL, AVIATION SUPPORT EQUIPMENT	201,559	207,559	220,859	221,959
ORDNANCE SUPPORT EQUIPMENT				
SHIP GUN SYSTEM EQUIPMENT				
GUN FIRE CONTROL EQUIPMENT	27,108	36,108	27,108	32,508

(In thousands of dollars)

	Budget	House	Senate	Conference
NAVAL FIRES CONTROL SYSTEM	5,690	5,690	5,690	5,690
SHIP MISSILE SYSTEMS EQUIPMENT				
NATO SEASPARROW	41,408	41,408	41,408	41,408
RAM GMLS	23,893	23,893	23,893	23,893
SHIP SELF DEFENSE SYSTEM	47,226	47,226	47,226	47,226
AEGIS SUPPORT EQUIPMENT	155,654	169,154	155,654	164,854
SURFACE TOMAHAWK SUPPORT EQUIPMENT	53,614	53,614	53,614	53,614
SUBMARINE TOMAHAWK SUPPORT EQUIP	5,262	5,262	5,262	5,262
VERTICAL LAUNCH SYSTEMS	6,483	6,483	6,483	6,483
FBM SUPPORT EQUIPMENT				
STRATEGIC MISSILE SYSTEMS EQUIP	75,006	75,006	75,006	75,006
ASW SUPPORT EQUIPMENT				
SSN COMBAT CONTROL SYSTEMS	46,319	46,319	59,319	55,419
SUBMARINE ASW SUPPORT EQUIPMENT	7,538	7,538	7,538	7,538
SURFACE ASW SUPPORT EQUIPMENT	3,460	3,460	8,460	6,960
ASW RANGE SUPPORT EQUIPMENT	7,350	7,350	7,350	7,350
OTHER ORDNANCE SUPPORT EQUIPMENT				
EXPLOSIVE ORDNANCE DISPOSAL EQUIP	7,806	7,806	7,806	7,806
ITEMS LESS THAN $5 MILLION	3,770	3,770	3,770	3,770
OTHER EXPENDABLE ORDNANCE				
ANTI-SHIP MISSILE DECOY SYSTEM	27,976	27,976	38,776	33,376
SURFACE TRAINING DEVICE MODS	6,557	6,557	6,557	6,557
SUBMARINE TRAINING DEVICE MODS	17,264	17,264	21,264	19,264
TOTAL, ORDNANCE SUPPORT EQUIPMENT	569,384	591,884	602,184	603,984
CIVIL ENGINEERING SUPPORT EQUIPMENT				
ARMORED SEDANS	481	481	481	481
PASSENGER CARRYING VEHICLES	2,538	2,538	2,538	2,538
GENERAL PURPOSE TRUCKS	1,972	1,972	1,972	1,972
CONSTRUCTION & MAINTENANCE EQUIP	9,113	15,113	9,113	13,613
FIRE FIGHTING EQUIPMENT	6,284	6,284	6,284	6,284
TACTICAL VEHICLES	42,238	42,238	77,238	67,238
AMPHIBIOUS EQUIPMENT	47,193	47,193	47,193	47,193
POLLUTION CONTROL EQUIPMENT	20,734	20,734	20,734	20,734

(In thousands of dollars)

	Budget	House	Senate	Conference
ITEMS UNDER $5 MILLION	14,963	14,963	14,963	14,963
TOTAL, CIVIL ENGINEERING SUPPORT EQUIPMENT	145,516	151,516	180,516	175,016
SUPPLY SUPPORT EQUIPMENT				
MATERIALS HANDLING EQUIPMENT	9,504	9,504	9,504	9,504
OTHER SUPPLY SUPPORT EQUIPMENT	10,959	10,959	16,959	15,159
FIRST DESTINATION TRANSPORTATION	5,053	5,053	5,053	5,053
SPECIAL PURPOSE SUPPLY SYSTEMS	141,431	141,431	141,431	141,431
TOTAL, SUPPLY SUPPORT EQUIPMENT	166,947	166,947	172,947	171,147
PERSONNEL AND COMMAND SUPPORT EQUIPMENT				
TRAINING DEVICES				
TRAINING SUPPORT EQUIPMENT	707	13,707	707	8,207
COMMAND SUPPORT EQUIPMENT				
COMMAND SUPPORT EQUIPMENT	34,770	46,770	34,770	43,170
EDUCATION SUPPORT EQUIPMENT	7,095	7,095	7,095	7,095
MEDICAL SUPPORT EQUIPMENT	9,145	12,645	9,145	9,145
INTELLIGENCE SUPPORT EQUIPMENT	26,564	36,564	30,564	33,564
OPERATING FORCES SUPPORT EQUIPMENT	16,505	16,505	16,505	16,505
MOBILE SENSOR PLATFORM	5,946	10,446	25,946	23,146
ENVIRONMENTAL SUPPORT EQUIPMENT	19,978	19,978	19,978	19,978
PHYSICAL SECURITY EQUIPMENT	81,721	176,204	176,204	176,204
TOTAL, PERSONNEL AND COMMAND SUPPORT EQUIPMENT	202,431	339,914	320,914	337,014
SPARES AND REPAIR PARTS	172,886	172,886	172,886	172,886
TOTAL, OTHER PROCUREMENT, NAVY	4,347,024	4,631,299	4,500,710	4,612,910

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
(in thousands of dollars)

	Budget	House	Senate	Conference
3 SUBMARINE PROPELLERS	**10,641**	**4,241**	**10,641**	**4,241**
Seawolf Installation Availability Delay		-6,400		-6,400
12 STRATEGIC PLATFORM SUPPORT EQUIP	**26,692**	**41,692**	**26,692**	**39,492**
Submarine Common Electronics Equipment Replacement (Note: Only for procurement of AN/UYQ-70 family equipment to modernize submarine combat systems.)		+15,000		+12,800
16 ITEMS LESS THAN $5 MILLION	**123,449**	**142,449**	**124,949**	**136,049**
Fuel Catalyst		+3,000		+3,000
Fuel and Engine Maintenance Savings System (FEMSS)		+3,500		+1,800
Total Ship Information Management Systems (TSIMS) for CVNs		+2,500		+1,800
Wireless Network Capable Application Processors Factory		+10,000		+8,500
ICAS			+8,000	+4,000
Premature Smartship Procurement			-6,500	-6,500
22 STANDARD BOATS	**33,832**	**35,832**	**33,832**	**35,232**
25 Person Life Rafts (Note: The additional funds provided are only to be used for 25 Person Life Rafts.)		+2,000		+1,400
24 OPERATING FORCES IPE	**17,134**	**21,134**	**42,134**	**38,934**
Expeditionary Maintenance Facility		+4,000		+2,800
IPDE Enhancement and PDM Interoperability			+10,000	+7,000
PHNSY Equipment			+15,000	+12,000
27 RADAR SUPPORT	**0**	**10,000**	**0**	**13,700**
AN/SYS-2(V) 11 Track Management System for FFG-7s		+5,000		+4,300
Back Fit of Signal Processor ECP into DDG-51, LHA, LSD,LPDs, and CVs ships		+5,000		+4,300
SPS-73(V) (Note: Only for continued upgrade and installation of the SPS-73(V) radar on Navy ships.)				+5,100
29 SSN ACOUSTICS	**251,909**	**231,009**	**236,909**	**237,909**
TB-29A - Operational Testing Delay		-22,400	-15,000	-15,000
TB-23 Towed Array		+1,500		+1,000
30 UNDERSEA WARFARE SUPPORT EQUIPMENT	**3,775**	**15,275**	**3,775**	**12,975**
CV-TSC Modernization		+4,500		+3,200
Surface Ship Torpedo Defense (Note: Funds are only to procure new improvements to the AN/SLQ-25A torpedo countermeasure system.)		+7,000		+6,000
33 SUBMARINE ACOUSTIC WARFARE SYSTEM	**21,686**	**24,686**	**21,686**	**23,186**
Submarine Acoustic Intercept Improvement Initiative		+3,000		+1,500
38 AIEWS	**15,808**	**0**	**0**	**0**
Program Termination		-15,808	-15,808	-15,808
39 INFORMATION WARFARE SYSTEMS	**5,158**	**7,158**	**7,158**	**7,158**
Transfer from DERF		+2,000	+2,000	+2,000
40 SHIPBOARD IW EXPLOIT	**77,066**	**87,066**	**87,066**	**87,066**
EW Readiness Support - Transfer from DERF		+10,000	+10,000	+10,000
42 NAVY TACTICAL DATA SYSTEM	**0**	**9,000**	**0**	**7,700**
AN/UYQ-70 Fleet Peripheral Emulation Fielding		+5,000		+4,300
Q-70 Shore Sites		+4,000		+3,400
43 COOPERATIVE ENGAGEMENT CAPABILITY	**66,736**	**74,736**	**66,736**	**72,736**
CEC Accelerated Fleet Introduction / Low Cost Planar Array Antennas		+8,000		+6,000
56 AUTOMATIC CARRIER LANDING SYSTEM	**17,447**	**17,447**	**11,747**	**11,747**
Premature Procurement			-5,700	-5,700

	Budget	House	Senate	Conference
57 NATIONAL AIR SPACE SYSTEM	**20,000**	**20,000**	**5,000**	**5,000**
Program Delays			-15,000	-15,000
61 ID SYSTEMS	**32,633**	**31,833**	**32,633**	**31,833**
MK XII Common Digital Transponder - Unjustified Cost Growth		-800		-800
70 INTEG COMBAT SYSTEM TEST FACILITY	**4,498**	**8,498**	**4,498**	**7,898**
Q-70 Integrated Combat Systems Test Facility Installations		+4,000		+3,400
72 ITEMS LESS THAN $5 MILLION	**9,037**	**13,037**	**9,037**	**12,437**
Production of Q-70 Computer Aided Dead Reckoning Tracer (CADRT)		+4,000		+3,400
73 SHIP COMMUNICATIONS AUTOMATION	**161,235**	**165,235**	**161,235**	**163,635**
Mission Systems Technology and Interoperability Center (MSTIC) communications upgrades		+4,000		+2,400
74 COMMUNICATIONS ITEMS UNDER $5 MILLION	**16,307**	**30,607**	**16,307**	**28,507**
Q-70 Based IT-21 Advanced Tactical Servers (Note: Only for procurement of AN/UYQ-70 advanced tactical servers to support the IT-21 Block 1 Upgrade Program.)		+9,000		+7,700
AN/UYQ-70 Secure Voice System Hardware for Surface Ships		+5,300		+4,500
76 SUBMARINE COMMUNICATION EQUIPMENT	**132,874**	**127,874**	**117,874**	**122,874**
Installations costs		-5,000		
Program Cost Growth			-15,000	-10,000
77 SATELLITE COMMUNICATIONS SYSTEMS	**149,636**	**156,136**	**149,636**	**154,236**
Mini-DAMA (Sub/Ships)		+6,500		+4,600
81 JEDMICS	**0**	**14,000**	**0**	**12,000**
JEDMICS (Note: Only for the continued procurement and integration of the same security solution implemented in the previous fiscal year, and its extension into other logistics processes.)		+7,000		+6,000
JEDMICS (Note: Only to procure and deploy to PACOM the Type I version of the network security solution previously evaluated at the B2 level of trust for use in U.S. military and coalition networks.)		+7,000		+6,000
83 INFO SYSTEMS SECURITY PROGRAM (ISSP)	**78,473**	**89,873**	**86,873**	**88,373**
Secure Wireless Comm. Eq. - Transfer from DERF		+3,000		+1,500
Computer Network Defense - Transfer from DERF		+4,600		+4,600
Enclave Boundaries - Transfer from DERF		+2,000		+2,000
Intrusion Detection System - Transfer from DERF		+1,800		+1,800
Transfer from DERF			+8,400	
85 CRYPTOLOGIC COMMUNICATIONS EQUIP	**18,659**	**24,159**	**20,159**	**22,159**
Cryptological Direct Support -Transfer from DERF		+1,500	+1,500	+1,500
Secure Terminal Equipment		+4,000		+2,000
86 COAST GUARD EQUIPMENT	**39,789**	**43,789**	**0**	**0**
Night Vision Devices - Transfer from DERF		+4,000		
Funds Transfer - Deepwater			-39,789	
89 WEAPONS RANGE SUPPORT EQUIPMENT	**7,733**	**7,733**	**27,533**	**23,233**
Mobile Threat Emitter System - Fallon			+10,000	+7,000
PMRF Equipment			+9,800	+8,500
95 AVIATION LIFE SUPPORT	**25,676**	**29,676**	**10,176**	**19,076**
Universal Water Activated Release System		+4,000		+3,400
CSEL Program Delays			-15,500	-10,000
98 OTHER AVIATION SUPPORT EQUIPMENT	**12,440**	**14,440**	**27,440**	**23,940**
Resource Allocation Management Plan (RAMP)		+2,000		+1,000
Joint Tactical Data Integration			+15,000	+10,500

	Budget	House	Senate	Conference
99 GUN FIRE CONTROL EQUIPMENT	**27,108**	**36,108**	**27,108**	**32,508**
(Note: Only to accelerate the deployment of the AN/SPQ-9B self-protection radar to DDG-51 destroyers)		+9,000		+5,400
104 AEGIS SUPPORT EQUIPMENT	**155,654**	**169,154**	**155,654**	**164,854**
Wireless Access Points for Aegis Ships (Note: Only to deploy the All-in-One Wireless Access Point ship alteration on CG-47ships.)		+3,500		+2,500
AEGIS Surface Combatant Integrated Bridge System		+3,000		+1,800
Aegis Computer Center (Note: Only for replacement of obsolete NTDS interface boards and emulators with current technology and low cost commercial equipment.)		+3,000		+1,500
Machinery and Damage Control System Computing Replacement Equipment		+4,000		+3,400
110 SSN COMBAT CONTROL SYSTEMS	**46,319**	**46,319**	**59,319**	**55,419**
SSN Modernization			+13,000	+9,100
112 SURFACE ASW SUPPORT EQUIPMENT	**3,460**	**3,460**	**8,460**	**6,960**
Mk 32 SVTT Remanufacture			+5,000	+3,500
116 ANTI-SHIP MISSILE DECOY SYSTEM	**27,976**	**27,976**	**38,776**	**33,376**
NULKA			+10,800	+5,400
118 SUBMARINE TRAINING DEVICE MODS	**17,264**	**17,264**	**21,264**	**19,264**
INTERLOCKS Development Tools			+4,000	+2,000
122 CONSTRUCTION & MAINTENANCE EQUIP	**9,113**	**15,113**	**9,113**	**13,613**
Laser Leveling Systems		+1,000		+1,000
Earthmoving Equipment		+5,000		+3,500
124 TACTICAL VECHICLES	**42,238**	**42,238**	**77,238**	**67,238**
Additional MTVR			+35,000	+25,000
130 OTHER SUPPLY SUPPORT EQUIPMENT	**10,959**	**10,959**	**16,959**	**15,159**
Serial Number Tracking System			+6,000	+4,200
133 TRAINING SUPPORT EQUIPMENT	**707**	**13,707**	**707**	**8,207**
Trident Sonar Manuals - Data Management and Conversion		+5,000		+3,500
Technical Data Knowledge Management in an Integrated Data Environment (TDKE-IDE)		+8,000		+4,000
134 COMMAND SUPPORT EQUIPMENT	**34,770**	**46,770**	**34,770**	**43,170**
Man Overboard Indicator (MOBI) (Note: The Committee directs the Navy to immediately begin procuring and installing MOBI Systems fleet-wide with appropriated fiscal year 2002 funds.)		+8,000		+5,600
USNR Information Infrastructure Continuity of Operations		+3,000		+1,800
Advanced Technical Information Support (ATIS)		+1,000		+1,000
136 MEDICAL SUPPORT EQUIPMENT	**9,145**	**12,645**	**9,145**	**9,145**
Dendrimer Nanotechnology Research Laboratory		+3,500		
137 INTELLIGENCE SUPPORT EQUIPMENT	**26,564**	**36,564**	**30,564**	**33,564**
Transfer from DERF		+4,000	+4,000	+4,000
Transfer from DERF		+6,000		+3,000
139 MOBILE SENSOR PLATFORM	**5,946**	**10,446**	**25,946**	**23,146**
AN / TSQ-108 V(3) Upgrades		+4,500		+3,200
Littoral Surveillance System			+20,000	+14,000
141 PHYSICAL SECURITY EQUIPMENT	**81,721**	**176,204**	**176,204**	**176,204**
Mobile Security Forces - Transfer from DERF		+14,000	+14,000	+14,000
Strategic Bases - Transfer from DERF		+4,000	+4,000	+4,000
Physical Security Equipment - Transfer from DERF		+76,483	+76,483	+76,483

PROCUREMENT, MARINE CORPS

The conference agreement on items addressed by either the House or Senate is as follows:

(In thousands of dollars)

	Budget	House	Senate	Conference
PROCUREMENT, MARINE CORPS				
WEAPONS AND COMBAT VEHICLES				
TRACKED COMBAT VEHICLES				
AAV7A1 PIP	62,991	62,991	62,991	62,991
AAAV	14,718	14,718	14,718	14,718
LAV PIP	53,166	53,166	43,166	53,166
IMPROVED RECOVERY VEHICLE (IRV)	4,179	4,179	4,179	4,179
MODIFICATION KITS (TRKD VEH)	3,297	3,297	3,297	3,297
ARTILLERY AND OTHER WEAPONS				
HIMARS	7,869	7,869	7,869	7,869
155MM LIGHTWEIGHT TOWED HOWITZER	62,643	62,643	62,643	62,643
MOD KITS (ARTILLERY)	4,890	4,890	4,890	4,890
MARINE ENHANCEMENT PROGRAM	8,145	8,145	8,145	8,145
WEAPONS AND COMBAT VEHICLES UNDER $5 MILLION	312	312	312	312
WEAPONS				
MODULAR WEAPON SYSTEM	24,352	24,352	24,352	24,352
OTHER SUPPORT				
OPERATIONS OTHER THAN WAR	1,531	1,531	1,531	1,531
TOTAL, WEAPONS AND COMBAT VEHICLES	248,093	248,093	238,093	248,093
GUIDED MISSILES AND EQUIPMENT				
GUIDED MISSILES				
EADS MOD	184	184	184	184
JAVELIN	1,049	1,049	1,049	1,049
PEDESTAL MOUNTED STINGER (PMS) (MYP)	1,565	1,565	1,565	1,565
PREDATOR (SRAW)	36,484	36,484	36,484	36,484
OTHER SUPPORT				
MODIFICATION KITS	7,967	7,967	7,967	7,967
TOTAL, GUIDED MISSILES AND EQUIPMENT	47,249	47,249	47,249	47,249

(In thousands of dollars)

	Budget	House	Senate	Conference
COMMUNICATIONS AND ELECTRONICS EQUIPMENT				
REPAIR AND TEST EQUIPMENT				
AUTO TEST EQUIP SYS..................................	894	6,894	8,894	6,894
GENERAL PURPOSE ELECTRONIC TEST EQUIP................	8,324	8,324	8,324	8,324
INTELL/COMM EQUIPMENT (NON-TEL)				
INTELLIGENCE SUPPORT EQUIPMENT........................	18,526	38,126	38,126	38,126
MOD KITS (INTEL)......................................	2,570	11,370	11,370	11,370
ITEMS UNDER $5 MILLION (INTELL)......................	1,843	4,243	4,243	4,243
REPAIR AND TEST EQUIPMENT (NON-TEL)				
GENERAL PURPOSE MECHANICAL TMDE......................	4,565	4,565	4,565	4,565
OTHER COMM/ELEC EQUIPMENT (NON-TEL)				
NIGHT VISION EQUIPMENT...............................	23,204	23,204	23,204	23,204
OTHER SUPPORT (NON-TEL)				
ITEMS UNDER $5 MILLION (COMM & ELEC).................	16,097	18,597	18,597	18,597
COMMON COMPUTER RESOURCES............................	38,974	38,974	38,974	38,974
COMMAND POST SYSTEMS.................................	33,512	33,512	33,512	33,512
RADIO SYSTEMS..	25,528	32,528	20,028	28,528
COMM SWITCHING & CONTROL SYSTEMS.....................	3,974	3,974	28,974	23,974
COMM & ELEC INFRASTRUCTURE SUPPORT...................	16,426	28,026	21,026	27,026
MOD KITS MAGTF C41...................................	31,470	34,470	34,470	37,770
AIR OPERATIONS C2 SYSTEMS............................	6,525	6,525	6,525	6,525
INTELLIGENCE C2 SYSTEMS..............................	22,362	22,362	22,362	22,362
FIRE SUPPORT SYSTEM..................................	34,855	34,855	34,855	34,855
TOTAL, COMMUNICATIONS AND ELECTRONICS EQUIPMENT.....	289,649	350,549	358,049	368,849
SUPPORT VEHICLES				
ADMINISTRATIVE VEHICLES				
COMMERCIAL PASSENGER VEHICLES........................	861	861	861	861
COMMERCIAL CARGO VEHICLES............................	13,123	13,123	13,123	13,123
TACTICAL VEHICLES				
5/4T TRUCK HMMWV (MYP)...............................	118,414	118,414	118,414	118,414
MEDIUM TACTICAL VEHICLE REPLACEMENT..................	347,578	347,578	347,578	347,578
OTHER SUPPORT				
ITEMS LESS THAN $5 MILLION...........................	3,534	6,034	3,534	5,734
TOTAL, SUPPORT VEHICLES..............................	483,510	486,010	483,510	485,710

(In thousands of dollars)

	Budget	House	Senate	Conference
ENGINEER AND OTHER EQUIPMENT				
ENGINEER AND OTHER EQUIPMENT				
ENVIRONMENTAL CONTROL EQUIP ASSORT	2,709	2,709	2,709	2,709
BULK LIQUID EQUIPMENT	10,261	10,261	10,261	10,261
TACTICAL FUEL SYSTEMS	2,048	4,048	2,048	3,748
POWER EQUIPMENT ASSORTED	8,898	8,898	8,898	8,898
MATERIALS HANDLING EQUIPMENT				
AMPHIBIOUS RAID EQUIPMENT	22,295	22,295	22,295	22,295
PHYSICAL SECURITY EQUIPMENT	8,804	12,404	12,404	12,404
GARRISON MOBILE ENGR EQUIP	2,608	2,608	2,608	2,608
MATERIAL HANDLING EQUIP	52,503	56,503	57,503	59,403
FIRST DESTINATION TRANSPORTATION	8,221	8,221	8,221	8,221
GENERAL PROPERTY				
FIELD MEDICAL EQUIPMENT	10,452	10,452	10,452	10,452
TRAINING DEVICES	18,651	18,651	20,651	19,651
CONTAINER FAMILY	7,120	7,120	7,120	7,120
FAMILY OF CONSTRUCTION EQUIPMENT	14,709	17,709	14,709	16,809
RAPID DEPLOYABLE KITCHEN	21,505	21,505	21,505	21,505
OTHER SUPPORT				
ITEMS LESS THAN $5 MILLION	5,772	10,772	5,772	9,272
TOTAL, ENGINEER AND OTHER EQUIPMENT	196,556	214,156	207,156	215,356
SPARES AND REPAIR PARTS	23,326	23,326	23,326	23,326
TOTAL, PROCUREMENT, MARINE CORPS	1,288,383	1,369,383	1,357,383	1,388,583

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Budget Request	House	Senate	Conference
3	**LAV PIP**	**53,166**	**53,166**	**43,166**	**53,166**
	Underexecution		0	-10,000	0
19	**AUTO TEST EQUIP SYS**	**894**	**6,894**	**8,894**	**6,894**
	Third Echelon Test System (TETS) (note: only to procure RF/electro optical TETS systems and associated Test Program Sets to facilitate consolidation of Marine Corps automatic test equipment into a single advanced test system platform)		+6,000	+8,000	+6,000
21	**INTELLIGENCE SUPPORT EQUIPMENT**	**18,526**	**38,126**	**38,126**	**38,126**
	Intelligence Support Equipment--Transfer from DERF		+19,600		0
	TPC (Transfer from DERF)			+3,300	+3,300
	TEG (Transfer from DERF)			+9,000	+9,000
	TROJAN Lite (Transfer from DERF)			+5,700	+5,700
	TACPHOTO (Transfer from DERF)			+1,600	+1,600
22	**MOD KITS (INTEL)**	**2,570**	**11,370**	**11,370**	**11,370**
	MOD Kits (Intell)--Transfer from DERF		+8,800		0
	TPCS (Transfer from DERF)			+8,300	+8,300
	TCAC (Transfer from DERF)			+500	+500
23	**ITEMS UNDER $5 MILLION (INTELL)**	**1,843**	**4,243**	**4,243**	**4,243**
	Items Under $5 million (Intell)--Transfer from DERF		+2,400		0
	I-SURSS (Transfer from DERF)			+2,400	+2,400
26	**ITEMS UNDER $5 MILLION (COMM & ELEC)**	**16,097**	**18,597**	**18,597**	**18,597**
	Items Under $5 million (Comm & Elec)--Transfer from		+2,500		
	Secure Wireless (Transfer from DERF)			+800	+800
	ISR (Transfer from DERF)			+1,700	+1,700
29	**RADIO SYSTEMS**	**25,528**	**32,528**	**20,028**	**28,528**
	Tactical Hand Held Radio (THHR)		+4,000	+4,500	+4,000
	Lightweight Multi-Band Satellite Terminal (LMST) (Note: only to initiate the acquisition and fielding of additional terminals in support of Marine expeditionary Forces (MEF))		+3,000		+4,000
	SMART-T Program Delays			-10,000	-5,000
30	**COMM SWITCHING & CONTROL SYSTEMS**	**3,974**	**3,974**	**28,974**	**23,974**
	Jt. Enhanced Corps Communication System		0	+25,000	+20,000
31	**COMM & ELEC INFRASTRUCTURE SUPPORT**	**16,426**	**28,026**	**21,026**	**27,026**
	Comm & Elec Infrastructure Support--Transfer from DERF		+4,600		0
	USMC Continuity of Operations		+7,000		+6,000
	Computer Network Defense (Transfer from DERF)			+1,900	+1,900
	Deployed Security Interdiction Devices (Transfer from DERF)			+700	+700
	Continuity of Intelligence (Trasnfer from DERF)			+2,000	+2,000

P-1		Budget Request	House	Senate	Conference
32	**MOD KITS MAGTF C41**	**31,470**	**34,470**	**34,470**	**37,770**
	MOD Kits MAGTF C4I--Transfer from DERF		+3,000		0
	FLAMES/CESAS (Transfer from DERF)			+3,000	+3,000
	AN/TPS-59 (v)3 Radar Environmental Simulator		0	0	+3,300
40	**ITEMS LESS THAN $5 MILLION**	**3,534**	**6,034**	**3,534**	**5,734**
	Single Battlefield Fuel Motorcycle (Note: only to upgrade USMC motorcycles to incorporate JP-8/Diesel "single battlefield fuel" engines.)		+2,500		+2,200
43	**TACTICAL FUEL SYSTEMS**	**2,048**	**4,048**	**2,048**	**3,748**
	Newly Developed Fast Fuel System		+2,000		+1,700
48	**PHYSICAL SECURITY EQUIPMENT**	**8,804**	**12,404**	**12,404**	**12,404**
	Physical Security Equipment--Transfer from DERF		+3,600	+3,600	+3,600
50	**MATERIAL HANDLING EQUIP**	**52,503**	**56,503**	**57,503**	**59,403**
	Extendable Boom Forklift Program		+4,000		+3,400
	TRAM			+5,000	+3,500
53	**TRAINING DEVICES**	**18,651**	**18,651**	**20,651**	**19,651**
	Live Fire Training Range Upgrades			+2,000	+1,000
55	**FAMILY OF CONSTRUCTION EQUIPMENT**	**14,709**	**17,709**	**14,709**	**16,809**
	Graders, Winches, and Rippers--Service Life Extension Program (SLEP)		+3,000		+2,100
58	**ITEMS LESS THAN $5 MILLION**	**5,772**	**10,772**	**5,772**	**9,272**
	USMC Batteries		+5,000		+3,500

AIRCRAFT PROCUREMENT, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
AIRCRAFT PROCUREMENT, AIR FORCE				
COMBAT AIRCRAFT				
TACTICAL FORCES				
F-22 RAPTOR	4,090,434	4,090,434	4,061,934	4,061,934
F-22 RAPTOR (AP-CY)	530,634	530,634	530,634	530,634
TOTAL, COMBAT AIRCRAFT	4,621,068	4,621,068	4,592,568	4,592,568
AIRLIFT AIRCRAFT				
TACTICAL AIRLIFT				
C-17A (MYP)	2,694,140	2,694,140	3,291,340	3,291,340
C-17A (MYP) (AP-CY)	391,890	391,890	391,890	391,890
C-17 ICS	612,452	621,952	553,252	553,252
EC-130J	---	---	87,000	87,000
OTHER AIRLIFT				
C-130H	18,672	23,672	18,672	21,172
C-130J	175,923	175,923	175,923	175,923
TOTAL, AIRLIFT AIRCRAFT	3,893,077	3,907,577	4,518,077	4,520,577
TRAINER AIRCRAFT				
JPATS	211,848	211,848	211,848	211,848
OTHER AIRCRAFT				
HELICOPTERS				
V-22 OSPREY	90,904	90,904	90,904	90,904
V-22 OSPREY (AP-CY)	10,100	10,100	---	10,100

(In thousands of dollars)

	Budget	House	Senate	Conference
MISSION SUPPORT AIRCRAFT				
CIVIL AIR PATROL A/C	2,616	10,616	2,616	5,216
OTHER AIRCRAFT				
TARGET DRONES	30,586	30,586	30,586	30,586
C-40 ANG	---	---	30,600	30,600
E-8C	279,268	279,268	279,268	279,268
HAEUAV	63,861	128,861	128,861	128,861
HAEUAV (AP-CY)	41,000	32,625	41,000	41,000
PREDATOR UAV	23,068	131,068	105,068	131,068
TOTAL, OTHER AIRCRAFT	541,403	714,028	708,903	747,603
MODIFICATION OF INSERVICE AIRCRAFT				
STRATEGIC AIRCRAFT				
B-2A	72,123	104,123	72,123	104,123
B-1B	98,026	98,026	109,026	106,026
B-52	---	---	35,200	24,700
F-117	21,079	21,079	21,079	21,079
TACTICAL AIRCRAFT				
A-10	21,775	21,775	21,775	21,775
F-15	232,500	259,900	300,000	283,700
F-16	265,007	269,007	268,107	281,007
F22 RAPTOR	11,200	11,200	11,200	11,200
T/AT-37	81	81	81	81
AIRLIFT AIRCRAFT				
C-5	86,008	59,408	59,408	59,408
C-9	1,346	1,346	1,346	1,346
C-17A	128,178	128,178	128,178	128,178
C-21	2,562	2,562	2,562	2,562
C-32A	26,684	26,684	26,684	26,684
C-37A	373	373	373	373
C-141	796	796	796	796
TRAINER AIRCRAFT				
T-38	168,112	176,112	168,112	174,912
T-41 AIRCRAFT	90	90	90	90
T-43	2,183	2,183	2,183	2,183

(In thousands of dollars)

	Budget	House	Senate	Conference
OTHER AIRCRAFT				
KC-10A (ATCA)	14,176	14,176	14,176	14,176
C-12	400	400	400	400
C-18	800	800	800	800
C-20 MODS	828	828	828	828
VC-25A MOD	12,171	80,171	80,171	80,171
C-130	138,533	155,633	173,283	170,783
C-135	108,670	197,670	115,670	113,570
DARP	150,123	139,423	156,123	142,423
E-3	29,478	29,478	29,478	29,478
E-4	39,139	39,139	39,139	39,139
E-8	19,307	19,307	19,307	19,307
H-1	473	473	473	473
H-60	40,640	40,640	40,640	40,640
OTHER AIRCRAFT	54,653	54,653	54,653	54,653
PREDATOR MODS	10,532	10,532	10,532	10,532
OTHER MODIFICATIONS				
CLASSIFIED PROJECTS	18,546	18,546	18,546	18,546
TOTAL, MODIFICATION OF INSERVICE AIRCRAFT	1,776,592	1,984,792	1,982,542	1,986,142
AIRCRAFT SPARES AND REPAIR PARTS				
INDUSTRIAL FACILITIES	275,982	283,982	283,982	283,982
AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES				
COMMON SUPPORT EQUIPMENT				
COMMON SUPPORT EQUIPMENT	180,943	180,943	178,243	178,243
POST PRODUCTION SUPPORT				
B-1	1,969	1,969	1,969	1,969
B-2A	3,279	3,279	3,279	3,279
B-2A	33,484	33,484	33,484	33,484
C-130	10,922	10,922	1,922	10,922
F-15 POST PRODUCTION SUPPORT	7,512	7,512	7,512	7,512
F-16 POST PRODUCTION SUPPORT	14,200	14,200	14,200	14,200
INDUSTRIAL PREPAREDNESS	22,248	22,248	22,248	22,248
WAR CONSUMABLES	38,429	38,429	38,429	38,429
MISC PRODUCTION CHARGES	349,516	361,516	391,416	389,316

	Budget	House	Senate	Conference
	(In thousands of dollars)			
COMMON ECM EQUIPMENT	1,182	1,182	1,182	1,182
DARP	83,751	93,751	93,751	93,751
TOTAL, AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES	747,435	769,435	787,635	794,535
TOTAL, AIRCRAFT PROCUREMENT, AIR FORCE	12,067,405	12,492,730	13,085,555	13,137,255

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
(In thousands of dollars)

P-1		Budget Request	House	Senate	Conference
1	**F-22 RAPTOR**	**4,090,434**	**4,090,434**	**4,061,934**	**4,061,934**
	Production support cost growth			-28,500	-28,500
5	**C-17A (MYP)**	**2,694,140**	**2,694,140**	**3,291,340**	**3,291,340**
	Fully fund purchase of 15 aircraft			+585,900	+585,900
	Maintenance trainer			+11,300	+11,300
7	**C-17 ICS**	**612,452**	**621,952**	**553,252**	**553,252**
	Aircraft Engine Trainer for the ANG (Funded in line P-5)		+9,500		0
	Excessive growth			-59,200	-59,200
8	**EC-130J**	**0**	**0**	**87,000**	**87,000**
	Purchase 1 additional aircraft			+87,000	+87,000
9	**C-130H**	**18,672**	**23,672**	**18,672**	**21,172**
	H2 Simulator / Air Force Reserve		+5,000		+2,500
13	**V-22 OSPREY (AP-CY)**	**10,100**	**10,100**	**0**	**10,100**
	Authorized level			-10,100	0
15	**CIVIL AIR PATROL A/C**	**2,616**	**10,616**	**2,616**	**5,216**
	CAP Modernization Program		+8,000		+2,600
18	**C-40 ANG**	**0**	**0**	**30,600**	**30,600**
	Leasing costs			+30,600	+30,600
21	**HAEUAV**	**63,861**	**128,861**	**128,861**	**128,861**
	Global Hawk UAV - Transfer from DERF		+65,000	+65,000	+65,000
22	**HAEUAV (AP-CY)**	**41,000**	**32,625**	**41,000**	**41,000**
	Use available FY02 advance procurement		-8,375		0
23	**PREDATOR UAV**	**23,068**	**131,068**	**105,068**	**131,068**
	Predator A - Transfer from DERF		+68,000	+68,000	+68,000
	Predator Equipment - Transfer from DERF		+14,000	+14,000	+14,000
	Predator B (Note: Only for acquisition of not less than 3 Predator B aircraft including spares.)		+26,000		+26,000
24	**B-2A**	**72,123**	**104,123**	**72,123**	**104,123**
	UHF SATCOM		+25,200		+25,200
	Low Observable Improvements		+6,800		+6,800
25	**B-1B**	**98,026**	**98,026**	**109,026**	**106,026**
	Wing components			+11,000	+8,000
26	**B-52**	**0**	**0**	**35,200**	**24,700**
	Attrition Reserve			+25,200	+17,700
	B-52 electronic countermeasures			+10,000	+7,000
29	**F-15**	**232,500**	**259,900**	**300,000**	**283,700**
	F-15 Engine Upgrades - E- Kits		+5,000	+20,000	+14,000
	BOL-515 IR Countermeasures Dispensers		+3,400		+2,400
	Signal Data Recorder Set		+1,000		+1,000
	ALQ-135 Band 1.5 Jammers		+10,000	+20,000	+14,000
	Joint Helmet Mounted Cueing System for the ANG		+8,000		+4,000
	Block upgrades			+15,000	+10,500
	AN/ALR-67 (V) 3&4 Countermeasures set (Moved to AP,N)			+5,000	0
	APG-63 (v)1 program			+7,500	+5,300
30	**F-16**	**265,007**	**269,007**	**268,107**	**281,007**
	Tactical Airborne Reconnaissance System (TARS) (Note: Only to upgrade TARS pods operated by the Air National Guard.)		+4,000		+2,000
	Block 42 engine upgrades			+15,000	+10,500
	On-board oxygen retrofit			+5,000	+3,500
	Unjustified growth: Falcon Star			-16,900	0

P-1		Budget Request	House	Senate	Conference
33	**C-5**	**86,008**	**59,408**	**59,408**	**59,408**
	Avionics Modernization Program (Transfer to RDTE, AF)		-26,600	-26,600	-26,600
40	**T-38**	**168,112**	**176,112**	**168,112**	**174,912**
	T-38 Ejection Seats		+8,000		+6,800
47	**VC-25A MOD**	**12,171**	**80,171**	**80,171**	**80,171**
	Passenger Data System - Transfer from DERF		+68,000	+68,000	+68,000
48	**C-130**	**138,533**	**155,633**	**173,283**	**170,783**
	Modular Airborne Firefighting System for ANG (Note: Only to complete AFFS procurement for Western States Firefighting Missions.)		+5,600		+4,800
	AN/AAQ-24 DIRCM for C-130H ANG Counterdrug Aircraft		+9,500		+8,100
	Terrain Awareness and Warning System (TAWS)		+2,000	+4,000	+2,500
	TCAS			+4,000	+2,500
	T-56 quick engine change kits			+13,000	+6,500
	AAN/AYW-1 dual autopilot (ANG)			+750	+750
	Senior Scout: COMINT system			+3,000	+2,100
	NP2000 propeller system			+10,000	+5,000
49	**C-135**	**108,670**	**197,670**	**115,670**	**113,570**
	Air Refueling - Transfer from DERF		+89,000		0
	KC-135 crew support upgrades			+7,000	+4,900
50	**DARP**	**150,123**	**139,423**	**156,123**	**142,423**
	Rivet Joint QRC Sustainment - Transfer from DERF		+1,000	+1,000	+1,000
	U-2 EMI Upgrades - Transfer from DERF		+5,000	+5,000	+5,000
	Duplicate QRC funding		-15,700		-12,700
	Rivet Joint QRC Sustainment		-1,000		-1,000
59	**INDUSTRIAL FACILITIES**	**275,982**	**283,982**	**283,982**	**283,982**
	Predator 3rd Squadron Initial Spares - Transfer from DERF		+8,000	+8,000	+8,000
60	**COMMON SUPPORT EQUIPMENT**	**180,943**	**180,943**	**178,243**	**178,243**
	Common portable reprogramming equip			-2,700	-2,700
65	**C-130**	**10,922**	**10,922**	**1,922**	**10,922**
	Post production support			-9,000	0
71	**MISC PRODUCTION CHARGES**	**349,516**	**361,516**	**391,416**	**389,316**
	Classified - Transfer from DERF		+12,000	+12,000	+12,000
	AK Air CPT Training Upgrade/P4-BE Pods (Note: Transferred from Other Procurement, Air Force)			0	+4,300
	Magnetic bearing cooling turbine technology			+5,000	+3,500
	LITENING targeting pod upgrades (ANG)			+24,900	+20,000
74	**DARP**	**83,751**	**93,751**	**93,751**	**93,751**
	U-2 Systems - Transfer from DERF		+10,000	+10,000	+10,000

F–22

The conferees agree with the language in the House and Senate reports regarding the F–22 program. In addition, the conferees agree, with some modification, to a general provision included in the House bill related to the F–22 testing program. Finally, of the amounts provided for the F–22, the conferees designate $207,000,000, requested for the producibility improvement program, as a special interest item. If the Air Force believes it is necessary to use these funds for an alternative purpose, the Department must submit a prior approval reprogramming.

C–17 AIRCRAFT

In the Department of Defense's fiscal year 2003 budget submission, the Air Force did not request a sufficient amount to fully fund the purchase of 15 C–17 cargo aircraft per year. Instead, it requested only the amount of funds it expected to obligate each year to start production of 15 aircraft, and financed the remaining costs in later years. This financing scheme runs counter to the "full funding" principles which guide Federal government procurement practice, and thereby creates a future liability for the Air Force and Congress. For this reason, the conferees disapprove the Air Force's C–17 financing proposal. As such, the conference agreement includes an increase of $585,900,000 over the budget request to fully fund the purchase of 15 C–17 aircraft in fiscal year 2003. Additionally, the conferees agree to retain House language which directs that funds made available within the "Aircraft Procurement, Air Force" account be used for advance procurement of 15 aircraft.

NATO AWACS

Not later than 60 days after the enactment of this Act, the Commander in Chief of the United States European Command shall submit a plan to the congressional defense committees that provides for the refurbishment and re-engining of the NATO AWACS aircraft fleet. This report should reflect the significant contribution made by the NATO AWACS fleet in response to the attack on the United States on September 11, 2001, and the invocation of Article V of the North Atlantic Treaty. The plan shall also describe any necessary memorandum of agreement between the United States and NATO for the refurbishment and re-engining of these aircraft.

APPLICATION OF BERRY AMENDMENT TO MULTI-YEAR AIRCRAFT LEASE PILOT PROGRAM

Due to the special circumstances surrounding the Multi-Year Aircraft Lease Pilot Program authorized in fiscal year 2002, Congress enacted Section 308 of P.L. 107–206 to clarify Berry Amendment restrictions on the use of foreign sourced specialty metals in commercial aircraft to be leased under this program. In this case, the Congress concurred with views expressed by Air Force officials that the unique financial and time-sensitive requirements of the aircraft lease arrangements and the administrative complexity involved in making Berry Amendment determinations on a plane-by-plane basis for over 100 aircraft built under commercial practices instead of under military acquisition procedures would add so much cost and delay that the entire program would be undermined. Enactment of Section 308 was intended to provide the opportunity to ensure that the Air Force would be able to economically procure air refueling tanker replacement aircraft necessary to the national security while maintaining the overall integrity of the Berry Amendment for future application.

The conferees note the assertion expressed by some industry officials that if the aircraft manufacturer for this lease program were allowed to calculate Berry Amendment requirements on a system-level basis for the entire fleet of aircraft, it could demonstrate that these aircraft contain a very high percentage content of domestically produced specialty metals such as titanium. The conferees believe this data could be useful in future deliberations about this program. The Secretary of the Air Force is therefore directed to provide the congressional defense committees with estimates of the amount, value, and overall percentage of foreign and domestic-sourced specialty metals (under the definitions of the Berry Amendment) to be used in the fleet of leased aircraft under this program and how this compares to the specialty metal content of military aircraft that have been procured by the Air Force over the last five years. The Secretary shall use such methodology as he determines will provide the most accurate estimates at a reasonable cost after consultations with the specialty metals and aircraft manufacturing industries. This report shall be submitted to Congress no later than six months after enactment of this Act.

PREDATOR UNMANNED AERIAL VEHICLE (UAV)

The conferees agree to provide an additional $26,000,000 for the acquisition of not less than three Predator B turboprop aircraft, including spares. Should the program office determine there are additional costs for aircraft, spares, support equipment, sensors, and prductionization efforts which cannot be accommodated within the amount appropriated, the Air Force should consider submitting to Congress the appropriate reprogramming request to fund these requirements.

The conferees agree to provide an additional $68,000,000 in transfer from the Defense Emergency Response Fund for the acquisition of Predator A UAVs. This among, when added to the request of $23,068,000, is for the acquisition of 22 air vehicles.

DEFENSE AIRBORNE RECONNAISSANCE PROGRAM

The conferees agree to reduce funding for the RIVET JOINT Quick Reaction Capability (QRC) by $12,700,000 instead of $15,000,000 as proposed by the House and no reduction as proposed by the Senate.

The conferees are aware the Air Force preferred to have these funds transferred to a different line in the Aircraft Procurement, Air Force account to fund the same QRC on the COMPASS CALL platform. The conferees agree that should the Air Force determine that it wishes to proceed with putting this QRC on the COMPASS CALL aircraft, it should submit a request to reprogram funds and justify the requirement for expanding the program.

MISSILE PROCUREMENT, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

(In thousands of dollars)

	Budget	House	Senate	Conference
MISSILE PROCUREMENT, AIR FORCE				
BALLISTIC MISSILES				
MISSILE REPLACEMENT EQ-BALLIS	48,685	48,685	48,685	48,685
OTHER MISSILES				
TACTICAL				
JASSM	54,240	54,240	54,240	54,240
JOINT STANDOFF WEAPON	55,740	19,540	10,040	12,440
SIDEWINDER (AIM-9X)	56,964	56,964	56,964	56,964
AMRAAM	89,593	89,593	89,593	89,593
HELLFIRE	---	10,000	10,000	10,000
INDUSTRIAL FACILITIES				
INDUSTRIAL FACILITIES	2,105	2,105	2,105	2,105
TOTAL, OTHER MISSILES	258,642	232,442	222,942	225,342
MODIFICATION OF INSERVICE MISSILES				
CLASS IV				
ADVANCED CRUISE MISSILE	3,376	3,376	3,376	3,376
MM III MODIFICATIONS	580,701	593,701	603,901	598,401
AGM-65D MAVERICK	333	333	4,333	3,133
AIR LAUNCH CRUISE MISSILE	1,998	1,998	1,998	1,998
TOTAL, MODIFICATION OF INSERVICE MISSILES	586,408	599,408	613,608	606,908
MISSILE SPARES & REPAIR PARTS	48,412	48,412	48,412	48,412

(In thousands of dollars)

	Budget	House	Senate	Conference
OTHER SUPPORT				
SPACE PROGRAMS				
ADVANCED EHF (AP-CY)	94,523	---	---	---
WIDEBAND GAPFILLER SATELLITES	189,666	189,666	189,666	189,666
SPACEBORNE EQUIP (COMSEC)	9,368	9,368	9,368	9,368
GLOBAL POSITIONING (SPACE)	206,470	234,470	234,470	234,470
GLOBAL POSITIONING (SPACE) (AP-CY)	3,000	3,000	3,000	3,000
DEF METEOROLOGICAL SAT PROG(S	60,051	60,051	60,051	60,051
DEFENSE SUPPORT PROGRAM(SPACE	114,382	114,382	114,382	114,382
DEFENSE SATELLITE COMM SYSTEM	20,669	20,669	20,669	20,669
TITAN SPACE BOOSTERS(SPACE)	335,303	235,303	315,303	295,303
EVOLVED EXPENDABLE LAUNCH VEH	158,867	158,867	173,367	166,867
MEDIUM LAUNCH VEHICLE (SPACE)	48,208	48,208	48,208	48,208
SPECIAL PROGRAMS				
DEFENSE SPACE RECONN PROGRAM	384,000	284,000	384,000	284,000
SPECIAL PROGRAMS	879,516	769,516	749,516	690,416
SPECIAL UPDATE PROGRAMS	128,992	128,992	128,992	128,992
TOTAL, OTHER SUPPORT	2,633,015	2,256,492	2,430,992	2,245,392
TOTAL, MISSILE PROCUREMENT, AIR FORCE	3,575,162	3,185,439	3,364,639	3,174,739

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
(In thousands of dollars)

P-1		Budget Request	House	Senate	Conference
4	**JOINT STANDOFF WEAPON**	**55,740**	**19,540**	**10,040**	**12,440**
	Termination of JSOW-B		-36,200	-45,700	-43,300
7a	**HELLFIRE**	**0**	**10,000**	**10,000**	**10,000**
	Hellfire - Transfer from DERF		+10,000	+10,000	+10,000
12	**MM III MODIFICATIONS**	**580,701**	**593,701**	**603,901**	**598,401**
	Guidance Replacement Program		+5,000	+5,200	+5,000
	Mk12/12A Shipping and Storage Containers		+8,000	+12,800	+9,000
	Propulsion Replacement Program			+5,200	+3,700
13	**AGM-65D MAVERICK**	**333**	**333**	**4,333**	**3,133**
	Additional Missiles			+4,000	+2,800
18	**ADVANCED EHF (AP-CY)**	**94,523**	**0**	**0**	**0**
	Program delays		-94,523	-94,523	-94,523
22	**GLOBAL POSITIONING (SPACE)**	**206,470**	**234,470**	**234,470**	**234,470**
	AF requested transfer		+28,000	+28,000	+28,000
28	**TITAN SPACE BOOSTERS(SPACE)**	**335,303**	**235,303**	**315,303**	**295,303**
	Chronic underexecution and excess end of year funds		-100,000	-20,000	-40,000
29	**EVOLVED EXPENDABLE LAUNCH VEHICLE**	**158,867**	**158,867**	**173,367**	**166,867**
	Mission Assurance			+14,500	+8,000
31	**DEFENSE SPACE RECONN PROGRAM**	**384,000**	**284,000**	**384,000**	**284,000**
	Classified		-100,000		-100,000
32	**SPECIAL PROGRAMS**	**879,516**	**769,516**	**749,516**	**690,416**
	Classified		-110,000	-130,000	-189,100

PROCUREMENT OF AMMUNITION, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
PROCUREMENT OF AMMUNITION, AIR FORCE				
PROCUREMENT OF AMMO, AIR FORCE				
ROCKETS	40,909	40,909	40,909	40,909
CARTRIDGES	154,620	154,620	154,620	154,620
BOMBS				
PRACTICE BOMBS	71,935	72,935	71,935	72,935
GENERAL PURPOSE BOMBS	108,589	134,589	133,589	134,589
SENSOR FUZED WEAPON	105,985	125,985	125,985	125,985
JOINT DIRECT ATTACK MUNITION	378,863	484,863	484,863	484,863
WIND CORRECTED MUNITIONS DISP	71,165	71,165	71,165	71,165
FLARE, IR MJU-7B				
CAD/PAD	19,816	19,816	19,816	19,816
EXPLOSIVE ORDINANCE DISPOSAL I1063	2,727	2,727	2,727	2,727
SPARES AND REPAIR PARTS	3,008	3,008	3,008	3,008
MODIFICATIONS LESS THAN $5 MILLION	202	202	202	202
ITEMS LESS THAN $5 MILLION	2,013	2,013	2,013	2,013
FUZES				
FLARES	131,967	135,867	132,967	135,267
FUZES	37,705	37,705	33,705	35,705
TOTAL, PROCUREMENT OF AMMO, AIR FORCE	1,129,504	1,286,404	1,277,504	1,283,804
WEAPONS				
SMALL ARMS	4,360	4,360	4,360	4,360
TOTAL, PROCUREMENT OF AMMUNITION, AIR FORCE	1,133,864	1,290,764	1,281,864	1,288,164

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
(In thousands of dollars)

P-1		Budget Request	House	Senate	Conference
3	**PRACTICE BOMBS**	**71,935**	**72,935**	**71,935**	**72,935**
	Cast Ductile Iron Practice Bombs (BDU-56)		+1,000		+1,000
4	**GENERAL PURPOSE BOMBS**	**108,589**	**134,589**	**133,589**	**134,589**
	Transfer from DERF		+25,000	+25,000	+25,000
	Cast Ductile Iron Bombs (MK-84)		+1,000		+1,000
6	**SENSOR FUZED WEAPON**	**105,985**	**125,985**	**125,985**	**125,985**
	Increased Production		+20,000	+20,000	+20,000
7	**JOINT DIRECT ATTACK MUNITION**	**378,863**	**484,863**	**484,863**	**484,863**
	JDAM - Transfer from DERF		+106,000	+106,000	+106,000
14	**FLARES**	**131,967**	**135,867**	**132,967**	**135,267**
	MJU-52/B BOL IR Expendables for the Air National Guard		+3,900	+1,000	+3,300
15	**FUZES**	**37,705**	**37,705**	**33,705**	**35,705**
	Schedule Delay for Joint Programmable Fuze			-4,000	-2,000

OTHER PROCUREMENT, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

(In thousands of dollars)

	Budget	House	Senate	Conference
OTHER PROCUREMENT, AIR FORCE				
VEHICULAR EQUIPMENT				
PASSENGER CARRYING VEHICLES				
SEDAN, 4 DR 4X2	552	552	552	552
STATION WAGON, 4X2	476	476	476	476
BUSES	7,982	7,982	7,982	7,982
AMBULANCES	755	755	755	755
LAW ENFORCEMENT VEHICLE	1,910	1,910	1,910	1,910
ARMORED VEHICLE	465	465	465	465
CARGO + UTILITY VEHICLES				
TRUCK, CARGO-UTILITY, 3/4T, 4X4	9,681	9,681	9,681	9,681
TRUCK, CARGO-UTILITY, 3/4T, 4X2	5,162	5,162	5,162	5,162
TRUCK MAINT/UTILITY/DELIVERY	10,475	10,475	10,475	10,475
HIGH MOBILITY VEHICLE (MYP)	11,881	11,881	11,881	11,881
CAP VEHICLES	792	792	792	792
ITEMS LESS THAN $5 MILLION	39,616	39,616	39,616	39,616
SPECIAL PURPOSE VEHICLES				
HMMWV, ARMORED	1,019	1,019	1,019	1,019
HMWWV, UP-ARMORED	3,629	3,629	3,629	3,629
TRACTOR, A/C TOW, MB-2	2,726	2,726	2,726	2,726
TRACTOR, A/C TOW, MB-4	6,143	6,143	6,143	6,143
TRACTOR, TOW, FLIGHTLINE	7,928	7,928	7,928	7,928
TRUCK HYDRANT FUEL	7,941	7,941	7,941	7,941
ITEMS LESS THAN $5 MILLION	24,755	24,755	24,755	21,255

(In thousands of dollars)

	Budget	House	Senate	Conference
FIRE FIGHTING EQUIPMENT				
ITEMS LESS THAN $5 MILLION	10,023	10,023	10,023	10,023
MATERIALS HANDLING EQUIPMENT				
TRUCK, F/L 10,000 LB	14,572	14,572	14,572	14,572
TUNNER LOADER	84,329	84,329	84,329	84,329
HALVERSEN LOADER	49,554	49,554	49,554	49,554
ITEMS LESS THAN $5 MILLION	10,922	10,922	10,922	10,922
BASE MAINTENANCE SUPPORT				
RUNWAY SNOW REMOV AND CLEANIN	15,466	15,466	15,466	15,466
MODIFICATIONS	5,000	5,000	5,000	5,000
ITEMS LESS THAN $5 MILLION	24,369	24,369	20,869	24,369
TOTAL, VEHICULAR EQUIPMENT	358,123	358,123	354,623	354,623
ELECTRONICS AND TELECOMMUNICATIONS EQUIP				
COMM SECURITY EQUIPMENT(COMSEC)				
COMSEC EQUIPMENT	26,331	37,731	34,731	34,731
MODIFICATIONS (COMSEC)	460	460	460	460
INTELLIGENCE PROGRAMS				
INTELLIGENCE TRAINING EQUIP	1,310	1,310	1,310	1,310
INTELLIGENCE COMM EQUIP	9,043	12,343	37,343	29,843
ELECTRONICS PROGRAMS				
AIR TRAFFIC CTRL/LAND SYS (AT	52,038	53,038	52,038	53,038
NATIONAL AIRSPACE SYSTEM	55,561	55,561	35,561	35,561
THEATER AIR CONTROL SYS IMPRO	16,713	16,713	28,713	25,113
WEATHER OBSERVE/FORECAST	29,071	29,071	29,071	29,071
STRATEGIC COMMAND AND CONTROL	23,889	23,889	23,889	23,889
CHEYENNE MOUNTAIN COMPLEX	17,588	17,588	17,588	17,588
TAC SIGINT SUPPORT	406	10,406	10,406	10,406
SPECIAL COMM-ELECTRONICS PROJECTS				
GENERAL INFORMATION TECHNOLOGY	55,789	76,689	69,189	73,489
AF GLOBAL COMMAND & CONTROL S	28,182	28,182	28,182	28,182
MOBILITY COMMAND AND CONTROL	9,735	9,735	9,735	9,735
AIR FORCE PHYSICAL SECURITY S	41,835	88,635	85,435	83,435
COMBAT TRAINING RANGES	17,242	31,242	50,956	41,056
MINIMUM ESSENTIAL EMERGENCY C	1,072	1,072	1,072	1,072

(In thousands of dollars)

	Budget	House	Senate	Conference
C3 COUNTERMEASURES	13,409	17,409	17,409	17,409
BASE LEVEL DATA AUTO PROGRAM	12,793	12,793	12,793	12,793
THEATER BATTLE MGT C2 SYS	56,202	56,202	56,202	56,202
AIR FORCE COMMUNICATIONS				
BASE INFORMATION INFRASTRUCTURE	214,727	214,727	221,415	221,415
USCENTCOM	9,839	9,839	9,839	9,839
DEFENSE MESSAGE SYSTEM (DMS)	18,967	18,967	18,967	18,967
DISA PROGRAMS				
NAVSTAR GPS SPACE	13,110	13,110	13,110	13,110
NUDET DETECTION SYS (NDS) SPA	7,937	7,937	7,937	7,937
AF SATELLITE CONTROL NETWORK	45,063	45,063	45,063	45,063
SPACELIFT RANGE SYSTEM SPACE	108,281	108,281	108,281	108,281
MILSATCOM SPACE	45,698	21,698	45,698	21,698
SPACE MODS SPACE	10,938	10,938	10,938	10,938
ORGANIZATION AND BASE				
TACTICAL C-E EQUIPMENT	134,427	134,427	134,427	134,427
COMBAT SURVIVOR EVADER LOCATE	11,049	11,049	6,049	6,049
RADIO EQUIPMENT	8,801	10,301	8,801	10,551
TV EQUIPMENT (AFRTV)	2,620	2,620	2,620	2,620
CCTV/AUDIOVISUAL EQUIPMENT	3,259	3,259	3,259	3,259
BASE COMM INFRASTRUCTURE	202,900	217,900	182,900	193,700
ITEMS LESS THAN $5 MILLION	9,278	9,278	9,278	9,278
MODIFICATIONS				
COMM ELECT MODS	68,894	68,894	58,894	58,894
TOTAL, ELECTRONICS AND TELECOMMUNICATIONS EQUIP	1,384,457	1,488,357	1,489,559	1,460,409
OTHER BASE MAINTENANCE AND SUPPORT EQUIP				
TEST EQUIPMENT				
BASE/ALC CALIBRATION PACKAGE	13,809	13,809	13,809	13,809
PRIMARY STANDARDS LABORATORY	1,107	1,107	1,107	1,107
ITEMS LESS THAN $5 MILLION	8,059	8,059	8,059	8,059
PERSONAL SAFETY AND RESCUE EQUIP				
NIGHT VISION GOGGLES	3,814	3,814	11,914	9,514
ITEMS LESS THAN $5 MILLION	9,312	18,312	15,312	17,312

(In thousands of dollars)

	Budget	House	Senate	Conference
DEPOT PLANT + MATERIALS HANDLING EQ				
MECHANIZED MATERIAL HANDLING	25,612	27,112	33,612	31,212
ITEMS LESS THAN $5 MILLION	12,256	12,256	12,256	12,256
ELECTRICAL EQUIPMENT				
FLOODLIGHTS	11,023	11,023	11,023	11,023
ITEMS LESS THAN $5 MILLION	6,201	6,201	6,201	6,201
BASE SUPPORT EQUIPMENT				
BASE PROCURED EQUIPMENT	11,321	18,321	11,321	14,821
MEDICAL/DENTAL EQUIPMENT	13,992	13,992	13,992	13,992
ENVIRONMENTAL PROJECTS	817	817	817	817
AIR BASE OPERABILITY	5,700	5,700	5,700	5,700
PHOTOGRAPHIC EQUIPMENT	5,893	5,893	5,893	5,893
PRODUCTIVITY ENHANCING CAPITA	7,806	7,806	7,806	7,806
MOBILITY EQUIPMENT	102,990	102,990	102,990	102,990
AIR CONDITIONERS	9,593	9,593	9,593	9,593
ITEMS LESS THAN $5 MILLION	16,131	16,131	21,631	20,331
SPECIAL SUPPORT PROJECTS				
INTELLIGENCE PRODUCTION ACTIVE	47,160	47,160	47,160	47,160
TECH SURV COUNTERMEASURES EQ	4,057	4,057	4,057	4,057
DARP RC135	13,123	13,123	13,123	13,123
DARP, MRIGS	115,777	115,777	115,777	115,777
SELECTED ACTIVITIES	8,098,917	8,066,231	8,056,127	8,138,231
SPECIAL UPDATE PROGRAM	178,876	188,876	178,876	188,876
DEFENSE SPACE RECONNAISSANCE	6,694	6,694	25,294	6,694
MODIFICATIONS	201	201	201	201
FIRST DESTINATION TRANSPORT	9,767	9,767	9,767	9,767
TOTAL, OTHER BASE MAINTENANCE AND SUPPORT EQUIP	8,740,008	8,734,822	8,743,418	8,816,322
SPARE AND REPAIR PARTS				
SPARES AND REPAIR PARTS	41,358	41,358	41,358	41,358
TOTAL, OTHER PROCUREMENT, AIR FORCE	10,523,946	10,622,660	10,628,958	10,672,712

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
(In thousands of dollars)

P-1		Budget Request	House	Senate	Conference
20	**ITEMS LESS THAN $5 MILLION**	**24,755**	**24,755**	**24,755**	**21,255**
	Unjustified Request				-3,500
30	**ITEMS LESS THAN $5 MILLION**	**24,369**	**24,369**	**20,869**	**24,369**
	Unjustified Request			-3,500	0
32	**COMSEC EQUIPMENT**	**26,331**	**37,731**	**34,731**	**34,731**
	Computer Network Defense - Transfer from DERF		+4,600	+4,600	+4,600
	Enclave and Network Tools - Transfer from DERF		+2,000	+2,000	+2,000
	Intrusion Detection Systems - Transfer from DERF		+1,800	+1,800	+1,800
	Wireless Communications - Transfer from DERF		+3,000		0
35	**INTELLIGENCE COMM EQUIP**	**9,043**	**12,343**	**37,343**	**29,843**
	Tactical Terminal - Transfer from DERF		+3,300	+3,300	+3,300
	Eagle Vision			+25,000	+17,500
36	**AIR TRAFFIC CTRL/LAND SYSTEM**	**52,038**	**53,038**	**52,038**	**53,038**
	Instrument Landing System at Rickenbacker ANG Base		+1,000		+1,000
37	**NATIONAL AIRSPACE SYSTEM**	**55,561**	**55,561**	**35,561**	**35,561**
	Program Delays			-20,000	-20,000
38	**THEATER AIR CONTROL SYS IMPRO**	**16,713**	**16,713**	**28,713**	**25,113**
	AN/TPS-75			+12,000	+8,400
42	**TAC SIGINT SUPPORT**	**406**	**10,406**	**10,406**	**10,406**
	Tactical Information Program - Transfer from DERF		+10,000	+10,000	+10,000
44	**GENERAL INFORMATION TECHNOLOGY**	**55,789**	**76,689**	**69,189**	**73,489**
	Integrated Broadcast Service - Transfer from DERF		+10,800	+10,800	+10,800
	Commercial Imagery - Transfer from DERF		+2,600	+2,600	+2,600
	REMIS		+2,500		+1,800
	Science and Engineering Lab Data Integration		+5,000		+2,500
47	**AIR FORCE PHYSICAL SECURITY**	**41,835**	**88,635**	**85,435**	**83,435**
	AT/FP Equipment -Transfer from DERF		+7,200		0
	Base Physical Security Systems - Transfer from DERF		+39,600	+39,600	+39,600
	Contaminant Air Processing System			+4,000	+2,000
48	**COMBAT TRAINING RANGES**	**17,242**	**31,242**	**50,956**	**41,056**
	Mobile Remote Emitter Simulator (Note: For Mountain Home AFB.)		+7,000	+11,000	+7,700
	AK Air CPT Training Upgrade/P4-BE Pods (Note: Transferred to Aircraft Procurement, Air Force)			+5,000	0
	11th AF Unmanned Threat Emitter Modification Program		+7,000	+11,000	+9,400
	11th AF JAWS-Scoring System Processor			+6,714	+6,714
50	**C3 COUNTERMEASURES**	**13,409**	**17,409**	**17,409**	**17,409**
	Information Warfare Support - Transfer from DERF		+2,000	+2,000	+2,000
	Computer Network Defense - Transfer from DERF		+2,000	+2,000	+2,000
53	**BASE INFORMATION INFRASTRUCTURE**	**214,727**	**214,727**	**221,415**	**221,415**
	AK Wide Radio (LMR) Program			+6,688	+6,688
60	**MILSATCOM SPACE**	**45,698**	**21,698**	**45,698**	**21,698**
	Defer 4th quarter award for GMT		-24,000		-24,000
63	**COMBAT SURVIVOR EVADER LOCATE**	**11,049**	**11,049**	**6,049**	**6,049**
	Program Delays			-5,000	-5,000

P-1		Budget Request	House	Senate	Conference
64	**RADIO EQUIPMENT**	**8,801**	**10,301**	**8,801**	**10,551**
	Scope Command		+1,000		+1,000
	PRC-117F SATCOM Backpack Radios			[500]	+250
	Radio Upgrades for the 139th Air National Guard Wing		+500		+500
67	**BASE COMM INFRASTRUCTURE**	**202,900**	**217,900**	**182,900**	**193,700**
	GeoBase (Note: Only for GIS based facility and base management planning tools to deliver a comprehensive, integrated capability for the Air Force to attain, maintain, and sustain geospatial information infrastructure supporting basing requirements.)		+15,000		+10,800
	Underexecution			-20,000	-20,000
70	**COMM ELECT MODS**	**68,894**	**68,894**	**58,894**	**58,894**
	Weather Observation and Forecast Program Growth			-10,000	-10,000
74	**NIGHT VISION GOGGLES**	**3,814**	**3,814**	**11,914**	**9,514**
	Panoramic Night Vision Goggles			+8,100	+5,700
75	**ITEMS LESS THAN $5 MILLION**	**9,312**	**18,312**	**15,312**	**17,312**
	Replacement of Inertia Reels for Fixed Wing and Rotary Aircraft		+1,000		+1,000
	Thinpack parachutes		+4,000	+3,000	+3,000
	Replacement of Transport Aircraft Troop Seats		+3,000	+3,000	+3,000
	Replacement of Tactical Aircrew Life Preservers with the Navy's LPU-36		+1,000		+1,000
76	**MECHANIZED MATERIAL HANDLING**	**25,612**	**27,112**	**33,612**	**31,212**
	Point of Maintenance Initiative		+1,500	+8,000	+5,600
80	**BASE PROCURED EQUIPMENT**	**11,321**	**18,321**	**11,321**	**14,821**
	Combat Arms Training System (CATS)		+7,000		+3,500
88	**ITEMS LESS THAN $5 MILLION**	**16,131**	**16,131**	**21,631**	**20,331**
	Vaccine Facility Project			+1,000	+1,000
	Helibasket Technology			+4,500	+3,200
93	**SELECTED ACTIVITIES**	**8,098,917**	**8,066,231**	**8,056,127**	**8,138,231**
94	**SPECIAL UPDATE PROGRAM**	**178,876**	**188,876**	**178,876**	**188,876**
95	**DEFENSE SPACE RECONNAISSANCE**	**6,694**	**6,694**	**25,294**	**6,694**

PROCUREMENT, DEFENSE-WIDE

The conference agreement on items addressed by either the House or the Senate is as follows:

(In thousands of dollars)

	Budget	House	Senate	Conference
PROCUREMENT, DEFENSE-WIDE				
MAJOR EQUIPMENT				
MAJOR EQUIPMENT, OSD/WHS				
MAJOR EQUIPMENT, OSD	84,964	116,914	113,964	112,964
MAJOR EQUIPMENT, WHS	18,452	16,452	57,752	16,452
MAJOR EQUIPMENT, NSA				
CONSOLIDATED CRYPTOLOGIC PROGRAM	---	---	500	500
MAJOR EQUIPMENT, DISA				
INFORMATION SYSTEMS SECURITY	37,544	59,044	48,544	58,544
CONTINUITY OF OPERATIONS	3,325	3,325	3,325	3,325
DEFENSE MESSAGE SYSTEM	19,425	19,425	19,425	19,425
GLOBAL COMMAND AND CONTROL SYS	3,453	3,453	3,453	3,453
GLOBAL COMBAT SUPPORT SYSTEM	2,442	2,442	2,442	2,442
TELEPORTS	53,542	53,542	53,542	53,542
GLOBAL INFORMATION GRID	517,000	499,400	514,400	509,400
ITEMS LESS THAN $5 MILLION	25,474	32,374	32,374	32,374
MAJOR EQUIPMENT, DIA				
INTELLIGENCE AND COMMUNICATIONS	---	---	10,000	---
MAJOR EQUIPMENT, DLA				
MAJOR EQUIPMENT	9,304	9,304	9,304	9,304
MAJOR EQUIPMENT, DCAA				
MAJOR EQUIPMENT ITEMS LESS THAN $5 MILLION	1,500	1,500	1,500	1,500
MAJOR EQUIPMENT, TJS				
MAJOR EQUIPMENT, TJS	31,836	56,836	51,836	56,836

(In thousands of dollars)

	Budget	House	Senate	Conference
BALLISTIC MISSILE DEFENSE ORGANIZATION				
PATRIOT PAC-3	---	536,670	---	491,670
MAJOR EQUIPMENT, DHRA				
PERSONNEL ADMINISTRATION	7,404	7,404	7,404	7,404
NATIONAL IMAGERY AND MAPPING AGENCY				
MAJOR EQUIPMENT, NIMA	---	---	12,600	12,600
DEFENSE THREAT REDUCTION AGENCY				
VEHICLES	80	80	80	80
OTHER MAJOR EQUIPMENT	36,896	36,896	36,896	36,896
DEFENSE SECURITY COOPERATION AGENCY				
MAJOR EQUIPMENT, AFIS				
MAJOR EQUIPMENT, AFIS	7,762	7,762	7,762	7,762
MAJOR EQUIPMENT, DODDE				
AUTOMATION/EDUCATIONAL SUPPORT AND LOGISTICS	2,404	2,404	2,404	2,404
MAJOR EQUIPMENT, DCMA				
MAJOR EQUIPMENT	13,677	13,677	13,677	13,677
TOTAL, MAJOR EQUIPMENT	876,484	1,478,904	1,003,184	1,452,554
SPECIAL OPERATIONS COMMAND				
AVIATION PROGRAMS				
SOF ROTARY WING UPGRADES	289,792	295,792	301,792	303,092
SOF TRAINING SYSTEMS	14,000	14,000	14,000	14,000
MC-130H COMBAT TALON II	8,148	8,148	8,148	8,148
CV-22 SOF MODIFICATION	58,540	58,540	58,540	58,540
AC-130U GUNSHIP ACQUISITION	65,502	125,502	125,502	125,502
C-130 MODIFICATIONS	77,889	77,889	77,889	77,889
AIRCRAFT SUPPORT	101	101	2,301	1,301
SHIPBUILDING				
ADVANCED SEAL DELIVERY SYS	21,804	23,504	29,804	27,804
ADVANCED SEAL DELIVERY SYS (AP-CY)	34,730	---	---	---
MK VIII MOD 1 - SEAL DELIVERY VEH	8,484	8,484	11,484	10,884
AMMUNITION PROGRAMS				
SOF ORDNANCE REPLENISHMENT	28,628	28,628	28,628	28,628
SOF ORDNANCE ACQUISITION	7,078	11,078	7,078	9,278

(In thousands of dollars)

	Budget	House	Senate	Conference
OTHER PROCUREMENT PROGRAMS				
COMM EQUIPMENT & ELECTRONICS	28,827	28,827	28,827	28,827
SOF INTELLIGENCE SYSTEMS	8,166	31,766	14,166	34,766
SOF SMALL ARMS & WEAPONS	4,768	25,268	18,268	22,868
MARITIME EQUIPMENT MODS	650	2,650	2,650	2,650
SOF COMBATANT CRAFT SYSTEMS	6,285	6,285	14,285	11,885
SPARES AND REPAIR PARTS	5,327	5,327	5,327	5,327
SOF MARITIME EQUIPMENT	3,155	3,155	3,155	3,155
MISCELLANEOUS EQUIPMENT	5,745	5,745	5,745	5,745
SOF PLANNING AND REHEARSAL SYSTEM	300	300	300	300
SOF OPERATIONAL ENHANCEMENTS	93,233	93,233	111,833	93,233
PSYOP EQUIPMENT	5,642	5,642	5,642	5,642
TOTAL, SPECIAL OPERATIONS COMMAND	776,794	859,864	875,364	879,464
CHEMICAL/BIOLOGICAL DEFENSE				
CBDP				
INDIVIDUAL PROTECTION	125,276	125,276	132,276	129,576
DECONTAMINATION	15,561	16,561	23,561	20,561
JOINT BIOLOGICAL DEFENSE PROGRAM	143,233	148,233	154,233	150,233
COLLECTIVE PROTECTION	34,749	56,249	44,249	51,249
CONTAMINATION AVOIDANCE	116,912	118,912	123,912	122,212
TOTAL, CHEMICAL/BIOLOGICAL DEFENSE	435,731	465,231	478,231	473,831
CLASSIFIED PROGRAMS	599,506	653,406	601,506	638,606
TOTAL, PROCUREMENT, DEFENSE-WIDE	2,688,515	3,457,405	2,958,285	3,444,455

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Budget Request	House	Senate	Conference
2	**MAJOR EQUIPMENT, OSD**	**84,964**	**116,914**	**113,964**	**112,964**
	OSD COOP - Network Improvements, Transfer From DERF		+9,000	+9,000	+9,000
	HDBT, Transfer From DERF		+3,750		-
	Horizontal Fusion, Transfer From DERF		+8,000	+8,000	+8,000
	Coalition Information Sharing, Transfer From DERF		+12,000	+12,000	+12,000
	Information Technology Network Consolidation		-2,000		-2,000
	Mentor-Protégé HBCU Technical Assistance Program		+1,200		+1,000
3	**MAJOR EQUIPMENT, WHS**	**18,452**	**16,452**	**57,752**	**16,452**
	Information Technology Network Consolidation		-2,000		-2,000
	Classified - DERF transfer & adjustment			+39,300	-
4	**MAJOR EQUIPMENT, NSA CONSOLIDATED CRYPTOLOGIC PROGRAM**			**500**	**500**
	Mobile Secure Communications, Transfer From DERF			+500	+500
8	**INFORMATION SYSTEMS SECURITY**	**37,544**	**59,044**	**48,544**	**58,544**
	Suite of Enclave Security Tools, Transfer From DERF		+5,500	+5,500	+5,500
	Critical Database Backup, Transfer From DERF		+10,000		+10,000
	Mobile Secure Communications, Transfer From DERF		+500		-
	Wireless Gateway, Transfer From DERF		+500	+500	+500
	Intelligence Community Systems, Transfer From DERF		+5,000	+5,000	+5,000
15	**GLOBAL INFORMATION GRID**	**517,000**	**499,400**	**514,400**	**509,400**
	Bandwidth Expansion, Transfer From DERF		+7,400	+7,400	+7,400
	Bandwidth Expansion Contract Cost Savings		-25,000		-15,000
	Projected efficiencies			-10,000	-
16	**ITEMS LESS THAN $5 MILLION**	**25,474**	**32,374**	**32,374**	**32,374**
	Teleconferencing System, Transfer From DERF		+1,000	+1,000	+1,000
	Transportable Systems, Transfer From DERF		+5,900	+5,900	+5,900
17	**MAJOR EQUIPMENT, DIA INTELLIGENCE AND COMMUNICATIONS**			**10,000**	**-**
	Critical Database Backup, Transfer From DERF			+10,000	-
22	**MAJOR EQUIPMENT, TJS**	**31,836**	**56,836**	**51,836**	**56,836**
	C4I Equipment, Transfer From DERF		+15,000	+10,000	+15,000
	Physical Security Equipment, Transfer From DERF		+10,000	+10,000	+10,000
23	**PATRIOT PAC-3**		**536,670**		**491,670**
	Transfer of PAC-3 Program from Army		+471,670		+471,670
	Non-Recurring and Support Costs				-25,000
	Additional PAC-3 Missiles		+65,000		+45,000
26	**MAJOR EQUIPMENT, NIMA**			**12,600**	**12,600**
	NIMA Airborne Integration - Transfer From DERF			+1,000	+1,000
	IEC workstations - Transfer From DERF			+2,000	+2,000
	Libraries communications - Transfer From DERF			+2,000	+2,000
	Libraries Storage - Transfer From DERF			+7,600	+7,600
33	**SOF ROTARY WING UPGRADES**	**289,792**	**295,792**	**301,792**	**303,092**
	A/MH-6J "Little Bird" Helicopter EO/IR Systems [Note: Only to accelerate planned procurement of upgraded EO/IR systems for TF160 Aviation.]		+6,000		+5,100
	ATIRCM/CMWS			+12,000	+8,200
37	**AC-130U GUNSHIP ACQUISITION**	**65,502**	**125,502**	**125,502**	**125,502**
	AC-130U Gunship, Transfer From DERF		+60,000	+60,000	+60,000
39	**AIRCRAFT SUPPORT**	**101**	**101**	**2,301**	**1,301**
	EC-130J Commando Solo spares			+2,200	+1,200

P-1		Budget Request	House	Senate	Conference
40	**ADVANCED SEAL DELIVERY SYSTEM**	**21,804**	**23,504**	**29,804**	**27,804**
	Restructured Program		+1,700		+1,200
	Purchase lithium ion batteries			+8,000	+4,800
41	**ADVANCED SEAL DELIVERY SYS (AP-CY)**	**34,730**			**-**
	Defer funding for purchasing Boat #2		-34,730	-34,730	-34,730
42	**MK VIII MOD 1 - SEAL DELIVERY VEH**	**8,484**	**8,484**	**11,484**	**10,884**
	SEAL delivery vehicle			+3,000	+2,400
46	**SOF ORDNANCE ACQUISITION**	**7,078**	**11,078**	**7,078**	**9,278**
	Gunshot/Sniper Detection System		+4,000		+2,200
48	**SOF INTELLIGENCE SYSTEMS**	**8,166**	**31,766**	**14,166**	**34,766**
	Classified Program, Transfer From DERF		+18,600		+18,600
	Leviathon COMINT [Note: Only to procure additional Seabreeze, Typhoon and next generation Leviathon systems for deployment in support of Homeland Security missions.]		+5,000		+4,200
	Portable Intelligence Collection and Relay Capability			+6,000	+3,800
49	**SOF SMALL ARMS & WEAPONS**	**4,768**	**25,268**	**18,268**	**22,868**
	AT-4 Confined Space		+6,000	+6,000	+6,000
	Low Profile Night Vision Goggles		+1,500	+1,500	+1,500
	Electronic Digital Compass System		+3,000		+1,900
	Striker MK-47 Advanced Lightweight Grenade Launcher		+4,000	+2,000	+2,000
	AN/PVS-17 SOPMOD		+6,000		+3,600
	Modular integrated communications helmets			+3,000	+2,100
	LAW Trajectory Mounts (M72)			+1,000	+1,000
50	**MARITIME EQUIPMENT MODS**	**650**	**2,650**	**2,650**	**2,650**
	Advanced Shock Mitigation Seats for MK V [Note: Only to procure the advanced version of current Shock-Mitigating MK V SOC Seats.]		+2,000	+2,000	+2,000
51	**SOF COMBATANT CRAFT SYSTEMS**	**6,285**	**6,285**	**14,285**	**11,885**
	SOF - Riverine craft			+8,000	+5,600
57	**SOF OPERATIONAL ENHANCEMENTS**	**93,233**	**93,233**	**111,833**	**93,233**
	Classified program adjustments; DERF			+18,600	-
59	**INDIVIDUAL PROTECTION**	**125,276**	**125,276**	**132,276**	**129,576**
	M40 masks			+3,000	+1,500
	M45 masks			+1,000	+1,000
	M48 masks			+500	+500
	MEU masks			+2,500	+1,300
60	**DECONTAMINATION**	**15,561**	**16,561**	**23,561**	**20,561**
	M291 Decontamination Kit		+1,000	+1,000	+1,000
	M12 Decon System upgrades			+6,000	+3,000
	M100 Sorbent Decontamination Kits			+1,000	+1,000
61	**JOINT BIOLOGICAL DEFENSE PROGRAM**	**143,233**	**148,233**	**154,233**	**150,233**
	Bio-Detection Kit Storage		+1,000	+1,000	+1,000
	Army Reserve JBPDS-BIDS		+4,000		-
	JBPDS-BIDS			+10,000	+6,000
62	**COLLECTIVE PROTECTION**	**34,749**	**56,249**	**44,249**	**51,249**
	Filter Surveillance Program		+1,500	+1,500	+1,500
	Chemical-Biological Protective Shelters		+20,000	+7,000	+14,000
	M49 Fixed Installation Filter (FIF)			+1,000	+1,000
63	**CONTAMINATION AVOIDANCE**	**116,912**	**118,912**	**123,912**	**122,212**
	Joint Chemical Agent Detector		+2,000		+1,000
	M22 Automatic Chemical Agent Alarms			+7,000	+4,300
	CLASSIFIED PROGRAMS	**599,506**	**653,406**	**601,506**	**637,306**
			+53,900	+2,000	+37,800

Advanced SEAL Delivery System

The conferees agree to provide $4,800,000 for the procurement of lithium ion batteries for the Advanced SEAL Delivery System (ASDS). The conferees expect that USSOCOM will consider all available options and select the one most suitable to the operating environment of the ASDS.

NATIONAL GUARD AND RESERVE EQUIPMENT

The conference agreement on items addressed by either the House or the Senate is as follows:

(In thousands of dollars)

	Budget	House	Senate	Conference
NATIONAL GUARD & RESERVE EQUIPMENT				
RESERVE EQUIPMENT				
ARMY RESERVE MISCELLANEOUS EQUIPMENT	---	---	15,000	10,000
NAVY RESERVE MISCELLANEOUS EQUIPMENT	---	---	15,000	10,000
MARINE CORPS RESERVE MISCELLANEOUS EQUIPMENT	---	---	10,000	10,000
AIR FORCE RESERVE MISCELLANEOUS EQUIPMENT	---	---	10,000	10,000
TOTAL, RESERVE EQUIPMENT	---	---	50,000	40,000
NATIONAL GUARD EQUIPMENT				
ARMY NATIONAL GUARD MISCELLANEOUS EQUIPMENT	---	---	40,000	30,000
AIR NATIONAL GUARD MISCELLANEOUS EQUIPMENT	---	---	40,000	30,000
TOTAL, NATIONAL GUARD EQUIPMENT	---	---	80,000	60,000
TOTAL, NATIONAL GUARD & RESERVE EQUIPMENT	---	---	130,000	100,000

MISCELLANEOUS EQUIPMENT

The conferees agree that the Chiefs of the Reserve and National Guard components could exercise control of modernization funds provided in this account. The conferees further agree that separate submissions of a detailed assessment of its modernization priorities by the component commanders is required to be submitted to the defense committees. The conferees expect the component commanders to give priority consideration to the following items: HMMWV, Family of Medium Tactical Vehicles, Commercial Construction Equipment, AN/TMQ-41A Meteorological Measuring Sets, Bladefold Kits for Apache Helicopters, Combat Arms Training Systems, Firefinder Systems, the National Guard Lightway Project and the Paul Revere Portal, Next Generation Small Loader, Modern Burner unit, APN-21 beacon radar, P4RC+(P5) airborne combat training pods, APN-241 radar, F-16 Re-engining, Abrams Full-crew Interactive Skills Trainer, Cockpit Air Bag System, and Deployable Force-on-Force Integrated Range System.

DEFENSE PRODUCTION ACT PURCHASES

The conferees agree to provide a total of $73,057,000 for the Defense Production Act Purchases, the amount of the budget request.

TITLE IV – RESEARCH, DEVELOPMENT, TEST AND EVALUATION

The conference agreement is as follows:

(In thousands of dollars)

	Budget	House	Senate	Conference
RECAPITULATION				
RDTE, ARMY	6,820,333	7,447,160	7,410,168	7,669,656
RDTE, NAVY	12,496,065	13,562,218	13,275,735	13,946,085
RDTE, AIR FORCE	17,564,984	18,639,392	18,537,679	18,822,569
RDTE, DEFENSE WIDE	16,598,863	17,863,462	16,611,107	17,924,642
OPERATIONAL TEST & EVALUATION	222,054	242,054	302,554	245,554
GRAND TOTAL	53,702,299	57,754,286	56,137,243	58,608,506

Network Centric Warfare – Data Management

The conferees agree to the language contained in House Report 107-532 with respect to the need for several key capabilities for the network-centric environment. The conferees agree that the requested report be submitted to the Committees on Appropriations of the House and Senate no later than March 15, 2003.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

The conference agreement on items addressed by either the House or Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY				
BASIC RESEARCH				
IN-HOUSE LABORATORY INDEPENDENT RESEARCH	22,998	18,998	22,998	21,998
DEFENSE RESEARCH SCIENCES	139,633	141,633	155,133	152,183
UNIVERSITY AND INDUSTRY RESEARCH CENTERS	74,855	73,055	98,181	87,431
TOTAL, BASIC RESEARCH	237,486	233,686	276,312	261,612
APPLIED RESEARCH				
MATERIALS TECHNOLOGY	18,659	23,659	33,159	36,359
SENSORS AND ELECTRONIC SURVIVABILITY	24,305	24,305	26,305	24,305
TRACTOR HIP	6,839	10,339	6,839	8,589
AVIATION TECHNOLOGY	43,692	43,692	43,692	43,692
EW TECHNOLOGY	19,584	19,584	19,584	19,584
MISSILE TECHNOLOGY	31,884	56,384	40,884	57,234
ADVANCED WEAPONS TECHNOLOGY	11,208	23,208	11,208	20,958
ADVANCED CONCEPTS AND SIMULATION	20,634	23,134	30,634	31,834
COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY	55,763	68,263	85,063	86,463
BALLISTICS TECHNOLOGY	74,094	60,948	74,094	67,594
CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY	3,675	8,675	18,175	16,525
JOINT SERVICE SMALL ARMS PROGRAM	5,812	5,812	5,812	5,812
WEAPONS AND MUNITIONS TECHNOLOGY	38,090	96,090	43,090	77,440
ELECTRONICS AND ELECTRONIC DEVICES	27,448	58,048	43,548	63,998
NIGHT VISION TECHNOLOGY	22,333	22,333	22,333	22,333
COUNTERMINE SYSTEMS	13,186	18,686	18,185	17,886
HUMAN FACTORS ENGINEERING TECHNOLOGY	17,415	25,415	17,415	23,015

(In thousands of dollars)

	Budget	House	Senate	Conference
ENVIRONMENTAL QUALITY TECHNOLOGY	23,018	26,018	28,018	28,618
COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY	21,821	24,821	21,821	23,321
COMPUTER AND SOFTWARE TECHNOLOGY	4,354	4,354	4,354	4,354
MILITARY ENGINEERING TECHNOLOGY	51,124	55,124	67,124	62,724
MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	14,335	18,335	14,335	16,735
WARFIGHTER TECHNOLOGY	25,502	38,502	29,002	37,052
MEDICAL TECHNOLOGY	67,476	131,476	87,576	133,636
TOTAL, APPLIED RESEARCH	642,251	887,205	792,251	930,061
ADVANCED TECHNOLOGY DEVELOPMENT				
WARFIGHTER ADVANCED TECHNOLOGY	50,262	48,262	68,262	60,162
MEDICAL ADVANCED TECHNOLOGY	16,590	204,090	53,840	175,040
AVIATION ADVANCED TECHNOLOGY	45,404	43,496	48,404	44,346
WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY	66,514	68,514	66,514	66,564
COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY	229,778	272,760	262,278	278,660
COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY	4,826	4,826	8,826	7,626
MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY	3,527	7,527	5,527	8,327
ELECTRONIC WARFARE ADVANCED TECHNOLOGY (H)	28,254	28,254	28,254	28,254
TRACTOR HIKE	18,069	18,069	18,069	18,069
TRACTOR ROSE	4,895	4,895	4,895	4,895
COMBATING TERRORISM TECHNOLOGY DEVELOPMENT	---	48,900	43,900	43,900
GLOBAL SURVEILLANCE/AIR DEFENSE/PRECISION STRIKE TECHN	31,291	31,291	31,291	31,291
EW TECHNOLOGY	11,600	23,100	11,600	20,000
MISSILE AND ROCKET ADVANCED TECHNOLOGY	87,890	103,390	136,950	104,790
TRACTOR CAGE	3,083	3,083	3,083	3,083
LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY	24,104	25,104	31,604	30,404
JOINT SERVICE SMALL ARMS PROGRAM	6,013	13,013	11,013	13,713
LINE-OF-SIGHT TECHNOLOGY DEMONSTRATION	28,283	28,283	28,283	28,283
NIGHT VISION ADVANCED TECHNOLOGY	36,494	78,494	43,994	77,544
ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS	8,980	12,980	8,980	13,480
MILITARY ENGINEERING ADVANCED TECHNOLOGY	2,921	9,921	14,421	14,371
ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLO	21,674	22,674	24,674	24,174
TOTAL, ADVANCED TECHNOLOGY DEVELOPMENT	730,452	1,100,926	954,662	1,096,976

(In thousands of dollars)

	Budget	House	Senate	Conference
DEMONSTRATION & VALIDATION				
ARMY MISSILE DEFENSE SYSTEMS INTEGRATION	27,887	27,887	41,887	39,487
ARMY MISSILE DEFENSE SYSTEMS INTEGRATION (DEM/VAL)	7,417	43,917	68,417	60,517
LANDMINE WARFARE AND BARRIER - ADV DEV	20,286	20,286	10,170	10,170
SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ADV DEV	2,432	2,432	2,432	2,432
TANK AND MEDIUM CALIBER AMMUNITION	11,354	20,354	26,354	27,854
ADVANCED TANK ARMAMENT SYSTEM (ATAS)	124,108	150,908	147,908	150,008
SOLDIER SUPPORT AND SURVIVABILITY	20,788	20,788	20,788	20,788
TACTICAL ELECTRONIC SURVEILLANCE SYSTEM - ADV DEV	16,392	16,392	16,392	16,392
NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT	11,694	11,694	11,694	11,694
ENVIRONMENTAL QUALITY TECHNOLOGY DEM/VAL	9,331	27,331	26,331	32,581
WARFIGHTER INFORMATION NETWORK-TACTICAL - DEM/VAL	60,809	60,809	40,809	50,809
NATO RESEARCH AND DEVELOPMENT	8,773	4,000	8,773	4,773
AVIATION - ADV DEV	8,643	12,643	8,643	11,443
WEAPONS AND MUNITIONS - ADV DEV	38,561	38,561	27,761	35,861
LOGISTICS AND ENGINEER EQUIPMENT - ADV DEV	11,419	6,419	16,919	9,719
COMBAT SERVICE SUPPORT CONTROL SYSTEM EVALUATION	8,971	8,971	8,971	8,971
MEDICAL SYSTEMS - ADV DEV	10,398	10,398	15,398	14,298
INTEGRATED BROADCAST SERVICE (JMIP/DISTP)	1,962	1,962	1,962	1,962
ARTILLERY SYSTEMS - DEM/VAL	5,200	373,700	---	373,700
SCAMP BLOCK II DEM/VAL	21,006	21,006	15,006	15,006
MEDIUM EXTENDED AIR DEFENSE SYSTEM (MEADS) CONCEPTS	117,745	---	---	---
DEM/VAL TEST AND EVALUATION TRANSFER	---	---	-5,000	---
TOTAL, DEMONSTRATION & VALIDATION	545,176	880,458	511,615	898,465

(In thousands of dollars)

	Budget	House	Senate	Conference
ENGINEERING & MANUFACTURING DEVELOPMENT				
AIRCRAFT AVIONICS	40,308	41,808	40,308	41,358
ARMED, DEPLOYABLE OH-58D	1,873	1,873	1,873	1,873
COMANCHE	914,932	914,932	914,932	914,932
EW DEVELOPMENT	22,819	39,719	38,719	39,719
JOINT TACTICAL RADIO	65,818	65,818	65,818	65,818
ALL SOURCE ANALYSIS SYSTEM	42,322	54,622	55,622	55,622
TRACTOR CAGE	9,800	9,800	9,800	9,800
COMMON MISSILE	29,919	29,919	29,919	29,919
MEDIUM TACTICAL VEHICLES	1,953	1,953	1,953	1,953
SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ENG DEV	8,153	8,153	8,153	8,153
JAVELIN	489	489	489	489
LANDMINE WARFARE	11,913	11,913	---	---
FAMILY OF HEAVY TACTICAL VEHICLES	3,990	3,990	19,990	15,190
AIR TRAFFIC CONTROL	2,339	2,339	2,339	2,339
TACTICAL UNMANNED GROUND VEHICLE (TUGV)	---	2,000	---	1,200
LIGHT TACTICAL WHEELED VEHICLES	7,877	7,877	7,877	7,877
ARMORED SYSTEMS MODERNIZATION (ASM)-ENG DEV	369,869	174,369	813,469	250,610
ENGINEER MOBILITY EQUIPMENT DEVELOPMENT	8,146	8,146	8,146	8,146
NIGHT VISION SYSTEMS - ENG DEV	32,328	39,328	32,328	38,278
COMBAT FEEDING, CLOTHING, AND EQUIPMENT	94,474	92,274	94,474	91,274
NON-SYSTEM TRAINING DEVICES - ENG DEV	43,650	68,650	43,650	58,900
TERRAIN INFORMATION - ENG DEV	8,232	8,232	8,232	8,232
INTEGRATED METEOROLOGICAL SUPPORT SYSTEM	3,417	3,417	3,417	3,417
JSIMS CORE PROGRAM	24,230	24,230	18,230	20,230
AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE - ENG DE	26,978	26,978	28,978	28,678
CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT	53,294	53,294	42,294	46,294
AUTOMATIC TEST EQUIPMENT DEVELOPMENT	11,839	13,839	11,839	13,539
DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS) - ENGINEER.	21,487	19,087	21,487	19,087
TACTICAL SURVEILLANCE SYSTEMS - ENG DEV	56,662	59,662	56,662	58,462
BRILLIANT ANTI-ARMOR SUBMUNITION (BAT)	190,293	38,060	38,060	45,000
JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM	4,740	4,740	4,740	4,740
COMBINED ARMS TACTICAL TRAINER (CATT) CORE	7,579	7,579	9,079	8,629

(In thousands of dollars)

	Budget	House	Senate	Conference
JOINT NETWORK MANAGEMENT SYSTEM	8,028	8,028	8,028	8,028
AVIATION - ENG DEV	3,150	3,150	3,650	3,650
WEAPONS AND MUNITIONS - ENG DEV	41,758	52,158	50,758	52,658
LOGISTICS AND ENGINEER EQUIPMENT - ENG DEV	65,857	68,857	65,857	67,957
COMMAND, CONTROL, COMMUNICATIONS SYSTEMS - ENG DEV	82,238	90,238	99,238	94,238
MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT	12,625	22,125	12,625	19,725
LANDMINE WARFARE/BARRIER - ENG DEV	128,992	114,992	128,992	128,992
ARTILLERY MUNITIONS - EMD	119,188	119,188	70,888	107,113
COMBAT IDENTIFICATION	1,995	1,995	6,595	5,215
ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE	80,672	102,410	90,672	101,010
LOSAT	14,463	14,463	14,463	14,463
FIREFINDER	26,122	26,122	26,122	26,122
ARTILLERY SYSTEMS - EMD	29,732	29,732	22,232	27,857
PATRIOT PAC-3 THEATER MISSILE DEFENSE ACQUISITION	150,819	---	---	---
INFORMATION TECHNOLOGY DEVELOPMENT	50,865	50,865	76,865	73,365
EMD TEST AND EVALUATION TRANSFER	---	---	-18,000	---
TOTAL, ENGINEERING & MANUFACTURING DEVELOPMENT	2,938,227	2,543,413	3,091,862	2,630,151
RDT&E MANAGEMENT SUPPORT				
THREAT SIMULATOR DEVELOPMENT	15,251	15,251	21,251	19,451
TARGET SYSTEMS DEVELOPMENT	10,772	10,772	10,772	10,772
MAJOR T&E INVESTMENT	53,797	53,797	82,797	53,797
RAND ARROYO CENTER	22,148	20,000	22,148	22,148
ARMY KWAJALEIN ATOLL	132,831	132,831	132,831	132,831
CONCEPTS EXPERIMENTATION PROGRAM	22,627	22,627	25,627	24,727
ARMY TEST RANGES AND FACILITIES	144,183	113,451	153,683	144,883
ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS	43,222	34,719	43,222	43,222
SURVIVABILITY/LETHALITY ANALYSIS	39,200	34,514	39,200	39,200
DOD HIGH ENERGY LASER TEST FACILITY	14,410	15,910	17,410	17,560
AIRCRAFT CERTIFICATION	4,062	4,062	4,062	4,062
METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES	7,310	7,310	7,310	7,310
MATERIEL SYSTEMS ANALYSIS	10,189	10,189	10,189	10,189
EXPLOITATION OF FOREIGN ITEMS	3,490	3,490	3,490	3,490
SUPPORT OF OPERATIONAL TESTING	99,375	99,375	99,375	99,375

	(In thousands of dollars)			
	Budget	House	Senate	Conference
ARMY EVALUATION CENTER	41,250	41,250	41,250	41,250
PROGRAMWIDE ACTIVITIES	78,452	64,952	78,452	64,952
TECHNICAL INFORMATION ACTIVITIES	34,040	49,540	35,540	47,740
MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY	16,014	37,014	18,014	31,514
ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT	1,902	1,902	1,902	1,902
MANAGEMENT HEADQUARTERS (RESEARCH AND DEVELOPMENT)	11,533	11,533	11,533	11,533
TOTAL, RDT&E MANAGEMENT SUPPORT	806,058	764,489	860,058	831,908
OPERATIONAL SYSTEMS DEVELOPMENT				
MLRS PRODUCT IMPROVEMENT PROGRAM	112,825	112,825	57,825	99,075
AEROSTAT JOINT PROJECT OFFICE	29,081	31,081	29,081	30,081
DOMESTIC PREPAREDNESS AGAINST WEAPONS OF MASS DESTRUCT	---	3,000	---	2,550
ADV FIELD ARTILLERY TACTICAL DATA SYSTEM	42,161	52,161	38,161	47,161
COMBAT VEHICLE IMPROVEMENT PROGRAMS	83,065	84,065	57,965	86,515
MANEUVER CONTROL SYSTEM	44,444	44,444	44,444	44,444
AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS	196,794	196,794	220,794	212,794
AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	3,689	9,189	3,689	7,089
DIGITIZATION	28,968	34,968	30,968	33,768
FORCE XXI BATTLE COMMAND, BRIGADE AND BELOW (FBCB2)	64,915	64,915	64,915	64,915
MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM	43,738	43,738	43,738	43,738
OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS	13,018	13,018	13,018	13,018
TRACTOR CARD	8,891	8,891	8,891	8,891
JOINT TACTICAL COMMUNICATIONS PROGRAM (TRI-TAC)	14,121	14,121	14,121	14,121
JOINT TACTICAL GROUND SYSTEM	2,860	2,860	2,860	2,860
SPECIAL ARMY PROGRAM	7,031	7,031	11,031	10,031
SECURITY AND INTELLIGENCE ACTIVITIES	5,438	25,938	22,638	26,638
INFORMATION SYSTEMS SECURITY PROGRAM	14,844	18,844	23,944	23,344
GLOBAL COMBAT SUPPORT SYSTEM	71,864	51,864	71,864	51,864
SATCOM GROUND ENVIRONMENT (SPACE)	72,244	72,244	72,244	72,244
WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM	17,895	17,895	17,895	17,895
TRAFFIC CONTROL, APPROACH AND LANDING SYSTEM-FY 1987	977	977	977	977
TACTICAL UNMANNED AERIAL VEHICLES	57,879	81,779	58,579	68,579
AIRBORNE RECONNAISSANCE SYSTEMS	4,882	11,382	7,882	11,632

(In thousands of dollars)

	Budget	House	Senate	Conference
DISTRIBUTED COMMON GROUND SYSTEMS	15,683	42,083	37,383	45,583
END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	61,025	68,525	72,150	78,325
NATO JOINT STARS	512	512	512	512
TOTAL, OPERATIONAL SYSTEMS DEVELOPMENT	1,018,844	1,115,144	1,027,569	1,118,644
RETIREMENT ACCRUALS	-98,161	-98,161	-98,161	-98,161
OPERATIONAL SYSTEMS DEVELOPMENT T&E TRANSFER	---	---	-6,000	---
TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY	6,820,333	7,447,160	7,410,168	7,669,656

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

R-1		Budget Request	House	Senate	Conference
1	**IN-HOUSE LABORATORY INDEPENDENT RESEARCH**	**22,998**	**18,998**	**22,998**	**21,998**
	Reduce Programmed Growth		-4,000	0	-1,000
2	**DEFENSE RESEARCH SCIENCES**	**139,633**	**141,633**	**155,133**	**152,183**
	Reduce Programmed Growth		-1,000		-1,000
	PASIS: Perpetually Assailable and Secure Information Systems, Research, Training and Education		+3,000		+2,550
	Animal Modeling Genetics Research			+1,000	+1,000
	Biofilm Research			+1,000	+1,000
	Integrated Desert Terrain Analysis			+4,000	+2,800
	Knowledge Management Fusion Center			+5,000	+3,000
	Optical Technologies Research			+2,000	+1,400
	Prediction of Land-Atmosphere Interactions			+2,500	+1,800
3	**UNIVERSITY AND INDUSTRY RESEARCH CENTERS**	**74,855**	**73,055**	**98,181**	**87,431**
	Reduce Programmed Growth		-1,800		-1,800
	Armor Materials Design--Laser-based material processing			+2,500	+1,250
	Composite Materials Center of Excellence			+826	+826
	Dendrimer Nanotechnology Research			+3,500	+3,500
	Ferroelectric Materials Nanofabrication			+1,500	+1,000
	Institute for Creative Technologies			+5,000	+3,500
	Jidoka Project			+3,000	+1,500
	NAC University Automotive Research Coalitions			+4,000	+2,800
	University Program in Mobile Robotics (move to line 12)			+3,000	0
4	**MATERIALS TECHNOLOGY**	**18,659**	**23,659**	**33,159**	**36,359**
	Precision magnetorheological fluids to polish large optics		+4,000		+3,400
	Advanced Coatings Research to Extend the Service Life of Vehicles and Equipment		+1,000		+1,000
	Advanced Materials Processing			+4,000	+2,800
	Electronics Components Reliability			+2,500	+2,500
	FCS Composite Research			+3,000	+1,500
	Future Affordable Multi-Utility Materials for FCS			+2,000	+1,400
	Low Cost Enabling Technologies			+3,000	+2,100
	Materials Joining for Army Weapons		0	[5,000]	+3,000
5	**SENSORS AND ELECTRONIC SURVIVABILITY**	**24,305**	**24,305**	**26,305**	**24,305**
	Advanced Sensors and Obscurants (moved to line 14)		0	+2,000	0
6	**TRACTOR HIP**	**6,839**	**10,339**	**6,839**	**8,589**
	Distributed Chemical Agent Sensing and Transmission (DICAST)		+3,500		+1,750

R-1		Budget Request	House	Senate	Conference
9	**MISSILE TECHNOLOGY**	**31,884**	**56,384**	**40,884**	**57,234**
	Quantum Optics		+1,000		+1,000
	MEMS Technology Development Acceleration		+15,000		+12,750
	LENS Facility Modifications for Advance Testing of Endo- and Exo- Missile Interceptors and Launch Vehicles (Note: only to assemble a system to be employed in large-scale Shock-Tunnel/Ludweig Tube Facility at the Army's Aerothermal and Aero-optics Evaluation Center)		+2,000		+1,000
	Multiple Component Army Flight Test		+3,000		+2,550
	MEMS IMU/M-Code GPS (Note: only to accelerate the development of low-cost guidance units for precision guided weapons and munitions through MEMS IMU/M-code GPS technology integration)		+3,500		+1,750
	Advanced Composite Chassis			+2,000	+1,400
	E-STRIKE Short Range Air Defense Radar			+3,000	+2,100
	Jet Interaction CFD Testbed			+4,000	+2,800
10	**ADVANCED WEAPONS TECHNOLOGY**	**11,208**	**23,208**	**11,208**	**20,958**
	Rapid Target Acquisition Tracking System (RTATS)		+4,000		+4,000
	MEMS for Defense Applications		+5,000		+4,250
	High Intensity Laser Diode Arrays for SSHCL (Note: only to build industrially-developed solid state laser diode arrays for the Solid State Heat Capacity Laser Weapon program)		+3,000		+1,500
11	**ADVANCED CONCEPTS AND SIMULATION**	**20,634**	**23,134**	**30,634**	**31,834**
	Institute for Creative Technologies (Simulation Capabilities for the Warfighter)		+2,500		0
	Institute for Creative Technologies--Interactive Training Technology transition			+5,000	+3,500
	Combat Trauma Patient Simulation Program (CTPS) (moved from line 31)		0	0	+4,200
	On-Line Contract Document Management				+1,000
	Photonics			+5,000	+2,500
12	**COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY**	**55,763**	**68,263**	**85,063**	**86,463**
	Nuclear, Biological, and Chemical (NBC) Agent Water Contamination Monitoring and Removal Technologies		+2,000		+1,200
	Combat Vehicle Mobility System		+4,000		+3,400
	Integration of Army Voice Interactive Device with Onboard Central Processing Unit		+2,000		+1,700
	Military Wheeled Vehicle Electronic Architecture Integration (EAI)		+2,000		+1,700
	National Automotive Center University Research Coalition Manufacturing and Design (moved to line 3)		+2,500		0
	21st Century Truck			+17,000	+11,900
	Advanced Coatings Research			+1,500	+1,100
	COMBATT			+5,000	+3,500
	Fastening and Joining Research			+1,800	+1,300
	Next Generation Smart Truck			+4,000	+3,400
	University Program in Mobile Robotics (moved from line 3)			0	+1,500
13	**BALLISTICS TECHNOLOGY**	**74,094**	**60,948**	**74,094**	**67,594**
	Reduce Programmed Growth		-13,146		-6,500

R-1		Budget Request	House	Senate	Conference
14	**CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY**	**3,675**	**8,675**	**18,175**	**16,525**
	Advanced Sensors and Obscurants		+2,000		+2,000
	Metallic Particles in Defense Applications (MPDA) Obscurant Smokes		+3,000		+1,500
	Systems for Sampling and Detecting Bioaerosols			+6,500	+4,550
	Vaporous Hydrogen Peroxide Technology			+8,000	+4,800
16	**WEAPONS AND MUNITIONS TECHNOLOGY**	**38,090**	**96,090**	**43,090**	**77,440**
	Phyto-Extraction mil decontamination technology		+2,000	+3,000	+2,500
	Public Private Partnership, Non-Munitions		+2,500		+1,750
	Applied Research Integration		+2,000		+1,400
	Homeland Defense Technologies		+7,000		+4,900
	Green Armaments Technology		+8,000		+5,600
	Nano Technology in SmartCoatings Partnership (Note: only to develop nano-coatings for use in advanced munitions technology where the state of the environment in the vicinity of energetic materials is of critical importance.)		+2,500		+1,750
	Nano Technology for Smart Munitions (Note: only to develop nanotechnologies specifically for warhead/energetics components and to identify and prototype these technologies on a lab scale and conduct munitions demonstrations)		+2,000		+1,400
	Generation-2 Warhead Development (X-caliber) Explosively Formed Penetrators		+2,000		+1,400
	Information Assurance		+5,000		0
	Seamless Data Display (SDD)		+3,000		+1,500
	Single Crystal Tunsten Alloy Penetrators		+5,000		+3,000
	Alloy Tungsten (LA-T) Armor Piercing Ammunition (Note: only to continue research, development, performance verification, system integration and demonstration of LA-T as a high performance kinetic energy armor piercing ammunition)		+5,000		+4,250
	Armament Systems Network IA Center		+4,000		+3,500
	Corrosion Measurement & Control Project		+4,000		+3,400
	M795 Extended Range HE Baseburner Projectile		+4,000		+2,000
	Nanotechnology Consortium			+2,000	+1,000
17	**ELECTRONICS AND ELECTRONIC DEVICES**	**27,448**	**58,048**	**43,548**	**63,998**
	Logistics Fuel Reformer Development Program (Note: only to continue development of fuel reformers)		+2,500		+1,750
	Center for Advanced Fuel Cell Technology (NDCAFCT)		+2,000		+2,000
	Soldier Fuel Cell System		+1,500		+1,050
	Cylindrical Zinc Air Battery for Land Warrior Applications		+2,000		+1,000
	Improved High Rate Alkaline Cell		+1,500		+1,000
	Rechargeable Cylindrical Cell System--Lithium Ion/Nickel Metal Hydride		+2,000		+1,000
	Dry Polymer Extrusion for Battery Cathode and Electrode Research		+4,300		+3,700
	Extrusion on Multilaminate Battery Packaging		+5,300		+4,500
	Solid State Polymer Battery for Land Warrior System		+2,000		+1,000
	Intelligent Power Control for Sheltered Systems		+4,500		+3,800
	Liquid Silicone Lithium Rechargeable Battery		+3,000		+1,500
	Display and Development and Evaluation Laboratory			+3,500	+1,750
	Flat Panel Displays			+10,000	+7,000

R-1		Budget Request	House	Senate	Conference
	Low Cost Reusable Alkaline Manganese-Zinc			+600	+600
	Portable Hybrid Electric Power Systems			+2,000	+1,400
	Miniature and Micro Fuel Cells		0	[5,000]	+3,500
19	**COUNTERMINE SYSTEMS**	**13,186**	**18,686**	**18,186**	**17,886**
	Acoustic Landmine Detection		+5,500	+3,000	+3,300
	Polymer-based landmine detection			+2,000	+1,400
20	**HUMAN FACTORS ENGINEERING TECHNOLOGY**	**17,415**	**25,415**	**17,415**	**23,015**
	Omni Direction Treadmill Upgrade		+5,000		+3,500
	MANPRINT Modeling		+3,000		+2,100
21	**ENVIRONMENTAL QUALITY TECHNOLOGY**	**23,018**	**26,018**	**28,018**	**28,618**
	Rangesafe		+3,000		+2,100
	Environmental Response and Security Protection (ERASP) Program			+5,000	+3,500
22	**COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY**	**21,821**	**24,821**	**21,821**	**23,321**
	Mobile Emergency Broadband System		+3,000		+1,500
24	**MILITARY ENGINEERING TECHNOLOGY**	**51,124**	**55,124**	**67,124**	**62,724**
	DoD Stationary Fuel Cell Buy Down Program		+4,000	+10,000	+7,000
	Center for Geosciences			+2,000	+1,200
	University Partnership for Operational Support (UPOS)			+4,000	+3,400
25	**MANPOWER/PERSONNEL/TRAINING TECHNOLOGY**	**14,335**	**18,335**	**14,335**	**16,735**
	Refugee Management and Tracking System		+4,000		+2,400
26	**WARFIGHTER TECHNOLOGY**	**25,502**	**38,502**	**29,002**	**37,052**
	Soldier Systems Center (Note: only to support continued research in the combat feeding program)		+3,000		+2,100
	Center for Reliable Wireless Communications Technology for Digital Battlefield (WAND Lab)		+3,000		+3,000
	Standoff Precision Aerial Delivery System (S/PADS) aerial drops		+5,000		+3,000
	Chemical, Biological Command, Natick Soldier Center		+2,000		+1,000
	Chemical/Biological Reactive Nanoparticle Materials			+3,500	+2,450

R-1		Budget Request	House	Senate	Conference
27	**MEDICAL TECHNOLOGY**	**67,476**	**131,476**	**87,576**	**133,636**
	Tissue Replacement and Repair for Battlefield Injuries		+2,500	+2,500	+2,500
	Bone Health		+1,500		+1,050
	Center for Military Biomaterials Research		+1,000		+1,000
	Clinical Trial utilizing a Piezoelectric Dry Powder Inhalation Device		+2,000		+1,700
	Controlling Mosquito and Tick Transmitted Disease		+3,500		+2,100
	Diagnostics in Traumatic Brain Injury-Blood Based		+3,000		+1,500
	Emergency Hypothermia for Advanced Combat Casualty and delayed resusitation		+2,600		+2,210
	Future Medical Shelter System (moved to line 71)		+2,000		0
	Medical Area Network for Virtual Technologies		+4,000		+3,400
	Minimally Invasive Surgery Modeling and Simulation		+3,500		+2,100
	Operating Room of the Future		+3,000		+3,000
	Pre-Clinical and Clinical Evaluation of High Resolution Mobile Gamma Camera and Positron Imaging Devices		+2,000		+1,700
	Portable Biochip Analysis System for Rapid Detection of Biowarfare Agents		+3,000		+1,800
	Remote Acoustic Hemostasis		+10,400	+4,600	+7,000
	Rugged Textile Electronic Garments		+2,000		+1,000
	Synchrotron-Based Scanning Research (Note: $8 million only to continue Synchrotron-based scanning for precision proton therapy, delivery to breast and lung tumor sites; $3.75 million for development of advanced diagnostic Synchrotron-based imaging techology; and $1 million to continue expansion of proton telemedicine initiatives.)		+15,000		+12,750
	Tissue Engineering Initiative		+3,000		+2,550
	Proton Beam Radiation Therapy Program (Note: only to initiate a civilian-military collaborative proton beam therapy initiative on the East Coast of the United States in conjunction with Walter Reed Army Medical Center to provide state-of-the-art radiation treatment with fewer side effects and the possibility of recurrent radiation treatment for numerous forms of cancer to include: lung, prostate, head and neck cancer in adults and brain tumors and other kinds of tumors in children as well as clinical and non-clinical research.)				+5,000
	Speech Capable Personal Digital Assistant (Note: only for the development of a Speech Capable Personal Digital Assistant (SCPDA) engineering prototype with a focus on accurate, hands-free control and/or voice input that would enable medical personnel to retrieve and/or input medical data while working on a patient.)				+2,000
	SEATreat				+2,000
	Digital Imaging and Catheterization Equipment				+800
	Dermal Phase Meter			+1,500	+1,050
	EndoBiologics Vaccination Program			+2,000	+1,000
	Gulf War Illness			+1,000	+1,000
	International Rehabilitation Network			+5,000	+3,500
	Hemorrhage Control Dressings			+3,500	+2,450

R-1		Budget Request	House	Senate	Conference
30	**WARFIGHTER ADVANCED TECHNOLOGY**	**50,262**	**48,262**	**68,262**	**60,162**
	Objective Force Warrior		-3,500		-3,500
	Metrology		+1,500		+1,000
	Biosystems Technology			+5,000	+4,300
	Personal Navigation of the Future Warfighter			+5,000	+2,500
	Scorpian Future Combat Helmet			+8,000	+5,600
31	**MEDICAL ADVANCED TECHNOLOGY**	**16,590**	**204,090**	**53,840**	**175,040**
	Biology, Education, Screening, Chemoprevention and Treatment (BESCT) Lung Cancer Research Program (MDACC)		+9,500		+9,000
	Bioprocessing Initiative		+4,000		+2,000
	Blood Safety (Note: only for the continuation of the current program to provide improved blood products and safety systems compatible with military field use.)		+11,000		+8,350
	Brain, Biology and Machine Initiative		+3,000	+5,000	+3,000
	Center for Integration of Medicine and Innovative Technology (CIMIT)		+5,000	+10,000	+7,000
	Center for Untethered Health Care		+1,000		+1,000
	Clinical Information Systems Initiative		+2,000		+1,200
	Combat Trauma Patient Simulation Program (CTPS) (moved to line 11)		+6,000		0
	Comparative Functional Genomics Initiative		+3,000		+1,500
	Hemoglobin Based Oxygen Carrier		+7,000		+4,500
	Institute for Research and Education		+6,000		+4,200
	Intravenous Membrane Oxygenator		+1,000		+1,000
	Joint U.S.-Norwegian Telemedicine		+4,000		+2,800
	Joslin Diabetes Project		+5,000		+4,250
	Joint Diabetes Project		+5,000		+4,250
	Life Support for Trauma and Transport (LSTAT)		+2,500		+1,750
	Medvizer Secure Telemedicine Program		+3,000		+1,800
	Mobile Integrated Diagnostic and Data Analysis System (MIDDAS)		+2,000		+1,000
	Molecular Genetics and Musculoskeletal Research Program (Note: only to continue the current program)		+10,000		+8,500
	National Bioterrorism Civilian Medical Response Center (CIMERC)		+4,000	+1,000	+2,000
	National Center for Behavioral Genomics		+3,000		+1,550
	National Functional Genomics Center		+10,000		+5,000
	Neurofibromatosis Research Program (NF)		+23,000		+20,000
	Neurology Gallo Center-alcoholism research		+5,000		+3,500
	Neurotoxin Exposure Treatment Research Program (NETRP) Parkinsons & neurological disorders		+25,000		+21,250
	Polynitroxylated Hemoglobin		+1,000		+1,000
	Prostate Cancer Research-Gallo Center		+1,500		+1,050
	Retinal Scanning Display Technology		+4,000		+2,000
	Saccadic Fatigue Measurement		+1,000		+1,000
	Stable Hemostat		+3,500		+1,750
	Technologies for Metabolic Monitoring		+2,500		+1,750
	Texas Training and Technology for Trauma and Terrorism (DREAMS)		+11,000	+11,000	+11,000
	Vectored Vaccine Research Program (moved to RDT&E,N line 141)		+3,000		0
	Center for Prostate Disease Research (WRAMC)				+5,700

R-1		Budget Request	House	Senate	Conference
	Children's Hospice Program (Note: only for a demonstration project at Walter Reed Army Medical Center to structure, implement, and provide oversight of a program serving children with life threatening illnesses, diseases, or conditions who have parents or custodial care givers serving in the US military (including the Reserve components) or retired from the US military.)				+1,500
	Juvenile Diabetes Research			+3,000	+2,550
	Laser Fusion Elastin			+5,000	+4,250
	Medical Simulation Training Initiative (MSTI)			+1,000	+1,000
	Rural Telemedicine Demonstration Project			+1,250	+1,000
	Medical Vanguard for Diabetes Management		0	[5,000]	+2,500
32	**AVIATION ADVANCED TECHNOLOGY**	**45,404**	**43,496**	**48,404**	**44,346**
	Reduce Programmed Growth		-6,908		-6,908
	Radar Surveillance and Assimilation Network		+5,000		+4,250
	UAV Data Links-AMUST			+3,000	+1,600
33	**WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY**	**66,514**	**68,514**	**66,514**	**66,564**
	Reduce Programmed Growth		-8,500		-4,500
	Development Mission Integration		+5,000		+3,500
	Blended Metals Technology Small Arms Ammunition (Note: only to support government-wide testing of revolutionary small arms ammunition with full spectrum of lethal and penetrating effects.)		+1,500		+1,050
	SMAW-D (Disposable Confined Space)		+4,000		0
34	**COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY**	**229,778**	**272,760**	**262,278**	**278,660**
	Reduce Programmed Growth		-9,018		-9,018
	Truck Research (Note: only for a Center for Automotive Research)		+1,000		+1,000
	Rotary, Multi Fuel, Auxiliary Power Unit Development Program		+3,000	[5,000]	+3,000
	Fuel Catalyst		+1,500		+1,000
	Mobile Parts Hospital		+7,000	+8,000	+7,500
	NAC Standardized Exchange of Product Data (N-STEP)		+2,000	+3,000	+2,500
	Digital Human and Virtual Reality for Future Combat System		+4,000		+3,500
	Hybrid Electric Drive		+3,000		+1,500
	Aluminum Reinforced MMC's for Track Shoes on Ground Based Vehicles		+3,000		+1,500
	Advanced Thermal Management System		+2,000		+1,000
	Geisel (Note: only to complete development of Geisel 6V53T diesel engine prototype and high power density Geisel opposed 2-stroke engine prototype for laboratory performance and durability testing)		+2,500		+1,250
	Integrated Program Management Framework (Program Link)		+2,000		+1,000
	Ultra-high Performance Hybrid Structures and Armors		+3,000		+2,550
	Electrochromatic glass for combat vehicles		+2,000		+1,700
	Future Scout and Cavalry Vehicle demonstration		+10,000		+8,500
	Objective Force Cost Module		+6,000		+3,600
	Turbo Fuel Cell Engine				+1,000

R-1		Budget Request	House	Senate	Conference
	Composite Body Parts-CAV Technology Transition			+3,000	+2,100
	Hybrid Electric Vehicles			+7,500	+5,250
	IMPACT			+5,000	+3,500
	Pacific Rim Corrosion Project			+3,000	+2,550
	Rapid Prototyping			+2,000	+1,400
	Tracked Hybrid Electric Vehicle			+1,000	+1,000
35	**COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY**	**4,826**	**4,826**	**8,826**	**7,626**
	Networking Environment for C3 Mobile Systems			+4,000	+2,800
36	**MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY**	**3,527**	**7,527**	**5,527**	**8,327**
	Army Training Support Center Education Training		+4,000		+3,400
	Army Aircrew Coordination Training			+2,000	+1,400
42a	**COUNTERTERRORISM/FORCE PROTECTION**		**48,900**	**43,900**	**43,900**
	Language Translation (transfer from DERF)			+7,300	+7,300
	Blue Force awareness suite (transfer from DERF)			+10,000	+10,000
	Remote observation & confirming sensors (transfer from DERF)			+600	+600
	Multi-function remote unattended ground sensor (transfer from DERF)			+1,500	+1,500
	Laser induced breakdown spectroscopy (transfer from DERF)			+1,500	+1,500
	Universal soldier sensor (transfer from DERF)			+8,000	+8,000
	CT echelon surveillance & reconnaissance (transfer from DERF)			+15,000	+15,000
44	**EW TECHNOLOGY**	**11,600**	**23,100**	**11,600**	**20,000**
	AN/AVVR-1 Laser Warning Receivers		+4,000		+2,000
	Multi-Functional Intelligence & Remote Sensing System		+7,500		+6,400
45	**MISSILE AND ROCKET ADVANCED TECHNOLOGY**	**87,890**	**103,390**	**136,950**	**104,790**
	Hypervelocity Missile Program Growth		-5,500		-5,500
	Loitering Attack Munition for Aviation (LAM-A)		+5,000		+3,000
	CKEM Distributed Prototyping Simulation		+2,000		+1,200
	Army Maintenance and Manufacturing Organization (AMMO) (Note: only to focus on remanufacturing efforts through advanced materials and materials processing technologies.)		+5,000		+2,500
	M-72 LAW		0	0	+2,000
	Volumetrically Controlled Manufacturing		+9,000		+6,000
	Transfer from PE 0604768A--BAT Seeker Integration and Test Analysis			+38,060	0
	Missile Simulation Technology			+11,000	+7,700

R-1		Budget Request	House	Senate	Conference
47	**LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY**	**24,104**	**25,104**	**31,604**	**30,404**
	Landmine Detection System using Terahertz Radiation Technology		+1,000		+1,000
	Advanced Demining Technology			+5,000	+3,500
	Electromagnetic Wave Detection and Imaging Transceiver Landmine Detection			+2,500	+1,800
48	**JOINT SERVICE SMALL ARMS PROGRAM**	**6,013**	**13,013**	**11,013**	**13,713**
	Anti-Material Sniper Rifle (AMSR)		+7,000		+4,200
	Objective Crew Served Weapon			+5,000	+3,500
50	**NIGHT VISION ADVANCED TECHNOLOGY**	**36,494**	**78,494**	**43,994**	**77,544**
	Passive Millimeter Wave Imager		+6,000		+6,000
	BUSTER UAV (Note: only for continued development of the BUSTER backpack UAV)		+15,000		+10,000
	Personal Miniature Thermal Vision System		+1,000		+1,000
	Multi-Color, Multi-Functional Focal Plane Array (FPA) for Targeting and Fire Control (Note: only for advanced development, integration and testing of next generation infrared focal plane arrays and related technologies)		+5,000		+2,500
	Sensor Technology for Force Protection (Note: only for advanced technology to support the global war on terror, force protection, and peacekeeping operations. This technology is to be explored for operations and security for both land and sea through the use of a variety of methods to include advanced sensors; cameras and biometrics-assisted monitoring devices for entry/exit control; and underwater chemical and intrusion detection devices.)		+13,000		+11,050
	Firefighter and Warfighter Helmet Mounted Thermal		+2,000		+1,000
	AN/TAS-4 Upgrade Program (from RD,N line 69)				+4,250
	Night Vision Fusion			+4,500	+3,150
	Warfighter/Firefighter Position, Location and Tracking (PLT) Sensor			+3,000	+2,100
51	**ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS**	**8,980**	**12,980**	**8,980**	**13,480**
	Proton Exchange Membrane (PEM) Fuel Cell Demonstration Program		+4,000	0	+4,500
52	**MILITARY ENGINEERING ADVANCED TECHNOLOGY**	**2,921**	**9,921**	**14,421**	**14,371**
	DoD Fuel Cell Test and Evaluation Center		+7,000		+5,950
	Canola Oil Fuel Cell			+1,500	+1,000
	Proton Exchange Membrane (PEM) Fuel Cell Technology (moved to line 51)		0	+5,000	0
	Solid Oxide Fuel Cell Development			+5,000	+4,500

R-1		Budget Request	House	Senate	Conference
53	**ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY**	**21,674**	**22,674**	**24,674**	**24,174**
	Automated Passive Propagation Sensor/Analyzer (Note: only for the Weather Intelligence and Prediction Advances through Atmospheric Propogation Research and Experimentation.)		+1,000		+1,000
	IMRSV Program for Simulation Based Operation			+3,000	+1,500
54	**ARMY MISSILE DEFENSE SYSTEMS INTEGRATION**	**27,887**	**27,887**	**41,887**	**39,487**
	Kodiak Launch Infrastructure, Transportation and Security Upgrades			+10,000	+8,500
	SMDC Institute for Chemical Assembly of Nanoscale and Molecular Electronics			+3,000	+2,100
	Targeted Defense for Asymmetric Biological Attack (TDABA)			+1,000	+1,000
55	**ARMY MISSILE DEFENSE SYSTEMS INTEGRATION (DEM/VAL)**	**7,417**	**43,917**	**68,417**	**60,517**
	P-3 Micro Power Devices for Missile Defense Applications		0	+3,000	+1,800
	P3 Power Systems (Note: only to develop a micro engine to operate off of waste heat more efficiently than batteries)		+1,500		0
	Supercluster Distributed Memory Technology		+3,000	+4,000	+3,500
	Gallium Nitride High Power Microwave Switch		+3,000		+1,500
	Battlefield Ordnance Awareness (BOA)		+3,000	+6,500	+4,550
	Thermionics Technology		+4,000		+2,000
	Advanced Battery Technology		+2,000		+1,700
	Mobile Tactical High Energy Laser (MTHEL)		+10,000	+20,000	+15,000
	Cooperative Micro-Satellite Experiment (CMSE)		+10,000	+5,000	+7,000
	Advanced Tactical Operations Center			+1,000	+1,000
	Eagle Eyes			+4,000	+2,800
	Enhanced Scramjet Mixing			+3,000	+2,100
	Family of Systems Simulators (FOSSIM)			+2,000	+1,400
	Low Cost Interceptor (LCI)			+8,000	+5,600
	Radar Power Technology			+4,500	+3,150
56	**LANDMINE WARFARE AND BARRIER - ADV DEV**	**20,286**	**20,286**	**10,170**	**10,170**
	Termination of Wide Area Munition			-10,116	-10,116
58	**TANK AND MEDIUM CALIBER AMMUNITION**	**11,354**	**20,354**	**26,354**	**27,854**
	Mid Range Munition/Tank Extended Range Munition Tri-Mode Munition (MRM/TERM TM3)		+1,000	+15,000	+10,500
	Global Positioning System Interference Supression Unit		+1,000		+1,000
	Mid-Range Munition (MRM) KE		+7,000		+5,000
59	**ADVANCED TANK ARMAMENT SYSTEM (ATAS)**	**124,108**	**150,908**	**147,908**	**150,008**
	Interim Armored Vehicle (IAV)--Mobile Gun System, Vehicle Testing transfer from WTCV Line G85100		+23,800	+23,800	+23,800
	Common Remote Stabilized Sensor System (CRS3) (Note: only for the Advanced Tank Armament System to accelerate design and qualification testing of the Common Remote Stabilized Sensor System (CRS3))		+3,000		+2,100
64	**ENVIRONMENTAL QUALITY TECHNOLOGY DEM/VAL**	**9,331**	**27,331**	**26,331**	**32,581**
	Dual Use Commercialization		+4,500		+3,150
	Casting Emissions Reduction Program (CERP)		+3,000	+8,000	+5,600

R-1		Budget Request	House	Senate	Conference
	Casting Emissions Reduction Program (CERP) for Automotive Demonstration site in Saginaw, MI		+1,000		+1,000
	Technology Development for Unexploded Ordnance in Support of Military Readiness (Note: Only for the National Defense Center for Environmental Excellence to demonstrate and validate technologies to efficiently identify, characterize and remediate unexploded ordnance.)		+5,000		+4,250
	Continuation of technology to reduce non-hazardous waste		+2,000		+1,700
	Vanadium Technology Program		+2,500		+1,250
	Army Environmental Enhancement Program			+1,000	+1,000
	Transportable Detonation Chamber			+5,000	+3,500
	Waste Minimization and Pollution Prevention			+3,000	+1,800
65	**WARFIGHTER INFORMATION NETWORK-TACTICAL - DEM/VAL**	**60,809**	**60,809**	**40,809**	**50,809**
	Reduced Program Growth			-20,000	-10,000
66	**NATO RESEARCH AND DEVELOPMENT**	**8,773**	**4,000**	**8,773**	**4,773**
	Reduce Programmed Growth		-4,773	0	-4,000
67	**AVIATION - ADV DEV**	**8,643**	**12,643**	**8,643**	**11,443**
	Virtual Cockpit Optimization Program (VCOP) (Note: only to develop full color, high resolution retinal scanning displays for rotorcraft)		+4,000		+2,800
68	**WEAPONS AND MUNITIONS - ADV DEV**	**38,561**	**38,561**	**27,761**	**35,861**
	Precision Guided Mortar Munition (PGMM)--Crusader Budget Amendment		0	-10,800	-2,700
69	**LOGISTICS AND ENGINEER EQUIPMENT - ADV DEV**	**11,419**	**6,419**	**16,919**	**9,719**
	Reduce Programmed Growth		-5,000		-5,000
	Composite Prototype Hull Design for Theater Support Vessel			+5,500	+3,300
71	**MEDICAL SYSTEMS - ADV DEV**	**10,398**	**10,398**	**15,398**	**14,298**
	Future Medical Shelter System (moved from line 27)		0	0	+1,400
	Combat Support Hospital--Mobile Surgical Unit		0	+5,000	+2,500
74	**ARTILLERY SYSTEMS - DEM/VAL**	**5,200**	**373,700**	**0**	**373,700**
	Objective Force--Indirect Fire (Transfer from Armored Systems Modernization for NLOS Cannon)		+195,500		+195,500
	Objective Force--Indirect Fire (Technology Integration)		+173,000		+173,000
	Reduction			-5,200	0
75	**SCAMP BLOCK II DEM/VAL**	**21,006**	**21,006**	**15,006**	**15,006**
	Execution Delay		0	-6,000	-6,000
76	**MEDIUM EXTENDED AIR DEFENSE SYSTEM (MEADS) CONCEPTS -**	**117,745**	**0**	**0**	**0**
	Transfer to RDT&E, Defense-Wide		-117,745	-117,745	-117,745
	DEM/VAL TEST AND EVALUATION TRANSFER	**0**	**0**	**-5,000**	**0**
	Transfer out		0	-5,000	0

R-1		Budget Request	House	Senate	Conference
77	**AIRCRAFT AVIONICS**	**40,308**	**41,808**	**40,308**	**41,358**
	Airborne Separation Video System		+1,500		+1,050
80	**EW DEVELOPMENT**	**22,819**	**39,719**	**38,719**	**39,719**
	Electronic Warfare (Prophet block II-IV acceleration)--Transfer from DERF		+15,900	+15,900	+15,900
	Upgrades to the Leviathon COMINT system for SOCOM		+1,000		+1,000
82	**ALL SOURCE ANALYSIS SYSTEM**	**42,322**	**54,622**	**55,622**	**55,622**
	All Source Analysis System (ASAS)--Transfer from DERF		+12,300		0
	FALCON language translator (Transfer from DERF)			+8,000	+8,000
	Analysis & control element (ACE) software development (Transfer from DERF)			+4,300	+4,300
	Non-Traditional Intelligence Analysis Tool Set			+1,000	+1,000
89	**LANDMINE WARFARE**	**11,913**	**11,913**	**0**	**0**
	Termination of Wide Area Munition		0	-11,913	-11,913
90	**FAMILY OF HEAVY TACTICAL VEHICLES**	**3,990**	**3,990**	**19,990**	**15,190**
	HEMTT 2 Technology Insertion Program		0	+16,000	+11,200
92	**TACTICAL UNMANNED GROUND VEHICLE (TUGV)**	**0**	**2,000**	**0**	**1,200**
	Viking Mine Clearing System (Note: only to complete development and pre-series production testing for the Viking Mine Clearing System in the Army's Tactical Unmanned Ground Vehicle.)		+2,000		+1,200
94	**ARMORED SYSTEMS MODERNIZATION (ASM)-ENG DEV**	**369,869**	**174,369**	**813,469**	**250,610**
	Objective Force--Indirect Fire (transfer to Artillery Systems dem/val)		-195,500		-195,500
	Objective Force--Indirect Fires--Crusader Budget Amendment			-195,500	0
	Netfires Systems Tech--Crusader Budget Amendment			-57,000	-14,250
	Netfires--C4ISR Tech--Crusader Budget Amendment			-57,509	-14,509
	Crusader Follow-on Indirect Fires			+475,609	0
	Future Combat System Risk Reduction			+105,000	+105,000
	Non-Line of Sight Cannon Development			+173,000	0
96	**NIGHT VISION SYSTEMS - ENG DEV**	**32,328**	**39,328**	**32,328**	**38,278**
	Avenger Upgrade of 1st Generation Forward Looking Infrared (FLIR) Equipment		+7,000		+5,950
97	**COMBAT FEEDING, CLOTHING, AND EQUIPMENT**	**94,474**	**92,274**	**94,474**	**91,274**
	Reduce Programmed Growth		-4,200		-4,200
	Extended Cold Weather Clothing System		+2,000		+1,000
98	**NON-SYSTEM TRAINING DEVICES - ENG DEV**	**43,650**	**68,650**	**43,650**	**58,900**
	National Training Center Fiber Optic Network (Note: to design and install a Common Training Instrumentation Architecture (CITA) compliant fiber optic network.)		+25,000		+15,250
101	**JSIMS CORE PROGRAM**	**24,230**	**24,230**	**18,230**	**20,230**
	Schedule Slippage		0	-6,000	-4,000

R-1		Budget Request	House	Senate	Conference
103	**AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE - ENG DEV**	**26,978**	**26,978**	**28,978**	**28,678**
	FAADC2		0	+2,000	+1,700
104	**CONSTRUCTIVE SIMULATION SYSTEMS**	**53,294**	**53,294**	**42,294**	**46,294**
	WarSim schedule slippage		0	-11,000	-7,000
105	**AUTOMATIC TEST EQUIPMENT DEVELOPMENT**	**11,839**	**13,839**	**11,839**	**13,539**
	Integrated Family of Test Equipment		+2,000		+1,700
106	**DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS) - ENGINEERING**	**21,487**	**19,087**	**21,487**	**19,087**
	Computer Generated Forces		-2,400		-2,400
107	**TACTICAL SURVEILLANCE SYSTEMS - ENG DEV**	**56,662**	**59,662**	**56,662**	**58,462**
	Broadband Intelligence Training System		+3,000		+1,800
108	**BRILLIANT ANTI-ARMOR SUBMUNITION (BAT)**	**190,293**	**38,060**	**38,060**	**45,000**
	Seeker Technology Development and Testing		-152,233	-152,233	-145,293
111	**COMBINED ARMS TACTICAL TRAINER (CATT) CORE**	**7,579**	**7,579**	**9,079**	**8,629**
	AVCATT-A Upgrade		0	+1,500	+1,050
113	**AVIATION - ENG DEV**	**3,150**	**3,150**	**3,650**	**3,650**
	High Level Ballistic Protection		0	+500	+500
114	**WEAPONS AND MUNITIONS - ENG DEV**	**41,758**	**52,158**	**50,758**	**52,658**
	Mortar Anti-Personnel Anti-Materiel (MAPAM)		+1,000	+5,000	+3,500
	155mm M795E1 Extended Range Base Burner		+3,000		+1,500
	Common Remotely Operated Weapon Station (CROWS) (Note: only for integration of pre-planned product improvements with intention of reducing weight, profile and unit cost, integration of sensor improvements, design data communication bus and interface to Armored Security Vehicles)		+3,400	+2,000	+2,700
	Pyrotechnic Self-Destruct Fuze		+3,000		+1,500
	SLAMRAAM			+2,000	+1,700

R-1		Budget Request	House	Senate	Conference
115	**LOGISTICS AND ENGINEER EQUIPMENT - ENG DEV**	**65,857**	**68,857**	**65,857**	**67,957**
	2kW Military Tactical Generator Product Improvements (Note: only for the purpose of providing product improvements in the areas of weight and noise reduction for the Army's current, lightweight, manportable 2kW military tactical generator.)		+3,000		+2,100
116	**COMMAND, CONTROL, COMMUNICATIONS SYSTEMS - ENG DEV**	**82,238**	**90,238**	**99,238**	**94,238**
	Applied Communications and Information Network (ACIN)		+8,000	+17,000	+12,000
117	**MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT**	**12,625**	**22,125**	**12,625**	**19,725**
	Cartledge Infuser		+3,000		+1,500
	Raman Chemical Imaging Biothreat Detection Program (Note: Only for continued chemical imaging biothreat database development and field hardening of a transportable chemical imaging microscope.)		+6,500		+5,600
118	**LANDMINE WARFARE/BARRIER - ENG DEV**	**128,992**	**114,992**	**128,992**	**128,992**
	Reduce Programmed Growth		-14,000		0
119	**ARTILLERY MUNITIONS - EMD**	**119,188**	**119,188**	**70,888**	**107,113**
	Excalibur Artillery Projectile--Crusader Budget Amendment		0	-48,300	-12,075
120	**COMBAT IDENTIFICATION**	**1,995**	**1,995**	**6,595**	**5,215**
	Integrated Battlefield Combat Situational Awareness (IB-CSAS)		0	+4,600	+3,220
121	**ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE**	**80,672**	**102,410**	**90,672**	**101,010**
	Reduce Programmed Growth		-3,000		-3,000
	Realignment from Aircraft Procurement, Army (Transfer from A2C2S procurement--APA 26)		+17,738	+10,000	+17,738
	TOC 3D & Survivable Carrier (CECOM) (Note: Only to leverage the Army's Advanced Warfare Environment's commercial 3D display technology development to support the Army's command and control modernization initiatives.)		+7,000		+5,600
125	**ARTILLERY SYSTEMS - EMD**	**29,732**	**29,732**	**22,232**	**27,857**
	Paladin Rebuild--Crusader Budget Amendment		0	-7,500	-1,875
126	**PATRIOT PAC-3 THEATER MISSILE DEFENSE ACQUISITION - EM**	**150,819**	**0**	**0**	**0**
	Transfer to RDT&E, Defense-Wide		-150,819	-150,819	-150,819
127	**INFORMATION TECHNOLOGY DEVELOPMENT**	**50,865**	**50,865**	**76,865**	**73,365**
	JCALS		0	+25,000	+21,500
	Electronic Commodity Program		0	+1,000	+1,000
	DEM/VAL TEST AND EVALUATION TRANSFER	**0**	**0**	**-18,000**	**0**
	Transfer out		0	-18,000	0

R-1		Budget Request	House	Senate	Conference
128	**THREAT SIMULATOR DEVELOPMENT**	**15,251**	**15,251**	**21,251**	**19,451**
	Multi-Mode Top Attack Threat Simulator Program		0	+3,000	+2,100
	RF/SAM Threat Simulator		0	+3,000	+2,100
130	**MAJOR T&E INVESTMENT**	**53,797**	**53,797**	**82,797**	**53,797**
	Transfer from acquisition programs		0	+29,000	0
131	**RAND ARROYO CENTER**	**22,148**	**20,000**	**22,148**	**22,148**
	Reduce Programmed Growth		-2,148	0	0
133	**CONCEPTS EXPERIMENTATION PROGRAM**	**22,627**	**22,627**	**25,627**	**24,727**
	Battle Lab at Ft. Knox		0	+3,000	+2,100
135	**ARMY TEST RANGES AND FACILITIES**	**144,183**	**113,451**	**153,683**	**144,883**
	Reduce Programmed Growth		-30,732		-7,500
	Cold Region Test Activity Infrastructure			+2,500	+2,200
	Hybrid Electric Vehicle testing only at Cold Region Test Activity			+5,000	+4,300
	Non-Discarding SABOT Technology only at Cold Region Test Activity			+2,000	+1,700
136	**ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS**	**43,222**	**34,719**	**43,222**	**43,222**
	Reduce Programmed Growth		-8,503		0
137	**SURVIVABILITY/LETHALITY ANALYSIS**	**39,200**	**34,514**	**39,200**	**39,200**
	Reduce Programmed Growth		-4,686		0
138	**DOD HIGH ENERGY LASER TEST FACILITY**	**14,410**	**15,910**	**17,410**	**17,560**
	Sealite Camera Upgrade HELSTF		+1,500		+1,050
	HELSTF infrastructure upgrades			+3,000	+2,100
145	**PROGRAMWIDE ACTIVITIES**	**78,452**	**64,952**	**78,452**	**64,952**
	Reduce Programmed Growth		-13,500		-13,500
146	**TECHNICAL INFORMATION ACTIVITIES**	**34,040**	**49,540**	**35,540**	**47,740**
	Army High Performance Computing Research Center (AHPCRC)		+15,500		+12,700
	Knowledge Management Fusion			+1,500	+1,000

R-1		Budget Request	House	Senate	Conference
147	**MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY**	**16,014**	**37,014**	**18,014**	**31,514**
	Public Private Partnership		+9,000		+6,300
	Life Cycle Pilot Process		+7,000		+4,200
	Manufacturing RDE Center, Nanotechnologies (Note: only to accelerate the production and weaponization of nanotechnologies at Picatinny Arsenal.)		+2,000		+1,400
	Micro Electrical Mechanical Systems Technology Applications (Note: only for the Nanotechnology/ MEMS Research and Development Foundry (NanoConsortium) to design and fabricate MEMS prototypes for armament/munitions systems.)		+2,000		+1,400
	CVT Detection for Automated Munitions Inspection and Surveillance		+1,000		+1,000
	Plasma Ordnance Demilitarization System (PODS)			+2,000	+1,200
152	**MLRS PRODUCT IMPROVEMENT PROGRAM**	**112,825**	**112,825**	**57,825**	**99,075**
	Guided MLRS Unitary--Crusader Budget Amendment		0	-45,000	-11,250
	HIMARS P3I--Crusader Budget Amendment		0	-10,000	-2,500
153	**AEROSTAT JOINT PROJECT OFFICE**	**29.081**	**31.081**	**29,081**	**30.081**
	Lightweight X-Band Radar Antenna Technology		+2,000		+1,000
154	**DOMESTIC PREPAREDNESS AGAINST WEAPONS OF MASS DESTRUCT**	**0**	**3,000**	**0**	**2,550**
	WMD 1st Responder Training at National Preparedness Institute		+3,000		+2,550
155	**ADV FIELD ARTILLERY TACTICAL DATA SYSTEM**	**42,161**	**52,161**	**38,161**	**47,161**
	AFATDS		+10,000		+5,000
	AFATDS--Crusader Budget Ammendment			-4,000	0
156	**COMBAT VEHICLE IMPROVEMENT PROGRAMS**	**83,065**	**84,065**	**57,965**	**86,515**
	Combat Vehicle Improvement Program (Note: only for the continuing development and evaluation of a new generation electronics architecture and other migrating rearchitecture projects for the Bradley Fighting Vehicle and other combat vehicles).		+1,000		+1,000
	Abrams M1A1 Fleet Sidecar/Embedded Diagnostics			+3,500	+2,450
	LV100 Engine (ACCE) program--Crusader Budget Amendment			-28,600	0
158	**AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS**	**196,794**	**196,794**	**220,794**	**212,794**
	Blackhawk Dual Digital Flight Control Computer		0	+4,000	+2,000
	Integrated Mechanical Diagnostics-HUMS, UH-60L Demonstration		0	+20,000	+14,000
159	**AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM**	**3,689**	**9,189**	**3,689**	**7,089**
	Liquid or Light-air End (LOLA) Boost Pump		+1,500		+1,000
	Universal Fuel Authority Digital Engine Control (FADEC)		+4,000		+2,400

R-1		Budget Request	House	Senate	Conference
160	**DIGITIZATION**	**28,968**	**34,968**	**30,968**	**33,768**
	DISM (Note: only to continue research to enable full integration of DISM equipment with all SINCGARS radio sets.)		+4,000		+2,800
	University XXI Effort--Digitization at Ft. Hood		+2,000	+2,000	+2,000
168	**SPECIAL ARMY PROGRAM**	**7,031**	**7,031**	**11,031**	**10,031**
	Authorized Increase		0	+4,000	+3,000
169	**SECURITY AND INTELLIGENCE ACTIVITIES**	**5,438**	**25,938**	**22,638**	**26,638**
	Distributed Data Visualization & Management		+8,000		+3,600
	Expanded Processing for Intelligence Data Analysis		+2,500		+1,900
	INSCOM Global Information Portal		+5,000		+2,500
	Asymmetric Warfare Intelligence Analysis Advanced Tool Set		+4,000		+2,500
	Project Madison		+1,000		0
	Language Training Software			+5,200	+3,700
	Base Protection and Monitoring System			+4,000	+2,000
	Contiguous Connection Model (CCM)			+4,000	+2,000
	Classified Programs			+4,000	+3,000
170	**INFORMATION SYSTEMS SECURITY PROGRAM**	**14,844**	**18,844**	**23,944**	**23,344**
	Information Systems Security Program (Note: only for rapid prototyping of combined bandwidth management technology that includes dynamic allocation, information security and networkling/knowledge management)		+4,000	+3,500	+3,500
	Biometrics			+5,600	+5,000
171	**GLOBAL COMBAT SUPPORT SYSTEM**	**71,864**	**51,864**	**71,864**	**51,864**
	Reduction		-20,000		-20,000
175	**TACTICAL UNMANNED AERIAL VEHICLES**	**57,879**	**81,779**	**58,579**	**68,579**
	Hunter ground control system (Transfer from DERF)		+12,100	+12,100	+12,100
	Tactical Unmanned Aerial Vehicle (Note: only to provide one I-GNAT system with sensors, spares, training, logistics and deployment support to develop TTP for Army medium range UAV employment)		+11,800		+10,000
	TUAV--Target Location Error--Crusader Budget Amendment			-11,400	-11,400
176	**AIRBORNE RECONNAISSANCE SYSTEMS**	**4,882**	**11,382**	**7,882**	**11,632**
	Hyperspectral Long Wave Imager for the Tactical Environment		+4,000		+2,000
	HyLITE (Note: only to develop an extended bandwidth longwave detector, enhanced target detection algorithms, and to incorporate target detection hardware and algorithms.)		+2,500		+1,750
	Signature-based unattended MASINT sensors (Transfer from DERF)			+3,000	+3,000

R-1		Budget Request	House	Senate	Conference
177	**DISTRIBUTED COMMON GROUND SYSTEMS**	**15,683**	**42,083**	**51,083**	**45,583**
	Wideband ISR network (Transfer from DERF)		+24,700	+21,700	+21,700
	Request Duplicates Supplemental Funding		-8,300		-8,300
	Only to continue upgrades to DCGS		+10,000		+2,800
	MASINT tools (Transfer from DERF)			+2,000	+2,000
	Integrate DCGS-A at EAC (Transfer from DERF)			+2,000	+2,000
	Integrate common data link (CDL) into DCGS-A (Transfer from DERF)			+5,000	+5,000
	MTI/MP-RTIP integration (Transfer from DERF)			+4,700	+4,700
178	**END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES**	**61,025**	**68,525**	**72,150**	**78,325**
	Industrial Short Pulse Laser Development/Femtosecond Laser		+3,500	[7,000]	+4,200
	Reactive Atom Plasma Processing		+2,500		+2,200
	21st Century High Technology for Legacy Parts Reinvention (Note: only for an advanced center for laser data acquisition and reverse engineering that leverages the existing solid model creation capability).		+1,500		+1,000
	National Center for Defense Manufacturing and Machining				+1,500
	Bipolar wafer-cell NiMH			+2,000	+1,000
	Continuous Manu. Process for Metal Matrix Composites			+450	+450
	MANTECH for Cylindrical Zinc Air Battery for Landwarrior System			+3,000	+2,100
	MERWS--Phase II			+5,675	+4,850
	OPERATIONAL SYSTEM DEVELOPMENT T&E TRANSFER	**0**	**0**	**-6,000**	**0**
	Operational System Development T&E Transfer		0	-6,000	0

MAGNETO INDUCTIVE INITIATOR

The President's budget request includes $3,000,000 to be used for Engineering and Manufacturing Development of the Magneto Inductive Initiator. The conferees support the rapid fielding of this capability which will allow for U.S. forces to have a remote precision demolition capability that is highly reliable in hardened structures, bunkers, caves, buildings, and in the littoral surf zone. The conferees ask to be kept apprised of the progress of this important program.

SOLID STATE LASERS

There has been substantial technical progress in the ongoing solid state laser development efforts, and the need to continue rapid progress toward developing an Army tactical laser weapons capability for the Objective Force. Therefore, the conferees urge the Army to allocate $11,200,000, as proposed in the fiscal year 2003 budget request, for High Energy Laster Technology to the current Solid State Heat Capacity Laser program.

BRILLIANT ANTI-ARMOR TECHNOLOGY (BAT) AND BAT P3I SUBMUNITION PROGRAM

The conferees agree with the recommendations found in both the House and Senate reports to terminate the BAT program, and accordingly, include a reduction of $145,293,000 to this program. The conference agreement also provides $45,000,000 of the funds requested for this program for the purpose of developing and testing a multi-mode seeker technology. In addition, the conferees direct the Army establish a new project code for the seeker development to distinguish this work from the base BAT and BAT P3I programs.

LOITERING ATTACK MISSILE REQUIREMENTS REVIEW

The conferees direct the Secretary of the Army to submit a report to the congressional defense committees by no later than March 31, 2003, comparing and contrasting the cost, technical risk, schedule risk, and combat capability of replacing the planned Loitering Attack Missile (LAM) with a comparable capability centered on the use of Unmanned Aerial Vehicles (UAV) with a smart seeker munition. This report shall assess whether a UAV with a smart seeker munition can provide equal or better combat capability within the same or a shorter timeframe compared to use of the LAM under the existing Army Objective Force Transformation plan. This report shall also include an analysis of the relative capabilities of each system to discern friend or foe in real time and to limit collateral damage. It shall also assess whether a UAV/smart munition option provides better value and greater overall combat effectiveness to the Army when considering the added potential of combining surveillance and strike capability on the same platform.

FUTURE COMBAT SYSTEM AND INTELLIGENT MINEFIELDS

The conferees agree to provide an additional $105,000,000 for the Army's next generation warfighting capability, the Future Combat System. The conferees also agree with the Senate's language that encourages the Army to invest part of this additional funding into a development program for a next generation intelligent minefield. The conferees direct that the Army clearly define the requirements for a next generation intelligent minefield and ensure compliance with the Ottawa Treaty, and report back to the House and Senate Appropriations Committee with detailed plans for such a system. The conferees understand that the Army has already begun this process with plans to incorporate the Intelligent Munitions System (IMS) into the Future Combat System. The conferees urge that the Army consider using a portion of this additional funding to begin development of the IMS. Funds for the intelligent minefield may be obligated before the Milestone B decision for the Future Combat System program, for demonstration and validation of technologies as appropriate.

FUTURE TESTING REQUIREMENTS

The conferees agree with the House report language requiring the Secretary of Defense to provide a report on Future Testing Requirements. The Senate did not address this matter. The conferees direct the Secretary of Defense to submit this report to the congressional defense committees not later than May 1, 2003. The report should provide an analysis of the capabilities of the test ranges, including the need for investment in new equipment; the capabilities of current modeling and simulation techniques used in testing and evaluation; recommend a means of using modeling and simulation techniques to make the testing of weapons systems more efficient and effective; and propose a five-year plan of integrated investment for both ranges and modeling and simulation techniques.

NON-LINE OF SIGHT (NLOS) CANNON

The conferees agree to align the funding proposed in the Crusader budget amendment of the Non-Line of Sight (NLOS) Cannon to the Artillery Systems-Demonstration/Validation program to ensure that the experienced Army staff who were developing the Crusader will lead the effort to migrate these technologies, and to develop the NLOS cannon. The conferees, therefore, have included a total of $368,500,000, for the Non-Line of Sight Cannon and Resupply Vehicle Program in Artillery Systems Demonstration/Validation, to develop a Non-Line of Sight Cannon. This amount is an increase of $173,000,000 above the President's budget request. The conferees direct that this additional funding be used to integrate cannon technologies with a suitable platform and munitions to ensure that this NLOS Cannon can be delivered in the 2008 timeframe. Finally, the conferees direct the NLOS Cannon program office to closely coordinate its program with the Army's Future Combat Systems program office.

CRUSADER BUDGET AMENDMENT/NLOS CANNON

	Amended Budget	House	Senate	Conference
Artillery Systems--Dem/Val PE 0603854A: Crusader termination and migration of cannon technologies, and platform and munitions integration	-246,465	-246,465	-246,465	-246,465
Objective Force--Indirect Fires	0	+195,500	0	+195,500
Technology Integration	0	+173,000	0	+173,000
Reduction	0	0	-5,200	0
Artillery Systems EMD PE 0604854A				
Crusader Termination	-229,144	-229,144	-229,144	-229,144
Paladin Upgrades	+7,500	+7,500	0	+5,625
Armored Systems Modernization PE 0604645A				
Netfires System Technology	+57,000	+57,000	0	+42,750
Netfires C4ISR	+57,509	+57,509	0	+43,000
Objective Force--Indirect Fires	+195,500	0	0	0
Crusader follow-on Indirect Fires	0	0	+475,609	0
Technology Integration	0	0	+173,000	0
Weapons and Munitions Adv Dev PE 0603802A: Includes Precision Guided Mortar Munition (PGMM)	+10,800	+10,800	0	+8,100
Excalibur/TCM PE 0604814A: Includes Excalibur artillery projectile development	+48,300	+48,300	0	+36,225
MLRS Product Improvement Program PE 0603778A: Includes Guided MLRS Unitary and HIMARS	+55,000	+55,000	0	+41,250
Advanced Field Artillery Tactical Data System (AFATDS) PE 0203726A	+4,000	+4,000	0	+4,000
Combat Vehicle Improvement Program PE 0203735A: Includes Abrams engine program (ACCE)	+28,600	+28,600	0	+28,600
Tactical Unmanned Aerial Vehicles PE 0305204A: Includes TUAV--Target Location Error (funding included in Other Procurement, Army, line 58, Shadow TUAV--Block II Upgrades)	+11,400	+11,400	0	0
Missile Technology PE 0602303A: MEMS Technology Development Acceleration	0	+15,000	0	+12,750
Subtotal Increases	+475,609	+663,609	+663,609	+590,800
Subtotal Decreases	-475,609	-475,609	-480,809	-475,609
TOTAL	0	+188,000	+182,800	+115,191

COMBAT SUPPORT HOSPITAL-MOBILE SURGICAL UNIT

The conferees understand that the Army is working to develop a replacement system to the deployable medical hospital. Accordingly, $2,500,000 is provided to the U.S. Army Medical Research and Materiel Command, Ft. Detrick, MD, to prototype a 44-bed Combat Support Hospital consistent with the concept design of the U.S. Army Medical Center and School's ICT report on the Future Medical Support System.

M934 MORTAR—LOW COST COURSE CORRECTION MODULE

The conferees are aware of recently concluded tests sponsored by Army PM-Mortar which support further demonstration and evaluation of the Low Cost Course Correction (LCCC) module for the M934 Mortar. The conferees also note the positive performance of the LCCC module as reported by the Army and encourage the Secretary of the Army to address future funding requirements for the LCCC module and future testing requirements.

ARMY ASSAULT RIFLE EARLY TRANSFORMATION

The conferees are aware of significant Army progress in developing the XM-8 assault rifle as a stand-alone module of the XM-29 assault weapon program. The XM-8 appears to offer significant improvements over the current M-4 assault rifle and may be worthy of fielding on an expedited basis. The conferees direct the Secretary of the Army to review the costs, benefits and feasibility of accelerating replacement of the M-4 with the XM-8. The Secretary shall submit a report to the congressional defense committees by no later than April 1, 2003, comparing and contrasting the cost, weapon performance/capabilities, technical risk, schedule risk, and improvements in overall combat capability of fielding the XM-8 assault rifle module of the XM-29 assault weapon under an initial block development approach compared to the current fielding plan. This report shall specifically assess the benefits of an early block development fielding of the XM-8 in providing equal or better combat capability in a shorter timeframe, and the overall benefits to soldier effectiveness and survivability, compared to waiting for final development of the XM-29 under the existing Army Objective Force Transformation Plan.

PSEUDOFOLLICULITIS BARBE

The Conferees agree that Pseudofolliculitis Barbe (PFB) is a serious condition that impacts many African American military personnel and deserves additional attention. The conferees strongly encourage the Department of Defense to act quickly on a plan of action to initiate research into more effective treatments and control of this problem.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

The conference agreement on items addressed by either the House or Senate is as follows:

(In thousands of dollars)

	Budget	House	Senate	Conference
RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY				
BASIC RESEARCH				
IN-HOUSE LABORATORY INDEPENDENT RESEARCH	16,352	16,352	16,352	16,352
DEFENSE RESEARCH SCIENCES	393,557	391,557	411,557	405,457
TOTAL, BASIC RESEARCH	409,909	407,909	427,909	421,809
APPLIED RESEARCH				
POWER PROJECTION APPLIED RESEARCH	76,612	115,412	80,612	106,687
FORCE PROTECTION APPLIED RESEARCH	89,390	94,890	123,390	121,115
MARINE CORPS LANDING FORCE TECHNOLOGY	30,274	30,274	30,274	30,274
C3I AND SURVEILLANCE	---	---	3,000	1,400
HUMAN SYSTEMS TECHNOLOGY	---	1,500	---	1,050
MATERIALS, ELECTRONICS AND COMPUTER TECHNOLOGY	---	14,000	1,000	10,000
COMMON PICTURE APPLIED RESEARCH	75,594	96,094	150,594	151,594
WARFIGHTER SUSTAINMENT APPLIED RESEARCH	68,852	102,552	93,152	109,162
RF SYSTEMS APPLIED RESEARCH	56,263	66,763	74,763	75,963
OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH	55,180	70,730	65,680	71,630
UNDERSEA WARFARE APPLIED RESEARCH	71,294	81,694	85,194	86,444
MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH	56,813	56,813	56,813	56,813
TOTAL, APPLIED RESEARCH	580,272	730,722	764,472	822,132
ADVANCED TECHNOLOGY DEVELOPMENT				
POWER PROJECTION ADVANCED TECHNOLOGY	78,247	170,647	105,247	170,962
FORCE PROTECTION ADVANCED TECHNOLOGY	57,604	93,104	99,104	87,479
COMMON PICTURE ADVANCED TECHNOLOGY	37,753	44,753	50,753	48,353
WARFIGHTER SUSTAINMENT ADVANCED TECHNOLOGY	82,542	98,042	90,542	98,492
RF SYSTEMS ADVANCED TECHNOLOGY	65,098	65,098	65,098	76,148
SURFACE SHIP & SUBMARINE HM&E ADVANCED TECHNOLOGY	---	6,000	---	---
MARINE CORPS ADVANCED TECHNOLOGY DEMONSTRATION (ATD)	51,606	66,206	63,106	76,816
MEDICAL DEVELOPMENT	---	62,800	---	---
ENVIRONMENTAL QUALITY & LOGISTICS ADVANCED TECHNOLOGY	---	2,000	4,000	3,800
NAVY TECHNICAL INFORMATION PRESENTATION SYSTEM	97,872	97,872	97,872	97,872
WARFIGHTER PROTECTION ADVANCED TECHNOLOGY	19,040	38,040	19,040	39,940
UNDERSEA WARFARE ADVANCED TECHNOLOGY	40,125	42,125	45,125	44,625
NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS	43,460	43,460	43,460	43,460

	(In thousands of dollars)			
	Budget	House	Senate	Conference
MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY	43,725	47,225	43,725	46,000
ADVANCED TECHNOLOGY TRANSITION	---	---	5,000	2,500
TOTAL, ADVANCED TECHNOLOGY DEVELOPMENT	617,072	877,372	732,072	836,447
DEMONSTRATION & VALIDATION				
AIR/OCEAN TACTICAL APPLICATIONS	32,549	35,049	32,549	33,799
AVIATION SURVIVABILITY	7,486	20,986	14,486	20,836
DEPLOYABLE JOINT COMMAND AND CONTROL	39,772	7,500	47,272	32,500
ASW SYSTEMS DEVELOPMENT	13,207	26,707	18,207	25,907
TACTICAL AIRBORNE RECONNAISSANCE	1,922	15,922	1,922	13,822
ADVANCED COMBAT SYSTEMS TECHNOLOGY	3,350	3,350	3,350	3,350
SURFACE AND SHALLOW WATER MINE COUNTERMEASURES	155,016	160,516	155,016	158,866
SURFACE SHIP TORPEDO DEFENSE	3,244	18,244	5,244	14,644
CARRIER SYSTEMS DEVELOPMENT	88,913	89,913	94,913	92,513
SHIPBOARD SYSTEM COMPONENT DEVELOPMENT	243,111	253,111	257,111	260,361
PILOT FISH	72,637	72,637	72,637	72,637
RETRACT LARCH	28,482	28,482	28,482	28,482
RADIOLOGICAL CONTROL	1,078	1,078	1,078	1,078
SURFACE ASW	3,219	8,219	3,219	14,819
SSGN CONVERSION	82,527	82,527	82,527	82,527
ADVANCED SUBMARINE SYSTEM DEVELOPMENT	107,389	136,389	126,789	134,539
SUBMARINE TACTICAL WARFARE SYSTEMS	11,601	11,601	11,601	11,601
SHIP CONCEPT ADVANCED DESIGN	5,820	23,820	9,820	28,220
SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES	2,983	2,983	2,983	2,983
ADVANCED NUCLEAR POWER SYSTEMS	216,091	216,091	216,091	216,091
ADVANCED SURFACE MACHINERY SYSTEMS	2,931	2,931	2,931	2,931
CHALK EAGLE	20,978	20,978	20,978	20,978
COMBAT SYSTEM INTEGRATION	40,464	66,964	40,464	62,364
CONVENTIONAL MUNITIONS	22,445	24,945	18,445	20,570
MARINE CORPS ASSAULT VEHICLES	272,092	277,592	272,092	276,767
MARINE CORPS MINE/COUNTERMEASURES SYSTEMS - ADV DEV	497	497	497	497
MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM	27,777	37,777	33,277	31,777
JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	12,877	12,877	12,877	12,877
COOPERATIVE ENGAGEMENT	86,144	118,144	86,144	112,094

	(In thousands of dollars)			
	Budget	House	Senate	Conference
OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT	15,257	15,257	15,257	16,257
ENVIRONMENTAL PROTECTION	44,206	48,206	44,206	46,906
NAVY ENERGY PROGRAM	5,060	17,060	12,560	15,310
FACILITIES IMPROVEMENT	2,124	4,624	2,124	3,374
CHALK CORAL	50,704	67,104	50,704	67,104
NAVY LOGISTIC PRODUCTIVITY	13,023	32,023	13,023	26,723
RETRACT MAPLE	212,506	276,506	276,506	276,506
LINK PLUMERIA	82,909	82,909	82,909	82,909
RETRACT ELM	21,900	21,900	21,900	21,900
SHIP SELF DEFENSE - DEM/VAL	5,930	5,930	5,930	5,930
LINK EVERGREEN	55,971	55,971	55,971	55,971
SPECIAL PROCESSES	39,756	39,756	39,756	39,756
NATO RESEARCH AND DEVELOPMENT	11,581	11,581	11,581	11,581
LAND ATTACK TECHNOLOGY	108,693	130,693	110,693	126,943
NONLETHAL WEAPONS - DEM/VAL	24,082	24,082	28,082	26,482
ALL SERVICE COMBAT IDENTIFICATION EVALUATION TEAM	14,414	14,414	14,414	14,414
JOINT PRECISION APPROACH AND LANDING SYSTEMS - DEM/VAL	11,932	11,932	11,932	11,932
SINGLE INTEGRATED AIR PICTURE (SIAP) SYSTEM ENGINEER	73,966	73,966	73,966	73,966
SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINE	31,623	33,623	31,623	33,323
DEM/VAL TEST AND EVALUATION TRANSFER	---	---	-15,000	---
TOTAL, DEMONSTRATION & VALIDATION	2,432,239	2,745,367	2,561,139	2,747,717
ENGINEERING & MANUFACTURING DEVELOPMENT				
OTHER HELO DEVELOPMENT	31,123	38,623	32,623	36,223
AV-8B AIRCRAFT - ENG DEV	18,565	18,565	18,565	18,565
STANDARDS DEVELOPMENT	37,757	42,957	37,757	40,357
MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT	88,969	95,969	88,969	94,919
S-3 WEAPON SYSTEM IMPROVEMENT	422	422	422	422
AIR/OCEAN EQUIPMENT ENGINEERING	5,725	9,725	5,725	7,725
P-3 MODERNIZATION PROGRAM	2,348	2,348	2,348	2,348
TACTICAL COMMAND SYSTEM	81,475	81,475	61,475	74,475
E-2C RADAR MODERNIZATION	113,681	113,681	121,681	113,681
H-1 UPGRADES	241,384	241,384	241,384	241,384

(In thousands of dollars)

	Budget	House	Senate	Conference
ACOUSTIC SEARCH SENSORS	13,929	13,929	13,929	13,929
V-22A	420,109	420,109	420,109	420,109
AIR CREW SYSTEMS DEVELOPMENT	6,695	7,695	6,695	7,695
EW DEVELOPMENT	74,742	75,642	84,742	81,342
JOINT TACTICAL RADIO SYSTEM - NAVY (JTRS-NAVY)	20,373	20,373	20,373	20,373
SC-21 TOTAL SHIP SYSTEM ENGINEERING	717,397	642,397	749,397	732,797
SURFACE COMBATANT COMBAT SYSTEM ENGINEERING	300,748	323,748	311,748	348,148
LPD-17 CLASS SYSTEMS INTEGRATION	10,133	10,133	10,133	10,133
TRI-SERVICE STANDOFF ATTACK MISSILE	14,943	14,943	14,943	14,943
SMALL DIAMETER BOMB (SDB)	1,989	1,989	1,989	1,989
STANDARD MISSILE IMPROVEMENTS	16,288	16,288	16,288	21,288
AIRBORNE MCM	67,240	69,240	67,240	68,240
SSN-688 AND TRIDENT MODERNIZATION	98,516	133,016	98,516	126,641
AIR CONTROL	4,951	4,951	4,951	4,951
ENHANCED MODULAR SIGNAL PROCESSOR	513	513	513	513
SHIPBOARD AVIATION SYSTEMS	24,619	24,619	28,619	26,619
NEW DESIGN SSN	238,253	250,253	238,253	246,153
SSN-21 DEVELOPMENTS	3,981	3,981	18,981	16,731
SUBMARINE TACTICAL WARFARE SYSTEM	13,975	13,975	28,475	25,675
SHIP CONTRACT DESIGN/LIVE FIRE T&E	184,545	159,545	231,645	206,645
NAVY TACTICAL COMPUTER RESOURCES	2,185	25,685	2,185	16,160
MINE DEVELOPMENT	1,491	1,491	1,491	1,491
UNGUIDED CONVENTIONAL AIR-LAUNCHED WEAPONS	12,142	12,142	18,142	15,142
LIGHTWEIGHT TORPEDO DEVELOPMENT	7,769	13,769	12,769	14,969
JOINT DIRECT ATTACK MUNITION	48,861	48,861	48,861	48,861
JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	7,781	7,781	7,781	7,781
PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS	1,331	1,331	1,331	1,331
NAVY ENERGY PROGRAM	5,691	5,691	8,191	6,941
BATTLE GROUP PASSIVE HORIZON EXTENSION SYSTEM	14,070	14,070	19,070	17,470
JOINT STANDOFF WEAPON SYSTEMS	16,652	16,652	16,652	16,652
SHIP SELF DEFENSE (DETECT CONTROL)	61,966	61,966	61,966	61,966
SHIP SELF DEFENSE (ENGAGE: HARD KILL)	19,528	26,528	34,528	30,028
SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	28,064	42,064	12,409	44,964

(In thousands of dollars)

	Budget	House	Senate	Conference
MEDICAL DEVELOPMENT	7,154	7,154	20,079	71,259
NAVIGATION/ID SYSTEM	46,618	46,618	46,618	46,618
DISTRIBUTED SURVEILLANCE SYSTEM	35,861	35,861	40,861	38,461
JOINT STRIKE FIGHTER (JSF) - EMD	1,727,500	1,727,500	1,752,500	1,747,250
SMART CARD	711	711	711	711
INFORMATION TECHNOLOGY DEVELOPMENT	8,079	8,079	8,079	8,079
INFORMATION TECHNOLOGY DEVELOPMENT	43,213	81,713	43,813	72,538
DEFENSE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM	51,297	51,297	51,297	51,297
JOINT COUNTER-INTELLIGENCE ASSESSMENT GROUP (JCAG)	2,337	2,337	2,337	2,337
MULTI-MISSION MARITIME AIRCRAFT (MMA)	74,531	64,531	74,531	69,531
NAVY STANDARD INTEGRATED PERSONNEL SYSTEM (NSIPS)	12,798	12,798	12,798	12,798
EMD TEST AND EVALUATION TRANSFER	---	---	-32,000	---
TOTAL, ENGINEERING & MANUFACTURING DEVELOPMENT	5,093,018	5,169,118	5,245,488	5,429,648
RDT&E MANAGEMENT SUPPORT				
THREAT SIMULATOR DEVELOPMENT	30,599	30,599	30,599	30,599
TARGET SYSTEMS DEVELOPMENT	45,562	45,562	45,562	45,562
MAJOR T&E INVESTMENT	42,453	44,453	106,453	42,453
STUDIES AND ANALYSIS SUPPORT - NAVY	4,071	8,071	4,071	6,071
CENTER FOR NAVAL ANALYSES	45,435	45,435	45,435	45,435
FLEET TACTICAL DEVELOPMENT	2,771	2,771	2,771	2,771
TECHNICAL INFORMATION SERVICES	929	16,429	929	18,754
MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT	50,787	35,787	52,787	51,987
STRATEGIC TECHNICAL SUPPORT	2,340	2,340	2,340	2,340
RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT	59,447	59,447	59,447	59,447
RDT&E INSTRUMENTATION MODERNIZATION	13,289	14,214	13,289	14,214
RDT&E SHIP AND AIRCRAFT SUPPORT	71,519	71,519	71,519	71,519
TEST AND EVALUATION SUPPORT	278,838	278,838	278,838	278,838
OPERATIONAL TEST AND EVALUATION CAPABILITY	12,642	12,642	12,642	12,642
NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	3,242	3,242	3,242	3,242
SEW SURVEILLANCE/RECONNAISSANCE SUPPORT	12,120	12,120	12,120	12,120
MARINE CORPS PROGRAM WIDE SUPPORT	12,208	29,708	21,208	28,133
TOTAL, RDT&E MANAGEMENT SUPPORT	688,252	713,177	763,252	726,127

(In thousands of dollars)

	Budget	House	Senate	Conference
OPERATIONAL SYSTEMS DEVELOPMENT				
STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	40,278	110,178	40,278	40,278
SSBN SECURITY TECHNOLOGY PROGRAM	34,567	34,567	34,567	34,567
SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	1,091	1,091	1,091	1,091
NAVY STRATEGIC COMMUNICATIONS	21,452	21,452	21,452	21,452
F/A-18 SQUADRONS	204,466	214,466	210,466	215,666
E-2 SQUADRONS	19,011	19,011	19,011	19,011
FLEET TELECOMMUNICATIONS (TACTICAL)	12,576	12,576	12,576	12,576
TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC)	94,265	102,265	94,265	99,865
INTEGRATED SURVEILLANCE SYSTEM	20,405	26,405	20,405	26,005
AMPHIBIOUS TACTICAL SUPPORT UNITS	6,352	6,352	6,352	6,352
CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	31,421	35,421	31,421	33,821
ELECTRONIC WARFARE (EW) READINESS SUPPORT	6,731	35,731	15,731	26,731
HARM IMPROVEMENT	60,758	61,758	60,758	61,758
TACTICAL DATA LINKS	42,667	42,667	42,667	42,667
SURFACE ASW COMBAT SYSTEM INTEGRATION	24,424	24,424	24,424	24,424
MK-48 ADCAP	22,052	22,052	22,052	22,052
AVIATION IMPROVEMENTS	40,915	40,915	40,915	40,915
NAVY SCIENCE ASSISTANCE PROGRAM	4,801	4,801	14,801	13,301
OPERATIONAL NUCLEAR POWER SYSTEMS	56,804	56,804	56,804	56,804
MARINE CORPS COMMUNICATIONS SYSTEMS	174,664	218,964	190,464	208,464
MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS	36,004	39,004	38,904	39,834
MARINE CORPS COMBAT SERVICES SUPPORT	21,041	21,041	21,041	21,041
TACTICAL AIM MISSILES	1,957	1,957	1,957	1,957
ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	8,124	8,124	8,124	8,124
SATELLITE COMMUNICATIONS (SPACE)	115,903	115,903	115,903	115,903
INFORMATION SYSTEMS SECURITY PROGRAM	18,436	18,436	20,436	24,236
NAVY METEOROLOGICAL AND OCEAN SENSORS-SPACE (METOC)	19,801	19,801	19,801	22,801
JOINT C4ISR BATTLE CENTER (JBC)	21,970	21,970	25,970	24,770
JOINT MILITARY INTELLIGENCE PROGRAMS	6,709	6,709	6,709	6,709
TACTICAL UNMANNED AERIAL VEHICLES	206,359	249,659	263,659	262,459
AIRBORNE RECONNAISSANCE SYSTEMS	5,469	14,469	9,469	16,569
MANNED RECONNAISSANCE SYSTEMS	11,166	11,166	8,266	11,166

(In thousands of dollars)

	Budget	House	Senate	Conference
DISTRIBUTED COMMON GROUND SYSTEMS....................	4,482	9,482	7,482	8,782
NAVAL SPACE SURVEILLANCE.............................	9,548	9,548	9,548	9,548
MODELING AND SIMULATION SUPPORT......................	7,783	7,783	10,783	9,883
DEPOT MAINTENANCE (NON-IF)...........................	7,119	7,119	7,119	7,119
INDUSTRIAL PREPAREDNESS..............................	70,631	76,631	70,631	75,131
MARITIME TECHNOLOGY (MARITECH).......................	9,943	14,693	9,943	13,093
TOTAL, OPERATIONAL SYSTEMS DEVELOPMENT.............	1,502,145	1,745,395	1,616,245	1,686,925
CLASSIFIED PROGRAMS..................................	1,178,723	1,178,723	1,187,723	1,280,845
RETIREMENT ACCRUALS..................................	-5,565	-5,565	-5,565	-5,565
OPERATIONAL SYSTEMS DEVELOPMENT T&E TRANSFER..........	---	---	-17,000	---
TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY.....	12,496,065	13,562,218	13,275,735	13,946,085

EXPLANATION of PROJECT LEVEL ADJUSTMENTS
(in thousands of dollars)

	Budget Request	House	Senate	Conference
2 DEFENSE RESEARCH SCIENCES	**393,557**	**391,557**	**411,557**	**405,457**
Growth Reduction		-2,000		-1,000
Quantum Optics			+7,000	+4,900
Consortium for Military Personnel Research			+2,000	+1,400
Naval Basic Research at the Naval Research Lab (Note: Only to increase core funding for the Naval Research Laboratory.)			+6,000	+5,100
Robotic Mine Countermeasures			+3,000	+1,500
4 POWER PROJECTION APPLIED RESEARCH	**76,612**	**115,412**	**80,612**	**106,687**
Strategic Systems Tech. Modernization-Transfer from DERF		+7,300		
Naval Precision Strike (Note: Only to continue development and demonstration of UAV mounted high resolution SAR for all weather precision targeting.)		+6,000		+7,000
Accelerate development of low-cost SWARM UAV		+4,000		+2,500
High Efficiency Piezoelectric Crystals		+2,500		+1,750
Pulse Detonation Engine Risk Reduction		+1,500		+1,050
Real World Based Immersive Imaging Technology		+4,000		+2,000
Phase II - Integrated Bio. Warfare Technology Program		+4,000	[8,000]	+4,000
Panoramic Night Imaging System		+4,000		+3,400
Millimeter Wave Infrared Imaging		+2,000		+1,700
Tunable oxide film and capacitor technology and integration of oxide film and wide bandgap semiconductor technology for the advanced multi-function RF system		+2,000		+1,700
Ultra-short pulse laser micromachining		+1,500		+1,275
Interrogator for High Speed Retro-Reflectometer			+2,000	+1,700
Low-cost Fused Remote Sensors for Target Identification			+2,000	+1,000
Hybrid Fiberoptic/Wireless Systems for High Capacity Secure Shipboard Communication				+1,000
7 FORCE PROTECTION APPLIED RESEARCH	**89,390**	**94,890**	**123,390**	**121,115**
Battery Charging Technology (Note: Only to continue and expand the current program to develop advanced battery charging algorithms.)		+2,500		+2,125
Center for Advanced Power Systems (CAPS)		+3,000	[6,000]	+5,100
Anti-Corrosion Modeling Software			+2,500	+1,250
Endeavor			+4,000	+3,400
Fusion Processor			+4,000	+3,400
Integrated Fuel Processor - Fuel Cell System			+3,000	+1,800
Laser Welding and Cutting			+3,000	+2,000
Minature Autonomous Vehicles (MAVs)			+1,500	+1,000
Modular Advanced Composite Hull Form			+2,000	+1,000
Small Watercraft Demonstrator			+5,000	+4,250
Unmanned Sea Surface Vehicles (USSV)			+9,000	+5,400
Structural Reliabilty of FRP Composites			[2,000]	+1,000
COMMUNICATIONS, COMMAND AND CONTROL, 9 INTELLIGENCE, SURVEILLANCE	**0**	**0**	**3,000**	**1,400**
Common Sensor Module			+3,000	+1,400
10 HUMAN SYSTEMS TECHNOLOGY	**0**	**1,500**	**0**	**1,050**
Bio-Detection Surveillance system		+1,500		+1,050
MATERIALS, ELECTRONICS AND COMPUTER 11 TECHNOLOGY	**0**	**14,000**	**1,000**	**10,000**
Battlespace Information Display Technology (BIDT)		+3,000		+2,100
Laser Welding and Cutting Technologies - moved to line 7		+2,000		
Virtual Company / Dist. Mfg. Demonstration Project		+3,000		+1,800
Advanced Fuel Additive		+2,000		+1,700
Printed Wiring Board Manufacturing Technology		+4,000		+3,400
Innovative Communications Materials - Thick				

	Budget Request	House	Senate	Conference
Ferrite Magnetic Materials			+1,000	+1,000
12 COMMON PICTURE APPLIED RESEARCH	**75,594**	**96,094**	**150,594**	**151,594**
Research in Augmented and Virtual Environment Systems (RAVES)		+5,000		+2,500
Naval Automation and Information Management Tech.		+5,000		+2,500
National Center for Advanced Secure Systems Research (NCASSR)		+7,500		+5,750
Submarine Enabling Airborne Data Exchange and Enhancement Program		+3,000		+1,500
Modular Command Center			+15,000	+12,750
Tactical Component Network Applications Integration			+35,000	+29,750
Theater Undersea Warfare			+10,000	+8,500
UESA			+15,000	+12,750
13 WARFIGHTER SUSTAINMENT APPLIED RESEARCH	**68,852**	**102,552**	**93,152**	**109,162**
Characterization of Novel Materials		+4,000		+2,800
National UUV Test and Evaluation Center		+6,700		+4,700
3-Dimensional Printing Metalworking Project		+5,500		+3,850
Marine Mammal Research Program		+2,000		+1,000
Formable Aligned Carbon Thermosets (FACTS)		+2,000		+1,000
Rhode Island Disaster Initiative		+2,000		+1,200
Human Systems Technology		+1,000		+1,000
IMPRINT Modeling		+1,500		+1,050
Fibrous Monolithic Materials Insertion		+4,500		+2,250
Rapid Detection and Response for Chem/Bio Defense Systems Research		+1,500		+1,000
Automated Diode Array Manufacturing		+3,000		+2,500
Advanced Fouling and Corrision Control Coatings			+7,000	+4,900
Advanced Materials and Intelligent Processing			+3,000	+1,500
Biodegradable Polymers for Naval Applications			+1,250	+1,000
Bioenvironmental Hazards Research Program			+2,000	+1,200
Carbon Foam for Navy Applications			+450	+450
Modernization through Remanufacturing and Conversion (MTRAC) - moved to line 27			+4,000	
Ceramic and Carbon Based Materials			+2,000	+1,000
Titanium Matrix Composites Program			+2,600	+2,210
Visualization of Technical Information			+2,000	+1,700
Agile Vaccinology				+4,000
15 RF SYSTEMS APPLIED RESEARCH	**56,263**	**66,763**	**74,763**	**75,963**
Advanced Semiconductor Material Research		+1,500	+1,500	+1,500
Tri-Service Reliance Vacuum Electronics Research Program (Note: In addition to the funds provided in the President's Budget, the Committee provides an additional $5,000,000 only for Vacuum Electronics research.)		+8,000		+5,000
Highly Mobile Tactical Communications (HMTC) (Note: Only to demonstrate integration of Iridium satellite communications with existing tactical systems.)		+1,000		+1,000
High Brightness Electron Source Program			+3,000	+2,100
Maritime Synthetic Range			+6,000	+5,100
Nanoscale Science and Technology Program			+3,000	+1,500
Silicon Carbide High Power Diode Development			+2,500	+1,750
Wide Bandgap Silicon Carbide Semiconductor Research Initiative			+2,500	+1,750

	Budget Request	House	Senate	Conference
18 OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH	**55,180**	**70,730**	**65,680**	**71,630**
Southeast Atlantic Coastal Ocean Observing System (SEA-COOS)		+2,000	+8,000	+5,600
Bioluminescence Truth Data Measurement and Signature Detection		+1,800		+1,000
Extended Capability Underwater Imaging		+4,000		+2,000
South Florida Ocean Measurement Center		+1,750		+1,000
Oceanographic Sensors For Mine Countermeasures		+6,000		+5,100
Hydrography Research			+2,500	+1,750
20 UNDERSEA WARFARE APPLIED RESEARCH	**71,294**	**81,694**	**85,194**	**86,444**
Lithium Carbon Monofluoride Battery		+1,000		+1,000
Magnetorestrictive Transduction (TERFENOL-D)		+5,400	+5,400	+5,400
Undersea Def. Warfare Systems (6.25" ATT Tech.)		+2,000		+1,200
Undersea Defensive Warfare Systems (Rapid Response ATT Weapon)		+2,000		+1,200
Acoustic Temperature Profiler			+3,000	+2,550
Low Acoustic Signature Motor (LAMPREY)			+3,500	+2,100
SAUVIM			+2,000	+1,700
23 POWER PROJECTION ADVANCED TECHNOLOGY	**78,247**	**170,647**	**105,247**	**170,962**
High Speed Anti-Radiation Missile Demonstration (Note: Only to fully fund modifications to the AARGM seeker to support the HSAD program and to provide additional seekers for an expanded demonstration test program.)		+9,000		+6,300
High Speed Anti-Radiation Missile Demonstration (Note: Only to fully fund development, fabrication, integration and test of a producible Digital Control Actuator System for the missle aft-steering system of the HSAD Airframe/Propulsion/Steering section.)				+7,650
Magdalena Ridge Observatory		+30,000		+21,000
HEL-Low Aspect Target Tracking		+6,500		+4,550
Affordable Weapon		+10,000		+6,000
Littoral Support Craft (X)		+13,000		+9,100
Littoral Support Craft (X) - Lifting Body			+12,000	+10,200
DP-2 Thrust Vectoring System		+8,000		+5,000
Integrated Hypersonic Aeromechanics Tool (IHAT)		+4,400		+3,740
Vectored Thrust Ducted Propellor Helicopter Technology Demonstration		+3,000	+4,000	+3,500
Advanced Camouflage Coatings for UAV Demonstration (Note: To expand on previous LO successes to demonstrate advanced coatings.)		+8,500		+7,225
HYSWAC Lifting Body Development			+7,000	+5,950
Precision Strike Navigator			+1,000	+1,000
Variable Engine Nozzle			+3,000	+1,500
24 FORCE PROTECTION ADVANCED TECHNOLOGY	**57,604**	**93,104**	**99,104**	**87,479**
Transfer from DERF		+36,000		+36,000
Reduction to DERF		-36,000		-36,000
Technology, unmanned surface vehicle (Trans. from DERF)			+22,500	
Center for Maritime Systems		+2,000		+1,400
Smart Sensor Web		+1,500		+1,050
Modular Advanced Composite Hull Forms-moved to line 7		+1,000		
Superconducting DC Homopolar Motor		+4,000		+2,800
Ship Service Fuel Cell		+4,000		+3,000
Marine Direct Ship Service Fuel Cell Technology Validation Trainer		+2,000		+1,200
High Temperature Superconducting AC Propulsion Motor and Generator		+4,000	+10,000	+5,000

	Budget Request	House	Senate	Conference
Smart Microsensor Arrays for Shipboard Damage Control (Note: Only to continue development of a prototype compact, fully integrated sensor system for use in a reduced manning shipboard environment.)		+8,000		+5,300
Project M (Note: Only to continue development of advanced shock mitigating seats for Mk V Patrol Craft.)		+2,500		+2,125
Facility Security (Note: Only to demonstrate facility security enhancements using an advanced first responder tool set to support direct tactical application.) - moved to RDTE, DW.		+2,500		
Graphite Fiber Sandwich Composites for Advanced Warship Design		+1,000		+1,000
Deployable Smart-Link Communications Upgrade		+3,000		+1,500
High Speed Permanent Magnet Generator			+5,000	+3,500
Wave Powered Electric Power Generating System for Remote Naval Sites			+4,000	+2,000
26 COMMON PICTURE ADVANCED TECHNOLOGY	**37,753**	**44,753**	**50,753**	**48,353**
Command Center Visualization - Transfer from DERF		+7,000	+7,000	+7,000
Improved Shipboard Combat Information Center			+6,000	+3,600
27 WARFIGHTER SUSTAINMENT ADVANCED TECHNOLOGY	**82,542**	**98,042**	**90,542**	**98,492**
Emerging / Critical Interconnection Technologies Program (ECIT)		+2,000		+1,000
Defense Systems Modernization and Readiness Initiative		+7,000		+4,000
COTS Carbon Fiber Qualification Program		+3,000		+1,500
Low Volume Production Technology		+3,500		+2,950
Energy and Environmental Technology			+4,000	+3,400
Integrated Aircraft Health			+2,000	+1,700
Wire Chaffing Detection Technology			+2,000	+1,400
30 RF SYSTEMS ADVANCED TECHNOLOGY	**65,098**	**65,098**	**65,098**	**76,148**
Common Affordable Radar Processing Program			[5,000]	+4,250
E-2C Technical Upgrade for Optimized Radar -moved from line 104				+6,800
31 SURFACE SHIP & SUBMARINE HM&E ADVANCED TECHNOLOGY	**0**	**6,000**	**0**	**0**
32 MARINE CORPS ADVANCED TECHNOLOGY DEMONSTRATION (ATD)	**51,606**	**66,206**	**63,106**	**76,816**
Center for Emerging Threats and Opportunities		+1,000		+1,000
Advanced Light Strike Vehicle		+4,500		+3,150
Mobile Counter Fire System		+4,000		+2,500
Rapid Deployment Fortification Wall		+1,500		+1,050
C3RP (ONR)		+3,600		+3,060
Project Albert			+7,000	+5,950
Transportable Transponder Landing System			+4,500	+2,250
Expeditionary Unit Water Purification Technology - moved from line 169				+6,250
33 MEDICAL DEVELOPMENT	**0**	**62,800**	**0**	**0**
Institute of Technology Biomedical Research and Development Complex		+1,500		
National Bone Marrow Program		+34,000		
Rural Health		+6,800		
Biomedical Research Imaging Core -CoH National Medical Center (Note: Only for the Biomedical Research Imaging Core related to bone marrow transplantation, breast and prostate cancer.)		+5,000		
Community Hospital Telehealth Consortium		+1,000		
Dental Research		+4,000		

	Budget Request	House	Senate	Conference
National Center for Collaboration in Medical Modeling and Simulation		+4,500		
Low Cost Retractable Needle and Safety Syringe		+1,000		
Minimally Invasive Surgical Technology Institute		+1,500		
Center for Disaster Management and Humanitarian Assistance		+3,500		
35 **ENVIRONMENTAL QUALITY AND LOGISTICS ADVANCED TECHNOLOGY**	**0**	**2,000**	**4,000**	**3,800**
Real Time Infra-Red Scene Generator		+2,000		+1,000
National Surface Treatment Center			+4,000	+2,800
37 **WARFIGHTER PROTECTION ADVANCED TECHNOLOGY**	**19,040**	**38,040**	**19,040**	**39,940**
Portable Device for Remote Production of Sterile Water for Injection & IV		+2,000		+1,000
Navy Medical System Configuration & Test Bed (NMSCTB) (Note: Expedites the delivery of medical research and development prototypes needing development and systems integration prior to field testing.)		+6,000		+8,100
Distributed Simulation-Warfighting Concepts to Future Weapons System Design (WARCON)		+4,000		+3,400
Medical Data Mining Tool (MDMT)		+4,000		+5,400
Medical Procedures Reference Tool (MPRT) -moved to line 141		+3,000		0
Organ Transfer Safety				+3,000
38 **UNDERSEA WARFARE ADVANCED TECHNOLOGY**	**40,125**	**42,125**	**45,125**	**44,625**
Motorized Airgun Program		+2,000		+1,000
University Oceanographic Laboratory System (UNOLS)			+5,000	+3,500
40 **MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY**	**43,725**	**47,225**	**43,725**	**46,000**
Ocean Modeling for Mine and Expeditionary Warfare		+2,000		+1,000
Modeling the Warrior as a Cognitive System		+1,500		+1,275
41 **ADVANCED TECHNOLOGY TRANSISTION**	**0**	**0**	**5,000**	**2,500**
Man-portable Quadrupole Resonance Landmine Detection Program			+5,000	+2,500
43 **AIR/OCEAN TACTICAL APPLICATIONS**	**32,549**	**35,049**	**32,549**	**33,799**
Prototype Regional Forecast Hub		+2,500		+1,250
44 **AVIATION SURVIVABILITY**	**7,486**	**20,986**	**14,486**	**20,836**
Aviation Integrated Life Support System (AILSS)		+6,500		+5,250
Modular Advanced Vision System		+3,000		+1,800
Naval Aviation Network Centric Warfare Analysis, Modeling, Simulation and Stimulation		+3,000		+1,800
Advanced Aircraft/Explosion Protection and Extinguishing Systems		+1,000		+1,000
Modular Helmet			+3,000	+1,500
Rotorcraft External Airbag Protection System (REAPS)			+4,000	+2,000
45 **DEPLOYABLE JOINT COMMAND AND CONTROL**	**39,772**	**7,500**	**47,272**	**32,500**
Transfer from DERF		+7,500	+7,500	+7,500
Program Reduction		-39,772		-14,772
46 **ASW SYSTEMS DEVELOPMENT**	**13,207**	**26,707**	**18,207**	**25,907**
Nonlinear Dynamics / Stochastic Resonance for ASW		+3,500		+2,450
Automatic Radar Periscope Detection and Discrimination System		+10,000		+6,000
LASH ASW			+5,000	+4,250
47 **TACTICAL AIRBORNE RECONNAISSANCE**	**1,922**	**15,922**	**1,922**	**13,822**
F-18D Tactical Reconnaissance Aircraft Solid State Recorder Upgrades		+14,000		+11,900

	Budget Request	House	Senate	Conference
49 SURFACE AND SHALLOW WATER MINE COUNTERMEASURES	**155,016**	**160,516**	**155,016**	**158,866**
Surface Navy Integrated Undersea Tactical Technology (SNIUTT) (Note: Only for development of a test-bed demonstration to enhance mine warfare operator training and performance for the detection, identification, and classification of mine and mine-like objects.)		+5,500		+3,850
50 SURFACE SHIP TORPEDO DEFENSE	**3,244**	**18,244**	**5,244**	**14,644**
Surface Ship Torpedo Defense - Tripwire Torpedo Defense System (Note: $7,200,000 is only for the anti-torpedo torpedo and the distributed engineering center; and $3,000,000 is for redesign of smaller / lighter D winch for smaller ships, flexible NIXIE for AN/SLQ-25A, and to implement a test and integration center.)		+15,000		+10,200
Anti-Torpedo Torpedo Low Cost Component Development			+2,000	+1,200
51 CARRIER SYSTEMS DEVELOPMENT	**88,913**	**89,913**	**94,913**	**92,513**
Advanced Battlestation / Decision Support System		+1,000	+6,000	+3,600
52 SHIPBOARD SYSTEM COMPONENT DEVELOPMENT	**243,111**	**253,111**	**257,111**	**260,361**
Advanced Variable Speed Drive Transmission (AVSD)		+1,000		+1,000
ElectroMagnetic Launcher (EML) Railgun (Note: Only to demonstrate the feasability of kinetic energy electromagnetic railgun consistent with EML program mission objectives.)		+5,000		+3,250
Automated Maintenance Environment		+4,000		+3,400
MTTC/IPI			+8,000	+5,600
REPTILE - Regional Electric Power Technology Integration and Leveraging			+1,000	+1,000
Surface Vessel Torpedo Tubes - Airbag Technology			+5,000	+3,000
56 SURFACE ASW	**3,219**	**8,219**	**3,219**	**14,819**
AN/SQQ-89 Modernization and Sensor and Signal Processing Improvements begun under SBIR N97-090.		+5,000		+11,600
58 ADVANCED SUBMARINE SYSTEM DEVELOPMENT	**107,389**	**136,389**	**126,789**	**134,539**
Conformal Acoustic Velocity Sensor (CAVES)		+4,000		+2,800
MK-48 ADCAP Torpedo Improvement Program		+8,000		+5,600
Multi-Line Towed Array		+2,500		+1,750
Fiber Optic Multi-Line Towed Array (FOMLTA)			+5,000	+2,500
High Performance Brush Program		+1,500		0
Electronic Motor Brush Technology			+3,000	
High Performance Metal Fiber Brushes Program			+7,500	+6,000
Universal Gravity Module		+2,000		+1,000
Submarine Payload and Sensors		+7,000		+3,500
Advanced Composite Sail Phase II		+4,000		+2,000
Electromechanical Actuator Development			+1,900	+1,000
Rotary Electromagnetic (Torpedo) Launcher System			+2,000	+1,000
60 SHIP CONCEPT ADVANCED DESIGN	**5,820**	**23,820**	**9,820**	**28,220**
Small Combatant Craft		+8,000	[8,000]	+8,000
Metallic Materials Advanced Development and Certification Program		+4,000		+3,400
Total Fleet Support for Emergency Operations Centers and First Responders		+3,000		+2,550
Document Automation for Condition Based Maintenance		+3,000		+2,550
Advanced, Integrated Low-Profile Antenna (HF, VHF, UHF)			+4,000	+2,400
Advanced Stealth Ship Radars				+1,000
Sealion Technology Demonstration (Note: Only for electronics development.)				+1,000
Autonomous Maritime Navigation				+1,500

	Budget Request	House	Senate	Conference
65 COMBAT SYSTEM INTEGRATION	**40,464**	**66,964**	**40,464**	**62,364**
Combat Systems Integration and Battleforce Interoperability		+2,000		+1,000
Navy Common Command and Decision System - Common Network Interface (Note: Only for SBIR Phase III efforts to develop common network interface capabilities for theater air and missile defense.)		+20,000		+16,000
High Energy Laser Enhancement of Ship Self-Defense		+4,000		+3,400
Marine Corps Institute		+500		+500
Trouble Reports Information Data Warehouse			[1,000]	+1,000
66 CONVENTIONAL MUNITIONS	**22,445**	**24,945**	**18,445**	**20,570**
M72 LAW Product Improvement		+2,500		+2,125
Unexplained Warhead Development			-4,000	-4,000
67 MARINE CORPS ASSAULT VEHICLES	**272,092**	**277,592**	**272,092**	**276,767**
AAAV (Note: Only to develop an integrated display / processor and an alternative to the current AAAV Display Processor Unit (DPU).)		+5,500		+4,675
69 MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM	**27,777**	**37,777**	**33,277**	**31,777**
Innovative Stand-Off Door Breaching Munitions (ISOD)		+5,000	+2,500	+2,500
Imaging System Upgrade Development (AN/TAS-4 Upgrade) - moved to RDTE,A line 50		+5,000		
Nanoparticles for the Neutralization of Facility Threats			+3,000	+1,500
71 COOPERATIVE ENGAGEMENT	**86,144**	**118,144**	**86,144**	**112,094**
CEC Technology Refresh		+25,000		+20,000
CEC E-2C FOT&E		+7,000		+5,950
72 OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT	**15,257**	**15,257**	**15,257**	**16,257**
Southern Coastal Ocean Observation Program				+1,000
73 ENVIRONMENTAL PROTECTION	**44,206**	**48,206**	**44,206**	**46,906**
Marine Mammal Detection and Mitigation		+2,000		+1,000
Field Demonstration of Containment Stablization Technology (Note: Only to continue and expand the on-going field demonstration of Organic, Inorganic, and Radionuclide Containment Stablization Technology.)		+2,000		+1,700
74 NAVY ENERGY PROGRAM	**5,060**	**17,060**	**12,560**	**15,310**
PEM Fuel Cell Demonstration Program		+4,000	+5,000	+4,500
Plasma Energy Pyrolysis (PEPS)		+8,000		+4,000
Thermally Activated Chiller / Heater			+2,500	+1,750
75 FACILITIES IMPROVEMENT	**2,124**	**4,624**	**2,124**	**3,374**
(Note: Only to complete the ongoing demonstration of solar energy and planning and design for research and development of renewable energy, hydrogen and fuel cells.)		+2,500		+1,250
76 CHALK CORAL	**50,704**	**67,104**	**50,704**	**67,104**
Transfer from DERF - Classified Program		+5,000		+5,000
Transfer from DERF - Classified Program		+11,400		+11,400
77 NAVY LOGISTIC PRODUCTIVITY	**13,023**	**32,023**	**13,023**	**26,723**
JEDMICS		+3,000		+2,100
Rapid Retargeting		+4,000		+2,800
Compatible Processor Upgrade (CPUP)		+4,000		+2,000
Collaborative Logistics Productivity		+8,000		+6,800
78 RETRACT MAPLE	**212,506**	**276,506**	**276,506**	**276,506**
Transfer from DERF - Classified Program		+64,000	+64,000	+64,000
85 LAND ATTACK TECHNOLOGY	**108,693**	**130,693**	**110,693**	**126,943**
Naval Fires Network (Note: $2,500,000 only to continue development and demonstration of the Tactical Dissemination Module.)		+13,000		+7,500
Autonomous Naval Support Round		+5,000		+4,250
Advanced Medium Gun Demonstrator		+4,000		+3,400
Semi-Automated IMINT Processing (SAIP)			+2,000	+1,100

		Budget Request	House	Senate	Conference
	ERGM Risk Reduction - moved from PANMC				+2,000
	Integrated Deepwater System - Gun Qualification			[11,000]	[11,000]
87	**NONLETHAL WEAPONS - DEM/VAL**	**24,082**	**24,082**	**28,082**	**26,482**
	Joint Non-Lethal Weapons Technology Innovation			+2,000	+1,400
	Urban Ops Environment Research			+2,000	+1,000
92	**SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINE**	**31,623**	**33,623**	**31,623**	**33,323**
	IT-21 Block 1 C4ISR Computing Equipment Upgrades (Note: Only to develop a common AN/UYQ-70 based solution for the IT-21 Block Upgrade.)		+2,000		+1,700
96	**OTHER HELO DEVELOPMENT**	**31,123**	**38,623**	**32,623**	**36,223**
	VH-3D/VH-60D Upgrade - Transfer from DERF		+1,500	+1,500	+1,500
	High Tech Training in Support of DoD legacy parts solutions		+2,000		+1,400
	SH-60B Hellfire Laser Aim Scoring System (LASS)		+2,000		+1,000
	Advanced Cable Design for Mine and Submarine Warfare		+2,000		+1,200
98	**STANDARDS DEVELOPMENT**	**37,757**	**42,957**	**37,757**	**40,357**
	Metrology		+5,200		+2,600
99	**MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT**	**88,969**	**95,969**	**88,969**	**94,919**
	Preventive Maintenance Life Cycle Criteria (PMLCC) of H-60 Helicopter Components		+4,000		+3,400
	H-60 Helicopter FLIR Housing Configuration		+3,000		+2,550
101	**AIR/OCEAN EQUIPMENT ENGINEERING**	**5,725**	**9,725**	**5,725**	**7,725**
	SPY-1 Radar Tactical Environmental Processor (TEP)		+4,000		+2,000
103	**TACTICAL COMMAND SYSTEM**	**81,475**	**81,475**	**61,475**	**74,475**
	Reduce FORCEnet			-20,000	-7,000
104	**E-2C RADAR MODERNIZATION**	**113,681**	**113,681**	**121,681**	**113,681**
	E-2C Technical Upgrade for Optimized Radar - moved to line 30			+8,000	
108	**AIR CREW SYSTEMS DEVELOPMENT**	**6,695**	**7,695**	**6,695**	**7,695**
	Safety Improvements for USMC and allied SIIIS ejection seats		+1,000		+1,000
109	**EW DEVELOPMENT**	**74,742**	**75,642**	**84,742**	**81,342**
	ICAP III Minaturization		-13,100		-13,100
	IDECM Production Transisition		+11,000		+7,600
	Location GPS Interferers		+3,000		+2,100
	EA-6B Follow-on			+10,000	+10,000
111	**SC-21 TOTAL SHIP SYSTEM ENGINEERING**	**717,397**	**642,397**	**749,397**	**732,797**
	DD(X) Downselect Delay		-75,000		-16,000
	Littoral Combat Ship Research and Development			+30,000	+30,000
	Power Node Control Centers			+2,000	+1,400
112	**SURFACE COMBATANT COMBAT SYSTEM ENGINEERING**	**300,748**	**323,748**	**311,748**	**348,148**
	Knowledge Projection for Fleet Maintenance		+3,000		+1,500
	AEGIS Tactical Display Upgrade		+20,000		+18,400
	Silicon Carbide MMIC Producibility Program			+3,000	+1,500
	DDG-51 Optimized Manning Initiative			+5,000	+2,500
	Solid-State SPY-1E Multi-Mission Radar			+3,000	+1,500
	S-band Radar Research - Transfer from MDA				+22,000
116	**STANDARD MISSILE IMPROVEMENTS**	**16,288**	**16,288**	**16,288**	**21,288**
	Extended Range Anti-Air Warfare			[10,000]	+5,000
117	**AIRBORNE MCM**	**67,240**	**69,240**	**67,240**	**68,240**
	Remote Technical Assistance Support System (RTASS)		+2,000		+1,000
118	**SSN-688 AND TRIDENT MODERNIZATION**	**98,516**	**133,016**	**98,516**	**126,641**
	Affordable Towed Array (Note: Only to accelerate the introduction of the Affordable Towed Array Construction Program (ATAC) in order to begin achieving fleet life cycle cost savings.)		+1,000		+1,000
	SSN/SSBN modernization (Non-Propulsion Electronics Systems)		+9,000		+6,300

	Budget Request	House	Senate	Conference
MPP/APB/A-RCI Model for Tactical Control Information Management and Net-Centric Warfare (SSN-688 & & Trident Modernization) (Note: Only to continue SBIR Phase III efforts to extend APB/MPP technology insertion to enable submarines to achieve Navy network -centric warfare objectives and to accelerate development and extension of common processing efforts.)		+22,500		+19,125
Submarine Common Electronic Equipment Replacement, Research		+2,000		+1,700
121 SHIPBOARD AVIATION SYSTEMS	**24,619**	**24,619**	**28,619**	**26,619**
IASS/ITI			+4,000	+2,000
124 NEW DESIGN SSN	**238,253**	**250,253**	**238,253**	**246,153**
Virginia Class SSN Combat System Technology Refresh (Note: Only for SBIR Phase III follow-on research to establish and extend a technology insertion program for the NAS combat system.)		+8,000		+5,000
Shipmates for Virginia Class Submarine		+2,000		+1,700
COTS Combat Control Framework (Note: Only for SBIR Phase-III for COTS Combat Control Framework (N98-128).)		+2,000		+1,200
125 SSN-21 DEVELOPMENTS	**3,981**	**3,981**	**18,981**	**16,731**
SEAFAC Range Upgrade			+15,000	+12,750
126 SUBMARINE TACTICAL WARFARE SYSTEM	**13,975**	**13,975**	**28,475**	**25,675**
CCS MK2 - Submarine Combat System Modernization Program			+14,500	+8,700
Accelerated Submarine Fleet-Wide Modernization				+3,000
127 SHIP CONTRACT DESIGN/LIVE FIRE T&E	**184,545**	**159,545**	**231,645**	**206,645**
CVN(X) CDP		-25,000		
Unexplained increases in manpower and training studies			-1,900	-1,900
LHA[R] - Transfer from LHD-1 AP (SCN 15)			+10,000	+10,000
LHA[R] Design			+55,000	+30,000
JCC(X) Ship Design Reduction			-16,000	-16,000
128 NAVY TACTICAL COMPUTER RESOURCES	**2,185**	**25,685**	**2,185**	**16,160**
AN/UYQ-70 (V) System Technology Improvements (Note: Only to maintain, develop and implement technology refresh capabilities to incorporate into the future AN/UYQ-70 workstation/server production across surface, submarine, and air platforms.)		+20,000		+11,000
Multi-level Security for Network Centric Q-70 Program		+3,500		+2,975
130 UNGUIDED CONVENTIONAL AIR-LAUNCHED WEAPONS	**12,142**	**12,142**	**18,142**	**15,142**
Light Defender			+6,000	+3,000
131 LIGHTWEIGHT TORPEDO DEVELOPMENT	**7,769**	**13,769**	**12,769**	**14,969**
Mk-54 Test and Evaluation		+6,000		+4,200
Align lightweight and heavyweight torpedo baselines for commonality			+5,000	+3,000
135 NAVY ENERGY PROGRAM	**5,691**	**5,691**	**8,191**	**6,941**
Photovoltaic Energy Park			+2,500	+1,250
136 BATTLE GROUP PASSIVE HORIZON EXTENSION SYSTEM	**14,070**	**14,070**	**19,070**	**17,470**
Cooperative Outboard Logistics Update Digital Upgrade			+5,000	+3,400
139 SHIP SELF DEFENSE (ENGAGE: HARD KILL)	**19,528**	**26,528**	**34,528**	**30,028**
Phalanx CIWS SEA RAM Ordalt development		+5,000	+15,000	+10,500
Multi-mission Weapon based on anti-torpedo torpedo technology		+2,000		

	Budget Request	House	Senate	Conference
140 SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	**28,064**	**42,064**	**12,409**	**44,964**
Surface Ship EW Improvement		+4,000		+2,800
Improved Control and Display (ICAD) (Note: Only for SBIRS Phase III CAPS Integration for EW-RCI.)		+10,000		+8,500
AIEWS Cancellation			-25,855	
NULKA decoy improvements			+9,200	+4,600
Radar Tiles for Reduced Surface Ship Signatures			+1,000	+1,000
141 MEDICAL DEVELOPMENT	**7,154**	**7,154**	**20,079**	**71,259**
Security Equipment for Medical Labs (Transfer from DERF) - moved to line 163			+475	
Site Improvement for medical labs (Transfer from DERF) -moved to line 163			+450	
Coastal Cancer Center			+5,000	+4,500
Naval Blood Research Laboratory			+3,000	+1,500
Treatment of Radiation Sickness Research			+4,000	+3,400
Institute of Technology Biomedical Research and Development Complex - moved from line 33				+1,000
National Bone Marrow Program - moved from line 33				+28,900
Rural Health - moved from line 33				+5,780
Biomedical Research Imaging Core -CoH National Medical Center (Note: Only for the Biomedical Research Imaging Core related to bone marrow transplantation, breast, and prostate cancer.) - moved from line 33				+3,500
Community Hospital Telehealth Consortium - moved from line 33				+1,000
Dental Research -moved from line 33				+3,000
National Center for Collaboration in Medical Modeling and Simulation - moved from line 33				+2,250
Low Cost Retractable Needle and Safety Syringe - moved from line 33				+1,000
Minimally Invasive Surgical Technology Institute - moved from line 33				+1,200
Center for Disaster Management and Humanitarian Assistance - moved from line 33				+2,975
Medical Procedures Reference Tool (MPRT) - moved from line 37				+2,600
Vectored Vaccine Research Program - moved from RDTE, A line 31				+1,500
143 DISTRIBUTED SURVEILLANCE SYSTEM	**35,861**	**35,861**	**40,861**	**38,461**
Advanced Deployable System			+5,000	+2,600
144 JOINT STRIKE FIGHTER (JSF) - EMD	**1,727,500**	**1,727,500**	**1,752,500**	**1,747,250**
Excessive Inflation and Overhead Increases			-10,000	-10,000
F136 Interchangeable Engine			+35,000	+29,750
147 INFORMATION TECHNOLOGY DEVELOPMENT	**43,213**	**81,713**	**43,813**	**72,538**
Web Centric Network Warfare (WeCAN) (Note: Only for continued evolution of WeCAN and development of the associated Naval Collaboration Toolset.)		+8,000		+5,600
Horizontal Integrated Data Environment		+2,000		+1,000
SPAWAR Information Technology Center		+6,000	[7,000]	+6,000
Distance Learning IT Center		+15,000		+9,750
Institute for Systems Test and Productivity		+3,500		+2,975
Navy Predictive Response Center		+4,000		+3,400
Condition Based Maintenance Enabling Technologies			+600	+600
150 MULTI-MISSION MARITIME AIRCRAFT (MMA)	**74,531**	**64,531**	**74,531**	**69,531**
Excessive Technical Support for Proposal Evaluation		-10,000		-5,000

	Budget Request	House	Senate	Conference
154 MAJOR T&E INVESTMENT	**42,453**	**44,453**	**106,453**	**42,453**
Navy Test and Evaluation Range Airborne Telemetry System (ATS)		+2,000		0
Transfer from acquistion programs			+64,000	
155 STUDIES AND ANALYSIS SUPPORT - NAVY	**4,071**	**8,071**	**4,071**	**6,071**
Technology Obsolescence Reduction Facility		+4,000		+2,000
159 TECHNICAL INFORMATION SERVICES	**929**	**16,429**	**929**	**18,754**
Commercialization of Advanced Technologies		+10,000		+7,000
Navy Advanced Education Demonstation Project		+1,000		+1,000
Lean Pathways distance learning component		+4,500		+3,825
Joint Information Technology Center - moved from RDTE, DW line 141				+6,000
160 MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT	**50,787**	**35,787**	**52,787**	**51,987**
Excessive Growth - Project CHENG		-15,000		0
Combating Terrorism Wargaming and Research			+2,000	+1,200
163 RDT&E INSTRUMENTATION MODERNIZATION	**13,289**	**14,214**	**13,289**	**14,214**
Security Equip. for Medical Labs - Transfer from DERF		+475		+475
Site Improvement for Medical Labs - Transfer from DERF		+450		+450
169 MARINE CORPS PROGRAM WIDE SUPPORT	**12,208**	**29,708**	**21,208**	**28,133**
Reverse Osmosis Advanced Technology - moved to line 32		+6,500	+6,000	
Corrosion Center of Excellence		+1,000		+1,000
Chemical Biological Incident Response Force (CBIRF)		+7,000		+4,500
Marine Corps Research University Initiative		+500		+500
Chemical Biological Multi-Sensor Analyzer/Detector		+2,500		+2,125
Nanoparticles Responses to Chemical and Biological Threats			+3,000	+1,500
Biological Decontamination Research-ECASOL			[4,000]	+2,800
Chemical-Biological Warfare Agent Chip Detector			[5,000]	+3,500
176 STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	**40,278**	**110,178**	**40,278**	**40,278**
Hardened Target Munitions - Transfer from DERF		+30,000		
Rentry Vehicle Sustainment Tech. - Transfer from DERF		+7,500		
Rentry Vehicle Sustainment Tech. (RSAP/GAP) - DERF Transfer		+14,400		
Rentry Vehicle Sustainment Tech. (RadHard) - DERF Transfer		+18,000		
180 F/A-18 SQUADRONS	**204,466**	**214,466**	**210,466**	**215,666**
F-18 Enhanced Durability Engine		+10,000		+7,000
F/A-18 APG-73 Radar Upgrades			+6,000	+4,200
183 TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC)	**94,265**	**102,265**	**94,265**	**99,865**
Precision Terrain Aided Navigation		+8,000		+5,600
184 INTEGRATED SURVEILLANCE SYSTEM	**20,405**	**26,405**	**20,405**	**26,005**
Integrated Undersea Surveillance System (IUSS) Mission Planning System		+3,000		+3,000
Fiber Optic Wavelength Division Multiplier		+3,000		+2,600
186 CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	**31,421**	**35,421**	**31,421**	**33,821**
Integrated Training for TAC Air Fleet		+4,000		+2,400
187 ELECTRONIC WARFARE (EW) READINESS SUPPORT	**6,731**	**35,731**	**15,731**	**26,731**
Transfer from DERF		+20,000		+11,000
Information Warfare System - Transfer from DERF		+9,000	+9,000	+9,000
188 HARM IMPROVEMENT	**60,758**	**61,758**	**60,758**	**61,758**
Low Cost High Temperature Materials for Radome and Antennas		+1,000		+1,000
193 NAVY SCIENCE ASSISTANCE PROGRAM	**4,801**	**4,801**	**14,801**	**13,301**
LASH Airship test platform support			+2,000	+1,700
LASH ISR/ Mine Countermeasures			+8,000	+6,800

	Budget Request	House	Senate	Conference
196 MARINE CORPS COMMUNICATIONS SYSTEMS	**174,664**	**218,964**	**190,464**	**208,464**
TCAC - Transfer from DERF		+2,500	+2,500	+2,500
MANPACK SIDS - Transfer from DERF		+300	+300	+300
TPCS - Transfer from DERF		+3,400	+3,400	+3,400
I-SURSS - Transfer from DERF		+2,500	+2,500	+2,500
RREP - Transfer from DERF		+300	+300	+300
TENCAP - Transfer from DERF		+1,500	+1,500	+1,500
TEG - Transfer from DERF		+1,000	+1,000	+1,000
ISR - Transfer from DERF		+1,200	+1,200	+1,200
TACPHOTO - Transfer from DERF		+100	+100	+100
Crane Surface Warfare Center Air Deployment Testing Facility Upgrade (Balloon modification for sonobuoy drops)		+2,000		+1,400
Critical Infrastructure Protection Center		+4,000		+2,000
AN/TPS-59 Modernization (Note: Only for risk mitigation for AN/TPS-59 modernization efforts including $1,500,000 for automatic false alarm reduction.)		+6,000		+3,600
AN/TPS-59 (V) 3 Radar Environmental Simulator - moved to PMC line 32		+5,500		
CAST Upgrade - CACCTUS Intelligent Tutor System		+4,000		+3,400
Marine Corps Electronic Warfare Support Enhancements		+4,000		+3,400
Marine Corps Ship to Objective Manuever		+6,000		+5,100
Improved High Performance Long-Range Radar Transmitter			+3,000	+2,100
Project Athena - Coastal Defense Beta Site				[11,000]
197 MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS	**36,004**	**39,004**	**38,904**	**39,834**
Integrated Digital Camera Riflescope		+3,000		+1,500
Navy Body Armor Upgrade			+1,000	+1,000
Target Location, Designation and Hand-off System (TLDHS)			+1,900	+1,330
205 INFORMATION SYSTEMS SECURITY PROGRAM	**18,436**	**18,436**	**20,436**	**24,236**
Navy Intelligence Security Module (Transfer from CCP)				+4,500
KG-40A Modernization Program			+2,000	+1,300
207 NAVY METEROLOGICAL AND OCEAN SENSORS - SPACE (METOC)	**19,801**	**19,801**	**19,801**	**22,801**
Radiation Hardened Vector Processor System				+3,000
208 JOINT C4ISR BATTLE CENTER (JBC)	**21,970**	**21,970**	**25,970**	**24,770**
Strategic Interoperability Initiative			+4,000	+2,800
210 TACTICAL UNMANNED AERIAL VEHICLES	**206,359**	**249,659**	**263,659**	**262,459**
USMC Pioneer - Transfer from DERF		+7,000	+7,000	+7,000
ISR (BAMS UAV) - Transfer from DERF		+28,300	+28,300	+28,300
VTOL UAV - Operational Testing		-9,000		-4,000
Tactical Control System (TCS) (Note: Only for modifications necessary for TCS to receive sensor data from a variety of UAVs, including the Global Hawk HAEUAV)		+4,500		+3,000
Tactical Control System (TCS) (Note: Only for the Joint Operational Test Bed (JOTBS) for enhancements to accommodate multiple UAVs.)		+7,000		+4,100
Miniaturized High Definition Digital Camera		+2,000		+1,000
Multiple Link Antenna System (MLAS) ACTD		+1,500		+1,000
UAV Payload (Note: Only for Miniature Detection Devices as part of the Naval UAV Payload effort to be used only for the continuation of an industry-based research program for for light-weight, low power Nuclear, Chemical and Biological sensors and isotope indentification techniques.)		+2,000		+1,700
Global Hawk BAMS			+22,000	+14,000

	Budget Request	House	Senate	Conference
211 AIRBORNE RECONNAISSANCE SYSTEMS	**5,469**	**14,469**	**9,469**	**16,569**
(Note: Only for the Naval Research Laboratory 's applied optics branch to continue development of tactical reconnaissance technologies.)		+3,000		+2,500
Electro-optical Framing Reconnaissance (Note: Only for sensor P3I for manned and unmanned platforms, only to develop prototype focal plane arrays with integrated electronic shutter technology for SHARP sensor upgrade, upgrade sensor with autonomous zoom lens and support prototype development of cellular neural network airborne processor.)		+6,000		+5,100
Hyperspectral Upgrade to Airborne Sensors			+4,000	+3,500
212 MANNED RECONNAISSANCE SYSTEMS	**11,166**	**11,166**	**8,266**	**11,166**
Shared Reconnaissance Pod - program termination			-2,900	
213 DISTRIBUTED COMMON GROUND SYSTEMS	**4,482**	**9,482**	**7,482**	**8,782**
JSIPS - Transfer from DERF		+3,000	+3,000	+3,000
Converged Architecture for Naval Fires Network		+2,000		+1,300
215 MODELING AND SIMULATION SUPPORT	**7,783**	**7,783**	**10,783**	**9,883**
Naval Modeling and Simulation			+3,000	+2,100
217 INDUSTRIAL PREPAREDNESS	**70,631**	**76,631**	**70,631**	**75,131**
General Increase		+6,000		+4,500
218 MARITIME TECHNOLOGY (MARITECH)	**9,943**	**14,693**	**9,943**	**13,093**
High Speed Cargo Craft		+750		+750
Maritime Technology Center of Excellence		+4,000		+2,400
DEM/VAL TEST AND EVALUATION TRANSFER			-15,000	
EMD TEST AND EVALUATION TRANSFER			-32,000	
OPERATIONAL SYSTEMS DEVELOPMENT T&E TRANSFER			-17,000	

FORCENET

The conferees agree to provide an appropriation of $13,000,000 for the Navy's FORCEnet program instead of $20,000,000 as proposed by the House and no appropriation as proposed by the Senate.

Despite the conferees interest in the goals of FORCEnet, a program the Chief of Naval Operations considers a key transformation enabler for the 21st Century Navy, concerns remain about the lack of specificity and documentation provided thus far by the Navy. While a solid organizational structure for the development of FORCEnet requirements has been established, the Navy must now refine the program's plan and scope. To ensure continued oversight of this important program, the conferees direct that the Secretary of the Navy submit, by May 1, 2003, a detailed report on the FORCEnet program. At a minimum, the report shall identify the five-year estimated cost of the program, describe the long term and short term program objectives, define requirements, detail the spiral development and testing milestone plan, and indicate how each existing system will be integrated into the FORCEnet approach.

JOINT STRIKE FIGHTER—F136 INTERCHANGEABLE ENGINE

The conferees have included an additional $29,750,000 for the Joint Strike Fighter Interchangeable Engine Program only to continue the current effort to develop and maintain two, competing, interchangeable engine programs for the Joint Strike Fighter.

UNMANNED AERIAL VEHICLES

The conferees agree to provide a total of $262,459,000 for the Navy's tactical unmanned aerial vehicles program.

Broad Area Maritime Surveillance (BAMS): The conferees agree to provide an additional $42,300,000 for the Navy BAMS UAV. Of this amount, $28,300,000 is a transfer from the Defense Emergency Response Fund and shall only be used for the projects and activities as described in justification material submitted by the Navy and detailed in House Report 107–532; $7,000,000 is to determine the requirement for utilizing existing infrastructure resident in the Tactical Support Centers (TSCs) at P–3/EP–3 bases for hosting the BAMS mission planning and control and to initiate equipment upgrades as necessary; and $7,000,000 is for Global Hawk HAEUAV producibility initiatives such as tooling enhancements and improvements and special test equipment, an effort which the Navy shall coordinate with the Air Force.

The conferees believe the Navy should initiate a technology program to improve maritime ISR, including space-time processing algorithms from electro-optical data.

The conferees agree with the reporting requirements contained in House Report 107–532 with respect to the BAMS UAV.

VTOL UAV Operational Testing: The conferees agree to reduce by $4,000,000 the Navy's request for operational testing of the Vertical Take Off and Landing UAV instead of $9,000,000 as proposed by the House. This reduction is taken without prejudice and may be applied as a general reduction to the program.

USMC Pioneer upgrades: The conferees agree to provide a total of $16,000,000 for upgrades to the Pioneer UAV used in support of the Marine Corps; $7,000,000 is provided in the Research, Development, Test and Evaluation, Navy appropriation and $9,000,000 is provided in the Weapons Procurement, Navy appropriation. The conferees direct that these funds, and any additional funds as required, shall be used only to upgrade the Pioneer UAV in support of the Marine Corps.

VTOL UAV Rescission: The conferees agree not to rescind $2,000,000 from the $5,000,000 appropriated to the Research, Development, Test and Evaluation, Navy account in fiscal year 2002 as proposed by the House. The conferees agree that these funds are excess to the requirement for which originally appropriated and therefore direct that these funds instead be used by the Navy to establish a Joint Program Office with the Air Force for the Predator B and Global Hawk UAVs. To the extent that there may be similar vehicle and sensor requirements for the Navy and the Air Force, the Joint Program Office could facilitate the development of requirements, program management, acquisition support, testing and training.

Joint Operational Test Bed (JOTBS): The conferees further agree to provide an additional $4,100,000 for the Joint Operational Test Bed System (JOTBS) project. The conferees further agree to the language contained in House Report 107–532 with respect to designation of the Deputy Chief of Naval Operations for Warfare Requirements and Programs (N7/N78), as the program sponsor. The conferees direct the Navy to evaluate the JOTBS prototype to determine if the system adequately addresses Service requirements and if so initiate the development of the necessary documentation of requirements.

NAVAL FIRES NETWORK

The conferees agree to provide an additional $7,5000,000 in the Land Attack Technology program for Naval Fires Network (NFN), of which $2,500,000 is for the tactical dissemination module. The conferees agree that remaining funds shall be used to continue architecture design for NFN, to study and initiate a design for the Joint Fires Center, improve training devices, and support major Fleet exercises.

The conferees have also provided an additional $1,300,000 in the Distributed Common Ground Station line to continue development of an open architecture and sustain modernization and enhancement of precision strike capabilities for NFN.

TREATMENT OF RADIATION SICKNESS RESEARCH

The conference agreement provides $3.4 million for the establishment of a blood bank for the purpose of treating patients exposed to high doses of radiation. The conferees agree that these funds are to establish a blood bank with an entity that has a demonstrated track record in this specific area.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
RESEARCH, DEVELOPMENT, TEST & EVAL, AIR FORCE				
DEFENSE RESEARCH SCIENCES	219,144	226,144	219,144	223,744
TOTAL, BASIC RESEARCH	219,144	226,144	219,144	223,744
APPLIED RESEARCH				
MATERIALS	75,272	89,272	112,672	110,872
AEROSPACE VEHICLE TECHNOLOGIES	78,789	80,789	78,789	79,989
HUMAN EFFECTIVENESS APPLIED RESEARCH	66,000	75,500	75,800	80,800
AEROSPACE PROPULSION	107,659	148,959	113,359	137,859
AEROSPACE SENSORS	75,799	79,799	78,299	80,099
MULTI-DISCIPLINARY SPACE TECHNOLOGY	53,592	103,592	96,592	100,592
SPACE TECHNOLOGY	58,582	67,582	83,042	79,942
CONVENTIONAL MUNITIONS	60,343	60,343	61,843	61,443
DIRECTED ENERGY TECHNOLOGY	39,936	39,936	39,936	39,936
COMMAND CONTROL AND COMMUNICATIONS	70,951	83,451	78,951	82,451
DUAL USE SCIENCE AND TECHNOLOGY PROGRAM	10,626	10,626	10,626	10,626
TOTAL, APPLIED RESEARCH	697,549	839,849	829,909	864,609
ADVANCED TECHNOLOGY DEVELOPMENT				
ADVANCED MATERIALS FOR WEAPON SYSTEMS	21,138	36,638	35,138	41,838
ADVANCED AEROSPACE SENSORS	50,589	54,589	50,589	53,689
FLIGHT VEHICLE TECHNOLOGY	---	---	5,000	3,500
AEROSPACE TECHNOLOGY DEV/DEMO	22,315	30,315	27,315	29,565
AEROSPACE PROPULSION AND POWER TECHNOLOGY	85,650	91,050	89,650	90,150
CREW SYSTEMS AND PERSONNEL PROTECTION TECHNOLOGY	29,690	40,190	34,690	39,990
ELECTRONIC COMBAT TECHNOLOGY	23,350	24,350	23,350	24,350
BALLISTIC MISSILE TECHNOLOGY	---	22,900	---	13,300
UNMANNED AIR VEHICLE DEV/DEMO	18,000	18,000	18,000	18,000
ADVANCED SPACECRAFT TECHNOLOGY	42,315	46,315	55,815	56,015
TRANSFORMATIONAL WIDEBAND MILSATCOM	195,000	115,000	---	---
MAUI SPACE SURVEILLANCE SYSTEM (MSSS)	6,472	10,472	56,472	48,472
MULTI-DISCIPLINARY ADVANCED DEVELOPMENT SPACE TECHNOLO	50,538	50,538	57,538	55,438
CONVENTIONAL WEAPONS TECHNOLOGY	38,001	43,001	45,001	44,501
ADVANCED WEAPONS TECHNOLOGY	28,271	48,771	28,271	54,271
ENVIRONMENTAL ENGINEERING TECHNOLOGY	---	2,500	---	1,200

(In thousands of dollars)

	Budget	House	Senate	Conference
C3I ADVANCED DEVELOPMENT	34,288	46,788	38,288	45,938
SPECIAL PROGRAMS	97,300	97,300	97,300	97,300
TOTAL, ADVANCED TECHNOLOGY DEVELOPMENT	742,917	778,717	662,417	717,517
DEMONSTRATION & VALIDATION				
INTELLIGENCE ADVANCED DEVELOPMENT	4,545	4,545	4,545	4,545
NAVSTAR GLOBAL POSITIONING SYSTEM III	100,217	50,217	86,017	60,217
ADVANCED EHF MILSATCOM (SPACE)	825,783	844,783	844,783	844,783
POLAR MILSATCOM (SPACE)	19,554	19,554	19,554	19,554
NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATE	237,199	237,199	237,199	237,199
SPACE CONTROL TECHNOLOGY	13,814	13,814	13,814	13,814
COMBAT IDENTIFICATION TECHNOLOGY	12,434	12,434	12,434	12,434
NATO RESEARCH AND DEVELOPMENT	4,355	4,355	4,355	4,355
INTERNATIONAL SPACE COOPERATIVE R&D	643	643	643	643
ADVANCED WIDEBAND SYSTEM (AWS)	4,982	4,982	119,982	119,982
INTEGRATED BROADCAST SERVICE (DEM/VAL)	19,870	39,070	39,070	39,070
INTERCONTINENTAL BALLISTIC MISSILE - DEM/VAL	63,025	70,525	63,025	63,025
WIDEBAND GAPFILLER SYSTEM RDT&E (SPACE)	20,009	14,009	20,009	14,009
AIR FORCE/NATIONAL PROGRAM COOPERATION (AFNPC)	8,829	8,829	2,529	2,529
SPACE-BASED RADAR DEM/VAL	47,859	47,859	47,859	47,859
POLLUTION PREVENTION (DEM/VAL)	2,743	2,743	3,743	3,743
JOINT PRECISION APPROACH AND LANDING SYSTEMS - DEM/VAL	13,267	13,267	11,267	11,267
HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) .	7,482	7,482	7,482	7,482
COBRA JUDY (H)	51,000	51,000	51,000	---
DEM/VAL TEST AND EVALUATION TRANSFER	---	---	-9,000	---
TOTAL, DEMONSTRATION & VALIDATION	1,457,610	1,447,310	1,580,310	1,506,510
ENGINEERING & MANUFACTURING DEVELOPMENT				
GLOBAL BROADCAST SERVICE (GBS)	22,589	22,589	22,589	22,589
JOINT HELMET MOUNTED CUEING SYSTEM (JHMCS)	1,859	1,859	1,859	1,859
NUCLEAR WEAPONS SUPPORT	13,627	13,627	13,627	13,627
B-1B	160,688	78,688	120,688	160,688
SPECIALIZED UNDERGRADUATE PILOT TRAINING	1,909	1,909	1,909	1,909
F-22 EMD	627,266	627,266	627,266	627,266
B-2 ADVANCED TECHNOLOGY BOMBER	225,327	265,327	266,962	265,327

(In thousands of dollars)

	Budget	House	Senate	Conference
EW DEVELOPMENT	65,082	36,582	71,082	69,582
JOINT TACTICAL RADIO	17,358	17,358	17,358	17,358
SMALL DIAMETER BOMB (SDB) EMD	54,368	54,368	54,368	54,368
COUNTERSPACE SYSTEMS	40,053	40,053	40,053	40,053
SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD	814,927	744,927	714,927	784,927
MILSTAR LDR/MDR SATELLITE COMMUNICATIONS (SPACE)	148,936	106,936	149,936	150,536
MUNITIONS DISPENSER DEVELOPMENT	---	7,000	---	3,500
ARMAMENT/ORDNANCE DEVELOPMENT	9,160	9,160	9,160	9,160
SUBMUNITIONS	4,739	4,739	4,739	4,739
AGILE COMBAT SUPPORT	6,318	6,318	8,818	8,118
JOINT DIRECT ATTACK MUNITION	16,594	16,594	16,594	16,594
LIFE SUPPORT SYSTEMS	925	9,725	11,425	7,825
UNMANNED COMBAT AIR VEHICLE (UCAV)	40,000	40,000	40,000	40,000
COMBAT TRAINING RANGES	13,524	15,524	16,524	16,024
INTEGRATED COMMAND & CONTROL APPLICATIONS (IC2A)	226	13,226	3,226	13,226
INTELLIGENCE EQUIPMENT	1,326	1,326	1,326	1,326
COMMON LOW OBSERVABLES VERIFICATION SYSTEM (CLOVERS)	4,781	4,781	4,781	4,781
JOINT STRIKE FIGHTER EMD	1,743,668	1,743,668	1,733,668	1,733,668
INTERCONTINENTAL BALLISTIC MISSILE - EMD	133,291	133,291	133,291	133,291
EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE)	57,562	57,562	57,562	57,562
RDT&E FOR AGING AIRCRAFT	19,871	34,871	27,871	33,471
LINK-16 SUPPORT AND SUSTAINMENT	44,146	44,146	52,146	51,146
FULL COMBAT MISSION TRAINING	3,731	3,731	3,731	3,731
COMBAT SURVIVOR EVADER LOCATOR	14,274	14,274	14,274	14,274
CV-22	11,449	11,449	11,449	11,449
EMD TEST AND EVALUATION TRANSFER	---	---	-27,000	---
TOTAL, ENGINEERING & MANUFACTURING DEVELOPMENT	4,319,574	4,182,874	4,226,209	4,373,974
RDT&E MANAGEMENT SUPPORT				
THREAT SIMULATOR DEVELOPMENT	30,351	30,351	30,351	30,351
MAJOR T&E INVESTMENT	46,338	64,838	152,338	61.138
RAND PROJECT AIR FORCE	25,462	25,462	25,462	25,462
RANCH HAND II EPIDEMIOLOGY STUDY	11,029	11,029	11,029	11,029

(In thousands of dollars)

	Budget	House	Senate	Conference
INITIAL OPERATIONAL TEST & EVALUATION	27,070	27,070	27,070	27,070
TEST AND EVALUATION SUPPORT	398,266	398,266	398,266	398,266
ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	16,237	34,237	16,237	31,037
SPACE TEST PROGRAM (STP)	49,882	49,882	49,882	49,882
GENERAL SKILL TRAINING	313	313	313	313
JUDGMENT FUND REIMBURSEMENT	20,000	20,000	20,000	20,000
INTERNATIONAL ACTIVITIES	3,878	3,878	3,878	3,878
TOTAL, RDT&E MANAGEMENT SUPPORT	628,826	665,326	734,826	658,426
OPERATIONAL SYSTEMS DEVELOPMENT				
ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY	8,000	9,000	8,000	9,000
B-52 SQUADRONS	55,794	55,794	55,794	55,794
ADVANCED CRUISE MISSILE	2,788	2,788	2,788	2,788
AIR-LAUNCHED CRUISE MISSILE (ALCM)	26,713	26,713	20,513	20,513
STRAT WAR PLANNING SYSTEM - USSTRATCOM	1,895	1,895	1,895	1,895
ADVANCED STRATEGIC PROGRAMS	5,879	5,879	5,879	5,879
REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION	35,000	35,000	35,000	35,000
WARFIGHTER RAPID ACQUISITION PROCESS (WRAP) RAPID TRAN	25,057	25,057	25,057	25,057
JOINT EXPEDITIONARY FORCE EXPERIMENT	27,161	27,161	27,161	27,161
A-10 SQUADRONS	7,650	7,650	7,650	7,650
F-16 SQUADRONS	81,338	85,338	81,338	83,338
F-15E SQUADRONS	81,726	81,726	81,726	81,726
MANNED DESTRUCTIVE SUPPRESSION	23,699	23,699	23,699	23,699
F-22 SQUADRONS	181,239	181,239	181,239	181,239
F-117A SQUADRONS	3,525	3,525	3,525	3,525
TACTICAL AIM MISSILES	2,943	2,943	2,943	2,943
ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	37,008	37,008	37,008	37,008
AF TENCAP	10,496	15,996	13,496	15,296
SPECIAL EVALUATION PROGRAM	110,080	130,280	113,280	130,280
COMPASS CALL	3,877	12,877	3,877	9,377
AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	186,690	186,690	186,690	186,690
CSAF INNOVATION PROGRAM	1,920	1,920	1,920	1,920
JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM)	42,097	52,097	57,097	52,097
AEROSPACE OPERATIONS CENTER (AOC)	35,875	93,075	35,875	73,075

(In thousands of dollars)

	Budget	House	Senate	Conference
CONTROL AND REPORTING CENTER (CRC)....................	6,652	6,652	6,652	6,652
AIRBORNE WARNING AND CONTROL SYSTEM (AWACS)...........	173,956	173,956	173,956	173,956
ADVANCED COMMUNICATIONS SYSTEMS.......................	29,133	29,133	29,133	29,133
EVALUATION AND ANALYSIS PROGRAM.......................	230,218	233,218	230,218	232,818
ADVANCED PROGRAM TECHNOLOGY...........................	104,651	104,651	128,151	104,651
THEATER BATTLE MANAGEMENT (TBM) C4I...................	34,700	34,700	34,700	34,700
FIGHTER TACTICAL DATA LINK............................	39,034	39,034	39,034	39,034
MC2C (MULTI-SENSOR COMMAND AND CONTROL CONSTELLATION)	191,089	596,089	321,089	338,089
JOINT SURVEILLANCE AND TARGET ATTACK RADAR SYSTEM	55,515	67,515	55,515	61,515
SEEK EAGLE..	16,972	16,972	16,972	16,972
ADVANCED PROGRAM EVALUATION...........................	220,088	237,088	220,088	237,088
USAF MODELING AND SIMULATION..........................	21,895	22,895	21,895	22,895
WARGAMING AND SIMULATION CENTERS......................	5,278	7,278	9,778	8,478
MISSION PLANNING SYSTEMS..............................	17,002	17,002	17,002	17,002
INFORMATION WARFARE SUPPORT...........................	7,837	7,837	11,337	7,837
TECHNICAL EVALUATION SYSTEM...........................	135,588	190,588	145,588	190,588
SPECIAL EVALUATION SYSTEM.............................	41,518	41,518	41,518	41,518
NATIONAL AIR INTELLIGENCE CENTER......................	---	---	3,000	2,500
COBRA BALL..	---	---	6,000	---
E-4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC).......	47,867	47,867	47,867	47,867
DEFENSE SATELLITE COMMUNICATIONS SYSTEM (SPACE).......	2,046	2,046	2,046	2,046
MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK ...	2,423	2,423	2,423	2,423
INFORMATION SYSTEMS SECURITY PROGRAM..................	9,353	22,853	16,853	24,753
GLOBAL COMBAT SUPPORT SYSTEM..........................	29,168	27,168	29,168	25,968
GLOBAL COMMAND AND CONTROL SYSTEM.....................	3,565	3,565	3,565	3,565
COMMUNICATIONS SECURITY (COMSEC)......................	4,765	4,765	4,765	4,765
MILSATCOM TERMINALS...................................	72,712	72,712	72,712	72,712
SELECTED ACTIVITIES...................................	150,243	147,243	222,243	149,243
GLOBAL AIR TRAFFIC MANAGEMENT (GATM)..................	7,200	7,200	7,200	7,200
SATELLITE CONTROL NETWORK (SPACE).....................	17,542	17,542	17,542	17,542
WEATHER SERVICE.......................................	14,488	14,488	14,488	14,488
AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM	9,865	9,865	9,865	9,865

(In thousands of dollars)

	Budget	House	Senate	Conference
SECURITY AND INVESTIGATIVE ACTIVITIES................	475	475	475	475
AIR FORCE TACTICAL MEASUREMENT AND SIGNATURE INTELLIGE	6,486	15,486	15,486	15,486
DEFENSE RECONNAISSANCE SUPPORT ACTIVITIES (SPACE).....	42,076	42,076	162,376	42,076
DEFENSE METEOROLOGICAL SATELLITE PROGRAM (SPACE)......	3,875	3,875	3,875	3,875
NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) ...	86,799	86,799	86,799	86,799
NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE & CONTROL) ..	324,098	296,098	296,098	296,098
SPACELIFT RANGE SYSTEM (SPACE)......................	82,108	104,408	82,108	96,808
DRAGON U-2 (JMIP)....................................	17,442	20,142	30,942	23,942
ENDURANCE UNMANNED AERIAL VEHICLES...................	309,743	354,743	326,743	352,743
AIRBORNE RECONNAISSANCE SYSTEMS......................	66,810	55,035	87,410	61,535
MANNED RECONNAISSANCE SYSTEMS........................	---	8,000	4,000	8,000
DISTRIBUTED COMMON GROUND SYSTEMS....................	20,708	31,908	46,908	31,108
NCMC - TW/AA SYSTEM..................................	15,639	15,639	15,639	15,639
SPACETRACK (SPACE)...................................	21,917	21,917	21,917	21,917
DEFENSE SUPPORT PROGRAM (SPACE)......................	2,090	2,090	2,090	2,090
NUDET DETECTION SYSTEM (SPACE).......................	21,180	21,180	21,180	21,180
MODELING AND SIMULATION SUPPORT......................	1,995	1,995	1,995	1,995
SHARED EARLY WARNING (SEW)...........................	4,027	4,027	4,027	4,027
C-130 AIRLIFT SQUADRON...............................	158,978	158,978	158,978	158,978
C-5 AIRLIFT SQUADRONS................................	277,795	304,395	277,795	291,095
C-17 AIRCRAFT..	157,213	157,213	157,213	157,213
C-130J PROGRAM.......................................	10,000	10,000	10,000	10,000
LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM)...........	47,539	47,539	47,539	47,539
KC-135S..	1,497	1,497	1,497	1,497
KC-10S...	10,506	10,506	10,506	10,506
DEPOT MAINTENANCE (NON-IF)...........................	1,340	2,840	1,340	2,340
INDUSTRIAL PREPAREDNESS..............................	37,581	49,081	39,581	45,281
LOGISTICS SUPPORT ACTIVITIES.........................	10,375	10,375	10,375	10,375
PRODUCTIVITY, RELIABILITY, AVAILABILITY, MAINTAIN PRO.	4,767	7,767	8,767	9,667
SUPPORT SYSTEMS DEVELOPMENT..........................	35,813	46,813	37,813	43,513
COMPUTER RESOURCES SUPPORT IMPROVEMENT PROGRAM (CRSIP)	2,094	2,094	2,094	2,094
SERVICE-WIDE SUPPORT.................................	4,090	4,090	4,090	4,090
CIVILIAN COMPENSATION PROGRAM........................	7,132	7,132	7,132	7,132

	(In thousands of dollars)			
	Budget	House	Senate	Conference
FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT..	21,326	---	21,326	21,326
TRANSFER TO MAJOR TEST AND EVALUATION................	---	---	-60,000	---
TOTAL, OPERATIONAL SYSTEMS DEVELOPMENT.............	4,516,327	5,217,426	4,981,927	4,929,252
CLASSIFIED PROGRAMS..................................	5,019,286	5,317,995	5,399,186	5,584,786
RETIREMENT ACCRUALS..................................	-36,249	-36,249	-36,249	-36,249
TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, AF.......	17,564,984	18,639,392	18,537,679	18,822,569

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
(In thousands of dollars)

R-1		Budget Request	House	Senate	Conference
1	**DEFENSE RESEARCH SCIENCES**	**219,144**	**226,144**	**219,144**	**223,744**
	Center for Adaptive Optics		+4,000		+2,000
	Coal Based Jet Fuel		+3,000		+2,600
2	**MATERIALS**	**75,272**	**89,272**	**112,672**	**110,872**
	Nanostructured Materials (Note: To be performed through a not-for-profit collaboration with industry and affiliated universities within the facilities of AFRL.)		+4,500	+5,000	+3,250
	Environmentally Sound Aircraft Coatings		+1,000		+1,000
	Thermal Management for Military Aircraft and Space Structures		+2,500		+1,300
	Tyndall AFRL		+2,000		+1,200
	Advanced Wide Bandgap Materials Technology		+4,000		+3,400
	Composite materials training program			+500	+500
	Advanced materials Deposition for Semiconductor Nano			+1,500	+1,100
	Closed cell foam material			+1,000	+1,000
	Durable coatings for aircraft systems			+4,000	+2,800
	Free electron laser materials processing			+3,000	+2,100
	Titanium matrix			+4,400	+4,400
	Metals affordability initiative			+7,500	+5,300
	Nanostructured protective coatings			+2,000	+1,000
	Strategic partnership for nanotechnology research			+6,000	+6,000
	Cost-effective composite materials for UAVs			+2,500	+1,250
	Nanoenergetic Materials			[1,000]	[1,000]
3	**AEROSPACE VEHICLE TECHNOLOGIES**	**78,789**	**80,789**	**78,789**	**79,989**
	Intelligent Flight Control Simulation Research Laboratory		+2,000		+1,200
4	**HUMAN EFFECTIVENESS APPLIED RESEARCH**	**66,000**	**75,500**	**75,800**	**80,800**
	Biotechnology - Cellular Dynamics and Engineering (Note: To be performed through a not-for-profit collaboration with industry and affiliated universities within the facilities of AFRL.)		+3,500		+2,500
	3-D Audio Display Technology		+1,000		+1,000
	Rapid Detection of Biological Weapons of Mass Destruction (Note: Only to continue the design and development of probe kits to identify Biological WMD.)		+5,000		+4,300
	Solid State Electric Oxygen Generation			+9,800	+7,000
5	**AEROSPACE PROPULSION**	**107,659**	**148,959**	**113,359**	**137,859**
	Transfer from DERF		+5,700	+5,700	+5,700
	Pulse Detonation Engine		+6,000		+3,000
	Advanced Vehicle and Propulsion Center (Note: For a common AFRL/SMC product center co-located with the Rocket Propulsion Laboratory)		+5,000		+2,500
	Cryo Installation for Jet and Rocket Engine Test Site (Note: Only for cryogenic propellant storage and delivery systems with related control and safety systems.)		+9,000		+7,700
	Reusable Launch Vehicle Technology (Note: To upgrade space infrastructure to support RLV development.)		+2,600		+2,300
	Lithium Ion Battery Development		+6,000		+4,000
	High Power Advanced Low Mass (HPALM)		+3,000		+1,500

R-1		Budget Request	House	Senate	Conference
	PBO Membranes for Advanced/High Performance Fuel Cells (Note: For developing and certifying this material for the Air Force UCAV.)		+3,000		+2,500
	UCAV Integrated Starter Generator		+1,000		+1,000
6	**AEROSPACE SENSORS**	**75,799**	**79,799**	**78,299**	**80,099**
	Wireless Surveillance of Hostile Threats		+1,000		+1,000
	Advanced FT-IR Gas Analysis		+2,000		+1,000
	Phased Array Antenna and Control System		+1,000		+1,000
	AFRL information and sensors directorate			+2,500	+1,300
7	**MULTI-DISCIPLINARY SPACE TECHNOLOGY**	**53,592**	**103,592**	**96,592**	**100,592**
	Transfer from DERF		+43,000	+43,000	+43,000
	Engineering Tool Improvement Program		+3,000		+2,000
	Integrated High Payoff Rocket Propulsion Technology		+4,000		+2,000
8	**SPACE TECHNOLOGY**	**58,582**	**67,582**	**83,042**	**79,942**
	Mixed Signal VLSI for Space Vehicle Communication Subsystems		+2,000		+1,400
	Seismic Monitoring Research		+3,000	+5,000	+3,000
	Lightweight and Novel Structures for Space (Note: Funds are provided only to develop advanced mirror systems and space structures for the Air Force.)		+1,000	+1,000	+1,000
	Techsat 21		+3,000	+5,000	+3,000
	HAARP incoherent scatter radar			+3,000	+2,600
	HAARP (space technology)			+6,000	+5,100
	ICASS			+2,000	+1,400
	Substrates for solar cells			+2,000	+1,400
	Carbon foam for aircraft and spacecraft			+460	+460
	Electromagnetic Gradiometer research				+2,000
9	**CONVENTIONAL MUNITIONS**	**60,343**	**60,343**	**61,843**	**61,443**
	Defense against WMD			+1,500	+1,100
11	**COMMAND CONTROL AND COMMUNICATIONS**	**70,951**	**83,451**	**78,951**	**82,451**
	Agile R&D/S&T COE		+5,000		+3,500
	Information Protection and Authentication		+1,500	+3,000	+1,500
	Information Management for Crisis Response		+6,000		+3,000
	Secure knowledge management			+5,000	+3,500
14	**ADVANCED MATERIALS FOR WEAPON SYSTEMS**	**21,138**	**36,638**	**35,138**	**41,838**
	Vapor Grown Carbon Fiber		+1,500		+1,100
	Handheld Holographic Radar Gun		+1,500		+1,100
	Advanced Material Corrosion Research for LM Alloys		+1,000		+1,000
	Quantitative Inspection Techniques for Assessing Aging of Military Aircraft		+2,500		+2,500
	Hybrid Bearing		+2,000		+1,200
	Tyndall AFRL		+3,000		+1,800
	Ceramic Matrix Composites for Engines		+2,000	+5,000	+3,500
	Advanced Laser Program for Plasma Enhanced Chemical Vapor Deposition Techniques for Laser Protection Coatings		+2,000		+1,700
	Low bandwidth medical collaboration			+2,000	+1,400
	Powdered programmable process (House carried this on line R-18)			+5,000	+4,000
	Assessing aging of military aircraft			+2,000	+1,400
16	**ADVANCED AEROSPACE SENSORS**	**50,589**	**54,589**	**50,589**	**53,689**
	Advanced Physical Vapor Transport		+1,000		+1,000
	National Operational Signature Production and Research Capability		+3,000		+2,100

R-1		Budget Request	House	Senate	Conference
17	**FLIGHT VEHICLE TECHNOLOGY**	**0**	**0**	**5,000**	**3,500**
	E-SMART threat agent network			+5,000	+3,500
18	**AEROSPACE TECHNOLOGY DEV/DEMO**	**22,315**	**30,315**	**27,315**	**29,565**
	Powdered Programmable Preform Process (Note: To be performed through a not-for-profit collaboration with industry and affiliated universities within the facilities of AFRL.) (Funded in line R-14)		+4,000		0
	Ultra-lightweight Composites		+500		+500
	Advanced Aluminum Aerostructures (Senate carried this in line R-19)		+3,500		+3,750
	Sensor craft (UAV)			+5,000	+3,000
19	**AEROSPACE PROPULSION AND POWER TECHNOLOGY**	**85,650**	**91,050**	**89,650**	**90,150**
	Transfer from DERF		+4,400		0
	Joint Expendable Turbine Engine Concept Phase III		+1,000		+1,000
	Advanced Aluminum Aerostructures (Funded in line R-18)			+4,000	0
	Variable Flow Ducted Rocket Propulsion System			[5,000]	+3,500
21	**CREW SYSTEMS AND PERSONNEL PROTECTION TECHNOLOGY**	**29,690**	**40,190**	**34,690**	**39,990**
	Combat Automation Requirement Testbed		+2,500		+1,800
	Special Operations Crew Research at Brooks AFB		+3,000		+2,100
	Laser Eye Protection Research		+2,000		+900
	Battlespace Logistics Readiness and Sustainment		+1,000		+1,000
	Helmet Queuing System Technology		+2,000		+1,000
	TALON			+5,000	+3,500
24	**ELECTRONIC COMBAT TECHNOLOGY**	**23,350**	**24,350**	**23,350**	**24,350**
	Only for a study to be conducted by AFRL to assess the "see and avoid" requirement for UAVs to operate in national airspace and to conduct an analysis of capabilities for meeting this requirement.		+1,000		+1,000
26	**BALLISTIC MISSILE TECHNOLOGY**	**0**	**22,900**	**0**	**13,300**
	Transfer from DERF		+4,900		0
	BMT - Advanced Guidance Technologies for Ballistic Missiles and Range Safety Instrumentation. (Note: To include advanced accelerometer, flight computer and vehicle structure technology.)		+15,000		+11,800
	BMT - Common Guidance Development Program of Sensor Technologies		+3,000		+1,500
28	**ADVANCED SPACECRAFT TECHNOLOGY**	**42,315**	**46,315**	**55,815**	**56,015**
	Next Generation Hybrid Orbital Maneuver Vehicle		+1,000		+1,000
	Capacitively Coupled Interconnect (Note: To develop new integrated circuit interconnection technology.)		+2,000		+1,200
	Integrated Spacecraft Engineering Tool (Note: Only to develop, demonstrate and validate an integrated spacecraft engineering, modeling, simulation and design tool to support rapid prototyping and collaborative RDT&E of advanced spacecraft and satellites.)		+1,000		+1,000
	Robust aerospace composite materials/structures			+3,500	+2,500
	Streaker Small Launch Vehicle				+1,000
	Thin amorphous solar arrays			+10,000	+7,000
30	**TRANSFORMATIONAL WIDEBAND MILSATCOM**	**195,000**	**115,000**	**0**	**0**
	Defer 4th quarter Phase B contract award		-80,000	-80,000	-80,000
	Transfer to PE 63845F (RDTE, AF line R-52)			-115,000	-115,000

R-1		Budget Request	House	Senate	Conference
31	**MAUI SPACE SURVEILLANCE SYSTEM (MSSS)**	**6,472**	**10,472**	**56,472**	**48,472**
	High Accuracy Network Determination System		+4,000		+2,000
	MSSS operations and research			+35,000	+27,000
	PANSTARS			+15,000	+13,000
32	**MULTI-DISCIPLINARY ADVANCED DEVELOPMENT SPACE TECHNOLOGY**	**50,538**	**50,538**	**57,538**	**55,438**
	Aerospace relay mirror system			+7,000	+4,900
33	**CONVENTIONAL WEAPONS TECHNOLOGY**	**38,001**	**43,001**	**45,001**	**44,501**
	BLU-109 Heavy Warhead (Note: For construction of warheads with tungsten heavy alloy core and for integration with JDAM and B-1B.)		+5,000		+3,000
	LOCAAS			+7,000	+3,500
34	**ADVANCED WEAPONS TECHNOLOGY**	**28,271**	**48,771**	**28,271**	**54,271**
	Laser Illuminated Viewing and Ranging Sensor Development		+6,000		+4,200
	GLINT		+6,000		+3,000
	Sodium Wavelength Laser		+2,500		+2,200
	Mobile Active Targeting Resource for Integrated Experiments		+6,000		+5,100
	Field Laser Demonstration Upgrades (ALVA)				+11,500
35	**ENVIRONMENTAL ENGINEERING TECHNOLOGY**	**0**	**2,500**	**0**	**1,200**
	Bioreactor Technologies Evaluation and Testing		+2,500		+1,200
37	**C3I ADVANCED DEVELOPMENT**	**34,288**	**46,788**	**38,288**	**45,938**
	Information Protection and Authentication		+4,500		+3,200
	Automatic Acoustic Target Recognition		+3,500		+1,750
	Identification of Time Critical Targets (Note: Only to provide enhanced target identification capability using the MIDAS and FOPEX technology.)		+4,500		+3,900
	Fusion SIGINT enhancements to ELINT			+4,000	+2,800
42	**NAVSTAR GLOBAL POSITIONING SYSTEM III**	**100,217**	**50,217**	**86,017**	**60,217**
	1 year slip in GPS III		-50,000		-40,000
	Program delay/execution			-14,200	0
43	**ADVANCED EHF MILSATCOM (SPACE)**	**825,783**	**844,783**	**844,783**	**844,783**
	Transfer from DERF		+19,000	+19,000	+19,000
52	**ADVANCED WIDEBAND SYSTEM (AWS)**	**4,982**	**4,982**	**119,982**	**119,982**
	Transfer from PE 63436F (RDTE, AF line R-30)			+115,000	+115,000
53	**INTEGRATED BROADCAST SERVICE (DEM/VAL)**	**19,870**	**39,070**	**39,070**	**39,070**
	Smart Pull Technology - Transfer from DERF		+12,600	+12,600	+12,600
	IBS - Transfer from DERF		+6,600	+6,600	+6,600
54	**INTERCONTINENTAL BALLISTIC MISSILE - DEM/VAL**	**63,025**	**70,525**	**63,025**	**63,025**
	Transfer from DERF		+7,500		0
55	**WIDEBAND GAPFILLER SYSTEM RDT&E (SPACE)**	**20,009**	**14,009**	**20,009**	**14,009**
	Six month delay in 2002 CCS-C contract award		-6,000		-6,000
56	**AIR FORCE/NATIONAL PROGRAM COOPERATION (AFNPC)**	**8,829**	**8,829**	**2,529**	**2,529**
	Program delay: SBIRS-TI			-6,300	-6,300
58	**POLLUTION PREVENTION (DEM/VAL)**	**2,743**	**2,743**	**3,743**	**3,743**
	Diesel air quality improvement at Nellis AFB			+1,000	+1,000
59	**JOINT PRECISION APPROACH AND LANDING SYSTEMS - DEM/VAL**	**13,267**	**13,267**	**11,267**	**11,267**
	Excessive growth/program delays			-2,000	-2,000
61	**COBRA JUDY (H)**	**51,000**	**51,000**	**51,000**	**0**
	Classified Adjustment (Transfer to another account)				-51,000

R-1		Budget Request	House	Senate	Conference
65	**B-1B**	**160,688**	**78,688**	**120,688**	**160,688**
	ALE-55 Towed Decoy Delay		-82,000	-40,000	0
69	**B-2 ADVANCED TECHNOLOGY BOMBER**	**225,327**	**265,327**	**266,962**	**265,327**
	B-2 Radar - Transfer from DERF		+50,000	+50,000	+50,000
	EHF Integration		-27,000	-18,365	-27,000
	Low Observable Improvements		+17,000	+10,000	+17,000
71	**EW DEVELOPMENT**	**65,082**	**36,582**	**71,082**	**69,582**
	ALE-55 Towed Decoy Delay		-43,000	-8,700	-8,700
	Loitering Electronic Warfare Killer		+4,500		+3,200
	Precision Location and Identification (PLAID)		+10,000	+14,700	+10,000
75	**SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD**	**814,927**	**744,927**	**714,927**	**784,927**
	Unexecutable growth in ground segment		-70,000	-100,000	-30,000
77	**MILSTAR LDR/MDR SATELLITE COMMUNICATIONS (SPACE)**	**148,936**	**106,936**	**149,936**	**150,536**
	Excess end of year funds		-50,000		-4,000
	Joint Integrated SATCOM Technology		+8,000		+5,600
	Painting and coating pollution prevention (Moved to RDTE, DW)			+1,000	0
	MUNITIONS DISPENSER DEVELOPMENT	**0**	**7,000**		**3,500**
	WCMD - ER		+7,000		+3,500
80	**AGILE COMBAT SUPPORT**	**6,318**	**6,318**	**8,818**	**8,118**
	Deployable oxygen system			+2,500	+1,800
83	**LIFE SUPPORT SYSTEMS**	**925**	**9,725**	**11,425**	**7,825**
	Fixed Aircrew Standardized Seats		+4,800	+2,500	+2,500
	Advanced Concept Ejection Seat II Improvement		+4,000		+2,400
	SEE-RESCUE distress streamer			+4,000	+2,000
	Distributed Mission Interoperability toolkit (DMIT) (Note: This item is funded in R-87.)			+4,000	0
86	**COMBAT TRAINING RANGES**	**13,524**	**15,524**	**16,524**	**16,024**
	Integration of tactical information and ground tracking into the Nellis Air Combat Training System.		+2,000	+3,000	+2,500
87	**INTEGRATED COMMAND & CONTROL APPLICATIONS (IC2A)**	**226**	**13,226**	**3,226**	**13,226**
	Distributed Mission Interoperability Toolkit (Note: Senate carried this item in R-83.)		+4,000		+4,000
	National Product Line Asset Center (NPLACE)		+7,000		+4,200
	Interactive Three Dimensional Human Interface		+2,000		+1,200
	AF Center for Acquisition Reengineering and Enabling Technology				+1,000
	ASSET/eWing			+3,000	+2,600
92	**JOINT STRIKE FIGHTER EMD**	**1,743,668**	**1,743,668**	**1,733,668**	**1,733,668**
	Excessive growth: inflation and overhead cost estimates			-10,000	-10,000
96	**RDT&E FOR AGING AIRCRAFT**	**19,871**	**34,871**	**27,871**	**33,471**
	Aging Aircraft Enterprise Knowledge Portal		+2,500		+1,800
	Viable Combat Avionics Initiative		+2,500		+1,800
	Aging Landing Gear Life Extension		+10,000	+10,000	+10,000
	Program delays/execution			-2,000	0
99	**LINK-16 SUPPORT AND SUSTAINMENT**	**44,146**	**44,146**	**52,146**	**51,146**
	611th AOG enhanced tactical data display link			+8,000	+7,000
104	**MAJOR T&E INVESTMENT**	**46,338**	**64,838**	**152,338**	**61,138**
	Holloman High Speed Test Track		+3,000		+2,100
	Airborne Separation Video System		+1,500		+1,100
	Laser Induced Surface Improvement Technology		+1,000		+1,000
	Mariah II Hypersonic Wind Tunnel		+6,000	+10,000	+6,000

R-1		Budget Request	House	Senate	Conference
	Electronic Countermeasures Upgrades for the Generic Radar Target Generator		+4,000		+2,000
	ILIAD		+3,000		+2,600
	Maglev Upgrade Program			[2,500]	[2,500]
	Transfer from other R&D, AF activites			+96,000	0
110	**ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)**	**16,237**	**34,237**	**16,237**	**31,037**
	Support MTD -3b Flight Demonstration		+4,000		+2,800
	Ballistic Missile Range Safety Technology		+14,000		+12,000
116	**ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY**	**8,000**	**9,000**	**8,000**	**9,000**
	Active Protection for Integrated Circuits (Note: To accelerate and implement an active anti-tamper device using a hands-safe 3mm 'micro detonator'.)		+1,000		+1,000
119	**AIR-LAUNCHED CRUISE MISSILE (ALCM)**	**26,713**	**26,713**	**20,513**	**20,513**
	Program delays/execution			-6,200	-6,200
127	**F-16 SQUADRONS**	**81,338**	**85,338**	**81,338**	**83,338**
	F-16 Advanced IFF Interrogator (Note: To integrate the AN/APX-113 into the F-16C Block 40 aircraft)		+4,000		+2,000
134	**AF TENCAP**	**10,496**	**15,996**	**13,496**	**15,296**
	Adverse Weather Ballistic Imaging and Targeting		+2,500		+1,800
	GPS - Jammer Detection and Location System		+3,000	+3,000	+3,000
135	**SPECIAL EVALUATION PROGRAM**	**110,080**	**130,280**	**113,280**	**130,280**
	Transfer from DERF		+17,000		+17,000
	Transfer from DERF		+3,200	+3,200	+3,200
136	**COMPASS CALL**	**3,877**	**12,877**	**3,877**	**9,377**
	TRACS-F and Signal Analysis Subsystem upgrades		+9,000		+5,500
139	**JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM)**	**42,097**	**52,097**	**57,097**	**52,097**
	JASSM-ER		+10,000	+15,000	+10,000
140	**AEROSPACE OPERATIONS CENTER (AOC)**	**35,875**	**93,075**	**35,875**	**73,075**
	Upgrades to Aerospace Operations Centers		+57,200		+37,200
144	**EVALUATION AND ANALYSIS PROGRAM**	**230,218**	**233,218**	**230,218**	**232,818**
	Adaptive Information Protection Technology		+3,000		+2,600
145	**ADVANCED PROGRAM TECHNOLOGY**	**104,651**	**104,651**	**128,151**	**104,651**
	DERF Transfer: Advanced program technology			+10,000	0
	Excessive growth/duplication			-3,500	0
	DERF Transfer: Advanced program technology			+17,000	0
148	**MC2C (MULTI-SENSOR COMMAND AND CONTROL CONSTELLATION)**	**191,089**	**596,089**	**321,089**	**338,089**
	Transfer from DERF		+488,000	+488,000	+488,000
	Network Centric Collaborative Targeting Integration		-8,000		-8,000
	Excessive growth		-75,000	-358,000	-333,000
149	**JOINT SURVEILLANCE AND TARGET ATTACK RADAR SYSTEM**	**55,515**	**67,515**	**55,515**	**61,515**
	Global Air Traffic Management (GATM) Upgrades		+5,000		+2,500
	Joint Services Work Station		+7,000		+3,500
151	**ADVANCED PROGRAM EVALUATION**	**220,088**	**237,088**	**220,088**	**237,088**
	Transfer from DERF		+17,000		+17,000
152	**USAF MODELING AND SIMULATION**	**21,895**	**22,895**	**21,895**	**22,895**
	Synthetic Theater Operations Research Model		+1,000		+1,000
153	**WARGAMING AND SIMULATION CENTERS**	**5,278**	**7,278**	**9,778**	**8,478**
	Theater Air Command and Control Simulation Facility		+2,000	+4,500	+3,200
156	**INFORMATION WARFARE SUPPORT**	**7,837**	**7,837**	**11,337**	**7,837**
	CIAS (Funded in R-171)			+3,500	0

R-1	Budget Request	House	Senate	Conference
159 TECHNICAL EVALUATION SYSTEM	**135,588**	**190,588**	**145,588**	**190,588**
Transfer from DERF		+55,000		+55,000
Transfer from DERF		+30,000		+30,000
Payload for UAVs		-30,000		-30,000
DERF Transfer: classified program			+10,000	0
162 NATIONAL AIR INTELLIGENCE CENTER	**0**	**0**	**3,000**	**2,500**
NAIC space threat assessment			+1,000	+1,000
NAIC threat modeling			+2,000	+1,500
163 COBRA BALL	**0**	**0**	**6,000**	**0**
Program increase			+6,000	0
171 INFORMATION SYSTEMS SECURITY PROGRAM	**9,353**	**22,853**	**16,853**	**24,753**
Transfer from DERF		+4,000		+2,000
Center for Information Assurance Security (Senate carried this item in R-156)		+3,500		+3,500
World Infrastructure Support Environment (Note: Only to continue the existing program.)		+6,000		+5,100
Information Assurance for Enabling Technologies				+1,000
Lighthouse cyber security program			+7,500	+3,800
172 GLOBAL COMBAT SUPPORT SYSTEM	**29,168**	**27,168**	**29,168**	**25,968**
Non-compliance with Clinger-Cohen Act		-6,000		-6,000
Enterprise Data Warehouse		+4,000		+2,800
177 SELECTED ACTIVITIES	**150,243**	**147,243**	**222,243**	**149,243**
Classified Programs - Transfer from DERF		+1,000		+1,000
Classified Program reduction		-4,000		-2,000
DERF Transfer: special activities			+72,000	0
185 AIR FORCE TACTICAL MEASUREMENT AND SIGNATURE INTELLIGE	**6,486**	**15,486**	**15,486**	**15,486**
ARGUS MASINT - Transfer from DERF		+9,000	+9,000	+9,000
186 DEFENSE RECONNAISSANCE SUPPORT ACTIVITIES (SPACE)	**42,076**	**42,076**	**162,376**	**42,076**
Defense Reconnaissance Support Activities - Transfer from DERF		+120,300	+120,300	+120,300
Defense Reconnaissance Support Activities		-120,300		-120,300
189 NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE)	**324,098**	**296,098**	**296,098**	**296,098**
AF requested transfer		-28,000	-28,000	-28,000
191 SPACELIFT RANGE SYSTEM (SPACE)	**82,108**	**104,408**	**82,108**	**96,808**
Eastern Range Core Crew		+7,000		+3,500
Range Technology Demonstration (Note: Only to implement SMC's planned Range Technology Demonstration initiative to improve tracking, telemetry and commanding communications.)		+4,000		+3,400
Space Technology		+8,000		+4,000
Space Homeland Security (Note: To demonstrate the application of space technologies to improve Homeland Security.)		+3,300		+2,800
Civil Reserve Space Service Initiative			[1,000]	+1,000
192 DRAGON U-2 (JMIP)	**17,442**	**20,142**	**30,942**	**23,942**
U-2 SIGINT - Transfer from DERF Sensor NRE		+13,500	+10,800	+10,800
U-2 SIGINT - Transfer from DERF Sensor demo unit		0	+2,700	+2,700
U-2 sensors		-10,800		-7,000

R-1	Budget Request	House	Senate	Conference
193 ENDURANCE UNMANNED AERIAL VEHICLES	**309,743**	**354,743**	**326,743**	**352,743**
Global Hawk Defensive Systems - Transfer from DERF		+30,000		+30,000
Global Hawk SIGINT - Transfer from DERF		+5,000	+5,000	+5,000
Predator A&B - Transfer from DERF		+10,000	+10,000	+10,000
Global Hawk Defensive Systems		-30,000		-30,000
Global Hawk SIGINT Sensors Development		-59,000		-59,000
Global Hawk - Advanced Payload Development and Support		+84,000		+84,000
Global Hawk - Producibility Initiatives		+7,000		+5,000
Global Hawk		-5,000		-5,000
MAEUAV - (Note: Only to transition the Predator view mission planning system to production.)		+3,000		+2,000
Global Hawk - lithium batteries			+2,000	+1,000
194 AIRBORNE RECONNAISSANCE SYSTEMS	**66,810**	**55,035**	**87,410**	**61,535**
Sensor Development - Moved to Global Hawk Line		-15,775		-15,775
Tactical Airborne Reconnaissance System (TARS) (Note: Only for the development of the data link and SAR integration into the TARS pods/P3I.)		+4,000	+13,600	+6,800
SYERS			+4,000	+2,000
Ultra-wideband airborne laser communications			+3,000	+1,700
195 MANNED RECONNAISSANCE SYSTEMS	**0**	**8,000**	**4,000**	**8,000**
Network Centric Collaborative Targeting (NCCT) (From R-148)		+8,000		+6,000
Network Centric Collaborative Targeting (NCCT)			+4,000	+2,000
196 DISTRIBUTED COMMON GROUND SYSTEMS	**20,708**	**31,908**	**46,908**	**31,108**
Commercial Imagery - Transfer from DERF		+2,400	+2,400	+2,400
DCGS MASINT - Transfer from DERF		+5,000	+5,000	+5,000
AF DCGS Geospatial Services - Transfer from DERF		+3,800	+3,800	+3,800
DCGS/U2-SIGINT Network - Transfer from DERF		+15,000	+15,000	+15,000
Ground Systems Upgrades		-15,000		-7,000
Duplication of Supplemental Funding				-8,800
204 C-5 AIRLIFT SQUADRONS	**277,795**	**304,395**	**277,795**	**291,095**
Avionics Modernization Program (Transfer from AP, AF)		+26,600		+13,300
211 DEPOT MAINTENANCE (NON-IF)	**1,340**	**2,840**	**1,340**	**2,340**
Metrology		+1,500		+1,000
212 INDUSTRIAL PREPAREDNESS	**37,581**	**49,081**	**39,581**	**45,281**
Prototype LO Coatings Development		+4,500		+3,200
Technology Insertion Demonstration and Evaluation (TIDE) (Note: For the TIDE program's Manufacturing Technology Initiative.)		+3,000		+1,500
Laser Peening for F119 Engine		+4,000		+2,000
Bipolar wafer-cell NiMH battery			+2,000	+1,000
214 PRODUCTIVITY, RELIABILITY, AVAILABILITY	**4,767**	**7,767**	**8,767**	**9,667**
Aircraft Turbine Engine Sustainment		+3,000		+2,100
Modeling/Re-engineering for Oklahoma City ALC			+4,000	+2,800
216 SUPPORT SYSTEMS DEVELOPMENT	**35,813**	**46,813**	**37,813**	**43,513**
Low Emission/Efficient Hybrid Aviation Refueling Truck Propulsion		+3,000		+1,500
Center for Aircraft and System/Support Infrastructure		+5,000		+3,000
Aging Aircraft (Note: To accelerate implementation of an integrated data environment for the C-5 and C-17.)		+3,000		+1,500
Commodity management system consolidation			+2,000	+1,700

R-1		Budget Request	House	Senate	Conference
220	**FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT**	**21,326**	**0**	**21,326**	**21,326**
	SECDEF Systems Initiatives Policy		-21,326		0
999	**CLASSIFIED PROGRAMS**	**5,019,286**	**5,317,995**	**5,399,186**	**5,584,786**
	Classified		+298,709	+379,900	+565,500
	DEM/VAL TEST AND EVALUATION TRANSFER			-9,000	0
	EMD TEST AND EVALUATION TRANSFER			-27,000	0
	OPERATIONAL SYSTEMS DEVELOPMENT T&E TRANSFER			-60,000	0

B-1 DSUP PROGRAM

Despite development problems which have plagued the Air Force's B-1 Defense System Upgrade Program (DSUP), the conferees agree to provide the fiscal year 2003 funding requested for this program. Concerned, however, by the need to continue modernizing the B-1 bomber so the aircraft can undertake combat missions in various threat environments, the conferees direct the Air Force to use these funds to explore alternative towed decoy and defensive systems other than the ALE-55 towed decoy included in the Department of Defense's original request. The Secretary of the Air Force shall report to the congressional defense committees on the allocation of these funds not later than January 1, 2003. Finally, the conferees approve a rescission totaling $45,500,000 of prior year funds in excess to the Air Force's DSUP requirements.

MC2C

The conference agreement provides a total of $338,089,000 for the Multi-sensor Command and Control Constellation (MC2C) program. This level is more than sufficient to fully fund all planned MP-RTIP design and platform adaption activities for the coming year. Given the reported technical difficulties this program recently experienced in initial testing, the conferees strongly urge the Air Force to use any remaining funds for sensor and command and control system integration development efforts.

SPACE SURVEILLANCE (MSSS)

The conference agreement includes funding of $48,472,000 for the MSSS program. Of this amount, $13,000,000 shall be used to continue the Panoramic Survey Telescope and Rapid Response System. In addition, $2,000,000 shall be used only to fund the High Accuracy Network Determination System. The conferees are aware of security and electromagnetic interference concerns from antennas located near the site, and recommend allocating up to $5,000,000 for assisting in the relocation of the antennas. The remaining research funds should be allocated by on-site officials to programs which offer the greatest potential return. The conferees expect the officials to consider the following programs for funding: MATRIX, NEAT, and HSN.

ADVANCED POWER TECHNOLOGY

To improve technology transition and the incorporation of advanced power concepts into vehicles and facilities, the conferees direct the Secretary of the Air Force to prepare a plan for establishing an Advanced Power Technology office to support the program manager for support equipment, ground vehicles, and bare base. The plan should be provided to the House and Senate Appropriations Committees with the submission of the Department of Defense fiscal year 2004 budget request.

ENDURANCE UNMANNED AERIAL VEHICLES

The conferees agree to provide a total of $352,743,000 for the Air Force's endurance unmanned aerial vehicles program, including an additional $31,000,000 for the continued development and testing of the Global Hawk endurance UAV system and sensor requirements.

Global Hawk Defensive System: The conferees do not agree to the Budget request for an additional $30,000,000 for the development of a U-2 like defensive system for the Global Hawk UAV.

Global Hawk SIGINT Sensor Development: The conferees agree to transfer $59,000,000 requested for Global Hawk SIGINT sensor development, and the development efforts these funds were requested to support, into a new line entitled Global Hawk Advanced Payload Development and Support.

Global Hawk Advanced Payload Development and Support: The conferees agree to provide a total of $84,000,000 in this new line, of which $59,000,000 is a transfer from the SIGINT Sensor Development line, including the High Band Subsystem development effort, and $15,775,000 is a transfer from the Airborne Reconnaissance Systems Sensor Development line. It is the intent of the conferees that the Air Force work with the Navy and the Army to identify new and existing sensor technologies for a high altitude UAV, including a day/night hyperspectral sensor system developed by an Air Force laboratory, and use the funds appropriated to develop, test and demonstrate payload options to enhance Global Hawk UAV mission capabilities. The conferees directed the Air Force to submit by January 15, 2003, a plan for expenditure of these funds.

The conferees support the Air Force's Airborne Signals Intelligence Payload (ASIP) program, a common high altitude SIGINT sensor based on the ongoing HBSS program and a new low band effort based on existing technology. The ASIP program is the Office of Secretary of Defense approved program designed to replace the failed Joint SIGINT Avionics Family (JSAF) program. The fiscal year 2003 estimated cost for ASIP is $31,400,000, of which $17,900,000 shall be funded from Global Hawk SIGINT sensor development (Advanced Payload Development and Support) and $13,500,000 from funds provided in a separate line for U-2 SIGINT systems. The conferees direct the Navy to evaluate its requirements and participate in the ASIP effort as appropriate.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

The conference agreement on items addressed by either the House or the Senate is as follows:

(In thousands of dollars)

	Budget	House	Senate	Conference
RESEARCH, DEVELOPMENT, TEST & EVAL, DEFENSE-WIDE				
BASIC RESEARCH				
IN-HOUSE LABORATORY INDEPENDENT RESEARCH.............	2,126	2,126	2,126	2,126
DEFENSE RESEARCH SCIENCES............................	175,646	198,546	189,646	206,946
UNIVERSITY RESEARCH INITIATIVES......................	221,610	236,235	243,110	242,685
FORCE HEALTH PROTECTION..............................	9,973	9,973	9,973	15,173
HIGH ENERGY LASER RESEARCH INITIATIVES...............	12,082	12,082	12,082	12,082
GOVERNMENT/INDUSTRY COSPONSORSHIP OF UNIVERSITY RESEAR	3,467	10,067	3,467	9,067
DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE	9,864	9,864	19,864	16,864
CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM..............	64,119	71,119	87,319	81,619
TOTAL, BASIC RESEARCH................................	498,887	550,012	567,587	586,562
APPLIED RESEARCH				
MEDICAL FREE ELECTRON LASER..........................	---	9,000	15,000	12,000
HISTORICALLY BLACK & HISPANIC SERVING INSTITU SCIENCES	13,970	21,970	20,470	26,570
LINCOLN LABORATORY RESEARCH PROGRAM..................	27,732	27,732	27,732	27,732
COMPUTING SYSTEMS AND COMMUNICATIONS TECHNOLOGY.......	424,940	425,440	417,940	419,440
EMBEDDED SOFTWARE AND PERVASIVE COMPUTING............	60,000	60,000	60,000	60,000
BIOLOGICAL WARFARE DEFENSE...........................	133,000	166,950	146,350	166,050
CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM..............	262,177	291,177	287,177	316,977
TACTICAL TECHNOLOGY..................................	180,952	180,952	171,952	173,952
MATERIALS AND ELECTRONICS TECHNOLOGY.................	440,500	447,500	446,700	445,300
WMD DEFEAT TECHNOLOGY................................	146,143	182,943	165,943	167,143
STRATEGIC DEFENSE TECHNOLOGIES.......................	131,199	131,199	121,199	121,199
HIGH ENERGY LASER RESEARCH...........................	39,310	48,310	39,310	45,310
TOTAL, APPLIED RESEARCH..............................	1,859,923	1,993,173	1,919,773	1,981,673
ADVANCED TECHNOLOGY DEVELOPMENT				
EXPLOSIVES DEMILITARIZATION TECHNOLOGY...............	8,935	11,935	21,215	18,565
SO/LIC ADVANCED DEVELOPMENT..........................	13,800	25,800	10,800	19,100
COMBATING TERRORISM TECHNOLOGY SUPPORT...............	49,015	143,115	108,615	113,615
COUNTERPROLIFERATION ADVANCED DEVELOPMENT TECHNOLOGIES	77,389	93,389	82,389	82,389
BALLISTIC MISSILE DEFENSE TECHNOLOGY.................	121,751	128,251	145,451	154,951
JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT........	25,420	25,420	19,420	19,420
AUTOMATIC TARGET RECOGNITION.........................	7,404	7,404	5,604	5,604

	(In thousands of dollars)			
	Budget	House	Senate	Conference
ADVANCED AEROSPACE SYSTEMS	246,000	253,000	235,500	241,200
CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM - ADVANCED DEV	249,842	266,342	271,842	275,142
SPECIAL TECHNICAL SUPPORT	11,168	12,168	12,668	13,268
ARMS CONTROL TECHNOLOGY	37,646	46,646	39,146	44,446
GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS	25,451	66,201	91,451	119,401
STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	60,468	68,468	49,468	54,568
JOINT WARFIGHTING PROGRAM	9,610	9,610	9,610	9,610
ADVANCED ELECTRONICS TECHNOLOGIES	150,400	159,900	153,900	164,500
ADVANCED CONCEPT TECHNOLOGY DEMONSTRATIONS	199,580	204,580	204,580	207,880
HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM	188,642	188,642	217,142	209,642
COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS	130,101	130,101	120,101	120,101
SENSOR AND GUIDANCE TECHNOLOGY	224,000	234,000	212,000	224,000
MARINE TECHNOLOGY	33,000	33,000	33,000	33,000
LAND WARFARE TECHNOLOGY	162,100	170,100	170,100	170,100
CLASSIFIED DARPA PROGRAMS	275,899	294,899	294,899	294,899
DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT	14,000	18,000	14,000	16,000
SOFTWARE ENGINEERING INSTITUTE	22,983	22,983	22,983	22,983
QUICK REACTION SPECIAL PROJECTS	25,430	40,430	25,430	25,430
JOINT WARGAMING SIMULATION MANAGEMENT OFFICE	49,929	49,929	49,029	48,029
HIGH ENERGY LASER ADVANCED TECHNOLOGY PROGRAM	13,567	13,567	13,567	13,567
COUNTERPROLIFERATION SUPPORT	1,806	1,806	1,806	1,806
TOTAL, ADVANCED TECHNOLOGY DEVELOPMENT	2,435,336	2,719,686	2,635,716	2,723,216
DEMONSTRATION & VALIDATION				
PHYSICAL SECURITY EQUIPMENT	33,553	49,553	43,553	48,853
JOINT ROBOTICS PROGRAM	11,305	12,305	20,305	20,405
ADVANCED SENSOR APPLICATIONS PROGRAM	15,994	20,994	12,994	15,994
CALS INITIATIVE	1,647	1,647	8,647	7,647
ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM	28,334	28,334	21,334	21,334
MEADS	---	---	69,745	117,745
BALLISTIC MISSILE DEFENSE SYSTEM SEGMENT	1,065,982	1,075,982	733,982	1,073,282
BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT	169,974	261,719	195,974	139,974
BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT	3,195,104	3,195,104	3,034,104	3,185,504
BALLISTIC MISSILE DEFENSE BOOST DEFENSE SEGMENT	796,927	706,927	546,927	736,927

(In thousands of dollars)

	Budget	House	Senate	Conference
CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM - DEM/VAL.....	144,790	149,390	146,090	148,090
BALLISTIC MISSILE DEFENSE SENSORS.....................	373,447	304,447	340,447	359,447
STRATEGIC CAPABILITY MODERNIZATION....................	---	---	10,000	---
HUMANITARIAN DEMINING.................................	13,355	13,355	13,355	13,355
COALITION WARFARE.....................................	12,444	7,444	6,444	6,944
JOINT SERVICE EDUCATION AND TRAINING SYSTEMS DEVELOPME	---	---	1,000	1,000
JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM........	5,085	5,085	11,085	10,285
TRANSFER TO OT & E CTEIP..............................	---	---	-37,000	---
TOTAL, DEMONSTRATION & VALIDATION..................	5,867,941	5,832,286	5,178,986	5,906,786
ENGINEERING & MANUFACTURING DEVELOPMENT				
CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM - EMD.........	169,018	169,018	174,518	172,318
JOINT ROBOTICS PROGRAM - EMD..........................	13,643	16,643	28,393	28,543
ADVANCED IT SERVICES JOINT PROGRAM OFFICE (AITS-JPO)..	28,393	28,393	28,393	28,393
JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS)	10,797	10,797	10,797	10,797
THEATER HIGH-ALTITUDE AREA DEFENSE SYSTEM - TMD - EMD.	932,171	932,171	892,171	912,171
PATRIOT PAC-3 THEATER MISSILE DEFENSE ACQUISITION	---	180,819	150,819	180,819
INFORMATION TECHNOLOGY DEVELOPMENT....................	3,938	3,938	3,938	3,938
PROTOTYPE ACCOUNTING SYSTEMS..........................	700	700	700	700
INFORMATION TECHNOLOGY DEVELOPMENT-STANDARD PROCUREMEN	10,427	7,927	7,927	7,927
FINANCIAL MANAGEMENT SYSTEM IMPROVEMENTS..............	96,250	36,250	96,250	96,250
DEFENSE MESSAGE SYSTEM................................	11,803	11,803	11,803	11,803
INFORMATION SYSTEMS SECURITY PROGRAM..................	17,620	111,770	103,020	103,770
GLOBAL COMBAT SUPPORT SYSTEM..........................	17,239	17,239	17,239	17,239
ELECTRONIC COMMERCE...................................	24,265	25,765	24,265	25,365
EMD TEST AND EVALUATION TRANSFER......................	---	---	-8,000	---
TOTAL, ENGINEERING & MANUFACTURING DEVELOPMENT......	1,336,264	1,553,233	1,542,233	1,600,033
RDT&E MANAGEMENT SUPPORT				
UNEXPLODED ORDNANCE DETECTION AND CLEARANCE...........	1,185	1,185	1,185	1,185
THERMAL VICAR...	7,058	7,058	7,058	7,058
TECHNICAL STUDIES, SUPPORT AND ANALYSIS...............	30,023	18,523	30,023	30,023
CRITICAL TECHNOLOGY SUPPORT...........................	1,862	1,862	1,862	1,862
BLACK LIGHT...	5,000	15,000	5,000	15,000

(In thousands of dollars)

	Budget	House	Senate	Conference
GENERAL SUPPORT TO C3I................................	14,979	19,879	23,979	22,979
FOREIGN MATERIAL ACQUISITION AND EXPLOITATION.........	32,382	32,382	24,482	24,482
INTERAGENCY EXPORT LICENSE AUTOMATION................	10,702	1,202	10,702	1,202
DEFENSE TRAVEL SYSTEM................................	30,358	30,358	30,358	30,358
JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION....	72,919	72,919	64,519	70,419
CLASSIFIED PROGRAM USD(P)............................	---	25,000	---	25,000
FOREIGN COMPARATIVE TESTING..........................	31,670	31,670	27,970	27,970
CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM..............	42,959	47,459	42,959	47,159
CLASSIFIED PROGRAMS - C3I............................	60,708	137,068	85,108	115,168
SMALL BUSINESS INNOVATION RESEARCH/CHALLENGE ADMINISTR	2,103	2,103	2,103	2,103
DEFENSE TECHNOLOGY ANALYSIS..........................	5,201	5,201	5,201	5,201
FORCE TRANSFORMATION DIRECTORATE.....................	20,000	20,000	---	10,000
DEFENSE TECHNICAL INFORMATION SERVICES (DTIC).........	45,249	45,249	45,249	45,249
R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATI	8,963	8,963	8,963	8,963
DEVELOPMENT TEST AND EVALUATION......................	48,913	51,913	53,913	51,013
MANAGEMENT HEADQUARTERS (RESEARCH AND DEVELOPMENT)DARP	43,572	43,572	43,572	43,572
PENTAGON RESERVATION.................................	7,457	7,457	7,457	7,457
MANAGEMENT HEADQUARTERS-BMDO.........................	27,909	27,909	27,909	27,909
TOTAL, RDT&E MANAGEMENT SUPPORT....................	551,172	653,932	549,572	621,332
OPERATIONAL SYSTEMS DEVELOPMENT				
COMMERCIAL OPERATIONS AND SUPPORT SAVINGS INITIATIVE..	10,320	18,320	10,320	15,920
PARTNERSHIP FOR PEACE (PFP) INFORMATION MANAGEMENT SYS	1,920	1,920	2,920	2,920
C4I INTEROPERABILITY.................................	43,199	47,199	43,199	46,599
JOINT ANALYTICAL MODEL IMPROVEMENT PROGRAM............	12,531	8,531	10,831	8,531
INFORMATION TECHNOLOGY SYSTEMS.......................	550	550	550	550
NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT.........	1,053	1,053	1,053	1,053
DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATIO	7,554	7,554	7,554	7,554
LONG HAUL COMMUNICATIONS (DCS).......................	1,407	1,407	1,407	1,407
SUPPORT OF THE NATIONAL COMMUNICATIONS SYSTEM.........	15,046	15,046	15,046	15,046
MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK ...	7,199	7,199	7,199	7,199
INFORMATION SYSTEMS SECURITY PROGRAM.................	394,257	394,257	398,257	403,057
C4I FOR THE WARRIOR..................................	10,190	10,190	10,190	10,190
C4I FOR THE WARRIOR..................................	20,536	25,036	20,536	20,536

(In thousands of dollars)

	Budget	House	Senate	Conference
GLOBAL COMMAND AND CONTROL SYSTEM	15,604	6,904	22,604	15,604
JOINT SPECTRUM CENTER	19,102	19,102	19,102	19,102
TELEPORT PROGRAM	6,678	6,678	6,678	6,678
DEFENSE IMAGERY AND MAPPING PROGRAM	143,488	---	173,638	172,588
FOREIGN COUNTERINTELLIGENCE ACTIVITIES	13,916	13,916	13,916	13,916
FOREIGN COUNTERINTELLIGENCE ACTIVITIES	474	474	474	474
DEFENSE JOINT COUNTERINTELLIGENCE PROGRAM (JMIP)	6,058	54,058	69,058	73,308
C3I INTELLIGENCE PROGRAMS	75,682	128,082	123,482	124,682
TECHNOLOGY DEVELOPMENT	120,458	263,058	202,558	263,058
DRAGON U-2 (JMIP)	3,353	3,353	3,353	3,353
AIRBORNE RECONNAISSANCE SYSTEMS	11,934	11,934	11,934	11,934
MANNED RECONNAISSANCE SYSTEMS	4,649	9,649	4,649	7,249
DISTRIBUTED COMMON GROUND SYSTEMS	1,000	1,000	1,000	1,000
TACTICAL CRYPTOLOGIC ACTIVITIES	113,159	113,159	115,159	113,159
NATIONAL SECURITY SPACE ARCHITECT (NSSA)	11,185	11,185	6,185	11,185
INDUSTRIAL PREPAREDNESS	13,072	35,072	19,072	33,072
MANAGEMENT HEADQUARTERS (OJCS)	12,887	12,887	12,887	12,887
SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT	6,741	13,741	6,741	10,241
SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT	62,276	38,776	62,276	65,876
SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT	281,443	342,943	278,143	329,043
SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT	1,590	27,590	2,590	27,590
SOF MEDICAL TECHNOLOGY DEVELOPMENT	1,962	2,212	1,962	2,212
SOF OPERATIONAL ENHANCEMENTS	77,308	81,308	112,308	88,208
STRATEGIC CAPABILITY MODERNIZATION	---	125,000	---	20,000
TRANSFER TO OT & E CTEIP	---	---	-25,000	---
TOTAL, OPERATIONAL SYSTEMS DEVELOPMENT	1,529,781	1,860,343	1,773,831	1,966,981
CLASSIFIED PROGRAMS	2,534,247	2,715,485	2,458,097	2,552,747
RETIREMENT ACCRUALS	-14,688	-14,688	-14,688	-14,688
TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, DEF-WIDE	16,598,863	17,863,462	16,611,107	17,924,642

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

R-1		Budget Request	House	Senate	Conference
2	**DEFENSE RESEARCH SCIENCES**	**175,646**	**198,546**	**189,646**	**+206,946**
	Ultra-Performance Nanotechnology Center		+3,000		+3,000
	Center for Nanostructure Materials		+400		+400
	Nanotechnology Research and Training Facility		+4,500		+2,300
	Spin Electronics [Note: Transfer from University Research Initiatives.]		+15,000		+15,000
	Advanced photonics composites			+2,000	+1,400
	Joint Collaboration on Nanotechnology			+3,000	+1,800
	University Optoelectronics			+2,000	+1,000
	Life Science Education and Research			+5,000	+5,000
	Molecular Electronics			+2,000	+1,400
3	**UNIVERSITY RESEARCH INITIATIVES**	**221,610**	**236,235**	**243,110**	**242,685**
	Spin Electronics [Note: Transfer to Defense Research Sciences.]		-15,000		-15,000
	Photovoltaic Hydrogen for Portable on Demand Power		+1,000		+1,000
	Anti-Corrosion Studies		+1,000		-
	Center of Excellence in Bioinformatics		+2,300		-
	Defense Commercialization Research Initiative		+4,000		+3,500
	Wireless Rural Communications Demonstration		+5,000		+3,000
	Technology Transfer - IEE Pilot Program		+525		+525
	Institute of Bioengineering and Nano-Science in Advanced Medicine		+2,000		+5,000
	Center for Computer Security		+300		+300
	Remote Sensing		+2,500		+1,250
	Desert Environmental Research [Note: Only for the ongoing University based GIS program.]		+3,500		+3,000
	Small Business Alliance Center		+3,000		+1,800
	National Security Training		+1,500		+1,000
	MEMS Sensors for Rolling Element Bearings		+3,000	+1,500	+2,100
	Infotonics			+4,000	+2,000
	Nanoscience and Nanomaterials			+5,000	+2,500
	Corrosion protection of aluminum alloys in aircraft			+2,000	+1,500
	Fastening and Joining Research			+1,000	+1,000
	Secure group communications			+2,000	+1,200
	University Bioinformatics			+2,000	+2,000
	AHI			+4,000	+3,400
	Nanophotonic Systems Fabrication Facility			[2,170]	[2,000]
4	**FORCE HEALTH PROTECTION**	**9,973**	**9,973**	**9,973**	**15,173**
	Chronic Multi-Symptom Illnesses				+5,200
6	**GOVERNMENT/INDUSTRY COSPONSORSHIP OF UNIVERSITY RESEARCH**	**3,467**	**10,067**	**3,467**	**9,067**
	Semi-Conductor Research (Focus Center Research Program (FCRP))		+6,600		+5,600
7	**DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH**	**9,864**	**9,864**	**19,864**	**16,864**
	DEPSCOR			+10,000	+7,000
8	**CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM**	**64,119**	**71,119**	**87,319**	**81,619**
	Engineered Pathogen Identification and Countermeasure Program		+7,000	+5,000	+5,000
	Chemical warfare protection			+1,200	+1,000
	Detection of chem-bio pollutant agents in water			+5,000	+3,500
	Nanoemulsions for decontamination			+5,000	+3,500
	Bioprocessing facility			+7,000	+3,500
	Agroterrorist Attack Response			[1,000]	+1,000

R-1		Budget Request	House	Senate	Conference
11	**MEDICAL FREE ELECTRON LASER**	-	9,000	15,000	12,000
12	**HISTORICALLY BLACK COLLEGES AND UNIVERSITIES SCIENCES**	13,970	21,970	20,470	26,570
	Enhanced Skills Training Program for Electronic Engineering Technology Program		+2,000		+1,000
	Hispanic Serving Institutions		+1,000		+1,000
	HSI Project Grants		+5,000		+5,000
	American Indian Tribal Colleges			+3,500	+3,000
	Technical Assistance Program			+3,000	+2,600
14	**COMPUTING SYSTEMS AND COMMUNICATIONS TECHNOLOGY**	424,940	425,440	417,940	419,440
	Center for Critical Languages		+500		+500
	Execution delays/limit new start growth; GENISYS and mis-information direction			-7,000	-6,000
15	**COMPUTING**	60,000	60,000	60,000	60,000
	Software for autonomous robots (AE-02)			+2,000	+2,000
	Execution delays/limit new start growth; Automated light transport aircraft			-2,000	-2,000
16	**BIOLOGICAL WARFARE DEFENSE**	133,000	166,950	146,350	166,050
	Transfer From DERF		+11,250	+11,250	+11,250
	Asymmetric Protocols for Biological Defense		+4,000		+2,000
	Biological Warfare Post-Exposure Therapeutics		+15,000		+15,000
	Hydrate Fractionalization Desalination Technology		+2,700		+2,300
	Center for Water Security		+1,000		+1,000
	Bioscience Center for Informatics			+2,100	+1,500
17	**CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM**	262,177	291,177	287,177	316,977
	Monoclonal Antibody Based Technology [Note: Only to continue the development of the Heteropolymer Monoclonal Antibody-based Technology for vaccines and antibiotics]		+1,000		+1,000
	National Consortium for Countermeasures to Biological and Chemical Threats		+7,000		+4,900
	Anthrax Biodefense Technologies		+7,500		+5,300
	Mustard Gas Antidote		+3,000		+2,100
	Bioinformatics [Note: To extract and analyze data.]		+1,500		+1,000
	Polymer Based Chemical and Biological Sensors		+3,000		+2,000
	Countermeasures to Biological and Chemical Threats [Note: Only for a joint biological and chemical terrorism response training program.]		+6,000		+3,000
	Chem-bio defense initiative fund			+25,000	+25,000
	Bio-Compact Disk Application Development				+2,000
	ADCIP				+4,000
	Needleless Delivery Methods for Recombinant Protein Vaccines				+1,000
	Organic Vaccine Production			[5,000]	+2,500
	Air Containment Monitoring System				+1,000
18	**TACTICAL TECHNOLOGY**	180,952	180,952	171,952	173,952
	Hypersonics (TT-03)			-10,000	-8,000
	Execution delays/limit new start growth: Network extreme env. training superiority			-6,000	-5,000
	CEROS			+7,000	+6,000
20	**MATERIALS AND ELECTRONICS TECHNOLOGY**	440,500	447,500	446,700	445,300
	Nanostructured Photonic and Biomedical Materials		+1,000		+1,000
	Center for Optoelectronics and Optical Communications		+6,000		+5,000
	Execution delays/limit new start growth: Adaptive vocal plane arrays and ultra-high speed circuits			-9,800	-9,000
	Heat actuated coolers			+2,000	+1,000

R-1		Budget Request	House	Senate	Conference
	Optoelectronics			+5,000	-
	Fabrication of 3D structures			+4,000	+2,400
	Strategic materials			+4,000	+3,400
	Friction stir welding			+1,000	+1,000
22	**WMD DEFEAT TECHNOLOGY**	**146,143**	**182,943**	**165,943**	**167,143**
	CT Info Network, Transfer From DERF		+5,500		-
	Vulnerability Reduction Technology Measures, Transfer From DERF		+9,800		+9,800
	Hazard Prediction and Decision Support Tools, Transfer From DERF		+5,000		+5,000
	Hard Target Defeat, Transfer From DERF		+7,000		+2,000
	Enhanced Blast Weapons Effects, Transfer From DERF		+7,000		-
	WMD Material Assessment		+1,500		+1,100
	Discrete Particle Methods		+1,000		+1,000
	DERF transfer: vulnerability reduction technology; hazard prediction; and hard target defeat only			+16,800	-
	Deep Digger			+3,000	+2,100
23	**STRATEGIC DEFENSE TECHNOLOGIES**	**131,199**	**131,199**	**121,199**	**121,199**
	Program delays/execution			-10,000	-10,000
25	**HIGH ENERGY LASER RESEARCH**	**39,310**	**48,310**	**39,310**	**45,310**
	Joint Technology Office		+9,000		+6,000
27	**EXPLOSIVES DEMILITARIZATION TECHNOLOGY**	**8,935**	**11,935**	**21,215**	**18,565**
	Fixed Chamber Prototype		+3,000		+1,800
	Program delays/execution			-2,000	-2,000
	Explosives Demilitarization technology project			+3,000	+2,100
	Hot gas decontamination -HWAD			+3,150	+1,200
	Innovative demilitarization technologies			+4,000	+2,400
	Metal reduction and processing			+1,500	+1,500
	Pollution abatement incinerator system			+1,480	+1,480
	Rotary furnace - HWAD			+550	+550
	Water gel explosive system - HWAD			+600	+600
	Supercritical Waters Systems Explosives Demilitarization Technology			[3,000]	[3,000]
28	**SO/LIC ADVANCED DEVELOPMENT**	**13,800**	**25,800**	**10,800**	**19,100**
	Special Reconnaissance Capabilities, Transfer From DERF		+5,000		+5,000
	Measures and Signatures Information, Transfer From DERF		+4,000		-
	Special Reconnaissance Capabilities		+3,000		+1,800
	Excessive growth/program delays			-3,000	-1,500
29	**COMBATING TERRORISM TECHNOLOGY SUPPORT**	**49,015**	**143,115**	**108,615**	**113,615**
	Entry Point Screening & Perimeter Protection, Transfer From DERF		+11,000		+11,000
	Reconnaissance Tool Kit, Transfer From DERF		+19,500		-
	Super Zoom Digital Camera, Transfer From DERF		+6,000		-
	Combating Terrorism BAA, Transfer From DERF		+19,500		+19,500
	Attribution CT Tools and Deployable Comms, Transfer From DERF		+5,600		+3,600
	Detection of Bio Agents in Food, Transfer From DERF		+3,000		+3,000
	Alternate Power Sources for Battery Charging, Transfer From DERF		+5,000		-
	Stand off Surveillance Camera, Transfer From DERF		+2,000		-
	Distributed Chemical Agent Sensing and Transmission System		+3,500		+3,000
	Electrostatic Decontamination System (EDS)		+4,500	+9,000	+6,300
	Facial Recognition Access Control & Surveillance		+3,000		+1,500
	Explosive Loading Laboratory Testing		+7,000		+3,500
	National Guard Multi-Media Security Technology		+2,500	+2,500	+2,500

R-1		Budget Request	House	Senate	Conference
	Integrated Planar Waveguide Biological Agent Detection System		+2,000		+1,400
	DERF transfer: Entry Point Screening, Combating Terrorism BAA, Attribution CT Tools, and detecting bio agents only			+37,100	-
	Asymmetric warfare initiative			+3,000	+2,100
	Blast mitigation testing			+5,000	+3,500
	Counter-terrorism ISR system (CT-ISR)			+3,000	+2,200
	Facility Security [Note: Only to demonstrate facility security enhancements using an advanced first responder tool set to support direct tactical application]				+2,200
	Execution delays				-700
30	**COUNTERPROLIFERATION ADVANCED DEVELOPMENT TECHNOLOGIES**	**77,389**	**93,389**	**82,389**	**82,389**
	SOF Support Defeat Terrorist, Transfer From DERF		+11,000		-
	Anti-Biological Weapon Defeat Device, Transfer From DERF		+5,000	+5,000	+5,000
33	**BALLISTIC MISSILE DEFENSE TECHNOLOGY**	**121,751**	**128,251**	**145,451**	**154,951**
	Bottom Anti-reflective Coating		+4,000	+5,000	+4,000
	Massively parallel optical interconnects			+2,000	+1,000
	Wide Bandgap Silicon Carbide semiconductor research		+2,500	+5,000	+3,500
	Gallium Nitride high power microwave switch			+4,000	+2,800
	Improved materials for optical memories			+3,300	+2,000
	Thick film silicon coatings			+3,000	+2,600
	High data rate communications			+5,000	+4,300
	Advanced RF technical development			+4,000	+3,400
	AEOS MWIR adaptive optics			+3,000	+2,600
	Wafer scale (ultra flat) planarization			+5,000	+3,500
	High resolution color imaging			+5,000	+3,500
	PMRF upgrades (TM, RADAR, UPS, THAAD) (moved to line 74)			+25,000	-
	ESPRIT (moved to line 74)			+3,500	-
	Range data monitor (moved to line 74)			+3,500	-
	SHOTS (moved to line 74)			+5,000	-
	Program reduction			-57,600	-
34	**JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT**	**25,420**	**25,420**	**19,420**	**19,420**
	Project 225 execution delays			-6,000	-6,000
35	**AUTOMATIC TARGET RECOGNITION**	**7,404**	**7,404**	**5,604**	**5,604**
	Program delays/execution			-1,800	-1,800
36	**ADVANCED AEROSPACE SYSTEMS**	**246,000**	**253,000**	**235,500**	**241,200**
	Hummingbird Rotary Wing UAV Program [Note: Only to repair/upgrade AV01.]		+2,000		+1,700
	Suborbital Space Launch Operations		+5,000		+2,500
	Execution delays/limit new start growth: tactical imager, optical sensing, and pointing			-10,500	-9,000
37	**CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM - ADVANCED DEVELOPMENT**	**249,842**	**266,342**	**271,842**	**275,142**
	Miniature Chemical and Biological Detectors		+2,500		+2,200
	Rapid Response Countermeasures to Biological and Chemical Threats		+9,000		+7,700
	CBRN Threat Test Using Public/Private Assets		+5,000		+3,000
	Bio-adhesion research			+3,000	+1,800
	Advance chemical detector			+6,000	+3,600
	Agroterror prediction and risk assessment			+5,000	+2,000
	High intensity pulsed radiation facility for chem-bio defense			+2,000	+1,400

R-1		Budget Request	House	Senate	Conference
	Vaccine stabilization			+3,000	+1,500
	Bioterrorism defense and advanced sensors			+3,000	+2,100
38	**SPECIAL TECHNICAL SUPPORT**	**11,168**	**12,168**	**12,668**	**13,268**
	Data Standards for the Integrated Digital Environment		+1,000		+1,000
	Graphic Oriented Electronic Technical Manuals			+1,500	+1,100
39	**ARMS CONTROL TECHNOLOGY**	**37,646**	**46,646**	**39,146**	**44,446**
	Early Warning Detection Program Using Metal Oxide		+1,000		+1,000
	Innovative Technologies and Equipment to Counter NCB Threat [Note: Only for continuation of an industry-based mercuric iodide research program.]		+5,000		+4,300
	Advance CBRNE Sensor & Information Fusion, Transfer From DERF		+3,000	+3,000	+3,000
	Program delays/execution			-1,500	-1,500
40	**GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS**	**25,451**	**66,201**	**91,451**	**119,401**
	Silicone Germanium Technology (DMEA)		+4,000		+2,000
	Homeland Defense Technology Collaboration Center		+3,000		+1,800
	Center for Nanosciences Innovation [Note: only to continue the existing program]		+10,000		+8,750
	Optimizing Electronics for Advanced Controlled Environmental Systems (ACES) [Note: To expand the existing program to integrate high-density electronics with ACES technology]		+8,000		+6,400
	High Power Microelectronics (DMEA)		+4,750		+2,300
	DMS Data Warehouse Solution		+1,000		+1,000
	Advanced Spray Cooling Technology [Note: only to expand existing development efforts to standardize spray cooling hardware and integration processes.]		+10,000		+7,000
	Fuel cell locomotive			+1,000	+1,000
	Computer Assisted Tech Transfer (CATT)			+4,000	+2,800
	Microelectronics testing technology/obsolescence program			+10,000	+7,100
	Ultra-low power battlefield sensors			+25,000	+25,000
	Mini wireless system			+5,000	+7,000
	Vehicle fuel cell program			+10,000	+7,000
	Agile Port Demonstration (CCDOTT)			+5,000	+4,300
	New England Manufacturing Supply Chain			+6,000	+6,000
	Maintainers Remote Logistics Network			[5,000]	+3,500
	Milstar painting and coating pollution prevention				+1,000
41	**STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM**	**60,468**	**68,468**	**49,468**	**54,568**
	National Environmental Education and Training Center		+3,000		+2,600
	Toxic Chemical Cleanup Criteria		+5,000		+2,500
	Program delays/execution			-11,000	-11,000
45	**ADVANCED ELECTRONICS TECHNOLOGIES**	**150,400**	**159,900**	**153,900**	**164,500**
	Novel Crystal Growth for Imaging and Communications		+2,000		+1,700
	Microactuator Technology and Integration into MEMS		+2,500		+1,500
	Laser Plasma X-Ray Lithography System		+3,000		+2,600
	Advanced X-Ray Lithography Demonstration		+2,000		+4,000
	Execution delays/limit new start growth: very high speed microsystems and MEMS microcooler			-4,000	-4,000
	Defense Tech-link			+1,500	+1,000
	Advanced Lithography - thin film research			+6,000	+4,200
	Ferrite Diminishing Manufacturing Program			[3,000]	+1,500
	ICP InP Etch Process Module [Note: only for a module at the ARL, Zahl Physical Sciences Laboratory]				+1,600

R-1		Budget Request	House	Senate	Conference
46	**ADVANCED CONCEPT TECHNOLOGY DEMONSTRATIONS**	199,580	204,580	204,580	207,880
	Portable Radiation Search Tool		+1,000	+5,000	+2,500
	Joint US-Norwegian ISSP Secure D		+4,000		+2,800
	Homeland Security Command and Control ACTD				+3,000
47	**HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM**	188,642	188,642	217,142	209,642
	Missile defense engineering and assessment center			+20,000	+14,000
	High performance visualization initiative			+1,500	+1,200
	MHPCC			+5,000	+4,300
	Simulation center HPC upgrade			+2,000	+1,500
48	**COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS**	130,101	130,101	120,101	120,101
	Execution delays/limit new start growth: battle managers and network effects-based targeting			-10,000	-10,000
49	**SENSOR AND GUIDANCE TECHNOLOGY**	224,000	234,000	212,000	224,000
	Large Millimeter Wavelength Telescope		+10,000	+3,000	+10,000
	Execution delays/limit new start growth: NEMESYS, dynamic tactical sensing, and exploitation of precision data			-15,000	-10,000
51	**LAND WARFARE TECHNOLOGY**	162,100	170,100	170,100	170,100
	Support to Homeland Security, Transfer From DERF		+8,000		+8,000
52	**CLASSIFIED DARPA PROGRAMS**	275,899	294,899	294,899	294,899
	Transfer From DERF		+19,000	+19,000	+19,000
53	**DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT**	14,000	18,000	14,000	16,000
	Advanced Distributed Learning Prototypes		+4,000		+2,000
56	**QUICK REACTION SPECIAL PROJECTS**	25,430	40,430	25,430	25,430
	Challenge Program		+15,000		+12,800
	Program reduction				-12,800
57	**JOINT WARGAMING SIMULATION MANAGEMENT OFFICE**	49,929	49,929	49,029	48,029
	Program delays/execution			-2,900	-2,900
	Rapid 3D visualization database			+2,000	+1,000
60	**PHYSICAL SECURITY EQUIPMENT**	33,553	49,553	43,553	48,853
	Classified Security, Transfer From DERF		+10,000	+10,000	+10,000
	Under-Vehicle Mobile Inspection System		+5,000		+4,300
	Security Enhancement Through Mobile Devices		+1,000		+1,000
61	**JOINT ROBOTICS PROGRAM**	11,305	12,305	20,305	20,405
	Upgrades to Robotics Technology		+1,000		+1,000
	Deployable/mission-oriented robots			+5,000	+5,000
	Tactical unmanned ground vehicle			+2,000	+1,400
	Unmanned ground vehicles			+2,000	+1,700
62	**ADVANCED SENSOR APPLICATIONS PROGRAM**	15,994	20,994	12,994	15,994
	Active Sensors Components Development for Advanced Tactical Systems		+4,000		+2,000
	Multi-Wavelength Surface Scanning Biologics Sensor		+1,000		+1,000
	Program delays/execution			-3,000	-3,000
63	**CALS INITIATIVE**	1,647	1,647	8,647	7,647
	CALS			+7,000	+6,000
64	**ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM**	28,334	28,334	21,334	21,334
	Program delays/execution			-7,000	-7,000
66	**MEADS CONCEPTS - DEM/VAL**			69,745	117,745
	Transfer from R&D Army			+117,745	+117,745
	Program reduction			-48,000	-

R-1		Budget Request	House	Senate	Conference
72	**BALLISTIC MISSILE DEFENSE SYSTEM SEGMENT**	**1,065,982**	**1,075,982**	**733,982**	**1,073,282**
	Solid State High Energy Laser Transmitters for LADAR		+5,000		+4,300
	Wide Bandwidth Technology		+5,000		+3,000
	System engineering and integration			-140,000	-
	Additional SE&I and BMC2 Reductions			-202,000	-
	Maintain T&E levels			+10,000	-
73	**BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT**	**169,974**	**261,719**	**195,974**	**139,974**
	Transfer of MEADS Program from Army		+117,745	-	-
	Transfer to Sea-based Midcourse				-30,000
	Sea Based Terminal		-90,000	-40,000	-60,000
	Arrow		+64,000	+80,000	+70,000
	Program operations			-14,000	-10,000
74	**BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT**	**3,195,104**	**3,195,104**	**3,034,104**	**3,185,504**
	Concept development studies			-2,000	-
	SE&I			-95,000	-
	Transfer from Sea-based Terminal				+30,000
	Transfer of S-band Radar Research to RDTE, Navy				-22,000
	Sea Based Midcourse			-40,000	-40,000
	Program Operations			-24,000	-
	PMRF upgrades (TM, RADAR, UPS, THAAD) (moved from line 33)			-	+21,300
	ESPRIT (moved from line 33)			-	+3,000
	Range data monitor (moved from line 33)			-	+3,000
	SHOTS (moved from line 33)			-	+1,800
	Physical Security - Transfer to National Guard Personnel, Army				-6,700
	Small Kill Vehicle Technology Development			[5,000]	[2,500]
	Advanced Research Center			[20,400]	[20,400]
	Space and Missile Defense Center Simulation Program			[6,200]	[6,200]
	Kauai test facility			[4,000]	[4,000]
75	**BALLISTIC MISSILE DEFENSE BOOST DEFENSE SEGMENT**	**796,927**	**706,927**	**546,927**	**736,927**
	Airborne Laser		-30,000	-135,000	-
	Sea Based Boost		-20,000	-55,000	-
	Space Based Kinetic Energy		-40,000	-30,000	-
	Kinetic Energy Boost				-50,000
	Space-based laser			-10,000	-10,000
	Program operations			-20,000	-
76	**CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM - DEM/VAL**	**144,790**	**149,390**	**146,090**	**148,090**
	Miniature Chemical Analysis System, Transfer From DERF		+2,600	+2,600	+2,600
	Enhanced M93A1 FOX Simulation Training Suites		+1,000		+1,000
	Center for Bio-Defense		+1,000		+1,000
	Execution delays			-1,300	-1,300
77	**BALLISTIC MISSILE DEFENSE SENSORS**	**373,447**	**304,447**	**340,447**	**359,447**
	RAMOS		-69,000		-26,000
	SBIRS - Low			-43,000	
	Airborne infrared surveillance (AIRS)			+10,000	+5,000
	Program operations			-10,000	
	Ramos solar arrays			+10,000	+7,000
77a	**STRATEGIC CAPABILITY MODERNIZATION (DERF)**			**10,000**	**-**
78	**HUMANITARIAN DEMINING**	**13,355**	**13,355**	**13,355**	**13,355**
79	**COALITION WARFARE**	**12,444**	**7,444**	**6,444**	**6,944**
	Reduction		-5,000		-
	Program delays/execution			-6,000	-5,500

R-1	Budget Request	House	Senate	Conference
80 JOINT SERVICE EDUCATION AND TRAINING SYSTEMS DEVELOPMENT			1,000	1,000
Academic advanced distributed learning co-lab			1,000	+1,000
81 JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM	5,085	5,085	11,085	10,285
HIPAS Observatory			+3,000	+2,600
Delta Mine Training Center			+3,000	+2,600
DEM/VAL TEST AND EVALUATION TRANSFER			-37,000	-
83 CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM - EMD	169,018	169,018	174,518	172,318
Laser interrogation of surface agents (LISA)			+5,500	+3,300
84 JOINT ROBOTICS PROGRAM - EMD	13,643	16,643	28,393	28,543
Defense Robotics Center		+3,000		+1,500
Field Testing Support			+10,000	+10,000
Tactical Mobile Robot			+4,750	+3,400
87 THEATER HIGH-ALTITUDE AREA DEFENSE SYSTEM - TMD - EMD	932,171	932,171	892,171	912,171
Excess missile purchases			-40,000	-20,000
88 PATRIOT PAC-3 THEATER MISSILE DEFENSE ACQUISITION - EMD	-	180,819	150,819	180,819
Transfer of PAC-3 Program from Army		+150,819	+150,819	+150,819
Additional Testing		+30,000		+30,000
93 INFORMATION TECHNOLOGY DEVELOPMENT- STANDARD PROCUREMENT	10,427	7,927	7,927	7,927
Schedule Slip		-2,500		-2,500
Production development program delays			-2,500	-
94 FINANCIAL MANAGEMENT SYSTEM IMPROVEMENTS	96,250	36,250	96,250	96,250
Transfer to DWCF		-60,000		-
95 DEFENSE MESSAGE SYSTEM	11,803	11,803	11,803	11,803
96 INFORMATION SYSTEMS SECURITY PROGRAM	17,620	111,770	103,020	103,770
Secure Bandwidth, Transfer From DERF		+30,000	+30,000	+30,000
Mobile Secure Communications, Transfer From DERF		+20,400	+20,400	+20,400
Classified, Transfer From DERF		+7,000	+7,000	+7,000
NC-2 COMSEC, Transfer From DERF		+10,000	+10,000	+10,000
Coalition Interoperability/Information Security, Transfer From DERF		+18,000	+18,000	+18,000
Computer Science and Internet Security Degree Program		+750		+750
98 ELECTRONIC COMMERCE	24,265	25,765	24,265	25,365
Microelectronics Test & Obsolescence		+1,500		+1,100
EMD TEST AND EVALUATION TRANSFER			-8,000	-
101 TECHNICAL STUDIES, SUPPORT AND ANALYSIS	30,023	18,523	30,023	30,023
Reduced in order to fund higher priority items		-11,500		-
103 BLACK LIGHT	5,000	15,000	5,000	15,000
Black Light, Transfer From DERF		+10,000		+10,000
104 GENERAL SUPPORT TO C3I	14,979	19,879	23,979	22,979
DERIS, Transfer From DERF		+2,000		+2,000
CIP - Technology & Consequence Management, Transfer From DERF		+2,900		+2,900
DERF Transfer			+4,900	-
Program delays/execution			-2,900	-2,900
Pacific Disaster Center			+7,000	+6,000
105 FOREIGN MATERIAL ACQUISITION AND EXPLOITATION	32,382	32,382	24,482	24,482
Program delays/execution			-7,900	-7,900

R-1		Budget Request	House	Senate	Conference
106	**INTERAGENCY EXPORT LICENSE AUTOMATION**	**10,702**	1,202	10,702	1,202
	Program Restructure		-9,500		-9,500
108	**JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION**	**72,919**	**72,919**	**64,519**	**70,419**
	Missile defense requirements documents			-2,500	-2,500
	Virtual Warfare Center			-5,900	-
109	**CLASSIFIED PROGRAM USD(P)**	-	**25,000**	-	**25,000**
110	**FOREIGN COMPARATIVE TESTING**	**31,670**	**31,670**	**27,970**	**27,970**
	Program delays/execution			-3,700	-3,700
111	**CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM**	**42,959**	**47,459**	**42,959**	**47,159**
	Mobile Chemical Agent Detection for Critical Site Protection		+4,500		+4,200
114	**CLASSIFIED PROGRAMS - C3I**	**60,708**	**137,068**	**85,108**	**115,168**
	Intel Support to Hard and Deeply Buried Targets, Transfer From DERF		+5,800	+5,800	+5,800
	Classified Program, Transfer From DERF		+9,000		-
	Classified Program, Transfer From DERF		+3,000		-
	NIPC, Transfer From DERF		+1,600	+1,600	+1,600
	Hard and Deeply Buried Targets, Transfer From DERF		+3,200		-
	Intel - IO-21, Transfer From DERF		+4,500		-
	Collaborative Planning Tools, Transfer From DERF		+32,760		+32,760
	Global Infrastructure Data Capture		+9,000		+6,300
	Information Security Scholarships			+10,000	+7,000
	DERF Transfer: Classified program			+7,000	-
	Automated Speech Recognition Technology				+1,000
117	**FORCE TRANSFORMATION DIRECTORATE**	**20,000**	**20,000**		**10,000**
	Duplication of other DoD programs			-20,000	-10,000
120	**DEVELOPMENT TEST AND EVALUATION**	**48,913**	**51,913**	**53,913**	**51,013**
	UAV Long Range Test Range		+3,000		+2,100
	Big Crow test support activities - moved to OT&E			+5,000	-
125	**COMMERCIAL OPERATIONS AND SUPPORT SAVINGS INITIATIVE**	**10,320**	**18,320**	**10,320**	**15,920**
	Aircraft Affordability/Digital PIP		+8,000		+5,600
126	**PARTNERSHIP FOR PEACE (PFP) INFORMATION**	**1,920**	**1,920**	**2,920**	**2,920**
	Information Systems			+1,000	+1,000
127	**C4I INTEROPERABILITY**	**43,199**	**47,199**	**43,199**	**46,599**
	System of Systems Engineering Center [Note: Only for management of the Center by a non-profit corporation in direct support to the USD (AT&L)]		+4,000		+3,400
128	**JOINT ANALYTICAL MODEL IMPROVEMENT PROGRAM**	**12,531**	**8,531**	**10,831**	**8,531**
	Limited Enhancements		-4,000		-4,000
	Program delays/execution			-1,700	-
138	**INFORMATION SYSTEMS SECURITY PROGRAM**	**394,257**	**394,257**	**398,257**	**403,057**
	Protection of Vital Data (POVD)		+8,000		+6,800
	Network, Information and Space Security Center			+4,000	+2,000
	NBSP [Note: Of the funds provided, other than those funds provided for congressional interest items, up to $15,000,000 may be used for the National Biometric Security Program]				
140	**C4I FOR THE WARRIOR**	**20,536**	**25,036**	**20,536**	**20,536**
	Interoperability Certification Tests, Transfer From DERF		+4,500		-
141	**GLOBAL COMMAND AND CONTROL SYSTEM**	**15,604**	**6,904**	**22,604**	**15,604**
	Command and Control Systems Review		-8,700		-
146	**DEFENSE IMAGERY AND MAPPING PROGRAM**	**143,488**	-	**173,638**	**172,588**
	Airborne Integration, Transfer From DERF		+8,300	+8,300	+8,300
	IEC Workstations, Transfer From DERF		+1,000		+1,000
	Libraries Storage, Transfer From DERF		+1,000	+1,000	+1,000
	PGM Targeting Workstations, Transfer From DERF		+1,700	+1,700	+1,700

R-1		Budget Request	House	Senate	Conference
	Transfer to NFIP		-155,488		
	Future -level database development			+4,150	+2,100
	Intelligent spatial technologies for smart maps			+1,000	+1,000
	BRITE			+4,000	+2,800
	PIPES			+9,000	+7,700
	DERF transfer: Softcopy exploitation infrastructure			+1,000	-
	Commercial Joint Mapping Tool Kit				+3,500
149	**DEFENSE JOINT COUNTERINTELLIGENCE PROGRAM (JMIP)**	**6,058**	**54,085**	**69,058**	**73,308**
	Counter Intelligence, Transfer From DERF		+48,000		
	Joint Counterintelligence Assessment Group (JCAG)			+15,000	+13,000
	DERF transfer: Advanced info. systems & support for critical asset protection			+48,000	+48,000
	Defense Joint Counterintelligence Center		+7,500		+6,250
150	**C3I INTELLIGENCE PROGRAMS**	**75,682**	**128,082**	**123,482**	**124,682**
	Hard and Deeply Buried Targets, Transfer From DERF		+5,800	+3,200	+3,200
	NPR - IO-21, Transfer From DERF		+25,000	+25,000	+25,000
	NPR-IO-14, Transfer From DERF		+9,000	+9,000	+9,000
	Horizontal Fusion Analysis, Transfer From DERF		+5,600	+5,600	+5,600
	Coalition-Intelligence Information Sharing (CENTRIX), Transfer From DERF		+5,000	+5,000	+5,000
	Picket Fence		+2,000		+1,200
151	**TECHNOLOGY DEVELOPMENT**	**120,458**	**263,058**	**202,558**	**263,058**
	Transfer From DERF		+110,500	+50,000	+110,500
	Transfer From DERF		+32,100	+32,100	+32,100
154	**MANNED RECONNAISSANCE SYSTEMS**	**4,649**	**9,649**	**4,649**	**7,249**
	RC-135 COMBAT SENT [Note: Only for modifications to incorporate high-bandwidth datalink to upgrade data distribution.]		+5,000		+2,600
159	**TACTICAL CRYPTOLOGIC ACTIVITIES**	**113,159**	**113,159**	**115,159**	**113,159**
	DERF Transfer			+2,000	-
161	**NATIONAL SECURITY SPACE ARCHITECT (NSSA)**	**11,185**	**11,185**	**6,185**	**11,185**
	Program reduction			-5,000	-
162	**INDUSTRIAL PREPAREDNESS**	**13,072**	**35,072**	**19,072**	**33,072**
	Laser Additive Manufacturing Initiative		+4,000	+6,000	+6,000
	Defense Supply Chain Technology Program		+14,000		+12,000
	Twelve Screw Extruder for Fuel Cell Technology		+4,000		+2,000
166	**SPECIAL OPERATIONS TECHNOLOGY**	**6,741**	**13,741**	**6,741**	**10,241**
	Spike Urban Warfare System		+7,000		+3,500
167	**SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT**	**62,276**	**38,776**	**62,276**	**65,876**
	Advanced Tactical Laser ACTD		-39,500		-7,500
	Foreign Language Translator-Special Operations		+1,000		1,000
	Robot Reconnaissance and Surveillance		+1,000		1,000
	Adaptive Deployable Sensor Suite		+9,000		4,800
	Night Vision Fusion and Rapid Transmission		+3,000		2,600
	Short Wave Infrared Imagers		+2,000		1,700
168	**SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT**	**281,443**	**342,943**	**278,143**	**329,043**
	Underwater Systems Advanced Development		+22,500		21,000
	Leading Enhanced Digital Geodata Environment (EDGE)		+3,000		1,500
	Rebreather [Note: Only to continue development of state of the art military closed-circuit rebreather applications.]		+1,500		1,300
	SOCOM Rotary Wing UAV (ICW existing DARPA program) [Note: Only to continue and expand SOCOM deployment and testing of rotary wing UAV systems.]		+26,000		22,100
	Mark V Computer Upgrade		+1,000		1,000
	Knowledge Superiority for Transitional Warfighter		+2,000		1.700

R-1		Budget Request	House	Senate	Conference
	Blue Force Tracking Equipment		+2,500		2,200
	Imaging Micro-Sensors for Autonomous Vehicles		+2,000		1,700
	Large Format Uncooled Infrared Sensors		+1,000		1,000
	Execution delays			-12,200	-12,200
	Joint Threat Warning System			+1,800	1,300
	Precision Target Locator Designator (PTLD)			+4,100	3,500
	TACNAV light vehicle-mounted land nav system			+3,000	1,500
	Reconnaissance Surveillance Target Acquisition System			[2,000]	-
169	**SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT**	**1,590**	**27,590**	**2,590**	**27,590**
	Classified Program, Transfer From DERF		+25,000		+24,000
	Optimal Placement of Unattended Sensors		+1,000		+1,000
	Embedded IBS receivers			+1,000	+1,000
170	**SOF MEDICAL TECHNOLOGY DEVELOPMENT**	**1,962**	**2,212**	**1,962**	**2,212**
	Special Operations Medical Diagnostic System		+250		+250
171	**SOF OPERATIONAL ENHANCEMENTS**	**77,308**	**81,308**	**112,308**	**88,208**
	Integrated Command and Control System		+4,000		+2,400
	Fusion goggle system			+5,000	+3,500
	Nano-technology research			+5,000	+5,000
	DERF Transfer: Classified program			+25,000	-
	STRATEGIC CAPABILITY MODERNIZATION		**+125,000**	**-**	**20,000**
	OPERATIONAL SYSTEMS DEVELOPMENT T&E TRANSFER			**-25,000**	**-**
999	**CLASSIFIED PROGRAMS**	**2,534,247**	**2,715,485**	**2,458,097**	**2,552,747**
			+181,238	-76,150	+18,500

CHEMICAL AND BIOLOGICAL DEFENSE

The conferees agree to establish a "Chem-bio Defense Initiatives Fund" within the Department of Defense's Chemical and Biological Defense program, and provide an increase of $25,000,000 for this purpose. The Secretary of Defense is directed to allocate these funds among the program proposals listed below in a manner which yields the greatest gain in our chem-bio defensive posture. The program proposals to be considered are:

The National Center for Biodefense;
Chem-bio Threat Mitigation technologies;
Global Pathogen Science Portal;
Advanced Sensors for Chem-bio Agents;
Rapid Sensitive Biowarfare Protection;
Diagnostic Tool for Biowarfare;
Ultra-High Field Instrumentation;
Urban Security Initiative;
Chemical Imaging Biothreat Detection;
Biological Agent Sensor/Detection System;
Chem-bio Air Filtration System;
Food Safety and Security Sensors;
Bioinformatics;
Phylogenetic- and PCR-based Detector System
Field Portable Nucleic Acid Bioterrorism Detection;
LISA-Inspector Transportable Chem-bio Detection System;
Distributed Chemical Agent Sensing and Transmission;
Wide-Area Standoff Chem-bio Agent Detection System;
Air Purification for Protection System;
Rapid Antibody-based Countermeasures;
Oral Anthrax Antibiotic;
Plant Vaccine Development;
Rapid Response Sensor Networking for Multiple Applications; and
Chemical Biological Incident Response Force (CBIRF).

ANTHRAX VACCINE SUPPLY PREPAREDNESS

The conferees are concerned about the adequacy of the supply and production capacity for the only FDA-licensed anthrax vaccine currently available in the U.S. to protect our military and civilian defense personnel from the demonstrated and potential future threat of anthrax. The Secretary of Defense is directed to provide a report which assesses the immediate and short-term preparedness and potential future total biowarfare defense need for the FDA-licensed anthrax vaccine, the potential need for expanded production capacity to mitigate risks of an event which could result in a halt to current vaccine production. The Secretary shall submit this report to the congressional defense committees within 90 days after enactment of this Act.

CHRONIC MULTI-SYMPTOM ILLNESSES

The conferees have provided $5,200,000 to extend research on chronic multi-symptom illnesses with a special focus on the relationship between Gulf War Illnesses and other diseases, fibromyalgia, chronic fatigue syndrome, and multiple chemical sensitivity. Within this amount up to $2,000,000 may be made available for research in the Upper Great Plains Region.

MEDICAL FREE ELECTRON LASER

The conferees agree that the work the universities are doing in conjunction with the Department of Defense to develop the medical free electron laser is vital to address a wide variety of research problems that are important to military personnel and civilian populations. The conferees provide $12,000,000 to continue research within the Department of Defense for this program and expect that these funds, along with any associated outyear funding, be retained within the Department of Defense.

BALLISTIC MISSILE DEFENSE

The conferees agree to provide a total of $7,387,856,000 for ballistic missile defense research and development and related procurement activities. This reflects a reduction of $14,400,000 from the President's request and transfers to other accounts totaling $28,700,000.

Last year the conferees provided guidance in the Statement of Managers accompanying the Department of Defense Appropriations Act, 2002 regarding special interest projects, budget justification material and reprogrammings. The conferees agree to sustain that guidance and, unless exceptions to the countrary are provided explicitly, expect the Department to continue abiding by this guidance in the future.

RADAR RESEARCH

The conferees agree to transfer $22,00,000 from the Missile Defense Agency's sea-based midcourse program to the Navy (PE 0604307N) only for the development of Solid State S-Band radar. In addition, the conferees agree that $10,000,000 in sea-based midcourse funds shall be made available for radar development, the exact technology to be decided by the agency after a careful consideration of relevant radar options.

SEA-BASED X-BAND RADAR

Subsequent to submission of the budget for fiscal year 2003, the Missile Defense Agency proposed acquisition of a sea-based X-band radar, in lieu of the land based concept previously funded by Congress. At this juncture, the conferees have little insight about the technical and cost feasibility of this initiative, or about the impact of this change on the schedule and test plan for the ground based mid-course segment. On that basis, the conferees direct that none of the funds provided for the ground based mid-course segment program may be obligated to acquire the proposed, foreign built sea-based platform until 30 days after the Director of the Missile Defense Agency provides a report to the congressional defense committees on the cost and schedule impact of this approach, including a comparison to the cost and capability of the previously proposed land based site and the technical criteria used to determine that a sea/based platform will provide effective test and operational performance for the missile defense system.

TECHNOLOGY TRANSITION PROGRAMS

The conferees agree to provide $25,430,000 for technology transition efforts, including the Challenge program, the Quick Reaction Special Projects program, and the Technology Transition Initiative. Of this amount, $12,800,000 shall be used only to fund the Challenge program. The remainder shall be allocate between the other listed programs, at the discretion of the Secretary of Defense. The Secretary is directed to provide to the congressional defense committees a report detailing his funding allocation decisions with the submission of the fiscal year 2004 Defense budget request.

HISTORICALLY BLACK COLLEGES AND UNIVERSITIES SCIENCE

The conferees direct the Department of Defense to evaluate the programmatic impact of combining funding and administration for the Historically Black Colleges and Universities Science program, the Hispanic Serving Institutions program, and American Indian Tribal Colleges program under a new program element.

The Department shall provide a report to the congressional defense committees on the results of this evaluation within 120 days of enactment of this legislation.

ADVANCED SEMICONDUCTOR DEVICES

The conferees recommend that the Department of defense conduct a study to examine the long-term DoD acquisition model for advanced semiconductor devices used in military and intelligence applications. This study should address whether a consolidated U.S. semiconductor foundry could offer the U.S. Government a solution to the impending advanced technology procurement challenge. The Department is encouraged to make this study a high priority so that a preliminary assessment can be available by December 2002.

JOINT ROBOTICS

Based on reports received from the Department of Defense and U.S. military field commanders, the conferees agree the Department should proceed expeditiously to test, produce, and field technologically mature robots and other unmanned vehicles for use in combat. As such, the conferees recommend a total increase of $24,000,000 for the Joint Robotics program. Further, the conferees strongly encourage the Department to retain oversight of this program under the Office of the Secretary of Defense, given the applicability of robots to numerous joint and combined combat missions.

STRATETIC CAPABILITY MODERNIZATION

The conference agreement includes $20,000,000 to fund the Department of Defense Strategic-Capability Modernization program. The Department shall give priority to upgrading command and control systems and related Strategic Command communication systems in the use of these funds.

INFORMATION SYSTEMS ENGINEERING

The conferees remain interested in the Department of Defense providing a greater focus on its information systems engineering (ISE) effort. This effort is important to enabling the engineering of large-scale information systems for transformation to network-centric operations. Thus, the conferees direct DARPA to continue its efforts to pursue and support ISE research. The conferees urge that the expertise of ICICX and others be used to assist in developing and implementing new management strategies, consistent with the recommendations of the President's Information Technology Advisory Committee.

HOMELAND SECURITY COMMAND AND CONTROL ADVANCED CONCEPT TECHNOLOGY DEMONSTRATION

The conferees recommend $3,000,000 for the Homeland Security Command and Control Advanced Concept Technology Demonstration for upgrades to communication and display equipment, and subsequent demonstrations and spiral development at the C2 nodes in Louisiana.

OPERATIONAL TEST AND EVALUATION, DEFENSE

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
OPERATIONAL TEST & EVAL, DEFENSE				
ADVANCED TECHNOLOGY DEVELOPMENT				
TEST & EVALUATION SCIENCE TECHNOLOGY	6,010	6,010	10,010	8,810
TOTAL, ADVANCED TECHNOLOGY DEVELOPMENT	6,010	6,010	10,010	8,810
RDT&E MANAGEMENT SUPPORT				
CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CT	123,276	128,276	194,276	126,776
OPERATIONAL TEST AND EVALUATION	19,725	28,725	19,725	27,325
LIVE FIRE TESTING	10,102	16,102	15,602	16,202
DEVELOPMENT TEST AND EVALUATION	62,941	62,941	62,941	66,441
TOTAL, RDT&E MANAGEMENT SUPPORT	216,044	236,044	292,544	236,744
TOTAL, OPERATIONAL TEST & EVAL, DEFENSE	222,054	242,054	302,554	245,554

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

R-1		Budget Request	House	Senate	Conference
1	**TEST & EVALUATION SCIENCE TECHNOLOGY**	**6,010**	**6,010**	**10,010**	**+8,810**
	Test and Evaluation Science and Technology			+4,000	+2,800
2	**CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CT**	**123,276**	**128,276**	**194,276**	**+126,776**
	Digital Video Laboratory		+5,000		+2,500
	T&E Transfers from DOD-Wide Acquisition programs			+70,000	-
	Joint Directed Energy Combat Operations and Employment (JDECOE)			+1,000	+1,000
3	**OPERATIONAL TEST AND EVALUATION**	**19,725**	**28,725**	**19,725**	**+27,325**
	Legacy Systems Information Assurance		+9,000		+7,600
4	**LIVE FIRE TESTING**	**10,102**	**16,102**	**15,602**	**+16,202**
	Live Fire Test and Training Initiative Program		+6,000	+4,000	+5,000
	Reality Fire Fighting/Homeland Security Training			+1,500	+1,100
5	**DEVELOPMENT TEST AND EVALUATION**	**62,941**	**62,941**	**62,941**	**+66,441**
	Big Crow Test Support Activities - Moved from RDTE, D-W, line 120				+3,500

TITLE V—REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

The conference agreement provides $1,784,956,000 for Defense Working Capital Funds, instead of $1,832,956,000 as proposed by the House.

NATIONAL DEFENSE SEALIFT FUND

The conferees agree to provide $942,629,000 for the National Defense Sealift Fund, an increase of $8,500,000 to the budget request. The conferees also agree that the additional funds provided are only to finance the cost of constructing additional sealift capacity.

TITLE VI – OTHER DEPARTMENT OF DEFENSE PROGRAMS

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
Defense Health Program	14,579,997	14,600,748	14,961,497	14,843,542
Chemical Agents and Munitions Destruction, Army	1,490,199	1,490,199	1,490,199	1,490,199
Drug Interdiction and Counter Drug Activities, Defense	848,907	859,907	916,107	881,907
Office of the Inspector General	157,165	157,165	157,165	157,165
Total, Other Department of Defense Programs	17,076,268	17,108,019	17,524,968	17,372,813

DEFENSE HEALTH PROGRAM

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Budget Request	House	Senate	Conference
Operation and Maintenance	**14,234,041**	**13,916,791**	**14,283,041**	**14,100,386**
In-House Care	**3,999,451**	**4,036,701**	**4,048,451**	**4,051,796**
Madigan Army Medical Trauma Center		1,000		1,000
White River Junction-Fort Ethan Allen Community Out Patient Clinic		500		500
Defense and Veterans Head Injury Program		3,000	3,000	3,000
Amputee Care Center of Excellence at Walter Reed		3,000		2,550
Vaccine Healthcare Center Network at Walter Reed		3,000		2,550
Shared BL-3 Biocontainment Research Facility		500		500
Optimization		25,000		0
Betances Health Center (Note: Only to support the restoration of health care services at the Betances community health center (a federally qualified health center) lost due to the September 11 terrorist attack.)		500		500
Chiropractic Initiative		750		750
Automated Clinical Practices Guidelines			7,500	6,375
Tri-Service Nursing Research Program			6,000	6,000
Pacific Island Health Care Referral Program			5,000	4,500
Alaska Federal Health Care Network			2,500	2,125
Graduate School of Nursing			2,500	2,495
Brown Tree Snakes			1,000	1,000
Health Study at the Iowa Army Ammunition Plant			1,000	1,000
Critical Infrastructure Protection (Transfer from DERF)			500	500
Outcomes Management Initiative			10,000	8,500
Digital Access and Analysis of Historic Records at AFIP			10,000	8,500
Center for Disaster and Humanitarian Assistance Medicine (USUHS)			[960]	[960]
Private Sector Care	**7,159,674**	**6,805,174**	**7,159,674**	**6,973,674**
TRICARE cost estimates		-354,500		-186,000
Consolidated Health Care Support	**795,358**	**795,358**	**795,358**	**795,358**
Information Management	**655,019**	**655,019**	**655,019**	**655,019**
Management Activities	**217,896**	**217,896**	**217,896**	**217,896**
Education and Training	**343,952**	**343,952**	**343,952**	**343,952**
Base Operations/Communications	**1,062,691**	**1,062,691**	**1,062,691**	**1,062,691**
Procurement	**278,742**	**283,743**	**284,242**	**284,242**
Deployable Medical Systems (DEPMEDS) (Note: Only for the Army Reserve.)		5,001		0
High Energy Linear Accelerator/Cardiac Catheter Lab (Keesler Air Force Base)			5,500	5,500

	Budget Request	House	Senate	Conference
Research, Development, Test and Evaluation	**67,214**	**400,214**	**394,214**	**458,914**
Army Peer-Reviewed Breast Cancer Research Program		150,000	150,000	150,000
Army Peer-Reviewed Prostate Cancer Research Program		85,000	85,000	85,000
Chronic Mylogenous Leukemia Research		5,000		4,250
Comprehensive Breast Care Project (CBCP) (Note: Only for the Uniformed Services University of the Health Sciences to continue on-going efforts among Walter Reed Army Medical Center, an appropriate non-profit medical foundation, and a rural primary health care center.)		15,000		12,750
Coronary and Prostate Disease Reversal Program (Note: Only for the Uniformed Services University of the Health Sciences to continue on-going effort among Walter Reed Army Medical Center, an appropriate non-profit medical foundation, and a rural primary health care center.)		6,000		5,100
Global HIV/AIDS Prevention		10,000		7,000
HIV Research Program		9,000		6,300
Hyperbaric Oxygen Therapy for Cerebral Palsy		1,000		1,000
Military Complementary & Alternative Medicine (Mil-Cam)		2,000		2,000
Muscular Dystrophy Research		4,000		3,400
Neuroscience Research (Note: Only for coordinated effort among DOD medical treatment facilities, the Uniformed Services University of the Health Sciences, a primary healthcare center, with funding management accomplished by the Uniformed Services University of the Health Sciences.)		7,000		5,950
Nursing Telehealth Research Program		3,000		2,550
Ovarian Cancer Research Program		10,000	10,000	10,000
Peer Reviewed Breast Cancer Imaging Research		10,000		6,000
Periscopic Surgery Research Project		3,000		2,550
Post-Polio Syndrome (Note: Only for a coordinated effort among the Uniformed Services University of the Health Sciences, an appropriate non-profit medical foundation, and a primary health care system, with funding management accomplished by the Uniformed Services University of the Health Sciences.)		4,000		3,400
Tuberous Sclerosis Complex (TSC) Research (Note: Only for Tuberous Sclerosis Complex research to better understand the role and function of proteins produced by the TSC1 and TSC2 tumor suppressor genes.)		4,000		2,000
U.S. Military Cancer Institute at Uniformed Services University of the Health Sciences		3,000		2,550
Veterans Collaborative Care Model Program		2,000		1,700
Medical Error Demonstration Project				1,500
Peer Reviewed Medical Research Program			50,000	50,000
Hawaii Federal Health Care Network			22,000	19,700
Clinical Coupler Integration			10,000	7,000
Operation and Maintenance	14,234,041	13,916,791	14,283,041	14,100,386
Procurement	278,742	283,743	284,242	284,242
Research, Development, Test and Evaluation	67,214	400,214	394,214	458,914
Total	**14,579,997**	**14,600,748**	**14,961,497**	**14,843,542**

DHP REPROGRAMMING PROCEDURES

The conferees share the concerns expressed in the report accompanying the House version of the Department of Defense Appropriations bill for fiscal year 2003 regarding the diversion of funds from DoD military medical treatment facilities (MTFs) to pay for contractor-provided medical care. To limit such transfers within the Defense Health Program operation and maintenance account, the conferees agree that the Department of Defense shall follow prior approval reprogramming procedures for transfers with a cumulative value in excess of $25,000,000 into the Private Sector Care activity group.

In addition, the conferees agree that the Department of Defense shall provide budget execution data for all of the Defense Health Program accounts. Such budget execution data shall be provided quarterly to the congressional defense committees through the DD-COMP(M) 1002.

PEER REVIEWED MEDICAL RESEARCH PROGRAM

The Senate recommended $50,000,000 for a Peer Reviewed Medical Research program. The conferees agree to provide $50,000,000 for this program, and recommend the following projects as candidates for study: acellular matrix research for military orthopedic trauma; alcoholism research; amyotrophic lateral sclerosis; and anti-diarrhea supplement; Army nutrition research; augmented care in the chain of stroke survival (ACCESS); blood-related cancer research; bone-related disease research; cell response to anti-cancer agents; Mt. Sinai cancer research program; casualty care research center; chiropractic care; epilepsy; infectious disease tracking system; interstitial cystitis research; low vision research; medical digital assistance; miniature renal assist devices; natural toxin detection technology; neuroscience research; Paget's disease; personal intelligent medical assistant; Providence cancer center; respiratory research; smoking cessation; social work research; and Volume Angio CAT (VAC) research.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY

The conference agreement on items addressed by either the House or Senate is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
CHEM AGENTS & MUNITIONS DESTRUCTION, ARMY CHEM DEMILITARIZATION—O&M	974,238	974,238	974,238	974,238
CHEM DEMILITARIZATION—PROC	213,278	213,278	213,278	213,278
CHEM DEMILITARIZATION—RDTE	302,683	302,683	302,683	302,683
TOTAL, CHEM AGENTS & MUNITIONS DESTRUCTION, ARMY	1,490,199	1,490,199	1,490,199	1,490,199

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES DEFENSE

The conference agreement includes $881,907,000 for "Drug Interdiction and Counter-drug Activities, Defense" as opposed to $859,907,000 as proposed by the House and $916,107,000 as proposed by the Senate. Adjustments to the budget request are as follows:

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	House	Senate	Conference
Recommended Increases:			
SOUTHCOM Reconnaissance UAV Counter-drug Initiative	15,100		0
National Counter-narcotics Training Center, Hammer	1,000		1,000
Indiana National Guard Counter-drug Activities	1,000		1,000
Nevada National Guard CD RAID Counter-drug Program	2,000		1,000
Florida National Guard Counter-drug Port Initiative	2,500		2,100
Southwest Border Fence	6,700		4,700
Multi-jurisdictional Counter-drug Task Force Training	5,000		4,300
Southwest Anti-drug Border States Initiative	5,000		4,300
Tethered Aerostat Radar System at Morgan City, LA	4,000		2,200
C–26 Counter-drug Electro Optical Sensor Upgrades	6,200		5,200
Young Marines Program	1,500	2,500	1,500
Kentucky National Guard Counter-drug Activities	1,000	3,600	2,600
Northeast Counter-drug Training Center	8,000	5,000	6,800
Tennessee National Guard Counter-drug Activities	1,000	1,000	1,000
National Guard Counter-drug Support		35,000	20,000
OH–58 RAID EO/IR upgrades; ANG		4,000	2,400
Alaska National Guard Counter-drug Program		3,000	2,700
West Virginia National Guard Counter-drug Program		3,500	3,000
Regional Counter-drug Training Academy, Mississippi		2,000	1,400
Hawaii Counter-drug Activities		3,000	2,700
NGB-Counter-drug Technology Consortium		2,600	1,800
P–3 Counter-drug EO/IR Upgrades		2,000	1,000
Midwest Regional Counter-drug Training		5,000	3,500

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS—Continued

[In thousands of dollars]

	House	Senate	Conference
Recommended Reductions:			
Tethered Aerostat Radar System Procurement	−5,000	−5,000	−5,000
DEA Support	−1,300		−1,300
Transit Zone Maritime Patrol Aircraft	−9,000		−4,000
Riverine Training Deployments	−1,000		−1,000
TAC OPS Support	−1,800		−1,000
T–AGOS	−13,000		−13,000
Classified	−17,900		−17,900

OFFICE OF THE INSPECTOR GENERAL

The conferees agree to provide $157,165,000, as proposed by both the House and Senate, for the Office of the Inspector General. Of this amount $155,165,000 shall be for operation and maintenance, and $2,000,000 shall be for procurement.

TITLE VII—RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

The conferees agree to provide $222,500,000 for CIARDS instead of $212,000,000 as proposed by both the House and Senate.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

The conferees agree to provide $163,479,000, of which $34,100,000 is for transfer to the Department of Justice, instead of 162,254,000 as proposed by the House and $122,754,000 as proposed by the Senate.

PAYMENT TO KAHO'OLAWE ISLAND CONVEYANCE, REMEDIATION, AND ENVIRONMENTAL RESTORATION FUND

The conference agreement provides $75,000,000 for payment to the Kaho'olawa Island Conveyance, Remediation, and Environmental Restoration Fund, instead of $25,000,000 as proposed by the House and $80,000,000 as proposed by the Senate.

NATIONAL SECURITY EDUCATION TRUST FUND

The conferees agree to provide $8,000,000 as proposed by both the House and the Senate.

TITLE VII—GENERAL PROVISIONS

The conference agreement incorporated general provisions of the House and Senate versions of the bill which were not amended. Those general provisions that were amended in conference follow:

The conferees included a general provision (Section 8005) which amends lanaguage providing transfer authority of $2,000,000,000; requires a request for multiple reprogramming to be made prior to May 31, 2003; and provides additional fiscal year 2002 transfer authority.

The conferees included a general provision (Section 8021) which amends language to clarify the original intent that incentives authorized in the Indian Financing Act be applied broadly. The conferees expect these adjustments will be implemented expeditiously by the publication of an interim final rule.

The conferees included a general provision (Section 8029) which amends language directing that not more than 6,321 staff years may be funded, and reduces the amount appropriated for defense FFRDCs by $74,200,000.

The conferees included a general provision (Section 8050) that amends lanaguage recommending rescissions. The recissions agreed to are:

	(Rescissions)
Fiscal Year 2001:	
Procurement of Weapons and Tracked Combat Vehicles, Army C2V	$9,500,000
Procurement of Ammunition, Army: WAM	4,000,000
Other Procurement, Army: Semitrailers, Tankers	8,000,000
Other Procurement, Navy: JTCTS	5,000,000
Missile Procurement, Air Force: Titan	93,600,000
Fiscal Year 2002:	
Missile Procurement, Army:	
Stinger	5,150,000
Avenger Mods	10,000,000
TOW Fire and Forget	13,200,000
LOSAT	9,300,000
Procurement of Ammunition, Army: RADAM	19,000,000
Other Procurement, Army:	
Combat Identification Program	11,000,000
Spares—EHF Terminal	10,200,000
Missile Procurement, Air Force:	
MALD	8,900,000
JSOW-B	18,000,000
Titan	87,700,000

	(Rescissions)
Research, Development, Test and Evaluation, Navy:	
Naval T&E Airborne Telemetry System	1,700,000
Research, Development, Test and Evaluation, Air Force:	
B-1B DSUP	45,500,000
B-2 EHF SATCOM	23,500,000
Research, Development, Test and Evaluation, Defense-Wide:	
Towed Decoy	3,000,000
Combat Development Activities	4,000,000
VSWMMCM-SAHRV	1,500,000
Passive RW Survivability	1,000,000
Chemical and Biological Defense Program	10,000,000

(Note: The conferees agree to rescind Titan funding in fiscal year 2001 and fiscal year 2002 budgeted for program closeout and facilities shutdown. The conferees note that launch delays have deferred the last Titan launch to fiscal year 2005. The conferees believe it is more appropriate to budget for these activities in the year of performance. The conferees have made no adjustments to funds budgeted for special termination costs.)

The conferees included a general provision (Section 8065) which amends language limiting the use of funds. The amended provision includes a government-wide appropriations limitation intended by the conferees to protect the status of a national memorial established under Section 8137 of Public Law 107–117.

The conferees included a general provision (Section 8095) which amends language making funds available for the Arrow Missile Defense Program.

The conferees included a general provision (Section 8099) which amends House language providing $1,700,000 for the Fisher House Foundation, Inc.

The conferees included a new general provision (Section 8100) which amends Senate language which reduces funds available by $850,000,000 to reflect savings to be achieved from efficiencies in the procurement of advisory and assistance services.

The conferees included a general provision (Section 8101) which amends language which allows the Secretary of Defense to transfer $1,279,899,000 to fund increases in the cost of prior year shipbuilding programs.

The conferees included a general provision (Section 8105) which restores and amends a fiscal year 2002 provision which, for the period of fiscal years 2003 through 2005, provides the authority to transfer $20,000,000 of unobligated balances in "Research, Development, Test and Evaluation, Army" to a current year account only for the continuation of the Army Venture Capital Fund demonstration.

The conferees included a general provision (Section 8108) which amends Senate language appropriating $7,750,000 to provide assistance by grant or otherwise to public schools that have unusually high concentrations of special needs military dependents enrolled.

The conferees included a new general provision (Section 8109) which amends Senate language which reduces funds available by $400,000,000 for cost growth in information technology development.

The conferees included a new general provision (section 8112) which amends House language reducing funds available in operation and maintenance accounts by $120,000,000 for Working Capital Fund cash balance and rate stabilization adjustments.

The conferees included a new general provision (Section 8113) which amends House language reducing funds available in operation and maintenance accounts by $48,000,000 for excess funded carryover.

The conferees included a new general provision (Section 8114) which amends Senate language providing funds for combating terrorism. The conferees note that the conference agreement includes funds in title II, Operation and Maintenance, above those requested by the President for the service, Defense-Wide, and Reserve component operation and maintenance appropriations. This includes funds specifically requested in the Defense Emergency Response Fund for combating terrorism and related activities, which in this conference agreement have been provided in the operation and maintenance appropriations for proper execution. The provision provides that not less than $1,000,000,000 of these funds are available for operations of the Department of Defense to prosecute the war on terrorism. The conferees direct that these funds be executed as specifically delineated elsewhere in this statement.

The conferees included a new general provision (Section 8115) that amends House language which provides $3,400,000 in "Operation and Maintenance, Army National Guard" funds for a grant to the Center for Military Recruitment, Assessment and Veterans Employment.

The conferees included a new general provision (Section 8117) that amends Senate language amending Section 8159 of Public Law 107–117.

The conferees included a new general provision (Section 8118) that amends House language placing limitations on additional NMCI contract work stations until an Operational Assessment has been conducted and certified as acceptable to the congressional defense committees.

The conferees included a new general provision (Section 8119) which amends House language which prohibits acquisition of more than 16 F–22 aircraft until the Under Secretary of Defense for Acquisition, Technology, and Logistics provides a risk assessment to the congressional defense committees.

The conferees included a new general provision (Section 8120) which amends House language that allows for the transfer of funds from the Pentagon Reservation Maintenance Revolving Fund to the Defense Emergency Response Fund.

The conferees included a new general provision (Section 8121) which amends House language concerning development of the Non-Line of Sight (NLOS) Objective Force cannon and resupply vehicle program. Language directs the Army to implement an interim capability before complete fielding of the Objective Force, and ensure that budgetary and programmatic plans will provide for no fewer than six Stryker Brigade Combat Teams.

The conferees included a new general provision (Section 8123) which amends House language that limits expenditure of funds until certain audit decisions have been made.

The conferees included a general provisions (Section 8126) which amends Senate language making funds available from amounts appropriated in Public Law 107–206 under the heading "DEFENSE EMERGENCY RESPONSE FUND", for an amount up to the fair market value of the leasehold interest in adjacent properties necessary for the force protection requirements of Tooele Army Depot, Utah.

The conferees included a general provision (Section 8128) which amends Senate language providing $3,000,000 of "Operation and Maintenance, Defense-Wide" funds for impact aid for children with severe disabilities.

The conferees included a general provision (Section 8129) which amends Senate language appropriating $8,100,000 for grants to the American Red Cross, the United Service Organizations, Inc., and the Intrepid Sea-Air-Space Foundation.

The conferees included a new general provision (Section 8135) that amends Senate language which reduces available funds by $1,674,000,000 to reflect savings from revised economic assumptions.

The conferees included a new general provision (Section 8140) which amends Senate language which earmarks $3,000,000 of funds available in this Act for a grant to the National D-Day Museum.

The conferees included a new general provision (Section 8144) which amends Senate language authorizing that up to September 30, 2003, the President may waive conditions described in section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 22 U.S.C. 5952 note) if the President submits to Congress a written certification meeting several criteria.

The conferees included a new general provision (Section 8145) which amends Senate language amending sections 305 and 309 of the Supplemental Appropriations Act for Fiscal year 2002 (Public Law 107–206).

The conferees included a new general provision (Section 8146) which amends Senate language amending section 310 of the Supplemental Appropriations Act for Fiscal Year 2002 (Public Law 107–206) modifying a grant for the purpose of supporting community adjustment activities relating to the closure of a Naval Security Group Activity.

The conferees included a general provision (Section 8148) which amends Senate language which provides $5,000,000 of "Operation and Maintenance, Defense-Wide" funds for operation of domestic violence fatality review teams.

The conferees included a general provision (Section 8149) which limits the issuance of government purchase and travel charge cards for Department of Defense personnel. The provision requires the Secretary of Defense to conduct a credit check before issuing to an individual a charge card, and prohibits the issuance of a charge card to an individual who is not found credit worthy. The conferees understand that this provision allows an individual with no credit history to be issued a restricted-use charge, debit, or stored value card.

The conferees included a new general provision (Section 8150) which amends Senate language directing the Secretary of the Navy to transfer administrative jurisdiction of the law enforcement training facility at the former Charleston Naval Base.

The conferees included a new title IX which provides the Secretary of Defense the authority to make loan guarantees to eligible U.S. commercial providers for the purpose of producing commercial reusable inspace transportation services or systems.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2003 recommended by the Committee of Conference, with comparisons to the fiscal year 2002 amount, the 2003 budget estimates, and the House and Senate bills for 2003 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2002	$334,239,062
Budget estimates of new (obligational) authority, fiscal year 2003	366,671,630
House bill, fiscal year 2003	354,712,914
Senate bill, fiscal year 2003	355,405,941
Conference agreement, fiscal year 2003	355,107,380
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2002	+20,868,318
Budget estimates of new (obligational) authority, fiscal year 2003	−11,564,250
House bill, fiscal year 2003	+394,466
Senate bill, fiscal year 2003	−298,561

Jerry Lewis,
Bill Young,
Joe Skeen,
Dave Hobson,
Henry Bonilla,
George R. Nethercutt, Jr.,
Randy "Duke" Cunningham,
Rodney P. Frelinghuysen,
Todd Tiahrt,
John P. Murtha,
Norman D. Dicks,
Martin Olav Sabo,
Peter J. Visclosky,
James P. Moran,
Dave R. Obey
(Except for sec. 8149 relating to corporate expatriates),
Managers on the Part of the House.

Daniel K. Inouye,
Ernest F. Hollings,
Robert C. Byrd,
Patrick J. Leahy,
Tom Harkin,
Byron L. Dorgan,
Richard J. Durbin,
Harry Reid,
Dianne Feinstein,
Herb Kohl,
Ted Stevens,
Thad Cochran,
Arlen Specter,
Pete V. Domenici,
Christopher S. Bond,
Mitch McConnell,
Richard C. Shelby,
Judd Gregg,
Kay Bailey Hutchison,
Managers on the Part of the Senate.

AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002

Mr. PAYNE. Mr. Speaker, it is with pleasure I yield 5 minutes to the gentleman from California (Mr. Becerra), a member of the Committee on Ways and Means.

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, any nation engaged in a program of building weapons of mass destruction presents a danger to international peace and stability. Any leader who flouts the rule of law is a menace to liberty and democracy.

In my mind, the President has made a strong case that Iraq must disarm, pursuant to the United Nations resolutions enacted following the close of the Persian Gulf War. But the President did not convince me that we should go to war and go it alone, nor has he made the case that we should change our longstanding policy and defy international law and commit to a first strike.

The threat posed by Iraq is a threat which confronts the entire world, not just America. This resolution before us gives the President authorization to send American troops into Iraq to strike unilaterally and, indeed, to strike first. Congress has never before granted this extraordinary power to any previous President. We can address the threat posed by Saddam Hussein without expanding Presidential authority beyond constitutional standards.

A declaration of war is the ultimate act of humankind. It presumes to endow the declarant with the right to kill. In many instances, it amounts to a sentence of death, not just for the guilty but for the innocent as well, whether civilian or soldier. In measurable respects, that is why the Framers of our Constitution wisely assigned the power to commit America to war not to the President but to the people's democratic representatives in Congress.

The President should approach Congress and ask for a declaration of war when and only when he determines that war is unavoidable. The resolution before us leaves the question of war open-ended by both expressing support for diplomacy and authorizing the President to use force when he feels it is the correct course of action. Yet, in his own words, President Bush stated that "war is not unavoidable." So why, then, is he insisting on being given now, today, the power to go to war?

We are the lone superpower economically and militarily in the world. Our words have meaning, our actions have consequences beyond what we can see.

The implications of a unilateral first strike authorization for war are chilling. A unilateral attack could lead the world into another dangerous era of polarization and create worldwide instability. It would also set a dangerous precedent that could have a devastating impact on international norms.

Consider India and Pakistan, Armenia and Azerbaijan, Russia and Chechnya, Cyprus, Taiwan, Colombia, Northern Ireland, Central Africa. How might the people or the government in any of these countries which are engaged in or at the brink of hostilities interpret this resolution today? Why should not other countries adopt the President's unilateral and first strike policy to address conflicts or threats themselves? Would not a unilateral attack galvanize other potential enemies around the globe to strike at the United States and our interests?

In our efforts to focus on what the President described as a grave and gathering danger thousands of miles away in Iraq, let us not lose sight of the dangers which are grave and present, not gathering but present, here at home: the al Qaeda plots targeting our airports, our water treatment facilities, our nuclear power plants, our agricultural crops.

Just this Tuesday, CIA director George Tenet told Congress that Saddam Hussein, if provoked by fears that an attack by the United States was imminent, might help Islamic extremists launch an attack on the United States with weapons of mass destruction. We must consider how our actions may impact on the safety of the American people. The answer may not be always what we expect.

We must also ask, will the death and destruction it takes to eliminate a sovereign, albeit rogue government, lead to good will by the Iraqi people toward America and Americans?

Well, let us look at the record. During the Gulf War of 1999, we dropped some 250,000 bombs, many of them smart bombs, over a 6-week period on Iraqi forces. That is close to 6,000 bombs per day. We deployed over 500,000 troops. The war cost over $80 billion. None of that money was spent on reconstruction in Kuwait, and all of this is what it took simply to expel Iraq from tiny Kuwait.

And what is our, and for that matter the world's, recent record on supporting post-war reconstruction? Ask the people of Bosnia and of Kosovo, and now ask the Afghanis.

Certainly there are situations where the United States must prepare or be prepared to act alone. I voted in September, 2001, to give the President that power to punish those who attacked this Nation on September 11. But the question is, are we at the point on the question of Iraq to go to war without international support?

Mr. Speaker, the President was clear in his speech on Monday. Iraq can lead us down a dangerous course, but I believe it is time for us to recognize that if we do this, we do this together, not alone.

Let us vote for the separate resolution, go the right way and send a good message, not just to Iraq but to the rest of the world.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in order to have the dialogue stay focused, I think we need to periodically look at the threat.

We have no doubt in this body. Speakers on both sides of the aisle have repeated the need to deal with someone who has used mustard gas and other agents against his own people.

There is no question in this body about the war crimes committed by this dictator.

But when we talk about the threat not being imminent, I just want to read from an unclassified document something for us all to focus on as we again talk about do we or do we not empower the President to deal with all the cards in his hand, not missing the one of potential military action.

"Mustard gas, potential agents based on best estimates, 200 metric tons; sarin gas, 200 metric tons; VX, up to 200 metric tons; and anthrax, at least 8,500 liters. That is 2,245 gallons, but it could be as much as 10-fold that, 22,457 gallons of anthrax.

We all know in this body all too well what an almost infinitesimal amount in an envelope can do. I hope that we will think about this as we talk about whether or not to empower the President to have all the full force of our military at his disposal in negotiations.

Mr. Speaker, I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Ms. ESHOO), a member of the Committee on Energy and Commerce.

Ms. ESHOO. Mr. Speaker, I thank the gentleman from New Jersey for yielding time to me.

Mr. Speaker, the Congress is now debating the most serious and sobering of issues, whether we go to war, war against Iraq. We do this as we stand on the threshold of a new century.

I believe this debate is as much about voting to declare war as it is about what kind of country we are and what we want our country to be in the future: This resolution of war is an extraordinary and unwise departure from our history of a principled American tradition, that we stand foursquare against unprovoked attacks and for a foreign policy of deterrence.

The Bush doctrine reverses this policy and sets forth that the United States of America has the unrestricted right to attack other nations. This resolution trades deterrence for preemption. This resolution trade multilateralism for unilateralism.

This go-it-alone policy has become the imprimatur of this administration. We have witnessed their abrogation of nearly every international treaty they inherited from previous Republican and Democratic administrations.

This administration has allowed the underfunding of the Nunn-Lugar law, leaving the tools of terrorists unprotected and up for grabs across the former Soviet Union.

This administration has withdrawn from the ABM Treaty, withdrawn from the Comprehensive Test Ban Treaty, withdrawn from START II, rejected the Biological Weapons Convention, and rejected the International Criminal Court.

This administration makes war the first and only option, rather than a last resort. It has, in one brief summer and fall, upended decades of our time-tested, tenacious foreign policy of deterrence, which has served our Nation and the world so well.

□ 2330

The President has not answered the haunting questions of thousands of my constituents and the American people. Why now? How many troops will we need to wage this war? What will it cost? How long will we be there? What is the plan to manage the chaos in the aftermath of regime change; and, finally, how will it affect the war on terrorism?

Respected military leaders and statesmen have testified to Congress about their deep concerns with preemption and unilateralism. These experts have seriously undercut the President's case of what Saddam Hussein has and the President's remedy to deal with it. And classified briefings have raised more questions than answers.

Today's newspapers were filled with the information that our own intelligence agencies have concluded that Saddam Hussein is unlikely to initiate a chemical or biological attack against the United States. Not one of us carries a brief for Saddam Hussein. We know what he has done and we know how he rules. We know about his accumulation of chemical and biological weapons and the other weapons that threaten his neighbors and us.

Our answer today, send a thousand troops of weapons inspectors to Iraq. This time they must have unrestricted access to everything and with deadlines to achieve disarmament. The world community will watch and as we disarm him. He will loosen the noose he holds.

We can be tough and principled as we have been in the past. We can bring other nations with us and when we do, Saddam will know he cannot dodge or be deceitful any longer. That is why I support the Spratt resolution which calls for action only if the U.N. determines action is required and the President seeks approval from the Congress.

Finally, Mr. Speaker, when the framers wrote our Constitution, their vision spoke to the innermost yearnings of every human being, then, over the centuries, and now. They created what I have called the best idea that is ever been born: democracy. Their call is the same today in this new century that we lead through the enduring strength of our democratic principles backed by the might we possess. Today our Constitution and my conscience beckon me to oppose the President's resolution for war. I shall vote against the resolution and I urge my colleagues to do so as well.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from Connecticut (Mr. LARSON), a member of the Committee on Armed Services.

Mr. LARSON of Connecticut. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in an effort to unite this body behind the Spratt resolution. I oppose House Joint Resolution 114 because this resolution sets a dangerous new precedent in foreign policy, a policy of preemptive first strikes and go-it-alone unilateralism. This is a radical departure from long-standing United States policy of deterrence, diplomacy, containment and collective security. We are drifting away from the successful coalition-building of former-President George Bush in Desert Storm and our current President's administration's coalition that is currently prosecuting the war on terror in Afghanistan.

We are united behind the President in his continued prosecution of this war on terror, a mission we need to relentlessly pursue and not be deterred from. We are united behind the President in our efforts before the United Nations, and strongly support a tough, new, robust, unfettered weapons inspection process that is currently being negotiated by Colin Powell. We are in unanimous agreement about the brutal dictatorship of Saddam Hussein, the atrocities he has perpetuated against other nations and his own people, and the need to remove him. We stand united behind our men and women of our armed services no matter the outcome of the vote.

Where we differ is not whether, but how, we address this threat. As former Secretary of State Jim Baker points out it is not whether to use military force to achieve this, but how we go about it. While we address the near-term danger presented by Saddam Hussein, we must be equally mindful of the dangerous long-term consequences of first-strike, go-it-alone policy. To that extent, there is a notable divide in past and current Bush administrations and within this Congress and amongst people across this Nation.

This divide stems from those advocating the abandonment of long-standing policy in favor of going it alone. This is not about the use of force. I voted for the use of force in Kosovo and in Afghanistan. It is about the preemptive and unilateral use of force. The United States is the undisputed preeminent military, social and economic leader in the world; but there are many issues we simply cannot solve alone. Issues like the environment, disease and global economic stability are but a few examples and only further underscore the problematic concerns of our ongoing debate about going alone.

There is no question that we have the military might or that we will prevail against Iraq or any nation. But what lingers is whether we have the restraint as the world's lone superpower to lead by the rule of law and use our terrible swift swords only as a last resort.

The goal of the administration is to isolate Saddam Hussein and bring about his demise. In the process we must make sure that it is not the United States that is isolated and alone. For even with all our military might and resources, we cannot solve all the global problems by ourselves. The internationalist wing of the Republican Party best expressed the perils of preemption, in going it alone in Brent Scowcroft, the former National Security Advisor to both President Ford and former President Bush, who has argued that attacking Iraq will take away from the effort against the war on terror and do long-term damage to the stability needed in the Middle East.

Retired generals like Norman Schwarzkopf and Secretary of State Eagleburger, hardly appeasers, come down on the side of caution and coalition building. General Zinni, retired Commander in Chief of U.S. Central Command, talks about the need to be intensely involved in the peace process between Israel and Palestine. In staying focused on Osama bin Laden and al Qaeda, he wonders aloud about those in the administration who have never served in the military who seem so anxious to place our troops in harm's way; and those in the administration who characterize heroes like General Wesley Clark, former Commander in Chief of the U.S. European Command, who urged the two-step approach of the Spratt resolution and calls them dreamers.

This is a time that the President, Congress, and the people need to be united. It is why we have introduced the Spratt resolution. This resolution strengthens the President's hand and demonstrates national resolve. It preserves the constitutional authority that resides with Congress and does not abrogate our role to the executive branch.

The people in my district feel strongly about this and have spoken out in town hall meetings. They are deeply opposed to a go-it-alone policy; and while understanding the potential threat posed by Saddam, they want us to pursue the course the President outlined before the United Nations.

Make no mistake, there is broad support for the President and implicit understanding of the awesome responsibility he bears as Commander in Chief. There is also an equal expectation that elected representatives will ask the tough questions and will measure the consequences and collateral damage of our actions. Our system is one of checks and balances; and clearly from my perspective, the use of force preemptively and unilaterally needs to be held in check, debated, discussed and not rubber stamped in a climate of fear and crisis.

The people's House must question the unintended consequences of this new policy. What are those consequences? What will be the collateral damage associated with preemptive unilateral attacks?

I say it can be said no better than our Ambassador to Saudi Arabia, Robert Jordan, when I asked him if we were facing a gathering storm in the Middle East. He replied, no, Congressman, you are from New England. Surely you have read the book or seen the movie. This is not a gathering storm. This has all the makings of the perfect storm.

Our relationship with our allies in the Middle East in the prosecution of the war on terrorist is fragile. There is great unrest in the region from economic instability to religious fanatics spewing hate towards the United States. A preemptive unilateral attack on Saddam Hussein could accomplish what Osama bin Laden failed to do, and that is unite the Islamic world in a jihad against the United States. Going it alone may well bring down a tin pan dictator, but will the consequences of that be the recruitment of tens of thousands of new terrorists bound for our shores?

□ 2340

Thomas Friedman, noted New York Times columnist, spoke at a recent book tour about the long-term consequences of our doctrine, and I was struck by the reaction of a man who simply reached into his wallet and showed a picture to Friedman of his children.

Nothing else need be said. Support the Spratt amendment.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. HONDA), a member of the Committee on Transportation and Infrastructure.

Mr. HONDA. Mr. Speaker, I thank the gentleman from New Jersey for yielding me the time.

I rise this evening as Congress considers one of the most difficult decisions a nation must make. President Bush and leaders from the House negotiated a resolution to authorize the use of force against Iraq. However, this new resolution still allows the President to launch a unilateral, preemptive attack without providing any evidence to Congress that the U.S. is under imminent threat.

The President says that he is willing to go it alone against Iraq as a last resort, but there is no mechanism in this resolution to ensure that it is just that, a last resort.

Let one thing be clear. A vote for this resolution is more than an authorization for use of force. It is a declaration of war, and I will oppose it.

We all agree that it is critical for the United States and the world community to ensure that Saddam Hussein is not developing weapons of mass destruction. I believe we can accomplish this goal by working with the U.N. Security Council to gain consensus on a tough and effective plan to gain unfettered access to inspect Iraq facilities. A powerful multinational force created by the U.N. would carry legitimacy and strong support in the United States and abroad. If the U.N. does not heed our call to action, then other options should be explored.

As of today, it is clear that the administration has yet to exhaust diplomatic options.

Many generals, military strategists and Republican policy-makers have expressed reservations with President Bush's approach to Iraq. Iraq does not exist in a vacuum. The decisions our government makes relative to Iraq will have consequences that will extend to all corners of the world, as well as potentially destabilize the Middle East. Will the concentration of our Armed Forces in Iraq limit our resources for a war against al Qaeda?

Additionally, experts agree that a war against Iraq will be much different than the Gulf War. Intensive, urban combat against an entrenched force is likely. How many thousands of American lives is the administration willing to imperil? What are the long-term plans for the stabilization of Iraq, and how many billions of dollars will this cost American taxpayers?

After September 11, the United States made great strides with the international community in our war against terror. A unilateral effort by the United States would not only weaken our relationship with our allies but also will increase resentment in the volatile Middle East and further embolden anti-American opinion throughout the world.

We must rid Saddam Hussein of any weapons of mass destruction. However, I urge the administration to continue to work with the U.N. to gain support for a tough resolution with an accompanying national multinational force, if necessary. Diplomatic efforts must continue. This war can still be avoided; and, as such, I cannot vote to put American lives and innocent civilians in harm's way, straight from our war against terror, or create uncertainty that could further hamper our struggling economy.

I will not support this resolution.

Mr. ISSA. Mr. Speaker, it is my pleasure to yield 7 minutes to the gentleman from Iowa (Mr. LEACH), a member of the Committee on International Relations, in fact, the Chairman of the Subcommittee on East Asia and the Pacific and a man who has great insight into this region.

Mr. LEACH. Mr. Speaker, as all Members know, this resolution involves a difficult set of decisions that neither the Congress nor the executive can duck. Anyone who is not conflicted in their judgment is not thinking seriously.

For myself, I have enormous regard for our President and great respect for his sworn policy advisers, but I have come to the conclusion that this resolution misfits the times and the circumstances. There may be a case for a regime change, but not for war against Iraq and its people.

Because time is brief, I would like to emphasize three points:

One, given the events of 9/11, a doctrine of preemption has a modicum of legitimacy. But the greater our power, the more important it is to use it with restraint. Otherwise, it will be seen as hubristic, with a strong prospect of counterproductive ramifications. Engaging in war the wrong way can too easily jeopardize the underlying conflict against terrorism and undercut core American values and leadership around the world.

Two, there are many so-called end game elements that have not been adequately addressed. They range from the dilemma of street combat to problems of postwar governance to worldwide Muslim reaction.

Three, and most profoundly, this resolution is based on a misunderstanding of modern science as it applies to weapons of war. The assumption is that there is a compelling case to preempt a nuclear weapons program, but what is little understood is that Iraq already controls a weapon of mass destruction more dangerous than nuclear bombs, biological agents, and what is underestimated is the nature of his likely response to outside intervention.

The tactical assumption is that Saddam will be on the defensive with an American and British attack, but the likelihood is that, as troubling as end game problems are, "the "beginning conflict" issues may be the most difficult ever confronted in the region and possibly in all of modern warfare. When a cornered tyrant is confronted with the use or lose option with his weapons of mass destruction and is isolated in the Arab world unless he launches a jihad against Israel, it is not hard to imagine what he will choose.

Israel has never faced a graver challenge to its survival. The likelihood is that weapons of mass destruction, including biological agents, will be immediately unleashed in the event of Western intervention in Iraq. In the Gulf War, Saddam launched some 40 Scud missiles against Israel, none with biological agents. Today, he has mobile labs, tons of such agents and an assortment of means to deliver them.

It is true that his stockpiles could be larger in years to come, but Members must understand that the difference between a few and a few hundred tons of anthrax or plague may not be determinative. These are living organisms that can multiply. They can invade a region and potentially the planet.

The most important issue is not the distinction between the various resolutions before us, each should be defeated, but the need to rethink our responsibilities in the manner in which they are carried out. Regime change can be peaceful, it can be discreetly violent, but it need not necessarily entail war.

Over the last half century America's led the world in approaches expanding international law and building up international institutions. The best chance we have to defeat terrorism and the anarchy it seeks is to widen the application of law and the institutions, including international ones that make law more plausible, acceptable and, in the end, enforceable.

Strategies of going it alone, doctrines of unilateralism must be reviewed with care. Nothing plays more into the hands of terrorists than America lashing out. Nothing is more difficult for them than international solidarity. Americans would be wise to craft strategies which are based on our original revolutionary appeal to a decent respect for the opinions of mankind.

We used to have a doctrine of MAD, mutually assured destruction, between United States and the USSR. No one seriously contemplated aggression because of the consequences.

Today, for the first time in human history, we have a doctrine of mutually assured destruction between two smaller countries, Iraq and Israel, one with biological weapons, the other nuclear. The problem is that an American intervention could easily trigger an Iraqi biological attack on Israel which could be met by a nuclear response. Not only would we be the potential precipitating actor but our troops would be caught in crosswinds and crossfire.

□ 2350

This is a strategic precipice we should step back from.

The United States today faces a series of challenges unprecedented in our history.

The 20th century was symbolized by three great international struggles: World War I and the challenge of aggressive nationalism, World War II and the battle against fascism, and the Cold War challenge of defeating communism.

Now the United States is confronted with the menace of international terrorism, a phenomenon as old as recorded history, but with elements that are new because of the potential for access to weapons of mass destruction (WMD), the manipulation of religious precepts, and the transnational character of international terrorism in a globalized world.

At issue today is the potential crystallization of these challenges in the Iraqi regime of Saddam Hussein, and the appropriate response of the United States and the world community.

In American history explaining what we do and why we do it is important. Our first revolutionary document, the Declaration of Independence, was an exposition of political philosophy and an explanation of grievances that compelled Americans to act. Today, in a world in which rumor and paranoia and distrust is pervasive, we are obligated to be precise in laying out our objectives and the rationale for military or other actions.

In this regard, there is in Eastern history a hallowed intellectual methodology for determining when a particular military intervention may be considered ethical. This doctrine, developed by ecclesiastics and jurists, followed by statesmen, instinctively accepted by the peoples of many countries in tradition and right, is the doctrine of just war. What is this doctrine? Briefly, it holds that for war to be considered just, it must be animated by a just cause and informed by righteous intention, that it be undertaken by lawful political authority and only as a last resort, and that resort to force be proportionate to the nature of the wrongs committed.

The just war issue is relevant for two interrelated reasons. First, the issue of war involves the gravest of moral questions. Second, not merely the theory but the history of international relations since the First World War embodies distinctions between just and unjust causes of war. The Covenant of the League of Nations, the United Nations Charter, and the Charter of the Military Tribunal at Nuremberg all reject the doctrine of realpolitik, the anarchical notion that ours is a Hobbesian world where might makes right.

Although there is a "realist" school of international relations theory which asserts that raw national interest considerations alone should govern all policy making, the more progressive view is that modern world politics are founded upon a conception of international society analogous to the laws and customs of coercion in domestic societies, that resort to violence in international affairs must be regarded either as response to lawful police action or crime. In other words, resort to armed force in international affairs is legitimate only if it is used on behalf or in service to the fundamental principles and purposes undergirding international law.

Thus the moral philosopher Michael Walzer observes that "aggression is the name we give to the crime of war." Indeed, the founders of the United Nations were determined, in the words of the Charter, "to save succeeding generations from the scourge of war . . . and to ensure, by the acceptance of the principles and the institution of methods, that armed force shall not be used, save in the common interest." Similarly, the Charter obligates the Member States of the UN to "settle their international disputes by peaceful means," as well as "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any manner inconsistent with the Purposes of the United Nations" (Articles 2(3) and 2(4)). Instead, the Charter attempts to enshrine a system of collective security in which the security Council is authorized to "determine the existence of any threat to the peace, breach of the peace, or act of aggression" and to "decide what measures shall be taken . . . to maintain international peace and security" (Article 39).

In postwar American diplomacy, the classic exposition of this principle was stated by President Truman in October 1945, when he declared that the fundamentals of American foreign policy would rest in part on the proposition "that the preservation of peace between nations requires a United Nations Organization comprised of all the peace-loving nations of the world who are willing to use force if necessary to insure peace."

The concept of international law enforcement through collective security, therefore, is embodied in the UN Charter and is an integral part of international law, as well as—through the Supremacy Clause—the law of the United States.

Here, the constitutional duty of Congress is clear. Not only does the Constitution vest the power to declare war in Congress, but also it further contemplates that a status or condition fairly described by armed hostility between the U.S. and another state—whether a declared or undeclared war—must be legislatively authorized.

The framers of the Constitution believed that the gravest of all governmental decision—the making of war—should not be the responsibility of a single individual. It should be taken by a democratically elected, geographically and socially balanced legislature after careful debate and deliberation. It would either be tyrannical or irresponsible for a Congress of, by, and for the people to shirk its responsibility and transfer the power to make war to the Presidency. In America, after all, process is our most important product.

In this context, neither the Congress nor the Executive can duck the fundamental question of Constitutional fidelity.

Perspective is always difficult to apply to events of the day, but it would appear that in wake of the events of 9/11 a watershed in American history occurred. A concerned terrorist attack was perpetrated against our institutions, people, and way of life. The imperative to respond is clear. Less clear how and against whom.

In the period following 9/11 the Executive Branch began to articulate a bold new doctrine of national security, both to shape our response to the new dangers of international terrorism and to define a new vision of leadership for the United States in world affairs.

According to this new national security concept, the United States should be prepared to act decisively and unilaterally to eliminate potential terrorist threats. Because suicidal terrorists use anarchist techniques rather than rely on traditional armies, the case for America to reserve the right to take preemptive, anticipatory military action in the name of self-defense must be considered. In practical terms, since terrorist groups may either be assisted by foreign powers, or seek sanctuary in weak countries with limited control of their own borders, the option to intervene in another nation-state to constrain rogue behavior cannot be ruled out. Likewise, the doctrine contemplates the need to counter the threat that certain despotic regimes—like those the President labeled as evil: Iran, Iraq and North Korea—may develop or actually possess weapons of mass destruction and threaten to use them or put them in the hands of terrorists. In addition, because our own power is so disproportionate, and because the threat from international terrorists so grave, the strategy suggests that America need no longer be constrained in its actions by international rules, treaties, and even traditional security partnerships.

While elements of the new doctrine are not new, the public articulation of a doctrine of preemption is in fact a novel departure. In terms of precedents, the Congressional Research Service reports that the U.S. "has never, to date, engaged in a 'preemptive' military attack against another nation. Nor has the U.S. ever attacked another nation militarily prior to its having first been attacked or prior to U.S. citizens or interests having first been attacked, with the singular exception of the Spanish-American War." The latter being unique, in that the principal stated goal of U.S. military action was to compel Spain to grant Cuba its political independence.

There is of course ample precedent for the United States using its military to intervene in other nations to support our national security interests. Citing the Monroe Doctrine, which outlined American objection to European colonialism in this hemisphere, the United States intervened repeatedly in the Caribbean and Central America in the 19th and 20th centuries. In addition, the U.S. employed overt military force to seek regime change in Mexico in 1914 and Panama in 1989, as well as covert action in Iran and Central America in the 1950s.

Of greater historical relevance, the most significant instance in which the U.S. seriously contemplated preemptive military action was during the Cuban missile crisis of October 1962. Despite the introduction by the Soviet Union of nuclear-capable ballistic missiles into Cuba that could threaten most of the eastern United States, President Kennedy considered and rejected preemptive options, imposed a U.S. military "quarantine" around Cuba, and ultimately reached a peaceful diplomatic solution.

Hence it is imperative that Congress and the American people debate the long-term foreign policy consequences of a potential, largely unilateral, strike against Iraq that may well not be supported by many of our historic allies. It is also crucial that Congress review the logic and implications of a new global strategy apparently premised on go-it-alone interventionist themes which, if taken to extreme, could erode the foundation of the rule-based, post-World War II international system the United States largely helped to create.

While the threat of transnational terrorism self-evidently requires a robust response, the implication of the United States using its extraordinary power and authority at this critical juncture in world history to ensconce and legitimize the principle of preemption as a basis for conduct in international relations is profound. One need only to contemplate the application of this principle by others elsewhere, such as South Asia, the Taiwan Strait, or the Middle East, to grasp its potential reach.

It is suggested to many around the world that the United States may be disproportionately relying on military power rather than the strength of law and persuasion to attempt to "lock in" a favorable order that commands the allegiance of others. In the language of political scientists, our new approach could suggest a strategy less of transformation than dictation.

The question is not simply whether the new doctrine of preemption has a modicum of legitimacy—the events of 9/11 suggest it does—but whether it is applied with proper judgment and appropriate restraint. The greater the power, the more important it is used with care. Otherwise, the danger is the use of force will be viewed as hubristic with its application likely to be counterproductive. Iraq is a case in point. The goal of regime change must involve an approach that enhances rather than retards international support for core American values like democracy and respect for individual rights. Engaging in war the wrong way can jeopardize the outcome not only of the underlying conflict against terrorism but American leadership on a host of international issues from arms control to commerce to the environment.

Unilateralist approaches sow unease and distrust of American power and American motives from Brussels to Johannesburg, from Sao Paulo and to Seoul. They dissipate reservoirs of good will for the United States and reduce, rather than expand, the pool of cooperation that we can draw on in the future.

The nature of the foreign policy challenges we face—curbing the proliferation of weapons of mass destruction, eliminating terrorism, combating the spread of diseases like HIV/AIDs, promoting free trade and market economics, advancing respect for human rights and the rule of law—cannot be met by one country, no matter how powerful, acting alone.

Three years ago in one of the most irrational acts of the Senate in the 20th century a comprehensive test ban (CTB) was turned down. Upon taking office, the Bush Administration concurred in this judgment, and then in a little noticed decision rejected a protocol that had been long in negotiation to the Biological and Toxin Weapons Convention (BWC) which would have added new verification provisions to that treaty. Ironically, if a CTB had been ratified, there would be more worldwide support for U.S. efforts to deter small states from obtaining nuclear arms and if the BWC protocol had been adopted the case for inspectors entering Iraq would be iron clad.

Count me among those who believe Saddam Sussein must be removed from office and his weapons of mass destruction destroyed, but also as one who is concerned with the unilateral veer in American foreign policy. We cannot lead the world unless we pay attention and, to the maximum degree appropriate, give respect to the judgments and opinions of others.

Policeman for the world is a lonely beat. It makes us a target. More, not less, vulnerable.

Leadership requires resolve; it also demands restraint, and an understanding that there are both prudential and real limits to America's unparalleled power. Likewise leadership requires magnanimity, an understanding of what causes people to rebel, and an uplifting, inclusive vision of a world order which realistically deals with the causes of conflict.

At issue with the Iraqi crisis is less an outcome where individual nation-states may be winners or losers, but one in which the international system has an enormous stake. From challenge springs opportunity. Hopefully, once the storm clouds have passed, the international community will be able to conclude that the United Nations has functioned as its founders intended. But if this conflict is not resolved in a way that upholds the authority and the credibility of the United Nations, our current international structure will be seriously deranged and grievously jeopardized.

In this regard, as the prospect for conflict increases, the danger of unintended martyrdom also rises. The United States must be careful to ensure that its policies do not turn a tinhorn Hitler into an Islamic Allende.

Hence I would urge the Administration to make it clear to Saddam that in the event he continues to defy the will of the United Nations he will inevitably find himself in the docket before Nuremberg-like proceedings—either the newly established International Criminal Court or perhaps an ad hoc tribunal—for egregious violations of internationally recognized human rights and arms control conventions.

Potentates, whether petty or mighty, who through violation of international law attempt to take the world hostage must be held accountable.

Likewise, the U.S. and UN should make clear that if any individual in Iraq participates in usage or unleashing of a weapon of mass destruction, they also will be held accountable as war criminals.

Tragically, the United States has not been able to become a party to the new ICC, which will be the first permanent international court with jurisdiction to prosecute the most heinous individual violators of human rights—genocide, war crimes, and crimes against humanity.

By background, the United Nations, many human rights organizations, and many U.S. allies have expressed support for the new court. The Administration, however, has renounced any U.S. obligations under the treaty.

Although the U.S. has valid concerns about the ICC—chiefly that the ICC might become politicized and capriciously assert jurisdiction over U.S. soldiers or high officials charged with "war crimes"—our belligerent opposition to the Court also carries obvious downside risks to American leadership.

America's well-deserved reputation as a champion for human rights and extension of the rule of law has been called in question. Our efforts to play hardball in the UN Security Council by threatening to withhold support for UN peacekeeping missions unless the U.S. is granted immunity from the ICC alienated friends and allies abroad. The withholding of military assistance to members of the ICC may be seen as an attempt to undermine the court and influence the decisions of other countries to join the ICC. By demanding special treatment in the form of immunity from the ICC, the United States is seen as bolstering the perception of its preference for a unilateral approach to world affairs and a determination to operate in the world exclusively on our own terms. As a result, U.S. efforts to build coalitions in support for the war against terrorism as well as the enforcement of UN resolutions against Iraq may have been impaired.

As an early advocate for the establishment of a permanent international criminal court based on balanced recognition of international statutes, I confess to being chagrined both at the inability of the international community to accommodate legitimate American concerns, and the all-or-nothing approach of our government that has left us without effective means to ensure that the ICC operates in ways that are consistent both with credible rule-of-law principles and with sensitivity to U.S. interests designed to advance democratic governance.

The problem is that as a great power called upon to intervene in areas of the world or disputes such as the Balkans, Afghanistan and troubled areas of the Middle East, the U.S. is vulnerable to charges being leveled against actions which we might reasonably consider to be peacekeeping, but another power or government might charge to be something very different. For instance, what would happen if Serbia were to bring a case against an American naval pilot when such a pilot is operating under both a U.S. and NATO mandate? The President has suggested we should, exclusive of all other countries, be allowed to veto over applicability of international law with regard to the ICC. Many other countries, including strong U.S. allies, have angst about this demand because they see this approach as establishing the principle of one country being entitled to operate above the law.

This is not an irresolvable dilemma. When the ICC treaty was under negotiation, it was the assumption of many that the Security Council where all the permanent members have a veto would play a determinative role in bringing matters better the ICC. If such was the case, the United States because of its veto power within the Security Council could fully protect itself as could the other permanent members. Unfortunately, because the past administration played an ambivalent role in development of the treaty, it failed to get the nuances right. This common sense approach was not adopted and the Bush administration was put in the embarrassing position of objecting to an important treaty because of the failed diplomacy of its predecessor.

Based on discussions with European officials it is my understanding that there may be an inclination to seek a reasonable compromise on treaty language, even at this late date. It would appear to be an umbrage to many countries to craft a provision excluding the United States alone from ICC jurisdiction, but it would seem reasonable on a process basis to return to a Security Council role. On this basis the U.S. and the international community could be credibly protected.

The court would function as a treaty organization founded on state consent, while respecting Security Council authority to refer any matters affecting international peace and security to the court's jurisdiction. This approach has the advantage that it does not make a pure exception for the United States: Understandable concerns of some countries about inequitable protection of the nationals of permanent members of the Council would need to be balanced against the enhanced durability and legitimacy of the court. A protocol to the Treaty ensconcing this approach should be actively pursued today.

Laws, to be effective, must constrain governments in their foreign policies as well as individuals in domestic acts. In order to hold governments accountable there must be individual accountability at the highest as well as lowest levels of society. Justice must be brought to the international frontier or life for too many will, in Hobbes' piercing phrase, continue to be "nasty, brutish, and short."

The central issue in classic just-war theory is the cause question. Just-war theorists from Augustine to Grotius typically referred to an offense that was a just cause for war as an "injuria," a term that meant both injury and injustice. There were three generally accepted just causes of war: defense against aggression, recovery of property, and punishment. Wars waged for the first cause were by their nature defensive. Wars taken to avenge injustice and to punish the perpetrators of injustice were offensive in the sense that defense of one's own territory was not necessarily at issue.

It is sometimes forgotten that the United States is engaged in military combat operations over Iraq almost every day, maintaining "no-fly" zones over the northern and southern parts of the country. A decision by Iraq to ban almost all U.N. inspections on October 31, 1998, led the U.S. and Britain to conduct a 4-day air operation against Iraq on December 16–20, 1998 (Operation Desert Fox). The two allies launched approximately 415 missiles and dropped more than 600 bombs targeted at Iraqi military and logistical facilities. Since the December 1998 operation, the U.S. and Britain have carried out air strikes against Iraqi air defense units and installations on a frequent basis, in response to Iraqi attempts to target allied aircraft enforcing the no-fly zones. However, to launch a full-scale military invasion of Iraq, fully considering its potential consequences, based solely on violations of the no-fly zones would appear to be out of proportion to the offense occasioning it.

A potentially more compelling basis for just cause would be action undertaken in self-defense, in this case anticipatory self-defense.

Although the UN Charter is premised on the concept of collective security, it is important to recognize that the Charter also recognizes the right of nations to use force for the purpose of self-defense. Article 51 provides that nothing in the Charter "shall impair the inherent right of individual or collective self-defense" in the event of "armed attack." The question, of course is what constitutes armed attacks.

In this regard, no American administration has ever sought to give an expansive interpretation to the definition of an armed attack. Indeed, none of our interventions since the end of World War II have relied for justification on the doctrine of preemptive attack.

Tellingly, when the United States was directly threatened during the 1962 Cuban missile crisis, President Kennedy did not invoke any notion of "anticipatory self-defense." While the risks of nuclear conflagration were high, the president's legal arguments were conservative: the imposition of a naval quarantine was justified by reference to the regional peacekeeping provisions of the U.N. Charter. More recently, when America has claimed self-defense, it has been in less controversial settings—citing a clearly defined threat to U.S. citizens or, after September 11, the need prevent a second attack by hostile terrorists.

Rather than expanding the scope of preemptive attack, American statesmen have historically played leading roles in carefully limiting the doctrine.

The classic formulation of the right of preemptive attack was provided by secretary of State Daniel Webster. In 1837, the British sought to stamp out a simmering revolt in

Canada that had received support from private militias in the Untied States. To cut off this source of support, British troops launched a night raid into New York, burning an American ship and sending it over Niagara falls.

Some five years later, Secretary of State Webster reached an agreement with the Foreign Office that prohibited future cross-border raids. Preemptive force under customary international law could be justified only if there was a "necessity of self-defense, instant, overwhelming, leaving no choice of means, and no moment for deliberation," and if the use of force in such circumstance were proportional to the threat—not "unreasonable or excessive." Webster's formulation remains the core sense of international law today.

Some might object that these standards are unreasonable and inappropriate for a new era of global insecurity hallmarked by the threat of stateless terrorism. On the other hand, it surely cannot be in our interest to legitimize war by hunch. The danger is that new standards we seek to reserve exclusively for our use become legitimate as well for other nations—such as Russia, China, India and Pakistan. Do we want to empower others to claim that issues relating to self-defense are not a proper subject of international concern, but are solely unilateral national decisions unreviewable by any state or multilateral organization? Without clear standards, whenever a nation believes that its interests, which it is prepared to characterize as vital, are threatened, then its use of force in response would become permissible.

As to the precise nature of the threat posed by Saddam, the historical record is well-known. Saddam Hussein is a menace to his own people and a continuing threat to the Middle East and the Persian Gulf. Saddam is without question an international criminal with a long rap-sheet.

He began successive wars of aggression against Iran and Kuwait, amassed a large inventory of chemical and biological weapons in violation of the Biological and Toxin Weapons Convention (BWC), and has feverishly sought to build nuclear arms in violation of the Nuclear Nonproliferation Treaty (NPT). On the orders of Saddam Hussein, his army committed some of the worst war crimes in half a century, gassing Kurdish villages and killing thousands of innocent civilians. Even after its defeat in the Persian Gulf War, Saddam sought to hide and even reconstitute his weapons of mass destruction in violation of numerous UN Security Council Resolutions. There is little dissent, therefore, from the proposition that the Iraqi regime represents a continuing threat to the region and a challenge to international order. Indeed, regime change has been the official policy of the United States under two presidents, Bill Clinton and George Bush, since 1998.

What is the urgency of the current threat from Saddam Hussein? Despite some uncertainties, a great deal is known about Iraqi military capabilities, particularly its conventional forces.

Despite the loss of some 40 percent of its army and air force as a result of the Gulf War, Iraq remains a major military power by regional standards. Iraq still has armed forces with around 425,000 men, with some 2,200 main battle tanks, 3,700 other armored vehicles, and 2,400 major artillery pieces. It also has 300 combat aircraft with potential operational status.

By all accounts, sanctions and the impact of the Gulf War have had a substantial negative impact. The regime's inability to recapitalize and modernize its armed forces means that much of its nominally large military capacity is either obsolescent or obsolete, with doubtful combat readiness, and will be difficult to sustain in combat.

Much more ominous are Iraq's weapons of mass destruction. By way of background, UN Security Resolution 687, passed in April 1991, established the formal cease-fire between Coalition forces and Iraq. Key among the terms was the prohibition against Iraq retaining, acquiring, or developing WMD and long range missiles. In addition, there was a demand that Iraq unconditionally accept the destruction, removal or rendering harmless its WMD under international supervision. However, from the start of United Nations Special Commission (UNSCOM) in 1991 through their termination in 1999 Iraq engaged in the techniques of deception and denial in order to conceal the full extent of its WMD programs. Although there were some successes in defeating Iraq's concealment efforts, many other failed.

In December 1999, one year after UNSCOM left, the UN Security Council passed Resolution 1284, reaffirming all previous UN Security Council resolutions, disbanding UNSCOM, and establishing the UN Monitoring, Verification, and Inspection Commission (UNMOVIC). Until September 16, Iraq had rejected resolution 1284 on the grounds that it does not set a clear timetable or criteria for lifting sanctions. Although the Iraqi position may well be a ruse, Baghdad now claims with semantic waffling to be willing to allow the return of weapons inspectors without conditions.

As is well known, on the eve of the Gulf War, and in violation of its commitments under the NPT, Iraq was on the verge of producing significant amounts of heavily enriched uranium that would have allowed it within two or three years to produce a nuclear weapon. Fortunately, the Gulf War heavily damaged Iraq's nuclear facilities. By the end of UN inspections in 1998, the International Atomic Energy Agency (IAEA) was confident that Iraq's indigenous nuclear weapons program had not produced more than a few grams of weapons useable material. However, Iraq's nuclear potential was not completely eliminated. The scientific and technical expertise of Iraq's nuclear program survived, and Baghdad has tried to keep its core nuclear teams in place working on various civilian projects.

Publicily available consensus analysis produced by the London Institute of International Strategic Studies and others suggests that: Iraq does not possess facilities to produce fissile material in sufficient amounts for nuclear weapons, that it would require several years and extensive foreign assistance to build such fissile material production facilities, but that it could assemble nuclear weapons within several months to perhaps one or two years if it could obtain relevant fissile material.

Prior to the Gulf War, Iraq produced Biological Weapons (BW) agents in volume. Subsequent to its invasion of Kuwait, Baghdad accelerated large scale BW agent production and assembled rudimentary BW munitions. These weapons were distributed to military units, who were delegated to use them if allied forces advanced on Baghdad or used nuclear weapons. Most of the regime's key BW facilities, which had been hidden from Western intelligence agencies, escaped attack during the Persian Gulf conflict. But in violation of the BWC that Iraq ratified as a condition of the 1991 Gulf War cease-fire agreement, Saddam continued to conceal his BW program until 1995. Since December 1998 when UN inspectors left the country, there has been virtually no verifiable information about the status of Iraq's BW program.

Credible, public reports suggest Iraq can produce new stocks of bulk BW agent, including botulinum toxin and anthrax. BW agent could be delivered by short range munitions including artillery shells. Delivery by ballistic missile is more problematic. Refurbished L-29 trainer aircraft could operate as weapons-carrying unmanned aerial vehicles (UAVs) with a range of over 600km. Such UAVs might be considerably more effective than ballistic missiles in delivering CBW. Commando and terrorist attack is also possible.

The best estimates of the current situation suggest that: (1) Iraq has retained substantial growth media and BW agent (perhaps thousands of liters of anthrax) from pre 1991 stocks, and the regime is capable of resuming BW agent production on short notice at existing civilian facilities and in new mobile laboratories; (2) it could have produced thousands of liters of anthrax, botulinum toxin and other agents since 1998, but actual stocks are unknown.

As is well known, Iraq used chemical weapons extensively against Iranian troops from 1982–1988. In the years immediately prior to the Gulf War, Iraq made further progress in developing binary chemical munitions, producing and weaponizing the advanced nerve agent, VX. The Gulf War however devastated Iraq's primary CW production facilities and a large portion of its stockpile of CW munitions.

Through 1998, UNSCOM was able to dispose of large quantities of CW munitions, bulk agent, precursors and production equipment that were not destroyed in combat. In addition, unless Iraq has managed to modernize its 1990-era special warheads, its ability to disseminate effectively CW agent on ballistic missiles is questionable, since so much agent would be destroyed on impact. Iraq's known ability to marry chemical warheads to its rocket and artillery pieces (with ranges up to about 18.5 miles) could complicate operations for opposing forces, who would be required to wear protective gear.

The best publicly available assessment of the current situation is that: (1) Iraq has probably retained a few hundred tons of mustard and precursors for a few hundred tons of sarin/cyclosarin and perhaps similar amounts of VX from pre-1991 stocks; (2) it is capable of resuming CW production on short notice (months) from existing civilian facilities; and (3) it could have produced hundreds of tons of agent (mustard and nerve agents) since 1998. Actual stocks, however, are not known.

Iraq of course prohibited by UN Resolutions from possessing ballistic missiles with a range greater than 150km. In the 1970s Iraq began to import Scud B missiles with a range of 300km from the Soviet Union and acquired roughly 820. In the 1980s Iraq worked to modify the Scud missiles in order to double their range. The new missile, called the al Hussein, with a range of 650km, was used during the war against Iran. In the wake of the Gulf War, much of Iraq's missile infrastructure lay in ruins. Moreover, the U. S. and U. K., during Operation Desert Fox in December 1998, attacked a number of missile related facilities.

During the inspections period Iraq continued to conduct small scale covert research and development on proscribed missiles. In addition, Iraq continued missile related procurement efforts. UNSCOM attempted to account for all imported missiles and for indigenously produced missiles, but that accounting was incomplete. It is prudent to assume that Iraq has been able to retain some of its proscribed missiles. Also, it is likely that Iraqi engineers will have been able to increase the range in its short-range al Samoud missiles to 200km with a few hundred kilograms payload suitable for CBW delivery.

The publicly available estimates of Iraq's missile capabilities suggest that: (1) Iraq has probably retained a small force of about a dozen 650km range al-Hussein missiles, which could be armed with CBW warheads, capable of striking Israel, Saudi Arabia, Turkey, Iran and Kuwait; (2) the Iraqi regime does not possess facilities to produce long range missiles and it would require several years and extensive foreign assistance to construct such facilities; (3) it may have a small number of al Samoud missiles with ranges of up to 200km able to strike Kuwait but only if deployed within the southern no fly zone; (4) Iraq is capable of manufacturing rudimentary CBW warheads, while its development of more advanced designs is unknown; and (5) Iraq has been developing very small unmanned aircraft suitable for CBW delivery.

According to the Department of State, Iraq is also a state sponsor of terrorism. Saddam Hussein's brutal regime has provided headquarters, operating bases, training camps, and other support to terrorist groups fighting the governments of neighboring Turkey and Iran, as well as to hard-line Palestinian groups. During the 1991 Gulf War, Saddam also commissioned several failed terrorist attacks on U.S. facilities. After the war, Saddam attempted to assassinate former President Bush. More recently, the question of Iraq's link to terrorism has become more urgent with Saddam's determination to develop weapons of mass destruction, which could be shared with terrorists.

At the present time, there is no hard evidence linking Saddam to the 9/11 attacks, and Iraq denies any involvement. However, his government expressed sympathy for those who attacked us and some Iraq watchers suspect Saddam was at least indirectly involved. In this regard, Czech officials reported last year that Muhammad Atta, one of the September 11 ringleaders, met an Iraqi intelligence agent in Prague months before the hijackings, but U.S. and Czech officials subsequently cast doubt on whether such a meeting ever happened. Some militants trained in Taliban-run Afghanistan are helping Ansar al-Islam, a Kurdish extremist group that Suddam uses to harass his own Kurdish foes. Finally, al-Qaeda members fleeing Afghanistan have reportedly hid in northern Iraq, but in areas beyond Saddam's control. In addition, evidence has recently come to public light suggesting a wider array of contacts between al-Qaeda and the Iraqi regime than had previously been know, including hospital care for an al-Qaeda leader.

In this context, the case for military intervention at this time rests on three key assumptions: that the containment of Iraq through sanctions is a failed policy; that the Cold War concept of deterrence is no longer a viable strategy for dealing with an erratic Iraqi leadership potentially allied with al-Qaeda or other terrorists; and that new unrestricted weapons inspections, even if Saddam were to agree to them, are unlikely to be effective.

There is perhaps a fourth, albeit often unstated basis for intervention: that deposing Saddam and establishing a democratic, western-oriented government in Baghdad would decisively reshape the politics of the region in a manner highly beneficial to the United States, by delegitimizing the forces of radicalism and creating a powerful model of Islamic modernity and moderation.

Taken together, these assumptions make a compelling case for the United States and the United Nations to seek, both through the enforcement of existing resolutions as well as the enactment of one or more additional resolutions, Iraq's complete and unconditional compliance with all relevant UN resolutions, particularly those demanding the disarmament of its weapons of mass destruction.

To paraphrase the just war theologian Michael Walzer in his discussion of the ethics of Israel's preemptive intervention against Egypt in 1967 and an Iraqi nuclear reactor in 1981, Saddam Hussein, through his continued efforts to develop weapons of mass destruction and their means of delivery has demonstrated a manifest capability and intent to injure, and a degree of active preparation that makes that intent a positive danger. The great judgmental question is, to again cite Walzer, whether in the current situation waiting, or doing anything other than military engaging, magnifies the risk.

It is perhaps likely, even highly likely, that Saddam will ultimately refuse to meet the demands of the world community. Particularly if this is the case, authorization by the Security Council for regime change would be an appropriate response. But there is little evidence that suggests the immediate, urgent "necessity of self-defense," so instant, and overwhelming, as to leave the United States no choice of means, and no moment for deliberation. The case for regime change is compelling, but precipitating a change in leadership is different than going to war with a country and its people.

Containment through targeted sanctions—in effect, coercive arms control—is fraying, in part because of irresolution on the part of key members of the U.N. Security Council, such as Russia and France, and because both Iraq and key regional states profit from sanctions-busting. According to the General Accounting Office, Iraq may have earned as much as $2.2 billion last year in illicit exports and oil surcharges. Over time, the breakdown in containment would almost certainly create conditions under which Iraq could produce a nuclear weapon.

Nevertheless, flawed as sanctions may be, published reports in the press this summer suggested many senior U.S. military officers believed that Saddam Hussein poses little immediate threat and have concluded that the United States should for the time being continue its policy of containment rather than intervening directly.

Can Saddam be deterred from aggressive action now and in the future, particularly if he is able to successfully accelerate development of weapons of mass destruction? The evidence is mixed. During the Persian Gulf War, he refrained from using weapons of mass destruction because of American and Israeli threats of nuclear retaliation. He was likewise deterred from again attempting to attack Kuwait in 1994.

Yet he is so hostile to the United States and Israel, so bent on regional domination, his frames of reference and decision-making processes so opaque, and possibly irrational, and his ties to international terrorism such as obvious source of concern, that it is at best an open question whether a nuclear-armed Saddam is ultimately deterrable. In the long run, it is highly probable that no American president can afford to take that risk.

As to inspections, the evidence suggests that an intrusive inspections regime can produce positive results, but can never be fully reliable or completely effective. In their first five years, the United Nations Special Commission in Iraq (UNSCOM) made some progress toward inspecting and disarming Iraq's chemical, biological, and missile materials and capabilities. The so-called IAEA Action Team, did the same for Iraq's nuclear program. The main problem was that UNSCOM was never allowed to fully scan the country or finish its work. Since the Iraqi government terminated its work four years ago, the country has been free of monitoring and inspection.

Just war doctrine focuses on right intentions and prospects for success. Intentions and goals matter in war. A nation should only wage war for the cause of justice, rather than for self-interest or aggrandizement. The issue of intention must be balanced with concern for practicalities as well as consequences, both of which should be considered before declaring war. The decision to go to war must be essentially protective; the goal of war is to obtain a just and durable peace. The ancillary requirement that there must be prospects for success means that the use of arms must not produce negative effects and disorders graver than the evil to be eliminated.

In this case the risks of inaction are real; the risks of action extraordinary. The only certainty is that any military action involving a great power will bring about unintended consequences. It is a distinct possibility but not certainty that conflict with Saddam will be short and decisive, as it was during the Gulf War. It is also possible that a new regime can be found and put in place with as much ability and legitimacy as in Afghanistan.

On the other hand, one should always hope for the best but plan for the worst. America's greatest living statesman, George F. Kennan, recently made the sage observation that "war has a momentum of its own, and it carries you away from all thoughtful intentions when you get into it. Today, if we went into Iraq . . . you know where you begin. You never know where you are going to end."

Many have expressed concern about the "end game"—the difficulty of potential street combat, of establishing legitimate government, of dealing with the long-term implications for American interests in the Muslim world of an intervention in Iraq. But concern for the "end game" should not cloud the enormous difficulties of the "beginning game." What happens when a strike commences?

What happens to our ability to secure cooperation in the long-term campaign against global terrorism? What about American leadership in the global economy?

From an operational perspective, the assumption in some quarters appears to be that once we initiate conflict Saddam will be on the defensive, hunkering down, perhaps waging defensive guerrilla warfare in the cities and countryside, while the United States and its allies enjoy the initiative.

This may be the case, but Saddam has had a lot of time to strategize on how to maximize American casualties, energize potential support outside Iraq—including terrorists—and increase his martyrdom.

My concern is that Israel may be underestimating the potentially devastating effects of a biological weapons assault while the United States may be understanding the potential of a pan-Muslim backlash.

In terms of military pitfalls for the United States, one "nightmare" scenario involves determined resistance in Baghdad and perhaps other major cities by the Iraqi Republican Guard. Should we be compelled to engage, the casualties on both sides, including civilians, could be substantial.

But the greatest danger that we cannot ignore is the possibility that a campaign against Iraq expands into a wider conflict within the Arab world against Israel. Indeed, it is virtually inconceivable that military intervention against Iraq will not cause an immediate retaliatory strike against Israel. In the Gulf War, Iraq sent 39 scud missiles against Israel—missiles that could have been but were not tipped with chemical weapons. Chemical weapons were used with some devastation in World War I and in closed settings with gruesome ramifications in the Holocaust. Today the vastly greater danger is biological agents. Biological weapons pose a danger thousands of times greater than chemical weapons. The delivery of such weapons on missiles, unmanned aircraft, by hand and or through the mail could be traumatic for Israel and world society. Likewise, if Iraq were to launch any kind of weapons of mass destruction against Israel, Israel would have to seriously consider a retaliatory response, perhaps including nuclear weapons.

It is also conceivable that action against Iraq, particularly a prolonged campaign with significant civilian casualties, could spark outrage in the Muslim world, and unleash a new surge of anti-Americanism. While there is little support for Saddam Hussein outside of Iraq, there is extraordinary opposition to America going to war against a Muslim country. Terrorism around the world could be supercharged. Even without Israeli involvement, friendly governments in Jordan, Pakistan and Saudi Arabia might be destabilized. A multi-year, multi-decade or multi-century conflict could ensue.

Should Saddam's hold on power or his personal security be in imminent jeopardy, it would appear probable that he may utilize the techniques of terrorism—possibly including weapons of mass destruction—to defend his regime and wreak revenge on his enemies.

In addition, it is also conceivable that new dangers would emerge with a feeble or hostile successor regime. Chaos, bloodshed and revenge might follow. Weapons of mass destruction might fall into a greater number of hands. An unstable Iraq could be a haven for terrorists and a continuing threat to regional peace.

Indeed, it is impressive how little, not how much we know, especially attitudinally in Iraq and the Muslim world about the potential of American intervention in Iraq. To what extent will support be manifested for Saddam? Will there be disorder, chaos, bloodshed and revenge? Will the Shia turn on the Sunni minority. Will the Kurds seek an independent state?

Moreover, it is important to ponder whether an invasion of Iraq would worsen rather than reduce the threat of terrorists gaining control of weapons of mass destruction. Saddam could decide to disperse his weapons stockpiles, and the scientists who build them, into the hands of global terrorists. Even if he did not order such, in the chaos of war it is conceivable that individual Iraqi commanders and scientists might make their own profit-oriented accommodation with terrorists.

More broadly, it is by no means clear that regime change in Iraq, even if successfully carried out, will significantly diminish the threat from Islamic extremists who share little in common with Saddam Hussein.

Hence the need for the United States to pursue a vigorous two-pronged approach in the Middle East: intensified efforts to resolve the Palestinian-Israeli conflict and greater focus on economic development and democratization in the region.

The importance of resolving the Israeli-Palestinian standoff cannot be underestimated. We know from attitudinal surveys that Muslims generally like Americans and admire American culture. Many have chosen to immigrate to the United States. They do not, however, trust our government. To win the war on terrorism we will have to convince Muslims throughout the world that we are, in fact, favor justice and the creation of just societies everywhere.

All Americans understand we share a common concern for the fate of the Israeli people and the viability of the Israeli state. The commitment of the United States to Israel must be bedrock. We must support Israel and help bring peace and stability to the region. There must be continuity of commitment, but there must also be recognition of opportunities to lead. Unfortunately, critical opportunities have been lost in partial measure because Presidents were imperfectly skilled and in some cases wanted to operate in relationship to timing they hoped to control rather than in relationship to circumstances and events in the region.

For example, optimism surrounded the Oslo accord precipitated by President Bush's father. Yet the United States lagged in efforts to push immediately thereafter the logical steps that should have been taken to create a long-term framework for peace. To his credit, President Clinton pressed at the end of his administration for a breakthrough agreement. At Camp David, Arafat turned his back on the most forthcoming peace proposal Israel has ever formally made. The tragedy of Arafat was not that he had to accept every parameter of the proposal put forward by Prime Minister Barak, but that he failed to make a counteroffer, thereby destroying prospects for peace, implicitly thumbing his nose at Israel and the prestige of the American presidency.

Following the breakdown of the Camp David talks in July 2000, and the subsequent outbreak of violence on September 28, the sides nevertheless agreed to continue negotiations at lower levels during December and January 2001 at the Egyptian town of Taba. As President Clinton left office, Barak's government had but a few weeks of life left before the election that brought Ariel Sharon to power. The outbreak of the violence had made it unlikely that Israelis would approve any proposal of concessions to the Palestinians in a referendum. Nonetheless, both sides hammered out proposals that came much closer to each other's positions than before.

No official summaries of the proposals were issued, but subsequent leaks provided some details. The Palestinians, according to Israeli sources, agreed to a map that would allow Israel to keep most of its settlements and about 4 percent of the territory.

But given the short time left to the Barak government, the preoccupation with the transition in Washington, and the continuing violence, the proposals came to nothing. Both sides had agreed that the proposals would be binding only if they resulted in an agreement. The joint communique noted, however, that foundations had been laid for future discussions.

The new administration held that President Clinton had attempted to negotiate on his time frame and increased tension by seeking a resolution that was not ripe. My sense is that the Bush team was half right. President Clinton had pressed on his time frame but erred by being tardy instead of premature. If pressed two or three years earlier by the Clinton Administration, the Barak approach would have been more sympathically received. And if the Taba framework had been immediately pressed on the parties by the new Bush foreign policy team which was initially so well received in the Arab world, quite possibly a breakthrough agreement could have been made.

Two opportunities for resolution of the Israeli-Palestinian issue, one in this and the other in the prior Administration, were not grasped and this circumstance hangs like dangling fruit to terrorists the world over.

The major U.S. foreign policy concern in the region must be resolution of the Israeli-Palestinian issue. All administrations at all times must dedicate themselves to this challenge. In this context, the need to achieve peace between Israel and the Palestinians is of far greater significance than waging war with Iraq. Whether we like it or not, whether it is fair or rational or not, we are simply in a far better position to deal in whatever way we choose with Iraq after an Israeli-Palestinian settlement. It is a far less favorable circumstance if we attempt to deal with Iraq beforehand.

Some contend that Israel is in a far stronger strategic position if the United States quickly and successfully disarms Iraq. This may be the case. But no country carries greater risks during the conflict and in its aftermath than Israel if intervention proves messy, if Iraq is able to unleash an attack on Israel.

In the Middle East, there are two sets of value scales. From a Western perspective, the case for creating and protecting the state of Israel because of the history of pogroms and the Holocaust is compelling. From a Muslim perspective, an argument can be made that Arab peoples have a historical claim to parts of the Holy Land and its holy places and no responsibility for the Holocaust. The challenge is to take these juxtaposed value systems and reach a reconciliation both sides can respect and live with on a long-term basis. My sense is that somewhere around the points laid on the table at Camp David and Taba there is a basis for a credible resolution, but it is very doubtful given the current state of enmity and distrust between the parties between the parties that slow-paced, partial steps can lead incrementally to a larger vision of peace and accommodation.

Nation-building was used pejoratively during the last campaign, but America has no choice but do more ourselves and to press our allies much more forthrightly for assistance to Afghanistan, a country in which we effected a constructive change of government. For all the unfortunate consequences that can sometimes befall policy, we are most fortunate to have a leader in charge that the world can respect. This circumstance, however, may change quickly based on reaction to actions inside and outside of Afghanistan. A U.S. war with a Muslim country will have wide consequences elsewhere, some good, some bad, most unpredictable.

Here it should be noted that there has been relatively little discussion about the commitments, likely to be of a long-term character, that Washington must undertake after a military campaign against Iraq. The term "regime change" does not adequately describe the full scope of what we expect to achieve as a result of a military campaign in Iraq, We would be expected to work with Iraqis, including those outside Iraq, to both develop a new constitutional structrue as well as find credible post-Saddam leadership—leadership that hopefully would share our objectives with respect to the elimination of weapons of mass destruction, development of democratic institutions, etc. We will almost certainly need substantial forces on the ground in order to prevent bloodletting, secure important economic and military assets, and prevent possible Iranian meddling. And although Iraq has substantial oil reserves and therefore a better resource base than Afghanistan from which to assist in financing reconstruction, the costs of humanitarian assistance and rehabilitation could nevertheless be in the billions of dollars.

We lack firm estimates of the domestic cost to the U.S. of a potential conflict. Seat of the pants White House estiamtes range from $100 billion to $200 billion, with the price of oil estimated to rise to perhaps $30 a barrel for some unknown period of time. More recently, the Congressional Budget Office estimated that fighting a war with Iraq could cost the U.S. between $6 and $9 billion a month, with preparing for a conflict and terminating it later adding other $14 billion to $20 billion to the total.

The 1991 Persian Gulf War cost $60 billion in 1991 dollars, with the brunt picked up by our friends and allies, notably the Kingdom of Saudi Arabia, Kuwait and Japan. It is unlikely there will be comparable help in defraying the costs of a military action and any subsequent nation-building in Iraq.

Our war aims with Iraq also need clarification. The goal of the U.S. should not be the total disarmament of Iraq, as some appeared to have call for, but the elimination of his weapons of mass destruction. Disarmament implies that Iraq cannot have an army, a proposition no sovereign state is likely to accept. Indeed, Western policy in the region for decades advocated a balance of power, not vacuum of power. The reason to distinguish the elimination of weapons of mass destruction versus total disarmament is more than theoretical. U.S. policy should be based on establishing a strong unitary Iraq with a professional army accountable to democratic forces. As we proceed toward possible invasion, the goal should be to seek the Iraq army to identify with the United States, not Saddam.

The challenge is to make it clear that our goal is more democracy, prosperity, and the uplifting of Iraqi society, one which can lead the Muslim world with a model of modern democracy and prosperity.

Saddam is a rogue leader, but Iraqis are not a rogue people. Care must be taken to distinguish the leadership from the country itself. No country or peoples are intrinsically evil, though individual leaders such as Saddam can clearly be malevolent.

In historical terms, Saddam is a Stalinist. The case for regime change is real, but the prospect of our demolishing Iraqi society or Saddam blowing up his own country's infrastructure—bridges and oil fields—is not a happy one. Perhaps the prospect of such a catastrophe will lead to regime change precipitated internally, which could be the maximum outcome for all.

In Just War theory, the criterion of right authority determines who is to decide whether or not resorting to war is justified.

Reasonable men and women can agree in a "just war" context on the moral and legal authority of the President, acting with the express authorization of the Congress of the United States, to initiate a police action to enforce international law.

Likewise, reasonable men and women generally ought to be able to agree on the moral and legal authority of the Security Council to authorize the enforcement of UN resolutions requiring a country to abide by international conventions on weapons of mass destruction.

It should be self-evident that while a country like the United States has an obligation to protect its citizens without a formal UN resolution, it is vastly preferable for American strategy to be based on formal international support.

UN support would impress upon Saddam Hussein that he is not just facing a United States Administration, but the will of the world community. Security Council endorsement would bolster American security by helping make it politically possible for others to join in enforcing international law and by undercutting the legal and moral base of those who might object.

In this context, the President is to be commended for taking the case to the United Nations. He is to be commended for endeavoring to reach out to the world community by deciding that the United States should rejoin UNESCO. He is to be commended for laying out the challenges Iraq poses to the world community and to the region. He is further to be commended to bringing his case to the Congress.

Words matter. Care must be taken in their use. Words lead to processes that sometimes make careful judgments difficult to obtain. At this time, for instance, the case for regime change is powerful. But this does not necessarily mean that urgency for military intervention, even with UN authorization, is compelling. There have been too many instances in history where leaders have boxed themselves in with words, and when actions tied to words may cause, domino fashion, further actions to transpire which might not be contemplated or warranted by the initial statements made.

Utterance restraint is an attribute that has received less attention and less approval than should be the case in statesmanship. In this context, the unintended consequence of describing countries as evil and personalizing strategic doctrines must be recognized.

In Vietnam, for instance, the basis for our engagement stemmed more from a domino theory of decision-making than the more widely discussed domino government-toppling potential. When American presidents make statements, policy decisions can result which lead to actions which may not fit the circumstance in which the statement was originally framed.

More recently, in the Balkans, America got involved after giving a series of warnings that if Serbia didn't go along with the Rambouillet Accord, the United States and NATO would intervene. The United States made threats which were not taken seriously by adversaries which led to intervention that might not have occurred if the warnings weren't made. The decisions to intervene was made in part because of a concern about preserving presidential credibility, and the need to make a particular president's words meaningful, despite the fact that few Americans knew the president had made statements in this arena.

In the case before us it is suggested that authorization for use of force may cause others to act in such a way as to make use of force unnecessary. But the greater problem seems to me to be problem of a leader who pushes for authorization and then faces the question of follow through. The logic is force may not be inevitable but its authorization surely makes a decision for restraint difficult.

There is a thin line between the exercise of superpower responsibility and the prospect of superpower folly. The timing, perhaps more than the substance of this resolution is in doubt. Judgment and timing must go hand in hand. It may have been a mistake back in 1991 not to have pursued Saddam because of our assumption that the Iraqi people would come to their senses and replace him. But that failure to act does not necessarily legitimize assumptions that intervention today can legally be carried out in the context of resolutions both Congress and the UN applied a dozen years ago. The greatest legal case against Saddam relates less to Security Council resolutions than his development of biological weapons which contravene international law and jeopardizes the health of the region.

In general, the criterion of last resort has a common sense interpretation in which it functions as a reminder that the resort to violence must be, to a significant degree, reluctant. It enjoins us to make serious efforts at peaceful resolutions of our political problems before going down the path of war. The term "peaceful" is itself open to varied interpretations, but is usually taken to include a comprehensive range of nonviolent methods that may involve "coercive diplomacy," including sanctions of an economic and political character.

The principle of proportionality evaluates the effects or ends of war. In this regard, proportionality is "counting the costs" or cost-benefit analysis. In just was theory this principle insists that there be due proportion, that is, less evil following from acting rather than not acting in the manner contemplated. War is not justifiable if it will produce more death and destruction that it prevents. Understood properly, proportion has the potential for overriding just cause.

Although Iraq is clearly a menace, there is little evidence to suggest that it poses a direct and immediate threat to the vital interests of the United States sufficiently grave as to lead to no other credible alternative to war. As former NATO commander General Wesley Clark testified before congress, "There is nothing that indicates that in the immediate—the next hours—the next days—that there is going to be nuclear missiles put on launch pads to go against our forces or our allies in the region. And so I think there is, based on all the evidence available, sufficient time to work through the diplomacy of this."

Former National Security Advisor Brent Scowcroft argued this summer in the Wall Street Journal, that Saddam's strategic objectives appear to be to dominate the Persian Gulf, to control oil from the region, or both. This clearly poses a real threat to U.S. interests. But there is little hard evidence to suggest Saddam has close ties to al-Qaeda, and even less to the 9/11 attacks. Given Saddam's psychology and aspirations, Scowcroft considers it unlikely that he would be willing to risk his investment in weapons of mass destruction by handing them over to terrorists who could use them for their own purposes "and leave Baghdad as the return address." Saddam, Scrowcroft suggests, seeks weapons of mass destruction not to arm terrorists, but to deter us from intervening to block his aggressive designs.

In addition, as of this moment, with current sanctions in place and the Security Council contemplating reintroducing weapons inspectors under existing of new UN resolutions, it cannot credibly be claimed that America or the world have exhausted non-violent alternatives.

I accept in principle that military intervention against Iraq might be considered legitimate law enforcement under just war doctrine. What I do not accept is that it is justified at this time because of the disproportionately horrendous consequences such action may precipitate.

The reason I am doubtful relates less to the risks to American national interests which accompany intervention in the Muslim world, as real and as large as I believe them to be, but principally because of the risks invasion may pose to civilization itself.

As I have listened to various proponents, the efficacy of military intervention is based on the assumption that a cornered tyrant will not initiate the use of weapons of mass destruction, providing the U.S. and others the opportunity to destroy or otherwise seize effective control of such weapons before Baghdad can issue orders to strike.

This assumption may represent the most dangerous intelligence estimate and the frailest tactical assumption in human history.

What is known is that Saddam Hussein controls tons of biological agents. What is known is that he is attempting to develop a nuclear explosive device, and while it is unlikely, it is conceivable he may control such a weapon today. Even if we assume our intelligence to be correct and his nuclear capacity is yet to be achieved, we can be sure he has a BW capacity, portable and hidden. We know he has the means of delivery.

Therefore, intervention assumes Saddam's delayed contemplation of BW usage. But what if Saddam is prepared to use BW immediately? What if he seeks wider Arab support by attempting to engage Israel? And what if Israeli leadership responds proportionately, perhaps disproportionately?

If biological agents are released in Haifa or Tel Aviv, the prospect of a nuclear response is not remote. American troops could be caught in the crossfire and crosswind of two sets of weapons of mass destruction coming from different sources, each equally dangerous. Is not the next 6–8 weeks the most dangerous in the history of the region?

Before any strike, it would seem to me the U.S. must know the location of every biological weapon cache in Iraq and have a clear plan and capacity to destroy or control these weapons within minutes of the initiation of military action. Absent that capability, military intervention would be based upon inadequate intelligence and a potentially catastrophic misjudgment of intent.

The risks are extraordinary. However, it is suggested that as large as the risks are today, they will be graver in subsequent years. Surely, it is said, we cannot allow Saddam's weapons of mass destruction to deter the United States from taking necessary action.

This line of argument has substantial merit. But it does not necessarily provide a compelling rationale to intervene today. The reason it doesn't is because of a lack of understanding of the danger of biological agents. Pounds or ounces of biological agents, such as plague or anthrax, can be devastating. Saddam Hussein controls tons. Given these quantities, adding more does not make him that much more dangerous.

While a shield may be technologically feasible to develop to shoot down a missile that leaves the earth's orbit, there is no such thing as a biological shield. Delivery systems can be rudimentary and multi-faceted.

The coming conflict with Iraq is not only symptomatic of the problem of terrorism but arguably stands as the most difficult confrontation in world history. If biological weapons through usage are legitimized as instruments of war, the survival of man is in desperate jeopardy. While the Middle East contains many conflicts rooted in differing approaches to faith, the Iraq issue is fundamentally different. It has far more to do with the conjunction of science and despotism than a clash of civilizations.

The reason the United States led the world community in the development of the Biological and Toxin Weapons Convention in the 1970s to prevent the development, production, and stockpiling of biological weapons is that we came to the conclusion not only that the use of biological weapons could jeopardize society itself but we also decided that even experimenting with these weapons was too dangerous in the world's most sophisticated scientific community. It is a public health trauma of unprecedented proportions to stockpile these agents, let alone use them in war.

In this context, the case that Iraqi leadership is lawless is compelling. And the case for lawful regime change is real. But we are courting unprecedented danger to the American national interest and the existence of the state of Israel to move from a policy of containment and deterrence to a policy of military intervention that may actually precipitate usage of such horrendous weapons of mass destruction.

Based upon the mendacity of leadership in Iraq, it is hard not to provide our President with full discretionary support. The problem is that this resolution contemplates an act of war of unprecedented consequences. The logic of its words leads to consequences too awful to contemplate. I must vote no.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentlewoman from Oregon (Ms. HOOLEY), a member of the Committee on the Budget.

Ms. HOOLEY of Oregon. Mr. Speaker, the September 11 attack claimed the lives of thousands of Americans, and dozens more have perished in our war against terrorism. Just yesterday, a U.S. Marine was killed in Kuwait by al Qaeda-trained terrorists. According to press reports, our Marine was killed in a supposedly secure area, and Kuwaiti authorities are baffled over how the terrorists were able to carry out their murder.

I bring up the death of this Marine because it should serve as a reminder that there are no guarantees in war. We must think through the consequences of a war in Iraq and get answers to our questions. Because if we do not ask the tough questions now, in a few short weeks, while Americans are comfortably at home doing their last-minute holiday shopping, hundreds of thousands of our troops are going to be deployed to another combat zone. That, in turn, makes each and every one of us taking part in this debate responsible for our national security and the welfare of our troops.

This vote is undoubtedly one of the most important that many of us will ever cast. This is not a vote on whether the President of the United States should be able to broaden our war against terrorism to include Saddam Hussein. It is a vote on whether now is the best time to attack, given that we do not yet have a new U.N. Security Council resolution or the support of our closest friends and allies in the international community. It is a vote on whether now is the best time to attack given that we have not used the full weight of our economic and diplomatic might to avert a war. It is a vote on whether we proceed with war when we have not determined what its objectives are, how long it will last, how much it will cost, or what kind of a regime will be set up afterwards.

This is not Desert Storm, where Iraq invaded Kuwait, where we had clear goals and the support of the international community, and we only paid about 10 percent of the cost of that war.

Mr. Speaker, I would not raise any of these questions if Congress had been informed that Iraq posed an imminent threat to the security of the United States. We have not received that information. And I have many more unanswered questions, such as: How will the war affect our economy? How will the war affect our homeland security? What happens to international cooperation in our hunt for terrorists? What happens if Iraq lashes out at Israel? Are we prepared to recast our military as an army of occupation for the entire Middle East?

I am raising these questions because they are the same ones posed to me every weekend back in Oregon. While there has been a lively debate on this resolution, it has been far from persuasive. Nobody seems to have the answers. And, trust me, I have tried, through briefings, through talking to experts, through going through classified materials. At this time, I cannot go home with a clear conscience and explain why I voted to broaden this war with so many questions left unanswered.

So I will oppose the resolution. And for those who have committed themselves to voting for this measure, please consider asking these tough questions. It is easier to ask questions before we go to war, not after we commit ourselves and our young people to battle. When we have received answers to our questions, and when we have received assurances that we have tried everything, and that the only way left to nullify Iraq's threat to our national security is military action, only then would I vote to use force.

We do not have the answers to the questions. We do not have those assurances, and so I will vote "no" and urge my colleagues to do the same.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD), a spokesperson really for justice.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I thank the distinguished gentleman from New Jersey for yielding me this time.

Mr. Speaker, I join with my colleagues on both sides of the aisle in this historic debate with some trepidation and troubled feelings. I have been marshaling views, like many of my esteemed colleagues, not only to contribute to this dialogue but, more poignantly, to try to make sense of what lies ahead for our great country.

Each Member has been consumed with this very critical issue. I am sure that none of us wants a war, as we know its great cost in human capital. Therefore, we must go the extra mile necessary to exhaust all possibilities before America commits to force. That is why this debate is so critical. And the implications of our decision that follows will have such portent, not only for us but also for the parents of the young men and women whom we ask to make perhaps the greatest sacrifice.

Until this past weekend, I was quite undecided as to how to respond to the President's insistence on moving against Iraq, and I took particular notice of the open-ended nature of the original draft resolution. Now, as the result of ongoing discussions with the leadership of the House and Senate, he has thought twice in seeking unilateral authority. Instead, this revised resolution allows for a preemptive use of force against Iraq and for his reporting to Congress after the fact. In short, Mr. Speaker, more questions were raised in my mind than answers given.

In the past, I have voted to support legislation designed to protect America's security. After 9–11, I was a clear and avid supporter of many pieces of legislation to support the President. Thus, I believe it is clear to all observers that I am a woman of conscience and not afraid to go on record when this Nation is faced with a clear and present danger to our way of life, our liberties, and our security.

I too believe that the world is dealing with a tyrannical dictator in Iraq and that he should not be allowed to terrorize neighboring states nor his own citizens. Saddam Hussein must and should be stopped. But how? What is the best and most appropriate way to contain him and destroy his unbridled power? Is it by having the U.S. go alone to confront this geopolitical problem that has a far-reaching impact on the entire world?

That is why this debate needs to be thorough and public, Mr. Speaker. We must look at the long-term domestic and international consequences and policy implications of intervening in Iraq. Before a declaration of war can be proclaimed, there must be an accounting of the cost both at home and abroad.

In his talk to the American people this past Monday, the President upped the ante, so to speak, and I, for one, was pleased to hear him say that war is the last resort. We must not forget that we are already fighting a war in Afghanistan and are deeply obligated to help bring security and reconstruction to that country. The costs are great, more than $1 billion a month. Can we continue to meet such expenditures? How long will our commitments continue there? Can we afford to fight two wars? What is the exit strategy after we go into Iraq when there is none in place for Afghanistan as yet?

Mr. Speaker, many of my constituents have overwhelmingly called me to let me know they do not stand for having their sons and daughters go to war and return home in body bags until all possible diplomatic avenues have been exhausted. They want to see us, the political leaders of this great country, commit ourselves to working with the United Nations in every conceivable manner to exercise international action against a tyrant in Iraq. They want to see us enter into a rigorous international alliance under the U.N.'s banner to force the dismantling of Iraq's massive weaponry through a comprehensive inspection system.

The American people are not fools. They know that war with Iraq inevitably will mean that their domestic priorities would suffer from a lack of attention and resources. Our unfinished business on health care, prescription drugs, welfare reform, and a faltering economy, due in large part to corporate greed and malfeasance, and the President's top tax cut, would remain on the back burner.

□ 0000

I agree that Iraq has carried out regression on its own people and has not met its obligations under the U.N. resolutions.

Mr. Speaker, I will not be supporting this resolution.

Mr. ISSA. Mr. Speaker, I ask unanimous consent to yield 40 minutes to the gentleman from New Jersey (Mr. PAYNE), and ask that he may control that time.

The SPEAKER pro tempore (Mr. SHUSTER). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from California for yielding me the additional time. We appreciate the cooperation from the other side.

Mr. Speaker, I yield 5 minutes to the gentleman from Washington (Mr. BAIRD), a member of the Committee on Transportation and Infrastructure.

Mr. BAIRD. Mr. Speaker, the Constitution of the United States reserves to the Congress of the United States the authority to declare war. That is as it should be, for no more weighty matter confronts a nation, and it is fitting in a Republic that a decision such as this be made by the people's representatives.

Let us be clear. Saddam Hussein is a dangerous, malicious dictator. He has committed multiple atrocities, both towards his own people and others in the Middle East. He has refused to comply with U.N. resolutions or to allow weapons inspectors to fully identify and destroy his arsenal of chemical, biological and potential nuclear weapons. He has circumvented economic sanctions and has spent money from oil sales on weapons systems and personal luxuries for himself and his political cronies, rather than on the Iraqi people.

Given those facts, I believe we must increase the pressure on Iraq and insist on expanded weapons inspections with much greater resources and no restrictions. This should be done through a multinational effort coordinated through the United Nations and with the support of allies and other nations throughout the world.

The United States is absolutely right to insist on this and to take the lead in this effort. With international support, the United States stands the greatest chance for a successful outcome; and if military intervention is necessary, the number of casualties will be reduced and the regional repercussions will be lessened.

That is why I will support the Spratt amendment authorizing the President to seek international support for expanded inspections; and if Saddam Hussein refuses to comply with such inspections and an international coalition exists, the President would be authorized to commit U.S. military resources under U.S. command.

If, however, it is not possible to achieve a multinational coalition, in those circumstances the risks, the costs, and the international implications of a unilateral attack will be far more severe. Such an attack may be necessary, but before taking that step, the President should return to the Congress, explain why agreements have not been reached. And if in his judgment force is still necessary, he should, consistent with Article I of the Constitution, seek the authorization of the Congress for military force.

Throughout the discussions of war with Iraq, I have asked fundamental questions: What threat is posed by Iraq now and in the future? What is the military strategy for reducing that threat? What will the cost of that strategy be in human casualties on all sides? What are the international implications and potential regional scenarios that might be developed, and what is our long term strategy for the region?

I believe the first question has been answered. It is apparent that, while the threat to our own Nation may not be imminent, if allowed to go on Saddam Hussein will eventually develop even more dangerous weapons. Beyond that, however, the remaining questions have not been fully addressed. For each of the issues I have raised, and many others have as well, the potential risks and costs would be dramatically greater if the U.S. acts unilaterally rather than in a multinational effort.

Even some of our strongest allies have indicated they would not support us militarily or financially if we go it alone. Yet the risks, costs and consequences of unilateral action have not been adequately explained to the American people. Whatever course is chosen, I believe we will not solve the problem of international terrorism or weapons of mass destruction solely by attacking Saddam Hussein or solely through the broad use of military force. I understand well the impulse and the desire to do something and do it now to reduce the threat and fear created by September 11, and I believe it may yet be necessary to disarm Saddam Hussein, but we must all recognize that there is no course of action without risk or that we will eliminate all risk in the future.

Ultimately, we must look at the source of international conflicts; and we must work to reduce the perceptions and the real conditions that allow terrorists and others to foment hatred toward our Nation. If we do not understand and deal with how our actions are perceived internationally, we will run the risk of defeating Saddam Hussein only to foster new threats and new hatreds elsewhere.

We can and must dedicate ourselves to the battle against terrorism, and we can and must hope the pressure applied to the Iraqi regime will bring about change and greater security. But as we seek that end, we must not neglect the challenges we face here at home; and we must not neglect our responsibility to address those challenges with honesty, forthrightness, and a sense of justice, fairness and a sense of shared sacrifice befitting a truly great Nation in times such as these.

The President of the United States and all Members of Congress have dedicated their hearts, minds and souls to protecting the safety and well-being of the American people. There are legitimate differences about how to achieve that in these times; but whatever the result of this vote, let no one question the motives, the courage, or the patriotism of those who will make this fateful decision.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. BARRETT), a member of the Committee on Energy and Commerce.

Mr. BARRETT of Wisconsin. Mr. Speaker, President Bush spoke on Monday night about the many threats Saddam Hussein poses to international security and why the President believes he should have the authority to launch a preemptive, unilateral attack on Iraq to force a regime change in that nation.

While I respect the President and his sincerity in seeking this authority, I am not convinced that such an attack is in the best interest of our Nation.

We all agree that Saddam Hussein is a dangerous man, yet that is not the topic under discussion here tonight. We are debating whether a unilateral military invasion is the best way to address the threats posed by Iraq. I must vote no on this grave issue because I am not persuaded that a preemptive, unilateral attack is the most effective way to control Saddam Hussein.

I agree with President Bush that the United States, in conjunction with our allies in Europe and the Middle East, must make a new effort to readmit a weapons inspectors into Iraq. A new inspection policy must give U.N. personnel unfettered access to any and every facility and have the ability to conduct unannounced surprise inspections. This new effort needs the full and vigorous cooperation of the U.N., NATO and nations in the Middle East. A united front is essential to success, and the international community must join the U.S. in enforcing U.N. resolutions.

As we survey the international community, however, nations in Europe and the Middle East, including key allies, range from lukewarm to downright hostile to the idea of launching a solo strike against Iraq. Many nations would react negatively to such an action, viewing such a preemptive U.S. attack as overly aggressive.

The world's response to our attack could easily include a global anti-American backlash, severely hampering our ability to fight the war on terrorism, build security and peace in the Middle East, and protect vital U.S. interests. We must not forget that the war on terror requires the support and cooperation of our key allies in the Middle East, Europe and around the world. We rely on these nations to root out terror cells within their borders and share with us important information.

We must also remember that since the end of the Gulf War the U.S. has kept a close eye on Iraq. We have maintained a strong military presence in the region, imposed sanctions, conducted thousands of military flights over no-fly zones, and focused our intelligence community on Baghdad. We have made clear that any misbehavior by Saddam would be met immediately by overwhelming force. As a result of our deterrence, Saddam Hussein has not attacked Saudi Arabia, Israel, Kuwait or others since the Gulf War because he knows that such a move would bring the full weight of the U.S. and the world upon him. His desire to cling to power supersedes his hunger for conquest.

If we strike first, we change that dynamic. Knowing his survival would be at stake, Saddam would have a powerful incentive to use every weapon in his arsenal to defeat American troops. He might target Israel, hoping to fan the flames of conflict between Israel and the Arab world to create chaos in the region.

I am concerned that our preemptive unilateral strike would trigger the very events we hope to avoid: regional war, rampant instability, and use of weapons of mass destruction.

We also must recognize that a preemptive unilateral attack against Iraq would represent a major shift in American diplomatic and strategic thinking.

□ 0010

For nearly 50 years we relied upon deterrence to check upon Soviet expansionism. Deterrence brought us victory in the Cold War without having to fight a hot shooting war under the shadow of nuclear annihilation. That same strategy has kept Iraq at bay for more than a decade.

Now that doctrine is on the verge of being discarded. The potential consequence of such a shift in strategic thinking includes an emboldened China moving against Taiwan, Russia acting aggressively against the nations of her former empire, and India and Pakistan attacking each other with nuclear weapons.

There are several other critical questions to which we have heard very few answers. We must have a clear plan on how an attack on Iraq would transpire, including identifying our military options, determining our strategy to change the regime, calculating the potential casualties, and estimating how much an operation would cost and how it would be funded. We must also see a plan to build democratic and free market institutions in a post-Saddam Iraq. History teaches us that how we win the peace is just as critical as how we win war. Thus far these critical issues have received scant attention.

The international community has an important obligation to ensure that Saddam Hussein cannot repeat the aggression of his past; and as the world's most powerful country, we have a commitment to lead. Through U.N. inspections, continued monitoring, and increased scrutiny of Bagdad we can meet that responsibility. We cannot, however, move in a unilateral manner that could jeopardize the peace and security of the Middle East if not the world. I must vote "no" on H.J. Resolution 114 and urge my colleagues to do the same.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. SCOTT), one of our top constitutional lawyers in this House.

Mr. SCOTT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, if our goal is to disarm Iraq, I believe the best way to accomplish that goal would be to utilize the strategy articulated a few weeks ago by Secretary of State Colin Powell, that is, to reinstate, utilizing established rules and supported by multilateral military force if necessary. This policy has the best chance of working, and it has the support of the international community. If military force is needed to enforce the inspections, it will be targeted, focused, and not requiring a massive invasion force. It will be unlikely to provoke widespread warfare all over the Middle East; and it is just as likely to fulfill the goal of disarming Iraq as widespread bombing.

If on the other hand we merely start dropping bombs, how do we even know where to bomb if we have not inspected first? If we do know where the weapons are, those locations can be placed first on the inspection list, and if there is any resistance to the inspection, multilateral military force could be targeted on those sites.

But today we are discussing a resolution authorizing the use of force before the inspectors have even had an opportunity to do their jobs. This resolution represents the last opportunity for Congress to have a meaningful input in the decision to go to war, and unfortunately there are many problems and unanswered questions with granting this authority now.

The first problem is that although the resolution suggests that the President first try to work with the U.N., that provision is unenforceable. This is a problem especially because the President has already stated that he did not need the United Nations, and this resolution allows the President to just notify Congress that, based on the authority granted in this resolution, he has decided to attack Iraq. Furthermore, the broad authority granted in this resolution is inappropriate because of the timing of this vote, less than a month before the election.

Twelve years ago under the first President Bush, the vote to use military force in the Persian Gulf was taken after the election. The timing of this resolution also raises questions because there is nothing shown to be urgent about the situation in Iraq. If the President discovers that the U.S. is in imminent danger, he is already authorized to defend the Nation and no one would expect him to wait for a congressional resolution. If the argument is that the urgency was created a year ago on September 11, the evidence supporting the connection between 9–11 and Iraq is at best tenuous.

In addition to these problems, granting the authority in the resolution is premature because many questions are unanswered. For example, what plans have been made for the governance of Iraq after we win the war? And what chance is there that a regime change will create any better situation than we have now? And to the extent that Iraq has chemical and biological weapons, is it a good idea to invade Iraq and place our troops right in harm's way? And what will the war cost, and how will we pay for it?

Eighteen months ago we had the largest budget surplus in American history. Today even without the cost of a war, we are approaching the largest deficit in American history with huge deficits already projected for the next 10 years. So what is the plan to pay for the war? Are we going to cut funds for education and health care? Are we going to raise taxes, or will we just run up additional deficits? And what will the domino effect be? If we attack Iraq, Iraq may attack Israel, Israel will attack back, and then everyone in the Middle East will choose sides, and how will that make us better off than we are now?

If we are to make progress against terrorism, we have to recognize that hate is as big an enemy as complex weapons. That hatred may increase because others will resent the fact that we have chosen to apply rules to others that we are unwilling to have applied to us. We would not tolerate applying regime change to the United States, nor would we accept preemptive strikes as an acceptable international policy. The CIA has now reported that the chance that Iraq will use chemical or biological weapons has actually increased since all of the talk about a war began.

Mr. Speaker, all of these problems persist and questions remain unanswered, and they lead to the same basic uncertainty. What is the plan both before and after the war and what are the consequences? Some have argued that a vote against the resolution is a vote to do nothing. That is not true. We should act, but based on the information we now have, I believe the wisest course is to proceed with the strategy proposed by Colin Powell, and that is U.N. weapons inspections in Iraq enforced with multilateral military power. That strategy has the support of the international community. It is most likely to actually disarm Iraq; it does not require a massive unilateral invasion force; and it reduces the risk of provoking widespread armed conflict in the Middle East and terrorism in the United States.

I therefore urge my fellow Members to vote against the resolution.

Mr. Speaker, these votes on the Iraq resolution pose difficult questions for all of us. A large part of the difficulty is caused by the Administration's inconsistent policies on what we should do, when we should do it, and whose approval we need. Not many days ago, the Administration articulated the policy that it could proceed unilaterally, without U.N. support, and without Congressional approval, to attack Iraq, with a preemptive strike, without the necessity of an imminent threat to the United States, for the purpose of "regime change". On one recent Sunday, Vice President CHENEY and Secretary of State Powell articulated inconsistent descriptions of the Administration's policy. This resolution, which the Administration is now supporting, repudiates the initial Administration policy by requiring the Administration to seek both U.N. cooperation and Congressional approval. Last weekend, the Boston Globe began an article on the Administration's position on Iraq with the sentence "As administration officials struggle to reach an agreement with U.S. allies about Iraq, President Bush has been shifting his rhetoric in favor of less aggressive language that emphasizes disarming Saddam Hussein rather than ousting him." So because of these constant changes, formulating a response to the Administration's position has been difficult.

The first question we must address is this: what is the goal? If the goal is to disarm Iraq, I believe that the best way to accomplish that goal would be to utilize the strategy articulated a few weeks ago by Secretary of State Powell: reinstate U.N. inspections, utilizing the established rules, supported by multilateral military force, if necessary. This policy has the best chance of working. At a minimum, it is an important first step. And it has the support of the international community. If military force is needed to enforce the inspections, it will be targeted, focused and not requiring a massive invasion force; it would be unlikely to provoke widespread warfare all over the Middle East; and it is also just as likely to fulfill the goal of disarming Iraq as widespread bombing.

If, on the other hand, you merely start dropping bombs—how do you even know where to bomb, if you haven't inspected first? If you do know where the weapons are, those locations could be placed first on the inspection list, and if there is any resistance to the inspection, multilateral military force could be targeted to those sites.

But today we are discussing a resolution authorizing the use of force, before inspectors have had an opportunity to do their jobs. Unlike the first Administration resolution offered a few days ago, this resolution does require the President to cooperate with Congress and to try to work with the U.N. This resolution is not as broad as the previous draft. It is limited to Iraq, not the entire Middle East, but it still gives the President the authority to attack, if *he* determines it to be necessary and appropriate.

This resolution represents the last opportunity for Congress to have meaningful input in the decision to go to war. And unfortunately there are many problems and unanswered questions with granting this authority now.

The first problem is that although the resolution suggests that the President try to work with the U.N., the provision is unenforceable. The President merely has to notify Congress, if he chooses to launch an attack. If we are truly interested in making sure that the President fully exhausts diplomatic efforts before using force, then the resolution should not authorize a military attack without a subsequent statement from Congress.

There is a consensus in the United States that we should work with the U.N. to the extent possible. But after this vote, Congress will have no opportunity to require meaningful efforts to seek cooperation with the U.N. This is a problem especially because the President has already state his disdain for the U.N. by saying at first that he didn't need the U.N., and when he finally sought U.N. support, he implied that if they failed to support the United States, he would proceed to attack without them. Furthermore, the Administration is now insisting on new, unprecedented rules for inspections, a position which may provoke Iraq into resisting the inspections and creating an unnecessary impasse at the U.N. A more prudent strategy would be to require the President to come back to Congress and explain that he made the good faith effort to work with the U.N.—rather than allowing the President to just notify Congress that based on the authority granted in this resolution, he had decided to attack Iraq.

Furthermore, the broad authority granted by this resolution is inappropriate, because of the timing of this vote—less than a month before the election. This problem is magnified by the fact that nearly all of the President's statements on the need for this resolution have been made at partisan political fundraisers, where he attacks Democratic officeholders. Twelve years ago—under the first President Bush—the vote to use military force in the Persian Gulf was taken after the election. That would be a good model to follow, because then members voted without the interests of personal political considerations competing with the national interests.

The timing of the vote on this resolution also raises questions because there is nothing urgent about the situation with Iraq. We have the same information now that we had 2 years ago. For example, we have known that Iraq has had the capability to build biological and chemical weapons for years; in fact we know this because they bought some of the materials from the United States. Furthermore, no case has been made that there is an imminent threat to the United States. So why is it essential for the President to have the authority to attack Iraq now? If the President discovers that the United States is in imminent danger, he is already authorized to defend the nation, and no one would expect him to wait for a Congressional Resolution. So what is different now? If the argument is that the urgency was created a year ago on September 11th, the evidence supporting the connection between 9/11 and Iraq is at best tenuous. So what is the urgency to authorize force right before the election?

Another problem with the broad authority granted in the resolution is that this issue appears to be personal for the President. He admitted as much when he described Saddam Hussein as "the man who tried to kill my Dad." The United States should not go to war to settle a personal vendetta.

In addition to these problems, granting the authority in the resolution is premature because many questions are unanswered. For example, if the President uses the authority granted in this resolution and attacks Iraq, what plans have been made for the governance of Iraq after we win the war.

And what chance is there that a regime change will create any better situation than we have now. We cannot forget that the United States was involved in the regime change in Cuba in which Batista was kicked out and we ended up with Castro. So why isn't it likely that Iraq will select someone who hates us even more than Saddam Hussein.

And other questions need to be addressed, such as, to the extent that Iraq has chemical and biological weapons, is it a good idea to invade Iraq and put our troops right in harm's way. "And what will the war cost and how will we pay for it? There is no question that we are willing to pay whatever it costs to be successful in the war, but we can't ignore the questions of "how long" and "how much money." Eighteen months ago, we had the largest budget surplus in American history. Today, even without the costs of a war, we are approaching the largest deficit in American history, with huge deficits projected for the next 10 years. The direct costs of the war have been estimated at $100 billion; the indirect costs, such as higher oil costs, have not even been estimated. And so, what will we be giving up in terms of being able to fund education and health care and other needs here in the United States? Or is the plan to raise taxes? Or is the plan to just run up more deficits?

What will be the domino effect? If we attack Iraq, Iraq will attack Israel, Israel will attack back, and then everyone in the Middle East will choose sides. How will that make us better off than we are now, especially in our fight against terrorism?

And in the end, what will we have won? In making progress against terrorism, we have to recognize that hate is as much of an enemy as complex weapons. The weapons used to cause mass destruction on 9/11 were boxcutters. Firearms and explosives are easily available in the United States and can be used against buildings or modes of transportation. If the result of the war is that others hate us worse than they do now, then we have to understand that suicide bombings in the United States may increase.

Moreover, that hatred may increase because others will resent that we have chosen to apply rules to others that we are unwilling to have applied to us. We would certainly not tolerate another country applying "regime change" to the United States. And we would never approve of preemptive strikes when there is no imminent threat as an acceptable international policy. Recently, the Administration threatened Iraqi military personnel with trials as war criminals; but the U.S. policy is not to subject our personnel to the jurisdiction of international criminal tribunals. The CIA has now reported that the chance that Iraq will use chemical or biological weapons has actually increased since all of the talk about war began.

Mr. Speaker, all of these problems persist and questions remain unanswered, and they lead to the same basic uncertainty—what is the plan, both before and after the war, and what are the consequences. Some have argued that a vote against the Resolution is a vote to do nothing. That is not true. We should act, but based on the information we have now, I believe the wisest course is to proceed with the strategy proposed by Secretary of State Powell—U.N. weapons inspections in Iraq enforced with multilateral military power. That strategy has the support of the international community; it is most likely to actually disarm Iraq; it does not require a massive, unilateral invasion force; and it reduces the risk of provoking widespread armed conflict in the

Middle East and terrorism in the United States.

I therefore urge my fellow members to vote against this resolution.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from Washington (Mr. INSLEE), a member of the Committee on Financial Services.

Mr. INSLEE. Mr. Speaker, at its heart this debate tonight is not about Saddam Hussein. That debate is finished. We know that he is a tyrant and a thug. The debate tonight is about what our vision of America in this new age of new threats should be, and the one thing we should all agree on is America is the greatest Nation on Earth because it has always hued to certain principles. It has always matched the might of its Armed Forces with the force of its principles. It has never resorted through trial and tumult and storm to shortcuts even in times of difficulty.

And there are three principles that we should think about tonight: number one, it is an American principle that we engage the international community in a system of mutual security and international law; number two, it is an American principle that countries do not engage in first strikes absent international accord or truly imminent threat; number three, it is an American principle that the United States Congress is the group that makes the declaration of war. And unfortunately, Mr. Speaker, this resolution violates every single one of those basic tenets of American democracy.

They have put some legislative lipstick on it. They put some nice fuzzy language around it. But ultimately it violates this rule: no Congress should give any President a blank check to start a unilateral, ill-timed war, to let him start a war for any reason at any time with or without any allies. And in doing so, these principles are violated.

Let me address the first one, the basic principle that America stands for international cooperation, and this has been a bipartisan principle for decades in this country. Republican and Democratic Presidents alike have worked with the international community to develop international law, international support systems; and we have led the Nation in doing so.

□ 0020

We have led the Nation, because a world where countries can strike one another without international support, without a true imminent threat, is a law of the jungle. This Nation, even in today's threat, should lead the world forward to international law, rather than backward to the law of the jungle.

This concept is more important after September 11 than less, and it is more important because of what the generals have told us, General Hoar, General Zinni, General Clark. We need to heed their advice, because what they have told us is simple and alarming.

They have told us that if we engage in a unilateral attack in the Middle East, it has the capacity of supercharging Osama bin Laden's recruitment efforts. There is no victory in the destruction of one tyrant while breeding 10,000 terrorists. It is true that a unilateral attack that inflames the Middle East has the capacity of reducing our security rather than increasing it. This violates an American principle.

Second, we have a principle of honoring our troops. We do not owe Saddam Hussein any more time. We do not owe Saddam Hussein anything. But we owe the soldiers and sailors and our sons and our daughters who we would send into the streets of Baghdad the ultimate effort to go the last mile to see if we can resolve the disarmament, and the total disarmament of weapons of mass destruction, before war. We owe our soldiers and sailors to make war the last option, not the first step.

I got a letter from a mother from Wenatchee, Washington, this week making one plea to me that when I took this vote, to say that she understood her son could be involved in a sacrifice at the cause of liberty, but not until every option is exhausted, and every option has not been exhausted. That is why we should pass the separate resolution, which will call for the President to go to the United Nations, get a tough, certain, guaranteed disarmament effort, and get this job done.

Third, we are a people who keep our eye on the ball. We have a principle in this Nation of not becoming distracted, and we do not know why we should take our eye off the ball, off the threat of al Qaeda, which 1 month ago was listed as a high threat of repeated terrorist attacks in this Nation, and go put our precious resources in dealing with what the CIA yesterday said was a low threat of terrorist activities. It does not make sense to the American people to do that.

So for those purposes and those principles, international cooperation, honoring our troops, and keeping our eye on the ball, Mr. Speaker, we should reject this resolution and pass the Spratt amendment. This is the American way.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from Maryland (Mr. CUMMINGS), a member of the Committee on Transportation and Infrastructure.

Mr. CUMMINGS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, this Nation once again considers a course of action that will define our moral standing in the history of free peoples. I agree that America should speak with one voice in response to the challenges to international peace, security, and human rights posed by the regime in Iraq. That voice must be founded on the most fundamental of moral principles: the sanctity of human life.

The value of human life has been the basis for the settled, bipartisan international policy toward Iraq that we in this Congress have expressed in the past. In 1998, Congress reflected a strong, unified voice when we voted to support legislation that noted Iraq's violation of U.N. disarmament demands to eliminate all weapons of mass destruction, as well as their development.

In that same year, we also enacted the Iraq Liberation Act that authorized U.S. support for Iraqi liberation forces in their efforts to replace the Iraqi regime of Saddam Hussein. We did so because Saddam Hussein has proven himself to be a serious threat to regional stability in the Middle East, a growing threat to the United States, and a leader who deserves to be tried in an international tribunal for crimes against humanity. However, we did not authorize the unilateral use of U.S. military forces towards that end.

Neither the American people nor their elected representatives have wavered in our support for the values of human rights, security, international stability, and democracy reflected in those 1998 congressional resolutions.

However, as we consider this resolution, we must not forget one essential fact. As the gentlewoman from California (Ms. PELOSI) of the Permanent Select Committee on Intelligence has concluded, we have seen no evidence or no intelligence to suggest that Iraq indeed poses an imminent threat to our Nation. In the absence of an imminent threat to the United States, I cannot support the resolution proposed by the Bush administration that would authorize preemptive military strikes by the U.S. forces to enforce all relevant U.N. resolutions, some of which deal with issues other than Iraqi weapons of mass destruction.

I agree with the senior Senator from West Virginia, who has observed that the President's proposed resolution is dangerously hasty, redefines the nature of defense, and reinterprets the Constitution to suit the will of the executive branch.

The resolution proposed by the administration would codify the doctrine of preemption, the assertion that America has the unilateral right to attack a nation that has not attacked us. This, in my view, would be a precedent with disastrous consequences. A unilateral first strike would almost certainly result in substantial loss of life, both among American troops and among Iraqi civilians. A unilateral first strike would undermine the moral authority of the United States and could set a devastating international precedent that we could then see echoed in conflicts between India and Pakistan, Russia and Georgia, China and Taiwan, and in many other corners of the world.

In addition, unilateral U.S. action may well destabilize the Middle East, harming the international cooperation that we need to defend America against terrorism.

Experts tell us that the United States might have to remain in Iraq for a decade, a commitment requiring international support and engagement.

Finally, the economic costs of going it alone would undermine the ability of our Nation to address our unmet domestic priorities.

Although this resolution would authorize the President to take this Nation to war, it is not a declaration of war, it is a blank check to use force without the moral or political authority of a declaration of war. Congress must not abandon its authority under the Constitution. This resolution would do just that.

The course of action that is more consistent with the values and security interests of the United States is to support a multinational collective security strategy towards the threats to regional peace and international stability that are posed by the regime in Iraq. The administration has indicated some progress within the United Nations Security Council towards that goal. I join the President in urging all members of the Council to act with due diligence.

I also join in the position advanced by our colleague, the gentleman from South Carolina (Mr. SPRATT), who has proposed that we once again authorize U.S. military support for a renewed and strengthened U.N. Security Council resolution that demands true disarmament by Iraq. This is a threat that the civilized world must face together. The regime of Saddam Hussein, after all, is the world's problem as well as our own.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from Louisiana (Mr. JEFFERSON), a member of the Committee on Ways and Means.

Mr. JEFFERSON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, our Nation is on the verge of opening a new front in the global war on terror. It is a front fraught with peril. It is a front that may send thousands of young Americans, men and women, to uproot a ruthless dictator that has committed unspeakable acts against his own people and wrought havoc on the world.

No decision is more difficult, more wrenching for a U.S. President, the Congress, or the American people than to commit our soldiers and our Nation's prestige to a military conflagration. It is for this reason that we must consider all possible diplomatic and military options short of war.

As noted 19th century French author Guy de Maupassant wrote, "Every government has as much of a duty to avoid war as a ship's captain has to avoid a shipwreck."

Mr. Speaker, I rise today in strong support of the Spratt substitute to House Joint Resolution 114. It offers the best and most certain way to achieve our objectives of disarming Iraq of weapons of mass destruction and the best chance of avoiding a hasty decision to go to war. It is a sensible, prudent approach to managing the use of force by our country.

Eleven years ago, then President George Bush created one of the most impressive multinational coalitions that the world has ever seen. He very wisely determined that it was not in our Nation's interest to act unilaterally to liberate Kuwait.

The Spratt substitute is informed by that experience. It limits the opportunity of our current President for unilateral action to liberate Iraq.

I am pleased that President George W. Bush has engaged the U.N. during the current crisis. I am grateful that he has recognized that our Nation should work with the United Nations Security Council and allow weapons inspections to go forward and this process to occur.

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I am relieved the President said that war is not inevitable. And I am encouraged that he has said that he would give a diplomatic course to disarm Iraq through a U.N. process every chance to work ahead of using force.

Mr. Speaker, the Spratt resolution guarantees the President's stated intentions are made law. As set forth in the Spratt substitute, our Armed Forces should take action only against Iraq only in conjunction with a new U.N. Security Council resolution that calls for the complete elimination of Iraq's weapons of mass destruction.

If the U.N. Security Council resolution is violated or the U.N. does not act, the President would need approval from Congress for unilateral action, and then only after making certain important certifications to Congress. Thus, this vote would occur only if the President has certified that further U.N. action is not forthcoming, force remains the only viable option, a broadbased international coalition is being formed, and the global war on terrorism would not be adversely affected by an Iraqi invasion.

Mr. Speaker, there is no such thing as prudent haste. It is an understatement to say that we should take the time for calm deliberation by the Congress in a proceeding uncomplicated by any question other than whether we should commit to a course of action that may cost a heavy toll in human lives, hundreds of billions of dollars, and the good will of the international community.

I urge support of the Spratt substitute. But what is our course if Spratt is not adopted? What then is the best course for us to address the threat of terrorism and the threat of the use of chemical and biological weapons in the hands of a brutal dictator? What is our best chance to evoke the response from Iraq that will lead to unfettered weapons inspections and eventual disarmament?

With long and careful thought I have come to the conclusion that the leadership of Iraq will only submit to a credible disarmament process based on inspections if it is faced with a credible threat of the use of force. It is the use of force authorization that I pray will never be used. And it is the use of force authorization that should never be used unilaterally. After Spratt, H.J. Res. 114 provides the only remaining prudent chance to stem these new threats of unthinkable horrific terror that our Nation and the world now face, threats that we are now only just beginning to understand. It is a chance that I believe our country through this Congress must commit to take at this time.

Mr. PAYNE. Mr. Speaker, I yield 7 minutes to the gentleman from Massachusetts (Mr. DELAHUNT), who has been a very active Member on this resolution.

Mr. DELAHUNT. Mr. Speaker, I wish to commend my colleague from New Jersey (Mr. PAYNE) for his perseverance. I know he has been here until the wee hours of the morning last night and this evening. And for those of us who oppose the underlying resolution, we are indeed in his debt. And I also want to thank him for his leadership within our caucus, not just simply on this particular issue but on many issues, particularly in terms of the continent of Africa. He is certainly someone who commands our respect.

Mr. Speaker, I think it is important to bring to the attention of the House disturbing reports that have recently appeared in the national press about alleged efforts to tailor intelligence information about Iraqi intentions and capabilities to fill the contours of administration policy. And I wish to note two particular stories from today's Washington Post and yesterday's Miami Herald.

Mr. Speaker, I will insert the articles now in the RECORD.

[From the Washington Post, Oct. 9, 2002]

ANALYSTS DISCOUNT ATTACK BY IRAQ

(By Dana Priest)

Unprovoked by a U.S. military campaign, Iraqi President Saddam Hussein is unlikely to initiate a chemical or biological attack against the United States, intelligence agencies concluded in a classified report given to select senators last week.

However, the report added, "should Saddam conclude that a US-led attack could no longer be deterred," he might launch a chemical-biological counterattack. Hussein might "decide that the extreme step of assisting Islamist terrorists in conducting a WMD [weapons of mass destruction] attack against the United States would be his last chance to exact vengeance by taking a large number of victims with him."

The assessment was first made in a classified National Intelligence Estimate, which includes the analysis and opinions of all relevant U.S. intelligence agencies, that was given to the Senate intelligence committee last week. A declassified "white paper" on Iraq was released days later. At the urging of the committee, which is controlled by Democrats, additional portions of the intelligence report were declassified by the CIA Monday and released last night.

With lawmakers poised to vote this week on a resolution giving President Bush authority to attack Iraq, the new intelligence report offers grist both for supporters and critics of the administration's policy. The CIA assessment appears to suggest that an attack on Iraq could provoke the very thing the President has said he is trying to forestall: the use of chemical or biological weapons by Hussein.

But the CIA also declassified other elements of analysis that seem to back up the President's assertion that Iraq has active ties to al Qaeda—a growing feature of the administration's case for considering military action.

Among the intelligence assessments linking Iraq with al Qaeda is "credible reporting" that the group's "leaders sought contacts in Iraq who could help them acquire WMD capabilities," according to a letter to senators from CIA Director George T. Tenet.

Tenet added: "Iraq's increasing support to extremist Palestinians, coupled with growing indications of a relationship" with al Qaeda, "suggest Baghdad's links to terrorists will increase, even absent U.S. military action."

In his speech to the nation Monday night, Bush said: "Iraq could decide on any given day to provide a biological or chemical weapon to a terrorist group or individual terrorists. Alliance with terrorists could allow the Iraqi regime to attack America without leaving any fingerprints."

The letter's release shed light on a behind-the-scenes battle over Iraq-related intelligence. The CIA's detailed, unvarnished view of the threat posed by Iraq is central, say many lawmakers, to how they will vote on the matter. Yet an increasing number of intelligence officials, including former and current intelligence agency employees, are concerned the agency is tailoring its public stance to fit the administration's views.

The CIA works for the president, but its role is to provide him with information untainted by political agendas.

Caught in the tug of war over intelligence, say former intelligence officials familiar with current CIA intelligence and analysis on Iraq, have been the CIA's rank and file and, to some extent, Tenet.

There is a tremendous amount of pressure on the CIA to substantiate positions that have already been adopted by the administration," said Vincent M. Cannistraro, former head of counterterrorism at the CIA.

Tenet last night released a statement meant to dispel assertions that the letter contained new information that would undercut the case Bush made Monday night.

"There is no inconsistency between our view of Saddam's growing threat and the view as expressed by the President in his speech," the statement read. "Although we think the chances of Saddam initiating a WMD attack at this moment are low—in part because it would constitute an admission that he possesses WMD—there is no question that the likelihood of Saddam using WMD against the United States or our allies in the region for blackmail, deterrence, or otherwise grows as his arsenal continues to build."

In explaining why the items in the letter were not also released before, Tenet said he did not want to provide "Saddam a blueprint of our intelligence capabilities and shortcomings, or with insight into our expectations of how he will and will not act."

Still, he noted, the agency could nevertheless declassify further information not previously disclosed. Included in his letter were snippets of an Oct. 2 closed-door session.

Included in that was questioning by Sen. Carl M. Levin (D-Mich.), in which he asked an unnamed intelligence official whether it "is likely that [Hussein] would initiate an attack using a weapon of mass destruction?"

The official answered: "... in the foreseeable future, given the conditions we understand now, the likelihood I think would be low."

Levin asked: "If we initiate an attack and he thought he was in extremis ... what's the likelihood in response to our attack that he would use chemical or biological weapons?"

The answer came: "Pretty high, in my view."

In his letter, Tenet responded to senators' questions about Iraq's connections to al Qaeda. "We have solid reporting of senior-level contacts between Iraq and Al Qaeda going back a decade," Tenet wrote. "Credible information" also indicates that Iraq and al Qaeda "have discussed safe haven and reciprocal non-aggression."

[From The Miami Herald, Oct. 8, 2002]

DISSENT OVER GOING TO WAR GROWS AMONG U.S. GOVERNMENT OFFICIALS

(By Warren P. Strobel, Jonathan S. Landay and John Walcott)

WASHINGTON.—While President Bush marshals congressional and international support for invading Iraq, a growing number of military officers, intelligence professionals and diplomats in his own government privately have deep misgivings about the administration's double-time march toward war.a

These officials charge that administration hawks have exaggerated evidence of the threat that Iraqi leader Saddam Hussein poses—including distorting his links to the al Qaeda terrorist network—have overstated the extent of international support for attacking Iraq and have downplayed the potential repercussions of a new war in the Middle East.

They charge that the administration squelches dissenting views and that intelligence analysts are under intense pressure to produce reports supporting the White House's argument that Hussein poses such an immediate threat to the United States that preemptive military action is necessary.

"Analysts at the working level in the intelligence community are feeling very strong pressure from the Pentagon to cook the intelligence books," said one official, speaking on condition of anonymity.

VIEWS ECHOED

A dozen other officials echoed his views in interviews with the Knight Ridder Washington Bureau.

They cited recent suggestions by Defense Secretary Donald Rumsfeld and National Security Advisor Condoleezza Rice that Hussein and Osama bin Laden's al Qaeda network are working together.

Rumsfeld said on Sept. 26 that the U.S. government has "bulletproof" confirmation of links between Iraq and al Qaeda members, including "solid evidence" that members of the terrorist network maintain a presence in Iraq.

The facts are much less conclusive. Officials said Rumsfeld's statement was based in part on intercepted telephone calls in which an al Qaeda member who apparently was passing through Baghdad was overheard calling friends or relatives, intelligence officials said.

The intercepts provide no evidence that the suspected terrorist was working with the Iraqi regime or that he was working on a terrorist operation while he was in Iraq, they said.

In his Monday night speech, President Bush said a senior al Qaeda leader received medical treatment in Baghdad this year—implying larger cooperation—but he offered no evidence of complicity in any plot between the terrorist and Hussein's regime.

Rumsfeld also suggested that the Iraqi regime has offered safe haven to bin Laden and Taliban leader Mullah Mohammed Omar.

While technically true, that too is misleading. Intelligence reports said the Iraqi ambassador to Turkey, a longtime intelligence officer, made the offer during a visit to Afghanistan in late 1998, after the United States attacked al Qaeda training camps with cruise missiles to retaliate for the bombings of the U.S. embassies in Kenya and Tanzania. But officials said the same intelligence reports said bin Laden rejected the offer because he didn't want Hussein to control his group.

NO IRONCLAD PROOF

In fact, the officials said, there's no ironclad evidence that the Iraqi regime and the terrorist network are working together, or that Hussein has ever contemplated giving chemical or biological weapons to al Qaeda, with whom he has deep ideological differences.

None of the dissenting officials, who work in a number of different agencies, would agree to speak publicly. But many of them have long experience in the Middle East and South Asia, and all spoke in similar terms about their unease with the way that U.S. political leaders are dealing with Iraq.

All agreed that Hussein is a threat who eventually must be dealt with, and none flatly opposes military action. But, they say, the U.S. government has no dramatic new knowledge about the Iraqi leader that justifies Bush's urgent call to arms.

"I've seen nothing that's compelling," said one military officer who has access to intelligence reports.

Some lawmakers have voiced similar concerns after receiving CIA briefings.

Sen. Richard Durbin, D-Ill., said some information he had seen did not support Bush's portrayal of the Iraqi threat.

"Its troubling to have classified information that contradicts statements made by the administration," Durbin said. "There's more they should share with the public."

Florida's Sen. Bob Graham, chairman of the Senate Intelligence Committee, last week expressed frustration with the information he was receiving from the CIA and questioned the need to elevate Iraq to "our No. 1 threat."

In his Monday night speech, Bush stressed that if Hussein gained control of radioactive material no bigger than "a softball" he could build a nuclear weapon sufficient to intimidate his region, blackmail the world and covertly arm terrorists. But a senior administration intelligence official notes that Hussein has sought such highly enriched uranium for many years without success, and there is no evidence that he has it now.

Moreover, the senior official said, Hussein has no way to deliver a nuclear weapon against a U.S. target.

"Give them a nuclear weapon and you have the problem of delivery. Give them delivery, even clandestine, and you have a problem of plausible denial. Does anyone think that a nuclear weapon detonating in a Ryder truck or tramp freighter would not automatically trigger a response that would include Iraq, Iran, North Korea?" the intelligence official asked.

Here are some other examples of questionable statements:

Vice President Dick Cheney said in late August that Iraq might have nuclear weapons "fairly soon."

A CIA report released Friday said it could take Iraq until the last half of the decade to produce a nuclear weapon, unless it could acquire bomb-grade uranium of plutonium on the black market.

Also in August, Rumsfeld suggested that al Qaeda operatives fleeing Afghanistan were taking refuge in Iraq with Hussein's assistance.

Rumsfeld apparently was referring to about 150 members of the militant Islamic group Ansar al Islam (Supporters of Islam) who have taken refuge in Kurdish areas of northern Iraq. One of America's would-be Kurdish allies controls that part of the country, however, not Hussein.

WALKOVER NOTION

Current and former military officers also question the view sometimes expressed by Cheney, Rumsfeld and their civilian advisors in and out of the U.S. government that an American-led campaign against the Iraqi military would be a walkover.

"It is an article of faith among those with no military experience that the Iraqi military is low-hanging fruit," one intelligence officer said.

He challenged that notion, citing the U.S. experience in Somalia, where militiamen took thousands of casualties in 1993 but still managed to kill U.S. soldiers and force an American withdrawal.

Iraqi commanders, some officials warned, also could unleash chemical or biological weapons—although the American military is warning them they could face war crimes charges if they do—or U.S. airstrikes could do so inadvertently.

Hussein also might try to strike Israel or Saudi Arabia with Scud missiles tipped with chemical or biological weapons.

Mr. Speaker, the Herald story states, and I am quoting now, "that a growing number of military officers, intelligence professionals and diplomats within the administration have deep misgivings about the march toward war." The story continues, and again I am quoting from the Miami Herald, "These officials charge that the administration hawks have exaggerated evidence of the threat that the Iraqi leader Saddam Hussein poses, including distorting his links to the al Qaeda terrorist network. They have overstated the extent of international support for attacking Iraq and have downplayed the potential repercussions of a new war in the Middle East. They charge that the administration squelches dissenting views and that intelligence analysts are under intense pressure to produce reports supporting the White House's arguments that Hussein poses such an immediate threat to the United States that preemptive military action is necessary. 'Analysts at the working level in the intelligence community are feeling very strong pressure from the Pentagon to cook the intelligence books,' said one official speaking on the condition of anonymity."

The article goes on to note that, again, I am quoting, "a dozen officials echoed his views."

Now today's Washington Post discusses what it calls a "behind-the-scenes battle over Iraq-related intelligence." And, again, I am quoting: "The CIA's detailed, unvarnished view of the threat posed by Iraq is central, say many lawmakers, as to how they will vote on the matter. Yet, increasing numbers of intelligence officials, including former and current intelligence agency employees are concerned the agency is tailoring its public stance to fit the administration's views."

The article goes on to quote a former head of counterterrorism of the CIA, one Vincent Cannistraro, who says that "there is a tremendous amount of pressure on the CIA to substantiate positions that have already been adopted by the administration."

I submit, Mr. Speaker, that if these reports are accurate, they represent a dangerous state of affairs. When we began our debate on this resolution yesterday morning, we did not have the benefit of declassified intelligence estimates released only last night, which indicate that Saddam Hussein is unlikely to initiate a chemical or biological attack against the United States unless he concludes that a U.S.-led attack is inevitable. Such contradictions between classified information in the administration's public statements make it very difficult for Congress to have a meaningful debate. It puts those few Members of Congress who have access to this information as members of the Permanent Select Committee on Intelligence in a truly awkward position and leaves the rest of us and the American people in the dark.

Senator GRAHAM, who chairs the Senate Permanent Select Committee on Intelligence, has said that the classified information he has received does not tally with the public statements of the administration. But, of course, he is not permitted to explain why. Based on what he knows, he has described the focus on Iraq as a distraction from the war on terrorism that allows Syria and Iran, countries which should be at the forefront of any intelligence effort against state sponsors of terrorism, off the hook.

Let me conclude by saying that we cannot discharge our constitutional responsibilities by allowing the administration to control the flow of information and simply trusting that they know what they are doing. That is an unacceptable situation in a democracy, Mr. Speaker. And that is not what the founders had in mind when they gave Congress, not the President, the power to declare war.

Mr. Speaker, what is the responsibility of a great power? Sometimes it is to act when others cannot, or will not, do so. Sometimes it is to refrain from acting when others would, so as not to set a dangerous precedent that others might follow. Always it is to recognize that for better or worse our actions shape the rules by which the international system operates. The rule of law is a fragile thing. And through our actions, we either strengthen or erode it.

If you think this is merely a theoretical concern, let me share with you an article from last Sunday's New York Times. It is by Stephen Sestanovich, a senior fellow at the Council on Foreign Relations and professor international diplomacy at Columbia University.

The article is entitled, "Putin Has His Own Candidate for Pre-emption." It described the efforts of senior Russian officials to co-opt the rhetoric of the Bush Administration in their war of intimidation against the neighboring Republic of Georgia, where some Chechen fighters have taken refuge. Allow me to quote a few lines:

"On the eve of President Bush's Sept. 12 speech to the United Nations on Iraq, Mr. Putin wrote Secretary General Kofi Annan charging that Georgia's passivity toward Chechen fighters on its territory violated Security Council resolutions. Russia might therefore have to act unilaterally. The chief of Russia's general staff insisted that Mr. Shevardnadze was 'in no way' different from Mullah Omar of the Taliban."

"The Russian defense minister announced that no United Nations vote was needed to attack Georgia. One Russian newspaper published military plans to occupy all of Georgia—and thereby 'dictate the terms' of its future existence as a state. The headline: 'Pre-emption Moscow-Style.'"

Such are the dangers of unilateral assertions of power by the leader of the free world. Such are the risks that other nations with aggressive intentions may use stale evidence and ill-defined allegations to settle local grievances.

This is not to deny that there are times when it is necessary to strike first against an enemy who poses a "clear and present danger" to the safety and security of the Nation. The Constitution is not a suicide pact, as Justice Jackson famously said. And the same is true of the international legal order. We are not compelled to stand by and allow ourselves to be attacked before we can lawfully take action.

But any nation that engages in the preemptive use of force bears a heavy burden of showing that its actions were justified by the nature of the threat confronting it.

The principles that apply were formulated by none other than Daniel Webster, who was Secretary of State when the British launched a surprise attack on an American ship, the *Caroline*, in 1837.

Webster set forth the two conditions that must exist: first, the need for self-defense must be "instant, overwhelming, and leaving no choice of means and no moment for deliberation." And second, the degree of force used must be proportionate to the threat.

The resolution before us permits the President to take us into war without satisfying either of these requirements. It imposes no obligation upon him to show that the danger is truly immediate and the use of force truly necessary. Indeed, it speaks of a "continuing threat," which suggests an ongoing situation of indefinite duration. And it imposes no requirement that U.S. military actions be measured or proportionate to the threat we face.

In short, the resolution offers no rationale for the exercise of its broad grant of authority. Nor has the President provided one.

Last night, President Bush presented his case for a preemptive military strike against Iraq. I studied his speech with care, hoping that he would set forth clear and convincing evidence of the threat he perceives.

The speech offered ample evidence that Saddam Hussein is a bloodthirsty tyrant who has terrorized his own people and endangered his neighbors.

The speech offered ample evidence that Saddam Hussein has defied Security Council resolutions for 11 years by continuing to develop weapons of mass destruction.

And the speech made clear—in case anyone doubted it—that Saddam Hussein is deeply hostile to American interests.

What the speech failed to demonstrate is that Saddam Hussein poses a threat to America or vital U.S. interests that—Webster's words—is "instant, overwhelming, . . . leaving no choice of means and no moment for deliberation."

In fact, it demonstrated just the opposite. The President did not say, "Saddam Hussein presents an imminent threat to the United States." He said, "The danger is . . . significant and it only grows worse with time."

That is an argument for containment. It is an argument for coercive measures, including unconditional inspections, disarmament, and the freezing of assets. It may even be an argument for sanctions. But it is not an argument for launching an unprovoked military attack.

NUCLEAR WEAPONS

The President stated that the Iraqi regime has continued to pursue the development of nuclear weapons, and could one day soon be in a position to threaten America or the Middle East. He cited the Cuban missile crisis as precedent for a preemptive strike to contain that danger.

But the missile crisis involved the imposition of a naval quarantine to interdict the delivery of nuclear missiles capable of hitting the United States—as clear an example of a proportionate response to an imminent threat as can be imagined. In the present situation, the CIA's best estimate is that Iraq "will probably have a nuclear weapon during this decade."

Perhaps anticipating that some future administration might one day cite the missile crisis to justify preemptive military action, President Kennedy's own legal adviser expressly distinguished the Cuban missiles from what he called "threatening deployments or demonstrations that do not have imminent attack as their purpose or probable outcome."

CHEMICAL AND BIOLOGICAL WEAPONS

The President noted that Saddam Hussein has used chemical agents against civilian populations in his own country. This is true. It is also true that these attacks last occurred some 14 years ago—with the full knowledge of a U.S. government that did nothing to prevent them.

What is the imminent threat that such weapons might be used against the United States? The President didn't say. He said that Saddam Hussein "could decide on any given day to provide a biological or chemical weapon to a terrorist group." Indeed he could. So could any number of other nations, from Iran to North Korea.

But the historical record suggests that he can be deterred from deploying these weapons. One the eve of Operation Desert Storm, Secretary of State Baker notified Iraq that any use of its weapons of mass destruction would result in a devastating American response. And the weapons were never used.

In fact, according to declassified intelligence estimates released only last night, Saddam is unlikely to initiate a chemical or biological attack against the United States unless he concludes that "U.S.-led attack could no longer be deterred." In other words, Saddam will unleash his arsenal only when he is facing annihilation—with nothing left to lose.

SUPPORT FOR TERRORISM

The President claimed that Saddam Hussein has links to international terrorism that justify a preemptive strike against his regime. What is the evidence? The President offered four arguments. First, he said that Iraq and al-Qaida "share a common enemy—the United States of America." Well, the United States and Iraq share a common enemy—Iran. But that's hardly evidence that we support Iraqi aggression.

Second, he said that the Iraqi regime "gleefully celebrated the terrorist attacks on America." This is hardly admirable, but it is also hardly evidence that they were behind the attacks. Any more than others who shared such sentiments elsewhere in the Arab world.

The President's last two arguments are more serious: that Iraq is continuing to finance terror in the Middle East and has continued to associate with leaders of al-Qaida, offering them safe harbor, medical treatment, and training in terrorist techniques. Yet assuming that these allegations are correct, they argue, not for invasion, but for treating Iraq as we treat the many other countries that provide various kinds of support for terrorism but against whom we are not making plans for war.

I do not mean to minimize these concerns. They are serious and deserve to be addressed, whether they occur in Iraq or in any other country—especially one in which internal repression, the appetite for conquest, and the possession of advanced weaponry go hand in hand.

I applaud the President's demand for immediate Iraqi compliance with Security Council resolutions. I would support a resolution that authorizes the limited use of our Armed Forces in support of international efforts to locate and dismantle Iraq's weapons of mass destruction should Iraq fail to comply.

Such a resolution would achieve the President's desire that we "tell the United Nations and all nations that America speaks with one voice."

Instead, the President insists on a resolution that goes further. That authorizes the President to "use the Armed Forces as he determines to be necessary and appropriate."

The President says that "approving this resolution does not mean that military action is imminent or unavoidable." If so, I am relieved to hear it. But if military action is imminent or unavoidable." If so, I am relieved to hear it. But if military action is not imminent, then the broad language that would authorize it premature.

If the American people are satisfied that our cause is just and war is forced upon us, they will do what needs to be done. But before we risk the lives of our soldiers and countless innocent Iraqi civilians, before we divert untold billions of dollars from our other battles, before we forfeit the moral authority that has distinguished America among the family of nations, we had better be sure we've taken every reasonable step to resolve this crisis without bloodshed.

Until then, I cannot support a resolution that gives the President a blank check to launch a military strike that meets none of the legal requirements for preemptive action. We have been down that road before. It is not a lesson we should have to learn again. And it's not the kind of example that the United States should set for the world.

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Mr. PAYNE. Mr. Speaker, I yield myself the remaining time.

Let me conclude by thanking the majority for the kindness and the thoughtfulness that they have given us. The gentleman from Illinois (Mr. HYDE) should be commended, as I mentioned earlier, a gentleman always, but to allow everyone to have a word to say.

The past 2 days with over 24 hours of debate has been an historic time in this House. A debate has endured that will be noted and will be long-remembered what was said here. We have debated fundamental changes in the manner in which this country operates, first strike preemptive. Definitely a new course of action for this Nation.

Of course, first strikes are nothing new. In the medieval times there were many, France into Germany, Spain into Italy. In 1918, Germany entered France. December 7, Japan attacked the United States. So there has been preemptive strikes but never the greatest Nation in the world taking a decision to make first strikes preemptive, and so this is a new day for this great Nation.

The Framers of the Constitution, the Jeffersons and the Adams and Washingtons and Hamiltons, said let us be careful about power. We do not want a king or emperor or dictator, and, therefore, let us give the power of war to the Congress.

Here we are abdicating that responsibility and giving the right to declare war to one person, to say it is his decision to do what he wants and he has 48 hours to tell us later what he has done. Another principle that we have changed.

We jeopardize a coalition because I believe right now our number one fight is the battle against terror. The al Qaeda cells that are in this country and in 50 other countries and a false feeling of security will emerge when we attack Iraq if that is done, and Americans will, therefore, believe that there is a sense of security now and al Qaeda is gone. There is definitely a difference between the al Qaeda cells and the government of Iraq, and so we are leading people down a wrong path to believe that a defeat of Iraq, therefore, eliminates the war on terror.

We have heard recently that there is a connection between al Qaeda and the government of Iraq. This only was revealed in the last week or so. Many wonder where this information is coming from and whether, in fact, it is indeed true. And, once again, we should not lull our people into a false feeling of security when we look over there and say Iraq is done, we are safe again, when the war on terror will still be here.

So we talk about a new concept, regime change, Saddam Hussein should go. This is a tall order. How do we do it? How long do we stay? How dangerous will it be? How costly will it be? How are we going to rehabilitate Afghanistan? We have not drilled the pumps to reach the low water tables as we promised. We have not started construction of schools as we said. We have not built the hospitals as we promised, but now we will go into Iraq and for how much? What will the cost be? $100 billion? $200 billion? No one really knows.

As the DOW has dropped from close to 11,000 down to close to 7,000, almost a 40 percent drop, how can we fund this? We spend $1 billion a day today on a $350 billion defense budget, with another couple of hundred billion dollars on the side. How can we do it with the unmet needs of PELL grants and student loans, the needs for prescription drug benefits for seniors and section 8 housing, vouchers funding for elementary and secondary schools in the leave no child behind legislation? How do we deal with that?

So as we move to vote we should engage the U.N., we should encourage them and support the inspectors to find and destroy those biological and chemical weapons of mass destruction. We should leave no stone unturned. We should go unfettered. We should demand that, and I believe then we can have the avoidance of war. We should attempt to avoid war at any cost. I do not believe that the United States is eliminating the danger of the al Qaeda cells in this country by us having a war and attack on Iraq.

I would like to say that we are a mighty powerful country. Let us use our power and might. We love this country. In school I used to recite the poem, This is my country, land of my birth; this is my country, the grandest on earth; and I pledge thee my allegiance, America the bold, because this is my country to have and to hold.

Let us not misuse the power that we have, but let us be sure that Saddam Hussein is contained, that this world is free of tyrants like that. Let us support the inspectors going in.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ISSA. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, as I close, I would like to thank the gentleman from New Jersey. This has been, in fact, a long debate. It has been spirited at times, but, in fact, it has always lived up to the gravity of what we are considering, and we owe that in no small part to the gentleman from New Jersey.

The gentleman from Illinois (Mr. HYDE) has empowered me to close, and I take that as a very unusual thing for a freshman and something that is pretty important for somebody who not only supports this resolution but who supports this resolution often to the dismay of other Arab Americans.

My family emigrated from the Middle East, one side of my family emigrated from the Middle East, and I bear an Arab surname, and so for me and I think for many people who are going to support this resolution tomorrow, this has to be a special case. We are not pushing an 11-year or 12-year war to the brink of a final military conflict lightly.

I would call the Speaker's attentions to these advertisements that came out of Baghdad September 11 and a year after September 11 as just another example of what is different about Saddam Hussein's regime.

After September 11, both as a member of the Committee on International Relations and I believe as one of the Members of this body whose ancestry goes back to the Middle East, I was visited by not just one but every single ambassador from the Middle East represented in this country. In every case they expressed their horror, their sympathy and distanced themselves from the terrible events of September 11; and they did so in private, not intending to do it for the camera, but so that I would understand. And I am sure they visited virtually every other Member so they would understand that that is not what the Arab people are about, that is not what Arab society, one of the great societies that helped create the world as we know it today, is about.

It is not what the Iraqi people are about, and to put out propaganda in the Baghdad press talking about September 11 being Allah's revenge, in fact, says it all about this regime.

Saddam Hussein and his party and his almost 30-year rule has been all about killing and violence and hatred. He is not alone, but he is in a league of his own. And as we close for tonight and we move into tomorrow's short debates of 1 hour and final passage probably by midday, I hope that all of us will remember that this is not about Arab people, not in this country and not anywhere in the world.

The need to empower the President to take this action, should it become necessary, is all about the uniqueness of this administration of Saddam Hussein and the actions he has taken in the past, he takes in the present, and we are quite certain that if that regime is not changed or replaced, he will take in the future.

I say as one Arab American to the many Arab Americans and Muslim Americans in this country and perhaps to the Arabs around the world, America and particularly my community in America has absolutely no hatred and no willingness to participate in anything that is adverse to the Arab people.

□ 0050

But we do have to insist that the kind of tyranny that has gone on in Iraq for so many decades must in fact stop, either by Saddam Hussein living up to his obligations under the U.N. resolutions or his being driven from power and an Arab leader who will respect the rule of law and who will provide the kind of fairness for his own people can be found.

Mr. MEEHAN. Mr. Speaker, I rise tonight with a heavy heart but with determined resolve. A member of Congress faces no more important debate than authorizing the President to use military force.

Just over a year ago, Mr. Speaker, the eyes of the world were opened to the depths to which evil men will descend in order to put fear in the hearts and minds of peace loving people.

In the post-September 11th world, Americans now understand that there are those who have no regard for human life, and that they will kill the innocent in untold numbers to achieve evil goals.

We now also know that sometimes our Nation must act to prevent that which may happen in the future.

Which brings us to Saddam Hussein and Iraq's pursuit of weapons of mass destruction.

Saddam has a unique brand of state-sponsored terror that threatens the world like no other.

Unchecked, he pursues chemical, biological, and nuclear weapons and has demonstrated the capacity to use them.

Among dictators and despots, his record stands by itself: he has brutally murdered and repressed his own people, he has used chemical weapons against his neighbors and his countrymen including women and children, he has launched unprovoked attacks on other nations, he sponsored an assassination attempt on former President Bush, he harbors terrorists including members of Al Qaeda, and he defies the will of the United Nations and the international community by refusing to disarm and continuing to develop every conceivable weapons of mass destruction known to man.

That is why it is critical that the United States asserts its unique leadership role in the international community and put an end to Saddam's pursuit of weapons of mass destruction.

Now is the time to work within the United Nations Security Council to move a tough Resolution calling for the complete disarmament of Iraq's weapons of mass destruction under threat of force by a global coalition.

It must be the policy of the United States to exhaust all forms of diplomacy within the United Nations and other appropriate forums before considering any other course of action relative to disarming Iraq.

And if that diplomacy fails, then we must act with the broadest coalition of nations as possible to force the disarmament of Saddam's weapons of mass destruction.

Mr. Speaker, the strategy that Secretary Powell briefed me on that we are pursuing with the U.N. Security Council is precisely the reason why I am such a strong supporter of the Alternative being offered by John Spratt of South Carolina.

The Spratt Alternative authorizes the use of U.S. military force in pursuit of a Security Council-sanctioned effort to disarm Iraq, by force if necessary.

That is what Secretary Powell and the Administration are pushing for within the U.N. right now and that is what the Congress should be supporting.

This alternatives makes clear that if the Security Council fails to take action that Congress will act immediately to vote on authorizing the President to use unilateral, if necessary, force against Iraq to disarm.

We are also considering the underlying resolution that provides the President with the authority to use force in accordance with United Nations Security Council Resolutions and unilaterally.

It is a significantly broader authorization than the Spratt Alternative. However, changes have been made including: (1) support for and prioritization of U.S. diplomatic efforts at the U.N.; (2) limiting the scope of the authorization to Iraq only; (3) requiring presidential determinations to Congress before the president may use force; (4) and requiring the President to consult with and report to Congress throughout this process.

I had hoped that there would have been more opportunity for the House to improve on the underlying resolution during the course of this historic debate.

However, I was deeply encouraged by the President's words Monday night when he said, "Approving this resolution does not mean that military action is imminent or unavoidable."

Likewise, I was deeply encouraged by my meeting yesterday with Secretary Powell in which he spelled out in detail our strategy for action within the U.N. Security Council.

I take both President Bush and Secretary Powell at their word. In the coming days, weeks and months, I plan on holding them to their words.

As a Ranking Member of the House Armed Services Committee, I've seen the bravery of our men and women in uniform.

In fact, I was able to visit many earlier this year in Afghanistan and I was struck by their determination to secure the peace for that nation thousands of miles from home.

It pains me that more families may be missing their loved ones soon.

Nevertheless, let there be no doubt that Saddam Hussein's unfettered pursuit of weapons of mass destruction are a real and growing threat to the United States and the international community, and that whatever course others may take—America will defend herself.

Mr. ABERCROMBIE. Mr. Speaker, I rise to speak against this resolution. We all recognize that Suddam Hussein is a tyrant and that he is a dangerous enemy. The question is whether this resolution is the right way to address the threats presented by his regime.

The Administration says that Iraq presents an imminent threat to the United States, that unless we give the President carte blanche to launch a unilateral, preemptive attack, we will be subject to attack by weapons of mass destruction. No one needs to convince us of the horror of weapons of mass destruction or the evil intentions of Saddam Hussein. But does that justify the blank check this resolution gives the President? We have listened to the testimony, read the briefs, and weighed the arguments presented by the Administration. In my view, they have yet to prove their case. They have presented no credible evidence that the United States faces imminent attack. They have presented no credible evidence that Iraq was involved in the September 11th terrorist attacks or that it is giving material aid to those involved in those attacks.

Are we setting the bar too high? I don't think so. The evidence of imminent threat should be credible, conclusive and irrefutable if we are talking about the United States unleashing the dogs of war. Striking the first blow is unprecedented in American history. It has always been a point of honor that the United States does not start wars. If we are going to depart from a fundamental principle that has guided U.S. foreign policy for more than 200 years, the evidence of necessity must be iron clad.

This is much more than a point of pride. It is not an abstract argument. Through this action, the world's only remaining superpower is asserting a principle that the nations of the world—including the United States—have struggled to consign to the past. We have rejected the old idea that any nation which claims to feel threatened or aggrieved can unilaterally and preemptively attack another without the sanction of the international community. The power to initiate war is no longer untrammeled and absolute. Think for a moment of the precedent we are setting, of the pandora's box we are opening. What if, tomorrow, India or Pakistan says the other constitutes an unacceptable threat? Would this justify one of these nuclear-armed countries attacking the other? What about China and Taiwan? What about any number of other countries whose relations with a neighbor are beset with tension, suspicion, threats, and insecurity?

More immediately, what about our relations with our allies, the nations on which we depend to help us keep the peace and bear the burden of protecting our interests? We should be careful not to initiate a new age of American unilateralism that leaves us without allies. The Administration thinks they are dispensable in the case of Iraq. Maybe they are. But if our alliances fray and disintegrate, it is certain that there will come a time when we do need them. Will they be there for us? Maybe, maybe not. But one thing we can be sure of: it is foolhardy in the extreme to ignore our allies' importance to the system of international relations and the maintenance of America's prosperity and national security interests.

I have every confidence that our troops will display the bravery and professionalism we have come to expect from them. But the consequences of a U.S. victory are liable to be a huge burden for the United States. We will have taken on the responsibly for peace and order, for feeding and sustaining an entire population, and guaranteeing the territorial integrity of Iraq. All this in the context of a population which may or may not be receptive to the presence of our armed forces. We will have to counter the centrifugal dynamics that drive the Kurds in the north and the Shiites in the south away from the Iraqi state. We will be responsible for defending Iraq's long border with Iran against incursions. We are talking about committing tens of thousands of troops, perhaps hundreds of billions of dollars, for many years, maybe decades.

And what will be the impact of an invasion in the rest of the Muslim world? The reaction will not be an outpouring of support for the United States. It will feed the flames of fanaticism. It could well destabilize Egypt, Jordan and other friendly nations. Are we prepared to commit more troops, more money, more prestige to shoring up these governments?

Finally, let me offer some observations as a member of the Armed Services Committee. Implications of a war against Iraq will reverberate at every level of the Department of Defense. Problematic issues the military faces today—global international commitments, increased personnel tempo, and over-reliance on the Reserves and National Guard—will only be exacerbated when military requirements for Iraq are thrown in the mix.

Of foremost concern is the inevitable enormous strain on military manpower. Secretary of Defense Donald Rumsfeld testified before the Armed Services Committee that no increase in troop end strength is necessary to carry out an invasion and peacekeeping activities in Iraq. No one else whom our Committee spoke to held this opinion. In fact, retired flag officers and distinguished military analysts all agreed that increased end strength was imperative for the ultimate success of our reconstruction of Iraq.

And the personnel problem extends far beyond the full time, active duty forces. Since the Persian Gulf war, our reliance on the Reserves and National Guard has grown to the point where it would be impossible for DoD to meet its worldwide commitments without the presence of these units. Reservists and Guardsmen no longer talk about the rare mobilization in support of a national emergency; rather, some units routinely deploy overseas alongside their active duty counterparts. How long can we continue to call upon these volunteers to shoulder more than their fair share? How long can we ask civilian employers and families of our Guard and Reserve to carry on without them? I sincerely hope that one of the first orders of business in the 108th Congress is a comprehensive overhaul of our military personnel system in order to ease the stress on our citizen soldiers. Otherwise, our Reservists and Guardsmen are sure to vote with their feet.

These considerations do not exhaust the questions raised by the prospect of an attack on Iraq. Serious as they are, the most serious questions of all are the ones none of us can anticipate. War has a way of creating new dynamics and unleashing new forces in the world. All too frequently, those consequences are inimical to the interests of established powers. Those who see the dawn of a new era of peace, stability and democracy in the Middle East as a result of a strike against Iraq would do well to think again.

Ms. HARMAN. Mr. Speaker, I rise in support of this resolution.

The threat from Iraq is very real and increasingly dangerous. Saddam Hussein's belligerent intentions and his possession and ongoing development of weapons of mass destruction to fulfill those intentions make him a clear and present danger to the United States and the world.

Particularly worrisome is the evidence of Iraq's UAV capability. Iraq's ability to use unmanned aerial vehicles to deliver biological and chemical weapons far outside its national borders represents a qualitative increase in the danger it poses.

History demonstrates Saddam Hussein's willingness to use such weapons against unarmed civilians, including his own people. And it demonstrates his unhesitating instincts to invade his neighbors—Iran and Kuwait—and to attack Israel.

That he appears, to quote Director Tenet's recent letter, to be "drawing a line short of conducting terrorist attacks" does not persuade me that he won't.

He is impulsive, irrational, vicious, and cruel.

Unchecked, he will only grow stronger as he develops capability to match his disdain for America and his Middle East neighbors.

History shows that had Israel not destroyed Iraq's nuclear reactor in 1981, Saddam Hussein would now have nuclear capability. But he did not cease his nuclear ambitions. Had coalition military forces not swept through Iraq in 1991, he would have possessed nuclear weapons by 1993.

The CIA now reports that Iraq is one year away from a functional nuclear device once it acquires missile material. Waiting one hour, one day, one month in such an environment, as some suggest, is too risky.

We have to act now because the U.N. resolutions following the gulf war have not contained the Iraqi threat.

With the passage of time, international resolve to enforce United Nations resolutions has weakened.

This resolution will demonstrate to the U.N. American resolve to act if necessary, but preferably in a peaceful and multilateral way.

The strong and forceful language in this resolution will help Secretary Powell persuade his counterparts at the U.N. and around the globe to join us.

The resolution we are considering is greatly improved from the draft the Administration proposed and I commend Leader GEPHARDT for negotiating these improvements.

This resolution narrows the scope of action to the threats to national security posed by Iraq and enforcing compliance with U.N. Resolutions.

This resolution stresses a strong preference for peaceful and diplomatic action, authorizing the use of force only if all peaceful options have failed.

This resolution requires the President to comply with the War Powers Act and report regularly to Congress should military action become necessary, as well as after the use of force is completed.

This resolution addresses post-disarmament Iraq and the role of the United States and international community in rebuilding.

And of crucial importance, this resolution requires the President to certify to Congress that action in Iraq will not dilute our ability to wage the war on terrorism.

Removing WMD from Iraq is an important priority, but it cannot replace our counterterrorism efforts at home and abroad. We must ensure that we do not divert attention from protecting our homeland—beginning with the creation of a Department of Homeland Security.

We must also strengthen and expand programs and policies aimed at stopping the proliferation of weapons of mass destruction and their components. The ready availability of matieral for chemical, biological and nuclear weapons, and the know-how to make them, has allowed Iraq to rebuild rapidly since 1991 and the expulsion of inspectors in 1998. But nonproliferation programs have been underfunded at a time when they need to be expanded.

If we don't stop the flow of scientists and materials for weapons of mass destruction, we will soon be faced with another Iraq. The axis of evil will grow to include more states. We will encounter the nightmare scenario of nuclear-armed terrorist groups, capable of blackmailing or attacking our cities and citizens from within, with little hope of deterrence or diplomacy to stop them.

Sentiment in my district is high—both in favor and opposition to this resolution. I thank my constituents for sharing their views with me. I have listened carefully, learned as much as I could, and now it is time to lead.

Like all my colleagues, I fervently hope that the U.S. will not need to use force. But the best chance to avoid military action is to show the U.N. and Iraq that we will not flinch from it.

Giving diplomatic efforts every chance is the right policy and this resolution gives diplomacy its maximum chance to succeed.

Mr. RYAN of Wisconsin. Mr. Speaker, September 11, 2001, brought to light a horror that the American people and the world had up until then only seen in movies. On that day, we learned, as a nation, what it means to be terrorized. The nineteen men who hijacked airliners and used them as guided missiles showed us that even on our home soil Americans are not shielded from the reach of terrorism. Bearing in mind, we must continue to defend against these forces of evil and those who support them. We cannot spend the rest of our lives in fear. I support this resolution in order to protect the life of every American, at home and abroad, I also believe it offers the best chance for peace because it clearly communicates U.S. resolve to Saddam Hussein and makes clear that his continued refusal to disarm will be his undoing.

Mr. Speaker, granting the authority to send our brave men and women in uniform overseas to fight in hostile territory is the most difficult decision we make in Congress. That was true last year and it remains true today. Since the beginning of the first mission in Afghanistan on October 7, 2001, our military men and women have fought terrorists and disrupted their networks, liberated a country, and brought the prospect of peace and democracy to a nation that had not seen either in decades. While our military campaign in Afghanistan is slowly coming to a close, we must not lose sight of our primary objective, to rid the world of terrorists and those who sustain them. Saddam Hussein and his regime in Iraq fit this description.

Mr. Speaker, after sifting through the evidence, reviewing the facts, and probing the Administration, I am convinced Saddam Hussein's regime is a clear and present threat to the security of the United States and our allies. Since he came to power in Iraq in 1979, Hussein has waged war on his neighbors and terrorized his own people with chemical weapons. He has allowed terrorists groups, such as al Qaeda, to operate safety in Iraq. He has supported terrorist actions by compensating the families of Palestinian suicide bombers for their attacks on innocent Israeli citizens. He orders his military to fire missiles and artillery on U.S. and a coalition aircraft that patrol the U.N.-imposed no-fly zones that protect Kurd and Shi'a Muslims in Northern and Southern Iraq, respectively. He has attempted to assassinate a former U.S. President. Moreover, he has violated the basic human rights of his people, causing them to live in fear and poverty, while he builds Presidential palaces and lives of life of luxury. Currently, there is nothing stopping him from using weapons of mass destruction against the United States and our allies, or from giving them to terrorists.

After the gulf war in 1991, Saddam Hussein agreed to abide by United Nations Security Council Resolutions 686, 687, and 688. By agreeing to these resolutions, Hussein was required to, among other things: allow international weapons inspectors to oversee the destruction of his weapons of mass destruction; not develop new weapons of mass destruction; destroy all of his ballistic missiles with a range greater than 150 kilometers; stop support for terrorism and prevent terrorist organizations from operating within Iraq; help account for missing Kuwaitis and other individuals; return stolen Kuwaiti property and bear the financial liability for damage from the gulf war; and end his repression of the Iraqi people. Mr. Speaker, he has taken none of these required actions.

As a matter of fact, over the past decade, Saddam Hussein has shown nothing but contempt for the United Nations and its member-states. In all, Hussein has violated sixteen critical U.N. resolutions. It became obvious that Hussein had no intention of cooperating with the U.N. when Iraq ceased cooperation with weapons inspectors on October 31, 1998, after several years of evading, deceiving, and even harassing U.N. weapons inspectors. This flagrant violation of U.N. Resolution 687 prompted the passage of U.N. Resolution 1205, which called on Iraq to continue "immediate, complete and unconditional cooperation" with U.N. weapons inspectors. These events led to the Clinton Administration signing the Iraqi Liberation Act of 1998 into law, which clarifies the official position of the

United States as promoting regime change in Iraq. Regardless, it has been four years since weapons inspectors last visited Iraq. There is no doubt that within this time Hussein has reinvigorated his weapons programs, and according to the International Institute for Strategic Studies, an independent research center based in London, there is little doubt that Hussein's nuclear capabilities are within reach.

If Saddam Hussein persists in violating U.N. Security Council resolutions and refuses to disarm and the use of force becomes our only option, then the goal of military action should not just be to remove weapons of mass destruction from Iraq. Military action must also have the end result of removing Hussein from power. In the end, nothing short of a regime change will liberate the Iraqi people, whom Saddam Hussein has repressed for more than two decades. Since April of 1991, Hussein has continued to ignore U.N. Resolution 688, which requires him to allow immediate access to international humanitarian organizations to help those in need of assistance in Iraq. Furthermore, Hussein punishes his people by diverting funds from the U.N.'s "oil-for-food" program to pay for his weapons programs. I believe Saddam Hussein will continue to do what he has done so effectively in the past: violate the basic human rights of every Iraqi citizen.

I would now like to read to you the following excerpt from the book The Threatening Storm: The Case for Invading Iraq by Kenneth M. Pollack. Mr. Pollack, a former analyst on Iraq for the Central Intelligence Agency who served on the National Security Council during the Clinton Administration, is one of the foremost experts on Saddam Hussein and the Iraqi regime.

> This is a regime that will gouge out the eyes of children to force confessions from their parents and grandparents. This is a regime that will crush all of the bones in the feet of a two-year-old-girl to force her mother to divulge her father's whereabouts. This is a regime that will hold a nursing baby at arm's length from its mother and allow the child to starve to death to force the mother to confess. This is a regime that will burn a person's limbs off to force him to confess or comply. This is a regime that will slowly lower its victims into huge vats of acid, either to break their will or simply as a means of execution. This is a regime that applies electric shocks to the bodies of its victims, particularly their genitals, with great creativity. This is a regime that in [the year] 2000 decreed that the crime of criticizing the regime (which can be as harmless as suggesting that Saddam's clothing does not match) would be punished by cutting out the offender's tongue. This is a regime that practices systematic rape against its female victims. This is a regime that will drag in a man's wife, daughter, or other female relative and repeatedly rape her in front of him. This is a regime that will force a white-hot metal rod into a person's anus or other orifices. This is a regime that employs thalium poisoning, widely considered one of the most excruciating ways to die. This is a regime that will behead a young mother in the street in front of her house and children because her husband was suspected of opposing the regime. This is a regime that used chemical warfare on its own Kurdish citizens—not just on the fifteen thousand killed and maimed at Halabja but on scores of other villages all across Kurdistan. This is a regime that tested chemical and biological warfare agents on Iranian prisoners of war, using the POWs in controlled experiments to determine the best ways to disperse the agents to inflict the greatest damage.
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> This is the fate that awaits thousands of Iraqis each year. The roughest estimates are that over the last twenty years more than two hundred thousand people have disappeared into Saddam's prison system, never to be heard from again. Hundreds of thousands of others were taken away and, after unforgettable bouts of torture that left them psychologically and often physically mangled, eventually were released or escaped. To give a sense of scale, just the numbers of Iraqis never heard from again would be equivalent to about 2.5 million Americans suffering such a fate.

It is true that Iraq has said publicly that it will allow weapons inspectors to return. While some members of the United Nations believe Iraq is taking the necessary steps to rectify its past transgressions, Iraq has placed several conditions that can only hamstring the U.N.'s efforts. If the U.N. bows to Hussein's demands, the legitimacy of the entire organization could be called into question.

The purpose of this resolution is to authorize the President to use such force as may be necessary to protect the national security of the United States from threats posed by Iraq and to enforce U.N. Resolutions. Yet even more clear than this language is the message it sends. This resolution sends the message of resolve. It shows that we are resolved to protect ourselves and our allies with whatever means are necessary. And, it is precisely because of this message that we open up the possibility of a peaceful settlement to this great threat. To be clear, after eleven years of dealing with Iraq one thing is certain: Saddam Hussein is motivated only when he finds he has no other options. This resolution demonstrates our unity behind action, should he fail to meet the demands of the international community. Without it, we can be assured that Hussein's Iraq will continue stockpiling and developing weapons of mass death, providing safe haven for terrorists, and tormenting his own people. Meanwhile, the danger for American and our allies will grow even worse.

Additionally, we seem to be experiencing quite a logjam in the U.N. I believe that passage of this resolution will help break that impasse and secure a meaningful and direct resolution from the U.N., which will help build a larger multilateral coalition around this just cause. If these last attempts at a peaceful solution do fail, then we must show that we are resolved to act to rid the world of this great threat.

Mr. Speaker, war should always take a backseat to peace. I still hold out hope that a peaceful solution can be reached. Unfortunately, time and time again, Saddam Hussein has forsaken his opportunities for peace. He is aggressively seeking to acquire nuclear weapons and build up his other weapons of mass destruction. The longer he is allowed to make progress on these deadly projects, the greater the threat to us—including the threat that Iraq could supply terrorists with weapons of mass destruction. If Hussein refuses to comply, the United States must take action, or risk the use of biological, chemical, or nuclear weapons against us on our own soil.

Mr. WALSH. Mr. Speaker, the decision before the Congress this week is whether or not to give the President the option to use force with Iraq if all else fails. It is similar to the one before the Congress early in my career when the elder Bush was in the White House. The main difference was that Iraq had invaded a sovereign nation, Kuwait, to the outrage of the world community.

The world agreed that Iraq was the aggressor and must be driven out. The U.N. voted for precisely that and we led the effort. Although much clearer in circumstance, it was an extremely difficult decision.

Today things are not quite so clear. There has been no invasion and there, at least at the moment of this writing, is no U.N. sanction for military action.

The arguments are more like piling straws on a camel's back. Saddam Hussein is a murderer of his own people. He is a warmonger, witness Kuwait, Iran and the Kurds in his own country. He aggressively pursues the development of nuclear weapons. Remember Israel bombed an Iraqi nuclear facility many years ago. Hussein still pursues that goal. He has accumulated thousands of liters of chemical and biological weapons and is not afraid to use them, in fact he has used them against Iran and his own people. He planned an attempted assassination of an American president. He defies U.N. resolutions that ended the '91 Gulf War, which called for the destruction of all weapons of mass destruction. He refused to allow weapons inspectors to do their job and threatened and intimidated them at every turn.

Now we are told that Iraq may have become a weapons supermarket for terrorism. Some al Qaeda leaders are there and other terrorist organizations have close ties; i.e. Abu Nidal. We are told that Hussein provides $25,000 to each family of the suicide bombers who attack Israel. And we can't forget that during the Gulf War Hussein rained Scud missiles down on innocent Israeli civilians in Tel Aviv and other communities. Iraq now is working to extend the range of their missiles.

Now, under the threat of U.S. action, Hussein agrees to let weapons inspectors back into his country. Can there be any doubt that the only thing this man responds to is the threat of deadly force? One is tempted to believe Hussein is now prepared to admit weapons inspectors. And indeed we should and must let that scenario play out before any act of war. But the skeptic in me doesn't believe a word that he says. History is a wonderful teacher and we all know this man's history.

The U.N. has shown itself to be incapable and unwilling to enforce its own resolutions. As a guarantor of world peace they have a checkered past at best. Without having the threat of military intervention, the U.N. is a paper tiger. I have long been a supporter of the U.N. I believe that the nations of the world must have a forum in which to settle their differences but when a tyrant like Hussein thumbs his nose at the world, something isn't right.

One last point, since the 9/11 attack on our country we have been pouring over the coals, literally and figuratively. One by one we have connected the dots that led to the attack. We have seen the threat that connects the plans to do great harm to our country and our people.

The President in these past weeks has connected the dots for us. He has pointed to Iraq with great alarm and tried to help us to understand the threat. It is real. What we don't know is how imminent and what shape the threat will take.

After much thought and prayer and consultation with my constituents and with people I love and trust, I have decided to support the resolution before the House. Not because I want to go to war. I don't, I remember the last one. I remember meeting with Marsha Connor, the mother of Patrick Connor of Marcellus who was killed in action. It was heartbreaking.

But if we don't give the President that option, Saddam Hussein and Iraq will continue to grow more troublesome and if they ever develop a nuclear weapon it would be horrific. I'll vote for the resolution but I will implore the President not to use force unless all else fails. Negotiation, weapons inspectors, and U.N. sanctions should come first.

And if we do indeed go, we should do so with the other nations of the world who should feel as threatened as we.

Mrs. MCCARTHY of New York. Mr. Speaker, I rise in support of House Joint Resolution 114 and the need to protect the United States from any threat posed by Iraq. However, my support for the resolution is coupled with several concerns associated with potential unilateral action against Iraq.

The September 11 attacks on the United States demonstrated the will of misguided, vengeful leaders whose determination to harm Americans seem boundless. Clearly, Saddam Hussein is one of these leaders. This dictator harbors terrorists, invokes chemical warfare upon his own people and openly defies United Nations Security Council Resolutions. His support of international terrorism, and pursuit of stockpiling weapons of mass destruction poses not only a threat to the United States, but also to the world.

Since 1998, this body has voted on four separate measures that appropriate funds for Iraqi opposition forces, as well as call upon Iraq to allow U.N. inspectors immediate, unconditional and unrestricted access to areas they wish to inspect. Today's resolution takes a step further and acknowledges that sanctions, weapons inspection and containment have failed. It recognizes that Iraq and Saddam Hussein present an unrelenting hostility to the United States. And we know when it comes to the United States, Hussein has a very prolific partner in hate: al Qaeda. In fact, Saddam Hussein has openly praised the September 11 attacks.

The resolution before us authorizes United States military force under two circumstances: (1) In order to defend our national security against a threat by Iraq, and (2) enforce U.N. Security Council Resolutions relevant to Iraq.

Disarming Iraq is necessary to ensure our national security. I was encouraged to hear President Bush emphasize that Iraq can avoid military force if all weapons of mass destruction are destroyed. I hope that Saddam Hussein will heed this advice.

I was also encouraged to hear President Bush stress the importance of seeking a coalition, as I believe the support of the United Nations Security Council is critical. The President must persist in his efforts with the U.N. to approve a tougher inspection resolution. If inspection efforts fail, a U.N.-sanctioned military force is the best course of action, as it would garner support in neighboring countries, and enhance the chances of post-war success. If the U.N. were to fail to authorize force, then the President should come back to Congress and let us have a say about whether we go in unilaterally.

Finally, I was glad to hear the President pledge to rebuild a post-war Iraqi economy. This is very important, as the cost of military action must not only be weighed economically, but regionally.

Although this is one of the most difficult votes a Member of Congress will cast, I'm afraid it is an inevitable action needed to protect the United States from Iraq and the destructive weapons it seeks to acquire and use.

Today, each and every member will vote their conscience. Regardless of how we each vote, at the end of the day we must remember one thing: that we represent the people of the United States and we must come together as a body, and a people, just as we did on September 11.

Mr. SERRANO. Mr. Speaker, today I find myself standing here on the floor of the House with anguish in my heart. I have read and listened to all sides, and I have struggled to understand why our great nation would want to contemplate going to war.

When September 11th, 2001, happened, I was in New York City, and as the enormity of what terrorism could do to my City hit me, I was stunned. Then I wept for all of those innocent people who were simply doing their jobs and living their lives, who in one moment of hate lost their lives. There has, however, not been any conclusive evidence that links al Qaida, those responsible for the tragedy of September 11th, with Iraq.

Some question whether those who oppose this resolution are forgetting those who died on September 11th; some question our patriotism. Though I should not have to affirm my patriotism, I say simply that I love my country, I love my city of New York, and I am not afraid to deal with those who attacked it. It is the most basic of our purposes as a national government, to defend our nation. But here we speak of a different matter.

I am certainly pleased that the President now recognizes that he must secure the approval of the Congress before taking our nation to war. This is progress and what our Constitution requires. However, if our ultimate goal is to disarm Iraq of all chemical and biological weapons, how does giving our President this right to go to war accomplish that goal? Wouldn't working with the United Nations to implement a program of rigorous inspections move us closer to our goal? I believe that force should always be used as a last resort, and never as the first way to accomplish a goal.

The new doctrine announced by the President, that the United States has the right to engage in a preemptive strike, which he seeks to implement through this resolution, frightens me and establishes a troubling precedent. This is a doctrine better left unused. It contravenes a half century of developed international law, of which the United States has been a champion. Taking this idea to its logical conclusion means that India and Pakistan, for instance, nations with nuclear weapons and a history of conflict, may no longer feel bound by the limitations on the use of force that have been agreed to by the family of nations. The United Nations will become irrelevant and the checks and balances that membership in the United Nations places on the member states will no longer apply. Even if we strike and successfully defeat Iraq militarily, will this make our nation a safer place to live?

The Bush Administration often talks about "regime change" in Iraq and the need to remove Saddam Hussein from power. In 1991 we decided against regime change because of concern about the overall stability of the region. What has happened since that time that has changed the goals of a military action?

As a nation we need to plan and think beyond what passage of this resolution and a military victory would mean. The United States would need to spend at least the next ten years involved in an occupation, reconstruction, and re-building effort. This will require a serious commitment of American resources and troops. Are we ready to commit to the rebuilding that will follow military action?

As a nation have we carefully considered what the impact of a unilateral attack by the United States would be on Israel? If everything that has been attributed to Hussein this evening is true, are we prepared to guarantee the stability of the entire region when Hussein finds himself threatened and decides to strike out at his neighbors?

Our State Department is actively involved in trying to improve the image of the United States in the Arab world and particularly among young Arab men and women. We do not want them to perceive the United States as an enemy. When we engage as a nation in a unilateral military action against an Arab nation, an action that our allies are cautioning against, how will the United States be viewed in the Arab world? Perhaps the result will be an increase in al Qaida's membership and a renewed hatred toward Americans.

The United States is founded on the principles of justice and due process. If we disregard these principles and adopt a unilateral, macho and aggressive stance, we lose our moral authority in the world. Seeking the consensus of nations does not weaken us or expose us to danger; instead, it fortifies us and brings to our cause the strength of our allies. We want nations to look at us with respect and not fear, outrage, and scorn. It is time for us to take the lead in removing all weapons from Iraq, but in a way that embraces other nations instead of isolating us from them.

I will vote against this resolution, which permits a unilateral military attack, because I do not believe that the President has made a convincing case or provided sufficient evidence to merit its passage. However, let me also make it clear that my vote against this resolution, which I do not believe will make our nation any safer, should not in any way imply that I think the men and women in our armed services are anything less than heroes. They are courageous and brave.

So I end this speech as I began it, with great sadness. I cannot agree with the course that our great nation is embarking on, one that brings the threat of war closer and the goal of peace further away.

Mr. GARY G. MILLER of California. Mr. Speaker, as Saddam Hussein continues to defy the United States and the world, the avenue of options available in dealing with Hussein shrinks with every step he takes toward attaining nuclear and other weapons of mass destruction. It is clear that Hussein does not aspire to acquire these weapons for the sake of self-defense. The goal of these weapons is aggression. This is not a man of peace. This is a man of war. He has made a mockery of the agreement ending the first Persian Gulf War, and now he holds out hope that he can continue to manipulate the world to hold on to power. And he intends to hold power and use it till he is successful in acquiring weapons of mass destruction and with it, the ability to bully and destabilize the Gulf region.

Hussein intends to use the currency of these weapons to hold hostage the entire region. What then? Some argue that if the attack is not on the U.S. (which we cannot guarantee), we should not get involved. But who believes that if he again invades another country that the United States will be able to sit on its hands as the stability of the Middle East unravels? If he uses these weapons against his neighbors, where will this nation be on moral ground to allow him to continue without reprisal? Appeasement will not be an option. Further, who believes that our country is better positioned fighting a nuclear armed Hussein than one that is currently without that capability? Who believes that the welfare of our men and women in uniform is better served in having them face an enemy with nuclear weapons than one who has not yet been successful in doing so? The answer is no one. With that being said, the urgency of dealing with Hussein is ever increasing.

If Hussein attacks, the most brilliant diplomatic minds combined will not be able to bring a peaceful end. However well intended those hopes may be, eleven years of defiance have shown that peaceful talks and negotiations are not an option for Hussein. Rather, they are an opportunity to a man who does not deserve to lead the Iraqi people and who we cannot continue to appease.

Between 1987–1989, he ordered the deaths of the Kurdish population by the tens of thousands—indescriminately spraying their villages with poisonous gas. He has proven his imperialist nature through a path of destruction against Kuwait. He has allowed the Iraqi people to starve in favor of diverting resources to maintaining his grip on ruling Iraq. He has engaged in the periodic shake-up of his own administration, brutally eliminating threats to his reign of power. He has suppressed every effort of democracy and change in Iraq with bloodied and unremorseful hands. Saddam Hussein has committed acts so far beyond the pail of decency and acceptability that it leaves one to wonder in shock why we have waited so long to end this madman's career of carnage.

Our nation stands for freedom and humanity and because it does, we had hoped we could reason with Hussein. We hoped he would comply with the conditions of the peace agreement ending the Persian Gulf War. In the 1990s, we hoped he would end the shenanigans of denying access to inspection teams and end his lies and deceit by ending his weapons program. In all these things, Saddam Hussein failed. Through no lack of effort, we have given diplomacy a chance.

No Saddam Hussein wants to fool the world again. And it is the job of this body to ensure that he does not. We have exhausted all reasonable efforts to deal with an unreasonable madman. We have risked all too much in the hope of peace, only to have these efforts manipulated by a illusional director. It has not been our President, but Saddam Hussein himself that has made the most compelling case for the need for his removal. Saddam Hussein has in his actions, told the world that he is a threat, that he is dangerous, and that he will never be able to be held accountable unless removed.

We can wait no longer as with each passing day, Saddam Hussein draws closer to attaining unclear weapons and he exponentially increases the threat he poses to this nation, our allies, and peace and stability. We owe to the future generations not to make the mistake of holding out hope for Hussein. We must act with diligence to protect this country and we must act decisively.

Let this be clear that this country loves freedom and loves peace. We deserve (and the Iraqi people deserve) more than to be held in fear by a ruthless dictator whose actions have been unconscionable and continue to pose a threat to humankind. We know what Hussein is capable of and it is time to end the nightmare that he has unleashed on his people and bring a complete end to his imperialist aspirations. Therefore, I strongly urge an aye on this resolution.

Mrs. KELLY. Mr. Speaker, in view of Iraq's history of violence, deception and hostility, and the mounting evidence about its pursuit of powerful weapons, our objective must be the disarmament of Iraq and the fundamental reform of its current political leadership.

The Administration and many members of this body realize that this task is one that must be undertaken to protect America and its citizens. As we have learned, failing to recognize the seriousness of threats posed by our enemies can have grave consequences. I support this resolution because it is critical to our national security.

It does not obligate us to carry out military action, but it makes clear to Iraq and all nations the depth of our commitment to extinguishing the threat, and ensures that the Administration has every option available to achieve our objectives, including the use of military force.

There is a looming menace to America, and we ought not delay our efforts to neutralize it.

Mr. DICKS. Mr. Speaker, I rise today in support of H.J. Res. 114, which expresses the support of Congress for the Administration's efforts to enforce the United Nations Security Council resolutions mandating the disarmament of Iraq. Passage of this measure by the Congress will authorize the President to use American military forces to defend the national security of the United States against the continuing threat posed by Iraq.

Let me state at the outset that it is my judgment that the situation in Iraq is very serious and very perilous. I have served on the Defense Appropriations Subcommittee for 24 years, and on the Intelligence Committee for eight of those years. I have thus had a continuing interest in the campaign of deceit waged by Iraqi President Saddam Hussein ever since the day he agreed to abandon his weapons of mass destruction following the Gulf War. Based on the briefings I have had, and based on the information provided by our intelligence agencies to Members of Congress, I now believe there is credible evidence that Saddam Hussein has developed sophisticated chemical and biological weapons, and that he may be close to developing a nuclear weapon. And furthermore, I believe he will not hesitate to use these and any other weapons he has in his arsenal against America and against our ships and bases in the Middle East region.

The CIA's most recent report on Iraq clearly indicates that, after the ejection of weapons inspectors in 1998, Iraq continued its chemical weapons program, energized its missile program, and invested more heavily in biological weapons. Furthermore, Iraq's growing ability to sell oil—despite the ban—increases Baghdad's capabilities to finance weapons of mass destruction programs. Using these funds, it largely has rebuilt the missile and biological weapons facilities that were damaged during Operation Desert Fox and has expanded its chemical and biological infrastructure under the cover of civilian production. The Iraqis have also exceeded UN range limits of 150 kilometers for their ballistic missiles and they are also developing unmanned aerial vehicles, which would allow for a more effective and more lethal means to deliver biological and chemical warfare agents.

Beyond these weapons programs, there is the question of nuclear weapons. In 1991, inspectors from the International Atomic Energy Agency uncovered a secret Iraqi effort to build nuclear weapons after they intercepted a shipment of trucks loaded with huge electromagnetic isotope separators used to make weapons-grade uranium. These inspectors remained on the ground, working with U.N. arms inspectors, until the day they were thrown out of Iraq by Saddam Hussein, flagrantly violating the terms of the disarmament agreements he signed to save himself in the Gulf War cease fire. Since 1998, there is credible evidence that he has attempted to purchase uranium and the hardware necessary to produce the kind of weapon that could inflict infinitely greater damage than any of the destruction we witnessed on September 11th of last year. There can be no doubt that Saddam Hussein represents a growing menace. In the four years since he expelled United Nations arms inspectors from Iraq, he has become an emboldened dictator whose hatred of the United States has only grown stronger as he has regained his military capability.

I believe that it is extremely important that we continue our diplomatic efforts to gain international support for action. Saddam Hussein has blatantly violated 16 important UN Resolutions as he has continued the arms buildup he pledged to curtail. With the growing threat of those weapons, with the assistance Iraq is providing to terrorist groups—including al Qaeda—and with the compelling need to assert the authority of the international community, President Bush has appropriately urged the UN to enforce the sanctions that its members have approved over the last 11 years. I believe H.J. Res. 114—by showing Congress's strong support for the President's position on the issue—will substantially strengthen our effort to develop a consensus at the United Nations for a new and stronger resolution demanding the verifiable removal of Iraq's weapons of mass destruction.

I believe that it is important, in the language of our Joint Resolution in Congress, to emphasize that we are determined in this cause: that if these efforts to build an international coalition within the United Nations are not successful, we believe that the United States must still take action, joined by the British and other nations who support us already, to ensure that Iraq is never able to use the weapons of mass destruction it has and those it is actively developing. In my judgment, the possibility of Saddam Hussein using these weapons against U.S. targets or our allies in the region justifies the commitment of American military forces, however much I truly hope that diplomatic efforts can succeed and that war can be avoided.

Mr. Speaker, for our own safety and national security, I believe that we should support the position that the President expressed at the United Nations last month. It is time for action. We can no longer ignore the reality of what Saddam Hussein is doing and we should no longer postpone our response to the growing dangers of his weapons programs. I urge my colleagues to vote for H.J. Res. 114.

Mr. DEMINT. Mr. Speaker, Saddam Hussein has repeatedly demonstrated he is a threat to peaceful nations around the world. He has the money to finance his hostile intentions, he has the capabilities to blackmail nations with the use of weapons of mass destruction, and has shown a willingness to use them.

Everyday our pilots in the northern and southern no-fly zones of Iraq are the targets of Iraqi fire. Perhaps even more frightening, Saddam Hussein continues to develop and stockpile weapons of mass destruction and actively support international terrorism—both in violation of bona fide international agreements. In fact, in all of his actions, Hussein has demonstrated a persistent refusal to comply with every U.N. Security Council resolution in force regarding his country.

U.N. Resolutions called for Saddam to end both his WMD programs and his support for terrorism. Yet, before Hussein kicked them out of Iraq in 1998, weapons inspection teams could testify to the large amount of research, development, and materials associated with nuclear, biological and chemical weapons—despite Iraq's success in concealing the extent of its capabilities. However, Hussein did manage to hide a great deal from these inspectors, and it was not until defectors shared crucial information about hidden stockpiles that Saddam programs were set back, but never completely shut down. Now some people say we should have new inspections and do nothing else, believing this time that inspectors will be able to do what they could not before—identify and dismantle Iraq's WMD capabilities. Sadly, recent history teaches us otherwise.

The same can be said about Iraq's involvement with terrorism. Hussein continues to maintain his ties with terrorist organizations. Today his terrorist training camps continue to breed more people intent on harming prosperous, free, and democratic nations around the world—and endangering innocent civilians in the process.

Hussein also targets innocent civilians in his own country in violation of U.N. Security Resolutions. For example, the U.N. oil-for-food program allows Iraq to sell enough oil to provide its citizens sufficient food and medicine to sustain a decent standard of living. However, the profits from the oil never make it to the Iraqi people; instead Saddam funnels this money into his weapons programs. He then bolsters his programs with illegal proceeds from smuggled oil.

In light of these actions, it is clear that the world has a problem with Saddam and the international community agrees. Yet instead of action, many people want to limit the United States to building broad coalitions and placing international pressure on Saddam. Unfortunately, history—and the past ten years—has shown us that no amount of international pressure can stop a dictator with such disregard for international agreements and no diplomatic coalition can change his contempt for human life.

For decades Saddam Hussein has brutally trampled on freedom and muzzled the self-expression of his people. He has threatened his neighbors, supported terrorists, and stockpiled weapons of mass destruction. We cannot remove ourselves from the struggle between freedom and tyranny—good and evil. Saddam Hussein is already engaged in a battle, and he has been firing shots for the past decade. Doing nothing is not an option.

With this resolution, Congress acknowledges that something must be done and expresses full support for the President. President Bush's speech on Monday demonstrated that he—like the rest of us—does not want to go to war. And the fact that President Bush waited almost a month before using force in Afghanistan makes obvious his desire to build coalitions and utilize every peaceful opportunity to end international disagreement before resorting to war.

However, he also understands the United State's carries an incredible burden of leadership in the world. For this reason when he took office, President Bush assembled one of the finest national security teams this nation has ever seen. They have proven their leadership in previous military conflicts and understand the cost of military action. Their role in the war on terrorism has also demonstrated how much they care about U.S. troops and the loss of life for anyone involved—both military and civilian. Now is the time to have faith in the President's proven leadership and allow him and his advisors to implement the strategy that finally ends the threat Saddam poses to the free world.

Mr. ROGERS of Kentucky. Mr. Speaker, today I rise in strong support of House Joint Resolution 114, authorizing the President to employ the use of our Armed Forces against Iraq, and urge its adoption by this Chamber. For the past 2 days, the House of Representatives has had under consideration one of the most serious resolutions it is capable of adopting and, like my colleagues, I take it very seriously. Some have argued that this resolution is not necessary, that Iraq poses no immediate danger to the United States or any other nation, and that we should not employ military force against a sadistic terrorist regime that displays not the slightest regard for human life. Mr. Speaker, I disagree.

For the past 10 years, Saddam Hussein had developed and stockpiled chemical and biological weapons and continued to construct facilities capable of producing nuclear weapons. Evidence of this and other destructive activities on the part of Saddam Hussein is overwhelming. Mr. Speaker, for the sake of our Nation's safety and that of our neighbors and allies we cannot ignore this problem any longer. Either Saddam Hussein gives the U.N. weapons inspectors full, un-fettered, and unconditional access to all Iraqi facilities or the United States will take action to disarm him.

I applaud President Bush, who has prudently and methodically made a strong case for why the United States has the moral and political authority to take action against Iraq, if necessary. Mr. Speaker, we are at the end of the line and words and international declarations will no longer do against a dictator who has nothing but contempt for the freedom-loving world and his own people.

In addition to its stockpile of weapons of mass destruction, Saddam Hussein has repeatedly violated the Persian Gulf War cease-fire agreement, snubbed numerous U.N. resolutions, brutalized and killed his own people, plotted to assassinate a former U.S. President, and has aided and harbored members of terrorists cells, including al-Qaida. Clearly, we must act.

Mr. Speaker, the foremost responsibility of government is to ensure the safety and security of its citizens. We demand safety and security in our neighborhoods, schools, and workplaces; we should expect the same in the international community as well. Although I remain hopeful that this conflict with Iraq can be resolved peacefully, I am prepared, for the sake of our Nation's security, to employ force. This resolution is not, as some have stated, a "blank check" for the President. Congress has and will continue to maintain its constitutional prerogatives if armed conflict with Iraq should ensue, but as a nation, we have the right to take action. Thus, I urge the adoption of House Joint Resolution 114.

Mr. BONILLA. Mr. Speaker, today, we are debating the most fundamental issues we face as a Congress and as a country. Today we are debating whether to send America's sons and daughters into harm's way, whether a threat exists to America's security and whether we need to act now or wait. We have no more grave responsibility as legislators than defending our Nation and democratic way of life.

American foreign policy has had a single objective since the foundation of our republic. That objective has been to defend our independence and freedoms. Over the years the policies America has followed have changed to meet the changing threat.

During America's first century we followed a policy of staying out of foreign conflicts, comfortable in the security offered by two oceans. The Monroe Doctrine represented the first expansion of American policy in its vigorous assertion of America's right to ensure that no foreign power intervenes in our hemisphere. The last century saw a further expansion of American power as we acted to prevent any hostile power or ideology from dominating the eastern hemisphere and threatening our continued independence.

Today, we face a new challenge, a homicidal dictator striving to acquire the means to threaten our civilization and kill millions of our fellow Americans. Saddam Hussein already has the means; he only lacks the material needed to build an atomic bomb. It has been widely reported that he could build a bomb within a year were he to acquire certain materials. A nuclear armed Saddam Hussein would represent a clear and present danger to our nation.

No one who has objectively looked at the facts, no one who has seen the Kurdish villagers gassed on Saddam Hussein's order, no one who remembers the invasion and looting of Kuwait, no one looking at the facts can doubt that a nuclear Saddam Hussein would be a threat to our Nation and civilization.

Given these facts I think it is important we understand what we are debating today. We are not debating whether a nuclear Saddam Hussein is a threat. No honest analysis can deny that. We are not debating how to confront Saddam Hussein. No one wants war and it is my earnest hope that our actions today will convince Saddam Hussein that he must disarm and give up his goal of acquiring nuclear weapons. However, we can only succeed in avoiding war if Saddam Hussein is convinced that he risks war and the destruction of his regime if he continues to defy us.

What we are debating today is timing. Do we confront Saddam Hussein today or wait. Do we act now when he does not possess nuclear weapons or wait until he does. Common sense tells us that the risky course is to wait. Our responsibility as legislators dictates we act against any threat to our independence. Opponents of this resolution say the risks are too great and that there is too much that is unknown, but the risks of not acting are far greater and the unknown far more terrifying.

Let us remain true to previous generations of Americans who have been vigilant in protecting our freedom and vote for this resolution. Let us live up to the expectations set by the Founding Fathers and support this resolution.

Mr. HERGER. Mr. Speaker, I rise in strong support of the resolution before us today. The principle purpose of the resolution is to authorize the use of military force—if deemed necessary—to remove Saddam Hussein from power in Iraq. The Hussein regime poses a direct threat to the security of the United States and our partners in the world. And this threat must not be allowed to stand.

In the aftermath of the Persian Gulf War, Saddam Hussein agreed to numerous United Nations Security Council resolutions—16 of them—as conditions of his political survival. Now, almost 12 years later, Iraq's leader has failed outright to comply with these terms of peace. Hussein has continued to stockpile weapons of mass destruction, subjected the people of Iraq to squalor and starvation, openly sponsored terrorist attacks, and has in all ways defied the international community. He has lied repeatedly and there is no doubt that he cannot be trusted.

Yet still, many wonder if Saddam's distant rogue regime is a real threat to our national security, and the safety of American citizens?

To answer this question we need look no further than the horrors of 9–11 and how terrorists from afar were able to strike at America. Hussein's hatred of our country has been made plain. Despite our best efforts at border security, it is conceivable that terrorists, sponsored by Hussein, might smuggle Iraqi weapons into the United States for use in an attack against our citizens.

Our intelligence reports confirm this threat as real. Iraq maintains an extensive stockpile of sophisticated chemical and biological weapons, and is continuing in its program to develop nuclear weapons and the means to deliver them. We also know that Iraq supports terrorist groups and encourages violence against Israel with cash payments to the families of suicide bombers. Under Hussein's regime, Iraq has become a new safe-harbor for al-Qaeda and other terrorist groups.

Just as we must vote to pass the resolution before us, so too must the United Nations reaffirm its importance in the global theater, approving the use of force against Iraq. As in the Gulf War, a unified coalition effort from the beginning would help foster consensus to rebuild Iraq and reconstitute a new Iraqi government following military action.

As we prepare for what may be an inevitable war scenario in Iraq, we must acknowledge the possible outcomes of such an action, both positive and negative.

Our objective would be to eliminate the threat posed by Hussein's regime, and thereby create a more stable political environment in the Middle East. Still, the decision to commit American troops to the battlefield is never easy. In addition, there are also other considerations, such as, if we are successful in our mission, what happens next? What kind of force will it take to successfully see through a transition in Iraq and foster a new democracy?

While these possibilities must be considered when weighing any action, the immediate issue is clear: Iraq is a threat that must be dealt with swiftly.

I firmly believe that our President will make the right decision, in the best interest of the United States, and I have the utmost confidence in the integrity of his counsel. Mr. Speaker—at times we must be willing to use force to protect the security of our people and of our Nation.

Now is one of those times.

I would like to thank my colleagues in the House for introducing this strong resolution, and would like to urge all to stand by the President and vote for its passage.

Mr. GREENWOOD. Mr. Speaker, more than 200 years ago, the first President of the United States addressed the Nation's first Congress with these prophetic words, "the preservation of the sacred fire of liberty and the destiny of the Republican model of government are . . . finally, staked on the experiment entrusted to the hands of the American people."

Now we find ourselves in a new century, confronted by new trials.

We have withstood attempts at invasion, survived a bloody civil war, endured two world wars and prevailed in the long twilight struggle President Kennedy spoke of more than forty years ago.

Ten years ago, confronted by the specter of Kuwait brutally overrun by Iraqi forces, the United Nations and the United States led a coalition of more than 28 nations in a war of liberation.

Then President Bush plainly outlined our war aims. "Our objectives" he said "are clear. Saddam Hussein's forces will leave Kuwait. The legitimate Government of Kuwait will be restored . . . and Kuwait will once again be free." All of this was achieved.

He then went on to say that once peace was restored, it was our Nation's hope, "that Iraq will live as a peaceful and cooperative member of the family of nations." This hope has gone unfulfilled.

And so, in Franklin Roosevelt's words, "there has come a time, in the midst of swift happenings, to pause for a moment and take stock—to recall what our place in history has been, and to rediscover what we are and what we may be. There is no greater example of what we are than how we responded to the terrible events of September 11.

Confronted with a massacre of innocent lives; the attack on the World Trade Center and the Pentagon, and the horror of the instruments of modern technology being used as the means of our destruction, we did not falter.

In the weeks and months since, we have buried our dead, cared for our wounded, aided the widows and orphans, improved our defenses and taken the war to our enemy.

Now we are asked to do more.

Over the past few months, I have agonized, along with many of my neighbors and constituents, on the degree of threat the renegade regime in Iraq represents to our safety and security.

It is for these and other reasons that I set the bar so high on what I would require before I would embrace any presidential action that included the use of force to remove Hussein and his henchmen from power.

The most compelling reason, as I wrote to my constituents was the realization that, "any decision to finally remove Hussein and his regime, once begun, could not be permitted to fail.

For those reasons, I urged the administration to work to promote a regime change short of the use of the military option.

I went on to argue that, should those efforts fail, then it was incumbent upon the administration to make their case to the United Nations, to the American people and to Congress before inaugurating any major military undertaking against Iraq.

This they have done. Now it is time for us to decide. I will vote "yes" on this resolution.

While I still hold out some hope that by its passage the United Nations will be empowered, to force Iraq to comply with the will of the international community, that they eliminate all their weapons of mass destruction, I bear too great a responsibility to allow my actions to be governed by that hope alone.

As a Member of Congress, I must act upon information I possess in a way that most clearly protects our people and our way of life. And what I know is this. Should the U.N. fail in its mission, we will have very little choice but to act.

I am now persuaded that, left to his own devices, Saddam Hussein will not be content until he has the means to murder his own people and the people of many nations with the most horrible weapons of war. This we cannot permit.

Neither can we permit him to cause the kind of world economic blackmail and chaos that could ensue, should he be allowed to continue his arms build-up. As President Eisenhower once observed, "We are linked to all free peoples not merely by a noble idea but by a simple need. No free people can for long cling to any privilege or enjoy and safety in economic solitude."

I do not take this step lightly. To knowingly spend the precious blood of our sons and daughters and the wealth of this peaceable people, even in the noblest cause, is a burden no sensible man desires. But, in the end, our place in the world as the pre-eminent champion of human rights and human liberty leaves us very little choice.

At the close of his 3rd Inaugural Address, on the eve of our Nation's being drawn into the Second World War, Franklin Roosevelt spoke these words, "In the face of great perils never before encountered, our strong purpose is to protect and to perpetuate the integrity of democracy. For this we muster the spirit of America, and the faith of America. We do not retreat. We are not content to stand still. As Americans, we go forward, in the service of country. . . ."

Mr. NUSSLE. Mr. Speaker, I rise in support of this resolution. It is both reasonable and necessary.

At its essence, our debate is about the critical need to ensure Saddam Hussein fully understands our resolve to protect our citizens and to promote peace around the world. There is no question we would all prefer it if the path ahead did not include military action. Unfortunately, Saddam Hussein may not allow us that option.

The President and other members of his administration have provided a sober, convincing picture of the threats our nation faces from Iraq's current regime. As the President said earlier this week, "While there are many dangers in the world, the threat from Iraq stands alone because it gathers the most serious dangers of our age in one place."

And this "one place" is led by an evil, evil dictator who directs his intense hatred toward America, Americans, our interests and our allies.

Iraq's leadership has continued to aggressively pursue the development of weapons of mass destruction to add to his arsenal. We've all talked about these weapons but it's worth spelling out what they can be: chemical weapons, biological weapons and even nuclear weapons. Saddam Hussein has shown his cruel willingness to use such devastating weapons against his own citizens and his neighboring countries in the past. I sincerely doubt he's had a change of heart.

We must also not ignore the support of terrorism found in Hussein's Iraq. September 11, 2001 was a horrific reminder that terrorists are serious in their intent to harm Americans. This step is a continuation of the war against terrorism that our nation has been forced to undertake.

It is Saddam Hussein himself who provides the final proof that we must act. He has a robust history of disregard of the international community and its laws. Time and again, he has willingly and defied the United Nations and the world community by ignoring the agreements he has made. He has constructed a wall of delay and deception that at times is as thick as the cloud of black smoke from the malicious oil fires that greeted our troops in 1991 as they liberated Kuwait.

It's obvious that Iraq's current regime presents problems not just for the United States, but problems for international peace and stability. We can not deny the seriousness of the situation, and I believe America should provide its leadership for the sake of peace and justice.

The President has earned our confidence through his leadership since last fall's terrorist attacks. The President is determined to pursue a course of action with regard to Iraq that will both ensure our own nation's security and promote international stability and I support his efforts.

At the same time, I want to make it clear that I respect those who have sincere opposing views on the question before us. The freedom to disagree is one among many freedoms that we are vigorously trying to preserve and I would never want that to change. Few in Iraq who disagree with Saddam Hussein can share their opinions openly.

The resolution we are considering makes it clear that America prefers to find solutions together with the United Nations and other international leaders. It also provides authority for the President to use force if diplomatic or other peaceful means are not effective. It preserves America's right to act on its own as we must in self-defense of our nation's interests.

Mr. Speaker, the first major vote I took as a Member of Congress in 1991 was to support the international coalition's effort to liberate Kuwait from Iraqi aggressors. No one wanted war then, but it was necessary. No one wants war now. We don't seek it. It is my fervent hope that war with Iraq may yet be avoided. And it may. But our shared and firm commitment to the security of our nation should not be questioned by Saddam Hussein or the world community.

Mr. DOOLEY of California. Mr. Speaker, I rise today in support of H.J. Res. 114, the bipartisan resolution authorizing the use of military force against Iraq.

Like most Americans, I understand that our security is threatened by rogue nations suspected of crafting biological and chemical weapons, and by those who seek access to nuclear weapons. I am convinced that Iraq is building an arsenal of weapons of mass destruction, following repeated refusals, over many years, to comply with United Nations weapons inspections. I believe it is our responsibility to ensure that Saddam Hussein is no longer positioned to pose a major and imminent threat to U.S. national security. I further believe that the President should have the authority to use force against Iraq, if he deems it necessary.

Ms. CARSON of Indiana. Mr. Speaker, let's get this straight: a preemptive war is a war nonetheless, a war the would-be preemptor starts.

According to our Congressional Budget Office, the aggressive war the President wants to start against Iraq would cost our taxpayers between $6 and $9 billion a month. With most people's retirement accounts in the tank, the Federal accounts drenched in red ink and so many people out of work, don't we have better and less violently fatal ways to spend money?

Despite our using parts of Iraq for bombing practice over a ten year period, Iraq hasn't attacked us. But if we carried out a campaign to destroy the regime entirely, what would Saddam have to lose by trying to sneak biological weapons into the U.S.? As we have seen in Afghanistan, it is not physically possible for us to bottle up a country so that no one can slip away.

A preemptive strike without U.N. Security Council compliance is, by definition, aggression and a treaty violation. A duly entered into treaty is the law of the land. Moreover, the mandate of our Constitution is that Congress alone has the authority to start a war. And the Constitution does not permit Congress to delegate any part of that authority to the President as this proposed resolution would do. In discussing that Constitutional provision (Art. 1, Sec. 8, Clause 11), Congressman Abraham Lincoln wrote in part:

> Allow a President to invade a neighboring nation whenever he shall deem it necessary to repel an invasion, and you allow him to do so whenever he may choose to say he deems it necessary for such purpose—and you allow him to make war at pleasure.

There are twenty million people in Iraq not named Hussein. An invasion would kill untold thousands of those already weakened people.

On Saturday the President said, "We must do everything we can to disarm this man before he hurts one single American." Could that possibly mean that the President believes the American soldiers who would be slaughtered in the war he wants to start against Iraq would not be "hurt." Should such stark horror be so casually inflicted on so many young Americans on such flimsy and dubious evidence?

Let's get another thing straight: the al-Qaida did not invent terrorism; it is anything but "a new kind of war." It went on during the reconstruction period in America and periodically since.

Not long ago, President Reagan and Vice-President Bush were telling us one of the good things about their then-friend Hussein was that he was secular and not a religious fanatic. Now suddenly this President Bush is telling us that Hussein is in cahoots with religious fanatics who, even the most casual student of the mideast knows, hate Hussein's guts and would be delighted to overthrow him. Bear in mind that the Bush/Hussein friendship was still going strong after both the Hussein invasion of Iran and his use of gas weapons against his own people.

For 40 years, the Soviet Union was our adversary and was armed to the teeth with awesome nuclear weapons with intercontinental capability that made Hussein the pipsqueak he is. The Soviet Union also slaughtered millions of its own people and invaded neighboring countries. The Soviets were our Saddam Hussein of the time. But no U.S. "preemptive war." Not necessary because the Soviets knew use of nuclear weapons would mean their suicide.

For the sake of argument, let's say Hussein had primitive nuclear weapons now, which he almost certainly does not. He and his gang aren't so dumb that they don't know use of such weapons would mean that he and his "grizzly gang" would be vaporized within minutes by our awesome nuclear capability.

So why war now? Mr. Rove, the White House politics man, is on record as saying that war is good for his party to win elections. Is this, then, a political question or a moral one?

One of the greatest dangers to an American soldier is a poor economy at election time.

In good conscience, I cannot cast my constituents' vote for this latter-day Gulf of Tonkin Resolution. It is said that the only thing we learn from history is that we do not learn from history.

Mrs. BONO. Mr. speaker, since coming to Washington, I have taken part in many significant and historical debates. Most of the time, Republicans and Democrats have been at odds with one another. But last week, as I and a group of my Democrat and Republican colleagues, discussed this issue with the President of the United States in the Cabinet Room of the White House, I felt a sense of purpose and bipartisanship that made me proud to serve as a Member of Congress.

To grant our President the authority to use force against the regime of Saddam Hussein as a last resort is not a vote I take lightly. However, over the course of our nation's young history, there have been many times when I wish we had been able to prevent a variety of calamities. From the assault on Pearl Harbor to the terrorist attacks of 9–11, we have been reminded time and time again that we do not live in splendid isolation.

It is for this reason we must consider taking up arms yet again to defend ourselves. While I realize the human cost of war on both sides is sobering, the cost of inaction in this case could far exceed our worst fears.

Saddam Hussein has used weapons of mass destruction on his own people. He has used them against the Iranians. There is no question in my mind that this international outlaw has a diabolical drive to acquire nuclear weapons to use against our Nation and our allies. If we do not act now, we will have put the lives of our citizens at risk and we will have failed our future generations. We will go down in history as having given up our principals out of fear. History will not forgive us.

Our World War II generation of men and women, under the leadership and strength of FDR and Churchill, fought and died to give us the freedoms we enjoy today. It is now up to us to rise to this new threat. While I believe we must work with our allies to exhaust all reasonable diplomatic means, we must also be prepared to take military action to defend our country from a tyrant who can unleash a reign of terror upon the civilized world never before seen.

Mr. Speaker, it was quite significant for so many of us with such varied backgrounds and philosophies to come together with the President in the Cabinet Room last week. We were able to prove that national security is an issue that transcends party lines and sends a signal to our aggressors that we will stand firm and united in order to protect our country and her citizens.

The world is watching us. The United States and this Congress cannot be afraid to lead and defend. We have a sacred obligation to our people and our way of life.

Mr. ROGERS of Michigan. Mr. Speaker, just a few short weeks ago, I believed the President's focus on unilateral U.S. action raised more questions than it answered. Chief among my concerns were issues such as international support, the existence of a clear and present danger to the United States, conditions for maximizing success and minimizing casualties, and the effect of unilateral action of Middle East stability.

I was pleased to see the President listen to these concerns, work closely with the Congress, and produce the bipartisan resolution currently under debate in the House. One thing is clear, the strength of our Republic, our commitment to debate, democracy and freedom is as strong today as in any time in our Nation's history.

Like most Americans, I have wrestled with the question of how to neutralize the threat of Saddam Hussein. During my travels in Michigan, thousands of constituents have shared their concerns about a unilateral and full-scale American invasion of Iraq. In fact, I continue to share those very concerns.

This week, I will cast the toughest vote of my time in public service—a vote that may commit American men and women to a war against Iraq and its brutal dictator. This is a war in which lives surely will be lost. The first time I faced such a tough decision was in giving the President authority to send troops into Afghanistan to hunt down the terrorist who attacked our Nation on September 11, 2001.

As we all are learning, the face of war is changing. Formal declarations of war by our enemies are going the way of trench warfare and cavalry charges—relics of a different era. The resolution currently before Congress reflects that changing reality.

Today's enemies do not distinguish between civilian and military targets. Today's enemies are just as likely to use chemical and biological weapons as bullets and bombs. These are the very real threats posed by modern enemies that do not allow us to wait for an attack of catastrophic proportions.

Going to war, however, requires more than recognizing the threat. It is the immediacy of these threats that pose a clear and present danger to U.S. citizens. This was underscored in my recent briefings at the White House with National Security Advisor Condoleezza Rice, CIA Director George Tenet, and other military intelligence and foreign policy experts. Their information, some of it classified, reinforced the very real threat Saddam poses with nuclear, biological and chemical weapons, and his willingness to use them. Even against the United States.

A great deal of soul searching has gone into the process that began with talk about the U.S. attacking Iraq and has now come to an agreement on four very important points:

(1) Multilateral Action. Last month, after returning from a Middle East trip, it was absolutely clear that Saddam's neighbors who know him best, fear him deeply and would shed few tears if he were removed from power. However, the region's leaders, especially Saudi Arabia, were concerned about the fragile future of the Middle East. They want Saddam removed, but through a strong alliance, not one-on-one, America versus Saddam. This bipartisan congressional resolution authorizes President Bush to "obtain prompt and decisive action" by the United Nations Security Council to ensure that Iraq abandons its strategy of "delay, evasion and noncompliance" with all relevant international resolutions.

(2) Force As Last Resort. The Bush administration and our allies must exhaust all diplomatic efforts before resorting to armed force in Iraq. The resolution provides that President Bush must certify to Congress, before any military strike, if feasible, or within 48 hours of a U.S. attack, that diplomatic and other peaceful means alone are inadequate to protect Americans from Saddam's weapons of mass destruction. If America must go to war against a regime that threatens our lives, it will not happen until all other possible solutions have been exhausted.

(3) Congressional Oversight. In addition to the certification to Congress before a military strike, this resolution requires President Bush to report to Congress every 60 days on "matters relevant" to the confrontation with Iraq.

(4) Retaining American Sovereignty. While the resolution authorizes the United States to work through a U.N. Security Council resolution, no American sovereignty is forfeited. If all efforts fail and the national security of the United States is under direct threat by Iraq, the resolution authorizes the President to use the Armed Forces of the United States as he determines "necessary and proper" in order to defend America.

God Bless America!

Mr. PASTOR. Mr. Speaker, I am committed to the war against terrorism, and believe that stopping Saddam Hussein from developing weapons of mass destruction is a necessary part of that effort. At this time, however, I believe it is premature to authorize a unilateral attack on Iraq.

Working with the international community is the surest means of addressing this threat effectively, sharing costs and resources, and ensuring stability in Iraq and throughout the Middle East in the event of a regime change. While the President has spoken of the value of a coalition effort, the resolution before the House today undermines the importance of our allies and of maintaining the momentum of international cooperation in the wider war on terrorism.

I support the Spratt amendment to the resolution. This amendment would authorize the use of U.S. forces in support of a new U.N. Security Council resolution mandating the elimination, by force if necessary, of all Iraqi weapons of mass destruction and means of producing such weapons. Should the Security Council fail to produce such a resolution, the amendment calls on the President to then seek authorization for unilateral military action. In this way, the amendment emphasizes our preference for a peaceful solution and coalition support while recognizing that military force and unilateral action may be appropriate at some point.

We should not rush into war without the support of our allies. We should not send American troops into combat before making a good faith effort to put U.N. inspectors back into Iraq, under a more forceful resolution. We should not turn to a policy of preemptive attack, which we have so long and so rightly condemned, without first providing a limited-time option for peaceful resolution of the threat. America has long stood behind the principle of exhausting diplomacy before resorting to war, and at times like this we must lead by example.

Mr. TIAHRT. Mr. Speaker, I rise today to support H.J. Res. 114, a resolution granting President Bush the authorization to use military force against Iraq. Never in my 8 years as a Member of Congress has there been a vote with as far reaching consequences as this one.

I am under no illusions. War is a serious matter with the real possibility of casualties. I have given this decision a great deal of thought, have sought wise counsel and have spent much time in prayer. It is with a heavy heart that I have come to the conclusion that military action against Iraq may be our only option.

For more than a decade the United States has been working with the United Nations and the international community to use diplomatic means to bring a peaceful solution to the troubling situation in Iraq. We had all hoped Saddam Hussein and his regime would ultimately comply with what the United Nations has demanded. Instead, he has violated, disregarded and openly flouted the 16 U.N. resolutions.

We now know Saddam Hussein is actively seeking nuclear weapons capability, and with fissile material, could build one within a year. A nuclear strike made against us or our allies in the region could result in millions dead. Either Saddam Hussein acquires a nuclear weapon, or we ensure he is stopped. Additionally, Hussein may have the propensity to sell or given nuclear weapons to terrorist organizations one he had acquired them. This could have devastating results.

Traditional nuclear deterrence and containment will not be effective with this regime. Hussein has consistently shown no moral concern for the Iraqi people. Instead, he has a record of acting with selfish deeds of violence against his own family and people. He has mortgaged everything in an effort to obtain nuclear weapon capability. In fighting international sanctions, he has forfeited $180 billion in oil revenue, impoverished many of his people and allowed degradation of his military forces.

Saddam Hussein has already shown the propensity to use chemical weapons on his neighbors in the region and on his own people, and he continues to possess and develop significant chemical and biological weapons capability. One source indicates that Saddam Hussein has already used chemical and biological weapons 250 times.

In addition to these threats, the Iraqi regime continues to aid and harbor international terrorist organizations, including groups that have threatened the lives and safety of American citizens.

I have had the opportunity to participate in several classified briefings led by President Bush, National Security Advisor Condoleezza Rice and Deputy Director of Central Intelligence John McLaughlin. I am convinced that Iraq poses an unquestionable and near-term threat to the peace and security of the United States and our allies abroad.

We can not allow those who wish harm on the United States, and have the propensity to deliver that harm, to acquire weapons of terror and mass destruction. Inaction on our part could lead to the massive loss of innocent lives. The ten-year cat and mouse game Hussein has played with weapons inspectors must come to an end. There is too much at stake, and time is rapidly dwindling.

I believe it is in the national security interest of the United States to prevent Saddam Hussein from obtaining a nuclear weapon and to prosecute the war on terrorism, including Iraq's support for international terrorist groups.

President Bush must continue his efforts to get support from the United Nations Security Council and must exhaust all reasonable diplomatic options available in hopes of avoiding war. However, if Saddam Hussein and the Iraqi regime continue to rebuff the international community and threaten the peace and security of the United States, we must take swift and decisive action. To do anything less would be immoral and irresponsible.

Mr. Speaker, I support this resolution and urge my colleagues on both sides of the isle to do the same.

Mr. ISSA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHUSTER). Pursuant to section 3 of House Resolution 574, the Chair postpones further consideration of the joint resolution until the legislative day of Thursday, October 10, 2002.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Evans, one of his secretaries.

CONTINUED PRODUCTION OF THE NAVAL PETROLEUM RESERVES BEYOND APRIL 5, 2003—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107-272)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Armed Services and ordered to be printed.

To the Congress of the United States:

In accordance with section 201(3) of the Naval Petroleum Reserves Production Act of 1976 (10 U.S.C. 7422(c)(2)), I am informing you of my decision to extend the period of production of the Naval Petroleum Reserves for a period of 3 years from April 5, 2003, the expiration date of the currently authorized period of production.

Enclosed is a copy of the report investigating the necessity of continued production of the reserves as required by section 201(3)(c)(2)(B) of the Naval Petroleum Reserves Production Act of 1976. In light of the findings contained in the report, I certify that continued production from the Naval Petroleum Reserves is in the national interest.

GEORGE W. BUSH.

THE WHITE HOUSE, *October 9, 2002.*

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 54 minutes a.m.), the House stood in recess subject to the call of the Chair.

☐ 0752

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HASTINGS of Washington) at 7 o'clock and 52 minutes a.m.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 107-735) on the resolution (H. Res. 577) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 5011, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2003

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 107-736) on the resolution (H. Res. 578) waiving points of order against the conference report to accompany the bill (H.R. 5011) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 5010, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2003

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 107-737) on the resolution (H. Res. 579) waiving points of order against the conference report to accompany the bill (H.R. 5010) making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MANZULLO (at the request of Mr. ARMEY) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PAYNE) to revise and extend their remarks and include extraneous material:)

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2127. An act for the relief of the Pottawatomi Nation in Canada for settlement of certain claims against the United States; to the Committee on Resources.

ADJOURNMENT

Mrs. MYRICK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 53 minutes a.m.), under its previous order, the House adjourned until today, Thursday, October 10, 2002, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9573. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Technical Assistance for Specialty Crops Program (RIN: 0551-AA63) received October 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9574. A letter from the Secretary, Department of Labor, transmitting a bill entitled, "Black Lung Consolidation of Administrative Responsibilities Act"; to the Committee on Education and the Workforce.

9575. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plans For Designated Facilities and Pollutants: Massachusetts; Plan for Controlling MWC Emissions From Existing Large MWC Plants [MA-01-7203a; FRL-7387-5] received October 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9576. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Iowa [IA 154-1154a; FRL-7392-6] received October 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9577. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Indiana [IN144-1a; FRL-7390-3] received October 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9578. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; To Prevent and Control Air Pollution from the Operation of Hot Mix Asphalt Plants [WV 047-6021a; FRL-7391-3] received October 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9579. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Utah; Vehicle Inspection and Maintenance Programs; Salt Lake County and General Requirements and Applicability [UT-001-0038, UT-001-0039, UT-001-0040; FRL-7262-2] received October 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9580. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; Prevention of Significant Deterioration (PSD) of Air Quality Permit Requirements [NH-01-48-7174a; A-1-FRL-7376-5] received October 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9581. A letter from the Senior Legal Advisor to the Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Implementation of the Cable Television Consumer Protection and Competition Act of 1992; Development of Competition and Diversity in Video Programming Distribution: Section 628(c)(5) of the Communications Act; Sunset of Exclusive Contract Prohibition [CS Docket No. 01-290] received October 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9582. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Fort Wayne, Indiana) [MB Docket No. 01-302, RM-10333] received October 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9583. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act ("Appliance Labeling Rule") — received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9584. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Specification of a Probability for Unlikely Features, Events and Processes (RIN: 3150-AG91) received October 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9585. A letter from the Chairman and Co-Chairman, Congressional Executive Commission on China, transmitting the Commission's first 2002 annual report; to the Committee on International Relations.

9586. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates — received October 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

9587. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Mismanaged Special Education Payment System Vulnerable to Fraud, Waste and Abuse," pursuant to D.C. Code section 47—117(d); to the Committee on Government Reform.

9588. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Certification of the Fiscal Year 2002 Revenue Projection in Support of the District's $283,870,000 Multimodal General Obligation Bonds and Refunding Bonds," pursuant to D.C. Code section 47—117(d); to the Committee on Government Reform.

9589. A letter from the Executives Resources and Special Programs Division, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9590. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna [I.D. 083002D] received October 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9591. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Closure of the Fishery for Pacific Sardine North of Pt. Piedras Blancas, CA [Docket No. 011218302-1302-01; 091202B] received October 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9592. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Stone Crab Fishery of the Gulf of Mexico; Amendment 7 [Docket No. 020606141-22212-02; I.D. 031402C] (RIN: 0648-AN10) received October 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9593. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic

Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No. 011218304-1304-01; I.D. 092502E] received October 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9594. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Western Aleutian District [Docket No. 011218304-1304-01; I.D. 092402D] received October 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9595. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Trawl Gear in the Chum Salmon Savings Area of the Bering Sea and Aleutian Islands Management Area [Docket No. 011218304-1304-01; I.D. 091902D] received October 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9596. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's proposed legislation entitled, "Child Abduction and Sexual Abuse Prevention Act of 2002"; to the Committee on the Judiciary.

9597. A letter from the Program Analyst,FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 Series Airplanes [Docket No. 2002-NM-196-AD; Amendment 39-12887; AD 2002-19-07] (RIN: 2120-AA64) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9598. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Vulcanair S.p.A. P 68 Series Airplanes [Docket No. 2002-CE-13-AD; Amendment 39-12888; AD 2002-19-08] (RIN: 2120-AA64) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9599. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Textron Lycoming IO-540, LTIO-540, and TIO-540 Series Reciprocating Engines [Docket No. 2002-NE-03-AD; Amendment 39-12883; AD 2002-19-03] (RIN: 2120-AA64) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9600. A letter from the Program Analyst,FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; SOCATA — Groupe AEROSPATIALE Model TBM 700 Airplanes [Docket No. 2002-CE-15-AD; Amendment 39-12881; AD 2002-19-01] (RIN: 2120-AA64) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9601. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30331; Amdt. No. 3024] received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9602. A letter from the FMCSA Regulations Officer, Department of Transportation, transmitting the Department's final rule — Development of a North American Standard for Protection Against Shifting and Falling Cargo (RIN: 2126-AA27) received October 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9603. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30330; Amdt. No. 3023] received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9604. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Contract Numbering (RIN: 2700-AC33) received October 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

9605. A letter from the Acting Director, Office of Regulatory Law, Department of Veterans' Affairs, transmitting the Department's final rule — Enrollment — Provision of Hospital and Outpatient Care to Veterans (RIN: 2900-AK38) received October 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

9606. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Extension of Transition Relief for Foreign Partnerships and their Withholding Agents under Notice 2001-4 [Notice 2002-66] received October 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9607. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit or abatement; determination of correct tax liability (Rev. Proc. 2002-66) received October 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9608. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Qualified covered call options (Rev. Rul. 2002-66) received October 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9609. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Tax Treatment of Payments Made Under the USDA Peanut Quota Buyout Program [Notice 2002-67] received October 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9610. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rate Update [Notice 2002-68] received October 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9611. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Summary of Revenue Procedure 2002-64 (Rev. Proc. 2002-64) received October 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HOBSON: Committee of Conference. Conference report on H.R. 5011. A bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes (Rept. 107–731). Ordered to be printed.

Mr. LEWIS of California: Committee of Conference. Conference report on H.R. 5010. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes (Rept. 107–732). Ordered to be printed.

[October 10 (legislative day of October 9), 2002]

Mr. THOMAS: Committee on Ways and Means. H.R. 5558. A bill to amend the Internal Revenue Code of 1986 to accelerate the increases in contribution limits to retirement plans and to increase the required beginning date for distributions from qualified plans; with an amendment (Rept. 107–733). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMAS: Committee on Ways and Means. H.R. 1619. A bill to amend the Internal Revenue Code of 1986 to increase the limitation on capital losses applicable to individuals; with an amendment (Rept. 107–734). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 577. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 107–735). Referred to the House Calendar.

Mrs. MYRICK: Committee on Rules. House Resolution 578. Resolution waiving points or order against the conference report to accompany the bill (H.R. 5011) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes (Rept. 107–736). Referred to the House Calendar.

Mrs. MYRICK: Committee on Rules. House Resolution 579. Resolution waiving points or order against the conference report to accompany the bill (H.R. 5010) making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes (Rept. 107–737). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. EVANS:

H.R. 5583. A bill to amend the Small Business Act to establish a Government-wide procurement goal for small business concerns owned and controlled by veterans, to establish a presumption that service-disabled veterans and other handicapped individuals are eligible for benefits under the Small Business Development Program, and for other purposes; to the Committee on Small Business.

By Mr. ISSA:

H.R. 5584. A bill to protect certain lands held in fee by the Pechanga Band of Luiseno Mission Indians from condemnation until a final decision is made regarding a pending fee to trust application for that land, to provide an environmentally sound process for the expeditious consideration and approval of an electricity transmission line right-of-way through the Trabuco Ranger District of the Cleveland National Forest and adjacent Federal lands, and for other purposes; to the Committee on Resources.

By Mr. CASTLE (for himself and Mr. Boehner):

H.R. 5585. A bill to provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ENGLISH (for himself, Ms. Hart, Mr. Gekas, Mr. Shuster, Mr. Peterson of Pennsylvania, Mr. Sherwood, Mr. Fattah, Mr. Doyle, Mr. Coyne, Mr. Brady of Pennsylvania, Mr. Borski, Mr. Platts, Mr. Hoeffel, Mr. Holden, Mr. Mascara, Mr. Weldon of Pennsylvania, Mr. Greenwood, Mr. Toomey, and Mr. Pitts):

H.R. 5586. A bill to designate the facility of the United States Postal Service located at 141 Erie Street in Linesville, Pennsylvania, as the "James R. Merry Post Office Building"; to the Committee on Government Reform.

By Mr. ENGLISH (for himself, Mr. Weller, Ms. Hart, Mr. Herger, Ms. Dunn, Mr. Shaw, Mr. Shuster, Mr. Pickering, Mr. Walden of Oregon, Mr. Ehrlich, and Mr. Foley):

H.R. 5587. A bill to extend the program under which temporary extended unemployment compensation is provided, and for other purposes; to the Committee on Ways and Means.

By Mr. GEKAS (for himself and Mr. Smith of Washington):

H.R. 5588. A bill to amend title 18, United States Code, to establish penalties for aggravated identity theft, and for other purposes; to the Committee on the Judiciary.

By Mr. GRAVES:

H.R. 5589. A bill to provide emergency disaster assistance to agricultural producers to respond to severe crop losses incurred in 2001 and 2002; to the Committee on Agriculture.

By Mr. HAYES (for himself, Mr. McHugh, Mr. McIntyre, Mrs. Tauscher, and Mr. Jeff Miller of Florida):

H.R. 5590. A bill to amend title 10, United States Code, to provide for the enforcement and effectiveness of civilian orders of protection on military installations; to the Committee on Armed Services.

By Mr. KELLER (for himself, Mr. Boehner, and Mr. Castle):

H.R. 5591. A bill to provide relief to teachers, administrators, and related services providers from an excessive paperwork burden, and to reduce time spent by teachers on noninstructional activities, as required under the Individuals with Disabilities Education Act; to the Committee on Education and the Workforce.

By Mr. KING:

H.R. 5592. A bill to eliminate the backlog in performing DNA analyses of DNA samples collected from convicted child sex offenders, and for other purposes; to the Committee on the Judiciary.

By Mr. MOORE (for himself and Ms. McCarthy of Missouri):

H.R. 5593. A bill to provide assistance to certain airline industry workers who have lost their jobs, and for other purposes; to the Committee on Ways and Means.

By Mrs. MORELLA (for herself and Ms. Pryce of Ohio):

H.R. 5594. A bill to amend the Federal Food, Drug, and Cosmetic Act to require labeling containing information applicable to pediatric patients; to the Committee on Energy and Commerce.

By Ms. SANCHEZ (for herself, Mr. Abercrombie, Mr. Blumenauer, Mrs. Bono, Mrs. Capps, Mr. Condit, Mr. Dicks, Ms. Eshoo, Mr. Farr of California, Mr. Filner, Mr. Greenwood, Ms. Hooley of Oregon, Ms. Lee, Mr. Menendez, Mr. George Miller of California, Ms. Millender-McDonald, Mr. Nadler, Mrs. Napolitano, Mr. Pascrell, Ms. Pelosi, Ms. Roybal-Allard, Mrs. Tauscher, and Mr. Underwood):

H.R. 5595. A bill to direct the Secretary of Commerce to establish and appoint the members of a Marine Protected Areas Advisory Committee in accordance with a Department of Commerce document; to the Committee on Resources.

By Mr. YOUNG of Florida:

H.J. Res. 120. A joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes; to the Committee on Appropriations.

By Mr. KNOLLENBERG (for himself, Mr. Camp, Mr. Crane, Mr. Dooley of California, Mr. Jefferson, Mr. Manzullo, Mr. Pence, and Mr. Rogers of Michigan):

H. Con. Res. 507. Concurrent resolution urging the President to request the United States International Trade Commission to conduct an expedited review of the temporary safeguards on imports of certain steel products; to the Committee on Ways and Means.

By Ms. LOFGREN (for herself, Mr. Honda, Ms. Eshoo, Ms. Sánchez, Ms. Roybal-Allard, Mr. Stark, Ms. Lee, Ms. Solis, Mr. Baca, Mrs. Napolitano, Mr. Rodriguez, Mr. Ortiz, Mr. Serrano, Mr. Pastor, Mr. Becerra, Mr. Menendez, Mr. Reyes, Ms. Velázquez, Mr. Hinojosa, Mr. Gutierrez, Mr. Gonzalez, Mr. Acevedo-Vilá, Mr. Underwood, and Mr. Farr of California):

H. Res. 576. A resolution honoring the life of Dr. Roberto Cruz; to the Committee on Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Mr. Maloney of Connecticut.

H.R. 488: Mr. Hastings of Florida.

H.R. 664: Mr. Weldon of Pennsylvania.

H.R. 831: Mr. Green of Wisconsin.

H.R. 1086: Mr. Towns.

H.R. 1108: Mr. Green of Wisconsin.

H.R. 1269: Ms. Velázquez.

H.R. 1342: Mr. Army.

H.R. 1412: Mr. Chambliss.

H.R. 1465: Ms. Velázquez.

H.R. 1509: Mr. Phelps.

H.R. 1520: Mr. Boozman, Mr. Isakson, Mr. Hoeffel, and Mr. Skelton.

H.R. 1724: Mr. Gillmor and Mr. Engel.

H.R. 1918: Mr. Tiahrt.

H.R. 1983: Mr. Hostettler.

H.R. 2373: Mr. Lampson, Ms. Ros-Lehtinen, and Mr. LaTourette.

H.R. 2458: Mr. Tom Davis of Virginia.

H.R. 2630: Ms. Slaughter.

H.R. 2874: Mr. Honda and Mr. Hastings of Florida.

H.R. 3027: Ms. Berkley.

H.R. 3109: Mr. Rohrabacher.

H.R. 3183: Mr. Green of Wisconsin.

H.R. 3320: Mr. Weldon of Pennsylvania.

H.R. 3430: Mr. Cunningham.

H.R. 3431: Mr. Fossella, Mr. Tanner, Mr. Rehberg, Mr. Walden of Oregon, Mr. Young of Alaska, Mr. Duncan, Mr. Sullivan, Mr. Deal of Georgia, Mr. Wu, Mr. Moran of Kansas, and Mr. Hilleary.

H.R. 3592: Mr. Wilson of South Carolina.

H.R. 3834: Mr. Sullivan and Mr. Reyes.

H.R. 3884: Mr. Ackerman.

H.R. 3956: Ms. DeGette.

H.R. 3973: Mr. Crenshaw.

H.R. 4075: Ms. Schakowsky.

H.R. 4152: Ms. Lofgren and Mr. Taylor of Mississippi.

H.R. 4611: Mrs. Capps.

H.R. 4614: Mr. Gutierrez.

H.R. 4667: Mr. Brown of South Carolina.

H.R. 4693: Mr. Mica.

H.R. 4698: Mr. Israel.

H.R. 4704: Mr. Hoeffel and Mr. Tierney.

H.R. 4726: Mr. Andrews.

H.R. 4760: Mr. Blumenauer.

H.R. 4763: Mr. Pastor, Mr. Gutierrez, Mr. Grucci, and Ms. Pelosi.

H.R. 5031: Mrs. Morella, Mr. Shaw, Mr. Jones of North Carolina, Mr. Payne, Mrs. Jo Ann Davis of Virginia, Mr. Weldon of Pennsylvania, Mr. Davis of Illinois, Mr. LaHood, Mr. Etheridge, and Mr. Grucci.

H.R. 5044: Mr. Cardin, Ms. Sánchez, and Mr. Ferguson.

H.R. 5079: Mrs. Lowery.

H.R. 5098: Mr. Engel and Mr. Brown of Ohio.

H.R. 5119: Mrs. Thurman and Mr. Gallegly.

H.R. 5146: Mr. Menendez, Mr. Payne, Mr. Pallone, Mr. Andrews, and Mr. Rothman.

H.R. 5191: Mrs. Thurman.

H.R. 5197: Mr. Watt of North Carolina.

H.R. 5250: Ms. McCollum, Mr. Menendez, Ms. Berkeley, Ms. Hart, and Mr. Paul.

H.R. 5268: Mr. Sabo.

H.R. 5319: Mr. Green of Wisconsin, Mr. Cannon, and Mr. Issa.

H.R. 5334: Mr. Fossella and Mr. Waxman.

H.R. 5350: Mr. Crowley.

H.R. 5353: Mr. Ehrlich.

H.R. 5380: Mr. Souder and Ms. Waters.

H.R. 5383: Mr. Holden, Ms. DeGette, and Mr. John.

H.R. 5411: Ms. Rivers, Mr. Dicks, Mr. Platts, Mr. Frank, Mr. Murtha, Mr. Graves, Mr. Sandlin, Mr. Ross, Mr. Israel, Mrs. Christensen, Mr. Crowley, Mr. Isakson, Mr. Evans, and Mr. Boswell.

H.R. 5412: Mr. Pascrell and Ms. DeLauro.

H.R. 5433: Mr. Weller.

H.R. 5441: Mr. Frost.

H.R. 5455: Mr. Otter, Mr. Simpson, Mr. Sullivan, Mr. Rogers of Michigan, and Mr. Barcia.

H.R. 5457: Ms. Baldwin.

H.R. 5491: Mr. Holden, Mr. McGovern, Mr. Frost, Mr. Larson of Connecticut, and Ms. Rivers.

H.R. 5493: Ms. Berkley and Ms. DeGette.

H.R. 5499: Mrs. Clayton, Mr. Jones of North Carolina, Mr. Inslee, Mrs. Maloney of New York and Mr. Honda.

H.R. 5509: Mr. DeMint and Mr. Paul.

H.R. 5511: Mr. Lantos and Ms. Slaughter.

H.R. 5528: Mrs. Morella, Mr. LaTourette, Mr. Dan Miller of Florida, Mr. Souder, Mr. Engel, Mr. McGovern, Mr. Kirk, Mr. Ose, Mr. Sawyer, Ms. DeLauro, Mr. Hastings of Florida, Mrs. Meek of Florida, Ms. Kilpatrick, Mr. Spratt, Ms. Woolsey, Mrs. Maloney of New York, Mr. Cardin, Mr. Shays, Mr. Conyers, Mr. Moran of Virginia, Mr. Waxman, Mr. Bass, Ms. Kaptur, Mr. Rangel, and Mr. Serrano.

H.R. 5534: Mr. Peterson of Minnesota, Mr. Paul, Mr. Hilliard, Mr. Hinchey, Mr. Crowley, Mr. Frost, Ms. Millender-McDonald, Mr. Israel, and Mr. Phelps.

H.R. 5541: Mr. Frost, Mr. Mollohan, Mr. Towns, Mrs. McCarthy of New York, Ms.

ROYBAL-ALLARD, Mr. RAHALL, Mr. DINGELL, Mrs. CLAYTON, Mr. GEORGE MILLER of California, and Mr. WYNN.

H.R. 5545: Mr. CUNNINGHAM.

H.R. 5578: Mr. ORTIZ.

H.J. Res. 113: Mrs. CLAYTON.

H.J. Res. 114: Mr. PLATTS, Mr. FOSSELLA, Mr. KNOLLENBERG, Mr. NEY, Mr. CALLAHAN, and Mr. COX.

H. Con. Res. 417: Ms. ROS-LEHTINEN.

H. Con. Res. 445: Mr. DEMINT, Mr. KINGSTON, Mr. BARR of Georgia, Mr. GEKAS, Mr. CHAMBLISS, Mr. MICA, Mr. JENKINS, Mr. HANSEN, Mr. TAYLOR of Mississippi, Mr. SESSIONS, Mr. BARTON of Texas, Mr. DEAL of Georgia, and Mr. KENNEDY of Minnesota.

H. Con. Res. 466: Mr. PETRI.

H. Con. Res. 473: Ms. WATERS and Mr. PAYNE.

H. Con. Res. 474: Mr. FROST.

H. Con. Res. 489: Mr. TANCREDO.

H. Con. Res. 497: Mrs. CLAYTON, Mr. WALSH, Mr. DEUTSCH, and Mr. WATTS of Oklahoma.

H. Con. Res. 501: Ms. CARSON of Indiana and Ms. KAPTUR.

H. Con. Res. 502: Mr. HONDA, Mr. WAMP, Mr. KELLER, Mrs. THURMAN, Mr. BAKER, Mr. WICKER, Mrs. MORELLA, Mr. FOSSELLA, Mr. TOWNS, Mr. GIBBONS, Mr. HALL of Texas, Mr. ISRAEL, Mr. PETERSON of Pennsylvania, Mr. CANTOR, Mr. JEFFERSON, and Mr. CAPUANO.

H. Res. 429: Mr. UDALL of Colorado, Mr. SOUDER, and Mr. PITTS.

H. Res. 486: Mr. RADANOVICH.

H. Res. 491: Ms. LOFGREN.

H. Res. 532: Mr. WAMP and Mr. FARR of California.

H. Res. 557: Mr. BERRY.

H. Res. 558: Mr. WELDON of Pennsylvania.

EXTENSIONS OF REMARKS

PAYING TRIBUTE TO MAPLE GROVE COLUMBINE CLUB

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 2002

Mr. McINNIS. Mr. Speaker, I rise today to pay tribute to an organization with a long history in Colorado. The Maple Grove Columbine Club in Montrose, Colorado has served as a social network for its members as they have come together to support each other, their community, and their country for nearly a century now. It is with is with great pride that I honor them today and share their heritage with my colleagues.

Since its inception as a women's social organization in 1911, the Columbine Club's activities have reflected the values that are at the heart of every American community. Established in an era when the horse was still the way to get around, the club traditionally has not held meetings during the summer months so the women could concentrate on preparing their children for school and canning their gardens' harvest for winter. Socially, the club held annual husband's banquets and Christmas parties to help bring people together, as well as regular meetings in members' homes. Their activities created lasting friendships as some members have contributed to the club for over 50 years.

The Columbine Club's activities reach beyond just social gatherings, as members met to discuss and undertake blood plasma donation during World War II and gathering goods to distribute to those in need. The club is indeed full of commitment and perspective with some members in their 80s still participating and supporting their community. It is good to see that the club is as full of vitality today as when it was first founded 91 years ago.

Mr. Speaker, I stand today to honor this organization before this body of Congress and our nation. The strong values and social causes championed by the ladies of the Maple Grove Columbine Club reflect their commitment to their community, their state, and their country. I am glad to bring this group's history and accomplishments to the attention of this body.

EXPRESSING SUPPORT OF OFFICIAL RECOGNITION FOR THE HEROES OF UNITED AIRLINES FLIGHT 93

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 2002

Mr. COLLINS. Mr. Speaker, I call to your attention a letter I received from David and Gretchen Nagy and Donald Evans, Jr., of Burke, Virginia. The letter, addressed to President George W. Bush, urges our government to officially recognize the heroic men and women of United Airlines Flight 93 for their actions on the morning of September 11, 2001. These ordinary people aboard Flight 93 were thrown into an extraordinary and tragic situation. When their plane as highjacked by al-Qaeda terrorists, these brave souls made a choice to fight back against terror. The citizens on Flight 93 became soldiers, and in so doing denied the terrorists of their chosen target, perhaps saving our cherished Capitol from the same fate as the World Trade Center. Mr. Speaker, in support of this letter, I submit it for the RECORD. It reads as follows:

President GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We write as ordinary citizens to ask that you lead our nation in bestowing some measure of official honor upon a tiny band of extraordinary citizens—the ones who stood up and charged the hijackers of UAL Flight 93 over Pennsylvania on 9/11.

There seems little doubt that these heroes spared America another devastating blow with their magnificent stand, possibly even a blow to the Capitol or the White House itself. Thanks to you and others, everyone now knows their rallying cry, "Let's roll!" Surely, everyone with a heart shivered when they heard it, and the story behind it.

And now, Mr. President, how many even remember their names?

According to press reports, they were Todd Beamer, Jeremy Glick, Mark Bingham and Lou Nacke—ordinary yet rare men with the guts to act when most would be paralyzed by fear. Perhaps investigators have identified others who joined their uprising. If so, they remain anonymous and unacknowledged. All the sadder.

In a sense, sir, weren't these men the first combat casualties in our new war against terrorism? The first to go hand-to-hand—and unarmed—against our attackers? They knew they were doomed. ("I'm not going to get out of this," Beamer told a cellphone operator.) They could have curled up and gone passively. But they also knew they could thwart evil and spare many on the ground if they went down fighting.

We respectfully suggest, Mr. President, that valor of this sort is in the grandest traditions of American heroism—something very special, on the order of that which gains our military heroes the Medal of Honor. Yet if anyone has proposed that this Nation extend these men some tangible form of gratitude, something solid their loved ones could touch and treasure, we haven't heard of it. So we are asking you, sir, to consider bestowing such an honor at a fitting, proper ceremony. Perhaps the Presidential Medal of Freedom would be appropriate, perhaps some other award for ultimate service and valor.

We still hope we are merely adding our letter to a growing stack.

God bless you, Mr. President.

DAVID AND GRETCHEN NAGY,
DONALD C. EVANS, JR.

GIFTS FROM PRESCRIPTION DRUG MANUFACTURERS? GOOD FOR PATIENTS—OR CROSSING THE LINE?

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 2002

Mr. BEREUTER. Mr. Speaker, this Member wishes to commend to his colleagues an editorial from the October 5, 2002, edition of the Omaha World Herald, entitled "Plug the Flow of 'Incentives' " Gifts from drug companies do influence when and how much medicine is prescribed. This Member recognizes that physician-pharmaceutical interaction can produce some positive results, such as improved knowledge of treatment for complicated illnesses. However, interaction can also result in negative outcomes, such as increasing prescriptions for promoted drugs, while fewer generics are prescribed at no demonstrated advantage.

As we consider adding a prescription drug benefit to the Medicare program and begin to examine ways to control prescription drug costs in the Medicaid program, it seems to me, that we need to ask the following questions:

Are consumers obtaining good value for the resources expended on new pharmaceuticals?

Are new prescription drugs on the market better, safer, and more effective than older drugs that have been on the market for quite some time?

Does the Government have a role in determining more than simply the safety of new and established drugs?

If so, does that role include evaluating clinical efficacy, convenience, and cost-effectiveness compared to current products?

PLUG THE FLOW OF "INCENTIVES"

Pharmaceutical manufacturers have long realized that doctors are key to the health of their bottom lines. Now, using words like "fraud," the federal government has indicated it will try to shut off the flood of goodies that drug makers pour over the decision-makers who are in a position to prescribed their products.

Financial incentives to doctors, pharmacists or similar health care professionals given to induce them to prescribe or recommend particular drugs or to switch patients from one drug to another are common in the industry. But the practice could break federal fraud and abuse laws, according to officials at the Department of Health and Human Services. The department is planning to set standards that would ban such "incentives" for a wide range of medical, insurance

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and pharmacy workers who make drug decisions.

The most notable underlying problem is the high cost of many of the brand-name drugs that are pushed hardest by the drug companies. These drugs, many of them with equally effective, cheaper alternatives, are profit centers for pharmaceutical companies. That means the companies are happy to shell out for weekend trips, expensive meals or other "incentives" for prescribing or switching patients to the designated medication.

Doctors, pharmacy benefit managers and others who please the companies can be hired as do-little "consultants" to the manufacturers, sometimes for outrageously high pay.

The new standards aren't, in themselves, laws. Companies that don't follow them, however, fact investigation under federal fraud and kickback statutes, a Health and Human Services official warned. A voluntary code of conduct adopted last spring by the industry apparently didn't go far enough.

Prescription costs are rising steadily. No reasonable person would deny the industry a fair profit. But some of the practices revealed by Health and Human Services are shifty, deceptive and just plain unethical. We're glad to see the feds trying to put a stop to what amounts to bribery of medical decision-makers.

TRIBUTE TO COLORADO AGRICULTURE COMMISSIONER DON AMENT AND MR. BASIL STIEB

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to recognize Don Ament, the Colorado Agriculture Commissioner and Mr. Basil Stieb of Iliff, Colorado. Recently, both men appeared on NBC Nightly News to educate Americans about the tremendous devastation left by the drought in our State.

During his tenure as the Colorado Ag Commissioner, Don Ament has worked tirelessly to promote the issues that matter to rural Colorado. He used his appearance on NBC Nightly News to skillfully articulate the problems and possible solutions Colorado and other States plagued by drought face. I thank him for his efforts to promote drought awareness.

Mr. Basil Stieb is a Colorado farmer who faces our State's severe drought every day. He eloquently told his story to the American people on NBC, and provided a realistic picture of the sacrifices farming and ranching families across our nation are making due to the drought. I thank him for his dedication to agriculture and his desire to educate others.

Residents of Colorado's Fourth Congressional District, Don Ament and Basil Stieb are truly great Americans. I ask the House to join me in thanking them for their hard work and commitment to solving the problems caused by the drought in Colorado.

PAYING TRIBUTE TO DR. BURTIS NUTTING

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 2002

Mr. McINNIS. Mr. Speaker, it is my distinct privilege to pay tribute to Dr. Burtis "Doc" Nutting of Glenwood Springs, Colorado before this body of Congress and this nation. Dr. Nutting has recently turned 100 years old and, as he and his family celebrate this momentous occasion, I would like to recognize him for his fascinating career and the incredible contributions he has made to the community of Glenwood Springs.

Dr. Nutting was born in Delta, Colorado on September 15, 1902. He studied pre-med at Western State College in Gunnison and then graduated from the University of Colorado Medical School in 1929. Dr. Nutting moved to Glenwood Springs after he caught word that the local doctor in the city had passed away and the community needed a new physician.

Dr. Nutting had a vigorous work ethic throughout his career, working seven days a week and constantly on call throughout the evenings, determined to be available to all his patients. He also maintained personal friendships with his patients and he ran his office accordingly. He made certain that all patients in need received the best medical care available and nobody was turned away, regardless of their financial situation. On many occasions, Dr. Nutting accepted payments made with chickens, farm animals, and vegetables from patients who had no other means of compensation.

Among Dr. Nutting's most noted accomplishments were his contributions in the fundraising and construction of a larger, more modern hospital for the City of Glenwood Springs. The hospital was completed in 1955, providing the city with up-to-date facilities and more room to accommodate the city's growing population. Due to the hands-on way in which he did his job and the endless, heartfelt concern for his patients, Dr. Nutting became somewhat of a celebrity over the years. His age and his years of dedication and service to the City of Glenwood Springs have made him into an icon of community involvement.

Mr. Speaker, it is a distinct honor to recognize Dr. Burtis Nutting before this body of Congress and this nation in commemoration of his 100th birthday. Dr. Nutting and his family can be proud of his achievements and the years of irreplaceable service he has given to the City of Glenwood Springs. I hope his years ahead will be as rewarding and endearing as the one hundred he has been blessed with thus far. Congratulations, Doc!

TRIBUTE TO LYNDAL WHITWORTH

HON. WES WATKINS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 2002

Mr. WATKINS of Oklahoma. Mr. Speaker, I rise today to honor my district director, Lyndal Whitworth. On October 20, 2002, Lyndal will retire from Federal service. Lyndal has been a friend and partner in my efforts to help bring jobs and economic opportunities to the Third Congressional district, and he will be greatly missed by all who have known him and worked with him.

I first met Lyndal in the Spring of 1966 when I was the high school and college relations director for Oklahoma State University. I was in Lamont, Oklahoma, for a Future Farmers of America Banquet at Lamont High School, where Lyndal was a junior. Lyndal was a top student, and a fellow FFA officer, so I recruited him to attend OSU, my alma mater. Lyndal went on the OSU, where he earned a degree in agriculture and served in the student government.

In the Spring of 1978, during my freshman term in the House, I had an opening in my Washington office for a legislative assistant for agriculture. Lyndal was working on the Agriculture Department communications staff at OSU, and I immediately thought of him for the position. Unfortunately, for me Lyndal declined the offer for family reasons—he had a pregnant wife and young son, so the timing was not right for him to move to Washington.

Later that year, however, I had another job opening—this one in my Ada, Oklahoma, district office. So, I contacted Lyndal again to ask him to join my district staff, and this time he accepted.

Lyndal Whitworth and I share a dedication to rural Oklahoma and a commitment to working as hard as it takes and for as long as needed to get the job done. Keeping up with me is no easy task, and Lyndal's positive attitude and dedication to me and my mission made him a perfect fit as my district director. Lyndal frequently joined me in putting in 14, 16 to 18 hours a day, helping on my primary mission to improve the economic conditions of the Third District of Oklahoma, historically the most economically distressed area of the State.

Lyndal's efforts in the district assisted my legislative efforts in Washington during my time in Congress. Just a few of the many projects for which Lyndal provided valuable assistance include Winding Stair National Recreation Area, McGee Creek Reservoir, Wes Watkins Reservoir; the USDA Agriculture Research Station in Lane, the OSU Center for International Trade Development, numerous highway and rural water projects, and countless local economic development and business recruitment projects. Our efforts have been very successful. The Third district has made great strides, and today is transforming from a depressed welfare area to an active economic growth area.

I have served in the House for a total of 20 years, from 1977 to 1991 and from 1997 to the present. Lyndal Whitworth has served on my staff for sixteen of those twenty years. He served his nation in the U.S. Army, worked for the United States Senate, and served as a civilian employee for the U.S. Army Corps of Engineers. I ask that the House join me in thanking Lyndal Whitworth for his many years of faithful public service and for a job well done.

HONORING TRAVIS L. BROWN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 2002

Mr. GRAVES. Mr. Speaker, I rise today along with my colleagues and the Congressional Fire Services Institute to honor a fallen hero Travis L. Brown, on June 6th, 2001, Mr. Brown made the ultimate sacrifice in service for the Dearborn Fire Department and surrounding communities.

Mr. Brown had a soft spot for helping people, which was evident in his career as a nurse and volunteer firefighter. During his memorial service more than two hundred firefighters, EMT personnel and members of police departments from Kansas and Missouri came in support of a fallen brother. Many kind words were shared at Mr. Brown's memorial; one colleague best described him as "...just a great guy, a very caring man."

Mr. Brown's contributions will be missed dearly, as he is an irreplaceable member of the community. Mr. Brown was just doing his job as thousands of volunteer firefighters do everyday, sacrificing his life for the overall benefit of the community. It is he and the thousands in his field that we thank and appreciate tremendously.

Travis L. Brown leaves behind a wife Tammy and five children Amanda, Alissa, April, Roth, and James who will all truly miss this fallen hero. Our condolences go out to their family as we again remember his dedication to his community and his family.

Mr. Speaker, please join me in honoring and recognizing a true American hero, Travis L. Brown.

TRIBUTE TO ANN McKENNIS

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 2002

Mr. BRADY of Texas. Mr. Speaker, I rise today to pay tribute Ann McKennis who later this month will be retiring from nursing after more than 41 years of service. Ann is not only a constituent, but someone I am proud to call my friend.

During her distinguished career in the nursing profession, Ann McKennis has worked tirelessly to assist her patients and community with a selfless commitment to professionalism, excellence, and compassion. She has also made it here goal to advance nursing care for the both the caregiver and patient, alike. Most importantly, what makes Ann a great nurse and special person is that she believes that the role of a nurse is not only devoting hours on the job to the care of patients, but a lifetime role through which she can work to improve the lives of all of those she comes into contact.

Since moving to Texas in 1985, Ann has served as a surgical staff nurse in the Otolaryngology Operating Room of The Methodist Hospital in Houston, Texas. During this time Ann McKennis has not only excelled within the medical environment—demonstrating an unwavering commitment to her patients and coworkers—but also has worked to advance the nursing profession and improve the level of nursing care throughout our state, nation and around the world. She was recently elected to the Nominating Committee of the National Society of Otorhinolaryngology and Head Neck Nurses (SOHN) and currently serves as the Chairman of its Government Relations Committee. Additionally, Ann is a member of the American Nurses Association, as well as of the Ear Nose and Throat (ENT) Interest Group at the Royal College of Nursing in Great Britain, the International Association of Laryngectomies and the Harper Hospital Alumni Association in Detroit, Michigan.

In Texas, Ann is a member of the Texas Nurses Association and Texas Council of Operating Room Nurses (TCORN); has served three terms as President of the Greater Houston Chapter of SOHN, as well as spending four two-years terms as Chairman of its Legislative Committee; and has served as President of the North Harris County Chapter of the Association of Operating Room Nurses (AORN), where she also served on three of its committees—Legislative, Research, and Policy.

Ann has also been highly honored her for her contributions to the field of nursing. She was awarded the 2001 Brown Foundation Award for Outstanding Nursing Service for her many years of excellence in service to nursing, the 2001 AORN Outstanding Achievement Award for Perioperative Patient Education, the Texas Nurses Association's Outstanding Nurse in the Houston Area for 1993, the SOHN Honor Awards in 1993, 1997, and 1999, and has consistently been recognized as a Who's Who in American Nursing.

However, Ann's talents go beyond nursing. She has received numerous awards for her writing, including first prize at both the 1993 and 1995 SOHN Literary Awards. She has served on the Editorial Boards of several professional nursing journals including AORN Journal, ORL-Head & Neck Nursing, and Nursing Avenues and has published more than twenty-six pieces on nursing technical practice, ethics and care.

Ann continually works in the community performing a variety of tasks to encourage people both young and old the importance of health care in lives—and most notably, working to discourage the use tobacco products. Among her many activities, she has worked annually at the Houston Rodeo to promote the "Through With Chew" program to diminish the use of smokeless tobacco products and serves as a support team with local laryngectomee patients who have lost their vocal chords due to throat cancer.

Mr. Speaker, Ann McKennis has spent all of her career working to selflessly support and care for others. I therefore urge my colleagues to join me in wishing Ann McKennis much luck in all her future ventures and thanking her for her fine contribution to nursing for more than forty years. However, I am certain her support and compassion are sure to continue long after she retires.

PAYING TRIBUTE TO ERIC SIMONS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 2002

Mr. McINNIS. Mr. Speaker, it is with great enthusiasm that I recognize Mr. Eric Simons of Boulder, Colorado for his tremendous courage and optimism in the face of some of life's most disheartening circumstances. In 1995, Mr. Simons was diagnosed with multiple sclerosis and initially suffered many disabling consequences. Today, I wish to commend Mr. Simons on his recovery efforts and convey his inspiring story before this body of Congress.

Mr. Simons has been an avid mountain climber throughout his life and has reached the summit of many of the world's highest peaks. In 1995, Mr. Simons returned home after climbing the prestigious Sandstone Cliffs of Eldorado Canyon when his neck started getting stiff and his body began to go numb. Following this initial attack, Mr. Simons also suffered from organ failure, losing over 40 pounds and much of his previous strength. Once able to climb some of the most rigorous and technical mountains in the world, Mr. Simons found himself unable to climb out of bed.

Undaunted by his deteriorating health, Mr. Simons began to set goals for himself, and remained committed to regaining his strength and energy. First, he began to try simply sitting up and then slowly began attempting to stand. Once on his feet, his next objective was to make it toward the gazebo in his yard and watch his kids play. Finally, he began to gain enough strength to walk around the neighborhood, first with the aid of his son and then finally on his own.

Today, Mr. Simons has regained his strength and has summited many of the world's most technical mountains, including Mt. Rainier (14,441 feet elevation), Mexico's Pico de Orizaba (18,401 feet elevation), and Mt. Kilamanjaro (19,434 feet elevation). He has also been very open about his condition, speaking out, hoping to bring awareness of the disease and to inspire others who are fighting the same illness. Last summer, Mr. Simons led a group of people living with MS on an expedition to Mt. Denali and came very close to summiting the 20,000-foot peak but were prevented due to high winds, brutal cold and deep snow. However, the attempt and accomplishment it represents is the true summit of achievement.

Mr. Speaker, it is a distinct privilege to recognize Eric Simons before the body of Congress and this nation for his outstanding commitment, optimism, and resolve. Mr. Simons confronted the uncertainties that life presented him and, through sheer determination, has transformed them into his greatest achievement. By meeting this challenge head-on and making defeat an impossibility, Mr. Simons has not only resumed his daily lifestyle but has inspired others with similar difficulties to stay active and continue to live their lives.

SAME SONG AND DANCE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 2002

Mr. BEREUTER. Mr. Speaker, this Member wishes to commend to his colleagues an editorial from the October 3, 2002, edition of the Lincoln Journal-Star entitled, "Don't Allow Saddam To Play Games."

Saddam has provided no one in the international community with any reason to grant him concessions on the terms of a new U.N. weapons inspections regime, and yet the United Nations continues to acquiesce to Saddam's efforts to block a new weapons inspection regime from having unfettered access to possible weapons sites in Iraq. Indeed, the United Nation's actions only further erode the institution's credibility. When will the U.N. quit allowing itself to be duped by Saddam?

DON'T ALLOW SADDAM TO PLAY GAMES

It's not surprising that Saddam Hussein tried to negotiate his way out of surprise inspections at his palaces. But it is surprising how quickly he got his way with United Nations officials.

And it's even more surprising that U.N. officials would pat themselves on the back for an agreement that granted Saddam such an important concession.

The United States and the rest of the world cannot afford to allow Saddam to play those sorts of games—again.

U.S. Secretary of State Colin Powell summed it up well. "We will not be satisfied with Iraqi half-truths or Iraqi compromises, or Iraqi efforts to get us back into the same swamp they took the United Nations into."

Access to Saddam eight palaces is crucial because they are large sprawling complexes that cover a combined total of 12 square miles. The sites contain sumptuous living quarters with vistas of man-made lakes and waterfalls. Authorities also suspect they contain bunkers, quite possibly military control centers and perhaps laboratories for experimenting or manufacturing nuclear devices and other weapons of mass destruction.

Before weapons inspectors were pulled out of Iraq, they were permitted to visit the palaces only with advance warning and in the presence of a diplomat. These rules often were stretched so that Iraqis had days to move, conceal or destroy evidence.

In the last two years during which inspectors were active in Iraq, inspectors were barred entry to more than 60 sites. More than 40 of those sites were Saddam's presidential compounds.

Despite the constant delays and harassment, inspectors were successful in finding evidence of four nuclear weapons projects and manufacture of high toxic nerve gas VX.

Their success should have given the United Nations ample reasons to take a strict line with Saddam.

Ultimately his foot-dragging and posturing paid off. He was able to peel away support on the U.N. Security Council for a tough response on inspections. The temporary suspension of weapons inspections stretched into years.

It it had not been for the challenge President George W. Bush presented the United Nations earlier this month to force Saddam to live up to its own resolutions, resumption of weapons inspections still would be a forgotten issue.

It's discouraging that United Nations officials seem to have so quickly forgotten their previous misstep with the crafty dictator.

The Bush administration is amply justified in taking a hard line against concessions that would permit Saddam to renew his old tactics. The United Nations has been there and done that. This time is member nations need to insist on inspections that truly are unfettered.

RECOGNIZING APPLAUDING AND SUPPORTING THE EFFORTS OF THE ARMY AVIATION HERITAGE FOUNDATION

SPEECH OF

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. COLLINS. Mr. Speaker, based in Hampton, Georgia, the Army Aviation Heritage Foundation is devoted to promoting the history of military aviation. The foundation is an all volunteer non profit organization composed of veterans and civilian supporters acting to connect the American soldier to the American public through the story of Army Aviation. They are not a part of the U.S. Army and receive no governmental funding assistance. Their funding comes entirely from donations made by private individuals and organizations. These volunteers are committed to preserving the aircraft used by our military in securing the freedom we so enjoy as a nation.

The Army Aviation Heritage Foundation volunteers devote a significant amount of their personal time, resources, and money to bring the story of our country's military and the legacy of our veterans to the American people through their "living history" programs, displaying and flying World War II, Korean, and Vietnam-era planes and helicopters. These "living history" programs presented at major public venues and air shows are designed to honor our country's military and its' veterans while inspiring the public and giving them a glimpse of military life, service, and devotion to the next generation.

Since 1997, the Army Aviation Heritage Foundation has devoted more than 150,000 volunteer hours and $5.3 million in donated funds, aircraft, and equipment in 35 air shows and public presentations to more than 5.5 million people.

The foundation is acting to provide America's veterans a voice with which to tell their story and the tools with which to share their legacy of service and devotion with the American public.

The Army Aviation Heritage Foundation has four primary purposes:

(1) Educate the American public to their military heritage through the story of U.S. Army Aviation's soldiers and machines.

(2) Connect the American soldier to the American public as an active, accepted, and admired member of the American family.

(3) Inspire patriotism and motivate Americans everywhere toward service to their community and country by involving them in our nation's larger military legacy.

(4) Preserve authentic examples of Army aircraft and utilize them in educational "living history" demonstrations and presentations so that the symbols of America's military legacy may always remain in our skies for future generations.

House concurrent Resolution 465 recognizes and applauds the Army Aviation Heritage Foundation for their efforts to educate, connect, inspire, and preserve our proud military heritage for future generations.

Mr. Speaker, I applaud the efforts of the Army Aviation Heritage Foundation, and their hundreds of volunteers and supporters, and urge passage of House Concurrent Resolution 465.

SERVICE-DISABLED VETERANS' SMALL BUSINESS FEDERAL PROCUREMENT PREFERENCE ACT OF 2002

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 2002

Mr. EVANS. Mr. Speaker, today I am introducing H.R. 5583, "Service-Disabled Veterans' Small Business Federal Procurement Preference Act of 2002." This bill would provide service-disabled veterans and "other handicapped" individuals who own small business firms a time-delimited preference in the award of Federal contracts.

This legislation is clearly needed. While the Veterans Entrepreneurship and Small Business Development Act of 1999 established a 3 percent goal for the award of Federal contracts to servcie-disabled veteran-owned small business firms under the Small Business Act, no practical means exists for Federal agencies to achieve this goal under existing statutory authorities. Not surprisingly, Federal agencies have failed to achieve the 3 percent goal.

Compared to their non-veteran peers, veterans have postponed the opportunity to begin a small business while serving the nation in uniform. During their military service veterans have forgone establishing essential business credit and contacts which are pivotal to successfully starting a business. Due to their military service, our veterans are technically, an economically disadvantaged group compared to their non-veteran peers. Veterans have willingly sacrificed their lifetime earning potential to serve our nation in uniform. This is particularly so for service-disabled veterans who have sacrificed their mobility, health and well-being serving this country.

Service-disabled veterans are additionally economically disadvantaged given the reluctance of many lenders to extend lines of business credit to handicapped individuals. Regardless of their abilities, when financial institutions perceive a service-disabled veteran to be a greater risk, service-disabled veterans are further disadvantaged. Service-disabled veterans and handicapped individuals, in general, are often perceived by society to be less capable. Like others, service-disabled veterans and handicapped individuals simply need the opportunity to demonstrate their skills and abilities. This legislation provides that opportunity which for many is not otherwise available.

Service-disabled veterans and other handicapped individuals are discriminated against both in financial markets, relative to their access to capital, and in the marketplace, relative to opportunities to equally compete. It is therefore in this sense, and in no other, that service-disabled veterans and other handicapped individuals are economically and socially disadvantaged.

To provide service-disabled veterans real opportunity, this legislation provides a time-delimited preference in the award of Federal contracts. The existing statutory vehicle which provides a time-delimited preference is the 8(a) program under the Small Business Act. 8(a) was specifically established to assist economically and socially disadvantaged small business firms compete in the Federal marketplace. This bill adds both service-disabled veterans and other handicapped individuals to the list of identified individuals presumed to be socially and economically disadvantaged under the Small Business Act 8(a) Program.

In order to not lessen the opportunities for individuals already presumed to be socially and economically disadvantaged under the Small Business Act 8(a) Program, this legislation retains the existing 5 percent goal for these groups. It also provides a separate 3 percent goal for service-disabled veteran owned small business firms and a separate 2 percent goal for other handicapped individuals. These changes increase the aggregate goal for the award of Federal contracts to socially and economically disadvantaged small business firms to 10 percent.

Paralleling the newly specified goals for small business concerns owned and controlled by both veterans and other handicapped individuals, the Government-wide goal for participation by small business concerns is increased. The total value of all prime contracts and subcontracts awarded to small business concerns each fiscal year is increased from 23 percent to 28 percent.

Last and not least, the Service-Disabled Veterans' Small Business Federal Procurement Preference Act of 2002, requires all Federal agencies to establish agency-specific procurement goals for small businesses, and each category of small businesses, that are at least equal to legislatively specified government-wide goals. Currently, all goals specified for the award of Federal contracts under the Small Business Program are to be achieved collectively by all Federal agencies on a government-wide basis. Each Federal agency, on the other hand, is only required to establish goals which reflect the maximum practicable opportunity for small business concerns to participate in the contracts that it awards. It is therefore of little surprise that the achievement of SBA procurement goals, both across government and by individual Federal agencies, are significantly less than those specified in existing statute.

Again, this legislation will benefit service-disabled veterans and other handicapped individuals without adversely impacting any other preference group. This legislation can help open the door to opportunity for service-disabled veterans which has been closed too long. I urge my colleagues to support and cosponsor this important legislation.

Mr. Speaker, I also gratefully acknowledge the assistance Pam Corsini has provided with the development of this legislation. A Brookings Institution LEGIS Fellow, Pam has been working with the Democratic Staff of the House Committee on Veterans Affairs and has made many invaluable contributions to the work of the Committee and Congress. We are fortunate to have received her contributions and assistance. Thank you, Pam, for a job well done.

PAYING TRIBUTE TO BOB CHAFFIN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 2002

Mr. MCINNIS. Mr. Speaker, it is with deep appreciation that I rise and pay tribute to the life and passing of Mr. Bob Chaffin of Glenwood Springs, Colorado. Mr. Chaffin recently passed away in September and as his family mourns their loss, I would like to pay tribute to his life and memory and the outstanding way in which he lived it.

Mr. Chaffin served the Glenwood Springs community as an attorney specializing in corporate and real estate law. As a lawyer, Mr. Chaffin served his clients and his profession with honor, dignity, and sincerity. He was voted by residents throughout the community as the best honest attorney and was either the winner or the runner up, from 1999 through 2002. Many citizens throughout the community believed his heartfelt intentions were based out of genuine respect and regard for those whom he served and who sought his counsel.

Despite the time constraints of a very demanding career, Mr. Chaffin found the time to give back to his community through many types of volunteer activities. Mr. Chaffin was one of the founding members of Defiance Community Players, a local theatrical group that performed plays for the residents of Glenwood Springs. He participated in the group by painting and moving sets, managing the scholarship fund and serving on the board of directors. He was also a very talented actor, the most noticeable role he played was Teddy Roosevelt and he was able to capture the personality of our 26th president to perfection. Mr. Chaffin was also active in other volunteer activities including the Glenwood Springs Lions Club, the Frontier Historical Society, the Mountain Valley Weavers and many others.

Mr. Speaker, it is with respect that I recognize the life and passing of Mr. Bob Chaffin before this body of Congress and this nation for all the wonderful contributions he has made to the community of Glenwood Springs. I extend my sincere condolences to his wife Joan and his son David during this trying period. Mr. Chaffin truly was a unique and remarkable person and his years of service as both a lawyer and a community activist has touched the lives of countless individuals throughout the Glenwood community and the entire state of Colorado.

REMEMBERING CAPTAIN LARRY F. LUCAS

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 2002

Mrs. CAPITO. Mr. Speaker, I rise today in remembrance of Captain Larry F. Lucas, United States Army. Captain Lucas, originally from Marmet, West Virginia, served his country bravely in Vietnam as an Army Pilot. Sadly, while on a reconnaissance mission over Laos, Captain Lucas' plane was shot from the sky by anti-aircraft fire in December of 1966. Following military regulations, Captain Lucas ordered his co-pilot to eject from the plane first. Regrettably, other pilots who witnessed the crash saw only one parachute. Despite appearing to have remained in the plane, the Army would not conclude that Captain Lucas had perished.

Captain Lucas never returned to the United States alive. After many years his remains were miraculously found near the crash site a few months ago. His remains have been transported back to the United States and on November 1, 2002 he will receive a full military burial at Arlington National Cemetery.

Mr. Speaker, I firmly believe that our nation's strength as a world power comes from citizens like Captain Lucas. From an early age, he displayed signs of strong leadership. As an eagle scout in his childhood and then as an ROTC cadet at West Virginia University, Captain Lucas further developed these strong qualities. Captain Lucas' service to his nation will never be forgotten.

It is an honor to commend Captain Lucas on his service to the United States and to the state of West Virginia.

PERSONAL EXPLANATION

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 2002

Mr. KNOLLENBERG. Mr. Speaker, on October 7, 2002, I was unavoidably absent and missed rollcall votes Nos. 442–444. For the record, had I been present, I would have voted: No. 442—"yea;" No. 443—"yea;" and No. 444—"yea."

RECOGNIZING THE CONTRIBUTIONS OF THE THOMAS-DALE BLOCK CLUB

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 2002

Ms. McCOLLUM. Mr. Speaker, I am honored to recognize the immeasurable contributions made by the Thomas-Dale Block Club to the Thomas-Dale neighborhood throughout its twelve years of service. The Block Club encouraged neighbors to get to know one another, to welcome and respect each others' differences, and to work together to make the neighborhood safe and clean. Through coordinating individual block clubs, organizing community meetings, facilitating communication between residents and local government, and developing programs for youth and seniors, the Thomas-Dale Block Club helped transform a once neglected neighborhood into one of the most vibrant communities in Saint Paul, Minnesota. It is my sincere pleasure to extend congratulations to the Thomas-Dale Block Club on its numerous accomplishments.

PAYING TRIBUTE TO LELAND PAT DURAND, JR.

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 2002

Mr. McINNIS. Mr. Speaker, it is with great admiration that I recognize the life and passing of Mr. Leland Durand Jr. of Cortez, Colorado. Mr. Durand, known to his family as Pat, recently passed away in September and as his family mourns their loss, I would like to pay tribute to his achievements and the irreplaceable contributions he made to his community and to his country.

Mr. Durand was born on February 14, 1923 in Bozeman, Montana. As a young man, Mr. Durand enlisted in the United States Army and served in our nation's military with honor, courage, and distinction. Mr. Durand was one of the first of those heroic individuals who stormed the beach at Normandy on D-Day in 1944. He was later wounded in Germany in another engagement and received a purple heart in recognition for the service and sacrifice he had made to his country. Mr. Durand also received the Medal of Freedom from the French Government just two years ago at a ceremony in Cortez, Colorado.

After the war, Pat continued to serve his country in a variety of other ways. In 1949, he began working in oil explorations and in 1966 opened his own oil and uranium exploration business, the Durand Drilling Company. He was a member of the American Legion for 50 years and was a member of the NRA throughout his entire life. A lifetime gun enthusiast, Mr. Durand became a skilled gunsmith and built and repaired guns at his own business in Cortez, Colorado.

Mr. Speaker, it is with deep respect that I recognize the life and passing of Mr. Leland Pat Durand before this body of Congress and this nation for the sacrifices he has made to his country, for the protection of freedom and democracy throughout the world. My sincere condolences go out to his former wife Harriet Durand, their two children Harry and Theresa, and his many grandchildren and great grandchildren. Mr. Durand truly was an American hero, his loss will be deeply felt and a grateful nation will be forever in his debt.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2002

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. RANGEL. Mr. Speaker, I rise today in support of H.R. 4085, legislation to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

As we debate the validity of committing young Americans to another conflict overseas I feel it is important to support legislation honoring our commitment to care for those disabled in past service to our country.

Many of our disabled veterans find themselves unable to keep pace with the cost of living as they advance in age. This is especially true for those who must rely on prescription drugs to mitigate the effects of their service-connected disabilities. These veterans must often choose between food, shelter, and medication. I support the provisions of this bill designed to mitigate these adverse economic conditions experienced by our disabled veterans.

It is extremely important that we support those who have secured our freedom in the past. As we debate the possibility of war we most honor past obligations.

HONORING CONGREGATION TEPHERETH ISRAEL OF NEW BRITAIN, CONNECTICUT, ON ITS SEVENTY-SIXTH ANNIVERSARY, AND RABBI HENRY OKOLICA, FOR HIS FORTY-TWO YEARS OF OUTSTANDING SERVICE TO TEPHERETH ISRAEL

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 2002

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise to acknowledge the 76th Anniversary of Congregation Tephereth Israel in New Britain, Connecticut, and the achievements of Rabbi Henry Okolica, who is celebrating 42 years of dedicated service to the congregation. I congratulate Rabbi Okolica, the congregation and all their friends. We are proud of their dedication and grateful for their many decades of service to our community and acknowledge with gratitude their successful refurbishment of their beloved temple, one of our city's landmarks.

It was 76 years ago that Governor John H. Trumbull laid the cornerstone at 76 Winter Street. Since that time, Tephereth Israel has been a center of rich, spiritual devotion and always encouraged and recognized service to the community. The congregation became the first in Greater Hartford to make religious education available to students regardless of their financial circumstances, and over many years provided an environment for spiritual growth that gave our city many valued leaders. Perhaps the most famous was Governor Abraham Ribicoff. Governor Ribicoff, whose father was one of the early presidents of Tephereth Israel Synagogue, became the first Jewish governor of the state of Connecticut, and served as Secretary of Health, Education and Welfare as well as a United States Senator.

When the sanctuary's interior was destroyed by fire in 1963, the New Britain community was moved to help rebuild it, so great was their admiration for Rabbi Okolica and Tephereth Israel. Today, 370 people are memorialized upon the walls of the Synagogue, a fitting tribute to past members and a reminder to the congregation's contribution to our community.

Since 1960, Rabbi Henry Okolica has been devoted to his faith, his congregation and to helping countless people in need. He has been a friend to innumerable individuals and an inspiration to families throughout the state. For 40 years, Rabbi Okolica hosted the television show, "Jewish Life," welcoming as his guests all religious persuasions on a wide variety of topics. The conversations reflected his thoughtful, generous character. He would conclude each broadcast with a plea to viewers to be generous in their contributions and mindful of those less fortunate. I am proud to share my hometown with Rabbi Okolica and Congregation Tephereth Israel, and honored to represent them in the United States Congress.

On October 13, 2002, the congregation and community will be celebrating their history and a dramatic renovation of their temple with a ceremony at Tephereth Israel. Past and present clergy will be honored at the celebration, including Reverend Elias Rosenbeger, Rabbi Joseph Aronson, Rabbi Jacob Weitzman, Cantor Sholom Nelson, Reverend Max Prager, Reverend Elifant Rabbi Arnold Heisler and Cantor Melvin Etra.

This special event will be more than a celebration for the congregation. It will be a remembrance by the whole community of the history of New Britain, for the founders of Tephereth Israel represent some of New Britain's most active citizens and friends of the community. Many came to America in search of relief from persecution in their native lands in Eastern Europe and Russia. These were highly learned individuals, having studied in acclaimed Talmudic schools throughout Russia, Poland and Lithuania. One such early New Britain resident was Benjamin Marholin, a grocery store owner and man of culture who was the uncle of celebrated American composer Irving Berlin. Another was Jonas Goldsmith, whose daughter Anna would become one of the organizers of the New Britain Chapter of Hadassah. Dr. Morris Dunn became a tireless advocate on behalf of Zionist causes, helping New Britain to become one of the most active centers of Zionism in the nation. All of these men and women overcame the odds through their belief in this country and their unfaltering faith.

Mr. Speaker, I congratulate Rabbi Henry Okolica and Congregation Tephereth Israel on their respective anniversaries and the renovation of their spiritual home. I ask the House to join me in wishing them the very best for the future.

HONORING THE TWENTY-SIX TEACHERS FROM THE PITTSBURGH PUBLIC SCHOOL SYSTEM WHO COMPLETED THE RESEARCH EXPERIENCE FOR AN URBAN TEACHERS INSTITUTE

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 2002

Mr. DOYLE. Mr. Speaker, I rise today to express my most sincere congratulations to the twenty-six teachers from the Pittsburgh Public School System who completed the Research Experience for an Urban Teachers Institute (REUTI) this summer, which was hosted in part by Carnegie Mellon University. These teachers in an effort to improve the quality of education they provide to the students of the Pittsburgh Public Schools, received valuable training that they will implement in their classrooms this fall.

Their successful completion of this five-week program which instructs middle and high school teachers to become more proficient in the teaching of math, science, and engineering, clearly demonstrates their dedication to their field and to the children that they impact on a daily basis. This knowledge will improve the educational experience of students across the Pittsburgh School System and help provide them the tools they will need as they continue their education and move into careers of their own.

At a time when our Federal Government has recommitted itself to improving our nation's schools and increasing our student's proficiency in math, science, and engineering, these teachers have proven themselves to be leaders in their field. Their efforts, together with other dedicated teachers across our nation, will help our students to again be among the top scoring students in the world. I encourage them to bring these new skills to not only their students, but to their colleagues so they may work together to provide the best education possible.

The partnership that was formed between Carnegie Mellon University and the City of Pittsburgh Schools through REUTI demonstrates the importance of all levels of education working toward the common goal of providing a higher quality education to the students in our community. Through this collaborative effort, Carnegie Mellon researchers opened their laboratories and offices to provide a welcoming environment for the teachers who were able to participate fully in ongoing research activities. As a result of the cooperation from Carnegie Mellon University, these teachers were able to get a better understanding of the culture of scientific research. This experience is something that will assist these teachers in educating their students about the daily work of a scientist.

Once again, I would like to offer my sincere congratulations to each of the twenty-six teachers from the Pittsburgh area who have dedicated themselves to continuing their own education in an effort to improve the quality of the education they provide to our region's students.

RECOGNITION OF PASTOR PAUL GOLATT

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 2002

Mrs. MEEK of Florida. Mr. Speaker, I rise today to commend a dedicated Pastor and leader in my district as he celebrates his fifteenth Pastor's Appreciation Day on October 6th, 2002.

Pastor Paul Golatt, Jr. is the Pastor of Macedonia Church of God in Christ and the Superintendent of the North Miami District of the Church of God in Christ. He also serves his community as an employee for the United States Postal Service.

Pastor Paul Golatt, Jr. was ordained by Bishop Jacob Cohen in Fort Pierce, Florida during the Jurisdictional Holy Convocation in 1969. After many sermonettes, faithful services and training under the leadership of the late Pastor Paul Golatt Sr., he was appointed the first Assistant Pastor of the Macedonia Church of God in Christ. Upon the passing of his father and Pastor in December 1987, Paul Golatt, Jr. was appointed Pastor of Macedonia Church of God in Christ. On September 4, 1999, he was officially appointed and installed as District Superintendent of the North Miami District Church of God in Christ, by the Jurisdictional Prelate, Bishop Jacob Cohen.

Pastor Paul Golatt, Jr. continues to devote his life by extending benevolence to people in need. In addition to providing churches and communities with school supplies for children, he frequently donates food, clothing and money to communities and to orphanages in Haiti. He also finds the time to conduct joint services on holidays, including Easter, Thanksgiving and Christmas, with neighboring churches.

Pastor Paul Golatt, Jr. is a remarkable man whose personal achievement and community service are an example to us all. He is a father, Superintendent, Mail Carrier, an Organist, Choir Director, Recording Artist, Counselor, Secretary, Singer, Jurisdictional Adjutant, caring and compassionate Shepherd, praying servant and "A Man After God's Own Heart". (Jeremiah 3:15)

Mr. Speaker, I am proud to recognize Pastor Paul Golatt, Jr. for his humanitarian efforts which have touched the lives of so many people. I ask my colleagues to join me in honoring this congenial man of God. His faith, courage and kindness are an inspiration to all who have been touched by him.

HONORING DAVID MIHALIC

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Dave Mihalic, a true leader in the National Park Service, as he approaches his January 3, 2003 retirement.

Dave Mihalic has served 33 years protecting and managing America's National Parks. His career with the Park Service ends at the helm of our nation's crown jewel, Yosemite National Park. As superintendent of Yosemite, Dave proved his strength and fairness in implementing a long-stalled management plan. Yosemite holds a dear place in my heart and I want to thank Dave for both his friendship and leadership in the park.

Dave was a seasoned leader even before Yosemite. He served as the assistant superintendent of the Great Smoky Mountains National Park in North Carolina and Tennessee, and superintendent of Glacier National Park in Montana, Mammoth Cave National Park in Kentucky and Yukon-Charley National Preserve in Alaska. Among his many management accomplishments, Dave established crucial community relationships and park partnerships, earning him two "Superintendent of the Year Awards" and a reputation as a leader who gets things done. In addition to running several of our National Parks, Dave also helped here in Washington, DC, when he worked as Chief of Policy in the Department of the Interior.

Mr. Speaker, I rise today to honor Dave Mihalic for his vision and unending pursuit of National Park protection. I invite my colleagues to join me in thanking him for his many contributions to our National Lands and wishing him and his family continued success.

INTRODUCTION OF THE IDEA PAPERWORK REDUCTION ACT OF 2002

HON. RIC KELLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 2002

Mr. KELLER. Mr. Speaker, I rise today to introduce the "IDEA Paperwork Reduction Act of 2002." This legislation will increase the quality instruction time a teacher can spend with their students in the classroom while also ensuring that special education students are receiving a quality education.

Due to the approaching reauthorization of the Individuals with Disabilities Education Act, IDEA, I went and toured local schools in my district of Orlando, FL last year to get a first-hand understanding of the problems that parents, teachers and administrators face implementing a successful special education program. I heard many familiar complaints being made about discipline and funding of the program, but what really took me by surprise was when a teacher took me into an office where he showcased a typical day's work of filing out all of the required forms for a special education student. I was shocked to learn that teachers spend so much of their time complying with process instead of being able to teach and assist students in the classroom.

I think I speak on behalf of most Members here, when I say that IDEA was never intended to take teachers' time away from the classroom, rather it was intended to make sure that special education students were able to receive the same classroom instruction as their general education peers. Unfortunately, over time the paperwork trail has grown as states and local districts try to ensure that they have complied with the federal law. The threat of being sued has encouraged an overabundance of paperwork in order to document the school's compliance with the law. When did "process" overshadow the importance of actual quality instruction and results?

When a principal testifies that their IEP Teams spend an average of 83.5 hours filling out paperwork in preparation to sit down for an Individualized Education Plan, IEP, with a student's parents—something makes me wonder about the 83.5 hours taken away from classroom instruction time. IEP's are of course an important aspect of IDEA, but there can be some commonsense reforms put in place to reduce the redundancy of the process.

The "IDEA Paperwork Reduction Act of 2002" will call for a study by the Department of Education to be furnished within 6 months of authorization to determine where the burden is stemming from, and provide suggestions to mitigate the issue. The Department will be required to issue a streamlined IEP for school districts to use as a model. It will also call for a pilot program for 10 states to enter into an agreement with the Department of Education to perform their own paperwork reduction programs to see if any reforms can stem from State innovation. The legislation will implement a pilot program to create a 3-year IEP review process. This would allow the process to occur at natural transition points for the child instead of every year, but there will always be a safeguard in place for parents to request an IEP review at any point within the 3 years to ensure that their child is receiving all of the services they deem necessary.

These commonsense reforms included in the "IDEA Paperwork Reduction Act of 2002" will ensure that IDEA is results-driven, not process-driven. The legislation will improve the academic achievement of special education students, while also doing away with an overly prescriptive and burdensome process for teachers. It will enable teachers to save valuable classroom instruction time for exactly that—classroom instruction. I encourage my colleagues to call my office to cosponsor the "IDEA Paperwork Reduction Act of 2002."

Thank you and I reserve the balance of my time.

INTRODUCTION OF THE IDEA PAPERWORK REDUCTION ACT OF 2002

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 2002

Mr. BOEHNER. Mr. Speaker, today I am proud to join my colleague Representative RIC KELLER in introducing the IDEA Paperwork Reduction Act of 2002. This legislation will go a long way in providing school districts and administrators the relief they need from the IDEA paperwork burden, and in reducing time spent by teachers on non-instructional activities, as required under the Individuals with Disabilities Act (IDEA).

One year ago, the House Education and the Workforce Committee began an aggressive series of hearings exploring major issues that would likely be addressed in the Committee's reauthorization of IDEA. Numerous witnesses at these hearings testified about the need for the Department of Education to identify and simplify burdensome regulations under IDEA and for Congress to adopt statutory changes that would provide relief to the nation's special education and general education teachers who dedicate their careers to educating children with special needs.

The goal of this Committee is to ensure that all students receive a quality education. Currently, teachers are forced to spend too much time on an overwhelming paperwork burden and not enough time on important needs, like lesson plans and parent-teacher conferences. This bill will help teachers move beyond simply having enough time to comply with regulations and allow them to focus on what is really important, reach achievement for our students with special needs. The current paperwork structure provides a real threat to ensuring that the maximum available resources are focused on a quality education for students with special needs.

Currently, there's a growing shortage of qualified teachers, particularly in special education. Special education teachers are being driven out of the profession in frustration over the seemingly endless stream of red tape and paperwork associated with IDEA. This year, President Bush signed the No Child Left Behind Act into law. NCLB requires that all children with special needs who attend federally funded schools have the opportunity to learn from a highly qualified special education teacher. States must submit a plan to ensure all special education teachers are highly qualified by the end of the 2005–2006 school year. We must do all we can to ensure that every child with special needs is receiving a quality education.

In our hearings, the Committee heard from school principals, administrators, and others voicing frustrations with their schools' efforts to provide services to students as required by their individualized education programs (IEPs) when paperwork requirements compete with available instructional time. In Fairfax County, Virginia, for example, professionals spend on average 83.5 hours on paperwork for a student who qualifies for service under IDEA, from initial referral to development of the IEP—all this before a student even starts to receive services under IDEA. As one principal testified at a hearing earlier this year, "teachers find themselves between a rock and a hard place . . . with unyielding demands made on their time. When something gives, the impact is either on the teacher or the student, two of our most valuable resources."

According to the Council for Exceptional Children (CEC), "too often in special education practice, compliance-related documentation is stressed over thoughtful decision-making for children and youth and their families. No barrier to delivering quality services is more problematic to special educators than paperwork." CEC estimates that 4 hours of pre-meeting time is needed for review and revision of the average IEP going into each IEP meeting. In addition, CEC reports that a majority of special educators estimate that they spend a day or more each week on paperwork, and eighty-three percent report spending from half to one-and-a-half days per week in IEP-related meetings.

Teacher quality is perhaps the most important factor in ensuring the progress of students with special needs. We're asking a lot of America's special education teachers, and they deserve our full support. That's why Representative KELLER's bill is so important.

Representative KELLER's proposed amendments to IDEA will help bring good teachers to classrooms by identifying and simplifying burdensome statutory provisions in IDEA, and it will do so while preserving the quality of education provided to children with special needs. They are innovative, provide much-needed flexibility to the nation's special education system, and will be, I believe, non-controversial in nature.

This legislation streamlines and increases the effectiveness of many provisions within IDEA. It directs the Secretary of Education to identify, develop, and disseminate model forms for individualized education programs (IEPs), procedural safeguard notices, and prior written notice report requirements that incorporate all relevant federal statutory and regulatory requirements under IDEA. In addition, the legislation allows states that receive funds under Part B of IDEA to permit local educational agencies in each state to develop a three-year IEP (in lieu of an annual IEP) for each child with a disability. Representative Keller's bill would also create a pilot program allowing the Secretary to waive paperwork requirements under IDEA to 10 states based on their proposals for reducing paperwork and non-classroom time spent fulfilling statutory and regulatory requirements. These initiatives, and others in the bill, will promote innovation and provide much-needed flexibility for states as they implement IDEA and its accompanying federal, state, and local regulations.

The IDEA Paperwork Reduction Act of 2002 will take us one step closer to reducing burdensome rules under IDEA and allowing teachers and administrators the time to do their job of educating children with special needs more efficiently and effectively. I urge my colleagues to support this legislation.

EXPRESSING SUPPORT FOR PRESIDENT'S 2002 NATIONAL DRUG CONTROL STRATEGY

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. RANGEL. Mr. Speaker, I rise today in advocation of H. Res. 569, legislation expressing support for the President's 2002 National Drug Control Strategy to reduce illegal drug use in the United States.

Nearly 20,000 Americans, many of them children, die from drug related incidences every year. This ongoing drug menace is the gravest threat to our youth whether they are killed by drug overdoses or are caught in the crossfire of rival drug gangs.

When some claim that Iraq poses the most imminent threat to our national security, I see a more imminent threat in the well-established link between the profits from illegal drug dealing and the financing of many of the world's leading terrorist organizations. These organizations include the Taliban, al-Qaeda, and the Fuerzas Armadas Revolucionarias de Colombia.

It is because of these threats that I am proud of the efforts of law enforcement in the eradication of illegal drug use. In supporting this bill we honor the efforts of those who fight on the front lines of the Nation's struggle against illegal drug use. The drug menace is truly a threat to our homeland security.

RECOGNIZING ACHIEVEMENTS AND LIFE OF DR. ROBERTO CRUZ

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 2002

Ms. LOFGREN. Mr. Speaker, today, I rise to recognize the achievements and life of Dr. Roberto Cruz, founder and first President of the National Hispanic University (NHU) in San Jose, California. I am proud to have known Dr. Cruz for over 20 years, and have seen first hand tireless work to establish and expand NHU, one of only three Hispanic universities in the nation, and the only one west of Chicago.

Born and raised in Corpus Christi, Texas, Dr. Cruz received his bachelor's degree from Wichita State University in 1964 thanks to a football scholarship. A star middle linebacker and center, Dr. Cruz passed on opportunities to play football professionally in order to teach junior high school in Stockton California.

Seeing the need to improve the educational system, he went on to earn his doctorate from the University of California at Berkeley in 1971. That same year, he established the Bay Area Bilingual Education League (BABEL), a consortium of schools and educational institutions developing bilingual education for students in Oakland and Berkeley. by 1976 he was an education professor at Stanford University, where he was appalled at how few Latinos enrolled at colleges.

In 1981, Dr. Cruz and a group of loyal supporters established The National Hispanic University in a two-room building in Oakland, California. The goal was to address the learning needs of Hispanics and other minorities, especially non-native English speakers. Over the last 20 years, he has built NHU into a quality, accredited, private four-year university for all.

In the few weeks before he passed away on September 4, San Jose's planning commission approved his ambitious proposal to transform the private college, housed in an old elementary school, into a three-story, $18 million full-fledged university campus.

A few weeks earlier, NHU made history by becoming the first Hispanic four-year university to be accredited by the prestigious Western Association of Schools and Colleges (WASC), an organization that only accredits 155 colleges and universities from among 3,000 institutions in the region. With this accreditation NHU joins Stanford and the University of California as a nationally and regionally accredited and recognized institution.

Dr. Roberto Cruz left us a legacy of young people who have a future because, through the power of education, he let them have one. He proved that Sí se puede!

RECOGNIZING THE ACHIEVEMENTS OF THE REPUBLIC OF CHINA ON ITS NATIONAL DAY

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 2002

Mr. ISSA. Mr. Speaker, I rise today to congratulate President Chen Shui-bian, Vice President Annette Lu, and the People of Taiwan on Taiwan's National Day. Since escaping the clutches of Communist China in 1949, the people of Taiwan have made great strides economically, politically, and socially. Taiwan has become a bastion of democracy and an economic power in East Asia. They have made this progress because they have committed themselves to building the institutions that are so important to democracy and the preservation of freedom. They have also liberalized their economy, conformed to the standards of international business, and earlier this year, gained acceptance into the World Trade Organization. They should be commended for proving to the world that democracy, free market economics, and hard work are the keys to success in today's world.

But, Mr. Speaker, we should not recognize Taiwan's achievements without also thanking them for their partnership in containing China's expansionist tendencies. For over fifty years the Taiwanese have stared down China's threats of invasion and annexation, choosing instead to build a modern, free society and, most importantly, choosing to be our friend. They have played a key role in containing the specter of Communism in East Asia. We should never forget that. I am pleased to have this opportunity to recognize Taiwan on their day of national celebration and I congratulate them on all they have achieved.

THE POLLY KLAAS FOUNDATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 2002

Ms. WOOLSEY. Mr. Speaker, Polly Klaas was a vibrant, talented child, full of life with the promise of a bright future. When she was kidnapped at knifepoint from her bedroom slumber party on October 1, 1993, in my hometown Petaluma, California, our community responded with an unprecedented effort to find her. The Polly Klaas Foundation was formed October 23, 1993, to help continue that search for Polly.

Following the discovery of her murderer, the Foundation adopted a new mission: "Make America Safe For Children." As part of their efforts, they've been working hard at the state level to enact Amber Alert plans. Amber Alerts empower the community to take action—immediately. From Southern California to St. Louis to Philadelphia, the recent wave of child abductions has kept our nation riveted, angry, and scared for the safety of our children. The Amber Alert Plan is a voluntary cooperative program between law enforcement agencies and local broadcasters that sends emergency alerts to the public when a child has been abducted. Amber Alerts leap into action in the first crucial hours of a kidnapping when the tracks left by the abductor are still fresh. Like a modern day, high-speed Paul Revere, Amber Alerts spread the word fast so we don't have to rely on slower methods like handing out flyers, or word of mouth for news of the abduction to catch on from one city to the next.

Just two months ago, only 14 states had statewide Amber Alerts. Now, thanks in part to the Polly Klaas Foundation, 28 states have statewide Amber Alerts. However, our work is far from done.

We must continue to work towards a national network for Amber Alerts so that law enforcement can use Amber Alerts across state lines. The Senate passed an excellent bill in September that would do just that. The House Judiciary Committee had a chance to pass that bill, H.R. 5326, on the House floor yesterday.

Instead, they unfortunately chose to pass H.R. 5422, the Child Abduction Prevention Act. While this bill contained the non-controversial Amber Alert provisions, it also contained far more controversial provisions concerning death penalties, mandatory minimum sentences, wiretap extensions, pre-trial release, and a whole host of other unrelated provisions which will impede this bill's chance of final passage in the Senate. It was a poor decision by the House leadership that will doom the Senate's good work.

At the White House Conference on Missing and Exploited Children last week, President Bush announced that the Justice Department would develop a national standard for the Amber Alert, and named a new Amber Alert coordinator at the Justice Department who will work on increasing cooperation among state and local plans. Congress must pass legislation to give the new coordinator the legal authority; funding and programmatic guidelines needed to effectively perform his duties and help to protect our children.

It is impossible to overstate the importance of AMBER Alert legislation. The statistics and the facts are clear: Amber Alerts are already being credited with saving the lives of 31 children around the country. But the real people, the real stories, the real lives saved are far more convincing than any statistic. Just look in the eyes of the parents of the two Riverside, California teenagers whose lives were saved because of the Amber Alert, and you will know why this law is so important.

I am proud of the Polly Klaas Foundation and would like to thank the foundation for all of the hard work they have been doing to enact Amber Alert programs.

Mr. Speaker, we still have time in this legislative session to bring the Senate bill to the House floor, and we should do just that. Every day that a national Amber Alert system is not in place, is another day that law enforcement and the public have inadequate tools and resources needed to protect our children.

HONORING THE ACCOMPLISHMENTS OF BRIGADIER GENERAL CHARLES E. "CHUCK" YEAGER

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 2002

Mr. THOMAS. Mr. Speaker, I rise to pay tribute to Brigadier General Charles E. "Chuck" Yeager. I congratulate him on his pioneering work in the field of aeronautics and thank him for his many contributions to our country over the past 60 years.

Brig. Gen. Yeager became the first man to ever break the sound barrier on October 14, 1947. This feat was accomplished in the experimental Bell X–1, called "Glamorous Glennis," which is now on display at the Smithsonian Institution. He was able to successfully pilot his aircraft above the speed of sound, thereby proving the feasibility of manned supersonic flight. General Yeager also set another aviation record six years later by flying to Mach 2.44 in the X–IA. He continued to test experimental aircraft at Muroc Air Force Base (now Edwards Air Force Base) until 1954. These noteworthy acts, as well as his testing of hundreds of different aircraft during his career, are well worth our praise and accolades.

Brig. Gen. Yeager not only set records, but he also helped establish a unique program at Edwards Air Force Base to train military test pilots as astronauts. In 1962, he was selected as the commandant of the new U.S. Air Force Aerospace Research Pilot School (now the U.S. Air Force Test Pilot School), serving at this post until 1966. Despite his retirement from the military in March of 1975, Brig. Gen. Yeager has continued to fly in the annual Edwards Air Force Base Open House and Air Show and serve the U.S. Air Force as a flight test consultant. He will be taking to the skies again this year for the show, just like he always has, in what will be his last flight as pilot of an Air Force aircraft.

In addition to his accomplishments as a test pilot and mentor, he is also a decorated combat veteran. After being shot down during World War II over occupied France on his eighth mission, he returned to fly 56 more combat missions and total 12.5 aerial victories. His heroics in WWII, his achievements in flight testing, and his service as a combat commander during the Vietnam War earned him a Presidential Medal of Freedom and a special peacetime Medal of Honor. On the occasion of Brig. Gen. Yeager's last military flight, I ask that you join me in saluting one of our nation's greatest aviation pioneers.

HONORING THE RATIFICATION OF "THE U.S.-CYPRUS MUTUAL LEGAL ASSISTANCE TREATY"

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 2002

Mr. GEKAS. Mr. Speaker, it is my great pleasure to recognize a new step in American-Cypriot relations. On September 18, 2002, the United States and the Republic of Cyprus ratified "The U.S.-Cyprus Mutual Legal Assistance Treaty" bringing these two nations even closer together to fight the war on terrorism.

This Treaty provides for many provisions that will fight not just global terrorism, but also organized crime and drug trafficking. In particular, the Treaty will allow the two countries to more effectively coordinate the transfer of persons in custody, execute searches and seizures, share documents and intelligence materials, identify persons of interest to authorities, and prosecute a wide range of criminal offenses.

The PATRIOT Act, which I worked hard to advance and was passed into law late last year, complements this treaty well. The PATRIOT Act facilitates cooperation between the United States and foreign governments in the areas of information and intelligence sharing. With this Treaty now ratified and the PATRIOT Act made into law, the U.S. and Cyprus are in an excellent position to put an end to the evil and cowardly actions of terrorists everywhere.

In so many ways this Treaty will help the peoples of the free world work together to defeat terrorism. While it may have gone unnoticed, this new Treaty adds to the shared mission of the peoples of the Republic of Cyprus and the United States. It also builds on efforts with which I have been involved. Our Judiciary Committee considered and promoted the PATRIOT Act.

We must mention also the cooperation of the Cypriots' ally, Greece. Greece has put the very dangerous November 17th organization out of commission. Together Greece and Cyprus are working to crack down on terrorist groups.

Mr. Speaker, today I want to commend the U.S. and Cyprus for reaching a new era in diplomatic relations and international cooperation. Together, I am confident we can more effectively put a stop to the villainous acts of criminals and terrorists around the world.

PERSONAL EXPLANATION

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 2002

Mr. HASTINGS of Florida. Mr. Speaker, from September 20, 2002 through October 8, 2002, I was absent from the House of Representatives proceedings because I was fulfilling my duties as a member of Helsinki Commission and Vice President of the Parliamentary Assembly of the Organization for Security and Cooperation in Europe.

While serving in this capacity, I missed rollcall vote Nos. 424 through 447. Had I been present for these votes, I would have voted the following way: No. 424, "yes"; No. 425, "yes"; No. 426, "yes"; No. 427, "no"; No. 428, "yes"; No. 429, "no"; No. 430, "no"; No. 431, "yes"; No. 432, "yes"; No. 433, "no"; No. 434, "no"; No. 435, "no"; No. 436, "no"; No. 437, "no"; No. 438, "no"; No. 439, "yes"; No. 440, "no"; No. 441, "no"; No. 442, "yes"; No. 443, "yes"; No. 444, "yes"; No. 445, "yes"; No. 446, "no"; No. 447, "yes".

TRIBUTE TO ADULT DAY CARE

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 2002

Mr. RILEY. Mr. Speaker, I rise today to pay tribute to Adult Day Care on the occasion of the Annual Conference of the Alabama Adult Day Care Association in Auburn, Alabama, on October 11, 2002.

Adult day care programs provide health and social services in a group setting on a part-time basis to frail older persons and other persons with physical, emotional, or mental impairments. Adult day care in the United States was inspired by the European psychiatric day hospitals in the 1940's and was influenced by the British geriatric day hospital model in the 1950's. Adult day care began in psychiatric day hospital in the United States in the late 1940's, mainly assisting patients who were released from mental institutions. The concept of day care was expanded to include supportive health and social services for impaired persons residing in the community in the 1960's. These programs have grown rapidly over the last 3 decades, from a handful in the late 1960's to an estimated 4,000 today.

Obviously, this growth reflects a need. With the decline in our family structure, we do not see as many large families in which there is always someone available to take care of an older family member. Families are often separated by great distances because of work. Even if grown children live near their parents, the husband and wife frequently have to work to support the family. This leaves no one available to help with an elderly parent. in these instances, adult day care is every bit as important to the family as child care. Knowing that someone is there to perhaps transport the parent to day care, make sure that the parent takes his or her medicine and generally supervise and engage the interest of the elderly parent means a great deal.

Adult day care has taken on increased significance as a means of taking care of elderly individuals who have physical or mental limitations. These people are not candidates for skilled nursing home care, but they require care from a compassionate and knowledgeable individual. Quite often their families cannot provide this care on a continuous basis, but with the help of day care, both the parent and the family caregiver benefit.

I am particularly impressed with the idea of adult day care in the plan of care for elderly citizens with Alzheimer's disease. These elderly patients often receive the very worst of care in nursing homes if they are accepted, and they present one of the most difficult challenges for family members who are not trained to work with the elderly. Studies have shown that patients suffering from Alzheimer's disease seem to be best handled in a small group setting under the care of those with both medical and psychiatric training. With the elderly person in this setting, the whole family can receive some relief and be better able to continue to properly care for their relative.

Mr. Speaker, I want to take this opportunity to salute those who tirelessly provide Adult Day Care to our elderly citizens.

MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 2002

SPEECH OF

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. SCHIFF. Mr. Speaker, on October 7, 2002, the U.S. House of Representatives passed by a voice vote H.R. 5385, The Miscellaneous Trade and Technical Corrections Act. H.R. 5385 included provisions of H.R. 5002, which amends the United States-Israeli Free Trade Area Implementation Act of 1985 to allow for the designation of Israeli-Turkish qualifying industrial zones.

Designation of Turkish qualifying industrial zones will dramatically expand Turkish access to U.S. markets through duty-free exports to the United States.

As someone who believes that free and fair trade provides great opportunities and benefits to the American people, I have supported a number of free trade agreements during the past two years. We live in an increasingly global economy and our future progress depends on our ability to take advantage of that fact. However, we must also make sure our trading partners adhere to the rules of fair play.

Unfortunately, this legislation would reward Turkey, despite its nine-year illegal blockade of Armenia, which, according to World Bank estimates, has cost Armenia between $500 and $720 million annually. These figures, which represent one quarter to one third of Armenia's entire economic output, are staggering.

Turkey's blockade has also taken a human toll on Armenia's three million population. As a result of the blockade, hundreds of thousands of Armenians have been forced to leave their country and many of those that have remained have been forced into poverty.

Instead of rewarding one ally to the detriment of another, we should continue to press Turkey to end its blockade and establish formal diplomatic and trade relations with its neighbor to the east. We should also seriously consider a meaningful bilateral trade agreement with Armenia. Such a mutually-beneficial trade agreement would not only help strengthen Armenia's economy, but will increase the demand for American products. U.S. companies and joint ventures working in Armenia are primary sources of demand for U.S. goods and services in Armenia.

In order to make sure that free trade is also fair trade, one trading partner should not be allowed to impede the economic well being of another trading partner. We cannot and should not adopt a trade policy that simply undermines our commitment to an ally, such as Armenia, which during the past decade has adopted a free market economy and has implemented critical reforms in trade and monetary policy. banking and property rights.

We can take full advantage of trade opportunities without placing our nation and others in a race towards the lowest common denominators. H.R. 5385 falls far short of our resolve to help allies such as Armenia and the other former Soviet republics become full partners in the global economy.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Wednesday, October 9, 2002 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 10

9:30 a.m.
Armed Services
Personnel Subcommittee
To hold hearings to examine the Department of Defense's inquiry into Project 112/Shipboard Hazard and Defense (SHAD) tests.
SR–232A

10 a.m.
Commission on Security and Cooperation in Europe
To hold hearings to examine U.S. policy toward the Organization for Security and Cooperation in Europe.
334 Cannon Building

Intelligence
To continue joint closed hearings to examine activities of the United States intelligence community in connection with the September 11, 2001 terrorist attacks on the United States.
S–407 Capitol

11 a.m.
Indian Affairs
To hold hearings to examine S. 2986, to provide for and approve the settlement of certain land claims of the Bay Mills Indian Community, Michigan.
SR–485

OCTOBER 11

9 a.m.
Armed Services
Closed business meeting to consider pending military nominations.
SR–222

OCTOBER 15

10:30 a.m.
Foreign Relations
To hold hearings to examine the nomination of Collister Johnson, Jr., of Virginia, to be a Member of the Board of Directors of the Overseas Private Investment Corporation.
SD–419

2:30 p.m.
Banking, Housing, and Urban Affairs
International Trade and Finance Subcommittee
To hold hearings to examine U.S. policy and the role of the international community concerning instability in Latin America.
SD–538

OCTOBER 16

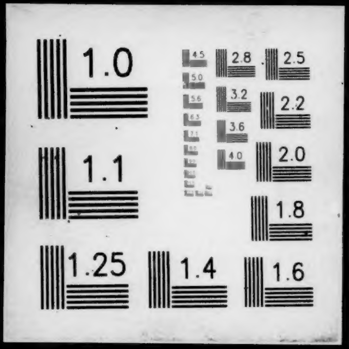
10 a.m.
Appropriations
Treasury and General Government Subcommittee
To hold hearings to examine the appropriateness of U.S. companies moving their headquarters to offshore tax havens.
SD–192

Foreign Relations
To hold hearings to examine Angola.
SD–419

POSTPONEMENTS

OCTOBER 10

3:30 p.m.
Judiciary
Crime and Drugs Subcommittee
To hold hearings to examine protecting seniors from fraud.
SD–226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